



The Planning Inspectorate

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Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO6 5BP

Your Ref: NYM/2008/0668/FL
Our Ref: APP/W9500/A/09/2102150/NWF
Date: 7 August 2009

NYM/NPA
- 7 AUG 2009
CB

Dear Mrs Farnell

Town and Country Planning Act 1990
Appeal by Carl Boddy
Site at Hillcrest, Broxa, Scarborough, YO13 0BP

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

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Yours sincerely

Keith Long



Appeal Decision

Site visit made on 6 July 2009

by Peter Nock BA DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
7 August 2009

Appeal Ref: APP/W9500/A/09/2102150

Hillcrest, Broxa, Scarborough YO13 0BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Boddy against the decision of the North York Moors National Park Authority.
- The application (Ref NYM/2008/0668/FL), dated 22 August 2008, was refused by notice dated 27 November 2008.
- The development proposed is the conversion of the garage/workshop into living accommodation and for its use for holiday lettings.

NYM/PA

- 7 AUG 2009

Decision

1. I allow the appeal and grant planning permission for the conversion of the garage/workshop into living accommodation and for its use for holiday lettings at Hillcrest, Broxa, Scarborough in accordance with the terms of the application (Ref NYM/2008/0668/FL), dated 22 August 2008 and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The converted building hereby permitted shall be used solely as ancillary accommodation to the main dwelling house known as Hillcrest and for holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for periods not exceeding a total of 28 days in any one calendar year.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or storage buildings shall be erected.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the conversion hereby permitted, including the roof, doors and windows, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
 - 5) No development shall take place until details of the proposed access, parking and turning arrangements have been submitted to and approved in writing by the Local Planning Authority.
 - 6) The means of vehicular access shall be laid out and constructed in accordance with the approved plans prior to the commencement of development and retained for its intended purpose thereafter.

- 7) Before the converted building is brought into use the parking and turning arrangements shall be constructed and be available for use in accordance with the approved plans and retained for their intended purpose thereafter.
- 8) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in section 6 of the submitted bat survey dated 2 October 2008.

Procedural Matters

2. Having considered the information provided with the application and the subsequent appeal submissions, it is my understanding that the proposed development is to convert part of the existing single storey buildings to the rear of Hillcrest into living accommodation. The single storey structure is not a new building, although recently renovated, and is not a separate building or annexe. Although the proposed conversion would have the facilities for an occupier to live independently, it would not be a separate dwelling but would remain as part of Hillcrest. The appellant also wishes to use this accommodation for holiday lettings. I have therefore amended the description of the development and will determine this appeal on that basis.

Main Issue

3. I consider that the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located within the small village of Broxa, set within the North York Moors National Park. It comprises a two storey semi detached dwelling and garden with a linked single storey building to the rear. Planning permission was given in 2006 to renovate the single storey building and the work was carried out in 2007. The current proposal involves the conversion of that building to provide extra living accommodation in the form of a single bedroom independent living unit that can be used for holiday lettings and by visitors and family.
5. The designation of the area as a National Park is intended to give it the highest degree of protection in relation to the landscape and its scenic beauty. The most relevant policies are those in the North York Moors National Park Authority's Local Development Framework (LDF) adopted in 2008. Policy J of the Core Strategy directs new housing developments to sustainable locations while Development Policy 8 restricts the conversion of buildings to those that are of architectural and historic important and make a positive contribution to the landscape of the National Park.
6. The single storey section of Hillcrest, subject of this appeal, is, in my view, visually part of and subservient to the main house. As such I do not consider that it should be treated as a separate traditional rural building but rather as part of Hillcrest, which is a traditional two storey dwelling that makes a positive contribution to the character and appearance of the village. As regards the current appearance of the single storey element, the Authority in granting planning permission for its renovation in 2006, must have considered that it

was worthy of retention at that time and that the alterations proposed met the policy requirements.

7. The main visual impact of the proposed alterations would, in my view, be the replacement of the mono pitch roof with a duo pitched roof of red pantiles. I consider this would be a positive benefit reflecting the appearance of the single storey building on the adjacent plot. No additional openings are proposed and the arrangement to replace the garage door would not, in my view, have a significant adverse impact given its scale and its location in relation to the main house and the public highway. As a result I do not consider that the proposed works would have an adverse impact on the appearance of Hillcrest such that it would look out of place in its surroundings and have a harmful impact on the landscape. I also do not consider its occupation for holiday lettings would have an adverse impact, given there is sufficient parking on site. In conclusion I do not consider that the conversion of the single storey section into living accommodation as proposed would have a harmful impact on the landscape or the scenic beauty of the National Park.
8. The prime objective of policy J relates to the provision of new housing in the National Park. The current proposal however is to extend the living accommodation into an existing part of Hillcrest and to allow its use for holiday lets. A suitable condition can be attached to ensure that it remains part of Hillcrest. As regards the loss of the garage and any subsequent need for extra buildings on the site, the appellant has indicated that he already has storage buildings on site and is willing to accept a restriction on further building on the site. I consider that this can be achieved by attaching a condition to the decision limiting permitted development rights.
9. I consider that 8 conditions should be attached to the decision. Although the Authority has recommended 9 conditions, the conditions I am proposing to attach, in my view, reflect those recommendations. The first condition is the standard time condition. Conditions 2, 3 and 4 are to protect the character and appearance of the appeal site and the surrounding area. Conditions 5, 6 and 7 are required in the interests of highway safety. The final condition is to minimise any potential impact on endangered species.
10. For the reasons given above and having regard to all matters raised, I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the North York Moors National Park and would not be contrary to Core Strategy Policy J and Development Policy 8 of the LDF.

Peter Nock

INSPECTOR

