

Recommendation Report for Planning Permission

REF NO: R/99/17/PL

LOCATION: Rustington Parish Church Hall
77 The Street
Rustington

PROPOSAL: Replace 6 No. windows on south elevation & 4 No. windows on east elevation with double glazed PVCu windows. This application affects the character & appearance of the Rustington Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to replace existing single glazed wooden casement windows of a variety of styles with double glazed UPVC windows to the rear and (east) side elevations of Rustington Parish Church Hall.

SITE AREA

1215 sq.m.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

2 metre close boarded fence to the rear boundary backing onto rear gardens of residential properties. Landscaping to eastern side boundary.

SITE CHARACTERISTICS

Rustington Parish Church Hall is a red brick and tile community building next to St. Peter and St. Pauls Church abutting the high street on The Street in Rustington.

The front of the building is traditional with flint and lime walls and traditional sliding sash windows. To the rear the building is a series of extensions of red brick and more modern in appearance with a variety of different styles of casement windows at ground and first floor level.

CHARACTER OF LOCALITY

Edge of High Street mixed use area.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

Conservation Officer - Objection .

The Church Hall is a designated Building of Special Character and it is part of an important historic group, which includes the Grade II listed buildings to either side. The historic buildings share strong historical associations and they front the southern side of The Street, in the Rustington conservation area.

While it is true that the windows to be replaced are barely visible from the public realm, the host building is locally listed as a Building of Special Character. Although this form of designation provides no additional planning controls, the fact that a building is on a local list means that its conservation as a heritage asset is an objective of the NPPF (ref para.135) and a material consideration when determining the outcome of a planning application.

Fenestration is a defining feature of a historic building and the use of UPVC is strongly resisted, as it is a modern 'anywhere' material, devoid of local character and inappropriate to the historic context. In order to preserve the significance of the locally listed building - and maintain its contribution to the special qualities of the designated area - replacement frames must be of comparable materials and similar appearance to the original windows, and thus reasonably consistent with the initial architectural intention. As the replacement windows are discretely located to the side and rear, the inclusion of 'slimline' double glazing within appropriately designed and finished timber frames would be condoned in this instance.

The Church Hall is an important component of the designated area and its distinctive form makes a notable contribution to its special qualities. The proposed replacement windows harm the significance of the locally listed building and harm to a constituent element inevitably diminishes the significance of the conservation area as a whole.

Poor precedents in neighbouring buildings do not justify further historically inappropriate alterations, as the cumulative effect of unsympathetic windows and alien materials erode the distinctive qualities of heritage assets and harm their significance.

Para. 132 of the NPPF requires great weight to be given to the conservation of designated heritage assets and refusal for the installation of UPVC framed windows is recommended in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM2 and 3.

Conservation Area Advisory Committee - Objection. Concern about the use of plastic windows.

Comments on Consultation responses:

- comments noted and agreed

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CONS AREA

CLASS B ROAD

LB GRADE II
TREE PRES ORDER
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 GEN22 AREA2	Built-up Area Boundary The Form of New Development Buildings or Structures of Character Conservation Areas
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality HER DM1 Listed Buildings HER DM3 Conservation Areas HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
SPD2	Conservation Areas
SPD9	Buildings or Structures of Character

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

There are no policies in the Rustington Neighbourhood Plan that are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 the established character of the surrounding area.

LISTED/CA

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) 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 to materially affect the setting of the Grade II Listed Building and the character of the Conservation 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

PRINCIPLE

The application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations are AREA 2, GEN7 and GEN22 of the Arun District Local Plan, Policy HER SP1, HER DM1, HER DM2, HER DM3, the Conservation Areas & Buildings or Structures of Character SPD's, the Rustington Design Statement and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed windows are of the same size as the existing windows but are of a different material UPVC rather than wooden and are double glazed rather than single glazed.

The windows would not match the style and materials of fenestrations on the rear of these properties and would be out of character. The windows would be located on the rear of the east elevation and on the rear elevation and would not be visible within the street scene although members of the public using the Church Hall would be affected by them. But this does not mean that they would be acceptable. The windows would starkly contrast with the existing and would be harmful to the appearance of the Conservation Area and the character and appearance of the building itself.

The use of traditional materials in the replacement of windows is encouraged within the Rustington Design Statement. Although the post war extensions to the building have a non traditional design and other UPVC windows exist within the building it is not considered that similar additional unsympathetic alterations would be acceptable since they would further detract from the design of the building as a whole.

The proposal is considered to conflict with policy GEN7(ii) of the Arun District Local Plan and the Rustington Design Statement

RESIDENTIAL AMENITY

The proposed windows by virtue of their design and location are not considered to give rise to any unacceptable adverse overlooking, overbearing or overshadowing impacts upon neighbours over and above the existing windows in accordance with policies GEN7(iv) of the Arun District Local Plan.

BUILDING OF SPECIAL CHARACTER

The proposed replacement of windows on the rear and east building would affect the character of the building albeit that there is a incongruent variety of styles of existing casement windows from very modern to cottage style casements to modern clear glazed windows. The further erosion of features which positively contribute to the appearance and character of the building which is defined as a heritage asset would adversely affect the appearance of the building. Although the proposal does not impact on the wider streetscene or the most sensitive front elevation of the building facing onto the street the replacement frames are not of comparable materials or similar appearance to the original windows, and are not reasonably consistent with the initial architectural intention.

The alterations would adversely affect the appearance of the building in conflict with policy GEN 22, policy HER DM2 and the Buildings of Special Character SPD.

CONSERVATION AREA

The windows proposed to be altered are single glazed wooden windows which are acceptable in a Conservation Area and positively contribute to the character of the building and the area as a whole even though they are not visible from public viewpoints being located either at the rear of the Parish Hall or on the east side of the building behind a residential house 79 The Street. However, the proposed replacement windows would harm the significance of the locally listed building and harm a constituent element which would inevitably diminish the significance of the conservation area as a whole. For this reason the proposal is not considered to preserve or enhance the Conservation Area and conflicts with policy AREA2 of the Arun District Local Plan, Policy HER DM3 of the Emerging Local Plan, the Conservation Area SPD and guidance within the NPPF and NPPG.

SETTING OF LISTED BUILDINGS

The hall is part of an important historic group. The proposed inappropriate and unsympathetic alterations to windows would affect the setting of listed buildings immediately to the east and west of the building thereby damaging the settings of those buildings in conflict with policy HER DM1 and HER SP1 of the emerging Arun District Local Plan, the Conservation Area SPD, the NPPF and the NPPG.

In summary the proposed development is considered to conflict with the local development plan and policies within national guidance and therefore the application is recommend for refusal 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 (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 refusal 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 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 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

REFUSE

- 1 Given the design and materials of the proposed replacement windows the proposal would be prejudicial to the character of the Building of Special Character and the Rustington Conservation Area, and damaging to the setting of the existing buildings of merit and interest within it and therefore conflicts with policies GEN7, GEN22 and AREA2 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.