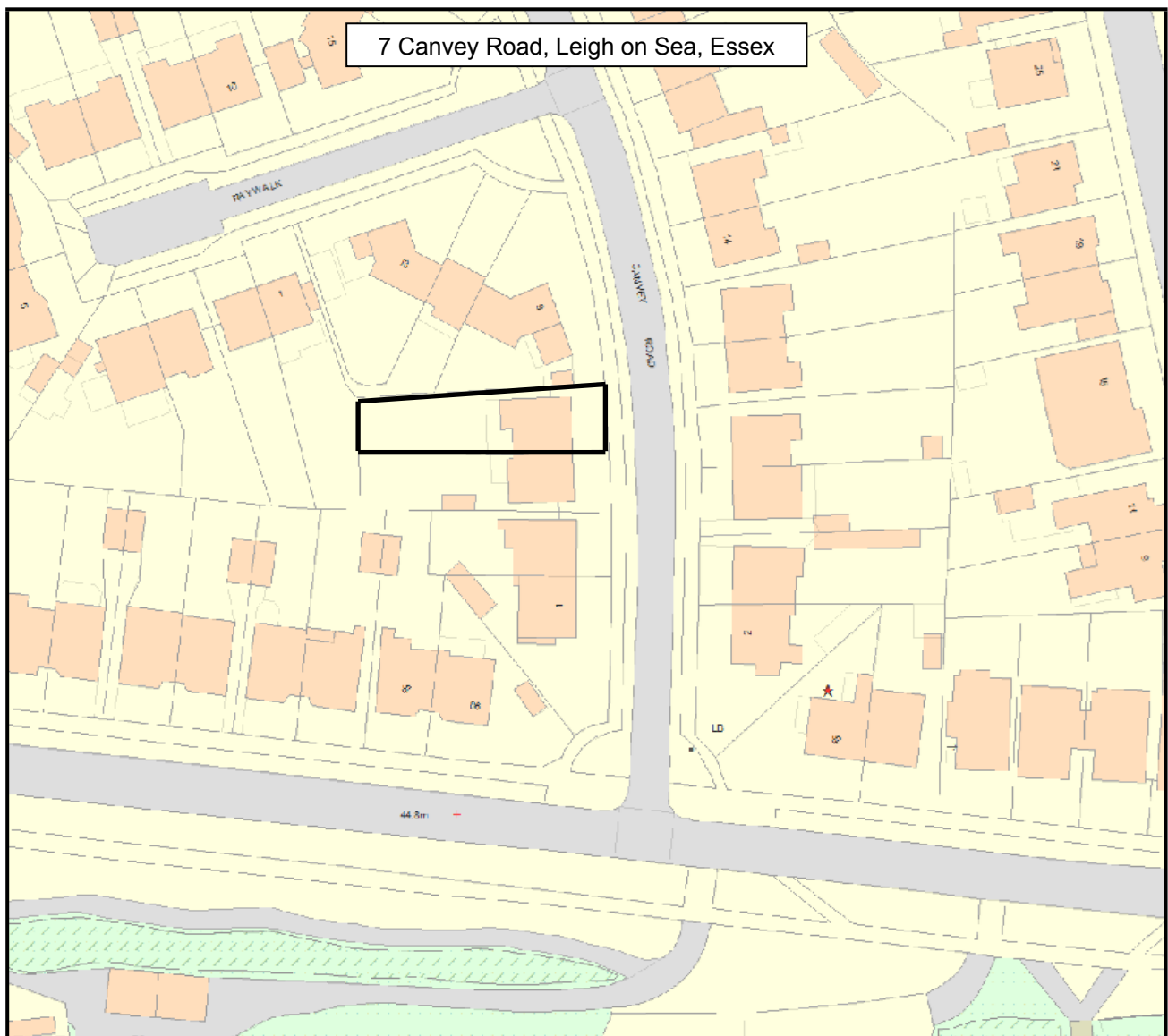


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|----------------------------|---|--|
| Reference: | 17/00063/UNAU_B | |
| Ward: | West Leigh | |
| Breaches of Control | Without planning permission, the installation of a replacement front door. (Article 4 Direction) (Refused planning application ref 17/00662/FULH) | |
| Address: | 7 Canvey Road, Leigh on Sea, Essex. SS9 2NN | |
| Case Opened: | 23 rd March 2017 | |
| Case Officer: | Steve Jones | |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION | |



1 Site and Surroundings

- 1.1 The property is one half of a semi-detached pair of houses at the southern end of Canvey Road and is within the Chapmanslord Conservation Area. The house has many features which are typical of the conservation area including a hipped clay tile roof, roughcast render, a feature bay window and oriel window above with original critall small pane glazing and an open porch.
- 1.2 The special interest and significance of the conservation area is derived from its cohesive character. Whilst there is some variation in the design of the houses, particularly in terms of the form of the bays and feature windows, all the properties have common detailing and this gives the conservation area a strong and recognisable character. Typical repetitive features include hipped clay tile roofs, small pane crittall glazing, open porches, exposed eaves, simple painted timber doors and boundary treatments. It is this repetitive combination of these elements which gives the area its special character. Although there are other Arts and Crafts houses in the Borough this is the only location where they are found in a group and where the original character is retained
- 1.3 Chapmanslord Conservation Area is covered by an Article 4 Direction which seeks to protect this special character. The Direction removes householder permitted development rights in relation to;
- The erection of construction of an extension or addition to a flank wall
 - The alteration of replacement of a front door
 - The alteration or replacement of a window fronting a highway
 - The alteration of replacement or construction of a canopy or porch fronting a Highway.
 - The alteration of the roof (insertion of rooflights only - other roof extensions are not permitted development in conservation areas)
 - The erection of a building or enclosure with a frontage to a highway
 - The provision of a hard surface to the front of the dwellinghouse
 - The erection, construction or alteration of a gate, fence or wall or other means of enclosure fronting a highway
 - The demolition of a gate, fence or wall or other means of enclosure fronting a highway

This means that planning permission would be required for these works

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended)

3 Present Position

- 3.1 Complaints were received during March 2017 concerning the alleged installation of a replacement front door without planning consent.
- 3.2 On 21st March 2017 Enforcement Officers wrote to the property owners advising them of the Article 4 restrictions and that the front door did not benefit from Permitted Development Rights and a retrospective Planning Application should be submitted by 21st April 2017.
- 3.3 On 19th April 2017 Enforcement Officers received an email notification from the property owner confirming that a retrospective Planning Application had been submitted.
- 3.4 On 3rd July 2017 the planning application under reference 17/00662/FULH was refused due to the harm caused by the appearance of the house to the special character of the Conservation Area.
- 3.5 On 28th July 2017 Enforcement Officers wrote to the property owners reminding them that their planning application had been refused and seeking to establish their intentions with regards to the replacement of the door or whether they would be lodging an appeal against the Local Planning Authority decision.
- 3.6 On 25th August 2017 an Enforcement Officer visited the property and established the unauthorised door was still in situ.
- 3.7 On 25th August 2017 Enforcement Officers again wrote to the property owners asking for a response within the next 7 days as to their intentions or risk authority being sought from the Development Control Committee for the issuance of an Enforcement Notice.
- 3.8 On 7th September 2017 Enforcement Officers received an email from the property owner which stated they did not receive the 2nd letter from the Council (sent 28/7/17) and only received the last letter on 5th September 2017. They confirmed it was their intention to lodge an appeal against the Council decision to refuse planning permission.
- 3.9 On 18th September 2017 Enforcement Officers emailed the property owner advising they would await acknowledgement from the Planning Inspectorate of any submitted appeal.
- 3.10 On 25th September 2017 Enforcement Officers received an email from the property owner again advising it was their intention to seek an appeal to the Secretary of State in respect of the refused planning permission.
- 3.11 On 26th September 2017 Enforcement Officers emailed the owners acknowledging receipt of the previous email and advising enforcement action will pend awaiting the Planning Inspectors decision.

3.12 On 30th October 2017 Enforcement Officers emailed the property owner asking if they had made an appeal as no correspondence had been received by the Local Authority and further asking what their intentions were with regards to replacement of the front door.

3.13 No further communication has been received from the property owners to date.

4 Appraisal

4.1 Principle of Development

4.2 National Planning Policy Framework (2012); The Core Strategy (DPD1) Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document (DPD2) Policies DM1 (Design Quality) and DM5 (Southend's Historic Environment) and Design and Townscape Guide SPD1 (2009).

4.3 This proposal is considered in the context of the Core Strategy policies KP2 and CP4 and policies DM1 and DM5 of the Development Management Document. These policies and guidance support extensions and alternations to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building, preserve and enhance the character of the wider conservation area and respect the amenity of neighbours

4.4 The Article 4 Direction for Chapmanslord Conservation Area requires that planning permission be obtained for the alteration or replacement of front doors because they are considered to be important to the historic character and significance of the conservation area. Applications for replacement front doors will therefore need to demonstrate that the replacement door would preserve or enhance the historic character of the conservation area. If this can be justified then a replacement door would be acceptable. This is unlikely to be justified if the existing door is an original feature, but if it can be shown to be a later addition then an appropriate replacement may be consented. The principle of a replacement door would therefore be acceptable on this basis.

4.5 Design and impact on the character of the existing building and the wider conservation area

4.6 National Planning Policy Framework (2012); The Core Strategy (DPD1) Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document (DPD2) Policies DM1 (Design Quality) and DM5 (Southend's Historic Environment) and Design and Townscape Guide SPD1 (2009).

4.7 The National Planning Policy Framework (NPPF) states *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* (Paragraph 56 — 'Requiring good design')

- 4.8 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design “*
- 4.9 Policy CP4 of the Core Strategy states “development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. This will be achieved by:
- *maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*
 - *safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance,”*
- 4.10 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places It states that;
- ‘In order to reinforce local distinctiveness all development should:*
- (i) *Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable,”*
- 4.11 Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value In relation to development within Conservation Areas in particular policy DM5 (Historic Buildings) states that
- “Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this. ”*
- 4.12 In relation to development with conservation areas Paragraph 302 of the Design and Townscape Guide (SPD1) states that
- ‘New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area ’*
- 4.13 In relation to Article 4 Directions Paragraph 308 of the Design and Townscape Guide states‘
- ‘There are a number of key building features of particular significance to the character of Conservation Areas and it is important that these are preserved and respected. Where necessary the Council has introduced Article 4 Directions to give*

greater protection to these features.'

4.14 And in relation to doors in conservation areas paragraph 313 states that:

'Original front doors of period buildings are well proportioned and have good detailing They tend to be larger than standardised modern doors, sometimes have a fanlight or original decorative stained glass that help to give the property distinction. Original front doors should normally be retained and repaired when necessary. If this proves impossible, the new door should be similar in design and dimensions to the original, and should not have an over emphasis on glass. Original decorative surrounds to porches and doors should be retained'

4.15 Chapmanslord Conservation Area has generally retained a good proportion of its original features including original front doors. As with the overall house designs there is some variation in detailing but there is also much consistency. A typical original door is painted timber in a dark colour, commonly black or dark blue, and are often containing square panes or have a simple art nouveau style stained glass motif. The front doors are considered to be a key part of the character of the conservation area and are therefore protected from inappropriate replacements under the Article 4 Direction.

4.16 The planning application sought permission to retain a stained wood door with large panels of stained glass depicting a landscape of Hadleigh Castle. The home owners justification for the change is that the previous door was not original to the property. Photos of the previous door show that it had extensive glazing and stripped glass but it was not available for inspection. This door may not have been original to the property, however, the configuration of small panes had a positive relationship to the adjacent original Crittall windows and other original doors in the street which have the same square pane glazing and the painted timber finish and colour was also consistent with the remaining original doors in the conservation area. It therefore sat well in this context and did not cause harm to the conservation area. There is a concern that the current front doors stained finish and the overly large pictorial scene in the glazing stands out in the streetscene as being out of place and does not preserve or enhance the character of the conservation area It is also noted that the extent and arrangement of glazing in the replacement door is more typical of an Edwardian front door and is therefore out of place on this property which is not Edwardian but 1920s, 1930s Arts and Crafts character.

4.17 The current front door is therefore contrary to the policies and guidance outlined above which seeks to retain the historic character of the conservation, so although the harm in this case may be less than substantial, there are no public benefits to justify the retention of this door and it is therefore considered to be unacceptable due to the harm to the heritage asset.

4.18 It is noted that there are a few other replacement front doors in the conservation area but where these occur they are painted timber rather than stained and contain more appropriate glazing and therefore, being more discreet in impact, do not cause the same level of harm.

4.19 The owners have not complied with requests that the door be removed nor is the Council aware that the owners have submitted any valid appeal against the refusal of the retrospective planning application. In these circumstances, where other

approaches to seeking to remedy the breach have been exhausted, the only practical means of now seeking to remedy the continuing planning breach is, as a last resort, to seek authority for an enforcement notice to be served. Given the special character of the conservation area and weight attached to heritage considerations this is considered to be a justified, necessary and expedient way forward.

- 4.20 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require the removal of the unauthorised front door.

5 Relevant Planning History

- 5.1 Reference 17/00662/FULH – Retain front door (Retrospective application) – Refused for the following reasons.
- 5.2 **The replacement door, in particular the detailed design, stained finish and leaded glass depicting a landscape scene, would be detrimental to the character of the existing property and the wider streetscene and would not preserve or enhance the character and significance of the Chapmanslord Conservation Area, which is characterised by simpler painted timber designs, and is therefore contrary to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM5 of the Development Management Document DPD2 and SPD1 (Design and Townscape Guide)**

6 Recommendation

- 6.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the unauthorised front door as its stained finish and leaded glass depicting a landscape scene is detrimental to the character of the existing property and the wider streetscene and would not preserve or enhance the character and significance of the Chapmanslord Conservation Area. This is contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.
- 6.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 6.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, taking into account the determination following the resubmission of a planning application and any lead time involving the sourcing and installation of an approved replacement front door, a compliance period of 3 months is deemed reasonable.

Appendix 1 – Chapmanslord Conservation Area Boundary





7 Canvey Road - Unauthorised Front Door



7 Canvey Road – Previous door