

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

REF NO: WA/89/18/L

LOCATION: 9 Walberton Park
Walberton
BN18 0PJ

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1.19m high fencing.
SITE AREA	N/A.
SITE CHARACTERISTICS	Grade II Listed Building.
CHARACTER OF LOCALITY	The site is located within Walberton Village Conservation Area.

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Parish Council - No objection.

4 Letters of No objection:

- Fence is hidden behind shrubbery and a fence.
- The patio area was previously poorly maintained.
- The previous vegetation was overgrown.
- This is an improvement.

13 Letters of Objection:

- The fence is out of keeping with the listed property.
- Under the terms of the lease, consent must be given by the leaseholder, and it is unlikely that it would have been given.
- The hedge that the fence replaced was beautiful, and appropriate.
- The fence is ugly, plasticized, heavy metal fence, in lurid colours.
- The fence dominates the attractive gardens.
- The fence claims to be temporary, but it has been in place for 9 months.
- Taller and more extensive than the previous wooden fence.
- Industrial in appearance.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Concerns relating to the consent issued by the leaseholder are not considered under planning.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Objection.

The application seeks retrospective consent for a replacement privacy screen. Whilst the description states a privacy screen' it is essentially an application for what appears to be metal fencing which has been painted a green colour. It is indicated that fencing panels replace previous panels.

Walberton Park is a Grade II* building which is described as Two storeys, with seven windows, Stuccoed with Cornice and parapet. The end window-bays project slightly. Glazing bars intact. Portico of eight fluted Doric columns the whole length of the house. Good staircase inside. Modern service wings to north. It is described in the listing description as being one of the best Regency country houses in Sussex.

The property is also located within the Walberton Village Conservation Area.

It is considered that the use of these panels within the grounds of the property is detrimental to the significance of the building, and cannot be supported.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Grade II Listed Building

Conservation Area

DEVELOPMENT PLAN POLICES

HERDM1 HER DM1 Listed Buildings

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

Walberton Neighbourhood Development Plan Policy VE4 states that proposals that adversely affect the setting of Conservation Area will not be supported.

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."

The proposal is considered to conflict with these criteria in that the use of these panels within the grounds of the property is detrimental to the significance of the Grade II Listed Building, and as such, cannot be supported.

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

As a Listed Building application the key policy in this case is deemed to be HER DM1 of the Arun Local Plan.

Policy HER DM1 sets 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, proposals should protect the setting of these buildings.

IMPACT ON LISTED BUILDING

The design, colour and use of materials is deemed to conflict with Policy HER DM1 of the Arun Local Plan, in that it is will neither preserve or enhance the architectural or historic character of the building as described by the Councils historic officer.

It is therefore the case that the use of these panels within the grounds of the property is detrimental to the special significance of the building, and as such is recommended for refusal.

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

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

REFUSE

- 1 By way of the design of the screen and the materials and colour used it damages the historical and architectural integrity of this Grade II Listed Building in conflict with policy HER DM1 of the Arun Local Plan.