

Recommendation: **GRANT LISTED BUILDING CONSENT**

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

AONB national landscape consultation recommendation.

Location: 33 High Street, Emsworth, Hampshire

Planning Application: APP/ 22/00112 (LISTED BUILDING)

Proposal: Installation of roof lights to single-storey mono-pitch roof to rear and alterations to fenestration on side of rear building projection

Thank you for consulting The Chichester Harbour Conservancy concerning the above planning submission. The Conservancy is a non-statutory consultee.

CHICHESTER HARBOUR CONSERVANCY

The Conservancy was established by the Chichester Harbour Conservancy Act of 1971 with responsibility for navigation and the conservation of nature. The Countryside and Rights of Way Act of 2000 formally established the Conservancy as the Joint Advisory Committee for the AONB, with the purpose to conserve and enhance the natural beauty of the landscape.

Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (Section 85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

CHICHESTER HARBOUR AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

The landscape of Chichester Harbour was recognised as nationally important when it was designated as an Area of Outstanding Natural Beauty (AONB) in 1964, through the National Parks and Access to the Countryside Act of 1949. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty.

Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. Proposed development must be assessed carefully to consider if it would have a significant impact on or harm that statutory purpose.

PLANNING ASSESSMENT SCOPE

Consultations on development proposals within, or outside but impacting on, the AONB would be considered against the AONB Planning Guidance and Principles (see below), the planning history record, the architectural design and appearance, and the landscape character and setting of the red-line site, any blue-line area, and the surrounding location. In considering the implications and impacts within, or to, the AONB protected national landscape, the exterior works and land use implications that affect the appearance and character of the of the location, the site and any buildings within the surrounding setting are assessed in the appraisal. Planning 'Permitted Development' allowances do not apply within an AONB. 'Permitted Development' works therefore require a planning application to be submitted to the Local Planning Authority for formal consideration.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy considers proposals against the Conservancy's planning guidance and principles - including The Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 2019), The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019), and The Chichester Harbour AONB Joint SPD (May 2017), adopted by both Havant Borough Council and Chichester District Council.

SUBMITTED PLANNING PROPOSAL

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 proposed works would be 'permitted development' other than the location being within the AONB. Listed Building Consent however would be required given the historic status of the structure. The planning history for the site indicates no earlier approved proposals to the dwelling or within the grounds or other previous permissions that have any obvious bearing on the current proposal in relation to the AONB. The proposed works lie wholly within the site.

The proposal is for the replacement of fenestration to the single-storey rear part of the building facing the yard area together with the installation of two rooflights to the mono-pitch roof to the single-storey rear portion of the building. No details of any external lighting are shown.

The submission includes a Heritage Statement. There is no AONB Visual Impact Statement. There is no reference to para 172 of the NPPF. There is only passing mention of recognition of the site's location within the AONB protected national landscape (which encompasses large areas of countryside, villages and towns located inland from the actual harbour waters and coastline). There is no AONB policy approach consideration made. This is a fundamental omission by the agents given the sites location within the AONB and the status of the AONB within the statutory planning assessment regime.

ASSESSMENT CONSULTATION CONCLUSION

AONB PP01, PP03, PP09, 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 permanent physical works to the rear of the dwelling are proportionate and subservient to the host building. The scale of the proposed works would have a visual impact within the site but unlikely 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.

OTHER MATTERS

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as overlooking impact to neighbouring property and spaces, perceived loss of privacy, equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness. Such matters are not normally commented on by Chichester Harbour Conservancy.

It is noted that as of the date of this consultation comment dispatch, the LPA web site still shows this proposal as still pending a decision. If you require any further clarification with regards to this recommendation, please contact the CHC AONB Planning Advisory Case Assessment Team.

Conservation Officer

Application proposal - Listed building consent for alterations to fenestration on side of property and installation of roof lights to existing roof

Site: -

The site is located in the High Street in Emsworth Town Centre and is within the Emsworth Conservation Area. The site comprises a two-storey terraced property which dates back to C19 and Grade II listed. It includes a modern extension at the rear.

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.

As the site is within the CA, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. This 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.

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant.

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

Assessment:

The proposal relates to the change in fenestration in the rear, more modern section of the building. These includes changing doors for windows and vice versa. It is also includes the insertion of 2no. roof light windows in the single storey extension. The existing windows / doors are UPVc, double glazed and the replacements would be of a similar design. Whilst wooden framed, single glazing is preferred, it is recognised that this is a modern extension which already has such fenestration within it.

On balance therefore, the proposal is considered to result in negligible harm to the designated heritage asset and would not be visible from the streetscene.

Conclusion

No objection.

Historic England

Thank you for your letter of 24th of February regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

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: 10

Number of site notices: 1

Statutory advertisement: 04/03/2022

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 character and appearance of the Listed Building, Conservation Area and Area of Outstanding Natural Beauty
- (iii) Impact upon residential amenity

(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.
- 7.3 In this case the proposal includes works to a Listed Building and the site is located within the Emsworth Conservation Area. The proposal must therefore be assessed against the relevant parts of the Planning (Listed Buildings and Conservation Areas) Act 1990 and this assessment is made below.

(ii) Impact upon the character and appearance of the Listed Building, Conservation Area and Area of Outstanding Natural Beauty

- 7.4 The site comprises of a Grade II listed building and therefore particular consideration needs to be given to the historical importance of the building when making a proposal for changes.
- 7.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Planning Authorities to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess.
- 7.6 The impact of the proposal, on the character and appearance of the Listed Building has been carefully assessed by the Councils Conservation Officer. The proposal relates to the change in fenestration in the rear, more modern section of the building. These includes changing doors for windows and vice versa. It also includes the insertion of 2no. roof light windows in the single storey extension. The existing windows / doors are UPVc, double glazed and the replacements would be of a similar design. Whilst wooden framed, single glazing is preferred, it is recognised that this is a modern extension which already has such fenestration within it. Therefore, on balance the proposal is considered to result in negligible harm to the designated heritage asset and would not be visible from the streetscene. On this basis the proposals are acceptable and the Conservation Officer has no objection to these works. The proposal is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS16 and DM20 of the HBLP (Core strategy), and Policies H1 and H2 of the Emsworth Neighbourhood Plan.
- 7.8 As the site is within the Emsworth Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. This 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. It is considered that these modest works to the rear of the building and on a more modern part of the building would preserve the character of the Conservation Area.
- 7.9 Chichester Harbour Conservancy were also consulted on the application due to the application site lying within an Area of Outstanding Natural Beauty and have stated '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 permanent physical works to the rear of the dwelling are proportionate and subservient to the host building. The scale of the proposed works would have a visual impact within the site but unlikely 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. Therefore no objection have been raised with the condition that 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 Local Planning Authority. A planning condition has been added to the decision to ensure the materials used are as stated with the application, the agent has provided information in relation to light pollution in the form of timed blackout blinds being installed to the rooflights.

(iii) Impact upon residential amenity

- 7.10 Due to the location of the proposed works to the rear of the dwellinghouse, the replacement fenestration at ground floor level would remain similar to the existing fenestration in their positions and would have no additional impact upon neighbour amenity relative to the existing fenestration. The proposed roof lights would not result in overlooking of neighbouring properties or curtilage. The development is therefore considered to be acceptable with regard to residential amenity. It is also noted no objections were made with regards to the proposal.

8 Conclusion

- 8.1 The development is considered to be acceptable, and it is recommended that listed building consent be granted.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT LISTED BUILDING CONSENT** for application APP/22/00112 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Heritage Statement Ref 6009.22.BT- Dated January 2022

Location Plan - Received 01 February 2022

Block Plan - Received 01 February 2022

Existing and Proposed Floor Plans and Elevations - Drawing No. 6009.22 - 01 February 2022

Email relating to Dark Skies Compliance - Received 22 March 2022

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

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