

DELEGATED OFFICER REPORT

PROPOSAL	Single storey side extension, changes to fenestration, alterations to existing front boundary to include new brick piers and gates, roof alterations to eastern elevation and garage conversion.
LOCATION:	Oysters, 25 Tower Street, Emsworth, PO10 7BH
REFERENCE NO:	APP/25/00491
APPLICANT:	Mr R Kennett
APPLICATION TYPE:	Householder planning permission
CONSULTATION EXPIRY DATE:	13/11/2025
APPLICATION EXPIRY DATE:	22/08/2025
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The application property lies at the southern end of Tower Street on its western side. Tower Street itself leads south from Emsworth Town Centre to Emsworth Harbour.
- 1.2 The site lies within Emsworth Conservation Area and within Chichester Harbour National Landscape (formerly AONB). Oysters itself is not a listed building, however Sea View House which is to the east and north of the site is a Grade 2 Listed Building.
- 1.3 Oysters is a two storey property with the first floor partly within the roof space. The roof itself is pitched and incorporates plain clay tiles. It is gabled to the western end and has a catslide roof to the eastern end. There is a brick boundary wall and wooden gates to the Tower Street frontage with the gate access leading to an area of hardstanding and an integral garage.

2. Planning History

Is there any planning history relevant to the current application?

Yes/No

3. Proposal

Single storey side extension, changes to fenestration, alterations to existing front boundary to include new brick piers and gates, roof alterations to eastern elevation and garage conversion.

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)
CS15 Flood and Erosion Risk
CS16 High Quality Design
CS17 Concentration and Distribution of Development within the Urban Areas
DM13 Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations) July 2014

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

Emsworth Neighbourhood Plan 2019-2036

H1 Design & Heritage
D1 General Design Policy
D2 Height, Mass & Materials
D6 Resource Efficiency

Listed Building Grade: **Adjacent to Grade II listed Sea View House**
Conservation Area: **Emsworth**

5. Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for a National Landscape

(NL). Further details are explained in the Appendix to this response. Please note that the above case has been considered under the fully officer delegated protocol of The Conservancy.

Chichester Harbour Conservancy's Response

RECOMMENDATION – No objection, subject to –

- implementation with matching facing and roofing materials; and,
- adherence to the recommendations of the bat report.

Reasoned officer justification

This application follows two pre-application enquiries to the Council, under GEN/24/01067, no objection was made to the previously proposed single storey (west) side extension, so I will not comment further on that, excepting that no exploration of making this two storey seems to have taken place under the second enquiry (GEN/25/00084), internally re-configuring to being the master bedroom to that end of the dwelling, obviating the need to alter the eastern end.

The submitted design solution lessens the impact to the streetview of the Harbour than had been shown under GEN/24/01067, which is a pleasant serial vision journey as one passes south, down the street towards the Harbour. It is considered to have a neutral impact to the character and appearance of the Conservation Area.

Whilst I note the supplemental historical information the applicant has submitted, the application falls to be considered on its merits now, not on the basis of a building which once stood at the site 43 years ago but has not existed so for that time.

I note the applicant does not yet live at the site but wishes to carry out the alterations before moving from their current home. I still think the applicant should at least consider the alternative suggestion The Conservancy has put forward, or at least say why it could not be achieved.

The conclusions of the bat report are noted.

*Policy framework

NPPF (December 2024, as adjusted 7-2-2025) paragraphs – 1-3, 6-12, 20, 29, 39-43, 48-49, 56-57, 131, 135, 182, 187, 189, Chapter 16, 231-232; NPPG (2014 onwards) ID's - 6-8, ID18a, ID21a, ID26; Havant Borough Local Plan (Core Strategy) 2011 - CS11-CS12, CS16, DM9; Havant Borough Local Plan (Allocations) DPD 2014 - AL1, DM20; 'Made' Emsworth Neighbourhood Plan (2021) - H1, D1-D2; Chichester Harbour AONB Management Plan 2024-2025: 1-2, 15; CHC Planning Principles (adopted by CHC 17.10.2016 onwards) – 01, 03; SPG/SPD - Joint CHAONB SPD; Borough Design Guide;

Emsworth Conservation Area CACA & Management Plan ; Emsworth Design Statement

Heritage Officer

Final Comment

Site / Location

The application site is located on Tower Street, whereby the south elevation fronts directly onto Chichester Harbour, which is a designated National Landscape. The application site comprises a two-storey dwelling of modern construction, with an integral garage. The eastern roof slope features a catslide roof and three roof light windows. The east boundary of the site comprises a brick wall which forms the boundary with a public right of way which extends down on the harbour.

The site is also located within the Emsworth Conservation Area and the immediate neighbour to the west at No. 23 Tower Street, is a Grade II listed building.

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 are most relevant:

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'.*

The building subject to this application is not listed, but is deemed to be a non-designated heritage asset (as set out in the introduction) and therefore the following paragraph is also relevant:

Para 216:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

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.*

The Emsworth Neighbourhood Plan – Heritage Policies

Assessment

The proposal includes the following works:

- A single storey side extension to the west elevation
- Changes to fenestration
- Alterations to the existing front boundary to include new brick piers and gates
- Roof extension to the eastern facing roof slope
- Garage conversion

The originally submitted plans included a large chimney on the east roof elevation however, this has since been removed from the proposal and amended plans submitted to reflect this change.

With regard to the proposed works to the main house, these comprise a single-storey extension to the west elevation, the conversion of the existing integral garage

to provide additional living accommodation, and a modest build-up of the eastern roof slope to create further space at first-floor level. Both extensions would be constructed using materials that match the existing dwelling, ensuring visual continuity.

The single-storey extension would be subservient in scale, featuring a pitched roof designed to reflect the character and form of the existing property. The proposed alteration to the eastern roof slope would result in a slight increase in height; however, this change is considered modest and would largely maintain the existing roof pitch and profile. New windows would match the existing white uPVC units currently in place.

The single-storey extension is not considered to cause harm to the significance of the Emsworth Conservation Area. While the minor roof build-up would slightly reduce the existing visual gap at the end of the principal view extending from Tower Street to the harbour frontage, the change is limited in extent. The sense of openness at roof level would be sufficiently retained so as not to adversely affect this aspect of the conservation area's character

With regards to the proposed boundary alterations, this would include a new pair of vehicular gates and the creation of a new pedestrian gate. This would be within the modern part of the boundary wall rather than the flint section and therefore, no loss of historic fabric would occur. The proposed gates are considered to be suitable in terms of their design (timber effect finish gates) and matching brick pier and would not result in harm to the significance of the conservation area.

Overall, it is considered that the proposals would not result in harm to the Emsworth CA and therefore meet the test set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act"), as well as being compliant with the relevant policies in the NPPF and Local Plan.

Conclusion

NO OBJECTION subject to the following condition:

1. Unless materials are expressly specified as matching those of the existing dwelling on the approved plans, details and / or samples of all new external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Emsworth Conservation Area.

Original Comments

I apologise for the delay in forwarding you a response to this application. I have now had an opportunity to fully review the documents submitted and the additional historical data submitted by the agent.

I appreciate that my advice at pre-app stage was that there was no heritage objection to the proposed development. However, on further reflection and following a more detailed assessment on site, I do have concerns over the proposed external chimney stack on the east elevation.

I note that the agent has forwarded details of the building which formerly stood on the site however, that building has long been demolished and views of the harbour from the end of Tower Street have come to be appreciated and positively contribute to the special interest of the conservation area. It is possibly the case that the current house was built with a catslide roof on the eastern side in order to maximise that view. The ability to glimpse and appreciate the relationship between built form and water is an important component of the Emsworth CA.

Whilst I still retain the view that the proposed roof extension would not close up the visual gap to such a degree that it would constitute an objection, I am concerned that the chimney would result in a prominent and distracting feature, which would have a harmful impact on the vista of the harbour when exiting Tower Street at the southern end.

Again, whilst I apologise that this advice was not forthcoming at the pre-app stage, my advice would be to either remove or relocate the chimney to the western elevation. If this amendment can be made, I would be able to support the application however, as currently proposed, I would need to object on the basis of the chimney.

Arboriculturalist HBC

As discussed, based on your site visit and photos there are no tree constraints for this application.

Environment Agency

Environment Agency position

We have no objection to the application.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity via PSOWestSussex@environment-agency.gov.uk.

Emsworth Residents Forum

No comments received.

Hampshire Highways

Final Comments

Further information was requested in the Highway Authority response dated 21st July 2025. An amended drawing 'Turning Circles' has been submitted.

Access and Visibility

The maximum achievable visibility for the proposed new access is demonstrated on the amended drawing. These show there is restricted vehicular visibility of 17.9m to the north and restricted pedestrian intervisibility of 6.6m to the south and 17.9m to the north. However, the Highway Authority note that the proposed access' visibility will be an improvement over that of the existing access. In conjunction with the low traffic nature of Tower Street at this location, the Highway Authority would therefore consider the proposed new access arrangements acceptable.

Vehicle Tracking

Vehicle tracking has been provided to demonstrate that there is sufficient room for vehicles to turn within the curtilage of the site so as to enter and egress in a forward gear. This is acceptable.

Materials

The amended plan denotes that the area preceding the gates will be constructed from non-migratory materials, in excess of 1m from the highway. This is acceptable.

Recommendation

In light of the above additional information being submitted and demonstrating a betterment to the access arrangement, the Highway Authority recommend **no objection** to the application.

Original Comments:

Oysters is a detached dwelling located on the Emsworth shoreline and accessed by a narrow access road, Tower Street. The access road also provides access to other properties to the north, as well as pedestrian access to the shore itself to the south. Parking restrictions are in place, with double yellow lines present on both sides of the carriageway for the entire length of Tower Street.

The proposal is to add a single storey extension and to alter the access as well as other ancillary landscape works.

Access and Parking

Existing vehicle and pedestrian access is via a double wooden gate within the boundary wall. The proposal is to widen the vehicle access and to install new double gates that would be electrically controlled and open inwards. The pedestrian access would consist of a separate inwardly-opening gate to the south of the proposed vehicular access.

Guidance requires gates to be set back 6.0m from the carriageway, in order to prevent delays on the carriageway. However, given the quiet location and the existing gates access, and in combination with that the proposed gates are to be electric, we would rescind the usual 6.0m requirement in this particular instance.

However, although likely to be low traffic, the angle of the access is to change. We would therefore require visibility splays to be demonstrated to the north. That adequate pedestrian intervisibility can be achieved to both the north and south from the proposed vehicular and pedestrian accesses should be also demonstrated. These should be in line with guidance in HCC TG3, available at the following link: <https://www.hants.gov.uk/transport/developers/technical-guidance>.

Parking

Parking is proposed to be within a gravelled area at the northern edge of the site. The application states that this would provide 4no. parking spaces which is in line with the quantum recommended by EHDC Parking Standards SPD. Currently, there appears to be an area within the site that can be used for vehicles to turn. The ancillary landscaping works would remove this area, and it is unclear as to whether vehicles could manoeuvre within the curtilage of the site so as to enter and egress the site in a forward gear.

Given the restricted nature of Tower Street, the developer should provide vehicle tracking demonstrating that vehicles can access and egress the site

in a forward gear from all parking spaces. This should include all vehicles likely to access the site, including a fire appliance.

CTMP

Should consent be granted for the proposals a CTMP will be required prior to commencement and should be secured by condition.

Loose Material

Current proposals show that the proposed driveway is to be constructed from gravel. The proposed driveway should be constructed of a non-migratory surface material for a minimum of 1.0m in to site in order to reduce the risk of loose materials being transferred to the highway. Should planning permission be granted, the Highway Authority will seek to secure this by condition.

Recommendation

The Highway Authority recommend a holding objection until further information is received.

Ecologist HBC

Final Comments:

This is fine now. I suggest including the specific measures within section 4 in the HRA.

Original Comments:

The application is accompanied by a Bat Survey report (Imprint, May 2025). Following an initial assessment of the buildings suitability for supporting roosting bats, a single emergence survey was carried out at the site in May 2025. The survey recorded no bats emerging from the property and it is concluded that bats are not currently a constraint. No further surveys works are necessary.

The bat report includes some sensible recommendations for ecological avoidance, mitigation and enhancements. I would recommend that these are secured by condition.

Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures within the Bat Survey report (Imprint, May 2025) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological enhancement in accordance with the Environment Act 2021, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Natural England

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural

England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Environmental Health (Environmental Control)

Officer Comment: Please note: the proposed Chimney/Flue has now been omitted from the application following negotiation in relation to the proposal and concerns raised in relation to potential pollution issues. Comments relating to the chimney/flue are therefore no longer relevant to the consideration of the amended application.

Final Comments

Notwithstanding the lack of the detail from the photograph of the extant chimney, I am able to respond to a number of the points raised within the response.

Building regulations

The agent asserts that building regulations compliance removes a feature from 'material' status as a planning matter. This notion is rejected for obvious reasons – a building regulations compliant structure is not necessarily appropriate for the place in which it is proposed to build it, and there are separate regulatory regimes for a reason. I need not expand further on this, but the same argument applies to nuisance as a separate regulatory regime, which I will address further, below.

Assumed appliance/fuel not determined

Agent's comments are noted. A lack of decision on fuel type is immaterial – at this stage operation with a WBS appliance is a possibility, and represents a reasonable assumption. In the event that a gas appliance is selected, then it is accepted that nuisance would not arise, however, as this won't be restricted by an awarded consent, and given comments about the identified purpose of the appliance, I do not consider it unreasonable to presume an open-flame/solid fuel appliance is likely, especially when we consider the design life of the development that is under application (notably not limited to the current occupants, and subject to PDR's).

Extant Chimney serving WBS – no complaints

I can confirm that there are no complaints on record in relation to smoke emissions in Tower Street Ems. The agent's response asserts equivalence (or at least negligible material difference) between in-principal emissions

from the proposal and the extant chimney. That statement largely draws upon the building regulations, and not from the site context.

I note that the elevations are inconsistent in their depiction of the extant chimney and inaccurate with respect to the gable wall parapet, and I am unfortunately lacking the originally attached photo for context. It is unlikely that the height of the extant chimney has been measured/surveyed, and it is likely that the stated 2300mm projection from the roof surface, which is equivalent to that proposed, has been transferred from the proposal without verification. In any event, it is the position relative to prevailing conditions, and the distance from-, and height above- the ridges that are the considered to be material factors, along with the type of termination.

In this respect, I note that the extant chimney is windward of both the principal & hip(/cat-slide) ridges, and primarily passes through the heated internal spaces, i.e. is a warm flue. It's height appears to be close to the ridge height, depicted on plans to be somewhere between -150mm & +500mm of the ridge elevation. It is also shown without a cowl, which if accurate, would ensure much better initial thermal lift. Being on the windward side of the roof, the smoke will gain elevation, and avoid turbulence, and so would not tend to be drawn downwards to the constrained Tower St, the roof & façades of no.8, or into it's walled garden. These features of the extant arrangement are broadly in line my suggested mitigating design options, and so illustrative that where good design principles are applied, complaints of nuisance can be avoided. It follows that where the opposite is true and good design principles are not followed, avoidable complaints may arise. The purpose of the planning policy is to avoid foreseeable problems arising.

It is noted that the proposed flue is in the (prevailing) lee of the ridge to the hipped/cat-slide roof, and therefore in it's turbulence zone. A flat-topped cowl is proposed, which will arrest initial lift and create initial turbulence at the point of emission, making interaction between roof-generated turbulence and the emission more likely – in turn retaining the emission close to structures where friction and turbulence effects will further act to hinder dispersal.

Proposed Emission 'more efficient'/better quality

Emission quality is a function of both the concentration of pollutants present, and the efficiency of dispersal. The agent makes several unqualified statements about efficiency which may mis-represent the comparison between the extant and the proposed.

As is highlighted, there is no smoke control area declared. As such, there is no obligation to use a Defra approved stove, or a smokeless fuel, even in the new installation. This is the practical context for the extant installation, and is the planning context for the proposals. Not all stoves have equivalent emissions, and it does not follow that the selected fuel or appliance will necessarily have lower emissions than the extant – the context is the same for both extant and proposed, and may therefore be disregarded.

Reference is made to the 'old and less efficient' (extant) chimney – with an implicit comparison to the proposed. There is no reason to attribute a presumed design-inefficiency or age-related deterioration of efficiency of the extant chimney as a function of age. The primary factors determining efficiency are contextual – and there are good reasons to consider that the extant chimney is inherently likely to achieve a more efficient plume dispersal than the proposed; e.g.

- Existing; windward side of roof, further from ridge to hipped roof, at or above principal ridge height, (may or may not be restricted), warm flue, further from receptor.
- Proposed; lee of roof, 0.75m below principal ridge, in turbulence zone of hipped roof, insulated cold flue construction, restricted terminal, closer to receptor.

On all of these factors, the existing chimney is very likely to be more efficient, especially if a liner was installed at the same time as the appliance. The proposed arrangement is inferior on a number of its contextual features.

Flue design

The indicated flue design is broadly in line with my suggested mitigations – however, as it is concrete and not pumice, it must be installed with a cowl termination – this is the feature that will interrupt initial thermal lift, not ideal for a position that is already within the turbulence zone of the roof under prevailing conditions. Open sides to the cowl are not particularly relevant – it's the flat top which creates the obstruction and induces turbulence.

Reference is made to personal experience of cowed flues generating 'good draught' – this is relevant to safety (internal air quality) but irrelevant to nuisance – what matters for nuisance is the behaviour of the emission after it exits the flue – it might have excellent draw into turbulence, but then be driven onto a cold roof surface in a downward tumbling motion, keeping smoke low where it will enter adjoining properties. This scenario would be perfectly safe for the users of the appliance, but give rise to neighbour nuisance. It is the latter that we are concerned with. Building regulations are concerned with the former.

Nuisance/8 Tower street

I am unclear on the reason for the redaction under 5 c). I am also unclear on the relevance of the reference to the size of window, or the qualification for the statement 'probably... (redacted)... [serving a] non-habitable space'.

Nuisance has two qualifying conditions which apply as an either/or – i) prejudicial to health, and ii) a nuisance. Building regulations compliance aims to prevent a neighbour's emission amounting to an emission that is directly prejudicial to health (e.g. an acute danger via CO poisoning, or contributing to acute respiratory or pulmonary distress via inhalation of organic particulates), but is not concerned with the nuisance.

The agent makes reference to my concept of nuisance as being ill defined. It is not necessary to define it as it is defined by the cannon of preceding case-law, and is clarified for planning purposes in the wording of adopted policy DM10. For the avoidance of doubt however, in this context nuisance is anything which interferes with the personal comfort of occupants of a dwelling during their reasonable use of that dwelling. Case law establishes that occupants are entitled to ventilate their property by means of open vents and open windows, and that the smell of smoke may be taken to be smoke. Therefore, it may be held that a nuisance exists where an occupant can regularly smell smoke originating from a neighbour's heating appliance (flue), within the living space of a dwelling, with it's window's open. 'Regularly' might be taken to be as few as 3 or four times/annum, with reference to smoke cases relating to outside burning. Case law also establishes that having the benefit of a planning consent (or by extension, a building regulations approval-) does not serve as a defence against action taken for nuisance.

A smoke emission is more likely to be deemed to be a nuisance where it affects personal comfort in sleeping accommodation. I referred to the layout of no. 8 as derived from the planning archive when making an inference of a likely habitable space.

I am unclear on the reason for the redaction under 5 d), but as a result of that redaction cannot respond to what the agent wished to remind me of.

Policy

The agent refers to NPPF policy 8b), 135, 124 & 198. The overarching social objective of the planning system is not directly relevant. 135 a) requires that development will function well and add to the overall quality of the area, 135 f) 'decisions should ensure that development...create(s) places...with a high standards of amenity for existing and future users'. I would not consider that either has been robustly demonstrated; the proposed arrangement has not clearly demonstrated an improvement-, nor even neutrality- in respect of the emissions.

NPPF 124 relates to the effective use of land, and so is of questionable relevance given the established C3 use – however, it similarly refers to 'improving the environment' and 'ensuring...healthy living conditions', to which I would again refer to the proposal not clearly representing an 'in concept' improvement over the existing chimney arrangement. If we take the provisions of NPPF 198 a)-c) as representing examples, and not defining the explicit limits of the condition, it is arguable that the application has not demonstrated that it is suitable for it's '[position, on the building, and therefore it's location in general] taking into account the likely...cumulative...effects...of pollution on health'.

Adopted local policy DM10 requires that 'Development that may cause pollution ...through ...smell, smoke, fumes, gases... will only be permitted where ...The health and safety of existing and future users of the site, or

nearby occupiers and residents is not put at risk.’ In nuisance, prejudicial to health (PtH) has a specific and narrow meaning, and ‘or a nuisance’, referring as it does to ‘personal comfort’, is regarded to generally refer to conditions not falling within the narrower, and more serious definition ‘PtH’, but nevertheless affecting health (e.g. skin irritation, stress response to noise, loss of sleep, chronic effects from dust exposure, etc.). Smoke absolutely applies.

Conclusions, accounting for the agent’s response;

The agent’s response to my comments has interpreted my position as being ideologically opposed to the use of woodburning stoves, which is not the message I was attempting to convey. The response seeks to dismiss concerns, rather than to accept their substance and to address the substantive issues as material design considerations.

Therefore, my advice remains broadly unchanged – I consider that the proposed flue is materially more likely to lead to complaints arising than is the existing, and as such would advise that an objection on grounds of being contrary to policy DM10, an objection could be reasonably sustained.

To reiterate the suggested mitigations to mitigate the inherent (designed-in) risk of poor dispersal and neighbour nuisance,

- Use a flue construction which permits the omission of a cowl, or use a cowl design which does not deflect the vertical path of smoke by more than 45degrees.
- Increase the elevation of the flue terminal relative to the hipped roof ridge (likely requiring a braced construction), or (retaining it’s position on the east elevation) move the flue closer to the southern elevation to increase the relative distance between the ridge and the unchanged chimney termination.
- (or install the chimney in a different position, notwithstanding that I acknowledge that this doesn’t realistically serve the purposes or needs of the applicant)

The above serves as technical advice to the development management service; being mindful of the updated CO recommendations, and the limited number of potentially affected persons (with respect to nuisance, notwithstanding the likelihood of detectable smoke odour in outdoor areas at ground level in the area more widely) - I am relying upon DM to determine the appropriate planning balance.

For the benefit of the applicant, I would reiterate that having benefit of a planning consent provides no reliable defence to actions in nuisance – so in the event that a positive determination is made in respect of this application, care will need to be exercised in selecting an appropriate stove and in the selection of & storage arrangements for fuel, and good fire management will need to be observed when the appliance is in use.

Further Comments

Further to below, as discussed, and as per your request for inclusion under separate cover – there are opportunities to mitigate the impact of an active domestic chimney to reduce the risk of nuisance arising;

- Construct the chimney with a porous insulating flue material, e.g. a pumice liner, that would permit the omission of a cowl (flue liner would absorb rainwater, preventing excessive ingress into the appliance), and would also maximise emission temperatures (as pumice is an insulator); both factors would support optimal efflux velocity & thermal lift, assisting in elevating the plume out of the zone of influence of the adjacent structures.

- Construct the chimney in a different location, ideally with similar design (i.e. elevation from roof surface of ~1.5-2.25m), or projecting above ridge-level;

- o A position within the proposed extension to the West elevation either running up the existing gable end to the ridge, or running through the hipped/pitched roof to the eastern end of the of the single storey, would increase the distance to the nearest neighbour at least 4-fold with prevailing wind direction, and around 3-fold to nearest neighbour.

- o Installation of a flue to the single-storey (e.g. the extension) is not ideal, but it is permissible in Building regulations and whilst more susceptible to building effects (friction, turbulence), this would be induced by the applicant's own property (where effects might be most notable); increased distance would be achieved between the emission and the neighbouring properties, within which significant dilution & dispersal will occur, reducing the potential for nuisance.

- o If installed on the north elevation, projection from (above) the roof surface, and/or distance from the ridge will be important to lift the flue terminal (point of emission) out of the zone of air turbulence caused at the ridge, and at the eaves; provided this is achieved, the dispersal zone would be fairly open/clean, with reasonable separation-distance to the nearest neighbours.

Notwithstanding (or irrespective of-) the above-referenced mitigation options, it remains possible that a WBS at this location could lead to complaints for the reasons discussed, and because inappropriate fuel or poor fire management are not structural/planning issues and are therefore unrelated to the form of development, given that consent is required for the chimney, and not for the appliance it will ultimately serve. To some extent, whether or not complaints are received will be a matter of attitude of the present occupiers of those properties – nuisance is concerned with the impact upon the 'average reasonable person' (or the 'man on the Clapham omnibus') – much more likely to be upheld as proposed (as a structural issue, relating to the form of development), relative to 'as amended in line of one

or all of the mitigation options suggested above' (which would mitigate structural issues).

NB, I mis-typed prevailing conditions in the message below – prevailing wind directions are (from) SW/WSW (to SE/ENE) – corrections in line **[bold]**. Apologies for any confusion.

Original Comments:

Given that the property does not have an existing chimney that would require amendment to accommodate the proposed alterations to the hipped roof & East elevation; I would infer that the flue is likely to required to serve an appliance. With reference to the ground floor, I would assume a wood burning stove.

On this assumption, whilst the installation will almost certainly comply with building regulations requirements – I would stress that the Building Regulations are about absolute safety (e.g. not allowing acutely harmful concentrations of CO to enter buildings via vents & openings), and are not designed to ensure the prevention of a nuisance.

The context of this property would lead me to conclude that complaints are more likely to arise from the use of the proposed chimney to serve a woodburning stove (WBS). The south elevation of the property is exposed, with the flue terminal ~0.75m below ridge, on the east elevation in an isolated position (i.e. remote from other parts of the host building, so isolated from any localised building effects – subject only to flue effects). That would be good for dispersal were the flue to be installed without a cowl e.g. as a traditional installation serving an open fireplace. However, WBS's require a more efficient flue, typically consisting of an impermeable internal flue liner – steel or resin construction, that will direct rainwater into the stove. A cowl is typically used, and while effective for this purpose, it does rob the emission of efflux velocity & thermal lift, making the plume more vulnerable to loss of elevation; harming dilution & dispersal.

WBS installations are sensitive to fuel quality, flue cleanliness, proper fire building, and good fire management – all of which may contribute to lower firebox combustion temperatures, contributing to the same phenomenon – i.e. a 'heavy' smoke emission that will be prone to dropping. The spatial context adjacent to the flue position is narrow & constrained up to 2 storeys. Whilst the adjacent building at no. 8 has no windows on it's west elevation, there is a window on the north elevation at the west end of the building – based upon typical layouts, likely serving a habitable room. The roof of the building at no. 8 is at an approximately equivalent height to the proposed flue terminal, making the emission vulnerable to building friction effects under prevailing **[(South-Westerly)]** wind conditions – whether via the flat roof (turbulence over parapet) or at the SW corner (turbulence around the vertical junction between north & west elevations). This will tend to exert a downwards influence on the smoke emission in approximately the location of the window to the habitable room, and tending to drop the smoke into the

physically constrained & sheltered lee of the building at no. 8 [**exacerbating/amplifying any fuel or fire management issues that may periodically arise**].

Given these factors, I would expect that complaints from the existing occupants of no. 8 are fairly likely in response to use of the proposed chimney to serve a WBS. In policy terms, there is no specific provision relating to nuisance or amenity; however, statutory nuisance under the Environmental Protection Act 1990 is determined by case law to distinct from private nuisance insofar as it must generally relate to physical harms to health (meaning disease, not injury), or to nuisance affecting personal comfort, and therefore both physical and mental health (not being related to disease). Given this convention, I am comfortable in treating nuisance as a matter of health, and would suggest that the proposed development may be contrary to local policy DM10 1., “Development that may cause pollution of water, air or soil or pollution through ...smell, smoke, fumes, gases,..., dust...” should only be permitted where “The health... of ...nearby occupiers and residents is not put at risk”.

This policy interpretation is supported by NPPF paragraph's;

- 8 b) “...support communities’ health, social and cultural well-being” (the core planning objective, social limb of sustainable development) and
- 135 a) “will function well and add to the overall quality of the area”, & f) “create places... which promote health and well-being, with a high standard of amenity for existing and future users”(applies to decisions)

Similarly, whilst not directly applicable, the guiding principles outlined in the following NPPF paragraphs also provide useful guidance;

- 124 – “safeguarding and improving the environment and ensuring safe and healthy living conditions” (relates strategic policy), and
- 198 – “decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, ...” (relates noise/light, both statutory nuisances)

On the basis above, I believe that an objection to the chimney could be sustained.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
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Site Notice	First site notice.	25/07/2025	30/07/2025	Is in conservation area Affects a Listed Building and/or the setting of a Listed Building
Site Notice	Amended dates.	11/05/2026	01/06/2026	Is in conservation area Affects a Listed Building and/or the setting of a Listed Building
Newspaper Advert		10/07/25	01/08/2025	Affects a Listed Building and/or the setting of a Listed Building

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 8

14 objections with 15 names have been received. It is noted that many objections reference the Chimney now removed from the proposed development.

The basic extension is fine but the chimney is completely unnecessary and as someone who regularly walks down Tower Street I feel it will negatively impact a historic view down the harbour.
Officer Comment: *It should be noted that the chimney has been removed from the current proposals.*

The proposed changes to the roof line and tall chimney would degrade the long-enjoyed sea view, as one walks down Tower Street, which contributes to one of the most iconic and photographed vistas in Emsworth. This view is part of the town's unique coastal character and is recognised in the 'Emsworth Conservation Area Character Appraisal', which states:

"Tower Street then continues past the walled garden..... and continues inconspicuously into a footpath to emerge through a narrow alleyway on the waterside."

It also notes the special, sometimes subtle nature of the town's spatial layout, such as:

"Only at the southern end of South Street and from the Quay can the harbour be appreciated. Nevertheless, the element of surprise, where such views do occur elsewhere is a feature"

and :

"Visual quality is a scarce resource and as such must be safeguarded."

Furthermore, the 'Emsworth Neighbourhood plan 2019-2036' emphasises the importance of preserving Emsworth's distinctive views and landscape setting:

"The quality and character of Emsworth's landscape setting and associated views ... should be preserved."

This underscores the value placed on 'incidental' & 'surprising' views which the proposed development would compromise.

It is noted that, in the planning application, the photograph does not accurately show the full effect of the altered roof line and also 'conveniently' omits the visual impact of the new tall chimney stack, which would highlight what would become just a slit view of the harbour between two tall structures.

Considering the above, we strongly object to the eastern end alterations of the proposed development, especially the tall chimney stack, on the grounds of degradation of visual amenity, character, and non-compliance with the stated aims of the 'Conservation Area Appraisal' and the 'Emsworth Neighbourhood Plan 2019-2036'.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. The impact of the east side alterations are considered in part 7.*

Concerns Regarding Parking, Public Access, and Historic Precedent:

I wish to raise several points in furtherance of my previous comments concerning the recently proposed double gate and personal gate entries associated with this property.

Public Parking Space and Access Implications:

The addition of the new double gate entry and the new personal gate entry will encroach upon the public parking space currently available alongside the property. The existing space measures approximately 6.4 metres in length, and the new gate entries would occupy around 2.4 metres of this, a significant reduction in available parking. Note that there is NO MENTION of this in the application.

The implication is that a car parked in what remains of this space would likely obstruct the new personal entry gate and potentially part of the larger double gates as well. To prevent such obstruction, a vehicle would need to be parked

further from the gates, but this would then impede the thoroughfare on the far side of the road. This section of road is frequently used by pedestrians, including those with pushchairs, and by individuals launching canoes, among other activities.

It is also important to note that shifting the parking space further down the road is not feasible, as this would block access at the top of the steps, thereby creating a new set of access issues for both the property and the public.

Historic View and Right to Rebuild:

I further note the recent addition of documents dated 7 July, which assert that a two-storey building once stood on this site. The implication is that, because a building historically existed here, there should be no objection to constructing a new building within the same envelope. However, I strongly contest that the mere historic existence of a larger structure confers an automatic right to rebuild.

For more than forty years, the demolition of the larger building has resulted in an improved and more open view, greatly enhancing the character of the area and the enjoyment of all who use the thoroughfare. There is clear precedent in planning decisions to refuse applications where re-establishment of previously demolished buildings would negatively impact views or public amenity, regardless of historic form.

Consideration of the 1982 Planning Application:

The planning application for the building constructed in 1982 must also be taken into account. I believe it is likely that the distinctive roof design implemented by the current applicants' predecessor was specifically intended to open up the area and improve the view down the road, rather than to maximize building volume within the historic envelope. If the intent were otherwise, surely rebuilding would have occurred in the confines of the original, larger structure rather than adopting a design that enhanced local amenity.

Conclusion:

In summary, the proposed new entries pose practical and public parking challenges, as well as undermine the improved views and public benefit established over the past four decades. The historic presence of a larger building should not justify a return to previous footprints/envelopes, especially where longstanding planning policy and precedent support the preservation of openness, access, and amenity. I respectfully urge that these considerations be given full weight in the determination of the current application.

Officer Comment: *The proposal still leaves a clear unrestricted length of available parking of 5.5 metres there would be no loss of the public parking space.*

I write to object to a particular aspect of this planning application which would otherwise seem uncontentious. The size and conspicuous character of the proposed chimney stack is visually completely disproportionate to the existing roofline and aesthetically inappropriate to a much-loved and frequently photographed and painted waterfront aspect. If it is necessary to install a potentially polluting open fireplace or woodburner then it would be better sited elsewhere within the existing building structure and be of less dominating proportions. This objection would seem to be well supported by both the Emsworth Neighbourhood plan and the Conservation area appraisal.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals.*

[Redacted] I would like to strongly object to the eastern end alterations of the proposed development, (especially the tall chimney stack) on the grounds of degradation of visual amenity, character, and non-compliance with the stated aims of the 'Conservation Area Appraisal' and the 'Emsworth Neighbourhood Plan 2019-2036'. The result is that one of the classic Emsworth harbour views will be reduced to a gap between two high 'walls'. It is one of the 'iconic' sea views of Emsworth, and should be preserved. In addition the location of the new gate will reduce the length of the public parking space by about 2 metres. Forcing cars back between two walls will restrict access on to the shore and into one's car. Those with kayaks, boats etc not to mention pushchairs and wheel chair users that stop for the view and dog walkers will all be affected. It has been this way in excess of 40 years! Planning applications should benefit the masses not just the individual.

Officer Comment: *The proposal still leaves a clear unrestricted length of available parking of 5.5 metres there would be no loss of the public parking space.*

Highways have been consulted and raised no objection.

I am writing to object to the planning application APP/25/00491 being someone who puts high value on the history of Tower Street and its surrounds including the foreshore abutting it.

I feel strongly that the proposed roofline changes along with the overbearing nature and size of the proposed chimney stack will ruin what is an iconic and much appreciated view, one of the quintessential vistas which are already being lost in Emsworth. Both the Emsworth Neighbourhood Plan and the Emsworth Conservation Area as organisations support that such views and vistas, long part of the historic character of Emsworth, must be preserved and not lost forever.

Along with the conservation of Emsworth concerns there are other issues around public access which should be examined carefully.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals, the alterations to the east elevation are considered in part 7.*

We have no objection to this application except for the proposed chimney on the East side of the house. This will totally spoil the view of the harbour for anyone walking down Tower Street. It seems completely wrong in a conservation area.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals.*

We would love to be reassured that the chimney and extension to the roof on the Eastern end of the house does not impede the view to the sea, which is one of the joys of living in Tower Street and a joy to the many people who use the road to access the sea and love and use it.

Also the revised drive gates and personal gate appear to reduce the existing parking space,.. This will mean there is a likelihood that cars will either block the gates, or park away from the wall and restrict access down the far side and compromise the access to the waterside.

Officer Comment: *The impact on the appearance of the area, view down Tower Street to the harbour and parking are considered in part 7.*

The Tower Street access to the Harbour is much prized by walkers as an unspoiled Emsworth gem.

My plea is that the Conservation Area rules will prevent further building on the East elevation of the property, particularly the proposed tall chimney, which would reduce light and spoil the present charm of access to the harbour.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. Works to the east side elevation are considered in part 7.*

Like my family before me, I was born and breed in Emsworth.

I walk regularly down the quiet road of Tower Street enjoying the sudden view of the harbour. A very special sight .. This will be spoil, especially the chimney. The lovely Emsworth view I have enjoyed since childhood will be gone for ever.

The new tall chimney sticking out is FAR too big and why would this be needed at all in this environment world.

Please do not spoil this peaceful, secret, old part of our beloved Emsworth.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. Works to the east side elevation are considered in part 7.*

I wish to object to planning application AP/25/00491 for Oysters, 25 Tower Street, Emsworth PO10 7BH. I note that the period for filing objections has

been truncated from 31st July to today, 24th July, which is unfortunate, and I have not been able to add comments to the public site, but I understand that I am able to object via this email.

I have been visiting Emsworth for over 40 years and I now live in Slipper Road. As your signs declare, Emsworth has a noted historic centre and maintaining that integrity is, I am sure, a key role for the Havant planning department. The waterfront is a particularly sensitive area and, with some notable, and in my view regrettable, exceptions the charm of the houses fringing the sea has been maintained, but it is at risk from the increasing trend to raise the height of the houses which detracts from this charm and affects those behind them and visitors walking down to the waterfront. The fact that some have been allowed, should not enable this to become a trend. However, the most objectionable item in this planning application is the proposal for an unsightly chimney on the side of the house, which will restrict and detract from the view as people walk down Tower Street and will be out of place when viewing the houses from the shore. This is completely out of character with the area, will be an unsightly addition and should not be approved.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals, the ridge height of the house is not being increased.*

I write to object to this planning application. The size and conspicuous character of the proposed chimney stack is visually completely disproportionate to the existing roofline and aesthetically inappropriate to a much-loved and frequently photographed and painted waterfront aspect. If it is really necessary to install a potentially polluting open fireplace or wood burner then it would be better sited elsewhere within the existing building. This objection would seem to be well supported by both the Emsworth Neighbourhood plan and the Conservation area appraisal.

The plan does not include the high wall of the adjacent property which combined with the chimney would severely impact the iconic and historic view down Chichester Harbour.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals.*

Having viewed the proposed changes to 'Oysters', I am concerned about the position and size of the chimney on the east elevation. It feels in-appropriate and imposing in it's height and will cause an unpleasant 'tunnel' effect at what is an important vista and access point to the beach and harbour. It would be appreciated if this could be looked at again and modified or moved to another position.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals.*

As a resident of Tower street and someone that walks regularly on to the Foreshore I would like to strongly object to the eastern end alterations of the proposed development, (especially the tall chimney stack) on the grounds of degradation of visual amenity, character, and non-compliance with the stated

aims of the 'Conservation Area Appraisal 'and the 'Emsworth Neighbourhood Plan 2019-2036'.

The result is that one of the classic Emsworth harbour views will be reduced to a gap between two high 'walls'. It is one of the 'iconic' sea views of Emsworth, and should be preserved.

In addition the location of the new gate will reduce the length of the public parking space by about 2 metres. Forcing cars back between two walls will restrict access on to the shore and into one's car. Those with kayaks, boats etc not to mention pushchairs and wheel chair users that stop for the view and dog walkers will all be affected.

It has been this way in excess of 40 years! Planning applications should benefit the masses not just the individual.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. Parking is considered in part 7.*

I very regularly walk down Tower street and along the foreshore and love the iconic and historic view down the road to the harbour and the view back from the foreshore. The roof alterations and chimney will reduce the view available. This proposal may look like a small change viewed in isolation but it is significant given the relatively narrow gap between the houses.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. Works to the east side elevation are considered in part 7.*

I wish to object to this planning application.

As one of many who use Tower Street and its access to the foreshore, I feel the side extension and chimney will restrict this iconic view of the harbour.

The plans do not show the close proximity of the building on the other side of the road. The view will be reduced to one through two high walls and thus halved.

This historic view must be preserved.

The extension to the East and its overpowering chimney appear to contravene the aims of the Conservation Area Appraisal and the Emsworth Neighbourhood Plan and should, thus, be refused.

Officer Comment: *It should be noted that the chimney has been removed from the current proposals. Works to the east side elevation are considered in part 7.*

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) Biodiversity Net Gain (BNG)
- (v) Parking

(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 originally submitted plans included a large chimney on the east roof elevation however, this has since been removed from the proposal and amended plans submitted to reflect this change.

7.4 With regard to the proposed works to the main house, these comprise a single-storey extension to the west elevation, the conversion of the existing integral garage to provide additional living accommodation, and a modest build-up of the eastern roof slope to create further space at first-floor level. Both extensions would be constructed using materials that match the existing dwelling, ensuring visual continuity.

7.5 The single-storey extension would be subservient in scale, featuring a pitched roof designed to reflect the character and form of the existing property. The proposed alteration to the eastern roof slope would result in a slight increase in height; however, this change is considered modest and would largely maintain the existing roof pitch and profile. New windows would match the existing white uPVC units currently in place.

7.6 The single-storey extension is not considered to cause harm to the significance of the Emsworth Conservation Area. While the minor roof build-up would slightly reduce the existing visual gap at the end of the principal view extending from Tower Street to the harbour frontage, the change is limited in extent. The sense of openness at roof level would be sufficiently retained so as not to adversely affect this aspect of the conservation area's character

- 7.7 With regards to the proposed boundary alterations, this would include a new pair of vehicular gates and the creation of a new pedestrian gate. This would be within the modern part of the boundary wall rather than the flint section and therefore, no loss of historic fabric would occur. The proposed gates are considered to be suitable in terms of their design (timber effect finish gates) and matching brick pier and would not result in harm to the significance of the conservation area.
- 7.8 Overall, it is considered that the proposals would not result in harm to the Emsworth CA and therefore meet the test set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act"), as well as being compliant with the relevant policies in the NPPF and Local Plan.
- 7.9 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).
- 7.10 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.
- 7.11 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.
- 7.12 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

- 7.13 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 to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Biodiversity Net Gain (BNG)

7.12 It is noted that this application meets the De Minimis exemption requirements relating to Biodiversity Net Gain and is exempt as a Householder application.⁵

(iv) Parking provision

7.13 The agent has provided a parking plan indicating that there is sufficient space for four vehicles within the existing frontage, and it was observed during a visit to the site that there was sufficient room on the drive to make provision for this. The proposals are therefore considered to meet the requirements specified in the Havant Borough Council Parking SPD (2016) and are in accordance with Policy DM13.

8 Conclusion

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/25/00409 subject to the following conditions

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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:

Drawing Number: 271-03 Rev A: Amended Ground Floor as proposed: Uploaded 23rd October 2025

Drawing Number: 271-07 Rev A: Amended Elevations as Proposed: Uploaded 23rd October 2025

Drawing Number: 271-06 Rev A: Amended First Floor plan as proposed: Uploaded 23rd October 2025

Drawing Number: 271 13 Rev B: Amended site plan with parking plan and turning circles: Uploaded 12th September 2025

Bat Survey Report by Imprint Ecology: Uploaded 27th August 2025

Photo of hipped roof dimensions: Uploaded 27th August 2025

Drawing Number: 271 09 Rev A: amended plan and elevations of front boundary treatment: Uploaded 27th August 2025

Design and access and heritage statement: Uploaded 27th August 2025

Construction Environmental Management Plan Revision A: Uploaded 27th August 2025

Drawing Number: 271 08: Existing and proposed sections: Uploaded 27th August 2025

Drawing Number: 271 11: Site Plan: Uploaded 27th August 2025

Drawing Number: 271 12: Location Plan: Uploaded 27 August 2025

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used 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.

- 4 Development shall proceed in accordance with the ecological avoidance and mitigation measures as detailed in the Ecological Impact Assessment (Imprint Ecology, Version 1 - 29th May 2025) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological protection in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF,

NERC Act 2006, Policy CS11 of the Havant Borough (Core Strategy) March 2011 and the National Planning Policy Framework

- 5 The development hereby permitted including demolition shall be carried out fully in accordance with the approved Construction Environmental Management Plan Revision A: Uploaded 27th August 2025 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the demolition and construction phases to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations 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

- You sought and were provided with pre-application advice

2. The applicant is to be made aware that works within 8 metres of a watercourse are likely to require a license from the Environmental Agency and are recommended to contact the Environmental Agency regarding the proposed works.