



The Planning Inspectorate

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Fylingthorpe
WHITBY
YO22 4QE

Your Ref:

Our Ref:

T/APP/W9500/A/95/260979/P7

Date:

- 8 MAY 1996

NYMNP	
Rec'd	13 MAY 1996
Ack'd	
Ans'd	

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: NYM4/029/0366A/PA

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the North Yorkshire Moors National Park Committee to refuse planning permission in respect of an application for one dwelling and garden adjacent to Hillside, Sledgates, Fylingthorpe. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council at the application stage which have been forwarded to me. I inspected the site on 12 March 1996.
2. May I first confirm that the appeal relates to an application for full planning permission for the change of use of an existing two storey garage and store to a dwelling house.
3. From my inspection of the site and surrounding area and from my reading of the written representations, I consider the main issues in this appeal to be, firstly whether the existing building makes a significant visual contribution to the landscape and character of the North York Moors National Park sufficient to justify its conversion to a dwelling. The second main issue in my view is the effect of the proposal on highway safety.
4. The Development Plan for the area consists of the North Yorkshire County Structure Plan and the North York Moors Local Plan adopted in 1992 (NYMLP). The Structure Plan contains policy E1 which gives priority to the conservation of the landscapes and general amenity of the Park. Policies G2 and BC12 of the NYMLP have also been drawn to my attention as being particularly relevant in this case. Policy G2 seeks to ensure that development helps to preserve or enhance the natural and built environment of the National Park whilst policy BC12 deals with conversions to residential use outside villages and includes the requirement that conversions will be permitted where the building concerned "is of architectural and historic merit and makes a significant visual contribution to the character of the National Park". I am required to decide the appeal having regard to the Development Plan and to make my determination in accordance with it unless material considerations indicate otherwise.
5. On the first main issue, I saw that the building occupies an elevated position fronting onto a minor road and with the benefit of panoramic views across Robin Hoods Bay. It

stands in the grounds of "Hillside", a bungalow set higher up the slope behind the garage. The ground floor part of the building is rendered whereas the upper part is of block-work construction and has the appearance of being of recent construction. There is a pantile roof with a dormer window on one side and a velux rooflight in the other side. The building is constructed on a levelled area cut into a steep bank and this area had been widened to form a roughly surfaced parking area on the north side.

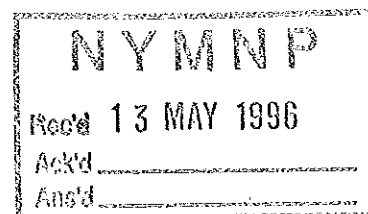
6. The windows shown on the submitted plan are all in existence and, as you have pointed out, the only significant external alteration required to convert the property is the replacement of the garage door with a wall and window. I have noted the account you have given in your letters of 26 October and 24 January of the process by which the building has acquired its present appearance. You argue that because the building exists in this form no harm would be done by converting it to a dwelling. However, it is clear from the policies applying in the National Park, there is no automatic right to convert existing buildings particularly in isolated positions outside villages. One of the key requirements is that the building should possess both architectural and historic merit. Apart from the recently added pantiles, the building is not constructed of traditional materials and nor is it of a design characteristic of the moorland edge. You accept that the building is of no special architectural quality and, from what you have said, it does not seem to have any historical significance. I consider, therefore that the building lacks the architectural and historic qualities necessary to qualify it for conversion under the terms of policy BC12.

7. The other strand to policy BC12 is that the building should make a significant visual contribution to the character of the National Park and in this respect, in view of its design, materials of construction and prominent roadside position, I consider that the existing building, rather than contributing, is in fact visually detrimental to the character of the area. In these circumstances the fact that it exists is not in my view a good enough argument to justify its conversion to a dwelling. I conclude on the first main issue, therefore that the building does not make a significant visual contribution to the character of the National Park and that it would constitute unacceptable development contrary to the requirements of the Structure and Local Plans for the area.

8. On the second main issue, I saw at my site visit that visibility to the north along the minor road is limited to approximately 50 to 60 metres compared with the 90 metres considered by the County Council to be a safe visibility distance. There is a concrete hardstanding between the garage and the road which you use for parking and manouvering purposes, although the County Council regards it as part of the highway verge. The road appeared to be lightly trafficked although it does serve as one of the accesses to the nearby school.

9. The conversion of the garage to an additional dwelling over and above your own would inevitably increase the number of vehicle movements on and off the site at a point where visibility is appreciably below the recommended level. Even though the road carries little traffic, I consider that the effect would be to increase the risk of accidents at this point and I therefore conclude on the second main issue that the development would be unacceptable in highway safety terms.

10. Turning to other matters raised in the written representations, I noted that it was possible to park two vehicles on the land to the north of the garage and one to the south. Assuming a car parking standard of two spaces per dwelling as suggested by the County



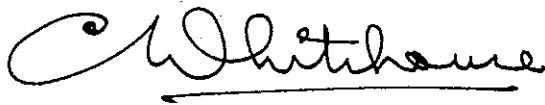
Council, the scheme could result in a demand for additional on site car parking. You have suggested that any shortfall could be made up by further excavation into the bank to enlarge the parking area but in my view such action would be contrary to the objective of preserving the natural beauty of the National Park. If further space is not made available in this way, it is likely that the scheme would result in additional car parking on the verge and highway to the detriment of highway safety and visual amenity.

11. I have had regard to your wish to accomodate your eldest son and his family in the building in view of his personal and financial circumstances. However, paragraph 38 of Planning Policy Guidance Note 1 - General Policy and Principles advises that personal circumstances are only exceptionally material to the consideration of a planning application and that where the works are of a permanent nature they will remain long after the personal circumstances have ceased to be material. Whilst having sympathy with the difficulties of finding affordable housing in rural areas such as this, I do not regard it as an overriding factor in this case.

12. I have taken into account all other matters raised in the written representations, but none is sufficient to override the considerations which have led me to my conclusions.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



C F B WHITEHOUSE BA(Hons) MCD MRTPI
Inspector

NYMNP
Rec'd 13 MAY 1996
Ack'd
Ans'd

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