
Appeal Decision

Site visit made on 21 January 2025

by **Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/D1590/W/24/3344203

18-24 St Helen's Road, Westcliff-On-Sea SS0 7LB

- 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 M Saunders against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 24/00388/FUL.
 - The development proposed is the construction of new mansard roof to form 3-bedroom HMO (Class C4).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located within the recognised 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As part of the appeal, the appellant has provided a financial contribution towards mitigation. This has been confirmed by the Council. I will return to this matter later in this decision.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. On the basis that the latest revisions have no material implications for the outcome of this appeal, it has not been considered necessary to request any related observations from the main parties.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area, including the Hamlet Court Road Conservation Area.

Reasons

5. The appeal site comprises a two-storey detached building with a pitched roof and finished with white stucco render. It features single and two-storey rear extensions as well as a two-storey flat-roofed side extension. St Helen's Road is typified by a mix of residential and ground floor commercial uses near the junction with Hamlet Court Road. It becomes mostly residential in character after the junction with Preston Road. The properties are semi-detached or terraced and feature pitched or hipped roofs.
6. The site is located just outside of the Hamlet Court Road Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'in the exercise, with respect to any buildings or other land in a conservation

area [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA'. However, as the appeal site is not in the CA, this statutory duty does not apply.

7. The significance of the CA derives from it being a purpose-built historic retail centre dating from the late nineteenth and early twentieth centuries. Hamlet Court Road was originally a highly fashionable and thriving shopping high street. The area has been considered an affluent retail and residential suburb of Southend. The retail use of the street has remained for over 100 years and this consistency of use is significant. Despite later changes, much of the historic character of the buildings in the CA is intact. Within the wider setting of the CA, most of the area was laid out in the early 20th century and includes a mix of retail and residential uses.
8. The Conservation Area Appraisal 2021 (CAA) identifies that the side roads branching off Hamlet Court Road provide opportunities for views of landmark and focal buildings. The nearby part of the CA includes buildings opposite the site on St Helen's Road. Furthermore, Courtway House which is a rebuilt 1930s Art Deco style department store on Hamlet Court Road, is visible from St Helens Road. Courtway House is also part of a 'Frontage of Townscape Merit', designated in the CAA for its contribution to the quality of the local townscape through its architectural character.
9. The existing building, which features a pitched roof, has a simple and traditional appearance. It has a modest character and ties in well with its surroundings. The proposed mansard roof extension would add height and bulk to the roof. Whilst it would sit behind the existing forward parapet and the roof height would be slightly lower than the neighbouring property at No 30, its mansard form would add volume. It would have a boxier shape and would make the appeal building appear heavier, especially when compared to the lighter, more angular appearance of a simple pitched roof.
10. The mansard roof and the increase in visual bulk would jar with the surrounding context. Despite the use of sympathetic materials, it would appear discordant and visually intrusive along a street characterised exclusively by pitched or hipped roofs. Paragraph 125 (e) of the Framework supports upward extensions, including mansard roofs. However, the proposed development would not be consistent with the prevailing form of neighbouring properties and the overall street scene.
11. Courtway House features a modern mansard roof. However, it is a large Art Deco style building sat on a busy high street with a varied mix of roof styles. It is not comparable to the low-key profile of the appeal building or the character of St Helen's Road. The mansard roofs at 203-211 Hamlet Court Road and 364 London Road appear to be originally built roofs dating from the late nineteenth century. They are four-storey buildings located on a busy junction and are therefore not directly comparable to the appeal building. I have limited information regarding the development at 2 St John's Road and the circumstances in which it was granted planning permission. It is also located a considerable distance away from the appeal site. As such, it does not weigh in favour of the appeal.
12. In light of its bulk and discordant form, the development would constitute an incongruous and obtrusive feature. It would be noticeable in views towards and from the CA, unacceptably detracting from the quality of the townscape and

resulting in harm to the character and appearance of the CA. I consider this harm to be less than substantial harm.

13. Paragraph 215 of the Framework establishes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal would be an effective use of land by re-using an existing building. It would also boost the supply of housing in an accessible location close to amenities and facilities. These are positive aspects of the scheme and lend weight in favour of the appeal. However, given the modest scale of the proposal, it is considered that these benefits attract limited weight.
14. I give the harm I have identified considerable importance and weight in accordance with paragraph 212 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the limited public benefits of the proposal are not sufficient to outweigh the degree of harm identified.
15. Given this, the proposed development would have a detrimental effect on the character and appearance of the host property and the surrounding area, including the Hamlet Court Road Conservation Area. The proposal would conflict with Policies KP2 and CP4 of the Council's Core Strategy (CS) (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (DMD) (2015) insofar as they seek to ensure that development proposals add to the overall quality of the area, respect the character of the site, respond positively to its local context and conserve and enhance the historic environment including the setting of heritage assets.
16. For the same reasons, the proposal would also conflict with the guidance in the Southend-on-Sea Borough Council Design and Townscape Guide Supplementary Planning Document (2009) which states that the appearance of a development must have a positive relationship to context, reinforce local distinctiveness and seek to enhance the character of an area.

Other Matters

17. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 (d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 identifies designated heritage assets as such an asset. I consider that the harmful impact of the scheme on the CA and the great weight attributed to this harm provides a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
18. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the RAMS. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. The appellant has provided a financial contribution towards mitigation as required by the RAMS Supplementary Planning Document (SPD). This is acknowledged by the Council. Notwithstanding this, as I am dismissing the

appeal for the reasons given above, I do not need to conduct any further assessment in relation to the RAMS.

19. The Havens building at 138-140 Hamlet Court Road is a Grade II listed building. It lies approximately 45 metres to the north of the appeal site. Mindful of the statutory duty set out in S66(1) of the Planning (Listed Buildings and Conservation Areas Act) Act 1990, I have had special regard to the desirability of preserving its setting. The special interest and significance of the listed building is derived in part from its architectural interest as appreciated principally from Hamlet Court Road, its historic fabric and former use as a department store. Notwithstanding the appeal site's proximity to Nos 138-140, in my judgement, the proposal would preserve the setting of the listed building, the significance of which would not be harmed. A lack of harm in this respect, however, does not alter my overall conclusions.
20. A lack of harm with regard to living conditions, highway safety, refuse, cycle storage and other matters are neutral considerations which do not alter my overall assessment of the scheme.

Conclusion

21. 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.
22. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR