

refurbishment of windows & change dormer to a lead type construction to tie in with adjacent property.

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))
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

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

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No comment received

Conservation Officer, Development Control Site

The application site is located in Queen Street in Emsworth, within the Emsworth Conservation Area. It comprises a mid-terrace, two ½ -storey dwelling of brick and clay tile construction with a brick chimney and a front facing, flat roof lead dormer window. There are a set of stone steps leading up to the front entrance door, which has a flat roof portico. There is an established hedgerow which screens the basement level from the streetscene. The windows are sash style with timber frames. There is a rear garden to the rear which is paved and enclosed by boundary walls.

The property dates back to the late C18 and is Grade II listed. See listing description below:

'Brick, with a tile roof. 2 storeys, attic and basement, 2 windows. 2 C20 flat-roofed dormers with casements. Red brick walls in Flemish bond with blue heads, brick dentil eaves, rubbed cambered arches to the ground floor. Sashes in exposed frames. Modern doorways'

Proposal

Erection of a screen to bins in front of property; refurbish existing railings; refurbishment of windows & change dormer to a lead type construction to tie in with adjacent proper - (APP/23/00301)

AND

Listed building consent for the erection of a screen to bins in front of property; refurbish existing railings; refurbishment of windows & change dormer to a lead type construction to tie in with adjacent proper – (APP/23/00302)

A number of repairs / minor internal alterations are also proposed which are listed on the Schedule of Works included with the application.

Legislative and Policy Context: _

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

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.

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.

The need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al (2014); and North Norfolk District Council vs. DCLG and Mack (2014). The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

NPPF

The revised NPPF (July 2021) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of existing and future generations.

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. 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.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered

parks and gardens, and World Heritage Sites, should be wholly exceptional.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. 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.

Local Plan

Local planning policy comprises the adopted Havant Borough Local Plan Core Strategy 2011, along with the Allocations Plan 2014. 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 – Buildings of Local Historic Interest

Assessment .

Following new ownership, the property is currently being renovated, part of which requires planning permission and listed building consent. Internally, it is proposed to replace the secondary glazing with storm system glazing. It is also proposed to remove several modern alterations such as artex plasterboard ceilings, fake timber features, modern basement balustrade, stained plywood stair cover, modern cupboard partitions from bedroom. It is also proposed to reinstate some more traditional features such as skirting boards, picture rails, new basement hatch and handrails up stairways. Overall, these proposals would not be harmful to the architectural and historical significance of the property.

Externally, it is proposed to amend the existing dormer to match that of one at No. 27 Queen Street (attached). This would include replacing the glazing with a more historic style instead of the existing modern casement window and lining the dormer with lead. Overall, this is supported as the existing widow style is harm to the architectural significance. The frontage of the property is dominated by a thick hedgerow which detracts from the historic context of the front elevation. This is proposed to be removed and the traditional railings reinstated. To obscure the view of the bins, it is proposed to add two screens. In principle this is supported although further details of final appearance can be secured by condition. Overall, the removal of the hedgerow and reinstatement of the railings will have a positive impact on the listed building and the conservation area.

Conclusion

In summary, it is considered that the proposals would not be harmful to the significance of the designated heritage asset and would preserve and enhance the special qualities of the conservation area, meeting the tests set out in Sections 66 and 72 of the T&CPA 1990 (Listed Buildings and Conservation Areas).

NO OBJECTION subject to the following conditions:

1. Details and / or samples of new external materials (including bin screens) be submitted prior to commencement
2. Full scale or 1:5 details of all new windows to be submitted prior to commencement

Councillor Julie Thain-Smith

No comment received

Councillor Lulu Bowerman

No comment received

Councillor R Kennett

No comment 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: 19

Number of site notices: 2

Statutory advertisement: 05/05/2023

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, listed building, conservation area and AONB
- (iii) Effect on neighbouring properties
- (iv) Flood risk

(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 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.
- 7.4 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.
- 7.3 Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) 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”.
- 7.4 Policy CS16 (High Quality Design) (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: Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site”.
- 7.5 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.
- 7.6 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 – Heritage Appraisals
- Policy H1 of the Neighbourhood Plan states, inter alia, that any new development or alteration that affects or has the potential to affect a heritage asset will be required to conserve or enhance the significance of the heritage asset.

(ii) Appropriateness of design and impact on the character of the area, listed building conservation area and AONB

- 7.7 This proposal comprises of the following alterations to the property: Erection of a screen to bins in front of property; refurbish existing railings; refurbishment of windows & change dormer to a lead type construction to tie in with adjacent property. The bin screens would be in a wrought iron frame covered by climbers with the front railing restored, the front dormer would now match no 27 with the glazing replaced and the dormer lined with lead. Internal alterations are also proposed which include the removal of several modern alterations such as artex plasterboard ceilings, fake timber features, modern basement balustrade, stained plywood stair cover, modern cupboard partitions from bedroom. It is also proposed to reinstate some more traditional features such as skirting boards, picture rails, new basement hatch and handrails up stairways.
- 7.8 The external alterations proposed are considered to be in keeping with the host dwelling and surrounding Emsworth Conservation Area in which it is sited as well as the Chichester Harbour AONB in which the site is also located within. The building is Grade II listed and the proposals are not deemed to harm the character of the listed building. Havant's Heritage Officer has been consulted and has upheld no objection to the proposal subject to an external materials condition and window details condition. The Chichester Harbour Conservancy has not commented on this application however no harm to the AONB has been identified.
- 7.9 Overall the proposals are deemed to be in accordance with Policies CS16, CS12 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, Policies H1, H2, D1, D2 and D3 of the Emsworth Neighbourhood Plan and they are in accordance with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990.

(iii) Effect on neighbouring properties

- 7.10 No harm to the amenity of adjacent or nearby properties has been identified. Consequently, it is considered that the proposal will 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). It is noted no letters of objection were received with respect to the scheme.

(iv) Flood risk

- 7.11 Part of the site is located within Flood Zones 2 and 3 - a Flood Risk Assessment has been provided which has confirmed that floor levels will not be lower than existing.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the heritage asset, the character of the conservation area, the character and visual amenities of the AONB and neighbours and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00301 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:

23001-25 -02 GA PROPOSED PLANS
Uploaded on the 20 April 2023 FLOOD RISK ASSESSMENT
Uploaded on the 19 April 2023 DESIGN, ACCESS & HERITAGE STATEMENT
Uploaded on the 19 April 2023 LIST OF WORKS

Reason: - To ensure provision of a satisfactory development.

- 3 No work shall commence until samples and/or full specification/webpage link of all materials (including external finishes/colours and bin screens) have been submitted to and approved in writing by the Local Planning Authority. 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 in order to safeguard the building's special architectural and historic interest and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014, policies H1, H2 & D1 of the Emsworth Neighbourhood Plan and the National Planning Policy Framework.

- 4 Notwithstanding the approved plans, the development hereby permitted shall not be commenced until detailed drawings of the new windows / doors have been submitted to and approved in writing by the local planning authority. The details to comprise:-

a) Plans to clearly identify the window in question and its location within the building. These should be cross referenced to an elevation drawing or floor plan for the avoidance of doubt.

b) 1:20 elevation and plan; 1:5 section and full-size glazing bar detail. The details to include the position of the window within the opening (depth of reveal) and method of fixing the glazing (putty or beading) if applicable

c) The materials used, method of opening and finishes.

The works shall be carried out in full accordance with such approval and be retained thereafter.

Reason: To ensure the appearance of the development is satisfactory and in order to safeguard the building's special architectural and historic interest and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014, policies H1, H2 & D1 of the Emsworth Neighbourhood Plan and the National Planning Policy Framework.