

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

REF NO: BE/91/21/L

LOCATION: The Chase
101 North Bersted Street
Bersted
PO22 9AF

PROPOSAL: Listed building consent to restore the original wall, re-point with hydraulic lime, using existing stones, brick and flint. To remove/demolish the new addition above original wall. (This application may affect the character and appearance of the North Bersted Conservation Area and a listed building).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks Listed building consent to restore the original wall, re-point with hydraulic lime, using existing stones, brick and flint. To remove/demolish the new addition above original wall. (This application may affect the character and appearance of the North Bersted Conservation Area and a listed building).
BOUNDARY TREATMENT	There is a brick and flint wall to side (east), front (south) and side (west) boundary of site. The existing wall to side (east) is around 5.25m in length. It had a height of around 2.56m to a maximum height of 3.00m nearest the house. However the brick section on top of wall has been removed (1.31m) to leave the existing flint wall below beneath which has a height of approximately 1.00m. The existing wall to front (south) had a height of 2.28m and length of around 3.07m. However the brick wall above (1.60m height) has been removed due to damage so leaving the existing flint work wall at a height of approximately 1.00m.
SITE CHARACTERISTICS	The site is occupied by a detached Grade II Listed two storey dwelling. It is painted white render walls with a pitched thatched roof. There is existing boundary wall of brick and flint to east, south and west boundaries.
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BE/90/21/HH	To restore the original wall, re-point with hydraulic lime, using existing stones, brick and flint. To remove/demolish the new addition above original wall. (This application may affect the character and appearance of the North Bersted Conservation Area and a listed building).
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BE/73/21/TC	Various works to various trees.	No Objection 14-06-21
BE/92/12/DOC	Application for approval of details reserved by conditions 5 & 6 following a grant of planning permission BE/13/12/L.	DOC Approved 16-07-12
BE/13/12/L	Application for Listed Building Consent for repairs to west facing gable wall including removal of chimney	ApproveConditionally 13-04-12
BE/63/11/TC	Fell 1 No Cedar tree and 2 Macrocarpa trees within the North Bersted Conservation Area	No Objection 20-06-11
BE/127/10/TC	Trim 1 No Leylandii tree by 2-3m and lower branches within the North Bersted Conservation Area	No Objection 25-11-10
BE/78/10/TC	Works to Leylandii Tree.	

None.

REPRESENTATIONS

Bersted Parish Council - No Objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer Comments - The proposal is to undertake works to part of the boundary walling. A site visit has identified that some of the works have already been undertaken. If this was for reasons of safety, it could be acceptable.

The proposed elevation plans include the following text 'using existing stones, flints and bricks'. This text appears to apply to the lower section of the walling is to be re-built, and is in contrast to

the heritage statement which states that the intention is to demolish the wall above the original stone and flint wall leaving the original below it. This needs to be clarified as it would affect historic fabric.

It would also appear from the proposed elevations that a section of brick walling on the drive elevation (closest to the road) is to be replaced. However, this causes problems in that the material used for the remainder of the walling in this section appears to be the local 'Bognor Rock'. If flint is to be introduced here, I would want to understand if this would be used to infill the area currently covered by brick, or more generally. I would not want the area of the existing Bognor Rock to be removed and replaced by a mixture of the stone and flint. Therefore, it would help to understand in more detail how the wall will look. i.e. will the existing Bognor Rock section remain or be rebuilt in its current location and appearance, with brick quoining to be used to separate it from the new flint section. This needs to be confirmed in the form of a diagram.

At present I am of the opinion that the intention is of the section of walling is to be removed and rebuilt. Therefore, in addition to the supplementary information that I require, I am of the opinion that sample panels are required for the new sections of walling. These sample panels should be of both the flint and Bognor rock elements of the walling so as to ensure that they are of a quality that is appropriate for both the listed building and the conservation areas.

Conclusion

Whilst the proposed works could be acceptable, the current application is not clear in what the intention of the proposal is. Will the lower section of the wall be repaired, or the sections identified rebuilt? If it is to be rebuilt, how will it look? This information should be provided so a full assessment of the impact of the proposal can be considered and a level of harm identified.

2nd Conservation Officers Comments received 21.09.21

I have visited the site - as the lower part of the wall has not been removed and rebuilt, I am happy with the application - i.e. to remove only the top, modern brick work.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Grade II Listed Building
Listed Buildings
Conservation Area
Built-Up Area Boundary
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
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."

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application seeks to undertake works to part of the boundary walling to sides (east), (west) and front (south) of the property. The works are to remove the modern brick work section above existing flint wall. The existing wall to side (east) wall was around 2.56m in height to 3.00m. The proposal leaves the flint section of wall to around 1.00m in height. The front (south) wall was around 2.26m in height however it has now been reduced 1.00m in height.

The wall is within the curtilage of 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.

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.

Policy HER SP1 sets out criteria for which proposals must meet in order to be acceptable. These include 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.

Para 194 of the NPPF requires the LPA to firstly identify the significance of the heritage asset affected by a proposed development. The property is Grade II Listed and is of some significance.

Paragraph 195 of the NPPF requires the LPA to consider the significance of the impact upon that heritage asset. As the removal of the top section of modern brickwork wall will leave the existing stone / flint wall below, it will not harm the heritage asset so is acceptable.

SUMMARY

Following comments from the Conservation officer the proposal would not 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 not cause harm to the special historic and architectural of the building or the North Bersted Conservation Area.

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 plans:

Elevations

Location Plan

Reason: For the avoidance of doubt and in the interests of heritage in accordance with policies of the National Planning Policy Framework and policies HER SP1 and HER DM1 of the Arun Local Plan.

- 3 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

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