

Recommendation Report for Planning Permission

REF NO: EP/85/25/PL

LOCATION: Flat 4 87 Sea Road
East Preston
BN16 1LN

PROPOSAL: Replacement windows.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Dwelling.
SITE CHARACTERISTICS	Flat 4, 87 Sea Road is a first-floor flat with Edwardian era architecture which fronts onto Sea Road. The building features white painted external brickwork walls with accent flint features and white painted timber windows.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

East Preston Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built Up Boundary Area.
Within an area with potentially high ground water level.
Locally Listed Building or Structure of Character.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

REPORT_1011(ODB)

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 there will be no unacceptable adverse effects on the character and appearance of the area or the residential amenities of neighbouring occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG).

CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The site is is a residential flat located within the building of 87 Sea Road. The proposal seeks planning

permission to replace all the white timber framed windows to the first floor with white UPVC framed windows of a similar design.

Given that the replacement windows would be similar in design and of the same colour as the existing, the proposal would have no adverse visual impact on the character of the building. Other flats within the building feature UPVC windows and doors and as such, the proposal will not adversely impact the character of the building or locality.

The alterations would be visually subservient to, and integrated with, the host building, in accordance with part M of Arun Design Guide. The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4, and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

Given the scale, siting, and nature of the development, the proposal does not give rise to any adverse impacts by way of overbearing or overshadowing on any neighbouring dwellings.

The proposed windows would be of the same size and siting as the windows which would be replaced, and as such, the proposal would not result in any additional overlooking when compared with the existing situation. The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4, and the Arun Design Guide.

HERITAGE

Flat 4, 87 Sea Road is a non-designated heritage asset as it is a Locally Listed Building. Accordingly, any proposed development must be carefully assessed in terms of its potential impact on the established character and setting of the host building.

Paragraph 216 of the NPPF (2024), states effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal to replace existing white painted timber windows would not result in harm to a Locally Listed Building or Structure of Character, given that there are UPVC windows already within the elevations of the host building as the previous alterations have altered the character of the locally listed building. The proposed development is in accordance with Arun Local Plan policy HER DM2 and the Arun Design Guide and the National Planning Policy Framework (NPPF).

SUMMARY

The proposed development is in accordance with relevant development plan policies and 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

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.

CIL DETAILS

This application is not CIL liable.

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:

Site Plans 001.
Proposed Windows 004.
Proposed Windows 005.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, D DM4 and HER DM2.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.