

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2023/0415

**Development description:** works to roof, installation of solar panels, replacement rainwater goods and terrace surface

**Site address:** Thorpe Hall, Middlewood Lane, Fylingthorpe

**Parish:** Fylingdales

**Case officer:** Miss Victoria Flintoff

**Applicant:** Mr and Mrs Coop, Thorpe Hall, Middlewood Lane, Fylingthorpe, Whitby, YO22 4TT

**Agent:** Stone and Associates Architects Ltd, fao: Other Project Manager, The Studio, 7b Saville Street, Malton, YO17 7LL

## 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> <p>Document Description</p> <table><thead><tr><th>Document/Drawing No.</th><th>Rev. No</th><th>Date Received</th></tr></thead><tbody><tr><td>Existing Survey, Plans and Elevations</td><td>00</td><td>29 June 2023</td></tr><tr><td>Proposed Plans and Elevations</td><td>00</td><td>29 June 2023</td></tr><tr><td>Surface Water Plan</td><td>00</td><td>28 September 2023</td></tr></tbody></table>	Document/Drawing No.	Rev. No	Date Received	Existing Survey, Plans and Elevations	00	29 June 2023	Proposed Plans and Elevations	00	29 June 2023	Surface Water Plan	00	28 September 2023
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Surface Water Plan	00	28 September 2023												

		Bat Survey	00	28 September 2023
		Confirmation of rainwater goods (black)	00	12 September 2023
3	BCMT03	The roof of the development hereby permitted shall be clad in natural Welsh slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity.		
4	MC00	The solar panels should be fitted over the roof slate and the framing and bracketry associated with the solar panels hereby approved should be black and maintained in that condition in perpetuity.		
5	MC14	If the use of the solar panels hereby approved permanently ceases, it shall be removed from the roof within six months of that cessation and the roof shall, as far as practical, be restored to its condition before the installation of solar panels occurred.		
6	GPMT24	All rainwater and foul water goods shall be painted cast iron in black or a colour to be agreed in writing by the Local Planning Authority and thereafter be so maintained in that condition in perpetuity.		
7	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.		
8	DRN05	The works to repair and replace drainage to serve the development hereby permitted should be carried out in accordance with the approved details. The discharge of water should continue to be monitored and should it remain an issue and excess water continues to build up at the base of the property, a further grant of permission should be considered for more extensive drainage proposals.		
9	MC02	The development hereby permitted shall be carried out in accordance with the mitigation measures set out in section 7 of the submitted bat survey dated August 2023. This includes the installation of at least two bat boxes. Should the works not be carried out over the winter months as specified in the report, a bat mitigation licence will need to be submitted to the Local Planning Authority.		

10	BCMT05A	Any pointing required 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.
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**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	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.
4	RSN BCMT03	For the avoidance of doubt and in order to comply with the provisions of Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have any unacceptable impact on the special architectural or historic interest of the building.
5	RSN MISC09	In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.
6-7	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.
8	RSN DR01	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
9	RSN MISC06	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
10	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.

#### 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.
2	MC INF06	Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent 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 Listed Building consent.

## Consultation responses

Parish

No objections.

Highways

No comments received.

Historic England

No advice received.

Publicity expiry

24 August 2023



## Front and Rear Elevations of Thorpe Hall



## Background

Thorpe Hall is a Grade II\* listed building situated in the Conservation Area of Fylingthorpe, overlooking the ford at the base of Thorpe Lane. The Hall has an irregular layout of various joined rectangular forms dating from different periods, ranging from the 17<sup>th</sup> century to the 19<sup>th</sup> century, largely in tooled coursed sandstone under Welsh slate roof with leaded mullion windows. The outbuildings, comprising coach house and stabling have more recently been sold off in separate ownership.

Many of the previous planning applications refer to changes of use including uses as a school, studies centre, and art business, although it is unclear if these were implemented. Most recently, it seems the house may have been used as a guest house, but it is currently in private ownership as a dwelling.

Other minor internal and external alterations have been granted permission including plumbing and fire regulation works, alterations and conversion of outbuildings, internal alterations to the east wing including removal of 20<sup>th</sup> century fittings to be replaced with more traditional features, alterations to the entrance porch door and window and removal of a flue pipe.

This application seeks planning permission to undertake roof repair works, install a small area of solar panels, install top floor heating, replace, and consolidate rainwater goods and carry out works to the ground covering of the terrace and driveway.

## 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), Policy CO17 (Householder Development), Strategic Policy I (The Historic Environment), Policy ENV11 (Historic Settlements and Built Heritage) and Strategic Policy H ((Habitats, Wildlife, Biodiversity and Geodiversity).

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.

Policy CO17 seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area and the special qualities of the National Park. 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.

Strategic Policy H promotes the conservation, restoration and enhancement of habitats, wildlife, biodiversity, and geodiversity in the North York Moors National Park. Where appropriate, habitats should be strengthened to improve their integrity and resilience, whilst improving wildlife connections and landscape features such as water courses. Any harmful impacts should be offset through appropriate habitat enhancement, restoration, or creation on site or elsewhere and provide wider sustainability benefits.

### 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 relates to the Grade II\* listed Thorpe Hall within the Conservation Area of Fylingthorpe which seeks permission to undertake roof repair works, install a small area of solar panels, install top floor heating, replace, and consolidate rainwater goods and carry out works to the ground covering of the terrace and driveway. There is an associated listed building consent application.

#### Roof Proposals and Solar Panels

A small portion of the roof is proposed to be repaired with tiles of a matching Welsh slate. Where possible, roof tiles will be re-used to minimise the requirement for new slate. Whilst the roof works are undertaken, a small area of solar panels are to be installed on the most discreet hipped roof slope which sits behind a gable projection of an adjacent slope. Additionally, they will be framed in black to be sympathetic to the slate and mounted on top of the tiles so they can be easily removed, and the roof be reversed to the previous condition should the solar panels no longer be required. Given the visibility of this slope and the limited number of solar panels, it is considered they will not impact the significance of the listed building.

Whilst the slates are repaired and replaced on this section of the building, a breathable membrane is proposed to be installed. Although it would be preferable to maintain the traditional construction which would not include a membrane, is not uncommon practice to install a breathable membrane. However, it was advised to use a lime-based plaster for any rafter repairs. Within the associated listed building application, it is conditioned that all historic timbers should be maintained and where repairs are required, a method statement should be provided. Where possible, the timbers should be monitored to assess the moisture levels in the rafters and review the historic timbers for signs of decay. Other concerns regarding ecology have been mitigated with the installation of a bat survey and two bat boxes. However, should the works not be carried out over the winter, a protected species licence would be required which seeks to protect local bat species in line with Strategic Policy H.

#### Top Floor Heating

As part of the works to the top floor space, it is proposed to introduce heating. The associated listed building consent application considers the works which may disturb historic fabric in the floors.

### Rainwater Goods

A carefully considered and thorough proposal has been submitted to consolidate and re-work the rainwater goods. This will include replacements in cast iron of a wider profile to accommodate a higher volume of rainfall. This will improve water run-off and prevent water ingress. It has been confirmed that the rainwater goods will be black.

### Terrace Works

Works to the terrace and immediate outdoor area include lifting the stone flags and where required replacing them with York stone. Whilst the flags are lifted, new and improved drainage works will be carried out in correlation to the improved rainwater goods. As there were reports of increased water and ingress at the base of the property, a water surface plan was required to ensure that water should be able to escape efficiently. A plan was provided and although it was suggested that a French drain could be installed, it was decided to improve and repair the current drainage system and monitor any water ingress, especially with the laying of new stone flags and a self-binding gravel for the drive. Any historic flags will be lifted carefully, numbered and re-bed in the same position.

A self-binding material is not ordinarily recommended, however, the specification provided is often used at significant designated properties and there are no historic materials removed as a result of the works. It was noted that the material will not intersect with the stonework and the junction between the house and gravel be monitored for signs of water build up or ingress.

The proposals are of a scale and form appropriate to the character of the dwelling and the associated landscape setting in accordance with Strategic Policy C and Policy CO17. Careful consideration of design details and materials complies with Strategic Policy I and Policy ENV11, conserving the architectural and historic quality of this prominent and significant designated property.

### Conclusion

In view of the above, the proposal conserves and enhances the significance and architectural character of the Grade II\* listed Thorpe Hall. The application adheres to national statutory policies and the North York Moors adopted policies as outlined above, and is therefore, 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 Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the occupancy of the unit and the design of the proposed fenestration elements, so as to deliver sustainable development.