

APPEAL STATEMENT

BY

RACHAEL HEBDEN MA (HONS) MA MRTPI

On behalf of

MR R BAILEY

5 ORANGE ROW

EMSWORTH

PO10 7EL

First floor balcony and replacement spiral staircase

APPEAL BY WRITTEN PRESENTATION

LPA Reference APP/20/00123

September 2020

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1.0 INTRODUCTION

The appeal is made against the decision of Havant Borough Council to refuse planning permission for: A first floor balcony and replacement spiral staircase

The application was determined by the planning committee.

This appeal statement will address the site location, the description of the proposed development, the planning history, relevant planning policy and the council's reason for refusal.

Appendices are included at the end of this statement.

2.0 APPEAL SITE LOCATION AND DESCRIPTION

Orange Row falls within the Emsworth Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty.

Orange Row is a mews style development built in the early 1980s. The properties are set back from the public realm and accessed via South Street.

5 Orange Row is one of three adjoining dwellings on the south side of Orange Row.

Number 5 is a three-storey town house, with an integral garage. The elevations are white painted render with a metal platform/balcony and external staircase at first floor level on the rear elevation. The dwelling has a pitched roof with flat roofed dormer windows. There is a small courtyard garden to the rear.

Number 4 is attached to the east elevation and also has a small courtyard garden. Number 6 is a flat (above the garages) attached to the west elevation. Number 6 does not have a garden.

The generously sized garden to the west of the site serves 40 South Street.

Sea View Terrace is positioned to the south west of the site. These properties have balconies to the south (overlooking the sea) and small, functional, yards to the rear (north). Immediately to the south is a historic slipway which creates a large gap through to the sea.

There are several existing balconies in the vicinity which overlook the courtyard gardens including: next door at 4 Orange Row to the east of the site and numbers 42 and 44 to the south west of the site. The location of existing balconies in the area is shown in the plan in appendix 5.



Image 1 Front: Numbers 4-6 Orange Row (number 6 is a flat above the garages.)



Image 2 Rear: Number 4 to the east of the site (right) with recently approved first floor balcony overlooking number 5's rear garden.



Image 3 Number 42 to the south west (middle left) of the site with large first floor balcony directly overlooking no. 40's garden. Picture taken from existing platform/balcony of no5.



Image 4 Rear of 4 & 5 Orange Row seen through the gap between Seaview Terrace and the Winkleshed

3.0 PROPOSED DEVELOPMENT

The application originally proposed 2 balconettes to the south elevation at second floor level together with a replacement staircase and balcony at first floor level, also on the south elevation. After local consultation, amended plans were submitted which:

- removed the balconettes from the second floor;
- reduced the depth of the first floor balcony by 150cm;
- Added a 1.8m high obscure glazed privacy screen along the western edge of the balcony at first floor level

It was the amended plans for a replacement first floor balcony and external staircase that were refused and are the subject of this appeal.

4.0 PLANNING HISTORY

The following applications are of relevance to this appeal. A full planning history for the site is provided in appendix 1.

APP/17/01111

Alterations to fenestration and doors, new chimney and erection of outbuilding.

Approved 19.3.18

APP/15/01109

Fire escape to rear elevation.

Approved 4.12.15

APP/12/00923

Alterations to first floor fenestration on southern elevation comprising 2No. new Juliet balconies to replace existing box bay and single windows.

Approved 23.10.12

4 Orange Row

APP/19/01163

Construction of glass balcony to rear elevation; alterations to existing rear second floor dormer windows to full height windows with glass Juliet balustrade.

Approved 5th February 2020

3 & 4 Seaview Terrace

APP/13/00347

Conversion of no's 3 & 4 Seaview Terrace to form no1 single dwelling

Approved 19th June 2013)

5.0 PLANNING POLICY

National Planning Policy Framework 2019 (NPPF)

The NPPF provides planning guidance at a national level. Local Planning Policy must conform to the principles set out in the guidance.

The Havant Borough Local Plan comprises two documents: The Local Plan (Core Strategy) and the Local Plan (Allocations).

The Core Strategy contains several policies which were of relevance to considering the application, of which a full list is provided in appendix 2. Policy CS16 however, is the only policy referred to in the reason for refusal.

The first part of Policy CS16 states:

All development should demonstrate that its design:

Responds to, draws inspiration from and respects local context and: a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site; b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest; c) 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; d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.'

The full wording of the policy CS16 is contained in appendix 3.

The Havant Borough Council Design Guide Supplementary Planning Document (December 2011) is also of relevance. The Design Guide contains general principles for new residential development including 'back-to-back' separation distances. The design guide states that in order to maintain a reasonable relationship between new dwellings and neighbouring properties a separation distance of 20 metres should be provided between windows of the new development and an existing dwelling when the new dwelling is of two storey height, with an additional 4 metres separation provided per additional storey.

6.0 CONSULTATION RESPONSES

The Conservation Officer and Chichester Harbour Conservancy were consulted. Neither raised any objections to the proposed development. The consultation responses are provided in appendix 6.

7.0 THIRD PARTY COMMENTS

9 representations were made in relation to the proposed development of which 7 were in support and only 2 raised concerns.

The plan provided in appendix 5 shows the source of the representations submitted with green shading representing the source of letters of support and red dots representing the source of original objections.

There were 5 letters of support to the amended plans and no objections.

No. 40 South Street has both a red dot and green shading as an objection was submitted in response to the plans originally submitted, however a letter of support was submitted in response to the amended plans.

Notably, given the property was mentioned specifically as a reason for refusal (below), 3 and 4 Seaview Terrace (one dwelling) wrote in support of the application.

8.0 COUNCIL'S REASON FOR REFUSAL

The application was refused for the following reason:

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.

9.0 IMPACT ON NEIGHBOURING PROPERTIES

The reason for refusal states that the balcony would be overbearing and result in overlooking. Both these concerns will be examined in turn.

Overbearing

In accordance with policy CS16 the design of the balcony was informed by local characteristics and carefully designed to a high quality. It has been designed to appear lightweight with white, slimly proportioned supports which would blend into the white rendered rear elevation where the balcony would be positioned. The glass will be non-reflective and frameless, ensuring the design would be more elegant and refined than the existing platform balcony and fire escape which is functional but not aesthetically pleasing. It is also sympathetic to the locality by matching the recently approved balcony at number 4, following the same building lines and using the same materials (supplied by the same manufacturers.)

The Conservation Officer's response confirms that the balcony's "impact would be negligible" and "meets the test to preserve and enhance the character of the conservation area".

The impact of the proposed balcony would be primarily on the garden of the host property, number 5. The balcony would also be visible from within number 4's rear garden, however the frameless glass, lightweight design would prevent it from appearing overbearing. The staggered position and careful design of the site in relation to number 4 would result in only the edge of the proposed balcony being visible from within number 4. The owners of number 4 reviewed the proposed design (which is similar to the balcony recently approved on the rear of their property) and wrote in to support both the original and amended application.

The balcony would also be visible from the west, primarily from within the gardens serving numbers 36a, 38 and 40 South Street. The balcony would be located approximately 10 metres beyond the gardens serving numbers 36a and 38 and would therefore have a negligible impact and not appear overbearing. The balcony would be located closer to no. 40's garden, however this garden is generously proportioned with a depth of approximately 22 metres. The main amenity space is located at the furthest, western part of the garden and would be separated from the proposed balcony by approximately 16 metres.

The owners of both numbers 36a and 40 wrote in to support the amended plans.

The proposed balcony would also be visible from the rear of Seaview Terrace to the south west of the site, however the existing mature planting, wall and difference in ground levels would obscure much of the balcony from view. Notwithstanding the mature planting, the proposed lightweight design of the glazed balcony with white supports, viewed against a white rendered elevation, together with a separation distance of 12 - 20m would prevent the balcony from appearing overbearing.

2 objections were submitted from no's 1 and 2 Seaview Terraces in response to the plans originally submitted, however no objections were submitted in response to the amended plans. No. 3/4 Seaview Terrace (the property referred to in the reason for refusal) which would be closer to the proposed balcony wrote in support of the application. The proposed balcony would be partially visible from the rear of no's 1-4 Seaview Terrace during winter months when some of the planting would die back, however the carefully considered, lightweight design combined with the separation distances would prevent it from being overbearing.

Overlooking

Orange Row is a mews style development with courtyard gardens. It is a coastal location where there are several examples of balconies in sight and within close proximity of the subject property. The dwellings within the locality are located in the historic core of Emsworth and do not accord with the 20 metre separation guideline, recommended in the Havant Borough Council Borough Design Guide. The proximity of dwellings to each other, together with the limited garden sizes and balconies already results in a degree of overlooking, often typical of centrally located, historic areas.

As shown in image 6 the balcony to the rear of number 4 allows a degree of overlooking of the site. The balcony was approved earlier this year and therefore clearly demonstrates the degree of overlooking considered by the Local Planning Authority to be acceptable in this location.

The balconies to the rear of numbers 42 and 44 South Street (image 5) also enables direct overlooking of number 40 South Street's rear garden and reciprocal views back to the existing platform balcony at number 5.



Image 5 showing balconies to the rear of numbers 42 and 44 South Street



Image 6 Overlooking over the gardens of no's 38 and 40 from the existing balcony platform

Image 6 above also demonstrates the degree to which the existing first floor balcony at the rear of no. 5 enables direct overlooking of gardens to the west in particular the gardens of no's 38 & 40

Unlike existing balconies overlooking the courtyard gardens, the proposed balcony incorporates a 1.8 metre high privacy screen along the western edge of the balcony which would prevent views to the west, in particular over the gardens of no's 38 and 40. The owner of number 40 recognises that the proposed privacy screen would obscure nearly all of the overlooking that currently exists from the first floor platform and has written in support of the application.

The plan provided in appendix 6 demonstrates the extent to which the proposed balcony would reduce the area which is currently overlooked both from upper floor windows in the rear of the host property and from the existing first floor platform and staircase.

The proposed balcony has been positioned to face south with direct views through the wider gap in between Seaview Terraces and the dwelling known as the Winkleshed. The area overlooked by the balcony is already overlooked by the existing first floor platform and the large windows at first floor level in the rear elevation of no. 5 as shown in image *.



Image 7 View south taken from first floor window, with 3 and 4 Seaview Terrace to the west and Winkleshed to the east.

The proposed balcony would enable some overlooking of Seaview Terrace to the south west of the site, however these views are largely existing, would be indirect and at an increasingly oblique angle, as the balcony would be directly aligned with the gap in between 3/4 and the Winkleshed.

The properties in Seaview Terrace are orientated south to optimise sea views, looking away from the subject site. They have small seafront gardens on the south side below first floor balconies which provide the main amenity areas. At the rear, facing the subject site is an access alleyway from South St with some sheds providing functional storage space rather than useable amenity areas. Although the yards are not used as amenity areas, they would be protected from any overlooking from the proposed balcony by the existing, wall, change in heights and mature soft landscaping which effectively screen the yards as shown in image 8.



Image 8 Soft landscaping to the north of Seaview Terrace, screening the ground floor.

Due to the seafront location, Seaview Terrace was designed to be south facing with balconies and most of the windows serving habitable rooms located on the south elevations. As a result, the use of each first-floor window on the rear elevation facing the subject property is as follows – starting with the nearest and ending with the furthest away: bathroom (obscured glass); wardrobe; stairwell; stairwell; stairwell; stairwell; bathroom (no 3 & 4) and on 2 & 1 Seaview Terrace; stairwell; stairwell; bathroom. Of the 8 first floor windows on the north elevation, 4 therefore serve stairwells and 2 are obscure glazed. To this point, the owner occupiers of number 3 and 44 Seaview Terrace (the property in the row which would be closest to the proposed balcony) have written in to support the application, specifically stating that they will not be overlooked.

The only 2 objections submitted were from no's 1 and 2 Seaview Terrace. The proposed balcony would be partially visible from these properties however, as demonstrated in image 8 above it would not have an unacceptable impact on their privacy given the combination of the indirect nature of any views and the mature planting along the rear of Seaview Terraces that would provide effective screening. Neither of the 2 objectors submitted any comments in response to the amended plans once the balconettes at second floor level had been omitted.

The Case Officer's report recognises that the guidelines in the Havant Borough Council Borough Design Guide SPD 2011 in particular the recommended 20 metre 'back to back' separation distance are not applicable in this situation due to the existing proximity of dwellings to each other.

Further, the 'back to back' separation distance was not applied to the balcony recently approved at number 4 Orange Row. Refusal of the balcony to the rear of number 5 is inconsistent with the approval of a balcony at no. 4

10.0 CONCLUSION

The site is located in a seaside environment where existing balconies are present, some of which share views and can be seen directly from the site. Unlike other balconies in the vicinity, the proposed design includes a privacy screen which would prevent overlooking to the west and therefore provide enhanced privacy to properties west of the site.

The balcony has been designed to a high quality and replaces an existing functional looking metal platform balcony. It will be lightweight and slimline with frameless glass to: blend into its background; prevent it from appearing overbearing; and minimise the impact on neighbouring properties. It has taken its cue from the recently permitted balcony next door at number 4, by using the same design and building lines, as well as materials.

The grounds for refusal specifically refer to 3 and 4 Seaview Terrace as the most impacted. All the properties in this parade are designed with amenity space facing towards the sea and away from the subject site. As a result, the proposed balcony faces the rear of Seaview Terrace with the dominance of windows serving stairwells and not habitable rooms. Any overlooking of the ground floor yard areas and first floor windows would be at an oblique angle and effectively screened by the existing soft landscaping.

All of the neighbours closest to the proposed balcony have written in support of the proposal, as demonstrated by the plan in appendix 5. As the plan shows, this includes support from the nearest properties to site, including the owner occupiers of 3 and 4 Seaview Terrace, specifically mentioned as a reason for refusal. There were 7 letters of support and no objections to the amended plans. This is in addition to support from the Conservation Officer and Chichester Harbour Trust.

Finally, the Case Officer's report clearly recognises that the guidelines in the Havant Borough Council Borough Design Guide SPD 2011 in particular the recommended 20 metre 'back to back' separation distance is not applicable in this situation due to the existing proximity of dwellings to each other. The subject site is in an old town centre setting as recognised by the Local Planning Authority's approval of the balcony next door. The proposed balcony would not appear overbearing or result in unacceptable overlooking and would comply with the requirements of the NPPF, Policy CS16 and the Emsworth Neighbourhood Plan.

Taking the above considerations into account it is respectfully requested that the Inspector allows the appeal.

APPENDIX 1

Full Planning History

- [APP/18/01185](#)

Proposed flue to West elevation (instead of chimney to South elevation approved by APP/17/01111). Revised fenestration.

Approved 28.2.19

- [APP/17/01111](#)

Alterations to fenestration and doors, new chimney and erection of outbuilding.

Approved 19.3.18

- [APP/15/01109](#)

Fire escape to rear elevation.

Approved 4.12.15

- [APP/14/00847](#)

Revised dormer to rear elevation; removal of chimney to rear elevation.

Approved 10/10.14

- [APP/12/00923](#)

Alterations to first floor fenestration on southern elevation comprising 2No. new Juliet balconies to replace existing box bay and single windows.

Approved 23.10.12

APPENDIX 2

Policies of Relevance to the Application as a Whole

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
- CS16 High Quality Design

Havant Borough Local Plan (Allocations) July 2014

- AL1 Presumption in Favour of Sustainable Development

Emsworth Neighbourhood Plan Post Examination Version 2020

- ENP_D1 General Design Policy
- ENP_D2 Height, Mass & Materials
- ENP_D3 Layout, Form & Density

APPENDIX 3

Policy CS16 High Quality Design

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:

- 1. Responds to, draws inspiration from and respects local context and: a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site; b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest; c) 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; d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*
- 2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where: a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development; b) New streets are not dominated by vehicular traffic; c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.*
- 3. Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.*
- 4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.*
- 5. Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.*
- 6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.*
- 7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.*

APPENDIX 4

Consultation Responses

Conservation Officer

The site is located in Orange Row in Emsworth Town Centre and within the Emsworth Conservation Area. Orange Row comprises a relatively modern residential development, accessed from South Street. The rear of No. 5 overlooks Emsworth Harbour.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The proposed works relate to a replacement balcony and staircase and the creation of 2no. upper floor balconettes from the existing dormer windows.

With regards to the impact on the designated heritage asset, that being the conservation area in this case, it is considered that the impact would be negligible. The proposed works would result in a more modern appearance on the rear elevation which would be visible from the public realm. However, the materials proposed are simple in design, that being a frameless, glazed balcony at both levels. Overall it is considered that the proposal will meet the test to preserve and enhance the character and appearance of the conservation area.

Conclusion - No objection

Condition: Material samples and / or technical details to be provided including the new staircase and finish.

Chichester Harbour Conservancy

A site visit was made again and regard had to the policy framework* below. If I seem to remember correctly this is the fifth application at this site since August 2014. The property is unlisted albeit part of the Emsworth Conservation Area. It forms part of a set piece mews development.

Previous proposals to replace the spiral staircase /balcony under (APP/15/01109) were approved. The Conservancy takes no issue about retaining the spiral staircase design. Similarly, no objection in landscape AONB terms to the 'balconette' proposals, which will mostly not be noticeable from the Harbour and appear to have been previously approved under APP/17/01111.

The Conservancy has no objection to those alterations. The additional glazing to the rear will not really be seen from the water.

APPENDIX 5

Plan showing source of representations

Support for amended design
Existing Balconies
Objections to original design
(no objection since design revision)
X = Kitchen (ground floor) and Bedroom
(2nd Floor) windows very close to balconies.



Support for amended design 
Existing Balconies 
Objections to original design 
(no objection since design revision)
X = Kitchen (ground floor) and Bedroom
(2nd Floor) windows very close to balconies.



Site Photos

- 1) View from Ernsworth promenade looking North to show location of proposed balcony under dark square window and is seen between Sea View Terrace Balcony and balcony under construction at No4 Orange Row.
- 2) SW View from existing lounge window towards existing balcony at 42 South Street (see photo 3).
- 3) Existing Balcony of No42 South Street.
- 4) Rear view of house showing location of proposed amended balcony with balcony under construction at 4 Orange Row under planning consent 19/01163.
- 5) SE View from existing balcony showing No 4 Orange row with balcony currently under construction.



Site Plan showing local support and original objections following amended balcony design.

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Table 1. General characteristics of the study population (n = 100) and the prevalence of COVID-19 (n = 100)

CLOUD9 DESIGN STUDIO

doi:10.1371/journal.pone.0142803.g002

Signatures, Guy Lapointe & Marylou	Weeks	See Flyer
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© 2007 The Authors

Concavity: $\frac{d^2y}{dx^2} = -\frac{1}{x^2} < 0$ for all x . The function is concave down on $(-\infty, 0)$ and $(0, \infty)$.

Week 10: 10/10/2019 - 10/10/2019

SITE PLAN

APPENDIX 6

Plan showing area currently overlooked which would be obscured by the proposed privacy screen

LEGEND:

- Support for amended design
- Existing Balconies
- Objections to original design (no objection since design revision)

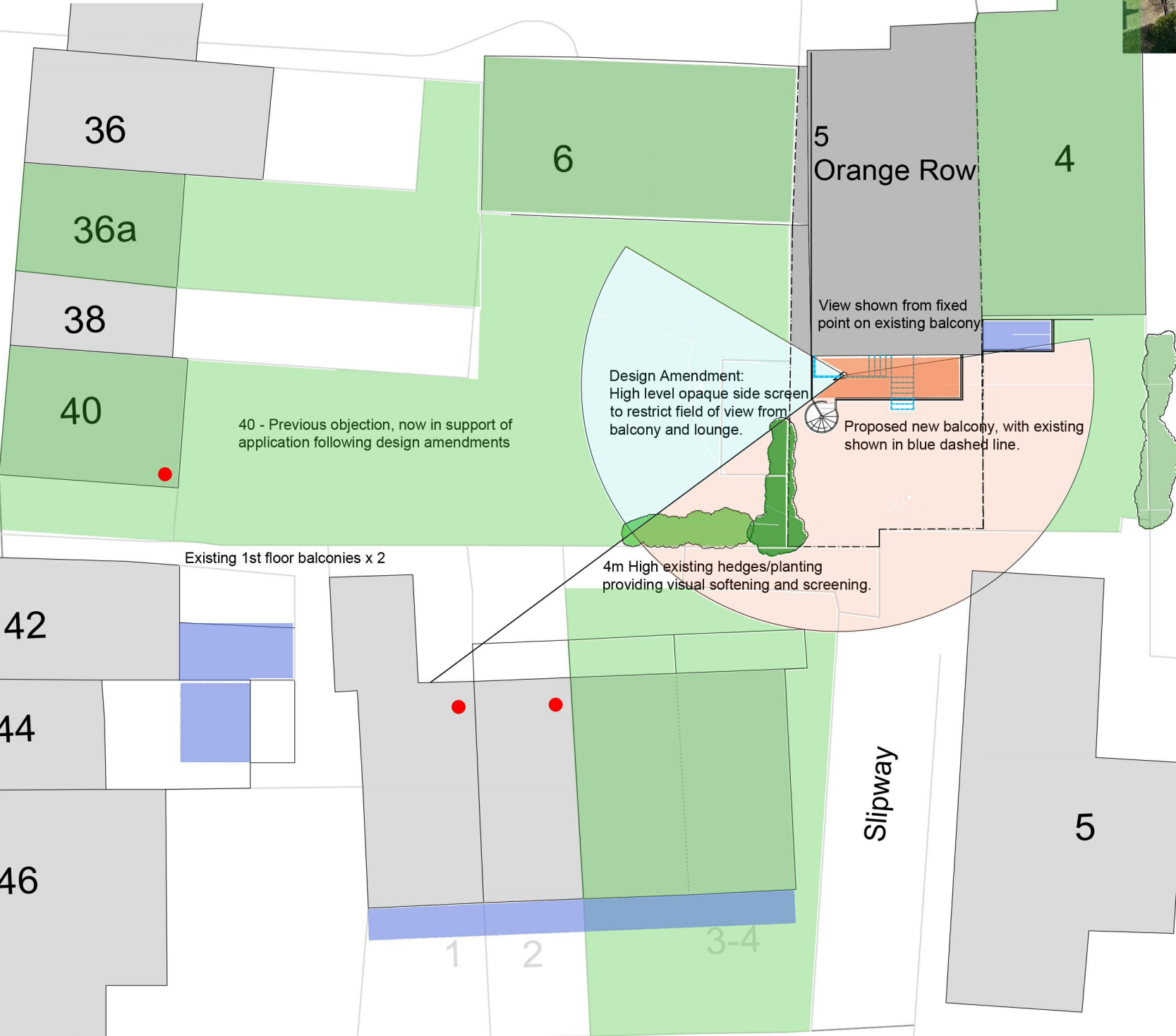


South Street

ORANGE ROW

Slipway

Sea View Terrace



Site Photos

- 1) View from Emsworth promenade looking north to show location of proposed balcony under dark square window and is seen between Sea View Terrace Balcony and balcony under construction at No4 Orange Row.
- 2) SW View from existing lounge window towards existing balcony at 42 South Street (see photo 3).
- 3) Existing Balcony of No42 South Street.
- 4) Rear view of house showing location of proposed amended balcony with balcony under construction at 4 Orange Row under planning consent 19/01163.
- 5) SE View from existing balcony showing No 4 Orange row with balcony currently under construction

Site plan showing local support and original objections following amended balcony design

REV A: General amendments showing local support/objections added 16-06-2020

CLOUD9 DESIGN STUDIO

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Project/Address: Rear Extension & Alterations
5 Orange Row,
Emsworth,
Hampshire, PO10 7EL

DRAWING: Site Plan
Drawing Name: CS/0178/OG
Scale: 1:200 @ A3
Date: April 2020

Client: Mr Robert & Mrs Bridget Bailey
Drawn By: Rudi

Note: these drawings are prepared for planning puposes only, do not scale for any other purpose.

SITE PLAN

APPENDIX 7

Letter from applicant regarding virtual planning committee

Dear Sir/Madam

I write in connection with the planning application on this property and two rather unusual circumstances surrounding the Committee decision leading to this Appeal. Both are Covid related.

Firstly, as a result of Covid, the Planning Officer has never been inside the subject property to understand the first-floor views which are central to this appeal; and secondly, this was the first case ever heard online by the Committee using "Skype for Business". Both situations have implications for the case.

A visit would have given an appreciation of existing levels of overlooking and shown the presence of other balconies in sight at 42 & 44 South St. In addition, an internal visit would also have provided an understanding that there are no habitable rooms on the first floor facing elevation of Seaview Terrace. None of these are obvious from ground floor and yet important factors which were not included in the Officer's report and recommendation to Committee.

It was these oversights that led to the 'red card' from Cllr Bowerman (who had been inside the property). However, the agreed process was such that her deputation, including these new facts, was submitted only 72 hours before the remote meeting. This was sometime after HBC had made their formal recommendation, a central part of which was that the development would:

"...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 "new" relevant facts regarding other balconies and habitable rooms were only subsequently checked out by the Planning Officer 24 hours before the Committee meeting. HBC contacted the owner occupier of 3 & 4 Seaview Terrace (one dwelling) who confirmed the line-up of their windows (covering the nearest 50% of the parade). They also reconfirmed their formal letter of support insofar as, due to the seafront orientation of their accommodation, overlooking was not an issue.

This becomes more relevant when combined with the remote nature of the Skype call. In this situation HBC were able to present over a c45min period without third party challenge (through the Chair). Rather naturally this became a presentation of "their" case. The line-up of windows was glanced over and the letters of support, specifically from 3 and 4 Seaview Terrace, were presented as irrelevant. Further, the 20m "back to back" separation distance was presented as a rule (rather than a guideline) and there was little mention of local factors proving the guideline was not applicable in this situation, as evidenced by many local developments but specifically the 2020 consent for the adjoining balcony at 4 Orange Row and the site's location in Emsworth old town. It was a highly frustrating presentation of the facts in a "closed session"

These were unusual circumstance which I ask to be taken into account in your deliberations.

Yours faithfully

Robert Bailey

APPENDIX 8

Deputation made by Councillor Bowerman to the planning committee

Introduction

The application proposes a simple extension to the existing first floor balcony and fire staircase to the rear of 5 Orange Row.

As a local Councillor I am fortunate to know the setting well and pre-Covid had the benefit of visiting the property to understand the viewpoint from inside – an option the crises has not afforded the HBC team. However, the detail of the site is, in my view, central to understanding why the proposal is acceptable and I set out the five reasons for my “red card”.

1. Overlooking – the extended balcony does not create new views and is only a marginal increment on the current situation.

As the site plan in Appendix C shows, the existing view from no5's full height lounge windows include the rear of properties in Seaview Terrace, plus the rear of several houses on South St, dominated by the garden of no40 to the west.

Supporting this view, I'd like to draw your attention to the photograph in Appendix G of the committee report.

This was taken from within the applicant's lounge and shows the extent to which neighbouring properties and gardens are already overlooked. As the case officer states, directly to the south there is a gap and view directly to the sea. From internal inspection it is easier to appreciate that this gap is as wide as the subject property which importantly ensures that any views of properties to the south and south west are increasingly oblique rather than square on..

Garden walls, mature planting and the slope towards the sea means there is little visibility of the alleyway and backyards in Seaview Terrace. Of particular note is that living accommodation in the terrace is naturally orientated towards the sea views (each with their own south facing balconies) and contrary to the case officers report, the rear windows serve very few habitable rooms. Of the 8 first floor windows on the north façade, 4 serve stairwells and 2 are obscure glazed. Notably, owner occupiers of the 5 nearest windows have written in support of the application.

2. Precedents – Adding to this context, the case officer also highlights the recent precedent (Feb 2020 consent) for an adjacent balcony at no4 Orange Row. This is currently under construction. However, with the benefit of my internal visit, there are also two further first floor balconies in plain view from the lounge at 42&44 South St. These are not mentioned in the officer's report. Both are less than 5m from bedroom and kitchen windows of 1 Seaview Terrace and similarly overlook the garden of no40. In summary, in this small area there are already 3 directly comparable precedents supporting the application.

The case officer's report highlights that this application does not comply with HBC's standard design guidance for “back to back” separation distances. But neither did the recently consented balcony application next door or the additional 2 balconies. Such guidelines cannot (and are obviously not), applicable to established properties in close proximity within Emsworth's central core.

3. Overbearing – the balcony has been carefully designed to appear lightweight with white, slimly proportioned supports which merge into the existing white rendered rear façade of no5. The glass will be non-reflective and frameless, ensuring the design will be more slimline than the existing balcony and fire escape arrangement which is functional but not aesthetically pleasing to look at.

As with the balcony recently approved at no. 4, the proposed balcony would be of a high quality design

Importantly, the Conservation Officer clearly states that the balcony's "impact would be negligible" and "meets the test to preserve and enhance the character of the conservation area". Conservation supports the proposal and agrees that the design will not be overbearing, either from the applicant's garden or from neighbouring properties. The Chichester Harbour Conservancy concurs.

Indeed, both Consultees supported the original, more significant, application before the design was simplified further by the following amendments.

4. Amendments – the applicant has materially simplified the original application to address overlooking concerns raised by the case officer in 3 ways:

Firstly, the proposed second floor balconettes have been omitted - as these created new downward views.

Secondly, the depth of the first-floor balcony has been slimmed by 150cm - to reduce perceived impact.

And thirdly, a 1.8m full height, opaque side panel has been added on the western end of the balcony - to increase privacy.

I'd like to draw your attention to the site plan provided in Appendix C. This shows the amended proposal which incorporates a privacy screen across the full depth of the western side of the balcony. This reduces the area currently overlooked, rather than increasing it.

Whilst it is small, the existing balcony currently provides uninterrupted views to the south, east and west and does not have any privacy screens. The amended 1.8m privacy screen would actually create "betterment", as existing views would be restricted to the west and south west as shown by the turquoise splay on the left-hand side of the plan. Hence the proposal complies with Policy CS16 stating:

"All development should demonstrate that its design does not cause unacceptable harm to the amenity of neighbours through the loss of privacy or overlooking."

These 3 amendments significantly improve the application in my view. This is echoed in the public comments summarised in the case officer's report.

5. Community Involvement – the case officer's report summarises that there are 7 formal supporters and 2 objectors. This positive response was emphasised following public consultation to the amended design. At this most recent stage written support included the 5 properties most affected by the proposal, namely:

- The 2 adjoining neighbours at 4&6 Orange Row
- The owner occupier of both 3&4 Seaview Terrace - the nearest 50% of the parade and to whom the case officer highlights as the most impacted by the proposal
- And no40 South St - who's garden dominates the environment.

Neither of the 2 original objectors submitted any comments following the amendments.

Conclusion

After detailed consideration I support this application. This is with the benefit of local knowledge and of an internal inspection.

The case officer lists 5 planning considerations, 4 of which are already deemed acceptable, namely:

- (i) **Principle of development** – accepted and supported by Conservation and Chichester Harbour ANOB approval.
- (ii) **Appropriateness of design and impact on the character of the area** – accepted. Confirmed as not resulting in an adverse impact on the visual amenity of the locality and meeting policies CS11 and CS16.
- (iii) **Impact on the ANOB** – notably even the larger original proposal was accepted by Chichester Harbour Conservancy.
- (iv) **Impact on the Conservation Area** – similarly, the Council's Conservation Officer concluded that the materials and quality design are in keeping with the historic area.

It is only the fifth consideration - **Effect on neighbouring properties** – where the case officer has concluded that even the simplified proposal: will be “overbearing”; would lead to increased “overlooking”; and have “an unacceptable impact on surrounding properties, most notably in Seaview Terrace”.

In response, my view concurs with the expert opinions of the Conservation Officer and Harbour Conservancy on the “overbearing” concern. The replacement balcony will be high quality, slimline and glass dominated, in contrast to the current more functional balcony and staircase.

In terms of overlooking and the impact on surrounding properties it is important to appreciate that the same back views of neighbouring properties are already available from the full-length lounge windows and existing small balcony. Indeed, the amended opaque side panel will actually restrict current vistas and improve the amenity of neighbouring properties in accordance with policy C16.

Adding further substance, my visit highlighted 2 other existing balconies within the courtyard area and there is of course a third under construction in the same materials next door. It can be clearly seen that standard back to back design guidance distances are not applicable in this context and refusal would be inconsistent with the approval of a balcony at no. 4.

Finally, the significant number of support letters confirms that the proposed development is supported by the majority of neighbours, who understand the context intimately. Most notably supporters include those occupying property adjoining and closest to the extended balcony.

An example is useful. The case officer's report concludes by particularly highlighting no's 3&4 Seaview Terrace. This property has the potential to be most impacted, as it contains the nearest windows and represents the nearest 50% of the parade. However, the owner occupiers of no's 3&4 are included in those neighbours who have written in support. They specifically state that - “we are not overlooked by these proposals”.

I believe that these points add new observations and substance to the proposal and shows that this simple application satisfies all 5 planning considerations. Thankyou.