

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

REF NO: LU/176/17/HH

LOCATION: 3A Norfolk Road
Littlehampton

PROPOSAL: Replace timber framed windows for PVCu (2nd storey windows only). This application affects the character & appearance of Littlehampton Sea Front Conservation Area,

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the top floor of the premises only and includes replacement of 2 windows on each elevation, a total of 4 windows.
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	N/A
SITE CHARACTERISTICS	Mid terrace 3 storey property, rendered and painted elevations. Some windows in adjoining terraced properties comprise upvc .
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly terraced properties of similar age and design. Public house immediately adjoining to north.

RELEVANT SITE HISTORY

LU/203/94	Replacement double glazed PVCu windows	Refused 09-09-1994
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REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - The property is in the Littlehampton seafront Conservation Area. The comments of the conservation/design officer are supported.

Comments on Representations received:

Agreed

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer -

The building edges the eastern side of Norfolk Road, in the Littlehampton Sea Front conservation area and the front elevation has a strong presence in the streetscene.

Fenestration is a defining feature of a building and 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 local context. In order to preserve the appearance of the host building - and maintain its contribution to the special qualities of the designated area - replacement frames in highly visible elevations must be of comparable materials and similar appearance to the original windows, and thus reasonably consistent with the initial architectural intention. However, modern alternatives such as UPVC may be condoned for rear elevations which are barely visible from the public realm.

Poor precedents in neighbouring buildings do not justify further unsympathetic work, as the cumulative effect of inappropriate windows erodes the locally distinctive qualities of a designated area and harms its significance. Para. 132 of the NPPF requires great weight to be given to the conservation of designated heritage assets and refusal for the installation of UPVC framed windows to the front elevation is recommended in terms of Local Plan 2003 Policy Area 2 and Local Plan 2014 Policy HER DM3.

Comments on Consultation responses:

Comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	<u>AREA2</u>	Conservation Areas
Publication Version of the Local Plan (October 2014):		HER DM3 Conservation Areas
		HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 policies in the Littlehampton Neighbourhood Plan that are considered relevant to this application.

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 conflice with relevant Development Plan policies in that it would have a 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.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 conflict with these criteria in that it would not preserve character of the Conservation 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 windows are of the same size as the existing windows but would comprise a different material UPVC rather than wooden.

The windows would not match the existing materials on the rear of these properties and would be out of character. The windows would be located on the rear and front elevations so not all would be visible within the street scene. But this does not mean that they would be acceptable. The proposed materials would starkly contrast with the existing and would be harmful to the appearance of the Conservation Area and the character and appearance of the building itself.

The use of traditional materials in the replacement of windows is encouraged. Although other UPVC windows exist in adjoining buildings it is not considered that similar additional unsympathetic alterations would be acceptable since they would further detract from the appearance of the building and the Conservation Area as a whole.

The proposal is considered to conflict with policy GEN7(ii) of the Arun District Local Plan .

The proposed windows would replace existing and by virtue of their design and location are not considered to give rise to any unacceptable adverse overlooking impacts upon neighbours over and above the existing windows in accordance with policies GEN7(iv) of the Arun District Local Plan.

The material of the windows proposed to be altered are wooden which is an acceptable material acceptable in a Conservation Area. Fenestration is a defining feature of a building and within a designated area, the use of UPVC is strongly resisted, as it is devoid of local character and inappropriate to the local context. In order to preserve the appearance of the host building - and maintain its contribution to the special qualities of the designated area - replacement frames in highly visible elevations must be of comparable materials and similar appearance to the original windows, and thus reasonably consistent with the initial architectural intention. For this reason the proposal is not considered to preserve or enhance the Conservation Area and conflicts with policy AREA2 of the Arun District Local Plan, Policy HER DM3 of the Emerging Local Plan, the Conservation Area SPD and guidance within the NPPF and NPPG.

In summary the proposed development is considered to conflict with the local development plan and policies within national guidance and therefore the application is recommend for refusal for the following reason

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

REFUSE

- 1 Given the design and materials of the proposed replacement windows the proposal would be prejudicial to the character of the Littlehampton Seafront Conservation Area, and damaging to the setting of the existing buildings of merit and interest within it and therefore conflicts with policies GEN7 and AREA2 of the Arun District Local Plan and para132 of the National Planning Policy Framework.
- 2 **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 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.