

North York Moors National Park Authority

Application reference number: NYM/2021/0776/CLLB

Proposal: certificate of lawfulness for re-roofing works to rear elevation of Grade II Listed Building

Site address: Yarra House, 4 Bloomswell, Robin Hoods Bay

Parish: Fylingdales

Applicant: Mrs Deborah Reed

1 Blackmoor Lane, Bardsey, Leeds, LS17 9DY

Date for decision: 17 November 2021

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 29 September 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 re-roofing works to rear elevation of Grade II Listed Building

Second Schedule: Yarra House, 4 Bloomswell, 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

Yarra House, 4 Bloomswell is one of 9 no. dwellings within a Grade II listed terrace. The property was constructed in the early-mid 19th century and comprises 3 storeys and is one bay wide. The dwelling consists of incised render, most likely on brick under a red pantiled roof with enlarged window openings. The terrace lies within the Robin Hoods Bay Conservation Area which is protected by an Article 4 (2) Direction. The building is of national significance as a designated asset and the wider Conservation Area also forms a designated heritage asset.

Views of the terraced row are can be seen when entering the village along New Road due to the topography of the land. There is also public access along the narrow streets to both front and rear.

A search of the Authority's records reveals there is no planning history for the site.

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 rear of the property. The application outlines the work to be undertaken which will consist of the use of replacement batons and breathable membrane as necessary and the use of replacement William Blythe natural red clay pantiles as has been advised by the Authority in pre-application advice.

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 Yarra House, 4 Bloomswell lies in its traditional construction and group value within the terrace. Although no inspection has been made of the roof timbers, it is not proposed to alter or replace any of the main timbers. Breathable membrane will be used if needed and the proposed pantile appears to be of a suitable match. As such, the Authority's Building Conservation Team have no objections.

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 the 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 work.

