
Appeal Decisions

Site visit made on 15 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th August 2021

Appeal A Ref: APP/D1590/Y/20/3265170

19 Mess Road, Shoeburyness, Southend-On-Sea SS3 9UJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Dino Forte against the decision of Southend-on-sea Borough Council.
 - The application Ref 20/01234/LBC, dated 28 July 2020, was refused by notice dated 25 September 2020.
 - The works proposed are the addition of single-storey garage within the curtilage of a residential property.
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Appeal B Ref: APP/D1590/W/20/3265176

19 Mess Road, Shoeburyness, Southend-On-Sea SS3 9UJ

- 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 Dino Forte against the decision of Southend-on-sea Borough Council.
 - The application Ref 20/01233/FULH, dated 28 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is the addition of single-storey garage within the curtilage of a residential property.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. The two Appeals concern essentially the same scheme under different, complementary legislation and, to avoid duplication, I have dealt with both Appeals together in my reasoning.
3. Since the Council took its decisions and the Appeals were made, the National Planning Policy Framework (the Framework) and the National Design Guide have been revised. The main parties were given the opportunity to comment on the revised Framework and no parties' interests will have been prejudiced by my taking it into account in my decisions. The changes to the National Design Guide were limited to its alignment with separately published Design Code documents and my consideration of the Appeals in light of the 2021 version will not have prejudiced any parties' interests.

Main Issue

4. The main issue raised by both Appeals is the effect the proposal would have on the special architectural and historic interest of the grade II Listed former Officers' Mess and on the character and appearance of the Shoebury Garrison Conservation Area.

Reasons

5. Shoebury Garrison Conservation Area (CA) has very long historic military associations but in particular includes many military buildings built over the C19, along with part of the adjoining commercial High Street. There is a consistency in the architecture and materials used in many of the barracks and associated buildings which unites the CA into a cohesive and distinctive townscape as part of a planned garrison. The spaces between buildings and mature trees are particularly important and include parade grounds, recreational fields and the spacious layout of the accommodation which served different ranks within the garrison. These aspects all contribute to the CA's significance as a Designated Heritage Asset.
6. A notable building within the CA, the former Officers' Mess is an elongated building facing the estuary along the foreshore. It was built in several phases, terminating at one extent with a distinctive hipped roof dining room extension building with tall windows and a canted bay window on the end, in what the appellant's Heritage Statement refers to as the former ballroom. Its composition and design retains its formality on the rear elevation. This now forms part of No 19. The Heritage Statement identifies the Listed Building's aesthetic value as an attractive nineteenth century building with a simple military character built of locally distinctive yellow stock brick and Welsh slate.
7. As a designated heritage asset of national importance, the Listed Building derives considerable significance from its architecture, materials, military history and associations, its evolution as an Officers' Mess and its situation within, and relationship to, the spaces and buildings of the former garrison.
8. Elements of the Listed Building's significance are visible and can be appreciated from outside the site where the garden to No 19 is enclosed with a hedge and railings. This includes the appearance and form of the former ballroom element whose design and projecting plan form creates a deliberate 'end' to the complex beyond which lies an open area between the former Officers' Mess and a perpendicular range of former garrison buildings at Gunnery House.
9. Plans in the Heritage Statement indicate this area included a garden which separated the Officers' Mess from more functional buildings. This garden was first extended following the demolition of that other range and then some of that area was itself built on to accommodate the ballroom. The open area, partly surrounded with mature trees, which remains around and beyond the ballroom, both inside and outside No 19's garden, contributes to the historic and aesthetic significance of the Listed Building.
10. This relationship is also an important element in the character and appearance of the CA providing a spacious area, close to the foreshore where both the open space and the garden of No 19 combine to allow views of the estuary and of the former military buildings around the junction of Chapel and Mess Roads.

I cannot, therefore, agree with the Heritage Statement's conclusion that the open area has a neutral contribution to significance.

11. The proposed garage would be of simple design with timber walls and door, and a pyramidal slate roof. Its structure would be clearly discernible as a solid built mass within the presently unencumbered space. Its situation relative to the Listed Building would detract from the formal appearance of the ballroom element. Rather than reading as part of a continuation of more informal ancillary structures, its degree of separation from, and pronounced situation well forward of, the ballroom element would appear at odds with the building as a whole where ancillary extensions and structures are typically located to the rear of the building and are set well back from the north-east end.
12. Although taking some cues from the form of the Listed Building the garage would appear as a distinctly domestic insertion contrasting with the more institutional military character and appearance of the Listed Building which has been successfully retained in its conversion to residential use. It would also disrupt the open area which exists around the ballroom element and beyond.
13. The special architectural and historic interest of the Listed Building would be harmed as a result of the proposal. This incursion into, and erosion of, the open area which contributes to the CA's character and appearance would consequently fail to preserve or enhance the CA.
14. The proposal's set back situation from Mess Road, whilst following Council guidance for garages in terms of accessibility, would do little to alter this harmful effect. Although mooted as a non-destructive and reversible intervention, it would effectively be a permanent structure, as would its effects.
15. The garage's location on part of the footprint of the range of buildings demolished in the C19 does not make a positive contribution to the historic interest of the Officers' Mess, albeit it shows some thought about its proposed situation. This is because those buildings are no longer present, and the current configuration of buildings and spaces makes an important contribution to the significance of the Listed Building, and how it can be experienced and understood.
16. The Framework requires that great weight is given to the designated heritage assets' conservation. I have had special regard to the desirability of preserving the Listed Building and find that it would fail to do so and harm its significance. I have also paid special attention to the desirability of preserving or enhancing the character and appearance of the CA, attributes that would be harmed by the proposal. The harm to both these designated heritage assets' significance carries considerable importance and weight. However, given the scale of the development proposed both in relation to the Listed Building and the CA overall, this harm would be less than substantial in the Framework's terms and needs to be weighed against any public benefits of the proposal.
17. The garage would effectively provide private benefits for the occupiers of No 19. It could accommodate vehicles currently parked outside adjacent to the building. However, bearing in mind the transient character of parked vehicles, I am not convinced that the current arrangement necessarily detracts from the Listed Building's or the CA's significance to any extent that the enclosure of up to two cars, or garden paraphernalia for that matter, would lead to a public benefit.

18. Although a garage may well make the property more attractive to current and future occupiers, I am not swayed by the appellant's assertion that by making the property more desirable it would be conducive to long term conservation. There is no evidence to suggest that the Listed Building or the part occupied by No 19, is in poor repair or at risk, nor that its long-term conservation as a designated heritage asset would rely on the garage. Similarly, I am not persuaded that any improvement in market attractiveness would necessarily translate into securing an optimal viable use of the heritage asset. Consequently, I do not consider that there are any public benefits which would outweigh the harm the development would lead to.
19. The proposal would be contrary to Core Strategy¹ Policies KP2 and CP4's requirements for safeguarding and conserving the historic environment, amongst other criteria. The proposal would also be contrary to Development Management Document² (DMD) Policies DM1, DM3 and DM5 which together, and amongst other criteria, require that proposals add to the quality of the area, contribute positively to the space between buildings, respond positively to local context and avoid harm to the significance of designated heritage assets.
20. Although the proposal might accord with selected criteria of DMD Policy DM5 in respect of being accompanied by a statement of significance and its effect on archaeology (if suitably mitigated), it would conflict with that policy overall. Whilst the scale of the garage would be subservient to the original building and draws some reference from it in terms of roof design and materials it would not successfully integrate with it nor make a positive contribution to the original building and therefore not accord with DMD Policy DM3 overall.
21. The proposals would not accord with the Framework or the National Design Guide's approach to valuing heritage, local history and culture nor responding to existing local character and identity.

Other matters

22. The appellant points to Historic England not objecting in principle to the proposal in pre-application advice. However, it is clear from correspondence that such a view relates to the proposal's effect on the 'Danish Camp' Scheduled Monument³ and not other designated heritage assets. Although the wording relating to development within the setting of the asset is somewhat ambiguous, read in the context of the letter as a whole, which I note is from an Inspector of Ancient Monuments, this does not support an interpretation that Historic England have taken a view on other designated heritage assets, in particular the Listed Building or CA.
23. A subsequent letter from Historic England advised that less than substantial harm would result, but again this would be in relation to the Scheduled Monument and the advice does not extend to an effect on other designated heritage assets. Historic England's views do not, therefore, lend support to the Appeals. Any mitigation to or avoidance of this harm to the Scheduled Monument that might be secured through a condition would be a neutral consideration.

¹ Southend on sea Borough Council local development framework, development plan document one: Southend on sea Core Strategy, 2007.

² Southend on sea Borough Council local planning framework: Development Management Document, 2015.

³ Defended prehistoric settlement at Shoeburyness, known as the Danish Camp.

24. Although an alternative suggestion put forward by the Council is not considered suitable by the appellant, this has little bearing on the Appeal proposal which I have considered on its own merits.

Conclusion

25. For the above reasons, the proposal would fail to preserve the special interest of the Listed Building and would harm the character and appearance of the CA, contrary to the development plan taken as a whole, the Framework and the National Design Guide. There are no material considerations that indicate the decision on the development should be made other than in accordance with the development plan. Both Appeals are therefore dismissed.

Geoff Underwood

INSPECTOR