

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

REF NO: LU/164/17/HH

LOCATION: Exeter House
Flat C, 1 Fitzalan Road
Littlehampton

PROPOSAL: Replace existing window with door

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the removal of the window from the central portion of the bay window and its replacement with a pair of wooden effect upvc patio doors.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m high brick walling to road frontage. 2m high close boarded fencing enclosing garden area behind wall.
SITE CHARACTERISTICS	Mid terrace property with red brick elevations and pitched roof which has been subdivided into flats.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly older style terraced properties

RELEVANT SITE HISTORY

LU/140/90	Change of use from maisonette to 3 self contained flats	ApproveConditionally 04-07-1990
-----------	---	------------------------------------

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No Objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer - The building of which the flat is part is attached to the rear of a Building of Special Character. It fronts the eastern side of Fitzalan Road and is within an Area of Special Character. Whilst local listing provides no additional planning controls, the fact that an area is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application.

From the conservation perspective, it is rarely considered appropriate to alter the principal elevation of a building in a designated area. Distinctive architectural qualities are likely to be obscured and the building's special contribution to local character diminished. However in this case, the principal elevation has already been much altered and the original fenestration pattern has been largely lost. In this context - and subject to the condition below - the further alteration now proposed causes little harm to the present aesthetic of the host building and the work will have little impact on the special qualities of the streetscene.

Within a designated area, the use of UPVC is strongly resisted, as it is a modern 'anywhere' material, devoid of local character and inappropriate to the context. In order to preserve the general appearance of the host building - and maintain its contribution to the special qualities of the designated area - the new door frames should be of timber so that they complement adjacent, original windows.

Poor precedents elsewhere do not justify further use of unsympathetic materials, as the cumulative effects erode the locally distinctive qualities of a designated area and harm its significance.

The importance of sustaining and enhancing the significance of heritage assets is emphasised throughout Section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. Subject to the specification of locally appropriate materials, the proposal causes no harm to the significance of the Area of Special Character and there is no further objection

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Area of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
AREA1

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Areas of Special Character

D DM1 Aspects of Form and Design
Quality

D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

HER DM4 Areas of Special Character

HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

There are no relevant policies in Littlehampton Neighbourhood Plan.

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 proposed doors would replace the central west facing part of a bay window located on the west elevation of the building. The window has a pitched roof and contributes to the character of the building and the appearance of the area generally. Although the lower portion is screened by walling the top section would be readily visible in the street scene. The window is currently white painted timber with 6 square shaped glazed sections in the top part and a vertically divided lower section. The base of the window has a deep cill and is approx 0.5m above ground level.

Following receipt of the conservation officer's comments as part of the consideration of the application revised plans have been received amending the design and materials of the patio doors. The doors have amended to relate to painted timber and not upvc. The revised proposed patio doors would be traditional in design and materials and would not detract from the appearance of the building and the area generally. They would have the appearance of a sympathetic and appropriate addition which would respect the character of the building and would replace a feature which positively contributes to the special character of the area with a structure of similar quality.

The proposal would therefore comply with policies GEN7 and AREA1 of Arun District Local Plan and policies DDM1, DDM4, HERDM4 and HERSP1 of the emerging local plan.

The application is therefore recommended for approval 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), 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

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
Block Plan
Substitute Floor Plan sheet 2 of 2 dated 01-09-2017
Substitute Elevation Plan sheet 1 of 2 dated 01-09-2017

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

- 3 **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.