

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0223

Development description: Listed Building consent for the replacement of the front six panel timber door, door surround and internal lobby (submission following appeal decision NYM/2019/0706/LB)

Site address: 3 Bloomswell, Robin Hoods Bay

Parish: Fylingdales

Case officer: Miss Victoria Flintoff

Applicant: Mr Timothy Knight

3 Bloomswell, Robin Hoods Bay, Whitby, North Yorkshire, YO22 4RT

Agent: Woodhall Planning & Conservation

fao: Mrs Susan Amaku, Studio 11, 2 King Charles Street, Leeds, LS1 6LS

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM03	The development hereby permitted shall be completed within nine months from the date of this permission.
2	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications, plans, supporting statements and correspondence comprised in the application hereby approved.
3	MC00	All new doors, surrounds, windows and internal joinery shall be comprised of timber and follow the traditional detailing shown within the joinery drawings provided. The work shall not be carried out other than in accordance with the approved details and shall be maintained in that condition in perpetuity.

4	MC00	All external door furniture to be comprised of brass or iron.
5	AC19	No external lighting shall be installed in the development hereby permitted.
6	AC25	No external paraphernalia shall be installed in the development hereby permitted until details of paraphernalia have been submitted to and approved in writing by the Local Planning Authority. The external paraphernalia shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM02	To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3-4	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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	RSN AC01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
6	RSN AC02	In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.

Informative(s)

Informative number	Informative code	Informative text
1	INF BC01	For the avoidance of doubt, no permission or consent is given for the removal of, or works to, any internal features other than as hereby approved without the prior submission to and approval by the Local Planning Authority of a formal application.

Consultation responses

Parish
No Objections

Publicity expiry
15 June 2023

The unauthorised door and door surround at 3 Bloomswell



Background

3 Bloomswell is one of 9 dwellings within a Grade II listed terrace. The property was constructed in the early to mid- 19th century, is three storeys and one bay wide,

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includes a dormer window with catslide roof and is rendered white under pantile roof. The terrace lies within the Robin Hood's Bay Conservation Area which is protected by an Article 4 (2) Direction.

In 1997 a damp proofing course was laid within the property and rotten plasterboard replaced along with like for like repairs to the dormer window. In 2019, following an informal enforcement enquiry, an application was submitted for retrospective planning permission for external alterations to the property consisting of the replacement of the front and rear doors, front door surround (painted pink); the replacement of casement windows with timber sashes; the re-roofing of the property, and the replacement of rainwater goods. Prior to these unauthorised works, 3 Bloomswell consisted of incised render, most likely on brick under a pantile roof with white painted timber casement windows set in the centre of the first and second storeys above unpainted stone sills. The door surround was constructed of black and white painted timber with moulded bases upon short plinths with reeded pilasters and ogee consoles under an open pediment canopy. The door was a black painted timber door of six panels. Due to the cumulative impact of unauthorised changes and the installation of inappropriate detailing, the application was refused.

Following the refusal of the application, the applicant appealed the decision and the inspector found that although the rainwater goods, windows and re-roofing were considered unharmed, the door, door surround and removal of internal lobby were considered to negatively impact the significance of the Listed Building and should be reinstated. Therefore, this application seeks permission to reinstate the front door, door surround and internal lobby with traditionally detailed joinery.

Main issues

Policy Context

NYMNPA Policies

The relevant policies contained within the North York Moors Local Plan to consider in relation to this application are Strategic Policy C (Design), Strategic Policy I (The Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

Strategic Policy C relates to the quality and design of the development within the National Park. The policy seeks to ensure that proposals maintain and enhance the distinctive character of the National Park through appropriate siting, orientation, layout, and density together with carefully considered scale, height, massing, and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

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 relates to historic settlements and reaffirms that development affecting the built heritage of the North York Moors should reinforce the distinctive character by fostering a positive and sympathetic relationship with vernacular architecture, culture, materials, and construction. This includes assets recognised through statutory designation such as Listed Buildings and Conservation Areas, but also non-designated assets of local or regional significance. Protection extends to the whole building, its curtilage, and certain structures within its domain. This policy seeks to resist development that results in the loss or harm to the significance of heritage assets.

Statutory Duties

Section 16 of the National Planning Policy Framework (NPPF) considers how proposals may conserve and enhance the historic environment and seeks to ensure any harm is avoided or mitigated. Proposals should include a positive strategy for conservation with the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses, understanding the wider social, cultural, economic, and environmental benefits, considering the character of a place (Paragraph 190) and demonstrating the positive contribution to communities (Paragraph 197). Any harm or loss to the asset should require clear and convincing justification and any substantial harm should be refused unless it can be demonstrated that the public benefits and optimum viable use outweigh the harm to the heritage asset (Paragraph 202).

The Authority has a statutory duty to protect Listed Buildings within the Park as they form an important part of the significance of the built and cultural heritage of the North York Moors. Once lost, they cannot be replaced. The Authority has a general duty in respect of Listed Buildings and planning functions, as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider whether to grant planning permission for developments which affect Listed Buildings or their settings. The local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. With respect to any buildings or other land in a conservation area, the Authority has a general duty when exercising its planning functions, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and using any powers under the provisions mentioned in subsection (2), to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Material Considerations

Replacement Front Door, Door Surround and Internal Lobby

The previous door, surround and internal lobby made a positive contribution to the Conservation Area and so it was concluded that the loss constituted unacceptable

substantial harm to the Listed Building and the Conservation Area under paragraph 195, Section 16 of the NPPF. The door and surround included fine detailing, beading and profiles generally distinctive to the area, so their loss is detrimental to the character. The surround was of special historical and architectural interest, with moulded bases and ogee styled consoles. Indications of an earlier fanlight and open pediment were also found in the previous door surround, contributing to its evidential value. The new surround is of a size and form which is not typical of the fishermen's cottages seen in Robin Hoods Bay and it detracts from the overall significance of the terrace, appearing distinctly different from the previous form.

The internal lobby had also been removed during renovation works. The applicant claimed it was a more modern insertion as it was angled but the evidence submitted by the Authority and the conclusion of the inspector, highlighted that the lobby was consistent with other panelling in the room and so its removal is harmful to the special architectural interest and significance of the Listed Building.

Furthermore, in terms of Policy I and ENV11, harm to vernacular building features that contribute to a Listed Building and Conservation Area require clear and convincing justification or should be outweighed by public benefit. Sufficient justification was not received, and the harm was considered substantial enough for the application to be refused. This decision was appealed and although some elements were allowed, the inspector agreed that removing the door, surround and internal lobby has resulted in a loss of historic fabric and interesting period details. For this reason, the appeal for these elements was dismissed and the applicant is required to reinstate them.

Since the inspector dismissed the appeal for the replacement door, surround, and internal lobby, the applicant has engaged with a local joiner who has consulted with the Authority to establish and submit appropriately detailed replacements. The drawings within this application replicate details taken from other doors and surrounds along the terrace, which includes the replication of trim profiles on the door as well as the reeded pilasters, distinctive flat top pediment, projecting horizontal cornices and modillion brackets. Whilst the historic fabric will still be lost, these reinstated features reduces the loss and harm caused to the Listed Building and conservation area. It also reaffirms the importance of this terrace and how one change of a door can impact the overall appearance to this set of designated properties as many doors and surrounds still display their unique vernacular features, highlighted in the list description.

The North York Moors National Park Authority's Design Guide states that replacement doors should reflect the shape of the opening and respect the character of the original property. This proposal achieves this by the proposing a replacement door which replicates the finer detailing of the original door. The colour of the door is to remain pink and although this was raised during the appeal as being not characteristic of Robin Hoods Bay, the inspector did note that the vivid colour along with the harmful design drew attention to the vastly different design, but the colour alone was not harmful as there are examples of brightly coloured doors in the area. As such the applicant has

stated that the door will remain pink, but the surround will be white. Whilst bright colours are a feature of the area, they are not typically pastel shades and instead they should be bright or dark, rich tones. Should the building be sold or come to need repainting, it would be preferable to choose a richer colour to better suit the area and terrace. Examples will be available in the updated Conservation Area appraisal.

The inspector determined that although lobbies in other terraces are wholly parallel, angled lobbies were previously a feature due to the relationship with other walls in the room and the conclusion that the smaller lobby at No4 had been reduced. The drawings provided for the lobby indicate an angled lobby with panelling and an internal door that is consistent with the panelling on the back wall of the room and therefore is likely to be representative of the original lobby.

In terms of Strategic Policy C, I and Policy ENV11 and the Statutory Duties to protect designated assets, the proposal recognises and reinstates significant features that were considered to positively contribute to the designated property, terrace, and wider Conservation Area. The proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular. By reinstating these features, the significance is enhanced and the relationship between this distinctive historic built environment, setting and cultural heritage has been reaffirmed for future generations.

Conclusion

It is considered that the proposed door, door surround and internal lobby would successfully reinstate a significant feature of the Listed Building, wider designated terrace, and Conservation Area. Therefore, in view of the above, the amended proposal adheres to Strategic Policy C, Strategic Policy I and Policy ENV11 of the Authority's adopted policies, set out within the Local Plan and therefore, the application is recommended for approval.

Explanation of how the Authority has worked positively with the applicant/agent

Following the previous application, appeal process and requirement to reinstate features which contribute to the significance of the listed asset, the applicant has engaged with officers and provided a proposal which resembles the lost historic fabric. The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed that the development is likely to improve the economic, social, and environmental conditions of the area.