

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

**REF NO:** M/60/20/L

**LOCATION:** High Kettle Cottage  
97 Elmer Road  
PO22 6HD

**PROPOSAL:** Listed Building consent to remove 2 No. front elevation softwood timber windows and replace with hardwood timber windows to match like for like.

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| <b>SITE AND SURROUNDINGS</b> |
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| <b>DESCRIPTION OF APPLICATION</b> | The application seeks Listed Building Consent for the replacement of 2No. softwood windows with 2No. hardwood windows.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>BOUNDARY TREATMENT</b>         | The site is bordered by a low boundary wall to its Southern elevation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SITE CHARACTERISTICS</b>       | <p>High Kettle Cottage is a grade II late C17 or early C18 cottage. Flint faced with brick quoins and window dressings (now painted). End brick chimneystack to right with flat slab on top. Thatched roof hipped to left swept over porch to left and forming eyebrow dormer to right. 1 storey and attic.</p> <p>It is interesting to note that the listing description states that the building was thought to have had connections with smuggling; a kettle reputed to have been hoisted on the chimney when the coast was clear, hence the name. The building was altered in C20 and has modern styled casement windows. It is therefore of historic and aesthetic (fortuitous) significance.</p> |
| <b>CHARACTER OF LOCALITY</b>      | The locality is predominantly residential, with buildings of varied characters and forms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| <b>REPRESENTATIONS</b> |
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Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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## CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer: No objection.

The replacement of the modern widows is considered to be acceptable. As the windows are of no significance, nor contain historic glazing, the use of double glazing is acceptable. Ideally, the windows should be of the slimmer double-glazing units.

It is considered that the proposal will not harm the significance of the listed building. 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.

### POLICY CONTEXT

Designation applicable to site:  
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.

### 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/are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

### PRINCIPLE

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

### HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Paragraph 189 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets. Paragraph 193 of the NPPF reflects the requirements of Section 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) which identifies that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.

In this instance, it is considered that the proposal does not cause harm to the Listed Building to which it affects. This is due to the acceptable nature of the proposed works, and the fact that they are done in a way sympathetic to the designation of the dwelling. As such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

### 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, 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.

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| <b>RECOMMENDATION</b> |
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**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:

- Block Plan - #00545812-DEC59A
- Stormproof Casement Sections
- Heritage Statement Pages 1-7

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 **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.