

Recommendation Report for Planning Permission

**REF NO:** AB/52/21/PL

**LOCATION:** Old Bank House  
3 High Street  
Arundel  
BN18 9AD

**PROPOSAL:** Replacement of all windows with new timber double glazed sliding box sash windows and the proposed rendering of the South Elevation (front) with render painted white . This application affects the setting of a Listed Building and the character and appearance of the Arundel Conservation area.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The replacement windows would be traditional timber sliding box sash windows with double glazed units in a heritage style. Window detail drawings are included with the application. The rendering of the front elevation will cover brickwork that has been painted over. Windows will be double glazed to improve thermal efficiency. The rendering of the front and side elevations is required to cover brickwork that has been previously rendered and removed. |
| BOUNDARY TREATMENT         | The premises is located on the backedge of the pavement.                                                                                                                                                                                                                                                                                                                                                                                                             |
| SITE CHARACTERISTICS       | The site is occupied by a 4 storey building known collectively with 1 as the Old Bank House. The building is finished with brickwork walls, timber sash windows with dormer windows on the top floor and a natural slate pitched roof.                                                                                                                                                                                                                               |
| CHARACTER OF LOCALITY      | Town centre location comprising a mix of residential, retail, restaurant and commercial uses.                                                                                                                                                                                                                                                                                                                                                                        |

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| <b>RELEVANT SITE HISTORY</b> |
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| AB/122/20/PD | Prior notification under Schedule 2, Part 3, Class O of the Town & Country (General Permitted Development (England) Order (as amended) for the change of use of the existing building from office (Class B1(a)) to residential dwelling (Use Class C3) with minor internal layout and external changes. | No Object'n + Conds<br>18-12-20 |
| AB/12/21/PL  | Internal & external alterations to existing building to facilitate the change of use to a residential dwelling granted under AB/122/20/PD to include demolition of single storey rear extension, removal of rear external                                                                               |                                 |

chimney, change existing window to front elevation to entrance door & new french doors to rear elevation. This application affects the setting of a listed building, affects the character & appearance of the Arundel Conservation area & is in CIL Zone 2 (Zero Rated) as other development.

## REPRESENTATIONS

### Arundel Town Council - Objection

- Adversely effect on the street scene.
- Windows should be in original style using secondary glazing rather than replacement double glazing.

### Conservation Area Advisory Panel - Objection

- The building is prominent in the townscape and makes a positive contribution to the character and appearance of the conservation area.
- It is surprising the building is not listed since it is contemporary with, and of very similar design to, the adjoining listed building (1 High Street). Neither is it in the Council's local list but it meets the criteria and should be treated as a non-designated heritage asset.
- The building dates to the late 18th or early 19th Century and its Georgian townhouse style means that the traditionally constructed multi-paned vertically sliding sashes are critical to its design and make a considerable contribution to its heritage significance.
- The lack of horns could indicate some of the sash windows in 1 and 3 High Street date from before 1840/1850.
- The replacement of this important fenestration with modern timber double glazed windows with their thicker glazing units, dead flat appearance to the glass and thermal spacers will materially detract from the historical and architectural significance of the building.
- It is difficult to ascertain from the plans how any glazing bars will be treated. It is either intended to use false 'stick on' bars or to use properly formed bars but these would need to be thicker than the originals in order to take the extra weight of the double glazing (this would also likely be the case even with slimline double glazed panes).
- Either detail is not appropriate since the traditionally constructed and properly formed slender glazing bars are so important to the character and appearance of the historic building.
- The wholesale replacement of the existing windows represents a substantial loss of historic fabric.
- The nationally accepted approach is that repair should be explored first before the decision to replace and there is ample advice given by Historic England in its various publications. This issue is not addressed in the Heritage Statement.
- Considerable advice is also given by Historic England on the various methods of thermally insulating historic buildings without recourse to double glazing.
- Without detailed proposed full elevational plans of the various window sizes contained in the building it is difficult from the plans submitted to ascertain final appearances.
- The works of replacement with double glazed units are totally unacceptable.
- Government Guidance on the Historic Environment indicates that there can be cases where even minor works can give rise to substantial harm to heritage assets for the purposes of paragraphs 194-196 of the NPPF. Given how critical the appearance of the existing windows are to the heritage significance of the building there will be substantial harm.
- Even if it is considered that the works give rise to less than substantial harm the only possible public benefit which could be considered would be the better thermal insulation of the building but there are other far more appropriate ways of achieving this without recourse to double glazing.

- The proposed works will adversely affect the character and appearance of the building and also, consequently, that of the conservation area. In addition, there will be an adverse effect on the setting of the adjoining listed building and, therefore, also on its significance.
- If permission is granted for the proposed replacement windows there will be a dangerous precedent for other similar works not only within the Arundel Conservation Area but in historic buildings across the District.
- The proposed replacement windows fail to comply with the NPPF and policies contained in the ADLP relating to the protection of non -designated heritage assets and the setting and appearance of designated heritage assets.
- In respect of the proposal to render the south elevation of the building it is considered that historical information should be submitted by the Agent to warrant what will be a material change in its prominent street facade. If the Council consider it acceptable to render the facade then the work needs to be undertaken in accordance with best historic building practice.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

These are noted and addressed in the conclusion section of this report.

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| <b>CONSULTATIONS</b> |
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#### **CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - Objection

Old Bank House is a late C18 terraced house which is located on the High Street so that the southern and western elevations face on to the High Street. The elevations are of brick construction and there is a brick modillion cornice. It has a hipped slate roof along with a red brick chimney. It is of 3 storeys and attic and basement.

Whilst 1 Old Bank is a listed building, 3 is not. However, together they form an office building at the present time. The properties are joined by connecting corridors on ground and second floors.

The south elevation of 3 has 2 ranges of double hung sash windows with glazing bars on the ground, 1st and 2nd floors. A new front door opening is required to gain access to the new residential unit.

Number 3 is neither nationally or locally listed. Planning Practice Guidance states local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. As a consequence, it is considered that the building meets the definition of a non designated heritage asset and should be treated as such.

The building is in the Arundel Conservation Area, with a number of listed buildings in the immediate local area. Buildings front directly to the pavement and form a cohesive, attractive group. Old Bank House is in a prominent location and can be viewed from public gardens and riverside opposite and from the nearby river bridge.

#### **The Proposals**

The proposal is for external works to 3 Old Bank House.

Replacement of all of the windows with new timber double glazed sliding box sash windows.

Windows are a key element of a historic building, and it is considered the existing traditionally windows

which include slender glazing bars play an important role in the character and appearance of historic buildings such as this and the neighbouring one. The wholesale replacement of the existing windows would represent a substantial loss of historic fabric, where the initial approach should be to repair the existing ones. It is not clear if any information has been provided which indicates the current condition of the windows or if they are beyond repair. This information should be provided.

Whilst a number of plans have been provided, they do not provide full elevational details which makes it difficult to understand what their appearance would be. This is especially true of the ground floor windows where there is an additional fixed sash. It is also difficult to understand from looking at the information provided how any glazing bars, if any, will be treated. There are two approaches that could be used: to use glazing bars that are applied to one pane of glass or to use properly formed bars, but these would need to be thicker than the originals in order to take the extra weight of the double glazing (this would also likely be the case even with slimline double-glazed panes due to their size).

Proposed rendering of the South Elevation (front) with render painted white

The south elevation to number 3 is painted an off-white/cream colour, whereas the neighbouring one is exposed brick.

It would help to have historical information to confirm the presence of historical render on this elevation. It is also not clear how existing details such as the brick dentil course at eaves level will be treated as part of the process of applying render, or what materials will be used in this traditional property. This needs to be confirmed as the process could cause negatively impact the building and features and cause harm.

At present, based on the lack of information provided, the impact has to be considered as causing some harm.

## Conclusion

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of section 16/66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

### POLICY CONTEXT

Designation applicable to site:  
Within Conservation Area  
Building of Character  
Adjacent to Grade 2 Listed Building  
Arundel Town Centre

### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

|      |                                          |
|------|------------------------------------------|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards           |

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| HERSP1 | HER SP1 The Historic Environment                        |
| HERDM1 | HER DM1 Listed Buildings                                |
| HERDM3 | HER DM3 Conservation Areas                              |

**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.

**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 conflict with relevant Development Plan policies in that there would be an adverse impact on the character and visual amenities of the locality.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially affect the setting of the adjacent Grade II Listed Building and the character of the Conservation Area.

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**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS**

**PRINCIPLE**

The site is in the built up area boundary.

In this instance the main criteria against which the application will be assessed is as per policies D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan and the NPPF.

Policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 building, its neighbours and the locality.

Policy HER DM1 (e) requires proposals to protect and where possible enhance the setting of listed buildings. Policy HER DM3 seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states planning permission will be granted for development that conserves or enhances the historic environment and that non-designated heritage assets will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

#### **IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA**

The proposal would significantly alter the appearance of a prominent building in the Conservation Area and the wholesale change to replacement of all windows with heritage double glazed units and rendering of 2 brick elevations, without adequate justification would adversely impact on visual amenity and the character and appearance of the area given that the physical changes are external and significant in nature. All windows on the main street scene elevations are altered.

The site forms a prominent location along the High Street and built up street frontage. The external changes included would detract from the appearance of the building and have a detrimental impact on the appearance and design of the building in conflict with relevant development plan policies DSP1, D DM1 and D DM4 of Arun Local Plan which require alterations to reflect or improve on the character of the site and the surrounding area.

#### **IMPACT ON HERITAGE ASSET**

The application includes a heritage statement (in the Design and Access Statement) in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance. Paragraph 190 states that Local Planning Authority's are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise. The comments of the Conservation officer have been sought. There is conflict between the heritage asset's conservation and the proposal as set out below.

The building the subject of this application is not Listed, but it adjoins a listed building and is considered a non-designated heritage asset and is of high architectural merit. Given the external changes to the building are not insignificant and would be readily visible they result harm to the heritage asset and the setting of the adjacent Listed Building. This harm when weighed against public benefits is not acceptable.

The proposal will not enhance the heritage asset consistent with its conservation. It does not preserve the appearance of the traditional timber windows or elevational treatments which are important elements of the building which should not be altered without clear justification and unless the impact is minimal.

The building is readily visible in the conservation area and has a positive impact on the character and appearance of the area. There is less than substantial harm to the heritage asset but the proposal does not include clear and convincing justification for works to a building which affect the setting of a listed building in conflict with para 194 of the NPPF.

Policy HER DM3(b) requires alterations to existing buildings to be sensitively designed, constructed of appropriate materials and sympathetic in form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area. The proposal would detract from the appearance, character and detailing of the building and would not emphasise its features and qualities. The introduction of double glazed timber windows would detract from the detailing of the existing windows and provide an uncharacteristic level of uniformity and the change in elevational treatment would adversely impact on the historic quality and detailing of the building, particularly given the level of information submitted with the application to demonstrate how existing features would be retained or how the elevation has been treated historically.

The proposal adversely impacts on the conservation of the heritage asset and the appearance of the Conservation Area in conflict with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

## CONCLUSIONS

The application is therefore recommended for refusal for the following reasons

### 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.

### RECOMMENDATION

REFUSE

- 1 Given the position and number of replacement windows proposed, the lack of adequate justification for their replacement and their proposed inappropriate design the proposal would adversely affect the character and appearance of the property, the setting of the adjoining listed building and the wider Conservation Area in conflict with policies D DM1, D DM4, D SP1, HER SP1, HER DM1 and HER DM3 of Arun Local Plan and the NPPF.
- 2 Given the lack of historic justification and the height and prominent position of the property the proposed changes to the elevational material would adversely affect the visual amenities of the locality and would fail to preserve or enhance the character and appearance of the Conservation Area and the setting of the adjacent listed building in conflict with policies D DM1, D DM4, D SP1, HER SP1, HER DM1 and HER DM3 of Arun Local Plan and the NPPF.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.