

<b>Reference:</b>	18/01527/AMDT	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Application to vary condition 2 (approved plans) to amend the west roof pitch, the windows and doors to the north elevation, add a dormer window to the north roof, amend railings to the balcony to match existing and add a conservation roof light to the south roof pitch (minor material amendments to planning permission 96/0365 dated 29th November 1996)	
<b>Address:</b>	11 Leigh Park Road, Leigh-On-Sea, Essex, SS9 2DU	
<b>Applicant:</b>	Mr S. Ezra	
<b>Agent:</b>	GLS Architects	
<b>Consultation Expiry:</b>	26.09.2018 (neighbour letters); 03.01.2019 (site notice expiry); 10.01.2019 (press advertisement expiry)	
<b>Expiry Date:</b>	13.01.2019	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	<p>90043 P106A Site Plan</p> <p>G6003-1 Topographical Survey of 06/18</p> <p>G6003-2 Floor Plans of 06/18</p> <p>G6003-3 Elevations of 06/18</p> <p>202418 P100 Proposed Garage and Ground Floor Plans: 1996 Approved Plans and Proposed Plans</p> <p>202418 P101 Proposed First Floor, Second Floor and Roof Plans: 1996 Approved First Floor, Second Floor and Roof Plans</p> <p>202418 P300 Proposed East and West Elevations: 1996 Approved East and West and Proposed Elevations</p> <p>202418 P301 Proposed North and South Elevations: 1996 Approved North and South and Proposed Elevations</p> <p>202418 P200 Proposed Section AA Floor: 1996 Approved Section and Proposed Section</p> <p>202418 P800 Proposed First Floor Section and Plan</p> <p>202418 SE1/SE2 Existing (1996) Elevations</p> <p>202418 SO1 Existing (1996) Ground and First Floor and Roof Plans</p>	
<b>Recommendation:</b>	<b>DELEGATE TO THE DIRECTOR OF PLANNING AND TRANSPORT OR THE GROUP MANAGER OF PLANNING TO REFUSE PLANNING PERMISSION AND TO AUTHORISE ENFORCEMENT ACTION</b>	



## 1 The Proposal

- 1.1 Permission is sought to vary the approved plans condition of planning permission 96/0365 granted on 29.11.1996. The description provided by the applicant on the submitted forms does not capture the full extent of the proposed development as shown on the submitted plans. This reflects a pattern of inconsistencies in the applications submitted to regularise the planning status of the site. However it is considered that in order to resolve the planning status of the building the application should be assessed in light of the details shown on the submitted plans. This omission within the description has not materially prejudiced the ability to accurately assess and determine the application.
- 1.2 A letter from an Officer of Southend-on-Sea Borough Council dated 24/01/02 identified that work associated with the permission 96/0365 had commenced within the 5 year period from the date of the decision. Therefore, the permission was found to be extant and can still be implemented despite the lengthy delay in works occurring.
- 1.3 The approved development in application 96/0365 is described as *'Demolish front of dwelling house and rebuild with a bay feature with basement level garage and balcony at first floor level a new front entrance and terrace; and erect a three storey rear extension and form new vehicular access to Leigh Park Road with associated driveway'*.
- 1.4 In summary, the development proposed in application 96/0365 included:
  - a reordering of the front elevation to move the projecting front gable from the west end to the east end;
  - raising of the gable to allow for a useable garage to be positioned at street level (also taking advantage of the dropping ground level);
  - the introduction of a veranda and balcony to the west side, similar to the original building and that seen on other properties in the street;

- 1.5 - changes to the rear elevation included a round turret feature with conical copper roof, extending up to the main roof level.
- 1.6 It has been established that the development in situ is not in accordance with the planning permission granted in 96/0365. The key differences have been identified as follows:
- an increase in height of the main roof;
  - changes to the detailing of the proposed front balcony;
  - introduction of a high-level gable window;
  - an increase in the height of the turret and its visual relationship to the main part of the building and to neighbouring properties.
- 1.7 As such three applications have been determined since 2015, submitted to regularise the planning status of the site. These are referenced 15/01340/FULH, 16/01160/FULH and 17/01007/FULH. Each of these applications has been refused and planning enforcement action has also been authorised in that time.
- 1.8 There have been ongoing difficulties with apparent discrepancies and possible inaccuracies in the submitted plans with each application, including those approved plans under 96/0365 for which it is not possible to gain accurate height dimensions in particular.
- 1.9 The proposal now seeks once again to regularise the planning status of the site. Since the submission of the application, an appeal against the earlier non-determination of the most recent application 17/01007/FULH has been determined (appeal decision dated 28.11.2018). The appeal decision forms a strong material consideration both for the determination of the current application and the nature and extent of enforcement action. A copy is at Appendix 1.

The appeal has been dismissed taking into account harm to the conservation area identified as arising from the following aspects of the proposed development:

1. Turret

- the scale, mass and form of the turret would be inappropriately bulky;
- the prominence of the proposed turret in the street scene from various vantage points;
- the poor integration of the proposed turret to the host building and the host building's positive features in the street scene and conservation area;
- the effect of the turret on the unity of composition of the group of houses of which the host building is a key part.

2. Front Balcony

- Horizontal railings and glazed screen would be at odds with the established pattern of balconies in the locality;
- Extensive areas of glazing would not be in keeping with the building's original character.

3. Gable window

- This feature would diminish the original Arts and Crafts inspired character of the building by removing false half-timbering. An opening window would draw further attention to this and be more harmful.

- 1.10 The main-roof alterations comprising a raising in height of the main roof, a reconfiguration of its profile, and the introduction of a rear dormer and front roof light, have been found in the appeal decision to be acceptable in regard to impacts on the conservation area and street scene.

1.11 The key amendments proposed in the current application, incorporating the development described above as part of application 96/0365, are as follows:

1. The main roof would be a 'cat-slide' form, as opposed to the more regular form of the approved scheme;
2. The ridge height of the main roof would be increased to 9.4m above a datum point, from some 8.7m;
3. The ridge height of the gabled front projection would be marginally higher than the ridge height of the main roof (some 0.2m) where previously it was to be the same height;
4. The peak height of the turret would be some 1.2m higher than that of the original approval;
5. A greater portion of the turret roof and wall would project beyond the side wall of the building and above the roof;
6. Alterations to detailing of the front balcony, introducing horizontal spindles, glazed screen, and extensive glazed screening;
7. Introduction of high-level window to front gable within the area of false half-timbering;
8. Introduction of dormer at rear and roof light to front.

1.12 These amendments were also considered in application 17/01007/FULH, with the exception of the turret, which has been altered in the current proposals to remove a rooftop parapet wall feature and to introduce a degree of fenestration just below eaves level. An amendment shown in the current proposals to the junction of the turret with the main roof is considered not materially different.

1.13 As stated above the proposal has been submitted following the refusal of three earlier applications which have sought to regularise the planning status of the site. These have been submitted as applications for full planning permission. They are shown below in chronological order.

#### 2015 Planning Application

1.14 It was identified that the development that had occurred did not accord with the abovementioned 1996 planning permission and therefore application 15/01340/FULH was submitted to seek a fresh planning permission for the development.

1.15 The main differences for which the planning permission was sought included the following, as far as can be ascertained from the information provided, as there was no fixed datum point included on the plans:

- Altering the roof form of the main roof to a cat-slide roof (also as observed today);
- Increasing the height of the turret above the main roof;
- A slight increase in the height of the front projecting gable roof above the main roof;
- Increasing the maximum height above lowest adjacent ground level of the main roof from 10.8m to 11m;
- Increasing the maximum height above lowest adjacent ground level of the conical turret roof at its peak from 10.8m to 12.6m;
- A rear dormer was introduced;
- Possible lowering of the height of the chimney by 0.6 metres, although that

may be explained by the changes to roof heights;

- Alterations to elevations, such as a change to the ground floor front canopy roof form, balustrades and balcony details, and detail of external works such as steps.

1.16 The application was refused for the reason set out below and as the application was retrospective, enforcement action was authorised.

*“1. The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).”*

Authority granted for enforcement action was to require the removal and reconfiguration of the roof of the dwelling and the alteration of the front elevation of the dwelling to accord with the development approved under 96/0365.

#### 2016 Planning Application

1.17 Enforcement action was held in abeyance pending further discussions with the applicant which resulted in the submission of application 16/01160/FULH. The application sought to regularise inaccuracies in the previously submitted plans and to address the reason for refusal.

1.18 The proposal in the application sought to address the earlier refusal principally by reducing the height of the proposed turret by 0.6m. The application also showed that the main part of the proposed roof (parallel with the highway) would be 0.25 metres taller than the previously approved dwelling and the roof of the front projection would be 0.55 metres taller than the approved dwelling.

1.19 The application was refused for the following reason:

*“1. The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).”*

#### 2017 Planning Application.

1.20 The application sought to address the earlier reason for refusal, with numerous alterations but principally reducing the height of the turret from 12.5m above the adjacent ground level (10.9m above datum) to 11.5m above the adjacent ground level (9.9m above datum) and introducing a parapet wall around its eaves level.

- 1.21 Had the non-determination appeal not been lodged this application would have been refused for the following reason:  
*“The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)”.*

## **2 Site and Surroundings**

- 2.1 The application site is located on the north side of Leigh Park Road. Ground levels in the area are steeply sloping from north to south. To the rear of the site, ground levels rise further and there is an area of wooded open land which is part of a wider curtilage. The dwellings at the opposite side of Leigh Park Road are situated at a substantially lower ground level with roof levels close to the highway surface level.
- 2.2 The site surroundings are residential in land-use and character. The application site is located within the Leigh Conservation Area and is the subject of an Article 4 direction.
- 2.3 As noted in the 2010 Leigh Conservation Area Character Appraisal, the subject building is of an “Arts and Craft” style, is a key part of a unified group and is within an ‘Arts and Crafts Suburban’ character area. This reflects the influence of the movement during the time of construction. At the time of the conservation area appraisal, the subject building was identified as the building within the group of 7-13 Leigh Park Road “which best preserves its original appearance”, although also noted as “derelict and potentially at risk”.

## **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.1 It is considered that the scheme is broadly the same in principle as that approved under 96/0365. The proposal is considered to fall within the ambit of a minor material amendment to the original consent.

- 4.2 Extensions and alterations to dwellings are acceptable as a matter of general principle, subject to detailed considerations such as impacts on character, visual amenities and neighbour amenities. In a conservation area, any harm to the significance of the heritage asset must be weighed against any public benefits of the proposed development.

### **Design and Impact on the Character of the Area**

**National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.3 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 4.4 Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users.
- 4.5 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas. Policy DM1 states that development should *"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"*.
- 4.6 The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments"* and that *"proposed development [should] make a positive contribution to the local area"*. It states at Part 3.3 that *"when designing a new building or extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, height of ridges and eaves, proportions, materials etc., and respecting them in new development"*.
- 4.7 Paragraph 348 of the Guide states that *"Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form"*.

- 4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in the NPPF, which states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”*. At Paragraph 196 the NPPF states 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”*.
- 4.9 Policy DM5 of the Development Management Document states that *“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”*.
- 4.10 The Leigh Conservation Area Appraisal describes the intrinsic character of the area as a response to rapid development at the time of the railway in the early 20<sup>th</sup> century, and as being informed by the steep topography in which groups of dwellings are interspersed with small green spaces. There are often groupings of the same house type throughout the conservation area.
- 4.11 The subject building is part of a group of Arts and Crafts inspired houses from the early 20<sup>th</sup> century. Key features are described as south-facing front balconies with vertical rail spindles, large front gables, projecting bays and false half-timbering detail. The setting on the hillside is found to add to their significance in the conservation area. The subject building has been found to be the best-preserved example of its type in the group, despite the ongoing works.
- 4.12 With reference to the site surroundings, the Conservation Area Appraisal states that *“Nearly all buildings are two or three storeys in height and domestic in scale. The scale of features such as doors, windows, storey heights and roof slopes should be dictated by nearby buildings”*. It also states that the detailing of buildings should feature *“False half-timbering on gables, black window frames, casement windows and machine made clay plain tile roofs on Arts and Crafts inspired buildings”*.
- 4.13 As found at 4.1-4.2 above, the general form of the development is subject to an extant planning permission and remains acceptable. Therefore the assessment of the merits of the proposal shall hereafter be limited to the key amendments described at 1.11 above.
- 4.14 The modified roof form and height of the dwelling are materially different to the previously approved development. In this case it is noted that the dwellings of the surrounding area are not of consistent height and due to the changing ground levels, there is not a uniform or consistent roof height. This is a feature of the conservation area.
- 4.15 The increases in the main roof height and the roof height of the front projecting gable have reduced the gradual stepping effect of the buildings in the row as they sit in line with the falling topography. However, as identified in the appeal decision relating to 17/01007/FULH, the stepped nature of the houses mitigates the effect of the roof alterations.



- 4.16 It is considered that the resultant roof is not materially at greater odds with the character of the site and the surrounding area and is not materially harmful to the building or conservation area.
- 4.17 The form of the turret shown varies from the turret which was found harmful in the recent appeal decision further to application 17/01007/FULH insofar as the upper parapet wall has been removed and new fenestration has been introduced. Otherwise the dimensions, position, form, character and proportions of the turret currently under consideration is the same as that considered in the appeal.
- 4.18 The proposed rear 'turret' extension is hidden to a degree but is also evident to passers-by between the application site and no.9 Leigh Park Road, down the hill. It is also visible from other parts of the public domain up the hill, and on wider views, and within the surrounding rear garden scene.
- 4.19 The round built form of the proposed turret extension and its slightly disconnected relationship with the original dwelling represents the same approach to the extension of the dwelling to the permission that was previously granted. However, it is materially larger and more prominent in relation to the existing building.
- 4.20 Unlike the previously approved scheme (96/0365) the conical roof of the turret is situated in entirety above the main roof. Furthermore a large portion of the wall of the turret is presented outwards to the street scene.
- 4.21 In common with the recent appeal decision, it is considered that this would alter the balance and character of the host building. It would also harm the unity of the group of dwellings of which the site is a key part. It is considered that the proposed amended turret would be a discordant and incongruous addition, poorly integrated, unduly prominent in the street scene and failing to maintain the character and appearance of the conservation area. It would be harmful to the character and appearance of the appeal property and the conservation area.
- 4.22 It is considered that the elimination of the parapet would not be sufficient to overcome the concerns relating to the appealed scheme. The introduction of the fenestration at eaves level would add interest to the large extent of the turret wall. However this would not address the fundamental source of harm arising from the scale and form of the turret in relation to the host building, its relationship to neighbouring properties and to the character of the conservation area.
- 4.23 The proposed balcony arrangements would include horizontal spindles. It is considered that the prevailing characteristic of the buildings in the conservation area is one where the spindles on such balconies are vertical. For this reason, and consistent with the recent appeal decision, this aspect of the scheme would be out of character with the surroundings.
- 4.24 The proposed glazed screen behind the horizontal spindles would also be inconsistent with the conservation area. The larger areas of glazed screening shown on the proposed elevations would also be inconsistent with the Arts and Crafts character. In common with the recent appeal decision, this aspect of the proposal is found unacceptably harmful to the character of the site and the conservation area. Given the prominence of this element of the scheme it is considered that a condition would not be appropriate to secure alterations to these aspects of the proposals.

- 4.25 The proposed high level gable window has been found in the appeal decision relating to 17/01007/FULH to unacceptably diminish the character of the building within the street scene by removing part of the false half-timbering. In common with that decision, this aspect of the proposal is found unacceptably harmful to the character of the building and conservation area.
- 4.26 The roof light and dormer window, the main-roof reconfiguration and height increase have been found in the appeal decision relating to 17/01007/FULH to be not materially harmful to the building and conservation area. This remains the case as these elements of the proposal are identical to the appealed scheme. This element of the proposal is considered to be acceptable and policy-compliant.
- 4.27 It is considered that there would be 'less than substantial' harm to the host building and the conservation area as a result of the proposed amendments. There would not be any clear public benefits in the proposal that might outweigh such harm.
- 4.28 The approved scheme of 96/0365 carries some weight as it is an extant permission. It has been recognised that its implementation with respect to the turret is problematic due to a design flaw.
- 4.29 With regard to the character and appearance of the development and its impacts on the character and appearance of the Conservation Area, the proposal is considered not to have overcome the earlier reason for refusal, including the basis for dismissal in the recent appeal decision.
- 4.30 The proposal is materially different and on balance it is considered that the harm arising would be materially greater than that imposed by the approved scheme. In this respect the development would be unacceptable, and contrary to the objectives of the relevant development plan policies.
- 4.31 It was previously considered that if permission was granted, conditions could be imposed to address a number of matters and it remains the case that details could be sought in relation to the proposed garage doors and new meters being provided at the site frontage, in the event of approval.

### **Impact on Residential Amenity**

#### **National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.32 Paragraph 343 of the Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management Document also states that development should "*Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight*".

- 4.33 The resultant dwelling would be no closer to the neighbouring property of 13 Leigh Park Road and would have no additional windows in the side elevation than the previously approved scheme. The height and depth of the north west elevation would be very similar to the previously approved development and it is therefore considered that the development proposed by this application would not cause a material loss of light, privacy or outlook within the neighbouring property to an extent that would justify refusal of the application.
- 4.34 At the south east side and east corner, the dwelling would be materially taller than the previously approved dwelling. The development would appear to be marginally closer to the neighbouring property, by some 0.3m. The fenestration at the east end would be similar to the approved development (96/0365). In this instance, it is considered that the increased height of the dwelling would not have a materially greater impact on the light or outlook of the neighbouring property to an extent that would justify the refusal of the application. The small distance between the dwellings means that the existing and approved development would already have an impact on the light received within the amenity area of the neighbouring property and the rooms that face the dwelling at the application site. The increased height of the building would cause the loss of additional light, but not in a manner that would be materially worse than the existing situation.
- 4.35 The resultant dwelling is 6 metres from the north east boundary of the site and 45 metres from the closest property of The Terrace which is being constructed on elevated ground as described above. The additional height of the dwelling and the rear facing windows is visible from within the neighbours property, but due to the separation distance and the height differences between properties, it is considered that the dwelling at the application site will not cause a loss of light, privacy or outlook from the neighbouring property to an extent that would justify the refusal of the application. The development would have a small impact on the view from that property, but this is not of a nature which would justify a refusal of planning permission in its own right.
- 4.36 It is also noted that although third-party representations on grounds of residential amenity impact were made during the appeal hearing relating to the non-determination of 17/01007/FULH, these did not subsequently form a basis for the dismissal of the appeal by the Planning Inspectorate.

### **Community Infrastructure Levy**

- 4.37 The proposed development would result in the creation of approximately 72 square metres of floorspace in comparison to the former dwelling at the application site. As the development creates less than 100 square metres of new floorspace at the application site, the development would not be CIL liable.

### **Other Matters**

- 4.38 The provision of a garage at the frontage of the site and a new vehicular access to the site is not different to the previously approved development. These works could be implemented under the terms of the previous permission and it is considered that the proposed development would be no different now, in terms of highway safety and parking provision, than it would have been in 1996.

It is therefore considered that the fallback position should carry significant weight and no objection should be raised to the means of accessing the site or the on-site parking provision.

- 4.39 It is noted that the site has been a site of construction for a significant period of time and during that time the building and the site has not contributed positively to the streetscene. However, it is considered that this is a temporary (albeit protracted) situation and should not form a basis for supporting the application.
- 4.40 The Council's Development Control Committee has previously resolved to take enforcement action in relation to the development that has occurred at the application site. That enforcement authority was high-level in nature, requiring removal and reconfiguration of the roof of the dwelling and the alteration of the dwelling's front elevation to accord with the development approved under 96/0365.
- 4.41 In light of the basis for refusal of subsequent planning application through which greater detail and clarity has been obtained concerning the nature and degree of the variance between the approved and 'as-built' development, and taking account of the material considerations set out in the appended 2018 appeal decision it is considered that the following which have been built without planning permission constitute material harm against which enforcement action is warranted:
- The excessive height of the turret;
  - The front gable window.
- 4.42 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 including seeking to preserve and enhance the character and appearance of conservations areas. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require removal of these unauthorised elements of development.
- 4.43 The following, which were otherwise within the ambit of the 2016 enforcement authority are found not to cause material harm and so are no longer proposed for enforcement action:
- Alteration to profile of the main roof;
  - Increase in height of the main roof;
  - Formation of the dormer and installation of the roof light;
  - Changes to the detailed dimensions of the front gable.
- 4.44 This change is reflected in the recommendation in Section 9 of this report.

## **5 Conclusion**

- 5.1 It is considered that the alterations to the building, specifically the turret, the balcony details and the gable window, would be harmful to its character and to the unity of the group of dwellings of which it forms a key part. As a consequence the development would cause a less-than-substantial harm to the heritage asset. There are no clear public benefits of sufficient weight to overcome the degree of harm identified. The scope of enforcement authority requested has been updated and refined in light of the appeal decision.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007): KP1 (Spatial Strategy) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): Policies DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) and DM5 (Historic Environment)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Leigh-on-Sea Town Council**

- 7.1 The application was discussed by the Council Committee and RESOLVED TO OBJECT with regard to amending the west roof pitch and dormer windows to the north roof as this will substantially alter the street scene in a conservation area and is not in keeping with the character of the existing property. It is therefore contrary to Policy DM1 as does not respect the character of the site, its local context and surrounding in terms of its architectural approach. It will not make a positive contribution to the character of the original building (DM5). It must adhere to conservation guidelines. The Committee had further comments regarding the application in the respect of the proposed conservation roof light to the south pitch and questioned whether this was the skylight already in situ.

### **Public Consultation**

- 7.2 Letters were sent to 7 neighbouring residents. A site notice has also been posted and a press advertisement published. One letter of representation has been received:

- Development unacceptable in the conservation area and surroundings;
- The Council are acting unlawfully in accepting the application;
- The building is unsafe and unsecured;
- The development is only a money-making exercise;
- Applicant should not benefit from the 1996 permission as plans were inaccurate;
- Plans are full of inaccuracies;
- Turret does not enhance the street scene;
- The development is a folly;
- Turret should be removed;
- Enforcement notice issued and nothing been done, applicants admitting now built 1m higher;
- Over development of site;
- Overwhelming and oppressive turret towards no.9;
- Shadowing from turret to no.9 [Officer Comment: it is considered that the alterations over and above the approved scheme would not have a significant effect on the visual impact or degree of shadowing to the

neighbouring properties].

- Increased ridge height visually at odds with neighbours;
- Original plans were inaccurate and should not be relied upon [Officer Comment: it has been established that the 1996 permission is extant, however any divergence from the approved scheme would be and is considered on its merits].

7.3 The above points are addressed within the general analysis within the body of the report. These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application.

7.4 The deadline for responses to the press notice is 10.01.2019 (i.e. after the date of this Development Control Committee (DCC) meeting). In the event that further representations are received outside the scope of those considered at the DCC meeting (including its consideration of information/representations provided via its supplementary document) determination of application 18/01527/AMDT would be referred back to this Committee for consideration of issues raised and not already taken into account. Determination is otherwise proposed to be delegated to officers subject to no further representations being received which raise issues not already covered in the DCC's resolution. The above is reflected in the recommendation at Section 9.

7.5 The application has been called-in to the Council's Development Control Committee by Cllr Arscott.

## **8 Relevant Planning History**

8.1 As set out above, planning permission was granted for the erection of extensions and alterations to the dwelling under the terms of application 96/0365. The relevance of that planning permission is fully discussed above along with the refusal of recent applications 15/01340/FULH, 16/01160/FULH and 17/01007/FULH.

## **9 Recommendation**

9.1 **It is recommended that determination of application 18/01527/AMDT be delegated to the Director of Planning and Transport or the Group Manager of Planning, subject to expiry of the press notice consultation and not receiving any further representations on matters not already taken into account in the DCC's resolution and that planning permission be REFUSED for the following reason:**

1. The proposed development, by virtue of the scale and form of key architectural features would be harmful to the appearance of the building and street scene, and to the character and appearance of the Leigh Conservation Area. There would be no public benefits of sufficient weight to overcome the less than substantial harm that would result. The proposal is therefore contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**In the event that further representations are received prior to expiry of the press notice and which raise considerations not already taken into account, determination of application 18/01527/AMDT be made by Development Control Committee.**

**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.**

## **10 Informative**

- 10.1 You are advised that as the proposed alterations equates to less than 100sqm of new floorspace 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.**

## **11 Enforcement Recommendation**

- 11.1 To authorise planning enforcement action to require a) the reduction in height of the turret so as to accord with the planning approval under reference 96/0365 and b) remove the front gable window so as to accord with the planning approval under reference 96/0365 and c) remove of all rubble, materials and equipment associated with complying with the notice, on the grounds that the development that has occurred is of a form that causes harm to the character and appearance of the building and the significance of the conservation area with no public benefits of sufficient weight to overcome the harm caused. The development is therefore contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 11.2 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.**
- 11.3 When serving the Enforcement Notice the Local Planning Authority must ensure a reasonable period for compliance. It is considered that a six month compliance period for the modification of the dwelling is reasonable in these circumstances.**

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## Appeal Decision

Hearing held on 30 October 2018

Site visits made on 29 and 30 October 2018

**by J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> November 2018

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**Appeal Ref: APP/D1590/W/17/3190810**

**11 Leigh Park Road, Leigh-on-Sea, Essex SS9 2DU.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Saul Ezra against Southend-on-sea Borough Council.
  - The application Ref 17/01007/FULH, is dated 31 May 2017.
  - The development proposed is described as "Demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road."
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### Decision

1. The appeal is dismissed and planning permission for demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road is refused.

### Procedural Matters

2. The description of development set out in the heading above is taken from the appeal form as it is clearer than the description of development on the application form. This was agreed by the main parties at the hearing.
3. During the hearing, there was discussion regarding which plans had been submitted to the Council prior to the appellant submitting the appeal on the grounds of non-determination, and which plans had been subject to public consultation. The appellant produced a number of amended plans and provided them to the Council along with a letter dated 7 September 2017.
4. The Council confirmed that although a number of plans<sup>1</sup> were received with an accompanying letter in September 2017, no public consultation was undertaken on these plans as they considered them to form part of ongoing discussion outside the planning application process. Furthermore, the Council was unable

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<sup>1</sup> 90043/P305B dated 31/07/2017; Option A: Turret Sketch; Option B: Turret Sketch; 90043/NP101 dated 11/11/2016; 90043/NP202 dated 11/11/2016; 90043/NP300 dated 11/11/2016; 90043/NP301 dated 19/05/2016; 90043/P102B dated 10/08/2017; P307C; 90043/P800 dated 31/05/2017; 90043/SP101 dated 11/11/2016; 90043/SP202 dated 11/11/2016; 90043/SP300 dated 11/11/2016; 90043/SP302 dated 11/11/2016; 90043/S110 dated 10/08/17.



to find record of receipt of a number of amended plans<sup>2</sup>. While I acknowledge that the appellant may find the lack of consultation frustrating, I consider that the amended plans would materially alter the proposed development. Furthermore, by providing alternative solutions for the proposed turret's top, the amended plans would give rise to confusion about what the appellant is seeking permission for.

5. It is important that interested people's views have been sought on the plans considered by an Inspector. I consider that accepting the amended plans would potentially deprive those who should have been consulted on the changed development of the opportunity to respond. Discussion at the hearing took place with regard to the plans submitted with the application and subject to public consultation. I shall deal with the appeal accordingly.
6. The appellant's documentation made reference to a petition. During the hearing, the appellant confirmed that the petition formed part of an earlier planning application. I have therefore not taken the petition into account.
7. The appellant had made an application for costs prior to the hearing. At the hearing, the appellant withdrew the costs application. This was subsequently confirmed in writing by the appellant after the hearing.
8. During the hearing, Dr Crystall and the Council submitted photographs of the appeal property from different vantage points, 5 and 29 Leigh Park Road, the flatted block at Sans Souci, and the Leigh Park Road streetscene. I accepted the photographs as late evidence in this instance. Furthermore, in the interests of clarity, I requested the decision notice for the 1996 permission and the Council's putative decision notice relating to this appeal. While I received the Council's putative decision notice, the 1996 decision notice is not before me.
9. In reaching my decision, I have had regard to the revised National Planning Policy Framework (the revised Framework) published on 24 July 2018. The parties had the opportunity to address the revised Framework at the hearing.
10. I held an accompanied site visit on the day of the hearing. I also conducted an unaccompanied site visit the day prior to the hearing.

### **Background and Main Issue**

11. In seeking to address subsidence and hill creep, the appeal property at 11 Leigh Park Road was subject to an approved planning application 96/0365 in 1996 for development described as "demolish front of dwelling house and rebuild with a bay feature with basement level garage and balcony at first floor level a new front entrance and terrace, and erect a three storey rear extension and form new vehicular access to Leigh Park Road with associated driveway."
12. The 1996 permission included moving the front gable from the front elevation's western side to the eastern side, raising the front gable to allow for a garage at street level, roof alterations, and creating a balcony on the front elevation's western side. The three storey rear extension was shown as taking the form of a round copper-roofed turret. In 2002, the Council confirmed that the 1996 permission commenced within 5 years from the date of the decision, and that they considered the 1996 permission to remain extant.

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<sup>2</sup> P385 Comparison of rear elevations; 90043/P201B dated 31/05/2017 Section; 90043/P303B dated 31/05/2017 Elevations.

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<sup>2</sup> P385 Comparison of rear elevations; 90043/P2018 dated 31/05/2017 Section; 90043/P303B dated 31/05/2017 Elevations.

13. In 2015, concerns about non-compliance with the 1996 permission were brought to the attention of the Council with particular reference to the turret having been constructed to a greater height than previously approved. Following a planning enforcement investigation 15/00142/UNAU\_B, works paused. A planning application 15/01340/FULH was submitted in November 2015 and refused in February 2016. Subsequently, a further planning application 16/01160/FULH was submitted in August 2016 and refused in October 2016. The appellant then submitted the application 17/01007/FULH to which this appeal relates. I understand there is a current application 18/01527/AMDT, yet to be determined by the Council, and that the Council may issue an enforcement notice which has been in abeyance. However, I am required to deal with the appeal before me on its merits.
14. Although the main parties have described the application 17/01007/FULH as retrospective, based on what I saw on site, it has not been fully implemented. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the Leigh Conservation Area.

### **Reasons**

15. The Leigh Conservation Area Appraisal 2010 (LCAA) confirms that the Conservation Area (CA) encompasses the hillside directly above the fishing village and the railway line, and the area around St Clement's Church and its former rectory. The settlement took its current form from the mid 19<sup>th</sup> century to the early 20<sup>th</sup> century, when the railway arrived and significant levels of house-building took place. There are a number of steep residential roads, with houses interspersed with small green spaces to address the topography. This is a key feature of the Conservation Area. The primarily residential streets have a mixture of detached, semi-detached, flatted, and terraced housing, often in small groupings of the same house type.
16. Winding down the slope, Leigh Park Road dates from the early 20<sup>th</sup> century when large detached houses were built in relatively small plots on its northern side. These Arts and Crafts inspired houses generally have south-facing front balconies treated with vertical timber spindle railings. The balconies have views over Leigh on Sea and the Thames Estuary beyond. A number of balconies have been glazed, which slightly diminishes their uniformity. While there is variation in their condition, materials, detailing, and the extent of alterations, the detached houses at 3 and 7 – 13 Leigh Park Road retain a unity of composition. I consider that the significance of Nos 3, and 7- 13 is largely derived from their age, form, fabric and simple, yet well-detailed, architectural features. These include large front gables, projecting bays, balconies, and false half-timbering. Their setting on the hillside also adds to their significance and makes a positive contribution to the CA as a whole.
17. At the point the LCAA was produced in 2009 and adopted in 2010, the appeal site at No 11 was considered to be the best preserved example of its house type, despite appearing derelict at the time. The partially constructed turret aside, and notwithstanding the extensive renovation and repair works undertaken at No 11, there was general agreement at the hearing that the appeal property at No 11 in its present condition retains many features which support its significance within the CA. The appeal property is covered by an Article 4 Direction, withdrawing some permitted development rights.

18. Turning to the proposed turret, there was discussion at the hearing about the presence of turrets and decorative features to houses locally, and the contribution of those features to the character and diversity of the seaside towns of Leigh and Southend. While a turret is often used as a strong corner feature on a building's frontage to draw the eye, in this instance, the proposed turret would be located to the rear of No 11. I also understand that the turret within the 1996 permission was intended to support No 11's structural stability.
19. The proposed turret would be visible from Leigh Park Road between Nos 9 and 11, and looking down the road towards No 13's side elevation. Furthermore, it would be visible from properties off Hillside Road and from the public open space behind 19 – 23 Leigh Park Road dependent on tree cover, and from Leigh-on-Sea Sailing Club within the CA.
20. With its copper roof and extensive and prominent parapet which seeks to address the junction of the main roof with the proposed turret, the bulk and height of the proposed turret would visually elongate the ridgeline of the main roof at No 11 behind the front gable. This would reduce the prominence of the characteristic front gable. The proposed turret would also change the relationship of No 11's main roof with No 9's roof as the proposed turret would extend upwards adjacent to No 11's main roof. By reducing this gap, not only would the proposed turret alter No 11's balance and character, but it would also affect the unity of the houses at Nos 3 and 7 – 13 by interrupting the sequential descent of roofs down the slope. Given the prominent position of the group of houses winding down Leigh Park Road, their unity of composition would be harmed by the proposed turret, which would be a visually discordant and incongruous element within the streetscene and the CA.
21. Notwithstanding the revisions undertaken to the proposed turret since the 2015 and 2016 applications, and its Arts and Crafts inspired architectural features, the considerable scale, mass and form of the proposed turret would result in an inappropriately bulky development, which would not integrate satisfactorily with its surroundings or be subservient to No 11's main roof.
22. The appellant contends that the bay at No 11 is smaller than before, giving the impression of a larger turret, and that lowering the proposed turret further may make it difficult to access at roof level of the proposed turret. I also acknowledge the appellant's willingness to amend the fenestration of the proposed turret. However, none of these matters would outweigh my concerns about the effect of the proposed turret on both the appeal property and the CA.
23. The proposed development would include a proposed first floor balcony and proposed glazing to No 11's front elevation behind the proposed balcony. While the proposed balcony would replicate a traditional feature along Leigh Park Road, its detailing would be inconsistent with the other houses in the locality as it would incorporate both a glazed screen and horizontal railings. This would be at odds with the general character and appearance of the area.
24. Although the balustrade and railing treatment of No 11's previous front balcony had incorporated horizontal railings, the appellant acknowledged during the hearing that there was evidence to indicate that the balcony railings had historically been vertical. I find that the vertical railings present on other houses on Leigh Park Road would be more suitable for the proposed balcony.

25. With regard to the proposed fenestration behind the proposed balcony, I consider that extensive areas of glazing would not be in keeping with the appeal property's Arts and Crafts character, and that smaller French doors would be more appropriate in both size and potential detailing.
26. The appellant considers that matters pertaining to proposed balcony treatments, including the treatment of the proposed balcony's flank elevation facing No 13, and proposed fenestration, might be addressed by means of condition. However, I concur with the Council's concerns about the possibility of dealing with the level of information required via condition in this instance. I find that the proposed balcony treatments and fenestration would be harmful to the character and appearance of the CA.
27. No 11 has a large front gable with a two-storey projecting bay below. This is an attractive and prominent feature which is similar to those at Nos 3, 7, 9 and 13, despite differences in the location of the front gables and bays on their front elevations. The proposed development would include a proposed window to the top of the front gable. The appellant has suggested that the proposed window would be smaller than the opening between the gable's false half-timbering once the window is in place, and that the proposed window's size could be reduced by means of condition.
28. However, the false half-timbering to the front gable is a prominent feature of No 11 and similar houses. The proposed window would follow the lines of the false half-timbering and would create an unusually shaped window opening. Though there are smaller windows to No 13's front and side gables, these gables lack the characteristic false half-timbering. I find that the insertion of the proposed window would unacceptably diminish No 11's front gable's character. Furthermore, if the proposed window were capable of being opened, this would draw further attention to its siting and unusual shape, further detracting from the character and appearance of the CA.
29. The main roof of No 11 would also be raised in comparison to the roofscape approved within the 1996 permission, and would incorporate a rooflight and a rear dormer window which has been partially built. While I note concerns about the height of the proposed roofscape and the potential for overdevelopment, I consider that the stepped nature of the houses somewhat mitigates the effect of the proposed alterations to No 11's main roof. If considered without the proposed turret, I find that the proposed alterations to the main roof, including the provision of a rooflight and rear dormer, would not have a harmful effect on the appeal property and the CA.
30. The appellant argues that the proposed development would not differ materially in its overall impact on the surrounding area from the 1996 permission. From the details available to me, the turret, the main roof, the balcony and windows and doors in the 1996 permission and the proposed development would differ. As such, I am not persuaded that the 1996 permission is directly comparable with the scheme before me.
31. Notwithstanding the appellant's claim at the hearing that they would complete the 1996 permission in the event that I dismissed this appeal, discussion at the hearing indicated that the 1996 permission would provide inadequate head height within part of the turret, if completed. Furthermore, it has not been suggested, nor do I consider from the evidence available to me, that the impact of the 1996 permission would be materially more harmful than the

proposed development. Consequently, I find that the 1996 permission does not represent an appropriate reason to find in favour of the proposed development.

32. Although the extensions and alterations to properties in Leigh Park Road and the presence of flatted blocks at Sans Souci, Leigh Park Court and 5 Leigh Park Road have incrementally eroded the CA's appearance, much of its original character remains. Due to its prominence, the proposed development would have a discordant and incongruous effect on the character and appearance of No 11 and the CA. As such, the existence of other roof extensions, alterations, and modern infill developments in the locality do not alter the harm identified.
33. While considerable work, money, and effort has been directed towards No 11, and I recognise that the appellant may have preferred to repair the building rather than undertake more extensive renovation, this does not outweigh my concerns about the proposed development. Were it not for the extensive works undertaken to address subsidence to No 11, it is possible that No 11 would have been demolished and replaced by another building<sup>3</sup> which may have had a detrimental effect on the character and appearance of the CA. However, this does not justify the proposed development.
34. It follows that the proposal would erode the established character of the Leigh CA and so would fail to preserve or enhance its character or appearance. It would therefore be contrary to policies CP4 and KP2 of the Southend-on-Sea Core Strategy 2007 (CS) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document 2015 (DMD) and the Southend-on-Sea Design and Townscape Guide 2009 (DTG).
35. CS policy CP4 states, amongst other things, that development will be expected to safeguard and enhance the historic environment, including conservation areas. CS policy KP2 and DMD policy DM3 confirm that, amongst other things, development should respect an existing area's character. DMD policy DM3 also highlights that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area. DMD Policy DM1 addresses design quality, while DMD policy DM5 states that, amongst other things, all development proposals affecting a heritage asset will be required to conserve and enhance its historic and architectural character, setting and townscape value. The DTG seeks high quality design, which supports the positive characteristics of an area.
36. The harm identified would amount to "less than substantial harm" which the revised Framework advises must be weighed against the public benefits of the scheme. I understand the appellant's wish to complete the works to No 11, but the subsidence issues affecting the house have been addressed and the enlargement of the dwelling would provide a largely personal benefit, with very limited public benefit in terms of further works to No 11. I attribute only very limited weight to the public benefit the proposal would make to the wider housing stock. This would be insufficient to outweigh the harm identified to the significance of the CA.
37. I therefore conclude the proposal would also fail to comply with national policy outlined in the revised Framework, which seeks to sustain the significance of heritage assets.

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<sup>3</sup> Previous planning and conservation area consent applications which would have involved demolition of the appeal property were refused in 1989 and 1990. Appeals against the 1990 decisions were then dismissed in 1991.

### **Other Matters**

38. During the hearing, the appellant raised concerns about errors in the Council's officer report, and made reference to the Council stating that they were close to a recommendation for approval when the appeal was submitted. I recognise the appellant's frustrations and the previous efforts made to employ alternative planning consultants and architects. However, the lack of full survey data; difficulties in comparing subsequent proposals against the 1996 plans which are without defined measurements; inaccuracies in plans, whether perceived or otherwise; and confusion over matters of detail such as the chimneys and the overall width of No 11, have led to delays and difficulties in communication. These issues do not alter my overall findings.
39. Local residents have expressed disquiet about the living conditions of neighbouring occupiers, overdevelopment, and unauthorised development taking place. As the proposed development would be unacceptable for other reasons, it is not necessary for me to reach a finding on these matters.

### **Conclusion**

40. For the reasons given above, the appeal is dismissed and planning permission for demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road is refused.

*J Gilbert*

INSPECTOR

### **APPEARANCES**

#### **FOR THE APPELLANT:**

Grant Littler            GLS Architects

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Rob Lilburn            Southend-on-sea Borough Council

Patrick Keyes           Southend-on-sea Borough Council

Abbie Greenwood    Southend-on-sea Borough Council

Julia Byczynski        Southend-on-sea Borough Council

#### **INTERESTED PERSONS:**

Lyn Long                Local Resident

Charlotte Williams    Local Resident

Dr Alan Crystall        Local Resident

### **DOCUMENTS SUBMITTED AT THE HEARING**

LE1 – LE4 Photographs submitted by Dr Crystall showing 29 Leigh Park Road, 11 Leigh Park Road, Sans Souci, and 5 Leigh Park Road respectively.

LE5 – LE22 Photographs submitted by the Council (titled by the Council unless marked as unlabelled):

- Unlabelled view of appeal property from the seafront at Leigh (LE5 and LE6);
- Outside 38 Hadleigh Road looking south-east (LE7);
- Looking south-east towards Sans-Souci flats (LE8);
- From nos. 21 and 23 Leigh Park Road, looking east towards no.15 (LE9);
- Looking south-east towards gable end of no.13 Leigh Park Road (at end) (LE10);
- Looking at no. 13 Leigh Park Road with blue tarpaulin of turret at no. 11 visible over (LE11);
- Unlabelled view of side gable of No 13 (LE12);
- No. 11 Leigh Park Road front projection (red brick) (LE13);
- Site at No. 11 (LE14);
- No. 13, No. 11, No. 9 (LE15);
- Unlabelled view of Nos 9 – 13 (LE16);
- Unlabelled view of No 11 from opposite side of Leigh Park Road, looking up the slope (LE17);
- Viewed from public open space behind nos. 19-23 Leigh Park Road. Looking south-east with blue tarpaulin of no. 11 (LE18);
- Looking from south-east corner of public open space towards nos. 13 and 11 (LE19);
- Looking south from within public open space towards rear of no. 15 (LE20);
- Nos. 15 and 17 Leigh Park Road at rear (LE21);
- Looking south from Leigh Library Gardens from which no. 11 is not visible (LE22).

LE23 Putative decision notice 17/01007/FULH dated 12 January 2018.

### **DOCUMENTS SUBMITTED AFTER THE HEARING**

LE24 Appellant's confirmation of withdrawal of costs application.