



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: 12 August 2024

Appeal A Ref: APP/D1590/W/24/3337660

6 Clifftown Parade, Southend-on-Sea, SS1 1DP

- 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 Penny Lowen against the decision of Southend-on-Sea City Council.
 - The application reference is 23/00934/FUL.
 - The development proposed is the installation of 1 external disabled lift between ground floor and lower ground floor level with associated works.
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Appeal B Ref: APP/D1590/Y/24/3337661

6 Clifftown Parade, Southend-on-Sea, SS1 1DP

- 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 Penny Lowen against the decision of Southend-on-Sea City Council.
 - The application reference is 23/00935/LBC.
 - The works proposed are the installation of 1 external disabled lift between ground floor and lower ground floor level with associated works.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Although the external lift is in situ, I have considered the appeals on their own merits. With the agreement of the parties, the description of development has been amended to remove reference to an internal lift and related internal works that were said to have been carried out. This reflects that the lift was removed after the Council's decisions. The focus of this appeal is therefore the external lift only. Any matters relating to internal works are outside the scope of these appeals.
 4. As the site is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
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Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building known as "Argyle Hotel" (Ref: 1112685) and any features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the Clifftown Conservation Area.

Reasons

6. The conservation area includes land between the railway line and the sea. Its significance, insofar as it relates to these appeals, is derived from the historic understanding it brings of Southend's expansion as a bathing resort and the example it provides of Victorian estate planning with its associated design controls.
7. The building encompasses numbers 1 to 11 as a group, with number 6 sitting mid terrace. The façade of number 6 includes details that are generally consistent with the wider terrace, including exposed brickwork, a two-storey canted bay surmounted by ornamental railings, rusticated painted brick window and door surrounds, and a lightwell serving the lower ground floor. It is a historically important part of the Victorian estate and shares the features of significance associated with the conservation area. Its imposing detail reflects its important cliff top position within the historic estate.
8. Insofar as it relates to these appeals, the building's special interest and significance is largely derived from the architectural form and features that collectively gives the terrace its uniformity and preserves its role within the historic estate.
9. The lift is a modern intervention that occupies a substantial portion of the lightwell area. Its size impacts on the openness of the lightwell, making it appear cluttered. Its proximity to the canted bay effects the ability to appreciate this feature of the building at lower ground floor level, in particular the symmetrical proportions of the bay. The size and position of the lift also impacts on one of the design intentions of the bay and lightwell, namely to bring natural light into the lower ground floor spaces as part of the planned design of the building.
10. The materials, including glazed panels and metal guard rails, are unsympathetic and alien additions to the building. I do not have the evidence to assess one way or another whether the lightwell staircase removed to make way for the lift was original to the building. Regardless, the pre-existing staircase can reasonably be regarded to have been more congruent in historic building terms than the proposal and to hold evidential value as part of the historical layering of the building.
11. Considering these factors, the proposal causes harm to the historic interest of the listed building. As listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views can be gained, the extent to which the proposal can be seen from outside the site is not materially relevant. Works that may have taken place within other lightwells of the listed building do not, in themselves, justify harm. Nor is any perceived inconsistency in appearance already impacting on the uniformity of the lightwells a significant factor in this case.

12. Unlike listed buildings, the significance of a conservation area is dependent on how it is experienced. In this regard, and despite the harm that would be caused to the listed building, the proposal would not be detrimental to the character or appearance of the conservation area. This is because public views of the lightwell and the proposal within it are limited due to the setback from the road. Views from private spaces are also limited. The lift being stored in the down position when not in use is also relevant to its extent of visibility. Considering the effects on the conservation area, and the limited prominence of the proposal within it, the proposal would preserve its character and appearance.
13. Nevertheless, considering the harm identified above, the proposal would not preserve the special interest of the listed building and the features of special architectural or historic interest that it possesses.
14. 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.
15. 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.
16. The Appellant's intention to rent the lower ground floor flat to someone in need of the lift is noted. I have also paid regard to the evidence of need, including letters of support to the Appellant from the Council's housing team and the local NHS Foundation trust and MP. A grant of listed building consent for the lift would secure continuation of improved accessibility to the lower ground floor flat which, in turn, could contribute towards the stock of accessible units in the area in a location with good access to local facilities. This is a public benefit of the proposal.
17. However, as things presently stand, there is no evidence of an identified user of the property or commitment from any body to provide reasonable certainty of future use. As listed buildings represent a very small proportion of the overall housing stock, it is also reasonable to ask why a general need could not be met in unlisted buildings. The Council's information regarding accessible accommodation within the City can only be regarded as indicative, however there is no detailed contrary evidence pointing towards a pressing unmet need. These factors temper the public benefit, leading me to conclude that it attracts moderate weight.
18. The Appellant's reference to general maintenance and repair is non-specific and cannot be regarded as a public benefit deserving of weight in the heritage balance.

19. Weighing these matters up, I do not find that the public benefits are sufficient to outweigh the harm that I have identified. There is no evidence that continued viable use of the appeal property as a residential dwelling is dependent on the proposal. Although it is currently vacant, the building has an ongoing residential use that would not cease without the lift.
20. In conclusion, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would not satisfy the requirements of the Act, paragraph 203 of the Framework and would conflict with policies KP2 and CP4 of the Southend-on-Sea Core Strategy and DM1 and DM5 of the Development Management Document that seeks, among other things, to safeguard and enhance the historic environment and support good quality design that gives appropriate weight to the preservation of heritage assets. I have also paid regard to guidance in the Southend-on-Sea Design and Townscape Guide and the Clifftown Conservation Area Appraisal, insofar as it has been drawn to my attention.

Other issues

21. The lower ground floor flat is currently unoccupied and there is no evidence of immediate personal circumstances that may support the case of need for the lift. Wishing to provide for the potential needs of family members in the future is understandable. However, there is no substantiated evidence of any such present need. As such, personal circumstances are not a material consideration in this case.
22. In reaching a view on this issue, and my assessment of public benefits elsewhere in this decision, I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, including the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. However, the standard of evidence discussed above relating to these issues does not outweigh the harm caused to the listed building, which is of itself subject to its own statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). As such, dismissal of the appeal is both proportionate and necessary.
23. I have paid regard to the letters of support for the proposal from neighbours. They do not alter my conclusions on the main issue.

Conclusion

24. Given the above and considering all other matters raised, the appeals are dismissed.

D McCreery

INSPECTOR