

Recommendation Report for Planning Permission

REF NO: BR/191/20/PL

LOCATION: 10 Linden Court
31-35 Linden Road
Bognor Regis
PO21 2AP

PROPOSAL: Replace old timber windows with new PVC.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to replace 4 windows from timber to uPVC.

SITE CHARACTERISTICS The site is occupied by a three storey detached residential block.

CHARACTER OF LOCALITY The area is predominately residential , although a short walk from Bognor Railway Station and the High Street.

None.

REPRESENTATIONS

Bognor Town Council provided no objection but advised the colour should match existing.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Built up area boundary

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

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 comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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 key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Bognor Regis has a made Neighbourhood Plan however none of the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The proposal seeks to replace 4 windows at the property. 3 of the windows are located to the third floor and front the street scene with the 4th to the side elevation.

The windows will alter in materials from timber to uPVC however it appears as others have already been changed, specifically to the ground floor of the property. As such with the windows at third floor and with others already having been altered the change is not considered to result in a significant impact upon the street scene.

The windows to the existing building are brown in appearance and the application form states the colour of the proposed windows will be 'Rosewood'. It will be conditioned that the windows are similar in colour to the existing building to ensure they appear well integrated as white would look out of character.

The proposal is not considered to result in significant harm to the character of the area and as such accords with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the type of development proposed, it is not considered to result in harm upon amenity with the windows already in existence and only the material altering.

The proposal is deemed to accord with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan 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) 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
- Location Plan

- Photo demonstrating windows to the be replaced.
- Window Details

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The colour of the windows hereby permitted shall be 'Rosewood' or similar in colour to those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 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 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.