

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

REF NO: WA/37/19/L

LOCATION: Holly Tree Cottage
The Street
Walberton
BN18 0PH

PROPOSAL: Listed building consent for proposed first floor rear extension (Resubmission of WA/102/18/L).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks listed building consent for a proposed first floor rear extension.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has flint wall approximately 1m in height. Rear and side boundaries consists of wall approximately 2m-2.5m in height. Trees also in place along rear boundary.
SITE CHARACTERISTICS	Grade II Listed Building. Detached two storey property with canopy over front door, single storey extension to the side and rear.
CHARACTER OF LOCALITY	The area is predominately residential with properties of various styles and designs, some of which are listed. Located within the Walberton Conservation Area.

RELEVANT SITE HISTORY

WA/102/18/L	Proposed first floor rear extension and detached single garage.	Withdrawn 16-01-19
WA/68/09/L	Application for Listed Building Consent for a proposed single storey rear extension (revisions to previous approval WA/107/07/L)	ApproveConditionally 11-12-09
WA/21/09/L	Application for Listed Building Consent for repairs to brick and flint boundary walls and repair of brick & flint outhouse in back garden.	ApproveConditionally 20-07-09

WA/107/07/L	Application for Listed Building Consent for amendments to previous approval WA/70/07/L - solid roof to rear extension	ApproveConditionally 27-02-08
WA/70/07/L	Application for Listed Building Consent for refurbishment and internal alterations. Conservatory on rear and installation of satellite dish on roof to rear of house below roof line.	ApproveConditionally 12-10-07

Comments noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

No objection

1 letter of objection from a nearby occupier

- Concern relating to vehicular access during building works.
- Fail to see how delivery and builders lorries will park safely without blocking the street.

Conservation Area Advisory Committee provided an objection

- In its current form would harm the Listed building and Conservation Area.
- Car port would detract from the setting.
- Conflict with policies.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The carport has been removed from the application.

CONSULTATIONS

Engineers (Drainage)

Historic England

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Historic England - On the basis of information available we don't not need to be notified of the proposal.

Conservation Officer (June)

The proposal would result in the loss of one of the existing staircases which is linked to when the house was two properties. This would result in loss of historic fabric and could harm the significance of the cottage. The garage would be dominant and highly visible.

Following these comments, the garage was removed from the application and the staircase is to be retained.

Additional comments (July 23rd)

Revised plans show the removal of the carport. This is positive and reduces the harm to the Listed building and Conservation Area. The staircase will be retained with flooring inserted on top, which will ensure the stairs remain. On balance the revised proposal will not harm the significance of the heritage assets or their setting.

Engineers (Drainage) - Apply standard condition relating to surface water drainage.

Comments noted. As the extension is above an existing ground floor extension and the footprint is retained, the condition is not considered necessary.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary
Conservation Area
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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

PRINCIPLE

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.

The extension involves a gable end which sits below the existing historic gables and somewhat subservient. The use of a gable end is consistent with the use of other gables at the side and end of the dwelling.

A staircase which was formed when the property was originally 2 dwellings will be retained but flooring will be inserted above to provide level access to the extension. This will ensure the stairs remain for further reference. Details could be submitted to indicate how the flooring will be inserted without harming the historic fabric.

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 preserve 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 The development hereby approved shall be carried out in accordance with the following approved plans
 - Site and Location Plan - 06 Rev A
 - Sketch Section- 005 Rev A
 - Proposed Elevations - 004 Rev A
 - Existing and Proposed Floor Plan - 001 Rev A
 - Proposed Roof Plan - 002 Rev A
 - Design and Access Statement

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 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.