

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

REF NO: AL/124/18/L

LOCATION: Westergate House
Denmans Lane
Fontwell
BN18 0SU

PROPOSAL: Listed building consent for a two storey extension to north east elevation to provide an additional 8 No. bedrooms.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey, pitched roof extension to north of property.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Various boundary treatment including wall to road side
SITE CHARACTERISTICS	Large detached care home - largely two storey. Listing states:- Early C19. Two storeys and attic. Nine windows. Stuccoed. Eaves cornice. Slate roof. Large bay of three windows on both floors towards the west end with lead parapet over. Glazing bars intact.
CHARACTER OF LOCALITY	Rural location.

RELEVANT SITE HISTORY

AL/123/18/PL	Two storey extension to north east elevation to provide an additional 8 No. bedrooms.	
AL/14/09/L	Application for Listed Building Consent for two storey extension to the north east wing providing 8 No additional bedrooms with en suite facilities	ApproveConditionally 17-04-09
AL/40/06/L	Application for Listed Building Consent for extension to provide 8 no. bedrooms with en-suite shower rooms in new wing	ApproveConditionally 29-06-06
AL/96/93/L	Application for Listed Building Consent for new gate	Inc Docs Ret'nd 18-01-94

The previous listed building applications are noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The application is for a two storey side extension which has previously been approved. I note that the applicant identifies the fact that Listed Building Consent has not previously been requested from the Local Planning Authority.

The application is a two storey extension which would be visible from the front elevation. The extension would form an extension to a number of previous extensions to the building. As such it is not directly attached to the original listed structure.

I note that the intention is to replicate the existing exterior in terms of appearance and materials. Such an approach is acceptable. However the location of the extension would be problematic and potentially cause harm. Such harm would have to be weighed against the public benefit of the creation of additional accommodation that would meet the needs of local residents to a modern standard. Such a benefit could be considered acceptable related to the harm caused.

If minded to approve, details of the materials and joinery should be provided to the council for review.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Listed building consent has previously been approved as shown above.

POLICY CONTEXT

Designation applicable to site:

Outside built up area

Listed Building

archaeology interest

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM1	HER DM1 Listed Buildings

[Aldingbourne Neighbourhood Plan 2016 POLICY](#) Resist development outside

[EH1](#)

Aldingbourne Neighbourhood Plan 2016 POLICY Support independent living
LC1

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

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The relevant policies of the Neighbourhood Plan have been considered in this report.

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."

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.

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

The application site is located outside the built up area boundary, where the principle of development is not always acceptable subject to accordance with the relevant development plan policies, as stated in CSP1 of the Arun Local Plan. Given the application is for listed building consent it is not considered that the location of the development in policy terms is a determining factor.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These

include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 states the criteria against which listed building applications will be considered - in particular preserving or enhancing the character of the building.

Policy EH1 of the Aldingbourne Neighbourhood Development Plan seeks to restrict development outside the built up area boundary.

Policy LC1 supports extensions to care homes provided the size and scale are in keeping with the character of the location and the impact on amenity are acceptable. This policy will be considered with the planning application.

The NPPF discusses how to deal with heritage issues applications at para 184 - 202. Para 194 states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

The conservation officer has commented:

"The application is a two storey extension which would be visible from the front elevation. The extension would form an extension to a number of previous extensions to the building. As such it is not directly attached to the original listed structure.

I note that the intention is to replicate the existing exterior in terms of appearance and materials. Such an approach is acceptable. However the location of the extension would be problematic and potentially cause harm. Such harm would have to be weighed against the public benefit of the creation of additional accommodation that would meet the needs of local residents to a modern standard. Such a benefit could be considered acceptable... "

Given the location, size and design of the extension on a modern part of the building it is considered that it would comply with policy HER DM1 a-d and the impact on the listed building is therefore acceptable.

It is therefore recommended that the application be approved subject to 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 positive impact on the protected characteristics.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:- 2583-hia-zz-xx-dr-a-01003, 2583-hia-zz-dr-a-02003 and 2583-hia-zz-dr-a-04002

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

- 5 Details of the materials and joinery work shall be submitted to and approved in writing by the local planning authority prior to any development taking place above slab level.

Reason: To ensure that the internal and external appearance of the building is satisfactory in accordance with HER DM1 of the Arun Local Plan and the NPPF.