

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

REF NO: BR/137/21/L

LOCATION: Berghestede
1 Shripney Road
Bognor Regis
PO22 9LW

PROPOSAL: Listed building consent for replacement of existing non-original sash windows with retention of existing frames.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicaiton seeks to replace windows to a listed building.
SITE CHARACTERISTICS	The site is occupied by a two storey C17 house.
CHARACTER OF LOCALITY	The area is predominately residential, mixed in design and style.

None of relevance.

REPRESENTATIONS

Bognor Town Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The proposal is for replacement windows which incorporate a double-glazing system.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Listed Building
Within Built up area

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings

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

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**

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.

The application seeks to replace windows which will incorporate a double glazing unit.

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The building is of historical and architectural significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset.

Windows are a key part of the architectural composition of a building and help to establish its character. It is considered the existing traditional windows which include slender glazing bars play an important role in the character and appearance of historic buildings such as this one.

The information provided does not contain sufficient detail with regards to the glazing system proposed or the dimensions. Full elevation details are not provided and it is not clear what the appearance would be. It is also difficult to tell how any glazing bars, if any, will be treated.

The use of standard double-glazed units will not only increase the perception of modern, standard windows, but also affect the design of the windows themselves. This would harm the character and appearance of the listed building. This type of double glazed unit and window design is not appropriate for a listed building and is considered to cause harm.

The proposal causes less than substantial harm in accordance with paragraph 202 of the NPPF. As such, public benefits will need to be addressed. It is not considered the proposal gives rise to any public benefit.

Following comments from the Conservation Officer, there is concern as to the lack of assessment of alternative options to improve their thermal efficiency. Further, the windows are a key element of this particular house and the use of the double glazing is of concern.

There is insufficient detail which would result in harm to the significance of the heritage asset and as a result is in conflict with HERSP1 and HERDM1 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Based on the information submitted it is not sufficiently evidenced that alternative options to improve thermal efficiency have been considered and the proposed replacement windows which incorporate double glazing would result in harm to the character and appearance of the Listed building in conflict with policy HER DM1 of Arun Local Plan and the NPPF.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.