

Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

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 24 January 2024, in respect 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 outlined above.



Mr C M France
Director of Planning

Date 22 March 2024

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

Notes

1. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months 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.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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

4. Please note, only the applicant possesses the right of appeal.
5. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
6. 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.
7. 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.