

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/1002

**Development description:** Listed Building consent for installation of replacement windows and door to rear of property and installation of vented roof tile to kitchen roof

**Site address:** Rosedale Cottage, 1 The Row, Iburndale

**Parish:** Eskdaleside-Cum-Ugglebarnby

**Case officer:** Miss Kelsey Blain

**Applicant:** Mrs Jean Butler  
16 Blackburn Avenue, Brough, East Yorkshire, HU15 1BD

**Agent:**

## 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	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	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	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>
5	MATS00	<p>Notwithstanding the approved plans, no work shall commence on the installation of the roof vent hereby permitted until details of the proposed vent have been submitted to and approved in writing by the Local Planning Authority. The vent shall accord with the details so approved and shall be</p>

		maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
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### 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	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.

### Informatives

Informative number	Informative code	Informative text
1	MISCINFO1	Bats  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

		<p>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	MISCINF02	<p>Coal Referral Area</p> <p>The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>

### Consultation responses

#### Parish

No Objections to this application but with the comment that if there is an alternative to vented roof then it should be looked at.

#### Third party responses

None.

#### Publicity expiry

Advertisement/site notice expiry date: 21 February 2022

Photo showing rear elevation of Rosedale Cottage and existing extension.



## Background

Rosedale Cottage is a Grade II Listed end of terrace property constructed of stone under a pantile roof. The front elevation of the property has maintained a traditional appearance, however to the rear is a modern extension that pre-dates the listing of the property with white painted timber stormproof windows above a dwarf stone wall.

This application seeks Listed Building Consent for the installation of a roof vent tile in the rear of the main house and the replacement of the single glazed windows and door in the extension with double glazed timber windows and door.

## 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 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).

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.

## Conclusion

The existing extension is not particularly traditional or sympathetic to the character and appearance of the main house. However, as it pre-dates the listing of the property, the Authority would have no objections to the replacement of the existing single glazed timber windows with double glazed timber windows.

The proposed roof vent is required to provide ventilation to the kitchen that is not served by any windows. The Authority's Building Conservation team recommended the use of a more discreet roof tile and the applicant has agreed to consider this product and will provide details before the tile is installed.

It is not felt that this application would detract from the character or significance of the Listed Building and it is therefore recommended for approval.

## Pre-commencement conditions

N/A

## 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.