

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

REF NO: R/94/20/L

LOCATION: Woodbine Cottage
1 Mill Lane
Rustington
BN16 3ED

PROPOSAL: Listed building consent for the demolition & erection of conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks Listed Building Consent to demolish and construct a conservatory.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low walling, with high boundary hedging to the Eastern boundary.
SITE CHARACTERISTICS	Woodbine Cottage is a two-storey detached cottage which has been developed over at least three different periods. The first being the early C.18 when the flint and brick element was constructed, and the second being a C.19 taller L-wing, faced with roughcast, to the north east. There is also a small early C.20 extension. The roof is tiled roof and the windows are casements. The date 1708 and the initials "H.T.A". have been scratched on a tile. There is also a late c.20 conservatory present. It is of aesthetic (fortuitous) significance.
CHARACTER OF LOCALITY	The locality is host to a variety of dwelling styles, types and designs. Nearby to the host dwelling is Palm Cottage, which is a Grade II Listed Building.

RELEVANT SITE HISTORY

R/93/20/HH Demolition & erection of conservatory. This application may affect the setting of a listed building.

Noted.

REPRESENTATIONS

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

The proposal is for the demolition of an existing conservatory and for its replacement with a small, single storey extension with rooflight. The existing conservatory is not appropriate for the listed cottage and its removal will have a positive impact. Further, it is considered that the proposed design appears to be suitable for the host building, being simple in appearance.

Of note is the fact that the East elevation (front) windows will match the design of the existing building, and that the existing flint and brick base wall will be used as part of the proposal. Traditional materials for the windows are preferred, but details can be provided for by way of condition, if you are minded to approve the applications.

The rooflights on the 1910 extension should be of conservation standard; flush mounted with a vertical glazing bar.

As a consequence, it is considered that the proposal will not harm the heritage assets. 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:

Within built up area boundary

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.

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(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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

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

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 proposed development does not cause harm to the Listed Building to which it is extending, or nearby listed buildings. This is due to the design of the proposal allowing it to appear well integrated with the host dwelling, and its scale allowing for it to appear subservient to the host 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.

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:

- Location & Block Plan - 20/4696/1 - 03/2020
- Proposed Elevations, Plans and Roof Plan - 20/4696/4 - 03/2020 - Rev. A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and HER DM1 of the Arun Local Plan.