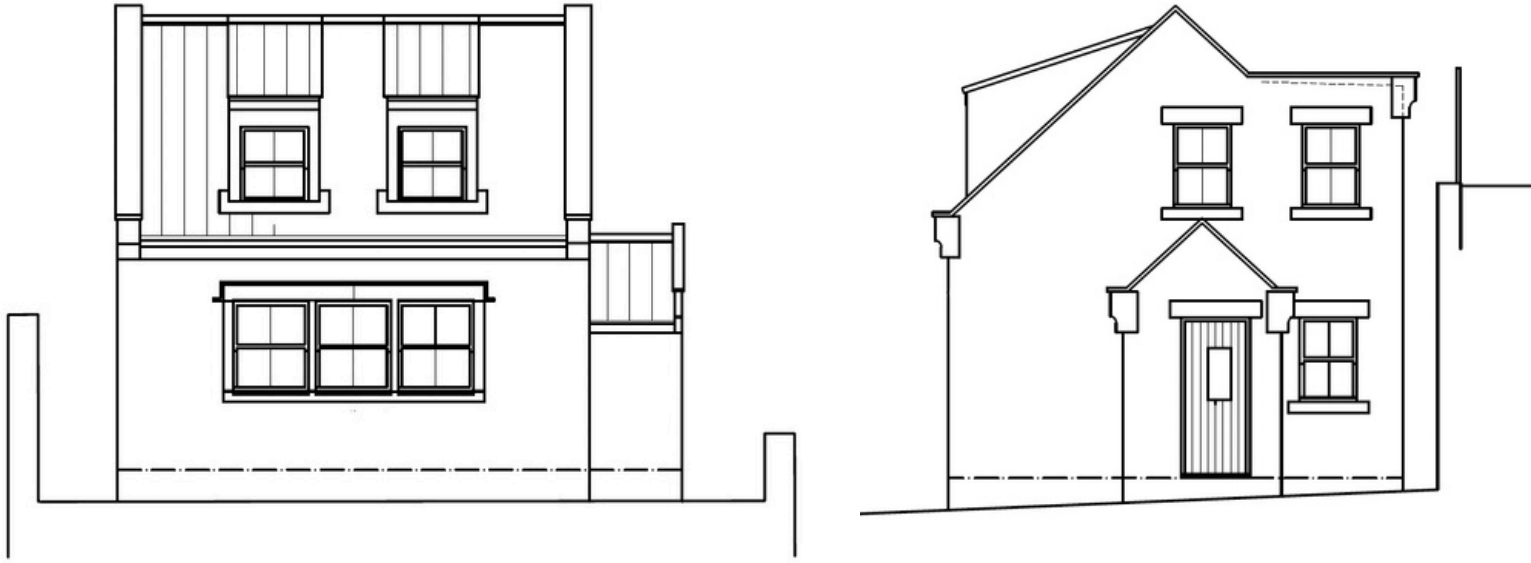


Land At Foresters Court. Information Pack.



Land at Foresters Court for a New Dwelling

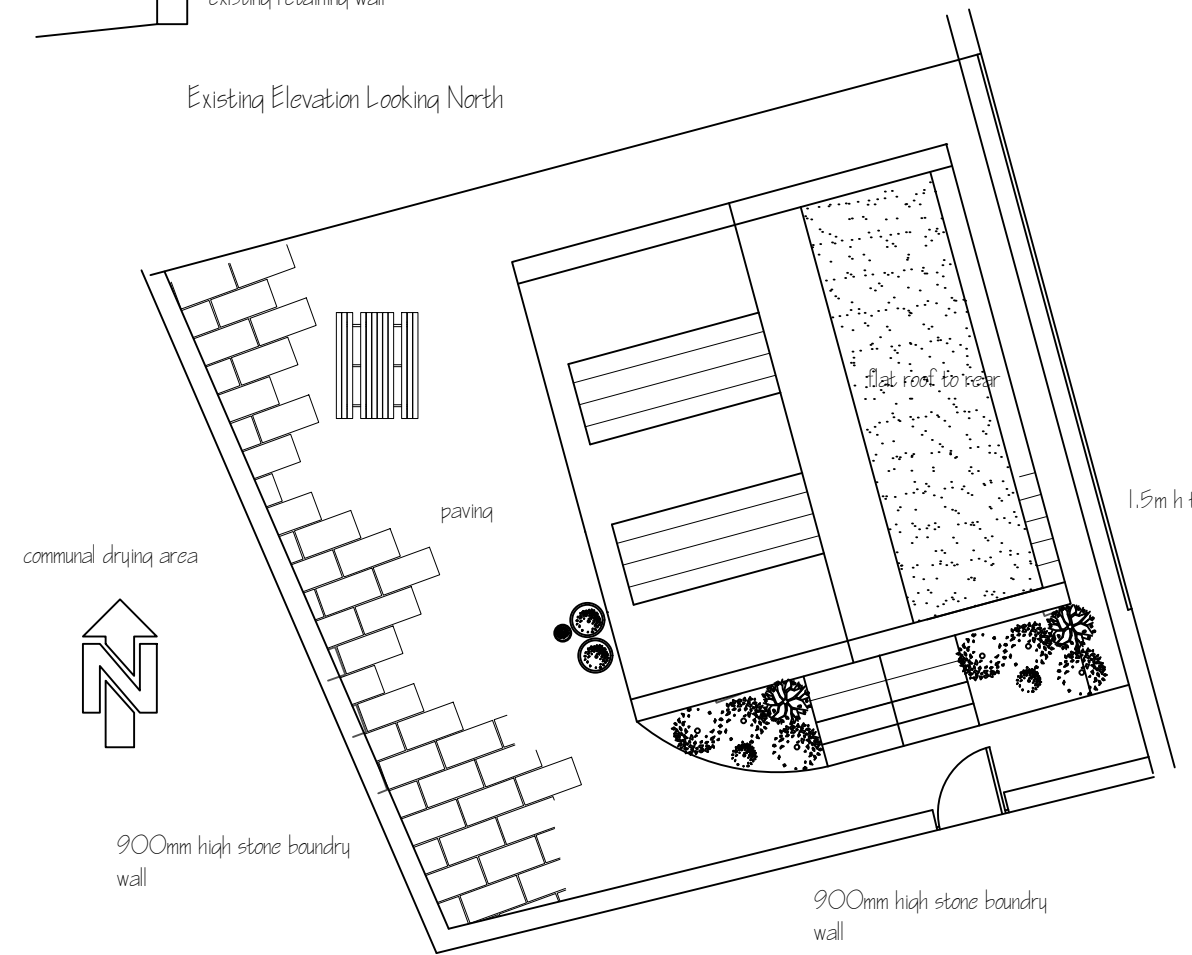
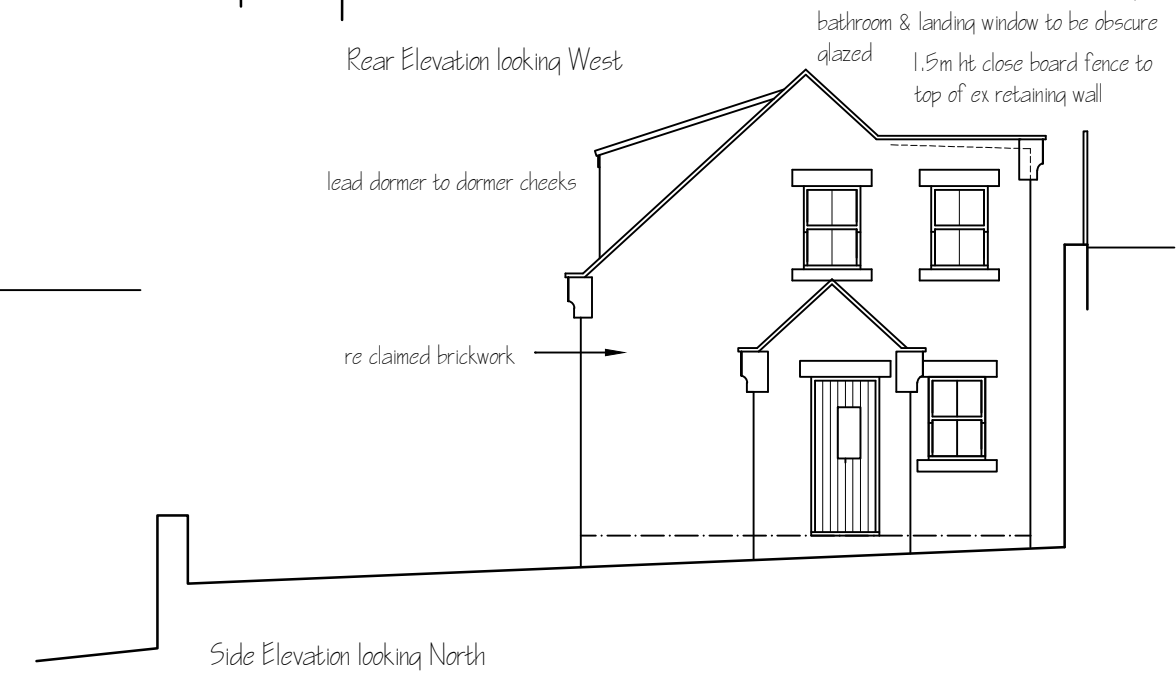
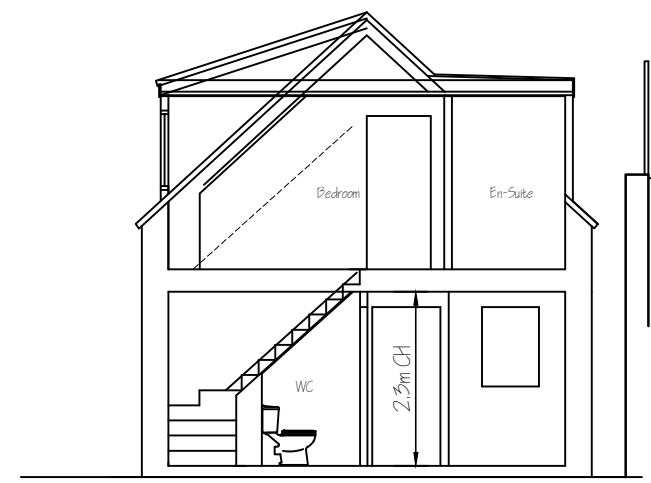
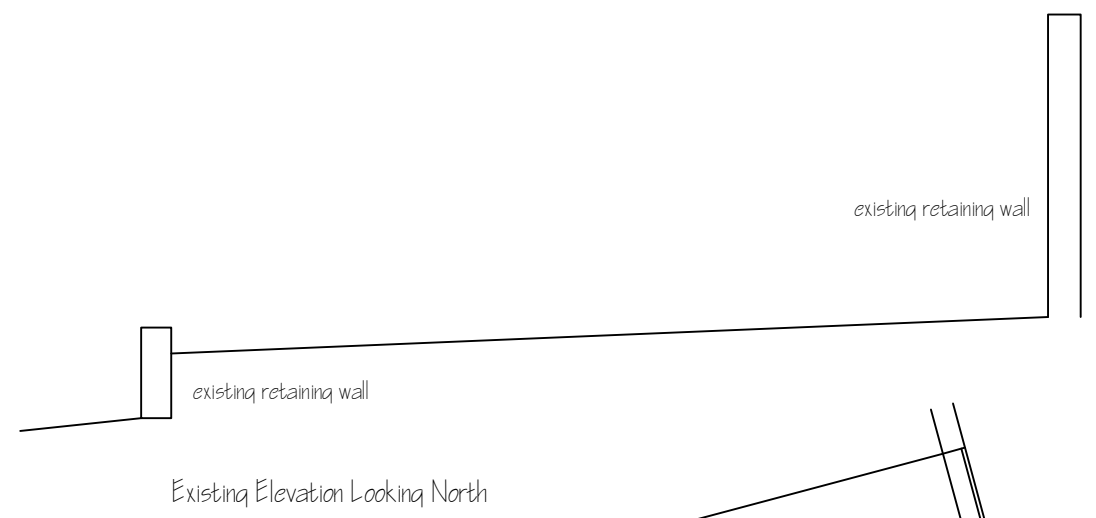
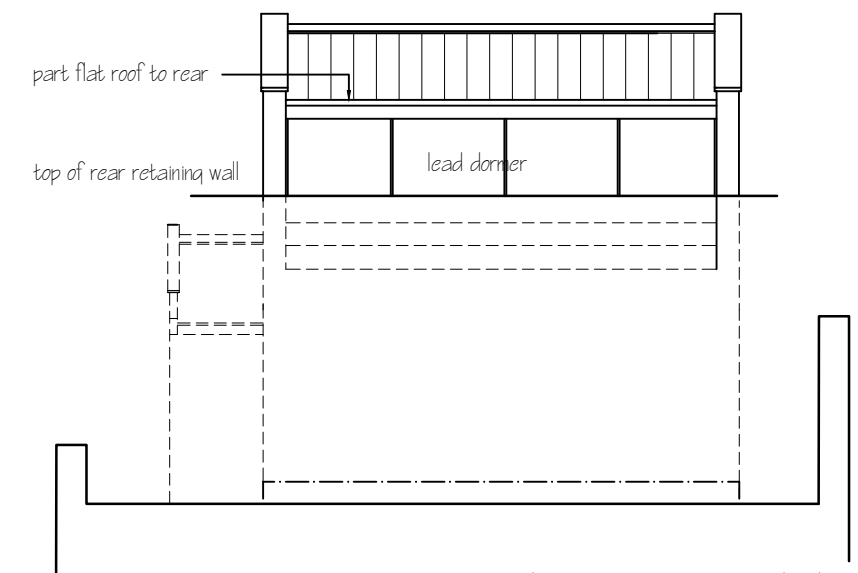
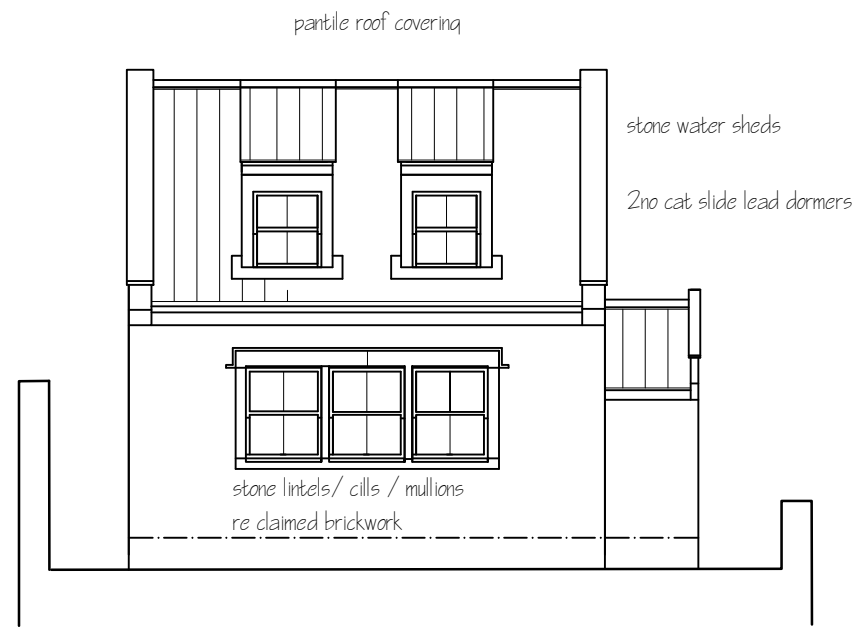
Planning permission has been granted for a new dwelling on the Land at Foresters Court, which will create a one bedroom stone built detached property in this historic yard.

This document pack include the all the relevant planning drawing, decision notices, heritage statement and location map.

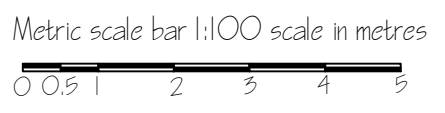
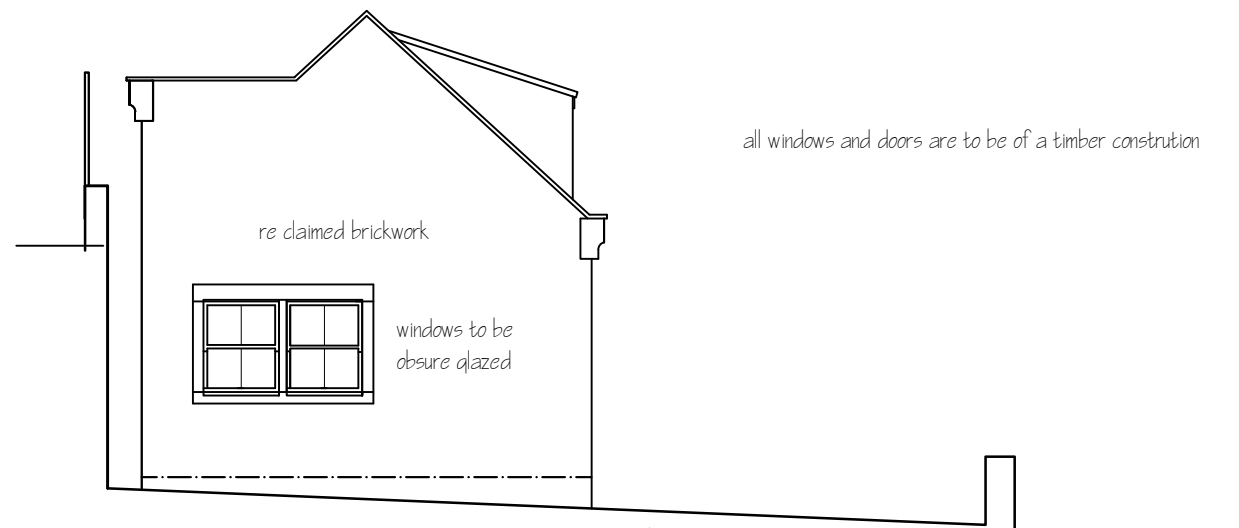
The land is ready for a buyer to come in a create a new home, which will look like a traditional cottage but with all the insulation and efficiencies found in a new home.

We are expecting a lot of interest in this property and with an attractive guide price I am sure it will be snapped up in a very short period of time.

Guide Price £95,000

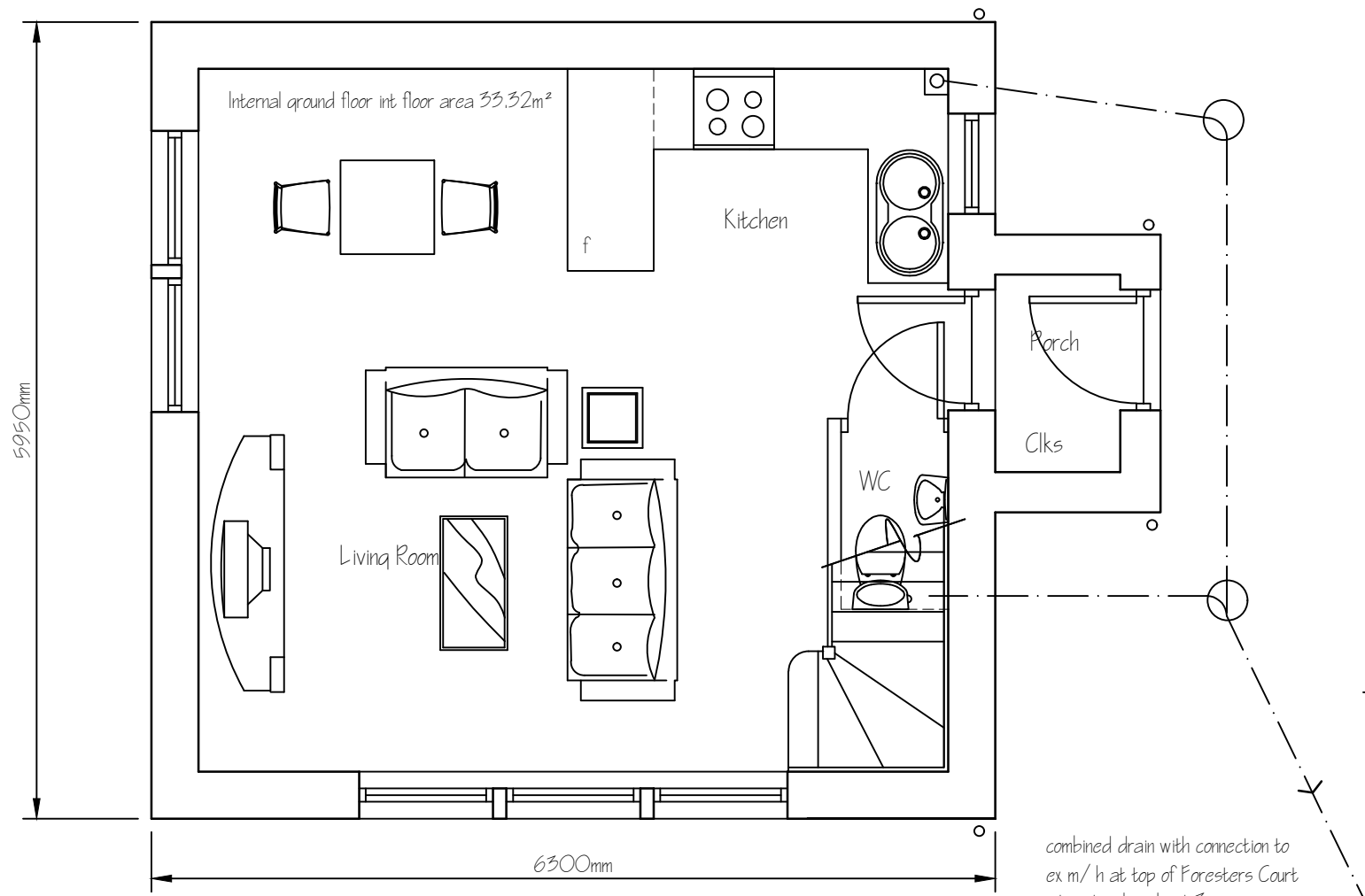


Note all windows and doors are to be of a timber construction

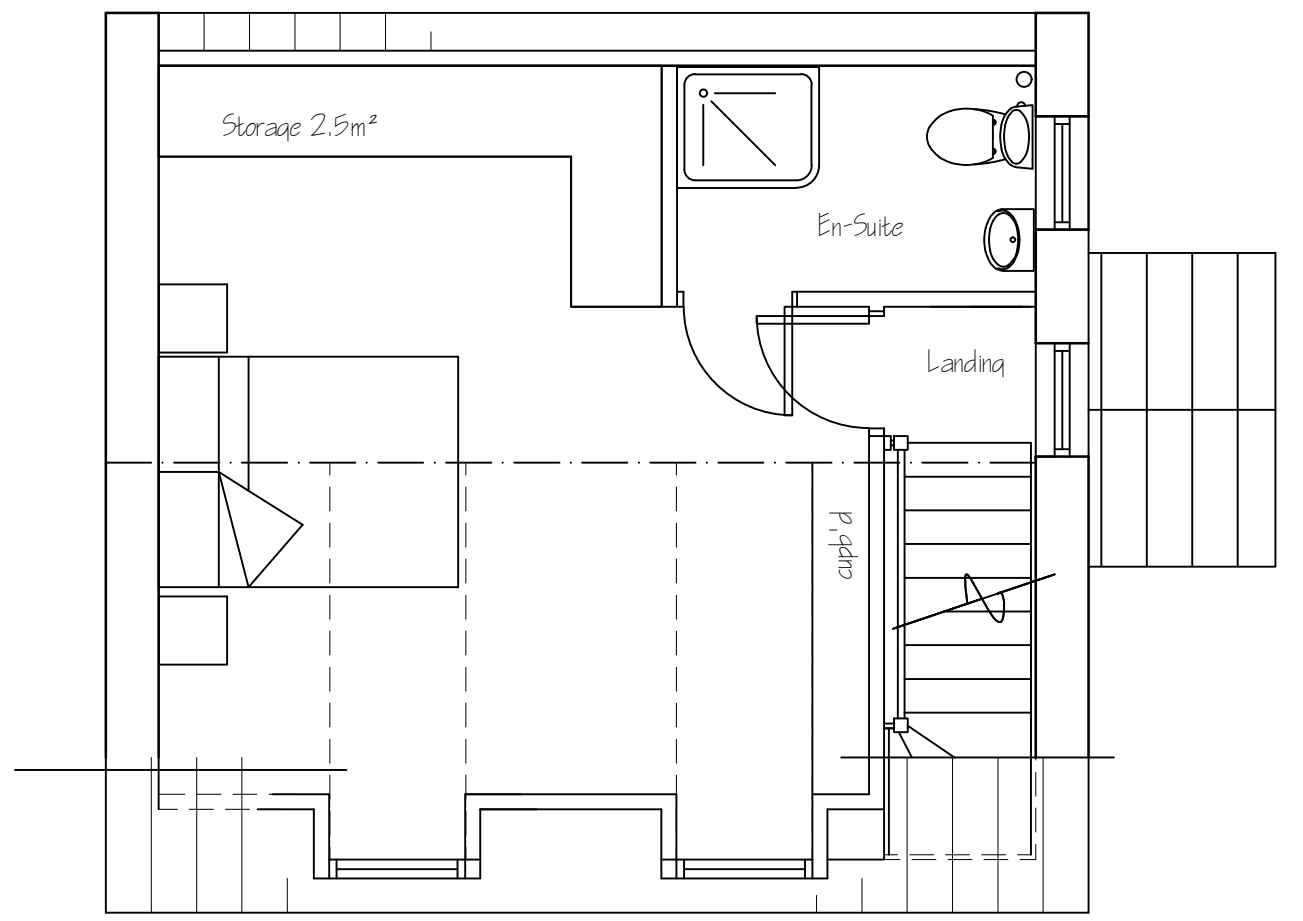


Site plan, Sections and Elevations
Scale 1:100 Sheet 2 Rev E
Rev C Dwelling design amended
Rev D Render, gable circular window, & ff rh gable bedroom window omitted, and entrance gate repositioned. Note added that all windows and doors are to be of a timber construction Sept 23
Rev E Windows noted as obscure glazed to dining room, landing & bathroom Nov 23

Proposed New Dwelling
Land off Foresters Court,
Church Street,
Whitby YO22 4BN



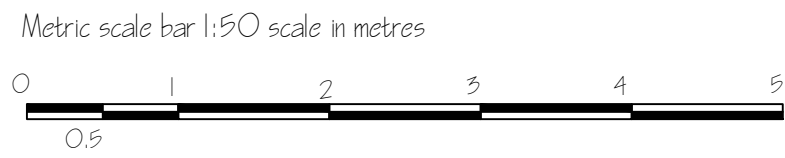
Ground Floor Plan



First Floor Plan

Internal ground floor int floor area (excluding porch) 33.32m²
 first floor floor int floor area 25.0m² (with headroom ht above 1.5m)
 Total floor area = 58.30 + porch @ 1.40m² = 59.70m²
 Therefore complies with the technical housing standards nationally described space for
 1b/ 2p 2storey dwelling of min 58m²

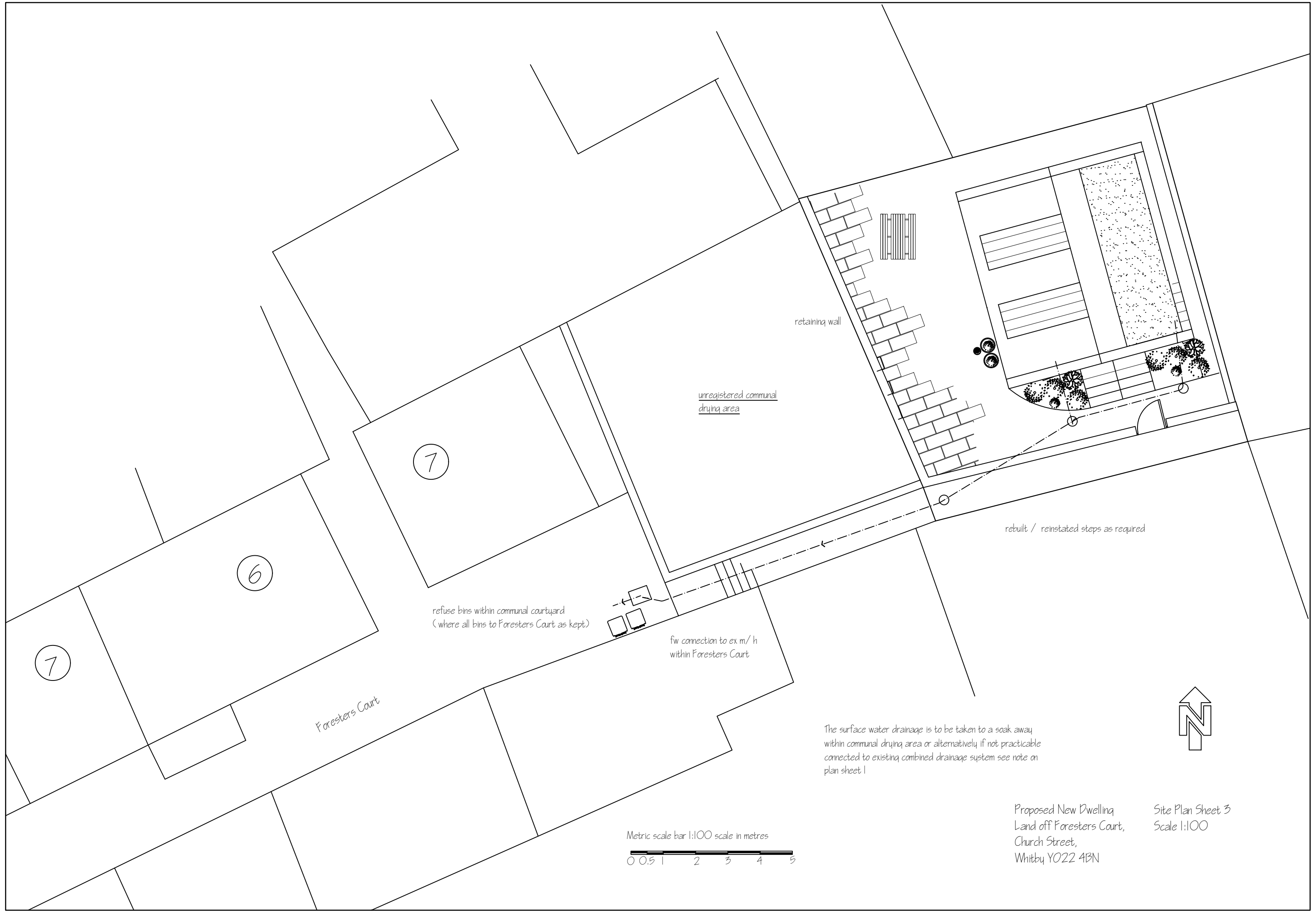
The surface water drainage is to be taken to a soak away within the communal drying area or alternatively if not practicable connected to existing combined drainage system, with all details to be agreed with the YWA and building control prior to the commencement of any works on the dwelling construction, with this confirmation to be issued and cleared with the planning dept.



Proposed New Dwelling
 Land off Foresters Court,
 Church Street,
 Whitby YO22 4BN

Dwelling Plans
 Scale 1:50 Sheet 1 Rev A

Rev A Dwelling design amended
 Rev B lh gable circular window & ff rh
 gable bedroom window omitted.
 Note regarding sw drainage added.
 Sept 23



retaining wall

unregistered communal drying area

rebuilt / reinstated steps as required

refuse bins within communal courtyard
(where all bins to Foresters Court as kept)

fw connection to ex m/h
within Foresters Court

Foresters Court

The surface water drainage is to be taken to a soak away
within communal drying area or alternatively if not practicable
connected to existing combined drainage system see note on
plan sheet 1

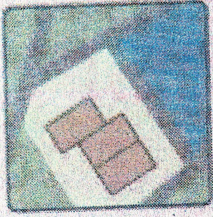


Metric scale bar 1:100 scale in metres



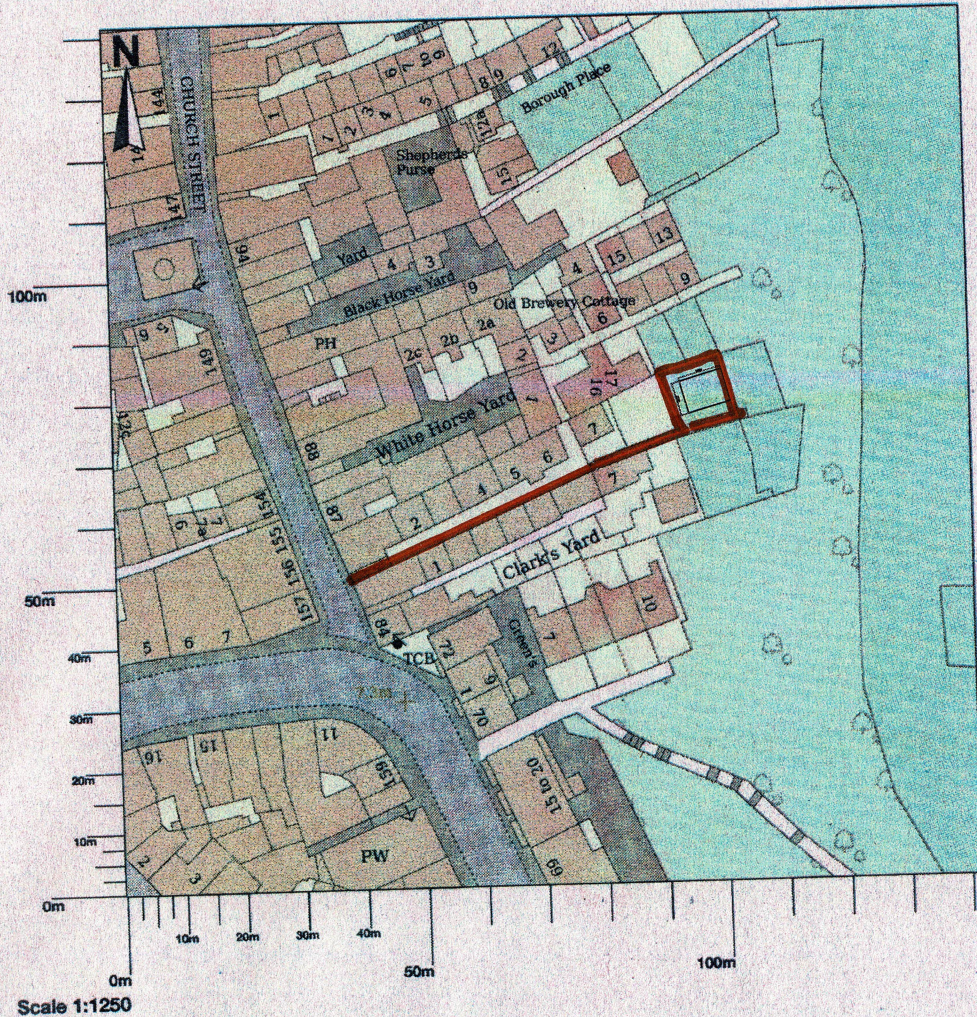
Proposed New Dwelling
Land off Foresters Court,
Church Street,
Whitby YO22 4BN

Site Plan Sheet 3
Scale 1:100



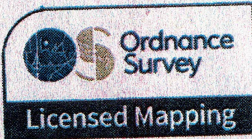
UK Planning Maps

Foresters Court, Church Street, Whitby, YO22 4BN



THIS LINE INDICATES THE PUBLIC ACCESS ROUTE TO CHURCH STREET AND WILL BE USED BY APPLICANT

© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 489993,511065 490135,511207. Produced on 14 April 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p2c/uk/936060/1262874



**TOWN & COUNTRY PLANNING ACT 1990
FULL PLANNING PERMISSION**

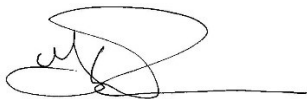
Date of Application 12 March 2024
Proposal Erection of dwelling
Site Address Land At Foresters Court Church Street Whitby North Yorkshire
Applicant Mr J. Waring & D. Leadley

The North Yorkshire Council hereby give notice in pursuance of the Town & Country Planning Act 1990, that **full planning permission has been granted** for the carrying out of the development described above in accordance with the application and plans submitted, subject to the general condition (to ensure compliance with Section 91 of the said Act) that the development hereby permitted must be begun not later than **three years** from the date of this Decision Notice, and subject to the following condition(s)

- 1 The development hereby granted shall be carried out in strict accordance with the below plans unless any amendment is first approved in writing by the Local Planning Authority.
 - Site Location Plan (received 12.03.2024)
 - Drawing No. Sheet 3- Proposed Site Plan (received 12.03.2024)
 - Drawing No. 1B- Proposed Floor Plans (received 12.03.2024)
 - Drawing No. Sheet 2 Rev E- Proposed Site Plan, Sections and Elevations (received 03.05.2024)
 - Heritage, Design and Access Statement (received 12.03.2024)
 - Drawing No. SK12639-01A- Raft Foundation Stability Drawing (received 12.06.2024)

Reason: For the avoidance of doubt.

- 2 Before the commencement of work above foundation level the materials to be used for the external surfaces of the development hereby permitted shall be reclaimed and samples of



Trevor Watson
Assistant Director – Planning

DATE 28 June 2024

NOTES

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, 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.

YOUR RIGHTS OF APPEAL ARE AVAILABLE AT THE END OF THIS DOCUMENT

Decision No ZF24/00417/FL

these materials shall be submitted to and be approved in writing by the Local Planning Authority. The samples so approved shall be implemented in full and thereafter maintained.

Reason: In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 3 All new or replacement stonework, including tabling, coping, lintels and cills shall be constructed of natural stone and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 4 The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 5 All new windows and doors shall be of timber construction and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

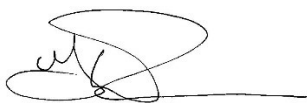
- 6 The 2no. ground floor windows upon the north elevation, and the 2no. first floor windows upon the south elevation of the dwelling hereby permitted, shall be provided in obscure glazing and shall thereafter be maintained. The glazing shall be of a density to ensure that no objects or persons positioned on either side of the glazing are readily distinguishable.

Reason: To protect the residential amenity of neighbouring properties to the north and south, in line with the requirements of Policy DEC4 of the Local Plan.

- 7 The delivery of construction materials shall be carried out in line with the submitted 'Construction Materials Delivery Plan' (received by the Local Planning Authority 12.03.2024). Any variation to the hours and method of delivery shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason: In the interest of reducing highway traffic upon Church Street during peak times, and the residential amenity of residents of Foresters Court.

- 8 No development, including demolition and/or construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.



Trevor Watson
Assistant Director – Planning

DATE 28 June 2024

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Reason: To protect the residential amenity of neighbouring properties, in line with the requirements of Policy DEC4 of the Local Plan.

9 Notwithstanding the provisions of the Town & Country Planning General (Permitted Development) Order 2015, (or any Order or Statutory Instrument amending, revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;

(ii) the erection of house extensions including dormer Windows, conservatories, garages, car ports or porches;

(iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;

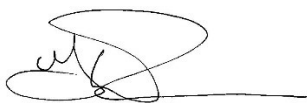
(iv) the installation of satellite dishes.

Reason: To protect the residential amenity of neighbouring properties, in line with the requirements of Policy DEC4 of the Local Plan.

The proposed development as submitted is acceptable and the application was therefore approved without the need for further proactive action from the Local Planning Authority.

Note(s)

- 1 In respect of conditions requiring samples you are encouraged to deliver samples to the site and advise the case officer that they are available for inspection.
- 2 The applicant is advised that the Local Highway Authority would only find the pumping of concrete acceptable outside of peak summer months. Further, you are advised to contact the Local Highway Authority (Area3.Whitby@northyorks.gov.uk) to ascertain whether any specific licenses and permits are to be sought before any concrete pumping takes place.



Trevor Watson
Assistant Director – Planning

DATE 28 June 2024

Decision No ZF24/00417/FL

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Otherwise, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission or prior approval for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

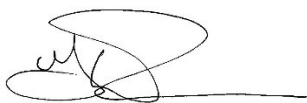
Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on



Trevor Watson
Assistant Director – Planning

DATE 28 June 2024

Delegated Planning Report

LOCATION: Land At,Foresters Court,Church Street,Whitby,North Yorkshire,

PROPOSAL: Erection of dwelling

REFERENCE: ZF24/00417/FL **DIVISION:**

RECOMMENDATION: Permission be granted

Target Determination Date: 24 June 2024	Conservation Area: YES
TPO: NO	Listed Building: NO

Site and Surroundings

- 1.1 The application site is located upon vacant land to the rear of Forester's Court, a yard off Church Street, Whitby.
- 1.2 The entrance to Forester's Court is formed by a narrow passageway leading from Church Street. To the top of the entryway is a decorative sign reading 'Foresters Court'.
- 1.3 The primary section of Foresters Court features a range of 2 and 3 storey residential houses, aligned to face into the yard. To the end of the yard is a small 2 storey cottage that faces towards the side elevation of no.7 Forester's Court. The court is bounded on the southern side by the rear elevations of properties located on Clark's Yard, and on the western side by the rear elevation of no's 85 and 86 Church Street. The close setting and orientation of residential properties forms its enclosed and intimate character.
- 1.4 To the rear of the primary section of Forester's Court are a series of 3 tiered plots of flat vacant land that ascend the cliffside. The plots are accessible via a set of stone steps that run along the southern boundary. Each plot is retained by a high stone wall.
- 1.5 The exact uses of the plots cannot be confirmed via historical maps; however, it is anecdotally related that the lower plot was a drying ground, used for drying laundry. The middle plot, proposed to be developed, is believed to have been a garden, evidenced by the remains of a brick edged raised bed.
- 1.6 There are several listed buildings within the yard and nearby vicinity. No's 1-6 Foresters Court are Grade II listed. No's 85 and 86 Church Street and 6 Clark's Yard, the rear elevations of which form the west and south boundary of Foresters Court, are

also Grade II listed. To the north of the application site, are the Grade II listed 16 and 17 White Horse Yard.

- 1.7 The site lies within the designated conservation area for Whitby. The Conservation Area Character Appraisal identifies this area as character area 2- "the historic core of the town on the east side of the harbour". Of the yards specifically the character appraisal offers the following background:

-The yards were created by building within the long narrow plots of land aligned at right angles to the main streets which formed the curtilages of medieval buildings. They were developed in response to the rapid increase in population of the town in the eighteenth century. Each yard has its individual character ranging from the very restricted straight and narrow Borough Place to the relatively spacious Blackburn's Yard which is more open and built on a series of levels linked by flights of steps. The buildings which make up the yards are predominately two storey dwellinghouses together with former stables etc, now used as garages, stores and workshops. Extensive slum clearance under the Housing Acts in the mid-20th century means that parts of this area are now much less densely developed than in earlier times - the slope above Well Court is a prime example of this reduction in density.

2.0 Description of Development

- 2.1 The application proposes the construction of a 2 storey dwelling upon the middle plot of vacant land to the east of Forester's Court.
- 2.2 The dwelling would measure approximately 6.3m long, 5.95m wide and have an overall height of approximately 6.48m.
- 2.3 The dwelling would be of a vernacular design, featuring a Dutch gable roof with 2no. cat slide dormer windows to the front (west elevation). The west elevation would also feature 3no. windows at ground floor level. The side (south elevation) would feature a gable roof porch and entrance door. Additionally, there would be 1no. window at ground floor level and 2no. obscure glazed windows at first floor level upon the south elevation. Upon the north elevation there would be 2no. obscure glazed windows at ground floor level.
- 2.4 The walls would be constructed of reclaimed brickwork, and the roof of terracotta clay pantiles. All windows and doors would be provided in timber, with stone lintels, cills and mullions. The dormer units would be finished in lead. The stone boundary and retaining walls would be provided in stone to match the existing.

3.0 Relevant Planning History

The following relevant planning history has been identified for the application site:

- 3.1 ZF23/00760/FL- Erection of dwelling- Withdrawn

4.0 Planning Policy and Guidance

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

- 4.2 The Adopted Plan for this site is:
-Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

- 4.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 4.4 Relevant Guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Whitby Conservation Area Character Appraisal (adopted July 2013)
 - Scarborough Borough Council Residential Design Guide (supplementary planning document), adopted February 2022

5.0 Consultation Responses

- 5.1 The following consultation responses have been received and have been summarised below.
- 5.2 Whitby Town Council: No comments received.
- 5.3 Local Highway Authority: The LHA are aware of congestion issues in this area due to businesses taking deliveries and the number of pedestrians visiting this area. Therefore, the LHA would not wish to recommend approval for anything that is likely to intensify access difficulties into this area. The LHA are concerned how the proposed building will be constructed, in particular, how materials will be delivered to the site. Without seeing any plans showing otherwise, the LHA would object to the proposal on the assumption that it would require deliveries needing vehicles to be parked at the entrance to Church Street. The applicant has addressed these matters with the provision of a brief Construction materials delivery Plan. The plan is adequate, but the applicant should be aware that the date / times that the local highway authority will agree to for the pumping of concrete would not include peak summer times. Consequently, on the understanding that the construction materials delivery plan can be conditioned, the Local Highway Authority have no further objections to the application.
- 5.4 Environmental Health (Housing): No objections.
- 5.5 Environmental Health (Commercial Regulation Team): The following conditions are recommended:
- a. Hours of construction / demolition: No development, including demolition and/or construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being

implemented. Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected.

- b. Delivery Hours - No deliveries shall be taken at or despatched from the site outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented. Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected.

5.6 North Yorkshire Council Northern Area Engineer: I would confirm that I am satisfied that the proposed development will not impact on land stability based on the design undertaken by "BHD Design". No objections to the application provided that the land is stabilised in accordance with the submitted design, and that surface water outfalls to a positive piped system and not a soakaway.

5.7 Yorkshire Water: No comments required.

Local Representations

5.8 9 letters of support for the application were received. The supporters made the following points:

Design

- Allowing a small dwelling that is in-keeping with neighbouring houses and built in sympathetic, traditional materials will only add to the environs of the yard.
- Design is tasteful and won't detract from charm of the area.
- There is a continuation of adjacent properties in the upper part of White Horse Yard, so the development would not look out of place.
- Use of reclaimed materials enhances the suitability of building.

Use of Land

- Brings back into use land that has always been used in some way for domestic purposes.
- An objection was made stating that the building would be on common drying land, however, the drying plot is to be retained.

Local Benefits

- There is a distinct shortage of housing for local people.
- The dangerous walls will be rectified, preventing possible landslip.
- The small building will likely help stabilise the soil.
- Further development to the yard will culturally and aesthetically develop the area by bringing in new people, trades and skills.
- This is a sustainable building opportunity which supports the towns need for growth on a scale that compliments the local area.
- Will restore stone staircase, providing a well-structured public walkway.
- Planned renovation includes the restoration of outdoor communal areas.

Amenity

- Any inconvenience as result of building works would be confined to the upper area of the yard.

5.9 7 letters of objection were received for this application. The objectors made the following points:

Design and Impact on Conservation Area

- Development would adversely impact the character and appearance of existing yards, which contain more than 10 listed buildings.
- New dwelling would be too large and imposing and would be out of character with surrounding properties.
- The proposed development is not compatible with the character or appearance of the conservation area.
- Allowing development on previously undeveloped land sets a precedent for similar developments that would overwhelm the locality and erode the character of the area.
- The proposed dwelling is clearly designed as a holiday let, which is already a saturated market. Rather, the town needs more affordable residential housing.
- Replacing the stone steps would damage the historic structure of the yard.
- Dwelling would be visible from West Cliff and would affect the appearance of the historic site.

Impact upon amenity of neighbours

- Due to its elevation and positioning, the dwelling would intrude upon privacy of White Horse Yard residents by overlooking private outdoor spaces.
- Dwelling would overlook and reduce privacy for residents of White Horse Yard and Clark's Yard.
- Development would obstruct natural light to White Horse Yard.
- Proposed building is higher than surrounding buildings and would have overbearing impact upon adjacent buildings.
- Delivery of materials and construction phase would result in substantial inconvenience to yard residents.
- Any construction would cause disruption to the whole of Church Street, both businesses and residents.

Access

- The narrow stone steps leading to the plot are unsuitable for regular access.
- Access to the site is limited. Building supplies would have to be moved through the narrow alley from Church Street. The tenant's right of way and footpath would not be strong enough to accommodate this extra traffic.
- Introduction of necessary infrastructure (plumbing, electricity) would lead to disruption due to logistical challenges of transporting heavy machinery to this inaccessible site.
- Access for waste collection is already problematic.
- There is no parking for use of future occupants.

Use and suitability of land

- The land referred to in this application is common drying land for the owners and tenant of Foresters Court, no request has been made to residents to forego the right to use this land.
- The land to the top of the yard is soft soil, which will not provide firm foundation for a building. Deep piling would be needed which could in turn cause foundation issues for other buildings.
- The land is prone to landslips, development would exacerbate this.
- The existing retaining walls are deteriorating and need completely replacing.
- The large water tank above the application site is old and not maintained.
- There are no services available for use upon the site.

Impact upon natural environment

- Local natural environment has already been affected. Trees and shrubs which stabilise land and absorb water were removed by the developer.
- Any further development would lead to destruction of wildlife habitats.

6.0 Environmental Impact Assessment

- 6.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

7.0 Main Issues

- 7.1 The main issues are:
- Principle of development
 - Design
 - Impact upon conservation area
 - Impact upon the amenity of neighbours

8.0 ASSESSMENT

Principle of Development

- 8.1 Local Plan Policy HC2 (New Housing Delivery) allows new housing development within the defined Development Limits of settlements. The proposed dwelling would be constructed on an area of vacant land to the rear of Forester's Court within the Development Limits of the settlement of Whitby and therefore the principle of development is considered acceptable, subject to accordance with other relevant policies in the Local Plan.
- 8.2 Local Plan Policy DEC 3 requires proposals to make efficient use of land and/or buildings. The density of a development should be in keeping with the character of the local area. In this case, the development proposes the erection of dwelling house upon a raised plot of vacant land to the rear of Foresters Court. Paragraph 5.36 recognises that this type of development can make an important contribution to the delivery of housing within the Borough and such intensification can represent an efficient use of land. However, a balance needs to be found to ensure that new buildings do not intensify development to such an extent that there is a detrimental impact on existing or future occupiers as well as the character of the surrounding area.
- 8.3 Several objectors raised concerns over the suitability of the land given the history of landslips in the area, and the poor condition of the existing stone retaining walls. Engineers from North Yorkshire Council were consulted as part of this application and confirmed that they are satisfied that the proposed development would not impact land stability. The engineer raised no objections to the application, provided that the land/retaining walls are stabilised, and the surface water is routed to a positive piped system rather than a soakaway. As the engineer raised no concerns, it is considered that the land would be suitable for development.
- 8.4 Given Foresters Court's residential character, it is considered that the proposed use of vacant land to the rear for the purpose of a dwellinghouse is appropriate, subject to the accordance of the design with Local Plan policies DEC1, DEC4 and DEC5.

Design

- 8.5 The National Planning Policy Framework at paragraph 135 sets out criteria for development to ensure, amongst other things that a scheme will: a) add to the overall quality of the area; b) is visually attractive as a result of good architecture, layout and appropriate landscaping and c) is sympathetic to local character and history, including the surrounding built environment.
- 8.6 Policy DEC1 of the Local Plan states that 'Proposals should reflect the local environment and create an individual sense of place with distinctive character, the detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing and the proposal should take account of the need to safeguard or enhance important views and vistas'.
- 8.7 The proposed 2 storey dwelling would be of a vernacular design, featuring a Dutch gable roof with 2no. cat slide dormer windows to the front (west elevation). The west elevation would also feature 3no. windows at ground floor level. The side (south elevation) would feature a gable roof porch and entrance door. Additionally, there would be 1no. window at ground floor level and 2no. obscure glazed windows at first floor level upon the south elevation. The other side (north elevation) would feature 2no. obscure glazed windows at ground floor level.
- 8.8 The walls would be constructed of reclaimed brickwork, and the roof of terracotta clay pantiles. All windows and doors would be provided in timber, with stone lintels, cills and mullions. The dormer units would be finished in lead. The stone boundary and retaining walls would be provided in stone to match the existing.
- 8.9 The proposed dwelling is considered to be of a good standard of design that is appropriate to the available space within the restricted plot. The two-storey building is considered to be of a modest scale that is in keeping with the scale of surrounding dwellings, in particular the cottage to the west of the application site. The proposed design features an optimum level of architectural detailing such as cat slide dormers, stone lintels, cills and mullions and water tables to the eaves. This is reflective of the traditional design of existing historic dwellings in the area and would aid the buildings integration in the local context.
- 8.10 The proposed materials are considered to be high-quality and are consistent with the building materials present upon existing dwellings in the nearby vicinity. To ensure that the proposed materials are to the correct heritage specification, conditions will be implemented requiring all stonework to be in natural stone, and the use of traditional red clay pantiles upon the roof, as well as a condition requiring that samples of the proposed reclaimed materials are approved in writing prior to construction beyond foundation level.
- 8.11 Due to the elevated nature of the plot and lack of surrounding development, the dwelling may be visible in key views and vistas looking towards Whitby's historic east side and abbey headland. However, as the Conservation Area Character Appraisal states, this key vista is dominated by the 'complex pattern of steeply pitched roofs, primarily of red clay pantiles'. In the view of the case officer, the proposed dwelling is of a sympathetic design that will blend in with other buildings in the area, such that it would not appear an obviously modern, nor disruptive addition to this key view.
- 8.12 Objectors raised concerns that the proposed development would be of an inappropriate design for the yard and would set a precedent for similar such developments in the local vicinity. For the reasons set out above, the proposed design is considered to be of a sympathetic nature which would compliment other historical

buildings within Forester's Court. Equally, it is not considered that the approval of such a development would set a precedent for the acceptability of future schemes, as Policy DEC3 (as laid out in paragraph 8.2) requires a careful assessment of the balance between an efficient use of land and maintaining an appropriate density of development that does not impinge upon the amenity of existing and future residents. As such, any similar such proposal would be assessed on its own merit and would not benefit from precedent.

- 8.13 Therefore, the proposed development is considered to be of an acceptable design standard, in line with the requirements of Policy DEC1 of the Local Plan.

Impact upon the Conservation Area

- 8.14 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of functions under the planning acts, special attention is paid to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 8.15 Policy DEC5 of the Local Plan states that proposals within a conservation area should preserve or enhance its character or appearance.
- 8.16 The application site lies within the designated conservation area for Whitby, and is located within character area 2 (east side of the harbour). There are many listed buildings in the nearby vicinity, including No's 1-6 Foresters Court which are Grade II listed.
- 8.17 Foresters Court itself is typical of many of the yards located along Church Street, and developed by building within the long narrow plots of land aligned at right angles to the main streets which formed the curtilages of medieval buildings. As such, the yard has a unique character which has developed organically as buildings were added to the plot.
- 8.18 The buildings are primarily 2-3 storey terraced properties, with the exception the smaller 2 storey cottage to the end of Foresters Court, which is also orientated at a right angle with the other properties.
- 8.19 The proposed dwelling has been designed to closely replicate the architectural style, scale and detailing of traditional buildings in the local vicinity. It is considered that this attention to detail, combined with the use of high-quality building materials, would aid the integration of the building within the local context. Therefore, the proposal is not considered to result in unacceptable harm to the character or appearance of the Foresters Court or the surrounding conservation area.
- 8.20 The proposed dwelling would be visible within one of Whitby's key vistas: looking towards the Abbey headland and east riverside from the West Cliff. As previously stated, the eastern townscape is characterised by its complex pattern of majority red clay pantile roofs. Buildings in this part of Whitby have developed organically overtime, such that there are a variety of roof types, sizes and orientations. The proposed roof is of a traditional design and materials; therefore, it would likely integrate well with the other roofs within this eastern part of the town. In the view of the case officer, the proposed dwelling would not look out of place within this key vista and would therefore not result in unacceptable harm to the conservation area.
- 8.21 It is therefore considered that the proposal meets the requirements of Policy DEC5 and can be considered to preserve and enhance the character and appearance of the conservation area.

Protection of Amenity

- 8.22 Local Plan Policy DEC4 (Protection of Amenity) requires that new development does not unacceptably harm the amenity of neighbouring properties. Proposals should not give rise to unacceptable impacts by means of: an overbearing impact, overlooking and loss of privacy, disturbance arising from noise or light pollution and other activities, or overshadowing and a loss of natural light.
- 8.23 Several objectors have raised concerns that the proposed dwelling would result in an unacceptable level of overlooking and loss of privacy to neighbouring properties in White Horse Yard and Clark's Yard.
- 8.24 The proposed dwelling is sited upon the middle plot of vacant land to the rear of Foresters Court. To the north are the rear elevations and private outdoor amenity spaces of properties located on White Horse Yard. To the south is the rear garden of 9 Clark's Yard.
- 8.25 The proposed dwelling would feature 2 windows to the north elevation, which would be obscure glazed. The top of the windows would be 2.5m above ground level. Additionally, the plans indicate that the stone wall to the north would be rebuilt to a height of 2.5m. Therefore, the view to the north would be restricted, and would not result in a direct view to the private outdoor amenity spaces of adjacent properties on White Horse Yard. In any case, the proposed windows are to be provided in obscure glazing, which would prevent any possible overlooking. As such, it is not considered that the 2 windows upon the north elevation would result in unacceptable overlooking, nor a loss of privacy for no's 7, 8 and 9 White Horse Yard to the north. A condition shall be attached stating that the windows upon the north elevation must be provided in obscure glazing in order to ensure that the privacy of White Horse Yard residents is protected.
- 8.26 The proposed dwelling would also possess 1no. ground floor window and 2no. first floor windows upon the south elevation. The 2no. first floor windows would be obscure glazed. As such, it is not considered that the 2no. first floor windows upon the south elevation would result in unacceptable overlooking, nor a loss of privacy for the Clarks Yard properties to the south. In order to ensure that the proposed windows would not result in unacceptable harm to the amenity of the neighbouring property, a condition shall be attached stating that the windows upon the south elevation must be provided in obscure glazing.
- 8.27 To the front elevation, facing westwards, 2no. cat slide dormer windows are proposed at roof level, and a further 3no. windows at ground floor level. The building would extend across the middle plot of land, such that the windows upon the front elevation would have a very restricted view of the outdoor amenity properties of the no's 7, 8 and 9 White Horse Yard properties directly adjacent to the site. Therefore, it is not considered that the proposed development would result in unacceptable overlooking, nor an unacceptable loss of privacy.
- 8.28 The 2no. cat slide dormers to the front of the property would have an unrestricted view to the west. This could result in overlooking onto the private outdoor amenity space of no.17 White Horse Yard to the northwest of the application site. However, due to the positioning and orientation of the building, the gabled roof would mostly restrict any possible view onto the private outdoor yard of no. 17. The case officer observed on site that this view was limited from the higher plot of land above the application site; thus, it is considered that the view would be further restricted from the middle plot of land,

which is at a lower level and set further forward. As such, it is not considered that the proposed development would result in unacceptable overlooking, nor an unacceptable loss of privacy for no. 17 White Horse Yard to the west.

- 8.29 An objection was received from a resident of White Horse Yard, adjacent to the application site, which stated that the proposed dwelling would have an overbearing impact and result in overshadowing to White Horse Yard properties. Due to the location of the proposed dwelling upon a previous open area, a degree of overshadowing and overbearing impact is likely. However, this is not considered to be to an unacceptable degree beyond that which can be expected of a close-knit residential environment. Additionally, the proposed dwelling is of a modest scale, with an overall height of approximately 6.5 metres, which is considered to reduce its impact and the potential restriction of natural light to adjacent properties to the north.
- 8.30 Several objections were received stating that the development would result in unacceptable noise disturbance and disruption for residents during the construction phase due to the difficulties surrounding the delivery of building materials to such a restricted site. The application is only accessible via the narrow passageway leading from Church Street, and this passageway also forms the only access to the other properties located upon Foresters Court. As such, all building materials would have to be transported past the other properties and up the stone steps to the application site. The proposed development may result in disturbance to Foresters Court residents during the construction phase, however, it is considered that this would be limited to the construction phase only. The Local Planning Authority has the ability to control the construction phase and delivery of materials through conditions imposed upon the decision. Therefore, a condition will be imposed upon the decision restricting the hours of construction, as well as a condition stating that the delivery of construction materials must be carried out in accordance with the submitted construction materials delivery plan.
- 8.31 Additionally, objectors stated that the site access from Church Street and stone steps to the rear of Foresters Court would not be able to support the additional movement associated with the proposed dwelling, including additional residents and waste collection. As the proposed dwelling is of a small scale and only offers 1 bedroom, it is considered that the proposed development would not result in an overwhelming increase in footfall. Additionally, it is not considered that the addition of 2no. bins to the rear of Foresters Court would have an unacceptable impact upon the functionality of the yard, nor the amenity of other residents.
- 8.32 It is therefore considered that the proposed development is unlikely to have an unacceptable impact upon the residential amenity of neighbouring residents, in line with the requirements of Policy DEC4 of the Local Plan.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development seeks to make use of vacant and dilapidated land to the rear of Foresters Court. The existing site is in a poor state of repair and is considered to have a negative impact upon the character and appearance of Foresters Court, which lies within the designated conservation area for Whitby.
- 9.2 The proposed dwelling is considered to be of a good standard of design and features an optimum level of architectural detailing and high-quality materials that emulate the design of traditional vernacular style dwellings in the local area. The scale, design and detailing of the proposed dwelling is considered to be in keeping with the surrounding

buildings. Therefore, the proposal is considered acceptable in line with Policy DEC1 of the Local Plan.

9.3 By nature of its sympathetic design, the proposed dwelling is considered to maintain the character and appearance of the conservation area. Furthermore, the restoration of land to the rear of Foresters Court is considered to improve the character and appearance of the yard, which would be to the benefit of the conservation area. Therefore, the proposed development is considered to meet the requirements of Policy DEC5 of the Local Plan.

9.4 Several objections were made by local residents on the grounds that the proposed development would have an unacceptable impact upon their residential amenity, by means of overlooking, a loss of privacy and an overbearing impact. In the view of the Case Officer, the design of the property, which is of a modest scale and features obscure glazed windows upon the side elevations, mitigates the potential overbearing impact and loss of privacy for residents of White Horse Yard and Clark's Yard. As such, it is not considered that the proposed development would result in unacceptable harm to residential amenity, in line with the requirements of Policy DEC4 of the Local Plan.

10.0 RECOMMENDATION

That PERMISSION BE GRANTED, subject to the following condition(s)

1 The development hereby granted shall be carried out in strict accordance with the below plans unless any amendment is first approved in writing by the Local Planning Authority.

- Site Location Plan (received 12.03.2024)
- Drawing No. Sheet 3- Proposed Site Plan (received 12.03.2024)
- Drawing No. 1B- Proposed Floor Plans (received 12.03.2024)
- Drawing No. Sheet 2 Rev E- Proposed Site Plan, Sections and Elevations (received 03.05.2024)
- Heritage, Design and Access Statement (received 12.03.2024)
- Drawing No. SK12639-01A- Raft Foundation Stability Drawing (received 12.06.2024)

Reason : For the avoidance of doubt.

2 Before the commencement of work above foundation level the materials to be used for the external surfaces of the development hereby permitted shall be reclaimed and samples of these materials shall be submitted to and be approved in writing by the Local Planning Authority. The samples so approved shall be implemented in full and thereafter maintained.

Reason : In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

3 All new or replacement stonework, including tabling, coping, lintels and cills shall be constructed of natural stone and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 4 The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 5 All new windows and doors shall be of timber construction and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of visual amenity, in line with Policy DEC1 and DEC5 of the Local Plan.

- 6 The 2no. ground floor windows upon the north elevation, and the 2no. first floor windows upon the south elevation of the dwelling hereby permitted, shall be provided in obscure glazing and shall thereafter be maintained. The glazing shall be of a density to ensure that no objects or persons positioned on either side of the glazing are readily distinguishable.

Reason : To protect the residential amenity of neighbouring properties to the north and south, in line with the requirements of Policy DEC4 of the Local Plan.

- 7 The delivery of construction materials shall be carried out in line with the submitted 'Construction Materials Delivery Plan' (received by the Local Planning Authority 12.03.2024). Any variation to the hours and method of delivery shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason : In the interest of reducing highway traffic upon Church Street during peak times, and the residential amenity of residents of Foresters Court.

- 8 No development, including demolition and/or construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason : To protect the residential amenity of neighbouring properties, in line with the requirements of Policy DEC4 of the Local Plan.

- 9 Notwithstanding the provisions of the Town & Country Planning General (Permitted Development) Order 2015, (or any Order or Statutory Instrument amending, revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;

(ii) the erection of house extensions including dormer Windows, conservatories, garages, car ports or porches;

(iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;

(iv) the installation of satellite dishes.

Reason : To protect the residential amenity of neighbouring properties, in line with the requirements of Policy DEC4 of the Local Plan.

Notes

- 1 In respect of conditions requiring samples you are encouraged to deliver samples to the site and advise the case officer that they are available for inspection.
- 2 The applicant is advised that the Local Highway Authority would only find the pumping of concrete acceptable outside of peak summer months. Further, you are advised to contact the Local Highway Authority (Area3.Whitby@northyorks.gov.uk) to ascertain whether any specific licenses and permits are to be sought before any concrete pumping takes place.

Case Officer: Frances Davenport



1.0 Introduction

1.1 This Planning and Heritage Statement has been produced to illustrate considerations behind a proposal to restore a collapsed and unstable plot of land including a historic drying ground with its associated retaining walls and steps at the eastern end of Foresters Court, Church Street, Whitby, and the subsequent erection of a vernacular style dwelling house. It aims to provide a background to the site and its significance to Whitby Conservation Area and its associations to a number of nearby listed buildings. The potential for impact upon the setting of the Scheduled Ancient Monument encompassing Whitby Abbey and its grounds along with the designated Park and Garden is also considered. Based on guidance found in Historic England's *Historic Environment Good Practice Advice in Planning* (2017), this document assesses how this proposal will be instrumental in preserving and restoring a dilapidated element of historic character.

2.0 The Site

2.1 Set deep within the historic east side, inside character Area 2 as identified in the *Whitby Conservation Area Appraisal* (SBC 2013, 22), the historic drying ground and adjoining plot is found at the end of Foresters Court, named after its owners, A.O. Foresters (Gaskin & Stamp 1990, 47). The introduction to the site is formed by the narrow yard, representative of the type of development that is a characteristic of this part of the conservation area, the result of building at right angles to the street in the curtilage of medieval buildings due to rapid population increase in the 18th century (SBC 2013, 23).

Heritage and Design & Access Statement

Restoration of land and erection of
dwelling house at Foresters Court,
Church St, Whitby



The entrance to Foresters
Court off Church Street



LION HERITAGE

CONSERVATION SPECIALISTS

2.2 The evolution of the plot and of Foresters Court is illustrated in the map regression below, with the 1778 Charlton map showing a uniform building line along Church Street with large rearward plots below the escarpment of the Abbey headland. Later OS mapping shows development of those plots and from 1891 the terraced plots of the drying ground and land above are clearly marked.



1778, approx. site in blue (map taken from Charlton's History of Whitby)

1849 OS map

1891 OS map



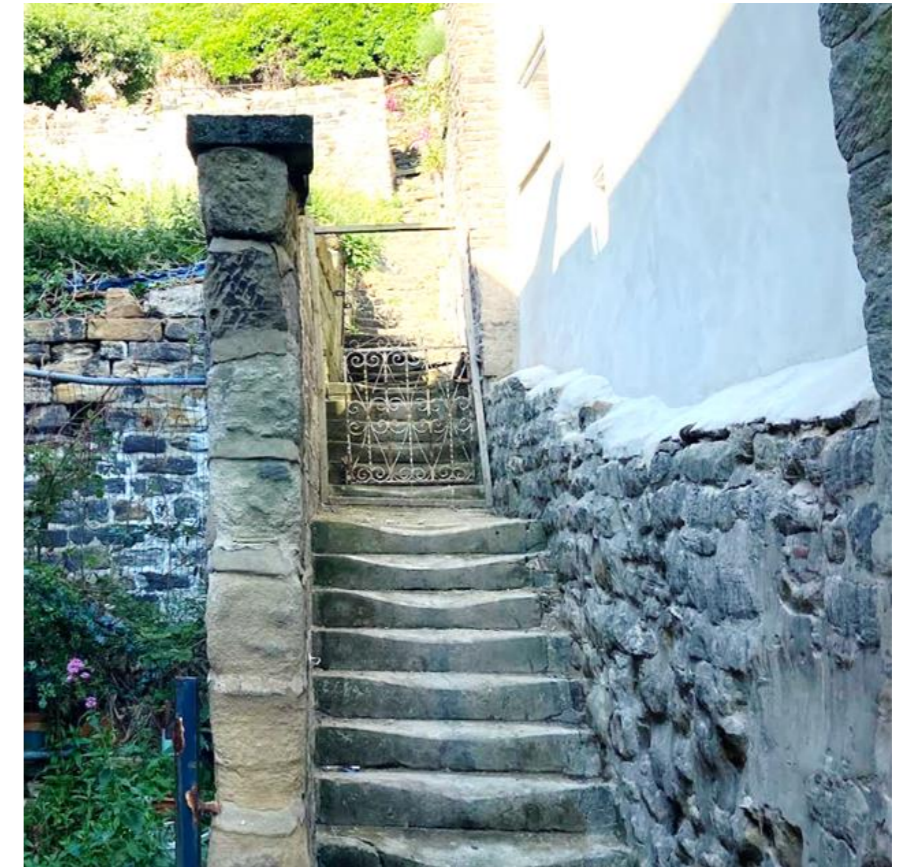
1910 OS map

1927 OS map

1938 OS map

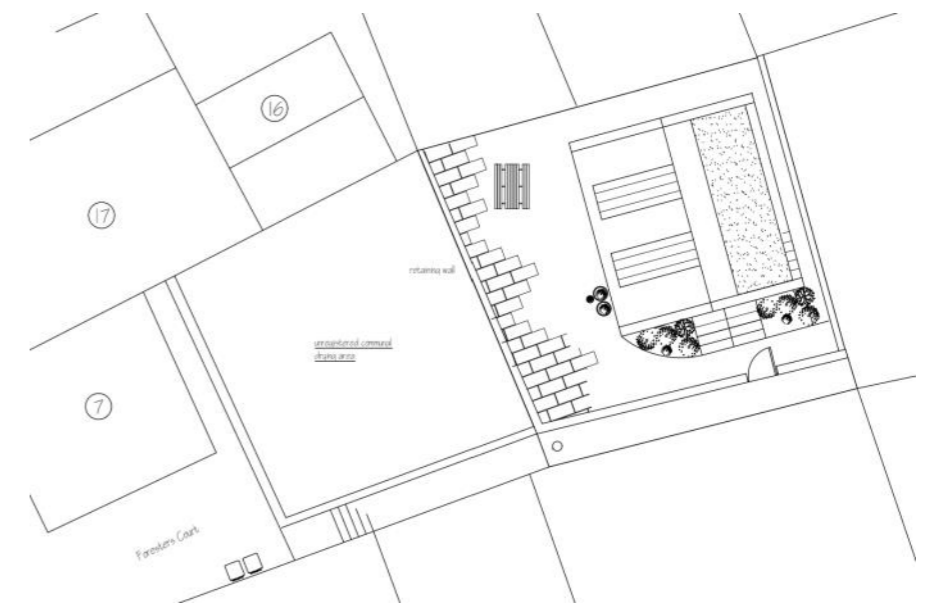
OS Maps Reproduced with permission of the National Library of Scotland

2.3 Currently the site comprises a series of three flat plots formed by terracing ascending the hillside. The lower part, at the western end, is formed by a high stone retaining wall to the rear of a historic cottage. Despite its function as a retaining wall, it is apparently in a parlous state due to lack of drainage maintenance. It is understood that it has been subject to the service of a notice by the local authority under section 77 (dangerous building) of the Building Act 1984, though there is no known owner to execute the required works. The next plot, slightly higher, is the one proposed for the construction of a dwelling with another higher plot above. All are accessed by historic stone stairs running up the southern end of the site, also in a state of neglect and requiring stabilisation work.



Neglected historic stone steps providing access to the plots

2.4 The actual uses of these plots is not annotated on historic mapping but anecdotally it has been related that the lower plot was a drying ground, used for drying laundry. The middle plot, proposed to be built upon, is believed to have been a garden, evidenced by the remains of a brick edged raised bed.



The proposed dwelling, to the eastern end of the middle plot



Possible remains of a raised bed seen on the site

2.5 Whilst now in dilapidated condition, the significance of these plots is their value as rare communal open space representing shared facilities, historically essential for practical tasks associated with living in the densely populated yards (White 23, 2019 & 35, 1995), many of which were lost during the re-development of the east side during the 1950's. They should therefore be considered as of equivalent importance to immediate character as the cottages found within the yards, evidencing historic complementary land uses.



Mid 20th century clearance of an east side yard, with steps and flat open plots visible at the rear



View from the plot, looking north towards White Horse Yard

2.5 The historic steps accessing the plots are still extant but through disuse have fallen into disrepair and have attracted anti-social behaviour. Aside from their function of providing access to these valuable open spaces, the steps also evidence former permeability connecting the yards to the steep headland above, with the water to the adjoining White Horse yard historically being supplied by tanks still evident in the upper plot, fed by a spring from the field above.



Drug paraphernalia found on the steps

3.0 Planning History

- 3.1 A search of Scarborough Borough Council's records show 1 application relating to the site though the officer report mentions an earlier approved outline application. The approved application appears to have not been implemented:

Ref. No: 81/01227/FL – Dwellinghouse, as amended by plans received by S.B.C. on 20th March and 15th April 1981 (approved with conditions, 7th May 1981)

4.0 Planning Policy

- 4.1 The National Planning Policy Framework sets down considerations relating to heritage matters. Paragraph 194 of the National Planning Policy Framework states that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. “

- 4.2 It is anticipated Policy DEC5 of the Scarborough Borough Local Plan is most relevant:

“Policy DEC 5

The Historic and Built Environment

Historic rural, urban and coastal environments will be conserved and, where appropriate, enhanced and their potential to contribute towards the economic regeneration, tourism offer and education of the area exploited, particularly those elements which contribute to the areas distinctive character and sense of place. In order to ensure this:

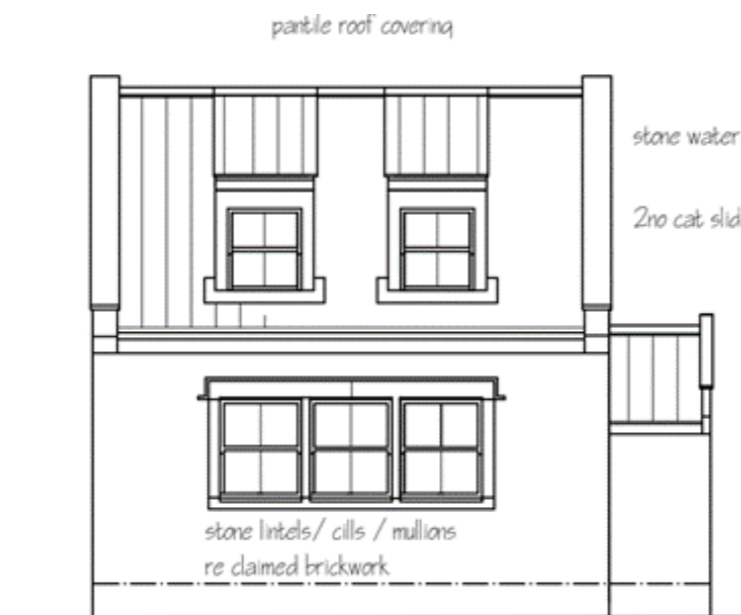
- A. *Proposals affecting a designated heritage asset (or an archaeological site of national importance) should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances;*
- B. *Proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal;*
- C. *Proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development;*
- D. *Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will only be permitted where the public benefits of the development would outweigh the harm; and*
- E. *Proposals which will help to secure a sustainable future for heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.*



5.0 Proposal and Assessment

5.1 The development will restore the drying ground below the building plot and refurbish the steps for access to the drying ground when the retaining wall is repaired, so the section 77 notice can be lifted. The proposal will result in the drying ground to be put back into use for residents of Forester's Court and will facilitate the erection of a dwelling above, on the middle plot. It and the restored drying ground will be accessed via the restored steps, which will be sensitively illuminated to avoid intrusive light overspill.

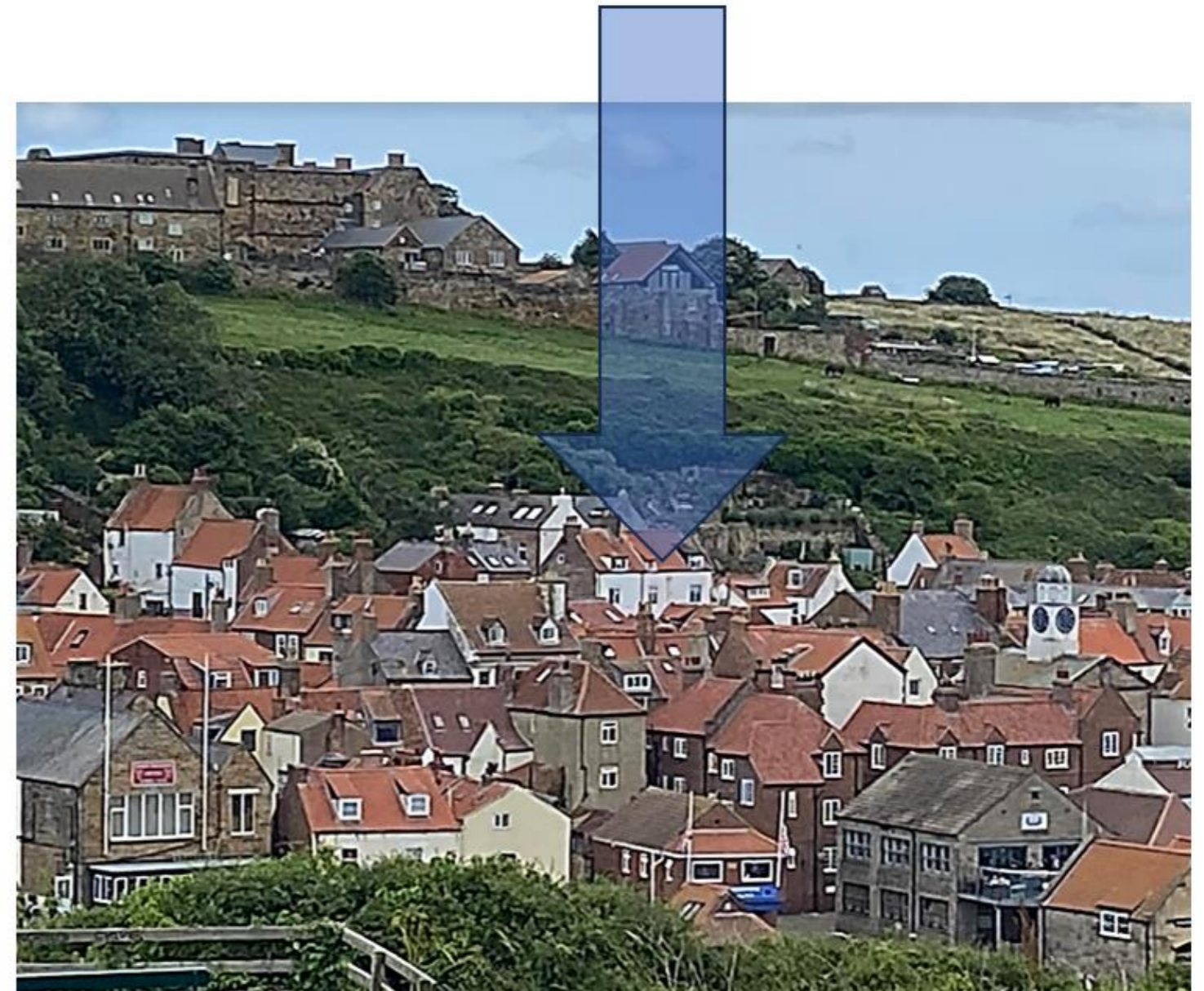
5.2 The design of the dwelling house employs elements of the local vernacular, intended to result in a development that forms a background building whose presence will effectively blend into its surroundings. The front catslide dormers are reflective of those seen throughout this part of the conservation area, along with other architectural elements such as corbals and water-tables at the eaves.



Front elevation of the proposed dwelling

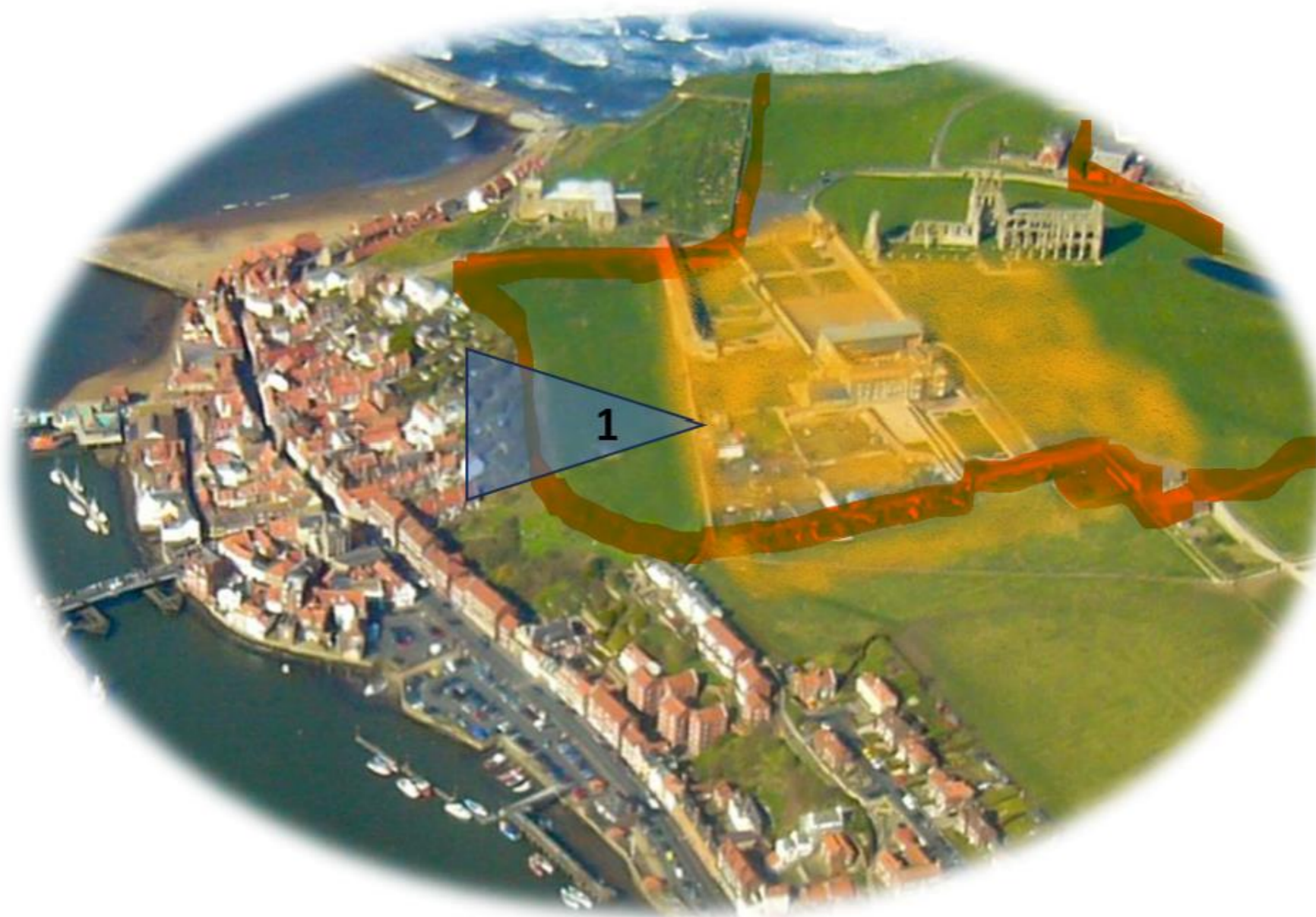
5.3 Eclectic variety of historic character seen in the vicinity is also recognized; details such as stone mullioned windows reflecting the presence of earlier elements of built fabric seen throughout the yards of Whitby which are either evidence of re-purposed and altered buildings or simply materials that were historically re-used. Facing materials are a handmade style brick and details such as windows will be sympathetically specified. Overall therefore the dwelling will be reflective of local character and illustrative of White's (1995) assertion in *The Buildings of Georgian Whitby* that "It is hard (and wrong) to conceive of them being

5.4 The key issue to be considered is the potential impact upon setting, both of the conservation area itself and distinct designated heritage assets. A primary distant vista is from elevated locations on the western side of the Esk, across to the east side and the Abbey. However, the visual clutter resulting from the characteristic roofscapes will ensure a development of such modest scale using traditional materials means there is not considered to be any impact from this viewpoint.



Viewed from West Cliff, the plot as indicated by the blue arrow is largely screened from view by extant buildings

- 5.5 Elevationally, the plot is tucked below the base of the east cliff forming the abbey headland and is therefore very much part of the built development off Church Street. There is thus no direct inter-visibility to the heritage assets above, including the Scheduled Ancient Monument and the GII listed park and garden.
- 5.6 The closest public access to the site from the headland is via Almshouse Close, leading from the abbey, past the former stables and then descending to Boulby Bank. That path provides views over the intervening field whose western extent falls steeply away, screening the proposal site and much of Church Street from view.



Source: Wikimedia Commons



Aerial photo showing views from the Abbey headland. The Scheduled Ancient Monument boundary is shown in orange with the registered park and garden shown in yellow.

5.6 Foresters Court and the yards adjacent to the site contain a number of listed buildings. No's 1, 2, 3, 4, 5 and 6 Forester's Court face into the yard, their front elevations along with the rear elevations of 86 and 85 Church Street and the rear of 6 Clark's Yard forming its enclosed and intimate character.



5.7 Upon accessing the proposal site, the rear walls of no's 16 and 17 White Horse yard are visible, which act as a boundary to the northern extent of the terraced plots.

5.8 The tight knit nature and concentrated grain of those listed buildings is an intrinsic part of their setting, their elevations not being appreciable from a distance. The longitudinal elongated views looking up and down the yard are the only aspects that are not immediately curtailed.



Forester's Court, looking east

5.9 Looking eastwards from the opening of Foresters Court with Church Street, the steps leading to the proposal site are visible though the plot itself is obscured by the forward projection of GII listed Forester's Hall. However, whilst not immediately visible the benefits of ensuring the plots are retained and stabilized means that the historic associations of these listed buildings with this formerly functional land are safeguarded, thereby enhancing their setting.

5.10 The proposed dwelling will have a minimal visual impact, views from the western end of the yard being obscured for the reasons mentioned in 5.9. The development will be only readily visible from the upper windows of Forester's Hall itself, the rear window of GII listed No.6 Clark's Yard and the rear windows of No.16 White Horse Yard. However, for the reasons mentioned in paragraph 5.2, the imposition on the outward views from those heritage assets is suggested to be negligible due to the vernacular aesthetic of the proposed dwelling.

5.11 Looking westwards from the elevated proposal site, the external staircase of Forester's Hall is clearly visible and the closest listed buildings are No's 16 and 17 White Horse Yard. Whilst not a generally publicly accessible viewpoint, it does nevertheless offer the only overarching vista of Foresters Court and the rear of adjoining yards, a vista which will be re-introduced in connection with development and restoration of access to the site.



Foresters Court, looking west

6.0 Access

6.1 During the development phase, it is understood an agreement has been reached with the Highway Authority that materials will be delivered in light commercial vehicles and unloaded by hand for transportation through Foresters Court to the site. Once complete, the dwelling will only be accessible on foot via the restored steps.

7.0 Conclusions

7.1 A key element of this proposal is the restoration of a neglected and significant yet non-designated facet of historic character specifically relating to former living conditions of the yards of the east side of Whitby, encompassed by Character Area 2 of Whitby Conservation Area. Whilst the historic buildings of the conservation area focused upon resulting in the multitude of listed buildings, the open spaces that facilitated the occupation of those curtilage free houses are every bit as important as the domestic curtilages that are automatically protected via curtilage listing in more typical circumstances.

7.2 When considering the proposed dwelling facilitated by the restoration and stabilization of the land, an important issue is that the proposal intentionally does not fill the middle plot. The remaining openness, along with the vernacular aesthetic, means the plot will still be immediately recognizable as a piece of open land with the dwelling blending into the rear wall in an unintrusive manner. The result is that the contribution the middle plot makes to the setting of nearby listed buildings and to the character of the conservation area itself is preserved.

7.3 Overall therefore, the proposal will result in an enhancement of an overlooked element of the conservation area, the dilapidated former drying ground and garden being once commonplace throughout the historic east side but now at risk of being lost. The scheme can therefore be considered a timely intervention which will avoid a regrettable loss of significance and character, as illustrated by the legal notices already served upon the land. Further, by allowing access to the restored drying ground, historic circulation patterns within the yard will be re-introduced.

7.4 This application can thus be considered to be of clear benefit to the conservation area as it provides an opportunity for the rescue of a key historic feature, enabled by the development of a low profile addition. The result will preserve and enhance the character of the conservation area and the settings of listed buildings so is therefore suggested to be entirely in compliance with Policy DEC5 of the Scarborough Borough Local Plan.

8.0 References:

Gaskin, J & Stamp C (1990) *Whitby Yards*. Cordelia Stamp.

Historic England (2015) *The Setting of Heritage Assets*. Historic Environment *Good Practice Advice in Planning Note 3 (Second Edition)*. Historic England.

Scarborough Borough Council (2013) *Whitby Conservation Area – Character Appraisal & Management Plan*. Scarborough Borough Council.

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T Brown (AssocHBC) 08 November 2023