



Appeal Decision

Site visit made on 17 August 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/D1590/D/23/3323353

23 High Street, Leigh-on-Sea, SS9 2EN

- 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 Claire Kennett against the decision of Southend-on-Sea City Council.
 - The application Ref 22/02434/FULH, dated 20 October 2022, was refused by notice dated 8 March 2023.
 - The development proposed is install front and rear dormers to form habitable accommodation in the loft space.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as "Proposed loft extension with a front and rear dormer". The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed development on the appearance of the existing dwelling, the terrace, High Street and Alley Dock, and the character and appearance of the Leigh Old Town Conservation Area.

Reasons

4. The appeal site is a mid-terrace two storey dwelling with a single storey part-width rear outrigger, situated in a terrace of late Victorian cottages in the centre of the High Street. The row is intact to the front onto High Street, and the rear of the terrace is exposed to views from a key public footpath, Alley Dock. The rear upper floors and roofs to the terrace are relatively unchanged with the exception of window replacements and rooflights to some properties. The appeal site lies within the Leigh Old Town Conservation Area, which is also covered by an Article 4 direction.
5. Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In line with this, Policy DM5 of the Development Management Document states that any new development that affects a heritage asset will be required to

conserve and enhance its historic and architectural character, setting and the townscape value.

6. Paragraph 199 of the National Planning Policy Framework (the Framework) states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 202 of the Framework states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
7. The front and rear elevations of the building and its neighbours make a positive contribution to the High Street scene and Alley Dock, and to the character and appearance of Leigh Old Town Conservation Area. The proposed front and rear dormers would occupy almost the full width of the front and rear roof slopes, and would extend out from immediately below the ridge. The front dormer would rise some little way up the roof slope, whilst the rear dormer would rise further down, just above the eaves. The position of the window openings has been related as closely as possible above the fenestration below, but they relate poorly with the vertical emphasis of the existing and to the overall shape and bulk of the dormers. I consider that their size, scale, height and bulk would be incongruous features, also dominating the roofscape of the dwelling.
8. There are no dormers to the front or rear of this terrace; whilst they can be seen within the wider conservation area, dormers are not common. Those proposed would be out of keeping with dwelling itself and its neighbours, and the surrounding area. The proposed dormers would cause harm to the character and significance of the existing building, wider terrace and the conservation area. Whilst the harm, in the terms used in the Framework, would be less than substantial, it would be significant.
9. For the appellant it is said that, with regard to the Southend-on-Sea Design and Townscape Guide, careful consideration has been given to the design, so that the dormers appear incidental and centrally set in the roof slope. The guide states box dormers should be avoided as they result in a bulky & unsightly appearance, but the appeal site is very narrow, and therefore dormers of a smaller size would provide little benefit to the occupants. Furthermore, the proposed materials match the existing to maintain consistency.
10. I have no reason to doubt that the scheme would provide usable space for the occupants, would improve the resident's quality of life, and would negate, as I am told, the need to move out of their long standing family home. Naturally the benefits to the appellant can be readily understood, but they are private benefits that do not outweigh public policy.
11. For the reasons that I have given in paragraphs 7 and 8 above, I conclude that the proposed development is unacceptable and contrary to development plan policies and the Framework, particularly paragraph 202 of the latter. The proposed development would be harmful to the appearance of the existing dwelling, the terrace, High Street and Alley Dock, and the character and appearance of the Leigh Old Town Conservation Area.

12. There are no public benefits that clearly outweigh the less than substantial but significant harm identified. Bearing in mind the statutory duty set out in Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR