

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

REF NO: AL/99/18/L

LOCATION: Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Listed building consent for internal alterations together with replacement of 3 No. existing PVCu windows with sliding sash windows & reinstatement of a bricked up window on first floor.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to make internal alterations to create 1 No. additional ground floor bedroom with en-suite, the installation of a new staircase and the installation of an accesible communal WC along with the installation and/or alterations to en-suites. The only changes to the external appearance of the building would be the proposal to replace 3 of the existing PVCu windows with white painted timber casework windows and to reinstate a bricked-up window on the first floor of the western elevation with the same.
SITE CHARACTERISTICS	The application site comprises of a large detached two and a half storey Grade II Listed Care Home surrounded by spacious gardens.
CHARACTER OF LOCALITY	The area is considered to be rural in character as it is located outside of the edge of the nearest settlement and built-up area boundary. However, it also lies within a cluster of existing residential and agricultural buildings.

RELEVANT SITE HISTORY

AL/100/18/PL	Internal alterations together with replacement of 3 No. existing PVCu windows with sliding sash windows & reinstatement of bricked up windows on first floor.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The Councils Principal Conservation Officer has been consulted and responded as follows:-

"The application seeks permission to carry out internal reconfiguration of the internal ground floor and 1st floor layout, reinstatement of a bricked up window on first floor, as well as for the replacement of three UPVC windows with ones of a traditional design.

Nyton House is a large, attractive country house, with pleasant gardens and attractive walling. A number of farm buildings and other structures surround the house and garden and form part of a larger grouping of buildings. Some of these buildings are closely located to the property, but are in separate ownership. Some of these form what appears to be a terrace of three dwellings, which have been altered in appearance (Wyncote, Nyton Gable and Nyton Farm Cottage). I also note that Nyton Cottage (listed, Grade II) is located to the west of the property.

The property in question is Grade II listed and features two storeys and an attic; it is constructed from red bricks, with a tiled roof. Sash windows exist with a large bay of three windows at the south end of the east front. The interior of the property is very attractive, especially the rooms to the front of the property, along with the two historic staircases. The use of the building as a care home has influenced how the rooms are used, with some obvious previous alterations in existence. However, the layout of the building is such that the rooms can still be understood to some extent.

The internal alterations allow for the provision of en-suite facilities in a number of bedrooms. Such alterations are acceptable as they have been positioned so as to minimise the impact upon the rooms, whilst also being reversible, should needs change in the future.

New walls should allow for reversibility and to this end it is important that existing details such as coving and skirting are not harmed by the installation of new stud walls.

The reinstatement of a bricked up window on the first floor is supported as it would allow the western elevation to be returned to a more sympathetic appearance. Further it would allow the internal arrangement of the room affected by the works to be better appreciated. Further details of the window will be required in order to ensure that it closely reflects the neighbouring windows.

The proposed replacement of three UPVC windows with ones of a traditional design is supported as windows constructed from such a material are considered to be harmful to the character of the building. Further details of the windows will be required in order to ensure that they are appropriate for the building.

Overall, it is considered that the proposal allows for the continued use of the building, and can be supported."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The details of the replacement windows are detailed in the Design & Access Statement and on the Proposed Elevations drawing number 106 Rev P1. In a subsequent conversation with the Principal Conservation Officer he confirmed these were acceptable and should be included in

the approved documents if the application was approved.

POLICY CONTEXT

Outside the built-up area boundary.

Grade II Listed Building.

DEVELOPMENT PLAN POLICES

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

[Aldingbourne Neighbourhood Plan 2016 POLICY](#) New housing or altering dwellings

[H1](#)

Quality of Design

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 ANDP policies relating to this application have been considered, however, they do not directly relate to heritage assets.

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 reinstatement of the bricked up window and replacement of the non-traditional PVCu windows with historically appropriate white painted timber casework windows would enhance the character of the building and be in keeping with the location.

Further to the comments received from the Principle Conservation Officer the development is therefore considered to be in accordance with HER DM1 regarding the preservation and enhancement of the historic building and HER SP1 regarding the conservation and protection of historic buildings.

Policy H1 of the ANDP relating to the alteration of existing dwellings has also been complied with by ensuring the development and materials respect the local character and location.

Therefore the proposal is deemed to accord with the relevant development policies and as such 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 development hereby approved shall be carried out in accordance with the following approved plans:-

Design & Access Statement October 2018
Heritage Statement October 2018
Drawing 105 Rev P2 Proposed Floor Plans
Drawing 106 Rev P1 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 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 .