
Site Address: 4 Orange Row, Emsworth, PO10 7EL
Proposal: Construction of glass balcony to rear elevation; alterations to existing rear second floor dormer windows to full height windows with glass Juliet balustrade.
Application No: APP/19/01163 Expiry Date: 22/01/2020
Applicant: Mr & Mrs Churchley
Agent: Ms Butler Case Officer: Denise Sheath
Hazel Butler Architects
Ward: Emsworth
Site Visit Date: 20/01/2020

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is a modern three storey terraced property with an integral garage to the west and is situated in a mews off South Street which is part of the Emsworth Conservation Area. The dwellinghouse has a brown tile pitched roof with flat roof dormers and elevations of red multibrick and white painted render. The site is level and the rear garden is in a small paved courtyard enclosed by 2 metre high walls to the east and west boundaries with a brick wall approximately 1.5m high to the south.
- 1.2 Modern two/three storey terraced houses are to the west and opposite, a slipway leading to the harbour is to the rear. The area is of medium density of a mixture of modern terraced properties and two storey older terraced cottages and detached dwellings of individual and similar age, style and design.
- 1.3 The dwellinghouse has a provision of parking two cars to the front of the dwellinghouse not including the garage.

2 Planning History

APP/14/00144 - Crown reduce 1No. Poplar by 4m to previous pollard points; within Conservation Area of Emsworth., RNO,20/03/2014
APP/16/00823 - Crown reduce 1No. Cherry tree (T5) by 2m overall. Crown reduce 1No. Tree of Heaven (T6) by 1.5m overall to prune to shape. Both trees subject to TPO 1788., PERM,07/09/2016
APP/16/00826 - Crown reduce 3No. Ornamental Plum trees (T1, T2 and T3) by 1.5m overall and re-pollard 1No. Poplar (T4), within Conservation Area of Emsworth., RNO,07/09/2016
APP/19/00972 - Crown reduce 1No. Swedish Whitebeam south sector by 0.5m leaving 2m spread, crown reduce north/west sector by 1m leaving 2m spread, remove deadwood, within Conservation Area of Emsworth., RNO,31/10/2019

3 Proposal

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

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

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 formerly 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 new Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 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 fully delegated officer decision process, the Local Planning Authority (LPA) is hereby

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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
- any and all roof lights / skylights on the building should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies)

Given the application sites setting, the proposal is not considered to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB) in terms of character or in relation to wildlife conservation and protection.

Further Comments:

Further to the Chichester Harbour Conservancy consultation response on the above planning case (sent by email on 16 December 2019), I would ask that you include additional planning conditions which were unfortunately not included from the formal response. These relate to the use of non-reflective glazing to both the balcony enclosure and the full height bi-fold doors which face onto the harbour waterside coastline. If this could be secured it would be in line with both our and your planning policy advice and guidance.

Suggested additional conditions

- for glazed surfaces, windows and balustrade enclosures, the use of coated surface glass that is non-reflective to mitigate external reflective glare which might also assist with keeping heat in and radiation out for the respective seasonal changes.
- the glazed fenestration should employ tinted glass panels, and these should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies)

Conservation Officer, Development Control

APP_17_01163 4 Orange Row Emsworth
Conservation comments

Overview:

4 Orange Row forms part of a modern terrace development with the Emsworth Conservation Area. To the East and west there are listed buildings however these are afforded some separation from the application site by virtue of the listed building being located away from the application site within their own plots.

Proposal:

The proposal is for the construction of glass balcony to rear elevation; alterations to existing rear second floor dormer windows to full height windows with glass Juliet balustrade.

Policy and legislation:

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough. Seeks to protect and where appropriate enhance the borough's statutory and non statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy CS16 High Quality Design

Assessment:

The property is a well designed comparatively modern property. The prime issue in this case is how the changes impact on the visual appearance of the property, and in turn Emsworth Conservation Area.

Limited views of the rear elevation would be possible from the foreshore when accessible. However, this is still screened in part by the wall along the southern boundary of the property. Within the wider view the proposed balcony and alterations to the dormer windows will have little impact on the conservation area. As such I would consider that the works would preserve the character of the area.

Recommendation:

No objection

Conditions:

No conditions

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 6

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: 06/12/2019

Number of representations received: 1

Comment	Officer Comment
I write in support of these proposals. My 2 properties are the closest buildings to the subject property and the proposed balcony will abut and adjoin our party wall. Nevertheless I welcome such improvements in the area.	Noted

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Impact on the Conservation Area
- (iv) Effect on neighbouring properties

(i) Principle of development

- 7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.
- 7.3 In this case the site is also located within the Emsworth Conservation Area. The proposal must therefore be assessed against the relevant parts of the Planning (Listed buildings and Conservation Areas) Act 1990 and this assessment is made below.
- 7.4 Planning policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 states that planning permission will be granted for development that *'Responds to, draws inspiration from and respects local context and, produces a positive relationship between buildings, street and spaces both existing and proposed, contributes to the improvement of the public realm, is inclusive by considering the needs of those with disabilities, mitigates negative environmental impacts through sustainable design and adapts to the changes needs of the users and the changing climate over the lifespan of the building.'*
- 7.5 This approach is consistent with the Havant Borough Local Plan Allocations policy AL1 seeking Sustainable Development and AL3 for development in the Town, District and Local Centre. In the case of this planning application seeking to develop an existing dwellinghouse it is considered that the proposals are acceptable in principle providing that the development can be considered to protect and enhance the features of the Emsworth Conservation Area and not significantly adversely impact the nearby residents. These matters and other site specific issues are considered below.

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

- 7.6 No 4 Orange Row is in such a position that its front view looks out onto the Mews and neighbouring dwellings opposite and from the rear the dwellinghouse looks out onto and is viewable from the waterfront of Emsworth.
- 7.7 The proposal would seek to retain the external colour of the dwellinghouse which is white. The most significant change from public vantage points are the alterations to the rear in the form of the larger fenestration to the second-floor dormers and to construct a new balcony to the first floor, the balcony will protrude 1.2m from the original rear wall and have a width of 2.55m, the balcony will be adjacent to an existing first floor bay window. It is noted that the Councils Conservation Officer and Chichester Harbour Conservancy do not raise any objection to the proposal. Visually the development is therefore considered to be acceptable.
- 7.8 Although the windows to the rear dormers are proposed to be larger in size than the existing they are considered to be able to be comfortably accommodated in the rear elevation without looking out of character or causing an adverse impact on the conservation area. It is noted that the Neighbouring Property at No.5 have carried out similar works, therefore the proposal would not be out of keeping.
- 7.9 The proposed balcony will be a galvanised structure with glass balustrades, the proposed finished colour of the structure would be white to blend in with the rendered elevations of the property therefore the proposed balcony would not have a harmful impact on the visual amenity.
- 7.10 A material list has been submitted (23.01.20), along with a confirmation email (received on 04.02.20) stating that the proposed glazed surfaces will be coated surface glass that is non-reflective to mitigate external reflective glare and a condition has been added to reflect this.

7.11 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policies CS16 and CS11 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality and the wider Area of Outstanding Natural Beauty.

(iii) Impact on the Conservation Area

7.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") required local planning authorities to pay special attention to the desirability or preserving or enhancing the character or appearance of that area.

7.13 The Council's Conservation Officer has been consulted in relation to the proposal and has raised no objection to the proposal. The Conservation Officer has commented that the alterations to No 4 would preserve the character of the area.

(iii) Effect on neighbouring properties

7.14 It is acknowledged that the existing first floor bay window to the rear at No 4 already causes a degree of over-looking to the east and south as a result of its depth and size, it is considered that the proposed balcony would not cause a significant enough additional impact that would warrant a refusal of the planning permission. It is also acknowledged that the balcony would create a direct view to the south of the dwellinghouse which would face a blank dwelling wall with no facing windows or doors within this elevation directly opposite, the balcony would also be fronting the waterfront in Emsworth, reducing the impact further to an acceptable level.

7.15 The balcony would be partially screen by the existing first floor bay window and would protrude a further 0.8m, the balcony is 12.5m from the main dwelling to the neighbouring property to the east and would also be partially screened by the trees within this neighbouring properties boundary, therefore the proposed balcony would not cause a significant enough additional impact that would warrant a refusal of the planning permission.

7.16 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

8 Conclusion

8.1 In conclusion, the principle of development is considered to be acceptable with the impact on neighbours and future occupants residential amenities considered to be limited and acceptable.

8.2 The impact of the external changes on the Conservation Area, AONB and No 4 have been considered carefully and sensitively. Due to the relatively modest changes proposed it is considered that the works would preserve the Conservation Area and would have an acceptable impact which complies with policies CS16, CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011.

8.3 The proposed changes are therefore considered to result in a limited impact and are considered to be acceptable.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01163 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Application Form - Received 27 November 2019
Planning Statement - 27 November 2019
Location and Site Plan - Drawing No. 09-19-A-DR-001 - Received 27 November 2019
Proposed Site Plan - Drawing No. 09-19-A-DR-100 - Received 27 November 2019
Existing Floor Plans - Drawing No. 09-19-A-DR-102 - Received 27 November 2019
Existing Elevations - Drawing No. 09-19-A-DR-104 - Received 27 November 2019
Proposed Floor Plans - Drawing No. 09-19-A-DR-201 - Received 27 November 2019
Proposed Elevations - Drawing No. 09-19-A-DR-202 - Received 27 November 2019
Photographs - Drawing No. 09-19-A-PHOTOS-102 - Received 27 November 2019
Material List - Received 23 January 2020
Confirmation Email stating the glazing to be installed will be non-reflective - Received 04 February 2020.
Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used shall be as indicated on the submitted forms and the list of materials received 23.01.2020 and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The glazed surfaces as shown on the proposed north elevation of the proposed extension approved plan number 09-19-A-DR-202, shall be fitted with tinted and non-reflective glass and be maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the area, to mitigate the impact of glazing viewed from Chichester Harbour and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework