

Site Address:	52 King Street, Emsworth, PO10 7AZ		
Proposal:	Replacement of the existing first floor wood balcony railing with glass and chrome. Privacy panel to the North elevation to be replaced with obscure glazed panel.		
Application Type:	Full Planning Permission		
Application No:	APP/25/00393	Expiry Date:	31/07/2025
Applicant:	Mr Eaton		
Agent:		Case Officer:	Robert Riley
Ward:	Emsworth		

1 Site Description

- 1.1 The property lies within the Emsworth Conservation area at the eastern end of King Street, built circa. 1970. The property is a four bedroom end of terrace town house within a row of five staggered fronted terraces. The property is part of the 'Kings Quay' estate with includes similar dated properties in a mixed design style.
- 1.2 The application site is at the end of terrace, but is also at the end of the main east/west length of King Street and is clearly visible as a focal building when approaching from the west. Within this approach view, the other terraces are temporarily hidden, being obscured from view by flanking buildings along the street. This has the affect of the property being perceived as a separate standalone building at the end of the street. In addition, the unique terrace form of the staggered elevation facades and the clear separation of the second floor storey enhance the application site's individuality.

2 Planning History

APP/13/00501 - Application for non-material changes to APP/13/00293 relating to revised layout to store extension with associated revised elevation.. PERM.11/07/2013

APP/13/00293 - First floor front extension, single storey side extension and revised elevation treatments.. PERM.21/05/2013

3 Proposal

- 3.1 Replacement of the existing first floor wood balcony railing with glass and chrome. Privacy panel to the North elevation to be replaced with obscure glazed panel.

Officer comment: *The applicant has served Certificate B during the application process. The plans have been amended, during the application process, regarding clarity concerns.*

4 **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Area of Outstanding Natural Beauty - Joint SPD 2017
Chichester Harbour Management Plan

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))
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)
AL1 (Presumption in Favour of Sustainable Development)

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 District Council

I can advise Chichester District Council has no comment to make on this application.

Chichester Harbour Conservancy

Chichester Harbour Conservancy's Response

Recommendation – No objection

Officer reasoned justification

A site visit was made 13.6.2025 and regard had to the policy framework* below.

I note the previous timber balustrade was replaced under permission APP/13/00293, granted 21 May 2013.

Only the side privacy screen would be visible from the street, but the balcony is otherwise highly visible from the causeway footpath between the Slipper Mill Pond and Dolphin cut.

1970's styled dwelling within Character Area A of the Emsworth Conservation Area (CA).

The proposed materials are acceptable and would have a neutral effect on the Chichester Harbour National Landscape and CA.

***Policy framework**

NPPF (December 2024, adjusted 7-2-2025) paragraphs - 1-3, 6-12, 20, 29-31, 39-40, 48, 56-57, 131-132, 135, 139-140, 187, 189, Chapter 16 (especially paragraph 215), 231-232; NPPG ID's - 18a, 21a, 26; Havant Borough Local Plan (Core Strategy) 2011 - CS11, CS12, CS16, DM9; Havant Borough Local Plan (Allocations) 2014 - AL1, DM20, DM25; 'Made' Emsworth Neighbourhood Plan (2021) – H1, D1-D3 (a); Chichester Harbour AONB Management Plan 2019-2025: 1-2, 15; CHC Planning Principles – 01, 03; SDP/SPG – Joint CHAONB SPD; Emsworth CACA & Management Plan; Emsworth Design Statement

Conservation Officer

Site / Location

52 King Street is located within the Emsworth Conservation Area.

Legislation

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall 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.

National Planning Policy Framework (revised December 2024)

Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 202-221. The following paragraphs are most relevant to the determination of this application:

Para 212 states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para 214 states that:

'Where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development

Para 215 states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 - Protecting and Enhancing the Special Environment and Heritage of the Havant Borough.

Policy CS11 (4) states that planning permission will be granted for development which:

'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'.

Policy CS16 - High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

'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:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

Policy DM20 (Allocations Plan) - Historic Assets

Policy DM20 states that;

'Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Policy DM21 (Allocations Plan) - Shopfronts, Signs, Security Shutters and Advertisements

Policy DM21 states that:

Planning permission will be granted for shopfronts, signs, security shutters and advertisements where:

1. They are appropriate in size, scale and design to the character of buildings and their surroundings, including conservation areas, heritage assets and Chichester Harbour Area of Outstanding Natural Beauty (AONB).
2. They will not result in a cluttered appearance either on individual buildings or on the streetscene as a whole.
3. They do not have a detrimental impact upon public safety. In particular, advertisements and signs must not negatively impact upon highway safety for both vehicular and pedestrian movements.
4. The level of illumination proposed does not result in significant levels of light pollution and does not have a detrimental impact upon the amenity of the local area. In the interests of amenity and public safety, individually illuminated letters may be preferable over entirely illuminated signs.

Emsworth Neighbourhood Plan

- Heritage policies

Officer comment: The proposal is not for shopfronts, signs, security shutters and advertisements.

Assessment

The proposed works, which include the replacement of the existing first floor wood balcony railing with glass and chrome and the screening to the north elevation with an obscured glazed panel, are not considered to result in harm to the significance of the Emsworth Conservation Area.

The application as submitted, meets the test set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act"), along with the relevant policies in the NPPF and Local Plan.

Conclusion

NO OBJECTION

Councillor Charles Robert

No comments received

Councillor Grainne Rason

No comments received

Councillor Reuben Mychaleckyj

No comments received

Ecologist, Planning Policy Team

I have no comments to make on ecological matters.

Engineering/Drainage

No comments received

Environment Agency

No comments received

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: 9

Number of site notices: 1

Statutory advertisement: 13/06/2025

Number of representations received: 0

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) Appropriateness of design and impact on the character of the area / National Landscape / Conservation Area
- (iii) Effect on neighbouring properties
- (iv) Biodiversity Net Gain (BNG)
- (v) Ecology
- (vi) Flood risk

- (i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area/ National Landscape / Conservation Area

- 7.3 The application site is within the Chichester Harbour National Landscape (formerly known as Area of Outstanding Natural Beauty). The site is also within the Emsworth Conservation Area.
- 7.4 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires that new development; Responds to, draws inspiration from and respects local context and; Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policy CS11 of the of the Havant Borough Local Plan (Core Strategy) 2011 seeks to protect and where appropriate enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas and Listed Buildings. Policy CS12 of the Havant Borough Local Plan (Core Strategy) 2011 seeks to conserve an enhance the qualities of the Chichester Harbour AONB (now National Landscape) (as defined in the Chichester Harbour AONB Management Plan).
- 7.5 The special qualities of the National Landscape (as defined in the Chichester Harbour AONB Management Plan) include; 'The particularly strong historic character and associations' and 'The picturesque harbourside settlements'.
- 7.6 Policy H1 of the Emsworth Neighbourhood Plan requires that 'Any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset (whether designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan.
- 7.7 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.8 Paragraph 208 of the NPPF 2024 requires Local Planning Authorities to "identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".
- 7.9 The Emsworth Conservation Area is significant because it comprises an old town located between two small creeks (adapted for mill ponds), with a medieval layout of streets and alleyways. It grew in importance from the 13th century and was especially prosperous in the 18th century as a port with fishing and trade.
- 7.10 The proposal is for the replacement of the existing first floor wood balcony railing with glass and chrome. Both the Council's Conservation Officer and Chichester Harbour Conservancy have been consulted during the application process and have not provided an objection to these minor works regarding harm to the significance of the Emsworth Conservation Area and to the special qualities of the National Landscape.

In light of this, officers consider that there will be no harm to the significance of the Emsworth Conservation Area which would be preserved, to the character of the dwelling or upon visual amenities and that the proposal is also considered not to result in harm to the special qualities of the National Landscape (formerly AONB).

Materials

- 7.11 The application form states the balcony would feature glass in a channel floor fixing with chrome fittings and hand rail. At the end of the balcony the glass will be satin finish which is considered acceptable.
- 7.12 The design and appearance of the proposal is deemed appropriate and would not result in material harm to the visual amenity of the host dwelling and streetscene. Furthermore, the proposal would preserve the character and appearance of the Emsworth Conservation Area. Therefore, there would be no material harm to the significance of this heritage asset. The proposal is also considered to conserve the special characteristics of the National Landscape (AONB). The proposal would therefore accord with Policies CS11, CS12 and CS16 of the HBLP (Core Strategy 2011) and ENP_D1 and ENP_H1 of the Emsworth Neighbourhood Plan. Furthermore, it would accord with the requirements of the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

(iii) Effect on neighbouring properties

- 7.13 The proposal is considered acceptable regarding overbearing and overshadowing concerns. It has been considered important to assess overlooking concerns regarding this proposal. The northern elevation of the balcony is proposed to be obscure, which will be conditioned if permission is forthcoming which is considered acceptable. The eastern elevation would become fully clear, as opposed to at present the northernmost section of the balcony being obscure. Officers note that this section of King Street and Nos 2,4 and 6 Harbour Way, at present have a significant level of mutual overlooking due to the angles of the properties and varying levels of screening on rear balconies. Whilst officers note that there would be an increase of overlooking of No.6 Harbour Way were this proposal to be granted planning permission, officers note that at present No.6 is granted significant views of No.52 King Street's rear amenity space, moreover the increased views would be oblique in nature and would not be direct. Moreover, officers note no objections have been received regarding this proposal. In consideration, whilst it is noted that there would be an increase of overlooking resultant from the works, on balance, the increased views would not be direct and that there are already significant levels of overlooking, officers on balance do not consider the increase of overlooking to be so severe to warrant the refusal of this planning application.
- 7.14 Consequently, it is considered that the proposal would not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) 2011. It is noted no letters of objection were received with respect to the scheme.

(iv) Biodiversity Net Gain (BNG)

- 7.15 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

(v) Ecology

- 7.16 Due to the sensitive ecological location, the Council's Ecologist was consulted during the application process. Regarding the proposal, the Council's ecologist has stated " / *have no comments to make on ecological matters*". Regarding this, officers consider that the proposal would have an acceptable impact regarding ecological matters.

(vi) Flood zone

- 7.17 The application site is noted to be within Flood Zone 2, however, as the works are at first floor level and do not relate to an increased occupancy , a full flood risk assessment was not requested for this application. Having regard to the Government's PPG in respect of flood risk and coastal change, this sets out that for works of minor development such as proposed:

Minor developments are unlikely to raise significant flood risk issues unless:

- (i) they would have an adverse effect on a watercourse, floodplain or its flood defences;*
- (ii) they would impede access to flood defence and management facilities; or*
- (iii) where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.*

- 7.18 Officers also note that the works are within a 20 metre Environmental Agency buffer zone, however owing to the minor nature to the works, and that the Environmental Agency has not provided an objection to the works, officers consider the works to be acceptable in this regard. An informative has been added to make the applicants aware that separate permissions may arise.
- 7.19 Given the location and minor nature of the works proposed, no significant flood risk issues are considered to arise from the proposals, and they are not considered to increase flood risk either on the site or in the surrounding area. The application as proposed is therefore considered to accord with Policy CS15 of the Havant Borough Local Plan (Core Strategy 2011) and the objectives of the NPPF.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and on balance would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/25/00393 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:

Photo of EXISTING 1ST FLOOR BALCONY: Uploaded 14/05/2025

LOCATION PLAN: Dated 21st April 2025

HERITAGE STATEMENT: Uploaded 21/05/2025

AMENDED BLOCK PLAN: Uploaded 25/06/2025

AMENDED ELEVATIONS WITH LOCATIONS: Uploaded 25/06/2025

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so 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.

- 4 The northern elevation of the proposed replacement balcony screen hereby permitted on the first floor shall feature a minimum height of at least 1.8m above finished balcony floor level incorporating textured glass with obscuration level no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.