

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

REF NO: R/235/18/L

LOCATION: Palm Cottage
62 Ash Lane
Rustington
BN16 3BT

PROPOSAL: Listed building consent for replacement windows to the front & side of the property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks Listed Building Consent for the replacement of windows and replace with double glazed windows to the front and side of the property.
SITE CHARACTERISTICS	Detached Grade II Listed Building.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

R/270/18/PL	Convert existing garage/studio to 1 bed short term holiday let & fence off section of garden to form amenity space (resubmission following R/284/17/PL). This application affects the setting of a listed building.	ApproveConditionally 18-01-19
R/96/08/L	Application for Listed Building Consent for two storey side extension & single storey rear extension with covered verandah area.	Refused 27-05-08

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council: No objection received from Rustington Parish Council.

No representation received from nearby neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Principal Conservation Officer:

The application seeks consent for replacement windows to the front and side of the building. Due to the size of the building, the application affects a substantial number of windows which it is claimed are beyond repair. Palm Cottage is a two-storey detached property thought to date from C1790, which is constructed from cobbles and red brick dressings/ quoins. The existing windows are white painted casement windows. I should point out that no evidence of the poor state of repair of the windows has been included with the application, and that only elevational drawings have been provided. I also note from looking at the details of the proposed windows that the proposal is to install double glazed units to the windows. Such a proposal is not normally supported in line with guidance from Historic England. It would be useful to have a better understanding of the condition of the windows before they are replaced on a wholesale basis.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant has provided evidence of the rotten windows and the Conservation Officer has verbally advised that given the revised evidence and the proposed 'modern' double glazing they are unlikely to cause adverse harm to the visual amenity or character of the Listed Building.

POLICY CONTEXT

Designation applicable to site:

- Grade II Listed Building.
- Built up area boundary

DEVELOPMENT PLAN POLICES

HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

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."

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 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 policies are deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

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.

Policy. Evidence has been submitted to show that the windows are suffering from rot and their replacement is justified.

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

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 development hereby approved shall be carried out in accordance with the following approved plans:-

 - Heritage Statement.
 - Block Plan 1:500.
 - Stanbrook & Nicholson Estimate dated 17th September 2018
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 and D DM4 of the Arun Local Plan.
- 3 No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details. Drawings should be provided which identify:

 - decorative/protective finish
 - cross section of frame, glazing bars, etc.
 - method of glazing
 - method of opening
Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.
- 4 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.
- 5 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local

Planning Authority.

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