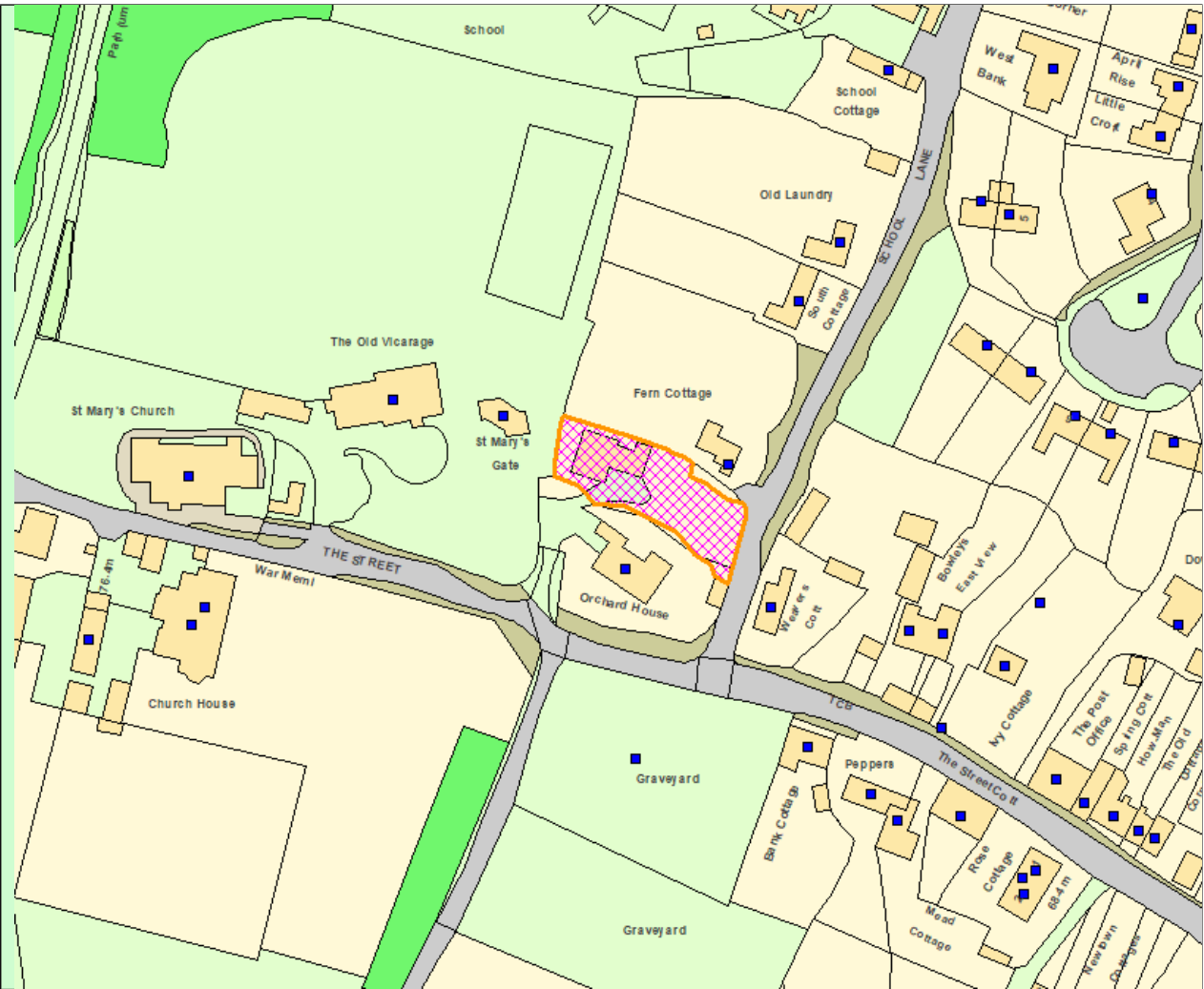


Report to **Planning Committee**  
Date **23<sup>rd</sup> January 2024**  
By **Director of Planning**  
Application Number **SDNP/22/01589/CND**  
Applicant **Mr and Mrs P and C Curtis**  
Application **Variation of Conditions 3 of previously approved application SDNP/17/03716/HOUS (Demolition of existing garage and side extension. Erection of replacement part two storey part single storey side extension with first floor dormer to eastern elevation and 2x 'lantern' rooflights) Variation sought to allow for retention of existing UPVC windows with added glazing bars.**  
Address **St Marys Gate  
The Street  
Washington  
West Sussex  
RH20 4AS**

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**Recommendation:** That the application be Approved subject to the conditions set out in paragraph 8.1 of this report.

**Reason For Inclusion on the Agenda:** More than 8 letters of representation have been received contrary to the Officer's recommendation



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## Executive Summary

The main issues for consideration in respect of the application are:-

- The design / appearance of the proposed alteration
- The impact on the nearby designated heritage assets

The application is placed before the Planning Committee as more than 8x letters of representation have been received contrary to the Officer's recommendation.

### 1. Site Description

- 1.1 The application site is located on the northern side of The Street, Washington, and comprises of a detached chalet bungalow with projecting single-storey elements on the western side of School Lane, north of its junction with The Street. The building falls within Washington Conservation Area with Grade II Listed Buildings surrounding to the north, east and west.

### 2. Relevant Planning History

SDNP/17/03716/HOUS	Demolition of existing garage and side extension. Erection of replacement part two storey part single storey side extension with first floor dormer to eastern elevation and 2x 'lantern' rooflights	Application Permitted on 18.05.2018
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### 3. Proposal

- 3.1 Planning permission was granted in 2018 for the demolition of an existing garage and side extension and the erection of replacement part two storey, part single storey side extension with first floor dormer to the building's eastern elevation and 2x 'lantern' rooflights, under the above reference number. The application was granted subject to a condition requiring all materials for the walls, roof and windows of the extension to match the existing building.
- 3.2 The development has not been built in accordance with the approved plans as the windows have been constructed using UPVC. The application therefore seeks a variation of the approved plans condition and matching external finish materials condition to resolve this discrepancy.

### 4. Consultations

#### 4.1 Washington Parish Council

*Members feel that the current proposal is against the spirit of the condition imposed by Horsham District Council on the original approval for an extension SDNP/17/03716/HOUS to ensure that the windows matched the existing building. In January this year, the Parish Council had strongly objected to the subsequent application DC/21/06195/CND to vary the Conditions 1 & 3 of the above consent. At that time, it was noted that the applicant had installed windows which did not comply with the condition 3. The windows in the original part of the building had also been replaced with UPVC.*

*The Parish Council agreed to OBJECT to the current application for the same reasons as before and is of the opinion that the windows should be properly restored. The property is within a much cherished Village Conservation Area, and members note the strong local support for its protection.*

#### 4.2 HO - Design and Conservation Officer

*The windows fitted to the property remain unacceptable. The proposed alterations will not alter the appearance to an extent where the suburban character will be improved. However, the harm to the character of the conservation area and setting of the adjacent listed building is negligible and I am willing to accept that retention of the windows will have some public benefit in terms of not wasting the embodied energy which would be the case if they were removed and disposed of. I am willing to accept that the situation will be improved when the windows have reached the end of their life. The public benefit of*

*retaining the windows may outweigh the harm to the heritage assets.*

#### 4.3 HO - Planning Compliance Team

*Compliance case SDNP/21/00405/DEVMON was opened following the reports of the windows being changed without planning permission. Application SDNP/21/06195/CND submitted and subsequently withdrawn, SDNP/22/01589/CND received and will form part of the compliance investigation. Compliance case remains open until the outcome of SDNP/22/01589/CND.*

### 5. **Representations**

5.1 16 no. objections received during the neighbour consultation process. The following concerns were raised:

- Adding glazing bars, more plastic upon plastic is not acceptable as a variation in the attempt avoid enforcement.
- Use of uPVC is not in keeping with the direct rural locality.
- Object to materials used.
- Glazing bars add to the inappropriate appearance of the windows.
- Glazing bars to the uPVC units makes mockery of the planning regulations and blatant disregard for the appearance and aesthetic of the conservation area.
- Unlawful installation breach of planning condition therefore variation should be allowed.
- Contravene planning agreements.
- Fenestration suitable for suburban dwelling not SDNP.
- UPVC is not in keeping with the materials used in neighbouring properties in this Conservation Area.
- Expected life-span of uPVC is 20-35 years therefore unacceptable in Conservation Area.
- uPVC windows with or without 'glazing bars' are clearly inappropriate in such an environment and this was made clear in the planning conditions imposed in 2018.
- Glazing bars are purely cosmetic and do not fit the original criteria.
- Aesthetically unsightly and more akin to those found on a modern housing development, are totally out of keeping and unsympathetic to adjacent listed properties and to the surroundings/location in the heart of the conservation area and within a National Park.
- UPVC is not in keeping with the materials used in neighbouring properties in this Conservation Area.
- UPVC is not a sustainable material so would not support commitments to tackle climate change.
- Proposal would have negative impact.
- The development would destroy the charm & character of the locality and should not allowed.
- Disrespect and dilution of the Conservation and heritage area of Washington

### 6. **Planning Policy**

6.1 Relevant Sections of National Planning Policy Framework:

12. Achieving well-designed places

16. Conserving and enhancing the historic environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix I)

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Development Management Policy SD22 - Parking Provision

Strategic Policy SD25 - Development Strategy

6.3 Most Relevant Policies of the Adopted Storrington Sullington and Washington Neighbourhood Plan (A full list of other relevant policies can be found in Appendix I)

14 – Design

## 7.0 Planning Assessment

7.1 The proposal relates to a Section 73a application to vary condition 3 attached to permission SDNP/17/03716/HOUS, which read:

3 *The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.*

*Reason: In the interests of visual amenity and in accordance with policy DC13 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

7.2 The main issue for consideration is whether the proposed development would preserve or enhance the character or appearance of the Washington Conservation Area, and/or affect the setting of adjacent listed buildings. The proposal would involve the retention of uPVC windows as installed, but with the inclusion of glazing bars.

### Character and Appearance

7.3 Policy SD15 of the SDLP (2019) seeks to ensure that development will only be permitted which preserve or enhance the special architectural or historic interest, character or appearance of the conservation area by the use of locally distinctive building materials, styles or techniques.

7.4 Condition 3 attached to the 2017 permission sought for replacement windows to match those existing on the dwelling, which at the time of approval were critical. Since permission was granted and the extension constructed the property has changed all of its windows to UPVC under permitted development rights. Nevertheless, the UPVC windows as installed do not match the windows on the building at that time, which were critical.

7.5 The Council's Conservation Officer has identified that the replacement windows has resulted in negligible harm to the setting and character of the nearby designated heritage assets. In such cases where harm to designated heritage assets is identified, paragraph 208 of the 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.'*

7.6 The Conservation Officer has advised that the public benefit in terms of not wasting the embodied energy from removing and disposing of the UPVC windows would outweigh the harm afforded by their retention. This acceptance is on the proviso that the situation would be improved when the windows have reached the end of their life.

7.7 Officers disagree that the retention of the UPVC windows would in this case result in heritage harm. The property is of modern construction that in itself has no historic elements and does not contribute to the historic character of the area. Whilst it is located within the Washington Conservation Area and positioned in the setting of adjacent listed buildings, it is not prominent in the street, being significantly set back from The Street and School Lane behind other properties and vegetation. Furthermore, the critical windows that were previously installed on the property are not a notable heritage feature of the conservation area or surrounding listed buildings generally, and therefore offer no historic reference to retain. Indeed the applicants have identified a number of other properties in the vicinity that benefit from UPVC windows. Finally, given the remainder of the property has been able to change its windows to UPVC under permitted development rights, the reversion of the windows in the extension only (which is the only part of the property condition 3 relates to) to critical would be visually discordant and would indeed harm the overall appearance of the building.

7.8 Accordingly, whilst the Conservation Officer considers there to be a negligible level of harm that is outweighed by the public benefits of not replacing the windows, officers are of the view that retaining the UPVC windows with glazing bars is preferable to replacing half the windows on the

property with crittall. As such the retention of the UPVC windows with added glazing bars would have a neutral impact on the character and appearance of the Washington Conservation Area and the setting of the adjacent Listed Buildings.

### **Impact on Neighbouring Amenity**

- 7.9 It is considered that due to the nature of the proposal and its relationship with surrounding properties there would be no unacceptable harm to neighbouring amenity.
- 7.10 Due to the nature of the development, the amenity impacts of the proposal are therefore considered acceptable.

### **Dark Skies**

- 7.11 Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.
- 7.12 The application site is located within Dark Skies Zone EI(b) which is classified as transition zone area that lie between the larger urban settlements and the surrounding darker skies notably vulnerable to light pollution. The nature of the proposal would not create any significant potential for additional light spill and no conflict with policy SD8 would arise from the proposal.

### **Conclusion**

- 7.13 The proposed development would accord with the above-mentioned policies. As this Section 73 application would become the extant consent, the relevant conditions from the 2017 permission have been bought over to this decision notice.

### **8.0 Reason for Recommendation and Conditions/Reasons for refusal**

- 8.1 It is recommended that the application be Approved subject to the conditions set out below.

#### **Conditions**

- 1 A List of the Approved Plans
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 The materials and finishes of all new external walls, windows (as currently installed) and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building as it appears on the date of this permission, subject to the requirements of condition 4.
- Reason: In the interests of visual amenity and in accordance with policies SD5 and SD12 of the South Down Local Plan 2019.
- 4 Within 6 months of the date of this permission, the proposed glazing bars as detailed on plan 297-21-11 shall be installed on the windows. The glazing bars shall be retained as such thereafter.
- Reason: In the interests of visual amenity and in accordance with policies SD5 and SD12 of the South Down Local Plan 2019.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern elevation of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties to the north from loss of privacy in accordance with Policy SD5 of the South Downs Local Plan 2019.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices	Appendix I - Information concerning consideration of applications before committee
SDNPA Consultees	Horsham Conservation Officer Horsham Planning Compliance Team
Background Documents	N/A

### **Appendix I – Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:-

#### **National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

#### **National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

## **Major Development**

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

## **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

## **The Conservation of Habitats and Species Regulations 2017**

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

## **Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

## **The South Downs National Park Partnership Management Plan 2019-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

## **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "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".

## **All policies of the South Downs Local Plan which are of relevance to this application**

Strategic Policy SD4 - Landscape Character  
Strategic Policy SD5 - Design  
Development Management Policy SD22 - Parking Provision



All Relevant Policies of the Neighbourhood Plan

I4 – Design

Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting 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. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is confirmed that, where the application relates to Listed Buildings, the setting of Listed Buildings, or sites within or adjacent to a Conservation Area, regard has been had to the above legislation

Scheduled Ancient Monuments (SAMs) are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration and will have been taken into account when assessing the proposals.

**Human Rights Implications**

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**Equality Act 2010**

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**Crime and Disorder Implication**

It is considered that the proposal does not raise any crime and disorder implications