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The Planning Inspectorate

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Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO6 5BP

Your Ref: NYM/2008/0849/LB
Our Ref: APP/W9500/E/09/2105919/WF
Further appeal references at foot of letter
Date: 1 December 2009

Dear Mrs Farnell

**Planning (Listed Buildings and Conservation Areas) Act 1990 and Town and Country Planning Act 1990
Appeals by Mr M Seabright
Site at Sunnyvale, The Bolts, Robin Hoods Bay, Whitby, YO22 4SG**

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

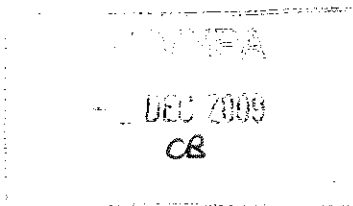
If you have queries or complaints about the decision or the way we handled the appeals, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Stephen Adgey



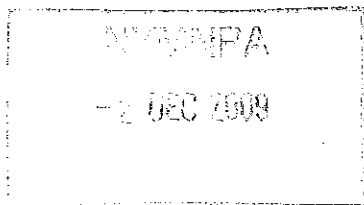
COVERDL1

Further appeal references:- APP/W9500/A/09/2105903

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/pcportal/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





Appeal Decisions

Site visit made on 17 November 2009

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:
1 December 2009

Appeal A: APP/W9500/E/09/2105919

Outbuilding to Sunnyvale, The Bolts, Robin Hoods Bay, Whitby, North Yorkshire YO22 4SG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr & Mrs Seabright against the decision of North York Moors National Park.
- The application Ref NYM/2008/0849/LB, dated 14 November 2008, was refused by notice dated 29 December 2008.
- The works proposed are construction of balcony to Sunnyvale.

Appeal B: APP/W9500/A/09/2105903

Outbuilding to Sunnyvale, 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 Mr Mark Seabright against the decision of North York Moors National Park.
- The application Ref NYM/2008/0810/FL, dated 3 November 2008, was refused by notice dated 23 December 2008.
- The development proposed is a balcony.

Decision

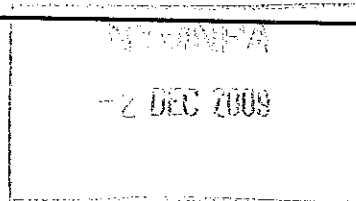
1. I dismiss both appeals.

Main issues

2. The main issues in both appeals are: whether the proposal would preserve the special architectural and historic interest of the listed building; whether it would preserve or enhance the character and appearance of the Robin Hoods Bay Conservation Area; and its effect on the character and appearance of the North Yorkshire Moors National Park.

Reasons

3. The appeals relate to a small, stone, single storey, outhouse building. It is listed, Grade II, in its own right and is part of the overall curtilage of Sunnyvale, a three storey stone house, which is also listed, Grade II. Although indicated as included for group value, the outhouse attracts the same level of statutory protection afforded to all listed buildings. It is described as, originally, a wash kitchen, but is now in use as a kitchen-dining space, part of a holiday cottage.



4. Development policy 4 of the *North York Moors Local Development Framework: Core Strategy and Development Policies Document*, 2008, (DPD) reflects the statutory duty imposed on decision makers to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The government's *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS7) confirms that National Parks have the highest status of protection in relation to landscape and scenic beauty.
5. Sunnyvale is one of a pair of houses, built during the early to late 18th century, located at the end of a terrace of similar properties that are accessed via The Bolts; a pathway that follows a roughly level contour off the steep main street leading down to the seafront at Robin Hoods Bay. Like others outbuildings along the terrace, the appeal outhouse lies opposite the main house, on the downhill side of the pathway. This arrangement of pedestrian accessed houses, with service outbuildings opposite, is a key characteristic of the picturesque character and appearance of the settlement and the conservation area, which is also an important part of the wider character of the North Yorkshire Moors National Park.
6. At the further end from the house and pathway the outbuilding is built high above a deep, narrow, stream gorge, which it directly abuts. It is prominent in views across the gorge from the steep road opposite. It has a clay pantile roof with a gable and stone water-tabling to the gorge end and a hip at the other end. To one side is an area of open ground in use as a terrace, which is guarded at the gorge edge by light-weight metal railings set above a retaining wall. This relationship with the gorge is also characteristic of the other outbuildings along the terrace. The proposed balcony would be attached to the end of the outhouse, overhanging the gorge and would overlap the end to provide access from the adjacent terrace area.
7. The proposal includes extending the existing end window down to install narrow, glazed, double doors. The current timber casement is not original and its loss would not of itself harm the historic interest of the building. However, like the main house, the outhouse is partly built of large, squared stone blocks, characterised by bold chevron tooling and some of these, of notable size and with high quality tooling, would be lost. This would lead to the loss of a small but significant part of the historic fabric, in a particularly prominent location.
8. The proposed balcony would be constructed of cast and wrought iron, with a timber deck and what appear, on the very small scale drawing submitted, to be decorative, curved, cast, cantilever-bracket supports. The balustrade would have a spiked top with small balls terminating each vertical bar. Whilst to a limited extent this would emulate the appearance of the railings alongside the building, it would add inauthentic details (the ball finials and the brackets) and would not be in keeping with the robust detailing of this utilitarian but attractive building. Finally, the proposed balcony would extend beyond one side of this diminutive and symmetrical building; it would be substantially wider than it, would dominate its appearance at this end and fundamentally alter its simple service character.
9. Overall, I conclude that the proposed balcony would harm the special architectural and historic interest of the listed building. Consequently it would fail to preserve the character and appearance of the Robin Hoods Bay

Conservation Area and, thus, would harm the character and appearance of the North Yorkshire Moors National Park, contrary to local and national policy.

10. I am aware that the appellants seek an in principle decision, and consider that the detail design of the balcony and its construction could be subject to future approval by a condition. However, this would leave the entire matter of materials and design unresolved. *Planning Policy Guidance: Planning and the Historic Environment (PPG15)* advises that the design of new development intended to stand alongside historic buildings needs careful consideration and should always be based on specialist expertise. Although it accepts that many listed buildings can sustain some degree of sensitive alteration to accommodate continuing use, it also sets out the responsibility lies with the developer to assess the likely impact of proposals on the special interest of the building and to provide such written information or drawings as may be required to understand its significance, before an application can be determined.
11. The appellants wish to open up the dining space onto the proposed balcony and take better advantage of views to the south. Nevertheless, similar views are already available via the window and from the external terrace area and this advantage would not of itself justify the loss of building fabric or the visual harm that I have identified above. I have seen the numerous other balconies and cantilevered terraces that form part of the surrounding seaside atmosphere of this attractive resort. However, it is not clear whether these examples are associated with listed buildings and, in any event, their detail design and materials differ in specific response to individual site circumstances. I have considered this case on its site specific merits.

Wenda Fabian

Inspector

