



Appeal Decision

Site visit made on 30 August 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/D1590/Z/24/3340555

101 Broadway, Leigh on Sea, Southend on Sea, Essex SS9 1PG

- 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 Karubulut against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/01752/FUL.
 - The development proposed is the insertion of a timber framed shop front and retention of advertising fascia. Removal of internal illumination and replacement with "swan neck" style lighting.
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Decision

1. The appeal is allowed and planning permission is granted for the insertion of a timber framed shop front and retention of advertising fascia. Removal of internal illumination and replacement with "swan neck" style lighting, at 101 Broadway, Leigh on Sea, Southend on Sea, Essex SS9 1PG in accordance with the terms of the application, Ref 23/01752/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Location Plan on drawing BR-KA-01, and drawings BR-KA-02 and BR-KA-03 and thereafter retained as approved.

Procedural Matter

2. The Council's evidence indicates that the shop front at the appeal site was subject to an enforcement case for the unauthorised removal of a timber shop front. Limited evidence as to the outcome of that case is before me in this appeal. For the avoidance of doubt, I have assessed the appeal based on the description of the proposed development in the planning application form and stated in the banner heading above.
3. In determining this appeal, I shall have regard to my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

4. The main issues in this appeal are whether the proposal would preserve or enhance the character or appearance of the Leigh Cliff Conservation Area ("the

CA”), and its effect on the significance of the locally listed host building and terrace of which it forms part, as a non-designated heritage asset (NDHA).

Reasons

5. The CA encompasses an area of Leigh on Sea that includes the shopping street of Broadway, and the mostly narrower residential streets to its south, which are predominantly lined by rows of modest dwellings of a consistent period design. Based on my observations and in having regard to the Leigh Cliff Conservation Area Appraisal (“The LCCAA”), I consider that the CA’s significance as a whole appears to be derived mainly from the attractive and traditional architectural styles of the residential and commercial buildings in the area, reflecting the area’s expansion in the late nineteenth and early twentieth centuries.
6. Broadway is lined by very long rows of predominantly period style terraced 2 and 3 storey buildings of varying designs, mostly with ground floor commercial units served by shop style fronts. Several have traditional style shop fronts with subdivided windows above stall risers of varying heights, and some feature attractive detailing, such as those drawn to my attention in the LCCAA.
7. However, those are generally spread out across the street and intermingled amongst the larger proportion of shop fronts that display relatively simple proportions and plain appearances, and are constructed from a mixture of materials. These shop fronts are predominantly formed of large, unsubdivided windows above short or non-existent stall risers, reflecting a comparatively modern style relative to the traditional appearances of the upper floors of the host buildings.
8. The buildings’ upper floors display varied but nonetheless attractively traditional appearances with styles that include brick and stone detailing in a variety of forms, projecting bays and gables, traditionally proportioned windows, and chimneys in the roofscape. They create a traditional townscape and a sense of unity amongst the buildings that contributes positively to the character and appearance of the CA. By comparison, the variable appearances of the ground floor shop fronts make only a comparatively modest contribution to the CA’s character and appearance, and its significance as a designated heritage asset.
9. The appeal property occupies a mid-terrace position within a substantial period style shopping parade. The LCCAA identifies the parade as locally listed and it identifies the shop fronts in the parade as variable. The parade’s upper floors display an impressively symmetrical façade that consists of a rhythmic pattern of highly detailed tall gables and canted bays, often with rows of sash style windows, and a roofscape that includes well-ordered dormers and polygonal turrets at both ends.
10. By comparison, the parade’s ground floor shop fronts, which reflect the history and function of the parade, are of varying designs and appearances, comparable with the rest of Broadway. Shop windows are of varied proportions, owing largely to variable subdivision, and doorways are set in different positions. Although timber framed shop fronts are most common, Wimpy’s shop front was formed from metal framing, and both it and Number 105 appeared to be devoid of stall risers, with glazing almost to floor level. Where present, stall risers vary in height and are finished in a range of materials,

including tiles, timber and marble/granite. The shop front of Number 99 is recessed further back into the parade and large parts are clad in tiles.

11. As such, in street level views, the varied appearances of the collection of shop fronts makes a comparatively modest contribution to the character and appearance of the parade. It is the parade's distinctive and attractive period style architectural composition at upper floor levels that makes a positive contribution to the character and appearance of the CA, and from which I consider its heritage interest as a NDHA to be primarily derived. The upper floors of the building would be unaffected by the proposal and the replacement lighting is of a design in keeping with the area and found on other shop fronts.
12. Even though the metal shop front at the appeal building, which the evidence suggests was installed in around 2019, would remain in situ, it would be concealed with solid timber as described in the application form and shown on drawing BR-KA-02. The subdivision of the glazed windows and doors with solid timber framing, together with the introduction of the timber stall riser, would create a shop front of broadly traditional proportions and appearance, comparable to a number of those in the parade and further along Broadway.
13. The solid timber framing to subdivide the windows and doors would also contribute to absorbing the appearance of the shop front's double doors, which are wider than the single doors in other shop fronts, into the varied appearances of shop fronts within the parade and area. For these reasons, the proposal would be consistent with the appearance of existing shop fronts in the area, in accordance with the guidance in the Southend on Sea Borough Council Supplementary Planning Document 1 Design and Townscape Guide 2009.
14. The Council's Heritage and Design Officer found the proposal's design to be "okay on the surface". However, they are concerned over its durability and longevity. On the evidence before me, I have no substantive evidence that the proposed materials and method of construction would fail to create a sufficiently robust or durable shop front for its purpose. The proposed shop front would be readily accessible and therefore I see no obvious impediment to its ongoing maintenance and repair, including the replacement of any parts were they to become detached or damaged beyond repair. All buildings tend to necessitate ongoing maintenance and I see no reason why the appeal building is any different.
15. For certainty it is necessary to impose a condition to ensure that not only is the shop front constructed in accordance with the approved drawings, but also retained as approved thereafter. This will ensure that the Council has the ability to require the replacement of any parts of the approved shop front that are removed or detached, in the interests of avoiding negative effects on the appearance of the host building and area.
16. For the reasons given above, I therefore conclude on the main issues that the appeal proposal would preserve the character or appearance of the CA as a whole, consistent with my statutory duty under the Act, and the significance of the NDHA would not be harmed. As such, the proposal would be consistent with Policies CP4 and KP4 of the Southend on Sea Borough Council Core Strategy 2007, and Policies DM1 and DM5 of the Southend on Sea Borough Council Development Management Document 2015, insofar as they seek to ensure that development is well-designed, respects the character of the site, its

local context and surroundings, including the creation of a high quality urban environment, and the conservation and enhancement of heritage assets.

17. Accordingly, for the reasons given above there would be no conflict with the conserving and enhancing the historic environment policies in Chapter 16 of National Planning Policy Framework, or Paragraphs 131 and 135, which state that planning decisions should ensure that developments are well designed, visually attractive, and sympathetic to local character and history, including the surrounding built environment.

Conditions

18. No conditions have been suggested by the main parties. However, for the above reasons it is necessary for the development to be carried out in accordance with the approved drawings and thereafter retained as approved.

Conclusion

19. For the reasons given above, I conclude that the appeal proposal is consistent with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with that plan. Therefore, the appeal should be allowed.

G Sylvester

INSPECTOR