

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

REF NO: AB/49/20/L

LOCATION: 55B High Street
Arundel
BN18 9AJ

PROPOSAL: Listed building consent to seal off the residential flat from the commercial space & creating a new entrance door through the already existing communal area of 57 High St.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Listed building consent to seal off a residential flat from commercial premises and to install a new door providing independent access to the flat.
SITE CHARACTERISTICS	An apartment to the rear of commercial premises in a listed building.
CHARACTER OF LOCALITY	High Street Conservation Area with a mix of commercial and residential uses.

RELEVANT SITE HISTORY

AB/139/19/L	Application for Listed Building Consent for removal of unauthorised bricks to area of former night safe facility & replace with materials to match existing building. This application may affect the character & appearance of the Arundel Conservation Area	ApproveConditionally 08-06-20
AB/49/17/L	Application for listed building consent for conversion of a mixed use space into a new ground floor one bedroom apartment with guest annex including demolition of fire escape corridor walls & regularisation for consent for new stud work for partition wall.	ApproveConditionally 15-06-17

REPRESENTATIONS

Arundel Town Council - Objection .

6 Letters of objection
- A number of entrances to the flat already exist.

- Unwise to permit a 3rd entrance to the flat.
- Adverse impact on oval staircase, a listed feature.
- Structural report incorrect.
- Unnecessary to allow access to the rear of the property.
- Application contains inaccuracies.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is up to the applicant to determine how many entrances to a flat are necessary/desirable. Structural matters are subject to building control regulations and not the remit of the Planning department. Notices have been correctly served on owners of the property.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection in principle. Further detail required.

There may be alternate means of access which does not appear to have been considered when preparing the proposals, even if to be assessed and then discounted.

It is understood that the door will be boarded on the corridor side. The modern door is to be removed and infilled and this is also acceptable.

The details of the new door are unusual. It is a very decorative design. On balance, this seems to be acceptable.

At present, the harm 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).

Arun District Conservation Area Advisory Panel- No Objection

In terms of the effect on the conservation area, the works are internal and of a minor nature and as such there will be no harm to the character or appearance of that particular designated heritage asset.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

CONS AREA

LISTED BUILDING

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERDM3 HER DM3 Conservation Areas

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

No policies in the neighbourhood plan are relevant to this application.

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

CONCLUSIONS**POLICY BACKGROUND**

Policy HER DM1 sets out criteria which proposals which affect Listed Buildings must meet in order to be acceptable. These include preservation or enhancement of the building and its setting. Policy HER DM3 seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states that planning permission will be granted for development that conserves or enhances the historic environment.

IMPACT ON HERITAGE ASSET

The design of the new panelled entrance door and surround including architrave would be in keeping

with the Georgian style of the building and is considered acceptable in accordance with policy HER DM1 of the Arun Local Plan.

Para. 189 of the National Planning Policy Framework (NPPF) requires that a heritage statement be supplied in the event of an application affecting heritage assets which the applicants have done. The application therefore falls to be assessed against para 190 of the NPPF. The scheme is considered to have a minimal impact on the heritage asset. The Georgian door would compliment the oval staircase which is a listed feature located next to the door. The door for the second point of access (i.e. via number 55) is a very attractive and significant looking door which is curved to follow the shape of the room it serves and is unaffected by the proposal.

The application includes a heritage statement in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance. Paragraph 190 states that 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 comments of the Conservation officer have been sought. There is no conflict between the heritage asset's conservation and any aspect of the proposal as set out below. The proposal only impacts the area of an opening and removal of historic fabric would be limited. The appearance of the building would be largely unaltered. There is no conflict between the heritage asset's conservation and any aspect of the proposal. The proposal therefore accords with para 190 of the NPPF.

Paragraphs 193 - 196 of the NPPF require optimum use for public benefits. It is considered that there is public benefit accruing from the alterations which would assist in the long term retention and use of the building. 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 does not harm the appearance or integrity of the Listed Building and the proposal is therefore considered to comply with policy HER DM1 of Arun Local Plan

The internal changes would not be visible within the conservation area and has little impact on the character or appearance of the area. There is therefore less than substantial harm to the heritage asset and the proposal ensures its conservation and accords with para 193 of the NPPF which states that great weight should be given to the heritage asset's conservation.

The provision of an additional and convenient independent means of access to the property would be of public benefit. The separate access to the residential flat would mean that access is no longer necessary through the commercial space allowing the building to adapt to new uses and ensure its long term conservation and long term future use.

The proposal does not therefore adversely impact on the conservation of the heritage asset or result in harm and therefore accords with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

SUMMARY

It is considered that the application is in accordance with the relevant policies in the Development Plan, and therefore it is recommended that Consent is granted.

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 approved shall be carried out in accordance with the following approved plans:
Location Plan
Block Plan
Proposed Ground Floor Plan
Proposed Ground Floor Plan P001
Proposed Alterations 002

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

- 2 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 HER DM1 of the Arun Local Plan and the NPPF .