

subject to TPO 1712., PERM,21/07/2016
APP/19/00882 - Crown reduce 1No. Lime by 1.5m to previous pruning points, subject to TPO 1712., PERM,24/10/2019
APP/20/00763 - Retrospective Listed Building Consent in relation to blocking up of 1no. external door in north-west elevation and removal of part of internal wall to create shower room opening., DEL,

3 Proposal

Retrospective application in relation to blocking up of 1no. external door on north-west elevation.

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)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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

Havant Borough Pre Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Chichester Harbour Conservancy Recommendation – No objection

Suggested considerations –

- no conditions offered as proposal is retrospective, the works having already taken place

It is noted that the submitted proposal makes **no** acknowledgement of the sites location within the Area of Outstanding Natural Beauty (AONB). The AONB landscape includes open countryside, rural hamlets and villages, urban built-up market towns as well as the harbour waters, all of which are subject to a higher level of planning scrutiny and where development is subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The proposal has apparently been made with a level of understanding that would be considered absent in this regard. Given the small scale domestic nature of the proposal, this is regrettable and is unfortunate given the protected status of the AONB.

The proposal would have a localised impact on the dwelling and the immediate surrounds. The proposal would have a minimal impact on the AONB. Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB). The

proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

A copy of the Chichester Harbour Conservancy AONB Unit Planning Assessment Report is attached to this consultation response for your information and for open transparency public view.

Should you require any further clarification with regards to this recommendation please contact the CHC AONB Planning Unit.

Conservation Officer

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

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 revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) 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.

Policy CS11 of the Core Strategy 2011 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 2011 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 2014 states that development proposals must conserve and enhance the historic assets of Havant'.

Assessment

The works include the blocking of an external door within the store room and the creation of a shower room. The works have already been carried out and the blocking up of the door utilised reclaimed bricks with a lime mortar.

Whilst the works were undertaken without consent, the way in which they have been carried out are acceptable and suitable for a historic building. As such, it is considered that the aesthetic significance of the building has not been harmed.

Conclusion – No objection

Councillor Julie Thain-Smith
No comment

Councillor Lulu Bowerman

No comment

Councillor R Kennett

No comment

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: 4

Number of site notices: 1

Statutory advertisement: 02/10/2020

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 conservation area/AONB
- (iii) Effect on neighbouring properties
- (iv) Impact on trees

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. The property is a Grade II Listed Building (subject to a separate application for Listed Building Consent Ref: APP/20/00763). The building is also located within Emsworth Conservation Area. The impacts on the Listed building itself are considered in the LBC application.

The Council has a statutory duty under the planning (Listed Buildings and Conservation Areas) Act 1990 to properly assess the impact of development proposals on designated heritage assets. The designated heritage asset most significantly affected by the present proposals is the Emsworth Conservation Area, both directly and its setting. The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) provide additional guidance on the interpretation. The current proposals primarily affect the Emsworth Conservation Area and its setting. Any decisions relating to conservation areas (including their setting) must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular section 72) as well as satisfying all the relevant policies within the National Planning Policy Framework and the Local Plan. In basic terms new development needs to be informed by the characteristics that contribute to the character of the conservation area and be designed to at least preserve or preferably enhance these qualities.

(ii) Appropriateness of design and impact on the character of the conservation area/AONB

- 7.3 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.

This proposal is a retrospective proposal comprising the blocking up of the external door to the outside store room and partial demolition of the internal wall between the w/c and newly converted shower room (previously the store) to create a doorway between the two rooms. The works completed have used reclaimed bricks and lime mortar on the exterior to fit within the style of the surrounding brick work of the property. These alterations are not judged to have any harmful impact upon the listed building nor the conservation area or the appearance of the surrounding area in general. The Council's Conservation Officer has also been consulted in regard to this application and stated that the works have been undertaken in a way that is '*acceptable and suitable for a historic building. As such, it is considered that the aesthetic significance of the building has not been harmed*'. No objection has been upheld and therefore this proposal is considered acceptable within the context of the Listed Building and Emsworth Conservation Area.

The Chichester Harbour Conservancy has also been consulted in regard to the scheme due to the location within the AONB and have noted the minimal impact of the proposal on the AONB therefore upholding no objection to the retrospective works.

The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.4 This proposal is not judged to have any significant impact upon the amenity of neighbouring properties.
- 7.5 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Impact on trees

- 7.6 These works are not judged to impact surrounding trees.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character and appearance of the area and would preserve/enhance the Conservation Area. The impact on the Listed Building is considered acceptable (see LBC application) and neighbour impacts are limited and acceptable. It is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00762 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:
Location, block, existing plans received on the 10.09.2020
Proposed floor and elevation plans received on the 10.09.2020
Design and Access and Heritage Statement received on the 10.09.2020
Reason: - To ensure provision of a satisfactory development.