

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2018/0216/FL

Proposal: change of use of land to domestic curtilage (retrospective) (revised scheme following refusal of NYM/2017/0503/FL)

**Location: land adjacent to Field House
Robin Hoods Bay**

Decision Date: 15 June 2018

Consultations

Parish – No objections

Site Notice Expiry Date – 22 May 2018

Director of Planning's Recommendation


Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3.	WPDR06	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes E (or any order revoking and re-enacting that Order), no erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4.	WPDR09	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.

Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3 & 4.	WPDR01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.

Signature:



Date:

11/6/18

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Background

Field House comprises the western half of a pair of semi-detached properties on the northern side of a cul-de-sac known as Nookfield Close in the upper part of Robin Hoods Bay.

Between the boundary of the domestic curtilage of the application property, and the shared road accessing all the properties on the Close, is a rectangular parcel of grass land in the ownership of the applicant. Retrospective planning permission was sought last year for the change of use of this parcel of land into domestic curtilage, along with the construction of a close boarded boundary fence measuring approximately 2m in height but up to a maximum of 2.4m high due to ground levels and a summerhouse building measuring 4.57m deep by 6.25m wide with a maximum height of 2.9m.

Both the fence and summerhouse were of timber construction, but stained black.

The parcel of land runs along the frontage of both the application property, Field House, and the attached dwelling. However, the summerhouse building was located immediately in front of the neighbour's front door, rather than in front of the applicants dwelling and the boundary fence immediately abutted the access road, and directly overlooked by two properties opposite.

This application was refused due to the impact on residential amenity.

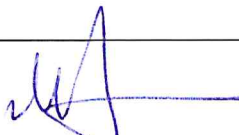
Consequently, this revised application has been submitted which seeks permission for the change of the use of the land to domestic use.

Subsequent to the Officer site visit the applicant's agent has advised that the 1.2m fence has been removed and this does not form part of the application.

Main Issues

Core Policy A of the Local Development Plan seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Development Policy 20 of the LDP seeks to permit the extension of existing domestic curtilages where the land does not form an important amenity or open space and where the change of use will not have an adverse impact on the character of the landscape.

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With the previous application, it was the buildings and high fencing on the site that were considered to be harmful to the character of the area and residential amenity. It was not considered that the change of use of the land to domestic curtilage does not, in itself, have an adverse impact on the character of the area or amenities of adjacent dwellings.

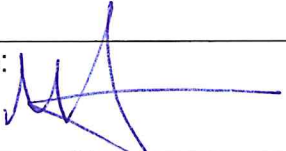
The use of the land as domestic garden (without outbuildings) is considered to be in keeping with the surrounding area and would not have a wider landscape impact or impact on residential amenity.

In view of the above, approval is now recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Approval (No Amendments Required)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

Signature: 	Date: 11/6/18
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