

Recommendation Report for Planning Permission

REF NO: BR/155/19/PL

LOCATION: 1 - 6 The Mews
Mead Lane
Bognor Regis
PO22 8AL

PROPOSAL: Replace 27 No. rotten wooden windows with PVCu double glazed windows on north, south, east & west elevations. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace No.27 wooden windows with PVCu double glazed windows.
SITE CHARACTERISTICS	The site is occupied by a two storey building which forms No.6 flats.
CHARACTER OF LOCALITY	The area is predominately residential with University of Chichester campus and carpark to the east of the site. The area falls within the Upper Bognor Road/Mead Lane Conservation Area with listed buildings to the south of the site.

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
Bognor Town Council provided no objection.
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The building is located within a Conservation Area and with close proximity to a number of Listed Buildings. The proposal is such that the impact can be described as causing less than substantial harm and will need to consider public benefits of the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Pagham Harbour Zone B

Conservation Area

DEVELOPMENT PLAN POLICIES

[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
SDSP2	SD SP2 Built-up Area Boundary
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

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.

Bognor Town Council has a 'made' Neighbourhood Plan with policy 1 of relevance to the 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 would have a materially adverse effect on the visual amenities of the locality and has an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) 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 character of the Conservation Area and residential amenity.

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 key policies considered are D DM1 and D DM4 of the Arun 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 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

Having regard to the location of the windows and siting of the property, the proposal is partially visible from the street scene. The proposal seeks to replace all the windows to the building. This consists of a total of 27 windows with 12 to the northern elevation, 4 to the west, 10 the south and 1 to the east.

The proposed windows are of the same size as the existing windows but are of a different material, UPVC rather than wooden.

Whilst the property is of a fairly modern construction and the replacement windows would be of a similar style, the replacement of wooden to PVCu windows will alter the appearance of the apartments and the frames would reflect the light in a different way to the traditional timber that currently exists.

It is considered that the use of PVCu windows would detract from the appearance of the building in the street scene and conflict with D DM1 (2) and D DM4 (a) and (e) of the Arun Local Plan.

CONSERVATION AREA

Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

The asset is of some significance with the area built by Sir Richard Hotham as part of an overall plan for development of Bognor Regis as a seaside town.

The proposal is to replace all 27 windows. The design, detailing and operation of windows constructed from UPVC make them appear different from more traditional windows. They are also unsustainable as it is tricky to repair them, in addition require continuous cleaning to prevent discolouration. The proposal is such that the impact is described as causing less the substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, public benefits that the development may achieved will need to be considered as part of the application.

Paragraph 196 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Public benefits include:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- Reducing or removing risks to a heritage asset.
- Securing the optimum viable use of a heritage asset in support of its long term conservation.

It is not considered there are any public benefits from the proposal.

On balance, the replacement windows would cause harm to the significance of the heritage asset such that the harm is not outweighed by public benefits as required by paragraph 196 of the Framework. As a result, the proposal would not accord with policy HER DM3 of the Development Plan or national policy on the preservation of heritage assets.

RESIDENTIAL AMENITY

The proposed windows by virtue of their design and location are not considered to give rise to any unacceptable adverse overlooking, overbearing or overshadowing impacts upon neighbouring amenity additional to that which already exists and accords with D DM1 (3) and D DM4 (c) of the Arun Local Plan.

SUMMARY

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

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 of the traditional timber windows with PVCu windows by reason of their appearance together with the sites location would detract from the character and appearance of the Upper Bognor Road/Mead Lane Conservation Area. The proposal neither preserves nor enhances the appearance or character of the area and conflicts with policies HER DM3 and HER SP1 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan and paragraph 196 of the NPPF given the absence of public benefits to the proposal.
- 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.