

PAPER PROPOSING CHANGES TO THE WORDING OF POLICIES DP32 AND DP33

INTRODUCTION

1. The purpose of this paper is to set out, and explain, my proposed changes to the wording of policies DP32 and DP33. By setting out the proposed changes in a paper, this should enable MSDC to consider these proposed changes before the Examination Hearings on 28 February and 1 March 2017 and make discussion of the changes easier to deal with and also hopefully minimise discussion time.

THE PROPOSED CHANGES

2. In suggesting the proposed changes, I have looked at the detailed wording of the existing MSDC policies relating to Listed Buildings and to the Conservation Area. These policies B10, B11, B12, B13, B14 and B15 are set out in the existing Local Plan and have been in force, and have been adhered to by MSDC, since the adoption of the Local Plan in 2004 i.e. for 13 years.

3. To enable the differences between MSDC's proposed wording of policies DP32 and DP33 to be compared with the existing equivalent policies B10, B11, B12, B13, B14 and B15, I have copied the existing policies in Annex C and shown, in square brackets, the issues which are in the existing policies but have been omitted from policies DP32 and DP33.

REASONS FOR THE PROPOSED CHANGES

(A) DP32

4. In relation to policy DP32, my proposed wording changes include those elements of policy B10 and B11 which appear to have been omitted from policy DP32 by MSDC and which I believe are essential to include in policy DP32 to protect Listed Buildings and to ensure that applicants are aware, more clearly, of what they can and cannot do to a Listed Building.

5. In respect of UPVC windows and doors, it is a fact that when the Local Plan was adopted in 2004, the protection of Listed Buildings from UPVC windows and doors was necessary and has been necessary for the 13 year period of that plan. But, during the intervening period (2004 to 2017) a newer and increasingly popular form of synthetic material, namely powder coated aluminium, is being used for windows and doors and this needs to be spelt out in policy DP32 as 'not being acceptable'. None of us can foresee what other synthetic materials may come onto the market for windows and doors over the remaining 14 years of the District Plan period to 2031. Synthetic materials do not look the same, to the eye and even from a distance, to wooden windows and thus it is essential to use the words 'synthetic materials for doors and windows will not be acceptable'.

(B) DP33

6. In relation to policy DP33, the proposed changes cover those

which are currently included in policy B12,B13,B14 and B15 which MSDC have not included in policy DP33.All of my proposed changes are,in my view, essential to make it clear to applicants what they can and cannot do in a Conservation Area.

7.In particular, MSDC have for some inexplicable reason,omitted the non acceptability of UPVC windows and doors which has been in policy B12 ,under sub paragraph 4 of policy B12, for 13 years.Clearly,there is a very real risk that our Conservation Areas would now to become festooned,over time, with UPVC windows because of the omission by MSDC of the non acceptability UPVC windows and doors from policy DP33.This will occur simply because of the economic advantages of synthetic materials such as UPVC compared with wooden windows:maintenance costs are almost zero over a 20 to 30 year period compared with the maintenance of wooden windows and doors which require regular painting through to wet rot causing replacement costs.The non acceptability of UPVC must be reinstated in policy DP33 if the character of our conservations areas is to be conserved or enhanced.I have extended the wording to include synthetic materials including powder coated aluminium windows and doors for the same reasons set out in paragraph 4 above.

8.I propose the deletion of the final sentence of policy DP33 commencing 'New buildings of outstanding or innovative design....' because the potential harm or otherwise of such new buildings is covered by the first bullet point of DP33.There is thus no need for this final sentence of DP33.Moreover, DP33 should not be encouraging such new buildings in a Conservation Area and there is nothing in DP33 which stops or discourages the occasional applicant for such new builds.

NEIL KERSLAKE

18 February 2017

ANNEX A

PROPOSED CHANGES TO THE WORDING OF POLICY DP32: LISTED BUILDINGS AND OTHER BUILDINGS OF MERIT

The proposed changes are set out in capital letters below.

* Traditional building materials and construction techniques are normally used. THE USE OF IDENTICAL BUILDING MATERIALS AND REPLICA DESIGNS AND FEATURES, INCLUDING THE REINSTATEMENT OF ANY SPECIAL FEATURES SUCH AS ORIGINAL WINDOWS, DOORS AND GUTTERING, WILL BE REQUIRED SO FAR AS IS PRACTICABLE SO AS TO PRESERVE THE CHARACTER AND APPEARANCE OF THE INTERIOR AND EXTERIOR OF THE BUILDING. THE USE OF SYNTHETIC MATERIALS RELATING THE REPLACEMENT/ INSTALLATION OF WINDOWS AND DOORS, INCLUDING THE USE OF UPVC AND POWDER COATED ALUMINIUM WINDOWS AND DOORS, WILL NOT BE ACCEPTABLE.

ANNEX B

PROPOSED CHANGES TO THE WORDING OF POLICY DP33 CONSERVATION AREAS

The proposed changes are set out in capital letters below.

Development in AND ABUTTING, a conservation area will be required to conserve or enhance its special character and appearance AND TO SAFEGUARD THE SETTING OF ANY LISTED BUILDING. This will be achieved by ensuring that:

- * New buildings and extensions are sensitively designed to reflect the characteristics of the area in terms of their scale, density, design AND COLOUR and through the use of TRADITIONAL materials. THE USE OF SYNTHETIC MATERIALS FOR THE REPLACEMENT/INSTALLATION OF WINDOWS AND DOORS, INCLUDING THE USE OF UPVC AND POWDER COATED ALUMINIUM WINDOWS AND DOORS, WILL NOT BE ACCEPTABLE.

- * 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 TREES SHOULD BE RETAINED BUT IF FELLING OR REMOVAL IS UNAVOIDABLE, REPLANTING WITH APPROVED SPECIES WILL BE REQUIRED.

- * Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area, INCLUDING ANY SHOPFRONT SECURITY MEASURES, will only be premitted where they are sympathetic to the character of the existing building and street scene in which it is located.

New buildings of outstanding or innovative design may be acceptable in conservation areas providing that their impact would not cause material harm to the area (DELETE THIS WHOLE SENTENCE)

- 4.39 The Council considers it vital that buildings which contribute most to the character of the area should be given maximum protection. This accords with the objective of the West Sussex Structure Plan 2001 – 2016 Deposit Draft Policy CH9. It is also in compliance with the legislation which requires Authorities to “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”, when considering a planning application which affects a Listed Building or its setting. Government Guidance is provided in PPG15 entitled ‘Planning and the Historic Environment’ (1994).
- 4.40 Government Guidance set out in PPG15 states that there should be a general presumption in favour of preserving Listed Buildings. The Council will control alterations and extensions to Listed Buildings to ensure the preservation of these irreplaceable assets within the District. The Council will also ensure that their integrity is maintained, and demolition will only be permitted in exceptional circumstances. Owners of Listed Buildings will be encouraged to keep them in good repair, backed up by the use of statutory powers if necessary.
- 4.41 The extent to which a Listed Building can accommodate change without loss of special interest varies enormously depending on the individual circumstances. In a limited number of cases, in order to secure the retention of a Listed Building, the Council may consider relaxing normal planning and building control standards and policies contained elsewhere in this Plan to allow the design of sympathetic additions, alterations, or changes of use. The District Council, together with West Sussex County Council, provides advice to owners on building conservation. In certain instances financial assistance may be available towards structural repairs under the District Council’s Historic Buildings Loans Scheme.
- 4.42 Maintaining the fabric of an historic building depends largely upon the activity carried on within it. The Council is keen to ensure Listed Buildings are kept in active use so that they do not decay. The best and most sympathetic use of a Listed Building is usually that for which it was originally designed and owners are encouraged to make every effort to retain or secure this use before proposals for different uses are put forward. It is recognised, however, that sometimes the original use is no longer economically viable or necessarily appropriate and that if a change of use is not granted the building may become vacant. It will, however, be important to ensure that any new uses that are to be introduced are compatible with the character and form of the building and its surroundings.

B10 Listed Buildings and their settings will be protected. Other than in exceptional circumstances, the following will apply:

- (a) Alterations and extensions to Listed Buildings which would adversely affect their historic or architectural character will not be permitted. Alterations and extensions should normally be subservient to the original building so as not to dominate the building’s character and appearance.
- (b) Where permission is to be granted to carry out alterations and/or extensions, [the use of identical building materials and replica designs and features to that of the Listed Building so as to preserve the character and appearance of the interior and exterior of the building will be sought as far as practicable.] The replacement/installation of UPVC windows will be strongly resisted.
- (c) Proposals for the conversion and change of use of a

Listed Building may be considered provided such proposals would not detract from the architectural or historic character of the building and its setting.

- (d) In considering new proposals, special regard will be given to protecting the setting of a listed building and the use of appropriate designs and materials.
- (e) [The reinstatement of any special features of architectural or historic interest such as original windows, doors and guttering may be required when considering an application that affects a Listed Building.]
- (f) The installation of satellite antennae on a Listed Building will be resisted. When an antennae is essential, installation in an unobtrusive location and, where possible, within the curtilage rather than on the building itself will be required.
- (g) Where the historic fabric of a building may be affected by alterations or other proposals, the provision may be sought for the applicant to fund the recording or exploratory opening up of the historic fabric.

This policy applies to all Listed Buildings within the District including those within the countryside.

- 4.43 Under the Planning (Listed Building and Conservation Areas) Act 1990 anyone who wishes to demolish a Listed Building or alter it in such a way that affects its character, must first obtain Listed Building Consent from the Council in addition to any other consents. Owners of Listed Buildings are strongly advised to consult the Planning Department before commencing any alteration or extension of the building. It is an offence to carry out any work that affects the character of the building without obtaining written consent from the Council.

Other Buildings of Merit

- 4.44 As well as statutorily Listed Buildings there are also many other buildings of intrinsic architectural merit which make a valuable contribution to the character of an area. They are an important physical resource and help give a place its identity. Subject to the other policies in the Plan and normal development control criteria it may be possible to refurbish and adapt buildings to new uses, rather than to demolish them and redevelop the site. This is supported as a principle by West Sussex Structure Plan 2001- 2016 Deposit Draft Policy CH9. The Council also has the powers to designate Article 4 Directions which remove certain 'permitted development' rights in order to protect buildings merit. (For further information see Planning Information Leaflet PL6).

B11 Proposals which make effective use of older buildings of intrinsic architectural or historic merit, or which make a significant and positive contribution to the street scene, will be permitted in preference to their demolition and redevelopment.

Conservation Areas

- 4.45 In addition to the protection of individual buildings of merit, planning legislation provides for the designation and protection of areas of the built environment which are particularly important. The District Council has the power to designate Conservation Areas which are defined as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". The West Sussex Structure Plan 2001- 2016 Deposit Draft Policy CH8 supports and highlights the need for the preservation and enhancement of such areas. Government policies for the identification and protection of Conservation Areas and other elements of the historic environment are contained within PPG15 (1994).
- 4.46 There are currently 36 Conservation Areas in the District. These were designated between 1969 and 2003 and include areas ranging from the historic town centre of East Grinstead through to parts of the smaller villages and settlements. The boundaries of these Conservation Areas are shown on the Proposals Map. The Council will be undertaking an assessment of all Conservation Areas within the District, this will include the formulation and publication of proposals for the preservation and enhancement of the Conservation Areas within the District. The Council will also give consideration to the designation of new conservation areas where appropriate.

General Design Policy in Conservation Areas

- 4.47 In the exercise of its powers, the Council will pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In a limited number of cases the Council will consider the relaxation of normal development control or building control standards and policies contained elsewhere in this document where they conflict with the key aim of conservation. In order to assess development proposals in Conservation Areas the Council will require as much detailed information as possible. Consequently, applications for planning permission in Conservation Areas should normally be for full permission with full supporting details. Where outline proposals are submitted they must be supported by sufficient information, including a layout plan and elevations, to enable the Council to assess their impact on the Conservation Area.
- 4.48 The Planning Department has produced a leaflet, CD1 'A Guide to Preserving or Enhancing Conservation Areas' which provides further details of planning controls in Conservation Areas. The design of new development is particularly important in Conservation Areas because of the need to respect the style of existing buildings and the character of the area as a whole. The use of appropriate traditional materials will help new buildings to blend in with the environment of Conservation Areas. These include local stock bricks, flint, sandstone, plain clay roof tiles, slate, stone roofing slabs and tile hanging. Care is needed to select materials appropriate to the particular location where the development is proposed, for example, flint is generally only found within buildings on, or adjacent to, the foothills of the Downs. Design details are also particularly important. For example, inappropriate replacement doors and windows, by virtue of their style in relation to the age of the building and area, should be avoided wherever possible.
- 4.49 The Council will encourage a high standard of design and the use of appropriate materials when considering alterations to shopfronts in Conservation Areas. The design and materials used should enhance the street scene and should respect the character of the particular building. Detailed guidance is set out in the Council's Planning Information Leaflet CD2 'Shopfront Design'.

B12 The protection of the special character and appearance of each Conservation Area will receive high priority. When determining

planning applications for development within [or abutting] the designated Conservation Areas, special attention will be given to the desirability of preserving or enhancing the character or appearance of the area and to safeguard the setting of any Listed Building.

Circumstances may arise where the importance of an open space, including private gardens, is such that development upon it will be resisted in the overall interest of the Conservation Area.

New buildings and extensions, both in broad form and detailing and in the relationships with other buildings and spaces between the buildings, should be sensitively designed to reflect the characteristics of the area in terms of scale, density, [colour] and materials.

Where permission is to be granted to carry out alterations and/or extensions, appropriate traditional materials should be used. The replacement/installation of UPVC windows will be strongly resisted.

[Existing trees] and hedgerows [should be retained. If felling or removal is unavoidable, replanting with approved species will be required.]

In Conservation Areas consent for a new shopfront or an alteration to an existing shopfront will only be granted where the design is sympathetic to the character of the building and the street scene in which it is located. Particular attention will be paid to the use of appropriate materials, the size of the windows and fascias in relation to the scale of the building. The retention of stallrisers, transoms, mullions and pilasters will be encouraged. Dutch blinds will not normally be permitted. [The impact on the street scene of any shopfront security measures, particularly when a proposal affects a Conservation Area and/or listed building should be minimised.]

When development in a Conservation Area is permitted, the retention or reinstatement of original features including walls and banks, and the removal of any unsympathetic features may be required.

Demolition in Conservation Areas

- 4.50 Consent is normally required for the demolition of any building within a Conservation Area. Proposals will normally be resisted by the Council unless there is special justification for demolition, and in this case appropriate conditions will be applied. In particular, the Council must be satisfied that any proposed replacement building will be a worthy addition to the street scene.

B13 The demolition of existing buildings in Conservation Areas will be firmly resisted. Where in exceptional circumstances demolition is permitted the replacement building/s should preserve or enhance the character or appearance of the area. It will also be conditional upon detailed planning permission being granted for the redevelopment and where appropriate a contract for the redevelopment being let.

Pavements and Roads in Conservation Areas

- 4.51 The treatment of pavements, roads and other surfaces has an important influence on the character of a Conservation Area. Traditional materials such as brick pavements and setts should be used/reintroduced where there is historical evidence for them. Good quality substitutes may also be appropriate. Further advice is contained in paragraph 4.32 and in the Transport Chapter of the Local Plan.

B14 New pavements, roads and other surfaces in Conservation Areas will normally be permitted where the development reflects the traditional scale and configuration of streets and public spaces; and only where hard surfaces are treated using traditional surface materials or good quality substitutes.

- 4.52 The environment of a Conservation Area can be significantly undermined by the reinstatement of surfaces in inappropriate materials following minor works by statutory undertakers. It is stressed in PPG15 (1994) (paragraph 5.14) that the Council has an important role in ensuring that statutory undertakers and others carrying out essential works undertake the reinstatement of pavements and roads in a way which does not damage the character or appearance of the Conservation Area. As soon as practicable after works are completed the previously existing materials should be reinstated or the closest possible matching materials used if reinstatement is not possible.
- 4.53 Road signs and street furniture can also have a significant impact on the appearance of a Conservation Area. The Council will seek to ensure, by liaison with the County Council as Highway Authority, that road improvements and the introduction of signs and other street furniture in Conservation Areas are designed and located so as not to undermine, and where possible to enhance, the character of the area.

The Setting of Conservation Areas

- 4.54 Particular attention will also be given to the impact of development located outside but adjacent to a Conservation Area. Such development, if constructed unsympathetically, could have a seriously detrimental impact on the character and appearance of a Conservation Area by affecting its setting and thus views into and out of the area.

B15 Development affecting the setting of a Conservation Area should be sympathetic to, and should not adversely affect its character and appearance. In particular, attention will be paid to the protection or enhancement of views into and out of a Conservation Area, including, where appropriate, the retention of open spaces and trees.

Article 4 Directions

- 4.55 The Council has made Article 4 (2) Directions covering Cuckfield and Lindfield Conservation Areas. This gives the Council greater control over alterations to dwelling houses. For works covered by the Direction, normal 'permitted development' rights do not apply and planning permission will be required. Article 4 (2) may be designated in other parts of the District if they are required to protect the character of an area. Further information is contained within Planning Information Leaflet PL6 'Article 4 Directions'.