
Site Address:	19 Tower Street, Emsworth, PO10 7BH		
Proposal:	New balcony to first floor south elevation.		
Application No:	APP/21/00556	Expiry Date:	06/07/2021
Applicant:	Ms Stubbs		
Agent:	Miss 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.

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

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

APP/20/00123 - First floor balcony and replacement spiral staircase - Refused 26 June 2020 reason - overbearing and overlooking, resulting in loss of privacy
Appeal allowed 31 December 2020

3 Proposal

3.1 New balcony to first floor south elevation.

3.2 During the course of determining this application amended plans were received reducing the size of the proposed balcony. The external, maximum dimensions of the proposed balcony would be 2.1m wide x 0.9m deep and it would be supported on two posts from the ground, framing the patio door below. Due to the bay projection which the balcony would surround and the existing outward opening doors, the usable amount of space on the balcony would be about 1.5m x 0.6m.

3.3 The balcony will be constructed of either timber or steel, but will be made to match the existing balcony, which features crossed bars but no screening panel. A cross section plan showing the sight lines from the proposed balcony has been provided.

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

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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E5	(Chichester Harbour Area of Outstanding Natural Beauty)
E1*	(High quality design)
E13	(Historic environment and heritage asset)

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

No Objection - 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.

Conservation Officer

The application site comprises a modern dwelling, built in a traditional style located in the former garden of Saxted House a Grade II listed building. The property is located towards the end of Tower Street and within the Emsworth Conservation Area and the Chichester Harbour AONB.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Policy CP16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

‘Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site’.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant.

The Emsworth Neighbourhood Plan has now been adopted (July 2021) and forms part of the local planning policy context.

Proposal:

The proposal is for a new balcony at first floor level on the south elevation. This will match in design with an existing balcony already in situ on the south elevation. The balcony would be small in floor space and is to allow for the opening of a pair of French doors, rather than to be used for external seating.

Assessment of proposal

The lightweight design of the balcony and design of the doors are considered to be in keeping with this property and would not be harmful to the design of the south 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.

Conclusion – No objection

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: 1

Statutory advertisement: 25/06/2021

Number of representations received: 3

Comment	Officer Comment
curtilage of our home lies about 12m from proposed balcony which would be positioned directly opposite private garden space; any persons using would have commanding and highly intrusive views directly into our property and garden area; use of balcony would result in unwanted noise and visual disturbance to the detriment of our residential amenity. Previous application APP/18/00298 refused and as no material change this should also be refused. Sight line plan does not include our property.	Noted - see section 7 below Amended plans do now make material change As a cross section plan can only show property directly opposite
We have noted the revised design [Drawing L.1088-04 Rev B] which now has a smaller balcony to the east. Whilst this reduction is welcomed, we are very keen to clarify the dimensions of this projection. Measuring off the planning drawing it projects 900mm, please confirm? As you will be able to see from your site visit we are very concerned about the loss of our amenity and being overlooked from the balcony onto our outside dining area. We have already (Redacted) with landscaping to avoid overlooking. The sight lines form drawing L.1088-05 only highlight the overlooking issue and how it will be increased by the introduction of the balcony.	Noted - see section 7
Smaller size of balcony noted but impact on property is still materially significant: balcony is wide enough for more than 1 person to stand or sit on, and clearly designed as an observation	usable size restricted - see section 7

platform; would offer 180 degree view of Emsworth harbour and views into private garden area and dwelling. Sight lines not accurate and should be disregarded; would be significantly detrimental to amenity from excessive new levels of overlooking into house and garden area with loss of privacy; potential for generating additional and unacceptable levels of noise and disturbance at first floor level - whilst the room is currently a bedroom it could in the future be a day time function or reception room and a balcony serving such a room would generate even greater levels of disturbance. <u>Comments on Relevant planning history:</u> Previous APP/18/00298 was refused - no material change and must have regard to this relevant decision and be consistent for essentially similar proposal; 5 Orange Row - Appeal Decision X1735/D/20/3259721 this site is a narrow mid-terrace 3 storey dwelling in a relatively densely developed area about 60m to the west and its south elevation faces faces a slip way; it has therefore longstanding views of the harbour via the gap formed by the slip way; it had an original balcony/platform across part of the rear with established side views to adjacent dwellings; the Inspector required an obscure 1.8m high screen on the west to prevent side views to adjacent property and restrict views along the slip way. This is considered materially different to application because: a) was an existing first floor balcony/platform at 5 Orange Row but at application site it would be new structure introducing a new observation platform b) 5 Orange Row always had views via the slip way gap; 19 Tower Street has to look over private garden land c) Obscure screen reduced potential overlooking to neighbours at side but proposed balcony would enable 180	as a cross section can only show property directly opposite already existing views - see section 7 noted significant material change to last application - see section 7 (site is actually only 6m to the west) noted - see assessment of this appeal in section 7
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degree views, would be impractical to restrict views into private areas unless totally enclosed.	
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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) Impact upon Conservation Area, Listed buildings and AONB
- (iii) Effect on neighbouring properties
- (iv) Comparison of relevant planning history

(i) Principle of development

7.2 The application site is situated within the built up area of Emsworth where further development is considered acceptable subject to the usual development control criteria. Since the site lies within a Conservation Area and adjacent Listed Buildings, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area.

(ii) Impact upon Conservation Area, Listed buildings and AONB

7.3 The proposed balcony structure is modest in scale relative to the southern elevation on which it would be sited, and would match in external design an existing balcony on the same facade. Its impact on the character of the Conservation Area or setting of adjacent Listed buildings would be very minor and it would continue to preserve the character of the area. The property is set back from the water frontage and whilst the southern elevation is visible from long distance views from the water between the frontage properties, the small scale of the proposal would be viewed against the backdrop of the existing facade and cause no harm to the landscape setting or AONB.

7.4 It is noted that neither the Conservation Officer or Chichester Harbour Conservancy objected to the proposal. Accordingly the proposal is considered to preserve the character of the Conservation Area and setting of adjacent Listed Buildings and be compliant with policies CS11, CS16 and DM8 of the Havant Borough Core Strategy 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

(iii) Effect on neighbouring properties

7.5 The change to actual overlooking and loss of privacy as a result of the proposed development is the key consideration in the determination of this application. To enable that assessment an internal site inspection has been made where the existing levels of overlooking and views were noted. The affected first floor room has dual openings - the existing balcony at its western end has outward opening doors onto a balcony measuring 1.5m wide by 0.6m deep. Because the doors use up much of the space, in reality there is not room to place a chair and have room for ones feet. The limited size is such that it is not used for sitting out but does enable stepping out with

associated opportunity to lean on and over the railings. The alignment of this balcony is over the applicants own swimming pool and towards the rear of number 23. The Emsworth harbour and sea views are clear above the roof of number 23 and the gap between number 25 and 23. The trees in pots on the applicants patio help to protect the direct line of sight down into the sitting out area of number 23.

- 7.6 The proposed balcony would serve the same room but at its eastern end. There are already outward opening, fully glazed, double doors, which are currently unsafe without a barrier. The existing opening is tantamount to a juliette balcony and enables full views across the gap between numbers 25 and 23 to the sea. Hence the existing levels of overlooking are quite high - it is already possible to see down into the side gardens of number 25 and 23 if you wanted to - but in reality the eye is drawn to the longer view of the sea and boats. The existing trees in pots are also effective at screening the view down into the areas closest to the shared boundary. It is also noteworthy that the relationship between properties is quite spacious, the separation distance from the proposed balcony to the garden of number 25 is some 15m and 14m to number 23.
- 7.7 Due to the design of the half dormer window around which the proposed balcony would be placed, the bay projection limits the usable space on the balcony. Externally it would measure 2.1m x 0.9m deep but due to the bay projection and the existing outward opening doors, the usable amount of space on the balcony would be about 1.5m x 0.6m, i.e. very similar to the existing balcony. This is considered too small for table and chairs and entertaining. Like the existing balcony it would be likely to be used for standing only. The ability to step out by 600mm onto a platform would make only a very marginal difference to the existing view from the opening doors. It is therefore considered that the material difference to actual overlooking from the balcony would be minimal.
- 7.8 It is however accepted that the perception of being overlooked may be increased by the presence of the additional balcony structure. Users of the adjacent gardens are not currently aware of the view from the existing doors, but that does not mean it doesn't exist. But the distances are significant and the eye naturally drawn to the sea so in reality, despite the increase in perception of being overlooked, and given the limited use to which it could be put by virtue of its size, the actual increase in overlooking and associated increase in loss of privacy would be minimal.
- 7.9 Third party objections also raise the noise and disturbance arising from the use of the balcony area. But its very small functional size is such that it would not be possible to "party" on the balcony and in this residential area any extra disturbance from the use of the balcony would be very limited. Policy CS16 seeks to protect neighbouring amenity from unacceptable overlooking, loss of privacy and noise, but the assessment of the case is that the existing levels of overlooking are quite high and the proposal would not result in an unacceptable change or increase to that overlooking or materially increase the noise and disturbance. It is therefore considered that the proposal complies with policy CS16 of the HBLP (Core Strategy).

(iv) Comparison of relevant planning history

- 7.10 Planning application APP/18/00298 was refused in May 2018 for overlooking reasons but it is noteworthy that that application proposed a large balcony measuring some 2.35m in depth and 5.3m in length. The large size would have enabled sitting out and "partying" use which would have introduced an unacceptable additional level of overlooking and activity at first floor level. The current proposal has been significantly

scaled back to such a degree that the usable small size, some 1.5m x 0.6m, would no longer be harmful.

- 7.11 A recent appeal at 5 Orange Row allowed an enlarged replacement balcony. A noteworthy difference is the surrounding pattern of development - Orange Row is part of a high density mews style development, quite distinct from the spacious setting and separation distances of the current application site. Nevertheless the Inspector noted that "the proposed balcony would not create new views" - he noted that the offered 1.8m screen would positively increase privacy for occupiers of surrounding properties and the proposal "would not result in any material loss of privacy for occupiers of surrounding dwellings due to overlooking, compared to the existing situation".
- 7.12 It is clear that the comparison to the existing views was key in the Inspectors determination of the appeal and the betterment by provision of privacy screens in the close-knit layout. In contrast the current site is far more spacious and the balcony would not extend hard up to the curtilage and as such there would be no gain in provision of privacy screens - a fact agreed by the objector. Like the appeal case the views already exist and hence a similar comparison between existing views and proposed concludes that there would be no additional harm to amenity from the proposed balcony.

8 Conclusion

- 8.1 It is considered that the small balcony would have minimal additional impact on overlooking and privacy to the neighbours and no significant material harm to amenity would result. The proposal is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00556 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
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 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

Reason: - To ensure provision of a satisfactory development.
- 3 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.
Reason: In the interests of the amenities of the area and having due regard to

policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.