

Appeal Decisions

Site visit made on 24 May 2017

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th June 2017

Appeal A Ref: APP/D1590/W/16/3165659 121A Grand Parade, Leigh-on-Sea SS9 1BE

- 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 and Mrs Corstorphine against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01648/FUL, dated 8 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is install windows to front elevation.
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Appeal B Ref: APP/D1590/W/16/3165663 121A Grand Parade, Leigh-on-Sea SS9 1BE

- 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 and Mrs Corstorphine against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01649/FUL, dated 8 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is install windows to front elevation and retain balustrade.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted to install windows to front elevation at 121A Grand Parade, Leigh-on-Sea SS9 1BE in accordance with the terms of the application, Ref 16/01648/FUL, dated 8 September 2016, 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: 0-001 – Location Plan; and 1-003 – Proposed Plans and Elevations.

Appeal B

2. The appeal is allowed and planning permission is granted to install windows to front elevation and retain balustrade at 121A Grand Parade, Leigh-on-Sea SS9 1BE in accordance with the terms of the application, Ref 16/01649/FUL, dated 8 September 2016, subject to the following conditions:
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- 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: 0-001 – Location Plan; and 1-004 – Proposed Plans and Elevations.

Procedural Matter

3. Appeals A and B relate to 121A Grand Parade (No 121A) and they concern two differently designed schemes for the enclosure of a second floor balcony (the balcony) to provide additional internal floorspace. Given the similarity of the issues raised by appeals A and B, I have considered them concurrently below. For ease of reference I have referred to the schemes relating to appeals A and B respectively as schemes A and B.

Main Issue

4. The main issue is the effect of schemes A and B on the character and appearance of No 121A and the area.

Reasons

5. Under scheme A the balcony would be enclosed with a non-opening window and the timber balustrade would be removed. Under scheme B three, bi-fold, glazed doors would be installed and the balustrade would be retained.
6. No 121A is an upper level flat, with No 121 being the ground floor flat. The building that Nos 121/121A occupy has the appearance of being one half of a pair of semi-detached properties, with Nos 119/119A being the other half of the building. Nos 119/119A's second floor balcony has been enclosed with a combination of a window and painted timber boarding. With the enclosure of Nos 119/119A's balcony the front elevations of Nos 119/119A and 121/121A have become unbalanced. Nos 119/119A and 121/121A are neither listed buildings nor are they situated within a Conservation Area and they are of an individual design.
7. Schemes A and B would both involve comparatively small scale external alterations to No 121A. While the resulting balcony enclosure, under either of the schemes, would involve the removal of some original architectural detailing, I consider that the neither of the schemes would be of such significance as to be harmful to the character and appearance of No 121A.
8. The residential properties within the vicinity of No 121A on Grand Parade and Cliff Parade are varied in design and while many have open balconies, a number do not. Given that context and the fact that this is not a Conservation Area I consider that the enclosure of No 121A's balcony would not be harmful to the character and appearance of the area.
9. The Council has raised a concern about the future maintenance of the exterior of No 121A under scheme B. However, I consider that the retention of the balustrade would present no particular difficulties with respect to maintaining the exterior of No 121A.
10. For the reasons given above I conclude that the development under schemes A and B would not be harmful to the character and appearance of No 121A or the area. There would therefore be no conflict with Policy CP4 of

the Southend on Sea Core Strategy of 2007, Policies DM1, DM3 and DM6 of the Southend on Sea Development Management Document of 2015 and section 7 (Requiring good design) of the National Planning Policy Framework. That is because the development would be of a quality that would be in sympathy with the host property and its surroundings.

11. While conflict with Policy KP2 of the Core Strategy has been cited I find this policy is of limited relevance to this case because it addresses strategic level design and locational considerations for new development.

Conditions

12. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of national policy and guidance.
13. Apart from the standard time limit condition, it is necessary for both schemes A or B to be implemented to accord with the submitted plans for certainty. A condition requiring the submission of external materials has been suggested. However, as the only external materials will be glass and the joinery of the supporting frames, and this development will not affect a designated heritage asset, I consider it unnecessary to impose a materials condition.

Conclusions

14. For the reasons given above appeals A and B are allowed.

Grahame Gould

INSPECTOR