
Site Address:	19 Tower Street, Emsworth, PO10 7BH		
Proposal:	Variation of Conditions 2 and 3 of Planning Permission APP/21/00556 to amend previously approved plans and amendment to new balcony balustrade detail.		
Application Type:	Variation/Relief of Condition		
Application No:	APP/22/00341	Expiry Date:	25/05/2022
Applicant:	Stubbs		
Agent:	Huxtable	Case Officer:	Tina Pickup
	Richard Meynell Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a large detached two storey dwelling with an approximate 'L' shaped footprint which was built under planning permission 03/53651/016 and has been subsequently extended. It has a red clay tiled pitched roof and elevations of red multi brick. The site is accessed off Tower Street, on the bend of this narrow lane to the foreshore, and the property is set back behind numbers 23 and 25 Tower Street. The siting is slightly staggered with 23 Tower Street such that the eastern end of the dwelling benefits from direct views over the side gardens of numbers 23 and 25 to the sea.
- 1.2 The southern elevation of the application site includes a gable feature which already has first floor opening double doors and a small balcony. Within this southern elevation there is another set of existing first floor opening double doors, set within a half dormer in the recessed elevation. These doors do not currently benefit from a balcony - in fact they are currently unsafe with no security or Juliette style rail at all. The half dormer is pitched roof and is constructed as a leaded bay i.e. it projects out from the main facade slightly and is positioned at the eastern end of the building.
- 1.3 It is a large and level site, with lawned gardens to its sides; the rear, southern, area comprises a patio with swimming pool. The southern boundary comprises an old wall and large feature pots with olive trees etc have been placed against this boundary to try to provide some screening and privacy to and from the properties directly to the south. The separation distance from the position of the proposed balcony to number 23 is about 14m and about 15m to the curtilage of number 25 and 24m to the house.
- 1.4 Number 23 Tower Street is accessed via a drive running along the southern boundary of the application site and between number 25. Number 23 has a side patio with table and chairs that is partly screened from number 19 by a trellis. Number 25 to the east has a lawned side garden. Both numbers 25 and 23 are at a lower level than the application site. To the west of the application site lies the side aspect of three storey properties in Orange Row.
- 1.5 The site lies within Emsworth Conservation Area and within Chichester Harbour AONB. Both number 23 Tower Street to the immediate south and 5 Tower Street to the immediate north are Grade II Listed Buildings. The application dwelling is not listed in its own right but was built within the original curtilage of number 5 Tower Street which is Listed. There are also some protected trees within the curtilage of the

application site, but to the east and unaffected by this proposal.

- 1.6 Planning permission was granted for a new balcony to the existing Juliette opening at the eastern end of the south elevation, on 26 July 2021 - APP/21/00556 refers. This was designed to match the existing timber balcony at the other end of the elevation, with crossed bars. This application seeks permission for alternative materials - glazing rather than timber, for both the proposed new balcony and the existing one.

2 Planning History

05/70939/000 - Erection of a detached summerhouse to the west of the dwellinghouse and a new brick wall with entry gates to the north western boundary.,

PERM,17/11/2005

05/70939/001 - Construction of swimming pool to the south east of the dwellinghouse., PERM,17/11/2005

05/70939/002 - Crown reduce by 30% 2 White Poplars within Emsworth Conservation Area., RNO,10/11/2005

07/70939/003 - Two storey extension incorporating 4No. dormer windows to east and west elevations providing additional living accommodation in roof space. ,

PERM,03/03/2008

08/70939/004 - Two storey extension incorporating 5No. dormer windows to east and west elevations providing additional living accommodation in roof space. (Revised application.), PERM,23/06/2008

APP/13/00296 - Fell 1No. Poplar within the Conservation Area of Emsworth., RNO,26/04/2013

APP/14/00144 - Crown reduce 1No. Poplar by 4m to previous pollard points; within Conservation Area of Emsworth., RNO,20/03/2014

APP/16/00414 - Additional rooflight to north elevation., PERM,10/06/2016

APP/16/00415 - Listed Building Consent for additional rooflight to north elevation., PERM,10/06/2016

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/18/00298 - New and replacement balconies to south elevation., REF,10/05/2018

APP/21/00556 - New balcony to first floor south elevation., PERM,26/07/2021

Also considered of relevance is a recent appeal decision at 5 Orange Row:

APP/20/00123 - First floor balcony and replacement spiral staircase - Refused
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June 2020 reason - overbearing and overlooking, resulting in loss of privacy
Appeal allowed 31 December 2020

3 Proposal

Variation of Conditions 2 and 3 of Planning Permission APP/21/00556 to amend previously approved plans and amendment to new balcony balustrade detail.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Joint Chichester Harbour AONB SPD 2017

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

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.

Conservation Officer

No concerns / objections from a heritage perspective to the glazed balustrades.

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: 7

Number of site notices: 1

Statutory advertisement: 13/05/2022

Number of representations received: 0

Comment	Officer Comment
None received	

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) Visual Impact of change of materials & enlarged window

(i) Principle of development

7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case conditions 2 and 3 are being sought to be varied (approved plans and materials to match existing balcony). There were no other conditions except the statutory time frame.

7.3 This application must consider the impact of the proposed changes only and does not need to re-consider the whole development which already has planning permission under APP/21/00556. There is no proposed change to the size and scale of the balconies, which would remain as approved, and hence the previous concerns of overlooking and loss of amenity are unchanged and need not be re-visited.

(ii) Visual Impact of change of materials on site, Conservation Area and AONB

7.4 The proposed change of materials from heavy timber cross bars, to sealed frameless glass would not affect the visual appearance of the host dwelling. It would represent an 'invisible' and much less obvious structure allowing views of the main facade and door openings behind to remain. By changing the materials on the existing balcony then both would match to ensure visual balance to the south elevation.

7.5 In terms of the impact of the change of materials to the wider area, there would be no impact on the character of the Conservation Area, but Chichester Harbour Conservancy have requested the glass panels are treated to avoid glare and intrusion into the wider views of the AONB, particularly from the sea. Although the site is set back, nevertheless the south elevation and the balconies would be visible from the water between the frontage properties 23 and 25 and as such this is considered a reasonable request to comply with the Joint Chichester Harbour AONB SPD.

7.6 Overall, the changes proposed to the materials of both balconies are considered visually appropriate to the site and its context and would not harm neighbouring amenity or the wider landscape.

8 **Conclusion**

- 8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is recommended to grant permission to vary conditions 2 and 3 of APP/22/00341 to allow glazed balconies, with condition 3 varied to ensure the balustrades are provided in non-reflective glass.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00341

(A) subject to the following conditions

- 1 The development must be begun not later than 26th July 2024.
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:

Heritage Design & Access Statement by Richard Meynell Ltd Rev C March 2022
Photographic Schedule
Proposed Plans and Elevations Drawing Number L.1088-04 Rev C

Reason: - To ensure provision of a satisfactory development.
- 3 The hereby approved glass balustrades shall be fitted with non-reflective glass and retained as such in perpetuity.
Reason: To minimise glare and visual intrusion into the wider Chichester Harbour AONB landscape, having due regard to policy CS12 of the Havant Borough Local Plan (Core Strategy) 2011, the Chichester Harbour AONB Joint SPD 2017, and the National Planning Policy Framework.