



Appeal Decision

Site visit made on 8 May 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/D1590/W/23/3330994

Dash, 1 Broadway West, Leigh-on-Sea, Southend SS9 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Liebenberg of Dash Cafe against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/00594/FUL.
 - The development proposed is described as "part retrospective application for new metal shop front and awnings with moulded timber to finish."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that this is partly a retrospective application and that the shop front has already been installed. The proposal seeks to retain the shop front and awnings and install various moulded timber panels, fillets and inserts to the finish. The appellant indicates that the alterations are intended to address the Council's reasons for refusal of a previous planning application (ref 22/01813/FUL). I must determine the current proposal on its merits based on the submitted plans considered by the Council.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Leigh Conservation Area (CA).

Reasons

4. The site comprises a ground floor café within a commercial area with a mix of building styles and designs built in different periods. It lies on the corner of Broadway West and Elm Road. The grade II* listed St Clement's Church is located diagonally opposite the site, on the other side of the road junction.
5. The Leigh Conservation Area included sparse earlier development around St Clement's Church then rapid expansion of development in the late 19th and early 20th century with residential buildings and the bustling commercial centre of Broadway. Having regard to the Leigh Conservation Area Appraisal (CAA), the historic significance of the CA derives in part from representing the spread of the settlement away from the fishing village on the shoreline, upwards to populate the cliffs.
6. The appeal site is part of a large two storey 1930s Modern Movement style building which curves round a prominent junction. The ground floor shop fronts

are characterised by large timber framed windows with low stallrisers, timber fascias with framing detail and a series of tiled columns around the building. Some have traditional angled awnings. Prior to the installation of the current shop front, the site contained large windows with slender dimensions to the door and window frames, a painted timber fascia and stallriser. It formed part of a cohesive group of shop fronts, making a positive contribution to the architectural significance of the CA.

7. The serving hatch comprising four removable windows and other windows which replaced the previous large, thinly framed windows would remain, with timber cover moulds and fillets proposed to be applied to the frames.
8. The CAA outlines that windows should be designed to be in proportion with the shop front and rest of the building. However, the thickness of the window frames and the significant subdivision of one window opening to form the serving hatch are at odds with the simple and uncluttered character of the building. In addition, there is a risk that the proposed timber covers could fall off and not be replaced, further exacerbating the harmful appearance of the shop front in this prominent corner location.
9. The proposal includes the addition of tiled stallrisers. As these would be flush with the original tiled columns, they would visually detract from the columns which are a recurring vertical feature of the building. Further, the varied heights of the proposed stallrisers together with the different window lengths would create an unbalanced design, discordant with other shop fronts in the building. Due to its feature panel which would extend higher than the adjoining stallrisers and its thick frames, the proposed new timber door would also be an alien feature in the property.
10. The awnings would be relocated to a higher level on the existing fascias. Nevertheless, their relatively flat appearance and short length harmfully contrasts with the longer, more angled awnings present on other parts of the building and premises nearby. Therefore, the proposed repositioned awnings would be incongruous in the street scene.
11. The CAA states that fascias should form an integral part of the design of the shop front surround and signs should be timber. The proposal includes the retention of the installed aluminium fascias. However, the shop front previously included timber fascias and due to the replacement of these with fascia boxes using modern materials, the proposal harms the character of the CA.
12. The appellant refers to several shop fronts close by which contain varied details, materials and architectural features, but these lie outside the CA and therefore are not comparable to the appeal site and proposed scheme. Moreover, the appellant indicates that the proposed development is intended to give the appearance of a traditional timber shop front, but I do not share this view for the reasons set out above.
13. The Council's Design and Townscape Guide 2009 (Townscape Guide) states that the quality of shop fronts give CAs their special character. It requires replacement frontages to be designed to respect the historic character of the area with those in CAs to sympathetically incorporate or reinstate any original features and use traditional materials. For the reasons set out, the proposed shop front does not meet the guidance set out in the Townscape Guide.

14. I consider that the proposal would lead to less than substantial harm to the CA which is a designated heritage asset and Policy DM5 of the Council's Development Management Document 2015 (DMD) is relevant. This states that such proposals will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. I have not been directed to any public benefits in this case and consequently there is no clear and convincing justification for the harm I have identified. Therefore, the proposed development would be contrary to Policy DM5.
15. Consequently, I conclude that the proposal would not preserve or enhance the character and appearance of the CA. It would conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 and Policies DM1 and DM5 of the DMD. Together, these require all development to respect the character of the site and its surroundings in respect of its architectural approach, proportions, materials and detailed design features, amongst other things. They also seek to safeguard and enhance the historic environment.

Other Matters

16. St Clement's Church is a grade II* listed building, and had the scheme been otherwise acceptable, I would have sought further comments from the parties on the effect of the proposal on its setting and significance.
17. The appellant indicates that the reward system whereby the company plants a tree for every free coffee would be undermined if the existing shop front had to be removed and replaced in timber. However, this does not directly relate to the current proposal and therefore I accord this matter limited weight.
18. It is suggested that the decision could be split under section 79 of the Town and Country Planning Act 1990, considering the already installed shop front separately from the proposed development. However, as I find the proposed scheme would be unacceptable as a whole, splitting the decision would not result in a different outcome.
19. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of development, living conditions and transport. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR