

Recommendation: **REFUSE PERMISSION**

- 1.1 The application site relates to a currently vacant, detached, chalet style dwelling located on the south western corner of Beach Road fronting Chichester Harbour. The Solent Way public footpath runs along the southern boundary of the site. The existing property has a single storey eaves line with accommodation in a gabled roof with flat roofed dormers and flat roofed single storey additions to most of the elevations, and notably a single storey flat roofed conservatory to its south elevation. It is constructed of a mix of white painted brick, render and some white cladding with a dark plain tiled roof.
- 1.2 The curtilage of the site is currently overgrown and there is a detached prefabricated double garage and store located towards the north east corner. The site is relatively flat, but undulates slightly and set slightly lower than the adjacent highway. The boundaries of the site currently comprise a mix of 1.8m high brick wall (northern boundary) and close boarded fencing with mature shrubs on the majority of other boundaries. The trees and shrubs within the site are all generally domestic but there is a Blue Cedar tree located on the southern boundary adjacent the public footpath. Vehicular access is taken from Beach Road towards the northern end of the site.
- 1.3 The original pitched roof property is set approximately centrally within the site with a separation from the front gable to the southern boundary of about 14m and a separation of about 15m from the original northern facade to the northern boundary. These dimensions exclude the single storey flat roof additions. Due to the undulations on the site, the height of the existing property roof line measures about 6m on its south elevation and 5.5m on its east elevation.
- 1.4 To the rear, north, number 72 Warblington Road comprises a detached two storey dwelling with large dormers facing the application site. Its siting within its plot is such that the separation to the shared boundary is minimal, only between 4 to 5m. To the west, 74 Warblington Road, was originally an identical chalet bungalow to the application site (as was 76 to the west again) but has been enlarged and increased in height slightly, although it does retain some elements of a single storey eaves line. Notably the building line of these 3 properties to the west of Beach Road is slightly staggered to reflect the very gradual slope of the shoreline at this point.

- 1.5 The wider context to the east includes some more contemporary replacement dwellings, interspersed with some original chalet bungalows, such that there is a mix of architectural styles and materials, but all have traditional pitched roofs of a similar height. The building line of these properties in Western Parade is fairly consistent with the main two storey element of each dwelling being aligned, with some roof overhangs and subservient single storey forward projections only. The front facade of the original pitched roof property on the application site continues and respects this wider building line.
- 1.6 The site lies immediately adjacent the Chichester Harbour AONB and SSSI; the Chichester & Langstone Harbours RAMSAR and SPA; and the Solent Maritime SAC. These designations feature important broad inlets and coastal plains with intertidal mudflats and saltmarshes important for over-wintering bird species.. The southern part of the site falls within Flood Zones 2 and 3 and the entire site falls within the future flood zone. There are no TPO'd trees on the site or close to shared boundaries.
- 1.7 It is considered that long distance views of the site from Chichester Harbour show the existing pitched roof chalet sitting comfortably within the traditional pitched roof linear pattern of development along the foreshore with appropriately muted roof and materials that blends into the backdrop. The presence of mature shrubs and screening is such that the development on the site is currently inconspicuous in the wider landscape.

2 Planning History

20218/3 – Outline application for one detached dwelling adjacent 41; permitted 24/6/1977

20218/4 – Erection of 1No 4 bed dwelling (now 72 Warblington Road); permitted 7/4/1978

00/52669/001 - Single storey extension to west elevation, PERM,07/08/2000

3 Proposal

- 3.1 Demolition of existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating a studio, garaging, solar panels, landscaping and associated works.
- 3.2 The application proposes a 4 bedroom flat roofed two storey contemporary dwelling with curved corners and overhanging horizontal planes. Materials would be a mix of set pebbles at ground floor, concrete plinths/planes and vertical timber cladding at first floor. The main body of the house would have a maximum width of 18.5m and depth of 16m with height of 7.5m, but there would be solar panel arrays and what is assumed to be some kind of plant room rooftop projection totalling a maximum height of 9m. There would also be a rear projection to the north-western corner of the dwelling which would be part two storey and part single storey providing an integral double garage. Vehicular access to the site would be re-sited further north on Beach Road.

- 3.3 Notably the siting of the replacement dwelling would be further south/forward than the original pitched roof property: the concrete plinth of the first floor terrace would be 9m from the southern boundary and the main facade of the ground floor would be 10m from the southern boundary. The first floor front elevation would include full height glazing for the entire width of the dwelling, with sliding louvre screens. There would be several roof lights in the flat roof, with arrays of Photovoltaic and solar panels set at a 10 degree pitch mounted on the roof. The dwelling would be heated via a ground or air source heat pump.
- 3.4 The dwelling would achieve Passivhaus certification.

4 Policy Considerations

National Planning Policy Framework, updated 19 December 2023

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))
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)
ENP_D7	(Mitigate Light Pollution)
ENP_D6	(Resource Efficiency)

Chichester Harbour Management Plan (2019 - 2024) Third Review

Policy 1 - Conserving and Enhancing the Landscape
Policy 2 - Development Management
PP03 - Replacement Dwellings and Domestic Householder Extensions
PP09 - Dark Skies

Chichester Harbour Planning Principles 2019 - 2024
PP03 - Replacement Dwellings and Domestic Householder Extensions
PP09 - Dark Skies

Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, July 2017

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Approve, subject to conditions

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The application seeks to demolish an existing dwelling and replace it with a single dwelling with landscaping works in the ground of the property. The site is not within a Conservation Area and there are no trees on or adjoining the site boundary that are subject to a Tree Preservation Order. However, there are several trees and shrubs within, and adjoining the boundary of the property.

The application includes supporting information that outlines the measures to be taken to protect the existing landscaping, including trees, whilst also outlining works to remove and prune some trees and shrubs on site, Arboricultural Method Statement from David Archer Associates (May 2023) and Garden Masterplan from Graduate Landscapes (BRE-MP-04 Rev E).

The Garden Masterplan (BRE-MP-04 Rev E) introduces a 1.5m wide double gate with associated pathways that would be in close proximity with Blue Atlas Cedar on the southern boundary. Further details of the works in the root protection area of this tree should be secured by condition prior to commencement and any pruning works, if required, should be proposed as part of the works and undertaken in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

If the officer were minded to grant permission for the application, the pruning works and tree protection measures should be secured by condition to be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Building Control

Building Regulation consent will be required

No other comments at this time

Chichester Harbour Conservancy

See Case file for full officer report with 2 recommendations from The Conservancy's Committee:

Recommendation 1 - Objection: Notwithstanding adjustments that have been made to the overall design, following a pre-application enquiry and the impressive sustainable credentials of the replacement dwelling, there would be adverse visual impact to the setting of the Chichester Harbour AONB. This would be by reason of added bulk and mass across the width of the plot at first floor level, accentuated by the amount of reflection off full length glazing and an incongruous flat-roofed design containing skylight windows (adding to pollution of the night sky), where the immediate context is predominantly of pitched roof forms. The proposals are therefore considered to be contrary to Policies CS12, (which also includes consideration of Policies 1-2 of the Chichester Harbour Management Plan 2019-2024), CS1 (7)-CS8, CS12, CS16.1 (a)/(c), DM9.2/3 and AL1 of the Borough Development Plan and Policies D1 (c), D2 (a), and D7 (a) of the 'made' Emsworth Neighbourhood Plan.

Recommendation 2 – That a tree preservation order be made on the blue cedar tree in the south-west part of the site to ensure its retention.

Coastal Engineering

I can confirm that we have no objection in principle from a tidal flood risk perspective but are able to offer the following comments and advice.

The site is shown to lie partially within the Environment Agency's present day Flood Zones 3 and is therefore at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event.

For information, the Partnership for South Hampshire's Strategic Flood Risk Assessment shows the present day 1:200 year extreme tidal flood level for Chichester Harbour to be 3.4 mAOD, increasing to 4.5 mAOD by 2115, due to the effects of climate change. However, the PfSH SFRA is currently being updated to reflect current climate change guidance. The latest guidance for calculating climate change sea level allowances can be found here:

www.gov.uk/guidance/flood-risk-assessmentsclimate-changeallowances#sea-level-allowances

The applicant has submitted a Flood Risk Assessment, compiled by Aegaea and dated June 2023, sufficiently outlining how tidal flood risk at the site will be mitigated over the lifetime of the development.

As outlined within the FRA, Product 4 data provided by the Environment Agency shows the 1:200 year extreme tidal flood level for 2122 (design tide level) to be 5.10 mAOD using the UKCIP18 Higher Central allowances and 5.46 mAOD using the Upper End allowances.

Ground finished floor levels (FFLs) of the reconstructed dwelling are to be raised from 4.26 mAOD to 4.86 mAOD, with the proposed garage to also be raised by 300mm to 4.56 mAOD. Under the Upper End 2122 scenario, the proposed replacement dwelling could experience up to 0.6m of tidal flooding, whilst the garage could experience up to 0.9m. Notwithstanding this, the proposals provide a betterment on the existing dwelling and will not place additional persons at risk or increase the vulnerability classification of the site. Furthermore, safe internal refuge above the design tide level will also be available for occupants on the first floor.

In addition, the FRA also proposes a variety of flood resilience measures and recommends for occupants to sign up to the Environment Agency's Flood Warning Service. Given the depths of tidal flooding that could still be experienced at the dwelling, we concur with the Environment Agency's recommendation for a condition that the development be built in accordance with the FRA.

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

This application relates to a replacement dwelling. As there is no net increase in dwellings, SRMS or Nutrient Neutrality will not apply.

Crime Prevention

None received

Ecologist

This application is accompanied by an Ecological Impact Assessment (ECOSA, May 2023).

The application site is almost immediately adjacent to the Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation (SAC) and Chichester Harbour Site of Special Scientific Interest (SSSI). There is clearly potential for construction activities to result in impacts arising from noise, visual disturbance and airborne and waterborne pollution. I do not agree with the ecology reports conclusion that no adverse impacts should be considered the close proximity of these designated sites means they are well within the likely zone of impact from construction phase impacts. I consider that the appropriate method for addressing potential impacts is a Construction Environment Management Plan (CEMP). I strongly recommend that a CEMP is secured by condition.

The dwelling was assessed as offering bat roosting potential and subject to two bat roost surveys. No bats were observed emerging from the dwelling and it is concluded that roosting bats are absent from the site. The site overall contains areas of managed lawn, planted ornamental vegetation, and planted trees and shrubs. The majority of the vegetation is to be removed, except for larger trees along the southern boundary. The habitats on site are not considered to be of particular ecological value. The proposed landscaping plan includes new native hedging, a range of ornamental trees and shrubs, and areas of 'wildflower' grassland. It is unclear what form these areas of grassland will take (what is the seed source for instance) and how they will be managed to promote biodiversity.

The ecology report includes recommendations for ecological compensation and enhancement, including bat and bird boxes and a reptile hibernaculum. I would recommend that a next box for Common Swift is more appropriate than one for Barn Swallow. The location of these features should be illustrated on a site plan and I would recommend that this is provided prior to determination in order to ensure that ecological enhancements are agreeable and understood. In addition, recommendations are made for ecological supervision for certain aspects of vegetation clearance. These measures are acceptable.

Emsworth Residents Forum

The application accords well with Policy D6, which supports general sustainability goals. Indeed it sets very high standards indeed in this regard.

However in other regards, the proposal does not accord with the policies and aspirations within the Neighbourhood Plan. In particular Policies D1, D2 and D3 require proposals for new buildings to respect the character of the area and have regard to the Design Checklist in the plan.

The proposal for a flat roof ignores Design Guidelines 41 and 42, which call for rooflines and silhouettes to integrate well with surrounding buildings. Furthermore, flat roofs are considered to be out of character in Emsworth and should be avoided (para 42).

The adoption of a flat roof over a first floor which maximises living space adds to the perception of the building as a rather massive and bulky building as seen from all directions. Whilst the replacement building as proposed is now similar in height to surrounding properties, all other properties have pitched roofs. Indeed almost all replacement and existing properties in this area of Emsworth have pitched, not flat roofs.

Neighbourhood Plan Policy D7 (Mitigate Light Pollution) is especially important in this location - para b) emphasises the importance of the waterfront location. We note the technical Dark Skies report, but we have do not the technical expertise to comment on its conclusions. However, we would note that the increased living space at first floor level is likely to increase light intrusion across the harbour.

Engineering/Drainage

None received

Environment Agency

We have no objection to the proposed development as submitted, provided that the following condition be attached to any planning permission granted. The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included:

The development shall be carried out in accordance with the submitted flood risk assessment and plans (ref: Flood Risk Assessment- Prepared by aegaeaAEG0493_P010_Emsworth_01 - June 2023) and the following mitigation measures it details:

- Finished floor levels shall be set 600mm above existing.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants

Advice also provided full response re flood resistance and resilience measures, and flood warnings.

Environmental Health

No major concerns regarding the application with respect to noise and other environmental nuisance. However, we consider that should planning permission be granted, a condition requiring a Construction Management Plan should be imposed; as well as Informatives regarding Hours of Work, Bonfires and Dust Control

Hampshire Highways

The applicant is proposing to demolish and replace the existing dwelling. The proposals include relocation of the existing access further north. Drawing 387-OBA-00-ZZ-DR-A-0101-P11 shows the proposed relocated access supported by pedestrian intervisibility splays. The splays shown are drawn in accordance with HCC TG3 and are therefore agreed. Vehicular visibility splays should also be provided for consideration in accordance with HCC TG3. Further information can be found at the following link: TG3 - Stopping Sight Distances and Visibility Splays (hants.gov.uk)

The full length of the proposed dropped kerb should be confirmed. The full length should be no greater than 10.0m to be undertaken via a S171/184 license, otherwise it is likely a minor S278 agreement will be required to undertake these works on the highway.

The applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link: Apply for a vehicular access | Hampshire County Council (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made.

Landscape Team

From a landscape perspective we have the following comments in relation to this application:

- We do not object to the principle of the redevelopment of this site, however the proposals must be in line with HBC policies and design guides.
- The proposed development sits on the shoreline of Chichester harbour AONB which is a nationally designated protected landscape and as such any proposals must not have a detrimental impact on the AONB.
- The proposed roof style and number of floors is not in keeping with the existing built form which consists of pitched roofed 1.5 storey dwellings and at present the design is deemed to be contrary to planning policy CS16 which states;
'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: Responds to, draws inspiration from and respects local context and: 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;
Furthermore HBC design guides states:

'It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovative design. Key features include the rhythm of facades; rhythm and pattern on the skyline through roof shapes and articulation; repetition of elements and patterns in such items as bays, dormers, repeated gables and chimneys. Detailing is the finer level and the craftsmanship, building techniques, decoration, styles and lighting of a building or structure. Where streets and places have prevailing features these should be incorporated as much as possible in any new development in the area.?

As such the design must be amended to be a pitched roof and the dwelling must not exceed 1.5 stories to ensure the development is not overly dominate and in keeping with policy and design guides.

- The proposed building line does not follow the common building line and need to be pulled back further north. For clarity HBC design guides stipulate that the building line is a line that defines the front of a main building. At present the building line appears to be taken from conservatories and single storey extensions from 74 Warblington Road and 50 Western Parade. This encroachment of the building line coupled with a 7m high building would be too dominant and the design must be amended.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Chichester Harbour Special Protection Area and Solent Maritime Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Demolition and Construction Environmental Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Details provided in full response on what the CEMP should include

Norse South East

None received

Portsmouth Water Company

no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission

Royal Society for the Protection of Birds

None received

Waste Services Manager

None received

6

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

Number of neighbour notification letters sent: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: **17**

12 letters of objection have been received and **5 of support** - but none of the supports provided any content and were simply names, and hence there are no supporting comments to summarise.

Comment	Officer Comment
Objection topics can be summarised as:	
<u>Building Line</u> - should use footprint of main fabric of existing building excluding the southern conservatory; Western Parade rebuilds all respect this building line; infront of building line and too far forward; butted as far forward as is technically possible, thereby maximizing the visual impact from shore/harbour; front of the building is significantly in front of all other developments along the shoreline. Precedence was set at No 10 Western Parade when council asked to move the building line north (back), in particular the first floor to tie in with the overall building line of Western Parade. It appears from the plans that the first floor building line for 41 Beach Road is c. 4 metres further forward than any other first floor along Western Parade and neighbouring properties to the West.	Noted - see section 7 below Noted - see section 7 below
<u>Prominent Site</u> - site is very prominent as the land at the western end of Western Parade the southern end of Beach Road is much higher than the land to the east or west.	

The site is also much closer to the sea than the properties to the east as there is only a footpath to the south of it, compared to the gravel access road, Western Parade, with its wide grass verges to the East. The coast is not a straight line at this point, but curves to the south. These features combine to create a highly visible 'headland' location, with the site being highly visible from whole of the Emsworth Channel, the popular coastal footpath and Nore Barn Woods. Forward siting makes proposed building very prominent from the east as it is much further south than other properties.	Noted and agreed
<u>Height</u> - too high; raised flood relief platform of 600mm exacerbates increased height and adds to apparent bulk	Noted - see Section 7 below
<u>Design & Visual Impact</u> - bulky and obtrusive given its position along Western Parade at its highest point; increased height from flood risk exacerbates impacts; should be reduced in height and scale from the street scene and harbour view; shuttered windows imitate a small corporate office rather than a dwelling; angular design and forward siting results in a permanent scar on the shoreline; insensitive and intrusive proposal; The flat roof only emphasises the buildings overbearing design.	Noted - see section 7 below
<u>Local Character</u> - all other properties on the harbour frontage are of 1 ½ story construction with pitched roofs - 2 storey flat roof would be out of character; flat roof not in keeping; existing property is a modest bungalow almost entirely hidden by undergrowth. The surrounding properties are again modest chalet bungalows with small dormers and 1½ storey building.	Noted - see section 7 below

The proposed 2 storey flat roofed building will be totally out of character. A flat roof to the building does accentuate the bulkiness of the building and does not respect the character of the area. out of scale and character with the area, in a prominent position in the Chichester Harbour AONB. out of character not only with the neighbourhood but Emsworth itself. prescribed building line along Western Parade is an extremely important part of what sets the character along the foreshore	
<u>Separation</u> - will materially affect the site lines and harbour views from the north and south aspects in regard to the size of the building and visual separation between the adjacent buildings.	Noted - see section 7 below
<u>Overlooking</u> from first floor balcony - needs to be permanently screened at its west end	Noted - see section 7 below
<u>AONB</u> - astounded that a property of this design and magnitude is even considered for development in what is an AONB; vast expanse of glass is totally out of kilter with the neighbouring properties all of which have been subtle and considerate in their design taking into account the natural and unspoilt beauty of Chichester Harbour AONB. massive bulky overbearing building in proportion to the site not suitable character of this area of AONB and will materially affect the visual impact of the Harbour Conservancy Area.	Noted - see section 7 below
<u>Loss of light</u> and sunlight due to height	Noted - see section 7 below
Query whether Daylight & Sunlight report conclusion that effect on windows 7, 8, 9, 10 and 27 is so little; loss of daylight & sunlight thought to be greater, especially in the mornings	Noted

Loss of sea view due to height	no right to a view
Covenant in place regarding this property, stating that the height of the building must not be raised.	a private matter and would not prevent planning permission being issued
<u>Overdevelopment</u> of plot - too large for site; relative to the overall plot size and neighbouring properties, its design and flat roof construction are overbearing and an overdevelopment of the site; footprint is very large for the plot	Noted - see section 7 below
appreciate inclusion of 3 trees on western boundary for screening	Noted
<u>Dark Skies</u> - reflective light from this building contradicts CHC Planning Principle PP09 Dark Skies; previous application on nearby house for a small velux refused by Conservancy due to light pollution so inconsistent for proposal with hundreds of sqm of glass to be considered; extensive first floor windows which- however managed- will inevitably affect and increase light pollution into the harbour	Noted - see section 7 below
No footprint or elevation comparison of the current dwelling and the proposed dwelling provided	Noted - see section 7 below
<u>Precedent</u> - especially for design and siting	Each application must be considered on its merits
<u>Principle</u> - principle of a replacement building of appropriate size and scale is accepted Agree with the principle of redevelopment	Noted and agreed
<u>Policies</u> - fails to comply with policy D2A of the Emsworth Neighbourhood Plan 2019 - 2036 and PP03 of the Chichester Harbour Planning Principles 2019 - 2024; Policies D1 D2 and D3 require proposals for new and replacement building to respect the character of the area - this design patently does not.	Noted - see section 7 below

Design guidelines 41+42 consider flat roofs to be out of character in Emsworth (para 42) contrary to important policies designed to protect the special character of this area and the AONB	
<u>Pre-app advice</u> - noted that the proposal has been reduced in scale during Pre Application Advice. This is just a tactic and should be disregarded.	Noted
<u>Eco-credentials</u> - use of a 'high end' architect whose team produce smart illustrations should not influence decisions on sympathetic style, bulk and prominence in the landscape. Considerable emphasis on Passivhaus concept should not influence application, as an alternative passive design which complements and does not detract from the character of the area should be possible to achieve .	Noted - see section 7 below
<u>Noise</u> - Concerned about the noise issue associated with an external heat pump, considering its location external to the property and being adjacent to the harbour and how sound travels over water/disturbance to migrating geese etc. Acoustic housing is shown, which suggests the equipment in question is noisy! Should require sufficient information be submitted or mitigation provided above and beyond standards (due to the sensitive nature of the surrounds)	Noted - should permission have been recommended then this matter could have been considered in more detail and/or conditioned

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) Impact upon the character and appearance of the area and the AONB
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Trees, landscaping and ecology
- (vi) Flood risk
- (vii) CIL
- (viii) Other matters - sustainability

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. A one for one replacement dwelling is acceptable in principle, but its detailed design must have regard to the context of the site, which in this instance includes its prominent siting on the foreshore, immediately adjacent Chichester Harbour AONB.
- 7.3 This proposal seeks a contemporary flat roofed two storey dwelling that would achieve Passivhaus certification and emphasis has been placed on its sustainability credentials, achieving an 85% reduction in CO2 emissions with the hope that it would become one of the most sustainable low carbon buildings in the country. The application has been accompanied by a number of documents including:
- Planning Statement;
 - Design and Access Statement;
 - Dark Skies Assessment;
 - Ecological Impact Assessment;
 - Flood Risk Assessment and Surface Water Drainage Strategy;
 - Daylight and Sunlight Report;
 - Landscape and Visual Appraisal (LVIA);
 - Water Neutrality & Nitrates Statement;
 - Arboricultural Method Statement and,
 - Sustainability Statement
 - Design Review Panel Response Statement
 - Garden Masterplan
- 7.4 The key policies relevant to the determination of this application include:
- Local Plan Policy CS12 relates to Chichester Harbour AONB and requires development at clause 1 to *"Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting"*.
 - Local Plan Policy CS16 requires all new development to be designed to a high standard that *"respects local context"* and in particular clause 1. c) requires development to *"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"*.
 - The Emsworth Neighbourhood Plan includes Design policies D1, D2 and D3 which require new buildings to *"enhance the character of the area and be appropriate in height, mass and materials. In most cases this will mean buildings constructed or clad in materials typical for the area with any pitched roofs being of slate or tile."* This document uses Design Guidelines and notably guideline number 32 requires building lines to be respected; 41 requires silhouettes including the roofline/skyline to integrate with surrounding buildings; 42 states flat roofs should be avoided; and 44 requires scale to be in context and should not overwhelm their surroundings.
- 7.5 With respect to the siting of the site immediately adjacent the Chichester Harbour AONB, the Chichester Harbour AONB Management Plan is directly referenced at clause 3 and 4 of Policy CS12 of the Core Strategy and helps to guide development both within and directly around the AONB. As such it and its supporting documents, are material considerations directly relevant to this site and proposal which abuts and is highly visible from the AONB. Policy 2 notes that *"Development outside of the area of Outstanding Natural Beauty, but sufficiently close to the boundary, will not detrimentally impact the character and setting of the protected landscape."*

Planning Principles in this document, which are also contained in the separate Chichester Harbour Planning Principles 2019-2024 document, also seek to protect the landscape and any changes that would cause material damage to the AONB (PP01). PP03 specifically deals with replacement dwellings and householder extensions and includes a criterion, amongst others, that it must be demonstrated that the increase in size and/or mass does not exceed 50% of the footprint and 25% to the elevation silhouette. This particular criterion is repeated and expanded upon in Section 11 of the Joint Supplementary Planning Document under Scale and Massing, and is a material consideration in the determination of this application.

- 7.6 The detailed aspects of the proposal will be assessed against these relevant policies below:

(ii) Impact upon the character and appearance of the area and the AONB

- 7.7 Every property along the foreshore and within the vicinity of the site has a pitched roof. Traditional pitched roofs therefore undoubtedly make up the character and context of the site. Along Western Parade the majority of the roofs are gable fronted with side slopes which creates a spacious skyline between dwellings. Many of the dwellings have a single storey eaves line, further increasing the sense of space about and between dwellings. Therefore the proposed flat roofed two storey dwelling would be completely contrary to this established character and introduce a boxy and bulky development lacking in any recessive spaciousness to its upper floors. This boxy profile affects the visual separation between properties and in particular would result in a jarring relationship at roofline level with number 74 Warblington Road to the west.
- 7.8 Whilst contemporary architecture is not inappropriate per se, it is considered that what is effectively a box measuring 18.5m x 16m would be overly dominant and out of scale with surrounding development. The existing dwelling has a ridge height of 6m that only spans 8.5m wide when viewed from the south. The agents street view plan provided at page 15 of their Design and Access Statement shows other roof lines and silhouettes and the bulk of all are softened by having some element of hipped roof. The 'prevailing building height' is marked (which is actually the 'maximum' existing building height) and is set by number 74 Warblington Road and number 10 Western Parade. The proposed street scene provided on page 43 shows that the main roofline of the proposed dwelling, at 7.5m high, would match this maximum height, but there would be additional paraphernalia above in the form of solar panels and a rooftop projection, which is not insignificant and adds to an overall height of 9m. Furthermore this roofline would extend a full 18.5m wide with no softened edges, which is almost double any other nearby ridge line. As such the additional bulk and mass at first floor level would result in a very bulky, dominant and overbearing development harmful to the more spacious skyline and typical silhouettes of the area.
- 7.9 The siting of the proposed dwelling within the plot is also of concern and fails to respect the building line set by the existing dwelling on the site through to the properties to the east along Western Parade. Whilst it is acknowledged that the building line to the west does fluctuate and stagger slightly this reflects the gradual lay of the land to the 'peninsula' at the end of Beach Road: the main front facade of number 74 to the west is set back about 14m, as is the main front facade of the existing dwelling on the site - their separation to the southern boundary is consistent.

It is also noted that the main front facade of the existing dwelling on the site (excluding the flat roofed conservatory) is aligned with and respects the main frontage of the properties in Western Parade. Negotiations have taken place in the past on these replacement dwellings and extensions in Western Parade to ensure the southern building line is adhered to.

- 7.10 The current proposal would site the two storey dwelling some 4 to 5m further forward within the plot. Rather than maintaining the existing 14m separation distance from the southern boundary, the proposed concrete plinth of the first floor terrace would be only 9m from the southern boundary and the main facade of the ground floor would be 10m from the southern boundary. This would result in a significant forward siting, failing to respect the established building line which would add to the prominence of the dwelling and its apparent bulk when viewed from both the south or either side.
- 7.11 Policy CS16 requires local character and building lines to be respected. The Emsworth Neighbourhood Plan further encourages building lines to be respected and resists flat roofs. It is considered that the height and scale of the flat roofed design proposed, combined with its more forward siting, would be at variance with the pitched roof context of the site and fail to respect building lines and be contrary to the requirements of policy CS16 of the Core Strategy, and policies D1, D2 and the design checklist of the Emsworth Neighbourhood Plan.
- 7.12 It is also noted that the overall depth of the property would span a maximum of 26m at ground floor level and some 20.5m at first floor level. When viewed from Beach Road to the east, this would represent a significant and bulky development on a prominent corner site. This would be perceived as overbearing and dominant to passers by and would potentially overwhelm the surroundings - as such this should be avoided by design guide checklist list 44 of the Emsworth Neighbourhood Plan. Third party comments also note an overdevelopment of the site but the plot ratio comparison provided at page 42 of the Design and Access Statement demonstrates this to be similar to both existing and others in the vicinity. The footprint coverage of the replacement dwelling is not considered to be out of keeping with others in the area, and offers sufficient amenity space and parking for future occupiers.
- 7.13 In terms of the impact on the adjacent AONB and wider landscape views, the agent is of the view that because the site is not actually within the AONB then the floor space and silhouette comparison required by PP03 and the SPD does not apply. As such no floor space or silhouette comparison has been provided, despite alerting the agent to this requirement at pre-application stage. The LPA are of the view that as a site that lies immediately adjacent the AONB and is highly visible from the foreshore and water, then the site has the potential to affect the setting of the AONB. It is the LPA's view that all policies indicate that the setting of the AONB should be protected: the updated NPPF at paragraph 182 indicates that great weight should be given to conserving and enhancing the landscape of AONB's, which have the highest status of protection, and notes that *"development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas"*. Furthermore adopted policy CS12 specifically refers to the setting of AONB's, as does Policy 2 of the Chichester Harbour AONB Management Plan. Therefore it is considered a reasonable conclusion that the relevant policies of the Chichester Harbour AONB Management Plan, Principles Plan and SPD are fully engaged. Therefore the silhouette comparison as required by policy PP03 and the SPD is considered a relevant tool to help assess the impact of developments on the setting of the AONB. Without such a comparison it has not been adequately demonstrated that the proposal would not harm the setting of the AONB.

- 7.14 The agent instead points to the provision of the Landscape and Visual Appraisal assessment, as well as consideration by two Design Review panels, as justification that the proposal would not result in any adverse impact on the wider landscape and AONB. It is their view that the scheme complies with the overarching aims of the Chichester Harbour AONB SPD. They note that paragraph 133 of the September 2023 NPPF advises that LPA's should have regard to the outcome of Design Review processes. However the NPPF was updated on 19 December 2023 and this paragraph has become 138 and states that LPA's should have access to and make use of tools and processes for assessing and improving the design of development. It goes on to say that these are particularly important for significant projects such as large scale housing schemes and mixed use developments and that LPA's should have regard to any outcomes and recommendations. However this single replacement dwelling proposal is not a significant project and the Design Review Panel is not sourced by the LPA. Therefore in this instance it is not considered that the content of the applicant provided Design Review can be attributed significant weight. Rather a silhouette comparison as required by adopted policy should be given far greater weight as a tool to assess the design.
- 7.15 It is also noted that the provided Landscape and Visual Appraisal picks four viewpoints to consider: one close from the east, and the other 3 all long distance views from 0.62km away, 1.19km away and 1.54km away. At such long distances the whole shoreline blends with the backdrop of mature vegetation and the report unsurprisingly concludes only a minor visual effect would result. But this report fails to consider the closer views from the public footpath directly to the south of the property, or for users of the beach outside the site, or shallow water users eg paddle-boarders and dinghy sailors. It is considered that the view of the site from these closer foreshore and water locations within the AONB would be materially harmed by the massive change in profile of the dwelling.
- 7.16 Other aspects of the design to impact the AONB include the extent of glazing and its potential reflection on the water, and roof lights adding to pollution of the night sky. The first floor would have full height glazing across its entire frontage and whilst partially shaded by the overhang of the concrete panel above, would nonetheless represent a very substantial amount of glass relative to other foreshore fronting properties. It is noted that sliding louvre screens would be provided but as movable screens then they cannot be guaranteed to provide any permanent mitigation to the glare as they would be frequently retracted and pulled back to allow views out from inside. The Chichester Harbour AONB SPD specifically considers reducing the impact of glazing and advises at para 20.1 that *"windows are proportionate in scale to the building elevation, i.e. there should be more building than window. The visual impact of larger windows can be reduced by the use of vertical subdivision of frames."* It is considered that the proposal with full height glazing across the entire width is contrary to this design aim.
- 7.17 In terms of the Dark Skies policy PP09 within Chichester Harbour AONB's Planning Principles and the supporting SPD seek to reduce the adverse impact of artificial light. It is noted that the proposal includes 6 quite large roof lights and the submitted Dark Skies report simply states that these would be fitted with tinted 'light control' glass but does not specify that they would be fitted with blinds to prevent any upward spillage of light into the night sky.

7.18 Since the AONB is a statutorily protected landscape then great weight should be given to conserving and enhancing it in accordance with paragraph 182 of the NPPF and the adopted policies CS11, CS12 and CS16 of the HBLP Core Strategy; Policies D1, D2 and D7 of the Emsworth Neighbourhood Plan; Policies 1 and 2 of Chichester Harbour Management Plan; and PP03 and PP09 of the Chichester Harbour Planning Principles, and Chichester Harbour AONB Joint SPD. It is considered that the bulky box like design with extended flat roof would have an adverse impact on the setting of the AONB by virtue of being out of character with the pitched roof context of the site, its forward prominent siting and the significant increase to the silhouette and profile of the dwelling which would be exacerbated by reflection from the full height glazing. The proposal has not been demonstrated to comply with the 25% limit set by policy PP03 and the SPD.

(iii) Impact upon residential amenity

7.19 In terms of longer distance views from surrounding properties, particularly those on the north side of Warblington Road, the increase in height and mass and bulk, particularly at first floor level would affect those views and partially limit existing views of the sea. But it is important to note that neighbours do not have a right to a view, although their outlook should be protected. The actual loss of the view cannot therefore be considered as a material impact, although the outlook over an incongruous flat roofed development with solar panel arrays and lift shaft featuring heavily on the skyline, would be out of character with the prevailing pitched roof profiles and as such could be considered harmful to the outlook of neighbours.

7.20 In terms of impact on number 72 Warblington Road, this property has its habitable kitchen and lounge windows in its south elevation at ground floor level. The large windows and dormers at first and second floor level currently serve bedrooms. This property is sited within 4 to 5m of its southern boundary such that the back to back separation distance to the main rear elevation of the existing dwelling (excluding flat roofed additions) is between approximately 18m to approximately 20m. The main two storey element of the proposed dwelling would be set off the shared rear boundary by about 17m and thus would increase the separation of the main dwelling to over 20m, meeting the guidance within the Borough Design Guide SPD. The proposed two storey rear projection at the western side would however only achieve a back to back separation of about 12m, but as an ancillary limb this is not considered inappropriate. Overall the relationship between the two properties would be acceptable in spatial terms.

7.21 It is however considered that the outlook from number 72 would be significantly altered from an outlook over a low key pitched roof chalet bungalow to a solid two storey flat roofed development having significantly more bulk and mass on the horizon. This would reduce the amount of skyline visible from within number 72, despite the fact that the separation distances would generally meet standards. Since Policy CS16 at clause 1. e) seeks to prevent unacceptable harm to outlook, then it is considered that the change to outlook and loss of skyline would be harmful to neighbouring amenity. It is noted that the Daylight and Sunlight report submitted concludes the proposal passes the relevant tests about light - however the concern is not about loss of light or overshadowing, but rather the effect on the outlook from the main habitable windows within number 72 from the added bulk and mass across the width of the plot at first floor level which lacks any recessive soft edges.

- 7.22 Windows in the rear elevation of the new dwelling have been carefully considered to minimise any overlooking towards number 72. Whilst the first floor windows would be full height and serve the main habitable kitchen space, the design concept includes timber clad curved louvered screens that would only enable oblique views out to the north-east. It is considered that these would satisfactorily mitigate against any potential overlooking and loss of privacy. At ground floor level, the rear windows are non-habitable and the existing boundary wall would continue to provide adequate screening between dwellings.
- 7.23 Number 74 to the west would be more affected by the proposed siting of the new dwelling being further forward within the site. The vertical mass of the proposed two storey dwelling would sit further forward than the main two storey element of number 74 by between about 5 and 9m. This would also affect the outlook from within number 74 with the mass and bulk of the proposed dwelling jarring forward and affecting the current open aspect enjoyed by number 74. The proposed first floor front balcony/terrace is of a significant size, sufficient to sit out on and as such leads to the potential for overlooking in a westerly direction towards number 74. Whilst a balcony screen is indicated on the proposed west elevation, this is not detailed on the floor plans and appears to have a gap where meeting the dwelling. Without adequate side screening the proposal could have an adverse impact on the privacy and amenity of the occupiers of number 74. This is a detail that should the recommendation have been for permission then further clarification would have been sought and conditioned.
- 7.24 Overall it is considered that by virtue of the flat roofed bulky design set further forward on the site, the proposed dwelling would have an adverse impact on the outlook of both neighbours at 72 and 74 Warblington Road and notably reduce their skyline and open aspects, as well as having an impact on the more general outlook of neighbours further away from the incongruous roof profile with ancillary paraphernalia on the roof, all contrary to policy CS16 clause 1. e).

(iv) Highways and parking

- 7.25 As a one for one replacement then the proposal would not affect trips to and from the site. It is proposed to relocate the vehicular access further north which is acceptable in principle on this non-classified road. HCC have no objection in principle but do require further drawings of the vehicular visibility splays with the full length of the dropped kerb shown. Had the recommendation been for permission then these additional drawings would have been requested and conditioned.
- 7.26 In terms of parking the proposal is for a 4 bedroomed dwelling requiring 3 on site parking spaces to meet the Parking SPD. These are readily provided on site in the form of an integral double garage, two spaces and a large drive and turning area that could accommodate more vehicles. The proposal is therefore considered to comply with policy DM13 and the Parking SPD and would have no adverse impact on highway safety.

(v) Trees, landscaping and ecology

- 7.27 An Arboricultural Method Statement has been provided identifying just one tree at the rear of the site to be removed. All other trees on the site are shown for retention and protection, with some pruning works, including the most significant tree, a blue cedar on the southern boundary which is visible from the public footpath and foreshore. Chichester Harbour Conservancy have requested that a Tree Preservation Order is made on this tree to ensure its long term retention as providing valuable screening from long distance views from the water. This matter is currently being considered by the Council's Arboricultural Team.
- 7.28 The Garden Masterplan provided introduces a new gate within the southern boundary under the canopy of this blue cedar tree, with associated pedestrian paths. Should permission have been recommended then further details of the works within the root protection zone would be required by condition to protect the health of this tree. The landscaping proposal for the site includes additional tree planting on the western boundary to further boost the natural screening adjacent number 74 Warblington Road, and provision of bee and butterfly attractive plants in planters on the perimeter of the first floor balcony. These landscape details are welcomed and could be conditioned in the event of a planning permission.
- 7.29 In terms of protected species the bat surveys undertaken have demonstrated the property does not currently support any bat roosts. The Council's Ecologist disagrees with the findings of the ecology reports and considers that the construction works associated with demolition and rebuilding have the clear potential for noise and disturbance and airborne pollution to impact the over-wintering birds on the adjacent Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation (SAC) and Chichester Harbour Site of Special Scientific Interest (SSSI). As such, should permission have been recommended, then a Construction Environment Management Plan would have been requested via condition. Natural England concur with this view and also request a CEMP. Subject to this requirement, it is considered that the development could secure compliance with the objectives of Policies CS11 and DM8 of the Core Strategy.

(vi) Flood risk

- 7.30 The southern part of the site falls within Flood Zones 2 and 3 and the entire site falls within the future flood zone. A detailed FRA has been provided and the finished floor level of the proposed dwelling would be raised by 600mm, from 4.26mAOD to 4.86mAOD. Although still likely subject to some flooding in the 1:200 year extreme tidal flood level for 2122, the proposal represents a betterment to the existing dwelling and this finished floor area has been agreed by both the Environment Agency and the Council's Coastal Engineering Team. The proposal is therefore considered to meet the requirements of Policy CS15 of the Core Strategy.

(vii) CIL

- 7.31 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre (plus indexing) on new floor space (measured as gross internal area) in Emsworth.
- 7.32 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 174 sqm and the applicant is claiming Self Build Exemption. Given the recommendation for refusal the Draft Liability Notice has not been prepared but could be done so at appeal stage if necessary.

(viii) Other matters - sustainability

- 7.33 It is noted that the proposed dwelling would result in a premium Passivhaus standard dwelling and aims to be one of the most sustainable low carbon buildings in the country. Whilst this central design principle is impressive and laudable, it is not a determining factor. Policy CS14 of the Core Strategy is outdated requiring the withdrawn Code for Sustainable Homes level 3. The Emsworth Neighbourhood Plan does require at policy D6 that carbon footprints are minimised and asks for consideration of things like energy conservation, rainwater capture, on-site energy sources including solar and heat source pumps etc. The proposal clearly overwhelmingly complies with all these aims and is to be commended for doing so.
- 7.34 However it is considered that the weight to be attached to these sustainable credentials needs to be balanced against other good design principles and policies. The agent points towards paragraph 134 in the September 2023 NPPF (updated to paragraph 139 of the December 2023 NPPF) and infers that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, such as their proposal. But this is an incomplete quote of paragraph 139 b) which goes on to say "*...so long as they fit in with the overall form and layout of their surroundings.*" For the reasons set out in paragraphs 7.7 to 7.17 above, the overall siting and form of the proposed contemporary flat roofed design is not considered to fit in with the surroundings, which is characterised by pitched roof dwellings set on a strong building line.
- 7.35 Therefore the LPA is of the view that the sustainability credentials of the proposal should only be attributed limited weight in the overall assessment. Rather the fundamental use of a flat roof design concept which is out of character with the context of the site and with its associated silhouette increase and glazing glare would be harmful to the setting of the statutorily protected AONB landscape should be given greatest weight.

8 Conclusion

- 8.1 Whilst the high quality sustainable design of the proposal is acknowledged, nevertheless it is considered that the contemporary flat roofed design would not respect the site context which is characterised by pitched roofs. The forward siting fails to respect the established building line and would add to the prominence of the building bulk in street scene and landscape terms. It has not been demonstrated that the silhouette increase would comply with the 25% increase limit to have no adverse impact on the setting of the adjacent AONB. In addition it is considered the proposal would have an adverse impact on the outlook from neighbouring dwellings. As such the proposal is considered contrary to relevant policies and recommended for refusal.
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9 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00779 for the following reasons

- 1 By virtue of the scale of the contemporary flat roofed two storey design, and forward siting of the proposal, the development would fail to respect the pitched roof character and context of the site, and established building line and therefore detract from the appearance and spatial characteristics of the locality. The incongruous, overly bulky and dominant form of development with full height glazing at first floor would have an adverse visual impact on the wider landscape and setting of the adjacent Chichester Harbour AONB. It has not been adequately demonstrated that the increased silhouette of the proposal would meet policy PP03 of the Chichester Harbour AONB Planning Principles. The proposal is therefore contrary to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011; Policies D1, D2 and D7 of the Emsworth Neighbourhood Plan 2019 - 2036; Policies 1 and 2 of Chichester Harbour Management Plan Third Review 2019 - 2024; and PP03 and PP09 of the Chichester Harbour Planning Principles 2019 - 2024, and Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, 2017 and the National Planning Policy Framework, December 2023.
- 2 By virtue of the scale of the contemporary flat roofed two storey design, and forward siting of the proposal, the development would have an adverse impact on the outlook of neighbouring residents at 72 and 74 Warblington Road, reducing their skyline and open aspects. The incongruous and bulky design, including ancillary roof paraphernalia in the form of solar panels and rooftop addition, would also be harmful to the outlook of other neighbours in the wider context, contrary to policy CS16 clause 1. e) of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, December 2023.