

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

REF NO: Y/19/18/L

LOCATION: Hobbs Court
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Variation of conditions following a grant of planning permission Y/70/15/L relating to Condition 2 - Substitute plans to amend the design.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to amend the design of four of the existing five garage doors through the use of black stained timber up & over doors with non functioning black painted galvanised cranked hook & band hinges. The up & over doors have already been implemented albeit with currently only narrow hinges. The effect of this application is therefore to regularise the use of up & over doors and the use of fixed hinges (albeit with a different design to what is currently present). The colours/materials of the building are as previously approved.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The garage building backs onto a substantial hedge also with low wire fence.
SITE CHARACTERISTICS	Existing garage building. Black stained timber. Black painted corrugated roof.
CHARACTER OF LOCALITY	Former farmhouse buildings which have now been converted now separate residential dwellings. The buildings vary in size and character and are mainly Grade II listed. The wider area is the hamlet of Bilsham with two density development surrounded by open fields.

RELEVANT SITE HISTORY

Y/18/18/PL	Variation of conditions following a grant of planning permission Y/65/15/PL relating to Condition 2 - Substitute plans to amend the design.
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Y/4/18/L	Listed Building Consent for retention of existing timber utility area, external air source heat pump & timber fence	ApproveConditionally 26-03-18
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Y/3/18/HH	Retention of existing timber utility area, external air source heat pump & timber fence	ApproveConditionally 26-03-18
Y/70/15/L	Application for Listed Building Consent for internal alterations to provide 3 x bedrooms & conversion & extension to existing carport to provide 5No. garages	ApproveConditionally 28-10-15
Y/65/15/PL	Convert outbuilding known as The Piggery to 1 No. single dwelling consisting of 3 bedrooms & the addition of 2 No. parking bays to existing car port & conversion of the total 5 No. car ports to garages by addition of doors to car ports to match the garages adjacent to Dovecote (amendment to Y/88/13/). This application affects the setting of a Listed Building.	App Cond with S106 05-11-15
Y/106/13/L	Application for Listed Building Consent for amendment to previous approvals Y/4/89/L for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/60/13/L).	ApproveConditionally 21-05-14
Y/105/13/	Amendment to previous approvals Y/3/89 and Y/60/90 for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/59/13).	ApproveConditionally 21-05-14

A set of car ports were previously approved by applications Y/106/13/L and Y/105/13. The piggery conversion was approved by Y/88/13/PL & Y/32/14/L and then subsequently amended by Y/65/15/PL and Y/70/15/L. The latter two permissions also granted consent to convert the car port into a garage block. This building was to part brick, part black stained timber and with an agricultural corrugated roof in either black, grey or dark green. The garage doors were to be black stained. Further amendments solely to the piggery conversion were approved by Y/3/18/HH & Y/4/18/L.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

"No objection"

One letter of objection from a neighbour on the grounds of:

(1) Applicants should have applied for permission for these doors at the time they were implemented (October 2013);

- (2) If permission is granted then it will condone the previous actions of the owners/applicants;
- (3) The 4th garage owner not included in the application was not given a complete garage as per the others;
- (4) The conservation officer previously advised in response to a compliance case that all up & over doors should be replaced with traditional timber garage doors;
- (5) That one site owner was not able to be seen as even handed to all in the scenario;
- (6) That one site owner was given 7 months to comply with the request for changes to the garage doors;
- (7) That one site owner has been out of pocket by the differences between actions taken in respect of the garage doors;
- (8) The garages approved by this application will look different to the existing fifth garage door - and this will be harmful;
- (9) Owners should be able to access the garages regardless of the type of door - this should not act as justification for the use of up & over doors; and
- (10) Personal choice of car (size) and modes of driving skills are not material planning considerations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments as follows:

- (1) Noted however this planning application must be determined in order to regularise the current situation;
- (2) Noted but this is not a material planning consideration;
- (3) This is not a material planning consideration;
- (4) Noted however, the Conservation Officer has not raised any objection to this application;
- (5) This is not a material planning consideration;
- (6) This is not a material planning consideration;
- (7) This is not a material planning consideration;
- (8) Visual impact will be discussed in the conclusions section of this report;
- (9) Noted; and
- (10) Agreed. These are not material planning considerations.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Verbal advice received from the Conservation Officer to say that the application is acceptable as the hinges have been designed with a bulkier more agricultural/rural appearance than those currently present on the doors.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Class B Road;
Special Control of Adverts

No Public Sewer; and
Grade II Listed Building.

DEVELOPMENT PLAN POLICES

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

[Yapton neighbourhood plan 2014 Policy E9](#)

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy E9 of the Yapton Neighbourhood Plan is considered within this report.

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."

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.

CONCLUSIONS

Policy E9 of the YNDP states that: "Planning permission will not be granted for development that would result in the loss of either listed buildings, or the buildings or structures of character". This not relevant to this determination as there is no loss of a Listed Building.

Policy HER SP1 of the ALP states that:

"Designated heritage assets including listed buildings, structures and their settings; and Conservation

Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Development likely to prejudice any of the above, including their settings, will be refused. Any proposals for development will be required to comply with all other relevant policies and reflect any relevant appraisals or management proposals adopted by the Local Planning Authority."

Furthermore ALP policy HER DM1 states that:

Proposals affecting statutory Listed Buildings will be required to:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;
- b. Be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior;
- c. Protect the architectural and historical integrity and detailing of a Listed Building's interior;
- d. Protect the special interest of buildings of architectural or historic interest; and
- e. Protect, and where possible enhance the setting of the building."

And that:

"In determining any application the Local Planning Authority will take into account whether:

- * it will materially harm the significance of the heritage asset or its setting;
- * it will avoid detrimental fragmentation of management of the heritage asset;
- * it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation;
- * it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;
- * there is a source of funding that might support the heritage asset without the need for enabling development; and
- * the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests."

The first thing to highlight is that the Conservation Officer has raised no objection to the application on the grounds that a different hinge design had been proposed. The concerns of the local resident are noted however it is not considered that the garage door at the end of the building and those proposed by this application will be significantly different such that there will be harm to the setting or significance of the adjacent Listed Buildings. The use of up & over doors does represent a change to the character of the building in principle but only when the doors are in their 'up' position. Otherwise they will appear as traditional barn doors. It should also be noted that the garage doors position on the eastern elevation of the building means that they will not be visible in the streetscene and only therefore apparent to the existing residents such that there will be limited impact on the public realm.

It is considered that the proposal will not harm the significance of the heritage asset or its setting and therefore complies with policies HER SP1 and HER DM1.

RECOMMENDATION:

It is considered that the application complies with all development plan policies and it is therefore recommended that planning permission be granted 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

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:

- * Location Plan & Block Plan Ref 0250 Rev A;
- * Approved Ground Floor Outbuilding Plans Ref 001 Rev B;
- * Proposed Outbuilding Plan Ref 508 Rev C;
- * Proposed Elevations Ref 512 Rev A; and
- * Garage Block Plans and Elevations Ref 0250/100 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HER SP1 and HER DM1 of the Arun Local Plan 2011-2031.

- 3 **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.