

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

REF NO: Y/76/14/L

LOCATION: Berricourt
Main Road
Yapton

PROPOSAL: Application for listed building consent for 1 No proposed fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed timber close boarded fence will be 1.8m in height and will secure the northern part of the site. It should be noted that a previously proposed mesh fence has been removed from the application.

SITE AREA

Approximately 0.96ha.

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Flat on Main Road but with a gradual incline into the site/to the north.

TREES

The site is ringed by trees and there are also several within the site. However, none are affected by the new fence.

BOUNDARY TREATMENT

Low (approx. 0.8m high) brick and flint wall to perimeter boundary with approx. 1.6m high piers, supplemented by mature vegetation, trees and planting.

SITE CHARACTERISTICS

Grade II listed detached two storey dwelling with attic level. Clay tiled roof and bonnet dormers. Two/three storey gable wing to east faced in brick. Main dwelling has white stuccoed elevations. Timber sash windows at ground and first floor level and timber casement windows at attic level. Remains of brick and flint outbuildings to rear. Single storey hip roof wing to west. Mature, landscaped grounds.

The existing access has a white painted timber gate opening onto a shingle drive.

CHARACTER OF LOCALITY

Semi-rural. Yapton (Church Lane and Main Road/Church Road) Conservation Area comprising a mixture of brick and flint two storey dwellings and cottages. The existing

frontage is well landscaped.

RELEVANT SITE HISTORY

Y/5/13/L	Application for Listed Building Consent for the partial demolition of part of garage, proposed triple garage and greenhouse and 2 no. dormers, replacement kitchen windows, internal alterations and re-painting of front elevation.	ApproveConditionally 17-05-2013
Y/57/13/L	Application for Listed Building Consent for replacement of existing defective floor joists at second floor level, Pitched and Flat Roof to existing Listed Building with new access gate from Main Road.	Withdrawn 15-11-2013
Y/97/13/L	Application for Listed Building Consent for the provision of a new vehicular access to Berricourt from Main Road. Re-Submission following Y/57/13/L.	ApproveConditionally 28-01-2014
Y/3/14/L	Application for Listed Building Consent for replacement of defective roof structure	ApproveConditionally 17-02-2014
Y/4/14/L	Application for Listed Building Consent for upgrade of roof to games room and ball room	ApproveConditionally 17-02-2014
Y/18/14/L	Application for Listed Building Consent for a proposed door link drawing room and plant room, and office roof revised to a pitched roof.	ApproveConditionally 14-05-2014
Y/48/14/L	Application for Listed Building Consent to raise dormer window cills at front elevation & structure required to support main roof.	ApproveConditionally 23-07-2014

None.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - "The Planning Committee have no objection to the close boarded fence one. We do however object to fence two, a Protek 1000 mesh panel fence which we consider to be totally inappropriate for this property located in Yapton's southern Conservation Area. It will not complement the building or the grounds. The current boundary wall and hedging which has been a feature of the street scene at this location for many years is considered to form an adequate and appropriate boundary"

Comments on Representations received:

Noted. The applicant has amended the application to remove the mesh fence. Yapton

Parish Council have been informed of this change. Given that the Parish Council have no objection to the timber fence, this application can be dealt with under delegated powers.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

ADC Conservation Officer - "It is considered that the revised plans will not harm the conservation area."

Historic Buildings Adviser - Initial comments stated: "It is unclear what the justification is for this level of fencing, given that two different types are being proposed. Of particular concern however, is the metal mesh fencing which is particularly inappropriate in this context and could harm the setting of the listed building. It is rather austere and is likely to affect the way the garden and house are experienced."

Subsequently clarified these with: "I am less concerned with the wooden fence as this should fade and will be partially screened. The mesh fence should be removed."

Conservation Area Advisory Committee - no objection.

Comments on Consultation responses:

Comments noted. As noted above, the applicant has amended the application to remove the mesh fence.

POLICY CONTEXT

Designations applicable to site:

Class B Road;
Grade II listed building;
Conservation Area;
Permitted development restriction; and
No public sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[Publication Version of the Local Plan \(October 2014\):](#) HER DM1 Listed Buildings

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: Arundel; Barnham & Eastergate; Felpham.

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 proposed fence 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

The site is a Grade II listed building within the built-up area boundary in the Yapton (Church Lane and Main Road/Church Road) Conservation Area. The dwelling is centrally sited within the large curtilage and as such is some distance from the nearest residential property and the nearest road.

The site is also well screened by mature trees and it is therefore difficult to see the house from nearby public viewpoints.

The proposal concerns a new timber fence located behind and to the immediate north of the existing house. The fence is required to improve the security of the site which has in recent times, suffered thefts of items associated with the refurbishment/construction works. The fence is wholly hidden within the site and is not visible from outside of the site. Accordingly, it is considered that the new fence will not harm the character of the conservation area. With respect to the listed building, the Historic Buildings Adviser raises no objection on the grounds that it is partially screened by trees and will fade over time.

On this basis, it is not considered that the new fence is detrimental to either the listed building or its setting and therefore consent should 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 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 plan: Proposed Fencing Plan Ref 12127/135 Revision B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework.