Recommendation Report for Planning Permission

REF NO: **AB/90/12/**

LOCATION: Flat 4
17 Tarrant Street
Arundel

PROPOSAL: Replacement of 7 No sash windows with 7 No PVCu windows

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the replacement of timber frames with UPVC double glazed frames.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	N/A
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site comprises of third floor residential accommodation with red brick elevations to the front and render to the rear with timber sliding sash windows. Sash windows are noted within the first floor flat also and a traditional timber shop front at ground floor level.
CHARACTER OF LOCALITY	The site is located within the Arundel Conservation Area. This particular part is characterised by predominantly grade II listed buildings, with historic shop fronts at ground floor level and residential above. With the exception of one adjacent example, all properties have retained traditional features and windows.

RELEVANT SITE HISTORY

AB/62/11/CLP	Application for a Lawful Development certificate for a Proposed use or development to fit 7 replacement sash windows with sash PVCu windows	PP Required 21-07-2011

REPRESENTATIONS

Representations received:

Arundel Town Council

Objection; as per the Arundel Design Statement 'Contemporary UPVC and aluminium double glazing will not be allowed.

Comments on Representations received:
Noted and agreed.

CONSULTATIONS

Conservation Officer

Consultations responses received:
CONSERVATION AREA ADVISORY COMMITTEE: Objection. Traditional timber sash windows to be retained or be replaced as existing.

Comments on Consultation responses:
Noted and agreed.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Within Conservation Area
Building of Special Character
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS	The Arundel Design Statement by Arundel Town Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

EMERGING LOCAL PLAN
The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 the introduction of PVC windows will not preserve or enhance the character and appearance of the Conservation Area, where a key characteristic of the surrounding built environment is the presence of timber framed windows.

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

The proposal involves the replacement of traditional timber sliding sash window materials with UPVC double glazed units which replicate the sliding sash design. At present no other UPVC windows or non traditional windows are noted on the building or within the immediate vicinity, with the exception of a modern sash window to the rear of what appears to be No. 3 Tarrant Street.

The Council's Supplementary Planning Guidance for Conservation Areas recognises that Arundels Conservation Area is of an outstanding quality, with Tarrant Street being noted for its attractive appearance. Tarrant Street is well preserved at both street level and above.

It is considered that allowing the entire third floor of this visually prominent building to utilise UPVC frames would conflict with the aims and objectives for preserving and enhancing the Conservation Area. The resultant changes would significantly detract from the appearance and coherence of the existing building with the loss of part of its historic finish. This is turn would have a detrimental impact upon the historic appearance of Tarrant Street and the wider Arundel Conservation Area given the prominence of the site from street level and the Crown Yard car park to the rear.

In addition to the Authorities guidance on Conservation Areas, the Arundel Design Statement advocates this approach to ensure preservation of the historic hillside town. This guidance states that 'contemporary UPVC and aluminium double glazing will not be allowed'.

It is therefore recommended that the application is refused for the following reasons.

HUMAN RIGHTS ACT

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 for 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 a neutral impact has 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).

RECOMMENDATION

REFUSE

1 The replacement of the existing traditional sliding sash timber windows with UPVC windows would detract from the character and appearance of Tarrant Street, the Arundel Conservation Area and of the building itself. The proposal neither preserves nor enhances the special character of the conservation area and conflicts with policies GEN7, GEN22 and AREA2 (together with Supplementary Planning Guidance) of the Arun District Local Plan and the Arundel Design Statement.

2 If this proposal were permitted the Local Planning Authority would find it difficult to resist similar proposals in the vicinity, the cumulative effect of which would be to significantly alter the historic character of Arundel to the serious detriment of the amenities of the area in conflict with policy AREA2 and GEN7 of the Arun District Local Plan.