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|-----------------|------------------------------------------------------------------------------------|---------------|-----------------|
| Site Address:   | 41 South Street, Emsworth, PO10 7EG                                                |               |                 |
| Proposal:       | Listed Building Consent for 1 new staircase, to replace 2 old internal staircases. |               |                 |
| Application No: | APP/21/01302                                                                       | Expiry Date:  | 11/01/2022      |
| Applicant:      | Mr Young                                                                           |               |                 |
| Agent:          | Miss Knight                                                                        | Case Officer: | Julie Terzoudis |
|                 | Helyer Davies Architects Ltd                                                       |               |                 |
| Ward:           | Emsworth                                                                           |               |                 |

Recommendation: **GRANT LISTED BUILDING CONSENT**

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## **1 Site Description**

- 1.1 The application site relates to a detached dwelling, known as Trinity Cottage, located on the western side of South Street close to the quay at 41 South Street in Emsworth. It is a Grade II Listed Building, originally 3 cottages, now one, and the description states: *"House. Early C19. Painted brick, with a tile roof. 2 storeys and attic, 4 windows. One hipped-roofed (C20) dormer with a casement, 2 upper old sashes, otherwise C20 casements. C20 doorway, with hood, side panel, and panelled door. Included for group value."*
- 1.2 The property is currently vacant and undergoing refurbishment. Both front and rear roof slopes include one small, pitched roof dormer. The site includes a walled rear garden with original outbuilding. The dwelling is set to the back edge of the pavement with the Emsworth harbour office set to the south with intervening gap/parking area. Due to the slight slope of the land down to the quay/sea and this gap, the southern gable elevation is visually prominent from the south. To the north number 39, also a two storey LB dwelling, sits much closer and has been extended to the rear such the rear relationship between the two dwellings is quite tight.
- 1.3 The site lies within Emsworth Conservation Area, and the building appears within the 'Emsworth Conservation Area Character Appraisal' as a building of interest. The site also falls within Chichester Harbour Area of Outstanding Natural Beauty (AONB) but falls outside of Flood Zones 2 and 3.

## **2 Planning History**

94/59126/000 - Listed Building Application for intruder alarm under eave on east elevation and siting of sensor under dormer cill 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 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

### **3 Proposal**

- 3.1 The application seeks Listed Building Consent for the removal of two existing internal staircases from first to second floor, (one has collapsed and been removed) and for a new internal winding staircase to replace the more centrally located failed staircase.
- 3.2 The relocation of the existing wall at second floor level would also be necessary to facilitate the replacement staircase for building regulation purposes. No external changes are proposed as part of the listed building consent application.

### **4 Policy Considerations**

Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Policy Framework 2021  
Planning Practice guidance 2016  
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)  
CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))  
CS16 (High Quality Design)

#### Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)  
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)  
DM20 (Historic Assets)

#### Havant Borough Pre-Submission Local Plan 2036

E1\* (High quality design)

#### Emsworth Neighbourhood Plan Post Examination Version 2020

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 (summarised)**

The current proposal lies inside the AONB. The proposal is located within a built-up

settlement within the AONB. The proposed works are to a Listed Building and would be 'permitted development' under planning considerations but require Listed Building Consent. The proposal is for the installation of an internal winding staircase to replace two existing internal staircases to be removed. This proposal has no impact or implication to the external visual appearance of the building or the site that lies within the Chichester Harbour Area of Outstanding Natural Beauty.

Given the proposed works relate to the internal areas of the Listed Building and have no impact to the external appearance of the building or the site, the proposal is not considered to have any noticeable significant visual impact or effect on the Chichester Harbour Area of Outstanding Natural Beauty 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.

#### **Conservation Officer (summarised)**

The application is for the removal of 2 existing staircases and the erection of a new staircase along with the relocation of an existing wall at second floor level. Of the two existing staircases from first to second floor, one has failed completely and has been removed and the other is not structurally sound. The proposal is to insert a new staircase in the same position as the more centralised (structurally unsafe) staircase, so that access can be made to the second-floor bedrooms. As the new staircase will need to meet building regulations, it is proposed to relocate an existing studwall serving bedroom No. 4, further back into the room.

Overall, it is considered that the proposed works will not result in harm to the historical significance of the building and will assist it being able to continue to be used as an occupied residential dwelling. Conclusion – **No objection**.

#### **Councillor Julie Thain-Smith**

No comments received.

#### **Councillor Lulu Bowerman**

No comments received.

#### **Councillor R Kennett**

No comments received.

#### **Helyer Davies Architects Ltd, 1 The Old Flour Mill**

No comments received.

#### **Historic England**

21 December 2021: The level of supporting information provided with this application falls short of that which is required to assess proposals or reach a determination.

Paragraph 194 of the National Planning Policy Framework advises local planning authorities should require an applicant to describe the significance of any heritage assets affected by planning proposals. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise.

Determination of the application should be delayed, and the applicant given the

opportunity to provide the necessary supporting information. This should include photographs of the already removed staircase and the staircase proposed for removal, information on the significance of the staircases and the contribution they make to the listed building and a statement detailing why the remaining staircase is beyond repair.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues outlined above need to be addressed in order for the application to meet the requirements of paragraph 194 of the NPPF.

02 February 2022: Thank you for your letter of 26 January 2022 regarding further information on the above application for listed building consent. In our view the additionally provided material now meets the requirements of National Planning Policy Framework paragraph 194, which requires an applicant to describe the significance of any heritage assets affected by planning proposals. We note the staircases date to 1959 and therefore make a limited contribution to the significance of the grade II listed 19th century cottages. Historic England has **no objection** to the application on heritage grounds and we are content for you to continue to determine the application.

## **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: 12

Number of site notices: Not applicable (all works internal).

Statutory advertisement: 17/12/2021

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 Listed Building, Conservation Area and AONB

(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 Since the site lies within a Conservation Area and affects a Listed Building, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area.

(ii) Impact upon Listed Building, Conservation Area and AONB

- 7.4 **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.
- 7.5 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.
- 7.6 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:
- 7.7 Para 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.
- 7.8 Para 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.
- 7.9 Para 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.
- 7.10 Para 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.
- 7.11 Para 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.

7.12 Para 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.

7.13 Para 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.

7.14 **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".

7.15 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".

7.16 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 applications which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

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.

- a. 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.
- b. 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

#### 7.17 **Assessment**

The site at 41 South Street is currently undergoing refurbishment works as per the

previously approved planning application ref: APP/21/00753 & listed building consent APP/21/00754. The works on site aim to improve and restore the property at 41 South Street. During the restorative works to the first floor of the house, existing walls with signs of damp were to be removed of any plasterboard, cork or polystyrene for inspection. Upon inspection and during the restorative works on site, the two staircases from first to second floor levels have been found structurally unsafe, and one has now failed and been removed.

- 7.18 The impact of the proposals on the character and appearance of the Listed Building has been carefully assessed by the Council's Conservation Officer and the Historic England Heritage Officer. It was initially determined that the level of detail submitted by the applicant did not meet the requirements of Paragraph 194 of the National Planning Policy Framework, which requires the applicant to describe the significance of any heritage assets affected by planning proposals.
- 7.19 Although the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of proposals on their significance, as a minimum, the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise.
- 7.19 Following the above advice from Historic England, the supporting heritage statement was amended, and additional photographs were submitted to bolster evidence and to detail the significance of the heritage asset, demonstrating any potential impact to the listed building.
- 7.20 The statement confirmed the existing staircases date to 1959 and therefore make a limited contribution to the significance of the grade II listed 19th century cottages. It is also noted that the staircases are not at mentioned in the Trinity Cottage listed building details, are not the reasons for the listing of the building.
- 7.21 Overall the proposed replacement staircases as per the plans, are deemed appropriate in context to the host Listed Building, with no substantial or less than substantial harm to the Listed Building. As the works are wholly located internally within the building, the setting of the Conservation Area would be preserved, and the proposal would not result in any harm to the existing special character of the AONB. The proposal is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS12, and CS16 of the HBLP (Core Strategy, 2011); Policy DM20 of the HBLP (Allocations, 2014) and Policy ENP\_H1 within the Emsworth Neighbourhood Plan, 2020.

## **8 Conclusion**

The internal alterations to consolidate to one replacement staircase within the overall refurbishment of this Listed Building would be of an appropriate scale and character to not cause any harm to the historical significance of the building. It is considered that the proposed works would support the continued use of the Grade II building as an occupied residential dwelling. With appropriate conditions the proposal is therefore considered to be appropriate and recommended for approval.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT LISTED BUILDING CONSENT** for

application APP/21/01302, 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:

Revised Design & Access and Heritage Statement - received 26 Jan 2022

Existing Plans Drw. No. 2110803 - received 02 Dec 2021

Proposed Plans Drw No. 2110804 - received 02 Dec 2021

**Reason:** - To ensure provision of a satisfactory development.