

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2021/0184/CLLB

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

Location: Millbrook, Chapel Street, Robin Hoods Bay

Applicant: Jeff Davitt
18 Cheltenham Avenue, Ilkley, West Yorkshire, LS29 8BN

Date for Decision: 29 April 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 30 March 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 red 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 of new lead flashing to the coping stones and dormer window; treatment of existing timbers for wood worm and rot; new roofing felt; installation of natural wool insulation and re-roofing in handmade William Blyth Barco old English pantiles in natural red.

Second Schedule: Millbrook, Chapel Street, 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.

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Background

Millbrook is a Grade II Listed mid-terrace cottage located on the eastern side of the Robin Hoods Bay Conservation Area and accessed via a narrow covered passage to the south of Chapel Street. The property is constructed over three floors and while it is of a late Eighteenth Century appearance, the National Listing Description indicates that it may contain an earlier core. The cottage is constructed of herringbone tooled sandstone under a red pantile roof. The property has seen a number of unsympathetic alterations over the years and contains a mixture of casement, Yorkshire sash and vertically sliding sash timber windows. Listed Building Consent was granted in March 2011 for a number of internal and external restoration and refurbishment works to the property including the rearrangement of some rooms, re-pointing and plastering works, replacing single glazing with double glazing in the dormer window and the installation of a Yorkshire sliding sash in the bathroom.

This application relates to the south facing roof on the rear of the property and is for a certificate of proposed development to confirm that Listed Building Consent is not required for works to the coping stones, dormer window, roof timbers and re-roofing.

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).

When considering this application the main consideration is whether the proposed works would affect the special character of the Listed Building as a building of special architectural interest.

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The neighbouring property Glenhowen has recently suffered from water ingress causing damage which is especially noticeable in the second floor attic room. As such, the proposals contained within this application seek to repair and make good the south facing roof to minimise any issues of water travelling across to Glenhowen. The replacement roof tiles will be handmade William Blyth Barco old English pantiles in natural red and will therefore match as closely as possible the existing pantiles. The lead flashing, roof felt and natural wool insulation have been appropriately chosen to protect the building from further water ingress whilst ensuring the roof structure remains breathable. The treatment of the existing roof timbers will prevent further damage to the property. All new materials will match as closely as possible to the existing and will therefore have no impact upon the aesthetic value of the property. The Authority's Building Conservation team have confirmed that they have no objections to the proposals.

The proposals would meet the requirements of Strategic Policy I by conserving the form of the Listed Building and also Policy ENV11 which seeks to ensure that proposals conserve the special character and appearance of the heritage asset.

In terms of the NPPF it is also considered to comply with Section 16 and in particular paragraphs 192 and 193 which seek to ensure that new developments sustain the significance of the Listed Building and require that great weight be given to the conservation of the asset.

In conclusion, the proposed works will not require Listed Building Consent because the works do not affect or harm the character of the Listed Building as a building of special architectural or historic interest (The Planning (Listed Buildings and Conservation Areas) Act 1990).

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 as all new materials will match the existing as closely as possible the works are not considered to affect the special architectural and historic interest of this Listed Building.