

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

REF NO: WA/21/20/L

LOCATION: Days
Days Lane
Fontwell
Walberton

PROPOSAL: Listed building consent for the demolition of redundant building ancillary to main house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Listed building consent for a redundant timber building known as Days Bungalow which is ancillary to but attached to the main building at Days, Days Lane, Walberton

SITE CHARACTERISTICS The site is a listed building which has the following listing

Early C19. Two storeys. Two windows. Faced with Roman cement. Slate roof. Glazing bars intact. Later gabled porch. To the east is a contemporary section of lower elevation, one storey and one window. This is an obtusely-pointed window with Gothic glazing. The east front of this section has two such windows and is faced with flints.

None of the listed characteristics refer to the part of the building known as Days Bungalow.

CHARACTER OF LOCALITY A residential area in the countryside

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection. No harm to heritage asset

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

TRUNK ROAD

CLASS A ROAD

LB GRADE II

OUTS BUILT AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

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

There are no policies in the Neighbourhood Development Plan relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLEASE ENSURE THAT THIS TEXT IS RELEVANT TO THE DEVELOPMENT BEING PROPOSED.

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposal relates to the demolition of a building ancillary to the main dwellinghouse which is constructed of timber and is beyond economic repair and redundant. It is not mentioned in any part of the listed characteristics of the listed building.

The Conservation Officer has no objection to the scheme as no harm to the heritage asset would be caused as a result.

Para 192 of the NPPF requires account to be taken of the desirability to sustain and enhance the significance of heritage assets by putting them to a viable use consistent with their conservation. The proposed improvements to the Listed Building would accord with this. The development would make a positive contribution to local character and distinctiveness as required by para 192(c) of the NPPF. Indeed it would by remove an undesirable modern edition to the dwelling house which has fallen into disrepair and would maintain the building in the long term by its removal.

Paragraphs 193 - 196 require optimum use for public benefits. It is considered that there is public benefit accruing from the demolition which would assist in the long term retention and use of the building. With regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) The proposal does not harm the appearance of the Listed Building and the proposal is therefore considered to comply with policies HER SP1 and HER DM1 of Arun Local Plan.

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

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:

Plans and Elevations existing - Dwg.no. 1917331/01 dated 02/20

Location Plan/Block Plan - Dwg.no. 191735/03A dated 11/19

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