

Mrs. H. Saunders,
North York Moors National Park Authority,
The Old Vicarage,
Bondgate,
Helmsley,
York.

YO62 5BP

Dear Mrs Saunders,

We would like to register our concerns about the proposed development at "Tamarind" Old Church Lane, Fylingthorpe.

We have lived at "Alpha House" for 40 years - lost most of our view to the original build of "Tamarind". This latest development looks likely to remove what remained of our original view.

There was a spring in the field to the north of "Tamarind" which drained down the field to join the beck at the bottom near the playing field. This drainage was apparently affected & over the years, probably not helped by subsequent development & access roads to the north, our land has become increasingly wet. Also there have been times during heavy rain when water has run off the existing drive, down "Tamarind" steps & into the passage way that leads from Church Lane behind the "Melrose" properties to "Inglenook". Will the proposed access road, which will have a downward slope exacerbate this situation?

The proposed garaging & access road will inevitably 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 & we don't know to what height the proposed trees can grow, whatever, it will be to a greater height than the existing hedge which we trim back every year

Yours sincerely - A

Alpha House
Old Church Lane
Fylingthorpe
Wharfedale
North Yorkshire
YO22 4TR.

1st June 2010

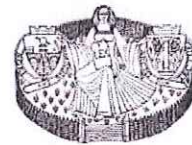
Ref:- NYM/2010/0386/FL





MJM Planning

Applications, Appeals and Advice



Chartered Town Planner

Mrs Hilary Saunders
Planning Service
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP



10 June 2010
My Ref: MJM/ABB/1
Your Ref: NYM/2010/0386/FL

Dear Mrs Saunders,

**OBJECTION in respect of Planning Application Ref: NYM/2010/0386/FL
Erection of Extension, Tamarind, Church Lane, Fylingthorpe, YO22 4PN**

I represent Mr and Mrs Abbott, the owners of Inglenook Cottage.

Inglenook Cottage is one of a row of residential properties that lie to the south-east of the proposed development site.

The CLG guidance "The Planning System General Principles" (2004) recognises that local opposition to a proposal is not in itself a ground for not granting planning permission, unless it is founded upon valid planning reasons. The Costs Circular (paragraph B21) states: *"While planning authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence."*

Having considered the Application information, the provisions of the Development Plan and supplementary planning guidance on design matters, the requirements of your own Authority's Validation Checklist/Guidance Notes for Householder Applications for Extensions together with information gathered on site and through discussions with Mr and Mrs Abbott and their neighbours Mr Jim Pell (Melrose Villas) and Mrs Dianne Philips (Melrose House), I have advised my clients to **object** to the proposals for the following reasons:



RTPI

mediation of space · making of place

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1. Potential for increased off-site flooding

Paragraph 3 of PPS 25 "Development and Flood Risk" confirms that all forms of flooding and their impact on the natural and built environment are material planning considerations. This includes flooding from land. Paragraph F5 of PPS 25 also confirms that the effective disposal of surface water from development is a material planning consideration in determining proposals for the development and use of land.

Paragraph 6 to Annex C to PPS25 states that:

"Intense rainfall, often of short duration, that is unable to soak into the ground or enter drainage systems can run quickly off land and result in local flooding. Local topography and built form can have a strong influence on the direction and depth of flow. The design of development down to a micro-level can influence or exacerbate this. Overland flow paths should be taken into account in spatial planning for urban developments. Flooding can be exacerbated if development increases the percentage of impervious area."

Paragraphs 3 and 4 of Annex F to PPS25 continue:

"The effect of development is generally to reduce the permeability of at least part of the site. This markedly changes the site's response to rainfall. Without specific measures, the volume of water that runs off the site and the peak run-off flow rate is likely to increase. Inadequate surface water drainage arrangements in new development can threaten the development itself and increase the risk of flooding to others."

To satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required, to manage surface water and the impact of the natural water cycle on people and property."

The proposed development site is higher than the row of properties to the south-east known as Inglenook Cottage, Melrose Villas and Melrose House and slopes down towards them. Mr and Mrs Abbott and their neighbours Mr Pell and Mrs Philips have confirmed that during periods of intense rainfall their properties are affected by substantial surface water run-off from the proposed development site.

Photographic evidence of such flooding is provided at Appendix 1. During intense periods of rainfall, water flows through and over the small wall at the bottom of Tamarind's garden, which forms the boundary with Inglenook Cottage, Melrose Villas and Melrose House. During these events, the neighbours have to use sandbags in order to prevent inundation of their homes by water. Mr and Mrs Abbott are particularly affected as the water flows along the passage way behind the wall and into their garden/yard area.

All three neighbours are concerned that the proposed development may exacerbate the existing problem that they experience. For example, a substantial area of new roofing will be provided in the proposed development that will yield extra surface water run-off.

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. Drawing 8643 indicates the use of crushed stone on the proposed access drive and turning area over Geotex fabric to 'facilitate surface water soakaway' and rainwater guttering for the new roofs discharging to soakaways, whilst the document entitled "Design and Access Statement" states that "mains drainage will be unaffected". These details, such as they are, do not allay the fears of the neighbours to the south-east. Soakaway to ground that

is saturated during intense periods of rainfall does not amount to sustainable drainage, especially when that ground is higher than adjacent property and the natural flow created by gravity is downhill.

The Northeast Yorkshire Strategic Flood Risk Assessment (2006) part-commissioned by the National Park Authority confirms that the following characteristics, inter alia often indicate that a site may have a high susceptibility to overland flow/groundwater flooding:

- at or close to sites of previous flooding incidents;
- downslope of areas of development without formal drainage systems
- downslope of areas of ploughed agricultural fields or other disturbed land
- at the break of slope, and;
- at a lower level than the ground or some other feature (e.g. road) downslope of the site, which may cause water to pond behind it.

(Section 8.6, page 61, Final Report by Arup)

The Environment Agency Flood Risk Maps do not include for flooding from land sources whilst the Northeast Yorkshire Strategic Flood Risk Assessment does not consider the issue outside key settlements. The local Validation Checklist/Guidance does not normally expect a Flood Risk Assessment either, for householder development.

However, the local knowledge provided in this representation clearly identifies the potential for increased off-site flooding as a result of this development proposal and therefore it is necessary for the planning decision-maker to address this matter.

Without the provision of sufficient information from the Applicant on the satisfactory resolution of this point, the Authority should adopt a precautionary approach in line with PPS 25.

2. Potential for Landslide

Paragraph 20 of PPG 14 'Development on Unstable Land' confirms that the stability of the ground in so far as it affects land use is a material consideration which should be taken into account when deciding a planning application.

Appendix A to PPG14 identifies potential causes of slope instability. Table A1 illustrates some of the processes affecting hillslopes, which may increase the likelihood of movement. These include the effects of water and gravity. Increases in water content due to heavy rainfall or alteration of drainage may increase water pressures and thus decreases the resistance to ground movement potentially resulting in a landslide.

Mention has already been made above of the topography of the proposed development site and the surface water/groundwater issues associated with this hillslope. 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.

Paragraph 17 of PPG 14 advises that where there are reasons for suspecting instability, the developer should determine by appropriate site investigations and geotechnical appraisal whether, inter alia:-

- the land is capable of supporting the loads to be imposed;
- the development will be threatened by unstable slopes on or adjacent to the site, and;
- the development will initiate slope instability which may threaten its neighbours.

Importantly, paragraph 22 of PPG14 also advises where development is proposed on land which the Planning Authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-

- the physical capability of the land to be developed;
- possible adverse effects of instability on the development;
- possible adverse effects of the development on the stability of adjoining land; and
- possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.

Finally, paragraph 34 of PPG14 states:

"When there are good reasons to believe that instability could make the ground unsuitable for the proposed development, or could adversely affect it or neighbouring land, a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability may be required before the application can be decided."

Annex A to the PPG is specifically concerned with landslides. Paragraph 28 advises that where there are grounds for believing that there is active or potential landsliding which would affect a proposed development, reservations can be overcome by a slope stability report prepared by a competent person, to demonstrate that the site is stable or can be made so and will not be affected by or trigger landsliding beyond the boundaries of the site.

These considerations apply to householder developments. Paragraph 29 of Annex A states:

"It is recognised that a large proportion of planning applications are for minor extensions to existing buildings and for garages and for changes of use. Where such "small developments" are situated on potentially unstable slopes ... they would normally require a slope stability report."

Without the provision of sufficient information from the Applicant on the satisfactory resolution of this point, the Authority should adopt a precautionary approach in line with PPS 14. Paragraph 42 of PPG14 in particular advises that granting planning permission conditional on site investigations is not necessarily appropriate where land stability is a primary issue and there is a need for an informed decision to be made about the very principle of development and its acceptability on this matter. Paragraph 28 to Annex A of PPG 14 also confirms that failure to satisfy a Planning Authority on slope instability considerations may be grounds for refusing an application.

3. Potential Effects on the Residential Amenity of Inglenook Cottage

Paragraph 29 of the CLG guidance "The Planning System General Principles" (2004) confirms that the protection of the residential amenity of the owners and occupants

of neighbouring properties to proposed development is a material planning consideration.

The Authority's own Design Guide states:

"Good design should avoid unacceptable levels of overlooking or overshadowing of the private areas of neighbouring houses and gardens and should avoid an unacceptable loss of outlook."

No Drawings entitled 'Existing Site Layout Drawing' or 'Proposed Site Layout Drawing' have been provided by the Applicant. This is **despite** the Local Validation Checklist for Householder Extensions requiring such information. The validation of an application without required information is perplexing.

The submitted Drawing 8643 entitled 'Proposed Floor Plans' shows that the proposed development is planned approximately 3.7 metres away from the boundary with Inglenook Cottage.

Drawing 8643 does not show any existing vegetation, landscape features or boundary treatments. Nor does it show adjacent properties/buildings, but it does show a new access drive and proposed tree planting in the form of 5 circles.

Drawing 8641 entitled 'Existing Elevations' and Drawing 8642 entitled 'Proposed Elevations' contain limited information on existing and proposed site sections and levels. The north-east elevation on Drawing 8642 does not show the proposed site section out to the edge of the proposed access road turning head let alone the site boundary. The south-west elevation on the same Drawing only shows the proposed ground level out to a distance of 1 metre from the proposed new sidewall.

There is an attractive mature beech hedge along most of the site's southern boundary.

Within the site there is also a mature *Leylandii* hedge running from the western end of the site's southern boundary with Inglenook Cottage in a north-westerly direction to the existing south-western corner of Tamarind.

No record was made of these features on the Planning Application Form despite the requirements of Question 7.

These features and their relationship to existing development are shown on Photograph 1 at Appendix 2.

Part 3 of the Authority's own Draft Design Guide SPD (March 2008) acknowledges that domestic garden hedgerows are important habitats and landscape features that should, where appropriate, be preserved within the National Park.

Photograph 2 at Appendix 2 shows that there is a gap in the beech hedge along part of Inglenook's rear boundary with the proposed site and that Tamarind is clearly visible. This existing situation is just about tolerable in terms of residential amenity.

The proposed extension will be much closer than this to Inglenook Cottage. It will incorporate a large glazed window to serve a proposed new dining room and a smaller glazed window to serve a proposed new utility room. There is no indication on Drawing

8642 whether the utility room window is to be obscure-glazed.

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 (given that they have their kitchen windows at ground floor level facing directly towards Tamarind).

Inglenook Cottage contains no windows in the elevation towards Tamarind. However, it does benefit from a small yard/garden area, which provides valuable private amenity space on this side of the property. As a result of the proximity and position of the new dining room window in the proposed extension, the difference in levels between the proposed development site and the Cottage's rear yard/garden area as well as the gap in the beech hedging, this yard/garden area is likely to be directly overlooked by the proposed development to an unacceptable extent.

Furthermore, the scale of the main proposed side elevation (6 metres high and 6.5 metre wide) combined with its proximity to the shared boundary, the difference in levels between the proposed development site and the yard/garden area (at least 1.2 metres) and the gap in the beech hedging, will produce an unacceptable overbearing effect (see Sketch Diagram at Appendix 3).

Whilst the hedge is attractive and provides vital screening for privacy, the adjacent passageway is extremely narrow (as evidenced by Photograph 3 at Appendix 2) and is generally in shade. Any further enclosure of this private space would be unacceptable. Hence, provision of close-boarded fencing along this boundary for example would be extremely oppressive and unacceptable in planning terms.

4. Inappropriate Design of the Proposed Extension

PPS1 'Delivering Sustainable Development' requires new development to demonstrate good design and this requirement is reflected in the Park Authority's LDF Core Strategy and Development Policies DPD (November 2008) and associated Design Guide SPD.

The position is neatly summed up in the Authority's leaflet 'Planning in the National Park' (June 2007):

"Design

The Authority requires a high standard of design for new development in order that new buildings conserve and enhance the special landscape quality and built environment of the National Park."

The proposed extension is a substantial proposal, which in basic design terms, involves two elements:

- A 'two-storey' component providing the bulk of the proposed new residential accommodation and double-garage, and;
- A single-storey component that links the 'two storey' component with the existing dwelling and incorporates a porch/entrance hall, cloakroom/toilet, utility room and dining room.

The existing dwelling is a one and a half storey property in natural stone construction with red pantile roof. There is a 'cat-slide' dormer and a roof light in the existing roof.

The public face of the dwelling is its north-east elevation. This measures 16.5 metres across.

The proposed extension will extend this frontage by a further 9.5 metres. Despite the set-down at ridge level, the proposed extension will produce an extremely elongated built form to the detriment of character and appearance of the host dwelling. The step-down of the ridgeline in the extension is undermined in visual terms by the provision of the under-storey garaging.

The design of the single-storey component that links the 'two-storey' component with the existing dwelling results in visual duality with its two conflicting mono-pitch roofs over the proposed new porch/entrance hall and contrasting solid/void composition. The inclusion of the small square window in the solid wall also looks odd.

The single storey component containing the new porch/entrance hall is a significant feature of the new elevation. It will project in front of the existing building line further than the small existing porch structure. The Authority's own Design Guide states:

"One of the difficulties in designing a porch extension is getting the scale right. There are many examples where the porch is oversized, overly ornate or projects excessively from the front elevation of the property making it appear very prominent in relation to the rest of the house."

The Guide also states:

"Side extensions which project forward of the main building are unlikely to be acceptable."

The inclusion of the pitched-roof dormer at eaves level and roof light in the two-storey component also appear unrelated to the pattern of fenestration in the elevation of the existing dwelling. The Authority's Design Guide states:

"Windows and doors should be well proportioned and well related within the elevation, reflecting the proportions and style of the existing dwelling."

Furthermore, the Guide states:

"The use of dormers on the front elevation will generally be inappropriate unless the street or local area is characterised by existing dormers on the front elevation."

The document entitled 'Design and Access Statement' submitted with the Application contains no analysis of local character and does not provide any justification for the dormer.

The roof is proposed to be blue/black slate not red pantiles. The Authority's Design Guide states:

"materials should match the existing in type, colour and detail."

The document entitled 'Design and Access Statement' submitted with the Application does not provide any justification for the use of slate instead of pantiles.

All in all, the appearance of the extension on this elevation 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.

The adverse impact of the design of the side elevation on the residential amenity of

Inglenook Cottage's owners has already been discussed above at 3.

I look forward to your acknowledgement of this objection.

Yours sincerely,



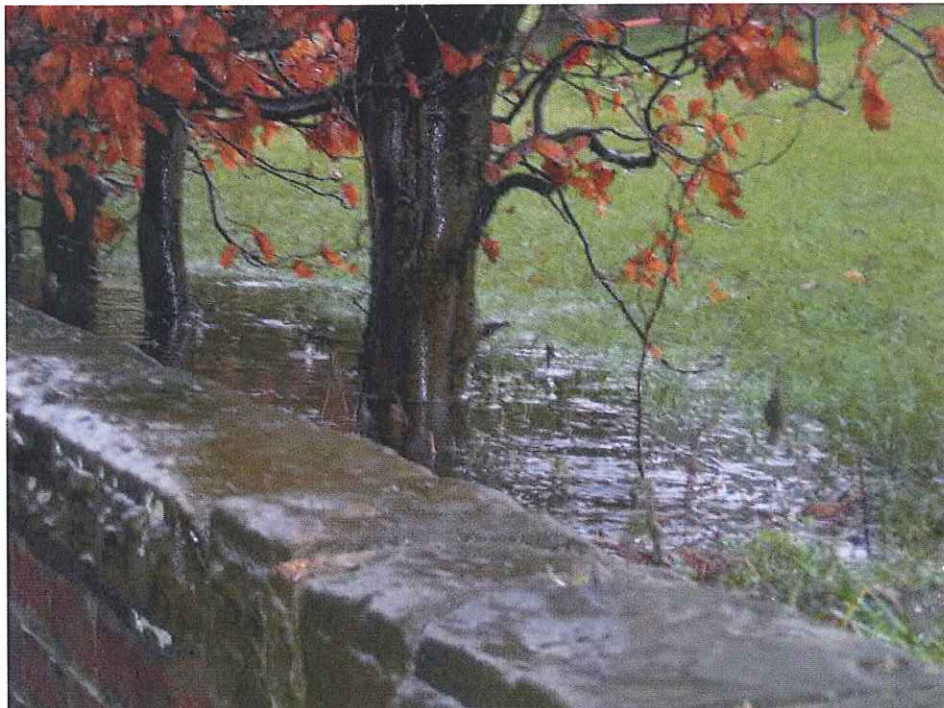
M J McLoughlin BA (Hons) Dip EP (Dist) MSc (Dist) MRTPI
Consultant Chartered Town Planner
Corporate Member of the Royal Town Planning Institute

NYMNPA
10 JUN 2010

Appendix 1: Photographic evidence of flooding



Water running down the proposed development site



Water ponding behind the boundary wall



**Water flooding out of the bottom of the boundary wall.
Notice sandbags at base of doors opposite.**



**The supply of sandbags
that need to be stored close to hand**

NYMNP
7 JUN 2010

**Appendix 2: Photographs of the Proposed Site and its relationship to
Inglenook Cottage**

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7th JUN 2010

Photograph 1



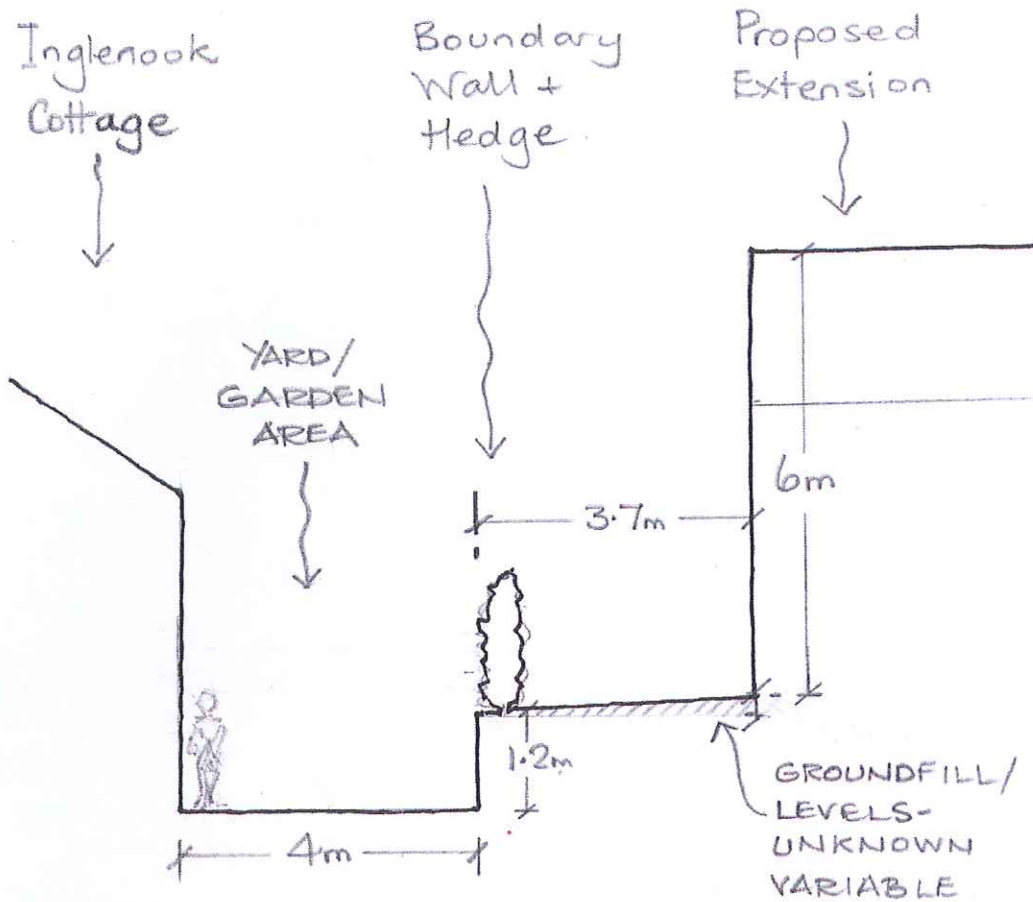
Photograph 2



Photograph 3



NYMNP
1st JUN 2018



DIAGRAMATIC REPRESENTATION OF CROSS-SECTION THROUGH BOUNDARY. (APPROX DIMENSIONS)

APPENDIX 3 - SKETCH DIAGRAM

NYMNPA
16 JUN 2010