

Report to **Planning Committee**
Date **11 October 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/02188/FUL and SDNP/17/02189/LIS**
Applicant **Mrs Diana Garrow**
Application **Stabilise and repair existing stone boundary wall without wholesale rebuilding and to allow re-opening of the footpath.**

Address **The White House
The Green
Fernhurst
GU27 3HY**

Recommendation: That the applications be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

The White House is a Grade II* listed building and the front wall of the property, the repair of which is the subject of these applications, is listed by association. The wall is currently in poor condition, is cracked in a number of places and is leaning in a manner that means it is a danger to users of the adjacent public footpath. The repairs comprise the stabilisation of the outward leaning section and the stitching and infilling of the inward leaning section of the wall.

The applicant's agent has confirmed that the approach to the stabilisation of the wall is based on the conservation principles of minimum intervention and maximum retention of historic fabric. The loss of the historic wall and its replacement with a new wall together with the loss of mature trees would harm both the character and appearance of the conservation area and the setting of the listed building. As such the proposed solution is considered to be the most appropriate method to secure the retention of the wall and trees and has the least impact on the character of the conservation area.

The applications are recommended for approval.

1 Site Description

- 1.1 The White House is a Grade II* Georgian dwellinghouse sited to the east of Fernhurst Green within the Fernhurst Conservation Area and the wider South Downs National Park. The building is predominantly faced with local sandstone in a coursed, squared finish.

1.2 The listing reads:

SU 82 NE FERNHURST THE GREEN (West Side)
6/19 The White House II* 18.6.59 House. C17 timber-framed building with some timbering exposed at the back but refaced on the east side in the early C18. Coursed stone. Stone stringcourse. Moulded wooden eaves cornice. Hipped tiled roof. Glazing bars intact. Doorway, probably modern Georgian, with pediment shaped hood, semi-circular fanlight and six panel door. Two storeys and attic. Five windows. Two hipped dormers.

Listing NGR: SU8994028538

1.3 The stone boundary wall, which is the subject of this application, forms the west boundary of the site adjacent to the highway to the north and a footpath to the south.

1.4 The wall appears on the 1875 OS historic map which suggests it was erected in the early 18th century. The wall which is constructed in local stone is approximately 1.5 metres in height and 60 metres in length.

1.5 In respect of the property the Fernhurst Conservation Area Appraisal concludes: The house is listed at Grade II*. To the Green, a Victorian letter box is built into the stone boundary wall. Both these subsidiary features possess heritage value in their own right.

2 Proposal

2.1 These applications seek planning permission and listed building consent for works to stabilise the outward leaning section of boundary wall adjacent to the footpath at the front of the property. The wall also acts as a retaining wall due to site level differences with the land behind the wall being higher.

2.2 This application seeks permission to insert tie rods connected to 'S' shaped patress plates positioned on the front face of the wall. The inward leaning section will be repaired by realigning the stone work.

3 Relevant Planning History

FH/ 98/02282/DOM - Double garage and store following demolition of existing building.
Permit 02.11.1998

FH/ 98/02491/LBC - Demolition of prefabricated concrete and asbestos roofed garage adjoining main garage.
Permit 23.11.1998

FH/ 99/00139/TCA - To fell 1 no. Chestnut tree.
No Objection 16.03.1999

SDNP/14/04460/TCA - Notification of intention to reduce laterals back to boundary and reduce height by 5 m on 1 no. Western Red Cedar tree (1). Reduce height by 5m on 1 no. Western Red Cedar tree
No Objection 13.10.2014

4 Consultations

4.1 Fernhurst Parish Council

The Council welcomes this application, to the extent that it recognises the need to take action to make safe and to preserve this attractive wall, which bounds the curtilage of a Listed building within the Conservation Area and also adjoins a footway open to the public.

However, the Council objects to the application as it stands, strongly preferring to see the wall rebuilt on a properly designed new foundation for the following reasons.

Allowance could be made in the foundation design for future tree-related ground movement. The current proposals ignore the trees and do not allow for any of the inevitable future ground movement related to them. The proposed works are not considered a long-term solution in this regard.

The proposed selective strengthening of the masonry would, through the use of strong cementitious grout, make rebuilding the wall using the present constituent stone material very difficult or impossible at any future time.

For these reasons, the Council considers that the current proposals represent short-term expedience, and are not in the long-term interests of preserving the wall.

In any event, the Council requests that the Tree Officer be consulted to suggest whether or not any work to, or removal of, the trees would be worthwhile in helping to reduce their detrimental impact on the wall now and in future.

Further Parish Council comments received 27 July 2017

"The listed wall is considered to be a significant feature in the Fernhurst Conservation Area and I consider that its wholesale loss of historic fabric and replacement with new work would harm both the character and appearance of the conservation area and the Grade II listed building."

We are very much in agreement with the ambition of the SDNPA in this respect, which Fernhurst Parish Council fully supports. It is this ambition to preserve the historic fabric (basically the stones which currently constitute the wall) and avoid its replacement with new work that resulted in the Council making its comments which I reproduce below:

"The Council objects to the application as it stands, strongly preferring to see the wall rebuilt on a properly designed new foundation for the following reasons.

Allowance could be made in the foundation design for future tree-related ground movement. The current proposals ignore the trees and do not allow for any of the inevitable future ground movement related to them. The proposed works are not considered a long-term solution in this regard.

The proposed selective strengthening of the masonry would, through the use of strong cementitious grout, make rebuilding the wall using the present constituent stone material very difficult or impossible at any future time.

For these reasons, the Council considers that the current proposals represent short-term expedience, and are not in the long-term interests of preserving the wall.

In any event, the Council requests that the Tree Officer be consulted to suggest whether or not any work to, or removal of, the trees would be worthwhile in helping to reduce their detrimental impact on the wall now and in future."

The Council stands by its comments and cannot hide the disappointment felt at the proposed officers' recommendation.

If the Conservation Officer and Tree Officer were consulted on this application the Council would be pleased to receive a copy of their comments if you are able to provide it.

4.2 CDC - Historic Buildings Advisor

Advice to Planning – Proposal supported

This proposal provides a means of sensitively stabilizing a historic wall without the need for demolition and rebuilding. Rebuilding is likely to result in harm to the character and appearance of the wall which would be harmful to both The White House, a grade II* listed building and Fernhurst Conservation Area.

The use of patress plates is quite a traditional method of restraint and is acceptable here. Whilst they will introduce a new feature into the wall, they represent an honest approach and can be mitigated by painting them a lighter colour (ie. light grey).

4.3 CDC – Tree Officer

From what I observed, the damage to the wall is more direct damage from the growth of the trees rather than root damage, although I did not see the other side of the wall. Given the damage I could see, cracking and break-up of the wall itself, bracing as shown may not be sufficient.

5 Representations

5.1 1 no. third party objection

Trees are impacting on the structure of the wall

Lack of a tree report

The southern section of wall is completely broken and requires rebuilding and consolidating.

Lack of detail as to the method statement of repair works

The applicant's approach reflects her wish to protect the trees while retaining the wall. The demolition and rebuilding of the wall was considered, but as it would require works to the ground levels in the root protection areas of the trees the proposal was considered to be detrimental to the health of the trees.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the Chichester District Local Plan First Review (1999). The following documents are also considered to be material considerations in the determination of this application:

- SDNPA Partnership Management Plan 2014
- South Downs Local Plan – Pre-Submission September 2017
- Fernhurst Neighbourhood Plan

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

7.2 It is also necessary to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF)

7.3 The following sections and paragraphs of the National Planning Policy Framework have been considered in the assessment of this application:

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

Paragraph 115

7.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

Chichester District Local Plan First Review 1999

7.5 The following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:

- RE1 - Development in the Rural Area Generally
- BE4 - Buildings of Architectural or Historic Merit
- BE5 – Alterations to Listed Buildings
- BE6 - Conservation Areas
- BE11 - New Development

Fernhurst Neighbourhood Plan

7.6 Policy 8.1 of the Fernhurst Neighbourhood Plan

The South Downs Local Plan – Pre-Submission 2017

7.7 The National Park Authority has published the South Downs Local Plan Pre-Submission 2017. This was approved by the South Downs National Park Authority on 11 July 2017. The document and the policies contained therein are a material consideration when determining planning applications and appeals within the National Park; however at this stage it is acknowledged that the policies will carry limited weight. The following policies are considered relevant to this application:

- SD5 – Design
- SD6 – Safeguarding Views
- SD11 – Trees, Woodland and Hedgerows.
- SD12 – Historic Environment
- SD13 – Listed Buildings
- SD15 – Conservation Areas

Partnership Management Plan

7.8 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.9 The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9

7.7 The Fernhurst Conservation Area Character Appraisal

- Policy 5.11

8 Planning Assessment

8.1 The main issues with the proposal are considered to be:

- i) The proposed method of repair of the listed wall and the impact of the repairs on its character and appearance.
- ii) The impact of the works on the setting of the Grade II* listed building and the character and appearance of the Fernhurst Conservation Area.
- iii) The impact of the trees on the boundary wall.
- iv) Other matters

i) The proposed method of repair of the listed wall and the impact of the repairs on its character and appearance.

8.2 The White House is a Grade II* listed building and the front wall of the property, the repair of which is the subject of these applications, is listed by association. There is no historic evidence as to the date of the front boundary wall although its appearance indicates it was erected soon after the main house was re-fronted in the early 18th century. The wall is approximately 1.5 metres high, constructed of local stone similar to the front facing of the house and is capped with pitched red bricks on edge. The present capping of the wall appears to be of a later date than the main body of the wall.

- 8.3 The wall is currently in poor condition, is cracked in a number of places and is leaning in a manner that means it is a danger to users of the adjacent public footpath. The footpath has temporarily been fenced off. The wall appears to be in danger of collapsing onto the public footpath and therefore it is in need of repair. Because of the listed status of the wall any repair needs to be carried out in a sensitive manner and in a way that will preserve its historic character and appearance.
- 8.4 The repairs comprise the stabilisation of the outward leaning section and the stitching and infilling of the inward leaning section of the wall. The applicant's agent has confirmed that the approach to the stabilisation of the wall is based on the conservation principles of minimum intervention and maximum retention of historic fabric. The demolition and re-building of the wall has been discounted due to the detrimental impact on trees and that it is unlikely that the wall could be re-built in its current form. Any solution that required rebuilding would require an engineered structure behind the front face of the wall.
- 8.5 The works involve the stitching of the wall where it is cracked with stainless steel plates bedded in lime mortar which is a proven conservation technique. In addition three patress plates are proposed on the front face of the wall which will be painted to match the colour of the wall. The proposed stabilisation system combined with the management of the neighbouring trees is seen as a long term solution (25 years) to the leaning wall.
- 8.6 It is considered that the chosen method of restoration is an appropriate solution achieving the aim of restoring the wall whilst limiting the amount of work to the structure itself. Alternative methods proposed by, for example, the Parish Council would involve the substantial demolition of the wall and a more engineered solution which would have a greater impact on adjacent trees.
- ii) The impact of the works on the setting of the Grade II* listed building and the character and appearance of the Fernhurst Conservation Area.
- 8.7 The White House is sited in a prominent position to the west of the village green. The wall is a significant historic structure within the Fernhurst Conservation Area and is the front boundary wall to a Grade II* listed building.
- 8.8 The loss of the wall or its inappropriate alteration is likely to have a significant impact on the setting of the listed building and on the character and appearance of the conservation area. There is therefore a desire to seek the retention of the wall with as little change to its appearance as possible. The proposed structural solution to the repair of the wall provides additional support to the wall without the need for major intervention on its front face, for example, through the use of buttressing. The wall is to be retained and repaired and the three patress plates will be anchored to concrete blocks sited below ground level behind the wall. As such they will not be visible and will have no discernible impact on the character and appearance of the wall or the conservation area.
- 8.9 In addition the proposed method of repair will allow for the retention of trees sited immediately behind its front face.
- 8.10 The proposal is considered to represent a sympathetic restoration of the wall which will does not cause harm to the character and appearance of the wall, the setting of the listed building and will preserve the character of the Fernhurst Conservation Area.
- 8.11 Although it is acknowledged that this proposal represents some physical intervention to the wall the visual impact is minor causing minimal harm to the heritage asset while securing it for continued public benefit.

- 8.12 The Council's historic buildings advisor considers that the use of patress plates is a traditional method of restraint and supports the application.
- 8.13 In conclusion it is considered that both the historic boundary wall and the trees are significant features within the Fernhurst Conservation Area. The loss of the historic wall and its replacement with a new wall together with the loss of mature trees would harm both the character and appearance of the conservation area and the setting of the listed building. As such the proposed solution is considered to be the most appropriate method to secure the retention of the wall and trees and has the least impact on the character of the conservation area.

iii) The impact of the trees on the boundary wall.

- 8.14 This application arose from the need to stabilise the wall. This proposal requires minimal intervention without the need to remove trees or demolish and rebuild the wall.
- 8.15 The trees (Beech, Lawson Cypress, Laurel and Holly) are sited immediately adjacent to the wall on its western aspect. The Tree Officer has visited the site and considers that the proximately of the trees are having a direct negative impact on the structural integrity of the wall.
- 8.16 The damage to the wall is considered to be direct damage from the growth of the trees rather than root damage. An Arboriculture Method Statement will be conditioned to explain how the works are to be undertaken without causing damage in the rooting zone of the trees adjacent to the wall.
- 8.17 The wall has been designed to retain the existing soil heights. The agents states that if a new wall had to be designed to retain the existing soil heights and the trees it would become an engineered structure consisting of a reinforced concrete retaining wall with a wide foundation faced with stonework. This could limit the chances of saving the trees. To rebuild the wall as existing would require the removal of the trees.
- 8.18 The Fernhurst Design Guidance states that tress, hedges and views make Fernhurst distinctive and these aspects should be respected when future building is planned.
- 8.19 In conclusion the retention and repair of the existing wall is considered to be less invasive to the trees.

iv) Other Matters

- 8.20 Fernhurst Parish Council does not support this proposal and considers it represents only a short term solution to the problem and would prefer to see a more long term solution proposed. It is considered that the proposals the subject of this application must be considered on their own merit and in themselves are considered to be acceptable resulting in the retention of the wall for a significant period of time. The Parish Councils preference is to demolish the existing wall and rebuild on a properly designed new foundation.

9 Conclusion

- 9.1 The proposal is considered to offer the best and most balanced solution to stabilise the historic boundary wall without its loss or the loss of mature trees which make a positive contribution to the character and appearance of the area.

- 9.2 The proposal does not conflict with policies RE1, BE4, BE5, BE6 and BE11 of The Chichester Local Plan 1999, the aims and objectives of The National Park Planning Policy Framework or the statutory purposes of designation of the South Downs National Park. In view of the above considerations the application is recommended for approval subject to conditions.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. No development shall commence on site until an arborticultural method statement explaining how the works are to be undertaken without causing damage in the rooting zone of the trees adjacent to the wall has been submitted to and been approved in writing by the Local Planning Authority. Such a statement must be based upon the terms of this planning permission which involves the repair of the wall to be done by hand only, without the use of mechanical tools. Once approved the works shall only be carried out in strict accordance with the approved details.

Reason: In the interests of the amenity and to safeguard the health and wellbeing of the tree(s).

4. No development shall commence until details of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Any facing materials required to make up any shortfall, mortar mix and finish and patress plates. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

5. All new works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile.

Reason: To prevent harm to the character and appearance of the listed building.

6. The removal of the existing mortar shall be carried out carefully by hand or by non-powered hand held tools only.

Reason: In the interests of preventing damage to adjacent parts of the building identified for retention.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
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South Downs National Park Authority

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Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

| Plan Type | Reference | Version | Date on Plan | Status |
|--|-------------|---------|--------------|----------|
| Plans - Location plan | drg.001 | | 27.04.2017 | Approved |
| Plans - Existing block plan | drg.002 | | 27.04.2017 | Approved |
| Plans - Proposed block plan | drg.003 | | 25.05.2017 | Approved |
| Plans - Wall restraint details sheet 1 | 00444-01 P1 | | 27.04.2017 | Approved |
| Plans - Wall restraint details sheet 2 | 00444-02 P1 | | 27.04.2017 | Approved |

Reasons: For the avoidance of doubt and in the interests of proper planning.