

MID SUSSEX DISTRICT COUNCIL

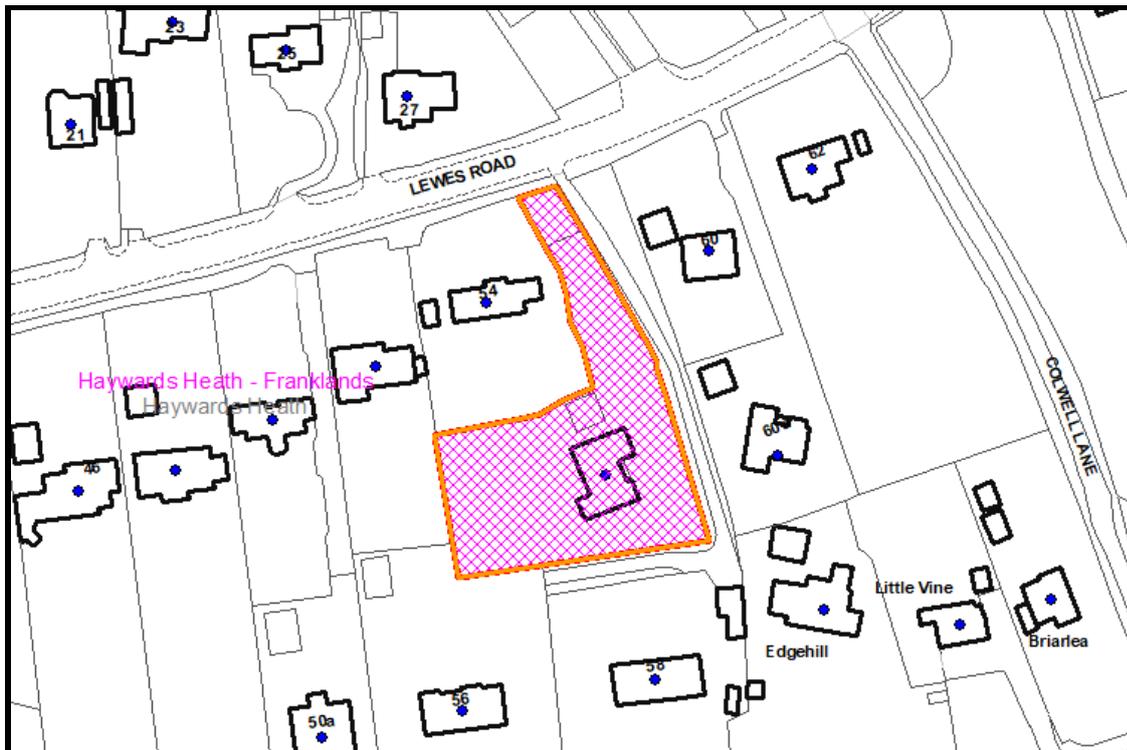
Planning Committee

15 JUL 2021

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/20/4676



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**HIGH TREES 54A LEWES ROAD HAYWARDS HEATH WEST SUSSEX
REPLACEMENT WINDOWS TO WHITE UPVC (AMENDED PLANS AND
DESCRIPTION 25/03)
MR KEVIN STAGG**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area
Boundary / Classified Roads - 20m buffer / Road Improvement Act
Agreement / Aerodrome Safeguarding (CAA) /

ODPM CODE: Householder

8 WEEK DATE: 11th February 2021

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Andrew Horrell

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the replacement of existing white painted softwood timber windows to white PVCu

It is considered that the proposal to change the existing softwood timber painted windows to white PVCu windows would be harmful to the Lewes Road conservation area.

The proposal would fail to meet the requirements of District Plan Policy DP35 and E9 of the Neighbourhood Plan, which state that development in a conservation area will be required to conserve or enhance its special character and appearance. In terms of the NPPF, the harm caused to the Lewes Road Conservation Area is considered to be less than substantial, such that the criteria set out in paragraph 196 of the NPPF would apply. Whilst such harm is considered to be less than substantial, it should be attributed significant weight, and when weighed against the public benefits of the scheme, it is considered that the harm caused to the Lewes Road Conservation Area would outweigh any public benefits of the scheme.

The proposal would therefore fail to conserve or enhance the special character of the conservation area, conflicting with Plan, policy DP35 of the Mid Sussex District Plan and the relevant paragraphs of the National Planning Policy Framework.

RECOMMENDATION

It is recommended that planning permission be refused for the reason outlined in Appendix A.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

This further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where Permitted Development rights have been deliberately withdrawn in order to

control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.

HAYWARDS HEATH TOWN COUNCIL

No Comment.

INTRODUCTION

The application seeks planning permission is sought for the replacement of existing white painted softwood timber windows to white PVCu.

Relevant Planning History

05/02902/FUL - Erection of two dwellings. (refused)

06/00686/FUL - Erection of one detached dwelling. Revised plans received amending the siting, size and design of the new dwelling. (approved)

07/00314/FUL - Two storey detached five bedroomed house and double garage (approved)

DM/21/1300 - Proposed erection of a new triple garage with workshop and storage above attached to main dwelling. (approved)

SITE AND SURROUNDINGS

54A Lewes Road is a modern two storey hipped roofed dwelling set back from Lewes Road. The existing white softwood windows are to be replaced by PVCu. The dwelling is characterised by the prevalent Sussex vernacular (face brickwork, hanging tiles and white timber doors and windows).

To the north of the site is the driveway and No.54 with the highway beyond, to the south of the site is woodland to No.58 beyond, to the east of the site is the driveway with woodland to neighbour at No.60A beyond and to the west of the site is rear garden with close boarded fencing to neighbour No.52 beyond.

The site is within the built-up area of Haywards Heath and Lewes Road Conservation Area.

APPLICATION DETAILS

The application seeks planning permission for the replacement of existing softwood timber windows to white PVCu (RD Goatley TS range). The size of each window is to be altered from the existing jambs measuring 105mm each with the proposed measuring 97mm each, the header of each window is to be reduced from 115mm to 97mm with the mullion to be increased from 146mm to 152mm each.

The original plans included the existing vertical tile hanging being changed to Enviro Build, Hyperion, Pioneer and Silver Birch Cladding with the timber windows being changed to plain grey aluminium. These elements have been amended and removed from the application.

LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 (Character and Design)

DP35 (Conservation Areas)

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

Mid Sussex Design Guide SPD

'The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.'

National Policy

The National Planning Policy Framework (NPPF) from February 2019 is also a material consideration and paragraphs 8, 11, 15, 16, 124, 127, 192, 193 and 196 are considered to be of particular relevance to this application.

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority or, as the case may be, the Secretary of state shall have special attention to the desirability of preserving or enhancing the character or appearance of that area.

ASSESSMENT

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70(2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes 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.'

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan (2016).

Assessment of main Issues

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Design and Impact on the Character of the Conservation Area

Design and Impact on the Character of the Conservation Area

DP35 of the Mid Sussex District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area'*

E9 of the Haywards Heath Neighbourhood Plan states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site*
- *creates safe, accessible and well-connected environments that meet the needs of users*
- *Will not result in unacceptable levels of light, noise, air or water pollution*
- *Makes best use of the site to accommodate development*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

Part 6.34 of the MSDC Design Guide SPD states:

*'UPVC windows are less successful in design terms, particularly in traditional buildings due to their bulky frames and glazing bars. Wherever possible, timber should be used unless an alternative material is shown to be more appropriate'.
Paragraphs 192 - 196 of the NPPF are most relevant and state:*

'192. In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

193. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Lewes Road Conservation Area was designated in March 1989 and is characterised by low density development and represents the gradual transition from the countryside to the urban area.

The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;
- presence of trees and hedges around and between the buildings;

- the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and
- the low density of development which creates a gradual transition from the countryside to the urban area.

Permitted development rights were removed the dwelling under 07/00314/FUL to preserve the character of the locality to avoid harmful alterations to the conservation area. The alteration to PVCu windows is deemed a retrograde step to the dwelling as a non-traditional material and therefore contrary to DP35 of the Mid Sussex District Plan.

The design, materials and finish of the windows as approved in 2007 were carefully considered in order to complement the design and character of the new dwelling (also itself carefully considered) and the wider Conservation Area. The dwelling was deemed 'designed to reflect the scale and appearance of the prevalent Sussex vernacular'. Therefore condition 14 of that application as outlined above removed permitted development rights to protect this traditional vernacular. PVCu is not an appropriate material within the Conservation Area which is characterised by high quality natural/vernacular materials, albeit that the development is often relatively modern.

The agent has raised several cases within Lewes Road. In terms of the cases raised, these cases were decided on their own merits and differ in varying degree from the proposed.

In terms of the cases raised, the MSDC conservation officer was consulted on the approval at 60A Lewes Road (DM/16/2983 and DM/19/2205) and stated, "*The proposal is therefore considered to preserve (not to cause harm to) the character and appearance of the conservation area.*". The extension at No.54 was approved on the premise as outlined within the application form that white painted windows to match the existing were to be used. The approval at No.50 Lewes Road (07/03840) removed permitted development rights and the officer stated, '*The House is of good design and will be constructed of materials appropriate to the locality*'.

No.49 Lewes Road (DM/20/4454) the materials were seen to match the existing dwelling and '*due to the design and scale of the proposal the extensions would preserve the character of the Conservation Area and not cause detriment to wider views in and out of this designated heritage asset.*'

It is also noted that several properties within Lewes Road likely benefit from householder permitted development rights allowing the alteration of existing windows to visually similar PVCu windows.

The views of the Council's Conservation Officer are set out in this report. In summary she states:

'This further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where Permitted Development rights have been deliberately withdrawn in order to

control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.'

These views are supported by your planning officer.

In this case with the dwelling having permitted development rights removed, the change to PVCu windows as a non-traditional is seen as a retrograde step to the existing dwelling characterised by a traditional Sussex vernacular. It is therefore considered that the proposed alteration to PVCu framed windows are a non-traditional feature out of keeping with the character of the locality and fail to preserve the appearance and character of the Lewes Road Conservation Area and therefore contrary to the requirements of policies DP26 and DP35 of the Mid Sussex District Plan, E9 of the Haywards Heath Neighbourhood Plan and MSDC Design Guide.

The Conservation officer considered the harm caused to this designated heritage asset (Conservation Area) to be less than substantial. Paragraph 196 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposed alteration to PVCu windows will not lead to any public benefits with the sole benefit being private to the occupier of No.54A Lewes Road.

The proposal is thus contrary to the Development Plan.

PLANNING BALANCE AND CONCLUSION

It is considered that the proposal to change the existing softwood timber painted windows to white PVCu windows would be harmful to the Lewes Road conservation area.

The proposal would fail to meet the requirements of District Plan Policy DP35 and E9 of the Neighbourhood Plan, which state that development in a conservation area will be required to conserve or enhance its special character and appearance.

In terms of the NPPF, the harm caused to the Lewes Road Conservation Area is considered to be less than substantial, such that the criteria set out in paragraph 196 of the NPPF would apply. Whilst such harm is considered to be less than substantial, it should be attributed significant weight, and when weighed against the public benefits of the scheme, it is considered that the harm caused to the Lewes Road Conservation Area would outweigh any public benefits of the scheme. The proposal would therefore fail to conserve or enhance the special character of the conservation area, conflicting with Plan, policy DP35 of the Mid Sussex District Plan and the relevant paragraphs of the National Planning Policy Framework.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed alterations to PVCu windows by virtue of their design, fail to relate sympathetically to the character of the existing dwellinghouse thereby appearing harmful to the character of the locality and failing to preserve the character and appearance of the Lewes Road conservation area and therefore contrary to policy DP35 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan and the NPPF.

INFORMATIVES

1. In accordance with 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor and Elevations Plan	LRHH.001	Rev. A	17.12.2020
Location and Block Plan	LRHH.001	Rev. A	17.12.2020
Proposed Floor and Elevations Plan	LRHH.002	Rev.C	25.03.2021
Location and Block Plan	LRHH.002	Rev.C	25.03.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

No Comment.

MSDC Conservation Officer - Emily Wade

Original Plans:

The application site is a modern detached house, dating from the early 2000s. It is located in a back-land position to the south of Lewes Road, within the Lewes Road Conservation Area. The current proposal is for alterations to the building including replacement of the existing tile hanging at first floor level with composite cladding, and replacement of the existing timber windows with powder coated aluminium.

While there is some variation of materials within the context of the development site, the Conservation Area is generally characterised by traditional building materials, reflecting the loosely 'vernacular' style of many of the buildings, and the edge of town location - this is reflected in the palette chosen for the application site at the time of the granting of planning permission and the construction of the house. In my opinion, the current proposal is a retrograde step, in introducing non-traditional, non-natural materials which are not typical of the area. I therefore consider that the proposal will detract from the character and appearance of the house and of the wider Conservation Area. This would not meet the requirements of District Plan Policy DP35 or of the Council's Design Guide. In terms of the

NPPF I would consider the harm caused to be less than substantial, such that paragraph 196 would apply.

Following the amended plans, the Conservation Officer stated the following:

Further comments on the above following the submission of further information by the applicant.

We have received a document titled 'LIST OF APPROVED PLANNING APPLICATIONS WITHIN APPROXIMATELY 500 METRES EAST AND WEST OF MY HOUSE (HIGH TREES 54A) ALONG THE LEWES ROAD.'

This lists a number of applications within the vicinity of the site which have included the use of uPVC window frames. Whilst I am afraid, I do not have the resources at the moment to examine each of these applications individually I would note the following general points:

- The majority of these applications fall outside of the lifetime of the current District Plan
- A number of them relate to extensions to properties where it is likely that uPVC windows may already have been in place, and it would therefore have been potentially considered unreasonable for the Council to require a different, higher quality material for an addition
- Where uPVC windows are mentioned in respect of the house and an addition, it is likely that the view was taken that as the house benefitted from householder PD rights it would be unreasonable to resist uPVC as part of a broader programme of works when it could otherwise be installed without the need for planning permission.
- These applications predate the adoption of the Council's Design Guide.

If you have been able to undertake a more in-depth analysis of these applications, I would be happy to discuss this. As it stands however this further submission does not alter my view that in the context of a recently approved new dwelling, where care has been taken to agree a palette of high quality materials which are sympathetic to the style of the building and to the context, and where PD rights have been deliberately withdrawn in order to control subsequent, potentially unsympathetic works, we should resist such a retrograde step as the installation of uPVC windows.

The applicant has also submitted a survey of properties within the Conservation Area showing that there are numerous examples of uPVC windows within the Area. While this may be the case, it does not mean that such windows are a positive feature of the Area and I am sure in many instances they would be considered to detract from the character and appearance of the properties concerned and of the wider Conservation Area. It is likely, although again I am afraid, I do not have the resources at present to confirm this, that the majority of these windows will have been installed under PD rights or may predate the designated of the Area.

I remain of the opinion that the proposal is contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide (at 6.3.4 and elsewhere). In terms of the NPPF, I consider the harm caused to the heritage asset to be less than substantial.