

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

REF NO: BE/82/19/L

LOCATION: The Elms
78 North Bersted Street
Bognor Regis
PO22 9AQ

PROPOSAL: Listed building consent for new boiler & flue.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a wall that runs along the front of the site at approximately 1m high that moves to a 2m high wall once past the curtilage of the site.
SITE CHARACTERISTICS	The Priory and The Elms One building. L-shaped C18 building. Two storeys. Three windows facing east, four windows facing north. East front faced with roughcast, north front flints, once painted. Tiled roof. Some glazing bars intact. The Elms has a doorway in reeded architrave surround.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BE/6/03/L	Application for Listed Building Consent for the removal of existing external pipe work on front of house and replace with 10cm soil pipe.	ApproveConditionally 20-03-03
BE/64/00/L	Application for Listed Building Consent to pierce arched opening through garden wall to provide off road parking for one car. Suitable gate/door to be provided for opening	Refused 15-08-00 Appeal: Dismissed 08-01-01
BE/17/00/L	Application for Listed Building Consent for provision of off road parking	Refused 14-03-00

No relevant site history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No Objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Arun's Conservation Officer:

The property in question is part of a listed building which consists of The Old Priory and The Elms. It is an L-shaped, two storey, C18 building. The west front is faced with roughcast render, whilst the south elevation is constructed with flints. The roof is covered with clay tiles. The property faces on to the street and makes a positive contribution to the rural character of the local area. It is considered to be of aesthetic (fortuitous) significance.

It is also located within the North Bersted Conservation Area. This conservation area has strong historical links with farming and agriculture; It retains a country feel, partly as a result of the presence of many fine examples of 16th, 17th and 18th Century farmhouses, as well as a general informality in the layout of the street, landscaping and boundary walling.

The proposal is for a replacement boiler and flue. The boiler will be discretely located within an internal cupboard, with minor pipework required to supply the relevant services. Externally, the proposal will involve the installation of a new flue. The location and size of the proposed flue will mean that it will not be visible from the public realm and be of a size so as to not affect the significance of the building or conservation area. It is considered that the flue should be a black colour.

Conclusion

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 sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building
 Within the Built Up Area Boundary
 Pagham Harbour Zone B
 Within the Conservation Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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
SDSP2	SD SP2 Built-up Area Boundary

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).

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."

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

PRINCIPLE

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.

The proposal for the new boiler and flue is not considered to result in significant impact on the dwelling as the flue will not be visible from the street scene and the boiler is to be discreetly hidden.

Following comments from the Conservation officer it is not considered the proposal would harm the significance of the heritage asset and as a result is in accordance with HER DM1 and HERSP1 in that it is considered to preserve the special historic and architectural character of the building.

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:
- Location Plan
 - West Elevation
 - Roof Plan

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.