

# North York Moors National Park Authority

Borough: Scarborough Borough Council  
Parish: Fylingdales

Application No. NYM/2019/0794/FL

**Proposal:** refurbishment works including replacement windows

**Location:** Downhill Cottage, New Road, Robin Hoods Bay

**Decision Date:** 17 January 2020

**Extended to:**

## Consultations

**Parish** - No objection.

**Amended Plans** - Object to the sauna building. Concerns were raised for the safety of neighbouring properties.

**Natural England** - No objection.

**Advertisement Expiry Date** - 13 January 2020.

## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1. **Standard Three Year Commencement Date**

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:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
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

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 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.

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**5. 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 Development in Accordance with Listed Building consent**

- . Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building Consent reference NYM/2019/0795/LB 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 Listed Building Consent.

**2 Bats**

- . 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.

**3 Birds**

- . 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](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf).

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or [conservation@northyorkmoors.org.uk](mailto:conservation@northyorkmoors.org.uk).

**Reasons for Conditions**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning 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.

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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 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.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.



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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 building's 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 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.

As an alternative to the rear extension, the applicant proposed a stand-alone sauna building in the rear yard but this element received an objection from the Parish Council. Consequently, the agent has requested that it be omitted from the scheme and amended plans to reflect the above changes have been received.

**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), Development Policy 5 (Listed Buildings) and Development Policy 19 (Householder Development).

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.

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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.

DP19 is supportive of proposals for development within the domestic curtilage provided that it does not detract from the character and form of the original dwelling or its setting and it would not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling.

The amended plans have been assessed 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. On the basis the property is within an area controlled by an Article 4(2) Direction, the replacement of the windows requires planning permission and therefore remains under consideration as part of this 'full' planning application. A number of other aspects including the internal repairs have been dealt with under the companion application for Listed Building Consent.

The Parish Council has lodged an objection in relation to the proposed sauna and this element has now been withdrawn from the scheme in order to enable a decision to be made, allowing the urgent works to secure the building to take place.

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.

Policy CO17 (Householder Development) has very similar requirements to the current DP19 in terms of scale, height, design and general amenity considerations.

On balance, the amended proposals are considered to accord with the requirements of the draft Local Plan.

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**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.