

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

REF NO: WA/101/19/L

LOCATION: 5 Goodacres, West Gables
Arundel Road
Fontwell
BN18 0SF

PROPOSAL: Listed building consent for the conversion of existing detached garage into ancillary annexe accommodation for a dependent relative.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	5 Goodacres (West Gable) Early C19. Two storeys. Three windows. Stuccoed. Slate roof. Glazing bars intact. Doorway with flat hood over supported on narrow wooden uprights.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

WA/78/01/L	Application for Listed Building Consent for removal of wall between kitchen/lounge. Construction of new dividing wall between kitchen/lounge. Removal of door/construction of new wall.	ApproveConditionally 10-12-01
------------	---	----------------------------------

No relevant site history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council has no objection to this application but asks that a condition that the proposed accommodation is not sold in the future as a separate residence under Sec 52 or equivalent is considered.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Arun's Conservation Officer:

The application relates to the conversion of an existing detached garage into ancillary annexe accommodation for a dependent relative. The garage, whilst of modern construction is located in the grounds of a Listed Building. As part of paragraph 189 of the NPPF, local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting, in determining applications. Whilst a statement has been provided, the local plan policy reference are incorrect as they refer to the previous plan, as opposed to the current one which was adopted in 2018. This Listed Building is an early C19, two storey detached house. It has stuccoed elevations and a slate roof. There is a doorway with flat hood over supported on narrow wooden uprights. It is of aesthetic significance. The garage appears to be of modern construction of painted brick walling with plain clay tiles to a pitched gable ended roof. It is rectangular in plan shape.

The proposal

For the purposes of this application, the only relevant issues relate to the change of use of the structure, and the external works required to make the space habitable. The concept of the change of use to that of residential is considered acceptable, and in keeping with the established character of the local area, and that of the host dwelling. The external works involve a number of additional windows and a door. It is noted that these will be white painted and wooden, and that the glazing will consist of the 'slimlite' double glazed units. Both the materials and glazing are considered to be acceptable as they respect the character of the main listed building. Details of the joinery will be required by way of condition in order to ensure that they are suitable in terms of their appearance.

Conclusion

The application is considered to not cause harm to the significance of the heritage assets or its setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, these comments and the relevant sections 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 the Lidsey Treatment Catchment

Within the Built Up Area Boundary

Tree Preservation Orders

Grade II Listed Building

Area of Special Control for Adverts

WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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.

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."

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

Following the comments from the conservation officer it is considered the proposed works would not be harmful to the heritage asset. As such the works are recommended for approval subject to the following conditions and informatives.

The development which includes the addition of an annex is lawful as the use will be ancillary to the use of the existing dwellinghouse. If the annex was to become a separate residency then it would require an

application at that time.

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

- 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:
 - Location and Site Plan
 - Proposed Ground Floor Plan Rev C
 - Proposed Elevations (North and East) Rev B
 - Proposed Elevations (West and South) Rev A
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 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 .
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.