

# North York Moors National Park Authority

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

Application No. NYM/2019/0706/LB

**Proposal:** Listed Building consent for installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations

**Location:** 3 Bloomswell, Robin Hoods Bay

**Decision Date:** 30 January 2020

**Extended to:**

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## Consultations

### Parish – Object

The Council object to these applications, the loss of original features due to the lack of consultation with pre-planning and not seeking Listed Building consent means that the building is no longer in keeping. For example the Council do not believe the pink front and rear doors are in matching styles to the originals, window details have been changed and other architectural features have now been lost.

The lack of knowledge as to if it is listed is not an acceptable excuse and respect needs to be shown for the history of the building. Since major works have taken place, number 3 Bloomswell is already looking out of keeping in a conservation area.

**Site Notice/Advertisement Expiry Date** – 31 December 2019

### Others –

**Natural England** – No objections

**Mrs Rosemary King**, Ebor Cottage

As a listed property I would like to see the door colour changed to one of a more appropriate nature. The bright pink is not in keeping with the other listed properties in the street and spoils the whole row of houses. I am also concerned at what changes have been made internally to this property and whether the new windows and doors are made of the correct material.

**Mr John Gilbert**, Lindale, Manor Road, Robin Hood's Bay – Object

I wish to raise objection to the application above on the following grounds.

Bloomswell was built as a piece with many features in common. The door carving on 3 matched the others on the row, they are very good examples of vernacular architecture, I have never seen their like elsewhere. Any new door carvings should match the original survivors, which is the rest of the terrace bar one. The shape of the top is wrong, it should be tripartite on the canopy. There is no blind fanlight. I have in the past replaced two of these like for like.

The sash windows to the front are six panes not eight as is correct. It is a shame planning advice wasn't sought to begin with.

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**Director of Planning's Recommendation****Reason(s) for Refusal**

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.





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**Background**

3 Bloomswell is one of 9 no. dwellings within a Grade II listed terrace. The property was constructed in the early to mid- 19th century and comprises three storeys and is one bay wide. The terrace lies within the Robin Hood's Bay Conservation Area which is protected by an Article 4 (2) Direction. The building is of national significance as a designated asset and the wider Conservation Area also forms a designated heritage asset.

Prior to the works referenced in this application, 3 Bloomswell consisted of incised render, most likely on brick under a pantiled roof. White painted timber casement windows sat in the centre of the first and second storeys above unpainted stone sills. A modern dormer with a catslider roof and three light timber casement window sits on the front elevation of the property. The door surround was constructed of black and white painted timber with moulded bases upon short plinths with reeded pilasters and ogee consoles under an open pediment canopy. The door consisted of a black painted timber door of six panels with reeded detailing.

The Authority was unable to make an assessment of 3 Bloomswell's internal features as attempts to arrange an internal site visit of the property were indefinitely postponed by the applicant.

In 1997 a damp proofing course was laid within the property and rotten plasterboard replaced along with like for like repairs to the dormer window.

This application seeks retrospective Listed Building Consent for external alterations to the property consisting of the replacement of the front and rear doors and front door surround; the replacement of casement windows with timber sashes; the re-roofing of the property; the replacement of rainwater goods and the painting of the external render. The replacement front and rear doors have been painted pink, as has the door surround. This application also seeks retrospective Listed Building Consent for a number of internal alterations.

**Main Issues****Statutory Duties**

Section 16, paragraph 193 of the National Planning Policy Framework 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16, paragraph 194 of the National Planning Policy Framework 2019 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority has a statutory duty to protect Listed Buildings within the Park as they form part of the significance of the built and cultural heritage of the North York Moors. These buildings represent a significant part of the history and culture of the National Park and their considerable importance, once lost, cannot be replaced.

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The Authority has a general duty in respect of listed buildings in its exercising of planning functions as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**NYMNPA Policies**

Development Policy 5 of the North York Moors National Park Local Development Framework states that proposals for the alteration of a Listed Building will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building.

**Door Surround**

The previous door surround was of special historical and aesthetic value with fine detailing including moulded bases and ogee styled consoles. Indications of an earlier fanlight and open pediment can also be found in the previous door surround, contributing to its evidential value. As such, the previous door surround made a positive contribution to the significance of the Listed Building and its loss constitutes less than substantial harm to the Listed Building under paragraph 195, Section 16 of the NPPF.

Whilst the applicant stated that the previous door surround was rotten, the Authority has not seen any evidence of this and therefore this justification cannot be considered to be clear and convincing and does not demonstrate any public benefit gained from the replacement of the door surround. Furthermore, if the previous door surround had been found to be in poor condition, the Authority would have favoured its repair over its replacement. If the door surround had been found to be beyond repair, a like-for-like replacement would have been the only acceptable alternative. As such, the Authority considers the design of the replacement door surround to be unacceptable and unsympathetic notwithstanding the applicant's statement that the design of the door surround was based on the neighbouring property. The consoles on the replacement door surround are similar but less detailed than those found on number 2 Bloomswell and the overall lack of sympathetic design means that the replacement door surround cannot be considered an acceptable alternative to a like-for-like replacement. Therefore the proposal fails to meet the requirements of Section 16 of the NPPF paragraph 195, which states that where a development proposal will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The replacement door surround consists of a larger closed pediment canopy with larger plinths and an absence of bases. Evidence of the location of a previous fanlight has been lost with the replacement door surround. As such the proposed surround has an unacceptable impact on the special historic and architectural interest of the listed building as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Policy 5 of the North York Moors Core Strategy and Development Policies Document.

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**Front Door**

The loss of the historical and finely detailed panelled front door has a detrimental impact upon the character and appearance of the Listed Property. The North York Moors National Park Authority's Design Guide states that replacement doors should reflect the shape of the opening and respect the character of the original property. This is not achieved by the replacement door which is of larger proportions and less finely detailed than the previous door. Therefore this element of the application does not meet the requirements of Development Policy 5 as it has an unacceptable impact on the special historic and architectural interest of the Listed Building. 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. Whilst the applicant has argued that the previous door was too thin to provide appropriate security to the property, the previous door had functioned as the front door of the property for a number of years, and if it had been found to be in need of replacement, a like-for-like replacement would have been the only acceptable alternative. The Authority's Building Conservation team have stated that they believe it to be unlikely that the previous door was an internal door as the exact same door design can be found on external doors elsewhere in the village and it would be uncommon to see such a detailed panelled door internally as the majority of internal doors would be of a much simpler appearance. Therefore the proposal fails to meet the requirements of Section 16, paragraph 196 of the NPPF which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As the use of the Listed Building would not have been affected by the retention of the previous door, nor by its replacement with a like-for-like alternative, it is not believed that the harm caused by the loss of the historic door is outweighed by any public benefit. Furthermore, the Design Guide also states that careful consideration should be given to the use of traditional door furniture such as door knobs. The style and location of the door knob in the centre of the new door is grandiose and inappropriate on a traditional fisherman's cottage.

**Paint**

The pink paint used on the external doors and door surround is harmful to the historic and architectural character and appearance of the Listed Building due to the fact that the chosen shade of pink is non-traditional and not in-keeping with the era of the building. This is contrary to Development Policy 5 of the North York Moors Core Strategy and Development Policies Document which states that proposals for alterations to a Listed Building will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building. The number of Listed Buildings within the Robin Hood's Bay Conservation Area is indicative of the high quality of the historic environment within the settlement and the great weight attached to the conservation of this historic setting. Whilst the applicant explained their reasons for the chosen colour within their supporting statement, this is not considered to be exceptional justification for the harm caused to the Listed Building, as required by Section 16, paragraph 194 of the NPPF.

**Rear Door**

Whilst the replacement rear door cannot be considered to be a like-for-like replacement, the Authority considers it to be acceptable due to the number of similarities with the previous door. It is therefore not felt that the replacement door has an unacceptable impact on the special historic or architectural interest of the Listed Building and is therefore in line with

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DP5. Whilst the rear door is also painted pink, its location to the rear of the property means that it does not impact upon the character and appearance of the Conservation Area and is therefore not in breach of DP4. Similarly, the location of the door to the rear of the property mitigates the impact of the pink paint on the special historic or architectural interest of the building as it is in a less prominent location. Therefore the Authority does not object to the paint on this particular door.

**Windows**

The Authority considers the replacement of the property's timber casement windows with timber sash windows to be a modest enhancement as the previous windows were non-traditional and unsympathetic to the appearance and character of the Listed Building. As such, this element of the application is acceptable under DP5 as it does not have an unacceptable impact on the special historic or architectural interest of the building. However, the Authority's Building Conservation team have stated that the design and detailing of the new windows fail to properly reflect the local detailing found elsewhere on the terrace. This includes the use of 6 over 6 sashes rather than 8 over 8 which is more characteristic of the terrace resulting in squarer window pane proportions which lack the elegance of the neighbouring traditional windows and the use of horns which are not characteristic of the terrace. The Building Conservation Officer states that whilst it is disappointing that guidance from the Authority was not sought on the design of the new windows, on balance the sash windows are viewed as a modest enhancement as they are a more traditional form of fenestration than the previous casement windows.

**Roof and Gutters**

The re-roofing of the property with handmade pan tiles and the replacement of PVC rainwater goods with cast iron are considered to be acceptable on the basis that the replacement tiles are of matching handmade construction and the insulation is lamb's wool and not Kingspan.

**Painting of external render**

The Authority finds the painting of the external render to be acceptable. The previous paint was a shade of cream with the new paint being off-white. This is considered acceptable as it is a traditional colour and is in-keeping with other properties within the terrace. Therefore this element of the application does not have an unacceptable impact on the special historic or architectural interest of the building and therefore accords with DP5.

**Internal alterations**

The original internal porch possessed historic and evidential value and made an important contribution to the significance of the Listed Building. As such, the removal of the porch has had an unacceptable impact on the special historic and architectural interest of the building and is therefore in conflict with DP5. Whilst the applicant has stated that he believed the porch to be a modern insertion, this is disputed by the fact that such porches are a common feature of many of the house and cottages in Robin Hood's Bay and are evident in the neighbouring properties within the terrace. Therefore this element of the application is contrary to Section 16 paragraph 194 of the NPPF as convincing justification for the removal of the porch has not been provided.



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The selective replacement of the damaged floorboard on the first floor and modern floor board in the attic is considered to be acceptable. The sourcing of replacement boards to match the existing is in accordance with DP5 as it does not constitute an unacceptable impact on the special historic or architectural interest of the building.

**Conclusion**

As highlighted by the Authority's Building Conservation team, the general approach to Listed Building work is to adopt a repair rather than replacement approach, especially where historic fabric and features of architectural or historic interest exist. This approach has not been adopted within this application where the elements identified as possessing historical and architectural interest have been wholly replaced or removed entirely. Furthermore, the need to replace certain elements has not been satisfactorily demonstrated by the applicant and the design of the replacement elements show no regard for the fabric being lost or the character of the Listed Building. The removal of the original internal porch cannot be supported under DP5 and as such its reinstatement is recommended.

Whilst the replacement of the roof covering, rainwater goods, windows and specified internal floorboards, along with the painting of the external render would be considered acceptable, the replacement door surround and front door, as well as the removal of the internal porch, constitutes less than substantial harm to the Listed Building and as no public benefit has been provided by these elements, this application is recommended for refusal. Attempts were made to arrange an internal site visit of the property, however on being advised of the unacceptable elements within the application, the applicant withdrew consent for the Authority to access the property, hindering the assessment of the proposed internal works. As the applicant chose to retain the unacceptable elements within the application, the entire application for Listed Building Consent is recommended for refusal.

**Draft Local Plan**

Strategic Policy I within the North York Moors National Park Authority's Draft Local Plan states that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. It is stated that harm to an element which contributes to the significance of a designated heritage asset will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal.

Policy ENV11 states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. Development proposals will be supported where they reinforce the distinctive qualities of settlements through the consideration of scale, height massing, alignment; design detailing, materials and finishes.

**Pre-commencement Conditions**

N/A

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**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.