
Site Address:	4 Bembridge Drive, Hayling Island, PO11 9LU		
Proposal:	Proposed first floor rear projecting balcony.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00120	Expiry Date:	06/04/2023
Applicant:	Adams-Madgwick		
Agent:	Mr Choudhury	Case Officer:	Denise Sheath
	MC Architectural Design Ltd		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

4 Bembridge Drive is a detached property of a contemporary design, located adjacent to the promenade on Hayling Island. The property has elevations of white render with wooden panel cladding to the first floor front and rear elevations, and grey powder coated aluminium doors and windows. First floor rear elevation has an existing recessed balcony. The rear garden area consists of block paving patio area with a timber gazebo, the remainder of the rear garden area is shingled to the rear boundary wall. The rear side boundary treatment consists of wooden panelled fencing.

- 1.2 The properties along this stretch of the foreshore vary, and include single storey bungalows, two storey dwellings and apartment blocks. Due to the seafront location, many of the properties benefit from balconies to the southern elevations

2 Planning History

APP/19/00355 - Proposed alterations and extensions with increase in ridge height to create two storey dwelling with accommodation in roof space, (including balconies to South elevation), attached double garage to North elevation. WD 31/05/2019

APP/19/01259 - Proposed alterations and extensions with increase in ridge height to create two storey dwelling with accommodation in roof space, (including balconies to South elevation). (Revised). PERM,03/04/2020

APP/20/00395 - Proposed alterations and extensions with increase in ridge height to create three storey dwelling with accommodation in roof space, including balconies to South elevation. (Revisions to APP/19/01259 to include insertion of internal 2nd floor) (approved 3.9.20) - PERM 03/09/2020 - request to partially discharge condition 3 (11.9.20). Request to Discharge Conditions 3, 4 and 6 (17/11/2020).

APP/20/00396 - Proposed double garage (Approved 30/07/2020). Request to discharge Condition Nos 3 and 4 (16/11/2020). PERM 03/09/2020

APP/20/01088 - Application for non-material change to Planning Permission
APP/20/00395 in relation to removal of portholes on first floor and replacement of portholes on ground floor with windows. PERM 15/12/2020

APP/21/00499 - 1No. replacement dwelling and detached garage (Retrospective and same design as APP/20/00395 and APP/20/00396). PERM 22/02/2022

3 Proposal

Proposed first floor rear projecting 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)

CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
DM9 (Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Developer Services, Southern Water

Southern Water has no objection to the above proposal.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Engineering/Drainage
No Comments Received

Environment Agency
No Comments Received

Property Services Manager
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: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3 in total (2 from same address)

Summary of objections:

- Loss of Privacy to No.2 & No.4 Bembridge Drive
- Not within 45 degree rule to the centre of the nearest window to neighbouring property to the existing and new approved building at No.2 -
- The rear projecting balcony has curved sides and is not 1.8m in height all the way across. This should be privacy glass on the sides not tinted.
- Depth of 2.5m is over the top for a balcony
- If balcony is granted permission adjoining neighbour will have to apply for a first floor and second floor balcony. - *This is not a planning consideration*
- A balcony has been previously refused. – A search of the planning history has not identified a refusal of planning permission for a balcony. *Each application is assessed on its own merits.*

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) Effect on neighbouring properties
- (iv) Flooding Issues
- (v) Effect on Sensitive Areas

(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.

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

7.3 The proposal is for a first floor projecting balcony to the rear elevation of the dwellinghouse. The proposed balcony will be set in approximately 1.15m from the rear /side elevation with a depth of 2.5m and a width of 8.1m. The balcony will include a tinted glass balustrade to the east and west elevations at a height of 1.8m height from the platform floor, with the glass balustrade to the front at a height of 1.1m. The proposed materials would be in keeping with the materials and pallets of the main dwellinghouse. The balcony is of a high quality design and would be fitting for its seafront location and is not considered to overpower the visual amenities of the area.

7.4 It is noted that balconies are a characteristic feature to the rear of dwellings within the locality; to take best advantage of the views out to sea. It is considered that this scheme would result in a high quality coastal design that would accord with this seafront location.

7.5 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 Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.6 By virtue of its location, the proposed balcony would not be visible to the neighbouring properties to the north of the site. The foreshore is located to the south. Therefore, consideration has only been taken into how the proposals would impact the occupiers of the properties to the east and west.
- 7.7 No 4 Bembridge Drive currently benefits from an existing balcony, at first floor on the south elevation, which is set back into the property. Therefore, as with some other properties fronting the foreshore, the use of this balcony gives rise to a level of overlooking of neighbouring private amenity spaces. The consideration is therefore whether the proposed extension of the balcony, would significantly impact on neighbouring amenity, over that already experienced.
- 7.8 No. 6 Bembridge Drive is located to the east. This is a detached single storey dwelling which is set slightly further south than the application site. There is a patio area directly to the rear of the dwelling with a shingled area leading to the rear boundary and promenade. The proposed balcony will be sited 1.9m from the dwellinghouse of No. 6. This separation gap is considered sufficient to ensure the proposal is not overbearing.
- 7.9 The proposal, as with the existing balcony, is likely to result in some degree of overlooking of private amenity space. To mitigate this, the glass balustrade to the eastern elevation of the balcony would be at its highest point 1.8m, from the platform level and would be tinted to a suitable level to mitigate overlooking. A condition requiring the provision and retention of such screening on both west and east elevation is recommended. Having regard to the existing level of overlooking, it is not considered, on balance, that the proposal would lead to a significantly greater level of overlooking than that current being experienced, which would be mitigated to an acceptable degree by the proposed screening. Therefore, having due regard to the representations received, it is considered that the proposal would have a limited and acceptable impact upon this neighbouring property.
- 7.10 No. 2 Bembridge Drive is located to the west. This is currently a detached two storey dwelling which is set slightly further north than the application site. There is a patio area directly to the rear of the dwelling with a shingled area leading to the rear boundary and promenade. The proposed balcony will be sited 2.5m from the rear elevation of No. 2. This separation gap is considered sufficient to ensure the proposal is not overbearing.
- 7.11 It is acknowledged that this property's private amenity space is currently overlooked by the existing balcony at 4 Bembridge Drive. It is also acknowledged that the proposal would lead to a level of overlooking of this property's private amenity space, albeit mitigated by screening to the west and east. Having regard to the existing level of overlooking, it is considered, on balance, that the proposal would not lead to a significantly greater level of overlooking over that currently being experienced, which would be mitigated to an acceptable degree by the proposed screening. Therefore, having due regard to the representations received, it is considered that the proposal would have a limited and acceptable impact upon this neighbouring property.
- 7.12 A concern has been raised with regard to the proposed balcony not meeting the 45 degree rule with regard to loss of light to windows. The Proposed Floor plan shows the 45 degree angle test on the existing building at No.2. At present there may be a slight reduction in natural light to this window in the morning it would not be significant enough to warrant a refusal of the application as the afternoon and evening light would not be impacted.

- 7.13 It has been noted that No.2 Bembridge Drive have a recent approved planning permission ref: APP/22/00965. The proposed approved works include an additional 2nd storey with balcony area, a ground floor rear extension and a balcony to the rear above the rear extension. At present this approved application has not commenced. Notwithstanding this, the relationship of the proposal has been considered in respect of this permission and it is not considered that the proposal would have a harmful impact upon this permission in terms of unacceptable overlooking, over shadowing, loss of light, overbearingness or outlook.
- 7.14 Concerns have been raised that the proposed balcony screen to the side elevations are not 1.8m in height the total depth and that the balcony screen to the side elevations is not privacy screening. The only section of the side elevation screen of the balcony which is not 1.8m in height is the curvature of the screen where the screening meets the glass balustrade to the south (rear) elevation. It is not considered that this small section would create an overlooking concern so great as to warrant a refusal of the application.
- 7.15 Concern has been raised with regard to the tinted glass balustrade screening to the side elevations not being privacy glass. A condition is recommended to ensure that the level of the obscurity level is no less than Level 4 of the Pilkington Texture Glass scale and is to be retained as such thereafter. Therefore, the level of obscurity to the proposed glass balustrade to the side elevations of the balcony would be acceptable.
- 7.16 Consequently, it is considered that the proposal will not appear overbearing or lead to an unacceptable level of overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Flooding Issues

- 7.17 The application site is located within Flood Zone 2 as shown on the Environment Agency's flood maps for rivers and seas and therefore the property has a risk of flooding.
- 7.18 The Environment Agency provides a standard form to be completed by householders within Flood Zones 2 and 3 or details of flood protection measures. The applicant has confirmed that the floor levels within the proposed development will be set no lower than existing levels, and this is shown on the submitted plans. Therefore, it is not considered that the alterations to the first floor to this dwelling will create any further flood risk.

(v) Effect on sensitive areas

- 7.19 There is a listed protected habitat within 50m. As the proposal is an extension to an existing property this is not thought a reason to prevent the refurbishment of the property. However, a condition is recommended that restricts noisy works during the overwintering bird period as the property is so close to the SPA and SINC.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and the locality and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/23/00120 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - Received 15 February 2023

Location Plan, Block Plan, Existing and Proposed Floor Plans and Elevations - Drawing No.01.01 Rev C - Received 15 February 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The glass balustrade on the proposed balcony at the east and west (side) boundaries must be obscurely glazed and implemented and retained at a height of 1.8m , which has an obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the bird overwintering period October to March inclusive.

Reason: This is required in order to protect the adjacent SPA supporting habitat and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011; the National Planning Policy Framework 2012; Regulation 61 (3) of The Conservation of Habitats and Species Regulations (as amended) and Section 28(I) of the Wildlife and Countryside Act 1981 (as amended).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site). In this instance the beach to the rear of the application site which is identified within the Solent Brent Goose

and Waders Strategy and could be impacted by this proposal.