

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BR/322/13/

LOCATION: Swansea House
West Street
Bognor Regis West Sussex

PROPOSAL: Removal and replacement of corroded beams and bay window structures - This application affects the character and appearance of The Bognor Regis (Steyne & Waterloo Square) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for replacement windows to the southern elevation. This consists of: (a) replacing 4 existing timber windows at first & second floor with PVCu wood grain finish windows; (b) replacing 2 existing balcony doors at first floor with PVCu wood grain finish doors; and (c) replacing 2 existing ground floor bay windows with PVCu wood grain finish bay windows.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The southern elevation faces over a driveway and gardens adjacent to the Royal Norfolk Hotel and a private flat complex. There is a 1-2m high part wall, part trellis between the site and this open area.
SITE CHARACTERISTICS	Flatted building formerly a hotel. There are balconies to the eastern half of the first and second floors and bay windows to the ground floor. There is a narrow row of landscaping between the wall of the building and the boundary treatment.
CHARACTER OF LOCALITY	The locality consists of a mixture of buildings converted into flats and residential homes varying in height, size & design. The site is within the Steyne and Waterloo Square Conservation Area.

RELEVANT SITE HISTORY

BR/583/89/L	Listed Building Consent for substantial repairs involving the demolition and reinstatement of a 5 flue chimney stack at eastern end of building.	ApproveConditionally 02-01-1990
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BR/77/01/	Installation of satellite dish on the roof.	Inc Docs Ret'nd 12-04-2001
BR/266/11/	New 2nd floor balcony	ApproveConditionally 21-12-2011
BR/8/64	Bathroom & wc to hotel bathroom to cottage	Approve 10-02-1964
BR/351/81	Change of use from hotel to 5 self contained flats regulatisation of existing use	Approve 20-05-1981

Application BR/266/11 sought permission to construct a new balcony on the second storey and to replace a window with a door from which to access the balcony. It was granted permission in December 2011. The officer's report stated that: "The new door, rails, and all materials are proposed to match those seen on the balcony on the first floor of the property at present".

The application form listed the existing window materials as timber and a condition was imposed to state that: "The materials and finishes of the new balcony door, and railings of the new balcony hereby permitted shall match in colour, texture and design to those of the existing building." Notwithstanding that no mention was made in the 2011 application of a proposal to use PVCu, it was clear from a site visit that the second floor balcony door and the adjacent kitchen window are now in white PVCu.

This is important because the current application refers to the PVCu window & door and states that the new PVCu windows/doors are to match the existing PVCu window & door. However, it is considered that the current PVCu on the building was not approved by the local planning authority and cannot serve as justification for using PVCu across the rest of the building.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

Conservation Area Committee - object. Timber joinery should be used as PVCu will detract from the appearance of the building in the conservation area.

Councils Conservation Officer - Objects. "The proposal is for replacement windows in the southern elevation to the property. The property is a flat, and therefore does not enjoy its permitted development rights. Windows are one of the most important design features of a building. Even small changes can have a significant effect on its appearance. The position of the window in the opening, the proportions, the arrangement of the opening lights, the thickness and profile of glazing bars and rails, the joints, the frame material, even the glass itself, all have an effect on the appearance of the window and its appropriateness and cannot be easily replicated in different materials. However, there is a trend to replace windows in alternative materials such as uPVC.

English Heritage consider that the 'unsympathetic replacement doors and windows' to be a significant threat to Conservation areas (English Heritage, Heritage at Risk). The use of non-traditional materials in traditional buildings, in particular PVCu, stained hardwood and aluminium windows and doors etc., can erode the appearance of Conservation Areas. The visual impact of uPVC replacement windows is out of keeping with the design and character of historic buildings and conservation areas and it is generally inappropriate to use them. The thickness of frames and glazing bar cannot be accurately reproduced in alternative materials such as uPVC. As the thickness of such elements of a window are critical to its appearance when viewed from the street, timber is preferred and the most realistic option. It can easily compete with uPVC in terms of longevity, if well cared for. UPVC windows also generally differ in appearance from traditional timber windows in the following ways:

1. uPVC windows generally include visible black rubber glazing gaskets, these have a significantly different appearance to painted putty or timber beading;
2. applied details do not adequately replicate the integrity of decorative carved timber detailing;
3. the finish of uPVC windows has a synthetic appearance that does not adequately replicate a painted finish on wood, even when a grain finish is specified; and
4. glazing bars are usually stuck on rather than functional and as such have a different appearance.

For these reasons, the application cannot be supported."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built-up Area Boundary; and
Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development
[AREA2](#) Conservation Areas

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):

D DM1 Aspects of Form and Quality
HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2 Conservation Areas

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 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and on 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

This development proposal is for the replacement of existing windows, doors and bay windows from timber to PVCu. The building is located in a Conservation Area such changes are not typically supported in such areas. The application makes reference to existing PVCu on the building and suggests that the new windows will match with this. However, the overriding character/appearance of the building is of timber window & door frames. Furthermore, it seems that the PVCu that is present on the building has been installed in breach of a previous planning condition.

Neither the Councils Conservation Area Committee nor the Conservation Officer support the proposal and it is clear that the proposal fails to comply with local plan policy. Emerging policy HER DM3 "Conservation Areas" states that building materials which contribute to the character of the area should be retained or re-used wherever possible. Furthermore, para 2.4 of the Councils SPG on Conservation Areas specifically states that proposals to replace timber windows/doors with PVCu ones. It is considered that PVCu can erode the appearance of Conservation Areas.

The proposal is therefore considered to be injurious to the character and appearance of the conservation area and is recommended for refusal for the following reasons.

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 proposal would represent an unsympathetic intrusion in the locality to the detriment of the character and appearance of the Conservation Area. It would therefore conflict with policies GEN7 & AREA2 of the Arun District Local Plan and policies HER DM3 and D DM1 of the emerging local plan.
- 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 alter the character of the locality to the serious detriment of the character and appearance of the Conservation Area in conflict with policies GEN7 & AREA2 of the Arun District Local Plan and policies HER DM3 and D DM1 of the emerging 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 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.