

North York Moors National Park Authority

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

Application No. NYM/2017/0503/FL

Proposal: change of use of land to domestic curtilage and erection of summerhouse and fencing (retrospective)

**Location: land adjacent to Field House
Robin Hoods Bay**

Decision Date: 25 December 2017

Consultations

Parish – Object because it is obtrusive and not in keeping with its surroundings. Also it is retrospective.

Site Notice Expiry Date – 4 December 2017

Others –

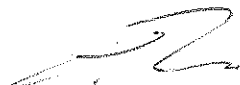
Ian & Alison Gardner, 2 Nookfield Close, Robin Hoods Bay – We live opposite the site. No objections to use of land as garden, but had been led to believe that the summerhouse and fencing meets your regulations. If this is not the case, then I make sure you will take this into account.

Director of Planning's Recommendation

Reason(s) for Refusal

1. The summerhouse and boundary fencing, by reason of their siting, height and dark colour, have an adverse and overbearing impact on the amenities of the occupiers of the adjacent dwellings. The development also results in an unduly obtrusive and dominant feature which results in a harmful urbanising impact and fortified appearance in this rural setting. As such the proposal would be contrary to the provisions of Core Policy A and Development Policy 19 of the Local Development Plan which require development to respect the character, special qualities and distinctiveness of the locality and not detract from the quality of life of local residents.

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Date:

15/12/17

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Background

Field House comprises the western half of a pair of semi-detached properties on the northern side of a cul-de-sac known as Nookfield Close in the upper part of Robin Hoods Bay.

Between the boundary of the domestic curtilage of the application property, and the shared road accessing all the properties on the Close, is a rectangular parcel of grass land in the ownership of the applicant. This application seeks planning permission retrospectively, for the change of use of this parcel of land into domestic curtilage, along with the construction of a close boarded boundary fence measuring approximately 2m in height but up to a maximum of 2.4m high due to ground levels. The summerhouse building measures 4.57m deep by 6.25m wide with a maximum height of 2.9m.

Both the fence and summerhouse are of timber construction, but have been stained black.

The parcel of land to which this application relates runs along the frontage of both the application property, Field House, and the attached dwelling. However, the summerhouse building is located immediately in front of the neighbour's front door, rather than in front of the applicants dwelling. The boundary fence immediately abuts the access road, and is directly overlooked by two properties opposite.

Main Issues

Core Policy A of the Local Development Plan seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Development Policy 19 of the LDP 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; and the development does not adversely affect the amenities of neighbouring occupiers.

Development Policy 20 of the LDP seeks to permit the extension of existing domestic curtilages where the land does not form an important amenity or open space and where the change of use will not have an adverse impact on the character of the landscape

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Firstly it is considered that the change of use of the land to domestic curtilage does not, in itself, have an adverse impact on the character of the area or amenities of adjacent dwellings.

However, both the summerhouse and boundary fence have both a detrimental impact on the character of the area and more particularly, the amenities enjoyed by neighbouring properties.

The fences height and dark staining, immediately abutting the access road, results in the loss of any visible soft landscaping within this Close, resulting in an overly urban appearance.

The applicant was advised at pre-application stage that if it were reduced in height to one metre, the visual impact would be greatly reduced and planting behind the fence would provide further privacy. However, the applicant has not taken this advice on board and has not amended the proposal.

The same considerations apply to the summerhouse. It has been sited immediately outside the neighbour's property, rather than the applicants, which is considered to be completely unneighbourly and has a dominant and overbearing impact on the amenities enjoyed by the occupiers of that property. Again, the applicants were provided with suggested solutions, which were relocating it to the opposite end of the site, and excavate into the slope of the land, adjacent the existing outbuilding in order to have a lesser impact on adjoining properties, and re- staining the outward facing side wall a much lighter colour. Again, these suggestions have not been taken on board.

In view of the above, the development undertaken is considered to have a detrimental impact on the amenities of the area and refusal is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Refusal (Amendments Requested and Declined)**

Negotiations have taken place prior to the application being submitted with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan and delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented.

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