



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:**

<b>Comment</b>	<b>Officer Comment</b>
<b>Object-</b> 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.
<b>Object-</b> 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><b>Support</b> We are happy with the amended plans and support the application</p>	Please see 'Planning Considerations' section of the report
<p><b>Support</b> 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><b>Support -</b> 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><b>Support-</b> 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><b>Support –</b> I have lived here for the past 10 years and support this application.</p>	Please see 'Planning Considerations' section of the report
<p><b>Support-</b> 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><b>Support-</b> 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.

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## 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