Site Address:	Trinity Cottage, 41 South Street, Emsworth, PO10 7EG		
Proposal:	Listed building consent for a single-storey rear extension, internal alteration, rear dormer windows and conversion of the existing garden building to a home office		
Application Type:	Listed Building Consent		
Application No:	APP/22/00846	Expiry Date:	26/10/2022
Applicant:	Ms Pearce		
Agent:	Mr Leroy-Smith Carl Architect Ltd	Case Officer:	Graham Speller
Ward:	Emsworth		

Recommendation: **GRANT LISTED BUILDING CONSENT**

1 Site Description

1.1 The application site is located on the western side of South Street within Emsworth Town Centre and within the Emsworth Conservation Area. The site is occupied by Trinity Cottage, a Grade II Listed Building.

1.2 The surrounding area is of mixed character comprising residential properties/shops and other commercial buildings.

2 Planning History

94/59126/000 - Listed Building Application for intruder alarm under eave on east elevation and siting of sensor under dormer cill to west elevation, PERM,
APP/21/00753 - Replacement of all external windows and doors including enlargement of second floor north side window; Front porch canopy replaced higher; Internal re-configuration; Enlarged rear dormer; Insertion of 4no. Conservation rooflights in 2 openings in rear elevation. Removal of central chimney and reduction in height of southern chimney., PERM,03/11/2021
APP/21/00754 - Listed Building Consent for replacement of all external windows and doors including enlargement of second floor north side window; Front porch canopy replaced higher; Internal re-configuration with removal of some walls and cupboards, blocking up some internal openings and insertion of new partitions ; Enlarged rear dormer; Insertion of 4no. Conservation rooflights in 2 openings in rear elevation. Removal of central chimney and reduction in height of southern chimney.
, PERM,03/11/2021
APP/21/00922 - (T1 on map) 1no.Mimosa tree "Acacia dealbata" located in the back garden - crown reduction of 2-3 metres and crown thin 15-20% to clear. Apple trees, crown raise to give up to 3 metres clearance for ground level and crown clean removing all dead wood. (T2 on map) 1no.Bay tree "Laurel nobilis" located in the back garden - crown raise to give 2.5 metres clearance from ground level and shaping. (G1on map) 3no. Apple trees "Malus" located in the back garden - height reduction of 1-2 metres and crown clean removing all dead wood., RNO,13/10/2021
APP/21/01302 - Listed Building Consent for 1 new staircase, to replace 2 old internal staircases., PERM,14/02/2022
APP/22/00845 - APP/22/00845 Single-storey rear extension, internal alteration, rear dormer windows and conversion of the existing garden building to a home office., currently under consideration.

3 Proposal

3.1 Listed building consent for a single-storey rear extension, internal alteration, rear dormer windows and conversion of the existing garden building to a home office.

3.2 The proposals have been amended during the course of its consideration following advice from the conservation officer. As this reduced the amount of proposed development reconsultation was not considered necessary.

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)
CS16	(High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL3	(Town, District and Local Centres)

Emsworth Neighbourhood Plan 2019 - 2036

ENP_H2	(Buildings of Local Historic Interest)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy
Commented on associated planning application

Conservation Officer
The application site is located in South Street within Emsworth Town Centre and within the conservation area boundary. The site a is a C18 building known as Trinity Cottage, at No. 41 South Street. The building is Grade II listed. The building was originally 3no. cottages but was combined into one dwelling in the 1950's. As a result, it has undergone a number of changes both internally and externally. The windows are not original, and some historic features have been lost internally. There is a walled rear garden and an original brick built outhouse towards the rear boundary.

Planning permission and LBC were granted last year to renovate the building including alterations to the internal layout, new windows and the removal of a first-floor staircase. These works have now been implemented.

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.

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

1. Single storey rear extension

The proposed extension would feature a flat roof design and extend out from the main living area. It would require the removal of a set of French doors and two windows and some brickwork. Overall, the loss of historic fabric here would be minimal.

The flat roof design has been incorporated so as to not alter the existing roof which has a low eaves height. It would feature new doors and windows of aluminium and be rendered with a painted finish (yet to be confirmed). The proposed doors feature a design comprising horizonal multiplanes. This does not match with the fenestration design on the rear elevation and should be altered to match i.e. single or dual pane glass.

Whist the extension would be contemporary in style, its simple form and low roof height would not compete with the form and scale of the listed building and therefore, the level of harm would be negligible.

2. Rear dormer windows

The dormer windows are proposed to allow increased natural light into the second floor of the building which includes 2no. bedrooms and a landing area. Each area is currently served by only one small existing window. They would match in style with an existing dormer window on the front roof elevation.

Following the previous approval which has now been implemented, the rear roof slope has been visually altered from its original form from when the buildings were made into a single dwelling. The introduction of further roof alterations in the form of the proposed dormers, will introduce a third style of fenestration in addition to the existing roof lights and central dormer which are at first floor level.

I am concerned that with all these alterations, the roof will look too 'busy' and therefore visually cluttered, which would result in harm to the heritage asset. Furthermore, the central dormer window is off centre to the dormer below and the chimney above which does not achieve a harmonious balance given the number of additions to the roof slope.

In order to address this, I advise that the proposed central dormer should be removed, and the two remaining dormers should line up with the same corresponding roof light window below to create further symmetry.

1. Conversion of outbuilding to office

This is a curtilage listed building, previously in use as a storeroom and external wc. Its proposed conversion would retain the scale and form of the building as no extensions are proposed. The proposed change of the fenestration to 3no. sets of double doors, coupled with the proposal for 4no roof lights, would erode the traditional character of the building.

Given the small internal floor space and proposal for floor to ceiling glazed doors, the proposed number of roof lights seems excessive to provide an adequate level of external light. I therefore advise that these should be reduced from 4 to 2 rooflights.

Conclusion – Holding Objection subject to:

- the removal of the central dormer window from the main roof slope
- reduction in roof light windows from 4 to 2 on the outbuilding
- alterations to the extension fenestration design

UPDATED RESPONSE FOLLOWING SUBMISSION OF AMENDED PLANS

Further to the submission of amended plans which show the removal of the central dormer window, a reduction in roof light windows from 4 to 2 on the outbuilding and alterations to the extension fenestration design, the holding objection to the application is removed.

The application is now considered to comply with Sections 66 and 72 of the T&CPA and the relevant policies in the NPPF, the adopted Local Plan and the Emsworth Neighbourhood Plan.

Conclusion

No objection subject to the following conditions:

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

    a) Plans to clearly identify the window in question and its location within the building. These should be cross referenced to an elevation drawing or floor plan for the avoidance of doubt.

    b) 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)

    c) The materials used, method of opening and finishes.

The works shall be carried out in full accordance with such approval and be retained thereafter.

2. Standard material samples to be submitted / agreed condition

Councillor Julie Thain-Smith
No comments received.

Councillor Lulu Bowerman
No comments received.

Councillor R Kennett
No comments received.

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

Historic England
No comments received.

National Amenity Societies - Historic Environment Advice
No comments received.

Natural England Government Team
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: 0

Number of site notices: At least one site notice exists

Statutory advertisement: 07/10/2022

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) Impact upon the heritage asset.

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual 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.

(ii) Impact upon the heritage asset

7.4 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".

7.5 Policy CS16 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."

7.6 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.

7.7 Policy H1 of the Emsworth Neighbourhood Plan states, inter alia, that any new development or alteration that affects or has the potential to affect a heritage asset will be required to conserve or enhance the significance of the heritage asset.

7.8 In terms of the impact of the proposals on the heritage assets, the conservation officer has provided comprehensive comments, and for brevity, will not be repeated but are set out above under consultation responses. Overall, it is considered that the proposal would preserve the architectural or historic interest of the listed asset.

7.9 Further to the submission of revised plans, the conservation officer raises no objections to the proposals subject to pre-commencement conditions, which the applicant has agreed to.

8 Conclusion

8.1 It is considered that the proposal preserves the character of this Grade II Listed Building in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11 & CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and Policies D1, H1 & H2 of the Emsworth Neighbourhood Plan 2019-2036.

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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT LISTED BUILDING CONSENT** for application APP/22/00846 subject to the following conditions:

1 The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

a) Plans to clearly identify the window in question and its location within the building. These should be cross referenced to an elevation drawing or floor plan for the avoidance of doubt.

b) 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)

c) 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: To ensure the appearance of the development is satisfactory and in order to safeguard the building's special architectural and historic interest 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, policies H1, H2 & D1 of the Emsworth Neighbourhood Plan and the National Planning Policy Framework 2021.

3 No work shall commence until samples and/or full specification/webpage link of all materials (including external finishes/colours) have been submitted to and approved in writing by the local planning authority and thereafter carried out in full accordance with such approval. 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 in order to safeguard the building's special architectural and historic interest 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, policies H1, H2 & D1 of the Emsworth Neighbourhood Plan and the National Planning Policy Framework 2021.