

Recommendation Report for Planning Permission

REF NO: AB/140/18/PL

LOCATION: 39A Tarrant Street
Arundel
BN18 9DG

PROPOSAL: Replacement of 2 No. front & 2 No. rear single glazed wooden windows with 2 No. front & 2 No. rear double glazed wooden windows. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace 4No. wooden single glazed windows, to the front and rear of the host building.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The building abuts the footpath to its front elevation, then due to its siting, the rear is not visible as a result of adjacent buildings.
SITE CHARACTERISTICS	The site is populated by a two storey building, which is a shop front at ground floor level.
CHARACTER OF LOCALITY	The area is populated by buildings of mixed styles and appearances.

RELEVANT SITE HISTORY

AB/160/16/PL	Part change of use to create a flexible B1 use. This application affects the character and appearance of Arundel Conservation Area.	ApproveConditionally 01-03-17
AB/136/15/PL	Part change of use to create 1 No. new dwelling. This application affects the character & appearance of the Arundel Conservation Area.	Refused 10-12-15 Appeal: Dismissed 23-06-16

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No comment.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

The Conservation Officer was consulted twice on the application, following the submission of further details.

The application relates to a Locally Listed Building or Structure of Character, which plays a prominent position on Tarrant Street. The property is an attractive two storey, rendered building. It is located in close proximity to both other locally listed and nationally identified listed buildings.

Further, the property is located within the Arundel Conservation area. Development therefore has the potential to affect a number of different assets. Based on the information provided as part of the application, it appears that the front windows are sliding sash, whilst the rear ones are timber casements.

I note that the replacement windows will be constructed from timber, but include double glazed units. Such an approach is acceptable. However, whilst pictures of the existing windows are provided, it is not fully clear what the replacement windows will look like. I note that one picture has been provided which closely resembles the casement windows, but there is no information to confirm that sliding sash windows will be installed on the front elevation. Without information regarding what the replacement windows will look like it is hard to assess the impact of the proposals.

It would also be useful to have it confirmed that the dimensions of the glazing bars etc. of the replacement windows will match (or be very similar) to the existing ones.

Re-consultation:

Further to my comments below, additional information has now been provided (quotes and sample photographs for all windows) which assists with the assessment of the proposal - it is unfortunate that this was not previously provided.

It is noted that the applicant states: 'all windows would be the same wooden, same or similar colour, same dimensions, the only difference being they will be double glazed'. The two photographs indicate that the type of window to be provided appears to be similar to the existing windows.

It would appear now that the replacement front and rear windows will reflect the existing windows in terms of appearance (including glazing bars) and colour etc. As a consequence, it is considered that the proposal will have a neutral impact upon the local area, and now considered to be satisfactory.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Locally Listed Building
Arundel Conservation Area

DEVELOPMENT PLAN POLICES

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

Arundel Neighbourhood Plan 2014 POLICY1: The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

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

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposed development is considered to be in keeping with the established character of the host building and its locality.

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

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1, D DM4 and HER DM3 of the Arun Local Plan. Additionally, Policy 1 & 2 of the Arundel Neighbourhood Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

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 D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM2 of the Arun Local Plan relates to Locally Listed Buildings or Structures of Character. First, it sets out the criteria that should be met by the buildings in order to become locally listed. With relation to the alteration or extensions of buildings on the Local List, it states that the proposal should relate sensitively to the building, respecting its architectural, landscape or historic interest.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

Following the comments from the Conservation Officer, it is considered that the proposed development would not have any significantly detrimental impact upon the character of the host building or its locality. The proposed development is considered to be in accordance with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development seeks the replacement of existing windows, sited in the same way, therefore, there is not considered to be any change in the views available from the building. Additionally, the application proposes no built form, and resultantly will not result in any overshadowing or overbearing impact to occupiers of adjacent occupiers. The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

LOCALLY LISTED BUILDING

The proposed development is considered to have no significant effect on the host buildings, as it is considered to have a neutral effect on the architectural significance of the building. The application is

considered to be in accordance with D DM2 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following 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

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 and details:

- Block Plan
- Email from applicant - 06/03/2049 11:01
- Rear window information - Quotation - 5624 - 10/01/2019 10:36
- Sash window information - Quotation - 5624 A - 10/01/2019 10:47

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.