

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0274/LB

**Development description:** Listed Building consent for internal and external alterations and construction of single storey rear extension following demolition of existing extensions and outbuildings, construction of replacement garden store and repairs to stone bridge over pond

**Site address:** 34 Main Road, Aislaby,

**Parish:** Aislaby

**Case officer:** Miss Kelsey Blain

**Applicant:** Helen Murray  
34 Main Road, Aislaby, Whitby, YO21 1SW

**Agent:** Rogerson Limited  
fao: Gerry Rogerson, The Old Post Office, Stonegrave, YO62 4LJ,

## Director of Planning's Recommendation

Approval subject to the following:

### Conditions

Condition number	Condition code	Condition text															
1	TIME02	<p>Standard Three Year Commencement Date - Listed Building</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>															
2	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="0"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Garden Store Plans</td> <td>TPH/P.120, 220, 221</td> <td>07 April 2021</td> </tr> <tr> <td>Amended Ground Floor Plan</td> <td>TPH/P.100 E</td> <td>07 September 2021</td> </tr> <tr> <td>Amended First and Second Floor Plan</td> <td>TPH/P.101 E</td> <td>15 October 2021</td> </tr> <tr> <td>Amended Rear Elevation</td> <td>TPH/P.201 D</td> <td>15 October 2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Garden Store Plans	TPH/P.120, 220, 221	07 April 2021	Amended Ground Floor Plan	TPH/P.100 E	07 September 2021	Amended First and Second Floor Plan	TPH/P.101 E	15 October 2021	Amended Rear Elevation	TPH/P.201 D	15 October 2021
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3	MATS40	<p>Detailed Plans of Window Frames Required</p> <p>No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>															

4	MATS55	<p>Rooflight Details to be Submitted</p> <p>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.</p>
5	GACS00	<p>No external lighting shall be installed in the development hereby permitted without first obtaining planning permission from the Local Planning Authority.</p>
6	MATS00	<p>No work shall commence on the extension and internal works hereby approved until the first floor bathroom window and ground floor study window have been installed in accordance with the details submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
7	MATS54	<p>Trickle Vents Shall Not be incorporated into Windows</p> <p>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.</p>

**Reasons for conditions**

Reason number	Reason code	Reason text
1	TIME02	To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2	PLAN01	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	RSN MATS02	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.
4	RSN MATS02	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.
5	GACS00	In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
6	MATS00	In order to comply with the provisions of NYM Strategic Policy I and to ensure that the quality of the approved development is not materially diminished between permission and completion through the omission of proposals that would mitigate the potential harm of the development.
7	MATS02	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.

### Informative(s)

Informative number	Informative code	Informative text
1	MISCINF01	<p>Bats</p> <p>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.</p>

2	MISCINF12	<p><b>Birds</b></p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England  <a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a>. Further information on wildlife legislation relating to birds can be found at <a href="http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf">www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</a>.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>.</p>
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## Consultation responses

### Parish

No objections.

### Historic England

Do not wish to offer any comments.

### Third party responses

None.

### Publicity expiry

Advertisement/site notice expiry date: 01 June 2021

Photo showing front elevation of 34 Main Road, Aislaby.



Photo showing rear elevation of 34 Main Road, Aislaby.





## Background

34 Main Road, Aislaby, also known as Pond House is a detached Grade II\* Listed dwelling located in the centre of the Aislaby Conservation Area which is protected by an Article 4 (2) Direction. The three storey property dates to the Eighteenth Century and is constructed of ashlar stone beneath a slate roof with single storey wings on either side.

The property's front elevation and ground floor plan remain traditional and relatively unaltered, however the rear elevation has seen the construction of a Twentieth Century utility room and attached garage and the introduction of untraditional windows.

This application seeks to demolish the existing utility room and garage and construct a replacement rear extension, replace 2 no. windows within the property's rear elevation and replace a detached garden store. Internally, the application seeks to introduce 2 no. new bathrooms of the first and second floor.

## Main issues

### Statutory Duties

Section 16, paragraph 199 of the National Planning Policy Framework 2021 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 200 of the National Planning Policy Framework 2021 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 curtilage 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 curtilage 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.

### 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.

### The Extension

The proposals aim to retain the property's original ground floor plan while providing an open plan kitchen/dining area for the family and the Authority's Building Conservation Officer advised that a single storey rear extension is likely to be the most suitable option for achieving this.

The historic maps indicate that a linear structure previously ran across the property's rear elevation and therefore the principle of a single storey extension across the majority of the property's rear elevation is considered to be justified in this instance. The existing drawing room window appears to have been a later insertion to the property as the historic plans show no window openings in this section of the building. As such, the encompassing of this opening within the extension and its replacement with doors would not be considered harmful to the historical or aesthetic character of the building. Furthermore, the utility room and attached garage are Twentieth Century additions to the property and therefore their demolition is not considered harmful to the significance of the Listed Building. The clean, modern design of the development is felt to be appropriate for maintaining a readable distinction between the historic property and the new extension.

While the principle of the extension was accepted, the original plans related poorly to the symmetry of the property which consists of the main three storey house forming the central section and being book-ended by two smaller single storey wings. As such, the applicant was advised that while the Authority would have no objections in principle to an extension of this appearance and design, it should be limited to extend no further than the main three-storey element of the house and not across the single storey wing.

However, the existing music room is located within the south west wing of the property which originally functioned as the stables and cannot be accessed internally from the main house. The Authority felt that the insertion of a door into the east wall of the music room to allow internal access to the main house would harm the historic and architectural character of the living room. As such, it was accepted that the proposed extension would need to extend across the existing entrance to the music room to allow this part of the property to be accessible from the main house.

Inconsideration of the above, the amended plans now propose a single storey extension across the rear elevation of the main three-storey house, with a glazed link providing access to the existing music room and converted attached outbuilding. The depth of the extension has also been reduced by 700mm. A full length window within the centre of the extension ensures that the vertical emphasis of the first floor stairwell window is maintained. The walls and roof of the extension would be finished in zinc with powder coated aluminium windows and doors to provide a clean and modern finish. The extension would have a very shallow roof pitch, appearing almost flat roofed, which is contrary to the guidance provided within Part Two of the NYM Design Guide. However, in this instance a flat roof is felt to be the most appropriate option to ensure that views of the Grade II\* Listed Building are not impeded.

## Internal Alterations

The application seeks to provide an ensuite bathroom to Bedroom 1, remove the modern partition wall within the family bathroom and increase the size of the bedrooms on the second floor.

The removal of the modern partition wall is supported as this currently cuts through the centre of the window.

The application originally proposed to erect a partition wall to the rear of Bedroom 1 to facilitate the introduction of an ensuite bathroom and convert Bedroom 3 into a Dressing Room. The Authority objected to the partition of Bedroom 1 which would have resulted in the loss of the historic plan form including the loss of one of the alcoves that frame the fireplace. As such, the application was amended to the conversion of Bedroom 3 into an ensuite with the original floor plan of Bedroom 1 retained.

At second floor, the applicants wished to increase the size of Bedrooms 4 and 5 by relocating the existing stud walls in the eaves. The Authority objected to the moving of the walls in Bedroom 5 as the cupboard doors within the wall contain historic 'H' hinges and therefore the existing arrangement is believed to be indicative of the historic floor plan. Following discussions with Officers, amended plans were submitted showing the retention of the existing walls in Bedroom 5 (now Bedroom 4), however as a compromise, the Authority accepted the relocation of the walls in Bedroom 4 (now Bedroom 3). Bedroom 6 will also now be converted into a bathroom serving the second floor. The amended plans are considered to preserve evidence of the second floor's historic floor plan, while accommodating the needs of the applicant.

## Windows

The existing modern rooflights were inserted following the granting of Listed Building Consent in 1981 and the proposal to replace them with more traditional Conservation style rooflights is supported.

The first floor rear casement window will no longer be subdivided and the application originally sought to replace this with a vertically sliding timber sash. However, the Authority advised that the existing Yorkshire Sliding Sash which has been refashioned into a kitchen cupboard is likely to have originated from this window opening. As such, the application has now been amended to reinstate the Yorkshire Sliding Sash into this opening.

A modern 15-pane fixed casement window sits within the rear of the existing kitchen. The application originally proposed to replace this with a tripartite vertically sliding sash window, however the Authority advised that the rear elevation of the kitchen is far more informal than the front elevation and therefore the proposed window may not be appropriate in this instance. Following negotiations with Officers, the application was amended to the use of a Whitby Composite window within this opening.

The reinstatement of the Yorkshire Sliding Sash and replacement of the modern casement with a Whitby Composite are considered to provide sufficient enhancement to mitigate any potential harm from the construction of the substantial rear extension and various internal alterations. As such, the agent has agreed that the approval of this application will be subject to the installation of the Yorkshire Sliding Sash and Whitby Composite windows.

## Garden Store and Bridge

The existing garden store is located at the bottom of the garden and is prone to flooding. This application proposes to replace the stone structure with a simple timber garden shed with dual pitched roof, on a slightly raised decking to prevent future flooding. The existing garden store is not historic and its replacement with a clearly ancillary structure is considered to be acceptable. Works to the bridge at the front of the property consist of surveying and monitoring and therefore no objections have been raised to these proposals.

## Conclusion

This application largely accords with the recommendations made by the Authority's Building Conservation Officer at the pre-application stage, and following negotiations with Officers, the amended plans are considered to be acceptable. The proposals will protect the property's historic floorplan and the proposed extension has been designed to preserve the symmetry and historic prominence of the Grade II\* Listed Building. The proposed replacement windows would be an enhancement on the existing modern units. As such this application is not considered to harm the character or appearance of the Listed Building.

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

## Pre-commencement conditions

Conditions 3, 4 and 6 are pre-commencement conditions and have been agreed in writing with the 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 recommended changes to the proposal including amendments to the design and scale of the proposed extension, internal alterations and amended window designs so as to deliver sustainable development.