
Site Address: The Old Rectory, Bidbury Lane, Havant, PO9 3JG
Proposal: Formation of two patio areas with associated ground works and retaining walls, construction of Gazebo.
Application Type: Full Planning Permission
Application No: APP/22/00506 Expiry Date: 31/10/2022
Applicant: Mr D Hillier
Agent: Case Officer: Graham Speller
Ward: Bedhampton

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the southern side of Bidbury Lane and comprises The Old Rectory, a Grade II listed building within the Old Bedhampton Conservation Area.
- 1.2 The surrounding area is primarily residential with St Thomas Church opposite.
- 1.3 Part of the site is within flood zone 2.

2 Planning History

00/55898/007 - Conversion of studio over existing garage (the stable block) to 1 bedroom flat, PERM,19/04/2000
00/55898/008 - Listed building application for internal alterations to 'The Stable Block' to convert studio over existing garage to a 1 bedroom flat, PERM,19/04/2000
99/55898/006 - Crown reduce by 20-30% a Sycamore tree within Group G4 subject to TPO 496, PERM,30/11/1999
98/55898/004 - Change of use from studio over existing garage (the stable block) to two bedroom flat., REF,23/11/1998
98/55898/005 - Listed Building Application for internal alterations to 'the stable block' to convert studio over existing garage to two bedroom flat including new velux window to side elevation., REF,23/11/1998
92/55898/001 - Raise to 4m crowns of 3 Yews on frontage, trim laterals to clear dwelling on Yew to rear of property & remove 4 lowest limbs on Sycamore on road frontage all covered by TPO49, PERM,
92/55898/002 - Notification of intention to fell one Sycamore at front and lightly reduce lower crown on one Sycamore, two Maples and one Horse Chestnut. Within Old Bedhampton Conservation Area, RNO,04/11/1992
APP/12/00546 - Tree Works. , UNK,
APP/17/00180 - Listed Building Consent for repairs to boundary (front) wall. (Approved 11.04.17). Request to Discharge Condition No. 2 (23.05.17)., PERM,11/04/2017

APP/17/01275 - Reduce 1No. Sycamore by up to 3m all round and crown raise to 5.2m over highway (numbered 1 on plan with application); Crown raise 1No. Yew by 5.2m, remove dead wood and prune branches away from property to give 2 Metres clearance, (numbered 2 on plan with application); Crown raise 4No. Yew by 5.2m and remove dead wood (numbered 3, 6, 7, 8 on plan with application); Crown raise 1No. Sycamore to 5.2m over road, clear away from telephone wires to give 2 metres clearance and reduce by 3m to suitable growth points to balance crown (numbered 5 on plan with application); Prune 1No. Yew to give 2m clearance from house and crown reduce by up to 2m to balance and remove dead wood (numbered 9 on plan with application); Deadwood 1No. Yew. All trees on roadside (Bidbury Lane) to be pruned with a platform, all cuts to be made to laterals. All subject to TPO 0496 with G4.

, PERM,26/01/2018

APP/17/01288 - Crown reduce 1No. Bay by 5m all round (numbered 4 on plan with application); Remove 1No.fallen Willow (numbered 10 on plan with application); Crown reduce 2No. Norway Maple by 3m to suitable growth lateral branches (numbered 12 & 13 on plan with application); Reduce westerly limb 1No. Norway Maple by up to 4m and the rest of the tree by 3m (numbered 14 on plan with application); Fell 1No Plum (numbered 15 on plan with application). All within Conservation Area of Old Bedhampton. RNO,25/01/2018

APP/20/00448 - Fell 1No Yew (T1), subject to TPO 0496., PERM,23/07/2020

3 Proposal

- 3.1 Formation of two patio areas with associated ground works and retaining walls, construction of Gazebo.

4 Policy Considerations

National Planning Policy Framework 2021

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
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)

Listed Building Grade: II

Conservation Area: Old Bedhampton

5 Statutory and Non Statutory Consultations

Arboriculturalist

No comments received.

Building Control

No comments received.

Conservation Officer

Background

The Old Rectory is a Grade II listed building located within the Old Bedhampton Conservation Area. The listing description is as follows:

Late C18. Brick, with a tile roof. Symmetrical front (north) of 2 storeys and attic, 3 windows. Red brick walling in Flemish bond with blue headers (colourwashed), stone coping to parapet and brick dentil band, rubbed flat arches, 1st floor band. Sashes in exposed frames. Large stucco porch with blocking course, cornice, recessed arches at the side with arched windows (sashes), radiating fluted plaster panel within the front recessed arch, with an arched opening, having a radiating fanlight above a bow-shaped cornice, supported on Adam-style ¼-Corinthian columns, and 6-panelled door. The west elevation has a 2-storeyed ½ octagonal bay and a south side extension of 2 storeys, 3 windows, all in similar style. The east elevation is also of 3 windows.

The property has a large rear garden located to the west and south of the main house. There is a detached outbuilding constructed from flint with a clay tiles roof located to the east of the main house, this appears to be used for garaging. The rear garden is predominantly laid to lawn.

Legislative and Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: *Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al* (2014); and *North Norfolk District Council vs. DCLG and Mack* (2014).

The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The revised NPPF (July 2021) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

189. 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.

194. 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.

195. 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.

196. 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.

197. 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.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Local Planning Policies

Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) 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 CS16 (High Quality Design) (1a) of the Core Strategy states that "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.

Assessment

The proposal would not be attached to the listed structure in any way and would be domestic in scale and in keeping with the traditional character of the main house. It would therefore not be harmful to the setting of the listed building, which forms part of its significance. The retaining wall is proposed to be built with reclaimed red brick to match the main house.

Conclusion

NO OBJECTION subject to the following condition:

1. No development shall commence on site until details, including labelled samples of the brick type to be used on the retaining wall 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.

Councillor D Guest

No comments received.

Councillor Liz Fairhurst - Bedhampton

No comments received.

Councillor Mark Inkster

No comments received.

County Archaeologist

Thank you for your consultation. The site lies within an area of high archaeological potential related to the early development of the settlement of Bedhampton, located to the south of the known location of the manor of Bedhampton. However, the proposal is of a limited scale and, on this basis, I do not wish to raise any archaeological issues.

County Minerals

No comments received.

Engineering/Drainage

No comments received.

Historic England

Thank you for your letter of 15 September 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Property Services Manager

No comments received.

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: 7

Number of site notices: At least one site notice exists.

Statutory advertisement: 23/09/2022

Number of representations received: 0

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 listed building and character of the Conservation Area
- (iii) Effect on neighbouring properties
- (iv) Effect on trees
- (v) Ecology
- (vi) Flood risk

(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.

(ii) Appropriateness of design and impact on the listed building and character of the Conservation Area

7.3 The proposals would not be attached to the listed structure and would be domestic in scale and in keeping with the traditional character of the main house. It is noted that no objections are raised to the proposals by the conservation officer, who recommends a pre commencement condition regarding the type of brick to be used for the small retaining wall due to the change of levels. The applicant has agreed to such a pre commencement condition. There would also be a standard materials condition in accordance with the information in the application.

7.4 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 CS11 and 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 conservation area.

(iii) Effect on neighbouring properties

- 7.5 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) Effect on trees

- 7.6 As noted in the site history and as set out in the application, there was a large TPO yew tree that stood in the position of the proposal that has since been removed as it was diseased and posed danger to the adjacent listed building. There would be no adverse effect on trees as a result of the development.

(v) Ecology

- 7.7 The site is within 50m of a water course, however, by reason of its small nature it is not considered to result in any potential adverse impact on ecology.

(vi) Flood risk

- 7.8 Part of the site is within flood zone 2 and an EA householder flood risk form has been submitted regarding levels. However, due to the small and open nature of the proposals it is considered that there would be no increased flood risk as a result of the development.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours, ecology, the listed building and character of the conservation area 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/22/00506 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 PLAN

LOCATION PLAN WITH BOUNDARY TREATMENTS

WOODEN GAZEBO LAYOUT FOR THE OLD RECTORY

PROPOSED PLANS - SUPPORTING DOCUMENT

GAZEBO SPECIFICATION PLAN

HERITAGE STATEMENT

FLOOD RISK ASSESSMENT FRA FORM

Reason: To ensure provision of a satisfactory development.

- 3 No development shall commence on site until details, including labelled samples, of the brick type to be used for the construction of the retaining walls have been submitted to, and approved in writing by the Local Planning Authority. The retaining walls shall then be constructed in accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate, in order to maintain the architectural interest of the building and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Adopted Allocations Plan 2014 and the National Planning Policy Framework 2021.

- 4 Other than the requirement to agree samples of brick type to be used on the retaining wall prior to commencement as required by Condition 3, the external materials used shall be as indicated on the submitted forms and hereby approved plans.

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, policy DM20 of the Adopted Allocations Plan 2014 and the National Planning Policy Framework 2021.