

From:
To: [Planning](#)
Subject: Planning application Ref NYM/2024/0259 re Cliff House, Robin Hood's Bay
Date: 22 May 2024 20:46:23

Planning application Ref NYM/2024/0259 re Cliff House, Robin Hood's Bay

Dear Sirs,

I was surprised to learn from Mrs H Hunter, who is my next door bar one neighbour in Robin Hood's Bay, when I was there at the weekend, about the submitted plans for a two story development on the seaward side of Cliff House. My property, Storm Cottage has the same seaward frontage as Cliff House but the information from Mrs H Hunter was completely new to me. It would seem to me that there has been some failure of communication involved here.

Several of the properties on the seaward side of Cliff Street were demolished following the erosion of the cliff face. The integrity of the remaining ones has been secured following the construction of the sea wall in the 1970's. The view of the buildings from the East is of a row of buildings that remained on both sides of Cliff Street with mine being the penultimate one to the South of Cliff House. This leads me to object to the proposed plans on the basis of;

- a) the facade of listed buildings seen from the East will be seriously impacted by the proposed large 2-story extension
- b) any such development will encourage further applications on the land behind the sea wall that is currently tended to by the adjacent properties.
- c) The size of the proposed development will impact on the right to light and views from the existing buildings that reflect part of the history of Robin Hood's Bay.
- d) Access to Cliff and adjacent streets is very limited and this would be an inappropriate development in this area of the Bay given that the existing Cliff House is already large.
- e) The creation of the foundations, indeed how will they access it? including the driving of piles, for such a large development, to replace an existing conservatory, could be detrimental to the integrity and stability of the sea wall. This could affect other adjacent properties including mine.

I trust that these observations and my objection can be recorded and noted in the Council's deliberations. I would be grateful if I could be included in respect of being an interested party with property in the immediate area.

Yours faithfully

Mrs C Chisholm,

Storm Cottage, Tommy Baxter Street, Robin Hood's Bay, YO22 4RZ

Home address Oakfield, Farley Chamberlayne, Romsey, Hants SO51 0QR

From: Barbara Findlow <

Sent: 22 May 2024 09:48

To: Jill Bastow

Subject: Application for planning at Cliffe House, Robin Hood's Bay. Planning application:
NYM/2024/0259

Dear Sirs.

We own the property next-but-one on the north side - Seacote, and are concerned about: the disturbance to the adjoining area, the visual impact of such a 'modern' extension in such a characterful village, tightly controlled by North York Moor Conservation, and the reduction in our loss of outlook.

We think it is totally **not** in keeping with the Robin Hood's Bay Conservation area remit, and would hope that this application will be refused.

Yours faithfully,
R & B Findlow.

Seacote

Robin Hoods Bay

North Yorkshire

Jill Bastow
Development Management
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York, North Yorkshire
YO62 5BP

Our Ref SJL/SL/051239-0001

21 May 2024

By post and email:

[i](#) [u](#) [k](#) [u](#)

Dear Sirs

**Planning application for demolition of conservatory and construction of two storey extension at Cliff House, Cliff Street, Robin Hood's Bay
Planning application: NYM/2024/0259**

We are instructed by Matthew John Leitch and Pauline Sandra Leitch to object to the above planning application for the demolition of conservatory and construction of two storey extension at Cliff House, Cliff Street, Robin Hood's Bay ("the Property") under the application known to North Yorkshire Moors National Park Authority ("the Authority") by reference NYM/2024/0259.

Pauline Sandra Leitch is the proprietor of Daisy Cottage, which is adjacent to and on the same terrace as the Property. She is concerned that the scale of the extension to the Property under the Application would have an unacceptable planning impact on the residential amenity of her dwelling.

Within this letter we set out representations as to why the Application should be refused and we trust that the Authority will have full regard to these in the determination of the Application.

Legislation and Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

The North York Moors Local Plan (adopted on 27 July 2020) ("the Local Plan 2020") is the principal development plan for the Authority and sets out a long-term strategy to guide new development across the North York Moors for the period up to 2035. The Authority's development plan currently comprises the Local Plan 2020, the Whitby Business Park Area Action Plan, the Helmsley Plan and the Minerals Waste Joint Plan ("the Development Plan"). The Development Plan also includes various Supplementary Planning Documents including the 'Design Guide Supplementary Planning Document' ("the Design SPD").

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The National Planning Policy Framework dated 19 December 2023 ("the NPPF") sets out the government's economic, environmental and social planning policies for England, and how these are expected to be applied. The policies within the NPPF apply to decisions on planning applications and need to be considered alongside policies within the Development Plan.

1. Policy on Housebuilder Development in Local Plan 2020

Policy CO17 of the Local Plan 2020 ("Policy CO17") sets out the Authority's policies on householder development and is set out below:

Policy CO17 - Householder Development

Development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will only be permitted where:

- 1. The scale, height, form, position and design of the new development do not detract from the character and form of the original dwelling or its setting in the landscape;*
- 2. The development does not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling; and*
- 3. The development reflects the principles outlined in the Authority's Design Guide.*

In the case of extensions and alterations to the existing dwelling, the following criteria must also be met:

- a) Any extension should be clearly subservient to the main part of the building and should not increase the total habitable floorspace by more than 30% unless there are compelling planning considerations in favour of a larger extension; and*
- b) The design and detailing should complement the architectural form and character of the original dwelling and any new roofline should respect the form and symmetry of the original dwelling.*

Where permission is granted, future extensions may be controlled by the removal of permitted development rights. In the case of existing outbuildings and the development of new outbuildings, the following criteria must also be met:

- i. The outbuilding should be required for purposes incidental to the residential use of the main dwelling;*
- ii. Any new or extended outbuilding should be proportionate in size and clearly subservient to the main dwelling;*
- iii. New outbuildings should be located in close proximity to existing buildings;*
- iv. If the proposal involves works to improve or extend an existing outbuilding, the original structure must be worthy of retention and capable of improvement; and*
- v. It should be demonstrated that any change of use of existing outbuildings is not likely to lead to future proposals for additional outbuildings to replace the existing use.*

All proposals for residential annexes should also meet the requirements of Policy CO18 Residential Annexes.

In the explanation to Policy CO17 it is stated that unsympathetic works within the domestic curtilage can harm both the host property and surrounding environment and it is important that householder development should integrate effectively with the surroundings, reinforcing local distinctiveness and avoiding harm to the character of the settlement and wider landscape.

It further explains that very large extensions can be overbearing and that proposals which incrementally extend small dwellings beyond their original size can have a detrimental impact on the character of an area. As such, the Authority expect proposals for extensions to be clearly subservient to the main dwelling. Scale and design go hand in hand but in practice this means that schemes which increase the total habitable floor space by more than 30% will not be supported unless there are compelling reasons for a larger extension. It also

specifically states that total habitable floor space should be calculated excluding existing extensions (unless built before 1 July 1948), garages, conservatories and outbuildings.

It then advises that extensions to traditional buildings, in particular, should respect and sustain the historic significance, character and appearance of the original building through sensitive design. Care is needed in the design of two storey extensions and in proposals which affect one of a row or group of similar properties. Extensions which would detract from the harmony and visual appearance of the group as a whole will not be supported.

The extension proposed under the Application is significant in scale and would be contrary to Policy CO17 because it is not subservient to the main part of the building and increases the total habitable floorspace by more than 30%.

Within the applicants' Design and Access Statement dated February 2024 ("the Design and Access Statement") it is explained that the applicants believe given that the conservatory space is the primary living space this should be considered as the existing footprint. In view of this, the increase in total habitable floorspace is calculated at only 15.04%. This uplift is incorrect because the explanation to Policy CO17 explicitly advises that the total habitable floor space should be calculated excluding existing extensions and conservatories. The relevant conservatory space was constructed in the 1970s and it is therefore apparent that this footprint must be excluded. With the conservatory space excluded, the increase is over 30%. The proposed extension is not subservient to the principal dwelling and is categorically over the cut-off for the maximum footprint.

The applicants have not provided any compelling planning reasons to justify the need for an extension at this scale. In the Design and Access Statement it is stated that Cliff House was purchased with the intention for it to be a family home and used only for the family. Their family consists of two adults and two children and they were seeking a place where there was also space for grandparents and guests to visit. These personal circumstances do not constitute compelling reasons for the scale of the proposed extension in any way because the applicants would have had knowledge of planning policies regulating the Property at the time of the purchase. These circumstances should not be afforded any weight in the determination of the Application.

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF advises that development that is not well designed should be refused. These national policies also weigh against the Application having regard to the design.

2. Detrimental impact on neighbour's residential amenity

Policy CO17 specifically advises that any housebuilder development should not adversely affect residential amenity of neighbouring occupiers or its setting in the landscape.

Part 2 of the Design SPD provides guidance on 'Extensions to Dwellings' with reference to the basic design considerations that should inform any proposed extension or alteration to a dwelling. Development Policy 19 states that proposals for development within the domestic curtilage of dwellings will only be supported where, amongst other matters, it does not affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling. It then affirms that careful consideration should be given to the impact on neighbouring properties in terms of overshadowing, loss of privacy and loss of outlook, particularly where the dwelling is semi-detached or forms part of a terrace.

Pauline Sandra Leitch is the proprietor of Daisy Cottage, which is adjacent and on the same terrace as the Property. On account of the significantly increased stone wall from the extension, there would be a severely limited south-facing aspect from her property's terrace as it stands (towards Ravenscar headland on a map). This would have an effect on the amenity and enjoyment of her terrace on account of the overshadowing and loss of outlook. The scale of the extension would also lead to significantly reduced access to natural light in her living room as it would affect the skylights in her property.

The grant of a planning permission pursuant to the Application would therefore have a detrimental and unacceptable impact on the residential amenity of our client's property contrary to the relevant policies within the Local Plan and the NPPF.

3. Impact on Built Heritage and Robin Hood's Bay Conservation Area

The Property is a Grade II Listed Building that was listed on 5 October 1969 and Policy ENV11 of the Local Plan 2020 sets out the Authority's policy on Historic Settlements and Built Heritage ("Policy ENV11"). Policy ENV11 is set out below:

Policy ENV11 – Historic Settlements and Built Heritage

Development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features. Development proposals will only be permitted where they:

- 1. Conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting including key views, approaches and qualities of the immediate and wider environment that contribute to its value and significance;*
- 2. Conserve or enhance the special character and appearance of settlements including buildings, open spaces, trees and other important features that contribute to visual, historical or architectural character;*
- 3. Reinforce the distinctive qualities of settlements through the consideration of scale, height, massing, alignment; design detailing, materials and finishes;*
- 4. Respect the integrity of the form of historic settlements including boundary and street patterns and spaces between buildings;*
- 5. In the case of new uses, ensure the new use represents the optimum viable use of the asset which is compatible with its conservation;*
- 6. In the case of adapting assets for climate change mitigation, the proposal is based on a proper understanding of the asset and its material properties and performance, and of the applicability and effectiveness of the proposal. Development should not harm the heritage value of any assets affected.*

When a proposal affecting a heritage asset is acceptable in principle, the Authority will seek the preservation of historic fabric in situ.

When retention of the feature is not justified or the form and appreciation of a heritage asset is compromised though the proposal, the applicant will be required to undertake an appropriate programme of historic building recording (HBR) and analysis secured through an approved Written Scheme of Investigation (WSI).

In the explanation to Policy ENV11 it is stated that this policy seeks to restrict development that results in loss or harm to the significance of designated and other heritage assets of national importance. This applies to listed buildings. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal.

Paragraph 130 of the NPPF asserts that, amongst other matters, planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing scenic beauty in National Parks. The scale and extent of development within National Parks should be limited while development within the setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Paragraph 206 then advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The materials to be used for the extension proposed under the Application are inconsistent with the other buildings within the historic lower Robin Hood's Bay village. The design is contemporary in appearance and would make the Property indelibly protrude on the row of terraced houses where it sits. The appearance would not be sympathetic when viewed alongside other dwellings.

The applicants assert in the Design and Access Statement that by extending to the rear and adapting the existing structure in a way which is an interpretation of the existing, there would be no visual or material impact to the front of the Property. It states that the extension will only be visible by sea or air and from very specific angles, which would make it a suitable option for reconfiguration.

The applicants' position on lack of impact on the view to the Property is plainly incorrect because the extension would be visible by the public from the coastal path that runs down the cliff side between the rear of the Property and the sea. Furthermore, the village of Robin Hood's Bay is a tourist landmark, and the extension would be visible and apparent on future photographic images of Robin Hood's Bay which may be used to promote the village. It is therefore clear that the extension would affect the historic character of this part of Robin Hood's Bay and detract from the aesthetic value of the historic properties as they currently exist.

Part 2 of the Design SPD provides guidance on 'Extensions to Dwellings' with reference to the basic design considerations that should inform any proposed extension or alteration to a dwelling. Development Policy 19 states that proposals for development within the domestic curtilage of dwellings will need to take full account of the special qualities of the Park's landscape character areas and will only be supported where, amongst other matters, the scale, height, form, position and design of new development does not detract from the character and form of the original dwelling or its setting in the landscape. It is clear that the development proposed under the Application would detract from the Property's setting in the landscape and would unduly affect the special character and appearance of Robin Hood's Bay.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall be required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The extension proposed under the Application would affect the listed building and its setting on account of its scale and the materials used.

Furthermore, the Property is situated within the Robin Hood's Bay Conservation Area. A conservation area is defined in the Planning (Listed Buildings and Conservation Areas) Act 1990 as being 'an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance'. Planning applications should be considered having regard to this designation as any development should fit in and be sympathetic to the surrounding area. The characteristics of properties in conservation areas should be preserved and enhanced. For the reasons set out above, the development proposed under the Application would not be appropriate within the Robin Hood's Bay Conservation Area.

4. Structural integrity of extension proposed to the Property and harm to listed building

The extension proposed under the Application is substantial in scale and on account of its size our clients are concerned that there could be a risk to the structural integrity of both the Property and Daisy Cottage. This is particularly pertinent on account of the proximity of the extension to the cliff-edge and the consequent impact on the stability of the land.

It is also noted that the Authority's Senior Heritage & Conservation Officer raises concerns regarding structural integrity in her consultation note on the Application dated 20 May 2024. She mentions that she is concerned by plans to drill 10m piles into the cliff side next to a listed building and states that the structural survey has not alleviated these concerns. The applicants have not been able to confirm that the proposed works will not cause any structural instability to the listed building. As such, there is a risk that construction of the extension proposed under the Application could cause harm to the listed building itself contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act and paragraph 206 of the NPPF.

5. Fear of setting a precedent

Any grant of planning permission pursuant to the Application would be a material consideration in support of similar extensions to properties within Robin Hood's Bay. This would set an uncomfortable and concerning precedent as it would provide potential justification for similar extensions on other properties, which would not comply with the Development Plan. This could result in the approval of similar extensions in the future, which would have a detrimental impact on the character of the Robin Hood's Bay Conservation Area.

6. Conclusion

In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the 2004 Act planning applications must be determined in accordance with the relevant local planning authority's development plan unless there are material considerations that indicate otherwise.

Policy CO17 is the principal policy in the Development Plan against which the Application should be considered, but the development proposed clearly and categorically conflicts with this Policy because the footprint of the extension is over 30% of the Property. Furthermore, the applicants have not provided any credible compelling planning reasons to justify a departure from this Policy.

The development proposed under the Application would conflict with Policy ENV11 given that the Property is a listed building (as well as being situated around other listed buildings) and is in the Robin Hood's Bay Conservation Area. The development proposed under the Application would be unsympathetic within the area having regard to its materials and scale.

Having regard to the representations within this correspondence, it is submitted that the Application should be refused by the Authority.

Yours faithfully

**Stuart Lumb | Associate | Planning & Development
for Rollits LLP**

From:

To:

Subject: Comments on NYM/2024/0259 - Case Officer Jill Bastow - Received from Mrs Helen Hunter at High Cliff, Cliff Street, Robin Hoods Bay, Whitby, YO22 4RY

Date: 21 May 2024 10:32:42

I write in connection to the above planning application. I have examined the plans & I know the site well. I wish to OBJECT strongly to the plans which are proposed for the following reasons.

STRUCTURAL INTEGRITY.

The structural integrity of the listed building & the other multiple listed buildings in the vicinity. Concerns about destabilising the fragile cliffside during excavations & the following piled concrete foundations that are proposed for the new extension.

PRIVACY.

As a neighbour the proposed larger size of the extension would lead to a significant reduction in my privacy, being overlooked & causing overshadowing.

DESIGN.

The proposed extension extends past the current build line & is not in keeping with the scale, character or appearance of the village. In my opinion it would draw attention away from the surrounding listed buildings.

TREES & HEDGES.

In the planning application under the heading TREES & HEDGES, no tree or hedge would be removed or pruned in order to carry out the works. If temporary access is granted from the lower public foot path & all the materials, equipment are conveyed up to the property via the coastal slope as suggested by MasonClark Associates (5.2-Access, page 5 Discussion) I cannot see how the existing trees, hedges & root structures that occupy this coastal slope will not be affected.

PUBLIC VIEW.

It is suggested in the planning application under SITE VISIT that the site cannot be seen from a public footpath, bridleway or land. The suggested site access as above, is from the public footpath, the rear of Cliff House & site will be visible from this public footpath & public adjoining land.

I formally request that my objections are taken into consideration when deciding the application.

Yours Faithfully.
Helen Hunter.

Comments made by Mrs Helen Hunter of High Cliff, Cliff Street, Robin Hoods Bay, Whitby, YO22 4RY

Preferred Method of Contact is Email

Comment Type is Object with comments



3 Thorpe lane,
Robin Hoods Bay,
Whitby YO22 4RN

20/04/2024

NYMNP Planning Dept.

Dear Sir I would like to comment on two planning applications.

1.NYM 2024/0260 Cliffe House, Cliff Street, Robin Hoods Bay

I was village Caretaker at Robin Hoods Bay when the main Sea Wall was constructed 1972-5.

In order for it to proceed, the landowners of cottages that were to be directly at the back of the New Sea Wall had to agree not to make any development forward onto the slopes that had been cleared of collapsed buildings , and created between their properties and the New Wall. This agreement would have been with Whitby Rural District Council and North Yorkshire County Council. This development is exactly what this agreement set out to stop. The slopes and the drainage underneath are an integral part of the sea defences.

The proposal is utterly out of keeping both with the traditional herring-bone stone cottages of Old Bay , and with the Conservation Area of the Old Village. It is just glass and wood , and will stick out like a sore thumb. As it is the Conservation area is in a very poor state and this development will broadcast that no-one cares about the principles and purpose of the Conservation Area, which once upon a time was "the Jewel in the Crown of North Yorkshire".

2.NYM/2024/0252 Victoria Hotel

The Victoria Hotel is an integral part of Old Bay, the fine late Victorian building that dominates the approach to the Conservation area. The proposed introduction of large amounts of glass modern-style balustrade and boundary fencing are completely out of keeping with both the fine building and its geographical situation. My family spent many summers at the Hotel in the 1930s ,when it had a fine ornate cast iron canopy at the front looking down to the garden and tennis courts. I can't quite see the rationale for the glass balustrades. Is it to do with a modern wedding venue style rather than a historic hotel true to it's heritage?

yours faithfully

David A. H. H.