

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 08 November 2023

**Report from:** Planning Services Manager

**Application address:** Flat 5, 16 Chapel Park Road, St Leonards-on-sea, TN37 6HU

**Proposal:** Replacement of three timber single-glazed double hung sashes (front elevation) to UPVC double-glazed, double hung sashes (retrospective) (amended description)

**Application No:** HS/FA/23/00638

**Recommendation:** Grant Full Planning Permission

**Ward:** GENSING 2018

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Hastings Borough Council per Phi Capital Investments Ltd First Floor Chertsey House 61 Chertsey Road Woking, Surrey. GU21 5BN

**Public Consultation**

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

**Application status:** Not delegated - Council application on Council owned land.

## 1. Site and surrounding area

The application site relates to Flat 5, 16 Chapel Park Road, a first floor flat conversion which sits within a semi-detached Victorian dwellinghouse on the western side of the road. Construction of Chapel Park Road started in the early 1860s and continued through to the 20th Century. Many of the dwellings along the road have retained the original timber sliding sash windows, however, there are multiple examples of uPVC casement replacements which

has resulted in an incongruent appearance to the fenestration in the area.

### Constraints

- Flooding Surface Water: 1 in 100
- Flooding Groundwater
- GCN District Licensing Scheme IRZ - Green

## **2. Proposed development**

Replace 3 no. timber sliding sash front elevation windows to the first floor with uPVC sliding sash windows. This is a retrospective application.

No other development is being proposed.

### **Relevant planning history**

<b>Application No.</b>	HS/FA/85/00082
<b>Description</b>	Change of use of ground floor flat to 1 self-contained flat and 1 self-contained bed-sitting room.
<b>Decision</b>	Permission with conditions on 19/03/85

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<b>Application No.</b>	HS/FA/87/00417
<b>Description</b>	CONVERSION OF EXISTING FLATS ON 1ST AND 2ND FLOORS TO 4 SELF-CONTAINED UNITS
<b>Decision</b>	Permission with conditions on 03/08/87

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### **National and local policies**

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
  - Layout
  - Architecture
  - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
  - Building types
  - Materials
  - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### **3. Consultation comments**

In respect of this application no consultation responses were required.

### **4. Representations**

In respect of this application a site notice was displayed on a lamp post to the front of the property. No responses were received.

## **5. Determining issues**

The main issues which need to be determined are the impacts of the replacement windows on the character and appearance of the area and on the neighbouring residential amenities.

### a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

### b) Impact on character and appearance of area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character. SPD - Householder Development provides further guidance on what will be taken into consideration when assessing the impact of any proposed extension or alteration, and what any application should address in terms of the design of the proposal. National Design Guide, I1, requires new developments to respond to the existing local character and identity of the area.

Chapel Park Road is not located within a conservation area and this planning application was required due to permitted development rights in relation to changes to fenestration not being applicable to flats. Whilst many properties have retained their timber sliding sash windows, there are multiple examples of uPVC casement windows within the road which disrupt the fenestration pattern of the streetscene. The proposed replacement uPVC sliding sash windows replicate the opening arrangement and appearance of the original timber windows and would be deemed to have a neutral impact on the character and appearance of the area within this context.

The proposal is therefore considered to be in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

No changes to the size of window openings are proposed and therefore there will be no impact on neighbourhood amenity. The proposal is therefore considered to be in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

### d) Impact on Great Crested Newts

The development falls within the green risk zone for Great Crested Newts and as the application is a Household one and is located further than 250 metres from a pond, there is no requirement to consult NatureSpace in respect of Great Crested Newts.

### e) Flood Risk

The application site is located in area with a 1 in 100 year risk of surface water flooding and within an area at risk of groundwater flooding. There are no groundworks proposed and therefore no mitigation measures for flood risk are required.

## **6. Conclusion**

In light of the above assessment, it is considered that the proposed development is in line with the aims of Policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted subject to the attached conditions.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

## **7. Recommendation**

### **Grant Full Planning Permission subject to the following condition:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

ES2125/23/01A, TQRQM23068170306159

### **Reason:**

1. For the avoidance of doubt and in the interests of proper planning.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place.

Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

3. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

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### **Officer to Contact**

William Larkin, Telephone 01424 783250

### **Background Papers**

Application No: HS/FA/23/00638 including all letters and documents