

(3) Proposal

The application is for the following proposed works:

- Single storey rear extension with roof terrace and rear glass balustrade with relocation of rear external staircase; and
- Partial infill of existing ground floor covered car port; and
- Installation of two new windows to flank wall at first and second floor levels; and
- Installation of solar panels to front and rear pitched roofs; and
- Installation of external insulation to walls with composite cladding to upper two storeys and rendering to front side and rear ground floor.

[Please note, the TV aerial annotated in the proposed plans does not form part of this planning application as confirmed by the Agent via email on 17 November 2022].

(4) Policy Considerations

National Planning Policy Framework (NPPF)
Havant Borough Design Guide SPD (December 2011)
Havant Borough Parking SPD (July 2016)
Joint Chichester Harbour Area of Outstanding Natural Beauty SPD (July 2017)
Emsworth Conservation Area Character Appraisal (March 2010)

Havant Borough Local Plan (Core Strategy) 2011

CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS12 – Chichester Harbour Area of Outstanding Natural Beauty (AONB)
CS14 – Efficient Use of Resources
CS15 – Flood and Erosion Risk
CS16 – High Quality Design
CS17 – Concentration and Distribution of Development within the Urban Areas
CS19 – Effective Provision of Infrastructure
DM8 – Conservation, Protection and Enhancement of Existing Natural Features
DM9 – Development in the Coastal Zone
DM10 – Pollution
DM13 – Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations Plan) 2014

AL1 – Presumption in Favour of Sustainable Development
AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
DM20 – Historic Assets
DM25 – Managing Flood Risk in Emsworth

Emsworth Neighbourhood Plan 2019

D1 – General Design Policy
D2 – Height, Mass & Materials
D6 – Resource Efficiency
H1 – Design & Heritage
H2 – Buildings of Local Historic Interest

Listed Building Grade: Not applicable.

Conservation Area: Emsworth Conservation Area.

(5) Statutory and Non-Statutory Consultees

Councillors

No comments received.

Conservation Officer

In comparison to the other properties in the terrace, No.42c still appears to be built in its original form, not having updated the windows, cladding material, or balustrade.

The proposed rear extension would not be highly visible from Bridgefoot Path. Nonetheless, it would be in keeping with the main house and the remainder of terrace which have all been extended to the rear in a similar fashion. Overall, there are no objections to this element of the application.

The installation of the solar panels would be obscured from view due to the very shallow pitch of the roof. Overall, there are no objections to this element of the application.

The main elements which would be visible are the two new windows in the side elevation, the new horizontal cladding to the external façade at first floor and above, and the new rendering to the front, side, and rear ground floor. These material changes will result in the property appearing noticeably more contemporary in appearance; however, they are similar to the changes which have been made to the adjoining properties. To ensure that the cladding and render relate well to each other and the property – which also include new anthracite windows - samples should be submitted and agreed prior to their installation.

Overall, the proposals would meet the test of Section 72 of the TCPA 1990 in that they would preserve and enhance the special qualities of the conservation area. The proposal would also accord with the relevant national and local planning policy.

Conclusion: No objection subject to the inclusion of a material sample condition including the render and cladding.

Environment Agency

We have no objection to the proposal as submitted.

Engineering / Drainage

No comments received.

County Ecologist

17 November 2022 – Initial comments

I have had a quick look and in terms of the SINC, a CEMP (Construction Environmental Management Plan) would be sufficient to protect this non-statutory designation (could be secured via a Planning Condition). The photos provided in the Design and Access Statement indicate that the building is in a good condition with the existing UPVC cladding to be tight fitting and the brickwork to be intact. However, as there will be works planned to the roof, whilst the building is relative new, due to its proximity to water which provides good foraging habitat for roosting bats and therefore increasing the likelihood of bats being present, I'd request if any good quality photos of the roof tiles could be provided to allow a more informed opinion on the likelihood of bats being present and affected by the proposed works to be formed.

Officer comment: *Query raised about what would be expected in a CEMP and whether an appropriate informative could be included in relation to the potential presents for bats.*

17 November 2022 – Further comments after officer discussion

Thanks for your query. If you're happy that there won't be any polluted surface water run off entering the SINC, then a CEMP wouldn't be necessary and your suggested informative would be sufficient. Similarly, if you think the roof of the building is in good condition (likely considering the age of the dwelling), then I'd be happy with an informative as well.

Officer comment: *Further liaison between case officer and ecologist. The proposed two informatives were agreed and have been included on the Decision Notice (DN).*

Chichester Harbour Conservancy

This property lies within Chichester Harbour AONB and the Emsworth Conservation Area and is clearly visible from various vantage points. However, the property is of a modern, utilitarian design and appearance with light-coloured elevations and the proposed works would not significantly increase the prominence of the building within the wider AONB landscape. As such, there is no objection to the proposals.

Property Services Manager

No comments received.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or Developer. To make an application, visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> and please read out New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>

In situations where surface water is being considered for discharge to our network, we require the below hierarchy – reuse, infiltration, watercourse, storm sewer, combined sewer – for surface water to be followed which is reflected in Part H3 of Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments. Guidance on Building Regulations is here: <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h>

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX; Tel: 0330 303 0119; Website: southernwater.co.uk; Email: southernwaterplanning@southernwater.co.uk.

Officer comment: *The above has been addressed through a standard informative and planning condition on the Decision Notice (DN).*

6) Community Involvement

This planning application was publicly consulted on between 07 October and 07 November 2022. During this time, no neighbour comments were received.

Comment	Officer comment
No comments received.	

7) Planning Considerations

7.1 In having due regard to the policies in the development plan, it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Adaptation to, and Mitigation of, Climate Change
- (iii) Impact on Character of the Area & Appropriateness of Design
- (iv) Impact on Neighbouring Properties
- (v) Local Ecological Network (LEN)
- (vi) Flood Issues
- (vii) Parking
- (viii) Utilities

(i) Principle of Development

- 7.2 The application site is located within the defined urban area as set out in Policies CS17 and AL2. As such, development is considered acceptable in principle subject to development management criteria.

(ii) Adaptation to, and Mitigation of, Climate Change

- 7.3 The **Climate Change Act 2008 (2050 Target Amendment) Order 2019** is the first legally binding target by a major economy and commits the UK to decreasing its greenhouse gas (GHG) emissions to “Net Zero” by 2050. Moreover, the Havant Borough Design Guide SPD, Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy D6 of the Emsworth Neighbourhood Plan, set out the Council’s support in promoting domestic microgeneration technologies (where appropriate) to help reduce Havant Borough’s GHG emissions. More specifically, the SPD also identifies the utilisation of building roofs for collecting solar energy for conversion into electricity and/or to heat water for a building’s occupants.
- 7.4 The proposed development would comprise the installation of 8no. solar photovoltaic (PV) panels [1.00m x 1.20m each] on the eastern and western roof slopes of the existing dwellinghouse – i.e., 4no. solar panels on each roof slope. The Chichester Conservancy and the Council’s Conservation Officer have raised no objection to the installation of the proposed solar panels. This is because the existing roof pitch is very shallow and so the solar panels would be obscured from public view.

(iii) Impact on Character of the Area & Appropriateness of Design

- 7.5 The site currently comprises a three-storey, end-of-terrace, dwellinghouse. The dwellinghouse includes; covered parking, store, utility, and WC at ground floor; living room, kitchen/dining area and WC at first floor; and three bedrooms and a bathroom at second floor. The proposed development aims to improve the quality of the accommodation by carrying out external extensions and material changes in order to improve the thermal insulation and energy use of the property. In doing so, the proposed development would comprise:
- A **flat-roofed, single storey, rear extension** comprising a depth, width, and height of approximately 2.74m, 5.98m, and 2.67m respectively; and
 - An **enlarged balcony** on the flat roof of the above proposed rear extension with a 1.00m high, steel framed, glass balustrade; and
 - **Partial front infill** of existing covered car port comprising a depth and width of approximately 3.10m and 5.50m respectively; and
 - Installation of **external insulation; render** at ground floor; and **cladding** at first and second floor.

- 7.6 The proposed single storey rear extension would include a new bifold door and window. The rear extension would be flush with the existing rear extensions constructed at Nos 42, 42a, and 42b Bridgefoot Path, and would require the existing staircase (from the rear garden to first floor) to be relocated perpendicular to the main dwellinghouse similar to the neighbouring terraced properties. As for the proposed partial infill of the existing car port, this would extend the front ground floor wall closer to the street by approximately 3.1m. Together, the proposed ground floor extension would help to create a larger entrance hall, store, WC, and a rear room which could be used as a living area or a fourth bedroom.

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

- 7.7 The site is in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) which was designated as an AONB in 1964. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of Chichester Harbour. The proposed development would be readily visible from the streetscene and from various vantage points around the AONB. Nevertheless, the Harbour Conservancy has raised no objection as the proposed development would not significantly increase the prominence of the building within the wider AONB landscape.

Emsworth Conservation Area

- 7.8 The Emsworth Conservation Area is centred around the old Georgian historic harbour side town and port, at the head of the northwest channel of Chichester Harbour, on the county boundary of Hampshire and Sussex. The Emsworth Mill Pond SINC forms part of the western boundary of the conservation area. More specifically, Bridgefoot Path is located on the eastern side of the Mill Pond and is largely characterised by late 19th and early/mid-20th century development.
- 7.9 **Section 72 of the Planning (Listed Buildings and Conservation Areas) Act** requires local planning authorities (LPAs) – when considering whether to grant planning permission for development which affects a conservation area – to have special regard to the desirability of preserving and/or enhancing the character and appearance of that area. In terms of local planning policy, the development plan requires development proposals to; conserve and enhance statutory heritage designations; and be designed to a high standard which identifies and responds positively to existing natural, historic, or local character – see Policies CS11, CS16(1a), and DM20 in the Havant Borough Local Plan.
- 7.10 The proposed development originally proposed the installation of self-finished render at ground floor; dark grey vertical cladding at first and second floor; dark grey aluminium double glazed casement windows; and dark grey aluminium bifold doors. The case officer and conservation officer visited the site, together, on 20 October 2022. Following the site visit, the Applicant and Agent were advised that:

- The brick pier / column should be left as exposed brick;
- The proposed vertical cladding should be horizontal to keep some uniformity and cohesiveness with the adjoining terraced properties;
- The horizontal white fascia should be retained to help break up the expanse of cladding and retain some uniformity with the adjoining terraced properties;
- The combination of anthracite windows and dark grey cladding would appear oppressive and overly prominent in the streetscene, and so a contrasting cladding colour such as light grey or blue could be more suitable; and
- The colour finish of the render is required so the full colour palette of external materials can be assessed.

7.11 The Agent provided amended plans to address the above on Monday 07 November 2022, and these were published on the Council's website on the same day. The conservation officer has since assessed the amended plans and has commented that the material changes will result in the property appearing noticeably more contemporary in appearance. However, in recognition that similar changes have been made to the adjoining terraced properties, the conservation officer has raised no objection to the proposed development on the provision of a planning condition in relation to the submission of a material specification and sample to ensure that the cladding and render relate well to each other, the property, and the new anthracite windows – see Planning Condition No.3.

Summary

7.12 Moreover, it is considered that the appearance, design, and mass of the proposed development would meet the test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, and would not be contrary to; Policies CS11, CS12, and CS16 in the Havant Borough Local Plan (Core Strategy) 2011; Policy DM20 in the Havant Borough Local Plan (Allocations Plan) 2014; and Policies D1, D2, H1, and H2 in the Emsworth Neighbourhood Plan. This is because the proposed development – subject to the proposed planning conditions – would preserve and enhance the special qualities of the Emsworth Conservation Area, and would not result in a significant visual impact on the character and appearance of the Chichester Harbour AONB.

(iv) Impact on Neighbouring Properties

7.13 The Havant Borough Design Guide SPD explains that householder developments must not result in any adverse impacts to neighbouring properties.

7.14 The proposed development would include two new “lookout windows” on the first and second floors of the property’s southern side elevation. The submitted information explains that the new windows would be fixed glazed and angled to avoid the overlooking of the adjacent properties. This is supported and the conservation officer has raised no objections to the installation of the proposed side windows.

- 7.15 It is noted that no neighbour objections have been received. However, a development is not simply considered acceptable just because no objections have been raised. Indeed, the Council, as the Local Planning Authority, must consider the impact of a proposed development on the amenity of neighbouring properties regardless of whether any objections have been received or not. The proposed enlarged balcony – on the flat roof of the proposed single storey rear extension – would increase overlooking to the adjacent balcony (to the north) and rear neighbouring gardens (to the north and south). It is accepted that there is already an established degree of overlooking between the site and its neighbouring properties. However, there is concern that the enlarged balcony would allow the occupant to view further into the rear gardens and rear elevations of Nos 43 and 44 Bridgefoot Path (to the south) when stood at the most extreme southern area of the proposed balcony / raised terrace. As such, **Planning Condition No.4** has been included to ensure that appropriate screening can be agreed prior to any above ground construction works taking place.
- 7.16 Moreover, it is considered that the proposed development would not appear overbearing, and nor would it lead to a degree of overshadowing and/or loss of light which would warrant a justifiable reason for refusal. This because the proposed development would broadly align with the existing alterations and extensions at the neighbouring terraced properties (Nos 42, 42a, and 42b). Notwithstanding the above, although reduced privacy is an accepted characteristic of the area, it is considered reasonable and justified to include a planning condition to agree appropriate screening on the southern side of the enlarged balcony area. It is, therefore, considered that the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011 subject to the inclusion of **Planning Condition No.4**.

(v) Local Ecological Network (LEN)

- 7.17 The site is adjacent to the Emsworth Mill Pond SINC. The Council's Ecologist requested; (1) a Construction Environment Management Plan; and (2) photos of the roof to understand if it is being used as foraging habitat for roosting bats. It is considered that there would not be any polluted surface water run off entering the SINC. In addition, the Agent confirmed via email on 17 November 2022 that there is no roof void, and that the internal ceiling broadly follows the low shallow pitch of the roof. In light of the above, it has been agreed to capture the Council's Ecologist's comments as appropriate informatives on the Decision Notice (DN).

(vi) Flood Issues

- 7.17 The western front half of the site is in Flood Zones 2 and 3, and climate change modelling has predicted that the entire site will be in a future flood zone. Nevertheless, householder extensions are exempt from the requirements of Policy DM25 in relation to flood risk management in Emsworth, and the Environment Agency (EA) has raised no objection to the proposed development. In addition, the submitted Flood Risk Statement confirms that the floor levels within the proposed development will be set no lower than existing levels, and "flood proofing" of the proposed development would be provided in accordance with "Improving the flood performance of new buildings" (CLG, 2007).

- 7.18 In light of all the above, it is considered that the proposed development would not put occupiers or employees of the emergency services at any additional risk in the event of a flood. As such, the proposed development would not be contrary to Policies CS15 and DM25 in the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations Plan) 2014 respectively.

(vii) Parking

- 7.19 The Havant Borough Parking SPD supplements Policy DM13 and states that the vehicular parking requirements for a 3-bedroom property and a 4-bedroom property are 2no. vehicular parking spaces and 3no. vehicular parking spaces respectively. The three existing bedrooms will be retained, and the ground floor extensions will help to create an additional room at the rear which would be used as either a living area or a fourth bedroom.
- 7.20 The proposed ground floor extensions would reduce the depth of the existing 2no. parking spaces outside the front of the property. However, there would still be sufficient space within the front curtilage of the site to accommodate 2no. parking spaces at the recommended dimensions of 2.40m x 4.80m. In terms of the living area / fourth bedroom, it is noted that the property's permitted development rights (PDR) are still intact, and so a similar proposal could be constructed at the rear of the property without the need for formal planning permission and the requirement for a third vehicular parking space. In addition, it is noted that the other terraced properties have partially, or almost entirely, infilled their ground floor front elevations whilst retaining a degree of sufficient parking. Although there is evidence of overspill parking in this area of Bridgefoot Path, it is considered that, in this instance, the lack of a third vehicular parking space would not warrant a justifiable reason for refusal given the alternative works which could be carried out under PDR.

(viii) Utilities

- 7.21 There are foul and surface water sewer lines running under Bridgefoot Path between the site and the Emsworth Mill Pond SINC. Although the sewer lines are outside the curtilage of the site, Southern Water has explained that it may be possible that a sewer (now deemed to be public) could be crossing the development area. As such, Southern Water has advised that, in the instance that any sewer is found during construction works, an investigation of the sewer will be required to ascertain its ownership before any work can commence on site. In acknowledging Southern Water's comments, an appropriate planning condition has been proposed – see [Planning Condition No.5](#).

8) Conclusion

- 8.1 The scale, siting and design of the proposed development would conserve the Emsworth Conservation Area and would not result in a significant visual impact on the character and appearance of the Chichester Harbour AONB. The proposed development is, therefore, considered to be appropriate and is recommended for approval subject to planning conditions.

9) Recommendation

That the Head of Planning be authorised to **GRANT PERMISSION** for Application APP/22/00894 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:

Drg No: 2306-E01 – Existing Floor and Roof Plans

(Published 13 September 2022)

Drg No: 2306-E02 – Existing Elevations

(Published 13 September 2022)

Drg No: 2306-L01 – Location and Block Plans

(Published 13 September 2022)

Drg No: 2306-P01 REV A – Amended Proposed Floor and Roof Plans

[Excluding TV aerial]

(Published 07 November 2022)

Drg No: 2306-P02 REV A – Amended Proposed Elevations [Excluding TV aerial]

(Published 07 November 2022)

Drg No: 2306-P03 REV A – Amended Proposed Sections [Excluding TV aerial]

(Published 07 November 2022)

Email re EOT, TV Aerial & Loft

(Received and Published 17 November 2022)

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 render and cladding materials to be used externally on the building 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 to the character and appearance of the Emsworth Conservation Area, and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 in the Havant Borough Local Plan (Allocations Plan), and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application, no above ground construction works shall take place until plans and particulars specifying the alignment, design, height, materials, and type of screening on the southern elevation of the hereby approved enlarged balcony / raised terrace – with the screening to be a minimum height of 1.8 metres as measured from the floor level of the enlarged balcony / raised terrace – have been submitted to, and approved in writing by, the Local Planning Authority. If obscure glazed panels are installed on the southern elevation of the enlarged balcony / raised terrace, then the glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4. Only the screening so approved shall be used, in accordance with any terms of such approval, and shall, thereafter, be retained in a wholly sound and effective condition.

Reason: To ensure the appearance of the development is satisfactory to the character and appearance of the Emsworth Conservation Area, and to safeguard the amenities of the occupiers of neighbouring properties, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 In the event that a public sewer is found at any time when carrying out the approved development which was not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to, and approved in writing by, the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) Policies CS19 and DM10 and the National Planning Policy Framework.