

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

REF NO: LY/19/18/L

LOCATION: Lyminster House
Church Lane
Lyminster
BN17 7QJ

PROPOSAL: Listed building consent for erection of replacement conservatory/orangery following demolition of existing conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a replacement conservatory, following demolition of existing conservatory.
SITE AREA	N/A.
BOUNDARY TREATMENT	The front boundary of the site consist of a 2.5 metre high flint and brick wall.
SITE CHARACTERISTICS	Grade II Listed Building, detached 2 storey property. Rendered white walls, slate hipped roof. Conservatory to the side of the property.
CHARACTER OF LOCALITY	The site is located within close proximity to residential properties. Mix of different types and styles of properties. Properties are set back from the highway.

RELEVANT SITE HISTORY

LY/18/18/HH	Erection of replacement conservatory/orangery following demolition of existing conservatory. This application affects the character and appearance of Lyminster Conservation Area	
LY/3/18/HH	Replacement of wooden driveway gates. This application affects the character & appearance of the Lyminster Conservation Area.	ApproveConditionally 23-05-18
LY/12/16/HH	Replacement conservatory. This application affects the character & appearance of the Lyminster Conservation Area.	ApproveConditionally 25-07-16

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No comment.

No representations received from adjacent occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Conservation Officer

Historic England

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Support

The application is for the erection of replacement conservatory/orangery following the demolition of an existing conservatory.

Lyminster House is a detached 2 storey property, with rendered white walls, and a slate hipped roof. The existing conservatory is located to the side of the property, and constructed from a mixture of materials. The building is Listed grade II.

The property is contained within gardens to three sides, which are defined by substantial brick boundary walls, fences and mature hedges. Access is by double gates from Church Lane.

The present conservatory appears to be in a poor state of general repair having been unsympathetically repaired and adapted since its original construction, and its replacement is considered to be acceptable.

The proposed replacement conservatory is considered to be suitable for the host building in terms of appearance and materials, and can be supported. Details of the joinery will need to be provided for by way of condition, as will confirmation of the final colour of the conservatory.

In addition, I note that the Applicant also proposes to insert an additional new door opening to create a direct connection between the dining room and conservatory. The design of the door opening appears to be a replication of the current door opening to the living room area. Such a proposal is acceptable, and can be supported.

As a consequence, the proposed works can be supported as they are considered to comply with the relevant policies of the Arun Local Plan (2018) and the NPPF.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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.

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.

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."

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

SUMMARY

Following the comments received by the Conservation Officer, it is considered that the proposed development is in accordance with the relevant Development Plan Policies and should therefore be approved, 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

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:

- Site Block Plan - PWRU367122 - 002 - April 2016
- Proposed Floor Plan - PWRU367122 - 110 - Rev. G - April 2016
- Proposed Elevations - PWRU367122 - 211 - Rev. B - April 2016
- Proposed West Elevation - PWRU367122 - 210 - Rev. E - April 2016
- Proposed Elevations - PWRU367122 - 310 - Rev. C - April 2016
- Proposed Conservatory Door Details - PWRU367122 - 501 - April 2016

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 Prior to commencement of works, details of the proposed joinery must be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

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 and D DM1 of the Arun Local Plan.

- 4 Prior to commencement of works, final confirmation and details of the proposed colour of the conservatory must be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

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 and D DM1 of the Arun Local Plan.

- 5 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.