

# North York Moors National Park Authority

Parish: Fylingdales

App No. NYM/2020/0371/FL

**Proposal:** installation of replacement door and reorganisation of pipework to front elevation, installation of 2 no. replacement rooflights and 3 no. replacement timber windows to rear elevation together with erection of replacement railings and non-lockable gate, garden shed and associated landscaping works

**Location:** 10 The Esplanade, Robin Hoods Bay,

**Applicant:** Mr C Whiteley and Mrs A Graham  
27 Levenside, Stokesley, TS9 5AR

**Agent:** Cheryl Ward Planning  
5 Valley View, Ampleforth, York, YO62 4DQ

**Date for Decision:** 27 July 2020

**Extended to:** 30 October 2020

## Director of Planning's Recommendation

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

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

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

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

Document Description	Document No.	Date Received
Application Form		01 June 2020
Location Plan		01 June 2020
Existing and Proposed Plans		01 June 2020
Heritage Statement		01 June 2020
Planning Support Statement		01 June 2020
Confirmation of non-lockable gate		29 June 2020
Email confirming further details		12 October 2020

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

3. Exterior Paint Scheme

No work shall commence to paint the external joinery in the development hereby approved until a scheme for the painting of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, fences, stable doors and any other exterior joinery fixtures. The works shall not be carried out otherwise than in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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**Application Number: NYM/2020/0371/FL**

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4. No work shall commence on the installation or removal of any doors/ windows in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors/ windows and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All doors/windows shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
5. **Trickle Vents Shall Not be incorporated into Windows**  
  
Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
6. **Window Frames in Reveals - Specify Set Back**  
  
The external face of the frame to all new windows shall be set in a reveal of a minimum of 80mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. All pointing in the development hereby permitted required for making good shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 (dry non-hydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

**Informative(s)**

1. **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.

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**Application Number: NYM/2020/0371/FL**

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**Reason(s) for Condition(s)**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
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7. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

**Consultations**

**Parish - 22 June 2020:** No objections

**29 June 2020:** Fylingdales Parish Council now have concerns over the gate.

The path that the gate covers is not private, the path and steps are used to get to Belmont Place and Bloomswell and the Square. The gate will also block the path to other house's parking (Brickhills).

Council would like its previous comments to be discarded and an Objection put in on these grounds, it does not object to the rest of the planned works.

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**Application Number: NYM/2020/0371/FL**

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**14 July 2020:** The Council continue to object to the gate due to its obstruction of access on a public right of way.

**Highways** – No objections. The footpath on the northern side of numbers 1 to 11 is not recorded as either publicly maintainable highway or a claimed public right of way. Any access rights by others across this land would either be a private arrangement or would need to go through the process of claiming the route as a public right of way.

**Site Notice/Advertisement Expiry Date** – 28 July 2020

**Others -**

**Rangers Coastal team** – The path is not recorded as a PROW on the definitive map but it has always been my understanding that there is public access here. Like many streets in all the coastal villages these routes have access but are not necessarily recorded as public rights of way on the definitive map.

**Mr Philip Webster at Madora, Belmont Place, Robin Hood's bay, YO224RU**

**20 June 2020** - The proposed gate at the top of the steps will interfere with our access between our house (we are full time residents of RHB) and our car park (Brickhills). If the gate is locked, it will block a right of way that we and our parents have enjoyed since 1969 (in that time there has never been a gate here). If it is unlocked it will be extremely awkward when carrying shopping and other items from the car to home.

**18 September 2020** - Withdraw our previous objection. We had assumed that the gate shown on the plans would be locked. We now understand that this is not the case, so rather than objecting, we would like to register our approval for this gate as it would help with safety on the stairs.

**Mrs Elizabeth Swynnerton at Rokeby House, The Square, Robin Hood's Bay, Whitby, YO22 4RX**

Object. This path has always been a public right of way and is in regular use for both young and elderly. The path is well maintained but narrow and an addition of a gate at that point would mean that it would be difficult to negotiate. It is used by many people in the village to access the car park, the way up to the top village, to the post office, houses and churches. Should this application be granted, the gate would block the current and historic right of way. It would also be in a dangerous position for anyone stumbling whilst trying to get through a gate. We urge you to reject this application.

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**Application Number: NYM/2020/0371/FL**

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**Robert Heath at Auburn Cottage, Tommy Baxter Street, Robin Hoods Bay**

Object. These steps are much used by our local community and any closure would cause a good deal of disruption to the circulation in the village. Many old people, including myself, manage better with these steps than with the steps on the road. It would be a sad day for Robin Hood's Bay if we curtail the wandering pleasures of our visitors and this sort of unnecessary barrier can do no-one much good.

Additionally, I should like to point out that the beautiful narrow door of the cottage to the rear is pretty special, and likely traditional. It would be a great shame to change the facade of this lovely, old cottage.

**Mr Antony Price at 3 Belmont Place, Robin Hoods Bay, Whitby, North yorkshire, YO22 4RU**

Strongly object to the timber gate. I fully support the rest of the application which in no way impacts on anyone else. This path/ road has been used to access my house which is next to Sea Brae by my family since 1998 and no doubt for many, many decades previous to this. Closing off this pathway would severely impact on my family and the other residents in the area, not least in potential problems with emergency service access. This right of way is acknowledged, known and fully understood by all residents in this immediate area. Can I draw your attention to a comment in a supporting document to the application, entitled, Heritage Statement. Under the final section titled Access, the following statement is noted.." Accessing the property, gardens and rights of way at the rear will remain unchanged and open for use at all times." If this statement stands, why is there a need for a gate? The village, being in conservation area, must be protected. Closing off paths, lanes etc. will detract from what Robin Hoods Bay is.

**Mrs Pam Hoyle at Ings House, Station Rd., Robin Hoods Bay, YO22 4RA**

Object. We moved to Robin hoods Bay in 1977 and there has always been a right of way up and down the steps behind this property from the old village, via The Square to Brickhills car park. The steps are fairly steep and a gate at the top would make them more difficult and possibly dangerous to use. As there has been an established right of way for the 43 years that I have lived here, I am very unhappy that this use should be restricted. Please could you consider an amendment to this application and remove the inclusion of a gate or any other attempt to alter rights of access.

**Mr Irving Foster at Corraline, Silver Street, Robin Hoods Bay, YO224SB**

Object. We have lived permanently in Silver Street since 1990. Throughout that time my wife and I have made regular (if not daily) use of the right of way up these steps to access the Brickhills car park and the public facilities at Bank Top, including the Post Office, the Doctor's Surgery and the bus service to Whitby and Scarborough. A gate at the top of the steps would constitute an impediment to that access.

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**Application Number: NYM/2020/0371/FL**

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I have no objection to any of the other aspects of the Planning Applications, but wish to see that access maintained as an open and unhindered right of way.

I note that Section 10 (Pedestrian and Vehicle Access, Roads and Rights of Way) of the Planning Application incorrectly answer "No" to the questions 'Is a new or altered pedestrian access proposed to or from the public highway?' And 'Do the proposals require any diversions, extinguishment and/or creation of public rights of way?'

**Mrs Carol Foster at Corraline, Silver Street, Robin Hoods Bay, YO224SB**

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**Dr Christine Kirk at Beeston Cottage, Tommy Baxter Street, Robin Hood's Bay, YO22 4RZ**

I am very concerned if this is proposing an obstruction to the path and steps which I have been using to access the upper Village and facilities on the north side of the village for over 35 years. This route from my house provides a safe way, whether I am on my own or accompanied by children and/or dogs without going to the main road/footpath which at peak times is very busy and sometimes hazardous. It also is a rare way of gradually ascending the steep hill, which is important for older and disabled people.

The joy and attraction of RHB (so important for the economic activity of the tourism, and the quality of life for residents) is related to the interrelationship of buildings, alleyways and streets and the whole character of the village. There is a spectacular view of the sea, cliffs and upper village when one uses the pathway past this property, emerging on to The Esplanade from the lower village.

The common usage of footpaths and apparent rights of way has been eroded over the years in RHB, so I hope the current use can be maintained in this case. Many of us, me included, are used to people walking on the little streets between our houses and outhouses/sitting out areas and this all adds to the significant character of the place.

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**Application Number: NYM/2020/0371/FL**

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I hope the significant objections raised by local neighbours relating to the particular issue of possible closure of a route regularly used by many people for many years will allow this route to remain usable by the public.

**Mrs Aileen C. M. Hollinrake 469 Chester Road, Hartford, Northwich, Cheshire, CW8 2AG**

As a long time householder in Robin Hood's Bay, I object strongly to the proposed gate thereby preventing people walking freely along the full length of what is otherwise a public street. I have personally used these steps since 1965 without hindrance and I have never known the path/steps to be blocked or public access to be prevented.

Although these steps are not a formal public right of way, they have been openly available to public access and a public right to pass over them for many years has developed without objection or question. I would respectfully request that this right of usage be allowed to continue. The street cuts out the steepest part of the hill climb for people wanting to get to the top. It also provides a safe way, avoiding the busy road, to get to the north beach.

The ginnels and alleyways of Robin Hoods Bay are among the main attractions that bring visitors to the Bay and on which the local tourist economy depends, especially when the tide is in and the beach is not accessible.

If you allow the practice of blocking off some streets/ alleyways, you could soon find there is less and less reason for tourists to come to the bay. Certainly it would give the impression visitors are not welcome.

**Dr Carolyn Fisher at Whitby Group Practice, 6, Martins Row, Robin Hoods Bay, YO22 4SD**

I strongly object to the proposed gate. This path is the only way up to the top of the village from this side of RHB. Otherwise it is a long trudge up the bank.

This side of the village gets to the Brickhills car park and to the top of the bank via this path. My car is in Brickhills and it will make it personally very difficult for me to get to my car, and go to work ( Doctor) and come home too. Plus my elderly mother lives at the top of the bank and I go up every day to see her. I use this path at least 3 times a day, and it will be very difficult for me to go the long way round, both in time and effort.

As a local GP, I have cause to visit residents and again this path is much used to visit patients and also medications are delivered to people via this path too. It makes it all too difficult to go the long way round and really awkward. I for example often park on Brickhills and then go off on my visits - saves me illegally parking on the Bank as well.

It would make the Downhill steps and the Bloomswell street, The Square and Belmont place all a dead end that goes nowhere. Not just locals, but exploring visitors would suffer from the loss of this access. The ethos of RHB as a village with interconnected paths, where people

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**Application Number: NYM/2020/0371/FL**

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can wander freely and connect will be severely hampered by this stop in one of the most important through routes.

The previous owner had 2 "private" signs - at the top and bottom of these steps - I asked him about this and he said that the steps did indeed belong to the property, but that by having the signs - it pointed out that any risk to person was understood and any damage from falling etc. was "on your own head" as acknowledged by these signs. I've noticed that the signs have disappeared since the property was sold.

Also there was a street light at the end of the row - and it shone into his bedroom - so the council took it down, with the proviso that he put up motion sensor lights top and bottom of the steps - these have not been on since the property was sold.

I have lived here 30 years and used this path on a daily basis and it will severely impede my access to my car and to the top of the bank.

**Judith Hill at Guides Cottage, Tyson's Row, Robin Hoods Bay, YO22 4SP**

When I first visited Robin Hoods Bay at the age of 12 in 1956 there was a gate. It was not locked it just had a latch. We stayed in 10 The Esplanade. Each day my little brother and I walked through the old village by going right out of the back of the house and under the covered passage. I visited every year until I was 18 but not always at that address. I am told that at some point the right to a gate was traded for housing flagstones laid which was happening all along the row. From 1967 I visited every year with my husband. I am now widowed and have been a permanent resident at the bottom of the Bay for over 2 years. I have a parking place just above the Esplanade and always walk down to the bottom of the Bay though the old village. Visitors do as well. To reinstate the gate might make visitors feel they were not able to do so. It is the old village which makes Robin Hoods Bay so attractive to visitors. Please do not allow the owner of 10 The Esplanade to deter people from starting at the top and walking down.





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**Application Number: NYM/2020/0371/FL**

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**Background**

10 The Esplanade is a three storey, Grade II listed property. The building lies within the Robin Hood's Bay Conservation Area and dates to the early-mid Nineteenth Century. The property sits under a Welsh slate roof and is constructed of brick in English garden wall bond to the south (front elevation) and herringbone tooled ashlar stone to the north (rear) elevation. A small single storey extension projects from the north (rear) elevation and is rendered with a pantile roof. The original 16 pane timber sashes in the south (front) elevation were replaced in the later Nineteenth Century with 2 over 2 light timber sashes and the north (rear) elevation contains modern casement windows, however all fenestration appears to sit within the original openings.

There is no planning history for this property.

This application seeks planning permission for the installation of replacement front door and reorganisation of pipework to the front elevation, installation of 2 no. replacement rooflights and 3 no. replacement timber windows to the rear elevation together with the erection of replacement railings and gate, garden shed and associated landscaping works to the north (rear) of the property.

**Main Issues**

The relevant policies contained within the North York Moors Local Plan to consider in relation to this application are Strategic Policy C (Design), Policy ENV 11 (Historic Settlements and Built Heritage) and Policy CO17 (Householder Development).

Strategic Policy C seeks to maintain and enhance the distinctive character of the National Park by requiring that developments are of a high quality design and incorporate good quality materials and do not have an adverse impact upon the amenities of adjoining occupiers. Furthermore, the scale, height, massing and form of the proposal should be compatible with surrounding buildings.

Policy ENV11 requires that developments affecting the built heritage of the North York Moors reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features. Development proposals will be permitted where among other things they conserve or enhance the special character and appearance of settlements including buildings, open space and other important features that contribute to visual, historical or architectural character.

CO17 states that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will be permitted where among other things, the form position and design of the new

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**Application Number: NYM/2020/0371/FL**

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development does not detract from the character and form of the original dwelling or its setting in the landscape.

The Building Conservation Officer has advised that 10 The Esplanade embodies high levels of aesthetic, evidential and historic value, with medium levels of communal value despite the fact that some of the features have been eroded such as the windows to the rear and the front door. On a whole the proposals are considered to be sympathetic to the building and its significance and incorporate the recommendations made at the pre-application stage and therefore this application is supported by the Building Conservation team.

The replacement of the front door with a traditional six panelled timber door and reinstated rectangular fanlight is considered to be acceptable. Similarly, the replacement of the 3 no. stormproof casement windows on the north (rear) elevation with traditional single glazed vertically sliding timber sashes of 16 panes is supported, provided that the constructional details of the windows, including their finish, are submitted to the Authority for prior approval.

The reorganisation of the pipework on the south (front) elevation is also supported and will enhance the character and appearance of the property and surrounding conservation area. The applicant has highlighted that the property consists of two pitched roofs with a valley gutter in the centre and that a rooflight and glazed panel are currently located on the north facing inner roof slope. This rooflight and glazed panel are unauthorised however, their replacement with Conservation rooflights from the 'Rooflight Company' or a similar cast iron type are considered to be acceptable.

A number of objections have been received from third parties and the Parish Council to the proposal to erect a 900mm high non-lockable gate across the path to the north (rear) of the property. Objections have been centred on the obstruction of a public right of way, however the Local Highways Authority have confirmed that the path in question is not recorded as either a publicly maintainable highway or a claimed public right of way and that any access rights by others across this land would either be a private arrangement or would need to go through the process of claiming the route as a public right of way. As such, the Local Highway Authority raised no objections to this proposal. Concerns regarding the blocking off of one of the many snickleways/alleyways within Robin Hoods Bay are noted and understood, however the height and design of the proposed gate and associated fencing are considered to be appropriate and sympathetic to the surrounding Conservation Area and it is therefore not felt that this proposal will have a negative impact upon the character and appearance of the main dwelling or the surrounding landscape.

This application also proposes to erect a 1.5 metre long shed with a width of 1 metre and a height of 2.15 metres along with various landscaping works in the garden to the north of the property. The design, proportions and location of the proposed shed are considered to be acceptable and will not detract from the character and appearance of the property or the surrounding landscape. The existing garden is very overgrown and therefore the proposal to provide 3 no. levelled areas finished in self-draining gravel is considered to be acceptable.

**Application Number: NYM/2020/0371/FL**

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Overall, the proposals included within this application are considered to be of an acceptably high standard of design that shows consideration for the character and form of the original dwelling and will not harm the setting of the Conservation Area.

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

**Pre-commencement Conditions**

Condition(s) 3, 4 and 8 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the use of cast iron Conservation style rooflights and amendments to the proposed paint finish so as to deliver sustainable development.