Development Control – Delegated Officer Report

Application Number: AWDM/0641/24 & AWDM/0663/24 **Recommendation: Refuse**

Site: **14 Montague Place, Worthing**

Proposal: Planning application (AWDM/0641/24) and Listed Building Consent (AWDM/0663/24) - Replace existing single glazed windows with double glazed windows to front and side of nos. 14 and 14A.

Site visit: 30.05.2024 (by LP)

Neighbours checked: Y

Additional neighbour notifications: N Site notices posted 30.05.2024

Proposal, Site and Surroundings

The application site relates to a four-storey building located on the west of Montague Place within the town centre. The ground floor of No.14 and 14A is in use as a micropub and the upper floors are separated into flats.

The building is within the South Street Conservation Area and is a Grade II listed building along with No's 11, 12 and 13, and described as follows in the register:

MONTAGUE PLACE (West Side) Nos 11, 12, 13 and 14

11.10.49

GV II 1802-1805. Four storeys (Nos.11 and 12 with attic and Nos. 12 and 13 with semi-basement). Stuccoed. Curved fronts with window of three lights. Nos. 11 and 12 have one additional window over the door. Cornice with modillions. No. 14 has a parapet and no modillions. Iron balconies on first floor (that from No. 14 missing). Nos 12 and 14 formerly had hoods to these balconies. Round-headed doorways. Glazing bars intact except on the ground floor. Modern shop fronts to Nos 11 and 14. No 12 has no shop front and therefore is as designed. The glazing bars are intact even on the ground floor. Hooded balcony with thin wooden columns supporting the hood. Recessed round-headed doorway up five steps with semi-circular fanlight and six panel moulded door, the top panels cut away and glazed. No.13 has lost some of its glazing bars on ground floor and has had this window slightly enlarged downwards. Its balcony has no hood. The doorway is similar and the door intact.

Nos 10 to 14 (consec) form a group.

The site is within the Secondary Frontage area of the Town Centre Primary Shopping Area and is within the Montague Street Character Area.

Planning permission and listed building consent is sought to replace the existing single glazed timber windows with double glazed timber windows to the east and south elevations at the frontage.

Relevant Planning History:

AWDM/0676/13 - Application of Listed Building Consent for conversion of restaurant use on 1st and 2nd floors to 2 no. self-contained flats with associated alterations including replacement timber windows to lightwell and retention of flue on front elevation (part retrospective).
STATUS: APP 17th July 2013.

AWDM/0681/13 - Application for a Minor Material Amendment to planning permission AWDM/1067/11 for conversion of restaurant on 1st and 2nd floors to provide 2 no. self-contained flats comprising alteration to layout of flats, installation of replacement timber windows to light well and retention of flue on front elevation (part retrospective)
STATUS: APP 17th July 2013.

08/0938/FULL - Conversion of maisonette on third and fourth floors into two No. self contained flats with internal alterations to provide fire exit to first floor of existing restaurant.
STATUS: CCN 5th November 2008.

08/0939/LBC - Application for Listed Building Consent for alterations in connection with conversion of maisonette on third and fourth floors into two No. self contained flats and alterations to first floor to provide new fire exit to existing restaurant .
STATUS: CCN 29th October 2008.

09/0121/FULL - Change of use of pavement adjoining premises to seating area for 32 people
STATUS: WD 20th March 2009.

09/0281/FULL - Change of use of pavement adjoining premises to seating area for 16 people. (Revised proposals, WB/09/0121/FULL refers)
STATUS: CCN 5th June 2009.

AWDM/1094/13 - Sign stating 'The Cheese Club' to front elevation (0.5 x 0.5m). Extraction fan in window on rear elevation.
STATUS: APP 25th October 2013.

AWDM/0074/14 - Listed Building Consent for two non illuminated signs to front elevation in the form of applied lettering.

STATUS: APP 31st March 2014.

AWDM/0780/14 - Installation of duct on north elevation in connection with proposed ventilation/extraction system
STATUS: APP 29th January 2015.

AWDM/0781/14 - Listed Building Consent for installation of duct on north elevation in connection with proposed ventilation/extraction system
STATUS: APP 29th January 2015.

01/00189/ADV - Installation of two externally illuminated fascia signs (retrospective)
STATUS: REF 24th April 2001.

01/00190/LBC - Application for Listed Building Consent for the installation of external illumination of signs to the frontage of the property (retrospective)
STATUS: REF 24th April 2001.

04/00412/LBC - Retrospective application for Listed Building Consent for the external painting of the front of the building
STATUS: REF 19th May 2004.

05/1295/LBC - Listed Building application to erect signage.
STATUS: NP 25th November 2005.

05/1296/ADV - Advert application.
STATUS: NP 25th November 2005.

AWDM/1067/11 - Conversion of restaurant use on 1st and 2nd Floors to 2 no. self-contained flats
STATUS: APP 10th February 2012.

AWDM/1084/11 - Application for Listed Building Consent for conversion of restaurant use on 1st and 2nd Floors to 2 no. self-contained flats and associated internal alterations
STATUS: APP 10th February 2012.

Consultations:

Historic Buildings & Places has commented as follows:

Proposal: Listed building consent to replace existing single glazed windows with double glazed windows to front and side of nos. 14 and 14A.

Statutory Remit: Historic Buildings & Places (formerly the AMS) is a consultee for Listed Building Consent applications, as per the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

Comments: Thank you for notifying HB&P of the above application for listed building consent for replacement windows.

Photos available online suggest that the existing windows to this heritage asset are in reasonable condition and the list description suggests that, other than the shop front, the upper level windows are likely original to the building. Historic England's 'Traditional Windows: Their Care, Repair and Upgrading' (2017) advises that replacement of windows should only be approved if they are beyond economic repair. The documentation submitted has not demonstrated properly identified the age or condition of the windows and therefore justification for replacement has not been established.

Secondary glazing, draught proofing, or, if appropriate, the installation of double glazing within the existing frames should also be considered as alternatives to replacement.

Policy: Chapter 16 of the NPPF (2023), particularly paragraph 205, that states: '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'.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works 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.

Recommendation: Submission of amended plans and/ or additional information to clarify/ justify the above design and conservation concerns.

The **Worthing Society** has made the following comments:

Thank you for requesting our comment in respect of the above application. The proposal relates to a Grade II Listed Building within the South Street Conservation Area. The building is one of a group of five bow fronted Regency properties dating from circa 1802 - 1803.

I have now discussed the application with our Heritage Team. Following a site visit we consider the windows are probably original and in reasonably good order. The windows of the other four properties are in a similar condition and none appear to have replacement widows.

This building has significant 'group value' with the other four Regency buildings. To introduce replacement windows would set an unfortunate precedent and diminish the historic character. In our view it would be desirable to refurbish the existing sash windows. Consideration could be given to secondary gazing as an alternative.

These Regency buildings form an important element within the conservation area. They are part of the early development of Worthing. The bow windows are a particular and distinctive architectural feature.

There appears to be no justification for replacing these windows. In terms of the relevant Planning Policy we consider the application is not consistent with the following guidance:-

Section 16 (para 205 of the National Planning Policy Framework (NPPF). The Planning (Listed Buildings Conservation Areas) Act 1990 Section 16 (2)

In summary and for the reasons stated the Society objects to the application and associated application for Listed Building Consent.

Representations:
None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM16, DM24
National Planning Policy Framework (DLUHC 2023)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to alterations to buildings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality and the impact on the significance of the listed building and on character and appearance of the conservation area.

Visual amenity and impact on the listed building and on the character of the conservation area.

The NPPF states that '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.'

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional[72].' (paragraph 206)

The NPPG advises that significance derives not only from a heritage asset's physical presence, but also from its setting.

Policy DM24 of the Worthing Local Plan requires that:

a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

b) Proposed development should take account of the information and guidance in Worthing's Conservation and Heritage Guide (which will be updated and periodically reviewed).

Designated Heritage Assets

c) Development should not adversely affect heritage assets or its setting (including important views that contribute to its setting). Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, the Council will refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Where proposals may result in harm to a designated asset a Heritage Impact Assessment (HIA) must be submitted describing the significance of any heritage assets affected, including any contribution made by their setting.

d) Planning permission and/or Listed Building consent will only be granted provided that the appearance, significance, or historic character of the Listed Building is not adversely affected. The reinstatement or replication of original features such as windows or doors will be supported. Materials used must be consistent with those originally used or typical of the locality. Change of use may be supported where this secures the retention of a building of historic architectural interest where it could otherwise be lost.

e) Development in Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. Conservation Area Character Appraisals will be used to assess applications within designated Conservation Areas and opportunities will be taken to preserve and enhance these areas, and to implement the recommendations of Conservation Area Management Plans. The importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application for their demolition or development. Where, in compelling circumstances, the Council is minded to grant permission for demolition of a building in a Conservation Area, this shall not be granted until detailed plans for redevelopment have been approved.

The application site is within an attractive Regency terrace, in a prominent position where they contribute to the character of the conservation area. Traditional windows and their glazing make an important contribution to the significance of the heritage asset.

The proposals relate to the windows on the front (east) elevation and side (south) elevation of the listed building, widely visible at the frontage. The existing windows are bow windows with timber vertical sliding sashes to the east elevation, reflecting the curved four storey bay that extends over the four floors. On the side (south) elevation there are two timber sliding sash windows (2nd and 3rd floor) and a pair of French doors at first floor level, although the application details incorrectly show the latter to be a matching sliding sash window. Some of the existing windows may be original or carefully copied replacements.

The applicant's Design, Access and Historic Statement provides little further information beyond the listing description with no assessment regarding the significance of the existing windows or their contribution to the overall significance of the building, or why they are proposed for replacement. Historic England's guidance 'Traditional Windows Their Care, Repair and Upgrading' emphasises that surviving historic fenestration in an irreplaceable resource which should be conserved and repaired whenever possible. The application details have not provided any clear or convincing justification for the alterations proposed.

In terms of the proposed windows, these would be unsuitable for a number of reasons: (i) The details as shown, which should be drawn at 1:1 or 1:2, suggest the timber sections do not match the existing windows; (ii) the double glazed units are single panels within each sash with some stuck on glazing bars; (iii) the proposed windows appear to be of a standard kit of parts, not bespoke to match the existing windows. The proposed replacement windows will result in a loss of important features of this listed building resulting in a high level of harm to the building and the conservation area.

It is acknowledged that the proposed windows may provide some benefits in terms of energy efficiency of the building, but this would not outweigh the harm to the special qualities of the listed building and within the group setting and to the wider conservation area.

Residential amenity.

Given the scope of work proposed, relating to replacement windows, there would be no significant impact on residential amenity as a result of the proposals.

Recommendation
AWDM/0641/24 & AWDM/0663/24:

Refuse for the reasons:-

The proposed development would result in the loss of the existing windows which are important features of the listed building and their proposed replacement would fail to replicate the design of the existing windows and would detract from the historic and architectural integrity of the listed building amounting to a significant and harmful impact to the Listed Building and within the group setting and on the character and appearance of the South Street Conservation Area. As such the proposed development would be contrary to policies DM5 and DM24 of the Worthing Local Plan, and the relevant policies of the National Planning Policy Framework.

Informative:

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.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Rebekah Hincke Date: 15.07.2024

Authorised by: Louise Prew Date: 16/07/2024