

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

REF NO: Y/89/17/L

LOCATION: Dyers Croft
Main Road
Yapton
BN18 0EA

PROPOSAL: Listed building consent to demolish existing open garage/store & replace with garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolish the existing single storey open garage, and replacement with a hipped roof, single storey double garage.
SITE AREA	0.34 hectares (3402m2)
TOPOGRAPHY	The site is set approximately 1m higher than road level.
TREES	Various mature protected trees and hedges (not protected) on site, none considered to be significantly impacted by the development.
BOUNDARY TREATMENT	2.5m red brick wall to west side boundary, mature trees and foliage to east and south boundaries. North boundary is formed of a 2.2m (approx.) stone wall, when measured from road level. The wall is 1.3m (approx.) high when measured from site level.
SITE CHARACTERISTICS	Dyers Croft is a detached, two storey grade II listed building in the Arts & Crafts style with a linked single storey outbuilding and carport to side. Driveway to front and garden to side, rear and front with various mature trees and foilage.
CHARACTER OF LOCALITY	Historic village within the Main Road/Yapton Road conservation area. This part of the road is characterised by detached houses set back from the road, most of which are listed or locally listed as buildings of character.

RELEVANT SITE HISTORY

Y/88/17/HH	Demolish existing open garage/store & replace with garage. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area.
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Y/18/17/HH	Garage & store.
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Withdrawn

Y/19/17/L	Application for Listed Building Consent for garage & store.	Withdrawn 06-06-17
Y/37/14/L	Application for Listed Building Consent for the reinstalling of centre section of a five light window by removing a flat painted sheet of plywood and replacing with fixed leaded light inserted into the original window rebate.	ApproveConditionally 29-05-14
Y/22/91/L	Application for Listed Building Consent to convert existing store room to snooker room, with new extension to house, lounge, shower room and small store	ApproveConditionally 09-12-91
PAA/129/17/	Erection of new garage block to Listed Building.	Refuse Pre App 21-07-17

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Yapton Parish Council

No objection.

No comments received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

The proposal is to remove an existing open carport/store and replace with a double garage under a pitched tiled roof.

The proposal is considered overly dominating and would harm the setting of the listed building, to which it would be attached. It is considered that the proximity and massing of the proposed is considered detrimental to the listed building, and the setting of a listed building. Proposed materials beyond 'to match' are not specified, as it is unclear as to whether this is the house/existing adjacent store is unclear, so it is not possible to comment on this aspect of the application.

Therefore, It is considered that the proposed development does not meet the following criteria for the reasons outlined:

Arun Local Plan 2011-2031 Policy HER DM1 Listed Buildings: Proposals affecting listed buildings will be required to:

a) preserve character, protect and enhance the setting of the building

- It is considered that the proposal fails to conserve or enhance the setting of the listed building, or its planned garden space.
- It is considered that the proposal does not adequately respond to local material, form or scale and adversely affects the character appearance and views in and out of the Conservation Area.

Paragraph 137 of the NPPF states that a new development within a conservation area and the setting of a listed building should 'enhance or better reveal the significance of a designated heritage asset'

It is considered that the proposal does not adequately fulfil this criterion, and is contrary to:

NPPF Paragraph 132 requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development within their settings.

It is therefore concluded that the application be recommended for refusal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Grade II listed building
Within Main Road/Yapton Road conservation area
Tree Preservation Order
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

HER SP1 The Historic Environment

HER DM1 Listed Buildings

[Yapton neighbourhood plan 2014 Policy E9](#)

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of the application consultation, been publicised for pre-submission consultation(Reg.14).

Policy E9 of the Yapton NDP policies makes reference to Listed Buildings but only to the loss of rather than alterations to.

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 development is considered to conflict with these criteria in that it is considered to materially harm the character and setting of the host grade II listed building.

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 external 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.

NATIONAL PLANNING POLICY FRAMEWORK:

Paragraph 132 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."

Paragraph 133 adds that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The emerging Local Plan has been through examination twice and is therefore considered to gain additional weight in the determination of applications.

Policy HER SP1 states:

The Council will grant planning permission for development proposals that conserve or enhance the historic environment of the District, based on the following approach:

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 Council.

Policy HER DM1 of the "Arun Local Plan 2011-2031 Publication Version showing Modifications" 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."

The Policy also states that:

"Local Planning Authority will only support alterations to Listed Buildings in order to mitigate climate change where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric."

APPRAISAL:

The Authority's Conservation Officer has appraised the application and considers that the garage would be overly dominating and would cause harm to the listed building and its setting setting of the listed building to which it would be attached. This is as a result of the proximity to the listed building, and its massing. Therefore, the proposal is not in accordance with emerging policy and the NPPF.

As such, it is recommended that consent be refused.

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

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

REFUSE

- 1 The development by virtue of its unsympathetic proximity and massing and over dominant appearance, would substantially harm the character & appearance of the host grade II listed building, and its setting within the wider historic area contrary to policies HER SP1 & HER DM1 of the emerging Arun Local Plan 2011-2031 (Consultation on the Main Modifications)

January 2018 and paragraphs 132 of the National Planning Policy Framework.