
Site Address:	34 Bath Road, Emsworth, PO10 7ER		
Proposal:	Single storey rear extension, rear dormer window and rooflights to second floor, internal alterations throughout. Replacement garage/outbuilding.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00530	Expiry Date:	03/09/2024
Applicant:	Mr & Mrs Poyner		
Agent:	Mr Wild	Case Officer:	Josephine Lacey
	Helyer Davies Architects Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The subject property is a mid terrace dwelling located to the west side of Bath Road. The property comprises cream rendered elevations and slate roof tiles. The frontage is made up of a hardstand driveway and a hedge to the southern boundary, leading directly onto the highway which is shared with pedestrians and vehicles. To the front is Slipper Mill Pond which is part of the Chichester Harbour area. To the rear of the garden is a detached garage/ outbuilding.
- 1.2 The property is located within a residential area with surrounding properties differing in style and design.
- 1.3 The front of the application site is within Flood Zones 2/3 and the site lies within Emsworth Conservation Area and to the west of the Chichester Harbour AONB.

2 Planning History

00/54620/006 - Notification of intention to crown reduce by 25 - 30% a Willow tree in the rear garden of 34 Bath Road within Emsworth Conservation Area., RNO,15/08/2000

96/54620/004 - Crown raise to 4 metres 1 Willow at rear within Group G1 of TPO 688, PERM,09/02/1996

96/54620/005 - Crown reduction of 1 Willow (part of Group 1 covered by TPO 688), PERM,17/04/1996

90/54620/000 - Thin crown and reduce height of willow covered by TPO 688, BY 15% - 20%., PERM,

05/54620/007 - Notification of intention to crown reduce by 25% a Corkscrew Willow tree in the rear garden of 34 Bath Road within Emsworth Conservation Area., NPW,18/01/2006

07/54620/008 - To crown reduce by 30%, back to previous pruning points, a Corkscrew Willow tree within the Emsworth Conservation Area., RNO,06/11/2007

APP/11/01146 - Reduce crown height by 3.5m and width by 3m, 1No. Twisted Willow tree within Emsworth Conservation Area., RNO,22/07/2011

APP/15/01031 - Crown reduce 1No. Twisted Willow by 3m to previous pruning points within Conservation Area of Emsworth., RNO,28/10/2015

APP/18/00222 - Crown reduce 1No. Twisted Willow height by 3m and laterals by 2m to previous pruning points, within Conservation Area of Emsworth., RNO,04/04/2018

APP/20/00616 - 1xNo; Twisted Willow-Crown height reduction by 2m below previous pruning points. Reduce laterals to previous pruning points., RNO,04/09/2020
APP/24/00033 - 1No Willow (T1) pollard to previous pollard points, leaving a height of 8M by 5M width, within Conservation Area of Emsworth., CTEX,23/04/2024 17:04:08

3 Proposal

Single storey rear extension, rear dormer window and rooflights to second floor, internal alterations throughout. Replacement garage/outbuilding.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
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Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)
ENP_H2	(Buildings of Local Historic Interest)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer

Background

The application site is located in Bath Road, Emsworth and front onto the Mill Pond. It is located within the boundary of the Emsworth Conservation Area, which in itself is a designated heritage asset. The site forms a mid-terrace, two-storey property of brick and slate tile construction with a white painted, rendered front façade. To the rear of the property is a flat roof extension and long rear garden leading up to a detached garage.

The property forms part of a characteristic C19 terrace, which are all similar in design, particularly from front with small front gardens or off-road parking areas.

To the rear of the terrace, some properties within the terrace have constructed dormer window extensions. Most properties have single storey rear extensions and outbuildings at the rear of the gardens.

Proposal

Single storey rear extension, rear dormer window and rooflights to second floor, internal alterations throughout. Replacement garage/outbuilding.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
 2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.
- Emsworth Neighbourhood Plan

The Emsworth Neighbourhood Plan has now been adopted and has relevant policies which are applicable to this application:

Policy H1 – Design and Heritage

Policy H2 – Locally Listed Buildings

Assessment:

Proposed works to the main house:

The rear extension would replace an existing 'L' shape structure with a full size, single storey extension. It would feature a part flat roof, part mono-pitch roof and bifold doors across the width of the building. Rear extensions are commonplace along the terrace and the proposed extension is designed in such a way that it would not result in harm to the conservation area and will preserve and enhance its special character.

However, with regards to the proposed alterations to the roof, there are concerns. The dormer is very wide in that it would eradicate the main visual bulk of the roof slope and would be in comparison, significantly larger than the neighbouring dormers along the terrace, which are all set in.

Due to the width and position of the dormer, it is unclear if the original chimney stack, shared with No. 35, would need to be removed. It is expected that this dormer should be retained as this is a traditional architectural feature of a Victorian terrace and its loss would be harmful (albeit less than substantial harm) to the character of this section of the conservation area.

The proposed is very similar to a dormer extension proposed within an application at No. 30 Bath Road APP/22/01185, which was amended to be reduced in size.

As submitted, the proposed dormer would result in less than substantial harm to the Emsworth Conservation Area and would not meet the test of Section 72 of the TCPA 1990, in that it would not preserve and enhance the special qualities of the conservation area. Furthermore, it would not accord with the relevant national and local planning policy and the Emsworth Neighbourhood Plan.

There is scope to have a dormer extension on the roof however, this would need to be reduced in size, which in turn should enable the chimney stack to be retained. I am happy to comment further on any amended plans if submitted.

Proposed works to the outbuilding:

The replacement outbuilding would comprise a new structure on broadly the same footprint, albeit slightly larger. The proposed building would feature a dual pitched roof with roof light windows and solar panels on the south facing roof elevation. It is proposed to be finished with timber cladding. The proposed building would result in an increase in height compared to the existing structure however, given its obscured position at the rear of the garden and the presence of several other examples of outbuildings, it is not considered that any harm would arise to the conservation area.

Conclusion

HOLDING OBJECTION subject to the reduction in size of the proposed rear dormer

extension.

Further response:

FURTHER RESPONSE FOLLOWING THE SUBMISSION OF AMENDED PLANS ON 4/9/2024

Following concerns raised in the previous response dated 31/7/2024, the application has now been amended as follows:

- Dormer window reduced in width so it now sits centrally within the roof slope and both existing chimneys are to be retained.

Based on these amendments, the previous holding objection to the application is now removed.

Overall, the proposals will not result in harm to the significance of the Emsworth Conservation Area, and will meet the test of Section 72 of the 1990 Planning (Listed buildings and Conservation Areas) Act and the relevant national and local planning policies.

NO OBJECTION subject to the following condition:

1. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the cladding materials to be used externally on the dormer to the rear roof slope and the outbuilding have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Councillor Charles Robert

No comments received.

Councillor Grainne Rason

No comments received.

Councillor Reuben Mychaleckyj

No comments received.

Emsworth Residents Forum

No comments received.

HCC Arboricultural Consultancy, HCC Highways Depot

The position of the garage is close to large, retained trees.

The supporting arboricultural information is helpful.

The proposal is acceptable on condition that the protection measures and methodology detailed in the arboricultural report reference MW.2405.BRE.AIA are followed in full.

Please condition the enforcement of MW.2405.BRE.AIA in full through the construction.

Chichester Harbour Conservancy

Recommendation – Holding objection, relating to the size and bulk of the rear dormer window, which is considered harmful to the character and appearance of the Emsworth

Conservation Area and wider National Landscape, contrary to local plan policies Policies CS11-CS12, CS16 and DM20 and Policies DS1 and H1 of the Emsworth Neighbourhood Plan.

Reasoned Officer justification:

Following a virtual inspection using Google Streetview and with reference to archive photograph from a site visit made 5.2.24 and having regard to the Policy framework* below, I make the following observations.

Terraced house within character area B of the Emsworth Conservation Area, overlooking the Mill Pond and within the Chichester Harbour National Landscape (NL – formerly AONB).

The Conservancy takes no issue with the Proposed large rear extension and raising the roof ridge height of the rear garage building, given similar extensions in the terrace. The rear dormer window proposed, however, is overdominant and not compliant with advice in the Borough Design Guide and Emsworth Design Statement. The concern of the Council's Heritage Officer regarding the potential loss of a chimney stack is also noted.

Although at the rear, the proposals are not considered to represent high quality design under local plan policy CS16 and Neighbourhood Plan Policies DS1 and H1. Overall, harm to the Conservation Area and wider visual amenities and natural beauty of the NL is concluded, contrary to local plan Policies CS11-CS12.

If the width of the dormer window is reduced through amended plans, The Conservancy would be prepared to withdraw its holding objection.

***Policy framework**

NPPF (December 2023) paragraphs – 1-3, 6-12, 20, 28, 38-40, 47-48, 54-56, 96, 104, 111-112, 114-115, 131, 135-136, 139-140, 157-160, 162-165, 173, 180, 182, 185-186, 189—190, Chapter 16 (especially paragraphs 201, 206 and 210-211), 224-225; NPPG (2014 onwards) ID's - 6-8, ID18a, ID21a, ID26; Havant Borough Local Plan (Core Strategy) 2011 - CS11-CS12, CS16; Havant Borough Local Plan (Allocations) DPD 2014 - AL1, DM20; 'Made' Emsworth Neighbourhood Plan (2021) - H1, D1-D2; Chichester Harbour AONB Management Plan 2019-2024: 1-2, 15; CHC Planning Principles (adopted by CHC 17.10.2016 onwards) – 01, 03; SPG/SPD - Joint CHAONB SPD; Borough Design Guide; Emsworth Conservation Area CACA & Management Plan ; Emsworth Design Statement

Officer comment:

The proposed dormer window has now been reduced in scale in line with the above comments to remove the holding objection received from Chichester Harbour Conservancy.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 12

Number of site notices: 1

Statutory advertisement: 19/07/2024

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Flood Risk
- (v) Notable and protected species
- (vi) Trees

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area and the Chichester Harbour AONB

7.3 Policy CS12 of the Core Strategy, requires amongst other matters, that development will conserve and enhance the special qualities of the Chichester Harbour AONB. The property lies outside but to the west of the AONB.

7.4 The proposal includes a dormer window in the rear roof slope, rooflights in the front roof slope, a single storey rear extension, and the erection of a detached replacement outbuilding to the rear. The property is within the Emsworth Conservation Area and consequently there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the planning authority, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and

appearance of that area.

7.5 The proposed changes and extensions are mainly to the rear of the property and would not be visible from Bath Road, however the proposed dormer will be visible from Waters Edge Gardens together with the replacement building. The replacement building to the rear, the single storey rear extension and roof lights within the main dwelling are considered acceptable in terms of design and in context to the Conservation Area and AONB. Following revisions to the submitted plans which resulted in reduction in scale of the dormer, it is considered that it is sufficiently subservient in its design and as there are dormers of a similar size in the roof slopes of the rear of Bath Road the proposed dormer is in keeping with the character of the Conservation Area and the AONB and meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Following amended plans, the Conservation Officer has not objected to the proposal subject to a condition which has been attached to the permission.

7.6 The design and siting of the proposal is therefore deemed appropriate in context to the main building and its AONB and Conservation Area setting and is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS12 and CS16 of the HBLP (Core Strategy), DM20 of the HBLP (Allocations) and H1, H2, D1, D2 and D3 of the Emsworth Neighbourhood Plan. It is considered that the scheme would conserve the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.7 The dormer window sited in the rear roof slope will look out onto the garden areas of the subject property and the neighbouring properties. This is considered to be a similar outlook as the first-floor windows and is acceptable in this instance and as a result would not cause any additional form of harmful overlooking.

7.8 The proposed outbuilding would be adjacent the shared boundaries with No. 33 Bath Road and No.35 Bath Road. Due to its siting and location at the rear of the garden it is not considered to appear overbearing or result in a harmful loss of light or cause overshadowing to the neighbouring properties either side.

7.9 The proposed rear extension would extend 4.4m from the rear elevation of the property at a height of 3.2m at maximum height coming down to 2.2m at the rear elevation. The width would be approximately 5.1m which is equal to the width of the garden. A 45 degree angle test was carried out on the rear of No. 35 Bath Road and it has been determined that the impact on light to this property would be limited and acceptable. The extension would be in line with the neighbouring extension to the north. This element of the proposal would therefore have a limited and acceptable impact on light, privacy and outlook to the neighbouring dwellings and is not considered overbearing.

7.10 The proposed alterations will include 2no velux windows in the front roof slope. This is not considered to be harmful to other properties in terms of privacy.

7.11 Consequently, it is considered that the proposed dormer, outbuilding and minor alterations will not appear overbearing or lead to harmful overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy), DM20 of the HBLP (Allocations) and D1, D2 and D3 of the Emsworth Neighbourhood Plan. It is noted no letters of objection were

received with respect to the scheme.

(iv) Flood Risk

7.12 The proposal relates to extensions to an existing dwelling located within Flood Zones 2 and 3. Flood risk measures have been set out within the submitted flood risk assessment, which confirm that there will be satisfactory mitigation measures in place.

7.13 The development is therefore considered to have appropriately taken flood risk into account and will not increase the risk of flooding to occupiers, meeting the requirements of Policy CS15 of the HBLP (Core Strategy).

(v) Notable and protected species

7.14 It is noted that the application site is within a habitat of many species of bird including Whimbrel, Linnet and Oystercatcher. The proposed development is considered minor and consequently would not have a detrimental impact on the above species.

(vi) Trees

7.15 The Arboriculturalist commented on the application and has recommended no objection subject to a condition requiring compliance with the measures set out in the arboricultural report. This condition has been attached to the permission.

8 Conclusion

8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00530 subject to the following conditions

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Uploaded 12 Jul 2024	MW.2405.BRE.AIA	ARBORICULTURAL IMPACT ASSESSMENT
Uploaded 04 Sep 2024	24058 02 REV A	PROPOSED PLANS
Uploaded 12 Jul 2024		DESIGN ACCESS AND HERITAGE STATEMENT
Uploaded 12 Jul 2024		FLOOD RISK ASSESSMENT
Uploaded 01 Aug 2024		45 DEGREE ANGLE OF REVISED EXTENSION

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works to the relevant part of the proposed development shall take place until samples and / or a full specification of the cladding materials to be used externally on the dormer to the rear roof slope and the outbuilding have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall only be carried out in accordance with the submitted Arboricultural Report (Reference MW.2405.BRE.AIA).
Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework."