

Reference:	<ol style="list-style-type: none"> 1. 17/00860/FUL 2. 17/00861/LBC 3. 17/00862/FUL 4. 17/00863/LBC 5. 17/00864/FUL 	
Ward:	Leigh	
Proposal:	<ol style="list-style-type: none"> 1. Replacement of dormer window sashes to south elevation 2. Replacement of dormer window sashes to south elevation 2nd floor, reinstatement of original loft doors within replica partitions at 2nd floor, removal of rooflights to north roofslope, reinstatement of fire surround to former breakfast room, removal of fireplace cast iron insert and install log burner in west living room, removal of fireplace to bathroom (Listed Building Consent) 3. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal) 4. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal)(Listed Building Consent) 5. Engineering operations relating to the changing ground levels, form terraces, retaining walls and steps, hard and soft landscaping including felling 7 trees (part retrospective). 	
Address:	Herschell House, 87 Leigh Hill, Leigh-On-Sea, Essex	
Applicant:	Mr Graeme Newton	
Agent:	SKArchitects	
Consultation Expiry:	18 th December 2017	
Expiry Date:	12 th February 2018	
Case Officer:	Abbie Greenwood	
Plan No's:	<p>1 & 2: 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L</p> <p>3 & 4: 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B</p> <p>5: 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP12C, 256RP13B, 1551.L.2D, 1551.L.3revC,</p>	

	<p>1551.A.4A, Arboricultural Method Statement by DF Clark ref DFCC_1774 dated 19th December 2017, George Chamber and Associates letter dated 18th October 2017, Arboricultural Report by J Moore dated 21.09.15, Landscape Statement by Portus + Whitton rev A dated 16.11.17</p>
<p>Recommendation:</p>	<ol style="list-style-type: none"> 1. Members are recommended to GRANT PLANNING PERMISSION for application reference 17/00860/FUL 2. Members are recommended to GRANT LISTED BUILDING CONSENT for application reference 17/00861/LBC 3. Members are recommended to GRANT PLANNING PERMISSION for application reference 17/00862/FUL 4. Members are recommended to GRANT LISTED BUILDING CONSENT for application reference 17/00863/LBC 5. Members are recommended to GRANT PLANNING PERMISSION for application reference 17/00864/FUL



The proposal and Background to the Application

- 1.1 Planning permission and listed building consent was granted in 2016 reference 16/00744/FUL, 16/00745/LBC, 15/01783/FUL and 15/0174/LBC for various works to the property including the erection of a single storey side extension, the re-facing of the existing two storey late Victorian wing with curtain glazing to create a lightweight link between old and new and some limited changes to the internal layout of the existing building generally related to the repair of the structure, the creation of bathrooms, and removal of modern partitions. However the Council became aware that the works which had been undertaken in relation to these applications were both different from and much more extensive than what had been approved so planning and listed building enforcement notices were issued. These pending appeals against those notices are to be considered in a public inquiry to take place in September 2018.
- 1.2 The site inspection found that the main changes from the approved application were:
- Significant extension to the scale of the side extension, including bringing it further south and thus reducing its subservience to the historic façade, additions to the side and rear and alteration of its elevations.
 - Extension of the late Victorian service wing and alterations to its south façade.
 - The excavation of a large void beneath the extension.
 - The replacement of sash windows, the removal of loft partitions and the removal of fireplaces within the historic building.
 - The insertion of two large rooflights within the historic building facing Leigh Hill.
 - Significant engineering works in the garden including terracing and changing of ground levels.
 - The loss of 6 trees from the Conservation Area without consent.
- 1.3 The applicant's appeal's against the enforcement notices will be considered through the separate appeal process but in response to the Council's identification of the breaches 5 planning and listed building applications have been submitted to seek to retain most of the changes as built, but with amendment to the design.

1.4 The initial works proposed with these current applications were:

- Retain the side extension as built but with the removal of a 1.3m x 1.3m section to the far south west corner to enable the lean to section to appear subservient.
- Reduction of the extension of the late Victorian wing back to the original building line and alteration to the south elevation to include wide modern sliding doors at both levels.
- Removal of the timber loft partitions, the fire surround in the rear breakfast room and the fireplace insert in the west sitting room, the installation of two large rooflights in the north roof slope of the historic building and the replacement of the dormer sashes
- Various engineering works in the garden including the installation of substantial areas of gabion walling including in front of the void under the extension.
- The removal of an additional sycamore in addition to regulating of the removal of the unauthorised trees and the re-landscaping of the garden including new tree planting.

1.5 The Council raised a number of concerns regarding those proposals with the applicant during the application process. Following the submission of these applications and in relation to the Enforcement Notices communication continued with the site owners who wished to verify that the actions taken by the Council had been reasonable and proportionate in heritage terms. It was accordingly agreed that the owners would pay for an independent heritage consultant, nominated by the council, to review the basis of the Council's heritage based concerns about the unauthorised works. The heritage consultant's review which supported the significant majority of the council's findings was thereafter used as an objective framework from which the owners could reflect on the harm caused by the unauthorised works and to seek to remedy that harm by proposing revisions which have since been incorporated into their current proposal. This appraisal raised largely similar concerns as the Council to the works as seen on site, however, it recommended a number of amendments and reinstatement works which could be undertaken to mitigate the impact on the character and significance of the listed building. The recommendations of the heritage consultant's report are as follows:

- 1.6
- Removal of the forward extension of the late Victorian range and the rebuilding of its southern elevation on the original line (or set forward sufficient to allow a nine inch projection (1 brick) in front of the western extension) to be faced in second-hand stock bricks and with sash windows to an approved detailed design.
 - Reduction of the lean-to structure on the west side of the western addition (as shown on the proposed application drawings).
 - Backfilling of the basement under the western extension.
 - Retention of the terrace in front of the western extension to its current depth 2.8m, with high quality paving and (if required) a rail/balustrade of an agreed design.
 - Reinstatement of the ground to the south of this terrace to its previous profile as a soft planted slope.

- Reinstatement of the early nineteenth century doors in the loft, within boarded timber partitions similar to those removed.
- Removal of the two rooflights and making good of the roof structure and roof covering.
- Reinstatement of the fireplace removed from the former breakfast room, or installation of a suitable alternative fireplace in its place.

1.7 The applicant agreed to amend the applications as submitted to align with these recommendations and a revised scheme has been extensively negotiated with the applicant on this basis. The proposed works currently sought can now be described as:

- Retain the amended single storey side extension to the west side of the listed building as built except for the removal of a 1.3m x 1.3m section of the lean-to to the south west corner.
- Remove the unauthorised extension to the late Victorian wing to the west side of the main building back to its original line, extend forward by 1 brick (nine inches) and reface in matching second hand stock bricks with single timber sash window at each floor.
- Retain replacement timber sashes in the dormer windows on south façade at second floor.
- Reinstate timber fireplace surround in the former breakfast room.
- Remove the cast iron insert in the west living room fireplace and install a log burner and remove fireplace in the first floor bathroom (retrospective).
- Reinstate original timber doors in loft on previous alignment and within timber boarded partitions of a similar design to those removed.
- Remove unauthorised rooflights to north roof slope and make good roof
- Reinstate chimney to west parapet of the late Victorian wing which was removed without consent.
- Infill basement under extension with polystyrene backfill and seal front void with reinforced concrete wall as per engineer's specifications.
- Various engineering operations in the garden to change the ground levels including the creation of a number of terraces, steps and paths including reinstating a gentle slope in front of the new extension (secured by concealed gabions) and shallow stepping of terraces in front of extension and historic building.
- Reduction in the raised ground level to the south boundary and installation of planted buffer to restrict access to this area and reduce impact on neighbours.
- hard and soft landscaping including the removal of 6 trees (retrospective) and one additional sycamore tree and the replanting of 13 new trees of various sizes and species.

1.8 The amended extension will be 11.2m wide reducing to 9.9m at the south elevation, between, 9.9m and 4m deep, 2.8m to the eaves and has a maximum height of 5.2m. The main section facing the garden has a gabled form. There is a flat roofed section to the north side infilling the space between the proposed extension and the boundary wall and a small mono-pitched lean-to to the west side. This extension is proposed to be faced with corrugated fibre cement cladding to reference the original studio building in this location which has since been demolished. As noted above this element of the proposal is essentially retrospective except for the removal of the corner and completion of the cladding.

- 1.9 The proposal includes the removal of the unauthorised extension of the late Victorian wing back to the original line. The detailing of this element has been amended and it is now proposed to be faced with reclaimed stock brick resulting in a 1 brick projection on the existing building line. A single central single glazed timber sash window is proposed to each floor.
- 1.10 With regard to the garden it is proposed to increase the scale of the existing partially built terrace in front of the extension from 2.8m (as built) to 5m and to provide a larger terrace at the rear of the historic building which has a depth of 6.5m. Further grassed terracing is also proposed within the garden area in front of the historic building providing a formal landscaped setting. A softer more informal planted slope is proposed in front of the new extension terrace. Traditional stock brick is proposed for any retaining walls. Balustrades are shown to be either timber rails or hedging.

2 Site and Surroundings

- 2.1 Herschell House is an early C19 timber framed weather boarded house which has been extended to the northern and western sides in the late C19 and early C20 centuries. The most significant part of the property is the original timber framed house which faces the garden to the south, the profile of which is only glimpsed from the street. The house is grade II listed and within Leigh Conservation Area.
- 2.2 The property is set within a relatively large plot which slopes to the south and overlooks the estuary.
- 2.3 The property lies at the northern end of Leigh Hill just south of grade II* listed St Clements Church and adjacent to the grade II listed Prospects House, 85 Leigh Hill. The north and east elevations are visible from the street and from the adjacent graveyard. It is one of a number of listed buildings in the vicinity and is part of the historic streetscene in Leigh Hill, a key street within Leigh Conservation Area.

3 Planning Considerations

- 3.1 The considerations in relation to this application are the principle of the development, the impact on the character and significance of the listed building, the impact on the wider conservation area including the setting of the adjacent listed buildings, the impact on neighbours and CIL. It is not considered that there are any highways implications for this proposal.
- 3.2 These proposals should be considered on their individual merits notwithstanding that the Council has separately taken planning and listed building enforcement action to address the breaches and resultant harm associated with the original breaches of planning and listed building legislation.

4 Appraisal

Principle of Development

The National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM5 and the Southend Design and Townscape Guide (2009).

- 4.1 The NPPF and local planning policies noted above support alterations and extensions to listed buildings and properties in conservation areas provided the proposal has due regard for the impact of the works on the special historic character and significance of the listed building and on the wider conservation area, including the setting of other listed buildings in the vicinity. Any proposal must also have regard for the amenities of the surrounding neighbours. The proposals are therefore acceptable in principle subject to demonstrating that the changes and additions are compatible with these requirements. It is noted that the principle of a contemporary, single storey side extension in this location has been established by the previous applications.

Impact on the Character and Significance of the Listed Building, the setting of adjacent listed buildings and the wider Leigh Conservation Area

The National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM5 and the Southend Design and Townscape Guide (2009).

- 4.2 The National Planning Policy Framework (NPPF) states that in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131). As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 132). Paragraph 132 also identifies that significance can be harmed or lost through development with an asset's setting. Paragraph 134 details 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 benefit. Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that best preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favorably (paragraph 139).
- 4.3 Policy CP4 of the Core Strategy seeks high quality sustainable development which safeguards and enhances the historic environment including listed buildings and conservation areas.

4.4 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that respect and enhance the character of the site, have appropriate detailing, protect the amenity of the area. In relation to listed buildings and buildings in conservation areas Policy DM5 of the Development Management Document states that:

'2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. 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.'

'5. Any alterations and additions to a heritage asset will need to be evidenced. They should be informed by a heritage statement explaining the significance of the building, including any contribution made by its setting, giving a justification for the works, and clearly identifying their impact on the building's fabric and character in a manner appropriate to the significance of the heritage asset. Where appropriate this may be incorporated in the Design and Access Statement.'

4.5 When considering proposals affecting listed buildings and conservation areas, local authorities have a statutory duty under the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of conserving the building or its setting or any features of special architectural or historic interest.

4.6 The original property dates from the early C19 and has been extended a number of times throughout the intervening period. The oldest and most significant part of the dwelling is the original timber framed house on the south side which has a weatherboard frontage overlooking the garden and estuary beyond. The brick built additions facing the road, the bay windows and the ancillary buildings were added in the late C19 and early C20. These showcase the evolution of the building but are of a lesser significance. The Historic England list description for this property specifically mentions that *'it is the original weather boarded house, now the garden front that is the feature of interest'*. How the proposal relates to and preserves this element of the listed building in particular will therefore be of paramount importance.

4.7 In 2015/16 (reference ref 15/01784/LBC and 15/01783/FUL) Herschell House underwent a series of unauthorised works. Following on from these works, consent was also granted to replace the existing 1920s studio building to the western side of the historic building with a modern extension of a similar form to provide a new kitchen and open plan family room/dining area (reference 16/00744/FUL and 16/00745/LBC). As noted above, following an officer site visit to the property in late 2016 it was evident that extensive works had been undertaken that did not comply with the consents given in 2015 and 2016 and which were considered to be harmful to the listed building.

Enforcement action was authorised by Development Control Committee on 14th December 2016 and planning and listed building enforcement notices were served on 25th May 2017.

- 4.8 Three interrelated planning applications and two listed building consent applications have now been submitted for an amended extension design and alterations to the listed building and garden area. As noted in section 1 above, these applications have been significantly revised following the commission of an independent accredited heritage review of the unauthorised works that had been undertaken at the property and subsequent negotiations with the Council. The impact of the amended proposals is discussed below.

Changes to the extension and late Victorian linking section

- 4.9 The acceptability of an extension to the west side of the historic building relies on it being subservient to the principle façade of the listed building and not appearing to dominate it. There are a number of ways in which this can be achieved. In the approved 2016 design this was done by maintaining the deep step in the building line between oldest section of the listed building and the amended late Victorian linking section and ensuring a similar deep set back to the proposed extension. This arrangement was considered to significantly reduce the impact of the proposal on the most significant section of the historic building despite its relative width which was similar to that of the existing building (and similar to the demolished studio). In addition to this high quality and lightweight fenestration was approved for the extension and south façade of the late Victorian linking section. The late Victorian linking section was to be faced with high quality curtain glazing to provide a simple and lightweight link between the two elements of the proposal.
- 4.10 The extension as built was very different to that approved. Most significantly the building line of both the late Victorian section and the proposed extension were brought forward reducing the subservience to the listed building and this was considered to be unacceptable. The applicant agreed to remove the extension to the late Victorian wing back to the original building line but not that of the extension. The resultant form would mean that the proposed extension and the altered late Victorian wing would have the same building line. The modernisation of the south façade of the late Victorian section, which was built using patio doors at both levels rather than high quality curtain glazing, would align with the proposed extension. The Council expressed concern that this would result in a blurring of the two sections and that they would read as one larger element which was seen to compete with and harm the integrity and setting of the listed building.
- 4.11 The report from the independent heritage consultant agreed that this was a concern and suggested that a subservient arrangement and reduction in scale could be achieved in another way, by changing the character of the late Victorian section back to a traditional façade similar to the original which had been removed. It was suggested that the change in character and appearance between the sections would help to break up the scale of the south façade into three elements rather than two, separating the extension from the main section of the historic building with a simple traditional but neutral element which did not seek to compete with either.

This would enable the forward building line extension as constructed to be acceptably maintained with the exception of the lean-to addition at the western end of the extension which should be cut back to reduce the width of the proposal to the main elevation. This arrangement is now proposed.

- 4.12 Whilst it is regrettable that there is not a greater set back between the extension and the historic building, it is considered that the change in façade treatment, to a simple matching reclaimed stock brick with modestly scaled windows, will successfully help to maintain a suitable degree of subservience between the extension and the oldest part of the listed building. This arrangement is considered to be a significant improvement on that built and that initially proposed here. The alteration to the front facade of the late Victorian wing back to a traditional style has also removed the concern raised in respect to the quality of the detailing constructed here and which was considered to be poor. On balance therefore it is considered that this amended design has achieved a satisfactory arrangement which will no longer cause material harm to the listed building.
- 4.13 In relation to the other changes to the extension, including the alteration to the fenestration, gutter design and infill extension to the rear, whilst these have not enhanced the design of the extension (except for the triangular gabled window) it is considered that the remaining changes to the approved design are not such that they would warrant a refusal of the proposal. The amendment to the proposed extension and late Victorian wing are therefore considered to be acceptable.

Alterations to the historic building

- 4.14 The unauthorised works that had been undertaken to the main house itself included a number of items relating to the removal of historic fabric. These were:
- The removal again of the loft doors and partitions (reinstated previously after their removal in 2016)
 - The removal of a chimney on the west parapet of the late Victorian wing
 - The alteration or removal of three fireplaces
 - The replacement of timber sashes in the dormers
 - The installation of two large rooflights on the northern roof slope facing the street.
- 4.15 The initial applications sought consent for all these unauthorised works but the council expressed concern regarding their impact on the listed building. Following the report from the independent heritage consultant, the applications were revised and are now only seeking the replacement of the sashes with matching design, the removal of the bathroom fireplace and the alteration of the west living room fireplace to enable the installation of a log burner. The loft doors and partitions, the missing chimney and the breakfast room fire surround are to be reinstated and the rooflights are to be removed.
- 4.16 It is pleasing to see that the loft partitions are to be reinstated. These are considered to be important to the character of the listed building because of their historic fabric but also because they depict the historic layout of this floor. This view was supported by the independent heritage review which noted that the partitions were of '*considerable significance*' and that the opening up of the room had '*harmed the character of the listed building*'.

The amended proposal includes the reinstatement of the doors within new partitions which have been detailed to match those removed. This is considered to be acceptable.

- 4.17 The proposals also include the reinstatement of the chimney on the west parapet which was removed without consent. This chimney was an important element in the profile of this roof and was particularly prominent in views from the adjacent churchyard. The reinstatement of this feature to a matching design and with matching materials is therefore welcomed.
- 4.18 The reinstatement of the fire surround to the former breakfast room, which was a simple design, but which provided an important focal point for the room, is also welcomed.
- 4.19 It is also pleasing to see that the heritage review agreed with the Council's concerns relating to the impact of the rooflights on the building and wider conservation area. The review commented that the rooflights had '*harmed the significance of the listed building, the setting of the adjacent grade II* listed church and the character and appearance of the conservation area*'. These are now proposed to be completely removed and this is welcomed.
- 4.20 It is considered that the removal of the cast iron insert to the fireplace in the west sitting room has impacted on its character, however, it is noted that the alteration would match that which has been undertaken to the matching fireplace in the east sitting room which was altered by the previous owner. The independent heritage review comments that this feature is a twentieth century addition to the building and that the insert itself was not of a significance which would justify its retention. On balance therefore it is considered that provided the main section of the fireplace is retained, the loss of the insert can be accepted.
- 4.21 In relation to the loss of the bathroom fireplace mentioned in the enforcement notice, the applicant has since demonstrated that this is a modern replica so its removal is also accepted.
- 4.22 With regard to the replacement sashes in the dormers to the loft room, the Council previously raised concerns that no evidence had been provided to justify their removal. The independent heritage review confirms that the sashes removed were not original to the building and that the replacements are well detailed. Therefore no objection is now raised to the retention of the replacement sashes.
- 4.23 Overall it is considered that the reduced and amended scope of works to the historic fabric and the details of the reinstatement works now proposed have been justified and have resulted in an acceptable impact on the character and significance of the listed building and wider conservation area.

Works in garden area including infilling of the basement void, alteration of land levels and landscaping including trees

- 4.24 The applications include the backfilling of the basement void with structural polystyrene blocks and the sealing of the void with a reinforced concrete wall and this is welcomed. The initial proposal for the garden in this area, and more generally across the site, was for a series of terraces with tall gabion walls creating a very modern setting for the listed building. The Council raised concerns that this would appear a rather dominant landscape and add to the scale of the single storey extension where a tall wall was proposed below it.
- 4.25 In relation to this element of the proposal the independent heritage review comments that *'no justification has been provided for such an extension [basement addition], which in my opinion would accentuate the problem of the new range appearing over-dominant in views from the south. I therefore consider that while the slab [terrace] is not harmful at its current scale, it should not be extended. In line with the Enforcement Notices, it should be appropriately hard landscaped, with the garden in front returned to its previous profile as a soft slope.'*
- 4.26 The historic maps for this property show formal but traditional terraces in front of the main building and a gently sloping orchard to the west side of the plot following the applicants engagement of new landscape consultant who specialises in historic buildings, the design for the landscaping has been amended to reflect this and now includes a series of low stepped terraces in front of the historic building containing a raised bed herb garden, a water feature and lower patio and a more gently sloping informal section in front of the extension. Any retaining walls are noted as stock brick not gabions and a mixture of timber balustrades and hedges are proposed around the terraces. This is much more appropriate for the setting of the listed building and extension and this approach is considered acceptable.
- 4.27 It is noted, however, that proposal still seeks to increase the scale of the terrace in front of the single storey side extension against the recommendation of the independent heritage consultant. The applicant comments that the increase in scale of this element is balanced against an increased terrace area in front of the historic façade. This will ensure that the extension terrace is stepped back from the terrace in front of the historic building and therefore appear more subservient. It is also noted that the balustrade detail to these areas is different with a formal timber balustrade proposed to the terrace to the historic building and a landscaped, low hedge boundary proposed to the extension terrace and this too will help to maintain a hierarchy between these two areas. The surfacing for the terrace is noted as York stone. On balance it is considered an acceptable arrangement that will suitably mitigate the impact of the increased hardsurfacing in this area.

Trees

- 4.28 Whilst it is proposed to fell one more large tree in addition to the 6 that were felled without consent, the proposal now includes 13 replacement trees which complement the revised landscaping scheme. The application also includes a method statement to demonstrate how the remaining trees will be protected from the proposed works including for the installation of paths around the base of the trees. The removed trees were protected through Conservation Area designation and were not subject of specific TPO. Overall it is considered that the replacement tree planting is now more compatible with the revised landscaping design and will mitigate for the loss of the 7 larger trees.

Impact on the Leigh Conservation Area and the setting of the adjacent listed buildings

- 4.29 The loss of the chimney and the installation of rooflights to the north roof slope were both considered to have a negative impact on the setting of the conservation area and neighbouring listed buildings. The reinstatement of the chimney and the full removal of the rooflights are therefore welcomed and it is now considered that the revised proposal would not have a detrimental impact on the surrounding heritage assets.
- 4.30 Overall it is considered that the revised application proposals which, through negotiation, are materially different to the original applications submitted, would have an acceptable impact in the character and significance of the listed building, the settings of the adjacent listed buildings and the wider conservation area. The proposal is therefore considered to be policy compliant.

Impact on Neighbouring Properties

The National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Policy DM1, and the Design and Townscape Guide (2009).

Impact of the proposed extension on the neighbours

- 4.31 The proposed extension is set approx. 18m from the nearest neighbour to the west, The Old School House, and replaces an existing building of similar height and form. The proposal is only single storey so there are no first floor windows. It is considered that the increase in scale of the proposal will not result in material change in the impact on this neighbour which was previously considered to be acceptable.
- 4.32 The nearest neighbours to the south are in Leigh Hill Close and are approximately 50m from the extension, therefore, as with the previous application, it is not considered that the proposed extension would result in unreasonable overlooking of these properties or appear overly dominant.
- 4.33 There will be no impact on the neighbour to the east as the extension is only on the west side of the existing property.

Impact of the proposed groundworks on the neighbours

- 4.34 The properties to the south in Leigh Hill Close are set at a lower ground level to the application site because of the slope of the land. The site visit revealed that the ground level on the application site had been built up by around 2m above the pre-existing level. It is now possible to see directly into the windows and gardens of the neighbouring properties which were previously protected by a 2m fence in this location. To mitigate for the overlooking the initial proposal included a tall hedge along this boundary at the higher level. The Council raised concerns that a tall hedge on top of a tall boundary would appear rather overbearing to these properties which have very short rear gardens.

- 4.35 The amended proposal for the garden area does still involve a change in the ground levels close to the south boundary; however, in response to concerns raised the proposal has been amended and now seeks to reduce the raised ground level by around 1.1m to be approximately 1m above the original ground level. It is also proposed to reduce the scale of the recently installed retaining structure/fence to the south to match this lower ground level and to plant a low (1.1m) yew hedge to provide some privacy. This will reduce the scale of the boundary treatment by about 2m bringing it much more in line with the previous boundary fence in this location. However, at 1.1m it will still be possible to look over this hedge boundary. To mitigate against this the scheme proposes to install an inner fence which is set well back from the boundary to prevent the use of the very end of the garden for general amenity and access. The area to the south of this fence will be landscaped including a wide shrub buffer along the boundary.
- 4.36 On balance, given the context and relationship of site within the Leigh Hill area, it is considered that this reduction in ground and boundary height in this location combined with the inner fence and screen planting should achieve an acceptable balance between maintaining privacy to the rear windows and amenity areas to the properties to the south and ensuring that the boundary treatment in this location is not overbearing in their outlook.
- 4.37 It is considered that the proposed ground works would not have an impact on the amenities of the neighbours to the sides of the site as these are protected by taller existing boundaries.
- 4.38 It is considered that the proposed works internally and to the fabric of the main listed building would not have an impact on the neighbours.
- 4.39 Overall therefore it is considered that the proposals would have an acceptable impact on the amenities of the surrounding neighbours and are therefore policy compliant.

CIL

- 4.40 The proposed extension to the existing property (excluding basement to be infilled) equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 4.41 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the amended proposed developments would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The revised proposals detailed in the 5 applications, on balance, would have an acceptable impact on the character and significance of the listed building, the wider conservation area and the amenities of neighbouring occupiers. The proposal is therefore considered to be acceptable.

5 Representations Summary

Historic England

- 5.1 On the basis of this information [extensions and alterations to a grade II listed building, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Leigh Town Council

- 5.2 No objections.

6 Public Consultation

- 6.1 A site notice was displayed and the proposal was advertised in the local newspaper. 13 neighbours were also individually notified. One letter of support was received in relation all five applications on the site. One additional letter was received objecting to the garden works application (reference 17/00864/FUL), which commented that the raised garden level had impacted on the water table and caused flooding to the neighbouring property.

[Officer Comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

7 Planning Policy Summary

- 7.1 National Planning Policy Framework (2012).
- 7.2 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 7.3 Development Management Document (2015) Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend's Historic Environment)
- 7.4 Southend Design & Townscape Guide (2009)
- 7.5 Leigh Conservation Area Appraisal (2010).

8 Relevant Planning History

- 8.1 16/00744/FUL and 16/00745/LBC - Demolish existing single storey studio and erect single storey extension to west side, associated alterations to the western end of the listed building including change of fenestration to the south elevation and associated piling works. (Listed Building Consent) – granted 2016
- 8.2 15/01783/FUL and 15/01784/LBC - Reinstate window to east elevation, remove external paintwork, strip and reinstate existing tiles to upgrade roof insulation and various internal repairs and refurbishment (Listed Building Consent) – granted 2016

8.3 15/01500/LBC – demolish garage – permission granted 2016

8.4 16/00193/UNAU_B – Planning and Listed Building Enforcement Notices served on 25th May 2017.

9 Recommendation

Members are recommended to Grant Planning Permission for 17/00860/FUL subject to the following conditions

01 01 The development hereby permitted shall begin not later than three years of the date of this decision

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L

Reason: To ensure that the development is carried out in accordance with the Development Plan.

Members are recommended to Grant Listed Building Consent for 17/00861/LBC subject to the following conditions

01 The development hereby permitted shall begin not later than three years of the date of this decision

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L

Reason: To ensure that the development is carried out in accordance with the Development Plan.

Members are recommended to Grant Planning Permission for 17/00862/FUL subject to the following conditions

01 The development hereby permitted shall begin not later than three years of the date of this decision

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B**

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03 The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.**

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

- 04 The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.**

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

Members are recommended to Grant Listed Building Consent for 17/00863/LBC subject to the following conditions

- 01 01 The development hereby permitted shall begin not later than three years of the date of this decision**

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B**

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03** The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

- 04** The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

Members are recommended to Grant Planning Permission for 17/00864/FUL subject to the following conditions

- 01** The development hereby permitted shall begin not later than three years of the date of this decision

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

- 02** The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP12C, , 256RP13B, 1551.L.2D, 1551.L.3revC, 1551.A.4A, Arboricultural Method Statement by DF Clark ref DFCC_1774 dated 19th December 2017, George Chamber and Associates letter dated 18th October 2017, Arboricultural Report by J Moore dated 21.09.15, Landscape Statement by Portus + Whitton rev A dated 16.11.17

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03** The development and works hereby approved shall be carried out in full accordance with the tree protection measures as set out in Arboricultural Method Statement by DF Clark ref DFCC_1774 dated 17th December 2017 and Arboricultural Report by J Moore dated September 2015 throughout the construction and landscaping works.

Reason: To ensure the existing trees including their roots are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

- 04** The replacement tree species, planting sizes, locations and timescales for implementation shall be as detailed on plan reference 1551.L.2D. Any trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees of such size and species within the following planting season.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

- 05** The hard and soft landscaping for the site, including surfacing for the terraces and paths, retaining walls, balustrading, boundary treatments and planting shall be implemented as detailed in the plans reference 1551.L.2D, 1551.L.3 rev C and 1551.A.4A including timescales for implementation.

Reason: To safeguard the setting of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

- 06** The boundary treatment to the southern boundary of the site and the inner semi-circular timber palisade fence shall be undertaken only in full accordance with plan reference 1551.L.2D including its stated timescales for implementation and shall be permanently maintained thereafter. The yew hedge to the south boundary shall be permanently maintained at a height of between 1.1m and 1.5m.

Reason: In the interests of visual amenity and to safeguard the residents in properties to the south of the site from unreasonable overlooking and an unreasonable scale of boundary treatment in this location. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

Informative

01: You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.