

DELEGATED OFFICER REPORT

PROPOSAL	Proposed combined pool house including pool plant to west of the existing house and a 10m x 5m open swimming pool to the south of the house.
LOCATION:	42 Bath Road, Emsworth, PO10 7ER
REFERENCE NO:	APP/25/00440
APPLICANT:	Mrs Battye
APPLICATION TYPE:	Householder planning permission
CONSULTATION EXPIRY DATE:	07/07/2025
APPLICATION EXPIRY DATE:	31/07/2025
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 42 Bath Road is a two storey detached dwelling located to the west of Bath Road. The property has been recently altered and extended under approved applications APP/22/00585 and APP/23/00229 and is finished in light brick and render with a slate effect roof and grey framed fenestration. There is a three bay car port to the east of the main house finished in brick and slates to match. Access to the site is via a private drive from Bath Road that the applicants have a right of access across, and which also serves Nos.41, 43, and 44. The main dwelling is set approximately 6m from the north boundary of the site, with a small amenity space behind the property and the main amenity space, which is approximately 37m in length and 33m in width, located to the south. The garden area is bounded by a 1.87m high brick wall where it faces the road to the east and slopes gradually downwards towards the south. To the south and west the site is bounded by 1.8m high close-boarded fencing that rises to 2m in height as it approaches the north boundary, and then continues at that height. It was noted during a site visit that screen planting that had been present when APP/23/00229 was approved had largely been removed.
- 1.2 The area surrounding the application site is predominantly residential and is comprised of a mixture of small detached and terraced properties to the north and larger detached properties to the south and east. There are allotments immediately to the west of the site and Emsworth Mill Pond is sited approximately 70 metres to the east. The Emsworth Conservation Area stops at the site boundary such that the works are outside Emsworth Conservation Area. The site is also close to but outside of the Chichester Harbour AONB.

2. Planning History

Is there any planning history relevant to the current application?

APP/25/00129. Application for Lawful Development Certificate relating to proposed new swimming pool, new pool house and new pool plant. 42 Bath Road, Emsworth, PO10 7ER. Withdrawn.

APP/23/00229. Erection of car port (Revised modification of application reference: APP/22/00585 - Two storey side extension and single storey rear extensions, balconies and other alterations). 42 Bath Road, Emsworth, PO10 7ER. Permit.

APP/22/00585. Two storey side extension and single storey rear extensions, balconies and other alterations. 42 Bath Road, Emsworth, PO10 7ER. Permit.

3. Proposal

Proposed combined pool house including pool plant to west of the existing house and a 10m x 5m open swimming pool to the south of the house.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Chichester Harbour Management Plan 2024-2025

Havant Borough Council and Chichester District Council Joint SPD – Chichester Harbour Area of Outstanding Natural Beauty

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)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)

Listed Building Grade: N/A

Conservation Area: N/A

5. **Statutory and Non Statutory Consultations**

Conservation Officer

Site / Location

42 Bath Road is located within the Emsworth Conservation Area.

Legislation

When assessing the proposal, the following legislation and policy context is taken in consideration.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 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 Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework (revised December 2024)

Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 202-221. The following paragraphs are most relevant to the determination of this application:

Para 212 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Para 214 states that:

'Where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development.'

Para 215 states that:

'Where a development proposal 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 including, where appropriate, securing its optimum viable use.'

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS11 (4) states that planning permission will be granted for development which:

'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'.

Policy CS16 – High Quality Design Policy CP16 (1a) of the Core Strategy states that:

'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.'*

Policy DM20 (Allocations Plan) - Historic Assets Policy DM20 states that;

'Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

- 1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.*
- 2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.'*

Emsworth Neighbourhood Plan

- Heritage policies Assessment

The proposed works include a new swimming pool and a detached pool house in the northwest corner of the site. The pool house is clad in oak and features a slate tiled roof to match the main house. Overall, the proposed works are not considered to result in harm to the significance of the Emsworth CA.

The application as submitted, meets the test set out in 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

Emsworth Residents Forum

No comments received.

Arboriculturalist, Tree Team

Re: Option 2

Attend site

Break up the soil using their Air Spade equipment,
Supply and introduce soil and nutrient improvers to the ground.

This is a pragmatic option to give the tree the best chance of recovery, I am happy with this proposal and as they have already booked the works I wouldn't suggest putting it into a condition.

Chichester Harbour Conservancy

Recommendation – No objection.

Officer reasoned justification

A site visit was made 24.6.2025 and regard had to the policy framework* below.

The site sits outside but close to the Chichester Harbour National Landscape (NL) occupying an elevated position relative to the carriageway level of Bath Road (the NL boundary). The site also occupies a much higher ground level than gardens to properties in Waters Edge Gardens to the north.

The site also sits just outside of the Emsworth Conservation Area boundary. The house has recently been greatly modified and enlarged under permission APP/22/00585. Given the tree constraints report and plan that accompanied that application, it is perhaps understandable why the applicant has chosen to site the proposed pool house in the north-west part of the plot.

A very large triple car part was then granted planning permission in the north-east part of the plot under decision APP/23/00229, where a detached garage had once existed. The new pool house has been largely built out. A swimming pool was under construction at the time of my visit.

I also noted a detached shed had been erected in the south-western corner of the site. That does not form part of this planning application.

The pool house requires planning permission, simply because it is closer to site boundaries than a permitted development criterion allows.

Whether the bulk and massing close to the common boundary with Waters Edge Gardens properties harms occupiers' residential amenity, The Conservancy will leave

to the Council to assess against Development Plan Policies CS16, D1 (a) and D2 (a) and the Borough Design Guide.

No harm to the setting of the NL nor Emsworth CA would result from the proposals.

Environmental Health

We have no issue with the principle of the development. However, no information is submitted with the application regard the type, number and configuration of building services that is to be introduced. Consequently, we would recommend that any approval is subject to imposition of the following condition to protect the existing noise climate and the amenity of residents in the local area from undue noise disturbance.

Building Services Plant Noise

Condition 1:

Noise emitted from any fixed building services plant and equipment shall be controlled to at least 5 dB(A) below the lowest representative existing background sound level, when assessed in accordance with BS 4142:2014+A1:2019, at a position 1 metre outside any habitable window of any residential or other noise-sensitive property. This criterion applies to the total contribution of noise from all plant and equipment associated with the development operating during any given period.

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority, demonstrating how noise will be controlled to meet this condition. The scheme shall be fully implemented in accordance with the approved details and thereafter retained and maintained for its designated purpose.

The baseline noise survey must cover a period sufficient to faithfully represent the prevailing noise climate at the nearest noise-sensitive premises during the plant's operating hours. In most cases this will cover survey during the weekday and weekend period. The assessment must include valid predictions and valid assessment of any acoustic features.

Reason:

To protect the existing noise climate and the amenity and quality of life of local residents from undue noise disturbance.

Officer Comment

As work has already started on the development a pre-commencement condition is not possible. However, a prior to use condition for the proposed plant has been included.

Councillor Grainne Rason

No comments received.

Councillor Reuben Mychaleckyj

No comments received.

Councillor Charles Robert

No comments received

6. **Publicity and 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: 1

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice		16/06/2025	07/07/2025	Is advertised in the public interest

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
[Redacted] and we would like to register our full support for this application which will in our view further enhance this property. All of the work carried out to the house to date by the current owners has been to a very high standard, exceeding our expectations of what would be delivered. It has in our view significantly visually enhanced what was a dated and unattractive property. We believe that the combination of additional work now proposed will successfully complete its redevelopment. We also very much appreciate that to date, the works have been undertaken in a considerate and collaborative manner ensuring that disruption to [Redacted] is minimised.	Comment is in support of the application.
Redacted]. The owners of 42 have carried out work on their property and garden to an exceptionally high standard and the results are tasteful and very pleasing - it enhances the nearby properties. This application is equally well designed and in keeping with their refurbishment to date. We are more than happy to support.	Comment is in support of the application.

Objection comments relating to Ownership Certificates [Redacted for Data Protection].	An updated ownership certificate was provided.
1) I probably don't understand planning permission but from where I am[Redacted] the work appears to have been done already. 2) They have cropped trees and chopped one down. No idea whether they are protected. 3) The owner sent [Redacted].	The application is partially retrospective, although works had not been completed at the time the site was visited. The trees in question were not subject to a TPO or within a conservation area but advice was nevertheless sought from the Council's Arboriculturist. Comments relating to the use of weedkiller are not a planning matter.

Material planning considerations are addressed in 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) Appropriateness of design and impact on the character of the Emsworth Conservation Area and the Chichester Harbour National Landscape
- (iii) Effect on neighbouring properties
- (iv) Noise Impact from proposed plant
- (v) Impact to trees
- (vi) Biodiversity Net Gain (BNG)

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the Emsworth Conservation Area and the Chichester Harbour National Landscape

7.3 The proposal relates to a combined pool house and plant room to the north-west corner of the site and a 10m long by 5m wide swimming pool within the garden area. It was noted during a site visit that works had already started on both the pool house and pool so that the application is partially retrospective.

7.4 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires that new development responds to, draws inspiration from and respects local context and identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policies CS11 and DM20 of the of the Havant Borough Local Plan (Core Strategy) 2011 and Policy H1 of the

Emsworth Neighbourhood Plan seek to protect and where appropriate enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas. Policy CS12 of the Core Strategy requires, amongst other matters, that development will conserve and enhance the special qualities of the Chichester Harbour National Landscape (formerly AONB).

- 7.5 The proposed pool house, including the plant room, would be approximately 8.3m in length and 6m in width with a maximum height to the main gable ended roof of 4.1m and solar panels to the south facing roof slope. The height of the proposal would be similar to the existing garage on the east side of the dwelling. The pool house would contain an area described as a games room facing the pool with a small bar and rooms at the rear for changing. Over the plant room, bar and changing areas the roof would be flat with three small roof lights and would have a maximum height of approximately 2.5m. It would be located to the north-west corner of the site, approximately 1.2m from the west boundary and 1.7m from the north boundary, and as such would be behind the main dwelling when viewed from Bath Road and the Emsworth Conservation Area. As the pool house has been partially constructed it was possible to assess the impact on Waters Edge Gardens where a small area of the roof structure was visible over the boundary fence, albeit at a distance of some 25m from the street. Given the relatively small scale of the proposal within the context of the site, and that it would not be visible within the street scene of Bath Road and only marginally visible from Waters Edge Gardens and the allotments to the west, the proposed pool house is considered to be acceptable.
- 7.6 The proposed pool would be approximately 10m in length and 5m in width and would be located in the main amenity space in front of the host dwelling. It would be edged by a path area forming part of a connection between the host dwelling to the pool, pool house, and site entrance. When a visit was made to the site much of the original ground level had been altered due to ongoing landscaping works, making it difficult to ascertain whether the path would be raised more than 0.3m above the original ground level. However, as the path was already partially in situ, it was noted that it would be approximately level with the ground level of the site entrance and would be obscured from public view behind the existing boundary wall to Bath Road. The remainder of the pool structure would be below ground level. Consequently the proposed pool is considered to be acceptable.
- 7.7 The materials proposed for the pool house are vertical golden oak cladding with slates to the roof and grey fenestration to match the host dwelling. The golden oak would be similar in colour to the brickwork used on the main house and the close-boarded fencing. The path around the pool would be finished in timber boards in a similar light colour. The materials are therefore deemed to be acceptable.
- 7.8 In terms of the impact of the proposals on the Emsworth Conservation Area, the Council's Conservation Officer has been consulted and has raised no objection to the proposals following an assessment of the application site.
- 7.9 Chichester Harbour Consultancy have been consulted with regards to potential impact on the Chichester Harbour National Landscape and have raised no objection to the development.
- 7.10 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 Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy). It is considered that the scheme would conserve the visual amenity of the Chichester Harbour National Landscape and the Emsworth Conservation Area, in accordance with

Policies CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011 and the tests in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Chichester Harbour National Landscape under Section 84 of the Countryside and Rights of Way Act 2000.

(iii) Effect on neighbouring properties

- 7.11 To the north of the application site are Nos. 15, 17 and 19 Waters Edge Gardens. No.15 is the most easterly and would have no view of the proposals and only a very small area of the garden of No.19 borders the site. The garden of No.17, however, is immediately to the north of the proposed pool house and set at a lower ground level than the application site. During a visit the partially completed proposed pool house was just visible over the top of the close-boarded fencing to the shared boundary, which the occupant of No.17 confirmed had been in place for several years. It was noted that the pool house was not significantly higher than the fence line and was set approximately 10.3m from the dwelling of No.17 towards the rear corner of the garden. The proposed pool would not be visible from any of the properties in Waters Edge Gardens. The impact to Nos 15, 17, and 19 is therefore considered to be limited and acceptable.
- 7.12 To the south is No.43 Bath Road, a large, detached dwelling set at least 27.5m from the proposed pool and 50m from the proposed pool house. The boundary between the two dwellings is comprised of 1.8m high close-boarded fencing and during a visit to the site with the Council's Arboriculturist initial work for additional screen planting to the boundary was being carried out. Although No.43 is set at a slightly lower level than the host dwelling, due to the sloping nature of the site, given the distance from the proposals the impact to this property is considered to be limited and acceptable.
- 7.13 The detached dwellings of Nos.40 and 41 Bath Road lie to the east of the site. The proposed pool house would not be visible from these properties, being behind the bulk of the host dwelling, and the proposed pool would be set to the south at an oblique angle some 20m from the closest shared boundary. The pool would be behind both the boundary wall to Bath Road and the 1.8m high close-boarded fencing that separates Nos.40 and 41 from the driveway to the host dwelling. As such the impact to these properties is considered to be minimal. There are no other immediately adjacent properties.
- 7.14 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 and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Noise Impact from proposed plant

- 7.15 The Council's Environmental Health team were consulted regarding the proposed plant and its potential impact on neighbouring properties. The size of the proposed plant room would be relatively small at approximately 2.6m², and would be at least 10.3m from the nearest neighbouring dwelling. No information on the plant equipment was provided with the application. A condition requiring further details of the proposed plant prior to use has therefore been recommended to ensure it will achieve suitable noise levels for a residential area, in accordance with Policy DM10.

(v) Impact to trees

- 7.16 An Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan accompanied applications APP/22/00585 and APP/23/00229, and therefore the Council's Arboriculturist was consulted for this application. During a visit to the site with the Arboriculturist it was apparent that some of the existing trees had been removed and concerns were raised over the health of the remaining Horse Chestnut (identified as No.9 on the approved drawing BJH 03/04 Tree Protection Plan within APP/22/00585). Following discussions with the agent a course of action to improve soil quality around the Horse Chestnut as part of the wider landscaping works was agreed and the works are to be carried out by the end of September 2025. The Council's Arboriculturist has concluded that this would be satisfactory in meeting the requirements of Policy DM8.

(vi) Biodiversity Net Gain (BNG)

- 7.17 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

8 Conclusions

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact, would conserve the character of the Emsworth Conservation Area and the Chichester Harbour National Landscape, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9. **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/25/00440 subject to the following conditions

Conditions:

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

Location and Block Plan 5817 5000 D
Proposed Site Plan 5817 5100 D
Proposed Elevations 5817 5200 D
PA Pool House Section Sight line drawing 5817 1280 A
PA Ground floor and roof plan of pool house 5817 1281 C
Heritage Statement
Covering Letter dated 7th May 2025

Reason: To ensure provision of a satisfactory development.

- 2 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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

- 3 The combined pool house and plant room hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be converted to a separate unit of living accommodation or used in connection with any trade or business.

Reason: The combined pool house and plant room is not in a satisfactory position, has insufficient amenity space and has insufficient on-site parking to be occupied or otherwise used separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Prior to first use of the plant hereby permitted, full details of any fixed building services, plant, and equipment, including a baseline noise survey and measures for control of noise, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details and thereafter retained and maintained for its designated purpose.

And;

The rating level of the noise determined by the cumulative sound emissions of all items of plant shall be at least 5 dB(A) lower than the lowest representative existing background noise level at any given time of operation. The noise levels shall be measured 1m outside any habitable window of any residential or other noise-sensitive property. Measurements and assessment shall be made according to British Standard 4142:2014+A1:2019.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Informatives:

- 1 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:

- You were updated about issues after the initial site visit.