

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

REF NO: AB/157/25/L

LOCATION: 38 Maltravers Street
Arundel
BN18 9BU

PROPOSAL: Listed building consent for the replacement of 2 No existing external gates.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	38 Maltravers Street is a Grade II Listed mid 18th century building within the Arundel Conservation Area, with later 19th century alterations. Its split level form, created by the rising street, results in two entrances - one at street level and another from the raised pavement. The south elevation is in brown red brick with grey headers and includes mullioned and transomed windows with leaded glazing, Pulborough stone sills and a lean to porch. The north elevation is in nodular flint with brick dressings. The tiled pitched roof features projecting purlins, ornamental bargeboards and a brick chimney. The independently listed raised pavement (c.1849) contributes to the building's setting and significance. The garden walls, part of the curtilage listing, are built of mixed flint and brick and are partly visible from nearby streets.
CHARACTER OF LOCALITY	The Arundel Conservation Area encompasses the historic core of the town, including Arundel Castle and the cathedral. It is characterised by a strong historic and architectural identity, with a cohesive hillside townscape and a rich mix of 18th- and 19th-century buildings. Maltravers Street, in particular, is carved into the hillside and features a tight historic grain of residential properties, many of which are listed. The area benefits from sympathetic street fittings and retains a high degree of aesthetic and historic integrity.

RELEVANT SITE HISTORY

AB/117/25/L	Listed building consent for addition of pergola and irrigation tank to approved landscaping scheme Ref: AB/115/24/HH and AB/116/24/L.	ApproveConditionally 11-11-25
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AB/116/24/L	Listed building consent for landscaping works to rear garden. Including replacement of low level retaining wall and steps between different garden levels. Construction of detached garden room and sauna.	ApproveConditionally 07-02-25
AB/2/24/L	Listed building consent for changes to the finishes schedule permitted under AB/88/23/L, a new window with replacement glass, replacement & altered stair joinery, a new lower ceiling to bedroom 2, reconstruction of the partition wall between bedrooms 3 and 4, new window boards and linings, raising ceiling collars on the third floor and pointing repairs and fitment of chimney pots / cowl to untermated flues.	ApproveConditionally 19-03-24
AB/88/23/L	Listed building consent for structural strengthening works including replacement of beams at ground floor level over dining room and first floor level over drawing room, removal of additional floor boarding and plaster finishes to facilitate timber treatment and installation of tanking system to pantry and WC.	ApproveConditionally 27-10-23
AB/32/23/L	Listed building consent for internal alterations and repairs to exterior elevations. (This application may affect the character and appearance of the Arundel Conservation Area).	ApproveConditionally 19-05-23

Planning history noted.

REPRESENTATIONS

Arundel Town Council - No response received.

Conservation Area Advisory Panel - No Objection.

The proposals will have a neutral impact on the character and appearance of the conservation area.

1 letter of no objection received from nearby occupier. Summary of response:

- Query regarding why the existing gates need replacing.
- Concern regarding works to replace original features.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**CONSERVATION OFFICER**

The proposal is for the replacement of two existing external gates. While the justification for their replacement is not fully explained, I am satisfied that the proposed designs would not cause harm. However, although it is stated that the gates will be constructed in air dried oak, it is not specified whether they are to be painted, oiled, or left to weather naturally.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The planning agent has since confirmed that the gates are to be finished with oil.

POLICY CONTEXT

Grade II Listed Building.
Conservation Area.

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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, The South Inshore & South Offshore Marine Plan 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.

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."

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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

HERITAGE

The NPPF (2024) sets out several steps when considering impacts on heritage assets. Paragraph 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'.

The applicant has provided a Design, Access and Heritage statement which contains information in accordance with paragraph 207. The proposal seeks the replacement of two gates within the rear garden of 38 Maltravers Street. One of the gates front the highway and is in a prominent location within the street scene.

The replacement gates are appropriately designed and sited. The gates would be constructed in air dried oak and would be oiled finished. Whilst it is acknowledged that the finish would be different when compared to the existing gates, the oiled finish would be appropriate and would not result in harm to the setting or significance of the listed building and the proposals are in accordance with Arun Local Plan policies HER SP1 and HER DM1 and the NPPF.

SUMMARY

The proposal is considered to not cause harm to the setting of the Listed Building, therefore the proposal would be in accordance with Arun Local Plan policies HER SP1 and HER DM1 and the relevant sections of the NPPF.

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

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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location and Block Plans

Proposed Elevations Gate 1 223168/02

Proposed Elevations Gate 2 223168/03

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

- 3 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

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