DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/10/0824/FULL – 16 Warwick Street

DATE OF VISIT: 1st February 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

16 Warwick Street is a 4-storey (plus attic) mid-terraced building used as a restaurant (Carabao Thai Restaurant and Steak House). It is situated on the south side of the Warwick Street pedestrian precinct, just to the east of Bedford Row. It is a building of local interest and a positive contributor to the South Street Conservation Area.

Conditional planning permission was granted in December 2008 to change the use of the property from Class A1 (retail) to Class A3 (restaurant) on the ground and first floors, with ancillary kitchen, storage and staff room on the remaining upper floors, together with a new shop front, replacement windows, an extension at first floor level and a new fire escape staircase and ancillary works (WB/08/0807/FULL).

Retrospective permission is sought for the installation of double glazed replacement mock sliding sash windows at second, third and fourth (attic) floors on the upper front elevation of the building and for a curved cylindrical extractor flue cowl at roof level in connection with the approved use of the building as a restaurant.

The windows are identified as Window 1, Window 2 and Window 3 in the application, and consist of the following:-

Window 1: *Second Floor*: Three top hung opening mock sliding sash windows with a fixed lower half, each divided into six small panes by external glazing bars and constructed of white painted timber.

These have replaced a pair of PVCu windows that previously existed at this level, but which were unauthorised under the Town and Country Planning Act 1990. The central one is an additional window.

Window 2: *Third Floor:* Three top hung mock sliding sash windows with a fixed lower half, each divided into three panes by external glazing bars and constructed of white painted timber.

These have replaced two six-paned vertical sliding sash black painted timber windows that previously existed at this level. The central one is an additional window.

Window 3: *Fourth Floor:* One nine-paned casement, centre of the façade, constructed of white painted timber.

This has replaced a 12-paned black painted timber casement window that previously existed in this position.

The extractor flue is the south-curving terminal section of a 40 cm diameter extractor flue on the northern side of the main roof slope of the building, constructed of black painted galvanised aluminium.

The works were carried out 26th March 2010.

A Design and Access Statement has been submitted by the applicant. This submits:-

Windows: The mock sliding sash timber windows to the 2nd, 3rd and 4th floors have been installed to closely match the original windows and to maintain the historic design and appearance of Warwick Street. The new windows have been recessed to match the original windows and to give the front elevation a uniform appearance, in comparison to the original mixture of timber and PVCu, enhancing the appearance of both the building and Warwick Street. On other buildings along Warwick Street there is a mixture of differing window styles and materials which weaken the historic design. (See Photographs 1 & 2)

Extractor: The cylindrical extractor flue provides efficient extraction. The curved terminal section of the flue has been rotated and decorated to minimise its impact on the historic design and appearance of both the building and Warwick Street. The flue can only be seen (See Photograph 3) from the east along Warwick Street.

RELEVANT PLANNING HISTORY

April 2005: Conditional planning permission granted for change of use from retail (Class A1) to a restaurant (Class A3) (WB/05/0243/FULL)

December 2008: Conditional planning permission granted for change of use from Class A1 (retail) to Class A3 (restaurant) on ground and first floors, with ancillary kitchen, storage and staff room on remaining upper floors, together with a new shop front, replacement windows, extension at rear at first floor level, new fire escape staircase and ancillary works (WB/08/0807/FULL)

RELEVANT SAVED PLANNING POLICIES & NATIONAL PLANNING POLICY GUIDANCE

'Saved' Worthing Local Plan 2003: BE1
Worthing Borough Council's Submission Core Strategy (April 2010): Policy 16
South East Plan: CC1; CC6; BE6
Planning Policy Guidance: Planning Policy Statement (PPS) 5: Planning and the Historic Environment (2010)

REPRESENTATIONS

The Conservation Area Advisory Committee comments:

"There was objection to the installation of 'decorated mock sliding sash windows,' on the grounds that, wherever possible, sliding sash windows should be replaced 'like with like' within a Conservation Area. There was no objection to the extractor flue."

HUMAN RIGHTS

Article 8 of the First Protocol (Protection of Property) of the Human Rights Act 1998 is relevant to this application, It is accepted that this proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly, it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT

Policy Background

The following Planning policies are relevant to this application:-

Policy BE6 of the South East Plan:-

When developing and implementing plans and strategies, local authorities and other bodies will adopt policies and support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. The region's internationally and nationally designated historic assets should receive the highest levels of protection. Proposals that make sensible use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use, should be encouraged.

'Saved' Policy BE1 of the Worthing Local Plan 2003:-

Proposals for development will be permitted provided that...*inter alia*... the architectural composition, including external appearance and character, achieves a good standard of design and is compatible with its surroundings or enhances the appearance of the locality.

Policy 16 of Worthing Borough Council's Submission Core Strategy (April 2010):-

Throughout the borough all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

Policies HE7.5, HE9.5 and HE10 of National Planning Policy Statement (PPS) 5, *Planning and the Historic Environment (2010)* require attention to the extent to which the design of new development contributes to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken into account the following characteristics of the surroundings, where appropriate:

1. The significance of nearby assets and the contribution of their setting.
2. The general character and distinctiveness of the local buildings, spaces public realm and the landscape.
3. Landmarks and other features that are key to a sense of place.
4. The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.
5. The topography.
6. Views into and from the site and its surroundings.
7. Green landscaping.
8. The current and historic uses in the area and the urban grain.

Policy HE10.1 of PPS 5 states:

When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

Background

Condition 5 of planning permission WB/08/0807/FULL, granted by the Council in December 2008, requires:

The approved replacement shop front, *windows*, doors and external staircase, and the first floor rear extension and replacement flat roof, shall be carried out as an integral part of the A3 use, hereby permitted, and in accordance with a schedule of materials and finishes, details of which shall be submitted to and approved in writing by the Local Planning Authority before works commence. Thereafter, the development shall be carried out fully in accordance with the agreed details. Reason: To preserve the historic and architectural character, appearance and features of this building of local interest and to enhance the character and appearance of the South Street Conservation Area.

The windows to the upper floors of the front elevation of the building to which the current application relates were installed before detailed plans relating to their materials and finishes pursuant to Condition 5 of the above planning permission had been submitted to the Council; hence, this application was called for. A concurrent application, WB/10/0825/FULL for retrospective permission for the installation of two gas flambeau and for an additional fluted column to the shop front on the front elevation of the building was approved on 10th February 2011.

Considerations

The main issues to consider under the above policies are the visual impact of the completed new and replacement windows on the front elevation and the extractor flue at roof level on the historic design, character and appearance of the building, 16 Warwick Street and its surroundings, in terms of their design, materials, construction, detailing and appearance in relation to the predominant elements of the building and the street scene, and whether these works enhance or materially harm the historic character and appearance of the South Street Conservation Area.

Warwick Street contains mainly 3-storey and 4-storey terraced late-Regency buildings, of which Nos. 5, 10/12, 24 to 34 and 45 are Grade II listed, while the majority of the remainder, including Nos. 14, 16, 18 and18a, are designated by the Council as buildings of local interest. Significant architectural and historic elements of Warwick Street are the original sliding sash painted timber windows to the upper floors of the buildings. These are contained usually on two floors, and occasionally three, including the roof space, above the ground floor shops, cafes, restaurants and pubs in the road; and many of these on both sides of the road retain their original slender glazing bars that divide the windows into small panes. Windows with such detailing that are close to or adjoin the site are those at Nos. 10/12 Warwick Street, which is Grade II listed, No. 14 Warwick Street, and the second floor of No. 18 Warwick Street. These as well as other prominent vertical sliding sash painted timber windows in the street are important historic assets of the South Street Conservation Area.
In accordance with the above policies, these should be conserved, or where they are altered or replaced, should reflect the historic design and appearance of the original building in design, construction, detailing and materials.

Having regard to this historic character and appearance of Warwick Street, which mainly derives from its late-Regency origins, it is considered that the 'mock' sliding sash windows to the second, third and fourth floors on the front of No. 16 Warwick Street are an overdominant feature which is detrimental to the historic character and appearance of this local interest building, the group of which it forms part and the Conservation Area. This is by reason of their unduly heavy appearance, form of construction and detailing, using wide framing members and wide glazing bars, compared to the original sliding sash windows on the adjoining and nearby late-Regency and Victorian buildings, with their slender glazing bars. In consequence, the installed windows have introduced a discordant and unsympathetic feature at high level within the street scene which detracts from, and does not preserve or enhance, the historic and architectural character and appearance of the building and the South Street Conservation Area. On this basis, this part of the application is unacceptable. ,

In his Heritage Statement, the applicant submits that the installed windows maintain the recessed positions of the original windows and that they have a uniform appearance in comparison to the original mixture of timber and PVCu on this building, which enhances the appearance of both the building and Warwick Street.

Whilst the windows are of white painted timber and are set within the original reveals, which in principle is acceptable under the above policies, their form of construction and detailing markedly differs from the detailing, construction and appearance of the historic sliding sash painted timber windows on the adjoining and other buildings nearby, and because of their height and position within the street scene, they differ very significantly from the historic elements within the Conservation Area.

It is important under the above policies to ensure that, when granting planning permission, new or replacement windows in listed buildings and in buildings of local architectural or historic interest will reflect the historic design, construction, detailing and appearance of the original windows in the buildings as closely as possible before permission may be granted.These fail in both this aspect and in their detailed design for the reasons set out above.

Concerning the upper terminal to the extractor flue, this is largely hidden from public views by the large chimney stack structure at roof level and because it is black painted and southward curving, so as not to readily intrude into the street scene, from nearby or from further away. In consequence, the extractor flue terminal is not causing material harm to the character and appearance of the building or the Conservation Area.

Notwithstanding this favourable aspect, the application as a whole is unacceptable, in view of the unsympathetic and visually damaging design of the second, third and fourth floor windows on the front elevation of the building, contrary to the above policies. Refusal is recommended.

Concurrently, enforcement proceedings should be instituted to secure the removal of these windows and their replacement with vertical sliding sash painted timber windows with slender glazing bars, fitted into the existing openings and reveals at second, third and fourth floor levels on the front elevation in accordance with details of their design, construction, method of opening, glazing bar detailing, materials and finishes which shall first be submitted to and approved in writing by the LPA.

RECOMMENDATION

Refuse, on the grounds that:

1. The new and replacement upper level windows at 16 Warwick Street, by reason of their unsympathetic design and form of construction, using wide glazing bars ~~and wide framing members~~ that give the windows a heavy modular appearance, which contrasts against the traditional vertical sliding sash painted timber windows, with their slender glazing bars, on the adjoining and other buildings nearby, and due to their discordant appearance within the street scene, are detrimental to, and do not preserve or enhance, the historic and architectural character and appearance of the building, the group of which it forms part and the South Street Conservation Area, contrary to 'saved' policy BE1 of the Worthing Local Plan 2003, policy 16 of the Council's Submission Core Strategy (April 2010), policy BE6 of the South East Plan and National Planning Policy Statement (PPS) 5 *Planning and the Historic Environment (2010).*

REASON FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION: Y/N

DELEGATED

Case Officer sign.....Date: 22nd March 2011.....

Authorising Officer sign.....Date 28.3.2011.....