

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

REF NO: A/193/21/L

LOCATION: Dormouse Cottage
The Square
Angmering
BN16 4EA

PROPOSAL: Listed building consent to remove existing stud wall in breakfast room and return wall to its original position to with a new stud wall to form a new shower room (including toilet and basin).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to remove a non-historic stud wall and replace in original location and replacement of two windows to breakfast room.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential commercial mix.

RELEVANT SITE HISTORY

A/3/98/L	Application for Listed Building Consent for enlargement of window and internal alterations	ApproveConditionally 08-04-98
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REPRESENTATIONS

Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No harm.

A comprehensive heritage statement has been provided by the applicants which helps to identify that the existing wall is of modern fabric. It is also clear that there was a wall in the proposed location. I am of the opinion that the relocation of the wall would not cause harm and that it would enable the better use of this part of the building.

I note that there are references to a new window to serve the proposed shower room, but it is not clear if this would form part of the application. If it is, I would like to understand what the window would look like and think that this could be dealt with by a suitably worded condition if you are minded to approve the application.

The application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Noted. Details of the windows will need to be conditioned.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building

Conservation Area

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.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy HER DM3 relates to Conservation Areas and state that proposals must protect and if possible, enhance the setting of each.

Policy HER DM1 relates to Listed Buildings and states that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Not be detrimental to the historic integrity of the buildings exterior or interior and where possible enhance the setting of the building.

Chapter 16 of the NPPF paragraphs 194, 195 require the Local Authority and applicant to assess the significance of the heritage asset.

Paragraphs 197 and 199 relates to identification and assessment of the significance of the heritage asset, the desirability of new development making a positive contribution to local character and distinctiveness, and the weight given to the conservation.

The proposal will remove a non-historic stud wall and replace with a modern stud wall in an original position. It also proposes to replace two double glazed units in the breakfast room/newly created shower room and the back door, no details of the existing window's or door's condition or details of the proposed joinery/glazing have been submitted as part of this application. The windows would not be visible from the street and their impact of the Conservation Area would therefore be limited.

As the internal works are to the modern fabric of the building they are considered not to cause any harm to the heritage asset or their setting.

The windows and door to be replaced are thought to be of modern fabric although few details have been provided as part of this application. It is noted that the buildings survey does not make reference to the rear ground floor windows so it can be presumed that the frames are in good condition, Historic England's advice to to repair first and only if necessary replace units. The replacement of completely modern frames and glazing with something which would complement the historic fabric would cause less concern, but without the relevant details of both the frame and glazing it is difficult to ascertain the best way forward. It will be conditioned that a full report into their condition and details of the proposed works/replacement windows be discharged before the existing windows and door are removed. It should be noted that only heritage double glazing with internal glazing bars would be an acceptable replacement for non-historic double glazing.

It is considered that the proposed works will cause no harm to the Grade II Listed Building and therefore accords with the National Planning Policy Framework and Policies HER SP1 and HER DM1 of the Arun Local Plan.

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 Prior to the commencement of works a condition report for the two windows serving the Breakfast Room and newly created Shower Room and the rear door shall be submitted in writing and approved by the Local Authority. Details shall also be submitted detailing any proposed works to these windows/door; the openings and windows 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.

- 3 The 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.