
Site Address:	5 John King Shipyard, King Street, Emsworth, PO10 7AY		
Proposal:	Removal of existing brick steps, replacement with retractable timber steps and enlargement to existing balcony.		
Application No:	APP/13/00583	Expiry Date:	12/08/2013
Applicant:	Mr Jackson	Team:	Team 2
Agent:	Mrs Jackson	Case Officer:	Richard Nash
	Jackson Planning Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a dwelling of brick and tile finish located within a limited plot at the division between John King Shipyard and Stanley Road, a pair of cul-de-sacs accessed off the south side of King Street. The dwelling is detached but the separation with nearby dwellings is such that the building appears as part of a terrace from many viewpoints. The area is characterised by high density residential development fronting on to the foreshore of Chichester Harbour to the south.

The site lies within the Emsworth Conservation Area, Chichester Harbour Area of Outstanding Natural Beauty (AONB), the Coastal Zone and Environment Agency Flood Zone 2. The proposal affects the foreshore of the harbour, which lies within the Chichester Harbour Site of Special Scientific Interest (SSSI), Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and Solent Maritime Special Area of Conservation (SAC).

2 Planning History

90/53215/003

Demolition of existing factory. New development of four 4-bedroom terrace houses and garage block, conversion and extension of existing building to form 4-bedroom detached house with integral garage and associated parking. Approved.

99/63216/000

Retention of additional step to foreshore. Refused.

99/63216/001

Retention of additional step to foreshore (revised application). Approved.

04/63216/002

Removal of existing steps from foreshore and replacement with new concrete steps constructed in gap between houses. Construction of new balcony to south elevation (on brackets from retaining wall) projecting beyond line of sea wall over foreshore. Refused against officer recommendation for reasons relating to impact on character and appearance of Emsworth Conservation Area and undesirable precedent.

3 Proposal

The current application proposes the removal of a set of brick built steps leading from

the passageway to the west of the dwelling on to the foreshore, and the provision of a balcony to a full length ground floor window, with retractable timber steps to retain access to the foreshore. The window is currently protected by a railing when open.

Following initial consultation responses, the supporting brackets for the proposal have been changed with a view to reducing impact on pedestrian access to the foreshore to a minimum. The current proposal differs from that refused in 2004 in that replacement concrete steps are not proposed, but rather wooden steps and the creation of a balcony of approximately 150mm greater depth and 300mm greater width.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Listed Building Grade: Not applicable

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy (CHC):

First Response: No objection.

Second response (to initial proposal): No objection but ask that the following matters be negotiated if possible - A reduction in the depth of the balcony and removal of the proposed bracing arms.

NB: Amended drawings subsequently submitted.

Langstone Harbour Board:

No objection.

Environment Agency (EA):

No bespoke comments.

County Ecologist:

Proposed works are of a small scale and would seem unlikely to result in any significant ecological impacts. However, works will take place within areas of national and international importance for nature conservation and therefore a highly precautionary approach should be applied in order to avoid any impacts to sensitive habitats and species. The applicant must seek consultation with Natural England in respect to the designated sites. It is the responsibility of the applicant to present evidence to demonstrate there will be no 'likely significant effect' and the Local Planning Authority is required to carry out an appropriate assessment of the project in light of the conservation objectives of the designated site. I would request the

applicant provides further details. In terms of potential impacts to the ecological value of these sites, the key period of potential impact would be during the demolition of the existing brick steps and the construction of the new timber steps.

NB: Further information subsequently received - see Natural England response below.

Conservation Officer:

The existing steps and wall are modern and bulky and appear out of scale with the frontage of this building. I would consider that the new balcony and slimmer design of proposed timber steps would be an overall visual improvement on this elevation. The balcony in particular is not of an obtrusive design and is very similar to that on a neighbouring property. The proposals are therefore considered to enhance the character of the conservation area and are acceptable.

Natural England:

No Objections.

Rights of Way Officer:

None Received (NB: Reminder Sent)

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: 2

Number of site notices: 1

Statutory advertisement: 12/07/2013

Number of representations received: 2

Summaries:

Brick steps should be removed and replaced by retractable wooden steps. Planning permission has been refused in the past and see no reason for it to be granted now. There is a height restriction of anything over a public footpath. If the struts were removed and the balcony cantilevered and raised to give a head clearance of 2.5m and also reduced in depth from 1.6m to 1.25m then this would be acceptable but the current proposal to erode the amenity value of what is a public space is unacceptable. Amended drawings do not overcome concerns.

Agree with removal of existing steps as they have been built on a public footpath on the foreshore and are an obstruction. Proposed new balcony is completely unacceptable as it and its supporting structures will obstruct and impede the use of the foreshore at all tide levels. Nearby balcony referred to [4 John King Shipyard] as being of a similar design is on the second floor some 8 metres or higher above sea level and overhangs within its own boundary. There are no balconies or structures of any type on the whole of the shoreline from the bottom of King Street to the bottom of South Street and this proposal would set an unwanted precedent and intrusion onto the footpath and shoreline. The applicant wishes to create some useable private outdoor space but was aware of what outdoor space was available to him when the property was purchased. He cannot expect to encroach on the public foreshore and footpath to

create private outdoor space for his property. This type of planning application has been refused before. Amended drawings do not overcome concerns.

Comment:

The planning merits of the proposal are discussed below.

7 Planning Considerations

Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

Planning Considerations

- (i) Principle of Development
- (ii) Impact on application site
- (iii) Impact on Conservation Area, AONB, Biodiversity and Coastal Zone
- (iv) Impact on Public Footpath and Flooding issues

(i) Principle of Development

It is considered that the carrying out of alterations to a dwelling of this scale and character, and in this location, would be acceptable in principle.

(ii) Impact on application site

The proposal would result in relatively modest changes to the dwelling and would not have a detrimental impact on the character and appearance of the application site. The dwelling currently has very limited external amenity space and the proposal would represent an improvement in this regard.

(iii) Impact on Conservation Area, AONB, Biodiversity and Coastal Zone

It is considered that the replacement of the steps can only lead to an improvement to the appearance of the area. The introduction of the balcony would not set a new precedent as there is already a balcony constructed on the immediately adjacent property to the west, and in a more prominent second floor position. Furthermore, the application site already features railings across the window and - whilst it is accepted the balcony will allow sitting outside the building - the relatively modest scale of the proposal and its location is unlikely to lead to an unacceptable loss of general amenity.

The development would be of a relatively modest scale within the context of the AONB and the CHC has raised no objection to the proposal. The Conservation Officer's view is that the proposed balcony and timber steps would be an overall visual improvement on this elevation – the balcony in particular is not of an obtrusive design and is very similar to that on a neighbouring property. It is therefore considered that the proposals would enhance the character of the Conservation Area. Following initial concerns expressed by the County Ecologist, the applicant provided further information and Natural England has now confirmed it has no objection to the proposal.

Policy DM9 is supportive of this type of development in the Coastal Zone, provided there is no harmful effect on nature conservation, the appearance and distinctiveness of existing settlements, landmarks and landscape, public access, harbour facilities, water-based recreation or safe navigation. The current proposal is of a relatively

modest scale and is considered to meet these criteria.

(iv) Impact on Public Footpath and Flooding issues

The proposal would reduce the area of built footprint of the dwelling and the EA has not objected to the application. Concern has been raised over the balcony limiting head height to the public footpath that runs along the foreshore. It is considered that, to an extent, the proposal would represent a benefit to users of the footpath through the removal of the brick steps. The footpath is not clearly defined on the ground and in reality there appears to be unlimited access across the width of the foreshore for pedestrians. In order for their safety to be compromised pedestrians would have to be walking extremely close to the harbour wall (i.e. within approximately 1 metre). This is most likely to occur at the highest tides, at which times the area in question has limited accessibility in any case.

Furthermore, impact on the public footpath did not form part of the previous reason for refusal and, in the absence of an objection from the Rights of Way Officer, such a reason for refusal would be difficult to justify in this case. Nevertheless, the concern is understood and it is considered incumbent on the applicant to ensure safe use of the footpath is maintained, regardless of the outcome of the planning application. An informative is therefore recommend to address this matter.

8 **Conclusion**

The proposed removal of the brick built steps and the provision of a balcony with retractable timber steps would be acceptable in principle and would not have a detrimental impact on the character and appearance of the application site, Conservation Area, AONB, biodiversity interests or the Coastal Zone. The proposal would have no impact of flooding and a limited impact on the use of the adjoining footpath. The planning application should therefore be approved.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00583, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with 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:

Planning, Design and Access Statement

Method Statement

01 (Site Location and Block Plans)

OP 1 (Operations Plan)

3A (Proposed Plan and West and South Elevations)

4A (Proposed East Elevation)

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the development hereby permitted shall not commence until samples and details of all external materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.