

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Fylingdales	App No. NYM/2017/0749/FL
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Proposal: variation of condition 2 (material amendment) of planning approval NYM/2017/0425/CU to allow installation of uPVC window and door frames to side and front elevations

Location: Fern Leigh, Mount Pleasant South, Robin Hoods Bay

Applicant: Mr C & Mrs J Thomas, Fern Leigh, Mount Pleasant South, Robin Hoods Bay, Whitby, YO22 4RQ

Agent: Michael Miller Architectural Consultants, 16 Park View, Glaisdale, Whitby YO21 2PP

Date for Decision: 14 December 2017

Grid Ref: NZ 495139 505447

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME15 Variation of Condition (3 August 2020).
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations

Consultations

Parish – Object to this application because it is not in keeping with the rest of the building or surrounding houses.

Additional comments - The Parish Councillors have not changed their minds with regard to this application. They do not consider the use of UPVC windows as acceptable replacement for the windows especially as this is a semi-detached property and such a change would have a detrimental impact on the whole property.

Highways – No objections

Site Notice Expiry Date – 15 November 2017



North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

Application Number: NYM/2017/0749/FL

Scale: 1:1250





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Background

Fern Leigh is a substantial Victorian semi-detached property, located at the top part of the village of Robin Hood's Bay, outside the Conservation Area, although within the area that is currently under consideration for the extended Robin Hood's Bay Conservation Area.

Planning permission was granted in 2017 for the property to operate as a bed and breakfast, to provide two private bedrooms and four larger B&B rooms with three of the four B&B rooms having en-suite bathrooms. Externally alterations comprised a new patio area and the blocking up of a small ground floor window and open up a new glazed doorway into the hall area.

This application seeks consent to replace the existing timber windows in the front and side elevation with similarly styled white uPVC windows. The windows would be vertically sliding sash units, recessed behind the stone mullions. The proposal is now part retrospective because some of the windows have been installed.

Prior to planning permission being granted for B&B use, planning permission would not have been required to replace the windows as it was a private dwelling, however, permission is required now because the property no longer benefits from domestic permitted development rights because of its commercial use. Hence the other half of this pair of properties and the neighbouring property to the west, both have poor quality uPVC windows which didn't require planning permission as they are private dwellings.

In 2014 planning permission was granted for uPVC windows on the same road for a property which had been converted to flats and again did not have permitted development rights. Permission was granted in this case, without objection from the Parish Council.

In support of the application, the applicant's agent has made the following comments: -

When the Case Officer was asked for advice with regards to replacing the windows, it was made clear that uPVC window frames would only be considered for use in this location if they were of a high quality design and construction. The Officer also advised that permission had been given for the installation of uPVC window frames at Mayville House on the same street (YM/2014/0094/FL). Apart from what has been approved by necessity, it should be considered that the owners of properties which enjoy 'Permitted Development Rights' and located about the Mount Pleasant area, have also replaced window frames and doors with uPVC versions.

The Parish Council's objection states in the consultation that, "The Parish Council objects to this application because it is not in keeping with the rest of the building or surrounding houses" It is noted that there have not been any other objections to this application.

In terms of the Parish Council's Objections, it should be noted that the property attached to Fern Leigh is Glenheaven and this forms the semi-detached arrangement which has been referred to by the Parish Council. Glenheaven has been fitted with uPVC window frames to the front elevation which are of the imitation, top hung variety. The proposed replacement uPVC vertical sliding sash frames to Fern Leigh are materially in keeping with the adjoining property however they are direct replacements of the original sliding sash frames and therefore a much better quality installation.

In-so-far as the wider area is concerned, it can be seen by visiting the site and the surrounding properties, that numerous houses have been fitted with uPVC window and

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Background continued

doors. These have been permitted by Planning Approval and via 'Permitted Development Rights' and therefore it is misleading to infer that the proposal is 'not in keeping'.

The applicants purchased a rundown guest house with the view to overhauling the property and making a pleasant, modernised facility using their savings. Consequently, the uPVC window frames, which are vertical sliding sash with a wood grain finish, have been installed to meet with the programme of building works and the impending opening day. And will be providing a first class product for which they can be duly proud and which is an asset to the National Park.

The proposal is not for anything which is markedly different neither to the adjacent attached house nor anything elsewhere in the vicinity and cannot identifiably be considered to be against policy. In view of error made in the objection, the adherence to planning advice, the quality of materials used and constructional installation, could I urge you to steer this application to a positive conclusion.

Main Issues

The relevant NYM Local Development Plan Policy is Development Policy 3 which seeks to maintain and enhance the distinctive character of the National Park by ensuring, amongst other criteria, that the standards of design are high.

The property is not currently within a Conservation Area, but it is acknowledged that this part of the upper part of Robin Hood's Bay is under consideration for a new Conservation Area. With this in mind, Development Policy 4 of the Local Development Plan has also been considered. This seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area.

The proposed replacement windows are of good design and reflect the vertical sash design details of the existing windows and are of much better quality and design than the windows on the adjacent properties which have been fitted under permitted development rights.

As there are a large number of uPVC windows in the immediate locality, and these proposed are of much better quality, it is not considered that a refusal could be upheld. In any case, the visual appearance of the windows is not markedly different to timber and there is therefore not a reasonable reason for refusal as the property is not listed and the loss of historic fabric is not an issue.

In view of the above, approval is recommended.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy C10 which seeks to ensure all development high quality design.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.