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Mrs J Cavanagh
 North York Moors National Park
 Authority
 Development Control Support
 Officer
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP

Your Ref: NYM/2007/0387/FL
 Our Ref: APP/W9500/A/08/2061071/NWF
 Date: 25 April 2008

Dear Mrs Cavanagh

Town and Country Planning Act 1990
Appeal by Ms Maria Akers
Site at 2 The Bolts, Robin Hoods Bay, Whitby, YO22 4SG

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

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Yours sincerely

Catrin Schwenk



COVERDL1

*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

NYMNP
25 APR 2008



Appeal Decision

Site visit made on 1 April 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
25 April 2008

Appeal Ref: APP/W9500/A/08/2061071

2 The Bolts, Robin Hoods Bay, Whitby, North Yorkshire YO22 4SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Maria Akers against the decision of North York Moors National Park.
- The application Ref NYM/2007/0387/FL, dated 7 May 2007, was refused by notice dated 17 July 2007.
- The development proposed is a change of use: reinstatement of domestic use to disused wash kitchen to provide holiday accommodation through the installation of a bathroom and kitchen on the ground floor. There would be no large changes to the building ensuring that the original layout and proportions are retained. The property would remain an annexe to 2 The Bolts. The ground floor bathroom will be installed within the existing coal store with no change to the existing structure. A small kitchen area is to be created through the removal of a short section of wooden panelling (subject to a separate listed building application) to incorporate a small wash room into the lobby. Foul water drainage is present in the attached outside toilet which is directly adjacent to the proposed bathroom. The water supply will enter the property at this point.

Procedural Matter

1. For clarity and brevity I shall amend the description shown above to reflect the scope of the proposed change of use but omit the description of the proposed alterations, which are fully detailed on the proposal drawings.

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Decision

2. I allow the appeal, and grant planning permission for a change of use to provide holiday accommodation as an annexe to the main house at 2 The Bolts, Robin Hoods Bay, Whitby, North Yorkshire YO22 4SG in accordance with the terms of the application, Ref NYM/2007/0387/FL, dated 7 May 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The holiday unit hereby permitted shall remain part of the curtilage of the main dwelling, No 2 The Bolts, Robin Hoods Bay, as a single planning unit and shall not be sold or leased separately from it.
 - 3) The development hereby permitted shall not be used for any residential purpose other than holiday use by the same person, group of persons or family for periods not exceeding a total of 28 days in any one calendar year.

Main issues

3. The main issues are the effect of the proposal on: the character and appearance of the listed building and the Robin Hoods Bay Conservation Area; on the living conditions of future residential occupants in terms of privacy and the provision of external space; and on the living conditions of adjacent residential occupants in terms of privacy, noise and disturbance.

Reasons

4. The appeal building is a large detached stone outbuilding, which is separately listed, Grade II, in its own right. Formerly a wash kitchen, which probably dates from the late 18th century, it is part of the overall curtilage of the main terraced house at No 2, which is also listed. It lies opposite it on the down hill side across The Bolts, a pedestrian access way, which follows a roughly level contour along the steep hillside within Robin Hoods Bay. The Bolts is typical of several similar access ways that lead off each side of the main street, which descends to the sea through the settlement. Houses along The Bolts are terraced and tightly spaced, often with associated outbuildings across the pedestrian way and with outdoor space enclosed at the side and beyond the outbuilding, as in this case. The proximity of terraced buildings organically developed over time, which appear to cascade down the hillside is a key characteristic of the picturesque character and appearance of the settlement and the conservation area.
5. The proposal is for conversion of the outbuilding to a self contained one bedroom holiday-let to be operated as an annexe to the main dwelling. The adjacent side yard and a small river-side garden terrace below it, which is reached from the yard via a timber gallery and steep access stair in front of the outbuilding, would remain for joint use with the main house. The building is domestic in character with an upper room within the roof space, lit by a side gable window and accessed by an existing enclosed winding staircase. There is no dispute that the internal arrangement proposed would be suitable for the proposed holiday use and that the conversion, which has already been granted listed building consent (Ref NYM/2007/0388/LB, dated 17 July 2007), would respect the special architectural and historic interest of the listed building.
6. Saved policy BE1 of the *North York Moors Local Plan, 2003*, (LP) reflects the duty imposed on decision makers by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires them to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The listing records that the outbuilding is a good example of the external 'wash kitchens' belonging to many houses in Robin Hoods Bay and that many have already been converted into small cottages. It is apparent from the current state of the building that it has been out of use, other than for domestic storage, for a substantial length of time and its size would be in excess of most normal domestic storage requirements; I accept that it is no longer needed for its original ancillary domestic use. To secure its long term maintenance a beneficial use is necessary, as supported by the government's PPG15¹.

¹ *Planning Policy Guidance: Planning and the Historic Environment*

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8. It seems to me that the proposal would be a natural development, reflecting the pattern of changing use with time which PPG15 advises is an aspect of the special interest of some historic buildings. Little external physical change would result from the proposal and whilst the pattern of use may differ from permanent residential use in that comings and goings of occupants with luggage may be more frequent, the degree of difference is difficult to assess. I have seen little to convince me that these would be so substantially different from the domestic comings and goings (with, for instance, grocery shopping and other purchases) that could legitimately occur at the building were it in use as part of the main household, as to lead to significant additional harm, particularly in the context of the lack of any vehicular access.
9. A future severance of ownership of the appeal building from the main dwelling at No 2 could lead to a discernible difference in its visual appearance arising from separate approaches to maintenance and decoration and this apparent loss of its historic relationship with No 2 could affect its special interest, thus failing to preserve the character of the conservation area. It would, in addition, lead to the loss of the only outdoor amenity space available for No 2. However, such a severance could reasonably be prevented by the suggested condition tying operation of the proposed holiday-let to the main house. Whilst the loss of ancillary storage for the main dwelling in the outbuilding may lead to future pressure for additional storage buildings on the appeal site, the physical scope for this is limited and the Authority would have the opportunity to decide any future application on its planning merits.
10. I conclude that the proposal would preserve the character and appearance of the Robin Hoods Bay Conservation Area and would comply with national and local policy.
11. Turning to the effect on the living conditions of future occupants, saved LP policy BE15 allows the reuse of traditional rural buildings in the countryside or within settlements, such as this, for tourist accommodation but requires amongst other things that it is compatible in terms of cumulative activity levels with the character of the locality. The main living space would be sufficiently separated from adjacent properties to prevent any significant overlooking. It would be for the operators to ensure satisfactory arrangements for the shared external amenity space and for potential future occupants to judge whether this would be acceptable to them.
12. I have seen that limited outdoor space is a common feature of both dwellings and holiday accommodation in the settlement and arises from its intrinsic character, described above. In relation to the living conditions of adjacent residential occupants I note that other similar outbuildings along the access way are already in domestic use; whilst these may not be let for holiday use, I have seen and read little to convince me that the one-bedroom unit proposed would generate significantly more noise and disturbance than any other domestic use which could already legitimately take place in the property. Similarly any overlooking that might take place already would be not be increased by the proposed use and in any event I have seen that there are few direct views from the property or garden into adjacent dwellings.

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13. I conclude that the proposal would not harm the living conditions of future holiday users or adjacent residential occupants and would therefore comply with local policy.
14. I note the Council's concern with regard to the setting of precedent. Any similar proposal would need to be considered on its specific planning merits, as I have done in this appeal. In assessing the proposal, the Council would have available to it the development plan and national planning guidance. Sufficient control would be available such that I do not take precedent as an objection to this proposal.
15. The suggested condition limiting occupancy to holiday use is reasonable and necessary in view of the modest size of the accommodation and the policy context relating to holiday accommodation. As any deviation from the approved plans and specification would require a separate approval, the suggested condition is unnecessary.

Wenda Fabian

Inspector

