

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/W9500/W/20/3250668

Appeal By

RESTEK

Site Address

3 Bloomswell  
Robin Hoods Bay  
WHITBY  
YO22 4RT

#### PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes  No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes  No

Please explain

Internal alterations including removal of internal porch

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

Please describe

Covid-19

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes  No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes  No

#### PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes  No

5. Was a site ownership certificate submitted with the application? Yes  No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990? Yes  No

6.a. If a press advert notice was published, please upload a copy  
 see 'Questionnaire Documents' section

6.b. If any representations were received as a result of the notice, please upload copies  
 see 'Questionnaire Documents' section

7. Does the appeal relate to a county matter? Yes  No

**8. Please indicate the development type for the application to which the appeal relates.**

Major Developments

Minor Developments

Other Developments

**8.c. Other Developments**

Mineral working

Change of use

Householder developments

**Is the appeal site within:**

9.a. A Green Belt? Yes  No

9.b. An Area of Outstanding Natural Beauty? Yes  No

10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes  No

### PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes  No

12.a. Is the site in a Conservation Area? Yes  No   
Please attach a plan of the Conservation Area  
 see 'Questionnaire Documents' section

12.b. Is the site adjacent to a Conservation Area? Yes  No

12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? Yes  No

13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building? Yes  No

Grade I  
 Grade II\*  
 Grade II

Date of the listing

Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest  
 see 'Questionnaire Documents' section

13.b. Would the proposed development affect the setting of a listed building? Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
13.c. If YES to 13.a or 13.b, was Historic England consulted?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
16. Is any part of the site subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
19.a.i. If YES, was it necessary to consult Natural England? Please attach the comments of Natural England <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals? Please attach the comments of Natural England or attach details, including relevant extracts of any protected species standing advice that has been considered. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>

#### PART 4

##### Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes  No

##### Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes  No

20.c.i. Have you issued a screening opinion (SO) Yes  No

##### Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement? Yes  No

##### Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local Applies  N/A

advertisement published as required for EIA development.

21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Yes  No

Please attach copies of any comments that you have received in response.

see 'Questionnaire Documents' section

## PART 5

22. Do you wish to attach your statement of case? Yes  No

### For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal? Yes  No

### Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;

see 'Questionnaire Documents' section

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

see 'Questionnaire Documents' section

Deadline

22/06/2020

24.c. all representations received from interested parties about the original application;

see 'Questionnaire Documents' section

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

see 'Questionnaire Documents' section

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

*You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*

see 'Questionnaire Documents' section

see 'Questionnaire Documents' section

List of policies

DP4 & DP5

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

see 'Questionnaire Documents' section

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

*In the case of emerging documents, please state what stage they have reached.*

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

24.o. any other relevant information or correspondence you consider we should know about.

#### For the Mayor of London cases only

25.a. Was it necessary to notify the Mayor of London about the application? Yes  No

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes  No

#### LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/W9500/W/20/3250668

Appeal By RESTEK

Site Address  
3 Bloomswell  
Robin Hoods Bay  
WHITBY  
YO22 4RT

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 2

**Document Description:** 6.a. A copy of the notice published.

**File name:** Copy of Notice.pdf

**File name:** Copy of Planning Notice.pdf

**Relates to Section:** PART 2

**Document Description:** 6.b. Any representations received as a result of that notice.

**File name:** 2020-01-13 Public - Third Party.pdf

**Relates to Section:** PART 3

**Document Description:** 12.a. A plan of the Conservation Area.

**File name:** Robin Hoods Bay.pdf

**Relates to Section:** PART 3

**Document Description:** 13.a. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.

**File name:** 3 Bloomswell RHB - Listing.pdf

**Relates to Section:** PART 3

**Document Description:** 13.b. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.

**File name:** 3 Bloomswell RHB - Listing.pdf

**Relates to Section:** PART 3

**Document Description:** 19.a.i. The comments of Natural England.

**File name:** 2020-01-13 Public - Consultation Responses.pdf

**Relates to Section:** PART 3

**Document Description:** 19.b. The comments of Natural England or details, including relevant extracts, of any protected species standing advice that has been considered.

**File name:** MISC INF01 Bats.pdf

**Relates to Section:** PART 4

**Document Description:** 21. Copies of any comments that you have received in response.

**File name:** 2020-01-13 Public - Third Party.pdf

**File name:** 2020-01-13 Public - Consultation Responses.pdf

**Relates to Section:** PART 5

**Document Description:** 24.a. A copy of the letter with which you notified people about the appeal.

**File name:** Copy of Parish Letter.pdf

**Relates to Section:** PART 5

<b>Document Description:</b>	24.b. A document containing a list of the people you notified of the appeal.
<b>File name:</b>	List of those Notified NYM.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.c. Copies of all representations received from interested parties about the original application.
<b>File name:</b>	2020-01-13 Public - Third Party.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.
<b>File name:</b>	2020-01-17 Public - Officer Delegted Report.pdf
<b>File name:</b>	2020-01-29 Public - Officer Delegated Report.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.f. Copies of extracts from any relevant statutory development plan policies.
<b>File name:</b>	Title Page.pdf
<b>File name:</b>	Copy of Front Cover.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.f. Copies of extracts from any relevant statutory development plan policies.
<b>File name:</b>	Development Policy 04.pdf
<b>File name:</b>	Development Policy 05.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.h. Copies of extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when.
<b>File name:</b>	North York Moors National Park Authority Local Development Framework.pdf
<b>Completed by</b>	Not Set
<b>Date</b>	22/05/2020 15:44:45
<b>LPA</b>	North York Moors National Park Authority

# 1-9, BLOOMSWELL

## Overview

Heritage Category:  
Listed Building

Grade:  
II

List Entry Number:  
1301013

Date first listed:  
06-Oct-1969

Statutory Address:  
1-9, BLOOMSWELL



## Map

© Crown Copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100024900.

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Use of this data is subject to **Terms and Conditions** (<https://historicengland.org.uk/terms/website-terms-conditions/>).

The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - **1301013.pdf**

([http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/273685/HLE\\_A4L\\_Grade|HLE\\_A3L\\_Grade.pdf](http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/273685/HLE_A4L_Grade|HLE_A3L_Grade.pdf))

The PDF will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.

This copy shows the entry on 21-May-2020 at 11:32:57.

## Location

Statutory Address:

1-9, BLOOMSWELL

The building or site itself may lie within the boundary of more than one authority.

County:

North Yorkshire

District:

Scarborough (District Authority)

Parish:

Fylingdales

National Park:

NORTH YORK MOORS

National Grid Reference:

NZ9522105065

## Details

FYLINGDALES BLOOMSWELL NZ 9505 Robin Hood's Bay 17/16 Nos 1-9 consecutive 6.10.69

GV II Terrace of houses, early-mid C19 with alterations. Incised render, probably on brick. Pantiled roofs, stone stacks. Each 3 storeys, 1 wide bay. Doors at left, the originals of 3 fancy panels, some in doorcases of reeded pilasters and bracketed open pediment; radial fanlights, mostly blocked. No 6 has added porch with tented hood; doorcases of Nos 2 and 3 mutilated, and No 1 altered to shop front. Where original windows are 16-pane sashes on ground and first floors, Yorkshire lights on second floors; some windows replaced. No 2 has large modern dormer, No 6 has top replaced sash breaking eaves. Nos 4 and 5 have enlarged window openings and are included for group value.

Listing NGR: NZ9522105065

## Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:

327667

Legacy System:

LBS

## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

© Historic England 2020

**From:**  
**To:** [Planning](#)  
**Cc:** [Kelsey Blain](#)  
**Subject:** Comments on 3 Bloomswell, RHB - NYM/2019/0706/LB & NYM/2019/0704/FL  
**Date:** 10 January 2020 16:25:16

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3 Bloomswell is located in a terrace of nine properties, all of which are Listed. The building also lies within the Robin Hood's Bay Conservation Area (itself a designated heritage asset) which is subject to an Article 4 Direction which removes domestic PD rights for certain alterations. This Direction has been in place since 2006.

3 Bloomswell is of early-mid 19 century brick construction with a pantile roof with white rendered elevations (as is the remainder of the terrace). The property has undergone some alteration with more modern casement windows but they are of timber flush fitting construction. The property also has a traditional timber panelled door and timber canopy surround both of which contributed to the special architectural and historic interest of the building and also the wider Conservation Area. A key component of the Robin Hood's Bay Conservation Area is the wide variety of traditional window types, wrought iron work, and traditional timber panelled doors, many with little wooden canopies with brass or iron door knockers and cumulatively these contribute significantly to the wider character of the Area.

As a Listed Building 3 Bloomswell is of national significance for which the LPA has a duty to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses, in accordance with the Planning (Listed Building and Conservation Areas) Act 1990. The property is also located within the RHB Conservation Area for which, under the same Act, the LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.

The significance of the property derives from its traditional construction, modest form and traditional detailing and its architectural style when read with the remainder of the terrace. 3 Bloomswell also has aesthetic value for its layout and sense of proportion of the internal rooms where they follow the original floor plan.

As a Listed Building the general approach to work is to adopt a repair rather than replacement approach especially where historic fabric and features of architectural or historic interest exist. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF, 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification (NPPF, 194).

In terms of the impact of work which has been carried out I will comment on each part individually, however I would like to make two points with regards to the Heritage Statement. The HS refers to work being proposed which is not the case. The works have already been carried out (without the benefit of LBC and is therefore inaccurate in this respect. Further to this the heritage statement submitted with this application fails completely to grasp the significance of the site and designated heritage assets, the contribution of the site to the conservation area and the impact of the proposals to the designated heritage asset and as such is not fit for

purpose as it does not meet the requirements of the NPPF (2019).

In addition, the LBC includes internal work. Access inside the building has been refused on several occasions and therefore a proper internal inspection of the work being proposed has not been able to be carried out. As such, our comments are based on the evidence and the knowledge we have of the building in question.

No objection to:

- Roof. While full replacement of the roof covering would have required LBC, on the basis that the replacement tiles are of matching handmade construction and the insulation is lamb's wool (not impermeable Kingspan) the work is acceptable.
- The reinstatement of metal rainwater goods, replacing the plastic, is supported.
- Attic. As the floorboards appear to be modern boarding, I have no objection to their replacement on a like for like basis.
- First floor floorboards. No objection to the selective approach taken to replacement and the sourcing of replacement boards to match existing on a like for like basis.
- Windows. The 'existing' windows albeit of modern casement top hung construction; they were of traditional painted timber flush fitting appearance. Their replacement with traditional sashes is supported in principle, however unfortunately the design and detailing of the new windows fail to properly reflect the local detailing found elsewhere on the terrace, namely: the use of 6 over 6 sashes rather than 8 over 8 which is more characteristic of the terrace - the result is much squarer window pane proportions which lack the elegance of the neighbouring traditional windows. The use of horns is also not characteristic of the terrace. I also wonder whether the finish is a factory 'spray' finish, rather than hand painted, which results in the flat, almost upvc like finish. Finally, with regard to the rear sash window, it would have been preferred to have use a traditional 'Whitby composite' style of window which would have more appropriately reflected the less formal characteristics of this rear elevation.

It is disappointing that the applicant had not followed formal procedures by seeking LBC prior to installation so that we could have assisted in the detail of the windows or engaged in any pre-app discussions. However, having regard to the duty of the Act to preserve the building and any features of special architectural or historic interest it is felt that, on balance, given the replacement windows are of a traditional form of fenestration in the sense that they are sashes and given they replace modern casements we would view this as a modest enhancement.

Objection is raised to the following elements:

- Ground floor damp proofing. It is acknowledged that the ground floor had been replaced with cement by a previous owner in the past (1996). However it is assumed that this procedure must have failed (which is common in traditionally constructed buildings like this) given the need to re-concrete and re-plaster the floor and walls again. Current practice to address damp in traditionally constructed buildings is now vastly different from 20+ years ago as a result of a greater understanding of how these building operate and in particular the need to ensure new materials are compatible with the fabric of the building especially

regarding breathability. On this basis, we object to the use of gypsum and cement materials which have been, and will continue to, cause harm to the fabric of this building. The re-application of a damp proofing system requires LBC (which again has not been sought prior to carrying out the works) and as such should not be approved.

- Door. We dispute the applicant's statement that the front door is (was) a re-used internal door. Evidence of the exact same door design can be found on external doors elsewhere in the village and as such is considered to contribute to the architectural character of the Listed Building as well as the wider Conservation Area. 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. The replacement of the historical panelled front door with a modern machine-made door is not acceptable in heritage terms and the historical door should be reinstated. Furthermore the use of a silver/chrome door knob located centrally within the door is also harmful and fails to take account of the locally distinctive features of the village where more traditional brass or iron is the prevailing character.
- Paint colour. As a building of Georgian design the colours of the Georgian period are mainly quite 'toned-down' or 'muted' colours and early period colour schemes included earth tones such as sage green, blue-grey, browns and drabs. Later Georgian colours included soft greys, greens, sky or Wedgwood blue, beiges and stone shades, although it is unlikely that these more fashionable colours would have been that available in Robin Hood's Bay and are therefore generally less common. The colour pink therefore is not considered to be appropriate for this building and does not pay special regard to the special interest of the LB or make a positive contribution to the Conservation Area.
- Canopy and door surround. We dispute the non-historical value of the 'existing' canopy and surround claimed by the applicant as it is clearly historical. It is historical and an important architectural component of RHB houses. The list description describes the door casing as "mutilated" however it is clear from the evidence that we have that its form, design and appearance were evident and did not appear to be in poor condition. If it was in poor condition (and evidence provided to show this) a like for like replacement would have been requested. The replacement canopy and surround installed lacks the detail and fineness of the historical canopy and surround and as such we object to its replacement.
- Internal porch. We dispute the applicant's statement that the internal porch was modern. Such porches are a common feature of many of the houses and cottages in RHB and are evident in the neighbouring properties along Bloomswell. They are a locally distinctive feature of RHB and as such contribute to the significance of this Listed Building. We object to its removal and seek its reinstatement.

In conclusion, the elements objected to above are considered to be harmful to the significance of this designated heritage asset by paying little regard to the special interest of the building or its architectural or historic significance. The loss of the porch, the door, door canopy, hardware and other alterations to the interior could, cumulatively, be considered substantial harm to a Grade II Listed Building; however it is considered to be less than substantial in this instance and as such the application fails to accord with 193, 194 and 196 of the NPPF and the Act. When a

proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I see no public benefit of the proposal (and none put forward in the application).

It is also noted that the fire surround in the ground floor room has been lost. Please could the applicant provide further details as to whether anything was in situ prior to the re-plastering of the walls and also whether a new fire surround is to be installed or log burner etc.? If the fire is not to be used, then it is important that ventilation is provided into the chimney.

**From:**  
**To:** [Planning](#)  
**Subject:** Fylingdales Parish Council  
**Date:** 19 December 2019 17:57:07

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Good Afternoon,

The Council have given the following decision on applications NYM/2019/0704/FL and NYM/2019/0706/LB, 3 Bloomswell.

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.

Kind regards,  
Steph Glasby

Date: 13 December 2019  
Our ref: 302332  
Your ref: NYM/2019/0704/FL



North York Moors National Park Authority

**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

Dear Sir/Madam

**Planning consultation: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)**  
**Location: 3 Bloomswell, Robin Hoods Bay**

Thank you for your consultation on the above dated received by Natural England on 28 November 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### **Landscape advice - North Yorkshire & Cleveland Heritage Coast**

The proposed development is for a site within or close to a defined landscape namely North Yorkshire & Cleveland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 173 of the National Planning Policy Framework. It states:

*173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major*



*development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.*

The NPPF continues to state in a footnote (footnote 55) that *“For the purposes of paragraph 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully  
Dawn Kinrade  
Consultations Team

## **Annex - Generic advice on natural environment impacts and opportunities**

### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

### **Biodiversity duty**

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

### **Protected Species**

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Protected landscapes**

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [\*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites\*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of

new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

**From:** [Victoria Franklin](#)  
**To:** [Planning](#)  
**Subject:** RE: Bird and bat informatives  
**Date:** 06 December 2019 13:43:52

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Apologies Wendy, thank you for pointing it out, I have mixed the numbers around it should be 2019/0704/FL 3 Bloomswell, Robin Hoods Bay

[Victoria](#)

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**From:** Planning  
**Sent:** 06 December 2019 13:22  
**To:** Victoria Franklin  
**Subject:** RE: Bird and bat informatives

Hi Victoria

Could you double check if 19/0740 is the right reference for your comments as that number is a CVC to check off a stone panel.

[Wendy](#)

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**From:** Victoria Franklin  
**Sent:** 06 December 2019 10:31  
**To:** Planning  
**Subject:** Bird and bat informatives

Hello,

If the following applications are approved please can a bat informative be included in the decision notice:

NYM/2019/ 0740/FL  
0796/FL  
0795/LB

If the following applications are approved please can a bird informative be included in the decision notice:

NYM/2019/ 0795/LB  
0796/FL

Thank you,

Victoria Franklin  
Graduate Conservation Trainee

North York Moors National Park  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Tel: 01439772700  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0704/FL - Case Officer Miss Kelsey Blain - Received from Mrs Rosemary King at Ebor Cottage, Thorpe Green Bank, Fylingthorpe, YO22 4TU  
**Date:** 03 December 2019 09:50:22

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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.

Comments made by Mrs Rosemary King of Ebor Cottage, Thorpe Green Bank, Fylingthorpe, YO22 4TU

Preferred Method of Contact is Email

Comment Type is Comment

NYMNP  
- 8 JAN 2020

LINDALE  
MANOR RD  
ROBIN HOOD BAY  
7022 ARP  
7/1/2020

RE APPLICATIONS FOR  
3 BLOOMSWELL R.H. BAY  
APPLICATION NOS 2019/0704  
2019/0706.

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 casing on 3 matches the others on the row, they are very good examples of vernacular architecture, I have never seen their like elsewhere. Any new door casings should match the original survivors, which is the rest of the terrace.

(2)

bar one. The shape of the top is wrong, it should be tripartite on the canopy. There is no blind fastight. I have in the past replaced two of these like for like, it is not rocket science.

The cash windows to the front are six pane not eight as is correct.

It is a shame planning advice wasn't sought to begin with.

Yours

NYMNF

- 8 JAN 2020



**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0704/FL - Case Officer Miss Kelsey Blain - Received from Mrs Rosemary King at Ebor Cottage, Thorpe Green Bank, Fylingthorpe, YO22 4TU  
**Date:** 03 December 2019 09:50:22

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Comments made by Mrs Rosemary King of Ebor Cottage, Thorpe Green Bank, Fylingthorpe, YO22 4TU

Preferred Method of Contact is Email

Comment Type is Comment

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

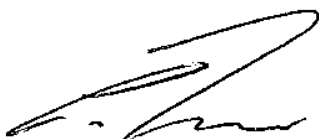
To Restek  
fao: Timothy Knight  
3 Bloomswell  
Robin Hoods Bay  
Whitby  
YO22 4RT

The above named Authority being the Planning Authority for the purposes of your application validated 22 November 2019, in respect of **installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective) at 3 Bloomswell, Robin Hoods Bay** has considered your said application and has **refused** permission for the proposed development for the following reasons:

1. The replacement of the historical door surround with one of unsuitable proportions, colour and detailing constitutes significant harm to the character and appearance of the Listed Building and the Conservation Area. Due to the historic, evidential and aesthetic value of the previous door surround, its loss is considered to represent harm to the Listed Building and the Conservation Area. 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 and Conservation Area and does not respect the existing architectural and historic context with reference to the form, scale proportions, design detailing and materials of traditional buildings. Therefore this element of the application is contrary to DP4, DP5, Section 16 of the NPPF and Sections 66 and 72 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, colour, 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 DP4, DP5 and Section 16, paragraph 196 of the NPPF.

**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.



Mr C M France  
Director of Planning

Date 17 January 2020

**Please Note your Rights of Appeal are attached to this Decision Notice**

## **Householder Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990. As this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**  
(Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

### **Notes**

1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

# North York Moors National Park Authority

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

Application No. NYM/2019/0704/FL

**Proposal: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)**

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

**Decision Date: 17 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 – Comment**

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.

## Director of Planning's Recommendation

### Reason(s) for Refusal

1.	The replacement of the historical door surround with one of unsuitable proportions and detailing and colour constitutes significant harm to the character and appearance of the Listed Building and the Conservation Area. Due to the historic, evidential and aesthetic value of the previous door surround, its loss is considered to represent harm to the Listed Building and the Conservation Area. 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 and Conservation Area and does not respect the existing architectural and historic context with reference to the form, scale proportions, design detailing and materials of traditional buildings. Therefore this element of the application is contrary to DP4, DP5, Section 16 of the NPPF and Sections 66 and 72 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, colour 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 DP4, DP5 and Section 16, paragraph 196 of the NPPF.





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**Application Number: NYM/2019/0704/FL**

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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.

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 planning permission 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, and the replacement of rainwater goods. The replacement front and rear doors have been painted pink, as has the door surround.

**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



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**Application Number: NYM/2019/0704/FL**

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interest which it possesses.

The Authority has a general duty in respect of conservation areas in its exercising of planning functions as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**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.

Development Policy 4 of the North York Moors National Park Local Development Framework states that proposals for development within a Conservation Area will only be permitted where they preserve or enhance the character and appearance or setting of the area.

**Door Surround**

The previous door surround was of special historical and architectural interest 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 Conservation Area and its loss constitutes less than substantial harm to the Listed Building and the Conservation Area under paragraph 195, Section 16 of the NPPF.

Development Policy 4 of the North York Moors Core Strategy and Development Policies Document states that overriding justification must be provided for the demolition of a feature that makes a positive contribution to the character and appearance of the Conservation Area. 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

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**Application Number: NYM/2019/0704/FL**

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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 and fails to preserve or enhance the character or appearance of the Conservation Area as required by Sections 66 and 72 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.

The proposed surround also fails to comply with Development Policy 4 of the North York Moors Core Strategy and Development Policies Document which states that proposals for development within a Conservation Area will only be permitted where they preserve or enhance the character and appearance of the area and where the scale, proportions, design detailing and materials of the development respect the existing architectural and historic context with reference to the form, scale proportions, design detailing and materials of traditional buildings.

**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 and the Conservation Area. 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 respect the existing architectural and historic context of the building with reference to the form, scale, proportions, design detailing and materials of traditional buildings, as required by Development Policy 4 of the North York Moors Core Strategy and Development Policies Document and 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 and wider Conservation Area. 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.

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**Application Number: NYM/2019/0704/FL**

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**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 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 and Conservation Area. 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; and under DP4 as it enhances the character and appearance of the area. 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.

**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. Furthermore, the need to replace these elements has not been satisfactorily demonstrated by the applicant and the design of the replacements show no regard for the fabric being lost or the character of the listed building or the wider conservation area.

Whilst the replacement of the roof covering, rainwater goods and windows would be considered acceptable, the proposed door surround and front door constitute less than

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**Application Number: NYM/2019/0704/FL**

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substantial harm to the listed building and the wider conservation area and as no public benefit is provided by these elements, this application is recommended for refusal. The applicant was advised that planning permission may be granted for the acceptable elements if the door surround and front door were removed from the application and pursued by the Enforcement team. However, the applicant chose to retain these elements within the application and as such the Authority has no option but to recommend the entire application for refusal.

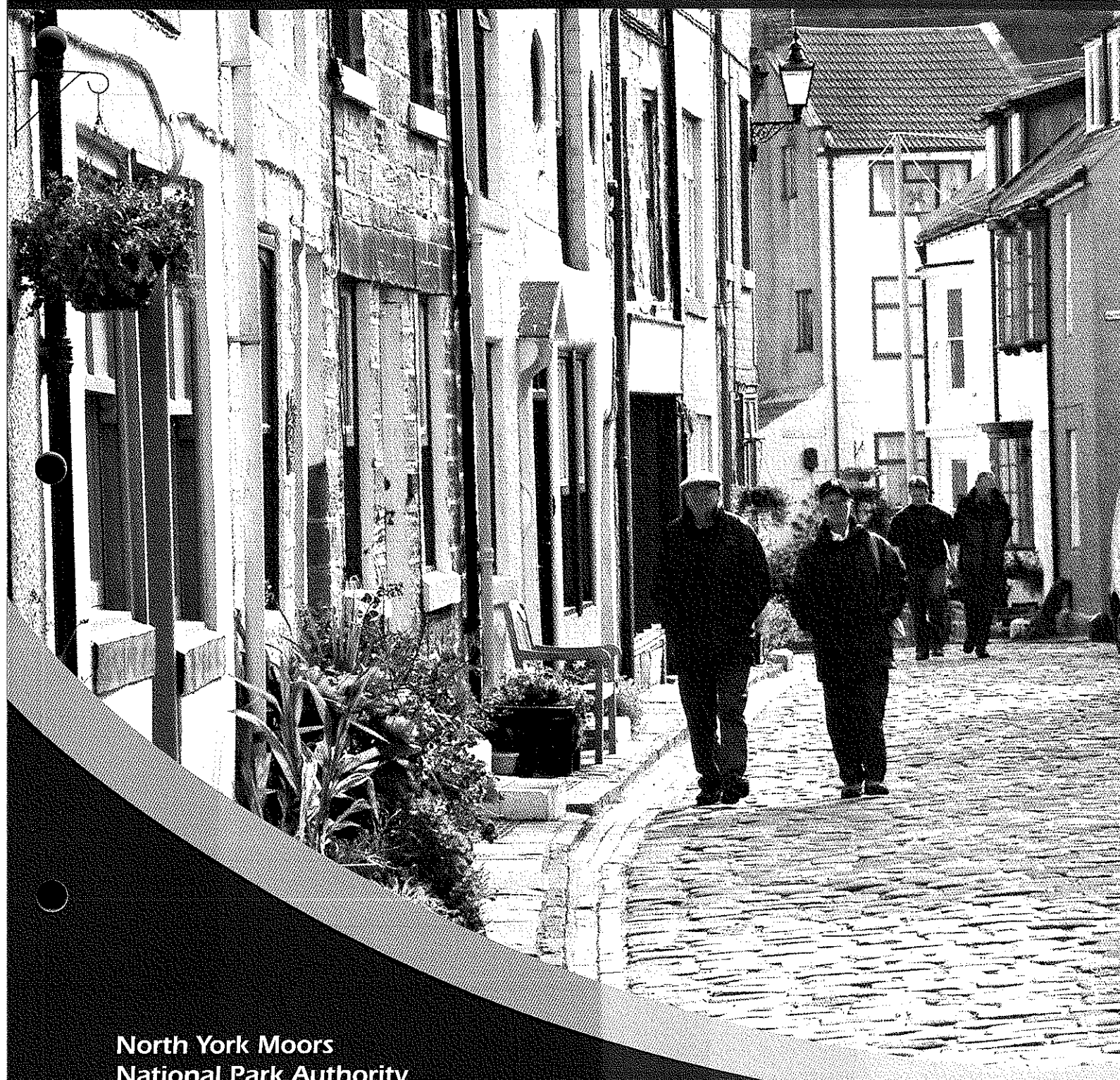
**Draft Local Plan**

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. Whilst the Draft Local Plan has not yet been adopted, some weight may be attached to this policy.

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. Whilst the Draft Local Plan has not yet been adopted, some weight may be attached to this policy.

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

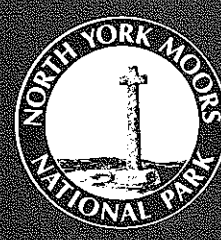
Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.



North York Moors  
National Park Authority  
Local Development Framework

# Core Strategy and Development Policies

November 2008



## Planning Notice

NYM/2019/0704/FL & NYM/2019/0706/LB, Restek, 3 Bloomswell, Robin Hoods Bay, planning permission and Listed Building Consent for installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective), and Listed Building Consent for painting of external render and internal alterations.

The application site is considered to affect the character or appearance of Robin Hoods Bay Conservation Area, and the building concerned is a Listed Building.

The application(s) may be inspected at our office, by appointment or on our website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). Comments can be sent via email, post or online form by 13 January 2020

Mr C M France, North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP ([planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk))  
19 December 2019

# North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
Planning enquiries: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



**Andy Wilson**  
Chief Executive

Fylingdales Parish Council  
c/o Ms Stephanie Glasby  
Gilders Holme  
Raw  
North Yorkshire  
YO22 4PP  
Via Email:

Your ref:

Our ref: NYM/2019/0704/FL

Date: 18 May 2020

This matter is being dealt with by: Miss Kelsey Blain

Dear Sir/Madam

## Town and Country Planning Act 1990

**Land at:** 3 Bloomswell, Robin Hoods Bay

**Proposed development:** installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)

**Appeal reference:** APP/W9500/W/20/ 3250668

**Appeal starting date:** 18 May 2020

**Appellant(s) name:** Timothy Knight

I am writing to let you know that an appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority for the reasons given on the decision notice. All appeal documentation including a copy of the appeal decision will be published on the [Planning Explorer](#) section of the Authority's website under the application reference number. The documentation is accessible by using either the application search option or the advanced search option and by using the appeal search. A copy of the appeal decision will also be published on the GOV.UK website <https://www.gov.uk/appeal-planning-inspectorate>. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department and copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should



Ref No

you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write direct to the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within five weeks of the appeal start date, quoting the appeal reference number.

Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter however; they will ensure that it is passed on to the Inspector dealing with the appeal.

You can get a copy of the Planning Inspectorate's appeal guidance booklet from the following website: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Please do not hesitate to contact the Officer dealing with this matter by email ([planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)) if you require any additional information.

Yours faithfully

*Mark Hill*

M Hill  
Head of Development Management





## Planning Notice

### Planning (Listed Buildings and Conservation Areas) Act 1990

**Application Number** NYM/2019/0704/FL & NYM/2019/0706/LB

**Applicant** Restek

**Site Address** 3 Bloomswell, Robin Hoods Bay

**Proposal** Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective), and Listed Building Consent for painting of external render and internal alterations.

**Other Information** The application site is considered to affect the character or appearance of Robin Hoods Bay Conservation Area, and the building concerned is a Listed Building.

Members of the public may inspect the electronic application(s), including plans at the National Park Offices during normal office hours by appointment or on the Authority's website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). You are advised to inspect the plans carefully to assess any impact on you as the description can only cover the main parts of the development. Any comments on the application(s) should be sent to the address below within 21 days of the date of this advertisement, quoting the application reference number. Comments may also be submitted using the online form on the Authority's website. If you have any queries on the application(s) please contact the National Park Office.

Under the provisions of the Freedom of Information, Access to Information and Environmental Information Acts any comments received are available for public inspection. They will also be forwarded to the Secretary of State for Communities and Local Government in the event of an appeal. The Authority can therefore not accept comments marked as confidential as valid objections and any such comments will not form any part of the consideration or determination of the application.

**Please note that where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period.**

Mr C M France  
Director of Planning  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York, YO62 5BP

website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)  
email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
tel: 01439 772700

#### **Date of Notice:**

This notice may be removed 21 days after the above date.

## Development Policy 4 – Conservation Areas

Proposals for development within or immediately adjacent to a Conservation Area will only be permitted where they preserve or enhance the character and appearance or setting of the area and where:

1. Buildings and features, including open spaces, watercourses, trees, hedges, walls and railings that make a significant contribution to the character and appearance of the Conservation Area are retained and respected.
2. The scale, proportions, design detailing and materials of the development respect the existing architectural and historic context with reference to:
  - a. the form, scale, proportions, design detailing and materials of traditional buildings.
  - b. historic plot boundaries and layouts.
  - c. traditional street patterns.
  - d. the relationship between buildings and spaces.
  - e. views into and out of the area.
3. In cases where the demolition of a feature or building that makes a positive contribution to the character and appearance of the Conservation Area is proposed, there is an overriding justification for the proposal.

Applicants should refer to:

- Conservation Area Assessment and Management Plan Supplementary Planning Documents (to be prepared)

- 7.12 The boundaries of all 42 Conservation Areas in the Park are shown on the Proposals Maps.
- 7.13 The distinctive character of such areas is derived from a number of inter-related historical and architectural features including the relationship between buildings and spaces, views along streets and between buildings, traditional street patterns and layouts and the design detailing and materials of traditional buildings. It is the combination of all these features that gives each Conservation Area its own distinctive character and qualities.
- 7.14 Development in Conservation Areas will be carefully controlled to ensure that their character is preserved or enhanced. The Authority has introduced Article 4 Directions in 38 of the Conservation Areas which means that additional controls are imposed on alterations to features including doors, windows and chimneys.
- 7.15 The Authority also has a duty to publish proposals for the safeguarding and enhancing of Conservation Areas and has a rolling programme in the Local

Development Scheme for the production of Conservation Area Assessment and Management Plans which will be adopted as Supplementary Planning Documents. These will identify the features that contribute to the individual character and interest of each Conservation Area and include measures to ensure that the character and the appearance of Conservation Areas will be maintained through the effective management of change as well as ensuring that opportunities to enhance the character and appearance are maximised.

## Development Policy 5 – Listed Buildings

Proposals for the alteration, extension or change of use of a Listed Building or the construction of any structure within its curtilage will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building.

Any development which would have an unacceptable impact on the setting of a Listed Building will not be permitted.

Proposals for the demolition of a Listed Building will not be permitted unless there is overriding justification to warrant this.

### Applicants should refer to:

- Planning Policy Guidance 15 – Planning and the Historic Environment

- 7.16 The Listed Buildings in the Park are a significant part of its built and cultural heritage and represent a range of buildings of such importance that, once lost, cannot be replaced. As the Authority has a statutory duty to protect Listed Buildings the presumption, therefore, is always in favour of their preservation.
- 7.17 Whilst often the best use of a Listed Building will be that for which it was originally built, the Authority recognises that ensuring its continued upkeep and active use will at times require it to accommodate change. It is important however that any repairs, alterations and extension complement the special historic and architectural character of the building and that the removal of historic fabric is kept to a minimum.

**List of those Notified    NYM/2019/0704/FL**

Internal - Building Conservation Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP  
Via email

Fylingdales Parish Council  
c/o Ms Stephanie Glasby  
Gilders Holme  
Raw  
North Yorkshire  
YO22 4PP  
Via email

Natural England - Local Government Team – Via email

Internal - Conservation  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP  
Via email

Mrs Rosemary King  
Ebor Cottage  
Thorpe Green Bank  
Fylingthorpe  
YO22 4TU  
Via email

#### MISC INF01 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.

- North York Moors National Park Authority Local Development Framework; Design Guide; Part 2: Extensions and Alterations to Dwellings
  - Section 4.3: Replacement doors should reflect the shape of the opening and respect the character of the original property.
  - Section 4.3: Careful consideration should be given to the use of traditional door furniture and ironmongery such as locks, hinges and door knobs.

<https://www.northyorkmoors.org.uk/planning/framework/spds>

**NORTH YORK MOORS NATIONAL PARK AUTHORITY**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT) ORDER 1995**

**ROBIN HOOD'S BAY CONSERVATION AREA**

**DIRECTION MADE UNDER ARTICLE 4 (2)**

**WHEREAS** the North York Moors National Park Authority being the appropriate local planning authority within the meaning of article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the descriptions set out in the Schedule below should not be carried out on land shown edged red on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

**NOW THEREFORE** the said Authority in pursuance of the power conferred on them by article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below.

**THIS DIRECTION** is made under article 4(2) of the said Order and, in accordance with article 6 (7), shall remain in force until 9 February 2007 (being six months from the date of this Direction) and shall then expire unless it has been confirmed by the National Park Authority

**SCHEDULE**

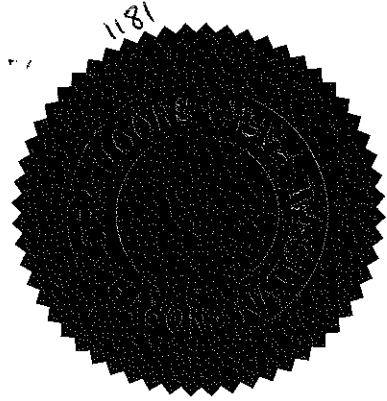
1. The enlargement improvement or other alteration of a dwelling house being development comprised within Class A of Part 1 of Schedule 2 to the said Order and not being development comprised in any other Class.
2. Any other alteration to the roof of a dwelling house being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised in any other Class
3. The erection or construction of a porch outside any external door of a dwelling house being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised in any other Class
4. The installation, alteration or replacement of a satellite antenna on a dwelling house or within the curtilage of a dwelling house being development comprised within Class H of Part 1 of Schedule 2 to the said Order and not being development comprised in any other Class
5. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development comprised in any other Class



6. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure being development comprised within Class B of Part 31 of Schedule 2 to the said Order and not being development comprised in any other Class

THE COMMON SEAL OF )  
THE NORTH YORK MOORS )  
NATIONAL PARK AUTHORITY )  
Was affixed in the presence of )

This *9th* day of *August*.....2006



AUTHORISED  
SIGNATORY

**in Hood's Bay Article 4 (2) Direction**

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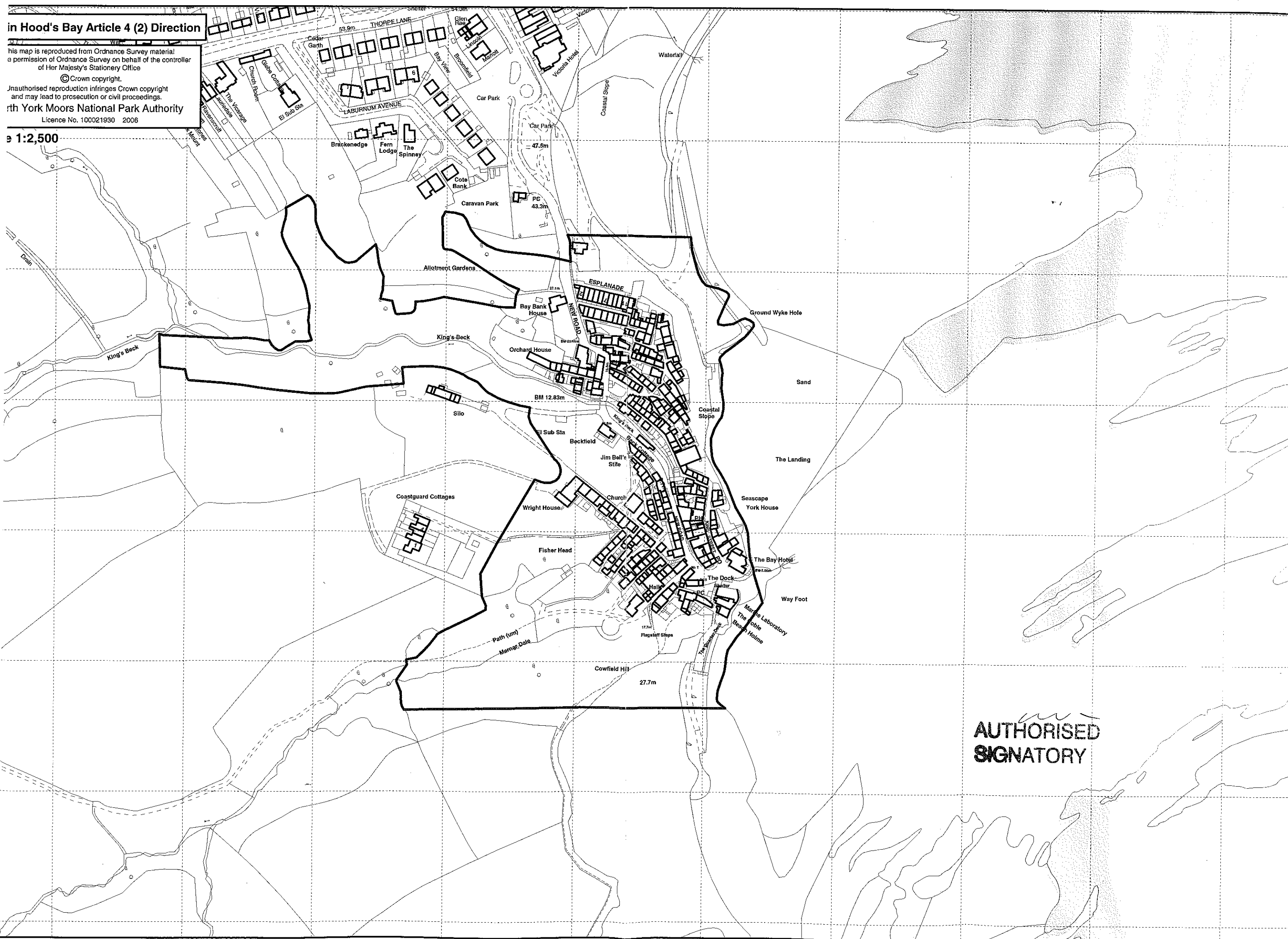
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North York Moors National Park Authority

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**AUTHORISED  
SIGNATORY**

North York Moors  
National Park Authority  
Local Development Framework

Core Strategy and  
Development Policies

Adopted Copy 13<sup>th</sup> November 2008

For York  
May 2008