

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

REF NO: EP/148/21/L

LOCATION: Midholme
Sea Lane Close
East Preston
BN16 1ST

PROPOSAL: Listed building consent for the repairs and partial rebuild of chimney stack due to damage and dangerous condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Repair and rebuild chimney stack above roof level.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

EP/151/16/PL	Replacement windows	ApproveConditionally 21-12-16
EP/152/16/L	Application for Listed Building Consent for replacement windows	ApproveConditionally 19-12-16
EP/89/88/L	Application for Listed Building Consent to lower cills to 3 windows on east elevation	ApproveConditionally 11-07-88

Noted

REPRESENTATIONS

None recieved.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/a

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

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

Section 16(2) of the Planning (Listed Buildings and 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. Midholme is considered to be of historical and architectural significance.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Policy HER DM1 relates to listed buildings and state that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Not be detrimental to the historic integrity of the buildings exterior or interior and where possible enhance the setting of the building.

Para 189 of the NPPF requires the LPA to requires the applicant to describe the significance of the heritage asset affected by a proposed development. Midholme is considered to be of historical and architectural significance, the chimney is considered to be an important feature of the building.

The works to the chimney are necessary to preserve it from being lost completely and/or damaging the historic fabric of the building. It is proposed to retain the pots and as much of the intact brickwork as possible, any new brickwork will be a best possible match. The lime mortar will also match with the existing. The chimney will not be altered or change in size or scale and will be replaced like for like.

Para 190 requires the LPA consider the significance of the impact upon that heritage asset. It is considered that although the chimney is a prominent and important feature of the building, its like for like replacement will cause no harm, and therefore it will not be a significant impact to the asset. This will be secured through condition to agree material choice.

On balance, the application is considered to not cause harm to the significance of the heritage asset. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

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 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 3 Any walling shall conform with a sample panel of brickwork which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced.

Reason: To preserve the appearance and special character of the building for the future in accordance HER DM1 of the Arun Local Plan and the NPPF .