

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

REF NO: Y/97/13/L

LOCATION: Berricourt
Main Road
Yapton

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal concerns the enlargement of the existing access from 4m to 5m. Parts of the existing flint wall are to be removed with new rendered brick columns (to match the existing) sited either side of the entrance. A new set of timber gates are then proposed between 5.2m and 5.4m back from the access with 1m high estates fencing located either side of this short section of the drive.
TOPOGRAPHY	Flat on Main Road but with a gradual incline into the site/to the north.
TREES	The existing access is flanked by two trees which are to remain.
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. In recent months, the access has been unlawfully enlarged to facilitate access by contractors.
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/14/92/L	Application for Listed Building Consent for the conversion and extension to existing outbuilding to form one dwelling.	ApproveConditionally 17-06-1992
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/56/13/	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. This application affects the character and appearance of Yapton Conservation Area	Withdrawn 18-11-2013
Y/96/13/	Provision of a new vehicular access to Berricourt from Main Road. Re-Submission following Y/56/13. This application affects the character and appearance of the Yapton (Main Road) Conservation Area.	ApproveConditionally 28-01-2014

This is a resubmission following Y/57/13/L which was previously withdrawn due to concerns from the Council's Historic Buildings Adviser.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

Listed Building Officer

Consultations responses received:

Council's Historic Buildings Adviser - no objection. Please condition sample panel for flint work.

Conservation Area Advisory Committee - no objection.

Comments on Consultation responses:

Comments noted.

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:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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

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 proposals comprise the widening of the existing access and addition of a new gate set back into the site with estate style fencing either side of this short section of driveway. The Council's Historic Buildings Adviser and Conservation Officer have jointly assessed the proposed new boundary treatment and have not raised any objections. As such, it is not considered that the alterations are detrimental to the setting of the listed building.

It is therefore recommended that consent is 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: "Location, Site, Proposed Floor Plans and Elevations" (Dwg 200 Rev B).

Reason: For the avoidance of doubt and in the interests of amenity and the environment.

- 3 The flint walling to be used to repair the existing shall conform with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before work to the flint wall is commenced.

Reason: To preserve the appearance and special character of the entrance for the future in accordance with the NPPF.