

<b>Reference:</b>	17/02048/FULH	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Erect timber fence to existing wall and install gate on north boundary with Cambridge Road (Retrospective)	
<b>Address:</b>	8 Cashibury Terrace, Southend-on-Sea, Essex SS1 1EZ	
<b>Applicant:</b>	Mr and Mrs Le Cam	
<b>Agent:</b>	n/a	
<b>Consultation Expiry:</b>	4 <sup>th</sup> January 2018	
<b>Expiry Date:</b>	12 <sup>th</sup> February 2018	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	Location Plan, Site Plan, Elevation dated 16.11.17	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 Retrospective planning permission is sought for the erection of a projecting fence attached to the existing wall and a tall gate on the northern (side) boundary of 8 Cashiobury Terrace. The fence and gate have recently been installed without planning consent. The existing stock boundary wall in this location provides enclosure to the side area and rear garden and which varies in height between 1m and 1.5m. The fence spans a distance of 21.6m and increases the height of the boundary to between 1.8m and 2.2m. The application states that the fence was installed to provide increased privacy and security for the property.
- 1.2 The proposed fence is constructed of closely spaced untreated hardwood slats and has been fixed with timber batons to the rear of the wall.

## **2 Site and Surroundings**

- 2.1 The site is located at the northern end of Cashiobury Terrace at the junction with Cambridge Road. The property lies within Clifftown Conservation Area and is noted in the appraisal as making a positive contribution to the character of the conservation area. The application property is a 3 storey town house which forms part of the original planned estate.
- 2.2 The site is enclosed by stock brick boundary walls to the side and rear. The section enclosing the rear garden facing Cambridge Road is historic and likely to be the original boundary treatment. A newer section of wall has been erected on the side boundary adjacent to the house and at the corner (most likely a repair). The front section of the side boundary is a low wall and railings of the original estate design which wraps around to the front of the property. These railings were installed as part of the Clifftown Railings reinstatement scheme.
- 2.3 Historical records show that the fence extension subject of this application replaces a short section of trellis which was attached to the rear section of the side wall only in line with the rear garden. This was much shorter than the new fence, approx 6-7m, and much more open in its design. The trellis supported climbing plants and was not prominent in the streetscene.
- 2.4 Boundary treatments are a key feature of the conservation area, especially in the eastern section which covers the Georgian period and the original planned estate. The boundaries facing road are either low walls with railings (to the front gardens) or taller stock brick walls (to the rear gardens). This section of the conservation area is covered by the Clifftown Conservation Area Article 4 Direction which recognises the importance of the boundary treatments to the character of the conservation area. This direction requires that planning permission is sought for the alteration and constructing of a means of enclosure which fronts a highway.
- 2.5 The site also falls within area covered by the Southend Central Area Action Plan.

### **3 Planning Considerations**

- 3.1 The main considerations are in relation to this application are the principle of development, design and impact on the character of the Clifftown Conservation Area and impact on residential amenity. It is not considered that there are any transportation or highways issues arising from this proposal.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5 and DM15, the emerging Southend Central Area Action (2018) policy PA6 and the Southend Design and Townscape Guide (2009)**

- 4.1 This proposal is considered in the context of the above policies relating to design, heritage and protection of amenity. These policies and guidance support alterations to properties in the conservation area in most cases but require that such alterations respect the historic character and appearance of the property, the wider conservation area and the amenities of neighbours. The principle of alterations to the dwelling and its curtilage is therefore acceptable subject to the detailed considerations below.

#### **Design and impact on the character of the Clifftown Conservation Area**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3 and DM5, the emerging Southend Central Area Action (2018) policy PA6 and the Southend Design and Townscape Guide (2009).**

- 4.2 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”*.
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that 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 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.
- 4.4 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.

- 4.5 Policy DM5 requires all development to assess the impact of the proposal on the character and appearance of the Conservation Area. Local authorities also have a statutory duty under the Planning (Listed Building and Conservation Area) Act 1990 to ensure that new development and alterations to existing buildings preserve and enhance the character of its conservation areas.
- 4.6 The soon to be adopted Southend Central Area Action Plan states that one of its aims is that *'The distinctive character and appearance of the Clifftown Conservation Area will be conserved and enhanced'* and Policy PA6 of this document states that the Council will *'ensure that all development proposals affecting all designated and non-designated heritage assets, including Conservation Areas, listed and locally listed buildings, conserve and enhance these buildings and their settings in line with Policy DM5 of the Development Management Document;'*
- 4.7 In relation to the importance of boundary treatments, the Clifftown Conservation Area Appraisal states that
- 5.4.6 Original Planned Estate....: 'Rear boundaries were originally stock brick walls'.*
- 5.4.13 'The rear elevations of some terraces are visible to the public from streets, mews or alleys and their treatment needs to respect the traditional designs, materials and boundary enclosures.'*
- 8.6.1 Architectural Qualities..... 'The conservation area has an overall coherence by virtue of common design themes and materials which are predominant including..... Yellow stock brick walls'*
- 10.9.1 Enhancements..... 'Enhancement will be encouraged to reinforce the area's historic character and the residential character of the Cliff Town Estate. The following measures will be considered: Seek continued reinstatement of traditional boundary enclosures fronting roads, mews and alleys.'*
- 4.8 As noted above the importance of boundary walls is also reflected in the Clifftown Conservation Area Article 4 Direction which restricts permitted development rights for their alteration.
- 4.9 The fence which has been installed at number 8 which is at the northern end of Cashiobury Terrace on the boundary facing Cambridge Road. This property is in the eastern part of Clifftown Conservation Area and is part of the historic planned estate designed by the nationally acknowledged architects Banks and Barry and built between 1859-61. The estate includes several classes of houses but all designs adhered to strict design controls which means that there is a distinct character and uniformity in the architecture and in the use of the materials in this section of the conservation area. The properties in Cashiobury Terrace are noted as being class 2 properties in the conservation area appraisal and are attractive 3 storey town houses. The character of this part of the conservation area is so unique that this area is considered to be one of the Borough's most important heritage assets.

- 4.10 The layout of the estate is such that the houses at the ends of the terraces have long side boundaries directly onto the pavements of the adjoining roads. Where these occur the original boundary treatment was for taller stock brick walls which matched the stock brick on the properties. The side boundaries in the original planned estate still survive today and these stock brick walls make an important contribution to the historic character and uniformity of the conservation area.
- 4.11 The fence erected which has been installed on top of one of these boundary walls at the application site, conflicts with this character and is out of place and it is considered that this feature has caused harm to the character and appearance of the application property and this section of Clifftown Conservation Area.
- 4.12 It was suggested to the applicant that if additional security and privacy were required then an extension to the existing wall with matching materials would be a better option. In response to this they have made the following comments:
- They did consider this as an option but were unable to source a matching brick
  - The oldest section of the wall may need to be rebuilt with better foundations to enable it to be taller and a rebuilt wall may not have the same character as the original
  - There was a fence [trellis] in this location previously
  - There are other instances of fences in the conservation area
  - The wood was chosen to match the bricks
  - The Council should have issued guidelines on boundaries
- 4.13 In response to this it is noted that reclaimed bricks have been used for other projects in the Borough and are available online. It is also considered that it would be possible to rebuild the wall to a matching design if required - indeed it is noted that the sections to the east and west of the boundary are not original and have been matched in already. It is also noted that the original trellis in this location was much shorter and more lightweight and was concealed by the climbing plants. It is therefore not comparable to that which has been installed. In addition, there are no instances of fences facing roads in this section of the conservation area - as noted above, all the other flank brick boundary walls in this section of the conservation area have been retained.
- 4.12 It is considered that these reasons put forward by the applicant are not sufficient to justify the retention of the fence. It is clear that the proposal has not preserved or enhanced the special historic character of the conservation area indeed the character of the heritage asset that is the conservation area has been harmed. Its retention is therefore contrary to policy and is not supported.

## **Traffic and Transportation**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) policy DM15, and the Design and Townscape Guide (2009).**

- 4.13 As noted above it is not considered that the proposed fence has had any impact on highways and parking.

## **Impact on residential amenity**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).**

- 4.14 The fence has been installed on the northern boundary only, facing the street. The proposal therefore will not impact on light or appear overbearing to neighbouring properties.

## **CIL**

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

## **Conclusion**

- 4.16 The proposed development, by reason of the poor siting design, scale and materials, of the fence has resulted in a dominant and visually obtrusive addition to the streetscene and would not preserve or enhance the character of the Clifftown Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the emerging Southend Central Area Action Plan (2018), the advice contained within the Design and Townscape Guide (2009) and Clifftown Conservation Area Appraisal 2005.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document (2015) policies DM1 (Design Quality), DM3 (Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment), and DM15 (Sustainable Transport Management)
- 5.4 Emerging Southend Central Area Action Plan (2018) Policy PA6: (Clifftown Policy Area Development Principles)

5.5 Clifftown Conservation Area Appraisal (2005)

5.6 Southend Design & Townscape Guide (2009)

## **6 Representation Summary**

### **Southend Society**

6.1 No comments received.

### **Public Consultation**

6.2 A site notice was displayed on the 14.12.2017 and 10 neighbours were notified of the proposal. Nine letters of representation have been received. 5 supporting the proposal commenting that

- The fence replaces a rotten trellis and looks better
- The fence improves security
- The contemporary character of the fence is in keeping with today's building materials
- The fence respects the character of the conservation area
- The colour matches the brick
- The fence does not impact on neighbours

and 4 objecting to the proposal all commenting that the fence is an eyesore and out of keeping with the conservation area

**[Officer Comment: These issues are discussed in detail in Section 4 above.]**

6.3 This application was called to committee by Cllr J Garston.

## **7 Relevant Planning History**

7.1 08/00274/FUL - Alter side elevation – granted 2008

### **Recommendation**

**REFUSE PLANNING PERMISSION for the following reasons:**

- 1 The fence erected, by reason of its siting, poor design, scale and the materials used, has resulted in a harmfully incongruous addition to the streetscene that does not preserve or enhance the character of the Clifftown Conservation Area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the emerging Southend Central Area Action Plan (2018) and the advice contained within the Design and Townscape Guide (2009) and Clifftown Conservation Area Appraisal (2005).**

## **Informatives**

**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](http://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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.**