

Houghton, Michelle

From: David Rothery <David.Rothery@conservancy.co.uk>
Sent: 10 November 2020 08:31
To: Toole, Joseph; Havant Planning and Development Mailbox New
Subject: APP/20/00643 - AMENDED PLANS - 22 King Street, Emsworth, Hampshire
Attachments: reply APP20.00643 EMS v2 AMEND extn and balustrade noobj kingst.pdf; report APP20.00643 EMS v2 AMEND extn and ballustrade noobj kingsst.pdf

From: David Rothery – on behalf of Chichester Harbour Conservancy (Chichester Harbour Area of Outstanding Natural Beauty unit)

To: Joseph Toole – Local Planning Authority Planning Case Officer

22 King Street, Emsworth, Hampshire

Planning Application: **APP/20/00643 (AMENDED PLANS DATED 12 October 2020)**

Proposal for erection of single storey rear extension, new balustrade to existing balcony parapet, and alterations to fenestration, following demolition of conservatory

No objection (planning condition controls suggested)

Please find enclosed the consultation comment letter relating to the proposed development that falls within / lies adjacent to, the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and a public copy of the Chichester Harbour AONB Planning Assessment Report for your information and open transparency public view.

This consultation comment has been made via the Chichester Harbour Conservancy fully delegated decision route. This **cover email**, the **consultation response** and the **assessment report** are all **suitable for open public viewing**.

The delay in making this consultation comment results from the current limitations in the normal operational role and working practice of the CHC due to the coronavirus Covid-19 restrictions imposed for a safe workplace environment.

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D Rothery

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Mr D Rothery

Please note that I work part-time / job-share for two-days a week

Principal Planning Officer

Chichester Harbour Area of Outstanding Natural Beauty (AONB) Unit

Chichester Harbour Conservancy - Harbour Office - The Street - West Itchenor - West Sussex - PO20 7AW

Chichester Harbour Conservancy manages and advises on the Chichester Harbour Area of Outstanding Natural Beauty

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Chichester Harbour Conservancy

www.conservancy.co.uk
10 November 2020

To the planning case officer,

Dear Joseph Toole,

22 King Street, Emsworth, Hampshire

Planning Application: **APP/20/00643 (AMENDED PLANS DATED 12 October 2020)**

Proposal for erection of single storey rear extension, new balustrade to existing balcony parapet, and alterations to fenestration, following demolition of conservatory

Thank you for consulting The Chichester Harbour Conservancy concerning the above planning submission. The Conservancy is a non-statutory consultee.

The landscape of Chichester Harbour was recognised as nationally important when it was designated as an Area of Outstanding Natural Beauty (AONB) in 1964, through the National Parks and Access to the Countryside Act of 1949. The Conservancy was established by the Chichester Harbour Conservancy Act of 1971. The purposes of the Conservancy are the responsibility for navigation and the conservation of nature. The Countryside and Rights of Way Act of 2000 formally established the Conservancy as the Joint Advisory Committee for the AONB, with the purpose to conserve and enhance the natural beauty of the landscape.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy has considered the submitted proposal against the Conservancy's planning guidance and principles - including The Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 2019), The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019), and The Chichester Harbour AONB Joint SPD (May 2017), adopted by both Chichester District Council and Havant Borough Council.

Under the Chichester Harbour Conservancy officer fully delegated decision process, the Local Planning Authority (LPA) is hereby advised that the Conservancy makes the following comment in relation to the above application.

Chichester Harbour Conservancy Recommendation – No objection

The Conservancy recommends the following suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms / to match the existing on site.
- the glazed fenestration should employ tinted glass panels where appropriate, and these should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination emitted both to the surrounding skyline and to the visual horizontal aspect of the new window openings.
- any and all roof lights / skylights / ridge-lights / roof lantern / clerestory lights / glazed gable windows, should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination emitted both to the surrounding skyline and to the vertical, skyward, aspect of the new window openings.



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- any demolition of existing parts of the building and or outbuildings, should only be carried out following a competent wildlife survey having been carried out by a recognised ecologist surveyor to ensure that no protected species, such as bats, are present in the structures to be demolished so as to meet the legal requirements under the guidance of Natural England of The Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.
- any and all external lighting shall be fitted with a suitable and effective cowl to focus the light-beam and illumination downwards and prevent light spillage above the horizontal and into the night sky, so as to comply with the Dark Skies approach within the AONB protected landscape and to limit disturbance to wildlife.

The Chichester Harbour Conservancy made comment on this planning application submission on 29 September 2020. Since making consultation comment the application has been subject to the receipt of amended plans / details. Consideration of the amended details as they relate to the AONB protected landscape has been made. The submitted changes have not resulted in any alteration of the proposal regarding the character or purpose of the Area of Outstanding Natural Beauty. The Chichester Harbour Conservancy reiterate their previous assessment.

It is noted that the submitted proposal makes little acknowledgement of the sites location within the Area of Outstanding Natural Beauty (AONB). The AONB protected landscape includes open countryside, rural hamlets and villages, urban built-up market towns as well as the harbour waters, all of which are subject to a higher level of planning scrutiny and where development is subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The proposal has apparently been made with a level of understanding that would be considered minimal in this regard. This is regrettable and unfortunate given the protected status of the AONB.

The proposal would have a localised impact on the character and appearance of the dwelling and the immediate surrounds. The proposal would have a visual impact on the AONB protected landscape, but this is considered to be minimal.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

A copy of the Chichester Harbour Conservancy AONB Unit Planning Assessment Report is attached to this consultation response for your information and for open transparency public view.

Should you require any further clarification with regards to this recommendation please contact the CHC AONB Planning Unit.

Yours Sincerely,



David Rothery
Principal Planning Officer
Chichester Harbour Conservancy AONB Unit

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CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report: Fully Delegated Decision Process

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22 King Street, Emsworth, Hampshire

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The Chichester Harbour Conservancy made comment on this planning application submission on 29 September 2020. Since making consultation comment the application has been subject to the receipt of amended plans / details. Consideration of the amended details as they relate to the AONB protected landscape has been made. The submitted changes have not resulted in any alteration of the proposal regarding the character or purpose of the Area of Outstanding Natural Beauty. The Chichester Harbour Conservancy reiterate their previous assessment.

Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms / to match the existing on site.
- the glazed fenestration should employ tinted glass panels where appropriate, and these should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination emitted both to the surrounding skyline and to the visual horizontal aspect of the new window openings.
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- any demolition of existing parts of the building and or outbuildings, should only be carried out following a competent wildlife survey having been carried out by a recognised ecologist surveyor to ensure that no protected species, such as bats, are present in the structures to be demolished so as to meet the legal requirements under the guidance of Natural England of The Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.
- any and all external lighting shall be fitted with a suitable and effective cowl to focus the light-beam and illumination downwards and prevent light spillage above the horizontal and into the night sky, so as to comply with the Dark Skies approach within the AONB protected landscape and to limit disturbance to wildlife.

Planning Approach

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The LPA should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (Section 85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Chichester Harbour Conservancy, administer and safeguard the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The aim of conserving and enhancing the areas natural



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beauty requires the Conservancy to consider the proposal on its landscape character aspects. Landscape covers both urban environments as well as countryside and coastal areas.

- Landscape Character

The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019) prepared for the Conservancy, identifies 10 Landscape Character Types - areas of broad tracts of land with common landform, and 19 specific Landscape Character Areas - unique areas with a recognisable pattern of landscape characteristics that combine to create a distinct sense of place, and which represent discrete geographical areas of a particular landscape character type.

The Landscape Character Areas define relevant key characteristics, ecological features, important views across land and water areas, historical features, settlement character, as well as key issues to landscape condition and landscape sensitivity, together with a landscape strategy to be followed. The summary and recommendations lay out the special qualities of Chichester Harbour AONB.

- Management Plan

The Chichester Harbour AONB Management Plan (2019-2024 - Third Review April 2019) identifies 10 special qualities (page 10) that represent the exceptional features that contribute to the AONB designation. On this basis the Chichester Harbour Management Plan provides an integrated coastal zone management strategy for the Trust Port and Area of Outstanding Natural Beauty. Relevant policies would include, Policy 1 (Conserving and Enhancing the landscape), Policy 2 (Development Management), and Policy 3 (Diversity of Habitats), Policy 6 (Water Quality), Policy 8 (Thriving Wildlife), Policy 13 (Prosperous Economy), and Policy 15 (Historic Environment and Heritage Assets), together with Policy 9 (Health and Wellbeing) being of particular relevance.

- Planning Principles

The Chichester Harbour Area of Outstanding Beauty Planning Principles (Management Plan version April 2019) provides guidance on development. These principles set a range of criteria to be addressed to warrant a favourable consideration in terms of likely impact within and on the AONB. Planning Principle PP01: Chichester Harbour as a Protected Area, is applicable to this and all proposals within or affecting the AONB.

Planning Principles **PP01: Chichester Harbour as a Protected Area**, sets out the key overarching approach for the AONB, in that the statutory primary purpose is to conserve and enhance the natural beauty of the area. Great weight shall be given to the protection of the landscape, the conservation of nature, and the special qualities of Chichester Harbour and its surrounding supporting hinterland.

Planning Principle **PP03: Replacement Dwellings and Domestic Householder Extensions**, guidance states that the acceptability of development will be dependent on whether the site can accommodate the proposal while still respecting local character by reflecting the surrounding pattern of development and spaces between buildings (the grain). Acceptability will also depend on the setting of the site within the landscape, and the design, materials and finishes employed.

Planning Principle PP03, requires the size and scale of any extensions to the original dwelling to fall within guideline criteria relating to footprint increase and the increase from the original building silhouette profile. The guide specifies a 50% upper limit footprint increase and a 25% upper limit silhouette profile increase. These requirements are also required under section-12 (page 23) of the adopted Chichester Harbour AONB Joint SPD (2017).

Planning Principle **PP09: Dark Skies**, that are adjacent to or impact on areas of nature conservation will only be supported in exceptional circumstances

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- Joint Chichester Harbour AONB Supplementary Planning Document

The Joint Chichester Harbour Area of Outstanding Beauty Supplementary Planning Document (2017) requires that any development proposed affecting the AONB should be guided by measures to protect, conserve, and enhance natural beauty and wildlife (Section 2 overarching principles). The SPD is adopted by both Havant Borough Council and by Chichester District Council as part of their planning policy and development control approach.

The SPD provides detailed guidance on the level of acceptable development within the AONB. All development within the AONB should follow the guidance as closely as possible. Section 8 (page 17) requires that in designing new development, consideration of the setting of the development in the AONB landscape must be shown as to how the proposal would contribute to the character of the area. A Landscape Visual Impact Assessment may be necessary in sensitive areas of exposed wide landscape character. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

Relevant Planning History

There is no recent or relevant planning history available for this site on the LPA public access website.

Contextual Consideration

The site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), where development is subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location.

The location is within a built-up area of the AONB. The area is part of Emsworth, positioned within the central core of the settlement. The red-line application does not have a boundary with a coastal frontage. The proposal would therefore have a visual impact to the character of the AONB built-up environment in this urban locality.

The site is understood to lie within a Conservation Area. The property is also believed to lie close to buildings on the scheduled list of buildings of historic or architectural importance. No information has been provided but the site is assumed as being adjacent to a Flood Risk Zone and the external area has a potential 1:200 year floor possibility.

Site Location and Existing Development

The application site is located to the central south part of the Emsworth settlement area. The site is situated to the north side of King Street. The application site is set back from the street frontage and the adjacent properties either side. The adjacent properties are part of the terraced character of the street and surrounding area.

Submitted Proposal and Supporting Documents

The application proposal is for a rear single-storey flat roof extension with a roof lantern and parapet screen wall. This would extend from the three-storey rear projection of the building and would replace the existing conservatory which is to be removed. In addition, a glass panel veranda is shown to be installed to the rear of the existing building with new double doors from the living areas.

The proposal also includes the installation of a glass balustrade to the existing second floor parapet wall enclosed rear flat roof area / terraced balcony. The second-floor balcony would



have replacement doors fitted, replacing the sliding door from the study area shown on the plans. To the front recess of the building, a side window above the forward projecting garage would be reduce from a large window opening to two smaller windows.

The proposed construction and finished materials are indicated to match the existing.

It is noted that a Heritage Report has been submitted in support of the proposal. The supporting documents have been considered alongside the planning application submission form and plans/drawings.

Applicants Approach

The applicant/applicant's agent has made some superficial consideration of the application proposal within its context and setting of the Area of Outstanding Natural Beauty (AONB). Passing reference to the AONB is made in the submitted documents to support the proposal.

There is no named reference to the AONB Management Plan planning policy document relevant to the consideration of the proposal (see above in Planning Approach section) or the Planning Principles specifically. There is no recognition made to the LPA Local Plan Policy specifically addressing the AONB (HBC Core Strategy Policy CS12) or to the Joint AONB SPD.

The proposal has apparently therefore been made with a level of understanding that would be considered superficial in this regard. Given the householder domestic small scale of the proposal, this is regrettably not unusual or unexpected, and is unfortunate given the protected status of the AONB.

Planning Assessment

- Policy Considerations

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

In general planning terms, the principle of –

1. the proposed use and activity resulting from the development
 2. the proposed physical works and finished treatment and appearance
 3. the proposals appearance and impact within the AONB Landscape
- would require a full and detailed consideration and assessment of potential, possible, and probable impact of both (1) the use and activity and (2) the physical works, to the character and appearance of the site and locality within the AONB landscape.

The principle of the proposed use and activity would not be a significant concern due to the use being ancillary to the existing activity and use of the host property. The principle of the proposed physical works and appearance should be generally acceptable to the character and appearance of the surrounding environment. Visually within the wider AONB landscape there would be a noticeable, but only a limited change to the appearance of the property.

- Visual Impact of Structural Scale / Bulk / Mass Changes

The visual impact of the proposal within the AONB is also a factor of scale. Scale is a matter considered by provisions of Chichester Harbour AONB Planning Principles (version 1.1 July 2017) Planning Principle **PP03** (replacement dwellings and domestic householder extensions); and Part 12 of the Chichester Harbour AONB Joint Supplementary Planning Document (16 May 2017) as adopted by the District Council LPA. From the ground footprint and outline silhouette assessment tool, the figures have then to be judged alongside the acceptability of the building design and on the impact on the setting of the site within the landscape.

Paras. 14.2 (design of extensions) and 12.1 to 12.4 (guidance on size increases), require that the scale of the proposed extension, when compared to the originally built dwelling, represents

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a building with a footprint not greater than 50% of that of the original and a silhouette not in excess of 25% of the existing when viewed from both the front/rear and the side/side elevations. www.conservancy.co.uk

The proposal would involve an increase in ground floor area footprint. The existing footprint of the conservatory to be removed would be reutilised by the extension. The change would amount to approx. 10% increase in the footprint. This would be within the percentage allowance figures applicable.

The proposal would provide an enlargement of the building. The front/rear and the side elevation silhouettes would change only marginally. The changes would fall largely within the existing front/rear and side silhouettes of the building. As such, the works would therefore fall within the silhouette guidance allowance.

The size and scale alterations must also be considered against the design of the proposal when compared to the retained property. The measurements are approximate based upon the submitted plans and drawings.

- Visual Impact of Design and Appearance within the AONB

The scale must be assessed alongside the impact in building design and character. In this case, the proposal would be generally similar in visual character and appearance to the existing development.

Visually the architectural style of the building would be retained. There would be a change to the appearance of the property from the rear elevation. The proposed works and alterations would be reasonably modest, the changes would be in keeping within the building and the local environment setting.

The rear single-storey extension is considered to be of a matching design and sympathetic consideration to the existing building, and therefore would be limited in impact. The rear veranda, given its semi-hidden recessed location, would also be acceptable in this location.

The addition of a glass balustrade at second floor level faces eastwards and not towards the harbour waters. Given the dwellings location and set back from the wider landscape it is unlikely that this would be noticeable.

Overall, the proposal is taken to comply with the adopted guidance on size increase set down in part 12 of the Chichester Harbour AONB Joint SPD (2017) in terms of footprint coverage or silhouette area of the building.

- Wildlife and Biodiversity

Natural England provide guidance on the protection of protected wildlife species. Protected Species of wildlife are legally protected under Wildlife and Countryside Act 1981 (as amended) (Section 5) and The Conservation of Habitats and Species Regulations 2010, making it an offence to intentionally or recklessly (1) deliberately kill, injure or capture bats; (2) deliberately disturb bats, including in particular any disturbance which is likely to impair their ability to survive, to reproduce or to rear or nurture their young, or their ability to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance; (3) damage or destroy a breeding site or resting place of a bat; (4) damage or destroy, or obstruct access to, any structure or place which any bat uses for shelter or protection; or (5) disturb bats while occupying a structure or place used for that purpose.



The proposal would increase the floor space of the dwelling and would alter the profile of the building envelope to a minor degree. The proposed enlargement of the dwelling would be unlikely to increase recreational activity in the locality or add to disturbance of wildlife areas.

The proposal would involve the removal of part of the existing building structure which would be demolished and replaced by the extension. Assuming that there is no wildlife uses of the structure, the proposal should not obviously impact on existing wildlife habitats. The proposal would not therefore be viewed as harmful to the wildlife or biodiversity of the site.

- Possible Alternative Use

The proposal would be unlikely to have an alternative use outside the domestic activity of the dwelling.

- Summary Conclusion

The proposal would have a localised impact on the character and appearance of the dwelling and the immediate surrounds. The proposal would have a visual impact on the AONB, but this is considered to be minimal.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

Other Comment

A copy of this planning assessment report is attached to the consultation comment response to the LPA for information and for open transparency public view.

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as any overlooking impact to neighbouring property and gardens, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

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Amended Plans 12 Oct reviewed LPA request reply 30 Oct 2020 Comment to LPA 10-11-2020
LPA Planning Case Officer: Joseph Toole
Chichester Harbour AONB: David Rothery – Principal Planning Officer

This comment and recommendation is made having regard to the Policy framework:

- Chichester Harbour AONB **Landscape Character Assessment** (CBA update 2019)
- Chichester Harbour **Management Plan** (2019-2024)
- Chichester Harbour **AONB Planning Principles** (Management Plan version April 2019)
- Chichester Harbour **AONB Joint Supplementary Planning Document** SPD (2017)
- National Planning Policy Framework (Revised 2018)
- National Planning Practice Guidance (2014)
- Havant Borough Local Plan (2011/2014)

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