

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To Mrs Linda Torpey
c/o Mr Stephen Mann
Nookside
Whitby Road
Robin Hoods Bay
Whitby
North Yorkshire
YO22 4PB

The above named Authority being the Planning Authority for the purposes of your application validated 25 January 2024, in respect of **construction of replacement dormer window at Bay Bank House, Station Road, Robin Hoods Bay** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. By reason of the position, form, scale and poor design of the proposed replacement dormer window, it is considered that the proposals will result in substantial harm to the character and appearance of the host dwelling and surrounding Robin Hoods Bay Conservation Area. The proposal is considered to be contrary to Strategic Policy C, Strategic Policy I, Policy CO17 and Policy ENV11 of the Authority's Adopted Policies within the NYM Local Plan, together with the Authority's adopted Design Guide Part 2: Extensions and Alterations to Dwellings. These policies and guidance seek to ensure that new development achieves a high standard of design, which reflects or complements that of the local architectural vernacular and does not detract from the character, form and setting of the original dwelling or the wider Conservation Area.
2. The proposed replacement dormer window is not of sympathetic proportions nor of a traditional vernacular style and as such the Local Planning Authority considers that the proposal would cause significant and irreversible harm to the special aesthetic, historic and architectural quality of the Grade II Listed building, including the wider setting. The building holds a prominent position in the Conservation Area of Robin Hoods Bay and therefore a much larger dormer would negatively dominate the roof and elevation of the listed building and fail to conserve the building and its setting in a manner appropriate to its significance. The proposal is therefore contrary to Section 16 of the NPPF (paragraphs 195, 200, 201, 205 and 206).

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 have confirmed with the applicant that the dormer should be no bigger than existing and that the current proposal would be recommended for refusal based on the reasons outline above.



Mr C M France
Director of Planning

Date 21 March 2024

Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within 12 weeks of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN
(Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.