

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2024/0070

**Development description:** Listed Building consent for construction of replacement dormer window

**Site address:** Bay Bank House, Station Road, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Miss Victoria Flintoff

**Applicant:** Mrs Linda Torpey

77 Dartmouth Park Road, London, NW5 1SL

**Agent:** Mr Stephen Mann

Nookside, Whitby Road, Robin Hoods Bay, Whitby, North Yorkshire, YO22 4PB

## Director of Planning's Recommendation

Refusal for the following reason(s):

### Reason(s) for refusal

Refusal reason code	Refusal reason text
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

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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).
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A view of Bay Bank House on the climb out of Robin Hoods Bay



A view of Bay Bank House from the Cleveland Way



## Background

Bay Bank House is a characterful 3 storey early-nineteenth-century Grade II listed house in an elevated and prominent position above the descent into the lower historic core of Robin Hood's Bay. It is within the Robin Hoods Bay Conservation Area.

Previous planning history relates to the approval of a change of use of the basement banking office into a retail shop. In 2004 planning permission and listed building consent was sought for a first-floor extension and dormer windows on the principal and rear elevations. The installation of two dormers was considered excessive and over dominant. Following consideration at committee, negotiations were sought, and planning permission was granted for a small lean-to dormer to the front and conservation rooflight to the rear together with a small first floor extension.

This application seeks listed building consent to replace the single dormer on the principal elevation with a much wider and taller flat roof dormer. There is an associated application for planning permission.

## Main issues

### Local Plan 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 development within the National Park. The policy seeks to ensure that proposed development maintains and enhances 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 states that development within the domestic curtilage of dwellings should only be permitted where the scale, height, form, position, and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. The policy also states that the development should reflect the principles outlined in Part 2 of the Authority's Design Guide. The guidance outlines that large flat-roof box dormers give a horizontal emphasis and are inappropriate, particularly on front elevations. Where areas do include dormers, the detailing should reflect local characteristics. Typically, dormers should be of a traditional style, small scale and well related to the size, position, and glazing patterns of existing windows.

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) is particularly relevant to this application as it considers how development proposals may conserve and enhance the historic environment and seeks to ensure any harm is avoided or mitigated.

Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss to the asset should require clear and convincing justification (paragraph 200). Where substantial harm is proposed, the application 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). It further states that harm may be acceptable where no viable use can be found, the nature of the asset prevents all reasonable uses of the site, or options for conservation by grant-funding have been shown to be demonstrably not possible (paragraphs 201).

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 listed building consent to replace the single dormer window on the south-eastern facing principal elevation of Bay Bank House, overlooking the steep decline down into the lower historic core of Robin Hoods Bay. Planning permission and listed building consent was granted in 2004 for a singular dormer window with a slight pitch and leaded cheeks, which is the one currently in situ. This scheme was much altered and reduced, as similar concerns were raised at the time regarding negative impact to the roofscape and wider setting.

Bay Bank House is a characterful early-nineteenth-century house in an elevated and prominent position above Robin Hood's Bay. The building makes a strong contribution to the character of the Robin Hood's Bay conservation area and is highly visible in views up New Road and from across the Bay. The roof is visible from the Cleveland Way trail. The proposed plans for this application include a large horizontal flat roof dormer which has been proposed with the intention of providing a larger attic space and improved means of escape.

The applicant was advised that the property is a significant and prominent heritage asset which positively contributes to the wider Robin Hoods Bay Conservation Area. As such, a much wider flat roof dormer, which is not reflective of the local vernacular, fails to reflect nor complement the surrounding buildings or setting of the conservation area. It was therefore suggested that any replacement dormer should be of a similar size and proportion and an enhancement could be achieved by proposing a more traditional design. However, the applicant resolved to pursue the current proposal as any worthwhile replacement would still be significantly wider and unlikely to be appropriate.

As the scale, design and positioning of the proposed dormer would significantly detract from the character and appearance of the host dwelling, the proposal would conflict with Policy ENV11 of the Local Plan which requires development affecting the built heritage to reinforce its distinctive historic character and seeks to promote high standards of design to conserve and enhance the built heritage and distinctive architectural features. Additionally, it would conflict with Strategic Policy C which seeks to maintain and enhance the distinctive character of the National Park through developments that are of a high-quality design with details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular. Policy CO17 also states that development will only be permitted where its scale, height, form, position, and design do not detract from the character and form of the original dwelling or its setting in the landscape.

Part 2 of the Authority's Design Guide (SPD) states that large flat-roof box dormers give a horizontal emphasis and are inappropriate, especially on prominent elevations, and should therefore be resisted. The proposed dormer window would be clearly visible within the wider conservation area, and it is considered that the development would have a detrimental impact on the character of the surrounding area as such the

Authority is unable to support the proposed replacement dormer. It is appreciated that a significant number of properties within the Robin Hoods Bay Conservation Area have dormer windows which vary in style; however, most take the form of traditional pitched, gabled, or cat slide dormers. Large horizontal flat roof dormers are not reflective of the local vernacular and often look bulky and fail to compliment the host dwelling, providing a horizontal emphasis, which has a negative detrimental impact on the wider area.

Objections were received by the Authority's Building Conservation Officer who raised concerns regarding the proposed size and design of the dormer which is not traditional for a listed building and early 19th century property. The current dormer is small and is comparable to other listed buildings in the Conservation Area. The proposed will greatly increase the length of the dormer and cause added bulk to the roofscape. The proposal is therefore objected to under less than substantial harm to the setting of the listed building and the Conservation Area. Clear and convincing justification was also not received on the reasoning for introducing a much wider dormer along with any harm that it would present to any significance in the roof structure.

Additional objections and concerns were raised by The Georgian Group who echoed the concerns of the Authority's Building Conservation Officer, in particular, the harm that would be caused to the significance of the listed building and wider setting due to the prominent impact of a much larger and non-traditional dormer. It was also stated that the application fails to meet the requirements of the NPPF, in terms of lacking sufficient justification, not providing information on the impact to the roof structure and harm caused to the historic and aesthetic value of Bay Bank House as a listed asset.

As outlined in the reasons for refusal, Section 16 of the NPPF and Strategic Policy I require clear and convincing justification for any harm to designated heritage assets by any proposals; and that any harm (even less than substantial) can only be balanced against an overriding public benefit. Whilst a proposal for escape would only be considered by the local building control team, they have confirmed that escape windows are only considered viable to a storey height of 4.5m and as the dormer at Bay Bank House appears to be over 4.5m high, it is unlikely that a new dormer would comprise a safer exit. It is not considered that there is any public benefit to the proposals and is therefore contrary to Strategic Policy I. There are no other material considerations that would enable a departure from adopted policies and a similar appeal was recently dismissed in 2021. The property was similarly in a prominent location in Runswick Bay and was not designated (APP/W9500/D/21/3270002).

In view of the above, it is considered that the proposed replacement dormer would harm the character and appearance of the listed building and Conservation Area and would conflict with both the National Planning Policy Framework (NPPF, Section 16) and the North York Moors National Park Authority's Adopted Policies as set out within the adopted Local Plan 2020.

## Conclusion

In view of the above, refusal is recommended.

## 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.

## 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.