

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0800/LB

Development description: Listed Building consent for installation of like for like window replacements to front elevation

Site address: Fishermans Cottage, The Dock, Robin Hoods Bay

Parish: Fylingdales

Case officer: Miss Lucy Gibson

Applicant: Mrs Caroline Clarke Green
9 The Cottages, High Street, Rawcliffe, Nr Goole, DN14 8QQ

Agent:

Director of Planning's Recommendation

Approval subject to the following: / Refusal for the following reason(s)

Condition(s)

Condition number	Condition code	Condition text												
1	TIME01	<p>Standard Three Year Commencement Date</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"> <tr> <td>Document Description</td> <td>Document No.</td> <td>Date Received</td> </tr> <tr> <td>Location Plan</td> <td></td> <td>07/10/2021</td> </tr> <tr> <td>Sectional details</td> <td></td> <td>07/10/2021</td> </tr> <tr> <td>Design and access statement/ additional information.</td> <td></td> <td>14/10/2021</td> </tr> </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	Location Plan		07/10/2021	Sectional details		07/10/2021	Design and access statement/ additional information.		14/10/2021
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Location Plan		07/10/2021												
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3	MATS54	<p>External Trickle Vents Shall Not be incorporated into Windows</p> <p>External 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>												
4	MATS46	<p>Window Frames in Reveals to Match Existing</p> <p>The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>												
5	MATS00	<p>Projecting cill detail shall not be fitted to the third and fourth floor windows.</p> <p>The projecting cill detail shall not be fitted to the third and fourth floor windows on the front elevation of the Fisherman's Cottage and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.</p>												

6	MATS43	<p>Windows - Submit Details of Colour/Finish</p> <p>No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been 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, completed within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
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Reason(s) for condition(s)

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	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	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	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.
6	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.

Consultation responses

Parish

No objections

Highways

None received

Third party responses

None

Publicity expiry

Advertisement/site notice expiry date- 25 November 2021



Front elevation of Fisherman's Cottage.

Background

Fisherman's Cottage is a three storey, plus attic, Grade II Listed property situated close to the dock in Robin Hood's Bay. The property has white rendered walls under a pantile roof with stone ridge and gable coping. The property also falls within the Robin Hood's Bay Conservation Area which is protected by an Article 4 (2) Direction. The property is dated 1860 and was formerly the Fisherman's Arms Public House.

Planning permission and Listed Building Consent was granted in 2007 for the replacement of the ground floor window on the front elevation, front door surround, the installation of a cellar vent and internal works.

This application seeks to replace 5 windows on a like for like basis within the property's front elevation.

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.

NYMNPAs 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.

Conclusions

The existing windows are timber flush casement section windows and are believed to be from the 1950s and therefore are not historic or original. Formal confirmation from a joiner was included in the application stating that the current windows are beyond repair.

Therefore the Authority's Building Conservation team have no objections to the proposal as the details provided show matching windows with fine proportions and glazing bars with single glazing. However, clarification of the painted finish has been requested and it has been conditioned that the projecting cill detail is omitted from the third and fourth floor windows. Paint colour/ finish has also yet to be confirmed so a pre-commencement condition has been applied following verbal agreement with applicant.

The proposed replacement windows would conserve and enhance the appearance and character of the property by installing like for like units with fine proportions. As such, the application is considered to accord with NYM Strategic Policy I and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Pre-commencement conditions

Condition 6 is a pre-commencement condition that has been agreed with the applicant.

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.