

North York Moors National Park Authority

Scarborough Borough Council Parish: Fylingdales	App Num. NYM/2010/0386/FL
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Proposal: Construction of extension to provide additional living accommodation and garaging

Location: Tamarind, Church Lane, Fylingthorpe

Applicant: Mr D Vasey, Tamarind, Church Lane, Fylingthorpe, Whitby, North Yorkshire, YO22 4PN

Agent: Riverside Design Group, Barclays Bank House, 21A Baxtergate, Whitby, North Yorkshire, YO21 1BW

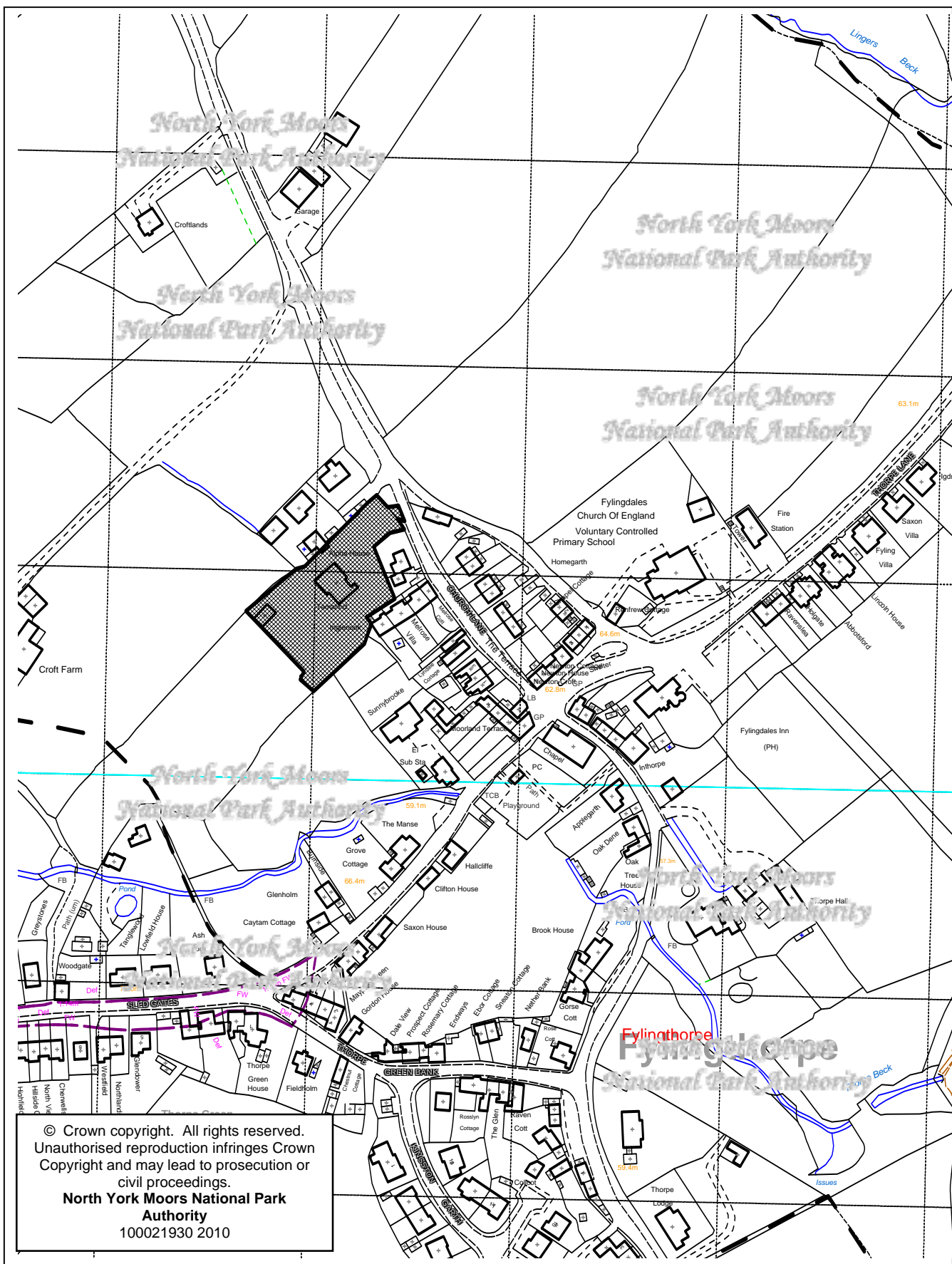
Date for Decision: 08 July 2010

Grid Ref: NZ 494211 505094

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP07 Strict accordance with plans/specifications or minor variation
3. MT03 Stonework to match
4. MT17 Natural Slate
5. MT41 Windows - match existing
6. HC17 Garage Conversion to Habitable Room
7. GA31 Obscure glazing - non fixed light
8. DR02 Surface water disposal details
9. LS01 Landscaping scheme required - reinforcing of existing hedge to south east garden boundary
10. LS02 Landscaping scheme to be implemented
11. LS03 Trees/hedging to be retained - south east of the site
12. DR00 The site shall be developed with separate systems of drainage for foul and surface water on and off site
13. DR00 The development hereby approved shall not be undertaken other than in complete accordance with the Flood Risk Assessment dated 26 July 2010 and system of drainage for foul and surface water shown on drawing number 8643A
14. DR00 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.




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 Authority**
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Scale: 1:2500 



Application No: NYM/2010/0286/FL

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
- 3 & 4. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
6. In accordance with NYM Development Policy 23 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
7. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
8. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1 which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 9 & 10. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
11. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
- 12 to 14. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1 which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.

Consultations

Borough -

Parish - No objections provided the work is adhered to as per the plans submitted.

Fylingdales Village Trust -

Highways - No objections.

Yorkshire Water - No objections subject to waste water conditions.

Building Control - No objections to the scheme but ensure driveway laid to fall away from neighbouring property. The fact that the floor area is being extended, together with the additional driveway in actual fact reduces any groundwater affecting the adjacent properties.

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Environment Agency - We have checked this application against a number of our environmental criteria and on this occasion we have no comments to make on this application as submitted. Whilst the proposal falls outside of the statutory remit of the Environment Agency we are happy to comment on the issues raised in the correspondence from Mr McLoughlin dated 10 June 2010. The photographs attached to this correspondence show some concentration of surface water in times of heavy rainfall. We feel that further investigation is required to ensure that the proposed development will not exacerbate this problem. The development site does not lie within an area at risk from fluvial flooding and due to the scale and nature of the proposals, we would not under normal circumstances formally request the submission of a Flood Risk Assessment (FRA) to address the surface water issues on site. However, paragraph E9 of Planning Policy Statement 25 – Development and Flood Risk, states that: “A FRA will also be required where the proposed development...may be subject to other sources of flooding or where...other bodies have indicated that there may be drainage problems”. Therefore strongly recommend that prior to approval of the scheme, the Local Planning Authority requests that a Flood Risk Assessment is submitted, which seeks to address the apparent surface water drainage problems on site.

Additional comments - The Flood Risk and Drainage Statement provides no evidence to suggest there will be any increase in flood risk as a result of the development. It is noted that the applicant has an agreement with Yorkshire Water to discharge the roof water into the mains drain at a maximum discharge rate of 3l/s. This has the potential to limit surface water run off from the development. The new driveway will be constructed using sustainable drainage techniques. The permeable surface of the driveway will allow surface water to soak into the ground. Surface water will also collect into two channel drains and piped to a new soakaway. In addition to the management of surface water using sustainable methods the applicant has proposed to install raised kerbing with channel drains to prevent any potential overland flow from passing into neighbouring land. It appears that surface water is being appropriately managed. There is no evidence to suggest there will be any increase in flood risk as a result of the development and the applicants use of sustainable drainage techniques & kerb drains should go some way to providing an overall improvement.

Site Notice Expiry Date - 15 June 2010.

Others - Mr & Mrs Pennock, Alpha House, Old Church Lane - Object to the application as it is likely to remove what remains of our original view, most of which was lost when Tamarind was originally built. Also there was a spring in the field to the north of Tamarind and over the years our land has become increasingly wet and there have been times during heavy rain when water has run off the existing drive down “Tamarind” steps and into the passageway that leads from Church Lane. Will the proposed driveway which will have a downward slope exacerbate this? Furthermore the proposed drive and garaging will lead to traffic movement to the rear of our property. It is not clear how close to our boundary the proposed screen planting will be or what height.

Additional comments - Recall that at the time ‘Tamarind’ was built work on the footings stopped because there was no stable ground hence the property was built on a large concrete raft. What happened to the drainage from this spring, I do not know but it had to go somewhere. The weight of the raft would obviously compress the immediate area and effectively down any drainage from above in a north-south direction. A tract was made to the north of ‘Tamarind’ which has been gradually improved to a surfaced driveway which must affect the drainage from the north. It is stated in a letter that the area is not prone to flooding and there is only one recorded incident but I can remember occasions which must have gone unrecorded. It is further stated that in the view of the Environment Agency “the proposals would not under normal circumstances be of concern”. What about abnormal circumstances?, global warming, changing weather conditions we hear so much about. Are they to be conveniently forgotten about? The risk of flooding is known to exist. As I stated in my original letter, my garden has become increasingly wet over the years and this last winter there were areas of standing water which at times ‘drained’ down the path onto Church Lane.

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M McLoughlin, MJM Planning, on behalf of Mr & Mrs Abbott, Owners of Inglenook - Inglenook Cottage is one of a row of residential properties that lie to the south east of the proposed development site and Mr & Mrs Abbott object to the application for the following reasons:

- **Potential for increased off-site flooding** - The proposed development site is higher than the row of properties to the south east. During periods of intense rainfall these properties are affected by substantial surface water run-off from the application site and the neighbours have to use sandbags. All three neighbours are concerned that the proposed development may exacerbate the existing problem. Little information has been provided by the applicant on the issue of how surface water drainage will be managed and none regarding possible increased flood risk.
- **Potential for landslide** - The boundary wall between the proposed development site and Inglenook Cottage, Melrose Villas and Melrose House is no longer truly vertical. Little information has been provided by the applicant on existing or proposed ground levels and no geotechnical information at all has been provided to demonstrate the proposal will not result in landslide.
- **Potential effects on the residential amenity of Inglenook Cottage** - The proposed development would be 3.7 metres away from the boundary with Inglenook Cottage. It will incorporate a large and a smaller glazed window. If the utility room window was to be obscured-glazed and the mature Beech hedge was to be retained, then potential overlooking issues at ground floor level for Melrose Villas and Melrose House would probably be avoided. Inglenook Cottage contains no windows in the elevation towards Tamarind but it does benefit from a small yard/garden area. As a result of the development, this yard/garden area is likely to be directly overlooked to an unacceptable extent. Furthermore, the scale of the main proposed side elevation will produce an unacceptable overbearing effect. Whilst the hedge is attractive and provides vital screening for privacy, the adjacent passageway is extremely narrow and generally in shade. Any further enclosure of this private space with close boarded fencing would be extremely oppressive and unacceptable in planning terms.
- **Inappropriate design of the proposed extension** - The proposed extension is substantial and despite the set-down at ridge level, will produce an extremely elongated built form to the detriment of character and appearance of the host dwelling.

The design of the single storey component results in visual duality with its two conflicting mono-pitch roofs over the proposed new porch/entrance hall and contrasting solid/void composition. All in all, the appearance of the extension appears fussy, unbalanced and restless. The rear elevation of the extension also uses slate on the roof and contains an excessive mix of types/styles of openings/fenestration with little regard to the character of the existing dwelling.

Background

“Tamarind” comprises a part one and a half and part single storey modern detached dwelling of stone and pantile construction, set within a substantial garden, and located fairly centrally within the village of Fylingthorpe. The property is accessed from Church Lane, but is set back 40 metres from the road frontage. It is surrounded to the north, east and south by other residential properties, although the rear garden extends approximately 35 metres beyond the domestic curtilages of the adjoining properties. To the west (rear) of the garden is grazing land, some of which is also in the applicant’s ownership.

Members may recall that a detached stable/garden store building at the site was the subject of a non material minor amendment application several months ago following its construction approximately 2 metres further into the field.

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Background (continued)

This application seeks full planning permission to construct an extension on the single storey south east end of the existing dwelling to provide a dining room, utility room and additional bedroom at ground floor with a double garage below at a lower ground floor. The extension would be faced with stone to match the main dwelling with a slate roof.

The extension would measure 9.7 metres long with the first 3 metres of this measuring 11.5 metres wide (width of existing dwelling plus front porch) and the remainder measuring 6.7 metres deep. The ridge height of the extension would measure 0.8 metres below that of the existing single storey element of the host dwelling, but due to the drop in ground levels, the gable end, nearest the flank boundary would measure 6.2 metres from external ground level to ridge. The gable end would measure a minimum of 3.7 metres from the rearmost corner of the rear yard/garden boundary of the nearest property known as Inglenook although the south east corner of the extension would measure 4.35 metres from this rear boundary.

In addition to the proposed extension, it is also proposed to extend the existing driveway in order to access the proposed double garage. This driveway would be surfaced in binded crushed stone over a layer of geotex fabric to facilitate surface water soakaway. This driveway would measure a minimum of 2.4 metres from the rear boundary of the adjoining properties to the south east and 4.6 metres from the rear boundary of the dwelling to the north east. However, the laying of hardsurfacing in the location proposed, using porous materials does not require planning permission.

The applicant's agent has written in support of the application and in response to the objections received that:

"There has only been one recorded incidence of flooding in recent times, which occurred when a resident living on higher ground blocked a drainage ditch. This blockage coincided with a period of sustained and heavy rainfall and resulted in substantial surface run-off over the application site and down onto the passageway behind the neighbouring properties. The application dealt with this quickly by clearing the blockage. A subsequent visit by the Borough Council's Senior Building Control Officer found no evidence of any drainage problems. Furthermore, the proposed roof water drainage will have to comply with Building Regulations which will safeguard other property owners and the surface treatment of the new driveway is in accordance with the latest guidelines.

In terms of landslide there is no evidence of movement of settlement of the existing dwelling and the existing has been designed to take account of the existing stepped ground levels. Again all new works will comply with Building Regulations.

All the surrounding properties face outwards with few window openings in their rear walls. However, the extension has been carefully designed to avoid overlooking and as the extension would be to the north of Inglenook and others there would be no reduction in natural light. Also, these properties all have significant south facing front gardens which will be unaffected.

All the properties are tiered down the natural slope of the land running down to the village. The proposed extension would have no more significant effect than with many properties and their neighbours.

With regards to design, this is subjective and with regards to materials, the use of slate would both visually lower the roof line and break up the length of the overall building, and be in keeping with the adjoining properties which all have slate roofs.

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Background (continued)

Further to this letter the applicant's agent has submitted plans of all of the existing dwelling to illustrate that it does not have six bedrooms as claimed by an objector, but has two bedrooms on ground floor and a third bedroom and children's play room at first floor for the applicant's three children. Consequently lack of space is a real issue when family friends visit.

Members may recall that this application was deferred at the last Committee Meeting following late observations received from the Environment Agency in order that a Flood Risk Assessment be carried out, to assess the impact of the proposal on surface water run-off and the risk of flooding of neighbouring properties that might occur. The applicant's agent is liaising with both the Environment Agency and Yorkshire Water to resolve this issue and it is anticipated that the additional information required and comments on the Flood Risk Assessment will be available at the Meeting.

Main Issues**Policy Context**

Development Policy 19 of the NYM Local Development Framework states that extensions and alterations to dwellings 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 and that the development does not adversely affect the amenities of neighbouring occupiers.

Development Policy 2 permits development where, amongst things, it will not lead to an increase in flood risk elsewhere.

Design and Materials

The proposed extension has been designed to be in keeping with the modern design of the existing bungalow. It would be constructed of materials to match the existing dwelling and materials used in the locality. It is considered that the combination of the drop in roof height and use of slate would break up the length of roofslope.

The extension is significant in size, but not unreasonably so in view of the fact that it incorporates a double garage. Furthermore, it would not detract from the character of the original dwelling or its setting, which is tucked away from the street scene of Church Lane.

Impact on Neighbouring Properties

The neighbouring properties, although at a lower land level than the application property have few windows which face toward the proposed development, as their primary outlook is facing southwards. The element of the development that is closest to and faces towards the row of cottages to the south east would comprise the gable end of the double garage. Furthermore, the proposed development would be situated to the north and west of the neighbouring properties and consequently would have little impact in terms of overshadowing or reduction of existing levels of day lighting. A gap of just under 4 metres between the garage and mutual boundary would remain what with the neighbours gap between their properties and mutual boundary provides a reasonable degree of separation. Conditions are recommended on any approval regarding obscure glazing and landscaping to mitigate the impact on visual amenity on neighbours. In view of this it is not considered that the proposed development would have an unacceptable impact on the amenities enjoyed by neighbouring properties.

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Drainage

The proposed extension would incorporate gutters and downpipes which would catch run-off from the roof and take that directly into the drainage system. The proposed driveway would be constructed of permeable material which would enable soakaway of rainwater. At the time of drafting this report the Flood Risk Assessment requested by Officers together with the drainage consultee comments upon it had just been received and sent out to the statutory drainage bodies for comments. Provided that the Flood Risk Assessment for the proposed development demonstrates that the development would not exacerbate any existing problems with regards to surface water across the site and consequently not have a detrimental impact on the amenities of neighbouring properties, the scheme is considered to comply with the relevant part of Development Policy 2 in relation to flooding matters.

Local Stability

In common with many sites in the Fylingthorpe area there is a difference in land levels between the application site and neighbouring plots. No substantiated evidence has been submitted that there is any particular land stability issues that would not be addressed through the normal Building Control approval procedures.

Recommendation

Subject to the Flood Risk Assessment not raising any significant flooding concerns, in view of the above it is considered that the proposed extension would be in accordance with Development Policies 2 and 19, thus approval is recommended.

Reason for Approval

The proposed extension would not have a detrimental impact on the character of the existing property or the amenities of the occupiers of the adjacent property or the character of the area and would therefore be in accordance with Development Policies 2 and 19 of the NYM Local Development Framework.