

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

REF NO: R/305/18/L

LOCATION: Elm Cottage
30 The Street
Rustington
BN16 3NX

PROPOSAL: Garden room to rear elevation with new outbuilding to replace existing, replacement windows and resiting of bathroom from ground floor to first floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace the existing rear outbuilding with a garden room.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The dwelling is bordered by a mixture of walling and foliage.
SITE CHARACTERISTICS	The site is populated by a Grade II Listed Building.
CHARACTER OF LOCALITY	The application site is within Rustington Conservation Area.

RELEVANT SITE HISTORY

R/304/18/HH	Garden room to rear elevation with new outbuilding to replace existing, replacement windows and resiting of bathroom from ground floor to first floor
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Directorate of Airspace Policy

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

I note that the application proposes a number of alterations to the building. I provide my comments as follows:

Garden room to rear elevation with new outbuilding to replace existing

The proposed garden room is small in scale and appears to be of a simple design which is reflective of the host dwelling. It is therefore considered to be acceptable, and not harm the listed building. The success of such a proposal will depend upon the quality of the materials used, and that of the timber joinery.

No information is provided with regards to the new joinery/glazing of the garden room, which should be provided for by way of condition. Further, details of the proposed bricks should be approved by the LPA in order to ensure that they reflect the host dwelling.

Replacement windows

Windows are an important feature within a listed building, and their replacement should be carefully considered. Good practice is that existing windows should be retained and repaired prior to their wholesale replacement.

Reference is made to the deterioration of the existing windows, however, no information is provided to back up that statement. It is common practice to include some pictures with such applications by way of evidence.

The drawings provided indicate that the glazing bars will not differ from the existing, and that there is a limited variation in terms of appearance to accommodate the double glazed units. However, it is not clear if the double glazed units will be of a standard design, or the slimmer design which is sometimes considered acceptable in listed buildings. If the units are of the standard design, and measurements, then their use will not be supported.

Therefore, on balance, subject to the confirmation that the slimmer glazing units will be used, the replacement windows can be supported.

Relocation of bathroom from ground floor to first floor

The relocation of the bathroom to the first floor is generally considered to be acceptable. Every attempt must be made to ensure that existing pipe runs are used for the new pipes, and that no historic fabric is affected.

However, there does not appear to be any information which clearly indicates how the services to the relocated bathroom will be treated. Will any external pipework be required? If so, this will be required on

the plans.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the relevant details relating to details of materials will be ensured via condition.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Grade II Listed Building
Conservation Area

DEVELOPMENT PLAN POLICES

[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.

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.

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:

- Block & Roof Plan - 4407/4 - November 2018
- Proposed and Existing Floor Plans - 4407/2 - November 2018
- Proposed and Existing Elevations - 4407/1 - November 2018
- Replacement Window Details - 4407/3 - November 2018

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, roof, piping (foul and guttering) and joinery (including details of the sealed glazed units) for the proposed garden room have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

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 policies HER DM1 and D DM1 of the Arun Local Plan.