

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0862/CLLB

**Development description:** certificate of lawfulness for installation of like for like replacement timber windows and timber door with fanlight above to Grade II Listed Building

**Site address:** Woodleigh House, 21 Main Road, Aislaby

**Parish:** Aislaby

**Case officer:** Miss Kelsey Blain

**Applicant:** Ilona Franklin  
Woodleigh House, 21 Main Road, Aislaby, Whitby, YO21 1SW

**Agent:** BHD Partnership  
fao: Mr Tim Harrison, Airy Hill Manor , Waterstead Lane, Whitby, YO21 1QB

## 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 15 December 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 the installation of like for like replacement timber windows and timber door with fanlight above.

Second Schedule: Woodleigh House, 21 Main Road, Aislaby

#### 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 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

Woodleigh House is a large end of terrace stone property dating to the Nineteenth Century. The property is Grade II Listed and lies to the south of the main road running through the Aislaby Conservation Area. The property has retained a traditional Georgian character with large multi-paned timber vertically sliding sash windows and a formal Doric-style porch. The existing front door is of a less traditional style being half-glazed with two timber panels below and an oblong fanlight above.

This development seeks to replace the existing windows, front door and fan light on a like for like basis.

## 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 proposed replacement windows and door would be an exact copy of the existing, utilising the same materials, design and mouldings including the use of single glazing and putty pointing. The elevational drawings of the existing front door depict a six-panel door, however the agent has since provided photos of the existing door to clarify this error and confirm that the proposed half-glazed door would be a like for like replacement of the existing. The Authority's Building Conservation team have confirmed that they do not feel the proposal will affect the special interest of the Listed Building and therefore support the application.

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 work would not require Listed Building Consent because the work would 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 the proposed windows and doors will be an accurate copy of the existing, the works are not considered to affect the special architectural and historic interest of this Listed Building.