

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2020/0428/LB

Proposal: Listed Building consent for installation of 1 no. first floor window to front elevation (W4) and alterations to first floor layout

Location: Downhill Cottage, New Road, Robin Hoods Bay

Applicant: Mr J Kingham
21 The Oval, Doncaster, DN4 5LJ

Agent: BHD Partnership
fao: Mr Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

Date for Decision: 29 December 2020

Extended to: 11 January 2021

Consultations

Parish –

Site Notice/Advertisement Expiry Date – 04 December 2020

Others –

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. Standard Three Year Commencement Date - Listed Building
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Strict Accordance With the 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		23 June 2020
Location Plan		23 June 2020
Existing and Proposed Plans		23 June 2020
Heritage Statement		23 June 2020
Design and Access Statement		03 November 2020
Email confirming panelling		26 November 2020
Amended Plan		18 December 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. 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.

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Reason(s) for Condition(s)

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM 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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Background

Downhill Cottage is a two storey Grade II listed, Eighteenth Century mid-terrace house. The cottage was originally constructed as a single property, alongside Beadle Cottage, in herringbone tooled sandstone. Traditional white painted timber windows sit within the front elevation of the property with an 8 over 8 pane vertically sliding sash window and a fixed 28 pane window in the ground floor of the property and a 12 by 12 pane Yorkshire sliding sash window in the first floor. A non-traditional Twentieth Century casement window with side hung and top hung openers also sits within the first floor and appears to have been introduced when a partition wall was inserted into one of the first floor rooms.

Planning permission and Listed Building Consent were granted in April 2020 for refurbishment works and the replacement of all windows within the front elevation of the property. Planning permission was then granted in August 2020 for the replacement of the first floor modern casement window with a traditional Yorkshire Sliding sash and the erection of a timber sauna building in the rear yard.

This application now seeks Listed Building Consent for the first floor replacement Yorkshire Sliding sash window and alterations to the internal first floor layout.

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

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preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NYMNPAs Policies

The most relevant policy contained within the North York Moors Local Plan to consider in relation to this application is Strategic Policy I (The Historic Environment).

Strategic Policy I states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment.

The existing first floor casement window is believed to have been inserted into the property in the Twentieth Century to facilitate the division of the room into a bedroom and bathroom. The window is non-traditional in appearance and its replacement with a single glazed 12 by 12 pane timber Yorkshire Sliding sash window to match the existing Yorkshire slider within the property is considered to be an enhancement.

The installation of the replacement window would be accompanied by the removal of the Twentieth Century partition wall. The Authority's Building Conservation Officer has advised that the partition wall was likely to have been a modern insertion as the historic floor plan of the property is likely to have been two-cell to match the ground floor. Therefore, this proposal would reinstate the historic two-cell plan form. As the removal of the partition wall would lead to the loss of the bathroom, the installation of 2 no. ensuites is considered to be acceptable. As existing pipework will be used for the facilities within the ensuites, the internal alterations are not considered to harm the significance of the listed building.

The applicant has confirmed that the historic panel boards along the staircase wall of the bedroom will be maintained and finished in paint. They have also confirmed that the new stud walls for the ensuites will be covered in vertical timber panelling to match the existing panelling within the property.

Since the submission of this application, significant bowing in the centre of the first-floor supporting joists has become apparent. This is believed to have been caused by the weight of the modern partition wall applying continuous pressure to the centre of the joists. In order to ensure the building's structural integrity the applicant requested that the installation of a supplemental beam was added to this application. The Authority's Building Conservation Officer has advised that in this instance, they have no objections to the addition as the room is generally void of historic fabric and therefore the proposed beam is unlikely to harm the special interest of the building.

This application is not considered to constitute harm to the significance of the Listed Building and the removal of the partition wall and insertion of a Yorkshire Sliding Sash window would enhance the character of the property. The stud walls required to create the ensuites will be boarded to complement the existing panelling and therefore this proposal is not considered to be detrimental to the special historic or architectural interest of the listed building. Furthermore, the installation of the proposed supplemental beam would ensure the structural

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integrity of the building, and as such would be in accordance with Section 16, paragraph 193 of the NPPF which requires that great weight is given to the conservation of Listed Buildings.

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

Pre-commencement Conditions

N/A

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

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