

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))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2	(Buildings of Local Historic Interest)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

RECOMMENDATION – No objections, subject to –

- No obstruction of the public footpath during the build process;
- Agreeing samples of the external facing and roofing materials to be used; and,
- The fitting of dusk till dawn automatic blinds to all proposed rooflight windows, with their subsequent retention and operation.

Reasoned officer justification

I visited the site on 13-6-2024 and have had regard to the policy framework* below in making these comments.

Site within Character Area 'A' of the Emsworth Conservation Area (ECA) and the Chichester Harbour National Landscape (NL – formerly AONB). The sea wall forming the site's southern boundary is especially noted as an important feature within the ECA.

Unlisted, detached house, side onto Chichester Harbour with a public footpath passing the front of the house. Good quality multi-stock brick walls (in simple stretcher bond) and plain tile roof. An attractive dentil string course, punctuates the eaves line. The 'Forecourt' to house is partly marked by pebbled surface, with low wooden post and chain demarcation between plot and footpath. A flat-roofed canopy, supported by two white-painted columns, projects over the main front door. The footpath leads from King Street, passing between 4 and 3 The Fishermans and down to the foreshore via some steps, with an attractive, cast iron street lantern at the top of the steps. The main view of the proposals will be from The Fishermans.

Small (free-standing) section of wall, in front of garage was removed under permission APP/15/01043. No other planning history on Council Webpages, but The Fishermans looks like it was developed in the late 1970's or 1980's. There is no specific mention of the property or The Fishermans in the Emsworth CACA, other than on page 11/bottom paragraph referring to - "A modern infill housing development now occupies former boat yards behind, on the south-side".

The main physical changes are the proposed porch, with a new element of brick wall, replacing the low post and chain demarcation. Why the wall steps down past the porch front door is not explained and does look a little odd.

It is a little disappointing that the 'doored' elevations of the porch have not been detailed, neither on drawing 24014-300 Rev D, nor on page 6 of the planning, heritage, design and access statement. This should be addressed. A preference would be either re-use of the existing contemporary timber front door and/or for painted, timber door frameworks, painted in a muted solid colour.

The pitch of the proposed porch roof is very shallow, so could not handle the weight of plain clay tiles. Given the contemporary styling of the house, The Conservancy has no objection to the flat-roof proposed, but considers the Council ought to closely control the appearance/colour/profile of single ply material to clad it. With no gutter shown on drawing 24014-300 Rev D and no rainwater goods set out on the application form, this is a detail that could usefully be confirmed now.

The changes to Harbour facing fenestration are not problematic to Conservancy Officers and it is pleasing to see that automatic blinds are proposed to the rooflight windows. The use of powder-coated aluminium widow frameworks is acceptable, given the vintage of the dwelling.

The loss of the two garage parking spaces is a matter for the Council to consider, where presumably the original planning permission may have required the garage's retention for the purposes of private car parking. A sufficiently wide driveway does exist to park two cars though.

Subject to some of the above details being clarified, the significance of the building as an undesignated heritage asset/the ECA would be preserved and there would be no adverse impact to the AONB landscape.

*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, 157-159, 165, 173, 180, 182, 185-186, 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

Conservation Officer

Site / Location

The application site is situated in Emsworth, at 4 The Fishermans. The Fishermans is a residential cul-de-sac accessed from King Street within the Emsworth Conservation Area. No. 4 is a detached, two-storey house of brick and tile materials. It fronts onto a public footpath which leads to the harbour foreshore.

The Emsworth Conservation Area (CA) which was first designated in 1970 and last reviewed in 2010.

As a designated heritage asset, the CA has significance as an area of special architectural and historic interest, where the character and appearance is considered worthy of preservation or enhancement.

It has a unique waterside setting, with several, important listed buildings. It is also an area containing important ecological habitats and is within the protected landscape of Chichester Harbour.

Legislation

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

The Planning (Listed Building and Conservation Areas) Act 1990

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.

National Planning Policy Framework (revised November 2023)

Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 195 – 214. The building subject to this application is not listed but is deemed to be a non-designated heritage asset (as set out in the introduction) and therefore the following paragraphs are most relevant to the determination of this application: Para 205 states that:

Alterations to include front and rear rooflights, changes to fenestration, a garage conversion, and the construction of new porch and boundary wall adjacent the Public right of way.

‘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’.

Para 207 states that:

‘where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development

Para 208 states that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)
Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS11 (4) states that planning permission will be granted for development which:

‘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 CS16 – High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

‘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:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site’.
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

Policy DM20 (Allocations Plan) - Historic Assets

Policy DM20 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

The proposal is for alterations to include new front and rear roof lights, changes to fenestration, conversion of the garage including changes to the garage door to form new door / window, construction of a new, pitched roof porch and erection of a new boundary wall, adjacent to the public right of way.

With regards to the new rooflights, changes to fenestration on the main house and garage, it is considered there will be no harm to the significance of the Emsworth Conservation Area.

The proposed porch has been amended during the application to be more traditional in design and feature a pitched roof and matching materials to the main house. It is considered there will be no harm to the significance of the Emsworth Conservation Area.

The proposed wall would be 1.8m in height and feature three brick piers. It will obscure the view of the property from the public right of way and afford the property more privacy. Brick walls of this height are a common characteristic of this part of the conservation area and would not appear out of character. The proposed brick would match the existing wall and house. Subject to a suitable sample being agreed, this would not result in harm to the significance of the Emsworth Conservation Area. 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 bricks to be used for the porch and boundary wall 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 within the Emsworth Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 (Allocations) 2014 and the National Planning Policy Framework 2023.

Councillor Charles Robert

No comments received

Councillor Grainne Rason

No comments received

Councillor Reuben Mychaleckyj

No comments received

Emsworth Residents Forum

No comments received

Environment Agency

No comments received

Hampshire Highways

The Highway Authority have no objection to the above application. However, the implementation of the boundary wall is adjacent to the PRow network. Thus, Hampshire Countryside Services should be consulted on this planning application.

Historic England

Introduction

This enclosure sets out the circumstances in which Historic England must be consulted or notified of applications for planning permission or listed building consent.

It has been amended to reflect the changes introduced by MHCLG on 21 April 2021

- (a) extending planning controls to statues and other monuments and,
- (b) extending the range of applications for listed building consent notified to Historic England.

Applications for planning permission

Historic England must be consulted or notified (see note 1) of the following planning applications by virtue of the following provisions:

Consultation:

Development which in the opinion of the local planning authority falls within these categories:

P1 Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or II*

P2 Development likely to affect the site of a scheduled monument

P3 Development likely to affect any battlefield or a Grade I or II* park or garden of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953

Basis for this - Town and Country Planning (Development Management Procedure) (England) Order 2015 - article 18 and Schedule 4.

P4 Development likely to affect certain strategically important views in London
Basis for this - Secretary of State for Communities and Local Government Directions relating to Protected Vistas 2012

Notification:

Development which the local authority (or Secretary of State) think would affect:
P5 The setting of a Grade I or II* listed building; or P6 The character or appearance of a conservation area where i) the development involves the erection of a new building or the extension of an existing building; and ii) the area of land in respect of which the application is made is more than 1,000 square metres

Basis for this - Planning (Listed Buildings and Conservation Areas) Regulations 1990 - regulation 5A (as amended by The Planning (Listed Buildings and Conservation Areas)

(Amendment) (England) Regulations 2015

P7 Local authority/ies own applications for planning permission for relevant demolition in conservation areas. (see note 2)

Basis for this - Town and Country Planning General Regulations 1992 (as amended by the Town and Country Planning General (Amendment) (England) Regulations 2015

Note 1: There is a difference between Consultation and Notification. When LPAs consult on applications, there is a duty to provide a substantive response to the LPA within 21 days. A notification from the LPA is to enable representations to be made if we so wish, and to respond within 21 days.

Historic England does not make a distinction in its handling of advice work. Applications for listed building consent Historic England must be notified of the following applications for listed building consent by virtue of the following provisions:

Notification:

L1 For works in respect of any Grade I or II* listed building; and
L2 For relevant works in respect of any grade II (unstarred) listed building
(relevant works means:

- i) works for the demolition of any principal building (see note 3);
- ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building; or
- iii) works for the alteration of any principal building which comprises or includes the demolition of all or a substantial part of the interior of the principal building.
- iv) commemorative object works

For the purposes of sub paragraphs ii) and iii) above:

a) a proposal to retain less than 50% of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plan, including the vertical plane of any roof) is treated as a proposal for the demolition of a principal external wall;

b) a proposal to demolish any principal internal element of the structure including any staircase, load bearing wall, floor structure or roof structure is treated as a proposal for the demolition of a substantial part of the interior.)

For the purposes of sub paragraph iv) above:

“commemorative object works” means works for the full or part demolition of a statue, monument, memorial or plaque that are, or are part of, a listed building

L3 Decisions taken by the local planning authorities on these applications

Basis for this - Arrangements for handling heritage applications - Notification to Historic

England and National Amenity Societies and the Secretary of State (England) Direction 2021 -made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990- Historic England- 27 April 2021

National Amenity Societies - Historic Environment Advice

No comments received

Hampshire Countryside Services

Consultation response: No Objection

Thank you for consulting Hampshire Countryside Service (the Service) as Highway Authority in respect of Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

- Havant Public Footpath 74 (FP74) runs east from South Street along the shoreline, passing adjacent to the site's south boundary, to King Street.
- The site is not located in a material proximity to any HCC Countryside Site.

A copy of the Definitive Map of Rights of Way and Countryside Sites, as well as the Definitive Statement can be found at: The definitive map and statement | Hampshire County Council (hants.gov.uk).

Commentary:

The applicant states in the Design and Access Statement, page 3 Site Location, that “a PROW runs adjacent the western site boundary, providing pedestrian access onto the Foreshore.” An image titled “Context – (Google)” also identifies this. For clarification, the access between The Fishermans and the foreshore, while carrying public access rights, is not a Public Right of Way – it is not recorded on the Definitive Map of Rights of Way on the HCC website (link above). It is actually recorded on the HCC Map of Roads Maintained at Public Expense - Search for roads maintained at public expense | Hampshire County Council (hants.gov.uk) – being categorised as ‘Road Class: W - Footpath – Adopted.’ It is, therefore, maintained by our Highway Authority colleagues for the road network, Hampshire Highways. Having discussed this matter with them, they maintain their position of ‘no objection’ to this application from their consultation response on 4th July 2024. The extent of the PROW in relation to this site is FP74 running along the foreshore between South Street and King Street only. While the Service naturally supports access to a PROW being maintained at all times, it has no legal interest, as the Highway Authority for PROW, in the surface of, or public access to, the Hampshire Highways adopted footway adjacent to the site's west boundary. As such, we also raise no objection to this application.

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: 8

Number of site notices: 2.

Statutory advertisement: 07/06/2024

Number of representations received: 2

Comment	Officer Comment
The Fishermans is an award winning 1970's five house development. Nos 2,3, and 4 enjoy full frontal sea views. Gaps have been left between them to ensure that Nos 1 and 5, in the second row, enjoy also enjoy a sea view. There are covenants in place to formalise this position. [REDACTED] for the record would like to explain that we are not objecting to the proposed alterations to the existing dwelling and construction of new porch and boundary wall. However the drawings for the scheme show tree planting along the eastern boundary wall[REDACTED] [REDACTED] that that these are architects' additions which will not be in the finished scheme and that nothing is included within the proposals [REDACTED] We are happy therefore happy to record a Neutral response. <i>This third party consultee later commented</i> We have already responded to the original application but feel we must respond again in light of the amended documents now on the web site. We have no overall objection to the scheme at all but are not happy with two aspects.	Tree planting and the right to a view is not a material planning consideration. The neighbourly impacts of the proposed rooflights is assessed in section 7

We are disappointed to see that the amended drawings are unchanged in respect of the large velux window which is still shown on the east facing roof of the garage. We understood and were perfectly happy that it was to be transferred to the west facing roof, but we are not happy with a large velux window being installed on the east facing roof, for reasons we have already explained of both privacy and outlook. The tree planting shown down the eastern boundary wall has been changed on the amended plans but the problem has not been resolved. We think the now proposed pleached trees will similarly impact on several neighbours' views. We therefore feel we must register our objection to the east facing large velux window and the proposed tree planting along the eastern boundary wall.	
We think the improvements to the house will be in keeping with everything else that has been done in the Close and to the surrounding properties. This is probably the only house that has not had extensive work done over the past 10 or so years so it is well overdue. What is proposed is very low key and will improve the privacy and security of the house. We fully support the planning application.	Comment in support of the works is noted.

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) Impact on visual amenity, the National Landscape and heritage assets
- (iii) Effect on neighbouring properties
- (iv) Parking
- (v) Hampshire Highways and National Amenity Societies
- (vi) Flood Zone 2

(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) Impact on visual amenity, the National Landscape and heritage assets

- 7.3 The application site is within the Chichester Harbour National Landscape (formerly known as Area of Outstanding Natural Beauty). The site is also within the Emsworth Conservation Area and is within the setting of Kings Cottage and 19 King Street which are Grade II Listed Buildings.
- 7.4 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires that new development; Responds to, draws inspiration from and respects local context and: Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policy CS11 of the of the Havant Borough Local Plan (Core Strategy) 2011 seeks to protect and where appropriate enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas and Listed Buildings. Policy CS12 of the Havant Borough Local Plan (Core Strategy) 2011 seeks to conserve and enhance the qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).
- 7.5 The special qualities of the National Landscape (as defined in the Chichester Harbour AONB Management Plan) include; 'The particularly strong historic character and associations' and 'The picturesque harbourside settlements.'
- 7.6 Policy H1 of the Emsworth Neighbourhood Plan requires that 'Any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset (whether designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan.
- 7.7 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 66 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 listed building or its setting, 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.
- 7.8 Paragraph 201 of the NPPF 2023 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.
- 7.9 The Emsworth Conservation Area is significant because it comprises an old town located between two small creeks (adapted for mill ponds), with a medieval layout of streets and alleyways. It grew in importance from the 13th century and was especially prosperous in the 18th century as a port with fishing and trade.

- 7.10 19 King Street is important being a two storey dwelling from late C18, with mid C19 addition, featuring boarding and brickwork, with a tile roof. Kings Cottage is also important being that it dates from the early C19. Being a two storey dwelling featuring brickwork, with a tile roof, a symmetrical front, of 2 storeys, featuring Blue header walls with red flush dressings, brick dentil eaves, quoins, to the 1st floor with projecting bands, rubbed cambered arches to the ground floor, and featuring a plinth.
- 7.11 This application seeks the construction of a 1.8 metre brick to the front of the front elevation of the dwelling. Though it is noted to be a reasonably tall addition to the front of the curtilage, it would be adjacent to a brick wall at No.3 The Fishermans and is not considered to be an unduly prominent addition upon the dwelling and visual amenities with regards to this. Furthermore, neither the conservation officer nor the Chichester Harbour Conservancy have provided an objection to this aspect of the works. The Council's Conservation Officer has recommended a condition requiring samples. Subject to condition, the proposal would not result in harm to the character or significance of the Conservation Area or setting of the Listed Building. Furthermore, the proposal would conserve the special qualities of the National Landscape (AONB).
- 7.12 This application also seeks the installation of a front porch. In superseded plans, the porch's fenestration was considered to have a contrived appearance. In response to correspondence between the conservation officer and the agent, amended plans were received making the porch more traditional in design and to feature a pitched roof and matching materials to the main house. It is considered there will be no harm to the significance of the Emsworth Conservation Area. In light of this the conservation officer has not provided an objection to this porch, Officers therefore are satisfied that the porch would have an acceptable visual impact on the character of the dwelling and visual amenities of the area. It would preserve the character of the Conservation Area and would not harm its significance. The porch would also not result in harm to the special qualities of the National Landscape (AONB).
- 7.13 This application also seeks a garage conversion, which is considered acceptable. It would feature changes to fenestration on the ground and first floor. On the ground floor serving a gym and watersports changing area it would feature a rear door and window and a side window. These fenestration changes are considered acceptable regarding the character of the dwelling, visual amenities, and would not harm the significance of the Conservation Area. It would also not result in harm to the special qualities and the National Landscape (AONB).
- 7.14 At the first floor, this application also seeks the installation of rooflights upon the front and rear roofslope of the office area of the garage which is proposed to be converted. These are considered an acceptable addition and would not be harmful to the dwelling and visual amenities, and would not harm the significance of the Conservation Area. It would also not result in harm to the special qualities and the National Landscape (AONB).

Materials

- 7.15 The brick wall would match the existing brick wall to the south of the western side of the curtilage which is considered acceptable. The porch would feature the same materials as the existing dwellinghouse, which is considered acceptable.

7.16 The design and appearance of the proposal is deemed appropriate and would not result in material harm to the visual amenity of the host dwelling and streetscene. Furthermore, the proposal would preserve the character and appearance of the Conservation Area and would not harm the preservation of the setting of the nearby Listed Building. Therefore, there would be no material harm to the significance of these heritage assets. The proposal would conserve the special characteristics of the National Landscape (AONB). The proposal would therefore accord with Policies CS11, CS12 and CS16 of the HBLP (Core Strategy 2011) and ENP_D1 and ENP_H1 of the Emsworth Neighbourhood Plan. Furthermore, it would accord with the requirements of the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

(iii) Effect on neighbouring properties

7.17 The proposed porch would be primarily enclosed by the proposed brick wall, and its fenestration would either face the rear of the application site or face the public realm, therefore having acceptable impacts upon overlooking concerns. With its proposed size and distance from No.3 it is not considered to overshadow or be overbearing upon this property. Other properties are at sufficient distances and locations to be acceptably impacted by this proposed front porch.

7.18 The proposed brickwall to the front of the curtilage would face No.3's brick wall which is also 1.8 metres tall and is not considered to impact neighbouring properties in terms of overbearing and overshadowing concerns.

7.19 The works to the existing garage would convert the garage and proposes fenestrative changes. The garage conversion itself is considered to have acceptable neighbourly impacts. The fenestrative changes to the ground floor would face the rear garden of the dwelling and boundary treatment and is considered to have acceptable impacts. The rooflights to the front of the property would face the public realm, and is not considered to unacceptably increase overlooking of other dwelling. The rear rooflights would face No.19B King Street's amenity space, but will be conditioned to be obscure if permission is forthcoming, which has been agreed by the agent, and they are considered to have an acceptable neighbourly impact.

7.20 With regards to these concerns, the proposal is considered to have an acceptable impact regarding neighbouring properties.

7.21 Consequently, it is considered that the proposal 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 3 letters (2 from the same third party consultee) were received with respect to the scheme with one being in support and one third party consultee originally providing a comment neither in support or objection, leaving a further comment in objection to the scheme.

(iv) Parking

- 7.22 This application, proposes a garage conversion which would remove 2No available parking spaces from the application site. This property is a 4 bedroom dwellinghouse which will remain as a 4 bedroom dwelling. This requires 3 parking spaces to conform to the Havant Parking SPD's requirements. The available parking space to the front of the garage is considered to meet the spatial SPD's requirements for 2 cars. Officers were concerned that 3 parking spaces could not be achieved within the curtilage of the site. In response to this, the agent sent over a photo and a parking plan showing that 3 cars can fit on the available parking space on site. Officers note that this parking plan would not meet the Parking SPD's requirements for 3 spaces and that the photo presented the 3 cars in a contrived position, and officers do not consider that this dwelling can reasonably be considered to feature 3 parking spaces. Officers also note, that parking in this locality, close to Emsworth district centre is reasonably constrained.
- 7.23 Regarding this however, officers note that this is a sustainable location, close to Emsworth district centre which features bus routes to neighbouring areas, providing an alternative to using a car for personal use. Officers also note that paragraph 115 of the NPPF (2023) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". Officers note, that this application, would only leave a shortfall of one parking space on the curtilage of the application site, though it is noted that this is a negative impact upon the road network, officers are not of the opinion, that it would be a severe impact that would warrant the refusal of this application. On balance, officers consider that though the impact would not accord with the Havant Parking SPD, the impact would not be severe and would therefore accord with the NPPF (2023) and Policy DM13 of the Havant Borough Local Plan (Core Strategy 2011).

(v) Hampshire Highways and Hampshire Countryside Services

- 7.24 Hampshire Highways was consulted during the application process, due to the proposed brick wall. They stated " *The Highway Authority have no objection to the above application. However, the implementation of the boundary wall is adjacent to the PRow network. Thus, Hampshire Countryside Services should be consulted on this planning application*". The Hampshire Countryside Services was consulted during the application process, whereby they stated "*Consultation response: No Objection*". The Hampshire Countryside Services clarified that 'the access between The Fishermans and the foreshore, while carrying public access rights, is not a Public Right of Way - it is not recorded on the Definitive Map of Rights of Way on the HCC website. It is actually recorded on the HCC Map of Roads Maintained at Public Expense. It is, therefore, maintained by our Highway Authority colleagues for the road network, Hampshire Highways. Having discussed this matter with them, they maintain their position of 'no objection' to this application from their consultation response on 4th July 2024. The extent of the PRow in relation to this site is FP74 running along the foreshore between South Street and King Street only. While the Service naturally supports access to a PRow being maintained at all times, it has no legal interest, as the Highway Authority for PRow, in the surface of, or public access to, the Hampshire Highways adopted footway adjacent to the site's west boundary'. In light of these comments, this proposal is considered to have an acceptable impact on the highway network and the Public right of way.

(vi) Flood Zone 2

- 7.25 Due to part of the application site being located within Flood Zone 2, a flood risk assessment was asked for during the application process. The agent sent over a flood risk assessment, it states "that the floor levels would be set no lower than existing floor levels and that flood proofing of the proposed development has been incorporated where appropriate". Given the limited nature of the development officers consider this acceptable. Furthermore, due to proximity to a watercourse, the Environmental Agency was consulted during the application process. In light of this, they did not provide any comments or objection to the works. Furthermore, the closest aspect of the works; the proposed brick wall would feature a 15.5 metre separation distance from the watercourse with the porch proposed to be approximately 22.5 metres from the watercourse. In light of this, officers are satisfied that with the consideration of the modest scale of the changes and the separation distances, 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).

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/24/00322 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:

DESIGN AND ACCESS AND HERITAGE STATEMENT: Uploaded 29/4/24
Drawing Number: 24014-100: EXISTING PLANS AND ELEVATIONS,
LOCATION AND BLOCK PLAN: Uploaded 29/4/24
Drawing Number: 2414 201C REV C :AMENDED PORCH ELEVATIONS,
SECTION WITHOUT PROPOSED PORCH: Uploaded 16/9/24
Drawing Number: 24014 200E REV E :AMENDED PROPOSED PROPOSED
FLOOR, SECTION, WINDOW AND BLOCK PLAN: Uploaded 16//24
Drawing Number: 24014 300G REV G :PROPOSED AMENDED
ELEVATIONS WITHOUT PORCH: Uploaded 16/9/24
Flood risk assessment form: Uploaded 25/9/24

Reason: To ensure provision of a satisfactory development.

- 3 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 materials to be used for the porch and boundary wall 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 within the Emsworth Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 (Allocations) 2014 and the National Planning Policy Framework 2023.

- 4 The proposed rooflight windows hereby permitted, shall feature the fitting of dusk till dawn automatic blinds and shall be subsequently retained in perpetuity.

Reason: Having due regard to policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No obstruction of the public footpath shall occur during the build process of the works.

Reason: In the interests of public health and amenity.

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015 (as amended), the 3 rooflight windows serving an office on the rear elevation on the plans hereby approved shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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