



Appeal Decision

Site visit made on 24 April 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal Ref: APP/D1590/D/24/3357020

40 Hadleigh Road, Leigh-on-Sea, SS9 2DY

- 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 Nigel Collins against the decision of Southend-on-Sea City Council.
 - The application Ref is 24/01221/FULH.
 - The development proposed is demolish part of front boundary wall, replace and extend front boundary wall, rebuild and extend retaining walls and replace and extend hard surfaced area (Retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the loss of the boundary wall and the replacement retaining walls on the character and appearance of the dwelling, the streetscene and the wider Leigh Conservation Area.

Reasons

3. The appeal property is one of a pair of semi-detached houses dating from the 1920s/30s set above the road. It is situated within the Leigh Conservation Area. Number 40 and its attached neighbour are mentioned in the Leigh Conservation Area Appraisal as having a positive value in the conservation area. The appraisal notes that number 40 had the appearance of a lack of maintenance, but that could not be said of the house now, since it is clear that considerable effort has been made to improve the quality of its exterior.
4. I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (NPPF) Section 16 deals with conserving and enhancing the historic environment, setting out the government's policy on conserving heritage assets, which include conservation areas.
5. Apart from the presence of the appeal property and its neighbour, set well above the road, the Conservation Area Appraisal makes particular note of the distinctive Gothic arch in the original brick wall to the garden of number 42, and that this front wall is important to retain as part of the street scene. This brick wall continued across part of the frontage of number 40, but this section has now been rebuilt in a shorter length and in a somewhat different form. The height of the wall has been

raised and the piers have been extended above the top of the wall. An additional section has been built on the other side of the widened entrance to the front of the house.

6. The appeal proposals include changes to the retaining walls further into the cartilage, including render rather than exposed brickwork. This presents a more modern appearance that is visually satisfactory and does not of itself interfere with the character of the edge of footway brick wall. It is the front boundary wall which is of significance in this case.
7. The appellant points out that there is public benefit in securing structural safety and longevity in the front wall of the property, and that the pre-existing wall was deteriorating. At my site visit it was clear that the section of wall running from the Gothic arch leans out to a degree, which may at some point require attention. However, any work to stabilise this historic wall should be done with great sensitivity and in liaison with the planning authority. I consider that the replacement wall that is the subject of this appeal has departed from the existing form to an unacceptable extent. It is higher and, as I have noted, the piers rise above the top of the wall. Of course it is in new brickwork, but the bricks themselves have been chosen with some care. The wall also does not extend as far across the entrance as was previously the case. This reduces the amount of enclosure at the back of the footway to an unsatisfactory extent.
8. There is also a new section of wall across the southern part of the frontage. This is acceptable in principle, but again has the piers at each end projecting above the top of the main wall. This is unsatisfactory because it does not reflect the simple form of the historic wall along these frontages, and is an unnecessary and inappropriate addition.
9. For the reasons that I have given, I find that the replacement front boundary walls are prejudicial to the character of this part of the conservation area, to an extent that amounts to less than substantial harm. The public benefit of ensuring stability of the wall, avoiding danger to the public, does not outweigh this harm since the same benefit could be secured in a manner that was not harmful to the conservation area.
10. For these reasons, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR