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My ref. 271

Your ref. APP 21/00556

The Havant Borough Council,
Planning Team,
Public Service Plaza,
Civic Centre Road,
Havant,
PO9 2AX.
16 July 2021

For the attention of Tina Pickup, Senior Planning Officer

Dear Sirs,

OBJECTION TO PLANNING APPLICATION 21/00556 SUBMITTED BY Miss I. M. STUBBS

(New balcony to 1st floor south elevation 19 Tower Street, Emsworth, PO10 7BH)



My clients, [REDACTED]

[REDACTED] have instructed me to submit an objection on their behalf to Miss I. M. Stubbs's planning application ref 21/00556, which proposes erection of a new balcony at first floor level on the south elevation of 19 Tower Street, Emsworth, PO10 7BH. As an amended scheme has been submitted by Miss Stubbs, my clients wish to make clear that this objection primarily concerns the proposals shown in her consultant Richard Meynell Ltd's drawing L1088-04 Rev B dated 01-06-21

Richard Meynell drawing L1088-04 Rev A date 05-05-21 (the superseded scheme)

My clients submitted an earlier objection on 2 June 2021 in respect of the Meynell scheme shown in drawing L1088-04 Rev A which proposed a large new balcony. Despite the fact that a revised scheme has been submitted, my clients consider it necessary to restate their objection to that proposal (copy of the earlier objection that was sent to your offices is attached) as the grounds of their objection remain relevant to the scheme now under consideration. In that objection my clients made clear that their property at [REDACTED]

[REDACTED] proposed works. They further noted that the proposed balcony in the superseded scheme would be [REDACTED] Any persons using that balcony would have commanding and highly intrusive views directly into the home at [REDACTED] and over nearly all of its private garden area. Being in such a prominent position, use of the proposed balcony would give rise to new and unacceptable levels of loss of privacy, unwanted noise and visual disturbance to the detriment of the residential amenity currently enjoyed at [REDACTED]

Richard Meynell drawing L1088-04 Rev B date 01-06-21 (the scheme under consideration)

My clients note that an amended scheme (Meynell drawing L1088-04 Rev B) now proposes a smaller balcony but in the same general location and at the same height as the superseded (continued)

proposal. Whilst the size of the proposed balcony is smaller, my clients contend that the impact on their property is still in planning terms, materially significant and the grounds for objection submitted in their earlier objection to the superseded scheme remain relevant. The submitted plans clearly demonstrate that the proposed balcony is wide enough for more than one person to stand, or sit on and it is clear that it is designed to serve as an observation platform which would offer unobstructed 180 degree wide views of the panorama of Emsworth harbour (an Area of Outstanding Natural Beauty) whilst at the same time affording "grandstand" views into my clients' private garden area and dwelling. My clients do not consider that the sight lines, shown in submitted plans, give an accurate representation of the impact on my clients' property and these should be disregarded in your evaluation of the proposals. The revised scheme, would in my clients' considered opinion, therefore still give rise to significant detrimental impacts on the amenity of [REDACTED] arising from excessive new levels of overlooking into my clients' house and its private garden area. There would be as a result, an unacceptable and significant loss of privacy. The proposal would furthermore have the potential for generating additional and unacceptable levels of noise and visual disturbance at first floor level on the facade of 19 Tower Street, close to and in front of my clients' property. My clients wish to make clear that any room at first floor level in 19 Tower Street, now possibly used as a bedroom, could at any time be changed for a day time purpose such as a function or reception room, where several people could gather. A balcony serving such a room in these circumstances has an added potential to generate even greater levels of unwanted disturbance and visual intrusion to the detriment of the amenity of my clients' property.

Relevant Planning History

Replacement and New Balconies at 19 Tower Street Emsworth (APP/18/00298)

My clients have advised that a planning application (APP/18/00298) for new and replacement balconies to the south elevation at 19 Tower Street was considered by Havant Borough Council in May 2018. The fundamental principle of constructing a new balcony in the position now proposed was at that time evaluated and planning permission was refused. As there is no material change evident in the latest planning application, the Local Planning Authority, in my clients' opinion, must have regard to its earlier and highly relevant planning decision and be consistent in its determination of this essentially similar proposal. These considerations must direct that the current application be refused for similar reasons to that given for refusing application 18/00298. The reasons given for refusal of application 18/00298 were:

The reason(s) for the Council's decision to refuse planning permission is/are: 1 The proposed balcony on the southern elevation would give rise to direct overlooking of adjacent properties at 23 and 25 Tower Street to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Rear Extension 5 Orange Row, Emsworth Application Appeal Decision X1735/D/20/3259721

My clients have been made aware that the consultant acting for the applicant has sought to support Miss I. M. Stubbs's case for approval of her application, by bringing to the attention of the Local Planning Authority, a recent appeal decision concerning alterations at 5 Orange Row. 5 Orange Row is a narrow width mid-terrace three storey dwelling (approximately 6-7 metres wide) located in a relatively densely developed area of Emsworth, some 60 metres to the west of my clients' house. Scrutiny of the 1/1250 scale OS plan for this part of Emsworth shows that the alignment of the dwelling at 5 Orange Row is predominantly in a north south direction. The south, rear elevation, directly faces a paved, slipway approximately 30 metres long and 8 metres wide. The slipway runs due south from 5 Orange Row to facilitate access for boats to Emsworth harbour. Windows at all three levels in the rear (south) elevation of 5 Orange Row have thus enjoyed long established unobstructed views of the harbour and open water beyond, via the open gap formed by the slipway between the side walls of the dwellings positioned on each side of the slipway (Seaview Terrace and Winkleshed). Submitted plans show that before modification of 5 Orange (continued)

Row, the south elevation was fitted with a small balcony/platform with a dog leg conventional staircase, permitting external access from the balcony/platform to the garden on the south side of the house. The balcony/platform and stair construction occupied some 4 metres of the total width of the elevation and because of the close proximity of 5 Orange Row to adjacent dwellings there would have been long established side views from the balcony/platform at first floor levels towards adjacent dwellings. As part of the approved works the original balcony/platform and staircase were demolished and a new longer balcony extending to nearly the full width of the elevation and approximately 1.8 metres in depth has since been erected, equipped with a spiral staircase in place of the former stair. The main issue identified by the Inspector in the appeal was the impact on adjacent property of the proposed balcony. To address this concern the Inspector required that an obscure screen, height 1.8m, be provided on the western side of the new balcony to prevent side views into adjacent property and restrict main observations from the balcony only to views along the slipway towards the sea.

My clients wish to make clear that the situation at 5 Orange Row is materially different from the situation which would arise at 19 Tower Street if Miss Stubbs's application is approved, because of the nature of the proposal and the position of the land ownerships and buildings concerned, for the following reasons:

a) in the case of 5 Orange Row there was an existing first floor balcony/platform and stair structure which was demolished and replaced by a new structure. There was therefore at 5 Orange Row, since its construction, an elevated balcony/stair structure from which to view the sea and view other properties nearby. This situation must be contrasted with that arising from the proposal at 19 Tower Street. Here an entirely new and prominent first floor level feature balcony is proposed. This would be positioned directly opposite and close to my clients' property where no such structure existed before, thereby introducing a new observation platform which would generate unacceptable new levels of overlooking of my clients' private rear garden and dwelling with consequent loss of privacy and general amenity and the potential for introducing new and excessive levels of noise and visual disturbance arising from users of the proposed balcony.

b) in the case of 5 Orange Row there were always existing unrestricted views to the sea via the relatively wide gap over undeveloped land occupied by the slipway located between Seaview Terrace and Winkleshed. This situation must be contrasted with that arising from the proposal at 19 Tower Street. Here, there is only my clients' land in front of 19 Tower Street and the only means of obtaining views of the harbour from the proposed new balcony is by looking over my clients' property. Any use of the proposed new balcony at 19 Tower Street must result in a "grandstand" like observation of my clients' private garden and also towards their dwelling, with consequent new and detrimental impacts on the amenity of their property arising from such excessive levels of overlooking and loss of privacy.

c) in the case of 5 Orange Row the main issue of overlooking concerned side views from the new balcony towards adjacent dwellings. To address this concern the Inspector required that an obscure screen, height 1.8 m, be placed on a side of the balcony to reduce potential overlooking towards adjacent property to an acceptable level. It also constrained the view of the harbour from the new balcony to that available over the length of the slipway in the gap between Seaview Terrace and Winkleshed. This situation must be contrasted with that arising from the proposal at 19 Tower Street. The principal intention of the proposed new balcony is to facilitate 180 degree viewing of the panorama of Emsworth Harbour from an elevated level above the broad, open expanse of my clients' dwelling and private garden area. My clients' share the Inspector's concerns over privacy and overlooking as expressed in Appeal X1735/D/20/3259721 but wish to make the point that whereas views into adjacent owners property could be restricted at 5 Orange Row by an opaque glass screen 1.8 m high, it would be impracticable to restrict views into their dwelling and its private garden from the proposed balcony by similar methods. The only method of restricting views into my clients' property from the proposed new balcony would be to totally (continued)

enclose the proposed new balcony at 19 Tower Street at its perimeter, using obscured panels 1.8 metres high. This would ensure that the proposed new balcony would be useless for the purposes for which it was intended..

My clients having evaluated the situation at 5 Orange Row therefore contend that whilst the scheme considered in appeal X1735/D/20/3259721 and the proposal submitted by Miss I. M. Stubbs now under consideration have a superficial comparability, the cases are similar only in that they both involve first floor balconies and generate concerns over the impact of the proposals on neighbouring properties. This was the main issue identified by the Planning Inspector, arising from his evaluation of potential overlooking and loss of privacy. Such was his concern for protecting neighbouring homes from undue levels of overlooking that he required that a protective screen 1.8m high be provided on the new balcony to stop views into adjacent property. My clients wish to emphasise that the situation concerning overlooking at 5 Orange Row is materially different from the situation at 19 Tower Street. The main difference between the two schemes is that an entirely new balcony is proposed at 19 Tower Street from which the only possible view is directly over my clients' private garden and home. In consequence if approved the new balcony at Tower Street would introduce extreme levels of overlooking with resultant adverse impacts on my clients' privacy in the use of their property. No practical means of limiting those impacts, other than fitting screens 1.8m high around the perimeter of balcony of the type suggested by the Inspector in Appeal X1735/D/20/3259721 would achieve the necessary levels of protection of my clients' privacy. This must surely question the usefulness/ relevance of the proposed new balcony at 19 Tower Street and importantly the suitability, in planning terms, of erecting any new balcony on the southern facade of 19 Tower Street..

In summary my clients object to the revised scheme shown in Meynell drawing L1088-04 Rev B dated 01-06-21, as it would in my clients' considered opinion, give rise to significant new, detrimental impacts on the amenity of [REDACTED] arising from excessive levels of overlooking into their house and its private garden area. The proposal would furthermore have the potential for generating unacceptable levels of noise and visual disturbance at first floor level on the facade of 19 Tower Street, close to and in front of my clients' property. There would be, as a result, an unacceptable and significant loss of privacy in the use of their house and garden. My clients note that an earlier and essentially similar scheme (APP/18/00298) was refused planning approval by Havant Borough Council and they contend that this latest application APP 21/00556 should also be refused for similar reasons. My clients having evaluated the recent appeal decision X1735/D/20/3259721 at 5 Orange Row, Emsworth also wish to make clear that in their considered opinion only a superficial level of comparability exists in the situations at 5 Orange Row and at 19 Tower Street and this is restricted to a consideration of the implications of first floor balconies on adjacent properties. They further argue that rather than support a case for approval of the proposed development at 19 Tower Street, careful interpretation of the Inspectors' report results in a strong case for questioning the sense in erecting any new balcony on the southern facade of 19 Tower Street because of the adverse implications it presents for neighbouring property. It follows from this, that appeal decision X1735/D/20/3259721 adds further "weight" to the case for refusal of Miss Stubbs planning application 21/00556.

(continued)

In conclusion my clients expect the Havant Borough Council, acting in its capacity of Local Planning Authority, to fully consider the matters set out in this letter of objection before determining the application. They urge the Council to refuse planning approval of Miss Stubbs's planning application 21/00556.

Yours faithfully,

Stephen C. Prior

Stephen C. Prior

(Chartered Architect and Chartered Town Planner)

attached: objection to scheme as first submitted