

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

REF NO: WA/55/21/L

LOCATION: Days
Days Lane
Aldingbourne
BN18 0TA

PROPOSAL: Listed building consent for the removal of an unsafe wall and some landscaping to provide wheelchair access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks listed building consent for the removal of an unsafe garden wall and some landscaping to that part of the garden to allow wheelchair access.
TOPOGRAPHY	Garden slopes west to east with different levels and steps.
TREES	None of any significance affected by the proposals.
BOUNDARY TREATMENT	Mix of timber post and rail fencing, trees and vegetation.
SITE CHARACTERISTICS	'Days' is a late C.18/early C.19 detached, Grade II Listed Building of two storeys, with various single storey additions. The property has developed in stages with the current front elevation being faced with Roman cement and the roof covered with slate. The property is of architectural and historic significance. The property has a central courtyard garden and lawned garden area to the east.
CHARACTER OF LOCALITY	The site is on the east of Days Lane, with the A27 being directly adjacent to the south. The area has a generally rural character with mainly detached properties set on large plots with fields and woodlands surrounding. The site is in the: designated Countryside, Lidsey Waste Water Treatment Works Catchment Area, Singleton and Cocking Tunnel HRA Buffer Zone, and an EA Source Protection Zone.

RELEVANT SITE HISTORY

WA/21/20/L	Listed building consent for the demolition of redundant building ancillary to main house.	ApproveConditionally 27-05-20
WA/21/11/DOC	Application for approval of details reserved by condition 4, 5 and 6 of planning appliaction WA/48/10/L	DOC Approved 07-04-11

WA/53/10/	Various extensions, alterations & demolition	ApproveConditionally 07-09-10
WA/48/10/L	Application for listed building consent for various extensions, alterations & demolition	ApproveConditionally 07-09-10

As per Report.

REPRESENTATIONS

Walberton Parish Council - no objection.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

Prefer for wall to be repaired. But if it must be removed for safety then require existing retaining garden wall to be re-faced in flints from wall to be demolished and a sample panel will be required to ensure its quality. Further details required of proposed landscaping/access/ramp. Any hard landscaping must be in materials sympathetic to the appearance and setting of the Listed Building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of report.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building

Designated Countryside

Lidsey Waste Water Treatment Works Catchment Area

Singleton and Cocking Tunnel HRA Buffer Zone

EA Source Protection Zone.

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.

Walberton Neighbourhood Plan 2 (adopted July 2021) forms part of the Development Plan in respect of this application.

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 negatively affect the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as follows:

- Whilst Heritage policies would seek to retain/repair existing historic fabric such as curtilage listed structures, in this particular case, given the claimed structural instability and unsafeness of the wall (which forms an other material consideration) and that the wall has now since in part collapsed its proposed removal is regrettably accepted on balance.

CONCLUSIONS

HERITAGE LEGISLATION AND POLICIES:

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."

Arun Local Plan policy HER SP1 requires that development proposals must conserve or enhance the historic environment, which includes the highest protection being given to designated heritage assets including Listed Buildings/structures and their settings. ALP policy HER DM1 seeks to protect the significance and settings of Listed Buildings.

Paragraphs 194 and 195 of the NPPF (2021) requires the applicant to describe and the LPA to identify and assess the significance of any heritage assets affected by a proposed development. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset 'great weight' should be given to the heritage assets' conservation. Para 202 states 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.

HERITAGE IMPACT ASSESSMENT:

The applicant submitted a Heritage Statement which seeks to describe the significance of the heritage asset, as required by para 194 of the NPPF. The Council's Conservation Officer has provided comments on the application.

The Heritage Statement identifies that structurally the wall leans beyond its middle third so is technically unstable. The Conservation Officer point outs that not being a Structural Engineer they are not qualified to comment on the structural integrity of the wall.

They confirm that information provided as part of the application indicates that the wall to be removed is very attractive, being coursed, knapped flints with attractive coping and brick quoining. In terms of repair, that would be the preference and should have been explored as an option within the Heritage Statement.

However, the Conservation Office confirmed that, in this particular case, the main significance of the listing is the building itself rather than this type of structure and that due to its location its removal would not cause harm to the significance of the Listed Building.

In terms of it being re-built in its original location/appearance, they confirmed that this would not achieve much since once the original was removed any replacement would be a 'pseudo-wall'.

The Conservation Officer concludes that if the wall is structurally unsafe and cannot be repaired then, in this particular case, the proposal is regrettably acceptable. This is partly on condition that the existing materials are re-used, with flints being salvaged from the demolished wall and used to face the other (brick) retaining garden wall, since this would lead to an enhancement in the appearance of this other existing garden wall which is currently just brick. They recommend a condition be applied which requires a sample of the new flint work to be provided prior to works commencing on that other wall. This would ensure that the new flintwork is of an appropriate quality for the listed building and replicate what was lost.

The Conservation Officer confirmed further details are required with respect of any proposed hard landscaping to facilitate the level access path (to the Sunroom) and garden ramp to allow for wheelchair access. Any hard surfacing materials or hand rail/s will need to be of a traditional and sympathetic appearance and of a suitable quality in relation the appearance and setting of the Listed Building.

SUMMARY:

The repair and conservation of the existing garden wall would have been preferable and should have been explored as an option by the applicant and within the Heritage Statement. It is regrettable that this was not the case and that during the determination period of the application part/all of the wall has come down. Given the location of the wall and that its removal would not harm the significance of the Listed Building, and that existing materials (flints) from this wall would be re-used to re-face another garden wall

resulting in an enhancement to that wall, subject to the flintwork quality, it is concluded that in this particular case the proposals are acceptable.

As required by paras 194 and 195 of the NPPF, the applicant has described (through the Heritage Statement) and the LPA has identified and assessed the significance of the heritage asset (concluding the significance lies with the main building itself) potentially affected by the proposed development. The LPA has had special regard to the desirability of preserving the listed building and its setting and given great weight to the heritage assets conservation, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and para 199 of the NPPF. It has concluded that the proposals would preserve, conserve and protect the significance and setting of the listed building, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, the NPPF and Arun Local Plan policies HER SP1 and HER DM1.

Planning conditions will be used to secure details of the new flintwork to the existing wall and of the landscaping.

The proposals would accord with the relevant heritage legislation and policies and the application is recommended for approval, subject to the following planning 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

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 development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Plans and elevations as proposed (2805/01/02)
- Block Plan (2805/01/03)

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 The existing retaining garden wall (as shown on the Plans and elevations as proposed, drawing no. 2805/01/02) shall be re-faced in salvaged flintwork from the wall to be removed (as confirmed in the Design & Access Heritage Statement dated June 2021). Prior to works commencing on re-facing this existing retained garden wall, a sample panel of the flintwork shall be constructed for approval in writing by the Local Planning Authority. The retained brick garden wall will be re-faced in these salvaged flints in accordance with the approved sample panel.

Reason: In order to preserve and enhance the significance and setting of the Listed Building, in accordance with the National Planning Policy Framework and policies HER SP1 and HER DM1 of the Arun Local Plan.

- 4 Prior to any landscaping works commencing, details (including of any hard surfacing materials/hand rails etc.) are to be submitted to and approved in writing by the Local Planning Authority. The landscaping works will be undertaken in accordance with these approved details.

Reason: In order to preserve the significance and setting of the Listed Building, in accordance with the National Planning Policy Framework and policies HER SP1 and HER DM1 of the Arun Local Plan.