



Appeal Decision

Site visit made on 14 December 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 31 December 2020

Appeal Ref: APP/X1735/D/20/3259721

5 Orange Row, Emsworth PO10 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Bailey against the decision of Havant Borough Council.
 - The application Ref APP/20/00123, dated 12 February 2020, was refused by notice dated 26 June 2020.
 - The development proposed is replacement first floor balcony and spiral staircase together with 2 no. balconettes at second floor level.
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Decision

1. The appeal is allowed and planning permission granted for replacement first floor balcony and spiral staircase at 5 Orange Row, Emsworth, PO10 7EL in accordance with the terms of the application, Ref APP/20/00123, dated 12 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location & Block Plan' C9/0179/00; 'Proposed Elevations' C9/0178/04 Rev A; 'Proposed Plans' C9/0178/05 Rev B; and 'Site plan' C9/0178/06.
 - 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and a full specification of the materials to be used on the staircase and finish have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
 - 4) The 1.8m high side screen as shown on plan C9/0178/04 Rev A to the west side of the balcony hereby approved shall be obscure glazed to no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be provided prior to the balcony first being brought into use and retained and maintained thereafter in accordance with the approved details.

Procedural Matter

2. The description of development in the banner heading above has been taken from the application form. However, prior to the Council's determination of the

application, the appellant provided amended plans. In summary, the amended plans show the removal of the two balconettes at second floor level. The Council based its decision on these amended plans. I have therefore considered the appeal on this basis. Accordingly, in my decision, I have amended the description of development by omitting "*together with 2 no. balconettes at second floor level*".

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of surrounding properties, in particular Nos 3 and 4 Seaview Terrace (one dwelling), in respect of outlook and privacy.

Reasons

4. The appeal property, No 5 Orange Row, is a modern two-and-a-half storey terraced dwelling situated in a mews off South Street. It lies within an area of relatively high density development with a mixture of modern terraced properties, two storey older terraced cottages and detached dwellings of mixed age. Owing to the historical nature of the area residential properties are sited within fairly close proximity to each other.
5. There is an existing small platform and external metal staircase on the south elevation of the appeal property. The platform is at first floor level and is accessed via the staircase from the rear garden and a pair of clear glazed patio doors off the living room. There is also a large clear glazed window in the south elevation of the building that serves the living room.
6. The existing platform, as a result of its elevated position, affords extensive and largely uninterrupted views of neighbouring properties and their gardens and courtyards. Views include towards windows within the rear and side elevations of Nos 3 and 4 Seaview Terrace and, although at a more oblique angle and at a greater distance, views towards the rear windows within Nos 1 and 2 Seaview Terrace. The evidence indicates that some of these windows serve habitable rooms. Moreover, while the primary view from the large window and patio doors serving the living room of the host property is towards the sea, through the gap between Seaview Terrace and the dwelling known as Winkleshed, they both also afford extensive views towards the windows of the aforementioned properties.
7. The proposal would replace the existing platform and staircase with a balcony and spiral staircase. Access to the balcony would be the same as the existing arrangement. The balcony would be a white steel framed structure with timber joists and a millboard deck. It would have a frameless glass balustrade and a 1.8 metre high opaque side screen along its western edge.
8. The proposed balcony would be larger than the existing platform and, in combination with the proposed spiral staircase, would be visible from neighbouring properties. However, taking into account the separation distances involved and the lightweight design of the proposal with white slim supports and a glass balustrade, it would not represent a dominant or overbearing structure. Consequently, it would not adversely affect the outlook for occupiers of surrounding properties, including the occupiers of Nos 3 and 4.
9. Compared to the existing platform, the balcony would be of sufficient size to be a more functional area to allow the occupiers of the host property to sit out and

use for normal domestic activity, such as entertaining. Therefore, the development would bring increased activity outside of the building and so a little closer to the neighbouring properties to the south of the appeal site including Nos 3 and 4.

10. However, the proposed balcony would not create new views. Compared to views out and overlooking that is currently possible from the existing platform and the patio doors and window that serve the living room, the proposed 1.8 metre high opaque side screen would restrict side facing views and some downward views and so reduce the degree of overlooking. In this regard, it would increase privacy for the occupiers of some surrounding properties, including those along South Street and to some extent, owing to the oblique angle of vision, No 1 Seaview Terrace.
11. It is acknowledged that the proposed balcony would enable some overlooking of surrounding properties. However, taking into account that residential development is generally close-knit in the vicinity of the appeal site, these views largely exist at present and so the proposal would not result in any material loss of privacy for the occupiers of surrounding dwellings due to overlooking compared to the existing situation. Moreover, as a result of the proposed opaque side screen, the proposal would increase privacy for the occupiers of some neighbouring properties to the west and south west of the site.
12. For the reasons outlined above, the proposed development would not cause material harm to the living conditions of the occupiers of surrounding properties, including Nos 3 and 4 Seaview Terrace, in respect of outlook and privacy. Consequently, it would suitably accord with Policy CS16 of the Havant Borough Core Strategy 2011 (HBCS) which, amongst other things, sets out to ensure development is designed to a high standard and does not cause unacceptable harm to the living conditions of neighbours through loss of outlook and privacy.
13. The Council has referred to its Borough Design Guide Supplementary Planning Document 2011 (SPD) in its refusal notice. However, the Council's officer report acknowledges that the guidelines in the SPD in regard to the recommended 20 metre back-to-back separation distance is not directly applicable in this case due to the existing built context. I see no reason to disagree.

Other Matters

14. The appeal site lies within the Emsworth Conservation Area (CA). Although the Council has not raised any concerns about the proposal in regard to the CA, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
15. The proposed development would have a modern appearance and by virtue of its location be seen from the public domain. However, it would not be visually harmful owing to its simplistic design and proposed materials. The proposal would therefore preserve the character and appearance of the CA. Consequently, in this regard, the proposal would adhere to Policy CS11 of the HBCS which seeks, amongst other things, to protect the borough's heritage designations by appropriately managing development in conservation areas.

Conditions

16. I have considered the Council's suggested planning conditions and where necessary I have amended the wording in the interests of precision and clarity.
17. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty. In the interest of the character and appearance of the CA, it is necessary to impose a materials condition. Finally, in the interests of the living conditions of neighbouring residents a condition is imposed requiring the erection of the obscure glazed screen prior to the balcony first being brought into use and its subsequent retention and maintenance.

Conclusion

18. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR