

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition**REF NO:** BR/197/12/L**LOCATION:** Parkside Flat
Hotham Park House
Hotham Park Bognor Regis**PROPOSAL:** Application for Listed Building Consent to enlarge existing cellar window & create new internal opening**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks listed building consent to enlarge a cellar window and create a new internal opening.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	White rendered wall and wrought iron railings, approximately 2 metres high to perimeter and 1.5 metre high wrought iron entrance gates.
SITE CHARACTERISTICS	Grade II* listed Regency building faced in cream render with shallow slate tiled roof, parapet walls, double fronted bay windows and mixture of timber sliding sash and casement windows. Property is a private residence sub-divided into flats. The building was built in 1793 by Sir Richard Hotham, the founder of Bognor Regis, as his own residence.
CHARACTER OF LOCALITY	Hotham Park.

RELEVANT SITE HISTORY

BR/226/87	Repair, restoration and conversion to reinstate residential use	Approve Conditionally 20-07-1987
BR/233/87/L	Application for Listed Building Consent - Repair restoration & conversion to reinstate residential use.	Approve Conditionally 20-07-1987
BR/107/89	Repair, Restoration and conversion to reinstate residential use, with additions.	Refused 08-05-1989

BR/197/12/L

BR/108/89/L	Listed Building Consent for Repair, Restoration and conversion to reinstate residential use with additions	Refused 07-06-1989
BR/19/91/L	Application for Listed Building Consent to replace three existing wood frame vertical sash bow windows by high quality (REHAU) vertical sash uPVC windows	Refused 25-02-1991
BR/5/92/L	Application for Listed Building Consent for minor demolition in order to make structure safe but uninhabitable. Including removal of asbestos sheet roof and tongue and groove boarded floor together with the taking down of unsafe arch over central door.	Approve Conditionally 10-02-1992
BR/3/92	Repair, restoration and conversion to reinstate residential use	Approve Conditionally 14-02-1992
BR/4/92/L	Application for listed building consent for repair, restoration and conversion to reinstate residential use	Approve Conditionally 14-02-1992
BR/135/93	Use of premises without compliance with Condition 3 (relating to the occupation of the accommodation being incidental to that of Flat 1) imposed on BR/3/92 to create a self-contained flat.	Approve Conditionally 06-10-1993
BR/227/99/	Restoration and conversion to reinstate residential use including new conservatory, new glazed entrance lobby, minor alterations and demolition to form internal doorway and window and demolition and subsequent rebuilding of part of the structure abutting the west wall.	Approve Conditionally 12-11-1999
BR/228/99/L	Application for Listed Building Consent for restoration and conversion to reinstate residential use, including new conservatory, new glazed entrance lobby, minor alterations and demolition to form internal doorway and window and demolition and subsequent rebuilding of part of the structure abutting the west wall.	Approve Conditionally 17-11-1999

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection, subject to original materials being used.

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer
Conservation Officer
English Heritage

Consultations responses received:

Historic Buildings Officer: This scheme does not appear problematic with the exception of a section of wall (part of chimney?) which appears to have been removed. Whilst this should be retained, any suggestion of loss here would require justification as well as structural qualification.

Please condition details of window opening.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

Comments on Consultation responses:

Comments noted. Applicant confirms that this section of wall is stud work that was removed previously as part of a kitchen re-fit. It does not form part of the original building therefore.

POLICY CONTEXT

Designation applicable to site:
Grade II* listed building
Setting of a Grade I or II* listed building
Conservation Area
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building, and the character and appearance of the Conservation Area.

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

The application property is a Grade II* listed Regency building that has been sub-divided and converted into flats. The building is located within Hotham Park and was constructed by Sir Richard Hotham in 1793, who founded Bognor Regis. The building is located within Bognor Regis (Upper Bognor Road and Mead Lane) Conservation Area.

Given the building's listed status, any alterations should protect and enhance its special architectural and historic character.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 128 states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets. The level of detail should be proportionate to the assets importance. Paragraph 132 stresses that great weight should be given to the conservation of the asset, as the assets are irreplaceable.

The application property is a basement flat that would originally have been the servants quarters.

The proposal seeks to enlarge a timber casement cellar window on the rear elevation of the building and to create a new internal opening. The enlarged cellar window would allow daylight to a habitable room and the new internal opening would enable access to a vacant cellar room. The window would be enlarged by approximately 400mm in width and would be a white painted, timber casement window of identical design and proportions to cellar windows on the front elevation of the building. It is stated that the internal opening is primarily for fire safety.

No objection is raised from the Historic Buildings Advisor, subject to a condition to control the details of the window opening. Clarification is sought with regards to a chimney stack, of which an internal section appears to have been removed.

The applicant confirms that this section of wall is stud work that was removed previously as part of a kitchen re-fit. It does not form part of the original building.

It is therefore recommended that listed building consent is granted, subject to the following conditions.

HUMAN RIGHTS ACT

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 to 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 (Neutral) 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).

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: drawing 04, drawing 03, drawing 01, drawing 02, received on 31 July 2012, existing and proposed rear elevations, received on 17 August 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the details hereby approved, no development shall commence until details of the window opening have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the historic character and appearance of the Listed Building, to comply with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential

amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.