

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

REF NO: BN/35/14/L

LOCATION: Barnham Court Lodge
Church Lane
Barnham

PROPOSAL: Application for listed building consent for the construction of rear single storey garden room extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The conservatory will be sited on the rear of the dwelling. It will measure approximately 2.5m by 5.4m. The conservatory has a lean to roof (monopitch) design and is 2.3m to the eaves and 2.8m to the ridge. The conservatory essentially fills in at ground level an existing open corner.

SITE AREA

N/A.

RESIDENTIAL DEVELOPMENT DENSITY

N/A.

TOPOGRAPHY

The patio on which the conservatory will be sited is flat but is raised above the level of the adjacent garden by the height of 3-4 bricks laid horizontally.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The eastern boundary is formed by the rear flint wall of the Old Granary. Other boundaries are formed from either timber fence or flint wall.

SITE CHARACTERISTICS

Grade II Listed two-storey dwelling that has a mixture of flint, painted render and tile hung finishes on the exterior elevations.

CHARACTER OF LOCALITY

Within the Conservation Area. Rural area with a mixture of two storey properties of notable character and design. Barnham Court and St Mary's Church to south of site.

The adjacent property "The Old Granary" has a window within their rear flank wall which looks onto The Lodge's garden, however this window is obscure glazed and only serves a utility room.

RELEVANT SITE HISTORY

BN/11/95/L	Application for Listed Building Consent for replacement of windows to front elevation in same style and design as existing. Construct opening to loft in front bedroom and enlarge opening to loft on landing.	ApproveConditionally 18-08-1995
BN/14/97/L	Application for Listed Building Consent to replace extension front and rear window frames with different design and glaze with 16mm sealed units. Front frame same size, rear frame reduced size	ApproveConditionally 25-07-1997
BN/16/99/L	Application for Listed Building Consent for detached domestic garage with store	Refused 27-08-1999
BN/18/00/L	Application for Listed Building Consent for detached domestic garage & garden store (Resubmission following	Refused 05-12-2000
BN/7/04/L	Application for Listed Building Consent for detached domestic garages and garden store (re-submission of BN/35/03/L).	Refused 07-04-2004
BN/24/04/L	Application for Listed Building Consent for detached domestic garages & garden store	ApproveConditionally 30-06-2004
BN/55/04/L	Application for Listed Building consent for extension and alterations to Barnham Court Lodge.	ApproveConditionally 20-12-2004
BN/33/05/L	Application for Listed Building Consent for additional dormer window on south elevation - amendments to previously approved application BN/55/04/L	ApproveConditionally 11-01-2006
BN/37/07/L	Application for Listed Building Consent for replacement and additional windows to north elevation. Additional window to the west elevation.	ApproveConditionally 26-11-2007
BN/7/08/L	Application for Listed Building Consent for the enclosure of existing covered area to form entrance porch.	ApproveConditionally 24-04-2008
BN/34/14/HH	Rear single storey garden room extension. This application affects the character and appearance of Barnham (Church Lane) Conservation Area	ApproveConditionally 11-11-2014

A planning application has also been submitted (Ref BN/34/14) and is being dealt with separately.

REPRESENTATIONS

Representations received:

Barnham Parish Council

Barnham Parish Council - "At a meeting of Barnham Parish Council on 6th October the Council agreed to raise no objection."

Comments on Representations received:

Comments noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

ADC Historic Buildings Adviser - Comments received in relation to BN/35/14/L state: "No Objection. On the basis that the building is subservient in terms of scale and form; is lightweight and visually permeable and does not result in loss of any historic fabric, particularly the existing rear wall. Please condition glazing and timber details, as well as a flint sample panel."

Conservation Officer - no comments received.

Conservation Area Advisory Committee - no objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built up Area Boundary;
Grade II Listed Building;
Within the Conservation Area;
Area of Special Control for Advertisements;
No Public Sewer;
Tree Preservation Order; and
PD Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[Publication Version of the Local Plan \(October 2014\):](#) HER DM1 Listed Buildings

[Barnham & Eastergate Neighbourhood Plan 2014](#) Development affecting heritage assets
[POLICY ES7](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 proposed conservatory 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 site is a Grade II listed building outside of the built-up area boundary in the Barnham (Church Road) Conservation Area.

The proposed conservatory is to be sited on the rear elevation of the dwelling and is therefore not within the streetscene or particularly visible to neighbouring properties. The Council's Historic Buildings Adviser (HBA) has appraised the proposal and considers that it is subservient, lightweight and visually permeable. Furthermore, it does not result in any loss of historic fabric. The HBA raises no objection to the proposal.

On this basis, it is not considered that the conservation is detrimental to either the listed building, its setting or to the Conservation Area and it is therefore recommended that the application is approved, 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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be implemented.

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 1474-01;
Block Plan as Existing 1474-02;
Ground Floor Plan as Existing 1474-05;
Ground Floor Plan as Existing 1474-06;
South West Elevation as Existing 1474-09;
North East Elevation as Existing 1474-08;
North West Elevation as Existing 1474-07;
Site Plan as Proposed 1474-04;
Block plan as Proposed 1474-03 Rev A;
Ground Floor Plan As Proposed 1474-10;
Ground Floor Plan As Proposed 1474-14;
South West Elevation As Proposed 1474-13;
North East Elevation as Proposed 1474-12;
North West Elevation as Proposed 1474-11;
North West Elevation as Proposed 1474-15;
North East Elevation as Proposed 1474-16; and
South West Elevation As Proposed 1474-17.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework.

- 3 No development shall commence unless and until details of the construction and materials (including the glazing) of all new windows have been submitted to and approved by the Local Planning Authority and the new windows and frames shall be constructed in accordance with the approved details and retained thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

- 4 No development shall be carried out until a schedule of materials has been submitted to, and sample panels of the external finishes (including the proposed texture, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the conservatory extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with the National Planning Policy Framework.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this

application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.