

North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Cloughton	App No. NYM/2017/0008/FL
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Proposal: subdivision of dwelling to form 1 no. holiday letting cottage (retrospective)

Location: Whin Brow Cottage, Hood Lane, Cloughton

Applicant: Mr Tony Venus, Whin Brow Cottage, Hood Lane, Cloughton, Scarborough North Yorkshire, YO13 0AY

Date for Decision: 08 March 2017

Grid Ref: SE 501210 495420

Director of Planning's Recommendation

Approval subject to the following conditions:

1. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations
2. RSUO00 The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes or as an annexe to be used only for members of the family of the occupier of the main dwelling known as Whin Brow Cottage. The accommodation hereby approved shall remain ancillary to the use of the main dwelling and shall form and shall remain as part of the curtilage of this main dwelling as a single planning. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
3. RSUO14 Holiday Unit Not Sold or Leased Separately - Outside Villages (Whin Brow Cottage) (condition 2)
4. LNDS00 Within 3 months of the date of this permission the approved boundary treatment works shall be implemented in accordance with the approved details received by the Local Planning Authority on (insert)
The boundary treatment shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Hood Ln
England
Street View - Oct 2009



Google



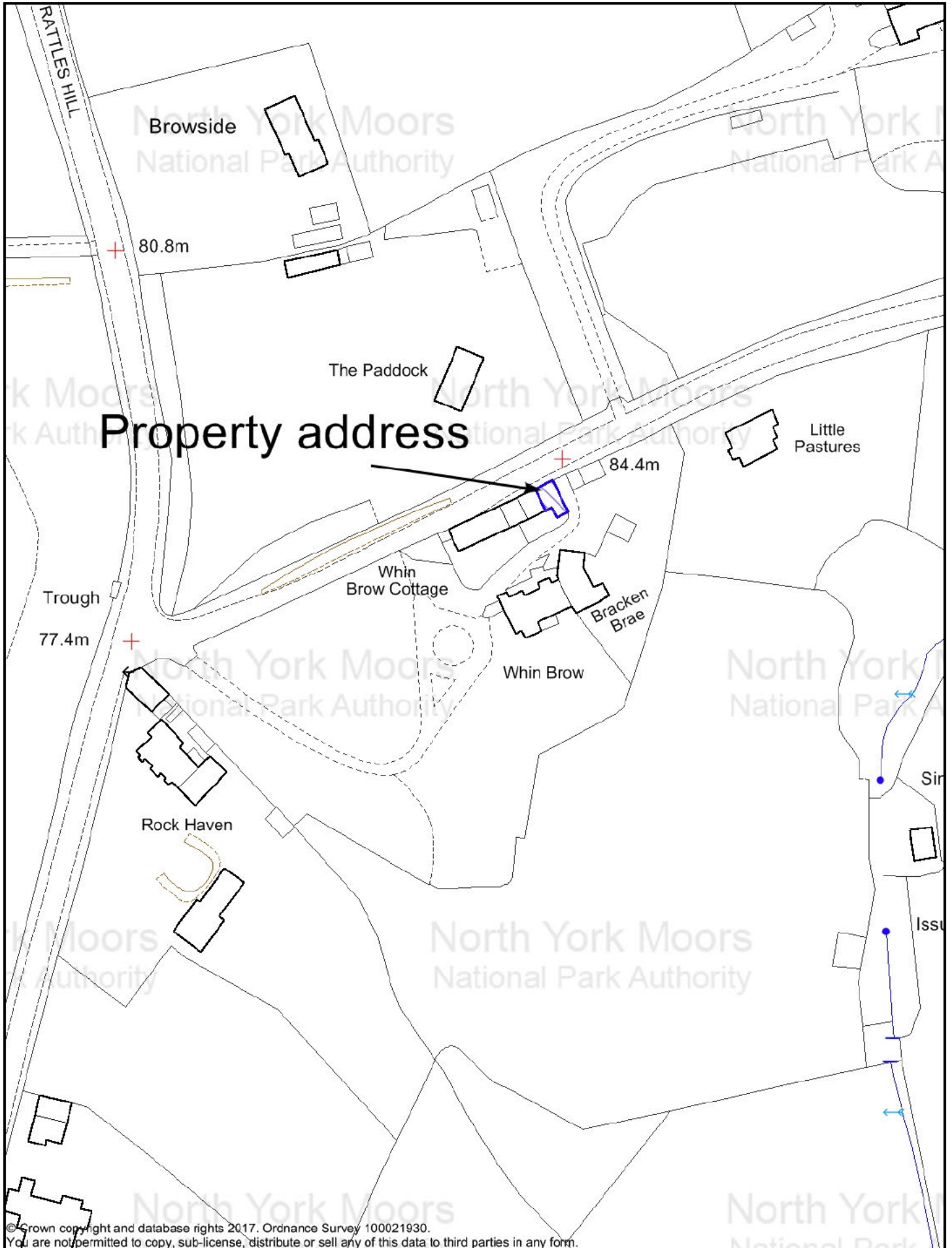
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North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

Application Number: NYM/2017/0008/FL

Scale: 1:1250



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Consultations**Parish – Object**

Concern expressed that the property had been advertised as a holiday cottage during 2016. Other concerns were that the existing cess pit (not septic tank) will not be able to cope with the increased load as it already serves three properties; the existing patio is less than 10 metres from Bracken Brae and some 12 metres from Whin Brow and overlooks both properties.

It is inevitable that the holiday use will have an unacceptable impact on neighbouring properties by virtue of its proximity and the use as a holiday property as opposed to permanent residential occupation.

Object to the application on the grounds of unacceptable impact on neighbouring properties by virtue of noise, disturbance and overlooking and lack of foul sewage capacity.

Highways – No objections

North Yorkshire Building Control – Matters concerning foul drainage will be dealt with by Building Control.

Environmental Health – Residential Regulation – Given the small size of the unit a condition should be attached restricting the use to “holiday letting” only.

No comments from Food & Operational Safety Team

Site Notice Expiry Date – 14 February 2017

Others –

Dr J A Brace, Whin Brow, Hood Lane, Cloughton – The creation of a self-contained unit had been done slowly and stealthily, gradually converting a garage/workshop into living accommodation and windows being altered and a ramp into the garage being converted into a patio. All without planning permission.

The three properties share a “back yard” and back gate, with no barrier between the patio, the common land and my neighbours. The patio which is frequently used by tenants is 12m from my kitchen window and path to my garden shed is within 2m. The upstairs dormer window overlooks my bathroom and kitchen.

The proposal has a detrimental impact on residential amenity because of noise and activity levels on the patio from a succession of different occupiers which would be greater than normal residential enjoyment of the property. The proposal is therefore contrary to Core Policy A and Development Policies 14 and 19 of the LDP.

No onsite parking facilities are included so tenants will have to park on Hood Lane, near the brow of the hill. Hood Lane is a cul-de-sac with nowhere to turn so large vehicles have to reverse back up past parked cars. Also DP1 states there should be sufficient infrastructure capacity and in this case the shared cesspit is inadequate.

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Consultations continued

Julia Read, Bracken Brae, Hood Lane – Object as our privacy has been invaded and quality of life compromised.

The three properties share an entrance, cesspit and small area of land. We are subjected to total strangers wandering onto our land and the windows from the holiday cottage overlook both my gardens and entrances. Some residents are very noisy especially on the patio area. The owners are not affected because they have a high boundary fence.

Background

Whin Brow Cottage is situated on the south side of Hood Lane, approximately 90m from the junction with the Cloughton/Ravenscar road. It is a traditional long low cottage which has over the years been altered but has retained its small scale character.

It forms a group of three cottages, all of which share a single access, with Whin Brow and Bracken Brae facing the rear of Whin Brow Cottage between approximately 7 -12 metres apart.

This application relates to the use of the eastern end of the existing house at Whin Brow Cottage. The eastern end of the house was previously a double garage with a store room containing a dormer window above. At some time since 1982 this end of the building has been converted into an annexe with kitchen/lounge and bathroom at ground floor (with interlinking door into the main part of the house) with the upstairs providing a single bedroom. The dormer window would appear to be the same size as it was in the 1980's.

This application seeks retrospective planning permission to use this eastern end of the building as a one bedroom holiday let, incorporating a small area of outside space at the rear as a patio to serve the holiday cottage. Parking would be in the form of on-street parking at the front of the cottage.

Main Issues

The main issues are whether the proposed development will have an unacceptable impact on the residential amenity of any neighbouring property, whether the foul drainage facilities are adequate to serve the proposed use and whether the use will lead to a detrimental impact on road safety.

Policy

The main pertinent Local Development Framework policies are Core Policy A and Development Policy 14.

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 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

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Main Issues continued

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.

Impact on Residential Amenity

The current application does not include any external alterations to the buildings and as such there is no impact on the appearance of the building externally. The question in this instance is more one of the potential for impact from the number of visitors to the site. These impacts would result from the number of visitors and cars to the site, along with potential noise and disturbance from holiday makers.

The application property is an existing private dwelling, which is in close proximity to its neighbouring properties. Additional living accommodation has at some point been created by converting a domestic garage and store into annexe/living accommodation; this did not require planning permission.

Concern has been expressed by the occupiers of the neighbouring dwellings that the intensified use of the eastern end of the cottage as a one bed holiday cottage generates an increase in activity levels and overlooking that is detrimental to the enjoyment of their own properties and outside amenity areas.

Whilst it is accepted that visitors staying in this cottage would be likely to be confined to the small patio area when outside, rather than the wider garden area further away from the neighbours, this needs to be assessed against the fact that this accommodation does form part of an existing dwelling. Consequently, the internal space could be used as either part of that main dwelling; a residential annexe to that main dwelling; or to provide modest bed and breakfast accommodation, all without the need for planning permission, with the consequent associated use of the small patio area. It is not considered that the level of use of this area generated by the use as an independent holiday let would be likely to be significantly greater than if used as a domestic annexe or bed and breakfast accommodation.

In terms of concerns regarding overlooking, it is not considered that whether the occupiers of the first floor bedroom form part of the main household, or an independent holiday let, the levels of overlooking would be significantly different.

Consequently, it is not considered that refusal on the basis of impact on the amenities of neighbouring properties could be upheld. However, the applicant has agreed to improve the screening from the patio area, to improve privacy from the outside areas.

Satisfactory Foul Drainage

The application forms state that the property is served by a septic tank, although the neighbours have advised that it is actually a cesspit which is inadequate and can't cope with the extra capacity.

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Main Issues continued

Consequently, North Yorkshire Building Control has been consulted to give their views on the suitability and capacity of the foul drainage facility. However, in terms of the capacity of the drainage facilities, the same usage would result if the house were lived in by a larger family or if the property were used as a low key B&B or annexe.

Road Safety

The question of road safety and parking has been raised in objections. The Highway Authority has been consulted and raised no objections to the application. The site doesn't have off street parking, and this is the situation serving the main dwelling. As the holiday unit is one bedroom only, it is unlikely that the use would generate more than one extra car.

Conclusion

The use of the site for holiday accommodation is considered to be generally compatible with National Park policies as the site will be managed by the owners who also live in the property. The scale of development proposed is not considered to be detrimental to either the special qualities of the National Park, nor the residential amenity of the neighbouring occupiers, and privacy can be improved by additional screening. The development, whilst generating a very small amount of additional traffic in the area, is not considered to have a detrimental impact on road safety in the area. The proposed development may put greater pressure on the foul drainage facilities, but this is unlikely to be significant.

The proposed development is considered to be compatible with the requirements of Core Policy A and Development Policy 14 and approval is recommended.

Contribution to Management Plan Objectives

The proposed development will result in the provision of holiday accommodation which will assist in the delivery of Policy B3 and B4 of the National Park Management Plan which seek to enable the provision of more and better quality tourism accommodation within the National Park and help deliver the extra 1.6 million visitor target.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the addition of screening of the patio area, so as to deliver sustainable development.