

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

REF NO: Y/27/15/L

LOCATION: The Old Thatched Cottage
North End Road
Yapton

PROPOSAL: Application for listed building consent for 1 No. annexe building providing ancillary accommodation to main house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Low density.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fence to either side boundary, hedges and trees to rear.
SITE CHARACTERISTICS	The site consists of a detached two storey, flint clad thatched cottage (Grade II listed) with single storey brick extension to the site. The property has a large L shaped garden with existing outbuilding and various trees.
CHARACTER OF LOCALITY	The area is a village setting, outside the built up area boundary that backs onto rural land.

RELEVANT SITE HISTORY

There is a concurrent application running for planning permission Y/26/15/HH for the proposed outbuilding.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No Objection but do have the following comments:-

- a) Request cedar wood is used and that the door is of timber construction
- b) A condition is included to prevent the building being sold as a separate residence.

Comments on Representations received:

Noted

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Conservation Officer
Listed Building Officer

Consultations responses received:

Historic Buildings Officer

Whilst there is no objection to the scheme, the door is overly decorative for an outbuilding of this nature and should be conditioned. The windows would also benefit from being full height casements without top vents.

Please also condition weatherboarding and tiles.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Class B Road
Outside Built up Area
Special Control of Adverts
Listed Building Grade II

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Yapton neighbourhood plan 2014 Policy E9](#)

HER DM1 Listed Buildings

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

There is an adopted Yapton Neighbourhood Development Plan and it is a material consideration for this application.

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 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

PRINCIPLE

The site is in a location outside the built up area where the principle of development is considered unacceptable. However, in this instance the proposal is replacing an existing outbuilding of similar size so the development is considered to be acceptable in principle.

IMPACT ON LISTED BUILDING

The proposed outbuilding will be more than 15m away from the listed building and as such the impact on the listed building will be very limited.

The outbuilding would be modest in size and residential in appearance. Materials details will be required via condition should permission be recommended.

As such the proposal is considered to preserve the appearance of the listed building and conservation area. Conditional Approval recommended.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (Neutral 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).

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 15751/01 and 15751/02 dated .

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

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roof and door of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy HER DM1 of the emerging Arun District Local Plan.