

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

**REF NO:** AB/7/21/L

**LOCATION:** Vyne Cottage  
33 Mount Pleasant  
Arundel  
BN18 9BD

**PROPOSAL:** Listed building consent for the replacement of 12 No. windows & 1 No door.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The application seeks the Listed Building Consent for the replacement of 12 No. windows & 1 No door with modern timber double glazed units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| BOUNDARY TREATMENT         | The boundary treatments will not be effected by this application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SITE CHARACTERISTICS       | The cottage is believed to be C18 or early C19. Vernacular building of flint construction with red brick dressings and brick modillion cornice. Of interest is the fact that the listing description notes that there are nodular flints on the ground floor, and beach flint on the 1st floor. All the flint is painted white. It has a hipped tile roof with late C19 brick chimney and modern dormer. Casement windows with glazing bars on each. Modern doors and porch. The garden wall of 33 is identified as a separate listed building being located to the west of the house. It is of nodular flint with red brick dressings. Ashlar steps lead up to the garden from road, with iron railings. The wall is an attractive structure in the street-scene. |
| CHARACTER OF LOCALITY      | Within this part of the conservation area properties are set back from the road with front garden areas, an attractive grass verge and trees forming part of the street-scene. The narrow road rises up from Maltravers Street with the various buildings fronting on to it. With its commanding situation on higher ground above the road, Vyne Cottage makes a positive contribution to the character and appearance of the conservation area.                                                                                                                                                                                                                                                                                                                   |

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| <b>RELEVANT SITE HISTORY</b> |
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| AB/92/12/L | Application for Listed Building Consent for first & second floor extension & rear rooflights (amendments to AB/60/11/L) | Approve Conditionally<br>17-09-12 |
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| AB/60/11/L   | Application for listed building consent for formation of dormer & rooflight & two storey side extension.<br>Amendment to approval AB/130/10/L - repositioning of rooflight | ApproveConditionally<br>27-07-11 |
| AB/47/11/NMA | Application for non-material amendment following application AB/129/10 for repositioning of one of the rooflights                                                          | Approve<br>24-06-11              |
| AB/129/10/   | Formation of dormer & rooflights & two storey side extension (Resubmission of AB/38/10)                                                                                    | ApproveConditionally<br>12-01-11 |
| AB/130/10/L  | Application for Listed Building Consent for formation of dormer & rooflight & two storey side extension (resubmission of AB/39/10/L)                                       | ApproveConditionally<br>12-01-11 |
| AB/39/10/L   | Application for Listed Building Consent for first and second storey extension, front dormer and rear roof light (Resubmission following AB/113/09/L).                      | Refused<br>09-06-10              |
| AB/38/10/    | First & second floor extension, front dormer and rear roof light (Resubmission following AB/112/09).                                                                       | Refused<br>09-06-10              |
| AB/112/09/   | First and second floor extension, front dormers and rear roof lights                                                                                                       | Refused<br>14-12-09              |
| AB/113/09/L  | Application for Listed Building Consent for first and second floor extension, front dormers and rear roof lights                                                           | Refused<br>16-12-09              |

Relevant history noted.

## REPRESENTATIONS

Arun District Conservation Area Advisory Panel - Objection. If required replacement with modern double glazed units with 'stick on' glazing bars not appropriate. Worried about precedent.

Arundel Town Council - Objection. Worried about precedent.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Objections Noted.

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - Windows incorporate 28mm double glazed units, along with the use of thermal spacers increase perception of modern, standard windows and affect the design of the windows themselves. False glazing bars applied to the surface of the window are historically incorrect, and aesthetically unconvincing. The use of applied glazing bars is not appropriate for a listed building and should be integral to the windows. This type of double glazed unit and window design is not appropriate for a listed building and considered to cause harm.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The Conservation Officer concluded the application will have less than substantial harm, therefore there is a need to be weigh up this against public benefits.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

2km Buffer to SSSI

Conservation Area

Listed Building

**DEVELOPMENT PLAN POLICIES**

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

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|--------|----------------------------------|
| HERDM1 | HER DM1 Listed Buildings         |
| HERDM3 | HER DM3 Conservation Areas       |
| HERSP1 | HER SP1 The Historic Environment |

**PLANNING POLICY GUIDANCE:**

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| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

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| <b>POLICY COMMENTARY</b> |
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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.

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| <b>DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND</b> |
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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 it is 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 there are no other material considerations to be weighed in the balance with the Development Plan.

#### CONCLUSIONS

##### PRINCIPLE

Policies HER SP1, HER DM1 and HER DM3 relate to the historic environment, listed buildings and conservation areas and state that proposals must protect and if possible, enhance the setting of each.

Chapter 16 of the NPPF paragraphs 189, 192 - 194 and 196 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

##### EFFECT ON THE HERITAGE ASSET

The proposal to replace traditional single glazed timber windows with modern double glazed timber windows is considered to cause less than substantial harm to the character of the grade II listed building and its setting. Harm is caused due to the modern appearance of the wider (28mm) double glazed units and the inappropriate use of externally applied glazing bars effecting the design of the windows. As per para 189 of the NPPF the level of harm has been set to less than substantial. However as per para 196 of the NPPF it is required that this harm is weighed up against the pubic benefit of the proposal.

As per para 194 the applicant provided details of the impact the proposal will have against the listed building and provided justification that double glazed units will be more energy efficient and cut down heat loss from the building.

It is considered that although new double glazed windows would be more thermally efficient this is not a substantial enough public benefit and therefore it conflicts with paragraph 196 of the NPPF. Alternative provisions such as secondary glazing could have similar benefits without causing harm.

The upgrade with standard double glazed windows is not thought to be a necessity and be detrimental to both the listed building and it setting conflicting with policy HER DM1 a, b, d and e and be unsympathetic to the Conservation Area and conflict with HER DM3 b, f of the Arun Local Plan.

##### SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is 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), 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 The windows (incorporating 28mm double glazed units along with the use of thermal spacers that increase perception of modern, standard windows and false glazing bars applied to the surface of the window are historically incorrect and aesthetically unconvincing) cause harm to the character and significance of the Grade II Listed Building and the designated Conservation Area in conflict with HER DM1 and HER DM3 of the Arun Local Plan and the National Planning Policy Framework.