



The Planning
Inspectorate

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Temple Quay House
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Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:

Our Ref:

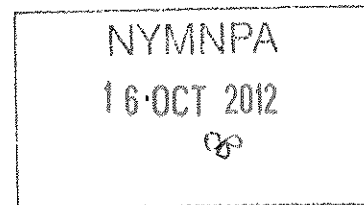
APP/W9500/D/12/2182178

Date:

16 October 2012

Dear Mrs Farnell

Town and Country Planning Act 1990
Appeal by Mr R Crosbie
Site at 5 Mill Lane, Iburndale, YO22 5DU



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

If this appeal is subject to an application for costs, a decision on any application will follow separately, as soon as possible.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on _____ or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on _____

If you have made an application for costs and have any queries about it you should contact:



Costs and Decision Team
The Planning Inspectorate
Room 3/25
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 1

Yours sincerely

Dianna Wride

COVERDL1HAS

*You can use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

NYM/PA
16 OCT 2012



Appeal Decision

Site visit made on 4 October 2012

by **G M Garnham BA BPHIL MRTPI**

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

Decision date: 16 October 2012



Appeal Ref: APP/W9500/D/12/2182178

5 Mill Lane, Iburndale, Nr Whitby, North Yorkshire, YO22 5DU

- 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 Robert Crosbie against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2012/0315/FL was refused by notice dated 27 June 2012.
 - The development proposed is demolition of ground floor conservatory and erection of 2 storey extension to create additional bedroom and ensuite shower room.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a ground floor conservatory and the erection of a two storey extension to create additional bedroom and ensuite shower room at 5 Mill Lane, Iburndale, Nr Whitby, North Yorkshire, YO22 5DU in accordance with the terms of the application Ref NYM/2012/0315/FL, dated 10 May 2012, the plans submitted with it and the revised drawing no. 2037/2C and site location plan submitted thereafter, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan stamped "11 JUN 2012" by the Council; and drawings no. 2037/1, 2037/2C & 2037/3.
 - 3) No development shall take place until details of the materials and means of construction to be used for the external surfaces of the extension hereby approved have been submitted to and approved in writing by the National Park Planning Authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The site visit had been arranged on an "access required" basis at the request of the appellant. In the event, no one was present at the time of my site visit. I carried out the visit unaccompanied. I consider that I saw all I needed to in order to consider the merits of the proposal and to come to a conclusion. No interests would be prejudiced as a consequence.

Main Issues

3. I consider that these are the effects of the proposal on firstly, the character and appearance of the building; and secondly, the living conditions of the occupiers of nearby residential properties.

Reasons

4. The appeal property is a modest cottage at the north end of a short terrace. The existing gable end has an original ground floor lean-to attached to it, beyond which there is a conservatory of more recent construction. The proposal is to remove the conservatory and extend the main gable out to the extent of the conservatory. This would add a good sized bedroom and ensuite to a 2 bedroom cottage, and improve ground floor accommodation.
5. The changes since a previous scheme was refused include reducing the sizes of the new windows and omitting a rooflight to the first floor shower room. I understand that a previous planning permission in 2003 that has since lapsed was similar to what is now being proposed.

First main issue – effect on character and appearance

6. Because it would be built on the existing lean-to, the front and rear faces of the extension would follow those of the host house. However, the eaves and ridge lines would be set down significantly which, with the stone copings and chimney stack on the main gable being retained, would show a clear distinction between the host and the extension. The use of natural stone copings with carved kneeler stones on the extension, to match the existing, would ensure that historical character is respected and maintained.
7. The width of the extension would be more than that of the present 2 storey part of the house. Nonetheless, the existing footprint would not be exceeded. In addition, it is not very clear from the outside where the boundary is between no.5 and no.7. The latter has a ground floor window very close to external door into the lounge at no.5, while at first floor level a blank window straddles the boundary. As they do now, both the house and the extension at no.5 would have a door onto Mill Lane. Overall, I consider that the extension would be in scale with the host house and in keeping with the design and appearance of both no.5 and the terrace as a whole. It would be a relatively small addition to the terrace within a tight knit hamlet of modest properties in an informal layout. The removal of the out-of-character conservatory would also improve the appearance of the building and the locality.
8. The drawing shows stone detailing to match the existing house and the use of conservation rooflights. I consider that, in the interests of properly reflecting the character and appearance of the original dwelling, a condition needs to be imposed to enable the Authority to approve the means of construction of the external surfaces as well as to ensure that materials match the existing. In addition, otherwise than as set out in this decision and conditions, and for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans.
9. Subject to these conditions, I conclude that the proposal would preserve the character and appearance of the building. There would be no conflict in this respect with Development Policy 19 in the North York Moors National Park Core Strategy and Development Policies document (2008). Among other things, this

policy requires that the scale, height, form, position and design of new householder development does not detract from the character and form of the original dwelling or its setting in the landscape.

Second main issue – effect on living conditions

10. The back wall of the main house and at least part of the extension directly abut the large garden of no.7 to the rear. The extension would add to the mid to late afternoon overshadowing of part of the garden. It would also increase the extent of 2 storey development abutting the garden. There would be little or no effect on outlook from within the house at no.7. The garden is large, and on higher ground than ground level at the appeal site. Consequently I consider that the proposal would not adversely affect the use of or outlook from the neighbour's garden to the extent that planning permission should be withheld.
11. The occupiers of no.7 are also concerned about the effect that construction works might have on the health of one of them, who is recovering from a stroke. I have sympathy with this predicament, but personal circumstances and construction effects would not normally outweigh the longer term planning merits of a proposal. I have no overriding grounds on which to take a different view in this case.
12. The front of the appeal property is quite close to that of no.2 on the opposite side of Mill Lane. The latter is on lower ground than the appeal property, but is angled away from it towards the north. The nearest part of no.2 is already overlooked by the existing first floor window at no.5. The additional rooflights would be further away from no.2 than the existing window, much smaller in size and at a good height above bedroom floor level. In these circumstances I consider that there would be no material or unreasonable increase in overlooking and loss of privacy. Similarly, outlook from the front of no.2 would not be excessively affected and overshadowing would not continue after mid morning. The main private area of no.2 appears to be at the rear, and this would not be affected by the proposal.
13. I conclude that the proposal would not have an unduly adverse effect on the living conditions of the occupiers of nearby residential properties, in terms of overbearing effect, overlooking or loss of sunlight. There would be no material conflict with Policy 19 in this respect.

Overall conclusion

14. Residents have also objected to the effect of the extension on additional traffic and parking problems and the use of the property as a holiday let. I consider that the extension would be unlikely to add significantly to the amount of traffic or parking generated by the property. I understand that the use of the property as a holiday let perpetuates the existing use and this is not a matter that I am in a position to influence.
15. I am not persuaded that any of the objections raised to the proposal should outweigh my conclusions on the main issues. Consequently I conclude overall that planning permission can be given and I uphold the appeal.

G Garnham

INSPECTOR

