

Recommendation: **GRANT PERMISSION**

Under planning permission 96/57775/002 planning permission was granted for the erection of 10No. 2 and 3 bedroom dwellings and associated garages and car ports with associated road linking Stanley Road and King Street. Two planning conditions

were imposed removing permitted development rights from the properties:

Condition 16

Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A-E of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that the appearance of the development reflects its prominent location within the Emsworth Conservation Area.

Condition 17

Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows/doors or other openings shall be constructed within the following elevations without the prior written approval of the Local Planning Authority:-

- (i) east elevation of Plot 1
- (ii) west elevation of Plot 2
- (iii) east elevation of Plot 7
- (iv) north elevation of Plot 8
- (v) west elevation of Plots 9 and 10

Reason: In the interests of the amenity of adjacent residential property.

It is for this reason that the proposed works require formal consent from the Local Planning Authority.

4 Policy Considerations

National Policies

National Planning Policy Statement

Core Strategies 2011 forming part of the HBLDF

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| CS12 | (Chichester Harbour Area of Outstanding Natural Beauty (AONB)) |
| CS16 | (High Quality Design) |
| DM8 | (Conservation, Protection and Enhancement of Existing Natural Features) |

Havant Borough Local Plan (Allocations)

Policy AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No objections.

Natural England

Statutory nature conservation sites – No objection

This application is in close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Solent Maritime SAC and Chichester Langstone Harbours SPA and Ramsar. Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which

Solent Maritime SAC and Chichester Langstone Harbours SPA and Ramsar have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Chichester Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Chichester Harbour AONB. We therefore advise you to seek the advice of the AONB board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Conservation Officer

This property is located in the Emsworth Conservation Area and was built in 1998 as part of a wider scheme of redevelopment of a former factory. I have not been able to fully interrogate the planning history, but unless "p.d" rights were removed at that time, it is my opinion the proposals would not require planning permission.

The extent of demolition (porch canopy and rear garden fence) is not such that I would request an application to cover these works. The boundary wall replacing the close boarded fence on a slightly different alignment would in my assessment fall within permitted development. The rooflights in the rear lean-to, slight modification to the window openings, replacement of the front door in a different style but remaining timber and external repainting in a similar colour, would not in my judgement count as development under the Act.

Even if the works were to fall within the scope of planning, they are very minor and in my opinion will not materially affect the character and appearance of the conservation area. Hence no objection.

As an advisory note, the proposals involve the provision of an external soil pipe on the prominent flank elevation. This does not require planning permission, but I would advise that it is executed in cast iron (preference). Standard grey upvc products are designed for internal use where it would be boxed in and hidden from sight and hence the numerous spur joints are not visually an issue. When used outside it is visually very crude, and would be a retrograde step given the care that is otherwise being taken to enhance the appearance of the property.

Comment: Permitted development rights were removed on the original grant of planning permission.

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: 15

Number of site notices: 1

Statutory advertisement: 03/10/2014

Number of representations received: 1 letter objecting to the potential for an additional parking space (NB: The current proposal does not include the creation of any additional parking spaces).

7 Planning Considerations

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 setting of the Conservation Area
- (iii) Impact upon the existing building
- (iv) Impact upon nature conservation

(i) Principle of development

The application site is situated within the urban area and as such the principle of development is considered acceptable.

(ii) Impact upon the setting of the Conservation Area

The application site is situated within the Emsworth Conservation Area and as such the proposed works must be appropriate so that there is no impact upon the character of the Conservation Area. The Council's Conservation Officer has been consulted on the application and has raised no objection. His full comments are set out above.

(iii) Impact upon the existing building

The application does not propose any demolition to the building. The front porch which is of low quality design is to be removed. The rear garden timber fence is to be replaced with a brick wall to replicate the existing wall that currently forms the boundary along Stanley Road. The design will replicate the brick material and the details to the walls design. Other alterations are for the existing cream render to be white and for the existing timber door to be replaced with a more attractive timber front door.

All of these alterations will be in keeping with the street scene and would improve the current appearance of the building.

(iv) Impact upon nature conservation

This application is in close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Solent Maritime SAC and Chichester Langstone Harbours SPA and Ramsar. Natural England have been consulted on the application and have confirmed that the development is unlikely to

have a significant effect on the interest features for which Solent Maritime SAC and Chichester Langstone Harbours SPA and Ramsar designations.

8 Conclusion

The proposed development would not adversely affect the appearance of the existing building or character of the streetscene. There would be no harm the Conservation Area or the setting of the Chichester Harbour AONB or biodiversity interests.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00990 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with 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:

Design and Access Statement

Heritage Statement

Existing Location Plan, Existing Site Plan, Existing Floor Plan and Elevations - Drawing No.14-099/01_Planning Issues

Proposed Site Plan, Floor Plans, and Elevations - Drawing No.14-099/02_Planning Issues

Reason: - To ensure provision of a satisfactory development.