

Recommendation Report for Planning Permission

REF NO: LU/305/21/PL

LOCATION: Flat 17 Amstel Court
Selborne Road
Littlehampton
BN17 5NR

PROPOSAL: Replace windows with double glazed UPVC windows (This application may affect the character and appearance of the Littlehampton Sea Front Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to replace 5 windows to flat with double glazed sash windows.
BOUNDARY TREATMENT	The property is open fronted on all but one side to road frontages with grass verges.
SITE CHARACTERISTICS	Amstel Court consists of two blocks of flats, both three storeys in height. They are rendered and, when originally constructed in the mid-1970's, included wooden sliding sash windows. The blocks of flats are situated on a prominent site at the junctions of several roads within the historic core of the conservation area. As a result, all of the elevations are clearly visible in the street scene. It is considered that, on balance, the blocks make a positive contribution to the character and appearance of the Conservation Area.
CHARACTER OF LOCALITY	The Conservation Area itself contains the older terraced properties along South Terrace either side of Norfolk Road. North of these, smaller properties in short rows along Western Road and along Norfolk Road contrast with the larger properties along the front. The oldest buildings consist of a number of three storey Georgian and Regency properties built in pairs and short rows as part 2 of a longer terrace. These are domestic in scale and as each pair or group was built individually, there is a variety of detail but without the loss of harmony.

Noted

REPRESENTATIONS

Parish Council - Objection

Object to the application. Support the comments of the Conservation Area Advisory Panel in terms of the design and materials proposed and considered that if approved this would set an unfortunate precedent.

Arun District Advisory Panel - Objection

- Pvcu windows have a frame bulkiness, styling, finish, and commonly an operating mechanism which is

not appropriate in relation to heritage assets.

- Unfortunately, some of the original painted timber vertically sliding sash windows in the flats have been replaced with inappropriate top hung pvcu 'false sash' windows. These detract from the appearance of the blocks of flats and the Conservation Area.
- The grant of planning permission for the application as it stands will set a precedent for similar inappropriate fenestration in the remainder of the elevations leading to further harm to the visual integrity of the buildings and the character and appearance of the Conservation Area.

If the Council comes to the conclusion that it is unable to resist the use of pvcu in these particular buildings then, at the least, it should ensure that the sashes are plain (one over one), vertically sliding and not top hung, which would more closely match the existing original, traditional, ones.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

Amendments have been made to the application further to the above comments. It is now proposed to replace the windows with a UPVc heritage style sash window. This is considered an appropriate compromise between protection of the conservation area and dominant window type already present on the building.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Less than substantial harm.

Unfortunately, some of the original painted timber vertically sliding sash windows have already been replaced in some of the flats in both blocks with UPVC ones. However, these replacements are a mixture of designs or construction/appearance; some appear as sliding sash and others as 'top hung'. The top hung windows are especially considered to detract from both the appearance of the blocks of flats and the conservation area.

The design, detailing and operation of windows constructed from UPVC make them appear different to traditional windows. The visual effect of 'shiny' modern plastic is also out of keeping with more traditional materials.

I am therefore of the opinion that the design, means of operation and materials are not appropriate for the Conservation Area. If you are minded to accept the use of UPVC in this particular case based on the presence of existing replacement windows, their impact could be lessened through the use of an improved window design i.e. functioning sliding sash windows.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Littlehampton Seafront Conservation Area
2km Buffer zone of SSSI
Built up area boundary

DEVELOPMENT PLAN POLICIESArun 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

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	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

The alteration of the windows to this top floor flat are considered to be visually subservient to the street scene and well integrated with the host building. These like for like windows, with matching openings will not compromise the spatial character of the area and will not cause any additional overlooking in accordance with D DM1 and D DM4 of the Arun Local Plan and the policies 1 and 2 of the LNP.

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. During the course of this application a new specification of window has been submitted. The new proposal is for heritage windows of a sash style which matches the existing window treatment. It is felt that although not ideal, bearing in mind that there are many other examples of UPVc windows (casement style) to this immediate area, that this is a better compromise.

Paragraph 194 of the NPPF requires the LPA to consider the significance of the asset. Amstel Court is located within the Littlehampton Seafront 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 considered the significance of the impact on the heritage asset, including development affecting the setting. In this instance the introduction of UPVc windows into the conservation area is seen a significant impact, however this is weighed up against the fact that many of the windows within this modern building are already UPVc. In this application the windows proposed are heritage style sash, improving their acceptability.

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 considered mixed in its approach to window treatment, as such these slightly more sympathetic heritage UPVc windows are 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 out weighs any negative impact.

The proposed windows 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;

- Revised window specification dated 17th December 2021
- Floor Plan 17AC/01
- Location Plan
- Block Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, D DM4 and HER DM3 of the Arun 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.