

Heritage Team Response

Date – 29/3/2023

APP/22/01136 – Fiscal House, 2 Havant Road, Emsworth

The application site is located on the corner of Havant Road and Warblington Road. It comprises a two-storey building (Fiscal House) which fronts onto Havant Road, with a single storey extension, the west elevation of which forms the boundary with Warblington Road. Vehicular access into the site is located on Warblington Road and leads into a central car park area.

The site is located within the boundary of the Emsworth Conservation Area and is opposite a Grade II listed building (No. 4 Havant Road) which sits on the opposite corner of Warblington Road. To the east of the site is the Waterside Reform Church, which is a traditional style building of brick and tile construction.

Proposal

Alterations, extensions and change of use to the Single storey offices from B1a to residential. Alterations to PP APP/21/01120 at Fiscal House to allow for pedestrian access and the reallocation of parking. Erection of 1no. dwelling to the rear.

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.

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.

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 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:

‘184. 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.

189. 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.

190. 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.

191. 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.

192. 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.

Considering potential impacts

193. 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.

194. 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.

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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

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.

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:

- 1.1 The principle of the change of use of Fiscal House from office to residential has been accepted in PP APP/21/01120, along with positive changes to the front elevation which will enhance the conservation area.
- 1.2 In the extant permission, the existing single storey office buildings would remain and part of the existing wall which runs parallel with Warblington Road would remain to form the boundary of the newly created external amenity space.
- 1.3 This application proposes to convert the existing single storey office buildings on Warblington Road to residential use. Currently, the single storey element is attached to Fiscal House however, it is now proposed to separate this and have a gap of approximately 5-6m. The remaining single storey element would be raised in height to include a new first floor level and roof to form a 3no. bedroom house. The overall design is contemporary in its approach, featuring an asymmetrical pitched roof comprising a standing seam, zinc cladding. The

elevation facing onto Warblington Road would feature zinc cladding at first floor apart from a central section, with a lower roof height which would feature a white painted render finish. On the façade which faces into the site, the central section would feature western red cedar cladding and a balcony (although no balustrade is shown).

- 1.4 The application also proposes a three-storey, 3no. bedroom dwelling located at the rear of the site with the front elevation facing out towards Warblington Road, although this will be obscured by the existing planting in situ outside of the site boundary. The parking for this dwelling will be located at ground floor with the accommodation at first and second floor.
- 1.5 With both elements of the scheme, the main considerations from a built heritage perspective are the impact on the conservation area and the impact on the adjacent listed building – 4 Havant Road. With regards to an assessment of the designated heritage assets, the information is very limited. For a scheme of this size which clearly affects heritage assets, a separate heritage statement should have ideally been undertaken. The application is therefore insufficient in this regard. Regarding the conversion and extension of the existing single storey element, given that this is and will be located right on the boundary of Warblington Road and in very close proximity to the listed building, this will have a very noticeable impact on both.
- 1.6 At present, the single storey element on the site is not of high-quality design and does not contribute positively to the streetscene. However, it is only single storey in height and the visual impact of this does not dominate or detract from the adjacent listed building, which can be appreciated in longward views looking northwards along Warblington Road. The proposal for a much larger building, incorporating a noticeably distinctive design, would be highly overbearing and visually dominating to the listed building and would detract from its simple, vernacular form, resulting in harm to its architectural and historic interest.
- 1.7 Notwithstanding the impact set out above, the design of the extended office space, is awkward, resulting in an unbalanced, incohesive building form with an overly bulky roof design and conflicting features, some of which draw no influence from the local vernacular.
- 1.8 The northern end of Warblington Road tapers down to be very narrow at the junction with Havant Road. Due to the proximity of both No's 2 and 4 Havant Road to the highway, a tunnel effect is created at this point, even with the side elevation of No. 2 being single storey as it is located so close to the highway (i.e., with no pavement). The increase in building height, coupled with the awkward design, would exacerbate this tunnelling effect to a very harmful level, causing an oppressive visual conflict at this corner junction.
- 1.9 With regards to the proposal for the 3-storey single dwelling, this is also of a contemporary design. However, it is unique in its design approach and does not take inspiration from either Fiscal House or the office conversion other than utilising similar materials to this, or any surrounding buildings. The design is again incohesive with conflicting roof forms and window / door apertures. It also considerably higher than the surrounding forms of development, which accentuates the awkward design. Due to its height, the building would be visible from various points within the conservation area, particularly from the northern part of Bath Road facing towards the United Reform Church.
- 1.9 Overall, the proposal would not meet the requirements of Sections 66 nor 72 of the T&CPA 1990 or the relevant policies of the adopted local plan.

- 1.10 Furthermore, the proposed application is considered to be insufficient in its assessment of the significance of the affected heritage assets and would result in less than substantial harm to both the listed building at No. 4 Havant Road and the Emsworth Conservation Area. Para 202 of the NPPF advised 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.

Conclusion - OBJECTION