

Recommendation Report for Planning Permission**REF NO:** LU/237/17/PL**LOCATION:** 77B Beach Road
Littlehampton**PROPOSAL:** Replacement of 5 No. windows on front & rear elevations.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal relates to the replacement of 5 windows in the second floor of the premises. 3 in the rear elevation and 2 at the front.
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	Walling to frontage. Fencing to rear.
SITE CHARACTERISTICS	3 storey semi detached premises in residential.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly older style terraced properties.

RELEVANT SITE HISTORY

LU/4/87	Conversion of existing ground floor flat into two self contained units	ApproveConditionally 16-02-1987
LU/103/07/	Erection of garden shed (Resubmission following LU/330/06)	Approve 16-05-2007

REPRESENTATIONS**Representations received:**

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer -

The dwelling is part of a symmetrical pair of 'Villas' fronting Beach Road and it is designated as a Building of Special Character, in an Area of Special Character.

In principle, there is no objection to the installation of double glazed replacement windows, provided they are of historically appropriate design and materials.

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 prominent 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 notes that significance can be harmed or lost through inappropriate alterations.

The proposal documentation does not specify the materials of the replacement frames and due to insufficient information, a conclusive recommendation cannot be made.

Comments on Consultation responses:

Additional information has been submitted to clarify which windows are included in this application.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Building of Special Character
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
 GEN22
 AREA1

Publication Version of the Local
Plan (October 2014):

The Form of New Development
Buildings or Structures of Character
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 DM2 Locally Listed Buildings or
Structures of Character

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

[Littlehampton Neighbourhood Plan 2014 Policy 17](#)

HER SP1 The Historic Environment
The Presumption in Favour of Sustainable Development
Buildings and Structures of Character

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice 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 and is 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.

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. The examination was completed in September 2017.

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. 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).

Policy 1 & Policy17 ' Buildings and Structures of Character' of Littlehampton Neighbourhood Plan are relevant to consideration of 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 comply with relevant Development Plan policies in that by virtue of the proposed design, materials used and the size of existing openings remaining the same 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 windows would replace the existing windows located in the roof area of the property. The 2 windows in the front elevation would replace upvc windows which were installed some time ago. They are adjacent to upvc windows in the adjoining property. Whilst they are prominently sited on the building and are readily visible in the street scene, it is considered that the change from upvc single glazing to double glazing would not be visually apparent from street level and would have no materially adverse effect on the character of the building or the appearance of the area generally.

The 3 windows in the rear elevation are timber sliding sash which have not been well maintained. They can be seen from Irvine Road to the side, but they are seen in the context of a range of windows of varying age and style. Other windows at no 77 and in the roof of the adjoining premises at no79 are upvc and the use of such material is established as part of the appearance of the area. On this basis it is considered that the change from timber to upvc would not be inappropriate or out of keeping with the character of the building or the visual amenities of the locality.

The proposal would therefore comply with policies GEN7, GEN22 and AREA1 of Arun District Local Plan and policies DDM1, DDM4, HERDM2, HERDM4 and HERSP1 of the emerging local plan and Policies 1 & 17 of Littlehampton Neighbourhood Plan.

The application is therefore recommended for approval subject to the following conditions

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 Location, Substitute Block Plan and window brochure details.

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 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.