
Site Address:	54 Bedhampton Road, Havant, PO9 3EY		
Proposal:	Enclose former smoking shelter to form single storey rear extension.		
Application No:	APP/16/00909	Expiry Date:	31/10/2016
Applicant:	Mr Sines Punch Taverns Ltd		
Agent:	Mr Critchley Martin Critchley, Architect	Case Officer:	Tina Pickup
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to The Golden Lion PH which is a Grade II Listed Building, the details of which state:

"Public House, early C19. Stucco with a tile roof. Plain symmetrical front (south) of 2 storeys and attic, 3 windows (centre blank). Bracketed eaves, 1st floor band plinth. Ground floor sashes, 1st floor Victorian sashes. Simple doorcase, with canopy on brackets, architrave and half glazed door. "

It is located on the north side of Bedhampton Road with access taken to its east side with a car park to the rear against the eastern boundary. Along the western rear boundary is a customer seating area beneath a wooden pergola style structure linking to an outbuilding in the north eastern corner. The eastern side and rear of the pub itself has previously been extended quite significantly including a single storey side extension incorporating a bay window. A flat roofed area to the rear links to the original single storey rear projection/outbuildings on the western side.

In 2007 Planning and Listed Building Consent was granted to further add a single storey rear covered terrace area as a glazed timber pergola and it was to be used as a smoking shelter. This was implemented and erected but in early 2016 a complaint received that the structure had been further enclosed with white UPVC panels and was being used as additional seating area in connection with an Indian takeaway/restaurant.

This structure does have the appearance of a fully enclosed white UPVC flat roofed addition which is not appropriate to the Grade II Listed Building.

2 Planning History

06/70820/000 - Erection of covered terrace area with a glazed timber pergola with two new glazed door openings onto covered terrace from bar area., PERM,22/01/2007

06/70820/001 - Listed Building consent for erection of covered terrace area with a glazed timber pergola, with two new glazed door openings onto covered terrace from bar area., PERM,22/01/2007

APP/11/00082 - Listed Building Consent for the erection of a small 'Limited Waiting' restriction plate to front elevation., PERM,21/03/2011

APP/11/01049 - Listed Building Consent for replacement of 4No. sash windows to

front elevation, replacement of side door, replacement of bay window to side elevation and replacement of front step all to main building. New timber doors, rebuilt corners, new corrugated roof with additional and replacement timbers to barn at the rear., PERM,22/07/2011
APP/16/00906 - Listed Building Consent for - enclosure of former smoking shelter, to form single storey extension., DEL,

3 Proposal

This application acknowledges the inappropriate white UPVC cladding and windows and seeks permission to change these external materials and design to a more appropriate solution.

During the course of determining the application negotiations have taken place over the design and materials and the final amended plans propose re-using the existing supporting timber posts, with additional posts inserted at regular spacings creating panels to be infilled with painted brickwork to match the pub elevations, and painted softwood windows with a stepped approach to the cill heights. The height and roof would remain unchanged.

As a result of the changes the former smoking shelter would become a dining room. The footprint size and height would remain as existing.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Grade 2
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer (to original submission) - Objection - The proposed extension has a temporary appearance, largely brought about by the basic construction technique and the use of inappropriate materials. Whilst it covers a similar area to the smoking shelter that was originally permitted the design and size of the structure threatens to overwhelm its architectural character and would be seriously detracting from its overall appearance. Although the original smoking shelter may be considered unsympathetic, this is not a justification for adding further such unsuitable additions and thereby compounding or

increasing the existing problem.

I therefore consider the structure to be poorly designed, paying little regard to the host building in terms of its detail. It is utilitarian and out of character with the main listed building and I find it to be a clumsy addition to the building.

The harm to the listed building does not amount to the substantial harm that the Framework notes should only be permitted in exceptional circumstances. However, where any harm has been identified to a heritage asset or its setting, the Framework requires that harm to be weighed against the public benefits of the proposal. In this case, the only benefits would be to the owners of the public house business, in that the additional floor space could encourage more patronage. This is not, in my view, sufficient to outweigh the harm to the listed building and its setting.

The Framework, in chapter 7, requires new development to have a high standard of design, which the smoking shelter does not. In paragraph 64, the Framework also notes that permission should be refused for development that fails to take the opportunity to improve the character and quality of an area.

I have given some pre-application advice prior to the submission of this application which stated the following:

- Use of oak frame for the structure with some full height glazing panels set within the frame (particularly to northern and eastern elevations).
- Centrally locating the door and potentially make it larger double unit.
- I would not object to use of timber boarding to break up the elevations if necessary

I also attached a photo with an example to help. I would like re-iterate that these amendments are made to the scheme. I appreciate this may require a larger rework of the structure but this type of quality construction would be required if an extension such as this is to be deemed acceptable on this listed building.

Conservation Officer on Amended proposal: No Objection

Site

The Golden Lion PH is a grade II listed building located on the north side of Bedhampton Road. This is an early C19 building which retains its primary character but has undergone considerable alteration.

Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The recently published 'Good Practice Advice Notes 1, 2, 3' supercede the PPS 5 Practice Guide which has now been withdrawn by Government. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4: 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The NPPF sets out, in paragraph 17, the 12 core planning principles that local planning authorities should consider in making planning decisions. One of these core principles relates directly to conserving heritage assets, as follows

"planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;"

Paragraph 132 of the National Planning Policy Framework states that 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. It also goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 134 of the National Planning Policy states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 64 (Section 7 – Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for **improving** the character and quality of an area and the way it functions.

Assessment

Following my earlier objection to the scheme the applicant/agent has been working to amend the scheme. It is my view that the amended proposed rear extension would represent a significant addition to this listed building but it would only be partially visible from outside the site. On balance, and when viewed externally I believe the addition would offer a fairly lightweight form of architecture that would not harm the character of the building. Its height in particular retains a respectful subservience to the main building. The details of the elevations have been improved following discussions particularly in regards of the fenestration details.

No objection subject to the following conditions:

- 1) Time limit 90 days to implement scheme
- 2) Material sample brick
- 3) Details of guttering (not to be plastic)
- 4) Doors and windows to be of timber construction

Environmental Health Manager - understand Massala Lounge a stand alone business operating from within PH with own designated seating area & take-away; Extract system has been upgraded during transition from pub kitchen to Indian kitchen; no complaints re cooking odours
Crime Prevention - None received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 8

Number of site notices: At least one site notice exists - 1

Statutory advertisement: 23/09/2016

Number of representations received: 0

Summary:

Comment:

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 and use of site
- (ii) Impact upon the streetscene
- (iii) Impact upon residential amenity

(i) Principle of development and use of site

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The building is Listed and this application is accompanied by a Listed Building Application (see APP/16/00906). The application is a result of Enforcement enquires and the existing white UPVC enclosure unauthorised. The proposal is not for a complete replacement of the structure, but a refurbishment of the existing smoking shelter which was previously permitted under 06/70820/000 as a glazed timber pergola. The existing fundamental structure, its supporting posts and roof, will remain and this application

proposes replacing the white UPVC infill panels with painted brick panels set within a softwood timber frame and windows.

(ii) Impact upon the streetscene

The structure is to the rear of the building but due to the wide access to the car park, the side elevation is visible from the Bedhampton Road. The renewed materials will improve the visual appearance of the site compared to the existing unauthorised white UPVC. Compared to the original approved light weight smoking shelter the current proposal would have a more permanent appearance of matching materials. It remains of an appropriate scale to the host building and is considered acceptable in street scene terms, compliant with Policies CS16 and CS11 of the Core Strategy and DM20 of the Allocations Plan.

(iii) Impact upon residential amenity

To the east of the car park access No 46 Bedhampton Road has a blank side gable. To the west No 56a and 56b are set at right angles and the pub's outbuilding forms the shared boundary and provides a buffer. The properties on the west side of North Street have a rear outlook across the car park towards the rear of the pub. The improved visual appearance can only enhance neighbouring residents outlook. The entrance doors remain to the rear, so any activity associated with comings and going to the pub remains via the car park. There should be no change to the impact on residential amenity and accordingly the proposal remains compliant with policy CS16 and DM10 of the Core Strategy.

It is noteworthy that the use of the former smoking shelter would become a dining room extension which in effect is an enlargement of the pub premises and resultant intensification of the use. It is understood that an Indian kitchen is now operating from the pub kitchen and providing an Indian restaurant also serving takeaways. It is understood that this is instead of the former pub food and operating as a separate business, the Massala Lounge, but linked to the pub i.e. customers buy their drinks from the pub but can eat from the Massala Lounge menu. A pub is an A4 use whilst an independent takeaway is A5. Whether there has been a material change of use from pub to restaurant or takeaway would depend on the scale of the operation that is independent of the pub. Environmental Health have advised that the extraction systems have been upgraded to account for the change in food types so there should be no detrimental affect on neighbouring amenity from smells. This application is not for the use, which is considered a separate matter for Enforcement to investigate.

8 Conclusion

As a scheme that removes the existing unauthorised white UPVC panels and makes the best of the remaining structure, then the proposal is considered acceptable. It is however acknowledged that there would be better more optimum design solutions if the structure were being replaced. Given that the application has arisen out of Enforcement enquires it is essential that the scheme is implemented within a reasonable time period to ensure the removal of the unauthorised structure. This has been agreed with the agent and applicant as 90 days or by the end of February 2017. On this basis the application is recommended for permission. To avoid any pre-commencement conditions samples of the brick and guttering have already been submitted and agreed, with just the paintwork colour to match existing.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00909

(A) subject to the following conditions

- 1 The works to remove the unauthorised white UPVC windows and panels and replace with the hereby approved timber windows and brick infill panels, as shown on the amended plans received on 16/11/2016, shall be implemented in full by 28th February 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that respects this Listed Building, having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations), 2014 and the National Planning Policy Framework.

- 2 The external materials used shall include Wienerberger Terca brick in Olde Woodford Red Multi and black painted Alumasc Heritage Cast Aluminium Rainwater guttering as submitted. All timberwork shall be in painted softwood to match the fenestration of the pub and the brickwork shall be painted a colour to match the elevations of the pub. The agreed materials and colours shall be retained in perpetuity and any variation to this shall first be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual appearance of the Listed Building, having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations), 2014 and the National Planning Policy Framework.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plans Drawing Number 1612-101 Rev 0
Existing Plan Drawing Number 1612-201 Rev A
Existing Elevations Drawing Number 1612-301 Rev 0
Proposed Plans and Elevations Drawing Number 1612-404 Rev C

Reason: - To ensure provision of a satisfactory development.