

Your ref: NYM/2018/0222/FL  
Our Ref: BDS/NYM/18/001  
Date: 17 May 2018

North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
North Yorkshire  
YO62 5BP

FAO Mrs H Saunders

**OBJECTION LETTER: VARIATION OF CONDITION 2 (MATERIAL AMENDMENT)  
OF PLANNING APPROVAL NYM/2015/0014/FL TO REGULARISE CHANGES  
TO EXTENSION, DECKING AND BOILER ROOM, RAISED GROUND LEVEL,  
WATER DRAINAGE AND WALL ENCLOSING RAISED PATIO AREA  
(RESUBMISSION FOLLOWING REFUSAL OF NYM/2017/0016/FL)**

We write to object to the above planning application (ref: NYM/2018/0222/FL). We have been instructed by Mr & Mrs Ventress who live at Dunsley Lodge and own Gardeners Cottage, which adjoins the application site to the north and west respectively. They have serious concerns over this proposal and have asked that we substantiate their concerns in relation to the relevant planning policy context. This follows a previous application which was refused for the following reasons;

*The part of the development which seeks to alter the height of the approved decking would have an adverse impact on the residential amenity of neighbouring residents by reason of overlooking and result in the loss of private amenity for occupiers of The Cottage. The varied means of access, height and depth comprises a contrived and alien feature that is not characteristic of the property and wider site setting. The development is therefore contrary to Development Policy 3 of the NYM Core Strategy and Development Management Policy Documents which requires proposals to be compatible with surrounding buildings and will not have an adverse effect upon the amenities of adjoining occupiers.*

This letter deals with our clients objection to the current application in light of the amendments to the refused scheme.

We have viewed the various application documents on the LPA's website and are generally familiar with the area and the circumstances of the application site.

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## **Main issues**

The previous refusal highlighted two issues; the effect on the character and appearance of the area and the effect on the amenities of neighbouring properties. The Officer Report stated "*To clarify the main issue is concerned only with the decking element of the proposal*".

The proposed development is not dissimilar to that that was refused. Given the current proposal our client still has serious concerns over;

- (i) The effect the development has on the character and appearance of the area, and
- (ii) The effect on the living conditions of their property

Under other matters we consider a drainage issue that has arisen from the raised ground level and wall enclosing raised patio area.

## **Planning Policy and Context**

The relevant NYM Local Plan Policies to consider with this application are Core Policy A (Delivering National Park Purposes and Sustainable Development), Development Policy 1 (Environmental Protection), Development Policy 3 (Design), Development Policy 14 (Tourism and Recreation) and Development Policy 19 (Householder Development), together with the advice contained within Part 2 of the Authority's adopted Design Guide.

Core Policy A seeks to further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park's special qualities.

Priority will be given to:

- 1 Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors.
- 2 Providing for development in locations and of a scale which will support the character and function of individual settlements.
- 3 Maintaining and enhancing the natural environment and conditions for biodiversity and geodiversity.
- 4 Conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas.
- 5 Applying the principles of sustainable design and energy use to new development.
- 6 Enabling the provision of a choice of housing that will meet the needs of local communities in terms of type, tenure and affordability.
- 7 Strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.
- 8 Enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport.

Development Policy 1 the NYM Local Development Framework states to conserve and enhance the special qualities of the North York Moors National Park, development will only be permitted where It will not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land and there will be no adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.

Development Policy 3 of the NYM Local Development Framework seeks to maintain and enhance the distinctive character of the National Park, development will only be permitted where the siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment. Furthermore, the Authority seeks a high standard of design detailing whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

Development Policy 19 of the NYM Local Development Framework states that proposals for development within the domestic curtilage of a dwelling will need to take full account of the special qualities of the Park's nine landscape character areas and architectural character of settlements and will only be supported where the scale, height, form, position and design of new development does not detract from the character and form of the original dwelling or its setting in the landscape.

### **Effect on the Character and Appearance of the Area**

The main concern regarding the appearance of the proposal relates to the decking. This was highlighted as a concern in the Officer Report for the refused application. It stated "*In general this type of development can be very prominent and visually intrusive. There are examples of such structures/decking in and around the North York Moors and from a planning and building conservation perspective can sometimes detract from the character of an area and authenticates the harm caused by this form of development*".

Supporting text for Policy DP3 states "*New development should respect existing settlement character, patterns and layouts and the principles of*

*traditional building design in order to ensure that the character and local distinctiveness of the built environment is maintained and the landscape of the Park conserved and enhanced."* The main alterations in the current proposal seem to be the lower of the decking by a 'step' and bringing the edge of the decking off the boundary fence by about 900mm. There are no heights on the drawing so we assume the decking would be about 220mm lower. In terms of the effect on the character and appearance of the area we do not believe these alterations would materially change the view in the Officer Report. Decking in this location is an alien feature and would detract from the character and local distinctiveness of the built environment. We believe it would be prominent and visually intrusive. In this location there is a strong character and local distinctiveness which we believe is eroded by the proposed decking.

We consider that the proposed decking to the development has a significant effect on the character and appearance of the area and the proposal would be contrary to policies DP3, PD19 and advice contained within Part 2 of the Authority's adopted Design Guide.

### **Effect on Living Conditions**

Our clients main concern regarding the effect on their living conditions is due to the height and location of the decking to the rear of the property. The position that is proposed is little different from that that was refused. We have described what we believe to be the main alterations above. Before the development was undertaken the properties were separated by a 2m fence. The height would have been the same on both sides, meaning anyone in the garden of the cottage would not be able to see our clients property. Our clients enjoyed a high degree of privacy in secluded location. In the Officer Report for the refused application it stated "*Officers feel that whilst there is already some degree of overlooking between properties, particularly Cottage One and Two, the height, form and orientation of the proposed raised decking would have an unduly adverse impact on the residential amenities of neighbouring properties extending over the boundary, given the added height and depth particularly in terms of privacy.*"

The Report concluded "*The part of the development which introduces raised timber decking would have an adverse impact on the residential amenity of neighbouring residents by reason of overlooking and loss of private amenity.*"

Although the decking has been lowered slightly and moved back from the fence there would still be an adverse impact on the residential amenity of Mr & Mrs Ventress by reason of overlooking and loss of private amenity. This position has not changed. This elevated position and lack of screening around the decking creates a viewing platform for the occupiers in which they could look directly into our clients home. There are a number of windows of habitable rooms that face the development. The windows are large and it would be easy for any occupiers of the holiday cottage to look in to these rooms.

The decking is an integral part of the holiday cottage and likely to be well used by most occupiers that visit with regular noisy activity. It provides a platform for overlooking our clients property where none existed before. They have enjoyed a level of privacy that is now materially harmed. Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured.

We believe given the height and location of the decking there would be an effect on the living conditions of our clients at Dunsley Lodge. We believe the proposal would be contrary to Core Policy A and Policy DP3 in this regard.

### **Other Matters**

Our clients have serious concerns about surface water runoff that have not been considered. The raised ground level and wall enclosing raised patio area, have created a dam for surface water from the forecourt/parking area. There is no drainage in this location and this is the lowest part of the forecourt. Before the development commenced there was no issues as the land was lower and permeable so any water would run off into what was a garden area. The current situation is wholly unacceptable. The development has created a dam which forces any surface water directly past Gardeners Cottage onto our Clients land. When there is a particularly bad rainfall our Clients land now floods which it did not before and if it was persistent enough water could enter into Gardeners Cottage.

DP Policy 1 states that *"development will only be permitted where It will not have an unacceptable adverse impact on surface and ground water, .... which would impact on the health, safety and amenity of the public"*. Given the position that has been created we feel this now needs to be addressed in the application through the provision of proper drainage. As we say this issue has not been addressed in this application and it would seem to us at present the proposal would not accord with policy DP Policy 1 due to the adverse impact on surface water. The issue of surface water would be easily explained on site and our Client invites the Council to discuss the matter so that it can be properly addressed.

### **Conclusion**

We believe the alterations shown to the decking area do not address the concerns of the previous refusal and there would still be a significant effect on the character and appearance of the area and an effect on the amenity of our clients. There is also a serious concern about a surface water runoff problem that has been created by the raised ground level and wall enclosing raised patio area that we believe needs further consideration.

We ask that you take our considerations in to account when determining the proposed development.

Yours sincerely,

Bradley Stovell PGDip BSc  
**David Stovell & Millwater**