

## Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

|                |                                           |
|----------------|-------------------------------------------|
| Number         | <input type="text" value="19"/>           |
| Suffix         | <input type="text"/>                      |
| Property Name  | <input type="text"/>                      |
| Address Line 1 | <input type="text" value="Tower Street"/> |
| Address Line 2 | <input type="text"/>                      |
| Address Line 3 | <input type="text" value="Hampshire"/>    |
| Town/city      | <input type="text" value="Emsworth"/>     |
| Postcode       | <input type="text" value="PO10 7BH"/>     |

Description of site location must be completed if postcode is not known:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Easting (x)                         | Northing (y)                        |
| <input type="text" value="474971"/> | <input type="text" value="105584"/> |

Description

Applicant Details

Name/Company

Title

First name

Surname

Stubbs

Company Name

Address

Address line 1

19 Tower Street

Address line 2

Address line 3

Hampshire

Town/City

Emsworth

Country

Postcode

PO10 7BH

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

## Agent Details

Name/Company

Title

First name

Surname

Company Name

## Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

## Contact Details

Primary number

Secondary number

Fax number

Email address

## Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Reference number

Date of decision (date must be pre-application submission)

**Please state the condition number(s) to which this application relates**

Condition number(s)

Has the development already started?

- ☐ Yes  
☒ No

## Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Our client requires a more 'solid' balustrade for complete safety for their pet and family members if they are to use the balcony. The glazed balustrade material will be 'invisible' as compared to the existing timber balustrade detail, and will as a result mean that both balconies have even less visual impact on the property's elevation.

Please refer to the Design & Access Statement for more information.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

#### Condition 2

To be varied to replace drawing 'Proposed Plans and Elevations Drawing No. L.1088-04 Rev B' with 'Proposed Plans and Elevations Drawing No. L.1088-04 Rev C' which shows the newly proposed balcony with revised clear glass balustrade and the existing balcony having a clear glass balustrade, to match.

#### Condition 3

This condition requires that the design of the new balcony matches the existing one. Hence the variation to the new balcony balustrade detail will also be replicated on the existing one. This is to ensure that both balconies match, as per Condition 3 of the approval.

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes  
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent  
☐ The applicant  
☐ Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes  
☐ No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

Date (must be pre-application submission)

02/03/2022

Details of the pre-application advice received

Emails shown chronologically:

27th February 2022

Hi Tina, (officer on previous app APP/21/00556)

I hope you are well?

Further to the Tower Street balcony application approval last year, we have been asked by the client to investigate whether it would be possible for the material to be frameless glass. Attached is an example system that we have experience of. Would you mind giving an idea of feasibility of making an amendment to the existing approval, to this different balustrade material? In this respect, this glass would be to both the balcony subject of the planning approval, and the existing one on the same elevation, so both would match.

Thanks in advance

2 March 2022

Dear Ms Huxtable,

Thank you for your enquiry regarding potentially changing the balustrading at 19 Tower Street.

I am of the opinion that such a change would visually alter the approved design and therefore would not be a 'non-material' change. Therefore you would need to make an application to vary the approved plans listed under condition 1 of APP/21/00556.

In terms of the acceptability of frameless glass, it is my informal opinion (without consultation to our Conservation Officer) that the simplicity of such a design would be unlikely to have any visual harm on the host dwelling or character of the Conservation Area. This is based on your statement that both balconies would match, as I think that if the balconies did not match then there would be a visual discord that would be unacceptable.

I would however point out that the site also lies within the Chichester Harbour AONB and the Chichester Harbour Conservancy always seek to minimise visual glare from large expanses of glass. I would therefore recommend the use of non-reflective glass. Any future application would also be subject to consultation with Chichester Harbour Conservancy and I cannot at this stage predict their formal response, but use of non-reflective glass should mitigate their likely concern.

I trust these comments help at this stage, but please note they are offered informally and do not prejudice the formal determination of any future planning application.

Tina Pickup

After clarification of application type:

Thanks again

Hi – yes a sec 73 application to vary the approved plans is certainly the option I meant, and that has a current fee of £234 and 8 week timescale. But thinking about it, in fact you could re-submit the householder application as your 'free go' i.e. the same development within 12 months of the decision which was 26/7/21, and just substitute the plans with the new balustrade detail.

The only difference is our assessment – the resubmitted householder application would be considering the whole development again (taking into account the planning history); whereas the sec 73 would be limited to the area of change ie the visual appearance only. Both applications would be subject to neighbour notification again.

Tina Pickup

## Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes  
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes  
☒ No

## Certificate Of Ownership - Certificate A

**I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner\* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding\*\***

**\* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**\*\* "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

**NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.**

Person Role

- ☐ The Applicant  
☒ The Agent

Title

First Name

Surname

Declaration Date

☒ Declaration made

## Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Date

