

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

REF NO: BR/73/14/L

LOCATION: 16 Aldwick Road
Bognor Regis

PROPOSAL: Application for listed building consent to replace 9 No windows

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The new windows will comprise of 3 metal framed double glazed units and 6 timber framed double glazed units.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A front boundary wall consisting of breezeblock and brickwork measuring approximately one metre at its piers which continues along the front side boundaries. Rear boundaries are defined by hedging and trees commonly over 2m in height.

SITE CHARACTERISTICS

A four storey historic tower of notable character and distinctiveness. The elevations are smooth rendered and painted white. There is a rear dormer with green painted cills which matches the front door and portico. The roof is flat with an individual turret feature on one side. There is an outbuilding with chimney in the rear garden. It is understood that only 3 of the existing 9 windows are open able.

CHARACTER OF LOCALITY

Predominantly residential in character with detached properties and block of flats as the main form of development. There is a surgery immediately next door to the east and a commercial parade opposite the property to the south.

RELEVANT SITE HISTORY

BR/277/94/L	Application for Listed Building Consent for essential repairs to various parts of the building. All areas to be reinstated to match existing.	Approve 16-12-1994
-------------	---	-----------------------

BR/40/11/L	Application for listed building consent for Damp course to be laid under the ground floor with under floor heating added. The damp course will also be injected into the walls and the walls replastered with a damp protect silicone. The damp course and replastering will also be added to the first,second, third and fourth floors.	ApproveConditionally 01-04-2011
AW/112/13/L	Application for Listed Building Consent to restore the Summer house in the garden with a new roof and two side walls.	Withdrawn 25-07-2013
BR/173/13/L	Application for Listed Building Consent to restore the summer house in the garden with a new roof and two side walls.	ApproveConditionally 19-08-2013
BR/214/13/L	Application for Listed Building Consent to replace 14 No windows to the bedrooms and top of tower.	Refused 28-10-2013

It is clear from Application BR/40/11/L that there is a dampness issue within the building.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

Councils Historic Buildings Adviser - "No Objection. Whilst double-glazing is not normally acceptable in listed buildings, it has been agreed here due to the conditions within the building. Apparently there are issues with condensation which may well have been exacerbated by previous damp treatments to the walls. Please condition details of windows to show exact design. Please note that double glazing should be kept to a minimum, preferably 10-12mm."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built-Up Area Boundary;
Listed Building Grade II;
No Public Sewer; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

HER DM1 Listed Buildings

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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted, due weight has been given to its policies in terms of the decision making process at this stage.

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."

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.

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 dwelling is a Listed Building (Grade II) and as such the works require Listed Building Consent.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. As a heritage asset is irreplaceable, any harm should require clear and convincing justification. In this case, for the reasons given below, it is considered that the application is in accordance with this policy.

IMPACT ON THE LISTED BUILDING

The proposal is to replace 9 existing windows, 3 of which are metal framed and 6 timber framed. The replacement windows will replicate this arrangement but with the addition of a second glaze (i.e. double glazed). The justification given is that the interior of the building has dampness issues and the windows are subject to condensation. All of the new windows will be double glazed to combat the condensation issue and all will be open able thus allowing air into the building. The Councils Historic Buildings Adviser considers this to be sufficient justification to allow the works. It is therefore recommended that listed building consent is granted 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 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 No development shall take place unless and until details of the construction and materials of all new windows have been submitted to and approved by the Local Planning

Authority and the new windows shall be constructed in accordance with approved details.

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.

- 3 INFORMATIVE: Please note that double glazing should be kept to a minimum, preferably 10-12mm.