

## North York Moors National Park Authority

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Parish: Fylingdales

App No: NYM/2021/0118/LB

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**Proposal:** Listed Building consent for installation of 5 no. replacement rooflights to rear

**Location:** Hillside, Fisherhead, Robin Hoods Bay,

**Applicant:** Mr David Clark  
Hillside, Fisherhead, Robin Hoods Bay, Whitby, YO22 4ST

**Date for Decision:** 16 April 2021                      **Extended to:**

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### Consultations

**Parish** – No objections.

**Site Notice/Advertisement Expiry Date** – 26 March 2021

**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 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. **Rooflight Details to be Submitted**  
No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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**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.

**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**

Hillside is a Grade II Listed, mid-terrace cottage located on the western edge of the Robin Hoods Bay Conservation Area. The property is constructed over two storeys of herringbone tooled coursed sandstone under a slate roof and dates to the late Eighteenth Century. The property has seen little alteration and retains traditional fenestration to the front elevation with four pane, vertically sliding timber windows and a six panel timber front door under a dual pitched door canopy.

Listed Building Consent was granted in 1978 for the installation of 2 no. dormer windows to the front roof elevation and further Listed Building Consent was granted in July 2003 for the removal of an internal wall.

This application now seeks Listed Building Consent for 5 no. replacement rooflights.

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

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**NYMNPA Policies**

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

**Conclusion**

5 no. rooflights of varying size and style sit within the property's rear roof elevation. 3 no. of the existing rooflights include conservation bars but visibly protrude from the roof plane. The two other rooflights are larger and less traditional in appearance.

This application proposes to replace all 5 no. rooflights with top hung, flush fitting Conservation style rooflights. The replacement rooflights would be no larger than the existing, but the applicant has agreed to submit specific sizes for each replacement rooflight prior to their installation.

The Authority's Building Conservation Officer has advised that while it is unclear how many of the existing rooflights pre-date the property's listing in 1969, they would not object to the replacement of the existing non-traditional rooflights with high quality, flush fitting and top hung Conservation style rooflights.

The proposed development would enhance the character and appearance of the Listed Building by introducing a more unified and traditional appearance to the property's rear elevation and is therefore considered to be in accordance with SPI and Section 16 of the NPPF.

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

**Pre-commencement Conditions**

Condition 3 is a pre-commencement condition and has 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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.