

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

REF NO: WA/16/22/L

LOCATION: Walberton Park
The Street
Walberton
BN18 0PJ

PROPOSAL: Listed Building consent for the removal of the existing tiles, battens and felt of the west wing roof and replace with new (like for like). The roof will be rebuilt in a similar construction, utilising similar materials. New materials will be sourced to match the existing style, colour.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks listed building consent for the removal of the existing tiles, battens and felt of the west wing roof and replace with new (like for like). The roof will be rebuilt in a similar construction, utilising similar materials. New materials will be sourced to match the existing style, colour.
SITE CHARACTERISTICS	The site is occupied by a Grade II* Listed Building which forms apartments. The building concerned is located in the modern early 1980's extension which is positioned a distance from the main listed building.
CHARACTER OF LOCALITY	The area is predominately residential. The site is located in Walberton Village Conservation Area.

RELEVANT SITE HISTORY

WA/15/22/PL	Removal of the existing tiles, battens and felt of the west wing roof and replace with new (like for like). This application is on CIL Zone 3 (zero rated) as other development. This application may affect the character and appearance of the Walberton Village Conservation area and affect the setting of a Listed Building.	
WA/83/21/L	Listed building consent to replace existing french doors with like for like and with heritage slim double glazing	ApproveConditionally 29-11-21
WA/4/21/CLE	Application for a lawful development certificate following grant of planning permission WA/38/17/PL for an existing development - confirmation that permission has been	Withdrawn 12-03-21

lawfully commenced.

WA/74/20/CLP	Lawful development certificate for a proposed formation of new vehicular access through brick wall (not listed) on private land.	PP Not Required 02-12-20
WA/44/20/CLP	Lawful development certificate for the proposed formation of new vehicular access through brick wall on private land.	PP Required 02-10-20
WA/29/20/DOC	Approval of details reserved by condition imposed under ref WA/38/17/PL relating to Condition Nos 5 - hard & soft landscaping, 7 - elevations & sections of all new doors & windows and 8 - cycle parking & bin storage	DOC Approved 10-06-20
WA/111/19/HH	New dormer & roof windows & alterations to existing roof windows to serve existing first floor rooms & formation of one new bedroom in attic space with dormer & roof windows & other related internal alterations - This application may affect the character & appearance of Walberton Village Conservation Area. This application may affect the setting of a Listed Building.	ApproveConditionally 28-02-20
WA/80/19/CLE	Lawful development certificate for existing 2No self-contained flats.	Approve 22-11-19
WA/30/19/PL	Application for change of use from part of accommodation of Walberton House to separate self-contained dwelling. This application affects the character and appearance of the Walberton Village Conservation Area and the setting of a Listed Building.	ApproveConditionally 21-06-19
WA/89/18/L	Listed building consent for a replacement 1.19m high privacy screen, affixed to the existing 0.48m high dwarf wall giving a total height of 1.81m to North and West sides of patio.	Refused 04-02-19
WA/38/17/PL	Change of use of a store to a single dwelling with a porch extension & one additional window to north & west	ApproveConditionally 11-09-17

elevations & to east facing roof slope (Renewal of consent WA/6/14). This application affects the character and appearance of the Walberton Village conservation area

WA/6/14/	Change of use of store to single dwelling with porch extension & alterations. This application is a departure from the development plan	ApproveConditionally 09-05-14
----------	---	----------------------------------

None.

REPRESENTATIONS

Walberton Parish Council have no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

No objection. The proposal is, essentially, to replace the defective roof slates with new ones on the large extension which contains modern apartments. Such works seem to be logical as an appropriate means of ensuring that the building remains in a good state of repair. The intention is for materials to match existing ones.

The Method Statement indicates existing slates will be replaced with Spanish natural slates. Whilst the use of a natural slate is clearly acceptable, it is very important that the new slates should be of an appropriate colour/shade. It might be suitable for a sample or details of the slate to be provided to ensure it is appropriate for the Grade II* Listed Building. Such information could be provided by way of condition.

The application is considered to not cause harm to the significance of the heritage assets or their setting. It should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Arun District Conservation Area Advisory Panel

No objection. The proposal is to defective roof slates with new ones on the later west wing of Walberton Park which is Listed Grade 2* and indicated in the listing description as one of the best Regency country houses in Sussex.

The Method Statement, submitted with the application, indicates that Spanish natural slates are intended to be used. Some Spanish slates can be very dark, almost black, in colour and given the Grade2* listing context it is very important that the new slates should be of an appropriate hue and tone.

It is strongly recommended that a condition is attached to any LBC requiring a sample of the new slates be submitted for approval. It is suggested that the Council's Conservation Officer would need to agree the submitted sample.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

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

CONCLUSIONS

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.

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, because the listed building is significant heritage asset, proposals should protect the setting of these buildings.

Para. 195 of the NPPF states that "when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal". Furthermore Para. 202 of the NPPF stipulates 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, where appropriate, securing its optimum viable use. The proposed roof replacement would result in less than substantial harm to the significance of a designated heritage asset.

The proposal will replace existing tiles, battens and felt of the west wing roof with new (like for like). The roof will be rebuilt in a similar construction, utilising similar materials. New materials will be sourced to match the existing style, colour on a like for like basis i.e. appearance and materials. It is considered that as the tiles, battens and felt are of modern fabric in a modern late C.20 extension to the listed building and considering the separation distance from the main listed building, that this proposal is acceptable.

The Conservation Officer notes that this is an appropriate means of ensuring that the building remains in a good state of repair. It is noted that the intention is for materials to match the existing ones. It is very important that the new slates should be of an appropriate colour/shade. This has been supported by the Arun District Conservation Area Advisory Panel. Therefore, a condition will be attached to ensure suitable slate are used.

Following comments from the Conservation Officer and the Arun District Conservation Area Advisory Panel, the proposal would not substantially harm the significance of the heritage asset and as a result is in accordance with HER DM1, HERSP1 and Paras. 195 and 202 of the NPPF, as such it will protect and enhance the special historic and architectural character of the heritage asset.

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 - 002RevA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the planning consent hereby granted, a schedule of materials and finishes and samples of such materials and finishes to be used as roof slates of the existing building must be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 4 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.

- 5 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 .