



Appeal Decision

Site visit made on 15 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2020

Appeal Ref: APP/D1590/W/20/3251744

282 Leigh Road, Leigh-on-Sea SS1 1BW

- 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 Baines & Partners against the decision of Southend-on-sea Borough Council.
 - The application Ref 20/00291/FUL, dated 29 January 2020, was refused by notice dated 15 April 2020.
 - The development proposed is a roof penthouse extension to create 1 additional 2 bedroom apartment with associated parking and bike store.
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Decision

1. The appeal is allowed and planning permission is granted for roof penthouse extension to create 1 additional 2 bedroom apartment with associated parking and bike store at 282 Leigh Road, Leigh-on-Sea SS1 1BW in accordance with the terms of the application, Ref 20/00291/FUL, dated 29 January 2020 and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue is:
 - The effect of the development on the character and appearance of the area, including upon the setting of the Leigh Cliff Conservation Area.

Reasons

3. The site is located outside of the Leigh Cliff Conservation Area (CA), the boundary of which appears from the submitted Conservation Area Map to run from the corner of Maple Avenue and Broadway. Leigh Road is not included on the Conservation Area Map although the sites rear access off Maple Avenue is located in the top corner of the map.
4. The majority of the CA comprises the residential streets of Seaview Road, Victoria Road, Avenue Road and Queens Road. The character of this part of the Conservation Area is derived from the rows of Victorian and Edwardian terraced housing, with a strongly defined architectural character. I consider that the consistent and established pattern of development is a positive contribution to the special attributes of the CA.
5. The CA also includes a number of locally listed buildings along Broadway, a diverse shopping street with a range of neo Georgian and Art and Crafts style buildings. The Grand Hotel, which is within the closest part of the CA to the

appeal site, is a notable feature having regard to its scale and late Victorian detailing. As a result, it makes a positive contribution to the historic character of the Conservation Area.

6. Paragraph 200 of the National Planning Policy Framework ('the Framework') requires new development within the setting of Conservation Areas to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced."
7. Despite the change in levels between the appeal site and CA, views towards the site from the Grand Hotel are dominated by the large scale building which is located on the opposite side of the road and this limits views along Maple Avenue, and the appeal site. There are views across Broadway towards the side and rear of properties within Leigh Road, and the appeal site is visible from the gap that exists between the rear of 292 Leigh Road and 150 Broadway. However, these views are not from within the CA.
8. I consider that the character of the Conservation Area is derived from the consistent and established pattern of development of the residential streets, and its significance is also derived from the non-designated heritage assets, such as the Grand Hotel, which are identified within the CA. Therefore, whilst the development would be sited in relatively close proximity to the CA, there is a sufficient level of separation with limited inter-visibility between the two such that the CA is not experienced from the appeal site. As such, I find no harm in this respect and consider that the appeal site is not within the setting of the CA.
9. Leigh Road is a mixed use street, with commercial properties on the ground floor and residential uses within upper floors. The street is characterised by the attractive shopfronts on the ground floor and the varied heights of the buildings including two – five storey properties with a mix of architectural styles, including contemporary, Victorian and Edwardian properties.
10. The appeal site is located towards the end of Leigh Road, close to the junction with Broadway. Rear access is provided from Maple Avenue, where the building has a mixture of outriggers and flat roofed additions. The parties agree that the scale of the proposal is acceptable and the increased ridge height will provide a transition in scale within the street scene.
11. The pitched mansard roof design of the extension and its modestly proportioned dormers, having regard to the overall scale of the existing building, would result in a proposal which is subservient to the main building and therefore it would not appear as a bulky addition. The front dormers, although not aligned directly with the fenestration below are not of the same proportions and as a result of their even spacing across the entire width of the roof extension are considered to be appropriate in their siting.
12. Although concern has been raised about whether the proposed materials are sufficiently lightweight, the parties agree that the materials are considered to be cohesive and I agree with this assessment. The precise detail of this is a matter which can reasonably be dealt with an appropriately worded condition.
13. The rear of the site is partially screened by 19 Maple Avenue and the existing outbuilding within the appeal site, with some limited views from the vehicular access. The rear of the building provides both the servicing area for the

commercial units and parking for the existing flats. It contains a mix of commercial and domestic paraphernalia, with air conditioning units and balconies a common feature. The rear of the site is also viewed within the context of the rear courtyards of 138-150 Broadway, which is characterised by a mix of fencing and parking spaces.

14. I do not consider that there is a defined urban grain within this rear location and as a result the proposed roof extension would not appear incongruous or contrived in character and appearance terms having regard to the variety of the development that is visible from within this enclosed space. Also, whilst views of the site from Maple Avenue would be possible, I do not consider that the gable design of the roof would be obtrusive as it would be set back from the existing flat roof outriggers, which currently dominate the rear elevation.
15. As I have already identified the site is visible from Broadway, through the gap between existing developments. However, the proposed roof extension would be viewed within the context of the other dormer windows and balconies which are visible from Broadway and the larger scale of the building beyond the appeal site. Having regard to the general character of the area with its range of styles and heights, the proposed roof extension would contribute to the overall character of the area, and would improve the character and quality of the area.
16. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with Policy CP4 of the Southend-on-Sea Borough Council Core Strategy, Development Plan Document One 2007 (CS) which requires development to secure good relationships with existing development and respecting the scale and nature of that development and Policy KP2 of the CS which reiterates these development principles.
17. The development would also be in accordance with Policy DM3 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD) which supports the efficient and effective use of land and policy DM1 which sets out the design principles for the development, which is linked to the Design and Townscape Guide Supplementary Planning Document (SPD).
18. The development would not conflict with policy DM5 of the DMD which requires development to conserve and enhance the historic and architectural character, setting and townscape value of heritage assets.

Other matters

1. I have also taken into account the matters raised in the representations received with regard to car parking and rights of access. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised. I note that concerns have been raised with regard to the potential for overlooking and loss of privacy and that the development would be overbearing. However, noting the design of the additional storey that would slope away from the adjoining dwellings, I am content that there would be no impact on the living conditions of existing occupiers, even having regard to the intensification of the use of the site.

2. Whilst concern has also been raised that the development of the site may lead to future applications for similar development, each case is determined on its own merits. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Conditions

3. The Council has suggested 9 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable.
4. Given the proximity to other dwellings, I have imposed a condition limiting the hours of construction to protect the living conditions of the occupiers of such properties. I have also imposed a condition to ensure that privacy screens are installed to maintain adequate levels of privacy from the balconies.
5. Noting the requirements of policy DM2 of the DMD and KP2 of the CS, it is necessary to impose conditions relating to water efficiency and renewable energy/energy efficiency measures.
6. In order to ensure an appropriate level of on-site parking provision and adequate cycle storage, I have imposed a condition requiring the parking spaces and secure cycle store to be provided prior to occupation of the dwelling and retained for the life of the development.

Conclusion

7. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR

Schedule of 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: 468 – P101 Site and Block Plan; 468 – P102 Existing Building Plans; 468 – P103 Existing Building Elevations; 468 – P104 Proposed Site and Ground Floor Plan; 468 – P105 Proposed Third Floor and Roof Plan Rev C; 468 – P106 Proposed External Elevations (Front and Sides) Rev C; 468 – P107 Proposed Elevations (Rear) Rev C; 468 – P108 Proposed Sections Rev C; 468 – P110 Proposed Car and Bike Store.
- 3) No development above ground level shall take place until samples of all external facing materials, including walls, roof, windows and balustrades have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 468-P104 for 5 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 5) No dwelling shall be occupied until the covered and secure cycle store has been laid out within the site in accordance with drawing no. 468-P104 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 6) Demolition or construction works shall take place only between 0800-1800 on Monday to Friday and 0800-1300 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development above slab level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development and thereafter retained in perpetuity.
- 8) The dwelling shall not be occupied until the Building Regulations Optional requirement Part G (water efficiency) of Schedule 1 and regulation 36 (2b) to the Building Regulations 2010, as amended has been complied with.
- 9) The dwelling hereby permitted shall not be occupied until the details of the type of privacy screen to each side of the balconies shall be submitted to and approved in writing by the local planning authority before the privacy screen is installed and once installed the privacy screen shall be retained thereafter.

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