



## CHICHESTER HARBOUR CONSERVANCY

Planning  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire - PO9 2AX

24 May 2022

To the planning case officer: Tina Pickup. AONB national landscape consultation recommendation.  
Location: **19 Tower Street, Emsworth, Hampshire**  
Planning Application: **APP/22/00341**  
Proposal: **Variation of Conditions 2 & 3 of Planning Permission APP/21/00556 dated 26 July 2021 to amend approved plans and amend balcony balustrade detail from timber to glass**

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

### CHICHESTER HARBOUR CONSERVANCY

The Conservancy was established by the Chichester Harbour Conservancy Act of 1971 with 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.

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 AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

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 statutory purpose of the AONB is to conserve and enhance the area's natural beauty.

Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. Proposed development must be assessed carefully to consider if it would have a significant impact on or harm that statutory purpose.

### PLANNING ASSESSMENT SCOPE

Consultations on development proposals within, or outside but impacting on, the AONB would be considered against the AONB Planning Guidance and Principles (see below), the planning history record, the architectural design and appearance, and the landscape character and setting of the red-line site, any blue-line area, and the surrounding location. In considering the implications and impacts within, or to, the AONB protected national landscape, the exterior works and land use implications that affect the appearance and character of the of the location, the site and any buildings within the surrounding setting are assessed in the appraisal.

Planning 'Permitted Development' allowances do not apply within an AONB. 'Permitted Development' works therefore require a planning application to be submitted to the Local Planning Authority for formal consideration.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy considers proposals 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 Havant Borough Council and Chichester District Council.

## SUBMITTED PLANNING PROPOSAL

The current proposal lies inside the AONB. The proposal is located within a built-up urban town location within the AONB. The proposed works may likely be considered as 'permitted development' other than the location being within the AONB. AONB PP01, PP03, PP09, Joint SPD considerations have been part of this AONB planning assessment. The proposed works comprise works / alterations that require detailed approval of the LPA. The proposed works lie wholly within the site.

The proposal is for the variation of details approved under APP/21/00556 dated 26 July 2021 relating to the construction of a first floor balcony with enclosing balustrade. The variation seeks to change the balustrade to a glass enclosure instead of a timber designed barrier. The proposal for a glass panel arrangement shows each panel being 1.1m in height. There is no new floorspace created. There is no new fenestration. The works lie within the site, positioned to the south side elevation facing onto the side garden and coastal views beyond through a gap in the building on adjoining properties opposite.

Planning Condition 2 states – *"The development hereby permitted shall be carried out in accordance with the following approved plans:*

- *Heritage Design & Access Statement by Richard Meynell Ltd dated June 2021*
- *Location and Block Plan Drawing No. L.1088-01 Rev A*
- *Existing and Proposed Site Section Drawing No. L.1088-05 Rev B*
- *Proposed Plans and Elevations Drawing No. L.1088-04 Rev B"*

Planning Condition 3 states – *"The external materials used for the balcony shall match in finish to the design, profile, colour and texture, to those of the existing balcony on the south elevation as far as practicable."*

## ASSESSMENT CONSULTATION CONCLUSION

Given the backdrop and setting of the built-up area, the works to the street scene would be largely unnoticeable. The relatively small scale of the proposed works would have a visual impact within the site, and within the local area, being a change from the design appearance on the existing dwelling. However, the proposal is considered to have little significant visual impact on the AONB protected national landscape or be demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area.

The Chichester Harbour Conservancy raises **no objection** to the current submission. Appropriate planning conditions to control the materials of construction and the finished appearance should be considered and applied by the LPA. The glass panels should be treated to avoid sun-glare to waterborne vessels using the harbour waters to the south.

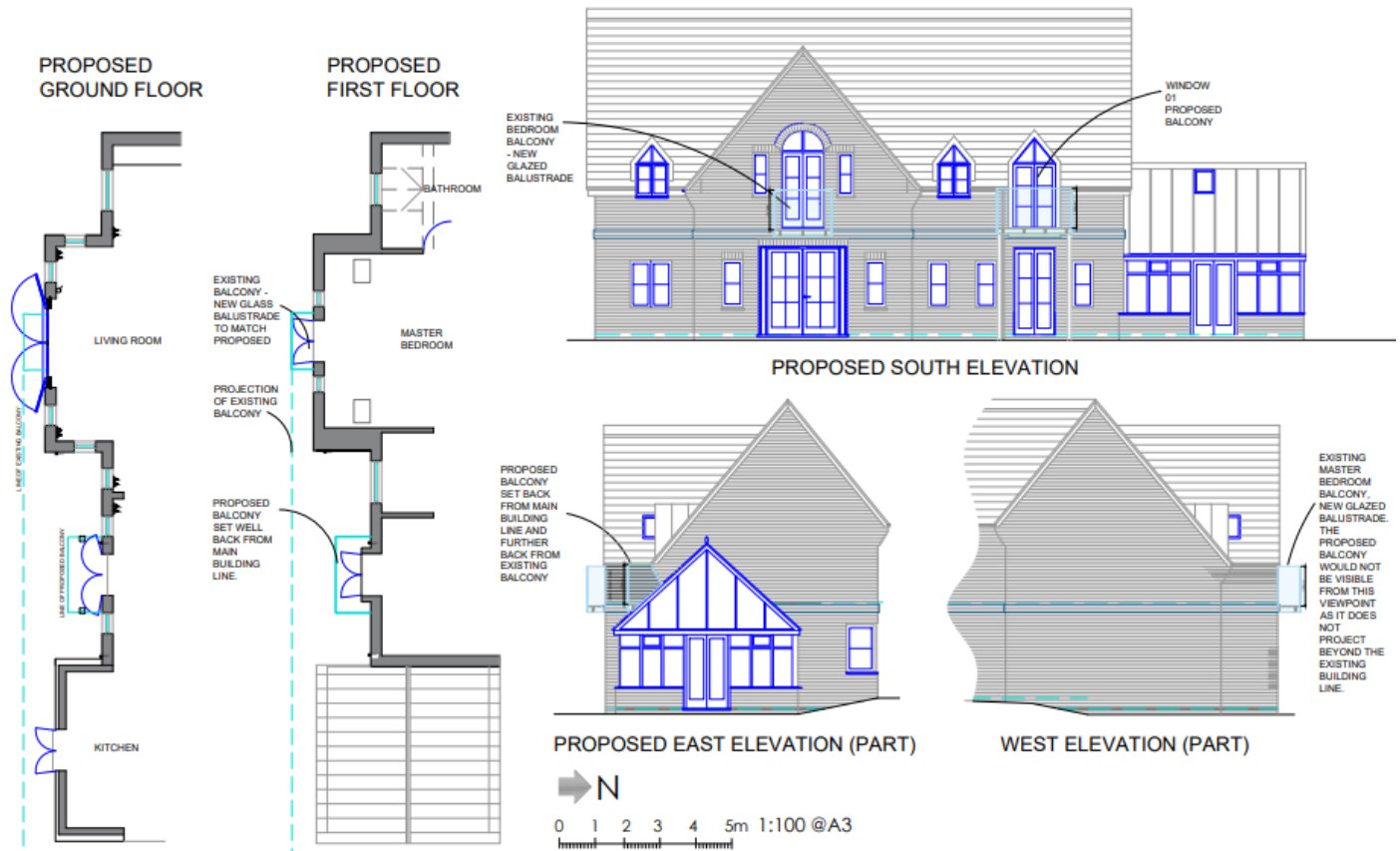
## OTHER MATTERS

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as overlooking impact to neighbouring property and spaces, perceived loss of privacy, 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. Such matters are not normally commented on by Chichester Harbour Conservancy.

It is noted that as of the date of this consultation comment dispatch, the LPA web site still shows this proposal as still pending a decision. If you require any further clarification with regards to this recommendation, please contact the CHC AONB Planning Advisory Case Assessment Team.

Yours Sincerely,

**Chichester Harbour Conservancy** manage and advise on the  
**Chichester Harbour Area of Outstanding Natural Beauty**  
**One of the UK's National Landscapes**





CHICHESTER  
HARBOUR  
CONSERVANCY

CHICHESTER HARBOUR AREA of  
OUTSTANDING NATURAL BEAUTY  
(AONB) Unit  
Planning Consultation  
Development Assessment Report

## Chichester Harbour AONB Unit : Recommendation Report (Domestic Proposals)

Location: 'Tower House', 19 Tower Street, Emsworth, Hampshire

Planning Application: **APP/21/00556**

Proposed pole mounted projecting balcony with metal railing balustrade to first floor south elevation

### Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations: -

- schedule of materials to be as indicated on submitted application forms / to match existing.

### Planning Approach

The statutory purpose of the Area of Outstanding Natural Beauty (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.

The submission site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

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. The landscape covers both built-up urban environments as well as rural countryside and coastal areas.

This comment and recommendation is made having regard to the applicable AONB Policy -

- 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 – LPA adopted)
- National Planning Policy Framework (Revised 2018)
- National Planning Practice Guidance (2014)

and in particular the following relevant AONB Planning Principles –

- AONB **PP01**: Chichester Harbour as a Protected Area,
- AONB **PP03**: Replacement Dwellings and Domestic Householder Extensions
- AONB **PP09**: Dark Skies

### Relevant Recent Planning History

**APP/18/00298** : New and replacement balconies to south elevation. On 25 July 2018 by delegated comment CHC raised no objection, the comment made after the target reply date. The CHC view was that whereas glass balustrading is not favoured by the CHC, the amount of balcony frameworks partially visible from the Harbour and foreshore at low tide, would not have any significant harmful landscape impact within the AONB. On 10 May 2018 the LPA REFUSED the submission on overlooking grounds.

### Submitted Proposal and Supporting Documents

The proposal seeks the installation of a first-floor projecting balcony on freestanding poles/stilts to an existing window. The window is on a recessed part of the elevation. An existing first-floor projecting

cantilever balcony provides the design to be replicated. NOTE: The submitted side elevations appear to show the proposal includes the enlargement of the existing building balcony from that of a Juliette balcony to a projecting balcony. The LPA should clarify this image.

The submission makes no acknowledgement or reference to the sites context to the setting of the Area of Outstanding Natural Beauty (AONB) protected national landscape. The lack of knowledge or understanding of the status of the AONB in the planning consideration is disappointing.

### Planning Assessment

The consideration would require a full and detailed assessment of the potential, possible, and probable impact to the character and appearance of the site and the locality of the AONB protected landscape. The main AONB planning assessment issues to be considered for this site relate to –

1. Consideration against the relevant AONB Planning Principle guidance
2. Relevant and/or recent planning history implications for the proposal
3. The principle of the use and activity of the development to the AONB locality
4. The locational positioning and layout design impact of the site to the AONB
5. The proposed physical scale, structure bulk and perceived massing on the AONB landscape
6. The architectural design, structural character, visual appearance & finished treatment
7. The impact on the tranquillity of the area and on the environmental character of the AONB
8. The wildlife, biodiversity, ecology, and natural environmental effects of the AONB
9. Any measures to mitigate the impact of ecological and environmental disturbance

The AONB Planning Principles relevant to this proposal are not conflicted with. The balcony is shown installed to an existing window (PP09 considerations unlikely to apply).

The planning history reflects the LPA overlooking issues, no specific issues to the landscape.

The residential planning use of the red-line site would not be changed by this submission.

The location of the proposal is within the settlement built-up area and within a backdrop and setting of other residential development.

The locational position of the proposal is to the south elevation of the host building. The layout design relates to the host building and sits as an integral part of this. The works generate little harm to the site spatial open area and to the immediate surrounds.

The scale of the development would be proportionate to the host building. The works create little additional massing to the host building.

The architectural design is a suitable match to the host building. The freestanding support pole structure would not be significantly dominant.

The external construction materials and finishes are traditional in appearance.

The physical works would not be intrusive to the tranquil environment of the AONB or harm the environmental character of this settlement built-up location within the AONB.

The balcony would not increase light concerns on the plot.

There is unlikely to be any issue in terms of local wildlife, biodiversity, or ecological character of the locality. Measures to mitigate the impact of ecological and environmental disturbance should not be necessary. Improvements could be considered generally through the installation of bird and bat boxes at the site, hedgehog houses in the rear garden, and similar easy applied wildlife improvements.

### Summary Conclusion

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is location within the countryside area within the AONB.

The positioning of the proposal would have a localised impact on the character and appearance of the site and the immediate surrounds. The proposal would not be intrusive or harmful to the local AONB protected landscape. The proposal would have a limited visual impact on the wider AONB protected national landscape character. CHC has no objection to the submitted proposal.

The development proposal in the AONB would be unlikely to have any identifiable harmful impact on matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. CHC has no objection in this regard.

## Other Comment

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 spaces, 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.

This consultation assessment and comment response to the LPA is for open transparency public view.

Assessment 28-06-2021 LPA request reply 22-06-2021

Chichester Harbour AONB Case Assessor: David Rothery

Comment to LPA 28-06-2021

LPA Planning Case Officer: Tina Pickup

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Visit our webpage – [www.conservancy.co.uk/page/planning](http://www.conservancy.co.uk/page/planning)

