

Appeal Decision

Site visit made on 2 June 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14th July 2023

Appeal Reference: APP/D1590/D/23/3318934

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 S. Smith against the decision of Southend-on-Sea City Council.
 - The application (reference 22/02163/FULH, dated 25 October 2022) was refused by notice dated 29 December 2022.
 - The development proposed is described in the application form as “install first floor balcony and alter elevation”.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

3. Leigh-on-Sea is an historic settlement that has now merged in the extensive urban area of Southend-on-Sea, on the coast of South Essex. The appeal site is located within the core part of Leigh-on-Sea, between Broadway and the coast. Broadway is an established commercial street with a range of shops and other outlets, roughly parallel to the coast, with primarily residential roads linking to the seafront. On the coast itself, the ground falls away with an area of parkland between the built-up zone and the sea.
4. Broadway and the area to the south form a coherent historic layout with a distinct character. The houses on Cliff Parade look out over the sea, and residential properties occupy the roads that link the sea front to Broadway. The area has a strong late Victorian quality, although this has been eroded somewhat in Broadway itself, and it has been designated as the Leigh Cliff Conservation Area. The locality is described in detail in the ‘Leigh Cliff Conservation Area Appraisal’ (which is dated July 2010).

5. The existing house at number 12 Cliff Parade is a two-storey house standing at the end of a terrace, at the corner of Seaview Road, which slopes up from the junction towards Broadway. The house is traditional in style, behind a small front garden, with a white rendered front elevation and a buff brickwork flank elevation, under a hipped roof. The front elevation is enlivened by projecting bays although the design is not very ornate. Many houses in the locality are charming late Victorian houses incorporating attractive architectural features, including bays, decorative balconies and other details that add to the character of the Conservation Area.
6. The return elevation of number 12 Cliff Parade faces Seaview Road with a visually subservient rear wing that is set back a short distance from the footpath. Here, the brickwork is painted white and relieved by a small bay window. At the rear of the property there is a garage or "car port" with a flat roof that is described as an "existing terrace".
7. It is now proposed to improve access to the roof terrace over the "car port", by constructing a balcony or "deck" across the elevation of the rear wing, at first floor level. Access to the deck would be obtained by a new exterior door, near to the first floor landing within the house, and a short flight of steps would provide a link to the flat roof.
8. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect a conservation area. In such cases, decision makers are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
9. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
10. More generally, the 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history.
11. Policies in the Development Plan also reinforce the underlying principles that are established in the primary legislation and the 'National Planning Policy Framework'. Notably, Policies CP4 and KP2 of the 'Southend-on-Sea Core Strategy' (which was adopted in December 2007) draw attention to the importance of good design, especially in a conservation area context, as do Policies DM1, DM3 and DM5 of the Southend-on-Sea 'Development Management Document' (dated July 2015).
12. The proposed "deck" would create a strong horizontal element to the street elevation. It would be constructed in modern materials and the width of the new deck would taper to suit the boundary line. Thus, it would not reflect traditional forms of construction but would appear as a simple modern

appendage to the original building, constructed on modern lines. The scheme would be unsympathetic to the character and appearance of the host building and to other buildings in the vicinity that make a contribution to the Conservation Area.

13. Evidently, the proposed development would make a useful (but not critical) addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the character and appearance of the existing house and to the streetscene in the Leigh Cliff Conservation Area outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the design issues that I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections that I have identified and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR