

DELEGATED OFFICER REPORT

Site Address: 41 Bath Road, Emsworth, PO10 7ER
Proposal: Application for Variation of condition 2 of Planning Permission
APP/22/00452 relating to the materials of the approved plans.
Application Type: Variation/Relief of Condition
Application No: APP/24/00617 Expiry Date: 15/11/2024
Applicant: Mr & Mrs Thomson
Agent: Mr C Clements Case Officer: Robert Riley
Downland Design Ltd
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 41 Bath Road, Emsworth, is a detached bungalow located to the west side of Bath Road. The property comprises of a brick plinth with white render and concrete roof tiles. Vehicular access is from a private access road with parking to the rear.
- 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 within Emsworth Conservation Area.

2 Planning History

APP/22/00452 - Demolition of existing garage and erection of new garage,
PERM,06/07/2022

Officer comment: *This is the relevant planning application to this Section 73 application.*

3 Proposal

- 3.1 Application for Variation of condition 2 of Planning Permission APP/22/00452 relating to materials of approved plans.

Officer comment:

- 3.2 The agent has confirmed in an email "*The application was approved with facing brickwork to match the nearest adjacent house 42 Bath Road. This adjacent house has since been rendered so the applicant would now like to match this render*".

Further officer comment:

- 3.3 The application was originally erroneously consulted under a change of condition 3:
The external materials used shall match, in type, colour and texture, those of the

existing building so far as practicable.

Reason: *In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

- 3.4 It appears that this proposal would accord with this condition with the host dwelling featuring a very similar render colour, but rather it would not match the approved materials of the plans under condition 2 of APP/22/00452:

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

Layout Plan - 01.1

Block Location Plan - 02.1

Proposed Ground Floor Plan - 02.3

Proposed Parking - 02.4

Proposed Roof Plan - 02.7

Proposed Elevations - 03.1

Section - 04.1

Section 02 - 04.2

Design and Access Statement

Reason: To ensure provision of a satisfactory development.

- 3.5 In light of this, the officer agreed with the agent to change the description and readvertise this proposal under a change of condition 2 of APP/22/00452. In light of that the consultee comments can be seen to acknowledge the change in materials that this application proposes, officers consider that these comments are applicable to the proposed change of condition 2 and that they can be readily assessed.

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

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|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS15 | (Flood and Coastal Erosion) |
| CS16 | (High Quality Design) |

Havant Borough Local Plan (Allocations) July 2014

- | | |
|------|--|
| DM20 | (Historic Assets) |
| AL1 | (Presumption in Favour of Sustainable Development) |

Emsworth Neighbourhood Plan Post Examination Version 2020

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|--------|----------------------------|
| 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

Chichester Harbour Conservancy NO OBJECTION

Given the siting of the proposed garage behind the main house, the proposed change in materials would have little impact on Chichester Harbour National Landscape.

Conservation Officer

I confirm that there is no heritage objection to this variation as it would not result in harm to the significance of the Emsworth Conservation as a designated heritage asset.

Councillor Charles Robert No comments received

Councillor Grainne Rason No comments received

Councillor Reuben Mychaleckyj No comments received

Emsworth Residents Forum No comments received

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: 9

Number of site notices: 2

Statutory advertisements: 11/10/2024 & 6/12/2024

Number of representations received: 0

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, the Emsworth Conservation Area and the National Landscape (AONB)
- (iii) Effect on neighbouring properties

- (iv) Biodiversity Net Gain (BNG)
- (v) Flood Zone
- (vi) Arboriculture

(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.
- 7.3 In terms of planning policy, since the determination of planning application APP/22/00452 there has been no material change to local planning policy, however, the National Planning Policy Framework (NPPF) was updated on 12 December 2024 but retains a presumption in favour of sustainable development with emphasis on achieving beautiful places.
- 7.4 This site received planning permission under APP/22/00452 for the demolition of the existing garage and the erection of a new garage. Under that proposal the materials approved included external wall materials comprising of facing brickwork. This proposal seeks to alter the external wall materials to now comprise of Parex Natural white G00 render.

(ii) Appropriateness of design and impact on the character of the area, the Emsworth Conservation Area and the National Landscape (AONB)

- 7.4 The proposed garage is now proposed to be rendered with Parex Natural white G00 render. This is in close proximity to No.42 Bath Road which has recently been rendered this colour. The host dwelling also features a light coloured render finish. In light of this and regarding its location to the rear of the property and given that it is not visible from the street scene, the proposals are considered to be in keeping with the dwelling, the character of the area and the Emsworth Conservation Area and meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, the Council's Conservation Officer commented on the application raising no objections, stating *"I confirm that there is no heritage objection to this variation as it would not result in harm to the significance of the Emsworth Conservation as a designated heritage asset."*
- 7.5 Due to proximity to the National Landscape (AONB), the Chichester Harbour Conservancy was consulted during the application process. They provided provided no objection to the works with regards to the setting of the National Landscape (AONB) and in light of this the impact on the National Landscape (AONB) is considered to be limited and acceptable
- 7.6 In light of the nature of the proposal and given that the Conservation Officer raises no objection, officers are satisfied that the works would have an acceptable impact upon the streetscene and would preserve and not cause harm to the special qualities of the Emsworth Conservation Area and therefore accord with the requirements of policies ENP_D1,D2 and D3 of the Emsworth Neighbourhood Plan, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of the Havant Borough Local Plan (Allocations) 2014. It is furthermore considered that the scheme would not result in an adverse impact on the visual amenity of the locality and upon the nearby National Landscape.

(iii) Effect on neighbouring properties

7.7 No unacceptable neighbour impacts have been identified as arising from the external wall material changes to the proposed garage.

7.8 Consequently, it is considered that the proposed change of materials to the approved garage would not appear overbearing or lead to a loss of light, outlook or privacy 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 2011). It is noted no letters of objection were received with respect to the scheme.

(iv) Biodiversity Net Gain (BNG)

7.9 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

(v) Flood Zone

7.10 Due to part of the application site being located within Flood Zone 3, a flood risk assessment form was asked for during the application process. The agent sent over a flood risk assessment, it states "*Yes. The garage will be built as a wet room, using non vulnerable materials and construction methods. The floor will incorporate a level door to enable release of flood water and washing down as required*". In light of this, officers are satisfied that with consideration to the modest scale of the changes, that the works would have an acceptable impact regarding flood risk and would accord with Policy CS15 of the Havant Borough Local Plan (Core Strategy 2011).

(vi) Arboriculture

7.11 Officers note that the proposed works would appear likely result in the felling of 2No trees to the rear of the application site. The principle, scale and position of the proposed garage has already been established and granted planning permission under APP/22/00452 and it is noted that application was not accompanied by a professional tree survey, tree protection plan nor an Arboricultural method statement. It is also noted that the removal of these 2No trees which would normally require a prior notification to the Local Planning Authority, due to being located in a Conservation Area, was not acknowledged under APP/22/00452 - however, approval for their removal has been effectively granted by the local planning authority by approving the location of the garage proposed under that application. In light of the fact that this section 73 application only proposes a change in external materials, and not the principle of a garage in this position nor its size or siting, officers are of the opinion that though unfortunate, that any damage to those trees resulting from the works could already take place from the extant permission. In light of this, officers have not considered a formal consultation or any conditions to be appropriate or justified in this case.

8 Conclusion

8.1 The principle of the development has already been established. The proposed amendments to the external materials are not considered to be harmful to visual amenity or be harmful or harm the significance of the Emsworth Conservation Area or the National Landscape (AONB). The proposal is therefore recommended for approval subject to relevant conditions being carried forward to the new permission.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00617 subject to the following conditions:

- 1 The development must be begun not later than 6th July 2025.
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:

APP/24/00617:

Drawing Number: 02.1: BLOCK & LOCATION PLAN: Uploaded 14/8/24

Drawing Number: 03.1: PROPOSED ELEVATIONS: Uploaded 19/9/24

Heritage Statement: Uploaded 4/11/24

Flood Risk Assessment: Uploaded 3/1/25

Approved under APP/22/00452 and relevant to this application:

Drawing Number: 02.7: PROPOSED ROOF PLAN: Uploaded 30/5/22

Drawing Number: 04.2: SECTION 02: Uploaded 30/5/22

Drawing Number: 01.1: LAYOUT PLAN: Uploaded 30/5/22

Drawing Number: 04.1: SECTION: Uploaded 30/5/22

Drawing Number: 02.3: PROPOSED GROUND FLOOR: Uploaded 30/5/22

Drawing Number: 02.4: PROPOSED PARKING: Uploaded 30/5/22

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.