

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 25 June 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lowe and Patrick (Standing Deputy)

20 Apologies for Absence

Apologies for absence were received from Councillor Lloyd.

21 Site Viewing Working Party Minutes

The minutes of the meeting of the Site Viewing Working Party held on 23 June 2020 were received.

22 Declarations of Interest

There were no declarations of interests.

23 APP/20/00123 - 5 Orange Row, Emsworth, PO10 7EL

The site was the subject of a site briefing by the Site Viewing Working Party

Proposal: First floor balcony and replacement spiral staircase

The Committee considered the written report and recommendation from the Head of Planning to refuse permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- (1) gave details of the internal layout of 2 and 4 Seaview Terrace as requested by the Site Viewing Working Party;
- (2) updated the officer's report including an amended reason for refusal;
- (3) included the minutes of the Site Viewing Working Party held on 23 June 2020;
- (4) included a copy of the presentation given to the Site Viewing Working Party held on 23 June 2020; and
- (5) included a written deputation submitted by Councillor Bowerman in support of the application.

The Committee noted that the following question had been submitted since the agenda was published:

“How many properties near to the application site have balconies?”

All the members confirmed that that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and mindividual members of the Committee since the agenda was published. The Working Party noted that the existing south elevation drawing needed to be amended to reflect the position that there are no existing second floor balconies.

With regard to the deputation received from Councillor Bowerman, the officers commented that:

- (a) it was recognised that the property featured an existing fire escape platform and staircase, which overlooked the harbour and Seaview Terrace cottages at first floor level. However, it was considered that proposed balcony was more overt and would change the use of the platform from a fire escape to a more functional balcony area, which would be used for gatherings and functions to the detriment of the occupiers of 3 and 4 Seaview Terrace
- (b) although there were other balconies on nearby properties, these did not create a precedent due to their different relationship and impact on the cottages in Seaview Terrace;
- (c) the main concern was that the proximity of the proposed balcony to the cottages in Seaview Terrace and its use and operation would appear overbearing and lead to overlooking, which would have an unacceptable impact on the properties immediately to the rear of the application site;
- (d) it was acknowledged that the applicants had made amendments to resolve some of the concerns of the officers. However, these changes did not overcome the officers main concern relating to the impact of the proposed balcony on the 3 and 4 Seaview Terrace; and
- (e) although there was community support for the application, the Council was required to consider the impact of a proposal on current and future occupants when making a decision.

In response to questions from the Committee, officers advised that:

- The balcony shown being constructed at 4 Orange Row in the presentation was set back further and had a more acceptable relationship to the properties in Seaview Terrace than the proposed balcony.
- Not aware that the proposal had been used for multiple occupation.
- A decision on whether the fire escape should be retained was a building control matter.
- The separation distances between the proposed balcony and 1 and 4 Seaview Terrace did not comply with the minimum distance required for new build properties in the Havant Borough Design Guide.
- It was understood that the courtyard behind 2-4 Seaview Terrace was used as a through route and had multiple uses by occupiers of Seaview Terrace cottages.
- It was not known whether the screen proposed for the balcony would be non-reflective. The Chichester Harbour Conservancy had not raised an objection and the officers would seek to ensure that the materials used would not have an adverse impact on the harbour environment.
- Precedent was a consideration but rarely the determining factor as it was difficult to prove a direct precedent from one scheme to another as they were rarely identical and would have a different relationship

The Committee discussed the application in detail together with the views raised in the deputation received.

Although a minority of the members considered that the proposed development was acceptable and would not have an unacceptable impact on neighbouring properties, a majority of the members felt that the proposal by reason of its design and siting would result in a harmful impact on the amenity of surrounding properties.

It was therefore:

RESOLVED that application APP/20/00123 be refused 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 to No's 3 and 4 Seaview Terrace (one dwelling). 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.

At the request of the Chairman the voting on this item was recorded as follows:

For the Motion: Councillors Howard, Keast, Lowe and Satchwell

Against the Motion: Councillors Crellin, Patrick and Mrs Shimbart

Abstentions:

None

The meeting commenced at 5.00 pm and concluded at 5.49 pm

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Chairman