

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0682

Development description: Listed Building consent for demolition of greenhouse and outbuilding and construction of replacement greenhouse, together with construction brick walled garden, terrace and log store

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: Ashley Line, 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>Proposed Plans</td><td>B</td><td>12 December 2023</td></tr><tr><td>Proposed Elevations</td><td>B</td><td>06 December 2023</td></tr><tr><td>Supporting Information</td><td>-</td><td>16 October 2023</td></tr><tr><td>Material Samples</td><td>-</td><td>11 December 2023</td></tr></tbody></table>	Document/Drawing No.	Rev. No.	Date Received	Proposed Plans	B	12 December 2023	Proposed Elevations	B	06 December 2023	Supporting Information	-	16 October 2023	Material Samples	-	11 December 2023
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3	UOR03	The development hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
4	GPMT03	All new brick used in the development hereby permitted shall be handmade or reclaimed brick.
5	MC00	The stone boundary walls hereby permitted shall be constructed in natural stone which shall be coursed and jointed in the local tradition so as to match the main dwelling on site.
6	MC00	The framing of the greenhouse hereby permitted shall be comprised of timber or aluminium and should be maintained in that condition in perpetuity.
7	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above 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	RSN UOR04	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would be likely to adversely affect the amenities of existing and future occupiers

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		of the site and to accord with the provisions of Policy C017 of the North York Moors Local Plan.
4-6	RSN GPMT01	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.
7	RSN AC07	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents and to preserve and enhance the National Park's Dark Night Skies, in accordance with Policy ENV4.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF05	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.

Consultation responses

Parish

No objections.

Historic England

In this case there were no concerns or specific advice given.

Publicity expiry

16 November 2023

View of the existing greenhouse within the grounds of Thorpe Hall, Fylingthorpe



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 rectangular forms, ranging from the 17th century to the 19th century. The house is largely in tooled coursed sandstone under Welsh slate roof with leaded mullion windows. The outbuildings, comprising coach house and stabling are now in separate ownership with only part the coach house serving as a garage for Thorpe Hall.

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 ever 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 regulations, alterations and conversion of outbuildings, internal alterations to the east wing including removal of 20th century fittings to be replaced with more traditional features, alterations to the entrance porch door and window and removal of a flue pipe.

A recent application was approved 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. These works are currently underway.

This application seeks permission to demolish the existing greenhouse and construct a new traditional greenhouse along with log store, terrace area and boundary walls. This will form part of the previous walled garden area.

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) 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.

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.

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 permission to demolish the existing greenhouse and construct a new traditional greenhouse along with log store, terrace area and boundary walls. This will form part of the previous walled garden area.

Greenhouse, terrace area, boundary walls, and access gate

The current greenhouse is a fairly modest structure, appearing on historic maps mid-20th century, which seems to have more recently been partially rebuilt with concrete breeze block. It is not particularly characterful, but there is an interesting example of a small hot house with pipes running through to warm the greenhouse.

The current greenhouse is to be replaced with a larger structure of a more traditional appearance, with a base comprised of handmade brick and top of aluminium frame. A log store is also to be constructed together with raised beds and a terrace area. These features will be situated within the remaining walls of the walled garden. The remains of these walls are in stone, and so it was recommended by the Authority's Building Conservation Officer, that whilst brick was acceptable for the greenhouse and attached features, the new boundary wall between the field and garden should be comprised of stone to be sympathetic to the remaining boundary walls as well as the stable buildings to which it will be attached. As such, the amended plans show that the boundary walls are now proposed to be in stone and the access gate has also been amended to reflect its purpose as a field gate rather than appear as a formal secondary entrance.

It was also advised that there should be no hardstanding within the adjacent field as it would have a negative landscape impact and would comprise an encroachment of the domestic curtilage. As such, the plans have been amended to remove the small area of hardstanding in favour of a much smaller area of armoured grass under the new field gate to provide a level surface between the field and new driveway.

In view of these amendments, the proposal is an enhancement on the current greenhouse and presents a structure which is complementary to the scale and character of Thorpe Hall. As such, the proposal is in accordance with Strategic Policy I and Policy ENV11 as it does not present harm to the listed building and provides a design which is an enhancement within the setting. Careful consideration of design details and materials conserves the architectural and historic quality of this prominent and significant designated property.

The proposals are of a scale and form appropriate to the character of the dwelling and the associated landscape in accordance with Strategic Policy C and Policy CO17. Given the size of the greenhouse and to ensure it remains subsidiary in nature, a condition has

been applied which limits the use of the greenhouse as incidental to the enjoyment of the main dwelling, preventing it from being converted into habitable accommodation.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.