

Recommendation Report for Planning Permission**REF NO:** BR/179/13/**LOCATION:** Streete Court
22 Victoria Drive
Bognor Regis**PROPOSAL:** Replace 4 No rotting windows with new PVCu double glazing**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Replacement of 4 no. timber windows to 1st floor flat with PVCu double glazed units.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf boundary wall with brick piers. The North side boundary is a driveway to the adjacent site "The Lodge". To the rear and the south side boundaries, there is a garage compound.
SITE CHARACTERISTICS	The two-three storey building which is a Building of Special Character has red brickwork with white painted render on part upper level of building, red tiled roof with a mixture of metal painted white, wooden and white PVCu windows.
CHARACTER OF LOCALITY	Residential comprising a mixture of two storey properties and apartments. St Wilfrid's Church is to the west of site.

RELEVANT SITE HISTORY

BR/211/89	Conversion of former caretakers office and plant rooms to form a 2 bedroom flat	ApproveConditionally 08-05-1989
BR/130/95	Replacement balconies	ApproveConditionally 10-07-1995
BR/266/09/	Replace old single glazed windows with equivalent PVCu double glazed units	ApproveConditionally 11-12-2009
BR/30/49	Use of air raid shelter as miniature rifle range	Approve 04-02-1949
BR/30/49/B	O/L for residential development	ApproveConditionally 09-08-1954

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BR/30/49/C	Conversion of Street Court School The Towers and The Gables into 38 flats	ApproveConditionally 26-11-1954
BR/30/49/O	Conversion to 41 self contained flats	Refused 20-12-1955
BR/30/49/P	Additions and conversion to 41 flats	ApproveConditionally 14-02-1956
BR/30/49/T	Layout for private lock up garages	ApproveConditionally 05-04-1956
BR/30/49/Z	40 Garages and 2 garden stores	Approve 28-06-1956
BR/30/49/A/C	Boiler house and tank room	Approve 20-08-1956
BR/30/49/A/B	2 Bungalows	Approve 23-08-1956
BR/30/49/A/W	Change of use of private restaurant and dining room to restaurant and club with provision of toilets	Approve 10-02-1958
BR/31/58	Dwelling	Refused 26-03-1958
BR/31/58/E	Dwelling	ApproveConditionally 01-08-1958
BR/31/58/F	Topping & lopping trees & felling	ApproveConditionally 26-08-1958
BR/31/58/P	Use as public restaurant	ApproveConditionally 13-04-1960
BR/297/85	Conversion of former club rooms to 2 flats	ApproveConditionally 15-05-1985

Application BR/266/09 concerned second floor flat 32A and sought permission to replace five old metallated single glazed windows with equivalent PVCu double glazed units. It was approved in December 2009.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

None.

CONSULTATIONS

Conservation Officer

Consultations responses received:

The Conservation Officer has verbally stated a preference for timber windows but notes the presence of PVCu windows elsewhere in the building.

Comments on Consultation responses:

It is not considered that a refusal would be sustainable on appeal due to the presence of PVCu windows elsewhere in the building.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
Building of Special Character; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 three storey building which is a Building of Special Character was formerly a school and was converted in the early 1950's to flats. The building has a mixture of metal, wooden and white PVCu windows. The flat to which this application refers is located on the first floor and has two windows located on the front west side and two on the front but facing south. The existing windows are timber painted white and are currently rotting. These are to be replaced with double glazed white PVCu windows which will match in style and design with the same openings as the existing. All four windows are readily visible from the front of the site in Victoria Road.

The replacement windows are not considered to detrimentally harm the character or appearance of the Building of Special Character, nor would they be obtrusive in the street scene or out of character with the surrounding residential area. It is therefore recommended that the application be approved, subject to the following conditions.

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) 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

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: SBS/137 "Location Plan"; SBS/137/01 "Existing and Proposed First Floor Plan, Site & Block Plan"; SBS/137/02 "Existing & Proposed Elevations"; a Contract/Survey Form and a sheet showing window types.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and GEN22 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.