

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

REF NO: AB/83/19/L

LOCATION: Tower House
London Road
Arundel
BN18 9BH

PROPOSAL: Listed building consent to replace 9 No. sash windows to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Three storey Grade II Listed Building constructed from yellow stone with stone quoin elevations and a car park to the rear.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AB/44/16/L	Application for Listed Building Consent to remove 2 No. small internal stud work partition walls to provide 1 No. new Gothic archway & to add a Gothic header above existing doorway, install new bathroom in existing bedroom & relocation of existing flue.	ApproveConditionally 08-06-16
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Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
No objection.

No representation from nearby occupiers.

Arun District Conservation Area Advisory Panel:

Tower House is a 3 storey, Grade 2 Listed Building of a distinctive 'Gothick' design and dates to the very early 19th Century. Its heritage significance lies in its age, design, and also in its historic interest in being part of the original formation of London Road by the 11th Duke of Norfolk in the first decade of the 19th

Century. It occupies a very prominent position in London Road and forms part of an architecturally disparate and loose grouping of historically important buildings e.g. St Nicholas Parish Church, Arundel Cathedral, St Wilfred Priory etc. These, together with high boundary walling and soft landscaping, form a distinctive character area in the upper reaches of the town and make a major contribution to the character and appearance of the Arundel Conservation Area. As such it is extremely important that the quality of these buildings and of the character area is not eroded by unsatisfactory alterations. The replacement of the sash windows on a strictly like for like basis will not impact on the appearance of the conservation area. However, this comment is made on the basis that the Council is fully satisfied that the windows are beyond reasonable repair and that sufficient information has been submitted with the application to ensure exact like for like replacement in materials, design, appearance and operating mechanism. In addition, the Council should ensure that any old glass eg. cylinder or crown, is retained and re-used in the replacement windows. If the Council is satisfied on these matters then the proposal will comply with the relevant paragraphs of the NPPF 2019 and policies in the Arun District Local Plan 2018 relating to the protection of designated heritage assets.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The property subject to this application adjoins a larger terraced building. This neighbouring property has been identified as a listed building, with the following different assets being associated with it:

- Tower House and no 1 London road and railings to Tower House and No 1 London Road
- Wall of Tower House to north and east of garden and of No 14 Maltravers Street continuing to west of
- Raised pavement in front of Tower House including railings
- Brick gate piers to west of No 1 London Road
- Mews house is a 2 storey, link detached building. It has a flat roof and is constructed from brick. The rear of the house is finished with a white paint and red tile cladding,

Tower House is an early C19. Terraced building, which was once a former Vicarage. It is now 2 terraced houses (including the application site). It is faced with yellow brick and ashlar dressings, and ashlar tower at east end. It is 3 storeys and basement with area. 9 ranges of double-hung sash windows with glazing bars, in 4-centred arches with hood moulds. A porch is located at the west end, as well as an. Octagonal tower at east end with crenellated parapet, and blind decorative panels on north side. It is considered to be of aesthetic and architectural significance.

There are also a number of other assets in the local area including Arundel Priory and St Nicholas's Church and boundary walling.

Further, the property is located within the Arundel Conservation Area, where this building forms a dominant point in the street-scene. Development in this location therefore has the potential to affect a number of heritage assets.

Based on the information available, it would appear that the windows are of two designs; those with a 'sash horn' and those without a 'sash horn'. The windows are located to the rear of the building.

I note that a photograph has been provided with some elements of the proposed windows. It is not clear from this that the windows will in fact be constructed on a like for like basis (i.e. to reflect the two separate designs). It is also assumed that the windows will have single glazing, but this is not clear from the information provided. Please can this also be confirmed?

If the windows are to be exact replicas, the proposal will not harm the significance of the listed building and would be acceptable in accordance with the relevant legislation and paragraphs of the NPPF.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Grade II listed Building
Within the Conservation Area
Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application concerns 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.

The key policy is deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, 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."

If the windows are to be exact replicas, the proposal will not harm the significance of the Listed Building and would be acceptable in accordance with the relevant legislation and paragraphs 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

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

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan
Block Plan

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

- 2 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.

- 3 The openings and windows hereby permitted shall match in all details those existing , particular care being taken to reproduce the style and material of the timber window frames and casements, the arrangement of glazing bars, the set-back of the frames from the external wall face, the window cills and the colour, texture and form of masonry arches over the openings.

Reason: In order that the architectural and historic interest of this Listed Building is safeguarded in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 The/reconstruction/making good/of the building to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

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