

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0948

Development description: Listed Building consent for installation of replacement lintel and frame to back door together with replacement timber kitchen and first floor bedroom windows

Site address: Endways, Silver Street, Robin Hoods Bay

Parish: Fylingdales

Case officer: Miss Lucy Gibson

Applicant: Mr David Pearson
Church View, Low Street, Elston, Newark, NG23 5PA

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

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	PLAN02	<p>Strict Accordance With the Plans/Specifications or Minor Variations</p> <p>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.</p>
3	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>
4	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>
5	MATS00	<p>No work shall commence on the installation of any door frame in the development hereby approved until detailed plans showing the constructional details and external appearance of the door frame have been submitted to and approved in writing by the Local Planning Authority. The door frame shall be</p>

		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.
6	MATS00	No work shall commence on the installation of the wooden lintel until details of the lintel, including the type and treatment finish of the wood to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The lintel used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7	MATS00	All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 (dry nonhydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

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	PLAN00	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	MATS00	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	MATS00	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	MATS00	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	MATS00	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.
7	MATS00	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 building materials are of a high quality and 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	MISCINF05	<p>Development in Accordance with Planning Permission</p> <p>Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.</p>

Consultation responses

Parish

None received

Natural England

Insert

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date: 17 February 2022



This photo shows the rear door on the north elevation of Endways, Robin Hood's bay.



This photo shows the ground floor kitchen window to be replaced, on the south elevation.

Background

Endways, Robin Hoods Bay is a Grade II listed building, dated 1709 and located in the Robin Hoods Bay Conservation Area, which is protected by an Article 4 (2) Direction. It is a 2 storey, 3 bay house constructed of roughly tooled coursed sandstone with a pantile roof. There is no planning history for the property.

This application seeks planning permission for the installation of a replacement lintel and frame to the rear door together with replacement timber kitchen and first floor bedroom windows on the southern elevation.

This application for Listed Building Consent is accompanied by the application for planning permission NYM/2021/0946.

Main issues

Statutory Duties

Section 16, paragraph 199 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 200 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.

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) and Policy ENV11 (Historic Settlements and Built Heritage).

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.

Policy ENV11 seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal.

Discussion

This application seeks Listed Building Consent to replace the lintel and frame to the door on the north elevation and to replace two windows to the south elevation with accurate copies.

The applicant has advised that it is not possible to see if the existing door frame is beyond repair until further investigation has started, however it is clear that the wooden lintel is rotten. The windows to be replaced are the ground floor 16 pane sash window to the kitchen and the first floor 6 pane fixed light window on the left, both are in a poor state of repair.

Due to the listed status of the building, the Authority's Building Conservation team have been consulted for their comments. They consider that the principal of replacing the wooden lintel and door frame is acceptable.

The replacement window to the ground floor kitchen would see the removal of the extractor fan. It is considered that this would be an enhancement of the current fenestration, removing the incongruous feature.

The Authority's Building Conservation team have no objections to the proposals as they would enhance the appearance and conserve the significance of the host listed building, and would be sympathetic to the surrounding setting. However they have requested that constructional drawings of the replacement windows and door frame be submitted for approval by the Authority. This has been conditioned accordingly.

In view of the above, it is considered that the proposed works are in accordance with the Authority's adopted policies and Section 16 of the NPPF.

As such, the application is recommended for approval.

Pre-commencement conditions

Conditions 4, 5, 6 and 7 are pre-commencement conditions.

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.