

From: [noreply \(outbound only\)](#)
To: [Planning](#)
Subject: Notification of Appeal APP/W9500/D/20/3247761
Date: 25 February 2020 21:40:17
Attachments: [ATT00001.png](#)
[01 APPEAL FORM - 531608.pdf](#)
[APPEAL PERSONAL - 531608.pdf](#)

Online Appeals Service



Appeals Casework Portal

A Householder appeal has been received by the Planning Inspectorate.
Details of the appeal are shown below:

Appeal Details

Appeal Reference: APP/W9500/D/20/3247761

Appeal Receipt Date/Time: 25/02/2020 21:40

Appeal By: Allison Calvert

Site Address: Grove Cottage Thorpe Bank YO22 4UA

Local Planning Authority: North York Moors National Park Authority

Attached is a copy of the appeal form.

Important Information: An email has been sent to the appellant/agent advising them that they must send a copy of the completed appeal form and any relevant supporting documents not previously sent to you. If you have not received them within a few working days, you should contact the appellant to request them.

Please do not reply to this message. - It is an automatically generated response from the mail delivery system.

From:
To: [Planning](#)
Subject: Planning Appeal - Grove Cottage, Fylingthorpe
Date: 25 February 2020 21:50:54
Attachments: [image003.jpg](#)
[01 APPEAL FORM - 531608.pdf](#)
[219045 - GC - Grounds of Appeal - 10-3-20.pdf](#)

Dear Sirs,

Please find attached our planning appeal documentation for your records.

Kind regards

Paul Draper IEng, AMIStructE
Managing Director
for and on behalf of PDDesign Consulting Ltd



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The Sidings

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The Planning Inspectorate

HOUSEHOLDER PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents must reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/W9500/D/20/3247761

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

Name

Company/Group Name

Your reference

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA issue a decision? Yes No

Date of LPA's decision

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

Is the appeal site within a Green Belt? Yes No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Variation of Condition 2 (material amendment) and 8 of planning approval NYM/2019/0347/FL to allow replacement stonework to front wall of the dwelling together with stone boundary wall

Area of floor space of proposed development (in square metres)

0

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes No

2. Hearing

3. Inquiry

H. GROUNDS OF APPEAL

The grounds of appeal are:

[see 'Appeal Documents' section](#)

Do you have a separate list of appendices to accompany your grounds of appeal?

Yes No

Have you made a costs application with this appeal?

Yes No

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days

before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

J. SUPPORTING DOCUMENTS

01. A copy of the application form sent to the LPA.

02. A copy of the LPA's decision notice.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, the personal details form and any supporting documents (including the full grounds of appeal) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your forms
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section: GROUNDS OF APPEAL
Document Description: The grounds of appeal
File name: 219045 - GC - Grounds of Appeal - 10-3-20.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. A copy of the original application form sent to the LPA.
File name: 219045 - GC - Application Form.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. A copy of the LPA's decision notice.
File name: NYM2019-0700-FL - Decision Notice.pdf

Completed by MR PAUL DRAPER

Date 25/02/2020 21:40:06



Grounds of Appeal

for: **Planning Application - NYM/2019/0700/FL**
Refusal of Variation of Condition 2 for Planning Application
NYM/2019/0347/FL

at: **Grove Cottage, Thorpe Bank,**
Fylingthorpe, Whitby, YO22 4UA

date: 10th February 2020

Job no: 219045

issued for: Planning

Architectural • Structural • Residential • Commercial • Planning • Building Control

North Yorkshire, DL7 0DS

w. www.pddesign.co.uk

Managing Director: Paul Draper IEng, AMStructE • Company No: 5389321 • VAT No: 918 3604 20

1.0 Introduction

This statement is to support a householder planning application appeal against a decision made by North York Moors National Park Authority to refuse planning permission for the following:

Variation of conditions 2 (material amendment) and 8 of planning approval NYM/2019/0347/FL to allow replacement stonework to front wall of the dwelling together with stone boundary wall.

Under the above variation of condition application, the proposal was to obtain consent to alter the materials of the front wall of the existing cottage and the outbuilding/boundary wall which faces the road to the upper part of the site. The original stone boundary wall in front of the main dwelling is to be retained and repaired as required.

The refusal was for the following reason(s):

The proposed replacement of the existing front brick boundary wall with stone would harm the ability to read the significance and development of this building, harming the significance of this designated heritage asset and causing significant harm to the character and appearance of this attractive and historic property and that of the surrounding Conservation Area contrary to Core Policy G and Development Policies 3, 4 and 19. These policies aim to ensure that new development achieves a high standard of design, which reflects or complements that of the local vernacular and does not detract from the character, form and setting of the original dwelling.

This appeal statement sets out the Appellant's case to appeal this decision. In this, we have fully considered the relevant local planning policies and supplementary planning guidance.

2.0 Property Description

Grove Cottage is a semi-detached residence which sits within the Fylingthorpe Conservation Area. It was built in the early-mid 18th Century and is a 2 storey dwelling with a gable end to one side and an adjoining wall to 'The Manse' at the other. It has an existing two storey side addition which has been added to the gable end. The external walls of the dwelling are all stonework (primarily painted) with the exception of the front wall of the main house which is brickwork (also painted). A conservatory was added to the back of the side addition. The roof to the main house and side addition are covered in red tiles and to the front of the main house there is a small flat roofed dormer window.

Windows to the building are a mixture of upvc and timber in both a sash and casement style and are double glazed.

3.0 Planning History

Planning permission (NYM/2019/0347/FL) was recently granted for the erection of a two storey side extension, new boundary wall and access with separate garage outbuilding.

Approval was granted for the extension and outbuilding to be constructed in stonework with the boundary wall constructed in brickwork.

4.0 Grounds of Appeal

4.1 Main House

The front wall of the existing cottage is currently brickwork which has been painted along with the existing stonework to the part side and rear elevations of the property. The existing brickwork is in a poor state of repair and therefore it is intended to remove the paintwork throughout and replace the outer leaf of the front wall with face stonework to match the refurbished existing stonework, the approved extension, outbuilding and various other properties in the area.

The use of brickwork to the front elevation is not an original feature of the building and therefore it is the intention to reinstate the property back to its original construction and materials with original stonework used throughout. The original finish is clearly displayed on the existing gable end which details the original stonework, coursing and colour.

The painted finish of the building makes it virtually impossible to differentiate between the existing brickwork and stonework, therefore it is difficult to understand how the retention of this element of the facade adds any heritage value to the Conservation Area. The painted finish masks the brickwork/stonework therefore once the paintwork is removed to reveal the natural finish below, this will create an unsightly, ugly building that will be out of character with the local area due to the mixture of materials.

The nearest surrounding properties have either been constructed entirely in brickwork (painted and face finished) or entirely in stonework. No other properties have adopted this mix of construction.

4.2 Outbuilding and Boundary Wall

The existing outbuilding and boundary wall to the upper part of the site gained planning approval to be demolished and moved further back into the site to form the new vehicle entrance/boundary wall to the property.

The existing outbuilding wall/boundary wall currently dominates the frontage on to Thorpe Bank and masks the view of the existing property when descending Thorpe Bank. Once the outbuilding and wall is demolished and the new wall is re-located further back into the site, this will be subservient to the host property as it is set back from the principle elevation.

The Appellant would like to use the same stone material to the whole property, which is consistent with various other properties along Thorpe Bank. This will enhance the area and create a much more characterful property that will integrate seamlessly with the existing locality.

The change from brickwork to stonework we feel has a negligible impact on the area, as the new boundary wall is reduced in mass and height, is set back from the road and the stepped nature of the design means that it creates a level of interest to the frontage, as well as match other properties that have adopted similar refurbishment/extension works in the area.

4.3 Property Examples

There are a large number of properties on Thorpe Bank that have been originally constructed in stonework including the boundary wall with more recent additions that are highly visible in the conservation area, also constructed in stonework. Please refer to Photographs 5 to 7 for typical examples.

5.0 Planning Decision

Upon studying the Planning Officers report, and in particular, the Material Considerations section, this confirms that the area is characterised by stone built cottages and houses facing onto the highway, which is what the Appellant is trying to replicate.

The Local Authority also feel that the replacement of the entire frontage with stonework will be detrimental to the conservation area and the significance of the designated heritage asset. In regards to this, the majority of the houses along this lower section have been constructed in stonework with stonework boundary walls directly onto the highway. Our proposals look to replicate the existing area and adopt similar architectural details.

The Local Authority also mention that the wall should be ancillary to the main house. This is already achieved and explained fully in Section 4.2 above, with less mass, lower height and the stepped back nature of the design.

6.0 Summary

We believe that our proposals will reinstate the property back to its original former state, which is fully in keeping with the surrounding area and other local properties, that will significantly enhance Thorpe Bank and the Fylingthorpe Conservation Area as a whole.

The use of stonework to both the main dwelling and boundary wall is the only logical choice to reinstate the existing building and site to its original state, creating an attractive dwelling that will integrate and enhance the existing area.

On this basis, we respectfully request that the planning inspectorate uphold this Appeal.

7.0 Photographs



Photograph 1 - Existing Front Elevation



Photograph 2 - Existing Rear Elevation



Photograph 3 - Existing Gated Access & Main Property



Photograph 4 - Existing Gated Access & Outbuilding Wall (to be demolished)



Photograph 5 - Grove Cottage & Neighbouring Property



Photograph 6 – Example of stone built properties directly opposite appeal site.



Photograph 7
Example of stone built properties along Thorpe Bank with stone boundary walls.



Photograph 7 - Aerial Image