
Appeal Decision

Site visit made on 5 November 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/D1590/W/19/3234715

15 Royal Mews, Southend-on-Sea, Essex SS1 1DB

- 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 James Lawrence against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 19/00510/FUL, received by the Council on 8 April 2019, was refused by notice dated 31 May 2019.
 - The development is the change of use to Class A1/A3 and install new shopfront (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council amended the description of the development from '1. Change of Use to A1, with ancillary A3. Seek permission to retain internal doors and windows but change materials to wood' to 'change of use to Class A1/A3 and install new shopfront (retrospective)'. The same description has been used on the Appeal Form. I consider that this represents a more succinct description of the development and have therefore proceeded on this basis.
3. On my site visit I note that the use had commenced and that a uPVC shop front had been installed.
4. I also observed that retractable canopies had been installed on the front elevation of the building, however, the evidence before me is that the canopies did not form part of the planning application considered by the Council.

Main Issue

5. There does not appear to be any issues raised with regards to the shop/café use itself, instead the main issue is the effect on the character and appearance of the building, and the character and setting of the Cliftown Conservation Area (the CA) arising from the new shop front.

Reasons

6. The appeal site consists of a two-storey attached mews building originally constructed as stabling, located to the rear of Royal Terrace and within the CA. The mews building, and many others within the surrounding area, is characterised by the retention of traditional designs and a palette of materials.

This adds to the significance of the CA. The site is close to several residential and commercial properties, in addition to a car park.

7. The shop front and door has been constructed from uPVC. This represents a modern material that is at significant variance with the traditional form of architecture that characterises the upper floor of the appeal site and the adjoining mews buildings. In addition, this form of material also erodes the traditional character that defines many of the historic buildings in the nearby area.
8. Furthermore, the general form of the shop front is particularly incongruous. Of note is that it features a window containing a single, larger pane of glass. This deviates from the character of the upper floor of the building and many of the adjoining mews buildings, which typically feature windows containing several smaller panes of glass, in addition to wooden frames and detailing. Accordingly, the proposed shop front represents a notably modern insertion into the historic environment.
9. I note the intention to clad the shop front with wood. Whilst wood is a traditional material, within the surrounding area the presence of wood is generally limited to doors, window frames and architectural detailing. It does not feature in significant amounts as cladding within the vicinity. Accordingly, the amount of wood present on the shop front would appear incongruous. I also note that the presence of cladding would not overcome the harm previously identified arising from the type of glazing utilised within the shop front.
10. Whilst I have had regard to the appellant's suggestion that a condition could be imposed regarding the level and type of cladding, I considered that the presence of wooden cladding would also add bulk to the shop front, which would conflict with the character of Royal Mews, which retains a linear form, with relatively few adornments or projections.
11. In reaching these views, I have had regard to the likely opening times of the shop/café. As it is likely that during periods where the business is operational the outer doors (which the planning application is indicative would be retained) would be kept open, the shop front would therefore be visible for significant periods of time. Given that the site is close to several commercial properties and a car park, the site therefore occupies a notable degree of prominence within the vicinity.
12. I acknowledge the appellant's suggestion that cladding would be a potentially reversible addition to the building. Whilst this might be the case, there is a likelihood that the cladding could be installed on the building for a significant period. As I have found that harm emanates from the design of the shop front and the use of cladding, I therefore do not believe that the possibility of the cladding being removed at some point in the future is sufficient to overcome my concerns.
13. My attention has been drawn to two other developments elsewhere in Royal Mews. I do not appear to have the full information regarding the planning circumstances of these, which lessens the weight that can be attributed to them. However, the development at 11 Royal Mews features a palette of materials and a window design more consistent with the surrounding historic environment. Furthermore, the property at 6a Royal Mews features a shop

front of a different design and different upper floor windows to the current appeal property. Accordingly, there are differences between the various proposals, and I do not believe that the other cited examples are sufficient to offset my previous observations.

14. I have found that harm would be caused to the CA. The harm to the CA would be less than substantial taking into account paragraph 195 of the National Planning Policy Framework. However, the public benefits would be limited to the fact that the development has resulted in the reuse of a building. Such a benefit is relatively small scale and localised in impact. I therefore do not find that the harm is outweighed.
15. I therefore conclude that the development has an adverse impact upon the character and appearance of the building, and the surrounding CA. The development in this regard, fails to accord with the requirements of Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015); Policies DS1 and PA6 of the Southend Central Area Action Plan (2018); and the Southend-on-Sea Design and Townscape Guide Supplementary Planning Document (2009) (the SPD).
16. These policies, and the SPD, seek amongst other matters, to ensure that new developments respect and add to the character of existing neighbourhoods; contribute to and enhance the distinctiveness of places; conserve and enhance heritage assets; are compatible with the architecture and character and surrounding areas; include appropriate materials; and, in the case of shopfronts, are of a high standard of design.

Other Matters

17. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.
18. I acknowledge the concerns raised by the appellant regarding advice previously given by the Council. However, the evidence before me is indicative of the change of use and shop front requiring planning permission. Accordingly, I have determined the appeal on this basis.

Conclusion

19. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR