

North York Moors National Park Authority

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| Scarborough Borough Council (North) Parish: Hawsker-Cum-Stainsacre | App Num. NYM/2013/0670/FL |
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Proposal: Construction of single storey extensions to provide Bed & Breakfast accommodation

Location: 2 Mill Lane, Hawsker

Applicant: Mr & Mrs Heyes, 15 Beechfield, Hawsker, Whitby, North Yorkshire, YO22 4LQ

Agent: Markham – Inc, fao: Mr Philip Markham, Fairfield Cottage, Throxenby Hall, Throxenby Lane, Scarborough, North Yorkshire, YO12 5RE

Date for Decision: 02 December 2013 **Grid Ref: NZ 492493 507653**

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. WPDR08 Withdrawal of PD Part 1 Class A - No Additional Windows (east) (extension)
4. RSUO00 The en-suite bedrooms in the extension hereby approved shall not be used for residential purposes other than holiday letting purposes or as ancillary accommodation for members of the family of the occupier of the main dwelling known as 2 Mill Lane and shall form and remain part of the curtilage of this main dwelling as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
5. MATS04 Stonework and Roofing Tiles to Match
6. HWAY00 The en-suite bedrooms in the extension hereby approved shall not be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. THREE Rev B 06:11:13 Planning Rev – Proposed Plans dated 7 November 2013. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. RSUO00 There shall be no ancillary use of the bedroom within the main part of the house for any form of commercial Bed and Breakfast use without an express grant of planning permission.

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 NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.

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North York Moors National Park Authority
 Ordnance Survey 100021930



North York Moors National Park Authority
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP
 Tel: 01439 772700

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Reasons for Conditions (continued)

3. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. 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.
5. 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.
6. In accordance with NYM Development Policy 23 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. To avoid an over intensive use and to accord with NYM Development Policy 19 which seeks to protect amenity levels of neighbours by ensuring activity levels are compatible.

Consultations

Parish - Objects to this application. The extension and annexe will have a detrimental effect on neighbouring homes. It is not in keeping with the surrounding houses and is out of character with the intentions with which the houses were originally built. The extension and annexe will have an effect on the privacy of the neighbours and the Bed and Breakfast business could lead to unsociable noise and an increase in traffic which would be unacceptable to other people.

The intention of the Bed and Breakfast application to concrete the grass area for car parking will detract from the village green. The patio and bedroom next door will be overlooked because of the close proximity of the extension and annexe and the neighbours privacy will be invaded. The business is not suitable for a residential area. The Parish Council questions the change of use from residential to business. It is out of proportion and overbearing in size. Also the room sizes are too small. There could be a need for up to ten cars to be parked. The road is unsuitable for any additional parking. There is no demand for additional Bed and Breakfast in the area.

Highways -

Environmental Health Officer - No objections but request a condition restricting the use of the residential part of the extension so it cannot be used as a 'stand-alone' unit of accommodation. In addition the food business must comply with the food hygiene and health and safety regulations.

Site Notice Expiry Date - 11 November 2013.

Others - **Mr & Mrs Love**, 1 Mill Lane, Low Hawsker
Mrs J Belchamber, 3 Mill Lane, Low Hawsker
Mr Richardson, Owner of 1 Mill Lane, Low Hawsker

Object to the application for some or all of the following reasons:

- By reason of its size and siting would have an adverse impact on the scale and character of the dwelling.
- Represents an un-neighbourly form of development which would have an adverse impact on the amenity of neighbouring properties by reason of its size, siting and overbearing effect.

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- Layout and siting both in itself and in relation of adjoining buildings, spaces and views is inappropriate and unsympathetic to the appearance and character of the locality.
- By reason of siting would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupiers of neighbouring properties.
- Would give rise to noise, disturbance and nuisance to the detriment of neighbours residential amenity as a result of guests and vehicles coming and going.
- Reduces the amount of on-site car parking to an unacceptable level which would give rise to roadside parking to the detriment of the amenity of the locality.
- By reason of siting would lead to a fragmented form of development along the frontage of Mill Lane out of keeping with the open, rural and undeveloped character and appearance of the area.
- Possible creation of a parking area to the front of the property is out of keeping with the locality of grassed front gardens.
- By reason of massing, bulk and proximity of the extension and the side access within 2 metres of neighbours bedroom window would be overbearing and intrusive.
- By reason of the overall floor area would lead to an inappropriate form of development, detrimental to the open, rural and undeveloped character and appearance of the area;
- High density development involving the loss of garden to the detriment of the open aspect of the neighbourhood.
- Would have an adverse impact on the setting of Hawsker Methodist Chapel, a Listed Building.
- Increased traffic from the proposal will present an additional hazard to the ongoing daily community activities.
- Would result in a devaluation of neighbouring property.
- This is a quiet residential area and not a suitable location for a commercial business of Guest House/Bed and Breakfast.

Background

This application relates to a modern detached dormer bungalow built of coursed stone under a pantiled roof with white uPVC windows and doors. It is situated on the south side of Mill Lane close to the junction with the A171 Scarborough to Whitby road and Hawsker Methodist Church.

Planning permission is sought for the replacement of the existing flat roof double garage with a single storey side extension to provide two en-suite bedrooms which the applicant intends to use for Bed and Breakfast letting accommodation or for family or friends. The application as originally submitted also proposed a self-contained studio to be used as residential annexe accommodation however the applicant has agreed to remove this from the proposal. In addition the applicant has agreed to reposition the proposed entrance door to the two en-suite bedrooms from the side elevation to the front; reposition the window to the second bedroom from the side gable to the rear elevation and construct a pitched roof over the front part of the proposed extension.

As originally submitted the extension would be 14.3 metres long however the amended plans have reduced the length by 2.7 metres to 11.6 metres. The front elevation of the extension would be set back slightly from the front of the host building with a pitched roof but with lower eaves and ridge heights, beyond which the extension will have a flat roof of 3.1 metres max high above ground level.

In response to the objection received the applicant has responded as follows:

I will amend the plans in order to address the concerns raised. The front and rear roof elevation will now have a similar pitch to the existing property. I have removed the proposed Studio apartment, which reduces the area by some 18m² and also removes any form of increased encroachment onto both the neighbours privacy.

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Background (continued)

I have also incorporated an entrance door and hallway to the front of the proposed extension in order that guests will enter the building through this doorway in order that the proposed side pathway will not be used. I am also prepared to remove this pathway if requested as part of the planning conditions. The proposed side window to the second unit has now been removed and a window to the rear of the proposal has been incorporated into the new design in order to ensure the adjoining property is now not overlooked. The layout for the additional car spaces required in this proposal are in keeping with the surrounding area and given the size and footprint of the existing frontage this should not present a problem in order to incorporate it within the area of space available.

Hawsker and the surrounding areas is a tourist area with a mixture of Bed and Breakfast and holiday cottages and being a local person I am fully aware that tourism is major key player in keeping the local economy buoyant, especially over the winter months. During the summer season the demand for accommodation outstrips the supply available and the majority of residents are fully supportive of new establishments in order that the area continues to meet the growing demand of tourists visiting every year. This also has the added bonus of visitors supporting all the local business within the community of the village, which in turn ensures that they can continue to provide a much needed service to not only tourists but also to the local community in general.

Main Issues**Policy Context**

The relevant policies of the Local Development Framework are Development Policies 14 and 19.

Development Policy 14 seeks to ensure that new tourism development provides opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park in locations where the proposal can be satisfactorily accessed from the classified road network or by other sustainable modes of transport such as public transport, walking, cycling or horse riding and where the development will not generate an increased level of activity which would detract from the experience of visitors and the quality of life of local residents.

Development Policy 19 is supportive of proposals for extensions to dwellings provided that the scale, height, form, position and design does not detract from the character and form of the original dwelling or its setting and it would not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling.

The main issues to consider are whether the proposal would be in keeping with the form and character of the original dwelling and whether it would have an adverse impact on the residential amenity of neighbouring occupiers.

Principle of Use

The property lies on the edge of Hawsker which being within the National Park and in close proximity to the coast is within a wider tourist area offering a range of tourism accommodation which makes the Park accessible to a greater number and variety of people. As such the Authority, under Development Policy 14, supports the provision of new tourist accommodation where the scale and design would not have an adverse impact on the character of the local area.

The applicant could operate an ancillary Bed and Breakfast business from the existing property without the need for planning permission provided that the primary use of the property remains as a single dwelling unit and the level of Bed and Breakfast use is ancillary to that primary use.

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Principle of Use (continued)

So as the property is currently a four bedroom dwelling, the applicants could let two of those bedrooms without any further permission from this Authority as a general 'rule of thumb'. It is therefore considered that this proposal for two en-suite bedrooms would be very much in line with activity levels of the dwelling which would retain four bedrooms for the owners private use and if Members are minded to approve the application a condition preventing the use of any more bedrooms as Bed and Breakfast accommodation is recommended. In addition a further condition preventing the en-suite bedrooms being used as long term letting units is recommended. As such it is not considered the proposal would conflict with Development Policies 14 and 19 in respect of the nature of the use particularly given the proximity to the A171.

Design

The property is a relatively modern dormer bungalow which is not of the local vernacular and is surrounded by equally modern properties. The proposed extension, as amended, would incorporate a pitched roof which would improve its appearance from the street scene. It would be set back from the front elevation and have a lower eaves and ridge height to ensure that it remains subservient to the host property. Materials and fenestration would also be to match. The remainder of the extension to the rear would essentially have a flat roof which owing to the local landform of sloping gardens means that it would largely be concealed by the applicant's garden and not widely visible from Mill Lane or the A171 Scarborough to Whitby road. As such it is considered that the proposed extension would not detract from the character and form of the original dwelling in accordance with Development Policy 19 of the NYM Local Development Framework and not conflict with the objectives of the NYM Design Guide for extensions.

The objectors refer to the adverse impact the proposed extensions would have to the setting of Hawsker Methodist Chapel, a Listed Building. However Members are advised that this building is not listed and lies next-door-but-one to the application property.

With regards to the levels of amenity space for the existing dwelling, the extension would occupy the site of the existing flat roof garage and patio to the side of the property and would not encroach on either the front or rear garden areas. As such it is considered that the proposed extension would not result in inadequate levels of amenity for the existing dwelling in accordance with Development Policy 19 of the NYM Local Development Framework.

Impact on Residential Amenity

In terms of impact on the neighbouring property to the east there is already a flat roof garage between it and the application property. The proposal would in effect extend this a further 5 or 6 metres to the rear covering the existing rear patio area which is cut into the existing garden. As such the extension, particularly the flat roof element which extends beyond the rear wall of the neighbouring property to the rear, would be lower than the garden to the property to the east and screened by the boundary fence. The applicant has agreed to relocate the entrance door to the proposed en-suite bedrooms from the side elevation to the front to address the neighbours' concerns regarding noise and disturbance from guests arriving and leaving alongside his property. In addition the applicant has agreed to relocate the window to the second bedroom to the rear elevation, again to address the neighbours' concerns regarding overlooking and loss of privacy.

In terms of immediate activity levels, as previously reported the applicant could operate a Bed and Breakfast business from the property as is without any further consent from this Authority. It is considered that the activity generated from two letting rooms and the associated traffic generation is not likely to adversely impact on the character of the area or the amenity of the neighbours.

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Impact on Residential Amenity (continued)

There is space immediately to the front of the proposed extension for two cars without interfering with the existing through drive to the property or necessitating further hard surfacing of the front garden.

As such whilst the proposal will have a minor impact on the amenities of the neighbouring occupiers in terms of additional activity at the property, it is not considered that the activity generated by two letting bedrooms, particularly given the amendments proposed by the applicant would be significantly detrimental so as to warrant refusal of the application.

In view of the above it is considered that the proposal complies with Development Policy 19 of the Local Development Framework and approval is recommended.

Contribution to Management Plan Objectives

Additional holiday letting accommodation would assist meeting the Authority's aspiration to increase overnight tourism (Business Policy 3).

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.