

Recommendation Report for Planning Permission

REF NO: LU/13/22/PL

LOCATION: Pharos Quay
River Road
Littlehampton
BN17 5BF

PROPOSAL: Alterations to fenestration and openings. (This application may affect the character and appearance of the Littlehampton (River Road) Conservation Area and a Listed Building).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to replace all windows, doors and alterations to storage shed at Pharos Quay.
BOUNDARY TREATMENT	Low brick wall with metal fence to River Road and low brick wall to Terminus Road.
SITE CHARACTERISTICS	The site consists of two blocks of residential flats approved in 1991 and is located within the River Road Conservation Area.
CHARACTER OF LOCALITY	Split into 3 distinct sections. This section includes some of the remaining 19th Century riverside buildings and those fronting Terminus Road which reflect the growth of the harbour at that period. There are also a number of Locally Listed Buildings or Structures of Character around Pharos Quay such as The Steam Packet Public House, 49 River Road and 21-25 Terminus Road. All of these buildings collectively contribute towards the character and appearance of the Conservation Area.

Noted

REPRESENTATIONS

Littlehampton Town Council - Objection
Proposed materials contrary to HER DM3 of the Arun Local Plan

Arun District Advisory Panel - Objection

- Heritage Statement indicates that it is proposed to both enclose (box in) the existing timber eaves and replace the timber bargeboards with pvcu fascias and soffits. The importance of the existing eaves and bargeboard detailing to the character of the buildings and, therefore, their contribution to the character and appearance of the conservation area has been described above. To replace these very important fine details with what will be bulky, visually clumsy and crude, totally inappropriate, pvcu components will materially detract from, and harm, the appearance and character of the buildings and the conservation area.

- It is unfortunate that the original painted timber windows were not vertically sliding sashes which would have been far more appropriate than the current top hung, 'false', sashes. However, to replace these existing timber units with pvcu ones and of the same operating mechanism will further detract from the

appearance of the buildings. The following fenestration materials and operating mechanisms are suggested, in order of preference, to protect the character of the buildings and the conservation area :

- The Panel does not support the use of pvcu fenestration but if the Council comes to the unfortunate view that it will not be possible to object to pvcu for window replacement on this particular site then, at the least, it should require that the new windows are vertically sliding sashes. This far more appropriate operating mechanism would go towards ameliorating , to some extent, the adverse impact of pvcu. However, perhaps it should be made clear in an Informative that the grant of planning permission should not be taken as a precedent for the use of pvcu fenestration elsewhere in the conservation area. (There is no solution involving pvcu which would in any way address the Panel's objections to reason (1), though.)
- For the reasons mentioned above, the proposals will materially detract from the character and appearance of the conservation area and the settings of adjoining and nearby non-designated heritage assets.
- The proposals will materially detract from the traditional appearance of buildings which, even though relatively modern, make a distinctly positive contribution to the character and appearance of the conservation area through their design and the high quality traditional detailing mentioned.

5 letters of support from neighbours.

- Windows currently poorly insulated.
- Energy saving.
- Will not effect the appearance of the Conservation Area.
- Replacement bargeboards will be easier to maintain.
- Reduction in painting fumes.
- Will future proof homes.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

Amendments have been made to the application further to the above comments. The boxing in of the exposed rafter feet and the replacement with plastic fascias, soffits and bargeboards have been removed from the scheme.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Less than substantial harm.

- UPVC windows are not a traditional or vernacular material and are unsuitable for use in historic buildings or in particularly sensitive areas such as conservation areas. Although designs have improved, faithful replication remains deficient in many areas. They are often less refined, and the size of the frame is of necessity usually larger than that of a traditional timber window giving an obtrusive and chunky appearance. Applied glazing bars are employed which are often too thick or sandwiched between the two layers of glass, and not detailed enough for historic buildings. Further, the visual effect of shiny modern plastic is out of keeping with more traditional materials.
- It is suggested that this application offers the opportunity for them to be replaced with something more in keeping with the Conservation Area. This could either be vertically sliding painted timber sash windows or potentially an alternative material such as white powder coated aluminium sash windows which could provide more slender proportions, and which would have a far more appropriate opening mechanism than top hung sashes. This far more appropriate operating mechanism would go towards ameliorating, to some extent, the adverse impact of UPVC.

- The buildings include traditional features such as the barge-boarding, slender eaves fascia's, and exposed rafter feet. These are important to the design of the buildings and ensure that they make a positive contribution to the character and appearance of the Conservation Area. The replacement features will most likely be bulky, visually clumsy and inappropriate components which would materially detract from the appearance and character of the buildings and the conservation area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
River Road Conservation Area
2km Buffer zone of SSSI
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)
HERDM3	HER DM3 Conservation Areas

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

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 the proposed windows are subservient to and visually integrated with the host dwelling, do not compromise the spatial character of the area and do not pose a negative impact from overlooking.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the 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 comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

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 relates to Conservation Areas and state that proposals must protect and if possible, enhance the setting of each.

Policy 1 of the Littlehampton Neighbourhood Development Plan (LNP) states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary (BUAB). The application is located within the BUAB.

VISUAL IMPACT

It is proposed to replace all of the timber casement (top hung) windows within the building, and the timber entrance doors/aluminium patio doors with PVCu frames and composite doors. Additionally, it was proposed to replace the timber cladding and doors to bin stores. It was also requested to replace all

existing timber facias, soffits and bargeboards with PVCu plastic, effectively boxing the exposed rafter feet in, amendments have been made to the proposal to delete this as was acknowledged that the exposed rafter feet are a strong character feature of the building and one which should be retained. Given that the bargeboards will now be in timber it has also been suggested that the timber cladding to the bin store be replaced with timber, this is to allow continuity through the site.

The existing timber frame windows are mock sash style and have top hung casement openers. Representations have been made, that this application take the opportunity to alter the configuration to full sashes. Whilst this would undoubtedly be the best solution for the conservation area, it is noted that many of the windows do not have the required proportions to allow for a sash configuration, so at best an ununiform mix would occur on site. As the building is fairly new and as other non-sash windows have more recently been approved in the immediate area it is considered that this would be an unreasonable request and a cost prohibitive move for the applicant. Given that the new development opposite (Riverside Wharf) and the properties immediately to the west along River Road either have side opening casement or top hung casements, the proposed window configuration is not deemed out of character with the area.

In terms of materials, the step away from timber and aluminium is seen as negative. However on balance this is not enough to warrant refusal of the application as various material treatments can be found along River Road and more so along Terminus Road. The windows will have a wood effect finish applied to reduce the high gloss finish usual with PVCu, this will lessen the impact of the changes still. Given they will be closely matched with the existing windows in scale, colour and with a mock timber finish, they will not adversely effect the street scene.

Given the small scale of works, which is the replacement of existing features, the proposed works will be visually integrated with the modern development.

In terms of visual appearance, the proposed, although a departure from the traditional materials will comply with policies D DM1 and D DM4 of the Arun Local Plan and Policy 1 of the Littlehampton Neighbourhood Plan, in that they will not adversely effect the street scene and the alterations will be visually subservient.

DEVELOPMENT WITHIN THE CONSERVATION AREA

Policy HER DM3(b) requires alterations to existing buildings to be sensitively designed, constructed of appropriate materials and sympathetic in form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area. The proposal for PVCu windows and doors whilst not the best solution, it will not appear incongruent within the street scene. The removal of the amendments to the facias, soffits and bargeboards from this application is seen in a positive light, as the exposed rafter feet are a strong character feature of the development.

Paragraph 194 of the NPPF requires the LPA to consider the significance of the asset. Pharos Quay is located within the River Road Conservation Area. There are also a number of Listed and locally Listed Buildings in the local area, all of which greatly contribute towards the established character of the area.

Paragraph 195 of the NPPF require the LPA to consider the significance of the impact on the heritage asset, including development affecting the setting. In this instance the introduction of UPVc windows and doors into the conservation area is seen a significant impact, however this is weighed up against the fact that many of the windows within the immediate area are already UPVc. Furthermore, it is recognised that this is not a historic building but a modern block of flats.

Under Paragraph 199, 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 (and the more

important the asset, the greater the weight should be). The asset is a modern block of flats, other newer development have taken a similar stance with the use of PVCu windows and doors, and utilise a top hung casements configuration , as such the proposal is considered to cause less than substantial harm.

Paragraph 202 states when less than substantial harm is determined then the public benefit that the development might achieve has to be determined. In this case it is felt that securing optimum viable use of a heritage asset in support of its long term conservation and benefits from improved insulation out weighs any negative impact.

The proposed windows and door have been sensitively designed and will cause less than substantial harm to the Conservation Area in accordance with chapter 16 of the NPPF and HER DM3 of the Arun Local Plan.

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;

- Site Plan

- Proposals 1 Elevations
- Proposals 2 Elevations
- Windows schedule
- 21-75-866W E1 Rev A
- 21-75-866W E2 Rev A
- 21-75-866W E3 Rev A
- 21-75-866W S1 Rev A
- 21-75-866W S2 Rev A

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

- 3 The windows and doors hereby approved shall be built to the design shown on the approved plans, matt white with a timber effect finish.

Reason: In the interest of protecting the visual amenity of the conservation area in accordance with Policy HER DM3 of the Arun Local Plan.

- 4 The alterations to the bin stores hereby approved, allow for the replacement of the external white painted timber doors with white timber effect PVCu doors. The replacement cladding (including the blocked up openings) shall be built from timber and painted white to match the existing. Any other replacement cladding to the building shall be constructed from timber and painted white to match existing.

Reason: In the interest of protecting the visual amenity of the conservation area in accordance with Policy HER DM3 of the Arun Local Plan.

- 5 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.