

**North York Moors National Park Authority**

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| <b>Scarborough Borough Council</b><br><b>Parish: Hackness</b> | <b>App Num. NYM/2014/0793/FL</b> |
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**Proposal:** erection of detached summerhouse and construction of stepped gabion basket (part retrospective)

**Location:** Rock House Lodge, Hackness

**Applicant:** Revd Andrew Allington, The Vicarage, 5 Belle Vue Crescent, Filey, North Yorkshire, YO14 9AD

**Date for Decision:** 22 January 2015

**Grid Ref:** SE492472 489298

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**Director of Planning's Recommendation**

**Approval** subject to the following conditions:

1. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations -
2. RSU000 The development hereby permitted shall be used for ancillary domestic use incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority. The structure shall form and shall remain as part of the curtilage of the main dwelling as a single planning unit.
3. GACS07 External Lighting - Submit Details

**Consultations**

**Parish** - No objection.

**Site Notice Expiry Date** - 23 December 2014.

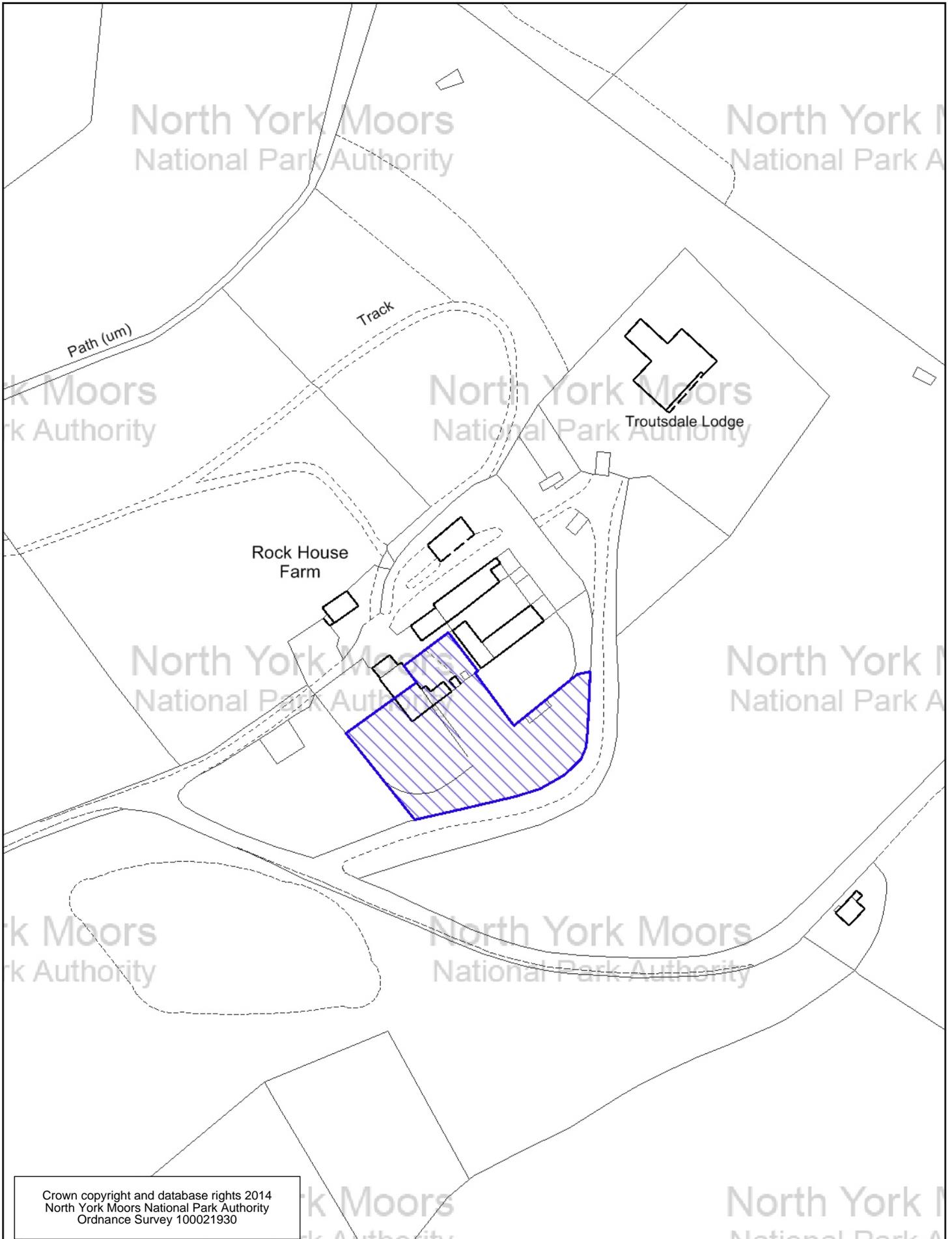
**Others - M E Palmer, Troutsdale Lodge, Troutsdale, Hackness** - Since the change in ownership of Rock House we have lost considerable privacy following the removal of a hedge and shrubbery which has been replaced by a stone wall and walkway which abuts our boundary. We understand that the log cabin will not be used by the owners' tenants thus opening up the possibility of a variety of uses. We have also been told by the owners that there will be no overnight staying. In our opinion the siting is far too close to our boundary and if permission is granted would result in a further loss of privacy. We run a B&B business and privacy and seclusion have always been a feature of why guests have repeatedly chosen to stay here. It will no longer be possible to maintain the same degree of privacy. The development is already under way.



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

Application Number: NYM/2014/0793/FL

Scale: 1:1500



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**Background**

Rock House Lodge is a fairly substantial stone under slate semi-detached property occupying a secluded location in Troutsdale, close to Hackness. The property benefits from a substantial garden which surrounds the property and slopes down to the side and rear where the majority of it cannot be seen from the public road. The garden is mainly down to lawn and previously had large shrubs and garden trees close to the southern boundary. However, the current owner has cleared some of the vegetation and has undertaken landscaping works including the installation of gabion baskets to create a path around the garden and has planted a variety of flowering bulbs. This southern garden boundary directly abuts the tree-lined vehicular access to Troutsdale Lodge; a detached property on higher ground approximately 100m to the north east of Rock House Lodge. Other than the vehicular access, Rock House Lodge and Troutsdale Lodge have no shared boundaries and there is therefore little issue of overlooking of either property.

This application seeks full planning permission for the erection of a timber summerhouse in the north east corner of the garden. The structure is orientated to take advantage of the views over the valley to the south east and would be in an area of the garden recently landscaped to provide a level footing with stone faced gabion retaining baskets to the rear. The proposed structure measures approximately 5.9 metres by 4 metres, 2.1 metres to eaves and 2.8 metres to ridge. The front elevation is characterised by a centrally positioned fully glazed French doors, flanked by narrow single casement windows and larger windows to the sides of these. The south-west side elevation also has a pair of French doors and a smaller window, the other side elevation has a single window whereas the rear elevation is blank.

Since the submission of the application, the proposed building has been erected and works are nearing completion.

**Main Issues**

The main issues to consider with this application are whether the proposal is compatible in terms of scale and design with the host property, whether it has an unacceptable landscape impact and whether it would cause harm to the residential amenity of neighbouring occupiers.

**Policy Context**

The relevant NYM Local Development Framework policies to this application are Development Policy 3 (Design) and Development Policy 19 (Householder Development) together with the advice contained within Part 2 of the Authority's adopted Design Guide.

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.

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**Policy Context (continued)**

The Authority's adopted Design Guide is used to add further detail to the development policies and forms part of the Local Development Framework. It is therefore a material consideration in the determination of planning applications. In relation to this application it states that the siting and design of structures such as sheds and greenhouses need careful consideration. Such structures should be small-scale and clearly ancillary to the main dwelling, located in unobtrusive positions not only in relation to host and neighbouring properties but also in the context of the surrounding countryside.

**Size and Design**

The proposed summerhouse is not an insubstantial structure. However, Officers consider that it is commensurate with the generous garden. Although a standard garden product, the design of the structure is acceptable and is proposed to be finished in an understated mushroom colour. The roof is clad with black bitumen shingle roof tiles.

**Siting, Landscape Impact and Impact on Neighbours**

As the development has now been erected on site, it is clear that the structure has a negligible landscape impact on the basis that only the very tip of the apex roof can be seen from the public road to the south.

However, concern over the siting has been registered by the occupiers of the (detached) neighbouring property. The summerhouse is close to the boundary between the garden and vehicular access to Troutdale Lodge. The owners are worried that this would result in a loss of privacy and impact on the seclusion they and their B&B guests currently enjoy. The neighbour has explained that the drive is used by guests as a quiet 'woodland' walk and she is concerned that the use of the summerhouse would reduce the enjoyment of their residential amenity.

Officers are satisfied that by reason of the distances between the proposed summerhouse and neighbouring property together with the orientation of the summerhouse and neighbouring property are such that overlooking and loss of amenity are not an issue.

**Proposed Use**

The applicant is the owner of the property but does not live there. Rock House Lodge is let to tenants and it has been brought to the attention of the Authority that the intention of the applicant is to use the summerhouse for their own private use, and that it would not be for an ancillary use in connection with the occupation of the dwelling on site. Officers raised this matter with the applicant and advised that it is usual for a condition to be attached to an approval to restrict the use of such buildings to be used only in connection with the occupation of the main dwelling. This applicant has provided written confirmation to Officers which states that the intention in erecting the summerhouse is to improve Rock House Lodge for letting by including it in the tenancy of the main house. However, it was hoped that for a five month period the structure could be used as a study base for the applicant while their daughter attended a local school. This would only be a temporary arrangement until a planned change in education occurred but the position of the Authority is understood and the applicant is willing to withdraw this element from the proposal.

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**Landscaping of Garden**

The application also seeks retrospective permission for the construction of stepped gabion baskets within the garden. The applicants have recently undertaken significant landscaping works to improve the garden which they advise was previously overgrown and derelict looking. The stone filled gabions act as a retaining structure along the lower garden boundary with a gravelled footpath being laid following the boundary of the garden. A further gabion structure has been installed to the rear of the proposed greenhouse, again acting as a retaining structure for the higher ground to the rear. Officers are satisfied that the gabion baskets do not result in any harm to the wider landscape in this domestic setting.

**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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received. Areas of concern have been discussed with the applicant and subsequently the Local Planning Authority has determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.