
Appeal Decision

Site visit made on 9 March 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH March 2022

Appeal Ref: APP/D1590/D/21/3286362
37 Leigh Hill, LEIGH-ON-SEA, SS9 2DH

- 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 Ms Natalie Block against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 21/01317/FULH, dated 25 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal property and the Leigh Conservation Area.

Reasons

4. The appeal property is an end-terrace dwelling located in a prominent position in the street scene, at the junction of Leigh Hill and Leigh Hill Close. The ground floor of the building was previously used as a shop and retains the traditional openings associated with its former use. The dwelling and surrounding area are within the Leigh Conservation Area.
5. The dwelling is part of a terrace of three, and that at the opposite end is now quite different in design, form and external materials to its neighbours. However, a notable feature of this terrace and others in the vicinity is the consistent façade, built flush and close to the footpath in front.
6. The proposed extension would disrupt the consistent siting and integrity of the terrace, being set a small but noticeable distance back from the front elevation. Whilst I note the Council's view that the scale of the proposal would be

- inappropriate, as designed I consider that it would appear quite dominant on the main house, and the recessed front elevation and separation from the side boundary would not achieve the subservience suggested by the appellant.
7. The proposal would incorporate design features that would not respect the traditional design and detailing of the building. In particular, the inclusion of 'undercroft' parking would create an incongruous void in a highly visible position in the street scene. Although this would enable the retention of on-site car parking, it would nevertheless appear as a contrived arrangement. I note the appellant's view that the design takes into account scale, visual cues, proportions and styles in the locality, but it is not evident that undercroft parking is a local feature. In addition, the proposed 'crown' roof would add to the roofing styles at the property, and the untraditional flat roofed element would be apparent in the street scene due to the surrounding topography.
 8. I agree with the appellant's assessment that Leigh Hill contains a marriage of differently designed properties, styles, scale, proportions and architectural features, and that this variety adds to the attractive character of the area. However, given the prominent siting of the building and the proposal, I do not consider that the reasons for refusal overstate the physical stature of the resulting changes to the existing dwelling, as suggested, and the design would not make a positive contribution to the local variety. Instead, it would conflict with the aims of Policy DM1 of the Development Management Document¹ (DMD), which amongst other criteria, seeks design that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in terms including architectural approach, scale, form, massing, proportions, materials and detailed design features, giving appropriate weight to the preservation of a heritage asset.
 9. The Council opposes the use of weatherboarding on the extension. Whilst this would be at odds with the existing materials of the dwelling, the terrace already includes a mix of finishes, and I note the prevalence of boarding throughout the conservation area, on traditional and more modern buildings. In isolation, this would not be reason to dismiss the appeal, but it adds to the mismatch with the architectural style of the host property.
 10. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. I agree with the appellant that the statutory test does not require enhancement as the only acceptable outcome, but for the reasons explained above, the proposal would not preserve the setting. In this context, and having regard to paragraph 202 of the National Planning Policy Framework (the Framework), I find that the proposal would lead to less than substantial harm to the significance of the conservation area, but that this harm would not be outweighed by public benefits. Whilst the proposal may benefit the accommodation for current and future generations occupying the dwelling, this would not outweigh the identified harm to the heritage asset.
 11. I therefore conclude that, as a result of the scale, form and design, the proposed extension would detract from the character and appearance of the dwelling, and would not preserve or enhance the character and appearance of the Leigh Conservation Area. This would conflict with the Framework, as reflected in DMD Policy DM5, and with DMD Policies DM1 and DM3, as

¹ Southend on Sea Borough Council Local Planning Framework Development Management Document 2015

supported by the Council's Design and Townscape Guide, and which seeks development that makes a positive contribution to the character of the original building and the surrounding area. It would also conflict with the aims of Core Strategy² Policies KP2 and CP4, to respect, conserve, enhance, and safeguard, the historic environment and to secure improvements to the urban environment through quality design.

Other Matters

12. A number of local representations were made regarding the effect of the proposal on visibility between Leigh Hill Close and Leigh Hill, to the detriment of highway safety. However, on the basis of the evidence supplied I have no reason to disagree with the Council's assessment that the proposal would not result in any significant parking or highways impacts.

Conclusion

13. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR

² Southend on Sea Borough Council Local Development Framework Development Plan Document One Core Strategy, 2007