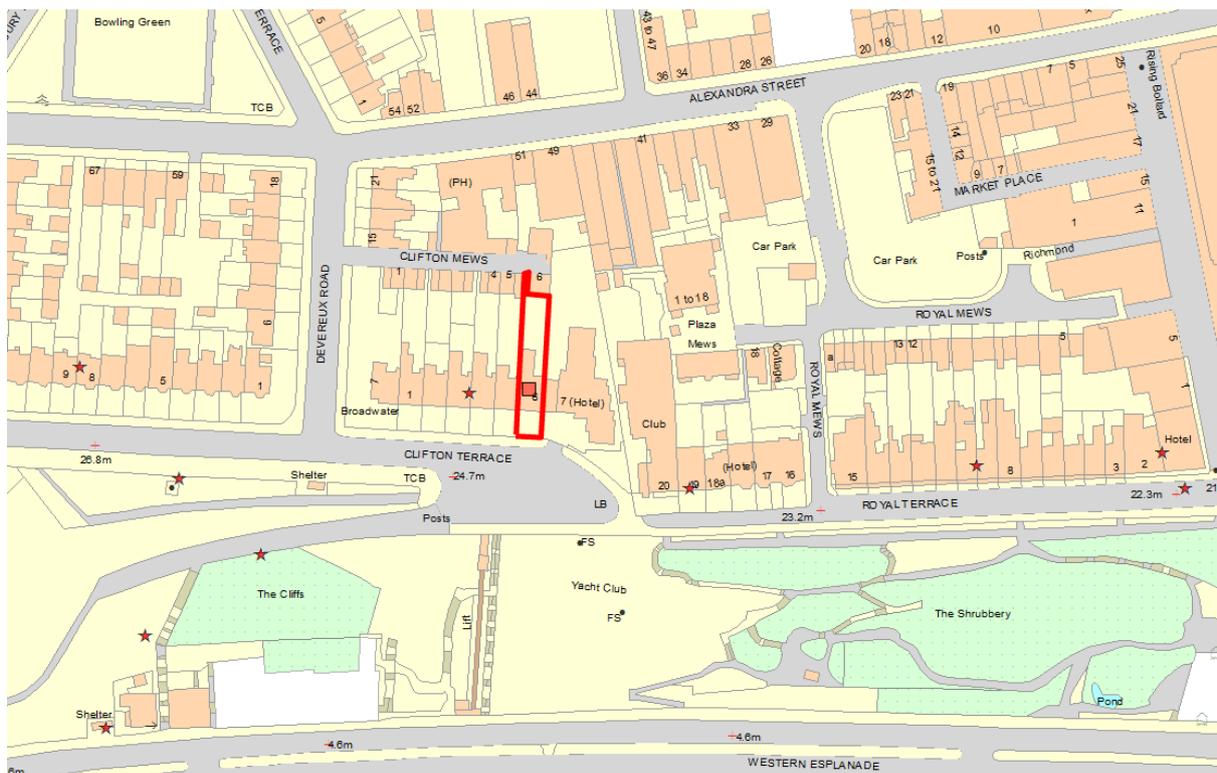


Reference:	19/1908/FUL	
Ward:	Milton	
Proposal:	Erect timber outbuilding and timber decking to rear	
Address:	6A Clifton Terrace, Southend-on-Sea, Essex	
Applicant:	Ms Victoria Morgan	
Agent:	Mr Mark Morgan	
Consultation Expiry:	25.11.2019	
Expiry Date:	26.12.2019	
Case Officer:	Oliver Hart	
Plan Nos:	01; 01A; Heritage Statement; Design & Access Statement	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is a 5 storey end-terrace property in Clifton Terrace that has previously been sub-divided into flats. The terrace, which includes 7 buildings of the same design, is grade II listed and located within the wider Clifftown Conservation Area. It is well proportioned and detailed to the front and forms an impressive group of buildings in the streetscene. The consistency of this frontage is an important part of its significance.
- 1.2 To the rear of the properties is Clifton Mews, a collection of original coach houses that were used in association with the wider terrace. The majority of these coach houses have since been converted to residential accommodation or to commercial units and workshops. 6 Clifton Mews which adjoins to the rear of the application site is currently in operation as a workshop.
- 1.3 The application site itself relates to a ground floor flat and has direct access out onto a rear amenity space that is currently grassed. It is important to note that the existing rear amenity space has been sub-divided and is presently shared with the basement unit. Timber decking has been installed to the portion of garden owned by the basement unit however, there is no evidence of permission for this.
- 1.4 Rear gardens along the wider terrace are divided by low, brick built boundary walls which provide a visual link between the listed buildings and the coach houses to the rear, and this forms part of the historic fabric of the area. The modest height of these boundary walls and absence of ancillary outbuildings (with the exception of small sheds) is such that there remains a strong sense of openness and visual coherence within the rear garden scene, so much so that this is considered to inform the character of the area and provides a positive and relevant setting for the listed terrace.
- 1.5 The application site is bounded to the east by the car park belonging to the Seven Hotel.

2 The Proposal

- 2.1 Planning permission is sought to erect decking and an outbuilding to the rear of No.6a's garden area.
- 2.2 The decking would be constructed in timber, 150mm high and measuring some 37sq.m in total area.
- 2.3 The outbuilding would be constructed over the decking and is proposed to be finished in vertical stained timber cladding with a felt flat roof felt and stained hardwood sliding patio doors facing back toward the rear of the terrace. The outbuilding would measure 3m deep, 3m wide and 2.6m high and would be positioned 1m from 6 Clifton Mews and 300mm from the eastern flank boundary adjacent to the seven hotel car park.

3 Relevant Planning History

6 Clifton Terrace

- 3.1 08/01561/FUL & 08/01586/LBC- Demolish part of first floor rear extension and erect part first floor/part second floor rear extension incorporating glazed balcony to second floor- Refused

09/00555/FUL- Erect part first/part second floor rear extension incorporating glazed balcony to second floor (Amended Proposal)- Refused

4 Representation Summary

Public

- 4.1 11no. neighbouring properties were notified and one letter of representation has been received. Summary of representation:

- Concerns regarding material loss of light and outlook to primary workshop window. Request that BRE sunlight/Daylight report be submitted to examine the impact of the proposal.
- Natural light important to the function of the upholstery business.
- Flat roofed cube design out of keeping with the character and appearance of the conservation area.
- Size of the outbuilding in breach of permitted development guidelines.
- Concerns decking could result in potential drainage/flooding issues with 6 Clifton Mews
- Decking together with the outbuilding would result in visual clutter.
- Relocation of Acer Tree breaches requirement of previous TCA application.

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application except for those reflected in the reason for refusal at the end of this report, the remaining concerns raised in the representations are not found to represent justifiable reasons for refusal.

Design and Heritage Officer

- 4.2 Objection raised;

- There is a concern that the scale, siting and design of the proposed outbuilding together with the provision of decking would interfere with the established relationship between Clifton Terrace and Clifton Mews to the rear as it will introduce a sizeable structure in between the main terrace and the coach house.
- This is considered to cause harm to the character and the setting of the listed building and wider conservation area.

Historic England

- 4.3 No comment.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (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)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018) Policy PA6 (Clifftown Policy Area Development Principles)
- 5.5 The Design and Townscape Guide (2009)
- 5.6 Clifftown Conservation Area Appraisal 2006

6 Planning Considerations

- 6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The main considerations for this application are therefore the principle of the development, the design (including the impact of the proposed works on the character and appearance of the conservation area and the setting of the adjacent listed buildings), residential amenity impacts and CIL.

7 Appraisal

Principle of Development

- 7.1 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.2 In relation to development within Conservation Areas and within the setting of listed buildings policy DM5 (Historic Buildings) 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, 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.*"
- 7.3 In relation to development in the Clifftown Policy Area SCAAP policy PA6 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 Development Management Policy DM5 (Historic Environment).*"

- 7.4 This section of the conservation area is part of the original Cliff Town Planned Estate designed by Banks and Charles Barry junior and built between 1859 & 1861.
- 7.5 The estate had strict design controls, providing four classes of terraced housing, and a fifth class of shops with residential accommodation. Unified designs and materials and its layout around open spaces and gardens give the estate visual coherence and a very uniform grain reflecting the hierarchy of buildings within the estate.
- 7.6 The houses at Clifton Terrace were the highest class of house and their importance is reflected in the grander architecture and dedicated coach houses along Clifton Mews.
- 7.7 The layout and relationship of the mews to the main houses is part of this hierarchy and the original planned design. It is noted that the internal boundaries between the gardens here are all low stock brick built walls which reinforces this relationship and in turn, creates a sense openness of rear gardens along Clifton Terrace. Whilst some kind of very minor outbuilding may be acceptable in principle, it is considered important to maintain a strong visual link between the main terrace and the coach houses along Clifton Mews.
- 7.8 On this basis, it is considered that the erection of an ancillary outbuilding and decking in the space between Clifton Terrace and Clifton Mews at the scale proposed, would have a materially harmful impact upon the visual link between the listed terrace and the original coach houses, the established separation of built form in the rear garden scene and on the subsequent outlook from the surrounding listed buildings onto the amenity areas.
- 7.9 The principle of development in this location is therefore considered to be materially out of character with the historic context and established grain of the area and would therefore be harmful to the setting of the listed terrace and wider conservation area.
- 7.10 On this basis the principle of development is therefore found to be unacceptable.

Design and Impact on the Character of the Area

- 7.11 The preservation and enhancement of listed buildings and the requirement for good design generally is fundamental to achieving high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM5 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Southend Design and Townscape Guide (2009) also states that the Council is committed to good design and the protection of heritage assets.
- 7.12 Policy DM5 states that *“the Borough Council will seek to conserve and enhance Southend’s built and landscape heritage and when considering proposals affecting listed buildings, will have special regard to the desirability of conserving the building or its setting or any features of special architectural or historic merit.”*

- 7.13 As noted above there is an objection to the principle of development on this land as it is considered that it would be detrimental to the grain of the conservation area and setting of the adjacent listed terrace. Notwithstanding this, the merits of the detailed design and its impact of the setting of the listed building and wider conservation area are discussed below.
- 7.14 The application seeks to erect timber decking and a timber framed outbuilding some 3m deep, 3m wide and 2.6m high to the rear of No.6a's garden area.
- 7.15 The design of the outbuilding is for a box like form with simple sliding patio doors that open out onto the decking area. The proposed design is clearly modern but its design is not considered to be particularly innovative or interesting.
- 7.16 Whilst in principle there is no objection to modern design within a heritage setting, this needs to be of a sufficiently high quality which can stand alongside the surrounding historic buildings which are recognised as being some of the best in the Borough. Aside from the concern raised above with regard to the principle of any development in this particular location, it is considered that the proposal is not of a design quality which would complement the surrounding townscape.
- 7.17 Furthermore, the extent of decking proposed would, together with the existing section to the rear of the basement unit, cover nearly half the available garden area. This is considered to result in a visually cluttered appearance and a form of development materially at odds with the prevailing character and appearance of the rear garden scene of the listed terrace which is predominantly grassed.
- 7.18 In relation to the setting of the listed building, the concern is not just the design quality of the proposal. It is also considered that the position of the proposal directly in between the listed terrace and the associated historic coach house would have a detrimental impact on the visibility of these two associated historic buildings and would diminish their relationship and blur the boundaries between these two historic streets. As noted above, the appearance of the area between the terrace and the coach houses and the visual links is important to the setting of the listed building. The proposal would detrimentally impact upon this relationship.
- 7.19 It is therefore considered that the design and siting of the proposal would not preserve or enhance the character of the conservation area and that it would cause less than substantial but still significant harm to the setting and significance of the adjacent listed terrace. The design of the proposal is therefore unacceptable and contrary to the policies and guidance noted above as there are no public benefits to outweigh this harm.

Impact on Residential Amenity

- 7.20 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' states 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 requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*

- 7.21 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.”*
- 7.22 Concerns have been raised in relation to the size, scale and siting of the proposed outbuilding in relation to the main rear window serving 6 Clifton Mews. It is acknowledged that the siting of the outbuilding is such that it will have a significant impact on the receipt of light and the outlook to this window however, this window serves non-habitable accommodation and subsequently, limited weight is afforded to their protection. The provision of a secondary window to the rear elevation of 6 Clifton Mews is such that the proposed outbuilding in this instance is not considered to form a reasonable reason for refusal.
- 7.23 The position of the outbuilding to the rear of the existing amenity space and subsequent separation to neighbouring habitable accommodation along Clifton Terrace (in excess of 12m) is such that the proposal is not considered to give rise to a material loss of light, outlook or dominant impacts. This separation is also such that it is not considered the use of the outbuilding would give rise to an undue increase in noise and disturbance to the detriment of neighbour amenity.
- 7.24 The presence of an outbuilding in this location with doors facing back towards the rear of the application property is not considered to give rise to a material loss of privacy to neighbouring flats given the existing use and enjoyment of the rear amenity space. The outbuilding is therefore not considered to give rise a material increase in overlooking over and above the existing situation.
- 7.25 Given the separations involved, no other properties would be materially affected by this proposal. It is therefore considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy

- 7.26 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 The proposed development, by reason of its siting, scale, form and design would conflict fundamentally with the historic grain of the conservation area and have a detrimental impact on the setting of the adjacent listed building and its relationship with the coach house to the rear. This harm is less than substantial but still significant and there are no public benefits to outweigh this harm.

The proposal is therefore unacceptable in principle and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the Southend Central Area Action Plan (2018) and the Southend Design and Townscape Guide (2009).

9 Recommendation

REFUSE PLANNING PERMISSION:

- 1 The proposed development, by reason of its siting, scale, form and design would conflict with the historic grain of the conservation area and have a detrimental impact on the setting of the adjacent listed building and its relationship with the coach house to the rear. The proposal would cause less than substantial but still significant harm, rather than preserving or enhancing the special character of the Conservation Area and neither the harm to the setting of the listed building or to the Conservation Area, which is also less than substantial but still significant has been outweighed by any other public benefit. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the Southend Central Area Action Plan (2018) and the advice contained in the Southend Design and Townscape Guide (2009).**

10 Informative

- 1 You are advised that the proposed development at your property 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.**