

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Fylingdales	App Num. NYM/2011/0771/FL
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Proposal: Construction of flat roof with 4 no. velux windows over existing utility room and store

Location: Saxon Villa, Thorpe Lane, Fylingthorpe

Applicant: Mr Des Weston, Saxon Villa, Thorpe Lane, Fylingthorpe, Whitby, North Yorkshire, YO22 4TH

Date for Decision: 10 January 2012 **Grid Ref:** NZ 494479 505135

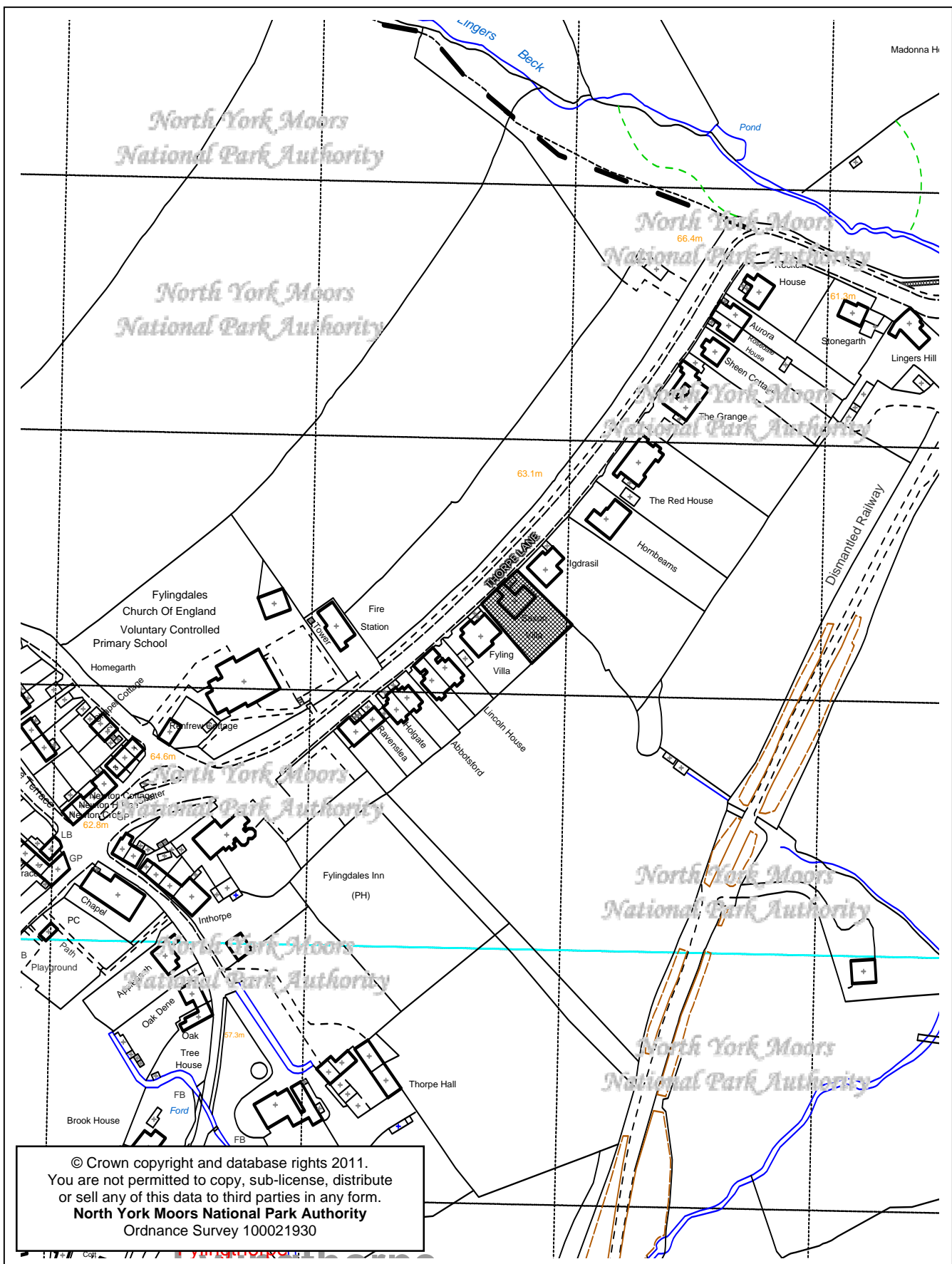
Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP03 Original plans amended by plans and letter received on ...
3. GA31 Obscure glazing - non fixed light
4. MT03 Stonework to match
5. MT41 Windows - match existing
6. MT72 Black coloured rainwater goods

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 that the details of the development comply with the provisions of NYM Core Policy A and Development Plan Policy 3.
3. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
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 & 6. 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.




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Scale: 1:2036 



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Consultations

Parish - No objection.

Site Notice Expiry Date - 26 December 2011.

Others - Roland and Lynn Wigley, Igdrasil, Thorpe Lane, Fylingthorpe - Object. The most intrusive part of any guest house is the kitchen and laundry rooms producing noise from crockery, extractor fans and waste water. Currently the kitchen overlooks their own driveway so noise and smell is only experienced by them. Concern that the noise nuisance caused by the re-location of the kitchen and deliveries to the kitchen will occur at unsociable early hours. Disturbance will affect us as we and our visitors will have to pass the commercial kitchen to reach our front door; our first floor lounge used to enjoy evening sun would look directly down on Saxon Villa's new kitchen (and the view from window and rooflights would be reversed) and seclusion of this room would be taken away and our enjoyment of it reduced/eliminated; our plans to install large windows or patio doors at ground level would be shattered; peaceful breakfasts on our south facing patio would be disturbed as prevailing winds would carry Saxon Villa's noises and smells and finally our bedroom window faces south and with it open it is inevitable that instead of hearing the local wildlife we will smell and hear the new kitchen. Recommend refusal as we consider it is unfair and unreasonable for us at Igdrasil to have our peaceful existence permanently spoilt simply to help our neighbour attempt to increase business turnover. Request that planning permission is refused for the roofing and creation of a habitable room that could be converted to a kitchen. If planners were to approve the application request that a number of conditions should be attached which include, triple, non-opening and obscure glazing of the proposed side window and rooflights; the existing door be permanently blocked up and re-located to the other side of the building; alternatively a condition imposed that it is never glazed, it is sound proofed and fitted with self-closing springs so it is never left open and that any air extraction or waste water must be directed on to the Saxon Villa's own property and not towards Igdrasil or Thorpe Lane.

Background

Saxon Villa is a substantial six bedroomed Victorian stone under pantile detached property located within a ribbon of development on Thorpe Lane, Fylingthorpe into Robin Hoods Bay. The majority of the properties 'back' onto this road and their front aspect and principle elevation overlooking Robin Hoods Bay. Most are used as either bed and breakfast properties or holiday homes but some remain as private dwellinghouses.

In July 2011, the ownership of Saxon Villa changed and planning permission was approved for the change of use of the property to be run as a guest house, using five out of the six bedrooms as guest rooms. Previously, Saxon Villa had been run as a small bed and breakfast facility but under the threshold that would constitute change of use.

This application seeks full planning permission for the construction of a flat roof over an existing utility room and store, incorporating 4 no. rooflights. Together with the installation of a ground floor window in the side elevation and an increase in height of a small section of the side parapet wall to make it of equal height. The Government introduced new permitted development rights for warehouses, schools, offices and shops in 2010 however there are no permitted development rights for guest houses. The existing roof is not visible from the streetscene due to the parapet wall and is half glazed and half red tile. This application proposes to replace the roof with a flat grey mineral felt including four flat rooflights. This would allow the existing utility room and store to be used as a kitchen to serve the guest house and family (with family diner) and for the original kitchen to be used as a private bedroom for the owners.

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Main Issues

The main issues to consider with this application are whether the design and materials proposed for the replacement roof and wall are of high quality and appropriate for the host property and whether the proposal would lead to an increase in activity to the detriment of the surrounding area and neighbouring occupiers.

Policy Context

The relevant NYM Local Development Framework policies are Development Policy 3 (Design) and Development Policy 14 (Tourism and Recreation). Development Policy 3 of the NYM Local Development Framework states that in order to maintain and enhance the distinctive character of the National Park, development will only be permitted amongst other things where a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

Impact on Neighbouring Properties

A letter of objection has been received from the occupiers of the neighbouring property, Igdrasil, not on the grounds of the changes to the appearance of the property but the 'knock on' impacts on the grounds that if a commercial kitchen were to be established in this part of Saxon Villa, the enjoyment of their home would be severely reduced as it would overlook their property. The owners of Igdrasil feel that noise and smell nuisance would disturb the quiet enjoyment of their home and garden, particularly the enjoyment of evening sun. The objectors conclude with a recommendation of refusal, however, if approval is recommended by the Planning Authority they feel a number of conditions should be attached which include, triple, non-opening and obscure glazing of the proposed side window and rooflights; the existing door be permanently blocked up and re-located to the other side of the building; alternatively a condition imposed that it is never glazed, it is sound proofed and fitted with self-closing springs so it is never left open and that any air extraction or waste water must be directed on to the Saxon Villa's own property and not towards Igdrasil or Thorpe Lane.

The concerns of the neighbour have been noted and Officers have requested that the proposed ground floor side window is obscure glazed to eliminate any overlooking. However, the Local Planning Authority does not consider that the rooflights or existing door would have a significant negative impact on the residential amenity currently enjoyed by Igdrasil. The side door is an existing feature and the existing roof is half glazed and as such the glazed area of the new roof would be smaller than the existing. Amended window plans are awaited and Members will be updated at the Meeting.

In response to the neighbours' concerns regarding the use of this space as a commercial kitchen, Members are advised there is no material change of use involved, the owners do not need planning permission to carry out the internal alterations required to accommodate this use as the building is not listed and change of use of the property to a guest house was granted last year. As such, the commercial use of the kitchen is not part of the considerations of this application but rather it is the external alterations proposed that are the relevant consideration.

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Impact on Neighbouring Properties (continued)

However, the Environmental Health Officer has been consulted and their comments are awaited. Members will be updated at the Meeting. In addition to this, Officers have spoken to the applicants who have verbally indicated that their hope is to create a kitchen to serve the bed and breakfast customers which can also be used as a family dining space and a letter of clarification is expected. Whilst it is not expected that the kitchen and dining room shall be regularly used to provide evening meals for guests using the bed and breakfast facility, it must be noted that the original permission for change of use did not restrict guest meals to breakfasts only, rather that the dining room shall only be used for guests and that it shall not be used as a 'restaurant'.

Design and Materials

The design and materials proposed for this development are considered to be commensurate with the host dwelling and wider area. The roof will not be readily visible from Thorpe Lane due to the parapet wall and whilst it may be regrettable to lose the detailing on the wall, the property is not listed and not within the village Conservation Area so the increase in height will obscure views of the flat roof.

Recommendation

The proposed alterations at Saxon Villa are considered to be of a scale, design and materials which are commensurate with the host property and would not detract from the character and appearance of the area. The use of the property as a guest house has been considered and approved under a previous application. The Parish Council have no objections to the development and in view of the above approval is recommended.

Reason for Approval

The replacement roof and insertion of an obscure glazed ground floor window at Saxon Villa are considered to be small scale improvements which are of a style and design commensurate with the host property and surrounding area. The use of the property as a guest house has previously been considered and this proposal is not expected to generate and increase of activity levels at the site to a degree which would significantly reduce the amenity currently enjoyed by neighbouring occupiers. The proposal is therefore considered to comply with Development Policies 3 and 14 of the NYM Local Development Framework.