

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

REF NO: AB/61/21/L

LOCATION: 61 Maltravers Street
Arundel
BN18 9BQ

PROPOSAL: Listed building consent to reduced chimney height.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The North West chimney is unstable with evident cracking along the base of the chimney. According the guidelines set out in Section 2D: Proportions for masonry chimney above the roof surface, noted in part A - Structure of the UK Approved Building Regulations, the current chimney does not meet the recommended proportions which may have contributed to its instability. There is evidence the rear party wall chimney was reduced in height, perhaps for similar reasons.

In the Structural Survey given to the property owners when they moved in noted:

The front party wall chimney is beginning to fail close to the head of the chimney. There is a fracture within the top six courses on the inner side, and one of the pots is broken. Some rebuilding of the head of the chimney is going to be needed soon. The rear party wall chimney is a smaller structure than other, and from the appearance of its brickwork, is possibly newer or has been rebuilt. It is therefore proposed to reduce the height of the current chimney. The existing bricks will be reclaimed and reused. The supporting brickwork below the chimney is to be repaired where necessary.

SITE CHARACTERISTICS

No. 61 forms part of a terrace of four 18th century town houses on the South side of Maltravers Street. It is situated on the raised section of pavement and rises to three stories with a two-storey wing to the West plus a basement level which leads onto the garden at the rear.

It is Grade II Listed and comprises red brickwork with a hipped slate roof; white painted sliding sash windows and a dentil cornice of cyma recta shaped bricks. It has a particularly elegant porch with Tuscan columns and pilasters and a 6-panelled front door.

REPRESENTATIONS

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer

The proposal is to reduce the height of the chimney in the western, two storey element of the property. This chimney is a prominent feature in the Maltravers Street-scene, especially when viewed from the raised pavement on the other side of the road.

Having read the application details it would appear that, rather than reduce the height of the chimney, the intention is to dismantle it and rebuild it to a lower height. This is considerably different from the application description and could lead people to think that the only alteration is for the height of the chimney to be reduced, rather than for its whole-sale removal and rebuild. Information from the structural engineers which states they recommend that the stack is carefully dismantled down to parapet level and the brick units stored. The defective brickwork within the gable wall can then be investigated to establish the likely cause of movement in this area. Once the relevant investigations are completed, the necessary remedial works can be specified to reinstate the brickwork and restore the structural integrity of the wall in order that the chimney stack can be re-constructed using the salvaged bricks.

The structural report states 'the calculations conclude that an optimum stack height of 1950mm above parapet level can be achieved without the need for additional horizontal restraint or the introduction of significant new structure within the chimney itself'.

As Conservation Officer, I am not qualified to deal with issues of a structural nature, and have to rely on others, especially when it comes to matters of safety. It is not clear if any alternative options have been investigated which would enable the chimney to be rebuilt to its previous height, which is disappointing. No information has been provided regarding the necessary remedial works which are required to reinstate the brickwork and restore the structural integrity of the wall. It is assumed that this would have to be provided once the chimney has been removed. Such details should be provided by way of condition, if you are minded to approve the application.

As a prominent structure, I would want to make sure that the existing bricks, bonding, mortar and design would be closely replicated in any replacement, so that it closely reflects the existing chimney and does not cause harm. These details could be provided for by way of condition if you are minded to approve the application.

Whilst the works appear to be a requirement of health and safety, it is not clear if any alternative option has been assessed regarding the re-building of the chimney to its existing height. This approach is harmful as it results in the loss of fabric and a pleasant part of the streetscene. However, if it is the only viable option, the works would have to be accepted.

At present, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019) (now 202 of 2021 version). The level of harm is considered to be on the lower end of the scale. 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). For your information, the Planning Practice Guidance states that public benefits include reducing or removing risks to a heritage asset and ensuring that it is well maintained.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERDM3 HER DM3 Conservation Areas

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 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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The application concerns external works to a Grade II Listed Building. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include

preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, because the listed building is significant heritage asset proposals should protect the setting of these buildings.

Para 194 of the NPPF requires the LPA to firstly identify the significance of the heritage asset affected by a development. The property is Grade II Listed and is of some significance. Paragraph 195 of the NPPF requires the LPA to consider the significance of the impact upon that heritage asset. As the addition will attach to an existing extension, the proposal is acceptable. Subject to the submission of materials the application is considered to not cause harm to the significance of the heritage assets.

The works proposed to the chimney as mentioned in the structure report are stated to be mandatory for the health and safety reasons well as to protect the listed from any further damage. It has been confirmed by the applicant that all the brick would used to reinstate the chimney at lower height and necessary repairs will be carried out to improve the structural integrity.

Following comments from the Conservation Officer it is considered the proposal results in the loss of fabric and loss of a chimney view which is pleasant part of the streetscene. However, if it is the only viable option, the works would have to be accepted. The Conservation Officer recommends the exiting bricks, bonding, mortar and design should be closely replicated in any replacement, so that it closely reflects the existing chimney and does not cause harm. These details would be requested by imposing the condition to protect the heritage asset.

The level of harm is on the lower end of the scale. As such the public benefits that the development may achieve needs to be included as part of the assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The Planning Practice Guidance states that public benefits include reducing or removing risks to a heritage asset and ensuring that it is well maintained. The reduction in chimney height will result in public benefits by securing the safety of the building whilst ensuring the appearance of the heritage asset remains acceptable. The proposal complies with policy HER DM1.

Conclusion

NPPF Para 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case, the harm is at very low scale and public benefits are significant in terms for the safety of the structure and maintaining the listed heritage. Therefore, public benefits gained by proposal outweighs any harm caused to the listed building. The proposed development is recommended for approval subject to the following conditions.

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 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 plan

Proposed elevation NW / SE 203 REV A

Design & Access Statement & Heritage Statement

Structural Survey Ref: SGG/ GEE/2014 Dated 22nd August 2014

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 The undermentioned features of the building shall be protected or carefully removed for preservation and shall be reinstated as part of the building upon completion of the work for which consent is hereby granted.

Reinstate the brickwork and restore the structural integrity of the wall.

Reason: To ensure that the features of merit are preserved for the future and to retain the character and appearance of the Listed Building in accordance with the HER DM1 of the Arun Local Plan and the NPPF.

- 5 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution

and finished appearance shall be provided prior to commencement and approved in writing by the Local Planning Authority.

Reason: To ensure that the features of merit are preserved for the future and to retain the character and appearance of the Listed Building in accordance with the HER DM1 of the Arun Local Plan and the NPPF.