

Houghton, Michelle

From: David Rothery <David.Rothery@conservancy.co.uk>
Sent: 02 December 2020 10:01
To: Toole, Joseph; Havant Planning and Development Mailbox New
Subject: APP/20/01024 - 22, Frankland Terrace, Queens Street, Emsworth, Hayling Island, Hampshire
Attachments: reply APP20.01024 EMS balcony noobj franklandter.pdf; report APP20.01024 EMS balcony noobj franklandter.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, Frankland Terrace, Queens Street, Emsworth, Hayling Island, Hampshire

Planning Application: **APP/20/01024**

Proposal for first floor balcony to rear with altered fenestration

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](#).

Stay safe, keep your distance, avoid the spread of the corona virus Covid-19

D Rothery

Visit our webpage – www.conservancy.co.uk/page/planning

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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Havant Borough Council
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Chichester Harbour Conservancy

www.conservancy.co.uk
2 December 2020

To the planning case officer,

Dear Joseph Toole,

22, Frankland Terrace, Queens Street, Emsworth, Hayling Island, Hampshire
Planning Application: **APP/20/01024**
Proposal for first floor balcony to rear with altered fenestration

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

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 external lighting shall be fitted with a suitable and effective cowling 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.



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The proposal would have a localised impact on the character and appearance of the building and the immediate surrounds. The proposal would have a visual impact on the AONB protected landscape, but this is within realistic acceptable limits for the immediate area and the wider AONB protected landscape environment setting.

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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22, Frankland Terrace, Queens Street, Emsworth, Hayling Island, Hampshire

Planning Application: **APP/20/01024**

Proposal for first floor balcony to rear with altered fenestration

Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations –

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- 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 external lighting shall be fitted with a suitable and effective cowling 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 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).

- 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.

AONB Planning Principles **PP01: Chichester Harbour as a Protected Area**, sets out the key over-arching 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.

AONB 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.

AONB 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).

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

- Joint Chichester Harbour AONB SPD

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

- Local Planning Authority - Local Plan Document Policy

The LPA have an adopted Local Plan which is made up of the Core Strategy 2011 and the site Allocation Plan 2014. These policy documents will remain in place until the Havant Local Plan 2036 has completed its adoption process. There are many relevant policies for the LPA to

Chichester Harbour Conservancy

consider against planning application submissions. Particular ones within the AONB include Strategic Core Strategy Policies CS12:Chichester Harbour Area of Outstanding Natural Beauty (AONB), CS16:High Quality Design; and Development Management Policies DM8:Conservation, Protection and Enhancement of Existing Natural Features, DM9:Development in the Coastal Zone, amongst others. The Draft Local Plan continued with similar policies including E11:Chichester Harbour Area of Outstanding Natural Beauty, E6:High Quality Design, and E15:Ecological Conservation, E18:Protected Species, amongst others.

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 is located 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 Emsworth, a market town within the AONB protected landscape. The red-line application does not have a visual boundary with a coastal frontage. The proposal would therefore have a visual impact the character of the AONB in this built-up urban locality.

The site does not lie within a Conservation Area. The site is distanced from any building indicated to be on the scheduled list of buildings of historic or architectural importance. No information has been provided but the site is assumed as being within Flood Risk Zone 1: Low Probability of flooding (the principal habitable accommodation is at first floor level).

Site Location and Existing Development

The red-line application site indicates the whole residential property forms the planning unit. The application site is located as part of the urban area of Emsworth. It is positioned to the central area of the settlement, as part of a modern (built 2016) residential housing estate to the fringe of the central commercial built-up area. The proposal lies to the north-east side of Frankland Terrace, the rear elevation looking east over commercial roof areas. The site is occupied by ground floor garages and the flat at first floor level, accessed via a path to the rear of the premises.

Submitted Proposal and Supporting Documents

The proposal is for the erection of a rear first-floor balcony to sit at an angle between the rear and access staircase projecting part of the flat. The rear first-floor elevation would have a window replaced with an access door to allow the use of the balcony, together with internal alterations.

It is noted that a Design Statement has been submitted in support of the proposal. The supporting document has been considered alongside the planning application submission form and plans/drawings.

Applicants Approach

There is no recognition of the application proposal within its context and setting of the Area of Outstanding Natural Beauty (AONB) in the submitted documents for the proposal. There is no



reference made to the Chichester Harbour AONB planning policy documents relevant to the consideration of the proposal or the Joint AONB SPD (see above in Planning Approach section). Furthermore, there is no reference to, or to consider of the LPA Local Plan Policy specifically addressing the AONB (HDC Core Strategy Policy CS12). The proposal has therefore apparently been made without acknowledgement of the status of the AONB and AONB Management Plan, or with a level of understanding that would be considered necessary and appropriate given the nationally recognised protected status of the AONB. This negligible approach to the AONB protected landscape is regrettable and unfortunate.

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 unchanged as part of the residential 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 building and to the surrounding environment. Visually within the wider AONB protected landscape environment the proposal would be partially noticeable, but only in a limited aspect due to the scale, location and likely prominence of the proposal.

- Visual Impact within the AONB Protected Landscape

The visual impact of the proposal within the AONB protected landscape environment is a factor of scale, the mass and bulk, the location and positioning, existing and proposed landscape screening, and the design, appearance and construction materials as related to the function proposed.

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 a building with a footprint not greater than 50% of that of the original and a silhouette not more than 25% of the existing when viewed from both the front/rear and the side/side elevations.

The proposal would involve an increase in ground floor area footprint compared to the existing large footprint of the property. This would approximate to an 8% increase overall. This therefore it would be within the percentage allowance figure. The proposal would provide no enlargement of the rear (east) elevation silhouette of the building, the extension falling within the elevation envelope. The silhouette calculation would therefore fall within the guidance allowance.

- Visual Scale / Bulk Changes to character of locality and AONB

The scale must also be assessed alongside the impact in building design and character. In this case, the proposal would be a modern and therefore generally similar proposal in visual character and appearance to the existing development. The increased areas of glazing from the balcony enclosure would have a noticeable additional visual impact on the character of the locality.

The impact from the proposed works would be visually noticeable from surrounding viewpoints within the AONB but would not significantly alter the appearance or character of the building when taking into account the surrounding built-up urban development.

- 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 proposed ancillary use as part of the host dwelling would be unlikely to increase habitation beyond the existing family occupancy and therefore would not substantially increase recreational activity in the locality or add to the associated disturbance of wildlife areas.

The proposal would not involve the removal of part of the existing building structure to provide for the balcony area. The existing accommodation areas are in regular daily use and activity which would preclude the prospect of existing noticeable wildlife habitation.

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 or activity outside the domestic activity of the dwelling.

- Summary Conclusion

The proposal would have a localised impact on the character and appearance of the building and the immediate surrounds. The proposal would have a visual impact on the AONB protected landscape, but this is within realistic acceptable limits for the immediate area and the wider AONB protected landscape environment setting.

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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Assessment 30-11-2020 LPA request reply 11 December 2020 Comment to LPA 02-12-2020

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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