

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: Fylingdales

Application No. NYM/2019/0795/LB

Proposal: Listed Building Consent for refurbishment works including replacement windows

Location: Downhill Cottage, New Road, Robin Hoods Bay

Decision Date: 21 January 2020

Extended to:

Consultations

Parish -

Amended Plans - No objection.

Advertisement Expiry Date - 13 January 2020.

Director of Planning's Recommendation

that Listed Building Consent be **granted** subject to the following conditions:

1. **Standard Three Year Commencement Date - Listed Building**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**

The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location Plan & Block Plan	D11726-01 rev A	18 November 2019
Existing and Proposed Elevations and Floor Plans	D11726-02 rev D	09 April 2020
Proposed Floor Construction	D11726-05 rev A (& emails)	09 & 21 April 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. No additional external lighting shall be installed on the property without consent/permission first being sought from the local planning Authority. Any replacement external light fittings shall not be installed without the details first being agreed in writing with the Local Planning Authority. The replacement lighting shall then be installed in accordance with the agreed details and maintained in that condition in perpetuity.
4. No joints shall be raked out until a sample area which shall be at least 1m x 1m in size has been prepared on site for inspection and approved in writing by the Local Planning Authority. Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1 ½ times the width of the joint or until sound mortar is reached. Power tools such a drills should not be used. The work shall continue in accordance with the approved sample.
5. Notwithstanding the submitted details all pointing in the development hereby permitted shall accord with a specification which has been approved in writing by the Local Planning Authority. The mortar mix proposed should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand) and include the method of application and finish. A sample area of pointing shall also be provided and approved by the Local Planning Authority.

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6. No work shall commence on the windows until a condition report has been submitted to and approved in writing by the Local Planning Authority which assess the condition of windows W1, W2, W3 and W5 as indicated on the submitted plans including any evidence of historical glass. All work to these windows shall then be carried out in accordance with the agreed approach.
7. **Detailed Plans of Window Frames Required**
No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Informatives

1.	Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission reference NYM/2019/0794/FL and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.
2.	<p>Bats</p> <p>All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>
3.	<p>Birds</p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>

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Reasons for Conditions

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
4. In order to comply with NYM Development Policy 5 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
6. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
7. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.



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Background

Downhill Cottage is a Grade II listed property located in lower Robin Hoods Bay, within the conservation area and Article 4(2) Direction. The property forms one of a pair of cottages of late 18 century construction which front directly onto New Road close to the Dock area. It is constructed of high quality herringbone-tooled sandstone with a traditional pantile roof and 28-pane fixed light to the ground floor (left) and 24-pane horizontal sliding sash above. To the right is a traditional 16-pane vertical sliding sash at ground floor with a modern casement above. Internally the building retains few historic features; however it is believed that the plan form remains largely intact. Although the staircase is modern, it is considered to be in an appropriate location within the building and could therefore be in the location of an historical staircase. No inspection has been made at first floor; however the application indicates that a bedroom has been subdivided, probably at the same time the modern window (W4) was installed.

The Authority's Building Conservation Officer has identified that the buildings significance lies in its traditional high quality construction and use of traditional materials and its simple plan form. The existence of such small multi-pane windows to the left hand side of the building also contributes significantly to its character and that of the wider architectural character of the conservation area.

As originally submitted, this scheme proposed internal and external refurbishment works (including replacement double glazed windows throughout) and the construction of a single storey rear extension.

Following extensive comments and advice from the Authority's Building Conservation Team, who raised concern in respect of the proposed approach to replacement rather than repair of windows and the construction detail of the proposed extension, the application has been amended to omit the proposed rear extension, omit the use of double glazed units in any replacement windows (a condition report concerning each existing window is to be carried out in order to ascertain which windows require replacement rather than repair) and the use of a Whitby composite style window in the ground floor.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application are Core Policy G (Landscape, Design and Historic Assets), Development Policy 4 (Conservation Areas) and Development Policy 5 (Listed Buildings).

CPG seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of conservation areas.

DP4 seeks to ensure that development within or immediately adjacent to a conservation area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

DP5 only permits alterations, extensions or changes of use of a listed building, or the construction of any structure within its curtilage where such development will not have an unacceptable impact on the special historic or architectural interest, or the setting of the listed building.

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The amended plans have been considered in conjunction with the Authority's Building Conservation Team. The revisions are considered to address many of the initial concerns and therefore the proposed amendments; namely the retention of the single glazed windows and use of a Whitby composite to W1 are welcomed. The application does however still propose replacement windows throughout and the Building Conservation Officer has advised that it is still considered necessary to include the suggested conditions mentioned in their previous response, particularly the need for a joiners report on the condition of the existing windows in order to justify any replacement.

The above has been referred to the applicant's agent who is satisfied with the above recommendations but rather than attract a condition regarding the floor details, the agent has submitted additional plans to agree the detail prior to a decision. The Authority's Building Conservation Officer has assessed the detail and advised that while the use of the Newton damp proof membrane is not usually acceptable in buildings of a traditional solid wall construction, its use on the rear wall of this building is considered acceptable in this instance because of the existence of cement based renders to the walls (no impact on historic fabric) and the likely existence of increased damp issues as a result of the high rear retaining wall.

The above advice, together with all previous requests by the Conservation Officer for details to be submitted have been included in the recommended conditions above.

The amended proposal is considered to be of a scale and nature which is appropriate for this Grade II Listed building and the external renovation work and alterations will also have wider benefits and result in improvements and enhancements to the surrounding conservation area.

The Parish Council has no objection to the scheme and no other representations have been received. In view of the above, the proposal is considered to accord with Core Policy G, and Development Policies 4 and 5. Consequently, it is recommended that Listed Building Consent be granted.

Draft Local Plan

ENV11 (Historic Settlements and Built Heritage) of the emerging Local Plan requires new development to reinforce the distinctive historic character of the NYM by fostering a sympathetic relationship with traditional local architecture, materials and construction, encouraging a high standard of design and seeks to conserve, enhance or better reveal elements which contribute to the significance of a heritage asset. On balance, the amended proposals are considered to accord with the requirements of the draft Local Plan.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.