

# North York Moors National Park Authority

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Parish: Fylingdales

App No: NYM/2020/0729/FL

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**Proposal:** erection of railings and gate to road side boundary and laying of stone flags to terrace

**Location:** Seascape, King Street, Robin Hoods Bay

**Applicant:** Mr & Mrs Murphy, Stanturns, 4 Westgarth, Linton, Wetherby, LS22 4BF

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

**Date for Decision:** 03 February 2021

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## Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 **Standard Three Year Commencement Date**  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN02 **Strict Accordance With the Plans/Specifications or Minor Variations**  
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. MATS00  
No work shall commence on the laying of the stone surface of the development hereby permitted until details of the stone, including samples if so required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The stone used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
4. MATS00  
The railings hereby approved shall be painted black or white or a colour to be agreed in writing with the Local Planning Authority and shall maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

### Informative

1. MISCINF06 **Development in Accordance with Listed Building consent**  
Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building Consent reference NYM/2020/0734/LB and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.

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**Reasons for Conditions:**

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN00 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.
3. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Policies A and 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.
4. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and 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.

## **Consultations**

**Parish** - No objection.

**Highways** - No objection.

**Natural England** - No comments.

**Advertisement Expiry Date** - 21 January 2021.

**Others - Mrs Debbie Davitt, Millbrook Cottage, Chapel Street, Robin Hood's Bay** -

Support. Really pleased to see this application and generally support it subject to additional comments below. The design of the railings is in keeping with the immediate area. I would prefer the new railings to be painted white as, to my knowledge, this is the colour they have been for the past 50 years and look brighter and more cheerful than black (and, on a practical note, won't show the inevitable seagull poo as much!). I would also like to see riven Yorkstone specified as the paving surface as that is what is traditional in the village and therefore more in keeping. The application as it stands would allow for Indian stone or the like which discolours more quickly and does not tone in as well.

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**Background**

Seascope is a substantial property situated in the heart of Robin Hoods Bay. Its front elevation faces onto King Street whereas the rear elevation looks out over the sea wall promenade. It is a grade II listed building constructed in the early/mid-19<sup>th</sup> century of sandstone walls under a slate roof but has been altered over the years with the addition of ground and first floor rear extensions and alterations to the fenestration. To the north (side) of the property is a terrace set a lower level than the road, providing a small area of outdoor space. The fence on the boundary with King Street is an unauthorised temporary timber rail structure. The applicant's agent has advised that this has been erected for safety reasons as the road is narrow, with no pavement and has a drop 1.2m on to the subject terrace. On the north boundary there is a more traditionally styled black painted steel barrier, which safeguards the drop on to the sea wall.

Planning permission and listed building consent was granted in 2016 for the construction of replacement dormer window to front elevation together with installation of replacement door to ground floor, door in place of window to first floor and creation of roof terrace to rear elevation.

This application now seeks full planning permission for the erection of railings and gate to road side boundary (King Street) and laying of stone flags to terrace, replacing the existing concrete surface. The design of the fence is to be a copy of the existing railing to the east. However, it includes a third horizontal rail to improve safety for public on King Street. It is proposed to re-surface the terrace with natural stone flags.

**Main Issues**

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development), Strategic Policy I (Historic Settlements), ENV11 (Historic Settlements and Built Heritage) and CO17 (Householder Development).

SPC relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

SPI states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area; including the vernacular building styles, materials and the form and layout of the historic built environment (including conservation areas and listed buildings).

Policy ENV11 requires new development to reinforce the distinctive historic character of the North York Moors by fostering a sympathetic relationship with traditional local architecture, materials and construction, encouraging a high standard of design and seeks to conserve, enhance or better reveal elements which contribute to the significance of a heritage asset or its setting.

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Policy CO17 requires new development within the domestic curtilage to take full account of the character of the local area and special qualities of the National Park. Development will only be permitted where: the scale, form, position and design do not detract from the original dwelling or its setting; the development does not adversely affect residential amenity of neighbouring occupiers or that of the host property; the development reflects the principles set out in the Authority's Design Guide.

The proposed replacement railings seek to replicate the design of the existing railings serving the opposite boundary of the site and would be similar in size, scale and appearance to other properties in the immediate vicinity (i.e. York House). The proposed railings are therefore considered to reflect the character of the locality and would be a significant enhancement to the visual appearance of the host property and wider conservation area setting.

The existing concrete surface does not make a positive contribution to the visual appearance of the area and is reported to be defective in some areas. The replacement of the modern surface with natural stone flags is therefore welcomed. The Authority's Building Conservation Officer has no objection to the railings, gate or use of natural stone; however, it is requested that a condition is added to request details of the stone (sample) is submitted for agreement prior to installation.

A neighbouring occupier has offered support to the proposal and has echoed the thoughts of the Building Conservation Officer in respect of the type of stone used. Furthermore, it is recommended that the railings are white painted as opposed to black for visual and practical reasons.

The existing traditional metal railings at the site (and those at the neighbouring property) are currently black painted. Although the Authority would be satisfied with white paint, on the basis the site already has black railings and other examples in the wider setting, it is not considered reasonable to insist the proposed railings are to be painted white. However, the concerns have been brought to the attention of the applicant's agent for consideration and it is recommended that a condition is included which permits either black or white paint. It is considered that the recommended conditions sufficiently address the neighbour's concerns.

The Parish Council and Highway Authority have no objections and Natural England has confirmed they have no comments to make.

The proposal is considered to represent a significant enhancement to the quality and appearance of the site and the removal of the current unauthorised railings is welcomed. The proposal would reinforce local distinctiveness and in view of the above, approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.