

DELEGATED OFFICER REPORT

Site Address:	35 Queen Street, Emsworth, PO10 7BJ		
Proposal:	Retention of timber pergola in pub garden.		
Application Type:	Full Planning Permission		
Application No:	APP/25/00399	Expiry Date:	29/07/2025
Applicant:	Mr Grady Videttes		
Agent:	Mr Tomasini Design I.D	Case Officer:	Tina Pickup
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The Lord Raglan is a Grade II Listed building, being a 2-storey public house dating back to the early C19th. The Listing Entry states:

"Public House. Early C19. Flint and brick, with a tile roof. Symmetrical front (north) of 2 storeys, 3 windows (widely-spaced with doors between). Hipped roof, brick dentil eaves. Flint walling with yellow brick dressings; quoins, flat rubbed arches to the 1st floor, cambered rubbed ground floor openings, including 2 with radiating fluted spandrels, plinth. Sashes in reveals, of 3-lights to the west side ground floor, casement to the east side, and casements to a central bow. 2 later ½-glazed doors. Simpler east elevation of 2 upper and 2 lower windows, with a 6-panelled (2 top-glazed) central door within a segmental arched recess."

- 1.2 It is located on the south side of Queen Street, just outside the identified Emsworth District Centre. The site also lies within the Emsworth Conservation Area and Chichester Harbour National Landscape (formerly AONB) - the beer garden of the public house backs onto the harbour itself, which at this point comprises the Emsworth Mill Pond and an arm of the harbour. There are therefore views of the rear of the pub from the Mill Pond and beyond.
- 1.3 Within the south-western corner of the beer garden, i.e. adjacent the rear boundary and waters edge, is an existing/old raised patio area – its raised by 3 bricks and paved with concrete slabs in an 'L' shape. A triangular wooden pergola structure has been constructed over part of this raised patio with timbers fanning out overhead. It's two long sides each measure 4.8m and beneath it, it continues to be used for customer seating. This application seeks to regularise this structure which was erected in May 2024 without any planning consent.
- 1.4 To the east the site lies adjacent to Chequers Quay, a mews-style residential development; and to the west the more recent Dolphin Quay development which is a 3 storey residential development, including 2 contemporary 3 storey dwellings in a backland position, sited alongside the beer garden of the site. There is a 2m high close boarded fence on this boundary. The structure the subject of this application is sited directly on the shared boundary with number 6 Dolphin Quay which has a relatively short rear garden and first floor balcony with obscure glass screen to the application site.
- 1.5 Using the Environment Agency's new flood maps the site is located within current day

flood zone 2 and 3.

2 Planning History

93/51226/002 - Retrospective Listed Building application for removal of 3 internal partitions to Public and Saloon Bars, PERM,10/03/1994

03/51226/003 - To remove the six lower limbs and reduce radius by 1m on the eastern sector and balance the crown of a Sycamore tree within the Emsworth Conservation area., RNO,04/06/2003

05/51226/004 - Notification of intention to fell Sycamore tree within the Emsworth Conservation Area., RNO,11/11/2005

06/51226/005 - Erection of small restriction sign on north elevation., PERM,27/10/2006

07/51226/006 - Erection of new parasol to existing rear paved area., PERM,27/03/2007

07/51226/007 - Listed Building Consent for the erection of new parasol to existing rear paved area., PERM,27/03/2007

09/51226/008 - Display of 6No. floodlights, stone panel with cartouche, stone panel with letters, brass panel, wall mounted pictorial sign, plaque, window vinyls, lantern and cartouche., PERM,28/08/2009

09/51226/009 - Listed Building Consent for display of 6No. floodlights, stone panel with cartouche, stone panel with letters, brass panel, wall mounted pictorial sign, plaque, window vinyls, lantern, cartouche, and repainting of building exterior., PERM,28/08/2009

09/51226/010 - Discharge of Condition No. 2 & 3 of Planning Permission
09/51226/009., PERM,01/12/2009

APP/10/00167 - Listed Building Consent for the removal of ground floor chimney stack and wall., WD,22/07/2010

APP/10/00445 - Removal of residual chimney stack at ground floor level, together with a small section of wall , PERM,12/10/2010

APP/17/00077 - Crown reduce by 2m 1No. Sycamore, within Conservation Area of Emsworth. , RNO,16/02/2017

APP/19/00899 - Construction of 215mm (depth) brick wall against the existing west elevation of the Lord Raglan Public House., PERM,15/11/2019

APP/19/00900 - Listed Building application for construction of 215mm (depth) brick wall against the existing west elevation of the Lord Raglan Public House. , PERM,15/11/2019

APP/22/01201 - Listed Building Consent for replacement of 4No. externally illuminated signs, 1No. replacement wall plaque to rear curtilage wall and an A board to front. External rendering/painting of existing building with replacement lighting fixtures to building., WD,29/06/2023

APP/22/01212 - Replacement of 4No. externally illuminated signs, 1No. replacement wall plaque to rear curtilage wall and an A board to front. Replacement lighting fixtures

to building., WD,29/06/2023

APP/25/00098 - Proposed installation of rear emergency escape staircase over existing flat roof; and replacement of lean-to conservatory with pergola., PERM,12/05/2025

APP/25/00099 - Listed Building Consent for installation of rear emergency escape staircase over existing flat roof and associated repair of parapet in brickwork; first floor internal alterations; replacement of lean-to conservatory with pergola; re-roof part of rear facing single storey roof slope; repair to windows, including replacement of 3 windows; and repair works, PERM,12/05/2025

And two current, undetermined applications:

APP/25/00350 - Listed Building Consent for erection of illuminated and non-illuminated signs and redecoration to the exterior of the Lord Raglan Public House.

APP/25/00354 - Erection of illuminated and non-illuminated signs to the exterior of the building. Sign A - 1No new gable board with applied letters. Sign B - 1No new double sided pictorial with new linolites. Sign C - 1No new chalkboard sign. Sign D - 2No new amenity boards. Sign E - 1No new set of individual letters. Sign F - 1No new gable board. Sign G - 7No new LED floodlights. Sign H - 2No new lanterns.

3 Proposal

Retention of timber pergola in pub garden.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Emsworth Conservation Area Character Appraisal 2010

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))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

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

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Chichester Harbour Management Plan 2024-2025

Policy 1 - Conserving and Enhancing the Landscape
Policy 2 - Development Management
Policy 15 - Historic Environment and Heritage assets

Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, July 2017

Listed Building Grade: Grade 2

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No Objection - The pergola structure will have a neutral effect on the significance of this heritage asset and the character and appearance of the CA. Set against the greater mass of the pub itself and adjoining modern housing to the west, no adverse affect has occurred to the Chichester Harbour National Landscape (NL – formerly AONB).

Conservation Officer

See website for full details & policies. Assessment:

The application is for the retention of a wooden pergola located within the rear garden of the Lord Ragland public house. It is located adjacent to the rear boundary wall, which fronts onto the harbour.

The structure is within the setting of the listed building however, it is at the furthest point of the garden and forms part of the pub garden setting. It is domestic in scale and open on all sides with a slatted roof and therefore provides visual permeability. In context, it does not result in harm to the setting of the listed building.

With regards to the impact on the Emsworth CA, the structure can be viewed from the Slipper Mill Pond when looking back towards Queen Street. It is viewed within the context of the contemporary dwellings to the west and a modern development to the east (built in a traditional style). Overall, it does not detract from this section of the conservation area and therefore does not result in harm to the significance.

The application as submitted, meets the tests set out in S16, S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act"), along with the relevant policies in the NPPF and Local Plan.

Conclusion NO OBJECTION

Councillor Charles Robert

None received

Councillor Grainne Rason

None received

Councillor Reuben Mychaleckyj

None received

Emsworth Residents Forum

None received

Environment Agency

None received

Environmental Health

Following recent correspondence from Admiral Taverns, I am satisfied that the pergola does not form part of any strategy to control outdoor entertainment noise in the rear garden. On the basis that it is being installed for its inherent purpose, providing partial shade and architectural interest, we have no further comments to make.

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: 4

Number of site notices: 1

Statutory advertisement: 13/06/2025

Number of representations received: 3

Comment	Officer Comment
Pergola does not provide additional seating, it has been constructed over an existing seating area;	Noted
<u>Heritage Statement</u> Disagree with most of the Heritage Statement attempting to justify the application with regard to Policies. surprising that a structure so carefully considered and thoughtfully designed by I assume experienced professionals is the subject of a retrospective application.	Noted Noted
The structure is illuminated – this omitted from application	Noted – see section 7
<u>Use & Noise</u> Pergola has been used as a band stand which has meant that the noise from it travels over the water where complaints have been lodged from as far away as the residents in Slipper Road; concerned that this structure encourages significant noise impacting on the surrounding nesting wildlife.	Noted – see section 7
<u>Siting</u> positioned directly abutting the residential property next door - should be positioned much closer to the pub with some boundary treatment in place along the residential boundaries to the West and to the East;	Noted – over an existing raised seating area and boundary treatment unaffected – see section 7 below

<u>Out of Keeping</u> The wooden structure is out of keeping with the historic and architectural importance to the local area; does not integrate harmoniously with the landscape; out of place in the context of a conservation area and listed building	Noted – see section 7
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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 National Landscape (formerly AONB)
- (iii) Impact upon neighbouring amenity
- (iv) Flood Risk
- (v) Biodiversity Net Gain (BNG)

(i) Principle of development and use

7.2 The application site is located within the urban area, as defined by Policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Core Strategy. Therefore, development is considered acceptable in principle, subject to development management criteria. Since the site affects a Listed Building and lies within a Conservation Area, then Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also 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.

7.3 In terms of the use of the land below the pergola, this remains for outdoor seating for customers of the pub. The raised seating area has not changed and therefore there is no material change of use of the land on which the pergola is sited and no intensification of use. The only development requiring regularisation is the operational development from the erection of the pergola with wooden struts above.

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

7.4 The significance of the Listed Building has been set out in the List Entry in section 1 this report. Since the pergola is not affixed to the listed building itself then separate Listed Building consent is not required for the pergola. However, under Sec 66 and 72 of the Planning and Listed Buildings Act, regard must be had to the desirability of preserving the setting of the Listed Building and preserving or enhancing the character or appearance of the Conservation Area, as part of this application.

7.5 The Conservation officer notes the slatted design allows for visual permeability and its siting is at the furthest point from the listed building. This remoteness and fact that it is a lightweight structure helps to minimise any impact on the visual appearance of the listed building and as such it is not considered to be harmful to the setting of the listed building.

7.6 In terms of the impact on the Conservation Area, in the view from the southeast, i.e. Slipper Mill Pond, the structure is seen against the backdrop of the contemporary dwellings to the west, with boat sails and masts often present in the foreground. As a

lightweight structure it is not overly prominent or dominant and is not considered to result in any harm to the appearance of the Conservation Area.

- 7.7 Similarly the Chichester Harbour Conservancy note a neutral effect set against the greater mass of the pub itself and adjacent dwellings, and consider there would be no adverse impact on the National Landscape (formerly AONB). It is however noted that third party comments indicate that the structure is illuminated, although no lights were evident at the site visit or in the photographs included in the Design & Access Statement. Given the site's sensitive siting adjacent the water's edge in the NL (formerly AONB) where the Chichester Harbour Conservancy policy PP09 seeks to minimise light pollution particularly adjacent water, then it is considered appropriate to condition that the pergola not be artificially lit.
- 7.8 Overall it is considered that the timber pergola would not result in any harm to the significance or setting of the designated heritage assets, i.e. either the Listed Building or the Conservation Area and would meet the tests set out in Sec 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, provided not lit, the small scale of the structure does not impact the long-distance views or setting of the National Landscape. The proposal is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS12, and CS16 of the HBLP (Core strategy) and policy DM20 of the HBLP (Allocations).

(iii) Impact upon neighbouring amenity

- 7.9 Whilst there is no material change of use of the land on which the pergola is sited, and it remains an area for seating in the beer garden, third party comments note that the pergola was used on occasions last year as a band stand with music being played from it, resulting in noise complaints.
- 7.10 These complaints were investigated by Environmental Health and it is noted the Environmental Health Premises Licence requires any live or recorded music in the garden to end at or before 2200 hours. Therefore, it is considered that Environmental Health's separate legislation provides adequate control over noise within the garden area, and it would be unnecessary to impose a planning condition restricting the use of the land below the pergola. Any breaches of the Premises Licence would continue to be a matter for Environmental Health to investigate.
- 7.11 Although the pergola is sited adjacent 6 Dolphin Quay and their rear balcony and sitting out area, the use of the area is unchanged, and the pub previously had tables on the raised patio area in this corner. Therefore, it is considered that noise and disturbance from customers sitting out in the beer garden remains unchanged and would not materially change as a result of this development
- 7.12 The boundary fencing is also unaffected by the proposal and so there is no change to any overlooking or privacy issues and customers can continue to use the raised patio area as before. Whilst the top of the pergola does project slightly above the boundary fence line, as a lightweight structure it is not considered to have any detrimental impact on the outlook from neighbouring properties or result in any overshadowing impacts. Should any lights be erected on the pergola then these would have the potential to have an adverse impact from light pollution into the rooms of number 6 Dolphin Quay. Therefore, it should also be conditioned for amenity reasons that the pergola is not lit.
- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) and H1 and D1 of the Emsworth Neighbourhood Plan.

(iv) Flood Risk

- 7.14 The site lies within current day flood zone 2 and 3 and a Flood Risk Assessment has been provided. As a pub the use of the site falls within the 'less vulnerable' category and as minor operational development that does not affect the use, it is considered that the development is appropriate and would not change flood risk at the site.

(v) Biodiversity Net Gain (BNG)

- 7.15 BNG does not apply to retrospective applications, and as such is not applicable to this development.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, would not result in any harm to the setting of the Listed Building, Conservation Area or NL, and is considered appropriate in terms of design and its impact on the neighbouring amenity. It is recommended for approval and as a retrospective application the time limit condition is not necessary, but a condition preventing the pergola from being illuminated is recommended.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/25/00399

(A) subject to the following conditions

- 1 At no time shall the hereby approved pergola be lit or lights mounted on the pergola.
Reason: To minimise light pollution in the interests of the Dark Skies Policy in the National Landscape, and to protect neighbouring amenity, having due regard to policy PP09 of Chichester Harbour Planning Principles 2024-2025, and policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Location and Site Plan – Drawing Number 25.006.MP.R 202
Proposed Plans and Elevations - Drawing Number 24.141.AT.B 203
Design Access and Heritage Statement
Flood Risk Assessment i.d. design

Reason: - To ensure provision of a satisfactory development.

INFORMATIVES

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where

possible suggesting solutions, and,

In this instance:

Your application was acceptable as submitted and no further assistance was required.