

CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report: Fully Delegated Decision Process

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33 Maisemore Gardens, Emsworth, Hampshire

Planning Application: **APP/20/00444 (Adjoining the AONB) (AMENDED PLANS 23 July 2020)**

Proposal for erection of two storey side extension forming a self-contained annex following the demolition of existing single storey side extension

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, 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.
- a suitable condition to ensure that the proposed extension is used and therefore remains ancillary to the host dwelling and is not sold, let or occupied as a separate dwelling or used for tourism accommodation or similar purposed un-associated with the occupation of the main residential unit.
- the 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 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



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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

- 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.

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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. The **amended plans** appear to clarify the parking provision on the site.

Contextual Consideration

The site is located adjoining the Chichester Harbour Area of Outstanding Natural Beauty (ANOB), 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 site lies within a built-up area on the periphery of the designated AONB boundary. The site is located to the western part of Emsworth. The red-line application has a boundary with a watercourse channel and the open countryside to the west, which lies within the AONB. The proposal would therefore have a visual impact the character of the AONB in this urban edge locality.

The site does not lie within a Conservation Area or would affect the setting of a building on the scheduled list of buildings of historic or architectural importance. The site is indicated 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 western end of the Emsworth settlement area. The site is situated to the west side of Maisemore Gardens in a corner site location on a road loop and is surrounded by other residential properties in the housing estate to the north and east.

The house is a circa late 1960's-1970's two-storey flat roof end of terrace house dwelling with an access drive to the northern side of the property. The rear of the property is south facing and borders a stream watercourse that separates the housing estate from the countryside to the west.

Submitted Proposal and Supporting Documents

The application proposal is for a two-storey side extension to the west side with the continuation of the flat roof profile over the new additional area. The extension would provide a one-bedroom self-contained annex with a separate doorway entrance, kitchen area and bathing area to the main retained dwelling house. The proposed construction and finished materials are indicated to match the existing.

It is noted that a Design and Access Statement, and a Flood Risk Assessment has been submitted in support of the proposal. The application includes supporting documents which have been considered alongside the planning application submission form and plans/drawings.



Applicants Approach

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

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

The proposal has apparently therefore been made with a level of understanding that would be considered partial 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. There would be a change to the appearance of the property from the frontage and the rear elevation, with the property being elongated to the frontage width. Given the dwellings location in the corner of the loop road, it is unlikely that this would be noticeable, particularly given the set-back from the road. The extension would not be out of keeping with the character of the housing estate.

- Visual Scale / Bulk 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 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.

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The proposal would involve no increase in ground floor area footprint as the existing footprint of the side extension to be removed would be reutilised by the proposal, therefore it would be within the percentage allowance figure. www.conservancy.co.uk

The proposal would provide a minor enlargement of the front/rear north/south elevation silhouette of the building by approximately a 13% increase. There would be a little a minor enlargement of the side east/west elevation silhouette of the building by the first-floor rear outcrop oversail, this would be an approx. 0.5% increase. The silhouette calculation would therefore fall within the guidance allowance.

- 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 like the existing development.

The side extension would be limited in impact given its semi-hidden corner location, its matching design and sympathetic consideration of the existing building. It therefore would represent a minimal visual change with a uniform appearance across the frontage and rear elevations.

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 size the dwelling and would alter the profile of the building envelope. The proposed ancillary use as part of the host 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 new two-storey extension. The existing single-storey side extension is an area 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 which provides for a self-contained annex to the dwelling 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.

Chichester Harbour Conservancy manage and advise on the
Chichester Harbour Area of Outstanding Natural Beauty
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Site viewed 06-07-2020 LPA request reply 3 Aug 2020 Comment to LPA 29 July 2020
LPA Planning Case Officer: Joseph Toole (Amendment no.1)
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** (adopted 17.10.16 and 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)
- Havant Borough Design Guide (2011)
- Emsworth Conservation Area CACA & Management Plan
- Emsworth Design Statement
- Draft Emsworth Neighbourhood Plan (2018)

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