

North York Moors National Park Authority

Scarborough Borough Council
Parish: Newholm-Cum-Dunsley

Application No: NYM/2017/0016/FL

Proposal: 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

Location: Cottage One, Dunsley Hall, Dunsley Lane, Dunsley

Decision Date: 24 April 2017

Consultations

Parish – Objects.

The applicant failed to comply with the previous permission on a number of important issues, in doing so has created problems that affect the neighbouring property. The height of the raised patio area has created both privacy and security problems with it been right up to the boundary fence. Plastic cladding has been used on areas that required timber cladding and this affects the appearance of the building in relation to the exiting dwellings.

The water drainage and sewage are also of concern which needs planning to make sure rain water is separated from an already over loaded septic tank.

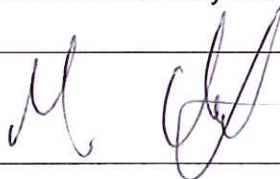
Highways – No objection.

Site Notice Expiry Date – 30 March 2017.

Others – Stovell & Millwater Limited, on behalf of Mr & Mrs Ventress, Dunsley Lodge and owners of Gardners Cottage, Dunsley – Have serious concerns over this proposal and have asked that we substantiate their concerns in relation to the relevant planning policy context. They also have concerns over the manner in which the approved application (ref: NYM/20105/0014/FL) was determined and its validity.

- The development has not been constructed in accordance with the approved plans and an application has been submitted to regularise the current position.
- Our client has no concerns over the principle of the use however has serious concerns over the effect the development has on the character and appearance of the area and the effect on the living conditions of their property.
- The main concern regarding the appearance of the building relates to the plastic cladding that has been extensively used throughout the development.
- The 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 has been created is one that is significantly different to what existed before.
- Before the decking was erected the properties were separated by a 2 metre 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 i.e. the same ground level on both sides.
- The 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.

Signature:



Date:

24/April/2017

Application Number: NYM/2017/0016/FL

Others - Comments (Continued)

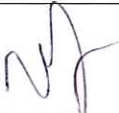
Stovell & Millwater Limited, on behalf of Mr & Mrs Ventress, Dunsley Lodge and owners of Gardners Cottage, Dunsley

- Decking is an integral part of the holiday cottage and likely to be well used by most occupiers that visit with regular noisy activity.
- Provides a platform for overlooking our clients property where none existed before, a level of privacy that is now materially harmed.
- It would seem the current height and location of the decking would create a potential crime problem, giving a feeling of insecurity and reducing quality of life.

Director of Planning's Recommendation

REFUSAL for the following reason:

1. 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.

Signature:		Date:	r1
------------	---	-------	----

Application Number: NYM/2017/0016/FL

Background

This application is for variation of condition 2 (material amendment) to regularise changes to extension, decking and boiler room, raised ground level, water drainage and wall enclosing raised patio area Cottage One, Dunsley Hall, Dunsley Lane, Dunsley.

The building in question is located in the grounds of Dunsley Hall Hotel with the main complex located to the west. The application building is one of four properties situated within the grounds and is attached to a neighbouring property known as Cottage Two.

Planning consent was granted in 1984 for conversion of the building to a dwelling. In 1988, planning consent was granted to use the building for holiday accommodation. It was after this that the application site was then used for staff quarters for Dunsley Hall.

In February 2015, despite opposition to the scheme Members were minded to grant planning permission for a modern flat roof rear extension with a small amount of decking and a separate boiler/fuel storage building.

In order to ensure that the unit is not used for permanent residential accommodation, it was granted with a holiday use restriction with an 11 month usage. The owner must maintain an up-to-date register of the names of all occupiers of the unit and their main home addresses. This process has been used by the Authority in the control of similar holiday letting sites. The requirement ensures the cottage does not become a permanent dwelling but is retained as holiday accommodation which is considered to be more supportive of the local rural economy and helps to promote the second purpose of National Parks which is to ensure public enjoyment of its special qualities.

The development has not been implemented in accordance with the approved plans to planning permission NYM/2015/0014/FL and this application now seeks to regularise the situation.

Those changes relate to the area of raised decking at the rear which although was approved is significantly wider and now butts up to the adjacent boundary fence instead of falling short of, it is 30 cm higher to meet ground levels of the now built extension and access steps have been altered in terms of design and layout and a second staircase is added without the approved balustrade.

Other changes relating to the approved extension now sought for regularisation relate to works to omit a roof lantern, the location of a flue, a larger window on the southern elevation and omission of double doors together with a glass Juliette balcony balustrade.

Externally, other works include changes to the boiler room, raising the ground level on the area the boiler occupies, surface water drainage and a walled enclosure around the raised patio. The revised plans now show the drainage routes.

Signature: 	Date: 
--	---

Application Number: NYM/2017/0016/FL

Background (Continued)

On the basis that objections have been received, concerning the decking amongst other things, Officers have been minded to request the applicant to reduce the height, at least down to the height of the stone plinth of the extension. Should this issue be overcome then the application need not progress to Planning Committee. Negotiations have taken place with the applicants agent who has advised that the client is insistent that planning consent exists with the decking shown at or around the floor level to the existing on original and revised drawings and does not wish to reduce the current form in any way as this would incur huge cost implications.

No changes are planned to the existing access arrangements.

Main Issues**Management Plan**

Section 5.4 of the NYM Management Plan states that the principles of sustainable development are underpinned in the policies contained in the NYM Local Development Framework (LDF).

Policy Context

Development Policy 3 of the NYM Core Strategy and Development Management Policy Documents affirms that 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.

The Authority's planning policies recognise that extensions are often a convenient way of providing additional accommodation and new structures are often required for additional domestic storage. However, they should not adversely affect the character of the host building or wider landscape or the amenities of neighbouring residents. In designing an extension applicants are expected to consider the design, scale and materials of neighbouring buildings.

Supplementary Design Guidance

Part 2 of the Authority's Design Guide seeks to achieve quality design to ensure that any extension is subservient to the original building in terms of its volume, scale, height, width and depth. This would have been brought to the forefront of the applicants attention should pre-application discussions have been entered into. Rather the works have been progressed and implemented in an unauthorised manner and now seeks retrospective planning permission.

Signature:		Date:	
------------	---	-------	---

Application Number: NYM/2017/0016/FL

Main Issues (Continued)**Planning Guidance**

The National Planning Practice Guidance is designed to run alongside the National Planning Policy Framework. It states that in considering issues with design, there should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security.

In general terms too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity spaces being asked to do more than they feasibly can.

Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 does not permit the construction or provision of a veranda, balcony or raised platform over 30 cm above the ground level.

Authority response to concern raised

The main issue to consider is whether the impact the proposal in the revised format would have a greater impact on the host building and a potential impact on the residential amenity of neighbouring properties.


The plastic cladding referred to by the Parish Council and the third party is actually a fibre cement sheeting material, details of which have been discharged and verified by the Authority. The agent has wrote to confirm that the cladding is the approved Marley Eternit Cedral weatherboard and not plastic. Officers confirm that the material on site is fibre cement boarding as approved in-house.

Drainage routes are shown on the proposed plan and will not be pursued further by the Authority. As a private septic tank is indicated then this should be taken up with the necessary parties maintaining the tank.

To clarify the main issue is concerned only with the decking element of the proposal as the remainder of other elements sought under this application are deemed to be acceptable.

Authority Case

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, particularly in terms of overlooking.

Signature: 	Date: 21
--	----------

Application Number: NYM/2017/0016/FL

Main Issues (Continued)

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.



Whilst there is no objection to imaginative or contemporary design in the appropriate location in the National Park, the cumulative impact and expansion of the approved raised decking is now considered harmful to the original building and as such appears alien to this part of Dunsley.

The scheme fails to take account of the closeness of plots, building pattern and neighbouring amenity and in terms of overall scale is considered to have tipped the balance of reasonableness. The design and general form, which would be best kept simple, along with revised access steps is considered inappropriate.

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. As such the proposal fails to comply with the above mentioned planning policy and local and national design guidance, for the reasons highlighted above refusal is recommended.

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

Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.

Signature:		Date:	
------------	---	-------	---