

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

REF NO: R/102/22/L

LOCATION: Elm Farm
34 The Street
Rustington
BN16 3NX

PROPOSAL: Listed building consent to install a single person lift and 1 No. new internal opening.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks Listed Building consent to install an internal single person lift.
SITE CHARACTERISTICS	No. 34 (Elm Farm) The Street is an early C19 two storey detached house. The main building is stuccoed with a hipped slate roof. There are 6 No. windows on the front elevation with Venetian shutters and glazing bars intact. The ground floor is built out with a slate roof and recessed central porch. A former garage extension is treated with flint and brick quoining. The building is of architectural and historical significance.
CHARACTER OF LOCALITY	The area contains the main concentration of Listed Buildings in Rustington. There are traces of various century architecture ranging from C12 to C20. Whilst, the original part of the village centre is now surrounded by C20 development, the locality retains a more semi-rural character.

REPRESENTATIONS

Rustington Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Rustington Parish Council - No Objection.

Conservation Area Advisory Panel (CAAP) - No Objection.

Conservation Officer comments and concerns:

- The proposal involves the removal of the existing annex to studio stairs, and the installation of a small

lift. When I previously visited the house, it was clear that the location of the proposed lift (and the existing staircase) affects relatively modern fabric and that its loss/alteration would be acceptable.

- The design of the lift, whilst basic, would not overly dominate the room.
- Uncertainty as to the lines stretching from the lift to the rear wall of the studio.
- Possible unauthorised new opening from studio to en-suite.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Following discussion with the agent, the lines are to be support beams for the lift within the floor and the new opening has been included within this application. These concerns have been addressed and it has been concluded that no harm is brought to the heritage asset.

POLICY CONTEXT

Grade 2 Listed Building.

Conservation Area.

Built-up Area Boundary.

TPOs on site.

DEVELOPMENT PLAN POLICIES

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

HERSP1	HER SP1 The Historic Environment
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, The South Inshore & South Offshore Marine Plan 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 does not harm 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

PRINCIPLE

Policy HER DM1 relates to Listed Buildings and state that proposals must protect, preserve and if possible, enhance the historic character and integrity of the building. These works are internal only and the proposal does not bring harm to the significance of the Listed Building and as such, preserves the building.

Policy HER SP1 of the Arun Local Plan, relates to the need for proposals to conserve or enhance the historic environment of the District. Developments likely to prejudice designated or non-designated heritage assets are to be refused. The works are internal and the proposal does not harm the Listed Building and as such, conserves historic environment of the District.

Paragraph 194 of the NPPF requires the Local Planning Authority (LPA) to ensure the applicant/agent describes the significance of the heritage asset affected by a proposed development. This has not been achieved as the submitted Heritage Statement does not accurately identify Elm Farm as a Grade 2 Listed Building and does not describe the impact on the significance of the heritage assets. However, in submitting this Listed Building consent application they are aware it is a Listed Building. The level of harm has been concluded as no harm.

Paragraph 195 of the NPPF requires the LPA to identify and assess the significance of the impact upon the heritage assets related to the application. No. 34 (Elm Farm) The Street is an early C19 two storey detached house. The main building is stuccoed with a hipped slate roof. There are 6 No. windows on the front elevation with Venetian shutters and glazing bars intact. The ground floor is built out with a slate roof and recessed central porch and features a former garage extension is treated with flint and brick quoining. The building is of architectural and historical significance. The works are internal and affect only modern interior walls/flooring. The proposal brings no harm to the significance of the Listed Building.

SUMMARY

The proposal is compliant with Development Plan policies HER DM1 & HER SP1 of the Arun Local Plan and relevant Paragraph 195 of the National Planning Policy Framework. Although the submitted Heritage Statement is not entirely compliant with paragraph 194 of the NPPF, the Local Planning Authority has been able to conclude as to the level of harm to the significance of the Listed Building. As such, it is recommended for approval subject to the following conditions and informatives.

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 positive 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:

- Ground Floor Proposed Dwg No 2948/01/03
- First Floor Proposed Dwg No 2948/01/04
- Details Dwg No 2948/01/05

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:** This consent does not purport or be deemed to grant consent for any buildings or structure within the curtilage of the Listed Building for which a separate application for planning permission is required under the provisions of the Town and Country Planning Act 1990 (as amended).