

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Egton</b>	<b>App Num. NYM/2012/0200/FL</b>
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**Proposal:** Variation of condition 3 of planning approval NYM4/032/0083D/PA to allow the annexe to be used as a holiday cottage together with formation of vehicular access and erection of timber shed (part retrospective)

**Location:** The Old Mill, Broom House Lane, Egton Bridge

**Applicant:** Mr David Simons, The Old Mill, Broom House Lane, Egton Bridge, Whitby, North Yorkshire, YO21 1UZ

**Date for Decision:** 23 May 2012

**Grid Ref:** NZ 480233 505236

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP00 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

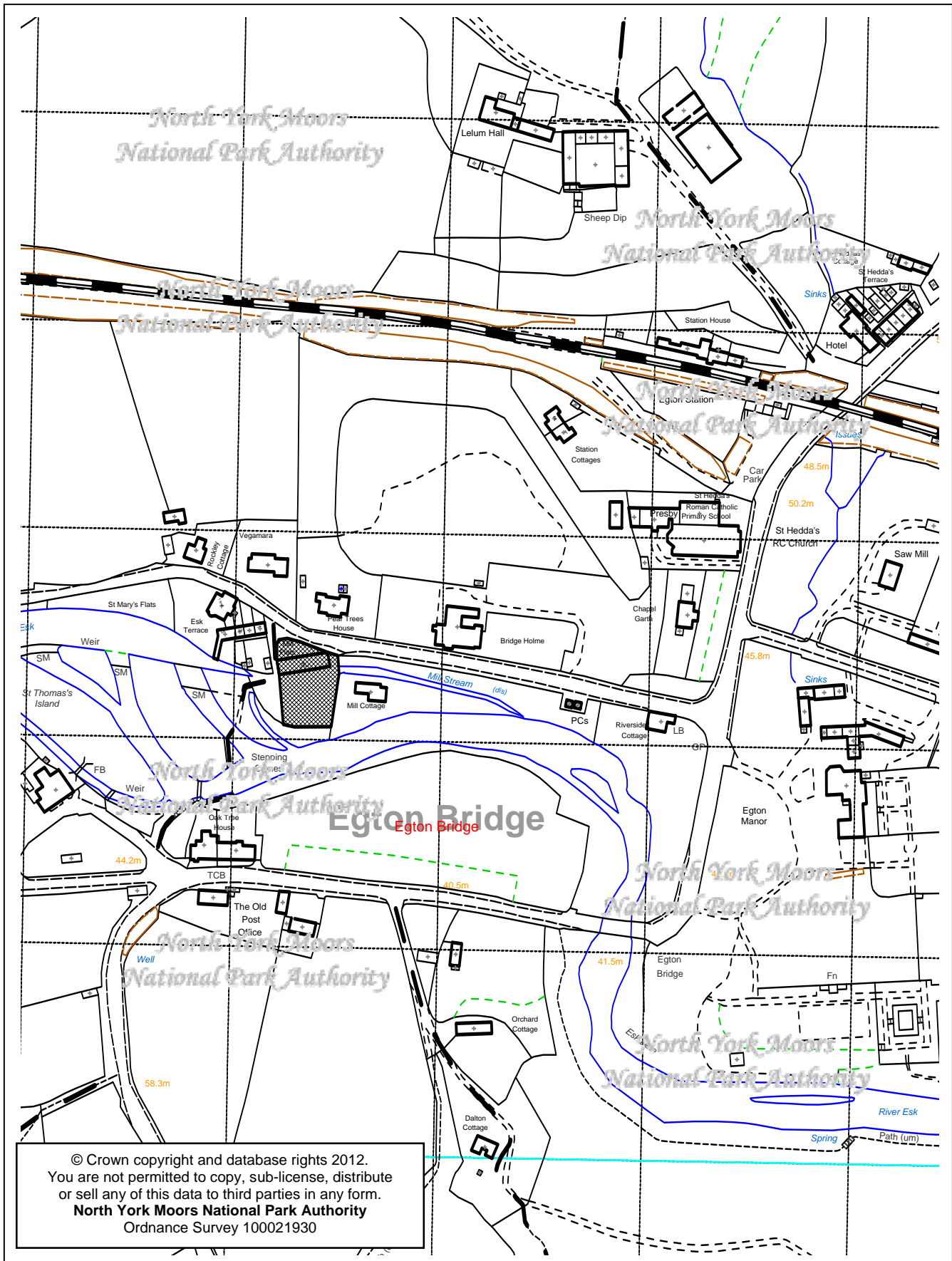
<b>Document Description</b>	<b>Document No</b>	<b>Date Received</b>
Floor Plans	D5373-02	28 March 2012
Location Plan	N/A	28 March 2012
Shed Specification	N/A	28 March 2012
Drive Material Plan	N/A	12 April 2012

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. RU15 Holiday unit sold or leased separately – inside villages
4. LS11 Details of access surfacing to be submitted

#### **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. The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling and to accord with NYM Development Policy 19.
4. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.



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 Tel: 01439 770657

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Scale: 1:2500



The Government Standard

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### **Consultations**

**Parish** - Comment that the proposed driveway may cause parking problems with the neighbouring cottages.

**Highways** -

**Advertisement Expiry Date** - 27 April 2012.

**Others** - **Sir George Sweeney and Lady Susan Anne Sweeney**, 2 Esk Terrace, Egton Bridge  
**Mr and Mrs Nellist**, Mill Cottage, Broom House Lane, Egton Bridge  
**Patricia Mould**, 175 Malborough Avenue, Hull  
**Mr Robert Gibson**, 3 Esk Terrace, Egton Bridge  
**Colin Brown and Kidson Solicitors on behalf of Mr and Mrs D White**, 5 Esk Terrace, Egton Bridge  
**Mr and Mrs D White**, 5 Esk Terrace, Egton Bridge  
**Mr and Mrs Ellis**, Pear Trees House, Broom House Lane, Egton Bridge

All of the above object to the proposed development due to the potential loss of car parking associated with the neighbouring land and impact on road safety.

### **Background**

Egton Mill, known formerly as Mill Flats, is located in the centre of Egton Bridge, adjacent to the River Esk. The building is not Listed but is a large building in a prominent location within the village Conservation Area. A Public Right of Way passes to the west of the site. A previous application approved a scheme for the formation of a single dwelling house and a residential annexe.

The site's planning history dated from 1949 when permission was granted for the Mill's conversion to form three estate worker's dwellings. Various permissions were granted in the 1950s for extensions and freestanding buildings in connection with the estate sawmill and offices. Permission was refused in 1992 for an elaborate scheme to convert the building into four dwellings. In August 1997 permission was granted for a four dwelling scheme, that scheme envisaged three car spaces in the front garden off a central drive and retained two informal spaces for neighbours. The current conversion resulted from a 2001 approval which allowed the formation of a dwelling and attached residential annexe together with rear garage in addition to an existing flat. That scheme kept the whole front garden clear of parking.

The current application is to allow an amendment to a condition attached to this consent to allow the use of the annexe as holiday accommodation. The application also proposes the erection of a garden shed in the rear garden of the property and the formation of a car parking space to the front of the property. The car space would be close to the boundary and pass across an informal parking area used by neighbours.

The application has come about through an enforcement enquiry following commencement of development of the driveway.

The applicant has been advised that neighbours consider there are private access concerns and legal implications concerning the access. Notwithstanding the outcome of any private access dispute, an alternative scheme has been suggested by Officers providing a parking space accessed from the applicant's existing drive. The applicant has declined to follow this suggestion in preference for the proposed scheme.

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**Main Issues**

The main issues are whether the proposed development will preserve and enhance the character and appearance of the Egton Bridge Conservation Area; whether the proposed development will have any detrimental impact on parking and road safety and whether the proposed development will have any detrimental impact on residential amenity in the vicinity of the application site.

**Policy**

Core Policy G of the NYM Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas.

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

Development Policy 14 of the NYM Local Development Framework 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.

Development Policy 19 of the NYM Local Development Framework states that proposals for extensions or alterations to dwellings, or other development within the domestic curtilage 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; the development does not adversely affect the amenities of neighbouring occupiers, or that of the existing dwelling and that annexe accommodation is ancillary to the main dwelling and will remain under the control of the occupier of the main dwelling.

**Residential Amenity**

The proposed change in the condition to allow the original annexe as a holiday cottage will change the character of the use to a degree, but this is not considered to have any detrimental impact on the amenity of any neighbouring property. Vehicular traffic associated with the development is not likely to be any greater than at present. The change to the condition is considered to comply with Development Policy 14.

The formation of the parking space and the erection of the garden shed in the rear garden will have no detrimental impact on residential amenity.

**Car Parking and Public Right of Way**

There is an existing, informal, parking area between the application site, where the proposed driveway is to be formed, and the highway. Local residents who have parked on this area of land over a number of years claim that a right to use this land has been established by these and former residents over a number of years.

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**Car Parking and Public Right of Way (continued)**

The right or otherwise to access a piece of land is not considered to be a planning matter in this case. The formation of the proposed driveway does not confer any rights on the owner of the proposed drive to access it and does not preclude the existing parking from continuing. However, should the existing parking continue to operate as at present, the proposed drive could not be physically accessed by car. Planning must only consider material planning considerations and in this case the right of access is considered to be a private legal matter.

The matter has been discussed verbally with the Highway Authority who have indicated their initial view in that as the driveway is served from private land rather direct onto the public highway there is not likely to be any highway safety concerns.

**Character and Appearance of the Conservation Area**

The proposed shed is not visible from any public space within the Conservation Area. The shed is a standard domestic shed. The proposed driveway will be formed in gravel with setts around the edges to prevent gravel creep. There are a number of driveways in the vicinity including a concrete drive in front of the Mill buildings. The proposed shed and driveway is not considered to have a detrimental impact on the character or appearance of the Conservation Area.

**Conclusion**

The proposed change to the condition controlling occupancy of the previously granted annexe unit, the erection of a garden shed and the formation of a driveway will have no detrimental impact on the character or appearance of the building, residential amenity in the vicinity of the property or the character and appearance of the Conservation Area. The access to the car parking space is considered to be a legal matter and as such only the physical development of the parking area is considered here. The development does not therefore result in the loss of any parking spaces.

Approval is recommended.

**Reason for Approval**

The proposed development will have no detrimental impact on the character or appearance of the Conservation Area, road safety or residential amenity and is considered to accord with the provisions of Core Policy G and Development Policies 4, 14 and 19 of the adopted North York Moors Local Development Framework.