



Appeal Decisions

Site visit made on 16 July 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal A Ref: APP/D1590/W/23/3324245

4 Clifton Terrace, SOUTHEND-ON-SEA, SS1 1DT

- 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 Mrs Gemma Steffensen against the decision of Southend-on-Sea City Council.
 - The application Ref is 22/02093/FUL.
 - The development proposed is to convert the first floor, second floor and loft space from two self-contained flats to one single dwelling.
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Appeal B Ref: APP/D1590/Y/23/3324246

4 Clifton Terrace, SOUTHEND-ON-SEA, SS1 1DT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Gemma Steffensen against the decision of Southend-on-Sea City Council.
 - The application Ref is 22/02094/LBC.
 - The works proposed are to convert the first floor, second floor and loft space from two self-contained flats to one single dwelling.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted to convert the first floor, second floor and loft space from two self-contained flats to one single dwelling at 4 Clifton Terrace, Southend-on-Sea, SS1 1DT in accordance with the terms of the application, Ref: 22/02093/FUL.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The Appellant's planning and heritage statement sets out the purpose of the proposals, namely a planning application to formally establish the status of the existing residential property and Listed Building Consent to regularise internal works undertaken to create a single dwelling. The applications are accompanied by a detailed schedule of works to the interior of the property that are in situ.

4. As the Appellant's intentions and the scope of the proposals are clear, deciding the appeals based on inclusion of other potential works that the Council identified during the application process would be inconsistent with the principles of natural justice and transparency. Therefore, the scope of these appeals is limited to the works applied for by the Appellant as set out in the schedule of works. The need for permission/consent for anything outside the scope of the appeal, including the UPVC French doors mentioned in the decision notices, remains an issue between the Appellant and the Council in the first instance.
5. Planning issues in this appeal are, therefore, limited to the use of the first floor upwards as a single dwelling. The Council's officer report finds the proposal to be acceptable in land use terms, which I agree with. On this basis, Appeal A is allowed. No conditions are necessary and the Council's suggested condition to retain the development in accordance with the approved plans serves no clear planning purpose as the permission is only for the use.
6. Given the scope of the works are limited to the interior of the property, there are no impacts on the Clifftown Conservation Area. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

7. The main issue is whether the proposal would preserve the Grade II listed building known as 1-6 Clifton Terrace (Ref: 1112710) and any features of special architectural or historic interest that it possesses.

Reasons

8. The building was listed in 1974 and encompasses numbers 1 to 6 as a group. It is an historically important part of Southend's expansion as a bathing resort, encouraged by railway development, and the example it provides of Victorian estate planning with its associated design controls imposed on both the interior and exterior.
9. Insofar as it relates to this appeal, the building's special interest and significance is largely derived from its historic floor plan and features.
10. A main timber staircase running through each property within the terrace is an important feature of the original design and integral to the floor plan of the listed building. It serves as a focal point for the internal circulation space and reinforces the grandeur of the properties.
11. The material of the metal and glass staircase is inconsistent with the original purposive design of the building. Even assuming it is in its original position, the cold minimalism of the materials diminishes the historic importance of the staircase as a focus within the floorplan. In this respect, the material is out of keeping with the original design of the Listed Building and, being mindful of the importance of the main staircase to it, causes significant harm to its historic interest in addition to the significant harm caused by the loss of historic fabric.

12. There are contradictory statements in the Appellant's evidence about whether the pre-existing staircase was original to the building and their view that it was not in good condition lacks substantiation. Neither of these factors changes my view that harm results from the proposal.
13. The Appellant's comment that replacement of a staircase that was consistent with the historic design was undertaken to differentiate modern works to the property is an architecturally illiterate response to the treatment of this historic building and an argument wholly without merit.
14. The Appellant's suggested fallback condition was introduced at the final comments stage and has not, therefore, been commented upon by the Council. Nevertheless, I have no detail about the works that might be necessary to restore the staircase, any wider impacts on the listed building or whether further conditions might be necessary to secure acceptable restoration and/or oversight of the works. In these circumstances, I am not satisfied that the Appellant's suggested approach would ensure an acceptable outcome in heritage terms. Instead, if restoration is proposed, that would be a matter between the Council and the Appellant in the first instance.
15. The removal of 20th century partitioning associated with the former hotel use brings the floorplan of the property closer to the original design. It is a heritage benefit most profoundly apparent in the front rooms at first and second floor levels, where the full proportions of rooms can be better felt. This benefit, in floor plan terms, is tempered by the absence of evidence to confirm with reasonable certainty that loss or damage to historic fabric has not occurred to realise the benefit.
16. The other works set out on the schedule of works preserve the significance of the Listed Building for the reasons set out in the Council's officer report. Nevertheless, considering the harm identified above, the proposal would fail to preserve the Grade II listed building, and the features of special architectural or historic interest that it possesses.
17. Paragraph 205 of the National Planning Policy Framework (the Framework) says that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
18. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 (Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. The Appellant's reference to general maintenance and repair is non-specific and cannot be regarded as a public benefit deserving of weight.
20. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use and there is no credible evidence to show that it would cease in its absence. Optimum viable use is not, therefore, a public benefit of the proposal.

21. Weighing these matters up, the public benefits are not sufficient to outweigh the harm arising from the insensitive replacement of the main staircase. Given the absence of public benefits that would outweigh the harm caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the listed building.
22. In conclusion, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. There is no statutory requirement to determine applications for Listed Building Consent in accordance with the development plan. However, insofar as they are of relevance, I have paid regard to policies KP2 and CP4 of the Southend-on-Sea Core Strategy and DM1 and DM5 of the Development Management Document.

Conclusion

23. Given the above and considering all other matters raised, Appeal A is allowed and Appeal B is dismissed.

D McCreery

INSPECTOR