

**TOWN AND COUNTRY PLANNING ACT 1990**  
**YORKSHIRE DALES NATIONAL PARK AUTHORITY**  
**(Local Planning Authority)**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:  
PERMISSION TO CARRY OUT DEVELOPMENT**

To: Mr N Cockshott  
NPC Architectural Designs Ltd

Decision No: C/26/782

**The above named Authority being the Local Planning Authority for the purposes of your application received on 19/11/2015 for full planning permission for erection of two-storey side extension at 17 Dales Avenue, Embsay, SE002534 have considered the said application and have GRANTED permission for the proposal subject to the following Conditions:**

1. The development hereby permitted shall be begun (as defined by Section 56 of the Town and Country Planning Act 1990) before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the details indicated in the following drawings/documents:-  
- Full planning application forms, planning justification statement, location plan (scale 1: 1250), proposed site plan (drawing no. 604-03), proposed floor plans (drawing no. 604-02) and proposed elevations (drawing no. 604-04) as received on 19th November 2015.
3. The materials to be used as the exterior roof covering of the extension hereby permitted shall be of the same kind, dimensions and colour as those existing on no. 17 Dales Avenue, Embsay at the date of this notice and shall be retained as such thereafter.
4. The external walls of the north and east elevations of the extension hereby approved, shall be rendered to match in type, style and colour the external walls of the existing building no. 17 Dales Avenue, Embsay as at the date of this permission.
5. The external wall of the west elevation of the extension hereby approved shall be built up in stone laid and pointed to match in type, style and colour the adjoining external west wall of the existing building at no. 17 Dales Avenue, Embsay as at the date of this permission.
6. The windows and doors shall be recessed by a minimum of 75mm from the external face of the wall in which it is set and shall be retained as such thereafter.

Reason(s):

1. To comply with the requirements of Sections 91-93 of the Town and Country Planning Act 1990 (as amended).
2. To define the plans/details to which this permission relates.
- 3, 6. To ensure a satisfactory appearance to the development and to comply with saved policy GP2 of the adopted Yorkshire Dales Local Plan (2006).

Redacted by YDNPA

Date: **18 JAN 2016**

.....  
Designation

HEAD OF DEVELOPMENT MANAGEMENT

**FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF**

## RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

### NOTE:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate  
Customer Support Team  
Room 3/13 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Telephone: 0303 444 5000 Fax: 0117 372 8782

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(approval/refusal)

Continuation Sheet 1

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- 4, 5. In the interests of visual amenity in accordance with saved policies GP2 and B14 of the adopted Yorkshire Dales Local Plan (2006).

**Notes to Applicant:**

This Authority has acted positively and proactively in dealing with this application by providing constructive pre-application advice and the application has been determined in accordance with local plan policies and the presumption in favour of sustainable development set out in the National Planning Policy Framework (2012).

**ADVISORY NOTES****Bats and Birds**

The applicant has confirmed that there are no bats or birds present within the building at the time the application was submitted.

All birds, their nests and eggs are afforded legal protection under the Wildlife and Countryside Act (1981) (as amended) and it is an offence to intentionally damage or destroy the nests whilst they are in use. If nesting birds are present the applicant would need to delay any works until such time that any bird nesting had ceased or the young had fledged the nest. All bat species and their roosts within England are also afforded protection by national and international legislation, notably the Conservation of Habitats and Species Regulations (2010) meaning it is an offence to kill, injure or disturb bats, or to damage, disturb or obstruct access to bat roosts.

No disturbance to any part of the roof structure, or external or internal wall or floor surface adjacent to it, shall take place if protected species (bats & birds) are found to be present. In the event of bats and birds being present works to the building must not commence or should cease immediately and the owner should contact Natural England or the National Park Authority for further advice. The onus lies with the applicant to satisfy himself that no offence will be committed if the development goes ahead.

**NOTE:-**

*No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.*

DCPermitRpt

# YORKSHIRE DALES NATIONAL PARK AUTHORITY

<b>Application No:</b>	C/26/782	
<b>District:</b>	Craven	
<b>Parish:</b>	Embsay with Eastby	
<b>Applicant's Name:</b>	Mr A Foulds & Ms K Jeremy,	
<b>Grid Ref:</b>	SE00235344	
<b>Received by YDNP:</b>	19/11/2015	<b>Officer:</b> Adam Perry

**PROPOSAL:** full planning permission for erection of two-storey side extension

**LOCATION:** 17 Dales Avenue, Embsay

## CONSULTEES

**Embsay-with-Eastby PC** No response received.

## PUBLIC RESPONSES

No response received.

## RELEVANT PLANNING POLICIES

B14(06) - Extensions and Alterations to Buildings

GP1(06) - National Park Purposes

GP2(06) - General Design Policy

NE7(06) - Protection of Species

## OFFICERS' OBSERVATIONS

### APPLICATION SITE

The application relates to the dwelling no. 17 Dales Avenue, Embsay. The property is a semi-detached modern artificial stone and rendered dwelling house within an estate of similar designed modern houses of varying types and ages.

### PROPOSAL

This application seeks full planning permission for the erection of a two-storey side extension. The extension would have a stone front elevation, with off-white coloured rendered rear and side walls with a coursed stone plinth beneath. Windows would be white finished pvc to match existing with matching artificial stone surrounds. The full height extension would have a grey artificial slate roof to match the existing. The simple fenestration pattern of the original dwelling would be replicated within the extension.

### PLANNING HISTORY

Application ref. YD5/26/40D - Amendment to earlier approved planning application YD5/26/40B, with regard to provision of 5 dwelling on land at Dales Avenue. Approved, May 1983.

### KEY ISSUES:

- Impact on character and appearance of area
- Impact on neighbours
- Protection of species

### IMPACT ON CHARACTER AND APPEARANCE OF AREA

The property has a simple design that is characteristic of the modern properties within the vicinity of

Dales Avenue and the surrounding cul-de-sacs of housing development. The extension would match the existing dwelling in terms of external materials and design. Whilst the visual appearance of the extension in terms of its overall scale may benefit from being 'set-down' or 'set-in', in consideration of existing extensions to immediately neighbouring properties it is felt that this could not be insisted upon.

The property occupies a corner plot; the simple form and overall size of the extension would not dominate the wider street scene as seen in public views. Overall the extension would be of a similar scale to other later additions to nearby properties on Dales Avenue and would be seen in this context to be an acceptable form of extension.

#### IMPACT ON NEIGHBOURS

The side extension would not result in any undue impacts upon the residential amenity of neighbouring properties, in terms of overbearing or overlooking impacts because of its position away from any neighbouring properties and its separation by the road. There would be no loss of privacy for neighbours.

#### PROTECTION OF SPECIES

If approved the development would involve alterations to the roof, eaves and walls of the existing building. In determining the application it is therefore relevant to consider the impact of the works upon protected species, particularly bat species.

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 states the following:

"A competent authority, in exercising any of its functions, must have regard to the Habitats Directive so far as they may be affected by the exercise of those functions."

Article 12(1) (refer to: regulation 41 of the 2010 regulations) of the Habitats Directive sets out a number of prohibitions to protect European protected species (EPS). Article 12 prohibits, inter alia, the deliberate disturbance of protected species, particularly during breeding, rearing, hibernation and migration and deterioration or destruction of breeding sites or resting places.

Article 16 (see: Regulation 53) permits derogation from article 12 and enables a licence to be granted in certain limited circumstances. These are known as the three derogation tests:

- The activity is for imperative reasons of overriding public interest or public health and safety;
- There is no satisfactory alternative; and
- The favourable conservation status of the species must be maintained.

The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a licence by Natural England may only be granted if three strict "derogation" tests can be satisfied.

The first test to consider is whether the proposal would likely result in one of the prohibitions set out in Article 12 being breached. If it is likely that they would, the derogation tests would need to be considered.

Prior to the validation of the planning application the applicant submitted photographs of the affected parts of the building; the roof space, eaves and upper walls. The photographs show no evidence of bat activity within the building, the roof space of which appears to be well sealed and the applicant confirmed this from their own knowledge. Based upon this information and written confirmation supplied by the applicant, taking into account the modern construction of the property and well-maintained pointing, guttering and soffits it is considered unlikely that the proposal would result in a breach of the prohibitions set out in Article 12 of the Habitats Directive.

As with any development proposal, there is the possibility that site circumstances may alter over time and it is impossible to assess entirely whether bats could be present when works to implement the permission actually commence. It will therefore be necessary, in order to fulfil the duties set out in the Habitats Directive, to add an advisory notice to any decision of approval advising that works at the site cease immediately should bats or any other protected species be discovered when works commence or whilst they are ongoing.

**ANALYSIS AND MATERIAL CONSIDERATIONS**

The extension would amount to an acceptable addition to the dwelling and would be constructed in matching materials. A two storey side extension of the scale proposed would not dominate the original dwelling or the street scene. There would be no undue negative impact upon the amenity of neighbouring properties or protected species. The application is therefore found to accord with policies GP1, GP2, NE7 and B14 of the adopted Yorkshire Dales Local Plan (2006) and the guidance contained in the National Planning Policy Framework (2012).

**RECOMMENDATION**

Grant planning permission, subject to conditions.

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Signed by ~~Case Officer~~

Date 13/1/2016.

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Principal Planning Officer

Date 18.1.16