

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

REF NO: AL/11/22/L

LOCATION: Boundary wall to Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Listed building consent for the part demolition of boundary wall to form new access to existing site.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks consent for the part demolition of the boundary wall surrounding Nyton House. This wall requires removal to enable an access for development at Nyton House. The wall will be reconstructed on completion of the construction works.

SITE CHARACTERISTICS The site is occupied by Nyton House which is Grade II Listed. It is a large property fronted by a late C17 facade, with the inside of the North-West wing of the house originally dating back to at least C16 or earlier. It features two storeys and an attic; it is constructed from red bricks, with a tiled roof. Sash windows exist with a large bay of three windows at the south end of the east front.

There is a flint boundary wall that surrounds the property and is curtilage listed.

There are also a number of other Listed buildings in fairly close proximity to the application site.

CHARACTER OF LOCALITY The area is predominately residential.

RELEVANT SITE HISTORY

AL/10/22/PL Part demolition of boundary wall to form new access to existing site. This application is in CIL Zone 3 (zero rated) as other development and affects the setting of a Listed Building.

The site history is noted.

REPRESENTATIONS

Aldingbourne Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

The application relates to the part demolition of the boundary wall to form a new access. This implies that the section of wall is to be removed on a permanent basis. However, a review of the Design and Access Statement shows that the wall is to be removed temporarily and reconstructed on completion of construction works. This seems to imply that the section of walling will be re-built when the new development within the site has taken place. An area of approx. 8m width would be removed as part of this proposal which the agent identifies as containing numerous examples of cracking, dilapidation and historic damage to this section of the wall. The heritage statement identifies that the works are deemed to be a necessary alteration in order to facilitate construction works on the site of Nyton House. On its own, the loss of the boundary walling for construction works elsewhere is not an acceptable argument for the loss of historic fabric.

The sensitive repair of the wall is acceptable, and if this would require that this section is removed and replaced so that it looks like it does now, minus the structural issues, this would seem to be acceptable.

It would help to have a more detailed record of the walling so that the reconstruction could be carefully assessed and managed. All existing flint and bricks should be carefully cleaned and retained on site so that it can be re-used as part of the rebuilt wall. I would want to make sure that the quality of the rebuild is high and reflects the existing. A sample panel would be required, along with details of the proposed mortar mix - this could be based on an analysis of an existing sample.

It is not clear how the exposed sections of the walling will be treated for the duration of the works, nor how long it is anticipated for the section of walling to be missing. This information should be provided.

Conclusion

Subject to clarification and the submission of additional information by way of condition, I am of the opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Confirmation as to the protection of the wall, and duration of removal has been sought.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

HERDM3 HER DM3 Conservation Areas
HERSP1 HER SP1 The Historic Environment

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

CONCLUSIONS

The application concerns works to a Grade II curtilage Listed boundary wall. Given the listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

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, proposals should protect the setting of these buildings.

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage asset proposed for removal is curtilage listed and surrounds a Grade II Listed property. There also a number of other Listed buildings in fairly close proximity to the application site. Due to their age, method of construction and appearance, all of these assets are considered to be of architectural and historical significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The proposal requires the part demolition of a flint wall to enable access for redevelopment works at 'Nyton House'. The element for removal has a width of approximately 8m and fronts Nyton Road. However the wall will only be removed temporarily and reconstructed on completion of the construction works.

The part of the wall proposed for removal has cracking, dilapidation and historic damage and the sensitive repair of the wall is acceptable. If this would require that the section is removed and replaced so that it looks like it does now, minus the structural issues, this would seem to be acceptable.

Only this specific section of the wall should be removed and a detailed record of the walling should be recorded to ensure that reconstruction could be carefully assessed and managed. Also, all of the existing flint and bricks should be carefully cleaned and retained on site so that it can be re-used as part of the rebuilt wall.

To ensure the quality of the rebuild is high and reflects the existing, A sample panel would be required, along with details of the proposed mortar mix - this could be based on an analysis of an existing sample.

As such the application is considered to not cause harm to the significance of the heritage assets or their setting and comply with HER DM1.

CONCLUSION

Following comments from the Conservation officer it is not considered the proposal would harm the significance of the heritage asset and as a result is in accordance with HER DM1 and HERSP1, in that it is considered to protect and enhance the special historic and architectural character of the building.

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 A sample panel for the infilling of the wall along with details of the proposed mortar mix shall be submitted and approved by the Local Planning Authority prior to reconstruction of the wall. The sample panel approved by the Local Planning Authority shall be used in the construction of the development. The could be based on an analysis of an existing sample.

Reasons: To enable the Local Planning Authority to control the development in detail in the interests of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 3 All of the existing flint and bricks should be carefully cleaned and retained and must be re-used as part of the rebuilt wall.

Reasons: To enable the Local Planning Authority to control the development in detail in the interests of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Within 3 months of the works which require the demolition of the wall being completed, or two years from the date of this permission which ever is earlier, the wall shall have been rebuilt in accordance with conditions 2 and 3 above.