
Site Address:	7 Kinnell Close, Emsworth, PO10 7HF		
Proposal:	New and replacement fencing fronting Havant Road, proposed low flint wall. Store/ garage extensions and alterations. Refurbishments to the listed building.		
Application Type:	Full Planning Permission		
Application No:	APP/22/00475	Expiry Date:	29/06/2022
Applicant:	Mrs Spence		
Agent:	Miss Knight	Case Officer:	Selina Donophy
	Helyer Davies Architects Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Seafield House is a Grade II listed building in residential use. It is located in Kinnell Close (No. 7) which is a cul-de-sac of modern style housing built around Seafield House. The house is located immediately adjacent to Havant Road and has a listed brick wall which forms part of the boundary with Havant Road however, it is accessed from Kinnell Close. During the 1970's Seafield House was subdivided into two dwellings. The principal elevation with the curved bay windows and veranda belongs to Seafield House and Little Seafield (No. 6 Kinnell Close) is located to the west of Seafield House. This property has its own entrance from Kinnell Close and front garden / driveway located on the south elevation.
- 1.2 Seafield House has a detached, flat roof garage / car port located to the east of the house. The small section of land between the garage and the boundary with Havant Road has recently been infilled to form a storage area. The north boundary of this fronts onto Havant Road and has been constructed of horizontal wooden fencing at a height of approx. 3.5-4m. Previously this boundary formed a low brick wall with planting above. The recent works to provide the infill storage area and high fencing has been carried without the necessary planning permission or listed building consent (see planning history below).
- 1.3 Part of the boundary wall fronting Havant Road features a curved brick wall. This wall forms part of the listing of Seafield House. To the rear of the section wall which curves down is a north facing bay window, serving one of the primary ground floor windows. A horizontal wooden fence panel has been erected on the curved section of the wall, again without the required listed building consent.
- 1.4 On the south elevation of Seafield House, there is an 8.5m (approx.) length conservatory / orangery structure. The west elevation of this is formed by a brick wall which forms the boundary with Little Seafield (apart from a small, paved section which is delineated by a low brick wall). The roof and east elevation of the conservatory are glazed. A flue had been erected on the west elevation however this has since been removed .

2 Planning History

APP/21/01256 - New and replacement fencing fronting Havant Road; garage/store extensions and alterations; provision of woodburner and external flue in orangery; satellite dish installation., Refused 23/02/2022

Case Officer comment : *This application was refused due to the harmful impact of the flue on the listed building alongside the inappropriate and incongruous appearance of the boundary treatments on the listed building and character of the area .*

APP/21/01444 - Listed building consent for new and replacement fencing fronting Havant Road; garage/store extensions and alterations; provision of woodburner and external flue in orangery; satellite dish installation., Refused 23/02/2022

Case Officer comment : *This application was refused due to the harmful impact of the flue on the listed building alongside the inappropriate and incongruous appearance of the boundary treatments on the listed building/ setting of the listed building.*

APP/22/00476 - New and replacement fencing fronting Havant Road, proposed low flint wall. Store/ garage extensions and alterations. Refurbishments to the listed building.

Case Officer comment : *Current listed building application under consideration.*

3 Proposal

- 3.1 The planning application proposes the provision of new and replacement fencing fronting Havant Road; a proposed low flint wall also fronting Havant Road; store/ garage extensions and alterations; and refurbishments to the listed building.
- 3.2 The overall package of proposals includes removal of existing unauthorised development at the property which includes two sets of fencing fronting Havant Road. The intention is for the replacement of the larger set of fencing with a flint wall and laurel planting behind; as well as a stand alone fence to replace the existing fencing adjacent to the main dwelling which also is currently unauthorised. An unauthorised store has also been added to the garage which would now be reduced in size and set back as part of this proposal with alterations to the garage also proposed.

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

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|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| 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_H1 (Design & Heritage)

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

ENP_D3 (Layout, Form & Density)

Listed Building Grade: Grade 2

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer

Assessment:

The separate works being proposed will be assessed in turn below.

1. Works to detached garage and new boundary treatment onto Havant Road

The rear elevation of the garage extension is adjacent to the section of wall which is listed and specifically referred to in the listing of Seafield House. It has been constructed of a softwood material (maybe larch or pine). The palette of materials along the section of the wall stretching from the corner of Lands End Drive to the rear of the now extended garage, comprises a historic brick wall, stone entrance gate and then a lower height flint brick wall up to the point the garage is situated.

Looking back at historic street map images, in July 2019, the section of boundary to the rear of the garage comprised a low-level vertical timber fence panel with soft landscaping above, which sat adjacent to a large tree within the Seafield House grounds. Since then, the low-level fence has been replaced with a breeze block wall, clad in horizontal timber cladding which extends up to the height of the wall which forms the side / rear of No. 1 Kinnell Close. Whilst consent was sought for this boundary treatment, planning permission was refused.

A different scheme along this section of the boundary is now being applied for which comprises a low flint brick wall, to match that which already exists, with laurel hedging above this to provide further screening. The existing wall of the garage will be moved further back to allow space for the planting. The garage itself is proposed to be refurbished with a new flat roof and clad with timber shiplap cladding. The structure would also include glass doors on the side elevation and carriage style doors fronting Kinnell Close. The works to the garage raise no concerns as this is already a modern structure which is set away from the main house. A condition will be required to request details of the cladding and new doors to ensure these are of a high quality and appropriate design.

Moving the rear elevation of the garage further back, allows space for a new boundary treatment to be implemented (the proposed flint wall and laurel hedging). This change in design approach is supported as it will complement the existing boundary treatment, whilst being in character with the listed building. A sample of flintwork will be required to be provided and agreed prior to any works taking place to ensure that it is of high quality which reflects the existing historic wall.

2. Fencing on listed wall fronting onto Havant Road

The previous proposed for a contemporary style softwood (perhaps larch) fence panel has been erected within the curved section of the listed wall. Consent for this was refused as it was deemed that that the fencing was harmful to the listed wall.

The proposal is now for the section of fencing to be removed from the listed wall and for a freestanding fence panel to be positioned behind the curved section and in front of the GF, side facing bay window. Whilst the fence panel is still of a contemporary design, it will not be fixed to the wall or the building, which would allow space for some planting to be placed in front to provide further screening. Overall, the harm would be significantly reduced.

3. Reinstatement of chimney on side elevation of orangery

The previous applications sought consent for a metal flue which had been erected on the external side elevation of the orangery, adjacent to an existing chimney stack. Consent for this was refused to its visual impact and harm caused to both Seafeld House and No. 6 Kinnell Close.

The flue has now been removed and consent is now being applied to reinstate the existing chimney stack. This would comprise the height of the stack being increased to allow the flue to be placed within and concealed by the stack. The existing, crumbling concrete finish of the stack would be reinstated with a reclaimed, red heritage style brick. When compared to the metal flue, the proposal to reinstate the existing chimney stack would remove the harm on the designated heritage asset, at the same time as improving the visual impact of the redundant chimney stack which has fallen into disrepair in terms of its finish.

The proposed brick has been specified in the Materials Schedule as being a red heritage style brick. This style of brick is deemed appropriate for use on the building.

Conclusion

The proposed works have now been amended to a point where the harm on the designated heritage assets has been reduced to a level which is considered negligible. As such, no objection is being raised on heritage grounds as it is considered that the significance of the heritage assets will not be harmed.

Please note that this consultation response is considering the impact on the significance of the heritage assets only and not the wider planning issues or potential for pollution which falls under different areas of legislation.

NO OBJECTION SUBJECT TO THE FOLLOWING CONDITIONS:

1. A sample panel of flintwork (for the section of boundary wall hereby approved fronting onto Havant Road) shall be constructed on site to accurately reflect the brick bond, finish, mortar type and finish with accompanying specification for approval by the local planning authority in writing. The approved sample panel shall be retained on site until the work is completed and the work carried out in full accordance with the approval granted.

Reason:

To ensure the materials and finishes to be used are appropriate in order to maintain the architectural interest of the building.

2. No development shall commence on site until details, including labelled samples (manufacturer, type and where it is to be used (including finishes)) of the cladding to be used on the detached garage, have been submitted to, and approved in writing by the local planning authority.

Reason:

To ensure the materials and finishes to be used are appropriate, in order to maintain [the architectural interest of the building.

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

a) 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)

b) 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: In order to safeguard the building's special architectural and historic interest.

Case officer comment : *The Heritage Officer has subsequently confirmed that the proposed conditions are no longer required as the applicant has provided acceptable material samples and door details upfront. Please refer to Materials Schedule and Door Details documentation uploaded on 28th and 30th September respectively.*

The comments relating to the chimney are also no longer relevant as this element has now been removed from the proposals.

Developer Services, Southern Water

It appears that the developer is intending to build-over a public surface water sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build-over a public sewer are available at Southern Water's Get Connected service: developerservices.southernwater.co.uk

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.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; Prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
southernwater.co.uk

Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX Registered in England No. 2366670

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing,

West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Environmental Health Manager

I have perused the enclosed plans / documentation provided by the applicant, for this further application, which covers a proposal to re-instate an original chimney serving the orangery. As per my previous response, I would advise that with this new proposal, the potential remains for smoke nuisance and recurrence of same, to neighbouring properties.

If consent were to be granted on this application, I would ask, as done previously, that the following informative be added to any positive Decision notice.

Informative regarding wood burning or multi-fuel stoves / appliances:

You are hereby advised that whilst no smoke free zones currently exist within the Havant borough, this does not relieve operators / owners of wood burning or multi-fuel stoves / appliances, from ensuring that they do not cause nuisance to other residents within their neighbourhood. If you are unsure as to what your position would be in relation to existing legislation such as the Environmental Protection Act 1990 or the Clean Air Act 1993, it is recommended you contact the Environmental Health Pollution team, at Havant Borough Council.

This is in order to protect the occupants of nearby residential properties from potential smoke nuisance, and also the wood burner / stove owners from potentially breaching current legislation

Case Officer comment : *This consultee comment is no longer relevant as the chimney and woodburner have now been removed from the proposals.*

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: 35

Number of site notices: 2

Statutory advertisement: 24/06/2022

Number of representations received: 8

Comment	Officer Comment
7 objections 1 comment	
• Objection to the free standing fence and impact on the streetscene	Please see the 'Planning Considerations' section of the report.
• Visual impact of the chimney on Little Seafield	Please see the 'Planning Considerations' section of the report.
• Pollution from the chimney	Please see the 'Planning Considerations' section of the report.
• Impact of the chimney on the listed wall	The chimney has been removed from the proposals, and the Heritage Officer has confirmed they have no objections to the proposals
• Little Seafield not been taken into consideration on the plans	Please note the plans are not required to show the neighbouring property. The case officer has undertaken a site visit to the site and its surroundings in connection with this, and previous applications relating to this site.
• Ownership of the access road does not belong to Seafield House.	It is understood the applicant has a right of way across this access road. Notwithstanding this, this is a civil matter and is not a material planning consideration as the proposal does not include the creation of any new accesses on to this road.

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 and the Grade II Listed Building
- (iii) Effect on neighbouring properties

(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 Policy H1' Design and Heritage' of the Emsworth Neighbourhood Plan states that any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset (whether designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan.

7.5 Policy CS11 of the Havant Local Plan states that planning permission would 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.

(ii) Appropriateness of design and impact on the character of the area and the Grade II Listed Building -

7.6 This application follows the previous applications (APP/21/01444 and APP/21/01256) which aimed to make lawful some retrospective works that had been undertaken to the listed building, garage and boundary treatments - these proposals were refused as they were deemed to harm the historic fabric of the listed building and wider area. Alterations have now been made to the proposals by the applicant and this forms the current application for consideration. This proposal has been amended following its initial submission and the initially proposed chimney to the orangery has now been removed from this proposal. The application proposal now solely consists of replacement fencing fronting Havant Road, and a proposed low flint wall following the removal of the fencing in situ which did not have planning consent. Extensions and alterations are also proposed to the store/ garage outbuildings in situ.

- 7.7 The main building is a Grade II listed building and as such there is a statutory requirement 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. To the east of the main dwelling is an existing garage . This proposal seeks to gain consent for a reduced store extension which would be set back from the boundary treatment to allow for planting between the wall and the store building/garage. The garage itself would be refurbished with a new roof, carriage style doors , glass doors to the side elevation and oak timber cladding to the elevations. These alterations have not yet been undertaken however there is a space to the side of the garage ready for the side elevation window installment.
- 7.8 Alterations are also proposed to the boundary treatments fronting Havant Road. The existing unlawful high fencing would be removed and replaced with a low flint wall to match the remaining flint wall - laurel hedges would be planted behind this to screen the garage from the road. Also proposed is separate fencing sited behind the listed wall further up towards the main dwelling - this would allow for planting between the fencing and the wall.
- 7.9 The proposals to the garage and boundary treatments would result in an improved appearance particularly in relation to the flint wall which would be in keeping with the existing flint wall forming a section of the boundary treatment with Havant Road. On balance this is considered acceptable with the prospect of planting to be incorporated between the fence and the wall. The garage alterations would be an improvement from the existing breezeblocks and would not be highly visible from the public realm.
- 7.10 Havant's Heritage Officer has been consulted in regards to this proposal and has raised no objection to the garage alterations as this is already a modern structure set away from the house. In regards to the flint wall with planting , this change in design approach is supported as it will complement the existing boundary treatment, whilst being in character with the listed building. They have also considered the free standing fencing and have deemed this to be acceptable. Whilst the consultee response initially requested material and door details conditions to be applied, the applicant has provided the samples and details up front in the Materials Schedule and Door Details documents supplied, which are acceptable to the Heritage Officer.
- 7.11 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 Policies CS16 and CS11 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. It is considered the requirements of policy DM20 of the allocations plan and Policy H1 of the Emsworth Neighbourhood Plan have been met alongside Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in preserving the setting and historic fabric of the listed building.

(iii) Effect on neighbouring properties

- 7.12 To the west of the application site is no 6 Kinnell Close which is the attached neighbouring property. The chimney originally proposed has since been removed from this proposal and therefore the initial Environmental Health consultee comments are no longer relevant. The garage and boundary treatment alterations would be sited away from neighbouring properties and therefore no harm to neighbour amenity has been identified.

- 7.13 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).

8 Conclusion

- 8.1 The proposal would conserve the historic interest of the listed building, thus meeting the duty set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered to be consistent with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014 as well as policy H1 of the Emsworth Neighbourhood Plan. The scale, siting and design of the proposal would furthermore have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00475 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:

Materials Schedule dated September 2022
Door details uploaded on the 30.09.2022
02 REV C AMENDED - PROPOSED FLOOR PLANS AND ELEVATIONS
03 AMENDED - EXISTING AND PROPOSED GARAGE

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved Materials Schedule dated September 2022 unless otherwise agreed by the Local Planning Authority.

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

- 4 The planting comprising the laurel hedge as shown in the approved plans 02 REV C AMENDED - PROPOSED FLOOR PLANS AND ELEVATIONS shall be completed within 3 months of the date of this decision notice , or such other date as may be agreed in writing with the Local Planning Authority. The laurel hedge shall be planted to the following specifications: *10Lpots 1.2 – 1.5m height 3 per linear metre* unless otherwise agreed by the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason: To ensure that the landscape scheme is completed in the interests of the appearance of development 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 Within 3 months of the date of this decision notice, both sets of unauthorised fencing fronting Havant Road (the 3.5 metre fence and the slatted fencing along the listed wall) shall be permanently removed from the land.

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

- 6 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer on the site during the course of the construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer having due regard to policies and proposals CS16, CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.