

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

Membership: Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Standing Deputies: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick, Councillor Julie Thain-Smith and Councillor Joanne Thomas

Meeting: Development Management Committee
Date: 25 June 2020
Time: 5.00 pm
Venue: Skype for Business - Skype for Business

The business to be transacted is set out below:

David Brown
Monitoring Officer

16 June 2020

Contact Officer: Mark Gregory 023 9244 6232
Email: mark.gregory@havant.gov.uk

Page

PART A - (Items Open for Public to Follow Online)

1 Apologies for Absence

To receive and record apologies for absence.

2 Site Viewing Working Party Minutes

To Follow

To receive the minutes of the Site Viewing Working Party held on



3 Declarations of Interest

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

4 Chairman's Report

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

5 Applications for Development and Development Control Matters 1 - 4

Part 1 - Applications Viewed by the Site Viewing Working Party

5(1) APP/20/00123 - 5 Orange Row, Emsworth, PO10 7EL 5 - 28

Proposal: First floor balcony and replacement spiral staircase

[Additional Information](#)

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231

Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk. Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

Public Attendance and Participation

The meeting will be streamed live online to enable members of the public to watch in real time. The meeting will also be recorded and the recording will be published on the council's website.

IP addresses will not be collected, however in order to function, Skype for Business collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

Members of the public, County Councillors, and Non-Members of the Development Management Committee may submit a written deputation to meetings of the Development Management Committee provided that it relates to an item on the Agenda for a particular meeting.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired. However, "same or similar topic" does not apply to applications for planning permission considered by the Development Management Committee.

A copy of a deputation must be received by the Democratic Services Team not later than 5pm on Tuesday 23 June 2020. Written deputations may be sent by email to the address set out below.

A deputation from a member of the public, agent or a County Councillor may be no longer than 750 words (including footnotes). A deputation from a Havant Borough Councillor, who is not a member of the meeting, shall be no longer than 1,500 words (including footnotes). A deputation may not contain images or photographs.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to

correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: DemocraticServices@havant.gov.uk

Who To Contact If You Wish To Know The Outcome Of A Decision

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)



Havant

BOROUGH COUNCIL

PROTOCOL AT MEETINGS – RULES OF DEBATE

Site Briefing

- A private remote meeting may be held to enable the Councillors to familiarise themselves with a site's characteristics and request additional information to be provided prior to the meeting the Development Management Committee, where it is considered necessary to do so.
- A site briefing will normally be initiated either by:
 - The Head of Planning in advance of the Development Management Committee, in circumstances where she considers it important to understand the physical circumstances of the site, and representations of third parties (particularly where a deputation is expected), or where the application raises issues of precedent where Councillors need to understand the wider implications of any decision
 - The submission of a Red Card and specific request to site briefing by a Councillor
 - Resolution of the Development Management Committee
- The site briefing is an opportunity for members of the Committee to familiarise themselves with the site officially and have a proposal explained to them by Officers. No decision is made at a site briefing; the matter is always referred to a future meeting of the Development Management Committee for decision.
- Whilst attending a site briefing it is important for members of the Committee to consider:
 1. The site layout and boundaries;
 2. Physical features and constraints including levels and orientation;
 3. The general characteristics of the site and how it relates to the surrounding area;
 4. Nearby land uses, and
 5. Any relevant transport issues affecting the site.
- The site briefing should be a 'fact finding mission' and a means of identifying issues for consideration by the Development Management Committee. It must not therefore be used as an opportunity to debate the merits of an application. There will be no opportunity to receive representations from members of the public or applicants. Members should however ask questions of the Officers present, make points and highlight certain characteristics that they can only draw to the attention of other members of the Site briefing.

- The minutes of the meeting shall be published. The presentation together with supporting materials, which have not already been published on the Council's website, will be published as an appendix to the minutes of the meeting.
- Any member of the site briefing who has a disclosable pecuniary interest (as set out in the Members Code of Conduct) or has formed a concluded view – in the application must disclose to the meeting the existence and nature of that interest. If a disclosable pecuniary interest or a concluded view is declared the Councillor must not take any part in the site briefing or vote on the recommendation regarding the site in question and must not be part of the meeting during the briefing.
- Whilst the site briefing does not make a decision on an application or other planning matter, it is normal working practice for the briefing to make a recommendation to the Development Management Committee in one of the following forms
 1. To resolve, on the basis of the site briefing and information available at the time, that the site briefing does not wish to draw to the attention of the Development Management Committee any additional matters, OR
 2. To resolve on the basis of the site briefing and information available at the time, that the site briefing would wish that the Development Management Committee to consider the following matters in addition to those detailed in the Head of Planning report before making a decision:
 - a. the need for additional information, and/or
 - b. the need for additional conditions, and/or
 - c. areas of concern arising from the site briefing
- The Chairman will seek to secure a majority view as to the recommendation for the need or otherwise of additional matters being drawn to the attention of the Development Management Committee. If it is apparent that a majority cannot be obtained, he will recommend that the site briefing do not record a view.
- Any Councillor interested in a matter on the agenda can attend the site briefing, in order to have a better understanding of a proposal in their own ward or one that is of Borough wide interest. However, other Councillors attending the site briefing will not be allowed to address the working party, other than to point out matters of fact, detail, local knowledge and history.
- No recommendation of the site briefing to the Development Management Committee should be regarded as the final view of any Councillor as to how an application should be determined by the Committee.

Submission of Questions for the Development Management Committee

- Councillors are encourage to forward questions to be raised at the meeting to Democratic Services at least 4 hours before the meeting. These questions can then be addressed either as part of the officer's presentation or shortly after. This

does not inhibit your ability to ask questions at the meeting, but questions in advance can help facilitate a smoother and easier to follow virtual meeting.

- Questions cannot be directed to persons who have submitted written deputations.
- Questions and answers will be published and attached as an appendix to the minutes.

Meeting Protocol

- Microphones will be muted centrally unless it is a councillor/officers turn to speak. When unmuted centrally please note that a councillor/officer will also need to press the unmute button before speaking!
- Councillors are encouraged to arrive at the virtual meeting no less than 15 minutes prior to the meeting start time. This will allow any technical issues to be resolved and the quorum to be confirmed.
- Whilst being held remotely, the meeting remains a formal meeting of the council with the same rules of conduct. There is the potential for greater audience numbers due to people being able to watch from their own homes. The meeting will also be recorded and the recording publicly available.
- After reading the report and attending the site briefing, if any, Councillors must forward primary questions to Democratic Services at least 4 hours before the meeting to facilitate a smoother meeting. These questions will be addressed by the officers at the meeting. Please note that the opportunity to ask supplementary questions at the meeting will be limited (please see above).
- There is a viewing pane showing all participants on the left-hand side (clicking the icon depicting three people in the top left of the screen will open). This lists the attendees (committee members) in alphabetical order, which is useful to ascertain when you will have an opportunity to speak.

The Chairman will read out a detailed introduction to outline how the meeting will run.

Apologies for Absence

Will be read by the Democratic Services Officer.

Confirmation of Attendance/ Declarations of Interest/ Supplementary Matters

For expediency, the Chairman will ask each councillor in turn to confirm the above. Attendees will be able to mute and unmute their own microphones. Councillors and Officers are requested to mute their microphone when not speaking and wait to be invited to speak by the Chairman at the appropriate time unless you they are experiencing technical difficulties in hearing another person. A standard form of words has been drafted:

Present. I confirm that I have read the Supplementary Matters papers and that I have no interests to declare.

If you have an interest:

Present and I confirm that I have read the Supplementary Matters papers. I have an interest to declare in application xxxx/xxxx – Land at xxxxx, item x of the agenda.

The nature of this interest is xxxxxxxx and I shall.....(remain in the meeting for the discussion/voting on this item/ remain in the meeting for the item but abstain from voting/ withdraw from the meeting for this item)

Please use this form of words.

Confirmation of Minutes

The Chairman will ask each councillor in turn whether they have any amendments to the previous minutes. Either reply 'No amendments Chairman', or yes and clearly state the amendment.

The Chairman will ask for a proposer, at this point all microphones will be unmuted. The first councillor to speak, stating only their name 'Cllr X' will be taken as the proposer. The process will be repeated for the seconder. Prior to speaking please remember that you need to unmute your microphone!

First Application

The officer will introduce as usual, with a PowerPoint shown via Skype for Business. During his introduction, the officer will highlight any new issues raised in the presentation, which are not covered in the report or supplementary papers. Public and ward councillor deputations will be submitted in advance and published. They will not be read aloud.

Following this the Planning Officer will respond to the deputations and answer questions that have been submitted by members of the committee prior to this meeting. After a reply has been given to each question, The Chairman shall ask the Councillor, who asked the questions if they are satisfied with the answer and/or have a supplementary question prompted by the answer.

The Chairman will then ask each Councillor in turn whether they have any supplementary questions. Once questions have been answered the Chairman will move to the debate. This will follow the same format as questions. Councillors are encouraged to move a motion (including an amendment) at any stage during the debate. The Chairman will announce when a motion has been proposed and name the proposer and will then call for a seconder. All microphones will be made live and Councillors must state their name if they wish to propose/seconder. At this point the Chairman shall ask each Councillor in turn if they wish to speak, the debate centring solely on the motion.

If members are minded to refuse an application, contrary to officer advice they must clearly state their reasons for refusal. If a member wishes to add conditions not recommended by the officers, he or she must also give reasons for this new condition. These reasons will be noted by the Officers. Councillors should make it clear that they are putting a motion forward and state the wording of the motion clearly.

Officers shall be given an opportunity to comment on any motion (including amendments) and any issues raised during the debate.

At the end of a debate the Chairman shall ask each member, alphabetically, if they have anything to add.

Voting

When voting, the Chairman will ask each Councillor in turn, alphabetically, to state either 'FOR, AGAINST or ABSTAIN'. Your microphone will be made live to enable you to speak, but please - remember to unmute before speaking!

The Democratic Services Officer will confirm the voting numbers, following which the Chairman will declare the result of the vote.

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HAVANT BOROUGH COUNCIL

Development Management Committee

APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

Applications to be determined by the Council as the Local Planning Authority

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

Implications

Resources:

None unless detailed in attached report.

Legal:

Details set in the individual reports

Strategy:

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

Risks:

Details set out in the individual reports

Communications:

Details set out in the individual reports

Background Papers:

Individual Applications with Case Officers

Simon Jenkins
Head of Planning

David Brown
Monitoring Officer

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PERMITTED, 19/03/2018

APP/18/01185 - Proposed flue to West elevation (instead of chimney to South elevation approved by APP/17/01111). Revised fenestration., PERMITTED, 28/02/2019

3 Proposal

- 3.1 First floor balcony and replacement spiral staircase. The original submission also included changes to the 2nd floor dormers to provide balconies; however following objections and officer concerns these have been omitted from the application.
- 3.2 The proposed balcony would be located to the rear of 5 Orange Row on its south facing elevation. It would measure 4.5 metres in width and 1.6 metres in depth and would be accessible from the existing living room at first floor. The balcony would also be accessed by a replacement spiral staircase and would include a 1.8m high opaque side screen to its western side; a lower 1.1 metre screen would be proposed to the south and east side of the balcony.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

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)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Havant Borough Pre Submission Local Plan 2036

E1 (High Quality Design)
E5 (Chichester Harbour Area of Outstanding Natural Beauty)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy Recommendation – No objection.

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

If I seem to remember correctly this is the fifth application at this site since August 2014. The property is unlisted albeit part of the Emsworth Conservation Area. It forms part of a set piece mews development.

Previous proposals to replace the spiral staircase /balcony under (APP/15/01109) were approved. The Conservancy takes no issue about retaining the spiral staircase design.

Similarly, no objection in landscape AONB terms to the 'balconette' proposals, which will mostly not be noticeable from the Harbour and appear to have been previously approved under APP/17/01111.

The Conservancy has no objection to those alterations. The additional glazing to the rear will not really be seen from the water.

***Officer comment:** The balconettes referred to have not been previously approved, having been omitted from application APP/17/01111. In any event the comments made with regard to the balconettes are no longer relevant due to their subsequent omission from the current proposal.*

Conservation Officer

The site is located in Orange Row in Emsworth Town Centre and within the Emsworth Conservation Area. Orange Row comprises a relatively modern residential development, accessed from South Street. The rear of No. 5 overlooks Emsworth Harbour.

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.

The proposed works relate to a replacement balcony and staircase and the creation of 2no. upper floor balconettes from the existing dormer windows.

With regards to the impact on the designated heritage asset, that being the conservation area in this case, it is considered that the impact would be negligible. The proposed works would result in a more modern appearance on the rear elevation which would be visible from the public realm. However, the materials proposed are simple in design, that being a frameless, glazed balcony at both levels. Overall it is considered that the proposal will meet the test to preserve and enhance the character and appearance of the conservation area.

Conclusion - No objection

Condition:

- Material samples and / or technical details to be provided including the new

staircase and finish.

Officer comment: *The comments made with regard to the balconettes are no longer relevant due to their subsequent omission from the current proposal.*

Councillor Julie Thain-Smith

No comments received

Councillor Lulu Bowerman

Called application to Committee.

Councillor R Kennett

No comments received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: 21/02/2020

Number of representations received:

Comments received in objection = 2

Comments in support = 7

Summary of comments:

Comment	Officer Comment
Object- The proposed re-development of this house, with two new sets of balconies (first and second floors), will impinge on the privacy of our home, located within the nearby conservation area, offering views into our rooms at a number of levels. This change in the privacy status of our home, after so many years, is a concern, and we object to the current planning application as it stands.	Please see 'Planning Considerations' section of the report. Also, members should note that the second floor balconettes originally proposed have been subsequently omitted from the scheme.
Object- When the three storey building was erected in the 1970s I objected on the grounds of overbuilding and loss of privacy. Since that time changes have been made which have made my initial concerns come true. The ground floor of No.5 Orange Row is almost level with my first floor so that the first and second floors tower over my back	Please see 'Planning Considerations' section of the report.

<p>garden and look down into our back bedroom and bathroom. My original complaint was ignored. However a balcony would enable anyone standing on it to look at an angle and directly into my rooms and over my small back yard.</p> <p>I am concerned that adjacent owners will not be aware of this application as they are weekend cottages.</p>	
<p>Support We are happy with the amended plans and support the application</p>	Please see 'Planning Considerations' section of the report
<p>Support I am assured that any changes to the southern aspect will not impact my view</p>	Please see 'Planning Considerations' section of the report
<p>Support - I've looked at the plans that you have. I can see that the revised proposal is an improvement on the original application. I see no reason to object and offer my support.</p>	Please see 'Planning Considerations' section of the report
<p>Support- I am aware of their plans to improve their property and have studied the detail of their application on the HBC Planning Website. I believe their proposals would enhance the appearance of both their house and the conservation area and as such strongly support their application.</p> <p>As the adjoining owners we note the amended plans and the significantly reduced scope of works. We continue to support the application.</p>	Please see 'Planning Considerations' section of the report
<p>Support – I have lived here for the past 10 years and support this application.</p>	Please see 'Planning Considerations' section of the report
<p>Support- The applicants have made appropriate adjustments to their plans, which we support.</p> <p>We are not overlooked by these proposals.</p>	Please see 'Planning Considerations' section of the report
<p>Support- I live in Seaview Terrace, to the South of the property in Orange Row, and have no objections to this planning application.</p>	Please see 'Planning Considerations' section of the report

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 area

- (iii) Impact on the AONB
- (iv) Impact on the Conservation Area
- (v) Effect on neighbouring properties

(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.

7.3 In this case the site is also located within Emsworth Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty which results in additional requirements and considerations which are considered below.

(ii) Appropriateness of design and impact on the character of the area

7.4 This application comprises a balcony and replacement spiral staircase to the first floor rear elevation of the property. This follows amendments made to the initial proposal which included balconettes to serve the existing second floor dormer windows. Following a site visit made by the case officer these balconettes were judged to infringe upon neighbour amenity due to overlooking and potential overbearing impact upon the properties to the south. It was judged these would have been particularly imposing due to the height at second floor level where the properties to the south are set in close proximity and at lower level. This element has since been removed from the proposal.

7.5 The proposal now comprises a replacement balcony at first floor level and the replacement spiral staircase. The balcony has been slightly reduced in depth from the original proposal and 1.8 metre high opaque screening introduced to the western side with non reflective glass balustrading to the remaining sides. The white steel framed balcony, with timber joists would have a depth of approximately 1.6 metres from the rear elevation wall and would be supported by steel posts, accessed externally from the courtyard garden via a spiral staircase formed in white painted steel, and internally from the first floor living room. The balcony would have a total width of 4.5 metres and total height of 3.9 metres to the top of the rear facing balustrade.

7.6 The proposed balcony is judged to be a fairly prominent structure due to the projection and 4.5 metre width, however this would not be readily visible from the public realm, although with some limited visibility from Emsworth Harbour between the existing gaps in the building line. The use of materials including white painted steel is considered to be in keeping with the existing property, it is noted that the existing spiral staircase, granted permission under APP/15/01109 is of this aesthetic. At the adjoining property, no 4 Orange Row a balcony of similar design and materials (but reduced size) was granted permission in 2019 under APP/19/01163.

7.7 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 HBLP (Core Strategy) 2011. It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on the AONB

7.8 This application site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Policy CS12 of the HBLP (2011) states that development will be permitted where it: '*Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan)*'.

7.9 The Chichester Harbour Conservancy have been consulted with regards to this scheme and have made no objections. Overall it is considered that the proposal would have a limited and acceptable impact on the character and appearance of Chichester Harbour Area of Outstanding Natural Beauty.

(iv) Impact on the Conservation Area

7.10 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.

7.11 Policy CS11 of the HBLP (Core Strategy) 2011 is relevant in the assessment of a development within a Conservation Area. Policy CS11 states that planning permission will be granted for development that *'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'*.

7.12 This property is located within the Emsworth Conservation Area. The Council's Conservation Officer has been consulted with regard to this application and has concluded that the materials and simplistic design would have a modern appearance, which would not be harmful visually. The proposal would meet the relevant test to preserve or enhance the character and appearance of the Conservation Area.

(v) Effect on neighbouring properties

7.13 Representations have been received both in support and objection to this proposal. Objections have been received stating that the development would result in a loss of privacy to rooms to the rear elevations and courtyard amenity spaces of predominantly nos 1-4 Seaview Terrace and properties located along South Street, although it is noted objections were not made by all of the above. This has been considered when a site visit was undertaken in the second week of March 2020. It was noted that many of the windows, most notably along Seaview Terrace serve habitable rooms which would be impacted by increased overlooking following the addition of a balcony at no 5.

7.14 It is recognised that the existing property features an existing glazed door at first floor level served by a fire escape platform and staircase, and a further first floor window on the rear (south facing) elevation of the property with outlooks over the harbour and Seaview Terrace cottages at first floor level. There are also dormer windows at second floor level. Although this is the case it is considered that these windows have a far less intrusive impact than a balcony would have as this would bring increased activity outside of the building and within closer proximity to the adjoining dwellings behind. The existing staircase and platform could not be used as a viable, functioning balcony space as this is a fire escape platform of very limited size.

7.15 Furthermore, due to the harbour views visible from the gap between No's 4 and 5 Seaview Terrace to the rear of the property and the south facing outside space created, it is considered that a balcony in this position would be in regular use, facilitating sustained overlooking. The screening proposed to the western side of the balcony would help to mitigate against views into the rear of properties along South Street and to No.6 Orange Row, however, would not prevent overlooking directly to the rear, offering an uninhibited view.

7.16 It is noted that due to the historical nature of the area, properties are sited within fairly close proximity of one another. This close proximity is judged to exacerbate the overlooking and overbearing potential of the balcony in this siting. The distance between the edge of the balcony and the rear wall of no 4 Seaview Terrace would be approximately 10 metres, which increases to 12- 13 metres to no 3, 16 metres to no 2 and 18 metres to no 1 Seaview Terrace. Although not directly applicable in this case due to the existing built context, the Havant Borough Design Guide SPD 2011 states that a 20 metre distance should be retained where new windows are proposed with a back - to - back relationship. It is judged a balcony would have more dominant impact than a window would.

7.17 This proposal is therefore considered contrary to Policy CS16 of the HBLP (Core Strategy 2011 which 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 (amongst other matters):

'does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking'.

7.18 A history search of this property shows that a similar proposal was put forward under application reference APP/17/01111 which initially proposed a very similar scheme. The case officer assigned to this similarly concluded that the balcony proposed, although increased in scale than this current proposal, would have a harmful impact upon the amenity of the properties to the rear. The proposal was subsequently amended to remove the balcony and instead propose the fire escape structure which was granted approval.

7.19 The neighbouring property to the east of the application site; No 4 Orange Row recently received approval for a balcony at first floor level under application reference APP/19/01163. The impact on neighbouring amenity of the balcony at No 4 is judged to be far less than that proposed at No. 5 due to the position of this property, set back behind the building line of No 5, with a reduced visual outlook to the south, mainly overlooking the blank wall of No's 5 and 6 to the rear and the smaller size of the balcony proposed.

7.18 Consequently, it is considered that the proposal would appear overbearing, would lead to overlooking and would have an unacceptable impact on the properties immediately to the rear of the application site and therefore would not meet the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

8.1 The proposed development would by reason of its design and siting result in a harmful impact on the amenity of surrounding properties, resulting in an overbearing and overlooking development which would fail to respect the privacy of adjoining residents in terms of overlooking to windows and private amenity space notably in properties to the rear of the proposal site. As such the development would be contrary to the National Planning Policy and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

9 RECOMMENDATION:

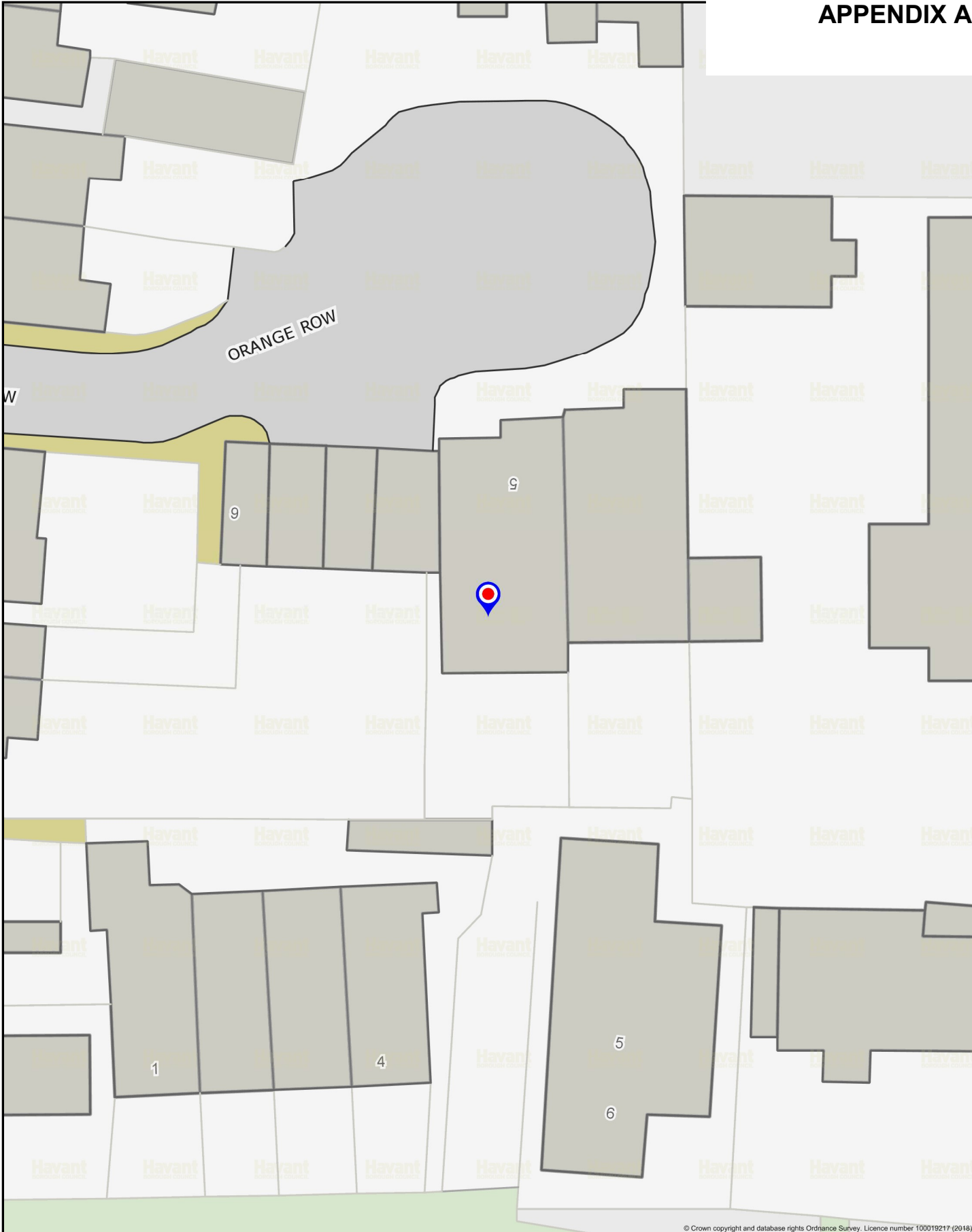
That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00123 for the following reason

- 1 The proposed development would by reason of its design and siting result in a harmful impact on the residential amenity of surrounding properties and in particular No's 3 and 4 Sea View Cottages. The provision of the first floor balcony would result in an overbearing and overlooking development resulting in a loss of privacy to rear windows and private amenity space. As such the development would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

Appendices:


- APPENDIX A - Location Plan
- APPENDIX B - Block Plan
- APPENDIX C - Site Plan with visibility splays
- APPENDIX D - Proposed Elevations
- APPENDIX E - Proposed Floor Plans
- APPENDIX F - Site Photograph
- APPENDIX G - Photograph 5 Orange Row looking south

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5 Orange Row, Emsworth, PO10 7EL



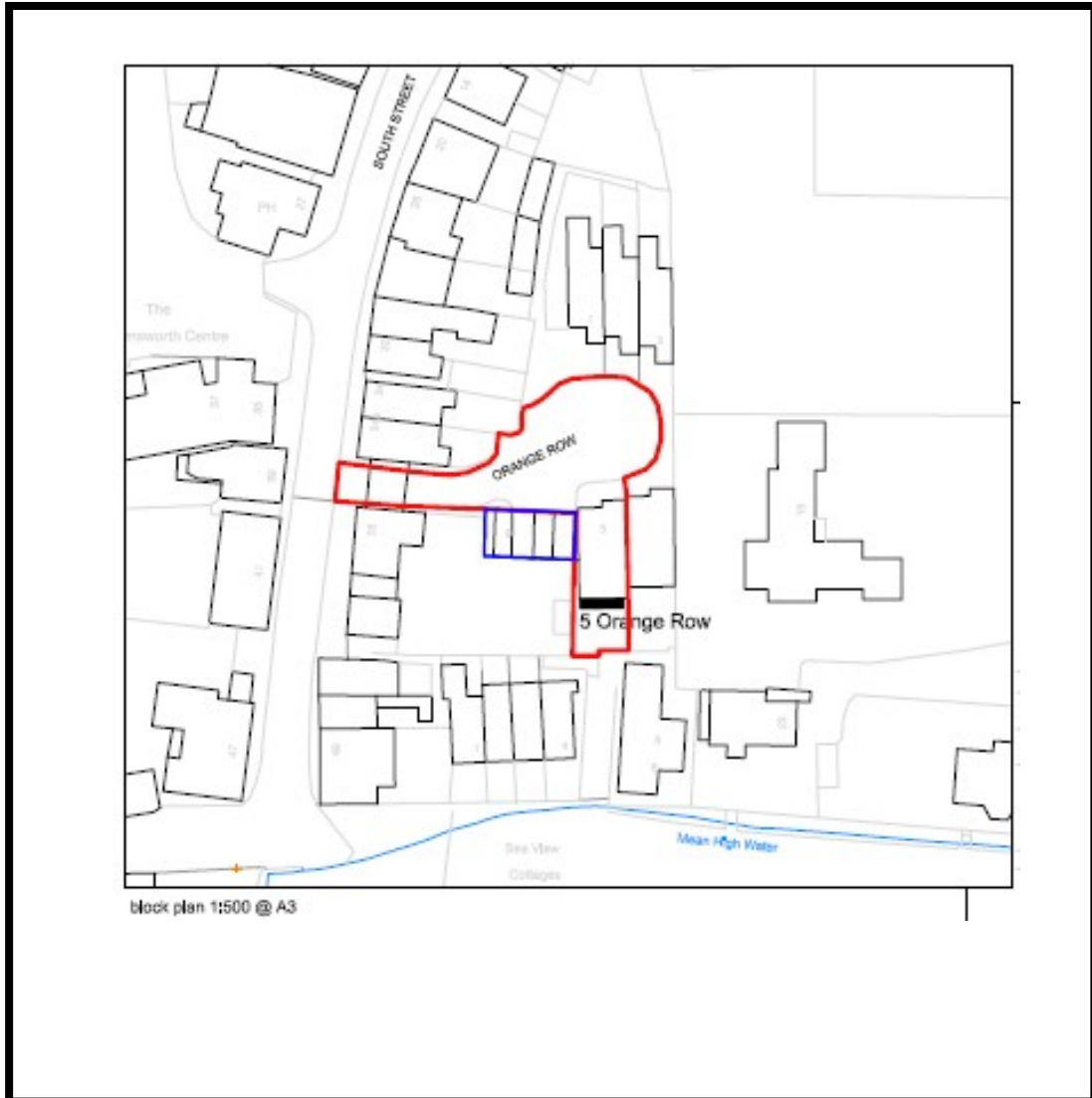
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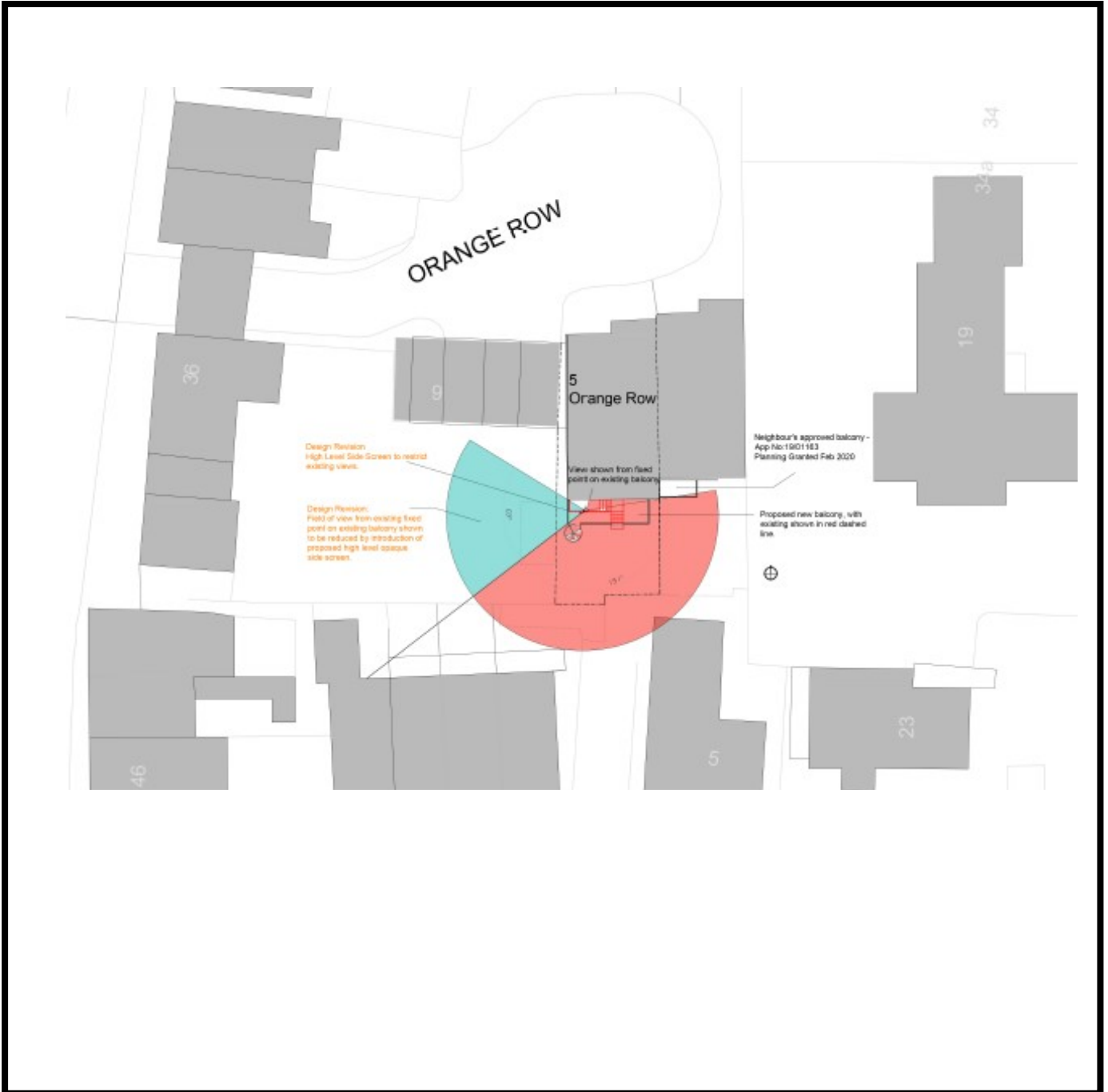
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BLOCK PLAN



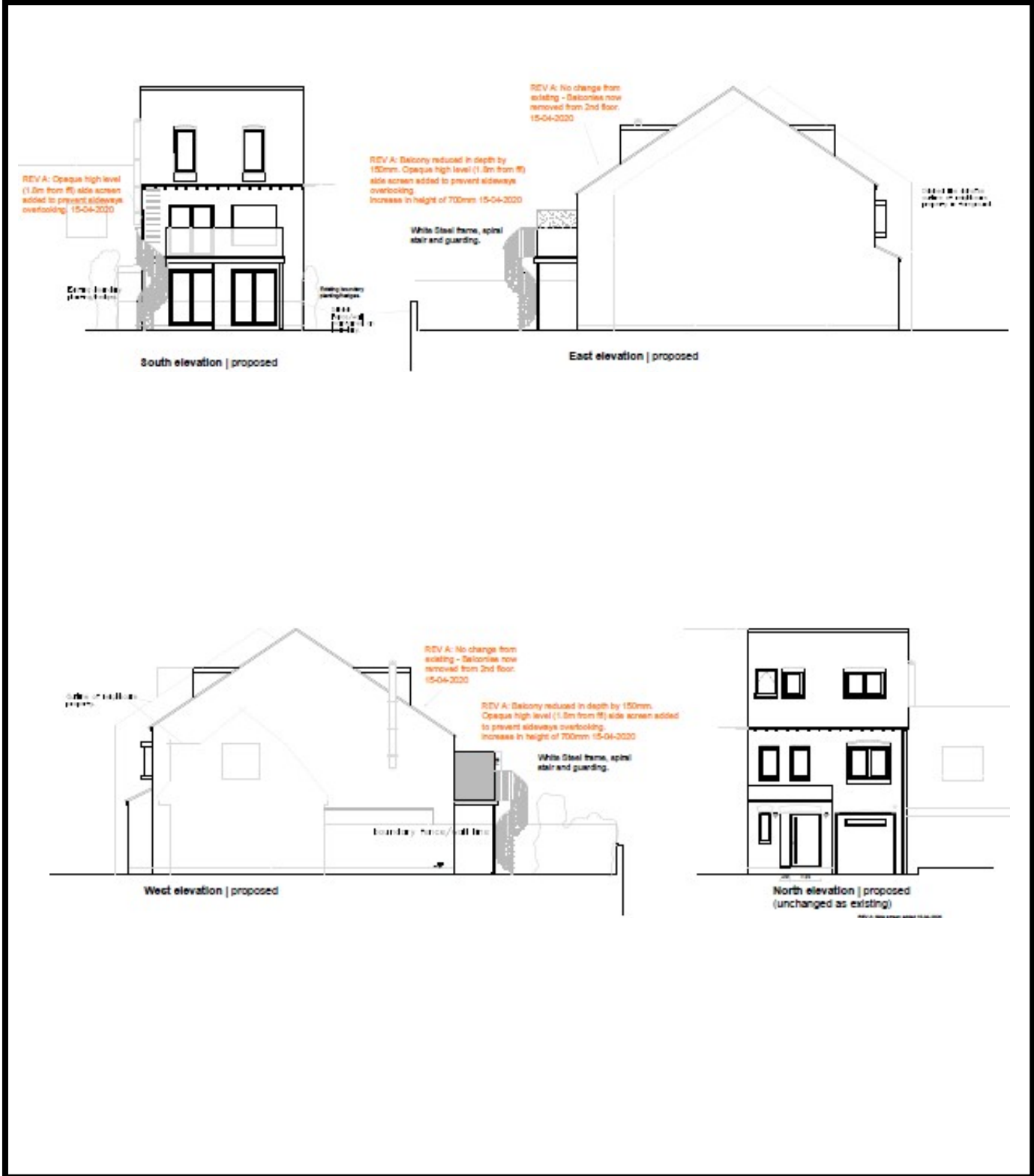
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Site Plan with Colour Visibility Splays



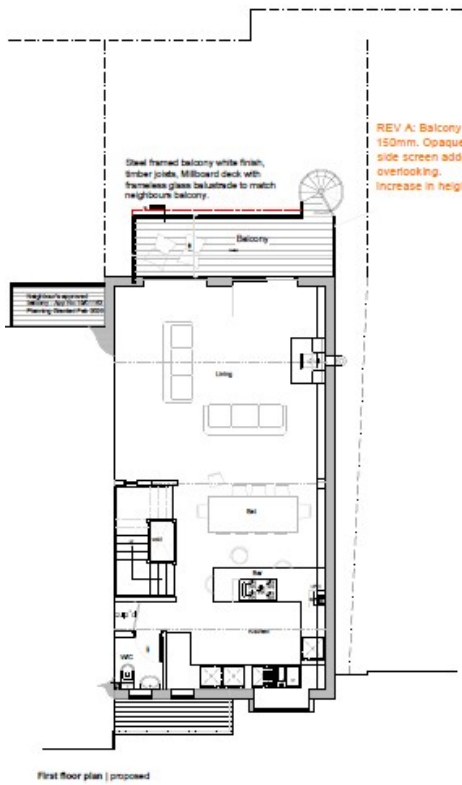
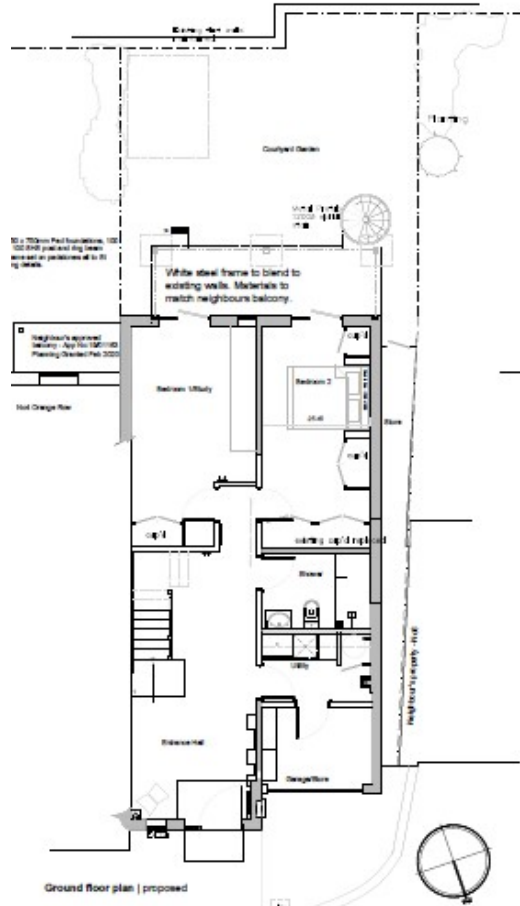
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Proposed Elevations

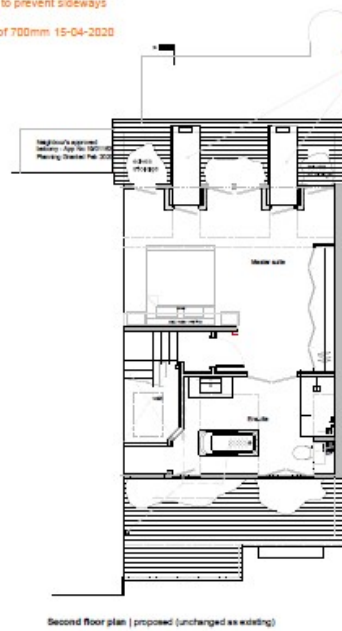


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Proposed Floor Plans



REV A: Balcony reduced in depth by 150mm. Opaque high level (1.8m from floor) side screen added to prevent sideways overlooking.
Increase in height of 700mm: 15-04-2020



REV A: Balconettes from 2nd floor removed 15-04-2020. No changes to existing 2nd floor plan.

ED PLANS

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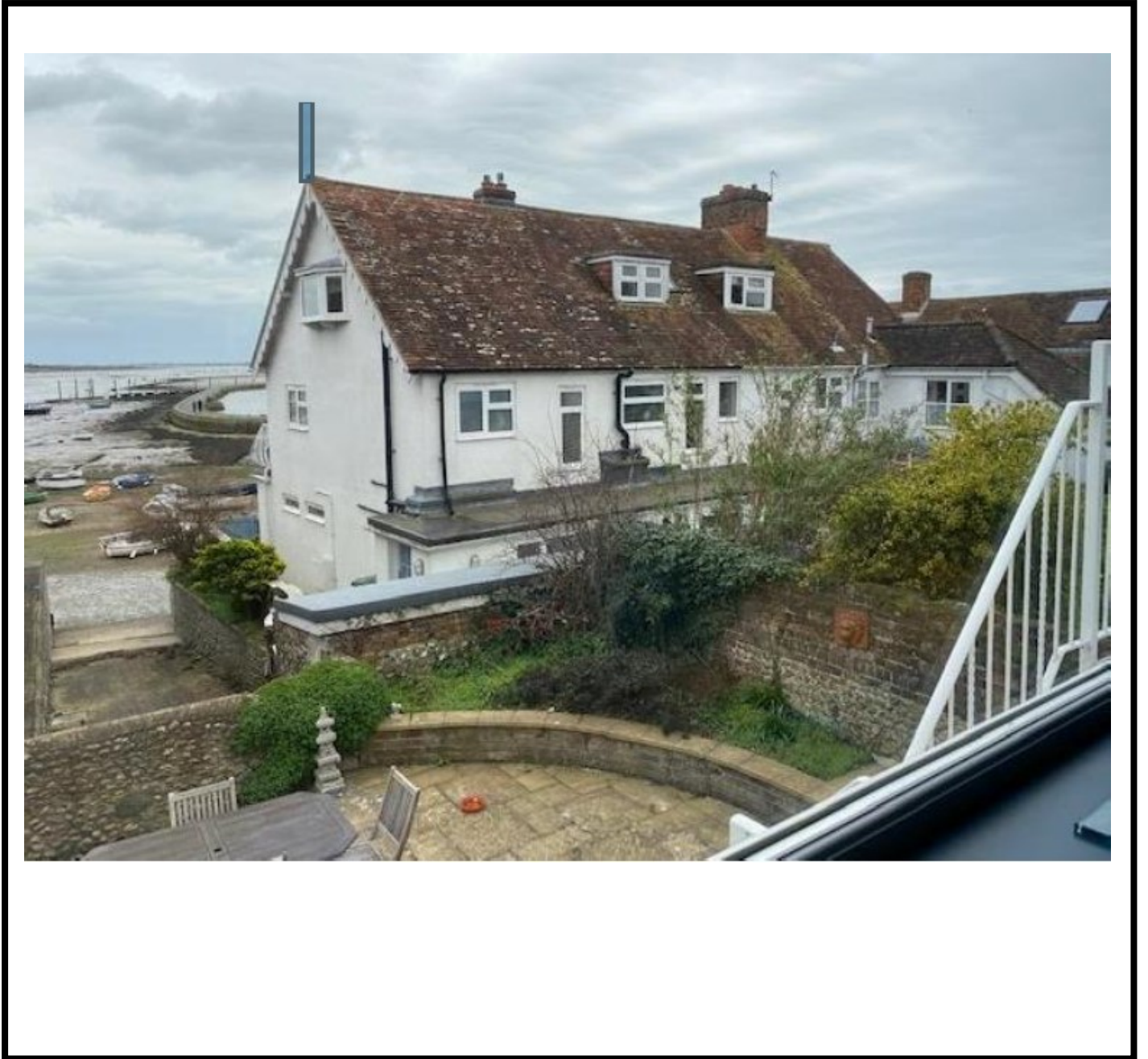
Site Photograph



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APPENDIX G

View from 5 Orange Row



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