

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990**

**YORKSHIRE DALES NATIONAL PARK AUTHORITY  
(Local Planning Authority)**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:  
LISTED BUILDING CONSENT**

To: Mr P Harrison  
Peter Harrison Architects

Decision No: C/46/196C/LB

**The above named Authority being the Local Planning Authority for the purposes of your application received on 28/11/2017 for listed building consent for re-ordering of cottage interior and replacement of concrete paving flags to front elevation with Yorkstone flags at Damside Cottage, Kettlewell, SD971723 have considered the said application and have GRANTED Listed Building Consent for the proposal subject to the following Conditions:**

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this notice.
2. The works shall be carried out in accordance with the details indicated in the following drawings/documents:-  
  
-Design and Access Statement and Heritage Statement  
-Location Plan drawing no 091701-03  
-Survey and proposed plans drawing no 091701-02  
  
All received 28/11/17
3. The reclaimed Yorkstone flags to be used in the repaving of the front elevation of the property hereby permitted shall match those already existing on part of the front patio area as at the date of this listed building consent.

Reason(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 (4) of the Planning and Compulsory Purchase Act 2004)
2. To define the plans/details to which this permission relates.
3. To ensure that the external character and appearance of the building is acceptable, having regard policy SP4 of the adopted Yorkshire Dales National Park Local Plan (2015-2030).

**NOTE:-**

Date: 22 JAN 2018

REDACTED BY YDNPA

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EA

Designation

HEAD OF DEVELOPMENT MANAGEMENT

**FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF**

## RIGHTS OF APPEAL- LISTED BUILDINGS

### NOTES

1. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until further approval has been obtained.
2. Attention is drawn to Section 8 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that DEMOLITION MAY NOT BE UNDERTAKEN (despite the terms of the consent granted by the Local Planning Authority) UNTIL NOTICE OF THE PROPOSAL HAS BEEN GIVEN TO HISTORIC ENGLAND ARCHITECTURAL INVESTIGATION SECTION, 37 Tanner Row, York, YO1 6WP, (using Form Stat E) and they have subsequently have either been given reasonable access to the building for at least one month following grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3.
  - (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works or to grant consent subject to conditions, they may, by notice served within 6 months of the date of this notice, appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and they will exercise their power in cases where they are satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.
  - (2) If Listed Building Consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Local Planning Authority a Listed Building Purchase Notice requiring that council to purchase his interest in the land in accordance with the provisions of Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  - (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you wish to exercise your right of appeal as mentioned above, you can do so online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

*(listed building)*

Continuation Sheet 1

C/46/196C/LB

*No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.*

DCPermitRpt

# YORKSHIRE DALES NATIONAL PARK AUTHORITY

<b>Application No:</b>	C/46/196C/LB	
<b>District:</b>	Craven	
<b>Parish:</b>	Kettlewell with Starbotton	
<b>Applicant's Name:</b>	Mr & Mrs A Marshall,	
<b>Grid Ref:</b>	SD97147236	
<b>Received by YDNP:</b>	28/11/2017	<b>Officer:</b> Harriet Foster

**PROPOSAL:** listed building consent for re-ordering of cottage interior and replacement of concrete paving flags to front elevation with Yorkstone flags

**LOCATION:** Damside Cottage, Kettlewell

## CONSULTEES

**Kettlewell-with-Starbotton PC** No objections.

**Senior Listed Building Officer** - Provide details of fire protection measures to first floor of outbuilding

Suggested condition:  
- Paving Flag sample

**Six Stat Bods** No comments received.

## PUBLIC RESPONSES

None to date.

## RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

SP2(15) - National Park Purposes

SP4(15) - Development Quality

## OFFICERS' OBSERVATIONS

Procedural

The application has been publicised by: site notice dated 1/12/17 and neighbours were consulted.

The proposal was not amended from the original.

Further clarifications were made with regards to the fire protection measures on the first floor and details of proposed materials were submitted.

Key Issues

(a)Description of proposal

Damside Cottage and the outbuilding relevant to this proposal are Grade II listed. The cottage itself is originally Georgian but it was substantially extended and converted into a self contained dwelling in the which resulted in the loss of the majority of original internal features.

The proposal is for the re-ordering of the interior of Damside Cottage and to replace the concrete paving flags to the front elevation with reclaimed Yorkstone flags.

Internally, alterations include; linking the first floor room above the garage to the existing first floor of the cottage to create another bedroom; the removal of the staircase within garage to create room for a vehicle; and the staircase within the main house moved from the eastern to the western side of the cottage.

Externally, the proposal seeks to replace the existing concrete paving on the front elevation of the property and steps up to the property with Yorkstone flags. The patio area is currently on two levels so the application also looks to increase the lower area by 300mm to create a flat level patio area.

#### (b) Impact on the character and appearance of the listed building

The main consideration of this proposal is the impact of the proposed works on the significance of the historic asset. Sections 16 and 66 of the Town & Country Listed Building & Conservation Areas Act 1990 requires that the local planning authority has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 128 – 133 of the National Planning Policy Framework (2012) set out the government's advice in relation to the assessment of the significance of heritage assets, and the impact any works may have on this significance.

Internally, the works to the property are respectful of the existing historic fabric, with it identified in the submitted Design and Access and Heritage Statements (received 28/11/17) that the existing interior does not contain any elements of significance and the proposed alterations can be undertaken without any important fabrics being lost in the process. The proposal is therefore in accordance with policy L1 of the adopted Yorkshire Dales National Park Local Plan (2015-2030).

Externally, the steps up to the property on the front elevation have been identified as an important component to the setting of the listed building and so the levelling of the patio area and the replacement of the concrete paving with Yorkstone flags would be an improvement to the character and appearance of the property. These external alterations would enhance the heritage significance of the property, with the proposed reclaimed flags intending to match the area of existing Yorkstone flags on the front elevation patio area. The proposal is therefore in accordance with policies L1 and SP4 of the adopted Yorkshire Dales National Park Local Plan (2015-2030).

#### (c) Fire Protection Measures

Further details were requested with regards to the fire protection measures to be put in place for the new first floor bedroom of the garage building. It was clarified that the intentions were to under draw the existing garage 'ceiling' which would enable the historic structure of the floor to be maintained. The fire protection would be in the form of calcium silicate (fire boards) to the underside of the joists and around the existing beams. These details resolved the concerns raised and as such the proposal is in accordance with policy SP4 of the Yorkshire Dales National Park Local Plan (2015-2030).

#### Parish Council Comments

No objections.

#### Analysis of Material Considerations

The proposal with regards to internal alterations is respectful of the existing historic fabric, ensuring no important fabrics are lost in the process. Externally the change of materials from concrete to Yorkstone flag paving would be a positive contribution to the character and appearance of the property, with these alterations looking to enhance the heritage significance of the listed building. Furthermore, fire protection measures have been clarified and concerns resolved. The proposal is therefore in accordance with policies SP2, SP4 and L1 of the Yorkshire Dales National Park Local Plan (2015-2030), Sections 16 and 66 of the Town & Country Listed Building & Conservation Areas Act 1990 and Paragraphs 128 – 133 of the National Planning Policy Framework (2012).

#### **RECOMMENDATION**

Recommendation

It is recommended that listed building consent is granted subject to conditions.

Determination of this application is within powers delegated to Officers by virtue of the Authority's Scheme of Delegation and Committee Terms of Reference January 2015 (section C7).

**REDACTED BY YDNPA**

Signed by Case Officer

Date

19/1/18

REDACTED BY YDNPA

Date

22/1/18

Principal Planning Officer