LISTED BUILDING CONSENT REPORT

REF NO: **R/265/09/L**

LOCATION: 83 The Street
Rustington

PROPOSAL: Application for listed building consent to cap existing well and fill in water catch pit

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to cap the existing well beneath the rear (south) wall and fill in the water catch pit to the rear of the dwelling.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by an approximately 1.8 metre wall which has a brown brick plinth and topping with flint in between. In addition, there are medium sized trees and shrubs along the majority of the east, west and south boundaries. There are approximately 1.2 metre high timber double gates to the front with horizontal iron bars.
SITE CHARACTERISTICS	The site is occupied by a Grade II Listed Building formed following the subdivision of an early 19th Century house which has flint walls with red brick quoins and window arches. There is a two storey section to the side that is entirely red brick. The roof is slate and hipped. There is a detached building to the side which has been converted to a garage, the wall materials mimic the main dwelling whilst the roof has clay tiles. The well already has a brick arch above it. Works to construct the conservatory have stopped. Foundations are dug.
CHARACTER OF LOCALITY	The site is located within a Conservation Area alongside a main road. There are a number of historic buildings in the immediate area, generally flint walled with slate or thatch roofing as well as some more modern buildings which have brick or render elevations. The buildings are mixed use, those opposite the site generally house ground floor shops whilst the property adjoining the site is being used as a dentists and to the west there are other dwellings, a

church hall and the church itself.

RELEVANT SITE HISTORY

R/154/92/L	Application for Listed Building Consent for security lights	Approve 01-11-1993
R/144/09/	Rear glazed conservatory style extension.	Approve Cond 11-09-2009
R/145/09/L	Application for Listed Building Consent for rear glazed conservatory style extension.	Approve Cond 11-09-2009

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

West Sussex - Listed Building
Conservation Area Advisory Com

Consultations responses received:

County Design - None.

Conservation Area Advisory Committee - no comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Within Conservation Area
Grade II Listed Building
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to impact upon the Listed Building.

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

The well is situated to the rear of the Listed Building below the rear wall. It has been bridged over by a brick arch and a wooden door has been inserted above this. The agents state that this has made the arch ineffectual and the wall unstable. The well was discovered when works to implement R/145/09/L to construct a conservatory began.

The infilling of the water catch pit and capping of the well would have no adverse affect on the character or integrity of the Listed Building.

The capping of the well would increase the stability of the rear wall of the listed dwelling and retain the well.

It is therefore recommended that listed building consent be granted, subject to the following conditions.

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 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the Listed Building from collapse or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with PPG15 and policy GEN7 of the Arun District Local Plan.

3 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 PPG15 and policy GEN7 of the Arun District Local Plan.

4 The development shall not commence until precise details of the manner and materials to be used for the capping have been submittted to and approved by the Local Planning Authority.
Reason : To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the listed building in accordance with PPG15 and policy GEN7 of Arun District Local Plan.

5 This permission relates to the following approved plans 09338/02 Rev A and 09338/03A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of Arun District Local Plan of the Arun District Local Plan.

6 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
Listed Building Consent is granted because it complies with the policies listed below in that the development would not result in material detriment to the setting, historic fabric or appearance of the listed building.

RELEVANT POLICIES

LOCAL PLAN: GEN7, AREA2

NATIONAL POLICIES: PPS1, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.