

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

REF NO: AB/29/21/L

LOCATION: 78 Maltravers Street
Arundel
BN18 9DS

PROPOSAL: Listed building consent to replace windows 2 No. front and 1 No. rear windows. Replicas of existing design, with 4-4-4 ultra lite glazing, 3 No. box frames with sash.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	The property forms part of an early C19 terrace of cottages. The south is visible from the street and is stuccoed, whilst the rear elevation is flint with red brick dressings. There is a stucco stringcourse above ground floor, and a stucco cornice to eaves with parapet. Pilasters between each house and at ends. Slate roofs with Late C19 red brick chimneys with much corning. The style of architecture means that the traditionally constructed vertically sliding sash windows, with fine glazing bars reflect the architectural period of their construction, and are of significance. The terrace forms an attractive and prominent feature at the entrance into the conservation area and is considered to be of architectural significance.
CHARACTER OF LOCALITY	The building is in the Arundel Conservation Area and is surrounded by a mixture of listed and locally listed buildings. Maltravers Street, in particular, is identified, towards the top of the hill, as being carved into the hillside with a raised carriageway on the northern side.

RELEVANT SITE HISTORY

AB/6/21/L	Listed building consent to replace 2 No. sash windows on front elevation and 1 No. on rear Elevation with double glazed replicas
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REPRESENTATIONS

Arundel Town Council: Object on the grounds the windows should be in the original style using secondary glazing rather than using replacement double glazing.

Conservation Area Advisory Committee: Objection - In the absence of further information to show the replacement windows are necessary and they will match in every way and detail the existing then it can be concluded that there is the potential to harm both the appearance and character of the listed group and the conservation area in conflict with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of designated heritage assets.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal is for replacement windows which incorporate a slim double glazing system. Whilst it is appreciated that it is important that improved thermal insulation is necessary for all buildings, Historic England provided clear advice as to how this can be achieved in respect of historic buildings without recourse to double glazing. For instance, it should be established if the existing windows can be repaired and thermally improved without their total replacement, whilst considering the possibility of incorporating secondary glazing. There are further suggestions made in the guidance, but the Heritage Statement does not address these alternatives.

With historic windows, the first course of action is to repair then replace them.

It is not clear if the replacement windows would be an exact like-for-like replacement in terms of dimensions, or if details such as the glazing bars have been increased in size. Details of the glazing bars and the existing dimensions of the windows have not been supplied. As a consequence, if you are minded to approve the application the applicant would have to submit a detailed drawing showing a large scale cross section and elevation of an existing and a proposed glazing bar in order to show how they exactly reflect the existing windows.

It is not clear how the windows would be treated, and this should be confirmed if you are minded to approve the application. It is hoped they would be painted the same colour as existing to reflect the existing terrace.

There are some concerns regarding the need for the windows to be replaced, as well as the lack of assessment of alternative options to improve their thermal efficiency. Further, the windows are a key element of this particular terrace and the use of the double glazing is of concern.

The proposal could be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with 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:
 Conservation Area
 Grade II Listed Building
 Within the Built Up Area Boundary

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

[Arundel Neighbourhood Plan 2018-2031 AR7](#)

Arundel Town Centre

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 conflict with these criteria in that the alterations are considered to materially affect the character of the Grade II Listed Building and the character and appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Policy HER DM1 sets out criteria for assessing proposals which affect Listed Buildings. These criteria must be met in order for the proposal to be acceptable. These include preservation or enhancement of the building and its setting.

IMPACT ON HERITAGE ASSET

NPPF Paragraph 190 states Local Planning Authority's are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise.

The Conservation Officer has been consulted and the conclusion that less than substantial harm would be caused through the proposal. The amount of information submitted in support of the proposal is limited. There is conflict between the heritage asset's conservation and the proposal as set out below.

The proposal would impact windows which are highly visible, the removal of historic fabric is not limited, the justification for wholesale replacement of all windows is not justified and the appearance of the building would be inappropriately altered.

Windows are a key part of the architectural composition of a building, and help to establish the character of a house or building. It is considered the existing traditional windows which include slender glazing bars play an important role in the character and appearance of historic buildings such as this and the neighbouring one and their replacement requires clear justification and adequate detailing which have not been provided with the proposal. A repair may be justifiable rather than full scale replacement.

Paragraph 193 requires that when considering the impact of development on the significance of a designated heritage asset great weight should be given to the asset's conservation irrespective of the scale of harm identified. In the absence of sufficient information to prove the windows should be replaced there is insufficient public benefit accruing from the alterations, such as thermal efficiency, which could not be achieved by other means.

With regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses, the proposal results in harm to the appearance of the Listed Building and the proposal is considered to conflict with policy HER DM1 of Arun Local Plan. This proposal includes alterations to the listed building which do not preserve or enhance the historic character and are detrimental to the architectural detailing of the building's exterior. The proposal would significantly alter the appearance of the building and the works have not been sufficiently justified.

The proposal adversely impacts on the conservation of the heritage asset and results in harm and therefore conflicts with policies HER DM1 of Arun Local Plan and the NPPF.

SUMMARY

It is considered that the application is not in accordance with the relevant policies in the Development Plan, and therefore it is recommended that Consent is refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Based on the information submitted, it has not been demonstrated that the replacement windows and loss of historic fabric is necessary or that the double glazed replacements would not detract from the character and appearance of the Listed Building. The less than substantial harm to the heritage asset is not overridden by improved insulating effects which can be achieved by other means. The proposal is in conflict with policy HER DM1 of Arun Local Plan and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.