

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Newholm-Cum-Dunsley	App No. NYM/2018/0222/FL
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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, and wall enclosing raised patio area (resubmission following refusal of NYM/2017/0016/FL)

Location: Cottage One, Dunsley Hall, Dunsley

Applicant: Mr Ian Drinkwater, Dunsley Hall, Dunsley Lane, Dunsley, Whitby YO21 3TL

Agent: Stephen McGivern, Poets Cottage, Lealholm, Whitby, YO21 2AQ

Date for Decision: 19 June 2018

Grid Ref: NZ 485828 511154

Director of Planning's Recommendation

Approval subject to the following conditions:

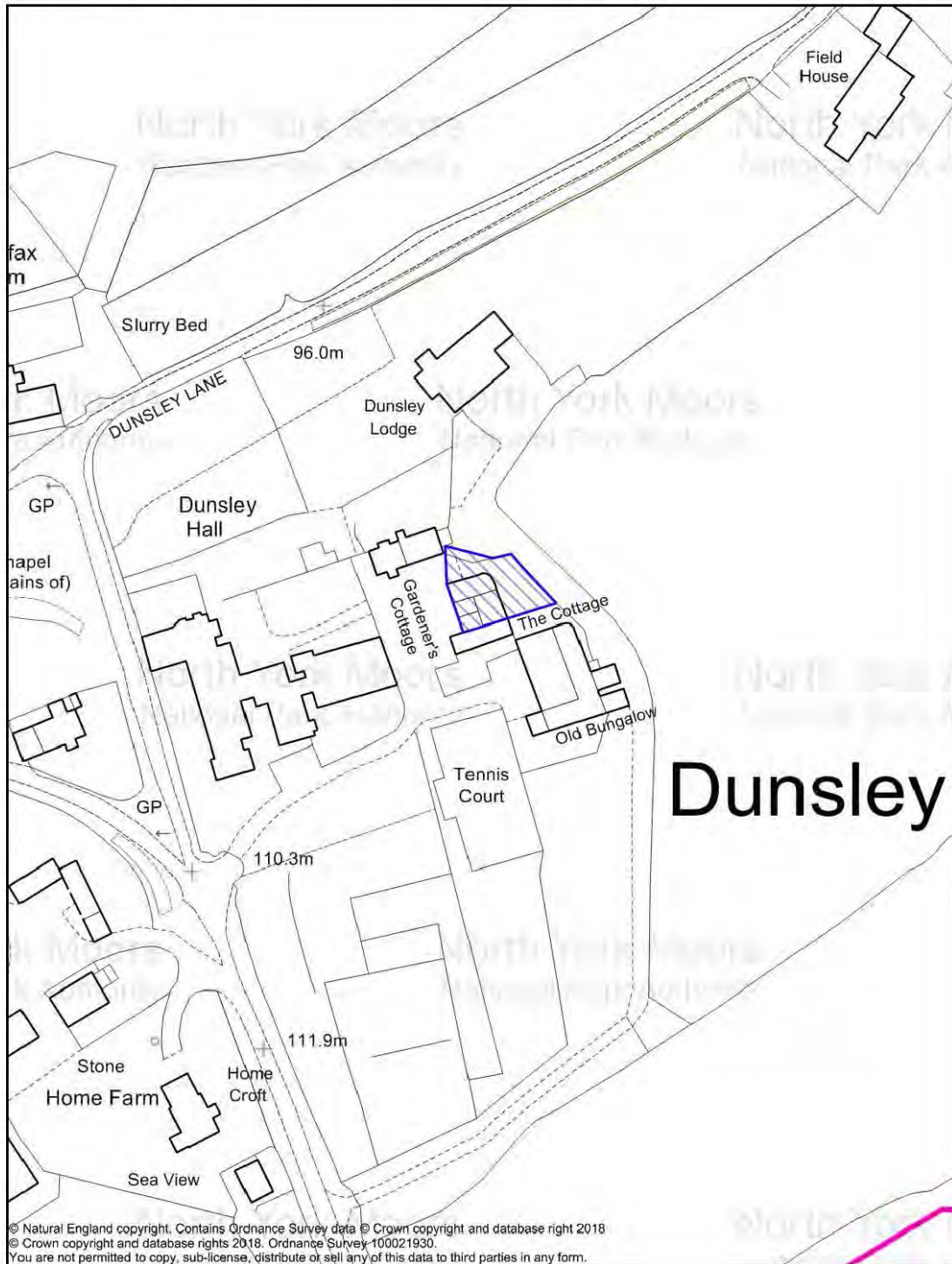
1.	TIME14	Enforcement Cases (three months)(six months)
2.	PLAN01	Strict Accordance With the Documentation Submitted or Minor Variations – Document No's Specified
3.	WPDR01	Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I
4.	RSUO11	Use as Holiday Accommodation Only – Outside Villages
5.	RSUO18	Use for 11 Months of the Year Only
6.	MATS00	The external timber cladding of the building hereby approved shall be maintained in its current materials and condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7.	MATS74	Flues to be Coloured Matt Black
8.	GACS00	To prevent any excessive interference with neighbouring properties construction shall be limited to 0700 – 1800 Monday to Friday, 0800 – 1300 Saturday with no work allowed on Sundays and Bank Holidays.
9.	GACS00	If the use of the pellet boiler hereby approved permanently ceases or has ceased for a period of 60 days, it shall be removed from the site together with all associated paraphernalia/flue pipe within one month of that cessation and the site shall, as far as practical, be restored to its condition before development took place. (RSN In order to return the land to its former condition and comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the landscape of the National Park.



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

Application Number: NYM/018/0222/FL

Scale: 1:1250





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Consultations

Parish - Object - The changes are not sufficient to address our original concerns, particularly with regard to the height of the decking overlooking the neighbouring property and also the associated drainage problem.

Highways -

EHO -

Site Notice Expiry Date - 22 May 2018

Others – Bradley Stovell, Stovell & Millwater Ltd Chartered Planning and Architectural Consultants – on behalf of Mr & Mrs Ventress, Dunsley Lodge and own Gardeners Cottage - Object.

The previous refusal highlighted two issues; the effect on the character and appearance of the area and the effect on the amenities. The proposed development is not dissimilar to that which was refused and therefore still serious concerns for the same reasons.

We consider that the proposed decking has a significant effect on the character and appearance of the area and the proposal would be contrary to policies Development Policy 3, Development Policy 19 and advice contained within Part 2 of the Authority's adopted Design Guide.

Main concern is the effect on their living conditions, due to the height and location of the decking to the rear of the property, which is little different from that that was refused. Previously 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 client's property. 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 client's home, which has 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 with regular noisy activity. Previous level of privacy is now materially harmed.

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. 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 so contrary to Development Policy 1.

Alterations to the decking 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.

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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. This application seeks to overcome the reasons for refusal of a similar application in 2017.

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, planning permission was granted for a modern flat roof rear extension with a small amount of decking and a separate boiler/fuel storage building, along with a change of use back into holiday accommodation.

However, the development has not been implemented in accordance with the approved plans and an application was submitted in 2017 to retain it as built. The changes related to the extent and area of raised decking at the rear which has been constructed significantly wider than approved and butts up to the adjacent boundary fence instead of falling short of, it is also 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 has been added without the approved balustrade.

Other changes relating to the approved extension 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 and glass Juliette balcony balustrade.

Externally, other works include changes to the boiler room, raising the ground level on the area the boiler occupies, and a walled enclosure around the raised patio.

Objections were received, primarily concerning the decking. Negotiations took place with the applicant's agent who advised that the client was insistent that planning consent existed with the decking shown at or around the floor level to the existing on original and revised drawings.

The application was refused for the following reason:

“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 revised application seeks permission to partially retain the decking at the height proposed, but it is proposed to reduce the depth of the decking by 0.8m; this would be 0.55m wider than originally approved. This would mean that the decking would no longer abut the boundary fence but would be set back by 0.8m, thus preventing the occupiers being able to 'lean over' the fence and gain unrestricted outlook over the neighbours land/garden.

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Background continued

In terms of the height of the proposed decking, the original plans do not show the decking on the rear elevation (excluded for clarity to show extension) but on the side elevation plans, it does indicate that the height is just below the bottom of edge of the window.

The other amendments which have been undertaken which were part of the previous application remain unchanged, but did not form part of the reasons for refusal.

Main Issues**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.

Authority Response to Concern Raised

The main issue to consider is whether the impact of 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. This primarily is concerned only with the decking element of the proposal as the remainder of other elements sought under this application are considered acceptable and objections have not been received.

In general, decking type 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.

With the scheme as built, Officers were of the view that decking would have an unduly adverse impact on the residential amenities of neighbouring properties, as the decking abutting the boundary fence would enable occupiers to stand directly adjacent the fence resulting in significant levels of overlooking. However, it is considered that with the decking being set back 0.8m from the boundary fence, this level of overlooking would be significantly reduced as it would not be possible to physically lean on the fence and look over. Furthermore, the distance to the front of Dunsley Lodge would be approximately 38m and whilst only approximately 15m from Gardener's Cottage, this would be at an oblique angle over the side garden and would not result in unreasonable levels of overlooking, particularly with the set back from the fence.

Whilst the steps would be visible from the front of the site, it is not considered that once reduced in width it would be sufficiently prominent in the immediate or wider landscape and a refusal would be difficult to uphold on these grounds.

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Main Issues continued

With regards to concerns regarding surface water drainage, it is not considered that the provision of timber decking within the curtilage of the property, set back from the boundary fence, would result in significant levels of water run-off, off the site, which would have an unacceptable impact on the environment or amenities of neighbouring properties.

Whilst previously it was considered that the cumulative impact and expansion of the approved raised decking was harmful to the original building, it is considered that this revised proposal which is between the approved and built development in terms of dimensions would not be unduly obtrusive.

Conclusion

The scheme now submitted seeks a compromise solution which would reduce the levels of overlooking and visual impact of the development and it is not now considered to be contrary to the above mentioned planning policy; consequently approval is recommended.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy C10 which seeks to ensure high quality development.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.