

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2023/0575

**Development description:** installation of five replacement timber vertical sliding sash windows

**Site address:** York House, King Street, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Miss Victoria Flintoff

**Applicant:** Mrs Terry Ann Whiteley, Friary Cottage, Rotherham Road, Tickhill, DN11 9NL

**Agent:** Michael Miller Architectural Consultant, fao: Mr Michael Miller, Park View, Glaisdale, Whitby, YO21 2PP

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text												
1	TM02	The works authorised by this consent shall begin not later than three years from the date of this consent.												
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Rev. No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Existing Elevation/Plan and Window 3, 4 &amp; 5 Drawings</td><td>00</td><td>30/08/2023</td></tr><tr><td>Existing Window Drawings 1 &amp; 2</td><td>01</td><td>02/11/2023</td></tr><tr><td>Proposed Window Drawings</td><td>01</td><td>27/10/2023</td></tr></tbody></table>	Document Description	Rev. No.	Date Received	Existing Elevation/Plan and Window 3, 4 & 5 Drawings	00	30/08/2023	Existing Window Drawings 1 & 2	01	02/11/2023	Proposed Window Drawings	01	27/10/2023
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Proposed Window Drawings	01	27/10/2023												

3	GPMT11	All new window frames and glazing bars shall be of timber construction and no other materials shall be used.
4	GPMT14	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.
5	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
6	GPMT13	All new window frames in the development hereby approved shall be painted white to match the existing and shall be maintained in that condition in perpetuity.
7	BCMT05A	Any pointing in the development hereby permitted should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand). Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1½ times the width of the joint or until sound mortar is reached. Power tools including drills, grinders must not be used. The pointing shall thereafter be so 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.
3-6	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.

7	RSN BCMT01	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 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.
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**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 comments received.

### Highways

No comments received.

### Publicity expiry

26 October 2023

Front elevation of York House showing first and second floor windows to be replaced.



Second floor window to the rear to be replaced.



## Background

York House is a Grade II listed building sited towards the top of King Street within the Conservation Area of Robin Hoods Bay. It is a rendered three storey property with Welsh slate roof, most recently used as a holiday let.

A number of previous planning applications are associated with the property, including removal of a ships stem to the front, a first-floor rear extension, external refurbishment works, internal alterations and works to the basement.

This application seeks to replace three windows to the front of York House, one at the second storey to the rear and one to the side.

## Main issues

### Policy Context

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. Development will only be permitted where: the scale, height, form, position, and design of new development do not detract from the character and form of the original dwelling and its setting; the development does not adversely affect the amenity for the existing and neighbouring occupiers; and that the development reflects the principles of the Authority's design guide.

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, 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 setting. The local planning authority, or, the Secretary of State shall have special regard to the desirability of preserving a building, 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

This application seeks to replace three windows to the front of York House, one at the second storey to the rear and one to the side. They will be replaced with windows of a very similar appearance with traditional detailing albeit with slim line double glazing.

Standard double glazing would not be permitted in listed properties, especially as it would require the glazing bars and framing to be much deeper and hence not replicate vernacular window detailing. However, in this instance, the windows are fairly modern replacements, there is no historic glass, and the applicant has proposed slim line double glazing at 14mm. Therefore, replacements are considered acceptable provided the detailing of the frame is not substantially altered. Initial concern was raised with the increase in depth of some of the external frames as some are somewhat finely detailed.

The agent subsequently submitted revised proposed drawings which reduced the external framing of the windows by approximately 10mm each, reducing any negative visual impact on the significance of the property. As such, these revised details are appropriate and are reminiscent of traditional detailing.

Overall, the proposal includes high quality materials and design details, fabricated, and installed by a local joiner, which has a positive and sympathetic relationship with the vernacular character of the property as required by Policy ENV11. Although the introduction of double glazing often results in thicker frames and details, these windows have been designed with slim line glazing, maintaining a fine appearance. In terms of Strategic Policy I, C and Policy ENV11, the proposal reflects the traditional architectural character of the property by facilitating a design which is sympathetic to the local vernacular and seen elsewhere in the Robin Hoods Bay Conservation Area.

### Conclusion

In view of the above, it is considered that the proposed development adheres to Strategic Policy C, Strategic Policy I and Policy ENV 11 of the Authority's adopted policies, set out within the Local Plan, and the statutory duties associated with the historic environment. The amended details provided are of no harm to the character of the Listed Building or the surrounding setting and therefore, the application is recommended for approval.

### Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

### Pre-commencement conditions

Not applicable

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

The applicant amended the plans in view of the heritage significance of the building and as a result a positive outcome has been achieved. 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.