

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Eskdaleside-Cum-Ugglebarnby</b>	<b>App Num. NYM/2012/0315/FL</b>
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**Proposal:** Construction of two storey extension following demolition of conservatory (revised scheme to NYM/2011/0437/FL)

**Location:** 5 Mill Lane, Iburndale

**Applicant:** Mr Robert Crosbie, Acre House, 44 Outchthorpe Lane, Outwood, Wakefield, West Yorkshire, WF1 3HS

**Agent:** Easdale Lane, The Cottessmore, Carleton, Pontefract, West Yorkshire, WF8 3RW

**Date for Decision:** 06 July 2012

**Grid Ref:** NZ 487291 507090

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP01 Original plans amended by plans received on 7 June 2012 and location plan received on 11 June 2012
3. MT03 Stonework to match
4. MT15 Natural clay pantiles to be used
5. MT60 Windows and doors - timber
6. MT41 Windows - match existing
7. GA31 Obscure glazing – non fixed light
8. MT54 Conservation rooflights only
9. MT70 Guttering fixed by gutter spikes
10. 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 the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
- 3 & 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 to 10. 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: 1:1250 



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**Consultations****Parish -****Highways -****Site Notice Expiry Date - 22 June 2012.**

**Others - Doug and Andrea Johnson, 3 The Row, Iburndale -** Our objection to Mr Crosbie's current application remains basically the same as that to his previous proposal, namely, that in seeking to harvest additional income from the property by significantly increasing the accommodation capacity he is actively encouraging additional vehicle congestion in this small hamlet, and, regrettably, dismisses any need to talk to residents about it.

Further, in light of the reasons given for refusal of the previous application, curiously accompanied by the departure from the hamlet of one of the previously directly affected residents, we believe the proposed 'amendments' are merely a guise to enable Mr Crosbie to re-submit a basically unaltered plan which in no way even attempts to address the reasons supporting the original refusal – Development Policy 19. Mr Crosbie's pursuance in this matter clearly indicates to us at least, that the character and harmony of the hamlet are prices worth paying for the enhancement of his portfolio, and the income from it.

**Robert Arnott, 2 Mill Lane, Iburndale, Sleights -** The proposed extension to this property is far too large and would be an overdevelopment of the site. Furthermore as our house is directly opposite, I feel that it would be overbearing, and our property would suffer from the loss of light and outlook. The proposed windows would have views of our upstairs accommodation and they would remove any privacy from our house. I would consider a rebuild of the ground floor conservatory to be more appropriate.

**Mr & Mrs JB Lockley, 7 Mill Lane, Iburndale -** Regarding the re-application the reasons for the refusal in August 2012 remain unchanged. The scale, height and massing of the proposal are unchanged and therefore the extension will be larger than the host property. The extension appears like a second house. Our rows of cottages are 156 years old and an extension of this scale diminishes the traditional character and aspect of this historic Yarrow Cottage terrace. Furthermore, the proposed extension will be first part of the terrace viewed as you approach Mill Lane which we believe will be a detrimental first impression.

The proposed extension would still adversely impact on the level of amenity enjoyed by our property as unusually the rear walls of No. 5 lay directly in our garden and there is no boundary between the properties at the rear. The massive two storey extension will present a dominant feature that will majorly impact on our family privacy as more guests to No. 5 will be able to peer directly into our garden. We would like you to appreciate that with two young boys and a father who has suffered a stroke, we really do not need more strangers making an already stressful and upsetting event into a 'circus event' for tourists. Furthermore, the extension will reduce the levels of daylight into No. 2 Mill Lane which is facing No. 5. We have also observed that we would have markedly reduced daylight into our rear garden from 5pm which would markedly affect our much valued family time after school and into the early evening, this is particularly special now and we want to preserve it.

**Robert and Alyson Elder, 1 Brookside, Iburndale -** We are at a loss as to see why this application is being considered on the basis that your reasons for rejection in August 2011 have not changed. Also with consideration to the scale of the proposed extension, with the additional door access to the front elevation, it is considered a reasonable assumption that the owner is ultimately planning to create two separate dwellings.

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**Mrs Elaine Arnott, Chapel Cottage, 2 Mill Lane, Iburndale** - My property at Chapel Cottage, 2 Mill Lane is directly opposite 5 Mill Lane. The proposed development has two sky lights at second floor level and facing my property. As my property is of lower elevation than 5 Mill Lane, it is of concern to me that my first floor bedrooms can be overlooked from these sky lights. The cottage at present sleeps a maximum of three persons, but by putting a double bedroom and an ensuite shower room this now makes the property attractive to up to five persons. However I note with disappointment that no plans to change the small car parking facility at the property comes with this application. There is currently not enough parking for the residents of this hamlet and with the potential for two or more cars (over a 30 week per year occupancy level), with drivers unfamiliar to the level of difficulty in navigating round these tiny roads I fear for the safety of ramblers, dog walkers and children who are very frequent travellers along these narrow roadways around the cottage. On viewing the plans online, I can crudely calculate that the width of the roof extension is actually larger than the current roof and thus the size, height and square footage of the extended first floor is an overbearing development and not in character with the other charming and (presently) similar sized cottages in this terraced row.

**Juliet Simpson, 3 Mill Lane, Iburndale Lane, Whitby** - Objects as the proposed development is in order to create more income, the extension is large and will spoil the original character of the cottages, the development will result in road safety issues due to greater vehicular traffic and insufficient parking.

### **Background**

This application is a revised application for construction of a two storey extension following demolition of a conservatory (revised scheme to NYM/2011/0437/FL) at 5 Mill Lane, Iburndale.

Members may recall this application was on the August 2011 planning agenda. Whilst the scheme was recommended for approval by Officers, Members refused the application based on the scale, height and massing of the proposed two storey extension and if constructed Members considered it could adversely impact on the level of amenity currently enjoyed by the occupiers of the neighbouring property whose garden is overlooked by No. 5 and could also present a dominant feature which would reduce the levels of daylight currently enjoyed by the occupiers of the property facing No. 5 Mill Lane.

5 Mill Lane is a modest end of terrace cottage constructed of stone under a pantile roof situated in the tight knit hamlet of Iburndale, approximately 3 kilometres south east of Whitby. The property is accessed via a narrow, unadopted lane leading from Iburndale Lane. The settlement is characterised by traditional stone built cottages and small terraces of modest dwellings which are scattered with little regular 'street pattern'. Space between the properties is limited and amenity space for parking and bin storage is also limited.

5 Mill Lane is a traditional property situated on the east side of Mill Lane. The property comprises a lounge, small kitchen, ground floor bathroom and two bedrooms (one is the result of an attic conversion). The kitchen and bathroom are provided by a single storey stone and pantile lean-to extension to the side and beyond this is a modern and rather unsympathetic flat roof conservatory/dining room extension.

This application seeks full planning permission for the construction of a two storey side extension following the demolition of the existing conservatory to provide a third bedroom with ensuite facilities. The extension would occupy the same footprint as the existing arrangement of single storey accommodation to the side and measure approximately 3.5 metres to eaves 6 metres to ridge, incorporating a step down of 0.5 metres from the ridge height of the main dwelling. The proposed extension would retain the existing front door to the kitchen and proposes a reduced nine pane window to the side of the door. The gable elevation as submitted proposes a set of four fully glazed folding doors to serve the dining room with a reduced four pane sliding sash bedroom window above.

Background (continued)

There are no new openings proposed for the rear, 2 no. small rooflights are proposed for the front facing roofslope. The only apparent change to this revised application is the omission of a rooflight to the rear roofscape and in all other respects the application is as presented to Members last August.

### **Main Issues**

#### **Policy Context**

The relevant NYM Local Development Framework policies are Development Policy 3 (Design) and Development Policy 19 (Householder Development). Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

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.

The main planning policy issues are therefore considered to be whether the proposed extension is of a scale, height and design commensurate with the host dwelling and whether the extension would adversely affect the character of the dwelling and its surroundings together with the impact on the amenities of neighbouring occupiers.

#### **Design and Materials**

Officers have negotiated some further improvements to the finer design detailing in order to better unite with the guidance as set out in Part 2 of the adopted Design Guide in respect of the scale of the window openings. As such amendments have been made to reduce the size of the proposed window to the front elevation (to a nine pane rather than 16 pane) and first floor gable end (four pane rather than nine pane) which will better reflect the traditional character of properties in Iburndale.

Ordinarily the Authority would usually seek to reduce the gable width of new extensions in order that they are subservient to the host building and as such Officers have raised it with the applicant's agent but given the existence of the full width lean-to extension which would remain, a reduction in gable width is not possible as it is intended to build off the existing kitchen and bathroom walls. The latter currently comprises a retaining wall to the garden at the rear and would be difficult to reconstruct without disruption to the adjoining owners garden and loss of space within the bedroom if the front wall was inset it would foul the door opening between the kitchen and living room. The step down in ridge and eaves height ensures that the extension will appear subservient to the host dwelling and whilst it may be viewed as being wider than the host property, there is no increase in footprint of development to the side and as such the proposal remains as essentially a first floor extension.

The existing flat roof conservatory is not considered to be of a high quality design or materials and in fact is not considered to contribute positively to the appearance of the dwelling. Officers consider that the proposed extension would serve to complement the existing ground floor extension and in respect of Development Policy 19 the first floor extension which would be constructed from more traditional materials would fit in with the locality and be compliant in policy context.

### **Impact on Neighbouring Properties**

Objections have been raised by residents of Iburndale on grounds of an unaltered scheme together with scale, overdevelopment of the site, loss of light and outlook, vehicle congestion, and unnecessary development for a property used as a holiday let.

Whilst the scheme will be in close proximity to the neighbouring properties, the scheme has been designed in line with the Authority's design approach to appear as a subservient addition in terms of its scale, height, form, position and design and in context with the wider setting.

The neighbours comments relate to issues of loss of light, outlook from close proximity and secondly the inclusion of overlooking from windows and rooflights. In terms of the context and character of the locality, most of these properties have secondary windows which are impaired by neighbouring extensions. The proposal is considered to be in keeping and replaces a potentially incongruous earlier addition and the resulting impact is not considered out of keeping with standards in the locality. The further reduction to the scale of window openings helps to alleviate any perceived overlooking issues.

The property itself, although currently used as a holiday let, could be used as a permanent residential dwelling without the need for a further planning permission and as such the proposal is considered as householder development and distinction between a holiday let and permanent residential accommodation is not relevant in this case. The comings and goings of holiday makers is not deemed to increase activity levels over and above those expected with a permanent residential use. Therefore the disturbance experienced by neighbouring residents would not be considered to be at an unsatisfactory level which might affect the quiet enjoyment of the locality. Furthermore, Officers do not consider that there would be undue levels of overlooking created by the proposed development.

### **Access and Parking**

With regard to access and parking, it is acknowledged that the settlement is not served by ample parking and the surface of the lane is of poor quality. It is understood that Mill Lane is a private access and therefore it is likely that parking issues would be considered a private matter, particularly in the event that visitors park in connection with other residents' property. The activity levels are not anticipated to be over and above the existing or what would be expected if the property were in permanent occupation. Officers are awaiting comments from the Highway Authority and Members will be updated at the Meeting in respect of this.

### **Recommendation**

In weighing up the proposal it is considered that the development respects the character and form of the host building in terms of scale, height, form, and position and will not have a detrimental impact on the original dwelling or impact on neighbouring residential amenity. The development replaces an incongruous ground floor addition and sympathetically introduces a subservient first floor above this with an overall enhancing effect. This proposal has been scrutinised against NYM Local Development Framework Policies 3 and 19 and the advice contained within adopted Design Guide together with those issues raised by objectors. Approval is recommended.

### **Reason for Approval**

The proposal for the demolition of the existing conservatory and replacement with a two storey side extension at 5 Mill Lane is considered to be of a scale, height, design and materials commensurate with the host property and surrounding area. The proposal is not likely to adversely affect the amenities of neighbouring properties and as such the proposal is considered to accord with the requirements of Development Policies 3 and 19 of the NYM Local Development Framework, together with the advice contained within Part 2 of the adopted Design Guide.