

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

REF NO: AW/8/20/L

LOCATION: 149 Barrack Lane
Aldwick
PO21 4ED

PROPOSAL: Listed building consent for the replacement of existing plastic rainwater goods with traditional cast aluminium rainwater goods comprising gutters, downpipes & all associated fixtures & fittings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replacement the existing rainwater goods comprising guttering and downpipes.
BOUNDARY TREATMENT	There is sufficient planting and a boundary wall.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with a conservatory to the rear and a detached garage.
CHARACTER OF LOCALITY	Sited next to a Conservation Area. The area is predominately residential comprising detached properties of various styles and designs. The beach is situated to the south.

RELEVANT SITE HISTORY

AW/184/19/HH	Single storey side extension, porch to front, detached single storey outbuilding to rear to be used as a garden room, conversion of detached garage room from flat to pitched and alterations to fenestration. This application affects the setting of a Listed Building.	ApproveConditionally 14-08-19
AW/185/19/L	Application for Listed Building Consent for a single storey side extension, porch to front, detached single storey outbuilding to rear to be used as a garden room, conversion of detached garage room from plat to pitched and alterations to fenestration.	ApproveConditionally 14-08-19
AW/161/14/L	Application for Listed Building Consent to replace & repair roof tiles & windows	ApproveConditionally 12-08-14

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

-Support the application.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The replacement of plastic will have a positive impact and not affect the significance of the listed building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 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

The application concerns external 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.

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.

Para 190 of the NPPF requires the LPA to consider the significance of the impact upon the heritage asset. The proposal seeks to replace existing rainwater pipes with cast aluminium powder coated goods. As a result the proposal is a positive addition to the building and removes unsympathetic materials and is not considered to affect the significance of the building in accordance with HER DM1 of the Arun Local Plan.

The proposed development is deemed to accord with relevant development plan 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 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.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
- Rainwater goods replacement proposal and Location/Block plan - 853/PL03

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

- 3 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 .