



Appeal Decision

Site visit made on 2 November 2020

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/D1590/D/20/3250259

112 Undercliff Gardens, Leigh-on-Sea SS9 1ED

- 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 Andrew Clark against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/02178/FULH, dated 27 November 2019, was refused by notice dated 7 February 2020.
 - The development proposed is described on the planning application form as a “single storey side extension, erect first floor extension, part demolish garage projection, reconfigure parking arrangement, rebuild external store and alterations to external materials”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the streetscene and the character and appearance of the locality.

Reasons

3. Development Management Document (DMD) 2015 Policy DM6 is concerned with development in the Seafront Area (SA). The appeal site is in such a location near the Thames Estuary. The Policy states that development within or near the SA must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches. The appeal site is located within Seafront Character Zone 3 as shown in the associated Policy Table. The development principles here include to protect and enhance the open character and estuary views from Grand Parade and Undercliff Gardens.
4. The appeal concerns a flat roofed single storey dwelling that is located at the corner of Grand Parade and Undercliff Gardens. There are some buildings along the Grand Parade frontage on the side nearest to the Estuary. However, these are generally garages or outbuildings of fairly modest scale and are often set back from the street, with some enabling views of the Estuary over the top of them. Furthermore, there is no information regarding the background to these structures, which may predate planning policies seeking to protect the open character of the area. There are also hedges and other vegetation that in a number of places reduce the extent of views but these do not have the solid nature and permanence of buildings.

5. In any event, the overriding impression in Grand Parade looking towards the Estuary is one of openness. This results from the general tendency of dwellings to sit below the level of the pavement and not therefore intrude into views from Grand Parade due to their position lower down the slope towards the Estuary. This also results in pleasant long distance views of the Estuary from Grand Parade. These are important and distinctive features of the locality, as reflected in Policy DM6. The Council's commitment to protecting this character is demonstrated by the Article 4 direction removing permitted development rights to erect fences, walls and other means of enclosure that might detract from it.
6. It is acknowledged that the site is not located within a Conservation Area and dwellings in the locality are of a relatively varied design, form and scale. The Appellant indicates that extensions have been built elsewhere but none are specifically identified. The design, form and scale of the extension would be appropriate solely in relation to the host dwelling itself. The flat roof extension would have a fairly modest footprint by comparison to the overall area of the roof on which it is proposed.
7. However, despite matters such as these, the first floor addition would rise to about its full extent above the pavement in Grand Parade, while the top of the dwelling is currently more or less level with the street. It would also be particularly near to the pavement. As part of a dwelling and in such unduly close proximity to the street, it would be an especially unusual and incongruous feature.
8. There is an adjacent two storey building at 106-110 Undercliff Gardens. However, this is located appreciably further back from the road and the Estuary is partly visible above it when looking from Grand Parade, while the top of the proposed addition would be at a higher level. The Appellant draws attention to the presence of a hedgerow. This is said to have been in place for 25 years with the Appellant intending to retain it, while there is no reason to believe it is in other than good health. At my site visit I saw the fairly tall hedge along the site frontage onto Grand Parade and another near the side boundary with the neighbouring property.
9. It is acknowledged that if they could be retained during construction these hedges would largely screen views of the extension from Grand Parade. However, it seems to me that were the appeal allowed that the addition would be likely to be a longer lasting feature. While both hedges may be healthy at present and current residents may wish to keep these features, such circumstances cannot be guaranteed to continue. The views of existing occupiers may change, as could ownership, with future residents perhaps not wanting such a degree of enclosure onto Grand Parade.
10. In these circumstances the extension would be intrusive in views from Grand Parade. Although having a flat roof, its height would reflect the presence of an additional floor above street level. The depth and width are estimated by the Council to be about 4.6 and 6.9 metres. Rather than the size of the development making it appropriate, these factors would result in sufficient extent of solid built form, in unduly close proximity to the street, to result in an unacceptable reduction in openness. It would also unacceptably reduce views towards the Estuary. I do not therefore consider that the presence of the boundary hedges would justify accepting the development. In any event, the

detrimental impact on openness would also be apparent when looking towards the enlarged dwelling from the road within Undercliff Gardens, even with the hedges in place.

11. The Appellant points out that the flat roof provides a terrace that can be used to accommodate paraphernalia that it is suggested could have a greater visual impact than the first floor addition. There is also an approved development that is indicated to comprise a fall-back position sufficient to justify accepting the appeal scheme.
12. However, no specific domestic items have been identified and it seems to me that they would be likely to have a lesser impact than the solid and more permanent built form of the extension. For example, tables and chairs would tend to be lower and less solid in appearance, therefore having a noticeably lesser impact. They may also not always be left on the roof, especially in periods of bad weather. The fall-back scheme does not include any first floor extension so that the potential visual impact would be noticeably less. Furthermore, it seems to me that the use of the roof top terrace to accommodate domestic paraphernalia would be likely to occur anyway, regardless of whether the first floor extension is accepted.
13. For the above reasons, it is concluded that the proposal would harm the streetscene and the character and appearance of the locality. Among other things, Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the DMD and Supplementary Planning Document 1, Design and Townscape Guide 2009, intend that development should maintain and respect the character of the area, site and surroundings. Paragraphs 110 and 127 of the National Planning Policy Framework indicate that applications should create places that respond to local character and decisions should ensure that developments are sympathetic to local character. Due to the conclusions I have reached, there would be conflict with the above policies, as well as Policy DM6.
14. Taking account of all other matters raised, because of the harm that I have found it is determined that the appeal fails. In making this decision I have taken account of the representations made by The Society for the Protection of Undercliff Gardens.

M Evans

INSPECTOR