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Site Address: 57 High Street, Emsworth, PO10 7AN  
Proposal: Proposed roof garden at 57 High Street. New fenestration at 57A High Street onto proposed roof garden including 1 No rooflight.  
Application No: APP/21/01161                      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 PERMISSION**

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## **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 site is also located within Chichester Harbour AONB.

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/21/01162 - Listed Building Consent for proposed roof garden at 57 High Street. New fenestration at 57A High Street onto proposed roof garden including 1No rooflight., **Officer Comment:** This is a current related Listed Building Consent Application

### **3 Proposal**

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) |

#### Submission Version Havant Local Plan

#### 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 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.

**Officer Comment** - Full detailed response on associated LBC application APP/21/01162

**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: 2

| Comment                                                                                                                                                                                                                                                  | Officer Comment                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Thank you for your notices of proposed development at 57 High St Emsworth addressed to (redacted) and thus I am aware of previous planning applications which were not realised before permission lapsed.                                                |                                                                                  |
| 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. | Please see 'Planning Considerations' section of the report.                      |
| Inappropriate Development. The proposed development of an admittedly                                                                                                                                                                                     | Havant's Conservation Officer has been consulted in regards to the impact on the |

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| <p>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).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>historic fabric of this building.</p>                                                                                                                                                                                                                                                        |
| <p>Loss of Privacy. Although two very small (3-4sqm) roof gardens exist at 53 &amp; 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.</p> | <p>Window openings to be obscure glazed.</p> <p>If noise pollution were to be an issue Environmental Health should be notified. The application needs to be considered for the use proposed as a garden for residential purposes for the flat.</p> <p>Window openings to be obscure glazed.</p> |
| <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                 |

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

The proposal does not include rear dormers or extensions.

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| <p>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.</p> <p>In sum, the proposed development is neither within the letter nor the spirit of this design guidance.</p> <p>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.</p> <p>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.</p> | <p>Noted.</p>                                                                                                                  |
| <p>Dear HBC Planning Department,</p> <p>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.</p> <p>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.</p> <p>Deteriorating fabric of the building is a separate matter and should not be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>The perimeter wall would screen views from the roof garden. Please see 'Planning Considerations' section of the report.</p> |

'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 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) Appropriateness of design and impact on the character of the area, the Emsworth Conservation Area and the Listed Building
- (iii) Impact on the AONB
- (iv) Effect on neighbouring properties

(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 the Local Planning Authority has a duty to preserve or enhance the building. 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.

7.3 The Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to properly assess the impact of development proposals on designated heritage assets. The designated heritage asset most significantly affected by the present proposals is the Emsworth Conservation Area, both directly and its setting. The National Planning Policy Framework (NPPF) and

Planning Policy Guidance (PPG) provide additional guidance on the interpretation . The current proposals primarily affect the Emsworth Conservation Area and its setting. Any decisions relating to conservation areas (including their setting) must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular section 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan. In basic terms new development needs to be informed by the characteristics that contribute to the character of the conservation area and be designed to at least preserve or preferably enhance these qualities.

- 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 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) Appropriateness of design and impact on the character of the area, the Emsworth Conservation Area and the Listed Building

- 7.6 This proposal comprises the removal of the existing store rooms and side dormer which currently form a large area of flat roof to the rear of the property. This space would create a roof garden area, with the perimeter wall rebuilt around the edges which includes the area of sloping roof to the rear and the area previously siting the side dormer. Bi-fold doors would be added to the rear elevation leading out on to the roof garden accessed from no 57A and a rooflight is proposed to the rear roof slope. The rear elevation windows which previously served the store rooms would be left within the rear perimeter wall .Areas of the existing clay tile roof would be restored and timber framed sash windows would be replaced.
- 7.7 The existing large flat roofed area is not particularly attractive - the existing roof comprises of a mixture of materials and roof styles where elements have been added and altered over the years and and therefore its replacement with a roof garden area is deemed to be a positive change in terms of visual appearance. There are also other examples of roof gardens in the immediate vicinity. Proposed materials as well as window and door details will be conditioned and samples will need to be agreed with the Local Planning Authority . Havant's Conservation Officer upholds no objection to this proposal , noting the proposed rear doors would result in some loss of historic fabric however the existing window is not original. Overall, the proposals are not considered to cause harm to the significance of the designated hertiage asset, or the Emsworth Conservation Area and are in accordance with the relevant legislation and national and local planning policies.The proposal is also deemed to accord with policies D1, D2 and D3 of the Emsworth Neighbourhood Plan.
- 7.8 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on the AONB .

- 7.9 The site is within the Chichester Harbour AONB and therefore the Chichester Harbour Conservancy have been consulted on this proposal. They have stated that 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 applicant has stated there may be some external lighting proposed and this would need to conform with the Chichester Harbour Dark Skies Policy. A condition will therefore be applied whereby any external lighting will need to be agreed with the Local Planning Authority prior to its implementation.

(iv) Effect on neighbouring properties

- 7.10 To the south (rear) of the application site is no 2 Trentham Cottage and to the rear of that is no 4 Tower Street. Directly to the rear of the site is the yard of no 2 and there are rear elevation windows at no 4 facing back towards the application site. The proposed perimeter wall would be built up around the sides and rear of the roof garden to a height of 2 metres which would reduce any impact of overlooking in all directions. The window openings would be retained in the rear wall however these would be obscure glazed and conditioned as such.
- 7.11 To the sides are nos 51-55 High Street to the west and to the east nos 1-5 the perimeter wall would screen the garden from any overlooking towards both sides. The garden would be for residential purposes and therefore whilst there would be some increased activity when the roof garden is in use, the urban area is already very close in terms of distances between the building lines and the wall go some way in blocking noise overspill. If there were to be a noise issue, Environmental Health should be contacted and would investigate this under separate legislation.
- 7.12 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

## **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 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.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01161

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:

Drawing No. 21066-02 Rev C Proposed plans / elevations and block plan  
uploaded on the 06.01.2022

Design and Access Statement Heritage Statement October 2021 (as amended  
by revised details)

Drawing No. 21066- 01 A Existing Plans / Elevations, Site Location Plan and  
Block Plan

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

- 3 No external lighting shall be installed on the site unless and until details of the position, height and type of lights with details of light spill have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

**Reason:** To prevent light pollution and in the interests of the amenity of the area and to control light over spill into the AONB in accordance with policies CS12, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint SPD 2017 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first use of the roof garden hereby permitted the two windows in the first floor on the rear elevation facing south west which would serve the roof garden (previously the store) shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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