Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: WA/66/22/HH

LOCATION: Magnolia Cottage
The Street
Walberton
BN18 0PJ

PROPOSAL: Repairs to cracked and leaning wall, including replacement of 3m section displaced by tree roots with metal railings, including removing the current street sign. (This application may affect the character and appearance of the Walberton Village Conservation Area and a Listed Building.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — Repair to and replacement of part of cracked and leaning boundary wall.

RELEVANT SITE HISTORY

WA/67/22/L — Listed building consent for repairs to cracked and leaning wall, including replacement of 3m section displaced by tree roots with metal railings, including removing the current street sign.

REPRESENTATIONS

Parish Council - No objection.

CONSULTATION RESPONSES RECEIVED:

None

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

Walberton Neighbourhood Plan Policy 2019-2031 Design Guidance HP13

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HP13 of the Walberton Neighbourhood Development plan states that where new development would influence the appearance or character of the surrounding area, it is to be of a high quality of design and must contribute to local character.

Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each.

Chapter 16 of the NPPF paragraphs 194, 195, 197 and 199 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal.

DESIGN AND VISUAL AMENITY

It is proposed to replace a 3m section of brick boundary wall which has been pushed over by an adjacent tree. It will be replaced with a metal railing. It is also proposed to repair the remaining brick wall.

Few details of the replacement railing have been provided, design, finish etc, neither have details of how, or how much of the brick wall requires repair. The Conservation Area Officer has stated that this may be controlled by condition however as the above-mentioned details go to the heart of the permission this is not considered a reasonable request.

Furthermore, metal railings do not form part of the existing street scene. Without specific details being supplied it is not understood whether they will negatively impact the street scene by being out of character. It is acknowledged that to retain both the adjacent tree (which is causing the wall to move which also forms part of the street scene) and the wall will be difficult, but the replacement boundary type will be required to be in-keeping with the style of the building, existing materials and its semi-rural location and needs to be demonstrated from the outset of an application.

In design and visual appearance terms the proposed railings conflict with Policy D DM1 of the Arun Local Plan and Policy HP13 of the Walberton Neighbourhood Development Plan as it cannot be determined whether they are out of character and consequently may negatively impact the street scene.

IMPACT

As the wall is existing and the railings are to be lower in height there will be no impact to neighbouring properties in accordance with D DM1 of the Arun Local Plan.

HERITAGE ASSET

The proposed railings will be visible from both The Street and Church Lane and as a result of the historic nature of these streets, without footpaths etc, the wall is a prominent and significant feature of the Conservation Area. There area has a semi-rural feel, and any proposed development should retain the bucolic character of the area.

Paragraph 194 of the NPPF requires the Applicant to describe the significance of the asset. A basic Heritage Report has been submitted summarising that no impact will occur to the heritage asset.

Paragraph 195 requires the Local Authority to identify and assess the significance of the heritage asset. The asset is architecturally and historically significant, the boundary wall is a prominent feature within the street scene.

Paragraph 199 states that great weight should be given to the conservation of assets despite the level of harm afforded to them as a result of the proposed development. No other examples of railings can be found in the immediate area and there are currently timber gates to the property. Suitable details have not been provided showing the extent of the repairs, or sufficient detail surrounding the wall's replacement, as such it cannot be ensured that no harm will be caused to the significance of the heritage asset. The Conservation Area Officer has stated that the loss of the wall is unfortunate, but no harm will be cause to the heritage asset as such, the application shall be decided in accordance with other policies in the development plan.

The proposed wall conflicts with Policy HER DM3 in that it will not preserve or enhance the 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

1 The application details do not show the extent of demolition, refurbishment and replacement of the existing walls in sufficient detail to ensure that the harm to the character and appearance of the Conservation Area and the Listed Building would be less than significant having regard to the requirements of Local Plan policies HER DM1 and HER DM3 and paragraph 199 of the NPPF.