

# North York Moors National Park Authority

Borough: Scarborough Borough Council  
Parish: Fylingdales

Application No. NYM/2016/0753/FL

**Proposal:** proposed enlargement of existing dormer window together with erection of raised decking area

**Location:** Sherwin, Butt Lane, Robin Hoods Bay

**Decision Date:** 20 February 2017

## Consultations

**Parish** - Objects because it is too large.

**Amended Plans** - Object to the amended plans because the plans are not sent to the Parish Council and the difficulties involved of seeing the plans online.

**Fylingdales Village Trust** -

**Site Notice Expiry Date** - 05 January 2017.

## Director of Planning's Recommendation

Approval subject to the following conditions:

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.																		
2.	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>N/A</td><td>17 November 2016</td></tr><tr><td>South Elevation Proposed</td><td>N/A</td><td>30 January 2017</td></tr><tr><td>East Elevation Proposed</td><td>N/A</td><td>26 January 2017</td></tr><tr><td>West Elevation Proposed</td><td>N/A</td><td>26 January 2017</td></tr><tr><td>Proposed Timber Decking</td><td>extract from Dwg No 20161011 B</td><td>17 October 2016</td></tr></tbody></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Location Plan	N/A	17 November 2016	South Elevation Proposed	N/A	30 January 2017	East Elevation Proposed	N/A	26 January 2017	West Elevation Proposed	N/A	26 January 2017	Proposed Timber Decking	extract from Dwg No 20161011 B	17 October 2016
Document Description	Document No.	Date Received																		
Location Plan	N/A	17 November 2016																		
South Elevation Proposed	N/A	30 January 2017																		
East Elevation Proposed	N/A	26 January 2017																		
West Elevation Proposed	N/A	26 January 2017																		
Proposed Timber Decking	extract from Dwg No 20161011 B	17 October 2016																		

## Informative

1.	<b>MISC INF01</b> All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
----	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



17/2/17

---

**Application Number: NYM/2016/0753/FL**

---

**Reason for Conditions**

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.



---

**Application Number: NYM/2016/0753/FL**

---

**Background**

Sherwin is a relatively modest detached dormer bungalow located on a generous plot off Butt Lane in a small ribbon of development north-west of Robin Hoods Bay. It is the last property accessed off the lane meaning that it only has one boundary shared with a residential property. Although the property is not prominent in views from the vehicular highway, it is accessed from a green lane which is also a designated public bridleway. The property has some age (c1930s) and is constructed of dwarf red brick walls with render above and a flat Rosemary tiled roof. The property is orientated to take advantage of the seaward views with the principle elevation south facing with the garden extending away from the property whereas the 'rear' elevation faces the access to the site from Butt Lane. The property has had some alterations made to it over the years and there is a relatively modest flat roof dormer on the south facing roofslope. There is a single storey flat roof extension (wider than the host building) which leads to a small area of raised patio.

As originally submitted, the proposal proposed the enlargement of the existing dormer together with replacement raised decking area. The proposal showed an increase in dormer height from 1.2 metres to 2.6 metres and an increase in projection from 1.6 metre to 2.9 metres. The proposal resulted in a disproportionately large dormer and amendments were sought. The applicant has since provided amended plans which show a significantly reduced scheme and the proposed measurements are now 1.5 metres height and 2.3 metre projection.

The plans show that the existing raised patio area is to be remodelled to provide a timber decked area of similar dimensions to the existing with glass balustrade.

Some changes to the fenestration pattern of the main dwelling are also shown on the plans but this is for information only as the changes are covered by permitted development allowances.

**Main Issues**

The relevant policies contained within the NYM Core Strategy and Development Policy Document to this application are Development Policy 3 (Design) and Development Policy 19 (Householder Development).

DP3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

DP19 states that proposals for extensions or alterations to dwellings, or other development within the domestic curtilage will only be supported where the scale, height, form, position and design does not detract from the character of the original dwelling and its setting; the development does not adversely affect the amenities of neighbouring occupiers, or that of the existing dwelling.

As originally submitted, the scheme proposed substantial increases to all dimensions of the dormer resulting in an extremely large and dominant feature. The original plan showed a large flat roof box dormer extending from the ridge and occupying the entire sea-facing elevation and built off the wall plate of the host property.



---

**Application Number: NYM/2016/0753/FL**

---

The amended dormer details are considered to be of a scale and design which are compatible with the host property. Whilst flat roof dormers are generally resisted, in this case the presence of an existing flat roof dormer means that the proposal only results in minimal changes to the appearance of the dwelling. The substantial reductions in proposed dimensions is considered to be an acceptable compromise in terms of balancing the requirements of the application to create improved internal head room whilst addressing the concerns of Officers and the Parish Council in relation to the size of the dormer.

Although the size of the viewable area of the windows will be increased, it is not anticipated that the changes will result in an unacceptable level of harm to neighbouring amenity or cause overlooking over and above the existing arrangement.

The Parish Council and neighbours have been notified of the amendments and invited to make further comments. Officers agreed a further extension of time to allow the Parish Council to consider the revised plans and the Council has maintained their objection to the amended details mainly because the plans are not sent to the Parish Council and the difficulties involved of seeing the plans online. Officers have considered the Parish Council's objection and it is concluded that the reasons stated do not amount to a material planning consideration. The objection relates to the process rather than the details of the application under consideration.

Whilst amendments have been made to the dormer, the changes to the raised patio/decked area remain as originally submitted. There is an existing patio area which is relatively solid in terms of appearance as a result of the blockwork and 'decorative' concrete screen block walls. The impact of the existing patio area has been softened by the use of garden shrubs and planting. The replacement patio area is proposed to be of lightweight construction with a contemporary approach using steel posts and glazed balustrade. It is not proposed to extend the patio area beyond the existing line.

The proposed development, in its amended form, is considered to represent a scheme of improvement to the existing dwelling of a scale, design and mass which is compatible with the host property and its setting. The scheme is not expected to detract from the amenities currently enjoyed by neighbouring occupiers. Although the Parish Council has not withdrawn their original objection, it is considered that the amended design overcomes the initial concerns in relation to the size of the dormer and the proposed alterations would be consistent with similar structures on neighbouring properties. In view of the above, it is requested that the application proceeds through the Authority's Scheme of Delegation (at the discretion of the Director of Planning) and approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

