
Site Address: 6 Spring Gardens, Emsworth, PO10 7AU
Proposal: Retrospective planning permission for demolition of a brick boundary wall between 6 Spring Gardens and Ship Inn Public House within Conservation Area of Emsworth.
Application No: APP/14/00920
Applicant: Mr B Corney
Agent:
Ward: Emsworth

Expiry Date: 12/11/2014
Team: Team 2
Case Officer: Daphney Haywood

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 This property lies in Spring Lane, within the Emsworth Conservation Area, and set behind the historic grouping of mainly listed buildings fronting High Street. The site is visible but not prominent from the High Street.

2 Planning History

None

3 Proposal

Retrospective planning permission for demolition of a brick boundary wall between 6 Spring Gardens and Ship Inn Public House within the Conservation Area of Emsworth. The wall demolished was 1m high and constructed of Fletton brick in the mid 1900s. The replacement boundary treatment comprises a dwarf red brick wall topped with fencing stained brown.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

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

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No objection

Conservation Officer

This property lies in Spring Lane, within the Emsworth Conservation Area, set behind

the more historic grouping of mainly listed buildings fronting High Street. The applicant has provided with the application a record of the works undertaken and included background information (including photographs) of the previous arrangement. Within a conservation area the local planning authority has a duty when considering applications to ensure works “preserve or enhance” the character and appearance of the area.

I have visited the site and viewed the proposal in its wider context. I am satisfied the wall that has been demolished was not of architectural or historic significance being constructed of poor quality brick. A replacement brick wall using better quality facing bricks would have been preferred (representing an enhancement), but given the proximity of a very similar fence and the quality of the previous wall I do not consider this is something that could be insisted upon. A distinction has to be drawn between what is desirable in planning terms and what is unacceptable meriting refusal and enforcement action. My opinion is the fence has an overall neutral impact, It does not result in significant harm such as to make it expedient for the Council to initiate enforcement action. For these reasons I do not consider a sustainable planning objection can be raised to its retention. I therefore recommend the grant of planning permission.

Development Engineer

I can find no record of any formal right of way. The plans show the overall height of the wall plus the close boarded fence to be 1.1 metres which is not high enough to cause a highway safety problem with regard to the site lines.

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: 11

Number of site notices: 1

Statutory advertisement: 26/09/2014

Number of representations received: 2

Summary:

Replacement fence results in an adverse visual impact and does not enhance the Conservation Area. The wall should be reinstated and built with second hand bricks.

The wall was an old boundary between Spring Gardens and Mogadon Square it contained a 'gap' which was an important access into the town for the residents of Spring Gardens. It's such quirkiness that gives Emsworth its character. It's lost now because of the demolition of the wall. The gap should be reinstated.

The wall was about 2 foot high unlike the fence which now obscures the road, making entry and exit of the two parking spaces dangerous.

If this planning permission goes through it is setting a dangerous precedent. If every new resident is allowed to destroy a piece of the character of Emsworth, without even the courtesy of going through the planning process, what kind of town will we be

leaving for the generations to come?

The old wall was taken down without planning permission, thus neighbours/interested parties were unable to make their objections known.

Comment:
see section 7

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 on the Character of the Conservation Area
- (iii) Highway considerations

(i) Principle of development

7.2 The site lies within the built up area where development is acceptable in principle subject to detailed development control considerations.

(ii) Impact on the Character of the Conservation Area

7.3 The wall that has been demolished was not of architectural or historic significance being of relatively recent construction and of poor quality brick. A replacement brick wall using better quality facing bricks would have been preferred and would have represented an enhancement to the Conservation Area. However, given the proximity of a very similar fence and the quality of the previous wall the Conservation Officer does not consider this is something that could be insisted upon and is of the opinion that the fence has an overall neutral impact, and does not result in significant harm such as to make it expedient for the Council to initiate enforcement action. A distinction has to be drawn between what is desirable in planning terms and what is unacceptable meriting refusal and enforcement action. In this case it is not considered a sustainable planning objection can be raised to its retention.

(iii) Highway considerations

7.4 The fence abuts the highway and lies adjacent a parking area, and the possibility of obstruction of sight lines has been raised by the representations. The Development Engineer is satisfied that the height allows for adequate visibility and does not raise objection. Regarding the gap that would be lost, this is not a public right of way and would be a private matter between the relative parties.

8 Conclusion

8.1 Whilst a replacement wall of appropriate brickwork would be preferable it is not consider this is something that could be insisted upon and the fence is considered to have an overall neutral impact, and not to result in significant harm such as to make it expedient for the Council to initiate enforcement action. A distinction has to be drawn between what is desirable in planning terms and what is unacceptable meriting refusal and enforcement action. In this case it is not considered a sustainable planning objection can be raised to the retention of the fence and therefore the recommend is to grant planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/14/00920

subject to the following conditions

- 1 The fence shall at all times be stained brown and maintained as such unless agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.