

Parish: Chichester	Ward: Chichester South
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**CC/18/01747/DOM & CC/18/01884/LBC**

**Proposal** CC/18/01747/DOM - Rebuild east boundary wall (Variation of condition 2 from planning permission CC/17/01703/DOM- Amendments to boundary wall).

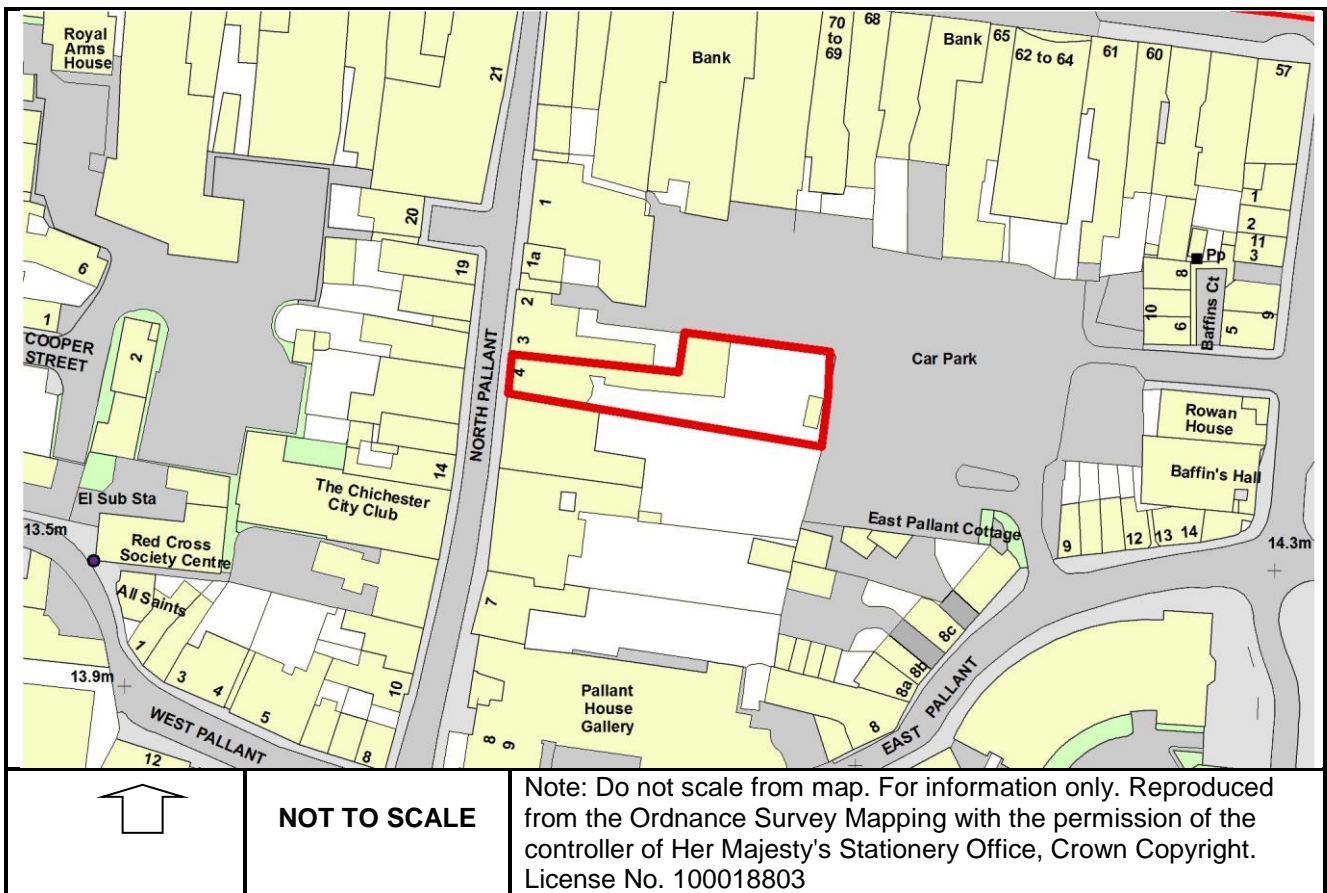
CC/18/01884/LBC - Rebuild east boundary wall.

**Site** 4 North Pallant Chichester PO19 1TJ

**Map Ref** (E) 486168 (N) 104732

**Applicant** Mr Roonan

**CC/18/01747/DOM RECOMMENDATION TO PERMIT  
CC/18/01884/LBC RECOMMENDATION TO PERMIT**



**NOT TO SCALE**

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## **1.0 Reason for Committee Referral**

- 1.1 Red Card- Councillor Plowman - The member has information or an opinion, which he wishes to raise in debate

## **2.0 The Site and Surroundings**

- 2.1 The application site is located within the settlement boundary of Chichester, within the city centre. The application property is a Grade II Listed Building within the Chichester Conservation Area. The dwelling is a 4 storey, 3 bay, Georgian town house, within a terrace of similar style properties. The front of the dwelling (west elevation) faces onto North Pallant, with only pedestrian access into the house available. To the east of the application site, adjoining the rear/side boundary of the site is Baffins Lane Car Park. The boundary treatment comprises a brick and flint wall with timber gates to an existing vehicular access, which is accessed via the public car park.

## **3.0 The Proposal**

- 3.1 Permission is sought to vary condition 2 of CC/17/01703/DOM (which granted planning permission for the east boundary wall of the property to be rebuilt). The approved plans granted permission for a brick wall to be constructed in place of the existing boundary wall. The amended plan proposes a replacement wall of the same length and height albeit using a mix of new and existing materials. Rather than a brick wall as permitted it is proposed that the existing flints would be re-used, while new brickwork within the wall would match the newly built extension to the rear of the dwelling.
- 3.2 It is not possible to vary a listed building consent and therefore further listed building consent is required and sought for the rebuilding of the rear boundary wall of 4 North Pallant. The existing wall is 16 metres in length with a height of 2.4 metres lowering to 2.2 metres and its replacement would be the same height and length as the existing.

## **4.0 History**

11/01396/TCA	NOTPO	Notification of intention to crown clean and lift to 4 metres over site (above ground level) on 1 no. Lime tree (T1).
11/04955/FUL	PER	Re-build east boundary wall.
11/05130/LBC	PER	Re-build east boundary wall.

14/01341/DOM	PER	Install 4 no. replacement chimney pots, roof profile variations to rear annexe, door and fenestration variations to south elevation of rear annexe and ground level variations to rear garden.
14/01435/LBC	PER	Install 4 no. replacement chimney pots, roof profile variations to rear annexe, door and fenestration variations to south elevation of rear annexe and ground level variations to rear garden.
15/02089/LBC	PER	Re-pointing of walls to north, east and south elevations in lime mortar and replacement arches to match original.
17/01703/DOM	PER	Rebuild east boundary wall.
17/01704/LBC	PER	Rebuild east boundary wall.
18/00022/TCA	NOTPO	Notification of intention to crown reduce by 2.5m all round (back to previous pruning points) on 1 no. Common Lime tree (T1).
18/00899/TCA	NOTPO	Notification of intention to fell 1 no. Common Lime tree (T1).

## 5.0 Constraints

Listed Building	Grade II
Conservation Area	Yes - Chichester
Rural Area	NO
AONB	NO
Tree Preservation Order	YES
EA Flood Zone	NO
Historic Parks and Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Chichester City Council

No response has been received.

### 6.2 CCAAC

Object: This historic wall is in full public view adjacent to a car park. The proposed regular flint panels and prominent expansion joint are out of character with the rest of the wall. The joint would be unnecessary if lime mortar was used and the new work could be toothed into the existing.

### 6.3 The Chichester Society

Object: the proposal to rebuild this interesting old brick, flint and stone wall as a regular brick wall with flint panels is unacceptable, because it would lack the character of the existing and should incorporate the historic material and be repaired/rebuilt in lime mortar therefore not requiring the disfiguring expansion joint. This is a very visible wall in Baffins Lane car park, and this same part of the Conservation Area recently suffered from the decision to permit the same applicant to fell the tree. Therefore the Committee ask that this application is refused and that the applicant agrees further revisions to improve the proposal. A replacement tree should also be required.

### 6.4 CDC Historic Buildings Advisor

No objection. Following submission of amended plans, which retain the visible incremental repairs that have taken place historically which contribute to the walls interest and the character of the street scene. The proposed materials are considered acceptable.

### 6.5 Third Party Representations

No letters of representation have been received

## 7.0 The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

## National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,

For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the Historic Environment) generally.

## Other Local Policy and Guidance

7.5 The following documents material to the determination of this planning application:

- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impact on visual amenities and character of the Listed building
- iii. Impact on the amenities of neighbouring properties
- iv. Archaeology

i) Principle of the development

- 8.2 The application relates to the replacement of an existing boundary wall of a residential property. Planning permission and Listed Building consent were permitted in 2011 and 2017 to rebuild the existing wall and therefore the principle of the replacement wall is considered to be acceptable.
- 8.3 The replacement of the wall is required as a result of damage caused by a Lime tree which was previously located within the rear garden of the property and caused structural damage to the rear boundary wall of the application site. The damage was caused as a result of the trees location within a raised planted area in close proximity to the rear boundary wall of the site. Damage was evident from the movement of the wall and cracks within the mortar and brickwork, this damage was likely to be ongoing whilst the tree was in situ and therefore the wall was not rebuilt following the permissions granted.
- 8.4 Subsequently, earlier this year, the lime tree was felled and the current applications seek to amend the previous 2017 planning permission to incorporate the existing stone in the rebuilding of the wall. A fresh application for listed building is required because it is not possible to amend the existing consent. The principle of re-building the wall with a brick wall was considered acceptable on two previous occasions, and this application only seeks permission to vary the approved plans to allow for the incorporation of flint work into the wall. Therefore the principle of re-building the wall is considered acceptable and the only consideration is the proposed amendment to materials and appearance of the proposed structure.

ii) Impact on visual amenities and character of the Listed building

- 8.3 S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to have special regard to the desirability of preserving and conserving the character and appearance of a conservation area. In addition, S. 66 requires the special historic and architectural character of the listed building to be preserved whilst the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, Policy 47 of the Local Plan requires new development to recognise, respect and enhance local distinctiveness and the character of the area and heritage assets whilst Policy 10 seeks to enhance the character and distinctiveness of the city's local neighbourhoods.
- 8.4 This application follows two previous permissions to re-build the existing wall. The existing wall is currently 16 metres in length with a height between 2.4 metres and 2.2 metres. Half of the wall is constructed from random stone from the south and flint to the north with red brick above. The remaining part of the wall is red brick with a timber section on the northern corner. This use of different materials shows historic repairs and alterations that have occurred during the life time of the wall, including the later addition of red brick across the wall. There are clear signs of structural movement in the wall.

- 8.5 The current application proposes to rebuild the wall using the existing stone and flint returning the materials in a similar place to the existing wall. The existing red brick would be replaced with an Ibstock Berkshire Orange and Dorset Red Bricks laid in English Garden Wall Bond with a mortar joint of hydraulic lime mixture. A sample panel has been prepared on site, the details of which have been submitted and considered by the Council's Design and Conversation officer, who considers the proposal would be acceptable.
- 8.6 The retention of the historic materials and maintaining the visible historic alterations to the wall, would retain the character of the wall and the character of the area. Furthermore, the proposed works would ensure the longevity of the heritage asset, through the repair of structural issues. The proposal would preserve the special historic and architectural character of the heritage asset. In addition the proposal would preserve and conserve the character and appearance of a conservation area. The application therefore accords with section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, section 12 of the NPPF and Policy 47 of the Chichester Local Plan.

iii) Impacts on neighbouring amenities

- 8.7 Policy 33 of the Chichester Local Plan seeks to ensure a good quality of amenity for all existing and future occupiers of land and buildings. Due to the location of the wall and the fact the proposal would not increase in the height of the wall, it is considered the proposal would not have a significant detrimental impact on neighbouring amenity in terms of overbearing. The proposal therefore accords with the relevant NPPF polices and Policy 33 of the Chichester Local Plan and is therefore considered acceptable in this regard.

v) Archaeology

- 8.8 Significant archaeology was found following the grant of the original consent, therefore the 2017 permission imposed a condition requiring a scheme of archaeological investigation of the wall to be submitted if excavations were greater than 500mm. In order to protect any potential archaeology under or around the wall, it is suggest to impose this condition again.

Conclusion

- 8.9 It is considered that the proposal would preserve and conserve the character and appearance of a conservation area and the listed building. In addition the proposal would not have a detrimental impact to the amenity of neighbouring properties. The proposal therefore accords with the relevant sections within the NPPF, Polices 33 and 47 of the Chichester Local Plan and local design guidance. The application is recommended for approval.

## Human Rights

8.10 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

### **RECOMMENDATION (CC/18/01747/DOM)**

**PERMIT** subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 0839-151 REV A, 0839-251 A, 0839-351 E

Reason: To ensure the development complies with the planning permission.

- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the document titled *Schedule of Materials and Finishes*, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

- 4) In the circumstances where any excavations in connection with the hereby approved development are required greater than 500mm deeper than the existing ground levels. No further development shall continue on the site until a written scheme of archaeological investigation of the wall has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.



## INFORMATIVES

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **RECOMMENDATIONM (CC/18/01884/LBC)**

**PERMIT** subject to the following conditions and informatives:-

- 1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 0839-151 REV A, 0839-251 A, 0839-351 E

Reason: To ensure the development complies with the planning permission.

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For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PBLJEBERG0H00>