

Recommendation Report for Planning Permission

REF NO: LU/67/20/PL

LOCATION: Second Floor Flat
37C South Terrace
Littlehampton
BN17 5NU

PROPOSAL: Replacement of 2 No. windows & 1 No. door with wooden Heritage Flush type to rear elevation. This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 2 windows and a door with wooden windows and a door.
SITE AREA	111 sq.m.
SITE CHARACTERISTICS	A second floor flat in a terraced listed building.
CHARACTER OF LOCALITY	A residential area within the Littlehampton Seafront Conservation Area.

RELEVANT SITE HISTORY

LU/54/72	Conversion To 3 S/C Flats And Erection Of 8 Garages	ApproveConditionally 24-03-72
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
Objection - inappropriate use of UPVC

Arun Conservation area Advisory committee - Objection due to use of UPVC windows due to impact on Conservation Area

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Replacement aluminium windows now proposed to be timber.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No Objection - use of wooden windows acceptable.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

LB GRADE II

CONS AREA

CLASS B ROAD

DEVELOPMENT PLAN POLICIES

[Arun 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)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) 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.

The Neighbourhood Development Plan

Policies 1 and 2 of the Littlehampton Neighbourhood Plan 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 comply with relevant Development Plan policies in that the use of wooden windows would not be harmful to the Listed Building and Conservation Area.

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 or the Listed Building within which it is located.

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

PRINCIPLE

The principle of development is acceptable at this location as it is within the built up area boundary in accordance with policies 1 and 2 of the Littlehampton Neighbourhood Development Plan. Development would however be subject to accordance with policies D DM1, D DM4, D SP1, HER DM1 and HER DM3 of the Arun Local Plan.

DESIGN

The replacement of aluminium windows with wooden windows would be acceptable in accordance with policies D DM1, D DM4 and D SP1 and would not have an adverse impact on the Listed Building and wider Conservation Area and would be accord with policies HER DM1 and HER DM3.

RESIDENTIAL AMENITY

The proposal would not have a neutral impact on residential amenity and would accord with policy D DM1 and D DM4 in this respect.

The proposal is 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:

Proposed Plan, Section and Elevation Dwg.no. GB/AV2/02 Rev A dated 01/20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 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.