

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(North)  
Parish: Fylingdales

Application No. NYM/2017/0420/FL

**Proposal:** Construction of 2 no. dormers to rear elevation together with replacement sash window with uPVC to rear

**Location:** The Manse, Thorpe Bank, Fylingthorpe

**Decision Date:** 03 August 2017

## Consultations

**Parish** – Support as the proposal will be to the rear of the building and will not be seen. Also the applicant is trying to get what they are doing right and comply with the necessary regulations.

**Fylingdales Village Trust** -

**Site Notice Expiry Date** – 21 July 2017

**Others** - Mr John Legg, Grove Cottage, Thorpe Bank, Fylingthorpe – Objects for the following reasons:

- The proposed dormers would greatly erode the privacy to the rear of my property being only 4 metres from the boundary;
- The side elevation of the proposed dormers will be unsightly;
- The proposals conflict with the adopted planning policies covering works in a conservation area;
- Other application for dormers in Thorpe Bank have been refused and velux roof lights allowed instead (e.g. Burnside and Glenholm);

Sybille Hall, Saxon House, Thorpe Bank, Fylingthorpe – Objects for the following reasons:

- The dormer windows will encroach onto the privacy of the garden to the adjacent property Grove Cottage;
- It will adversely affect the historic character of this former manse and will be clearly seen when coming down the hill on the main road.

Allison Calvert, Flattlands, Aysgarth, Leyburn (daughter of Mr John Legg) – expresses the following concerns:

- Erosion of privacy to Grove Cottage;
- Untidy appearance and unauthorised developments to the rear of The Manse;

However in acknowledging the need to improve accommodation at the Manse suggest that if approval is granted the following should be taken into account:

- All rules and regulations should be complied with;
- Minimal building disturbance should be made;

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- All works should be aesthetically in keeping with the area including leaded cheeks to the dormers and no glass and slates to the dormer roof or lead;
- The privacy of Grove Cottage is maintained and not encroached upon further;
- The side gable window is not enlarged and is fitted with privacy glass.

### Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.						
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed plans and elevations</td> <td>NS2016/1 Rev. B</td> <td>30 November 2017</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed plans and elevations	NS2016/1 Rev. B	30 November 2017
Document Description	Document No.	Date Received						
Proposed plans and elevations	NS2016/1 Rev. B	30 November 2017						
3.	MATS17	The roof of the development hereby permitted shall be clad in natural slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.						
4.	MATS00	No work shall commence on the development hereby permitted until details, including samples, of the cladding to the dormer cheeks have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.						

#### Informative(s)

1.	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
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**Reason for Condition(s)**

1.	RSNTIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	RSNPLAN01	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.
3.	RSNMATS01	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.
4.	RSNMATS02	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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**Background**

The Manse is a substantial historic building situated at the heart of Fylingthorpe Conservation Area on one of the principal routes through the settlement. The name 'Manse' suggests an historic association with a local church or chapel and this association would explain the high status of the original building which is evident in the slate roof, finely tooled stonework and imposing façade. The floor plan suggests the potential presence of servants' bedrooms on the top floor which reinforces the high status of the building within the settlement.

The original building is built of coursed sandstone under a slate roof although there is a historic two storey brick lean-to extension to the rear elevation, also under a slate roof. In more recent years a white uPVC conservatory has been added to the rear elevation with the benefit of permitted development rights.

Planning permission was refused in December 2016 for a variety of alterations and extensions to the property comprising a dormer window to both the front and rear elevations of the original building; a wide box dormer to the lower roof slope of the brick extension which would replace a small existing dormer; and the retention of a timber clad lean-to extension to the conservatory with a flue. The reasons for refusal were:

1. Planning permission is sought for a variety of alterations and extensions to the property comprising a dormer window to both the front and rear elevations of the original building; a wide box dormer the lower roof slope of the brick extension which would replace a small existing dormer; and the retention of a timber clad lean-to extension to the conservatory with a flue.
2. The proposed dormer windows to the rear elevation will increase the potential for overlooking of the neighbours garden and result in a loss of privacy thereby adversely affecting the residential amenity of the neighbouring occupiers contrary to Development Policies 3 and 19 of the Core Strategy and Development Policies Document .

This application is for a revised and reduced scheme comprising the construction of two dormer windows to the lower roof slope of the brick extension to the rear elevation (one of which is a replacement of an existing dormer). Both dormers would have a cat slide roof to be clad in slate with uPVC weatherboard to the dormer cheeks and would be of a similar size, slightly bigger than the existing dormer which is to be replaced.

**Main Issues****Policy Context**

The relevant policies of the Core Strategy and Development Policies Document are Core Policy G (Landscape, Design and Historic Assets) and Development Policies 3 (Design), 4

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(Conservation Areas) and 19 (Householder Development). In addition Part 2: Extensions and Alterations to Dwellings of the Design Guide is relevant.

Core Policy G 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 3 seeks to conserve and enhance the character and local distinctiveness of the built environment and the landscape of the Park by requiring a high standard of design detailing, whether traditional or contemporary which reflects or complements that of the local vernacular. The scale, height, massing, proportion, form, size, materials and design features of any proposal should be compatible with the surrounding buildings.

Development Policy 4 seeks to ensure that development within a conservation area preserves or enhances the character and appearance 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 19 is supported of householder development where the scale, height, form, position and design detailing of the proposal does not detract from the character and form of the original dwelling or adversely affect the residential amenity of neighbouring occupiers.

The Authority's Design Guide is used to add further detail to the policies of the Core Strategy and Development Policies Document and forms part of the Local Development Framework. It therefore is a material consideration in the determination of planning applications. It states that poorly designed and unsympathetic modern dormers, which are often large in scale, can harm the character and appearance of the house and the wider area. In particular it advises that the use of dormers on the front elevation will generally be inappropriate unless the local area is characterised by existing dormers on the front elevation and that large flat roof box dormers give a horizontal emphasis and are inappropriate.

### **Impact on the host property and Conservation Area**

In both architectural and historic terms the application property contributes significantly towards the character and appearance of the conservation area although unsympathetic alterations have been carried out in the past which detract from the form and character of the host property and the wider streetscape. These alterations might explain why, despite the high status and quality of the original dwelling, it has not been designated as a listed building.

The applicant has significantly amended and reduced the scale of alterations proposed since the previous refusal and since the submission of this revised application. Officers welcome

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the omission of the dormers to the front and rear elevations of the original building and the reduction in the size and scale of the dormers to the rear brick extension from a single large shallow pitched box dormer to a pair of smaller cat slide dormers. Whilst Officers consider that two small scale, traditional styled, flat lead roofed dormers set higher into the roof slope would be most appropriate, owing to the internal floor levels the applicant has been unable to achieve this. The proposed dormers will protrude almost the depth of the brick extension with a very shallow pitched roof however they will be supported by the inner wall of the extension which would leave room for a row of tiles across the front face of the dormers. This is considered to be a significant improvement to the scheme and one which Officers feel would not detract unduly from the character and appearance of the host property or the wider conservation area.

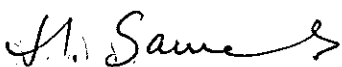
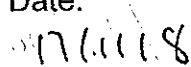
**Impact on residential amenity**

This revised proposal with the removal of the dormer to the rear elevation of the original building and the reduction in the size and amount of glazing to the dormers to the brick extension has significantly addressed the second reason for refusal regarding the potential for overlooking of the neighbours garden. The existing dormer causes some overlooking and loss of privacy, and whilst the proposal will introduce a dormer closer to the common boundary, given the juxtaposition of the two properties, any overlooking will be at an oblique angle and little more than afforded by the existing dormer window. As such it is considered that the proposal will not adversely affect the residential amenity of neighbouring occupiers in accordance with Development Policies 3 and 19 of the Core Strategy and Development Policies Document.

**Conclusion**

The requirement for development proposals to preserve or enhance the character or appearance of the conservation area applies with equal force whether or not the proposal is prominent or available to public view. Furthermore a core principle of the NPPF is to always secure development of good design and it advises that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of the area.

In light of this and the amendments that the applicant has made to the scheme it is considered that on balance the proposed development would not cause significant harm to the character and appearance of the host property or that of the surrounding conservation area in accordance with Core Policy G and Development Policies 3, 4 and 19, and the Authority's adopted Design Guide Part 2: Extensions and Alterations to Dwellings.

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**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.

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*A. Sawyer*

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