

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building

REF NO: AB/111/19/L

LOCATION: 19 Maltravers Street
Arundel
BN18 9AP

PROPOSAL: Listed building consent to replace & resite a broken metal gate with a wooden gate in back garden & replace railings on top of brick wall with new fencing & to replace broken or failing brickwork.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Currently in place is a metal gate with brick walls on the outside. It is noted the wall and gate are in a poor condition.
SITE CHARACTERISTICS	The property is a grade II Listed building which is located within the Arundel Conservation Area. It is a three-storey red brick building which forms part of a terrace. The ground floor of each house has 1 segmental bay each with 3 double-hung sash windows with glazing bars, and moulded cornice with consoles.
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AB/137/15/L	Application for Listed Building Consent for internal alterations to first floor to relocate the bathroom.	ApproveConditionally 08-12-15
AB/131/03/	Single Storey Rear Extension	ApproveConditionally 05-11-03
AB/115/03/L	Application for Listed Building Consent for a single storey rear extension & alterations	ApproveConditionally 23-09-03
AB/153/00/L	Application for Listed Building Consent to erect stud wall and re open former doorway on second floor to create a bathroom. Erect satellite dish in roof valley.	ApproveConditionally 02-02-01

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No Objection

Arun District Conservation Area Advisory Panel:

No objection but it is suggested a condition be attached to the planning decision for details of the new gate to be submitted to the Planning Officer.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The application site is also surrounded by a number of other listed buildings of various appearances and significance, which all contribute to the important townscape character of the local area. The proposal seeks to replace and re-site a broken metal gate with a wooden gate in the back garden area, replace railings on top of brick wall with new fencing and replace broken or failing brickwork. It is noted that both the gate and fencing are of modern construction, and in a poor state of repair. Their replacement will not harm any historic fabric. The brick walling appears to be older, and forms part of a larger wall. It is noted, that the intention is to relocate the existing opening as part of the proposal. Such a concept is acceptable, and it is suggested that all of the salvageable material from the wall should be re-used. Any replacement brickwork should match the existing in terms of colour and appearance. The existing brick bond should also be followed. It is not clear how the gate or the fencing is to be treated or look like, and this should be confirmed so that it is suitable for the listed building and the conservation area.

Conclusion

The application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 2km Buffer for site of Special Scientific Interest
 Within the Built Up Area Boundary
 Grade II Listed Building
 Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HERDM1 HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
 "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
 In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in

accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the conservation officer it is considered the proposed works would not be harmful to the heritage asset. As such the works are recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Site Plan
 - Elevation Map

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HER DM1 of the Arun Local Plan.

- 3 The works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF.