

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

REF NO: LU/381/21/L

LOCATION: Regency Court Nursing Home
18-20 South Terrace
Littlehampton
BN17 5NZ

PROPOSAL: Listed building consent for the replacement of 1 No PVCu window with a timber window to the rear (East) elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 1 PVC window in rear (eastern) elevation with timber framed window.
SITE CHARACTERISTICS	Nursing home. Grade II Listed Building located in residential sea front location.
CHARACTER OF LOCALITY	Mainly residential with various commercial properties located on sea front.

RELEVANT SITE HISTORY

LU/380/21/PL	Replacement of 1 No PVCu window with a timber window to the rear (East) elevation. This application may affect the setting of a listed building, affects the Littlehampton Sea Front Conservation Area & is in CIL Zone 4 (Zero Rated) as other development.	
LU/663/88/L	Application for Listed Building Consent for replacement of existing sliding sash windows for UPVC windows	Refused 06-03-89
LU/230/82/LB	Retrospective Approval Replacement Of 17 Windows	Withdrawn 03-06-82
LU/587/81/LB	Retrospective Approval For The Replacement Of 17 Windows Elevations Lights	ApproveConditionally 04-08-82

Noted.

REPRESENTATIONS

Arun District Conservation Area Advisory Panel - No Objection.

The replacement of the pvcu window with a timber one (assumed to be painted white) is welcomed.

Given the regency style of the building, a vertical sliding sash window would be more appropriate than the top hung example proposed but there are limited views of the east elevation from public areas within the conservation area. It is assumed that the majority of the remaining windows in this elevation are top hung sashes but if they are vertically sliding sash windows then the Council should insist on the latter type for the replacement window.

Town Council - Support.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No Harm

The existing windows (on this particular elevation) are clearly modern replacements being 'top hung' (or awning windows). The replacement window will be a timber one with a central horizontal dividing transom and painted white. Ideally the window would be a sliding sash, which would set the guide for the design of any other replacement windows in this particular part of the building in the future. However, based on the absence of this design on this particular elevation, and that the window is also not clearly seen from the public domain, I am of the opinion that this design is acceptable in this instance. It is worth stressing that this should not be seen as a justification to allow use of this design elsewhere either in this building or the conservation area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building

Littlehampton Seafront Conservation Area

2km Buffer Zone SSSI

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.

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."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 or the character of the Conservation Area.

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.

Chapter 16 of the NPPF paragraphs 194, 195, 197 and 199 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

It is proposed to insert one timber framed window into the rear (eastern) elevation of the nursing home. It will replace a similar sized PVCu window. The proposed window will be painted white and have a horizontal dividing transom to match other windows found within this elevation.

Para 195 of the NPPF requires the Local Authority to describe and asses the significance of the heritage asset affected by the proposal. The asset are two Listed Buildings from the early 19-Century, located in a prominent position on the seafront. They are of historical and architectural significance.

Para 197 of the NPPF states that local authorities should take account of; the desirability of sustaining and enhancing the significance of the asset, the positive contribution that conservation of the asset can make, and the positive contribution new development can make. The works to remove an existing PVCu window and its replacement with a more sympathetic timber framed window is seen to enhance the

significance of the asset.

Para 199 of the NPPF states that great weight should be given to the assets conservation. This asset will remain a Listed Building. The replacement of the window will continue to preserve an asset of high quality and conserve the property in good repair.

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.

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 windows hereby permitted shall match in all details those existing in the same elevation as the replacement window hereby permitted, particular care being taken to reproduce the style and material of the timber window frames and casements, the arrangement of glazing bars, the set-back of the frames from the external wall face, the window cills and the colour and texture.

Reason: In order that the architectural and historic interest of this Listed Building is safeguarded in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 3 The making good of the building to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

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