

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

REF NO:	WA/27/26/L
LOCATION:	Myrtle Cottage The Street Walberton BN18 0PJ
PROPOSAL:	Listed building consent for removal of existing boundary wall damaged by large adjacent tree, and reconstruction of retaining wall on correct alignment (removal of the tree is the subject of a separate application).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The application site is a residential plot containing Myrtle Cottage, a Grade II Listed Building. The dwelling is a modestly scaled 19th century cottage that contributes to the historic character of the area. The site frontage is enclosed by a flint boundary wall which runs directly adjacent to the public highway and forms a prominent and distinctive feature within the street scene. The boundary wall is curtilage listed and therefore forms part of the heritage significance of the listed property.
CHARACTER OF LOCALITY	The site lies within the Walberton Conservation Area, which is subdivided into a number of distinct character areas. Myrtle Cottage is situated within the Church Lane Character Area, an area characterised by its quiet, semi-rural appearance, narrow lanes and relatively low-density pattern of development. The built form is predominantly comprised of detached dwellings arranged in a loose but cohesive pattern, with many properties positioned close to and fronting directly onto the highway. The character of this part of the conservation area is further reinforced by the presence of traditional boundary treatments and the historic relationship between buildings and the lane. In particular, the boundary wall and the siting of Myrtle Cottage contribute positively to the established pattern of buildings and spaces, which collectively define this part of the conservation area.

RELEVANT SITE HISTORY

WA/26/26/HH	Removal of existing boundary wall damaged by large adjacent tree, and reconstruction of retaining wall on	ApproveConditionally 02-07-26
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correct alignment (removal of the tree is the subject of a separate application). (This application may affect the character and appearance of the Walberton Village Conservation Area).

WA/25/26/T

Fell 1 No. Corsican Pine (Pinus Nigra) (T1).

ApproveConditionally
19-05-26

Relevant planning history noted.

REPRESENTATIONS

Walberton Parish Council - No response received.

CAAC (Arun Conservation Area Advisory Panel)- No objection.

Although the loss of the tree is unfortunate, clearly the works are necessary in order to maintain the attractive boundary walling which is an important feature in this part of the conservation area.

It is suggested that where possible, existing flints and bricks be retained for reuse in the construction of the new section of walling. It is recommended that sample panels of plain brickwork, and of a brick and flint combination should be agreed by the Council's Principal Conservation Officer before building works commence.

1 letter of support received from nearby occupiers due to the urgent need to attend to the safety of the area in question.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Conditions have been attached to the householder application linked to this permission.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Myrtle Cottage

Myrtle Cottage makes a positive contribution to the special character and significance of the Walberton Village Conservation Area. It is an early C19 property with painted stuccoed elevations and a pitched slate roof. The principal elevation is arranged with timber casement windows and a centrally positioned doorway, which features a pediment-shaped hood and a door of six fielded panels. These features are representative of the traditional materials and palette which define the conservation area.

As an early C19 building, the cottage reflects the prevailing domestic scale of development within the village, being of two storeys and modest proportions, consistent with the wider pattern of historic buildings. It derives its significance from its architectural and historical interest.

Walberton Village Conservation Area

Walberton is essentially a linear village, formed around a principal transport route (The Street), which runs broadly west-east. The majority of buildings follow this linear pattern of development, fronting onto

the road.

The conservation area is characterised by a rich palette of traditional building materials, ranging from historic flint to a variety of brick types, with slate roofs and clay tiles predominating. Flint is a particularly prevalent material, used in the construction of houses, outbuildings and boundary treatments, contributing to the strong sense of local distinctiveness.

The conservation area is divided into a number of distinct character areas. Myrtle Cottage lies within the Church Lane character area, which is defined by its quiet, semi-rural qualities, narrow lanes and low density of development. Properties are typically detached and arranged in a loose but coherent pattern, often fronting directly onto the road.

In this context, Myrtle Cottage forms part of a scattered yet cohesive group of historic buildings. Its traditional materials and architectural detailing complement the wider mix of flint and brick structures within the character area, reinforcing the overall sense of place. The presence of boundary treatments and the relationship of the cottage to the lane further contribute to the interconnected pattern of buildings and spaces which define this part of the conservation area.

Comments

The boundary wall runs directly adjacent to the public road and has a strong visual presence. The section of wall affected by the proposals extends along the front and side of the cottage. The wall is curtilage listed and, as such, careful attention is required in respect of materials and construction methods.

Part of the wall is of brick construction, with the remainder formed of coursed flintwork with brick detailing. The heritage statement identifies that the wall functions as a retaining structure, with ground levels within the garden significantly higher than the roadside. However, it does not appear that the wall was originally constructed to serve a retaining function.

A very large, mature pine tree within the garden lies in close proximity to the wall and is causing significant damage. The structural integrity of the wall is therefore at risk, and there is potential for partial collapse if remedial action is not undertaken.

The proposal to dismantle and rebuild an extended section of the wall is therefore understood. It is noted positively that any new structural support would be located below ground and would not be visible upon completion. The rebuilt wall is indicated to broadly replicate the appearance of the existing structure.

The heritage statement advises that flints from the existing wall would be salvaged and reused "where possible". In this regard, it is important that the maximum possible number of flints are retained and reused within the rebuilt sections, and not replaced unnecessarily with new material.

On this basis, the principle of the works is accepted and can be supported. However, this is subject to conditions requiring further details to ensure an appropriate outcome in heritage terms.

Conclusion

The application is considered to not cause harm to the significance of the heritage asset(s) or its/their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

You will also need to take into account the contents of section 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary.
 Walberton Village Conservation Area.
 Grade II Listed Building.
 Within an area with potentially high ground water.
 Lidsey Treatment Catchment Area.
 Lidsey Local Flood Risk Zone.

DEVELOPMENT PLAN POLICIES

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

HERSP1 HER SP1 The Historic Environment

HERDM1 HER DM1 Listed Buildings

[Walberton Neighbourhood Plan Policy 2019-2031](#) Conservation Areas and Areas of Special Character
[VE4](#)

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, The South Inshore & South Offshore Marine Plan 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 72(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

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

CONCLUSIONS

HERITAGE

The principal policy considerations are Arun Local Plan (ALP) policies HER DM1 and HER SP1, together with the National Planning Policy Framework (NPPF), which relate to development affecting listed buildings. These policies require that development must protect, preserve and, where possible, enhance the historic character, integrity and setting of designated heritage assets.

Paragraph 207 of the NPPF (2024) requires applicants to describe the significance of any heritage assets affected by a proposal, including the contribution made by their setting. In this instance, the applicant has submitted a Heritage statement in support of the application, which is sufficient to meet this requirement.

Paragraph 208 of the NPPF (2024) requires the Local Planning Authority (LPA) to identify the significance of the heritage asset affected by a proposed development. Myrtle Cottage is a Grade II Listed Building and derives its significance from its architectural and historical interest.

Paragraph 212 of the NPPF (2024) states that great weight should be given to the conservation of designated heritage assets when considering the impact of development proposals, irrespective of whether any harm would be categorised as substantial or less than substantial.

Listed Building Consent is sought for the reconstruction of sections of a damaged boundary wall. The wall occupies a prominent position adjacent to the public highway and makes a positive contribution to the setting of the listed building and the character of the surrounding area. The affected sections extend along the front and side boundaries of the property. As a curtilage listed structure, the wall forms part of the significance of the designated heritage asset and therefore careful consideration must be given to both materials and construction methods.

The Council's Conservation Officer was consulted and raised no objection to the principle of the proposed works. It was noted that, whilst a Schedule of Works has been submitted, additional details are necessary to ensure that the reconstruction is undertaken in a manner that preserves the significance of the heritage asset. As such, conditions have been attached to the householder permission requiring the submission and approval of sample panels and a photographic record of the existing wall prior to the commencement of works. These measures will ensure that the historic character and appearance of the wall are appropriately recorded and reflected in the rebuilt sections.

The proposal would preserve the significance of the listed building and its setting, in accordance with Arun Local Plan policies HER DM1 and HER SP1 and the NPPF. It is therefore concluded that the development would not result in harm to the significance of the heritage asset.

SUMMARY

The proposal is in accordance with the relevant Development Plan policies and the NPPF and as such, it is recommended for approval 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

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:

- Location and Block Plan 1490/03
- Proposed Plan and Street Elevation 1490/05 Rev A
- Proposed Part Plan and Street Elevation 1490/02

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

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

Reason: To preserve the character and appearance of the boundary wall in accordance with Arun Local Plan policy HER DM1 and the NPPF.