

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

REF NO: EP/81/20/L

LOCATION: Vista Point
21 Tamarisk Way
East Preston
BN16 2TE

PROPOSAL: Listed building consent to convert 2 existing garages to habitable accommodation to create a new family living space and enclose the existing outdoor link from the main house to the garage to form an indoor warm/dry link with alterations to the landscaping arrangements.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Listed Building Consent for the conversion of 2 garages to a games room, enclosure of a link between the main house and the new games room and landscaping works.
SITE CHARACTERISTICS	A listed building on a large plot of land on the beach front at East Preston.
CHARACTER OF LOCALITY	A primarily residential area.
None relevant.	

REPRESENTATIONS

East Preston Parish Council - No objections

East Preston and Kingston Preservation Society - The two rooflights are not necessary and contravene policy HER DM1 of the Arun Local Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusions section.

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer -
Approve of idea to expand into garage and preserve integrity of main house.

Alteration to the external appearance of the garage building
No loss of historic fabric.

Justification has been made for the use of the two rooflights (provide light when the doors are closed and no openings on the rear elevation), which if successfully, and carefully designed will, on balance, be acceptable. This is subject to a detailed design being approved by way of condition.

It is also noted in item 2.3 to 'Allow for ventilation between existing timber joists by installing grills in

external walls. Subject to Heritage approval'. Details of this will be required in order to understand the impact that they will have on the building and the historic fabric.

Enclosure of existing outdoor link to create a warm link from main house to the garage
It is considered that as long as this element of the proposal only affected the rear elevation of the space, it will have a neutral impact upon the building.

Alterations to the landscaping arrangements.

I believe that the proposal to separate off the pool area for safety when small children are staying seems to be a logical one. The idea to hide it within planting is considered to be a suitable one. The proposal is to remove two of the sets of steps; the middle steps which would lead from terrace to pool area and some small steps at the right-hand end of the terrace. Whilst I would not wish to see the middle steps removed, if they were to be relocated to an alternative location (to the same design and constructed using salvageable/similar materials) I believe that in this instance, this would be acceptable.

Therefore, on balance, the application is considered to not cause harm to the significance of the heritage asset or its setting. 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 the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is considered that adequate information has been provided on the elevations and plans of the re-purposed building such that no further conditions need be added.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

LB GRADE II

NO PUBLIC SEWER

BLDGS SPEC CHAR

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

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.

No policies in the Neighbourhood Plan are considered relevant to this application.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The key policies are deemed to be HER DM1 and HER SP1 of the Arun Local Plan and the National Planning Policy Framework.

The proposed alterations would preserve the appearance of the building. It is considered that the scale and form of the alterations are sympathetic to the listed building and the development makes a positive contribution to local character and distinctiveness.

The results of the assessment of significance and heritage impact statement which accompany the application ensures accordance with paragraph 189 of the NPPF as well as Local Plan HER DM1 which seeks to ensure the preservation and enhancement of listed buildings and their settings.

Para 192 of the NPPF requires account to be taken of the desirability to sustain and enhance the significance of heritage assets by putting them to a viable use consistent with their conservation. The proposed improvements to the Listed Building would accord with this. The development would make a positive contribution to local character and distinctiveness as required by para 192(c) of the NPPF. Indeed it would add usable space to the Listed Building without any detriment to the integrity of it.

Paragraphs 193 - 196 require optimum use for public benefits. It is considered that there is public benefit accruing from the increased use of the Listed Building which would assist in the long term retention and use of the building. With regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) The proposal does not harm the appearance of the Listed Building and the proposal is therefore considered to comply with policies HER SP1 and HER DM1 of Arun Local Plan.

Overall the proposals would preserve the appearance of the Listed Building while adding to its functionality. The addition to the garages in the form of roof lights is considered to be sympathetic to the building as a whole reflecting in shape the main roof. The glazed link way is considered to be an acceptable addition and the re-location of the steps to the garden at the rear is also considered to be acceptable.

The application is recommended for approval 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 The development hereby approved shall be carried out in accordance with the following approved plans:
Proposed Games Room Arrangement dwg.no. AA-18064-GA-50-10 Rev C dated 02/04/2019
Landscape General Arrangement dwg.no. P-00-100

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external rooflights and external grills of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the rooflight / external grills.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy HER DM1 of the Arun Local Plan.