



Appeal Decision

Site visit made on 28 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/D1590/D/20/3258204

12 Cliff Parade, Leigh-on-Sea SS9 1AS

- 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 Stephen Smith against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00197/FULH, dated 4 February 2020, was refused by notice dated 25 June 2020.
 - The development proposed is described as the design for side elevation, steel work enclosed balcony and structural support requirements. Design data: BS 6399, 5950, 5628 & 5268 and Ground/1st floor plans including elevation and site plans.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a mainly 2-storey end terrace dwelling that occupies a prominent position at the junction of Seaview Road and Cliff Parade within the Leigh Cliff Conservation Area (CA). The CA derives its significance as a heritage asset partly from the rows of Victorian and Edwardian buildings many of which are consistent in built form and architectural detailing.
4. The proposed balcony on the first floor level would run across the property that faces Seaview Road. Due to its elevated position and outward projection, the new balcony would be a prominent feature of the building. Its presence would be emphasised by the supporting brick pier and wall up to the edge of the footway and the black railings that, when seen from the road, would contrast with the white coloured brickwork of the host building beyond. Taken together, the proposal would introduce a visually strong horizontal feature at a high level that would conflict unsatisfactorily with the otherwise composed form and appearance of this traditional style property. The main outcome would be material harm to the character and appearance of both the host building and the CA. Consequently, the character and appearance of the CA would fail to be preserved.
5. The proposed railings would be similar to those that are already in place around the roof top terrace above the single storey rear projection of No 12.

However, these existing railings exemplify the type of harm that I have identified albeit to a lesser extent than the proposal given their position towards the back of the building. These railings do not therefore justify the appeal scheme.

6. There are a number of balconies in the vicinity of the site including those to which the appellant has referred. However, these balconies and other changes to the original buildings have not compromised the character or appearance of the individual properties, or the area generally, to a degree that justifies an unsatisfactory balcony.
7. The Council has previously granted planning permission¹ for a balcony and balustrade in a similar position to that proposed as part of a larger scheme. From the details and plans provided, the approved scheme differed to the proposal before me in its detailed design and general appearance. I also note that the planning permission has now lapsed. In those circumstances, I am unable to attach more than limited weight to this previous decision in support of the appeal.
8. The National Planning Policy Framework (the Framework) is clear on the importance of high quality design and the need to respond to local character. The Framework also states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Although the harm to the CA would be less than substantial in this case, I am not persuaded that the public benefits of the new development, primarily through the support given to the local economy during the construction phase, would outweigh this harm.
9. On the main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such it conflicts with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Council's Development Management Document and the advice within the Supplementary Planning Document 1 *Design and Townscape Guide*. These policies and guidance aim to ensure that new development contributes to a high quality urban environment, protects heritage assets and achieves a high standard of design or quality.
10. There would also be a conflict with the Framework, which states that development should add to the overall qualities of the area, and with the statutory duty. This duty requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conclusion

11. For the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

¹ Ref 12/01655/FULH dated 8 April 2013