

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

REF NO: Y/59/19/L

LOCATION: Willow Cottage
Church Road
Yapton
BN18 0EW

PROPOSAL: Application for Listed Building Consent for removal of garage door & replace with window. Removal of interior walls.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The listed building consent seeks to consent for removal of a garage door and replace with window. The application also seeks to remove interior walls.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is low walling with a large gap to allow vehicular access.
SITE CHARACTERISTICS	Willow Cottage is an L-shaped cottage. Eighteenth Century or earlier. Two storey detached cottage, constructed with red brick and the southern frontage is stuccoed. Steeply pitched roof. Casement windows.
CHARACTER OF LOCALITY	Residential.

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comment from Yapton Parish Council.

Arun District Conservation Area Advisory Panel:

The proposed replacement of the garage door with the timber window shown represents an improvement to the elevation appearance of the building and will represent an enhancement to the appearance of the conservation area. The improvements are welcome.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer
Listed Building Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

Willow Cottage is a Grade II Listed 'L-shaped' C18 (or earlier) cottage. Two storeys. Two windows. The south front is painted stuccoed, whilst the remaining walls appear to be of red brick construction. There is a steeply pitched tiled roof. Casement windows.

The heritage statement helpfully identifies the fact that the cottage is said to date back to 1690, was probably smaller, with a much lower thatched roof. It has been developed in a number of stages, and in the mid-1800s was converted into three cottages. It was then converted back to a single dwelling in 1954, where the following decade a single storey lean-to was added which comprises a porch and additional floor area to allow for a garage (which was converted from a habitable room).

In addition, the cottage is located in the Yapton: Main Road and Church Road Conservation area. Within the Conservation Area there is a more closely-knit pattern of development. Most buildings are two-storey and are constructed either in brick and flint or stucco, and these, together with natural slate or plain clay tiles for the roofs, are the predominant materials in the area.

As a result of its age and development, the cottage is considered to be of historic and aesthetic (fortuitous) significance.

The proposal

The application relates to two areas of work:

- Removal of garage door and installation of a replacement window so as to create more habitable space within the property; and
- Removal of interior walls

These shall be discussed in turn.

Garage door

The garage is a modern insertion into the attractive listed building which took place at some point during the 1960's. The concept of the removal of the garage doors and their replacement with an appropriately designed window will ensure that the elevation is returned a more suitable appearance. It is also considered that the use of slimmer double glazing is acceptable in this instance.

Interior walls

Whilst the concept of removing internal walls is generally considered to be acceptable, there is some concern over the level of loss in this instance. The current proposal would remove a substantial amount of historic walling, which would erode the existing layout.

The level of justification is not clear, with the only real reference being the fact that an existing fireplace will be revealed, but this is not clear from the proposed floor plans. It is not clear if this fireplace would be re-instated as part of the works.

It is suggested that the proposed plan be revised so that the existing layout can be understood. This

would require small areas or nibs of the walls to remain for all of the rooms affected by the proposal.

Conclusion

Whilst the removal of the garage door is considered to be acceptable, the loss of the historic walling is problematic in its current form.

Therefore, on balance, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). The level of harm is considered to be on the lower end of the scale.

As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Lidsey Treatment Catchment
Grade II listed building
Conservation Area
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

[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 above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building

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 application concerns internal works to a grade II listed building. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

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

Policy HER DM1 set 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, because the listed building is significant heritage asset proposals should protect the setting of these buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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." The proposal is considered to preserve the building.

Policy E9 of the Yapton Neighbourhood Plan outlines 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 set out in Appendix 1 and Appendix 2 of the Plan.

SUMMARY

Following the comments of the conservation officer it is considered consent be approved conditionally.

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 approved shall be carried out in accordance with the following approved plans:
 - Site and Location Plans
 - Proposed Floor Plans
 - Proposed Elevations
 - Proposed Details

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HERDM1 of the Arun Local Plan.

- 2 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.

- 3 All new partitions shall be scribed around the existing architectural features affected, including all ornamental plaster mouldings, ceiling cornices, picture rails and skirtings.

Reason: To enable the partitions to be removed at a future date without detriment to the special architectural or historic interest of this listed building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 The new joinery work shall match exactly the materials, dimensions finish and profiles on the existing original work.

Reason: To ensure that the internal and external appearance of the building is satisfactory in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 5 The openings and windows hereby permitted shall match in all details those existing , particular care being taken to reproduce the style and material of the timber window frames and casements, the arrangement of glazing bars, the set-back of the frames from the external wall face, the window cills and the colour, texture and form of masonry arches over the openings.

Reason: In order that the architectural and historic interest of this Listed Building is safeguarded in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 6 The/reconstruction/making good/of the building to complete the execution of the works for

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which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF.