



Appeal Decision

Site visit made on 4 November 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/D1590/D/19/3234436

40 Hadleigh Road, Leigh-On-Sea SS9 2DY

- 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 N. Collins against the decision of the Southend on Sea Borough Council.
 - The application Ref 19/00582/FULH, dated 26 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a part single, part two storey rear & side extension with loft conversion and new car parking to the front.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Leigh Conservation Area (the 'Conservation Area').

Reasons for the Recommendation

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (NPPF). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
 5. The appeal property comprises a two-storey semi-detached dwelling of a suburban Arts & Craft design, dating from the 1930s and located on the eastern side of Hadleigh Road within the Conservation Area. The pair of semi-detached properties at No. 40 and No.42 have steep hipped roofs and are set at an elevated position overlooking the road and the estuary. An original red brick wall, which features a distinctive gothic arch, runs along most of the front boundary of Nos. 40 and 42. This wall, which is a distinctive historic feature, only partly occupies the front of the appeal property. The remainder of the
-

- frontage is taken up with a landscaped stepped feature providing access to the house, and a more contemporary wall.
6. The Conservation Area covers a large area to the south of Rectory Grove and to the north of the railway line, and its significance lies in part in the distinctive steep roads, erratic layout and appearance of the buildings within it. The Leigh Conservation Area Appraisal refers specifically to well presented gardens that terrace down the hill where houses are built along the slope. It states that because of their prominence they have a significant impact on the appearance of the Conservation Area. It also says that Hadleigh Road still has a leafy character and that there is good planting at Nos 40 and 42.
 7. The proposal would include a new parking area and pedestrian access. The parking area would be 'cut-out' of the slope and feature retaining walls with planted areas and a long straight staircase with glazed balustrades. The proposed deep void cut into the slope and large retaining walls would appear harsh and would drastically alter the appearance of the front of the appeal site. These alterations, compounded by the removal of part of the original boundary wall, the staggered steps and existing areas of soft landscaping, would appear obtrusive.
 8. Given the above, the proposed parking area would dominate the front of the property, and due to the elevated nature of the site, would appear prominently in the street scene.
 9. Furthermore, although the appellant states that the existing frontage is unsightly and has been infilled by modern additions, I find that the staggered steps and varying levels of landscaped areas add interest to the streetscene and provide a gradual transition between street level and the dwelling at the site. Notwithstanding the fact that the original wall needs refurbishment, it has not become an unattractive feature and so its partial removal would erode an important original heritage feature which contributes positively to the significance of the Conservation Area.
 10. The appellant highlights that the properties to the south of the appeal site feature front hardstanding areas and that it therefore follows that the proposal would not be out-of-keeping with the area. However, these parking areas serve modern post-war dwellings that do not contribute positively to the character of the Conservation Area. Indeed, the Conservation Area Appraisal notes these areas are obtrusive, and therefore, by replicating these damaging features, the proposal would exacerbate the harm to the character of the Conservation Area. I also note the appellant's reference to other front parking areas at 65 and 82 Leigh Hill, however I cannot fully assess if they are directly comparable as it is not apparent that they involved the partial removal of an important heritage feature which contributes to the Conservation Area. The height of the proposed retaining walls, as well as other design elements, also differ from the referenced sites. Therefore, these other cases do not alter my decision which has been reached on the individual merits of this case.
 11. Furthermore, the appellant states that the proposal would allow for the provision of off-street parking which is currently unavailable. However, there is a private drive and garage at the rear of the property which is accessed from Rectory Grove. Although I observed that the garage is used for storage and the drive was blocked by detritus, it nonetheless appears functionally capable of accommodating the parking requirement.

12. The Council raise no objection to the extensions, and I have no reason to consider otherwise.
13. Nonetheless, I conclude the proposed new car parking would not preserve the character and appearance of the Leigh Conservation Area. It would therefore conflict with policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document (the 'local plan'), and the Design and Townscape Guide Supplementary Planning Document which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. It would also conflict with policy DM5 of the local plan, the Leigh Conservation Area Character Appraisal Statement Document, and guidance in the NPPF which together seek to ensure heritage assets are preserved and enhanced.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR