

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a  
Listed Building**

**REF NO:** LU/262/18/L

**LOCATION:** Upper Maisonette 3rd & 4th Floor  
5 South Terrace  
Littlehampton  
BN17 5NZ

**PROPOSAL:** Listed building consent for the replacement of 2 No. existing PVCu windows with 2 No. new double glazed PVCu windows.

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| <b>SITE AND SURROUNDINGS</b> |
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|----------------------------|--------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to replace 2No. uPVC windows with 2No. new uPVC windows. |
| SITE AREA                  | N/A.                                                                           |
| SITE CHARACTERISTICS       | The site is populated by a Grade II Listed Building.                           |
| CHARACTER OF LOCALITY      | The area is populated by similarly designed buildings.                         |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                                                                                                                     |                                  |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| LU/170/00/L | Application for Listed Building Consent for installation of three fire-escape hatchways to internal stairway                                                                                        | ApproveConditionally<br>21-07-00 |
| LU/122/93/L | Application for Listed Building Consent for alteration to front elevation window to form door and construction of stairs to pavement, removal of plinth wall and railings to form opening and gate. | ApproveConditionally<br>10-09-93 |

Noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council  
Parish Council - Objection  
- As much of the original fabric of the Listed Building should be retained.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

## CONSULTATIONS

Conservation Officer

### CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Objection

- The uPVC windows have potential to affect a number of heritage assets.
- Good practise is that the existing windows are retained and repaired prior to wholesale replacement.
- The design, detailing, and operation of windows make them appear different to traditional windows.
- The visual effect of shiny plastic windows is out of keeping with more traditional materials.
- uPVC windows are unsustainable.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Grade II Listed Building

Conservation Area

### DEVELOPMENT PLAN POLICES

|        |                               |
|--------|-------------------------------|
| HERDM1 | HER DM1 Listed Buildings      |
| HERDM3 | HER DM3 Conservation Areas    |
| SDSP2  | SD SP2 Built-up Area Boundary |

### 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.

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.

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 applicable to Listed Buildings in the Littlehampton Town Council neighbourhood plan.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & 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 conflict with these criteria in that it is considered have a harmful impact upon the character of the Grade II Listed Building.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Firstly, the proposed windows are considered to have a limited impact upon the street scene, in that the rear elevation of the host building is set over 20m from the roadside, which is considered to alleviate any significant impact of the change on the street scene. Additionally, the uPVC windows are not considered to be significantly different from those existing on the host dwelling. Resultant of this, and the abundance of other plastic framed windows that feature on the rear elevation of this terrace, it is not considered that the proposed development would have a material impact on the character or appearance of the host building, or its wider locality.

## CONCLUSIONS

### PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be HER DM1 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

Policy HER DM1 sets out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

### SUMMARY

On balance, it is considered that whilst the Conservation Officer has objected to this application, and the proposed development therefore conflicts with HER DM1 of the Arun Local Plan, it is considered that there are other materials considerations which outweigh this policy conflict. Therefore, it is recommended that the consent be approved, 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

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 and details:

- Description of Windows - DWG ST/01
- Location Plan & Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework.