

APPLICATION FOR LISTED BUILDING CONSENT**Planning Statement**

Windows in Flat 2, Jubilee House, Aldingbourne Drive, Crockerhill PO18 OLQ

The property concerned is a leasehold flat, one of four, in Jubilee House, adjacent to Aldingbourne House, which is a large listed country house converted into apartments.

There was, established and agreed, a need to replace certain windows in Flat 2, and other flats, about 5 years ago. The lessor, who has that responsibility under the lease terms, took no action to replace the rotten and leaking windows so Mrs Spielrein, Flat 2 owner, a frail and vulnerable 90 year old lady, had to act to protect her health.

She employed 'Everest Limited', a national company who have a track record of quality and heritage building experience, to fit new windows. As part of their service, Everest undertakes to obtain any necessary planning consents. They checked the status of Jubilee House and found it was not on the Arun District Council list of listed buildings or in a conservation area. Arun also confirmed verbally that Jubilee House was not a listed building. As they were replacing the windows on a like-for-like basis, i.e. white wooden Georgian style double glazed windows with white wooden Georgian style double glazed windows, they did not apply for planning consent.

The Managing Agent gave consent for this work, on behalf of the Management Company, provided that the windows were replaced on a like-for-like basis. All parties recognised that the new windows would not be 'identical' due to changes in building regulations since the original window installation and a need to correct some basic previous design faults such as the lack of drip rails.

The windows were replaced in October/November 2009. In the following months the Managing Agent told Mrs Spielrein that the windows would not meet the listed building requirements for Jubilee House and would have to be replaced. He was not able to provide any written evidence to substantiate his statements regarding listed building status.

I, on behalf of my Aunt, Mrs Spielrein, made enquiries on several occasions to verify the Managing Agent's statement. Throughout 2010 I was told verbally by Arun District Council that this was not a listed building issue.

In February, Mrs Spielrein received a letter from the Managing Agent's solicitors reiterating the need to change the windows. It was only then, on 2 March 2011 that, having spent some considerable time in the Arun District Council offices with an Everest representative, we had it confirmed that, whilst not a listed building, listed building regulations applied to Jubilee House by virtue of the curtilage status of Jubilee House to Aldingbourne House.

Every reasonable attempt was made during this period to ensure actions were legitimate. The fact that there is no mention in the lease for Flat 2, or the other Jubilee House flats, of listed building regulations applying and it has never been mentioned in local authority searches when the flats changed ownership, reinforced the belief that the listed building regulations did not apply.

In considering this matter and the attached application, I ask you to take into account the considerable anguish that Mrs Spielrein has suffered, over the last 5 years, with a continuing deterioration in her health. She is currently looking for accommodation more suitable for her frail condition and should a decision require window replacement, I would ask for deferred implementation.