

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Timothy Knight

Against: Refusal of planning permission for Listed Building consent for installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations

Location: 3 Bloomswell, Robin Hoods Bay

Statement by Local Planning Authority For Written Representations Appeal

Contents

- 1.0 Introduction
- 2.0 Appeal Site and the Surrounding Area
- 3.0 Relevant Site History
- 4.0 Proposed Development and the Decision
- 5.0 Planning Policy and Guidance
- 6.0 Local Planning Authority's Case
- 7.0 Matters of Common Ground
- 8.0 Comments on Grounds of Appeal
- 9.0 Conclusion

Appendices

Miss Kelsey Blain,
For North York Moors National Park Authority

1.0 Introduction

1.1 This statement refers to the refusal of Listed Building consent for installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations at 3 Bloomswell, Robin Hoods Bay by the North York Moors National Park Authority (NPA) as the Local Planning Authority (LPA). The decision notice was dated 29 January 2020 and a copy was included with NPA appeal questionnaire.

2.0 Appeal Site and the Surrounding Area

2.1 3 Bloomswell is one of nine properties located within a terrace to the north of the Robin Hoods Bay Conservation Area, which is protected by an Article 4 (2) Direction. The property is three storeys high and one bay wide with a pantile roof and incised render to the front and rear. The property is believed to be constructed of brick, similar to the Esplanade terrace to the north of Bloomswell. It is a Grade II listed building. A copy of the listing description was included with the NPA's questionnaire.

2.2 The property dates to the Early Nineteenth Century and was constructed in the style of a modest fisherman's cottage. Prior to the works outlined within this appeal, the property contained white painted timber casement windows, although it is presumed that the fenestration would have originally consisted of 16-pane timber sashes on the ground and first floor with a timber Yorkshire sliding sash window in the second floor dormer, as seen in other properties within the terrace. A black painted timber panelled door sat in the front elevation below a black and white painted timber surround. The door surround consisted of moulded bases upon short plinths with reeded pilasters and ogee consoles under an open pediment canopy.

2.3 The rear elevation of the property consisted of a white painted half boarded stable door with a 2 over 2 light window. A white painted timber casement window sat to the west of the rear door.

2.4 Internally, the property contained much of its original panelling and exposed timber beams. The ground floor room on the front (south) elevation of the property contained a panelled internal porch, similar to those found within other properties in the Bloomswell and Esplanade terraces. A black cast iron fireplace sat in the room to the south of the second floor. A more detailed analysis of the interior of the property has not been possible, as the Authority has repeatedly been denied the opportunity to undertake an internal site visit.

3.0 Relevant Site History

3.1 There is no planning history for the site, however in 1997 the Authority received an enquiry regarding the laying of a damp proof course, the replacement of rotten plasterboard and like for like repairs to the dormer window. At the time of the enquiry, these works were considered to not require listed building consent.

- 3.2 On 26 June 2019 the NPA was approached by Mr Knight regarding the replacement of a damp-proof membrane, re-roofing works and the replacement of windows within the property. It was officers' opinion that although the installation of damp proofing wasn't considered to require consent back in 1997, such works are now known to be harmful to the fabric of the building by trapping moisture within the walls, and as such the applicant received verbal pre-application advice stating that planning permission and listed building consent were likely to be required for the proposed works.
- 3.3 In September 2019 the NPA received complaints from a number of third parties regarding unauthorised works at the property including the installation of replacement windows and doors. Following discussions between the Authority's Enforcement team and the owner, applications for retrospective planning permission and listed building consent for some of the alleged unauthorised works were submitted, although consent has yet to be sought for the alleged new damp proof course. The application for listed building consent is the subject of this appeal.

4.0 Proposed Development and the Decision

- 4.1 The application to which this appeal relates was received on 09 October 2019 and validated by the NPA on 05 December 2019. The development description was given as Listed Building consent for installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations.
- 4.2 The proposal as determined by the NPA was for the replacement of the front and rear doors, front door surround, windows, roof and gutters, along with the repainting of the front and rear doors and external render and internal alterations including the replacement of 2 no. floorboards and the removal of the internal porch.
- 4.3 The Heritage Statement submitted in support of the application was produced by the applicant's company Restek and described the interior of the building as 'plain and utilitarian in nature with no excessive detailing or ornamentation of any historic significance other than that of the fire place in the dining room that has been used as a bedroom and panelling in the lounge'. The Design and Access Statement does not reference any of the application's internal works. The Heritage Statement characterised the internal porch as 'make shift' and as being constructed by the previous owners, and its removal was considered justified as it was believed the porch restricted the use of the space and looked out of place. When considering the impact of the works upon the significance of the building, the Heritage Statement concludes that 'the original internal fabric of the building has not been touched' and that the ground floor 'lounge' is 'enhanced' by the retention of the panelling and the removal of the internal porch, which the Statement believes to be a 'later addition'.
- 4.4 Other internal works included the replacement of 1 no. floorboard on the first floor and 1 no. floorboard on the second floor and the opening up and re-plastering of a section of wall on the ground floor. A reclaimed floorboard was sourced for the First Floor replacement and in the Second Floor a new matching board was used. In order to ascertain whether a damp proof course had been laid, a section of 'a new stud partition

that had been plaster boarded with gypsum moisture resistant boards and skimmed' was removed and then renewed and re-skimmed 'to match the existing'. These works are characterised by the Statement as 'fairly simple' as the owner 'intends to refurbish the property internally in a couple of years' time.'

- 4.5 The Heritage Statement considered the 'modern rear stable door' to be 'rotted through and beyond economical repair'. The Heritage Statement did not believe the front surround to be original 'due to the methods used in its construction' and stated that the 'soft wood surround...was also beyond repair and had signs of previous remediation over the years'. As such, its replacement with a hardwood surround designed to 'match that of the neighbouring property' was considered to be better suited to the property. The Heritage Statement did not consider the front door to be fit for purpose as it was believed to be a repurposed internal door.
- 4.6 The Heritage Statement concluded that the 1960s casement windows were 'beyond repair' as they had been letting water into the property and displayed signs of wet rot. The roof tiles were believed to be original but had become 'very friable and beyond their life span' and so were replaced with handmade William Blyth pan tiles and a breathable roofing membrane to 'respect the character and setting of the building'. The down pipes and gutters were of uPVC and so were not considered to 'respect the nature of the listed building'.
- 4.7 The Design and Access Statement states that the windows and doors were replaced as they were believed to be too rotten and ill-suited to provide security to the property.
- 4.8 Fylingdale Parish Council objected to the application on the grounds that the loss of original features due to the lack of consultation with pre-planning and not seeking Listed Building Consent meant that the building was no longer in keeping. For example the Council did not believe the pink front and rear doors were in matching styles to the originals, window details have been changed and other architectural features have now been lost. The council added that the lack of knowledge as to whether the building is listed is not an acceptable excuse and respect needs to be shown for the history of the building. The Council concluded that since major works have taken place, number 3 Bloomswell is already looking out of keeping in a conservation area. A copy of the Parish Council's response was included with the NPA questionnaire.
- 4.9 Responses were also received from Mrs Rosemary King and Mr John Gilbert who's objections were included with the NPA questionnaire.
- 4.10 The NPA's own Building Conservation team objected to the application; a copy of this response is attached at Appendix 1.
- 4.11 The applicant was advised in a letter dated 16 December 2019 (Appendix 2) that the NPA would be unlikely to support certain elements within the application and as such amendments were recommended. On receipt of this letter, the applicant advised the NPA that he did not wish to amend the application and that consent for an internal site visit had been indefinitely withdrawn (Appendix 3). The applicant was advised that in its

un-amended format, the application was likely to be recommended for refusal. No further correspondence was received from the applicant.

4.12 This application was refused under the NPA scheme of delegation and the refusal notice issued on 29 January 2020 with the following reasons for refusal:

- 1. The replacement of the historical door surround with one of unsuitable proportions and detailing constitutes significant harm to the character and appearance of the Listed Building. Due to the historic, evidential and aesthetic value of the previous door surround, its loss is considered to represent harm to the Listed Building. This application does not contain sufficient or convincing information to justify the replacement of the door surround or demonstrate any public benefit. The design of the replacement door surround fails to preserve or enhance the character and appearance of the Listed Building. Therefore this element of the application is contrary to DP5, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. The previous front door was finely detailed and held historic and aesthetic value and as such its loss constitutes harm to the Listed Building. The replacement door is of larger proportions and less finely detailed than the previous door and therefore does not respect the existing architectural and historic context of the building with reference to the form, scale, proportions, design detailing and materials of traditional buildings. The application does not contain sufficient or convincing information to justify the need for and design of the replacement door or demonstrate any public benefit. As such, this element of the application is contrary to DP5 and Section 16, paragraph 196 of the NPPF.*
- 3. The painting of the external doors and door surround pink is detrimental to the historic significance of the property as the pink is non-traditional and very prominent and not in-keeping with the era of the building and therefore harms the special historic and architectural character and appearance of the Listed Building. It is also considered that the pink colour is detrimental to the setting of the other Listed Buildings within the terrace. This is contrary to DP5 and Section 16, paragraph 194 of the NPPF.*
- 4. The removal of the original internal porch from the property constitutes harm to the Listed Building and the special architectural and historic interest it possesses. Such internal porches are a locally distinctive feature of Robin Hood's Bay and as such this feature contributed greatly to the significance of the Listed Building. Insufficient justification has been provided for the removal of the internal porch and as such this element of the application is contrary to DP5 and Section 16, paragraph 194 of the NPPF.*

5.0 Planning Policy and Guidance

5.1 This section covers both the statutory Development Plan and the general implications of the location of the appeal site within a National Park.

5.2 At the time of decision, the Development Plan for the area formally consisted of the **North York Moors Core Strategy and Development Plan Document (CSDPD)** which was adopted by the NPA on 13 November 2008. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014) and the Helmsley Local Plan (2015), though these do not contain policies relevant to this appeal). The most relevant policies in the determination of this appeal are considered to be:

- Development Policy 5 **Listed Buildings**

Development Policy 5 states that proposals for the alteration of a Listed Building will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building.

A copy of this policy and the supporting text was sent with the NPA's appeal questionnaire.

5.3 Whilst the refusal of listed building consent was in accordance with the policies found within the **CSDPD**, this decision also accords with the policies found within the **Draft Local Plan**. On 15 May 2020 the Inspector's Report on the Draft Local Plan, with modifications, was received as such substantial weight may now be attached to the Draft Local Plan as a material consideration when determining planning applications. The most relevant policies contained within the Draft Local Plan in the determination of this appeal are considered to be:

- Strategic Policy I **The Historic Environment**
- Policy ENV11 **Historic Settlements and Built Heritage**

Strategic Policy I states that 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. It is stated that harm to an element which contributes to the significance of a designated heritage asset will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal.

Policy ENV11 states that 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. Development proposals will be supported where they reinforce the distinctive qualities of settlements through the consideration of scale, height massing, alignment; design detailing, materials and finishes.

5.4 **The National Planning Policy Framework** - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan

unless material considerations indicate otherwise. The **National Planning Policy Framework** (NPPF) does not change the statutory status of the Development Plan as the starting point for decision making but is an important material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Core Strategy and Development Policies Document (CSDPD) was adopted on 13 November 2008 under the provisions of the 2004 Act and is considered not to conflict with national policies in the NPPF (this has been concluded in previous appeal decisions by PINS) is therefore up-to-date and should be the starting point for any decision making in the North York Moors National Park.

- 5.5 The Government's commitment to the protection of National Parks is clearly set out in the NPPF (February 2019). **Paragraph 172** says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. It goes on to advise that the conservation of cultural heritage is an important consideration and should be given great weight in National Parks.
- 5.6 Furthermore, whilst at the heart of the NPPF is a presumption in favour of sustainable development, **Paragraph 172** also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks.
- 5.7 Under Section 16 'Conserving and enhancing the historic environment' of the NPPF, **paragraph 190** requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 5.8 **Paragraph 192** advises that 'in determining planning applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.'
- 5.9 When considering the impact of a proposed development on the significance of a designated heritage asset, **paragraph 193** confirms that 'great weight should be given to 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.'
- 5.10 **Paragraph 194** requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

- 5.11 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, **paragraph 196** states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.12 **Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990** states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.
- 5.13 The **North York Moors National Park** was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are *to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks* and *to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public*. When it appears that there is conflict between these purposes the ‘Sandford principle’ confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), ‘Environment Act 1995, part III: ‘*National Parks*’ DoE, 11 September 1996.

6.0 Local Planning Authority’s Case

- 6.1 The NPA considers the main issues in considering this appeal to be whether the works cause harm to the character of the building as one of special architectural or historic interest and whether that harm can be justified.
- 6.2 Alterations to this listed building need to be considered in terms of their effect on the external and internal character of the building, including its context within a terrace of Grade II listed fisherman’s cottages. The characteristics shared by these cottages and the evidence of their historic adaption and alteration are important in understanding the history and significance of the building, which is intrinsic to its special architectural and historic interest.
- 6.3 In determining this application, the NPA was hindered by the applicant’s refusal to allow the Authority the opportunity to conduct an internal site visit. As such, Officer’s reached their decision based on the information provided in support of the application, external site visits and historic images of the property, including those taken when the property was last on the market in June 2019.
- 6.4 The outstanding issues in considering this appeal are the replacement front door, replacement door surround, pink paint colour and the removal of the internal porch. The NPA considers that these works are harmful to the historic, aesthetic and evidential value of the building and do not accord with Development Policy 5 of the CSDPD.

- 6.5 Whilst the Heritage Statement submitted in support of the application for listed building consent stated that the internal porch was a modern insertion and therefore considered its removal to be an enhancement to the property, this assessment differs from the NPA's. The Authority's Building Conservation Officers are confident that the internal porch was an original feature of the property as it matched those found in neighbouring properties within the Bloomswell terrace and elsewhere within the village, highlighting it as a local vernacular feature (Appendix 7). As such, the internal porch possessed historic and evidential value and made an important contribution to the significance of the Listed Building and its total removal has led to the loss of a feature and historic fabric that contributed to the architectural and historic interest of the building.
- 6.6 The NPA feels that the replacement of the historic front door and door surround has resulted in the loss of features that held historic, evidential and aesthetic value. The previous front door was historic and finely detailed (Appendix 4). Historic England advises that historic doors can still be of interest even if they are not original to a property as different doors form part of the story of some houses. Replacement of historic doors is therefore generally advisable only where the original door is beyond repair. Whilst the Heritage Statement claims that the door was a repurposed internal door, no evidence has been submitted to support this or to demonstrate that the door was beyond repair. Doors of near exact detailing can be found elsewhere in the village, indicating that the historic front door was likely to have been designed by a local joiner as an external door and therefore contributed to the local character and distinctiveness of the listed building and surrounding Conservation Area.
- 6.7 Further evidence of the importance of the front door can be seen in that it matched that of number 2 Bloomswell (Appendix 5), indicating that this design and style of door was a particular feature of the terrace. As a result of this process, the NPA has become aware that number 2 Bloomswell also appears to have replaced its front door without consent and this is something that the Authority will assess in due course.
- 6.8 The replacement door at 3 Bloomswell appears to be of larger proportions than the previous as the head of the door now meets the base of the canopy. Furthermore, the plain, square mouldings to the panels of the replacement door lack the fine detailing of the traditional doors which characterise the property and the wider Conservation Area and the style and location of the door knob in the centre of the new door is grandiose and inappropriate on a traditional fisherman's cottage. As such, the replacement door fails to accord with the guidance provided in Part 2 of the NPA's Design Guide, which states that replacement doors should reflect the shape of the opening and respect the character of the original property; and advises that careful consideration should be given to the use of traditional door furniture, such as door knobs.
- 6.9 The historic door surround was of special historical and aesthetic value with fine detailing including moulded bases and ogee styled consoles (Appendix 5). Indications of an earlier fanlight and open pediment could also be found in the surround, contributing to its evidential value. The replacement door surround is of an unsympathetic design consisting of an amalgamation of inappropriate detailing that fails to draw on the character and finesse of the historic surround (Appendix 6). The

consoles on the replacement door surround are similar but less detailed than those found on neighbouring properties and the overall lack of sympathetic design means that the replacement door surround cannot be considered an acceptable alternative or a like-for-like replacement. The replacement door surround consists of a larger closed pediment canopy with larger plinths and an absence of bases. Evidence of the location of a previous fanlight has also been lost with the replacement door surround. As such, features that contributed to the special architectural and historic interest of the building have been lost with the replacement of the door surround.

- 6.10 Officers consider that the pink paint chosen for the front and rear doors and door surround erodes the character of the listed building as a Nineteenth Century fisherman's cottage and that the chosen colour relates especially poorly to the other listed buildings within the terrace. The chosen colour is non-traditional and not in-keeping with the architectural character of the building (Appendix 8).
- 6.11 In terms of the level of harm to the designated heritage asset, the NPA considers that cumulatively this application would be categorised as 'less than substantial harm' to the architectural and historic significance of the asset. Paragraph 196 of the NPPF requires that this harm is weighed against the public benefit of the works, including securing an optimum viable use for the building whilst paragraph 194 requires any harm or loss to be supported by clear and convincing justification. The NPA contends that the justification submitted by the applicant did not demonstrate that the continued use of the building was dependent on the total replacement of the front door and surround, the removal of the internal porch, or the painting of the front and rear doors and surround pink. As such, the NPA considers the harmful works to be unjustified.
- 6.12 Justification for the removal of the internal porch is based on an inaccurate assessment of the porch's historic and architectural significance. As internal porches of the same design and proportions as that found in 3 Bloomswell can also be found in neighbouring properties, the justification that the porch was a modern insertion is not considered to be convincing. Any benefit gained from the removal of the porch would constitute private benefit and as such this element of the application cannot be supported by paragraph 194 or 196 of the NPPF. Furthermore, the loss of this original and vernacular feature has an unacceptable impact on the special historic and architectural interest of the building and is therefore not in accordance with Development Policy 5.
- 6.13 The justification provided for the replacement of the front door and door surround is that they were rotten and beyond economical repair. The term 'economical repair' suggests that any repairs considered necessary were not believed to be economically advantageous, rather than possible. As the NPA was not provided with any clear evidence of the door and surround's state of repair, nor with any estimates comparing the cost of repairing these features with the cost of replacing them, this justification is not considered to be clear or convincing. Furthermore, justification for the replacement of the front door was largely based on the assertion that the historic door was a repurposed internal door and as such did not provide adequate levels of security to the property. The Authority's Building Conservation team have stated that they believe it to

be unlikely that the previous door was an internal door as it would be uncommon to see such a detailed panelled door internally. Nevertheless, the door had functioned as the front door to the property for a number of years, whether it was considered to be thinner than other external doors or not, and therefore the continued use of the property was not dependent upon the replacement of the historic door.

- 6.14 The Design and Access Statement submitted in support of the application for listed building consent states that the pink paint was chosen by the applicant for his daughter. Whilst the NPA is sympathetic to the applicant's reasons for using pink paint on the external doors and surround, this paint does not provide any public benefit and it is not considered that convincing justification has been provided for the harm to the character and appearance of the listed building. Had the applicant been willing to enter into discussions with the NPA on this application, it is believed that a satisfactory compromise could have been reached with a paint colour that was sympathetic to the character of the building, whilst accommodating the applicant's colour preferences.
- 6.15 Officers considered certain aspects of this application to be acceptable, the details of which are outlined below, and would have supported the approval of these works if the harmful elements had been amended or removed from the application. However, as the applicant was unwilling to consider any amendments, listed building consent was refused for all works, based on the conclusion that the harmful works amounted to less than substantial harm to the designated heritage asset and failed to respect the context of the Conservation Area. As such the application failed to accord with paragraphs 193, 194 and 196 of the NPPF in that there were no public benefits arising from the application. Furthermore, this application failed to meet the requirements of paragraphs 192 and 200 by failing to preserve elements that made a positive contribution to the local character and distinctiveness of the designated heritage assets and by failing to enhance or better reveal the significance of the listed building and the surrounding Conservation Area. The building was in good, sound condition, occupied and in a viable use and therefore clear and convincing justification could not be found for causing less than substantial harm to the listed building.
- 6.16 The loss of the original internal porch, historic front door and historic door surround are regrettable and as such the NPA would seek the re-instatement of these features if the appeal were to be dismissed. Clear photographic evidence of the internal porch is available and as such the re-instatement of this feature on a like-for-like basis is considered to be achievable.
- 6.17 Similarly, clear photographic evidence of the historic front door and surround is also available and therefore the replacement of these features on a like-for-like basis is considered possible and in accordance with Historic England's guidance. Alternatively, the NPA would be happy to consider an amended design for the door surround, provided that this design was based on an understanding of the historic and architectural significance of the listed building and the historic surround.

7.0 Matters of Common Ground

- 7.1 Officer's concluded that on the basis of the information at their disposal, the replacement of the rainwater goods, 2 no. internal floorboards and the roof tiles were all considered acceptable, provided that lamb's wool insulation was used in the roof as stated within the application.
- 7.2 Officers also noted that whilst the style and level of detailing of the replacement windows were not as Officer's would have advised, had pre-application advice been sought, it was felt that on balance, the windows could be considered a modest enhancement on the previous stormproof casement windows.

8.0 Conclusion

- 8.1 The LPA considers that the front door, door surround and internal porch possessed historic and architectural character and exhibited traditional and quality craftsmanship. They contributed to the character of the listed building as one of special architectural or historic interest; and the proposed replacement features fail to replicate the constructional details, patina and historic appearance of these features. Consequently, the removal and replacement of these features is harmful to the character of the listed building and the character and appearance of the wider conservation area.
- 8.2 Therefore, the NPA respectfully requests that the Inspector dismisses the appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix 9.

APPENDIX 1

From: Building
Sent: 10 January 2020 16:25
To: Planning
Cc: Kelsey Blain
Subject: Comments on 3 Bloomswell, RHB - NYM/2019/0706/LB & NYM/2019/0704/FL

3 Bloomswell is located in a terrace of nine properties, all of which are Listed. The building also lies within the Robin Hood's Bay Conservation Area (itself a designated heritage asset) which is subject to an Article 4 Direction which removes domestic PD rights for certain alterations. This Direction has been in place since 2006.

3 Bloomswell is of early-mid 19 century brick construction with a pantile roof with white rendered elevations (as is the remainder of the terrace). The property has undergone some alteration with more modern casement windows but they are of timber flush fitting construction. The property also has a traditional timber panelled door and timber canopy surround both of which contributed to the special architectural and historic interest of the building and also the wider Conservation Area. A key component of the Robin Hood's Bay Conservation Area is the wide variety of traditional window types, wrought iron work, and traditional timber panelled doors, many with little wooden canopies with brass or iron door knockers and cumulatively these contribute significantly to the wider character of the Area.

As a Listed Building 3 Bloomswell is of national significance for which the LPA has a duty to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses, in accordance with the Planning (Listed Building and Conservation Areas) Act 1990. The property is also located within the RHB Conservation Area for which, under the same Act, the LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.

The significance of the property derives from its traditional construction, modest form and traditional detailing and its architectural style when read with the remainder of the terrace. 3 Bloomswell also has aesthetic value for its layout and sense of proportion of the internal rooms where they follow the original floor plan.

As a Listed Building the general approach to work is to adopt a repair rather than replacement approach especially where historic fabric and features of architectural or historic interest exist. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF, 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification (NPPF,

194).

In terms of the impact of work which has been carried out I will comment on each part individually, however I would like to make two points with regards to the Heritage Statement. The HS refers to work being proposed which is not the case. The works have already been carried out (without the benefit of LBC and is therefore inaccurate in this respect. Further to this the heritage statement submitted with this application fails completely to grasp the significance of the site and designated heritage assets, the contribution of the site to the conservation area and the impact of the proposals to the designated heritage asset and as such is not fit for purpose as it does not meet the requirements of the NPPF (2019).

In addition, the LBC includes internal work. Access inside the building has been refused on several occasions and therefore a proper internal inspection of the work being proposed has not been able to be carried out. As such, our comments are based on the evidence and the knowledge we have of the building in question.

No objection to:

- Roof. While full replacement of the roof covering would have required LBC, on the basis that the replacement tiles are of matching handmade construction and the insulation is lamb's wool (not impermeable Kingspan) the work is acceptable.
- The reinstatement of metal rainwater goods, replacing the plastic, is supported.
- Attic. As the floorboards appear to be modern boarding, I have no objection to their replacement on a like for like basis.
- First floor floorboards. No objection to the selective approach taken to replacement and the sourcing of replacement boards to match existing on a like for like basis.
- Windows. The 'existing' windows albeit of modern casement top hung construction; they were of traditional painted timber flush fitting appearance. Their replacement with traditional sashes is supported in principle, however unfortunately the design and detailing of the new windows fail to properly reflect the local detailing found elsewhere on the terrace, namely: the use of 6 over 6 sashes rather than 8 over 8 which is more characteristic of the terrace - the result is much squarer window pane proportions which lack the elegance of the neighbouring traditional windows. The use of horns is also not characteristic of the terrace. I also wonder whether the finish is a factory 'spray' finish, rather than hand painted, which results in the flat, almost upvc like finish. Finally, with regard to the rear sash window, it would have been preferred to have use a traditional 'Whitby composite' style of window which would have more appropriately reflected the less formal characteristics of this rear elevation.

It is disappointing that the applicant had not followed formal procedures by seeking LBC prior to installation so that we could have assisted in the detail of the windows or engaged in any pre-app discussions. However, having regard to the duty of the Act to preserve the building and any features of special architectural or historic interest it is felt that, on balance, given the replacement windows are of a traditional form of fenestration in the sense that they are sashes and given they replace modern casements we would view this as a modest enhancement.

Objection is raised to the following elements:

- Ground floor damp proofing. It is acknowledged that the ground floor had been replaced with cement by a previous owner in the past (1996). However it is assumed that this procedure must have failed (which is common in traditionally constructed buildings like this) given the need to re-concrete and re-plaster the floor and walls again. Current practice to address damp in traditionally constructed buildings is now vastly different from 20+ years ago as a result of a greater understanding of how these buildings operate and in particular the need to ensure new materials are compatible with the fabric of the building especially regarding breathability. On this basis, we object to the use of gypsum and cement materials which have been, and will continue to, cause harm to the fabric of this building. The re-application of a damp proofing system requires LBC (which again has not been sought prior to carrying out the works) and as such should not be approved.
- Door. We dispute the applicant's statement that the front door is (was) a re-used internal door. Evidence of the exact same door design can be found on external doors elsewhere in the village and as such is considered to contribute to the architectural character of the Listed Building as well as the wider Conservation Area. It would be uncommon to see such a detailed panelled door internally as the majority of internal doors would be of a much simpler appearance. The replacement of the historical panelled front door with a modern machine-made door is not acceptable in heritage terms and the historical door should be reinstated. Furthermore the use of a silver/chrome door knob located centrally within the door is also harmful and fails to take account of the locally distinctive features of the village where more traditional brass or iron is the prevailing character.
- Paint colour. As a building of Georgian design the colours of the Georgian period are mainly quite 'toned-down' or 'muted' colours and early period colour schemes included earth tones such as sage green, blue-grey, browns and drabs. Later Georgian colours included soft greys, greens, sky or Wedgwood blue, beiges and stone shades, although it is unlikely that these more fashionable colours would have been that available in Robin Hood's Bay and are therefore generally less common. The colour pink therefore is not considered to be appropriate for this building and does not pay special regard to the special interest of the LB or make a positive contribution to the Conservation Area.
- Canopy and door surround. We dispute the non-historical value of the 'existing' canopy and surround claimed by the applicant as it is clearly historical. It is historical and an important architectural component of RHB houses. The list description describes the door casing as "mutilated" however it is clear from the evidence that we have that its form, design and appearance were evident and did not appear to be in poor condition. If it was in poor condition (and evidence provided to show this) a like for like replacement would have been requested. The replacement canopy and surround installed lacks the detail and fineness of the historical canopy and surround and as such we object to its replacement.
- Internal porch. We dispute the applicant's statement that the internal porch was modern. Such porches are a common feature of many of the houses and cottages in RHB and are evident in the neighbouring properties along Bloomswell. They are a locally distinctive feature of RHB and as such contribute

to the significance of this Listed Building. We object to its removal and seek its reinstatement.

In conclusion, the elements objected to above are considered to be harmful to the significance of this designated heritage asset by paying little regard to the special interest of the building or its architectural or historic significance. The loss of the porch, the door, door canopy, hardware and other alterations to the interior could, cumulatively, be considered substantial harm to a Grade II Listed Building; however it is considered to be less than substantial in this instance and as such the application fails to accord with 193, 194 and 196 of the NPPF and the Act. When a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I see no public benefit of the proposal (and none put forward in the application).

It is also noted that the fire surround in the ground floor room has been lost. Please could the applicant provide further details as to whether anything was in situ prior to the re-plastering of the walls and also whether a new fire surround is to be installed or log burner etc.? If the fire is not to be used, then it is important that ventilation is provided into the chimney.

APPENDIX 2

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
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Andy Wilson
Chief Executive

Restek
fao: Timothy Knight
3 Bloomswell
Robin Hoods Bay
Whitby
YO22 4RT

Your ref:
Our ref: NYM/2019/0704/FL
NYM/2019/0706/LB
Date: 16 December 2019

Dear Mr Knight

Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective) at 3 Bloomswell, Robin Hoods Bay.

I am in the process of assessing your application for planning permission and listed building consent for proposed internal and external works to 3 Bloomswell, Robin Hoods Bay. As the property is a Grade II listed structure and lies within the Robin Hood's Bay Conservation Area I have consulted the Authority's Building Conservation team.

Door surround – The Authority considers the design of this as causing significant harm to the character and appearance of both the Listed Structure and the wider Robin Hood's Bay Conservation Area. The replacement door surround is ill-fitting and ill-proportioned in relation to the Listed Building and other Listed properties within the terrace. There is no clear and convincing justification for this harm and as such the Authority would be unable to support this element of the application.

Front door – It is considered that the replacement of the historical panelled front door with a modern machine-made door is unacceptable in heritage terms and harmful to the Listed Property. The Building Conservation team have requested that the historical door be reinstated. However, if the historical door would be inappropriate in terms of security, then a hand-made like for like replacement should be used.

Paint colour – The Authority considers the chosen colour as causing particular harm to the Listed Structure and the Conservation Area. The pink colour does not pay special regard to the special interest of the Listed Building or make a positive contribution to the Conservation Area. Whilst the reasons set out in your supporting statement are noted, this is not considered to be adequate justification for this harm and the Authority is unable to support this element of the application.



Planning Inspectorate Reference:
Local Planning Authority Reference:

APP/W9500/W/20/ 3250669
NYM/2019/0706/LB

Our Ref: NYM/2019/0704/FL
NYM/2019/0706/LB

2

Date: 16 December 2019

You are advised that the application in its current form is likely to be recommended for refusal. In order that a recommendation for approval might be made, I would suggest that amended plans should be submitted to reflect the Building Conservation Officer's comments.

Alternatively, these elements may be omitted from the above applications and either be re-submitted separately (in order that you would have the option to appeal a refusal) or alternatively, to be considered by the Authority as to whether to take Enforcement Action.

Please note that these comments only relate to the external elements of both the full and listed building consent applications. Comments on the acceptability of the internal changes cannot be provided until the internal site visit has been conducted on 17 January 2020.

I trust that this advice is of assistance but if you have any further queries, please feel free to contact me at the above address.

Yours sincerely

K. Blain

Kelsey Blain
Planning Assistant

North York Moors National Park Authority
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Bondgate
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APPENDIX 3

From: Kelsey Blain
Sent: 19 December 2019 15:38
To: 'Timothy Knight'
Subject: RE: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective) at 3 Bloomswell, Robin Hoods Bay.

Dear Mr Knight,

Further to your email I assume that you wish for both the planning application and application for listed building consent to be determined in their current form.

The decisions for both applications are due in January 2020 and I would advise you that in their current form, both applications are likely to be recommended for refusal.

Yours sincerely

K. Blain

Kelsey Blain
Planning Assistant

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From: Timothy Knight
Sent: 16 December 2019 17:52
To: Kelsey Blain
Subject: Re: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective) at 3 Bloomswell, Robin Hoods Bay.

Kelsey ,

Given your recent letter dated the 16th December and without prejudice , in short answer to your statements I firstly would like to say I am disappointed by your response .

Where you refer to the door surround being out of proportion and causing significant harm I would recommend you read your own statement on the national listed website which states the

previous was mutilated and not original . the surround we have had fitted shares the same proportions of the previous and is in fact handmade and not machine made . I personally attended the workshop in which the doors and windows were made and the workmanship is of superior quality and given the poor quality of some of the alternatives it is no wonder you cannot tell the difference from machine made and hand made .

The door that we had removed was not original or historic and we have evidence that it was simply an internal door re purposed so we have not removed original features , as for the colour of the doors there are a vast number of properties within the bay that do not have heritage colours and another being the same colour as ours .

The works we have had carried out by the best crafts men / women money can buy should be commended for what we have done and I will not put substandard windows / doors in a property.

Given your response I will pass this to my lawyer and be in contact once we have had chance to sit down with them in the new year , I would therefore suggest our meeting in January be postponed until I have sought legal representation and advise from our barrister.

Kind Regards,
Timothy Knight, MD



Restek House
Booth Street
Ripley
Derbyshire
DE5 3DN

Links below for animations :

https://youtu.be/2WWWGs0R5_1U Structural waterproofing

<https://youtu.be/4RKQFRF0jRk>
Ground consolidation

https://youtu.be/q9e7J_cMiDc
Structural resin injection

<https://youtu.be/n6VAo8tgBDk>
Curtain injection

APPENDIX 4



APPENDIX 5



APPENDIX 6



APPENDIX 7



APPENDIX 8



APPENDIX 9

Conditions

1. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2. Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
3. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
4. No work shall commence to stain/paint the windows and doors in the development hereby approved until details of the paint colour/finish of the windows and doors has been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
5. All rainwater goods shall be black painted cast iron and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. All pointing in the development hereby permitted shall accord with the following specification – a non-hydraulic lime mortar mix of 1:2 1/2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builders sand)) with a slightly recessed bagged finish.
7. The finish of the rendered walls shall be completed in a lime wash and shall match the existing in colour and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
8. No work shall commence on the installation of any new plaster in the development until details of this have been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
9. The roof insulation utilised in the development hereby permitted shall consist of lamb's wool and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.