
Site Address: 57 High Street, Emsworth, PO10 7AN
Proposal: Listed Building Consent for proposed roof garden at 57 High Street.
New fenestration at 57A High Street onto proposed roof garden including 1No rooflight.
Application No: APP/21/01162 Expiry Date: 30/12/2021
Applicant: Mr and Mrs Wright
Agent: Mr Wild Case Officer: Selina Donophy
 Helyer Davies Architects Ltd
Ward: Emsworth

Recommendation: **GRANT LISTED BUILDING CONSENT**

1 Site Description

The application site is a late C18, end of terrace, 3-storey property which is Grade II listed and located on Queen Street in the Emsworth Conservation Area. To the rear of the site is Trentham Cottage which is a Grade II listed building and immediately adjacent is No. 1 King Street which is also Grade II listed.

The building comprises a commercial unit (Chemist) on the ground floor, with a residential flat at first floor towards the front of the building and a series of dilapidated store rooms towards the rear at first floor.

2 Planning History

01/52726/013 - Listed Building Application for replacement first floor conservatory to front/side., PERM,30/07/2001

01/52726/014 - Listed building application to demolish existing single storey lean to roof at rear to form courtyard garden., PERM,16/10/2001

00/52726/011 - Change of use of ground floor from retail to office, PERM,20/03/2000

00/52726/012 - Listed Building Application for ground floor internal alterations, PERM,28/04/2000

98/52726/010 - Listed Building application for the conversion of first floor storage area into 2 bedroom self contained flat, PERM,08/02/1999

98/52726/009 - Conversion of first floor storage area into 2 bedroom self contained flat, PERM,08/02/1999

04/52726/015 - Change of use from office (Class B1) to retail (Class A1) at ground floor (incorporating internal alterations to create access to first floor storage area through shared lobby area with entrance to maisonette No.57A)., PERM,20/09/2004

04/52726/016 - Listed Building Consent application for internal alterations, including minor demolition of an internal wall to create a new door opening., PERM,13/09/2004

APP/14/00426 - Conversion of first floor store to rear of property to a one bedroom flat

incorporating access through ground floor lobby and replacement of flat roof area with pitched roof, replacement rooflights and one new window and use of part ground floor as integral garage., PERM,03/07/2014

APP/14/00490 - Listed Building Consent for alterations to allow conversion of first floor to 1No. one bedroom flat and use of part of ground floor as integral garage., PERM,03/07/2014

APP/15/00945 - Discharge of Condition No/s 2 and 3 of Listed Building Consent APP/14/00490., PERM,23/11/2015

APP/18/00031 - Listed Building Consent for proposed new zinc roof to rear at ground floor level, internal alterations and replacement of existing windows to the rear of 57B High Street at first floor level., PERM,01/03/2018

APP/18/00030 - Proposed new zinc roof to rear at ground floor level, internal alterations and replacement of existing windows to the rear of 57B High Street at first floor level., PERM,01/03/2018

APP/21/01161 - Proposed roof garden at 57 High Street. New fenestration at 57A High Street onto proposed roof garden including 1No rooflight., **Officer Comment**
-Current linked Planning Application

3 Proposal

Listed Building Consent for proposed roof garden at 57 High Street. New fenestration at 57A High Street onto proposed roof garden including 1No rooflight.

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)
CS7	()
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)

Havant Borough Pre Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

The current proposal lies inside the AONB. The proposal is located within a built-up urban location within the AONB protected national landscape. The proposed works comprise works / alterations that require detailed approval of the LPA. The planning history for the site indicates various earlier approved proposals to the site. None have any obvious bearing on the current proposal in relation to the AONB. The works lie wholly within the site.

The proposal is for the formation of an enclosed roof garden at the first-floor rear side of the building. There would also be new full height glazed doorways (patio doors or bifold doors) from the rear elevation onto the proposed raised roof garden. No external lighting details are indicated for consideration (this should be clarified and controlled). The submission includes a Design & Access and Heritage Statement (DAHS). There is no reference to para 172 of the NPPF as the site is within the AONB. The submission does not include an AONB Visual Impact Statement and makes no recognition of the site's location within the AONB protected national landscape. There is no detailed AONB policy approach as would be expected in such a location. This is a fundamental omission by the agents given the status of the AONB within the statutory planning assessment regime.

ASSESSMENT CONSULTATION CONCLUSION

AONB PP03 / Joint SPD considerations have been part of this AONB planning assessment. Given the backdrop and setting of the built-up area, the works to the street scene would be unnoticeable and not unduly imposing to the public realm. The works themselves are proportionate and subservient to the host building. The scale of the proposed works would have a visual impact within the site, but only a minimal visual appearance within the local area. In this setting the proposal is considered to have little significant visual impact on the AONB protected national landscape or be demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area.

The Chichester Harbour Conservancy raises **no objection** to the current submission. Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.

Conservation Officer

The Site

The application site is a late C18, end of terrace, 3-storey property which is Grade II listed and located on Queen Street in the Emsworth Conservation Area. To the rear of the site is Trentham Cottage which is a Grade II listed building and immediately adjacent is No. 1 King Street which is also Grade II listed.

The building comprises a commercial unit (Chemist) on the ground floor, with a residential flat at first floor towards the front of the building and a series of dilapidated store rooms towards the rear at first floor.

Legislative and Policy Context

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

consideration.

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.

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.

Historic England Advice

In addition to the advice laid out in the NPPF, Historic England has published planning advice in the form of Good Practice Advice Notes (GPA's) and Historic England Advice Notes (HEANs). Most relevant to this application will be GPA2 – Managing Significance in Decision Taking in the Historic Environment.

GPA2 states at paragraph 4 - 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest'. It also advises that an assessment of significance is required as part of the application process including the understanding of the nature of the significance, the extent of that significance and level of significance. Paragraph 11 states 'to accord with the NPPF, the application will need to undertake an assessment of significance to inform the application process an extent necessary to understand the potential impact (positive or negative) of the proposal and the level of thoroughness proportionate to the relative importance of the asset whose fabric or setting affected'.

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 CP16 (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.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation may be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

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

Proposal:

The proposal comprises the removal of the existing store areas at the rear of the first floor and the creation of a roof top garden for the occupants of the flat.

The rear of the building at first floor has undergone some unsympathetic alterations including replacement fenestration, dormer structures and changes to roof materials. It does not positively contribute to the conservation area or views from other heritage assets within its immediate vicinity.

The proposal would result in the removal of these various rear sections and convert this into a roof top garden space. This would be enclosed by a new perimeter wall.. On the rear section of the new wall, the existing windows openings will be retained for intervisibility. New narrow frame double doors are proposed to access the next external space.

Assessment:

The application includes a Heritage Statement which sets out the significance of the heritage assets and the impact of the proposed development on that significance.

The proposal would introduce a large roof top garden following the removal of the various rear sections of the first floor of the building. These sections have already suffered unsympathetic alterations and do not positively contribute to the heritage asset or the conservation area (although they are not highly visible from the public realm).

The introduction of the perimeter wall with the window openings retained, would result in a simple architectural solution following the removal of the store areas. The use of

the space as a garden area would not be harmful to the significance of the heritage asset, which is mainly associated with its architectural form towards the front of the building and its historic associations within Emsworth. The introduction of the new double doors would result in the loss of some historic fabric however, this section of already contains a window (not original) so overall the loss is not significant.

Overall, the proposals are not considered cause harm to the significance of the designated heritage asset, or the Emsworth Conservation Area and are in accordance with the relevant legislation and national and local planning policies.

Conclusion – No objection subject to the following conditions:

1. Material samples to be provided (including any details of render finishes)
2. Full scale window / door details to be provided

Councillor Julie Thain-Smith

No comment

Councillor Lulu Bowerman

No comment

Councillor R Kennett

No comment

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: 16

Number of site notices: 1

Statutory advertisement: 12/11/2021

Number of representations received: 3

Comment	Officer Comment
Thank you for your notices of proposed development at 57 High St Emsworth redacted and thus I am aware of previous planning applications which were not realised before permission lapsed.	Please see 'Planning Considerations' section of the report under APP/21/01161
We wish to register our objection to the proposed development's inclusion of a large roof garden on the grounds of inappropriate development of a listed building in a conservation area; loss of privacy through overlook and potential	

noise nuisance.

Inappropriate Development. The proposed development of an admittedly unattractive C20th commercial rear extension to a listed building in poor condition to residential use as a one bedroomed flat is considered inherently reasonable. However, while a 'Juliet' or small balcony might have been considered appropriate to the size of the proposed flat and to the surrounding area, attaching a 120+ sq m roof garden overlooking adjacent property neither conserves nor enhances the listed property. It diverges significantly from the spatial pattern of roofscapes and is not reflective the surrounding environment (Planning principle 3).

Loss of Privacy. Although two very small (3-4sqm) roof gardens exist at 53 & 55 High St, they open to the south onto the windowless north side and passageway of Trentham Cottage, so neither overlooks our garden-courtyard. The 2m high wall notwithstanding, the window openings, if retained in the proposed roof garden wall look down directly into our courtyard garden, kitchen, study and one bathroom and look directly across at first floor level into another bathroom and bedroom. The current potential overlook has been mitigated by the fact that the storerooms in question were in occasional daytime commercial use before becoming redundant and derelict and thus empty. A change to permanent residential use would be much more intrusive providing a direct sightline less than 4m from our courtyard garden. There is a profound difference between occasional viewing from a storeroom and an upstairs probably furnished area of roof garden. Such a large roof garden area could also offer further potential for more intrusive non-residential use.

The following statements from HBC Building Design Guidance SPD (2011) are relevant: 'where windows of the

new development and an existing dwelling occur back to back there should be a minimum separation of 20m'; 'some overlooking from the upper floors of dwellings will be unavoidable in most urban areas...however the design should aim to mitigate these effects as far as possible by carefully designing the internal floor layout to concentrate habitable rooms away from adjacent properties, where overlooking could be an issue. The council could also impose a planning condition as part of a planning consent, requiring obscurely glazed first floor bathroom or secondary windows to protect residential amenity.'

Para 5.41 'Rear extensions should be sympathetic and subservient to the original design of the building. They need to have particular regard to neighbouring properties and should not cause an adverse effect, such as overshadowing. Rear extensions should maintain a distance of 8 metres plus from the extension and the neighbouring property to the rear.'

5.45.' Extensions to listed buildings will require planning permission. The design of extensions to listed buildings requires special consideration. It is important the extension harmonises with the existing building and should not dominate, obscure or unbalance the elevation or negatively affect the historic value of the internal layout.'

5.50 'New dormers, roof lights and windows should not have an adversely negative effect on the privacy of neighbours'.

5.42/ Flat roofs can create maintenance issues and are considered to be out of character in Emsworth and should be avoided. Balconies and roof gardens provide significantly increased opportunities for overlooking and also increase the perception of overlooking when compared to windows. They can also result in noise and disturbance. To

maintain an adequate level of privacy for neighbouring residents, the required separation distances for these types of development may need to be greater depending upon the circumstances of the site. The use of screens can in some circumstances help to overcome problems of overlooking, but can also result in an unacceptable visual appearance and do little to prevent problems from excessive noise and disturbance.

In sum, the proposed development is neither within the letter nor the spirit of this design guidance.

Noise nuisance. The proposed roof garden wall would be only 3m from our courtyard and would neither contain noise from within the proposed garden nor prevent overhearing of conversation in our garden/courtyard. The size of the proposed roof garden would allow a gathering of 50 or people at any hour, 5m from our bedroom.

Conclusion. We have no objection to sympathetic residential development of redundant commercial space, but a small one bedroom flat does not need to have a new unnecessarily large roof garden created intrusively adjacent to another listed building in a conservation area causing direct adverse impact in terms of loss of amenity, privacy and peaceful enjoyment of the existing environment.

I write regarding the above planning application. Whilst I welcome the 'tidying up' of a mishmash of rear roof designs and bits of building and have no objection to sympathetic residential development, I wish to register my objection to the development due to the size of roof terrace proposed which seems like an inappropriate overdevelopment to a listed building in a conservation area.

Size and Format: I am a little confused as to why anyone would want to replace existing rooms with a very large roof garden, whilst also retaining the windows which will now be part of the terrace wall? The style of the new

Please see 'Planning Considerations' section of the report under APP/21/01161

windows (they appear plain glass without divides) does not appear to be in keeping with the old character of the property. Furthermore, the size of the roof garden seems out of proportion to the size of the one-bedroom flat. Might there an intention later down the line to turn this into a commercial enterprise? Privacy: I have concerns regarding privacy and noise factor from a terrace which could accommodate a large number of people. The proposed terrace will look directly into (Redacted).	
I am writing to object strongly to planning applications APP/21/01161 and APP/21/01162 proposing construction of a balcony and roof terrace at 57-57A High Street, Emsworth. These modifications will hugely impact on the privacy of neighbouring homes and cause noise nuisance. The proposed balcony and roof terrace are both an issue. Persons using the balcony or roof terrace will directly overlook the gardens below. Of more serious concern is the fact that they will see directly into the windows of adjacent properties. Deteriorating fabric of the building is a separate matter and should not be 'dressed up' as expanded space or facilities which will be to the detriment of the privacy and quite living of neighbours in adjacent homes. As other properties will also be affected on Tower Street and King Street, any one objection gives grounds to turn down these planning applications. When considered all together, the case for rejecting consent should be absolute. Additional comment following amendment to windows : Comment:Any development at 57 High Street, Emsworth should not take away the privacy of	Please see 'Planning Considerations' section of the report under APP/21/01161

existing neighbouring properties e.g. persons sat on the roof terrace or balcony should not be able to look into or over adjoining gardens or windows.	
--	--

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 Listed Building and Emsworth Conservation Area

(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 control criteria. As the building is Grade II listed and located within a Conservation Area further considerations are addressed below.

(ii) Impact upon the Listed Building and Emsworth Conservation Area

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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.5 The main building is a Grade II listed building located within the Emsworth Conservation Area and as such there is particular importance to protect and maintain the heritage of the building. The proposal includes the removal of the side/rear dormer to create a roof garden, erection of perimeter wall, addition of rooflight and alterations to fenestration. Havant Council's Heritage Officer has been consulted in regards to this application and upholds no objection to the scheme pending submission of material samples and window and door details which shall be conditioned as part of this permission. The proposal is also deemed to be acceptable in terms of impact on the Conservation Area in which it is sited. The proposal therefore preserves the building and its setting and the Emsworth Conservation Area.

8 Conclusion

- 8.1 The changes proposed to no 57 High Street are considered to have a limited and acceptable impact on the character and historic integrity of this listed building and the Emsworth Conservation Area. Therefore the proposal is considered to accord with the requirements of the adopted Local Plan (Core Strategy) policies CS11 and CS16 and policy DM20 of the Local Plan (Allocations) and can be considered acceptable for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT LISTED BUILDING CONSENT** for application APP/21/01162

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 any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the rear elevation, roof garden and perimeter wall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory in the Conservation 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.
- 3 Notwithstanding any description of window and door details in the application no above ground construction works shall take place until details including the finish and method of opening of doors and windows be used as part of this proposal have been submitted to and approved in writing by the Local Planning Authority. Only the details so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory in the Conservation 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.