

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/X1735/W/24/3348661

DETAILS OF THE CASE

Appeal Reference APP/X1735/W/24/3348661

Appeal By MR M HUGHES

Site Address
Creek Cottage
41 Beach Road
EMSWORTH
PO10 7HR

SENDER DETAILS

Name MR STEVE LAWRENCE MRTPI

Address
Chichester Harbour Conservancy
Harbour Office The Street, Itchenor
CHICHESTER
West Sussex
PO20 7AW

Company/Group/Organisation Name Chichester Harbour Conservancy

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

YOUR COMMENTS ON THE CASE

7-10-2024 – Chichester Harbour Conservancy views on Planning Appeal

Local Planning Authority planning application reference: APP/23/00779

PINS reference - APP/X1735/W/24/3348661

Site - Creek Cottage, 41 Beach Road, Emsworth, PO10 7HR

Proposal - Demolition of existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating a studio, garaging, solar panels, landscaping and associated works.

The Conservancy relies upon its recommendation to the Council, from its 13 November 2023 Planning Committee, which was reflected in the Council's reasoning for refusing the proposals.

For the sake of completeness, these are set out again below.

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 National Landscape (NL – formerly 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.

Extracts of the above Development Plan Policies will no doubt be forwarded by the Council with the Appeal questionnaire form.

Extracts of the Harbour Management Plan Policies 1 and 2, along with the 'special qualities of the NL have been uploaded to the PINS portal with these comments.

The Conservancy stresses the following points and asks the Inspector to have regard to the imagery in the report to its Planning Committee Members.

The site is located at the head of the Emsworth Channel of Chichester Harbour, with clear, long uninterrupted views of the site from the harbour. The site is very prominent to views from the Harbour and its foreshore as well as the public right of way in front of the site and to a lesser degree from Warblington Road, where it is glimpsed between other properties.

The site is outside but immediately abutting the Chichester Harbour National Landscape (NL - formerly AONB). Paragraph 182 of the (December 2023) National Planning Policy Framework (NPPF) requiring that –

"...development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

National Planning Practice Guidance (NPPG) ID 8 paragraph 039 sets out to decision takers that –

"Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section ...and Section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated."

(Enboldening The Conservancy's emphasis).

Since the publishing of ID 8, the Levelling-up and Regeneration Act (LURA) 2023 has come into force amending the S.85 referred to above by its Section 245 (6)(a)(A1), which now sets out –

"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (Enboldening The Conservancy's emphasis).

Paragraph 042 of ID 8 goes on to state –

“Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.”

The appellant’s paragraph 5.19 completely loses sight of these and misinterprets these considerations.

The existing dwelling has a rather ramshackle appearance, but has a neutral impact on the setting of the Chichester Harbour National Landscape (NL - formerly AONB). Site boundaries are marked by very weathered close-boarded timber fencing, with a very well-established hedge to the southern (footpath) boundary. A number of trees exist within the plot. The architecture of this modest and much altered dwelling is unremarkable. The Conservancy has no objection in principle to its replacement.

The Solent Way public footpath and shingle beach of the Harbour lie to the south. Western Parade lies to the east, where a number of dwellings have been either replaced or heavily modified in recent times and there is a mixture of architecture and materials in the immediate area.

Both neighbouring dwellings east and west are chalet bungalows with developed roofspaces and single storey eaves line. Both have pitched roofs, as do the majority of dwellings in the immediate area.

Under the Council’s reference GEN/22/00778, the Council sought the Conservancy’s views on very similar proposals. Conservancy Officers expressed concerns for impact to the AONB’s setting.

The replacement dwelling would be raised up on a 600mm plinth and have a large projecting balcony at first floor looking out over Chichester Harbour. A considerable amount of full-length glazing would be fitted to this southern elevation, the first floor not really tempered by any significant roof overhang but reduced by moveable louvred screens.

The following relevant adjustments to the Conservancy’s criticisms were made to the replacement dwelling’s design following pre-application advice:-

- 20% reduction in footprint and 4m shortening of garage off north boundary;
- Width of dwelling reduced to that of the existing;
- Greater detail on balcony planting to demonstrate ability to withstand challenging weather conditions;
- Balcony glazing to be non-reflective;
- Dwelling height reduced by 400mm; and,
- More detailed soft planting design.

Whereas the roof overhang was reduced, a good degree of roof overhang is a design strategy The Conservancy supports in principle to reduce the impact of glazing, especially when seen from the Harbour.

Imagery was produced of a comparable pitched roof design to demonstrate how much lower the flat roof design would be. The Conservancy considers this has been done on the premise that the dwelling has to be on two levels. A predominantly single level, pitched roof dwelling could still deliver a quality replacement in-tune with the surrounding roofscape.

There would be 4 skylights in the flat roof, but the Dark Skies report does not set out if these would be fitted with blinds to prevent upward spillage of light into the night sky.

The impact to the character of the area and surrounding landscape still falls to be considered under Policies CS12 and CS16 and relevant design policies of the Neighbourhood Plan, even where the site is not within the NL.

Criticism was made of the un-contextual flat-roofed design, but the appellant now persists with this. Whilst reliance is placed on the LVIA, no silhouette comparison has been carried out and no footprint comparison either.

The former is considered more of an issue, given the applicant’s contextual footprint to plot ratio analysis.

What is clear is that despite the quality of the architectural design, it would be widely divergent from the pitched roof profile character of the immediate area and the additional bulk/mass at first floor level would be highly noticeable to persons in Beach Road or walking along the public footpath/beach, especially being as this would be closer to the Harbour.

The property to the west presents its rear to the harbour and actually fronts Warblington Road, so to use the rear build line of that property is spurious. The distance of properties from the Harbour does move in and out, but it is the combined fact that –

(a) the new dwelling comes closer to the Harbour than the existing and that the mass at first floor level is so dominant; and,

(b) accentuated by its incongruous roofline profile, that in Conservancy Officers' minds and that of its Planning Committee, who were unanimous in their opinion, which makes the proposals contrary to Policies CS12 (with regards to setting considerations of paragraph 182 of the NPPF, referred to above) and CS16.

The Design Review Board are not the local planning authority and in Conservancy Officers' view they have not properly considered the context. The incongruous nature/massing is only emphasized by the axonometric images of the submitted 25 May 2023 Sunlight and Daylight report by Right of Light Consulting Ltd (front cover and all 5 images forming its Appendix 1). The proposals if allowed, would not further the purposes of the NL, required under S.245 of LURA 2023.

The Inspector is therefore respectfully requested to dismiss this Appeal.

Should the Inspector wish to view the site from the Harbour, The Conservancy would be pleased to make a vessel available to take them and a representative of each Appeal party to the site and back to Emsworth quayside. Please contact The Conservancy if that would be of use.

Could The Conservancy please request that a copy of the Inspector's decision be sent to The Conservancy.

Yours sincerely

Mr Steve Lawrence, MRTPI BSc (Hons.) Dip TP Dip UD

Principal Planning Officer
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COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

File name: Enclosure to CHC views uploaded to PINS portal 7-10-2024.pdf

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