

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

REF NO: Y/2/21/L

LOCATION: The Twelfth Of Never
Church Lane
Yapton
BN18 0EH

PROPOSAL: Listed building consent for the removal & replacement of a rear door.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The Twelfth of Never is a Grade II Listed Building identified as being an 18 Century cottage. It is two storeys, with Casement/sash windows to the front elevation, and a mix of windows and a door to the rear. It is faced with flints with brick dressings and quoins, all painted. There is a thatched roof. The property fronts on to the street and forms an attractive group with Coachman's Cottage and Hazel Cottage. The building is considered to be of aesthetic (fortuitous) significance.
CHARACTER OF LOCALITY	Coachman's Cottage is a C16, two storey, timber-framed building with painted brick infilling and diagonal braces on the first floor. It has a thatched roof and casement windows. The building is considered to be of aesthetic (fortuitous) significance. Hazel Cottage is a Locally Listed Building. It is an attractive two storied building that is rendered with a mixture of sash and casement windows. The principal elevation appears to face east, overlooking the associated amenity space. It appears on the first OS map of 1875-90, with a building present on the tithe map. There is an attractive single storey flint structure, with a clay tied roof which is attached to the Twelfth of Never (however, it is not statutorily listed). Its character is similar to that of the listed building; a small, simple structure, reflective of other buildings in the local area.

RELEVANT SITE HISTORY

Y/1/09/L	Application for Listed Building Consent to resite a satellite dish.	ApproveConditionally 18-03-09
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Y/2/07/L

Application for Listed Building Consent to modify boiler
flue terminal and associated thatch guard.

ApproveConditionally
25-05-07

Relevant site history noted.

REPRESENTATIONS

Yapton Parish Council: No objection

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal is to replace a modern door on the rear elevation with one of the same appearance. The only difference being that it will include double glazing. Guidance from historic England states that modern windows or doors of no historic significance can be replaced to include the slimmer double glazing. Whilst I note that the proposal includes such a system, the spacer is not as thin as it could be (16mm). However, as long as this does not set a precedent for the remainder of the building, I am happy for this system to be used in this particular door. Replicating the existing door in terms of its appearance is supported.

Conclusion

On balance, the application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents 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 Built Up Area Boundary

Grade II Listed Building

Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

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

DSP1 D SP1 Design
 HERDM1 HER DM1 Listed Buildings

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.

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."

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies are deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Paragraph 189 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets. Paragraph 193 of the NPPF reflects the requirements of Section 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) which identifies that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.

In this instance, it is considered that the proposal does not cause harm to the Listed Building to which it affects or nearby Listed Buildings. This is due to the proposed replacement rear door with one of the same appearance. The only difference being that it will include double glazing. Guidance from historic

England states that modern windows or doors of no historic significance can be replaced to include the slimmer double glazing. As such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

SUMMARY

Following the comments from the Conservation Officer, it is considered that the application is in accordance with the relevant policies in the Development Plan and the NPPF, and therefore should 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

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:
 - Location Plan
 - Block Plan
 - Heritage Statement
 - Design and Access Statement

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.

- 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.