

Recommendation Report for Planning Permission

REF NO: BR/149/17/PL

LOCATION: Flat 2
14 Park Road
Bognor Regis

PROPOSAL: Replacement of all windows with new white PVCu with all fenestration to match the existing.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.02 hectares.
BOUNDARY TREATMENT	None, This is a first floor flat.
SITE CHARACTERISTICS	First floor flat within a Victorian end of terrace, 3 storey building. The flat has windows to the west, south and east. The property is locally listed as a building of special character within a conservation area.
CHARACTER OF LOCALITY	Mixed residential and tourist seafront area. Formed mainly of 3 storey Victorian terraces containing flats and some hotel/guest accommodation.

RELEVANT SITE HISTORY

Flat 3 has UPVC windows which have not been granted planning permission. It is understood they are exempt from enforcement action via passage of time. They have been in place for more than 4 years.

Current windows in this flat were installed in September 2016.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection, subject to conservation officer approval.

Comments on Representations received:

Comments noted.

The conservation officer has objected to the proposal.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer

The building of which the flat is part is designated as being of Special Character and it is prominently located in the Aldwick conservation area.

Fenestration is a defining feature of a historic building and within a designated area, the use of UPVC is strongly resisted, as it is a modern 'anywhere' material, devoid of local character and inappropriate to the local context. In order to preserve the appearance of the locally listed host building - and maintain its contribution to the special qualities of the designated area - replacement frames in prominent elevations must be of traditional materials and similar style to the original windows, and thus reasonably consistent with the initial architectural intention. However, modern alternatives such as UPVC may be condoned for rear elevations which are barely visible from the public realm.

Poor precedents in neighbouring buildings do not justify further unsympathetic work, as the cumulative effect of inappropriate windows erodes the locally distinctive qualities of both the host building and the wider conservation area, resulting in harm to their significance. Para. 132 of the NPPF requires great weight to be given to the conservation of designated heritage assets and refusal for the installation of UPVC framed windows to the front and side elevations is recommended in terms of:

- Local Plan 2003 Policy Area 2 & GEN22.
- Local Plan 2014 Policy HER DM2 & 3.

Comments on Consultation responses:

Comments noted.

The officer agrees with the comments. Not only is the property located in a conservation area but it also a building of special character. Furthermore, all of these windows are visible from the street scene of the conservation area.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Within the Aldwick Road Conservation Area (CA)
Building of Special Character (BSC)

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) AREA2
 GEN2
 GEN22
 GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Conservation Areas
Built-up Area Boundary
Buildings or Structures of Character
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
HER DM2 Locally Listed Buildings or Structures of Character
HER DM3 Conservation Areas

HER SP1 The Historic Environment
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD2	Conservation Areas
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

No Bognor Regis NDP policies are considered to be relevant to this application.

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 it has a materially adverse effect on the visual amenities of host dwelling, the overall building of special character and have an adverse impact upon the established character of the surrounding conservation area. Failing to either preserve or enhance its character of appearance.

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 site is located within the built up area boundary where the principle of development is acceptable subject to other relevant local and national planning policies. It is compliant with saved policy GEN2 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

It is noted that flat 3 of 14 Park Road has PVCu windows. However, these are unauthorised and the majority of nearby flats within the Park Road terrace have retained original wooden windows. As such, it cannot be fairly or reasonably argued that the character of the terrace or area is to have plastic windows.

The PVCu plastic windows are considered to be a non-traditional and unsuitable material for a building of special character within a conservation area. Especially windows which are visible and some highly visible from the street scene. All of the windows that have been replaced are visible from the surrounding streets which fall within the Conservation Area.

Fenestration is a defining feature of a historic building and within a designated Conservation Area, the use of PVCu plastic is strongly resisted, as it is a modern material, devoid of local character

and inappropriate to the local context.

Paragraph 2.4 of the Arun District Council's Supplementary Planning Guidance: Conservation Areas (adopted October 2000) states:-

"The use of non-traditional materials in traditional buildings, in particular PVCu, stained hardwood and aluminium windows and doors, concrete interlocking tiles etc., can erode the appearance of the Conservation Areas. Where it has control, the District Council will resist the use of non-traditional materials."

Saved policy AREA 2 states:-

"Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting. "

Saved policy GEN 22 states:-

"Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

The application is to retain PVCu windows, directly against guidance contained in the above SPG, in a building of special character within a Conservation Area. As such, the proposal fails to accord with SPG2, saved policy AREA 2 and GEN22 and the Council's Conservation Officer has objected to the application.

It is considered that the retention of the PVCu windows poses significant harm to the dwelling, its overall host building which is a BSC and the visual appearance of the Conservation Area. Fenestration is a defining feature of a historic building and within a designated Conservation Area, the use of UPVC plastic is strongly resisted, as it is a modern material, devoid of local character and inappropriate to the local context.

The application is recommended for refusal 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 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 The replacement PVCu windows by reason of their non-traditional material, form, highly visible location and appearance are considered to damage the historic character and appearance of the host dwelling and building as a designated building of special character and the Aldwick Road Conservation Area contrary to saved policies AREA 2 and GEN22 of the Arun District Local Plan 2003, Paragraph 2.4 of the Arun District Council's Supplementary Planning Guidance: Conservation Areas (adopted October 2000), Paragraph 132 of the National Planning Policy Framework and emerging policies HER DM2 & HER DM 3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 2 **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 reason(s) 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.