

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

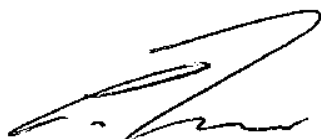
**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

To: Restek
fao: Timothy Knight
3 Bloomswell
Robin Hoods Bay
Whitby
YO22 4RT

The above named Authority being the Planning Authority for the purposes of your application validated 05 December 2019, in respect of the proposed **installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations at 3 Bloomswell, Robin Hoods Bay** has considered your said application and has **refused** consent in respect of the proposed works for the following reasons:

1. The replacement of the historical door surround with one of unsuitable proportions and detailing constitutes significant harm to the character and appearance of the Listed Building. Due to the historic, evidential and aesthetic value of the previous door surround, its loss is considered to represent harm to the Listed Building. This application does not contain sufficient or convincing information to justify the replacement of the door surround or demonstrate any public benefit. The design of the replacement door surround fails to preserve or enhance the character and appearance of the Listed Building. Therefore this element of the application is contrary to DP5, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The previous front door was finely detailed and held historic and aesthetic value and as such its loss constitutes harm to the Listed Building. The replacement door is of larger proportions and less finely detailed than the previous door and therefore does not respect the existing architectural and historic context of the building with reference to the form, scale, proportions, design detailing and materials of traditional buildings. The application does not contain sufficient or convincing information to justify the need for and design of the replacement door or demonstrate any public benefit. As such, this element of the application is contrary to DP5 and Section 16, paragraph 196 of the NPPF.
3. The painting of the external doors and door surround pink is detrimental to the historic significance of the property as the pink is non-traditional and very prominent and not in-keeping with the era of the building and therefore harms the special historic and architectural character and appearance of the Listed Building. It is also considered that the pink colour is detrimental to the setting of the other Listed Buildings within the terrace. This is contrary to DP5 and Section 16, paragraph 194 of the NPPF.
4. The removal of the original internal porch from the property constitutes harm to the Listed Building and the special architectural and historic interest it possesses. Such internal porches are a locally distinctive feature of Robin Hood's Bay and as such this feature contributed greatly to the significance of the Listed Building. Insufficient justification has been provided for the removal of the internal porch and as such this element of the application is contrary to DP5 and Section 16, paragraph 194 of the NPPF.

Continued/ Explanation of how the Authority has Worked
Positively with the Applicant/Agent



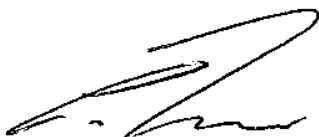
Mr C M France
Director of Planning

Date 29 January 2020

Please Note your Rights of Appeal are attached to this Decision Notice

Explanation of how the Authority has Worked Positively with the Applicant/Agent

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



Mr C M France
Director of Planning

Date 29 January 2020

Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) 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 a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

4. Please note, only the applicant possesses the right of appeal.
5. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
7. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
8. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.