

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

REF NO: WA/105/18/L

LOCATION: 3 Forge Cottages
The Street
Walberton
BN18 0PQ

PROPOSAL: Listed building consent for the replacement of 6 No. wood frame casement windows with 6 No. new identical wood frame casement windows to the front of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace 6No. wood frame casement windows with 6No. new identical wood frame casement windows to the front of property.
SITE AREA	N/A.
SITE CHARACTERISTICS	The site is populated by a Grade II Listed Building.
CHARACTER OF LOCALITY	The area is populated by a mix of building styles and types. The application site is one of three similarly designed dwellings.

RELEVANT SITE HISTORY

WA/18/03/L	Application for Listed Building Consent for alteration to fenestration previously approved under WA/51/02/L for casement windows	Approve 07-05-03
WA/51/02/L	Application for Listed Building Consent for the replacement of garage doors with windows to match existing shop front windows.	ApproveConditionally 19-09-02
WA/44/95/L	Application for Listed Building Consent to re-roof the main roof by stripping off the tiles repairing and strengthen rafters where necessary and then re-tile. Take down existing chimney and rebuild. Take off existing roof of lean-to and replace rafters and then tile to match existing main roof.	ApproveConditionally 03-08-95

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Objection
- The Conservation Officer has objected on the basis that the proposed windows will be double glazed.
- The Conservation Officer supports the application otherwise, in that the design, materials and layout of the proposed replacement windows will not harm the significance of the building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICES

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character

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

Walberton Neighbourhood Development Plan Policy VE4 states that proposals that adversely affect the setting of Conservation Area will not be supported.

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 conflict with the impact on the building part of the criteria in that it is considered have a harmful impact upon the character of the Grade II Listed Building. However, the proposed windows are not considered to be significantly different from those existing on the neighbouring dwellings, and therefore, the setting of the building will be preserved.

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, Policy VE4 of the Walberton Neighbourhood Development Plan.

Policy HER DM1 sets 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

On balance, it is considered that whilst the Conservation Officer has objected to this application, and the proposed development therefore conflicts with HER DM1(a) of the Arun Local Plan, it is considered that there are other factors that allow the proposed development to be in accordance with other parts of the

policy (HER DM1(e). Therefore, it is recommended that the consent 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/drawings:

- Block Plan - View of plot + adjoining cottages - Plan 3
- Window Design drawing

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.