
Site Address:	Tower House, 19 Tower Street, Emsworth, PO10 7BH		
Proposal:	New and replacement balconies to south elevation.		
Application No:	APP/18/00298	Expiry Date:	10/05/2018
Applicant:	Ms I M Stubbs		
Agent:	Mrs L Gregory	Case Officer:	Bee Crawford
	Joanna Jefferson Architects		
Ward:	Emsworth		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site is a large detached two storey dwelling with an attached double garage which was built under planning permission 03/53651/016. It has a red clay tiled pitched roof and elevations of red multibrick. The site is level with a block paved area to the front, grass, shrubs, a patio area and swimming pool to the rear garden and grass and a shed to the side (east) garden). The property is enclosed to all boundaries with walls ranging in height from 1.5 to 2 metres, mature shrubs and hedging.
- 1.2 A two storey detached cottage adjoins the south of the site together with a two storey detached property beyond an access drive. It is noted these properties are at a lower level than the application site. A detached garage of a property in Tower Street is to the east, the side aspect of three storey properties in Orange Row are to the west and the large rear garden of a property in Tower Street is to the north. The area is of medium density with a mixture of two and three storey detached, semi-detached and terraced properties of similar age, style and design, reflecting the nature of the Conservation Area.

2 Planning History

None relevant to this application.

3 Proposal

- 3.1 The proposal is for the construction of new and replacement balconies to south elevation. At the time of the Officer's site visit, new french doors had been installed to this elevation.

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
CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Grade 2

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No comment received.

Conservation Officer

Principal Conservation Officer – No Objection

The lightweight design of the balcony and design of the doors appears in keeping with this property and in my view will not unbalance the elevation. As such the proposals will not appear out of keeping with the dwelling and would therefore not harm the character of the conservation area.

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: Not applicable.

Statutory advertisement: 30/03/2018

Number of representations received: 2

Comment	Officer Comment
My main objection relates to outlook and privacy. The proposed size of the new balcony is not acceptable. One expects to be able to sit in the garden without having neighbours staring down at them. This is exactly what would happen. Also the noise level would be increased.	See section 7.

We are writing to object to the above proposal received on 28/3/18 on the basis of the following:	
No. 19 Tower Street was built on a substantially higher level than ours below their south elevation at No. 23. The addition of the new proposed large south facing 1st floor balcony would give this viewing platform a direct sight line into the majority of the east side and south east lawn of our house. The east and south sides are our only outside areas.	See section 7.
This proposed balcony would only be approximately 8 metres from the start of the areas above, and as mentioned before would be at a substantial height above our house. It would also look directly into our studio, should the door be open in the spring/summer, our outside sitting/dining terrace and the two main doors to our house. Please also note that the olives trees at present abutting our wall are in planters and could be moved at any time in the future leaving only the wall as a screen.	See section 7.
At present the wall between our properties muffles both sides from sound, but with people on the above balcony the noise level would rise considerably. There is also a profound difference from occasional viewing from a bedroom compared with an upstairs furnished area on a balcony.	See section 7.
Being stared down upon by people from this balcony, for what could be hours on end, would also be an intrusion and intimidating when walking down our drive, accessing the house, using the studio or simply sitting outside. Likened to being in a goldfish bowl. Also, should No. 19 ever be turned into an upside-down house the balcony would be in constant use all year round in clement weather.	See section 7.
This proposal would have a very detrimental impact on our quality of life here and any expectation of privacy.	

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
- (iii) Effect 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.

(ii) Appropriateness of design

7.3 The land on which the property is situated was formerly part of the garden of 5 Tower Street and the property is set back in excess of 20 metres from the highway to the west. Whilst the property is not prominently visible from Tower Street, the southern elevation to which the works are proposed would be visible from the Emsworth Harbour shoreline.

7.4 The proposal is to replace the existing timber Juliet balcony with new timber posts and steel balustrade and the construction of a new balcony supported by timber posts to the southern elevation. The new balcony would be 2.35 metres in depth and 5.3 metres in length with a 1.1 metre high steel balustrade and glass panels. Furthermore, it would project 0.7 metres beyond the southern gable elevation of the property and 0.35 metres beyond the existing Juliet balcony.

7.5 Regarding the new balcony, there is concern that it would appear overbearing and be detrimental to the privacy and amenities of the occupiers of the properties to the south of the application site. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Design Guide 2011.

(iii) Effect on the conservation area

7.6 The property is an unlisted building in Emsworth Conservation Area and the proposal is for the replacement of the existing Juliet balcony and the provision of a new balcony to the southern elevation of the property. The Council's Principal Conservation Officer raised no objection to the scheme and is of the view that the proposal will not appear out of keeping with the dwelling and would conserve the character of the conservation area and AONB.

(iii) Effect on neighbouring properties

7.7 Concerns were raised by both neighbours to the south of the application site with respect to the new balcony resulting in overlooking, loss of privacy, having an overbearing presence and increase in noise levels.

- 7.8 Following a request by the occupiers of number 23 Tower Street, the Case Officer visited this property to ascertain the impact of the proposal. The private access drive and northern elevation of this property directly adjoins the southern boundary of the application site, with the primary amenity areas to the east and south of the dwelling. The edge of the proposed balcony would be approximately 6.8 metres from the property boundary and would result in direct views into the side and part of the rear outside amenity areas to this property, the private access drive and the garden of the property at number 25 Tower Street. It is therefore considered the proposal would result in an unacceptable loss of privacy and overlooking into the private amenity areas of the neighbouring properties of 23 and 25 Tower Street.
- 7.9 Given the size, scale, massing and degree of separation, it is considered the proposal would not result in a significant adverse overbearing impact to the neighbouring properties.
- 7.10 Whilst it could be argued a degree of overlooking already exists from the Juliet balcony, it is of a limited depth and predominately faces the northern roof slope of number 23 Tower Street.
- 7.11 It is also acknowledged that although the southern boundaries of numbers 23 and 25 Tower Street are adjacent to Emsworth Harbour which may afford some public access to the shore during low tide and subsequent overlooking into these properties this would be of a transient nature.
- 7.12 The floor area of the balcony would create a permanent, useable outside space and the proposed glazed balustrade is of a modest height. Consequently it is deemed the resulting loss of privacy to the neighbouring properties would be unacceptable and create a harmful degree of overlooking. As such, the proposed development would have an adverse impact on the neighbouring properties which is contrary to the advice laid out in policy CS16 of the Core Strategy 2011.

8 Conclusion

- 8.1 The proposed balcony would result in an unacceptable loss of privacy and overlooking into the private amenity areas of the neighbouring properties of 23 and 25 Tower Street. As such, the application is contrary to policy CS16 of the Core Strategy 2011 and is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00298 for the following reasons

- 1 The proposed balcony on the southern elevation would give rise to direct overlooking of adjacent properties at 23 and 25 Tower Street to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.