

REPORT UPDATE

Application No: M/14/14/

Reason for the Update / Changes

Reason for Update/Changes:

The recommendation should read refuse, not approve conditionally.

The change to the recommendation is attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

M/14/14/

Recommendation Report for Planning Permission

REF NO: M/14/14/

LOCATION: Telephone Exchange
3-5 Elmer Road
Middleton on Sea

PROPOSAL: Replace 7 No wooden windows with PVCu to match existing style.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The windows are located at first and ground floor on the front elevation of the building.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded timber fencing to approximately 1.2m on site frontage on back edge of the pavement
SITE CHARACTERISTICS	Detached 2 storey property with brick elevations and a plain tile roof set back from the road frontage. Design is characteristic of other telephone exchange buildings constructed at a similar time. White painted sliding sash windows of the same widths, but

depths vary between the ground and first floor with ground floor openings being longer. Lower windows have cils. All windows are in poor decorative order. The ground floor windows have curved tops.

CHARACTER OF LOCALITY

The property is located opposite retirement apartments and adjacent to a takeaway.

RELEVANT SITE HISTORY

M/9/90	Proposed air inlet and air outlet louvres and exhaust pipe with silencer	ApproveConditionally 26-02-1990
M/96/68	Extension to automatic telephone exchange	No Objection 19-11-1968
M/36/75	Telephone Exchange extension	ApproveConditionally 16-07-1975

REPRESENTATIONS

Representations received:

Middleton Parish Council

Support this work to improve the Telephone Exchange.

Comments on Representations received:

Whilst the existing windows are in poor decorative order it is not considered that the works proposed would improve the appearance of the building.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer - The telephone exchange first appears on the OS mapping series in 1932. The property is of some character and worthy of protection. I believe that due to its age and character it can be treated as a Heritage Asset for the purposes of planning. Accordingly, the NPPF which describes these as being:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

The property currently contains single glazed, sliding sash windows on the front elevation of the property. This is the most attractive elevation of the property which faces out onto the street. It is noted that the proposal is to replace them with modern, pvcu windows.

From a historic environment perspective, the mass removal and replacement of windows in

historic buildings (constructed in alternate materials) should not be supported.

Old windows are a key feature in historic buildings, contributing greatly to their architectural importance. Most old windows are deliberately designed to be of similar proportions to the property which most people find attractive.

In contrast, plastic windows seldom look the same as the original ones and, in-fact can look totally different. Even small changes to the design can have a significant effect on the appearance of the property; The position of the window in the opening, the proportions of the sashes, the arrangement of the opening lights, the thickness and profile of glazing bars and rails, the joints, the frame material and even the glass itself, all can have a negative impact on the character and appearance of the window and the property.

It is important to retain the original method of opening the window; modern tilt-and-turn windows, or those that try to look as though they are sash windows, rarely achieve the desired effect of successfully replicating the originals.

It is considered that the replacement plastic windows fail to match the appearance of the existing units: they will have larger, heavier sections than the existing timber windows and the black rubber gaskets will become visible around the glass. In addition, the method of opening is also in contrast to the existing which, as already mentioned is an inappropriate method for providing ventilation.

The change in materials is also unfortunate; wooden windows are considered to be much more sustainable in respect to the historic environment.

This application would therefore result in a historically inaccurate, aesthetically inappropriate scheme which has a negative impact on the character of the asset.

Comments on Consultation responses:

Comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)

The Form of New Development

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by

Middleton PC

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

BACKGROUND

The application property is readily visible in the street scene and the alterations would be made to the front elevation of the building which faces the road frontage. The building is attractive and whilst not listed or on the Local List of Buildings of Special Character it is considered worthy of protection from inappropriate development. Replacement of the windows is acceptable in principle and tidying and redecorating the site would be welcomed.

CHARACTER AND AMENITY CONSIDERATIONS

Throughout the District there are many buildings and structures, which although not subject to statutory listing, are of good quality design and appearance and are important features in their own right, which contribute to the character and appearance of an area and form part of its rich built heritage. This property falls within this category. It is a well-proportioned and attractive building of importance to the history of the village and its character and appearance. It is also identical to other telephone exchange buildings constructed at the same time. It currently contains single glazed, sliding sash windows on the front elevation which are readily visible from the site frontage. It is proposed to replace these with modern, pvcu windows.

The existing windows are a key feature in this historic building and contribute to its architectural importance. The original windows were designed to be of similar proportions to the property. The plastic windows would not look identical to the originals. The position of the window in the opening, the proportions of the sashes, the arrangement of the opening lights, the thickness and profile of glazing bars and rails, the joints, the frame material and even the glass itself, would have a negative impact on the character and appearance of the window and the property and in turn the immediate locality.

It is considered that the replacement plastic windows fail to match the appearance of the existing units: they will have larger, heavier sections than the existing timber windows and the black rubber gaskets will become visible around the glass.

It is evident that the existing wooden windows have not been maintained for many years and are in need of renovation, but either repair and repainting or replacement with painted timber would be acceptable alternatives. The existing windows are currently single glazed sliding sash windows and the replacement PVCu windows will have thicker glazing bars and rails with different opening lights which will significantly alter the appearance of the building. The proportions of the windows and use of PVCu will have a negative impact upon the character and appearance of the building which make a positive contribution to the street scene and surrounding area.

CONCLUSION

It is therefore recommended that the application is refused for the following reason.

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The replacement windows by reason of the materials to be used, the depth of the reveals and their proportions would detract from the visual quality of the building and character and appearance of the area in conflict with policy GEN7 of the Arun District Local Plan, policies DDM1 and DDM4 of the Emerging Local Plan and the National Planning Policy Framework.