

North York Moors National Park Authority

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

Application No. NYM/2020/0061/LB

Proposal: Listed Building consent for erection of replacement boundary fence, hand rails and gate

Location: Shirley House, Sunny Place, Robin Hoods Bay

Decision Date: 04 May 2020

Extended to:

Consultations

Parish – No objections.

Site Notice/Advertisement Expiry Date – 06 April 2020

Others -

Director of Planning's Recommendation

Approval subject to the following condition(s):

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 Plans/Specifications or Minor Variations**
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.

Reason(s) for Condition(s)

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.

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Background

Shirley House is a Grade II listed, two storey dwelling with basement, constructed of stone under a pantile roof and with a dormer window on the front elevation. The property dates to the early Eighteenth Century, but is believed to contain an earlier core. The property is located within the Robin Hoods Bay Conservation Area which is protected by an Article 4 (2) Direction.

Planning Permission and Listed Building Consent were granted in February 2018 for the installation of replacement windows and doors, repair/refurbishment works and internal alterations.

This application now seeks Listed Building Consent for the erection of replacement boundary fence, handrails and gate.

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.

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.

NYMNPAs Policies

The relevant policies contained within the North York Moors Core Strategy and Development Policy Document to consider in relation to this application are Development Policy 3 (Design), Development Policy 5 (Listed Buildings) and Development Policy 19 (Householder Development).

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Development Policy 3 states that development will be permitted where among other things a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 5 states that proposals for the alteration, extension or change of use 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.

Development Policy 19 supports proposals for development within the domestic curtilage of dwellings where among other things the form, position and design of the development does not detract from the character and form of the original dwelling or its setting in the landscape.

Conclusion

The Authority's Building Conservation Officer has stated that the existing boundary fence, gate and handrail is of relatively basic appearance and construction and clearly modern. The existing fence, gate and handrail is in a poor state of repair and the Officer supports the applicants proposal to erect a replacement of the same design and dimensions as the existing, whilst incorporating the details evidenced within the Victorian images of the property. The proposal is considered to enhance the significance of the Listed Building and would make a positive contribution to the local character and distinctiveness of the heritage asset in accordance with Paragraph 192 of the National Planning Policy Framework (2019).

The proposed replacement gates would be set within an opening of the same width as the existing, however the opening would now hold double gates rather than one large gate. This alteration to the design of the gate is necessary as the existing gate obstructs the access to the sunken yard when open. In all other respects the design of the replacement fence, handrail and gate will match closely to the existing, except for the incorporation of more finely detailed newels to match those evidenced in the Victorian images of the site.

The proposed design of the development is considered to accord with DP3 and DP19 by being sympathetic to the character and form of the original dwelling and its setting in the landscape, as well as using traditional materials and designs that complement the local vernacular. As the proposal is considered to enhance the significance of the Listed Building, it accords completely with the principles found in DP5.

For the reasons outlined above this application is recommended for approval.

Draft Local Plan

Strategic Policy I within the Draft Local Plan states that all 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. The proposed development meets this objective by enhancing the significance of the Listed Building.

Policy CO17 within the Draft Local Plan states that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will be permitted where among other things, the form position and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. The proposed development is

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sympathetic to the character and form of the original dwelling and its setting within the Conservation Area and is therefore in line with the principle of this policy.

As the Draft Local Plan has not yet been adopted, the policies referenced above are subject to change.

Pre-commencement Conditions

N/A

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.