

18697 - nursery group for not more than 33 children at Gordon Cottage and West View - Permission 30 August 1967

APP/12/00106 - Crown thin 1No. Oak tree by 30% and crown thin 1No. Silver Birch tree by 30%. Both trees within Emsworth Conservation Area., RNO,23/03/2012

APP/22/00186 - Single storey rear extension; raise ridge line and floor level to existing ground floor rear; revised fenestration to north elevation & installation of powder coated metal flue., Withdrawn - 11/05/2022

3 Proposal

- 3.1 Change of use from nursery (Use Class E) to dwelling (Use Class C3) with single storey rear extension and timber decking to rear. Raising of ridge height of existing single storey rear extension also incorporating internal alterations and insertion and amendments of existing windows. Proposed fencing, external flue and air source heat pump. Solar photovoltaic panels to south facing main roof pitch
- 3.2 It is proposed to convert the whole site back into a single family dwelling i.e. the existing first floor flat would be subsumed into the vacant ground floor space. It is also proposed to raise the ridge and eaves of the existing outbuilding by about 0.3m and link to a single storey rear extension measuring about 3.5m x 3.5m. The sloping roof of this extension would be a lead covering finish with one roof light, and would partly screen the existing balcony above. Internal alterations result in some window changes, including an additional ground floor window in the north side elevation of the main house.
- 3.3 It is also proposed to add an air source heat pump which would involve placing the fan like box at ground floor level on the south elevation, and a flue on the north elevation. Photovoltaic slates are also proposed for the south elevation of both the main house and part of the summer house. A boundary would be re-instated between number 60 and 61 which would be part close boarded fence to the rear, and part brick wall with trellis above at the front.

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1 (Design & Heritage)
ENP_D1 (General Design Policy)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Arboriculturalist

There are a number of trees within the site that could be affected by the proposals, most of which are statutorily protected due to being located in a conservation area. However, no arboricultural information has been submitted for the purpose of determining this application from an arboricultural perspective or to specify sufficient protection measures to minimise the impact of this development during the construction process.

Recommendation:

I raise an objection to the proposals due to insufficient arboricultural information being submitted with the application and the potential impact of the development will have on the statutorily protected tree to the rear of the property. However, if you are minded to permit the application, I would recommend that a suitably worded pre-commencement condition is imposed requiring the applicant to submit Arboricultural information to demonstrate how the construction will proceed without causing harm to trees.

Chichester Harbour Conservancy

Recommendation – No objection, subject to –

- protection of existing trees in the back garden during the build in accordance with an arboricultural method statement to be submitted to and agreed by the local planning authority;
 - Flue to stove to be colour-finished black;
 - agreeing facing and roofing materials and precise design and colour finish of the solar panels, to particularly ensure dark, muted colouring to the sides of each panel.
- The Conservancy supports imposing the informative that the Council's ecologist has suggested.

Coastal Engineering

None received

Communities Team

Thank you for consulting the Communities team, we have no comment to make on this application.

Conservation Officer

Background

The site is located in Bath Road, which fronts onto the Mill Pond. It is located within the Emsworth Conservation Area. It comprises a detached, white rendered, two-storey property with a slate roof. The property has a Georgian appearance, with symmetrical sash windows and is of historic character. It is not a listed building, but it is classed on the list of buildings of local historic interest. At the rear of the property, various modifications have been made, including the addition of an extension with a first-floor balcony. The property was previously in use as a children's day nursery but is proposed to be used. The rear of the property is highly

visible from the promenade which forms the sea wall and which is also used as a public footpath.

Proposal

- Change of use from nursery (Use Class E) to dwelling (Use Class C3)
- Single storey rear extension and timber decking to rear.
- Raising of ridge height of existing single storey rear extension also incorporating internal alterations and insertion and amendments of existing windows.
- Proposed fencing, external flue and air source heat pump.
- Solar photovoltaic panels to south facing main roof pitch

Legislative and Policy Context

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

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.

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 – Heritage Appraisals

Assessment: _

With regards to the change of use, this does not raise any concerns from a heritage perspective.

The raising of the ridge height of the existing extension, insertion of new windows and the construction of a new single storey rear extension do not raise any concerns. This is because they are in character with the main property and subject to the use of appropriate and high-quality materials, would not be harmful to the property or the wider conservation area.

The proposed flue would be visible and further information is required as to the finish of the flue which can be secured via a planning condition. Further details would also be required for required for the solar photovoltaic panels to the south facing, main roof pitch. If these are to be finished in matt black or another dark colour, then the visual impact should be limited.

The location of the proposed boundary treatments is shown on the Topography plan. Two of these boundaries will comprise a close board fence, both to be located in the rear garden. One boundary will comprise a half height brick wall, topped with trellis fencing. This would extend between No. 60 and the neighbouring property at No. 58 and be visible from Bath Road. The plans indicate that the brick work will be to match the existing remnants of the wall within the site. This should be acceptable in principle, subject to satisfactory materials samples being provided and agreed.

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 and the Emsworth Neighbourhood Plan.

Conclusion _

No objection subject to the following conditions:

1. Material samples (including fencing / wall details)
2. New window details
3. Details of the finish of the flue and solar panels

County Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The photos for the front and rear elevations of the building provided within the submitted Design and Access Statement are inconclusive and do not allow an informed opinion on the likelihood of bats being present and affected by the proposed works to be made. As the application site is located immediately adjacent to Emsworth Millpond Site of Importance for Nature Conservation (SINC) which provides high quality foraging and commuting habitat for bats, there is a reasonable likelihood that the existing building may offer suitable habitat for roosting bats.

I would therefore recommend that the applicant commissions a Preliminary Roost Assessment, carried out by a qualified ecologist as per the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines, which should include an assessment of the potential for the building to support roosting bats. Unless the qualified ecologist is able to conclude that there is no reasonable likelihood of bats being present (due to negligible potential), it is likely that further ecological survey work (e.g. nocturnal bat activity surveys) will be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation, compensation and enhancement measures.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. Unfortunately it is not appropriate to defer bat surveys as a condition of a planning permission. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible. Therefore, it is my recommendation that permission is not granted until the requested information is provided.

Officer Note

Following a site visit & further correspondence with photographs for the ecologist, amended comments:

The roof slates appear to be tightly fitted and there's no obvious gaps along the eaves. On that basis, I'd be happy that the likelihood of bats being present is low. However, I recommend that the below informative is added to the decision notice:

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g., droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Early Education Centre Unit

None received

Early Years

None received

Engineering/Drainage

None received

Environment Agency

Initial comment: Object - site within flood zone 2 & 3 and FRA needed

Pointed out FRA contained within Heritage, D&A Statement - so follow up response:

No objection - Flood Risk Activity Permit may be required for any works within 8m of the bank of the West Brook, designated a main river.

Environmental Health Manager

None received

Natural England

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

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: 1

Statutory advertisement: 14/10/2022

Number of representations received: 0

Comment	Officer Comment
None 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 and use
- (ii) Appropriateness of design and impact on the character of the area,

- Conservation Area, and AONB
- (iii) Impact on residential amenity
- (iv) Impact on trees & ecology
- (v) Flood risk issues
- (vi) CIL

(i) Principle of development and use

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. Being located within a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving or enhancing the character and appearance of that area.

7.3 The existing site appears to have a mixed use of children's nursery and residential flat, and the proposal would revert the site back to a single family dwelling. Therefore there would be no net gain in residential planning units which would remain as one for the site. The extent of the red lined application site indicates how the curtilage would be separated from number 61 which would result in a staggered off-set rear garden, approximately dividing the area equally between 60 and 61. This would seem appropriate and both properties would have sufficient amenity space. The loss of the nursery from the site would reduce activity and vehicular movements to and from the site, benefiting the amenity of local residents. It is understood the nursery re-located to another site in Emsworth and so the child care provision facility has not been lost.

(ii) Appropriateness of design and impact on the character of the area, Conservation Area, and AONB

7.4 The front Georgian facade fronting Bath Road would be unaffected by the proposed alterations. The proposed additional window in the north side elevation would be of appropriate scale and proportions which would be visually appropriate to the context of the house. Other window alterations to the main house are proposed as Georgian style openings in white, whilst the new extension to the rear would be grey bi-fold. Both are considered appropriate for their locations. There would also be a metal flue on this north elevation, rising above the eaves line. There is a similar flue on the side elevation of 66 Bath Road which was conditioned to be painted a matt colour. The Design & Access Statement indicates that the proposed flue would be painted a matt or near white colour to blend with the rendered wall behind, which would be visually appropriate.

7.5 From the street scene the proposed use of photovoltaic slates on the south roof slopes could impact the visual appearance of the site. This south roof slope is prominent in the street scene due to the buildings siting forward of number 59. Being within the Conservation Area the suitability of the visual appearance of these slates would need to be verified through samples submitted via a condition. The only other element of the proposal that could have an impact on the street scene is the proposed boundary treatment. Where adjacent the house and extending to the within 1m of the highway, the existing low boundary wall would be repaired and extended, with new trellis on top, having a maximum height of 1.8m. This mix of finishes would be traditional and not be overly dominant, and is considered to be visually appropriate to the streetscene. The Conservation officer has asked for samples of the bricks for the wall to ensure they are suitable for the location.

7.6 In this instance the rear of the site is also visible from public areas ie The Promenade.

The proposed alterations are at ground floor only, and it is considered that the increased height of summer room and extension are acceptable in principle as they would be viewed against the backdrop of the existing dwelling and the overall silhouette of the property would remain very similar. Following pre-application advice the roof of the extension is proposed as lead covering rather than glass, which would be non-reflective and appropriately muted from long distance views from the AONB. The solid roof covering would also minimise impact on the Chichester Conservancy's dark skies policy. It is further noted that the roof of the ground floor element would partly screen the lower section of the existing glazed balcony railings, further helping to minimise their visual impact. Existing mature shrubbery within the rear garden also partly screens the site. Overall it is considered that the proposed alterations would have minimal impact on the wider landscape views from The Promenade and AONB.

- 7.7 Overall the design and appearance of the proposal is deemed sympathetic and appropriate to the host dwelling and context to the site, and would preserve the character of the Conservation Area and not have any adverse impact on the AONB. As such the proposal is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS12 and CS16 of the HBLP (Core Strategy) and policy DM20 of the Allocations plan. It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.8 Number 61 is sited relatively close to the shared boundary and set further back. As such the proposed single storey side extension would largely sit forward of the front of number 61 and the proposed boundary wall and trellis would adequately mitigate any potential overlooking or loss of amenity issues. The increase in height of eaves and ridge of the existing summer room would have minimal impact on number 59 to the south. This property only has a single non-habitable room window in its side elevation where it aligns with the summer house. Any marginal increase in overshadowing from the additional height would have limited impact on neighbouring amenity.
- 7.9 The first floor balcony is an existing feature and would not alter neighbouring amenity. Arguably the loss of the nursery results in less activity and vehicular movements at the site and thus improves neighbouring amenity. It is therefore considered that the proposal would not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted that no letters of representation were received with respect to the scheme.

(iv) Impact on trees and ecology

- 7.10 Being within the Emsworth Conservation Area the trees within the site are statutorily protected. There is one significant tree located on the boundary between the 60 and 61 which would be adjacent the proposed extension. The surrounding ground is hard surfaced and the original brick wall passes close to the tree trunk indicating it is already compromised. The proposed extension is slightly larger than the existing infill and would come closer to the tree but the separation would still be in the region of 5m. Timber decking is also proposed and this would fall under the canopy spread and therefore likely root protection area of this tree. But as decking only it is likely that foundations would be limited and could be simply screwed into the ground. Whilst limited impact is likely on the health of the tree, nevertheless the arboricultural officer has requested a pre-commencement condition requiring Arboricultural information to demonstrate how the construction will proceed without causing harm to trees.

- 7.11 The initial consultee response from the County Ecologist was based on photos within the D&A Statement and erred on the side of caution by recommending a Preliminary Roost Assessment to assess the likelihood of the presence of bats. Further photos of the site and buildings were then provided showing the roof to be intact and no obvious gaps for bats. Therefore the need for the assessment was withdrawn, but as protected species then should any bats be found during construction then under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) all works would have to stop and further advice sought from Natural England and/or a professional ecologist. An Informative can be added with this advice.
- 7.12 The site also lies close to the Chichester & Langstone Harbours SPA/Ramsar and within the catchment of a wastewater treatment works that would drain into the SPA, where there is potential for an increase in recreational disturbance and effect on water quality from a net increase in housing developments. A net gain in overnight accommodation would be likely to have a significant effect on the Chichester & Langstone Harbours SPA/Ramsar. However, in this instance, there is already a residential flat at the site and the change of use from mixed use nursery and residential flat to single family dwelling would not result in a net increase in residential units at the site. Therefore there would be no additional significant effect on the SPA/Ramsar and as such it is not necessary to undertake a Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA) or seek any mitigation.

(v) Flood risk issues

- 7.13 The site is located within Flood Zones 2 and 3. Whilst the application is technically a change of use, the associated operational development is minor in scale and the FRA indicates that the internal floor area of the main house is 3.6m above sea level. The renovated summer room would be raised to match that, and the construction method of the new floor would follow the EA's recommendations set out in their Flood Resilient Construction document. The ground floor does not contain sleeping accommodation and with the first floor balcony there are escape routes in the event of a flood. The EA do not object to the proposal but advice of the potential need for a Flood Risk Activity permit, which can be added as an Informative.

(vi) CIL

- 7.14 Since the nursery was in use within the last 3 years and the additional floorspace is less than 100sqm, then the proposal is not CIL liable.

8 Conclusion

- 8.1 The proposed reversion of the site back to a single family dwelling house would be an appropriate use of the site in this predominantly residential area. To ensure the flat is subsumed into the site as planned, then it is considered necessary to impose a condition that the site is used as a single dwelling only. The associated extension, decking, fencing and energy efficiency measures, are proposed in a sympathetic manner and the scale, siting and design of the development is considered to preserve the character of the street scene, AONB and Conservation Area, and would have limited and acceptable impact on the neighbours. The proposal is therefore considered to be appropriate and recommended for conditional approval.
-

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00854

(A) 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 & Access Statement by Vincent Edberg Architects
Site Plan - Drawing Number 617 - 03 Rev A
Landscape, Levels and Boundary Plan - Drawing Number 617 - 04 Rev C
Proposed Plans - Drawing Number 617 - 02 Rev C
Fence Elevations - Drawing Number 617 - 05

Reason: - To ensure provision of a satisfactory development.

- 3 The site shall only be used as a single family residential dwelling. The existing first floor flat shall be subsumed into the overall planning unit prior to the first occupation of the site as a single dwelling house.

Reason - No mitigation has been provided towards likely significant harm to the Chichester and Langstone Harbours SPA/Ramsar for the creation of a second residential unit on the site, in accordance with policies CS11, CS12 and CS21 of the Havant Borough Core Strategy, 2011 and policies DM24 of the Havant Borough Local Plan Allocations, 2014, and the National Planning Policy Framework.

- 4 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 following details has been submitted to and approved in writing by the Local Planning Authority:

- a) bricks to be used for the new section of boundary wall
- b) any solar panels or photovoltaic slates

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 and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The hereby approved new or enlarged window openings in the north, east and south elevations of the main house should be fitted with white timber effect frames with sash appearance glazing bars, as shown on Drawing Number 617 - 02 Rev C, to match as closely as possible the existing windows on the west

elevation. The window frames in the new extension and summer room shall be as specified in the Design & Access Statement or white to match; and the hereby approved metal flue shall be painted or finished with a matt white or near white colour to match the rendered wall behind. All such details and material colours shall be maintained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the site and Conservation Area and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014 the National Planning Policy Framework.

- 6 No development shall take place until an Arboricultural Method Statement detailing how the hereby approved rear extension and application of timber decking proceed without causing harm to the adjacent tree(s) has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect the tree(s) during the construction process. All agreed measures shall thereafter be strictly adhered to.

Reason: To safeguard the continued health and presence of trees within the site and protect the amenities of the locality and Conservation Area having due regard to policies CS11, CS12 and CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.