



Appeal Decisions

Site visit made on 7 July 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal A Ref: APP/D1590/W/22/3305632

Flat 9, Gunnery House, 2 Chapel Road, Shoeburyness, Southend-on-Sea SS3 9SL

- 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 P Hammond against the decision of Southend-on-Sea City Council.
 - The application Ref 22/01029/FUL, dated 9 May 2022, was refused by notice dated 5 July 2022.
 - The development proposed is balcony with new window.
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Appeal B Ref: APP/D1590/Y/22/3305635

Flat 9, Gunnery House, 2 Chapel Road, Shoeburyness, Southend-on-Sea SS3 9SL

- 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 P Hammond against the decision of Southend-on-Sea City Council.
 - The application Ref 22/01030/LBC, dated 9 May 2022, was refused by notice dated 5 July 2022.
 - The works proposed are balcony with new window.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The appeals concern proposed development and works at Flat 9 within Gunnery House¹, which is a Grade II listed building located in the Shoebury Garrison Conservation Area.
3. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together in this decision letter, although the legal regimes for the planning appeal (Appeal A) and the listed building consent appeal (Appeal B) differ. In reaching the decisions, I have been mindful of my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Having noted from the evidence submitted that there are several designated heritage assets in the vicinity of the site, the main parties were given an opportunity to comment on whether or not the scheme would have any effect on their settings, special interest or significance. I have taken the parties' responses into account.

¹ Identified in the statutory list as: Long Course Officer's Quarters and Attached Railings, Horseshoe Barracks; list entry number: 1264599

Main Issues

5. The main issues are whether or not the proposed development and works would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses; and whether or not the character or appearance of the conservation area would be preserved or enhanced.

Reasons

6. Situated at the corner of Chapel Road and Mess Road and flanking the mouth of the Thames Estuary, Gunnery House is part of the former Shoebury Garrison site. A public right of way runs alongside the building roughly parallel with the coastline, and parking and an open green space are located to its front.
7. According to the statutory list description, Gunnery House dates from 1871 and was originally used as quarters for single officers at the British School of Gunnery. It comprises two storeys plus a basement and has a yellow stock brick finish under a slate hipped roof. It has a long symmetrical frontage, which features three entrance doorways and a regular fenestration pattern with six-over-six sash windows. The rear elevation has a similar pattern and overall balance and rhythm, albeit with projecting ablution towers. In contrast, there are no openings within the three blind bays that form each of the building's side elevations, which are articulated by pilaster strips and plat banding.
8. I consider that the special interest and significance of Gunnery House is derived largely from its historic and architectural interest as a well-preserved and purpose-designed former military barracks. Although the building has been converted into dwellings, the regimented and ordered composition of its external elevations has been little altered. Furthermore, the formality, rhythm and detailing of its elevations give the building a coherent and composed exterior, which provides an overall group value with other former military structures in the wider complex. These are all elements that underscore the special interest and significance of the building.
9. The Shoebury Garrison Conservation Area Appraisal makes clear that the conservation area includes land that formed part of an artillery testing and practice facility established in 1849. It incorporates several former military buildings that have predominantly been converted into residential accommodation. The character and appearance of the conservation area is principally informed by the range of buildings that comprise the 19th century garrison, which has historic associations with notable military personnel and events such as the Crimean War. While no longer in military use, the legibility of the constituent buildings and distinctive but interrelated functions is provided by their materials, architectural treatment and layout. Notwithstanding some later development, the conservation area has a well-preserved and visually coherent character and appearance, which contributes to its special interest and significance as a whole.
10. Gunnery House is a fine example, and thus an important component, of the 19th century buildings within the conservation area. Flat 9 occupies the ground and first floor levels of Gunnery House at the end of the building nearest the estuary. The internal plan form reflects its carefully balanced exterior. Insofar as it reflects the original detailing, materials and uniformity of Gunnery House,

Flat 9 contributes to the significance and special interest of the building and to the character and appearance of the conservation area as a whole.

11. The proposed development and works would include the installation of a black metal framed first floor balcony with glass balustrading within the central blind bay of the side elevation facing the estuary. The balcony would straddle two rooms that are separated by an interior wall. Existing brickwork would only be removed to provide a multi-paned glazed door to one of the rooms. However, the submissions indicate that there would also be glazing beside and above the door, which would 'sit on' the remainder of the brickwork within the bay at first floor level, presumably with the intention of creating the appearance of a glazed opening the full width of the bay. However, the type of glazing and the method of attachment to the retained brick are unclear.
12. Furthermore, the proposed elevation plan suggests that the brickwork above the new glazing and near the top of the adjacent bays would feature arch detailing. However, there is no such detailing in the flank elevations. Additionally, the plan suggests that existing plat banding in the adjacent bays would be removed. Based on the submissions it seems unlikely that these alterations are proposed intentionally, but I must nevertheless consider the implications of these elements for completeness.
13. The proposed balcony would be a relatively small and lightweight addition to Gunnery House. However, even with the use of clear glazed balustrading it would be an alien feature that, in terms of its contemporary form and manufacture, would contrast negatively with the building's well-preserved detailing and traditional material finish. The balcony would also disrupt the overall uniformity and rhythm of the building, to the detriment of its carefully balanced composition. Moreover, even if a condition could control domestic paraphernalia from being stored on the balcony, it would undoubtedly appear as a feature created for the occupiers to enjoy seaward views, and thus undermine the building's formality and original functional use as military accommodation.
14. Furthermore, the door and the glazing proposed to sit alongside it would be incongruent with the proportions of the traditional timber sashes that characterise the building's fenestration. Moreover, the glazing proposed to be affixed directly onto the existing brickwork would seemingly project beyond the door in the absence of any alterations to create a recession in the wall behind it. Overall, the arrangement would appear contrived, and I am unconvinced that it would be capable of appearing as a typical glazed opening or have a satisfactory impact on the integrity of the building, and so it would be inappropriate to secure details of that element of the scheme by a condition.
15. The scheme would also involve the removal of historic fabric, including brickwork and at least the plat banding where the doorway is proposed, and therefore result in the loss of the well-preserved detailing and traditional material finish that contributes positively to the special interest and significance of Gunnery House. Accordingly, the alterations shown proposed to the adjacent bays would only result in the loss of more fabric and further disrupt the uniformity of the side elevation and the coherent form of the building.
16. Drawing the above together, I consider that the proposed development and works would not respect the form, detailing or materials of Gunnery House as an entity. The scheme would therefore fail to preserve the listed building and

the special architectural and historic interest that it possesses, in conflict with sections 16(2) and 66(1) of the Act. The significance of the building would thus also be harmed.

17. In terms of the conservation area, the proposed balcony would be a prominent projection from the flank of Gunnery House and obvious to the users of the adjacent public right of way. Furthermore, the well-preserved and visually coherent character and appearance of the conservation area would, albeit in a small way, be weakened. Consequently, the proposed development and works would fail to preserve or enhance the character and appearance of the conservation area as a whole, contrary to section 72(1) of the Act. The scheme would therefore also harm the significance of the conservation area.
18. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Planning Practice Guidance² makes clear that substantial harm is a high bar. Having regard to the nature of the scheme and the impacts on significance of the listed building and the conservation area as designated heritage assets, the degree of harm in each case would be less than substantial in the terms of the Framework. In such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the scheme including, where appropriate, securing a heritage asset's optimum viable use.
19. The appellant puts forward that the proposed development and works would improve the quality of the accommodation for the current occupiers, make Flat 9 more attractive for future occupiers, and thus encourage the continued occupation and upkeep of the building. However, these would be largely private benefits accruing to the occupiers. Furthermore, Flat 9 and Gunnery House more widely are in relatively good condition. The continued optimum viable use of Flat 9 and the rest of the building as residential accommodation is not dependant on the scheme because the residential use would not cease in its absence. The optimum viable use of the building has therefore already been secured.
20. Overall, the sum of the public benefits of the proposed development and works would be insufficient to outweigh the considerable importance and weight that even less than substantial harm to designated heritage assets carries. The scheme thereby conflicts with the heritage policies within section 16 of the Framework. It is also contrary to policies KP2 and CP4 of the Southend-on-Sea Core Strategy and policies DM1 and DM5 of the Development Management Document which, amongst other things, set out that proposals should safeguard and enhance the historic environment and add to the overall quality of the area within which it would be located. Consequently, in respect of Appeal A, the scheme would not be in accordance with the development plan as a whole. Material considerations do not indicate that a decision should be reached otherwise than in accordance with the development plan.

Other Matters

21. Due to the separation distance between Flat 9 within Gunnery House and the other heritage assets proximate to it, I am satisfied that their settings, special

² Reference ID: 18a-018-20190723

interest, and significance would be preserved. However, a lack of harm in this respect does not affect my overall conclusions.

Conclusions

22. For the reasons given and having regard to all matters raised, both Appeal A and Appeal B should be dismissed.

Mark Philpott

INSPECTOR