

North York Moors National Park Authority Planning Committee

13 December 2012

Miscellaneous Items

(a) **Appeals**

- (i) The Secretary of State for Communities and Local Government has determined the following appeals made to him against decisions of the Committee:-

Location of Site/Appellant	Decision (Inspector)
5 Mill Lane, Iburndale, Nr Whitby, North Yorkshire, YO22 5DU	Appeal allowed Inspector: G M Garnham

Background Documents for This Item

1. Inspector's letter attached at **Appendix 1**.

- (ii) Set out below is information on dates/venues of inquiries/hearings:-

Appellants Name and Location	Method of Determination	Date of Local Inquiry/Informal Hearing	Venue
NYM/2011/0772/FL Mr Anthony Pooleman Old Rye Boarding Kennels, Hawnby	Hearing	5 February 2013	The Old Vicarage, Bondgate, Helmsley

- (iii) Appeals received:

Ref Number	Appellants Name and Location	Description
NYM/2012/0467/FL	Mr Stephen Vella Sutherland Lodge, Cropton	Installation of uPVC replacement windows and erection of building to house sauna/steam room (part retrospective).
NYM/2012/0508/FL	Mrs V M Cheney Hammer and Hand House, Hutton le Hole	Listed Building consent for retention of single storey rear extension as built.

(b) **Planning Applications Determined by the Director of Planning**

A list of planning applications determined by the Director of Planning in accordance with the Scheme of Delegation is attached at **Appendix 2**.

[NB: Members wishing to enquire further into particular applications referred to in the Appendix are asked to raise the matter with the Director of Planning in advance of the meeting to enable a detailed response to be given].

(c) List of Enforcement Matters Determined by the Director of Planning

A list of enforcement matters determined by the Director of Planning in accordance with the Scheme of Delegation is attached at **Appendix 3**.

(d) Planning Applications Outstanding for More Than 13 Weeks

A list of Planning Applications Outstanding for More Than 13 weeks is attached at **Appendix 4**.

[The individual files will be available for Members to inspect at the meeting].

Andy Wilson
Chief Executive (National Park Officer)

Chris France
Director of Planning



Appeal Decision

Site visit made on 4 October 2012

by G M Garnham BA BPHIL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 October 2012

Appeal Ref: APP/W9500/D/12/2182178

5 Mill Lane, Iburndale, Nr Whitby, North Yorkshire, YO22 5DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Crosbie against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2012/0315/FL was refused by notice dated 27 June 2012.
 - The development proposed is demolition of ground floor conservatory and erection of 2 storey extension to create additional bedroom and ensuite shower room.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a ground floor conservatory and the erection of a two storey extension to create additional bedroom and ensuite shower room at 5 Mill Lane, Iburndale, Nr Whitby, North Yorkshire, YO22 5DU in accordance with the terms of the application Ref NYM/2012/0315/FL, dated 10 May 2012, the plans submitted with it and the revised drawing no. 2037/2C and site location plan submitted thereafter, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan stamped "11 JUN 2012" by the Council; and drawings no. 2037/1, 2037/2C & 2037/3.
 - 3) No development shall take place until details of the materials and means of construction to be used for the external surfaces of the extension hereby approved have been submitted to and approved in writing by the National Park Planning Authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The site visit had been arranged on an "access required" basis at the request of the appellant. In the event, no one was present at the time of my site visit. I carried out the visit unaccompanied. I consider that I saw all I needed to in order to consider the merits of the proposal and to come to a conclusion. No interests would be prejudiced as a consequence.

Main Issues

3. I consider that these are the effects of the proposal on firstly, the character and appearance of the building; and secondly, the living conditions of the occupiers of nearby residential properties.

Reasons

4. The appeal property is a modest cottage at the north end of a short terrace. The existing gable end has an original ground floor lean-to attached to it, beyond which there is a conservatory of more recent construction. The proposal is to remove the conservatory and extend the main gable out to the extent of the conservatory. This would add a good sized bedroom and ensuite to a 2 bedroom cottage, and improve ground floor accommodation.
5. The changes since a previous scheme was refused include reducing the sizes of the new windows and omitting a rooflight to the first floor shower room. I understand that a previous planning permission in 2003 that has since lapsed was similar to what is now being proposed.

First main issue – effect on character and appearance

6. Because it would be built on the existing lean-to, the front and rear faces of the extension would follow those of the host house. However, the eaves and ridge lines would be set down significantly which, with the stone copings and chimney stack on the main gable being retained, would show a clear distinction between the host and the extension. The use of natural stone copings with carved kneeler stones on the extension, to match the existing, would ensure that historical character is respected and maintained.
7. The width of the extension would be more than that of the present 2 storey part of the house. Nonetheless, the existing footprint would not be exceeded. In addition, it is not very clear from the outside where the boundary is between no.5 and no.7. The latter has a ground floor window very close to external door into the lounge at no.5, while at first floor level a blank window straddles the boundary. As they do now, both the house and the extension at no.5 would have a door onto Mill Lane. Overall, I consider that the extension would be in scale with the host house and in keeping with the design and appearance of both no.5 and the terrace as a whole. It would be a relatively small addition to the terrace within a tight knit hamlet of modest properties in an informal layout. The removal of the out-of-character conservatory would also improve the appearance of the building and the locality.
8. The drawing shows stone detailing to match the existing house and the use of conservation rooflights. I consider that, in the interests of properly reflecting the character and appearance of the original dwelling, a condition needs to be imposed to enable the Authority to approve the means of construction of the external surfaces as well as to ensure that materials match the existing. In addition, otherwise than as set out in this decision and conditions, and for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans.
9. Subject to these conditions, I conclude that the proposal would preserve the character and appearance of the building. There would be no conflict in this respect with Development Policy 19 in the North York Moors National Park Core Strategy and Development Policies document (2008). Among other things, this

policy requires that the scale, height, form, position and design of new householder development does not detract from the character and form of the original dwelling or its setting in the landscape.

Second main issue – effect on living conditions

10. The back wall of the main house and at least part of the extension directly abut the large garden of no.7 to the rear. The extension would add to the mid to late afternoon overshadowing of part of the garden. It would also increase the extent of 2 storey development abutting the garden. There would be little or no effect on outlook from within the house at no.7. The garden is large, and on higher ground than ground level at the appeal site. Consequently I consider that the proposal would not adversely affect the use of or outlook from the neighbour's garden to the extent that planning permission should be withheld.
11. The occupiers of no.7 are also concerned about the effect that construction works might have on the health of one of them, who is recovering from a stroke. I have sympathy with this predicament, but personal circumstances and construction effects would not normally outweigh the longer term planning merits of a proposal. I have no overriding grounds on which to take a different view in this case.
12. The front of the appeal property is quite close to that of no.2 on the opposite side of Mill Lane. The latter is on lower ground than the appeal property, but is angled away from it towards the north. The nearest part of no.2 is already overlooked by the existing first floor window at no.5. The additional rooflights would be further away from no.2 than the existing window, much smaller in size and at a good height above bedroom floor level. In these circumstances I consider that there would be no material or unreasonable increase in overlooking and loss of privacy. Similarly, outlook from the front of no.2 would not be excessively affected and overshadowing would not continue after mid morning. The main private area of no.2 appears to be at the rear, and this would not be affected by the proposal.
13. I conclude that the proposal would not have an unduly adverse effect on the living conditions of the occupiers of nearby residential properties, in terms of overbearing effect, overlooking or loss of sunlight. There would be no material conflict with Policy 19 in this respect.

Overall conclusion

14. Residents have also objected to the effect of the extension on additional traffic and parking problems and the use of the property as a holiday let. I consider that the extension would be unlikely to add significantly to the amount of traffic or parking generated by the property. I understand that the use of the property as a holiday let perpetuates the existing use and this is not a matter that I am in a position to influence.
15. I am not persuaded that any of the objections raised to the proposal should outweigh my conclusions on the main issues. Consequently I conclude overall that planning permission can be given and I uphold the appeal.

G Garnham

INSPECTOR

List of Planning Applications Determined by the Director of Planning
for the Period from 08/11/2012 to 29/11/2012
in the Following Order and then by District:
Delegated Planning Applications;
Post Committee Applications;
on Expiration of Advertisement;
on Receipt of Amended Plans and Further Observations;
Approval of Conditions;
Applications Adjacent to the Park (3024);
Notifications Under Schedule 2, Part 6/7, of
The Town & Country Planning (General Permitted Development) Order 1995

NYM/2012/0650/FL	Approved erection of replacement agricultural livestock building at Black Shares, Osmotherley for Yorkshire Water Services	14/11/2012
NYM/2012/0663/FL	Approved alterations, construction of single storey extensions and raising of roof height at Meeks Farm, Carlton in Cleveland for Mr Tony Mason	29/11/2012
NYM/2012/0517/FL	Approved re-instatement of door in front elevation at White Horse Cottage, West End, Ampleforth for Ms K Lawford Davies	12/11/2012
NYM/2012/0599/FL	Approved erection of timber garden shed/summerhouse at West Barn, Main Street, Pockley for Mr Craig Sancto	12/11/2012
NYM/2012/0604/FL	Approved erection of roof and retention of timber building for housing heating system at Nutwood, Low Dalby for Dalby Forest Lodges	22/11/2012
NYM/2012/0638/FL	Approved alterations and construction of single storey extensions at The Orchards, Baxtons Road, Helmsley for Mr Martin Constantine	08/11/2012
NYM/2012/0649/FL	Approved construction of first floor extension over existing store at Hagg Cottage, Oswaldkirk for Mr Gareth Thomas	08/11/2012
NYM/2012/0656/LB	Granted Listed Building consent for construction of single storey extension to house heating plant equipment at Church Houses Farm, Farndale for Farndale Estate	14/11/2012
NYM/2012/0657/FL	Approved installation of replacement timber windows at Glebe Farm, Levisham for Mr I Tweddle	14/11/2012
NYM/2012/0658/LB	Granted Listed Building consent for installation of replacement timber windows at Glebe Farm, Levisham for Mr I Tweddle	14/11/2012

NYM/2012/0666/FL	Approved variation of condition 2 of planning approval NYM/2012/0288/FL to allow the insertion of door to north gable wall, insertion of wood burning stove and erection of associated flue pipe at former farm buildings at Parkgate, Blansby Park Lane, Pickering for Duchy of Lancaster	19/11/2012
NYM/2012/0672/FL	Approved construction of single storey extension to house heating plant equipment at Church Houses Farm, Farndale for Farndale Estate	23/11/2012
NYM/2012/0569/FL	Approved retention of rebuilt barn and conversion of and extension to barn to form 13 no. additional hotel suites, holistic therapy centre, farm shop and 1 no. holiday letting cottage following demolition of corn shed together with construction of conservatory extension to café at Keasbeck Hill Farm, Harwood Dale for Mr John Simpson	27/11/2012
NYM/2012/0570/FL	Approved permission for a temporary appraisal borehole and associated plant, equipment including drilling rig (max height 49 metres) and access arrangements at Ebberston Moor 4 Wellsite, Great Moor Road, Hutton Buscel for Viking UK Gas Ltd	08/11/2012
NYM/2012/0590/FL	Approved replacement pantile roof and gutters and installation of replacement window to dormer together with insertion of additional window and 2 no. rooflights, alterations to chimney and re-rendering at Tom England's, Slip Top Cottage, High Street, Staithes for Mrs Diana Sharples	08/11/2012
NYM/2012/0591/LB	Granted Listed Building consent for internal alterations, replacement pantile roof and gutters and installation of replacement window to dormer together with insertion of additional window and 2 no. rooflights, alterations to chimney and re-rendering at Tom England's, Slip Top Cottage, High Street, Staithes for Mrs Diana Sharples	08/11/2012
NYM/2012/0607/FL	Approved pegged sash window at Anvil Cottage, 11 Primrose Hill, Castleton for Mr Jonathan Holden	23/11/2012
NYM/2012/0622/LB	Granted Listed Building consent for internal alterations together with installation of rooflights and reinstatement of windows at Beckside Farm, Fryup for Mr Ian Hogarth	12/11/2012
NYM/2012/0630/FL	Approved installation of ground mounted solar PV array at Fyling Old Hall, Fylingdales for Mr M Whitely	12/11/2012

NYM/2012/0645/FL	Approved installation of replacement 4 no. horizontal sliding sash windows to front elevation at May Cottage, 8 Castlegate, East Ayton for Mr Arthur Green	08/11/2012
NYM/2012/0646/LB	Granted Listed Building consent for installation of replacement 4 no. horizontal sliding sash windows to front elevation at May Cottage, 8 Castlegate, East Ayton for Mr Arthur Green	08/11/2012
NYM/2012/0651/FL	Approved construction of single storey extensions, creation of terrace, insertion of rooflights and construction of double garage at Reggit Head, Prospect Field, Robin Hoods Bay for Mr Pennock	19/11/2012
NYM/2012/0652/OHL	Approved proposed diversion of overhead line at Freeze Gill Farm, Troutdale for Northern Powergrid (Northeast Ltd)	12/11/2012
NYM/2012/0665/CD	Granted Conservation Area consent for demolition of existing prefabricated building at St Hedda's RC Primary School, Egton Bridge for St Hedda's RC Primary School	21/11/2012
NYM/2012/0667/FL	Approved variation of condition 1 of planning approval NYM/2007/0587/RE to allow the siting of mobile classroom for a further five years at Glaisdale Primary School, Glaisdale for Children & Young Peoples Service	12/11/2012
NYM/2012/0673/FL	Approved erection of replacement timber shed/garage at West End Bungalow, West End Close, Hinderwell for Mr M Bennett	23/11/2012
NYM/2012/0677/FL	Approved replacement clay pantiles, rainwater goods and chimney pots, removal of render and re-rendering to dormer on front elevation together with installation of replacement timber double glazed windows and doors at Crag Lea, Seaton Garth, Staithes for Mrs Susan Roe	20/11/2012
NYM/2012/0679/FL	Approved variation of condition 5 of planning approval NYM/2011/0272/FL to allow winter storage of catering trailer on site (November to February) at Middlewood Farm, Middlewood Lane, Fylingthorpe for Mrs Victoria Hudson	27/11/2012
NYM/2012/0683/FL	Approved variation of condition 4 of planning approval NYM/2012/0453/FL to allow 30 no. seasonal caravans to occupy the designated seasonal pitches at Whitby Holiday Park, Whitby for Normanhurst Enterprises Ltd	27/11/2012
NYM/2012/0684/FL	Approved construction of two storey extension following demolition of existing conservatory at Whitestone Farm, Downton Road, Staintondale for Mr Chris Irvine	27/11/2012

NYM/2012/0708/NM Approved 12/11/2012
non material minor amendment to planning approval
NYM/2012/0546/FL to allow repositioning and change to the
orientation of 1 no. approved switchboard substation building
at Cleveland Potash Limited, Boulby Mine, Loftus for
Cleveland Potash Limited

Notifications

NYM/2012/0647/AGRP Approved 08/11/2012
re-grading of land following demolition of old sewage works
at Old Sewage Works Site, Honey Bee Nest Farm, Botton
Village for The Camphill Village Trust

NYM/2012/0664/AGRP Approved 16/11/2012
erection of agricultural storage building together with
alterations to existing barn at Meeks Farm, Carlton in
Cleveland, Middlesbrough for Mr Tony Mason

**Applications Determined by the Director of Planning on Expiry of Advertisement,
Receipt of Further Amended Plans and Observations**

None to Report

Applications Adjacent to the National Park (3024)

12/02344 Change of use of office block (B1) to residential dwelling
(C3) at Beacon Works, Rigg Head for Mr Shaun Pollard.

The Authority has considered the application and made no
objection to the proposal

R/2012/0725 Erection of 2 temporary 60m monitoring masts (for a 3 year
period) on land to the north of Guisborough for Banks
Renewable (Bank Field Wind Farm) Limited.

The Authority has considered the application and made
the following observations:

The proposed masts would be relatively slim in design and
the supporting guy wires would not be readily visible in the
wider landscape. Although the site and the proposed
development will be visible from the National Park the
slender design and temporary nature of the development will
mean that there will be no long term detrimental impact on
the setting of the National Park.

On this basis the Authority has no objections to the proposed
development as it will have no long term detrimental impact
on the special qualities of the National Park.

Background Documents to this report

1. Signed reports- dates as given
2. Signed letter - dates as given

File Ref:

- 3022/1
3024/1

Location

North York Moors National Park Authority

**List Of Enforcement Matters Determined
By The Director Of Planning**

For The Period – October 2012

File No.	Development & Address Decision Taken
274/2007	Coney Springs, Ravenscar Non-compliance with approved plans for extension and workshop Not expedient to pursue
324/2008	East Cliffe Farm, Danby Untidy Site Not expedient to take action

**Planning Applications Outstanding for More Than 13 Weeks
Position as of 23 November 2012**

27/04/2010	NYM/2010/0311/FL	conversion of existing garage building to form 1 no. residential dwelling at The Garage, Stoneley Woods, Fadmoor
		Awaiting Section 106 Agreement
27/09/2010	NYM/2010/0758/FL	conversion and partial rebuilding of redundant farm buildings to form four residential units and ancillary storage/garage/farm office (revised scheme to NYM4/025/0009) (retrospective)at Binkleys Farm, Silpho
		Applicant's agent confirmed wishes to proceed with application and intends to submit amended details
27/09/2010	NYM/2010/0759/LB	Listed Building consent for conversion and partial rebuilding of redundant farm buildings to form four residential units and ancillary storage/garage/farm office (revised scheme to NYM4/025/0009A) at Binkleys Farm, Silpho
		Applicant's agent confirmed wishes to proceed with application and intends to submit amended details
15/02/2011	NYM/2010/0979/FL	change of use and alterations to existing petrol sales and office building to form 1 no. dwelling at building and land opposite, Fylingdales Service Station, Nr Flask Inn, Fylingdales
		Awaiting Section 106 Agreement
19/05/2011	NYM/2011/0290/FL	erection of 8 no. affordable dwellings and associated landscaping, access, parking and land drainage arrangements (provision of SUDS pond) (revised scheme to NYM/2010/0227/FL) at land on Hinderwell Lane, Runswick Bay
		Awaiting Section 106 Agreement
13/07/2011	NYM/2011/0389/FL	conversion of garage store and vacant shop to form local occupancy letting live/work unit together with 2 no. local occupancy letting dwellings at Central Garage, High Street, Castleton
		Awaiting Section 106 Agreement

01/09/2011	NYM/2011/0535/FL	variation of condition 9 of planning approval NYM/4/024/0106A/PA to allow the use of Daisy Cottage, Stable Cottage and Cart Cottage (holiday cottages) as permanent local occupancy letting dwellings at Wayside Farm, Whitby Road, Cloughton
		Awaiting Section 106 Agreement
26/08/2011	NYM/2011/0552/FL	construction of 1 no. single storey dwelling with amenity space together with creation of amenity space for existing 2 no. flats at land at Brook Lane, Thornton le Dale
		Awaiting Section 106 Agreement
09/11/2011	NYM/2011/0696/FL	change of use and alterations to The Surgery to form residential local occupancy letting living accommodation at The Surgery & The Cottage, Spring House Farm, Great Broughton
		Awaiting Section 106 Agreement
12/12/2011	NYM/2011/0800/CLE	certificate of lawfulness for use of land for the siting of a static caravan for holiday use in excess of ten years at Summerfield Farm, Hawsker
		Awaiting legal advice
12/12/2011	NYM/2011/0813/FL	alterations and extensions to provide additional floorspace to cafe & shop along with additional storage rooms. Provision of a separate shower and toilet facilities together with use of land for the siting of tents and 5 no. camping pods and also overflow parking area at Lordstones, Chop Gate
		Awaiting Section 106 Agreement
13/12/2011	NYM/2011/0817/CLP	certificate of lawfulness for proposed use of land as a holiday caravan site without restriction on number of caravans or their siting or seasonality of use at Flask Inn Holiday Home Park, Fylingdales
		Awaiting legal advice
17/01/2012	NYM/2011/0839/FL	erection of a 5 kW wind turbine (maximum height to blade tip 15 metres approx) at Millinder House, Westerdale
		Bird Survey received and awaiting re-consultation responses

13/01/2012	NYM/2012/0008/FL	variation of condition 4 of planning approval NYM3/028/0007C/PA to allow the 2 no. holiday units to also be used as local occupancy letting units at Chapmans Cottage, Cold Kirby Awaiting Section 106 Agreement
09/02/2012	NYM/2012/0084/FL	variation of condition 3 of planning approval NYM/2010/0646/FL to allow the holiday cottages to be used as local occupancy letting dwellings at Church Houses Farm, Farndale Awaiting Section 106 Agreement
21/03/2012	NYM/2012/0154/FL	variation of condition 3 of planning approval NYM/2003/0923/FL to allow the annexe to be used as a local needs letting dwelling at Lan Franc, Front Street, Grosmont Awaiting Section 106 Agreement
18/07/2012	NYM/2012/0175/FL	conversion of and extension to disused commercial buildings to form 1 no. dwelling with associated garden and parking at Old Joiners Shop, Wrench Green, Scarborough Awaiting additional information from Agent
02/05/2012	NYM/2012/0274/CU	change of use of and alterations and extension to former vicarage community facility (The Hope Room) to form domestic double garage (revised scheme to NYM/2011/0575/CU) together with external alterations to dwelling at The Hope Room and Canons Garth, Canons Garth Lane, Helmsley Amended plans received and awaiting re-consultation responses
02/05/2012	NYM/2012/0275/LB	Listed Building consent for alterations and extension to former vicarage community facility (The Hope Room) to enable its use as a domestic double garage together with internal and external alterations to dwelling at The Hope Room and Canons Garth, Canons Garth Lane, Helmsley Amended plans received and awaiting re-consultation responses

06/07/2012	NYM/2012/0355/FL	conversion of barn to form 3 no. dwellings together with construction of 17 no. dwellings following demolition of accommodation block and storage barn and extension to existing Hotel parking area at land to the rear of the Black Swan & Crown Hotels, Swan Way, Helmsley
		Awaiting amended plans
17/07/2012	NYM/2012/0493/FL	conversion of garage to form residential annexe accommodation at Four Wynds, Whorl Hill, Faceby
		Awaiting Section 106 Agreement
30/07/2012	NYM/2012/0506/FL	permanent use as stone quarry and extension to working area at Lowthers Cragg, Sleights Moor, Sleights
		Awaiting further information from Agent
30/07/2012	NYM/2012/0518/FL	creation of gated vehicular access (retrospective) at rear of 17 - 21 South End, Osmotherley
		Highway Authority negotiations on-going
15/08/2012	NYM/2012/0521/CU	change of use of land to form caravan site (maximum of 3 no. static caravans) at land north of 8 - 22 Hinderwell Lane, Runswick
		Awaiting amended details