

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2021/0046/CLLB

Proposal: certificate of lawfulness for re-roofing of Grade II Listed Building

Location: 3 Esplanade, Robin Hoods Bay

Applicant: Mr Damian Buchanan, 3 Esplanade, Robin Hoods Bay, Whitby, YO22 4RS

Date for Decision: 15 March 2021

Extended to:

Director of Planning's Recommendation

That the Certificate of Lawfulness of Proposed works is **APPROVED**

The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014

CERTIFICATE OF LAWFULNESS OF PROPOSED WORKS

The North York Moors National Park Authority hereby certify that on 22 January 2021 the works described in the First Schedule to this Certificate in respect of the Listed Building specified in the Second Schedule to this certificate and edged purple on the attached plan, are lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas Act 1990) as the works do not affect the character of the Listed Building as a building of special architectural or historic interest.

First Schedule: Certificate of Lawfulness for Proposed Works to a Listed Building comprising re-roofing of Grade II Listed Building

Second Schedule: 3 Esplanade, Robin Hoods Bay

Notes

1. This Certificate is issued solely for the purposes of Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. It certifies that the development specified in the First Schedule taking place to the Listed Building specified in the Second Schedule are lawful on the specified date and thus, is not liable to enforcement action under Section 38 of the above Act on that date.
3. This Certificate applies only to the extent of the works described in the First Schedule above and to the Listed Building specified in the Second Schedule above and identified on the plan. Any works that are materially different from those described or which relate to other Listed Buildings may render the Owner or Occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the proviso in Section 26H(5)(a) of the Act, which states that the lawfulness of works for which a Certificate is issued are to be conclusively presumed to be lawful provided they are carried out within 10 years beginning with the date of the issue of the Certificate.



Background

3 Esplanade forms one of a terrace of eleven 3-storey houses of early-mid C19 construction located in a prominent and highly visible part of Robin Hood's Bay. No.3 retains its brick in English garden wall bond to the front elevation with a blue and purple Welsh slate roof. Windows to the front are historic Georgian 16-pane sashes with a traditional but probably replacement 6-panel painted door. A later two-storey gabled extension is to the rear with a mixture of Victorian sashes and modern window at ground floor and 6-panel painted door.

Views of the rear roofslope are more prominent when entering the village along New Road because of the topography of the land, however longer distance views of the front roofslope can be seen from Fisherhead in particular. There is also public access along the narrow streets to both the front and rear.

Planning Permission and Listed Building Consent was refused in the late 1970's for replacement windows but subsequent approvals for alterations to a modern dormer and also rear alterations and extension in the late 1980's. There is no more recent application history.

Application Number: NYM/2021/0046/CLLB

This application is for a certificate of proposed development to confirm that Listed Building Consent is not required for works needed to re-roof the property. The application outlines the work to be undertaken which will consist of the laying of a breathable membrane, replacement tile laths and the adding of mineral wool insulation. All existing usable slates are to be re-used with new welsh slate tiles to make up any shortfall. The slates are to be fixed with copper nails.

Main Issues

A Certificate of Lawfulness of Proposed Works to a Listed Building formed part of the Enterprise and Regulatory Reform Act 2013 which made amendments to the Planning (Listed Buildings and Conservation Areas) Act 1990. This change allows for listed building owners to apply for a Certificate of Lawfulness of Proposed Works for works which do not affect the character of the listed building as a building of special architectural or historic interest as opposed to submitting a Listed Building Consent (LBC). These provisions came into force on 6th April 2014.

The certificate system only applies to proposed works. It is not possible to apply for a certificate after the works have been carried out. When a certificate is issued, works must be carried out within ten years.

No consultation or publicity is required in the legislation. Local planning authorities may choose to consult Historic England or specialist conservation bodies or to publicise an application.

A Certificate of Lawfulness of Proposed Works provides formal confirmation that proposed works of alterations or extension (but not demolition) of a Listed Building do not require Listed Building Consent because they do not affect the character of the Listed Building as a building of special architectural or historic interest (Section 26 H of The Planning (Listed Building and Conservation Area) (Act 1990).

The special interest of 3 Esplanade lies in its traditional construction, Georgian architectural features and its uniformity within the terrace. Although the rear elevation is altered, the roofscape and in particular the existence of the original slate material remains evident along the whole terrace, both front and rear.

Although no inspection has been made of the roof timbers, it is not proposed to alter or replace any of the main timbers, only replacement of the tile laths. Traditional and breathable membrane and insulation is proposed which should not cause any damp issues regarding condensation and given that the salvageable slates will be reused, the work outlined would result in the retention of as much historic fabric as possible. The example provided of the new slate would appear to be of a suitable match and not an imported slate.

Application Number: NYM/2021/0046/CLLB

Having considered all of the above, it is concluded that the work proposed would amount to 'maintenance' and will be carried out in a sympathetic manner, using appropriate materials and as such will not affect the special interest of the building.

Although this development is not required to comply with policy, it nevertheless meets the requirement of Section 16 of the NPPF and in particular paragraphs 192 and 193 which seeks to ensure new development makes a positive contribution to local character and distinctiveness and requires great weight to be given to the assets conservation.

The development would also meet the objectives of Strategic Policy I of the North York Moors Local Plan which seeks to ensure development affecting the historic environment makes a positive contribution to cultural heritage and local through the conservation and, where appropriate, enhancement of the historic environment - in particular the vernacular building styles, materials and the form and layout of the historic built environment. This is further endorsed by Policy ENV11 which requires development to reinforce distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policies E5, E6 and E7 which seeks to ensure the built heritage of the National Park is conserved or restored and local materials, styles and building techniques are used in restoration.

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

The submission of this Certificate of Lawfulness of Proposed Works provides formal confirmation that the works proposed do not require listed building consent and can give all parties the certainty required to ensure that the works are to be carried out to appropriately, avoiding unauthorised works.

