

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

REF NO: EP/81/19/L

LOCATION: Wistaria Cottage
The Street
East Preston
BN16 1HZ

PROPOSAL: Listed building consent for Orangery to replace existing rear conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace the existing rear conservatory with an orangery.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by a mix of walling, fencing and foliage.
SITE CHARACTERISTICS	Wistaria cottage is a C18. two storeyed, flint cottage with red brick dressings and quoins. It has a thatched roof and casement windows. Due to its age, appearance and the fact that it has been altered over time, it is considered to be of historical and aesthetic (fortuitous) significance.
CHARACTER OF LOCALITY	The area is host to a dwellings of mixed styles and designs.

RELEVANT SITE HISTORY

EP/80/19/HH Orangery to replace existing rear conservatory.

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection.

The application is for an Orangery to replace an existing rear conservatory at Wisteria Cottage.

Wisteria cottage is a C18. two storeyed, flint cottage with red brick dressings and quoins. It has a thatched roof and casement windows. Due to its age, appearance and the fact that it has been altered over time, it is considered to be of historical and aesthetic (fortuitous) significance.

The existing conservatory was granted consent in 1999, it is therefore of modern fabric, and of no significance to the listed building. It appears to be a standard conservatory which was designed to utilise views to the garden. Its location means that it is partly visible from the street.

I note that the replacement structure will occupy the same space and utilise the existing brick walls. The replacement structure will respect the existing host dwelling and be treated so as to not cause harm to the host dwelling. Further, whilst it would be partly visible from the street, it will have no greater impact than the existing structure.

It should be noted that any works of repair that are undertaken to the section of flint wall above the orangery should use materials appropriate for the listed building.

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.

You will also need to take into account the contents of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
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.

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).

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 key policy is deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

SUMMARY

Following the comments from the Conservation Officer, it is considered that the application is in accordance with the relevant policies in the Development Plan, and therefore should be approved.

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

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 development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Block Plan - AA/0519/PA/03 - June 2019
- Proposed Floor Plans - AA/0519/PA/06 - June 2019
- Proposed Elevations - AA/0519/PA/06
- Proposed Plans - AA/0519/D/01 - June 2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **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 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.