

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition**REF NO:** FP/175/17/L**LOCATION:** The Whyke House & Studio
47 Felpham Way
Felpham**PROPOSAL:** Application for Listed Building Consent to install secondary glazing to 10 No. existing windows.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. Nine of the windows are in the house with the other one within the separate studio outbuilding.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Brick/flint wall to front screening a courtyard behind wall and gates.-
SITE CHARACTERISTICS	Semi-detached painted dwelling with clay tile roof.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/82/87/L	Application for Listed Building Consent for resurfacing of cobbled courtyard with paving blocks	ApproveConditionally 18-05-1987
FP/129/02/L	Application for Listed Building Consent for conversion of external store room to habitable room with WC.	ApproveConditionally 30-08-2002
FP/19/07/	Alterations to existing outbuildings	Permit'd Devel 26-01-2007
FP/18/07/L	Application for Listed Building Consent to replace garage door with door & window and internal alterations	ApproveConditionally 28-03-2007
FP/111/16/L	Application for Listed Building Consent for adaptation of existing outbuildings into art & framing studio including replacement of garage doors with new window, door & infill wall.	ApproveConditionally 07-07-2016

Noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

"No objection"

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Consultations responses received:

ADC CONSERVATION OFFICER: Objects -

"Generally, I'd say no to this, as secondary double glazing is as intrusive visually as double-glazing. That is to say there are two layers of reflectivity which inevitably has an adverse effect on the appearance of the property as a whole. In this case, secondary glazing would also encroach on the historic timber window reveals (and possibly shutters - although they have not photographed all windows). In addition to this, the submitted photographs (towards the end of the application), show secondary glazing already in situ. This appears to be unauthorised, and should be removed."

And in response to further comments from the applicant:

"Yes, my comments still stand. They have indeed read the Historic England advice on glazing in historic buildings, but it does say, that all historic buildings are unique and their advice is general and should be considered on a case by case basis. It would not be advisable/possible to install at the property due to the shutters.

I note they have not responded to our question about the secondary double glazing in the attached photographs. This remains the case if the photographs are of the property, as there may be an infringement."

Comments on Consultation responses:

It is noted that the two submitted photographs which show secondary glazing are actually photomontages and are submitted to show how the two first floor front windows would appear. There is therefore not considered to be any breach of planning control.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area;
Listed Building Grade II;
Class A Road;
PD Restriction; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[Publication Version of the Local Plan \(October 2014\):](#)

HER SP1 The Historic Environment
HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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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 conflict with these criteria in that it is considered to detrimentally affect the character and appearance of this 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 application concerns the internal alteration of a Grade II Listed Building within the built up area boundary. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

NATIONAL PLANNING POLICY FRAMEWORK:

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 the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."

Paragraph 133 adds that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The emerging Local Plan has been through a Public Inquiry and is therefore considered to gain more weight in the determination of applications. Policy HER DM1 of the "Arun Local Plan 2011-2031 Publication Version showing Modifications" states that:

"Proposals affecting statutory Listed Buildings will be required to:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;
- b. Be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior;
- c. Protect the architectural and historical integrity and detailing of a Listed Building's interior;
- d. Protect the special interest of buildings of architectural or historic interest; and
- e. Protect, and where possible enhance the setting of the building."

The Policy also states that: "Local Planning Authority will only support alterations to Listed Buildings in order to mitigate climate change where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric."

APPRAISAL:

The Councils Conservation/Design Officer has appraised the application and considers that the proposed secondary glazing will be visually intrusive visually as there would be two layers of reflectivity which inevitably will have an adverse effect on the appearance of the property as a whole. Secondary glazing would also encroach on the historic timber window reveals (and possibly shutters).

It is not considered that the changes are needed to mitigate climate change and the benefits of the proposal would be localised to the occupiers of the property. Therefore, it is not possible to override the harm to the Listed Building and the proposal would therefore be contrary to the guidance within the NPPF and in respect of policy HER DM1.

SUMMARY:

It is considered that the internal alterations would harm the significance of the Listed Building and there is no justification to override this harm. As such, it is recommended that consent be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed secondary glazing to the one window within the studio outbuilding and the nine windows within the house would be visually intrusive and would encroach on the

historic timber window reveals & shutters to the detriment of the appearance of this Grade II Listed Building and would therefore harm the significance of the asset contrary to policy HER DM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications, paragraphs 132-134 of the National Planning Policy Framework and the supporting national Planning Practice Guidance.