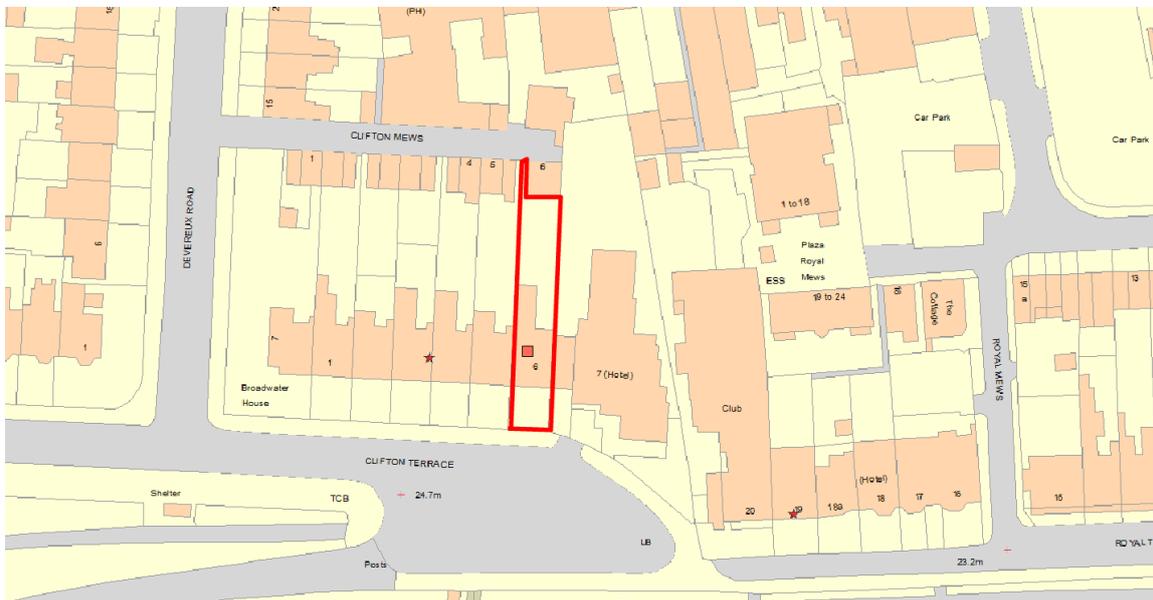


<b>Reference:</b>	a. 21/01653/FUL b. 21/01654/LBC	
<b>Application Type:</b>	a. Full Application b. Listed Building Consent	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Install timber decking to rear garden (Retrospective)	
<b>Address:</b>	6A Clifton Terrace, Southend-on-Sea, Essex	
<b>Applicant:</b>	Ms Victoria Morgan	
<b>Agent:</b>	Mr Mark Morgan of Petro Designs Ltd.	
<b>Consultation Expiry:</b>	a. 16.09.2021 b. 30.09.2021	
<b>Expiry Date:</b>	a. 05.11.2021 b. 05.11.2021	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	01; 01B	
<b>Supplementary Information:</b>	Heritage Statement; Design & Access Statement; Decking Photographs	
<b>Recommendation:</b>	a. <b>GRANT PLANNING PERMISSION</b> b. <b>GRANT LISTED BUILDING CONSENT</b>	



## **1 Site and Surroundings**

- 1.1 The application site is a five-storey, end-terrace property in Clifton Terrace that has previously been sub-divided into flats. The terrace, which includes seven buildings of the same design, is Grade II listed and located within the wider Clifftown Conservation Area.
- 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, No.6A, and has direct access out onto the rear amenity space. 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 The application site is bounded to the east by the car park belonging to the Seven Hotel.

## **2 The Proposal**

- 2.1 Planning permission and listed building consent are sought retrospectively for the installation of timber decking to the rear of No.6A's garden area. The decking has been constructed in timber, flush with the ground level and measuring some 5m deep by 4m wide.
- 2.2 The decking is positioned at the north-eastern part of the application site, adjacent to 6 Clifton Mews and the existing flank boundary wall.
- 2.3 It is noted an earlier application was submitted and subsequently refused on character grounds for a similar development (Ref. 19/01908/FUL) to erect a timber outbuilding and timber decking to rear.
- 2.4 The differences between these applications are that the outbuilding element has been removed and the area of decking reduced down from 5.2m deep and 7.2m wide.

## **3 Relevant Planning History**

- 3.1 19/01908/FUL- Erect timber outbuilding and timber decking to rear- Refused.

Reason for Refusal:

*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).*

## **4 Representation Summary**

### **Call-in**

4.1 The application has been called in by Councillors George and Nevin.

### **Public**

4.2 Sixteen (16no.) neighbouring properties were notified, a site notice posted and a press advertisement published. One interested party raised objections and four interested parties have submitted comments in support of the development.

Summary of supporting comments:

- Support and have no objections.

Summary of objecting comments:

- Decking out of character with the wider terrace
- The total extent of decking including the decking area to the rear of the basement unit is dominant, results in visual clutter and is detrimental to the open grain and historic fabric of the terrace.
- English Heritage view the application building and wider terrace with great importance.
- Misleading information submitted with the application which initially made mention of an outbuilding.
- The decking is presently subject of enforcement action.
- Submitted photos do not provide supporting evidence.
- Applicant has relocated an Acer tree without relevant consent.

**[Officer Comment]** All relevant planning considerations are assessed within the appraisal section of the report. These concerns are noted and have been taken into account in the assessment of the application where relevant. However, in the circumstances of this case, they are not found to represent justifiable reasons for recommending the refusal of the applications.

### **Design and Heritage Officer**

4.2 No objection.

## **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (2021)

- 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 (Cliff town Policy Area Development Principles)
- 5.5 The Design and Townscape Guide (2009)
- 5.6 Cliff town Conservation Area Appraisal (2006) and Emerging Appraisal (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations for this application are the principle of the development, the design and impact on the character and appearance of the area, the heritage impacts, including the impact of the development on the significance of the conservation area and the setting of the adjacent listed buildings, residential amenity impacts, CIL liability and whether the development has overcome previous reasons for refusal.

## **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 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 Cliff town 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 Jr 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 of openness across the rear gardens of Clifton Terrace.
- 7.8 On this basis, it is considered that the erection of timber decking flush with the ground level does not detrimentally 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 acceptable, subject to other design considerations outlined below.

#### **Design and Impact on the Character of the Area and impact on Heritage Assets**

- 7.10 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.
- 7.11 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.”*
- 7.12 The previous refusal at the property included a significant area of timber decking in a broadly similar location, some 5.2m deep by 7.2m wide. This extent of decking, together with the existing section to the rear of the basement unit were 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.
- 7.13 The revised decking area has been reduced and is now considered to represent a relatively modest feature (5m by 4m) in relation to the wider rear garden area. It has been installed flush with the ground without steps or balustrading and no views are possible from the wider conservation area. In this respect, it has significantly less impact on the setting of the listed building than the existing decking adjacent to the

listed building (which does not form part of this application). It is also noted that decking has a limited life cycle duration and as such the development is reversible.

- 7.14 The objector makes reference to relocation of an Acer tree as part of the development. However, the tree is too small to be subject to a conservation area protection and would not be suitable for a Tree Preservation Order due to its limited amenity benefit.
- 7.15 Overall, it is considered that the decking subject of this application preserves the setting of the listed building and the wider listed terrace, it preserves the significance of the conservation area and it does not cause detrimental harm to the character and appearance of the site and streetscene. The development has overcome the previous reason for refusal and is considered acceptable in design and heritage terms.

### **Impact on Residential Amenity**

- 7.16 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.17 The modest size, scale and position of the decking to the rear of the application site are such that it is not considered to have any detrimental impact on the amenity of neighbouring occupants. Any additional activity on the decking would not be above and beyond what should be expected in a residential context.
- 7.18 The development is considered to be acceptable and policy compliant in its amenity impacts.

### **Other Matters**

- 7.19 The development has not increased the need for parking nor does it reduce the current off-site parking provision available. The development is therefore not found to result in any significant parking or highways impacts and is acceptable and policy compliant in these regards
- 7.20 The 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 For the reasons outlined above the development is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

**9 Recommendation**

**a. GRANT PLANNING PERMISSION subject to the following condition:**

- 1 The development hereby permitted shall be retained in accordance with the following approved plans: 01; 01B**

**Reason: To ensure that the development is retained in accordance with the provisions of the Development Plan.**

**Positive and Proactive Statement**

**The Local Planning Authority has acted positively and proactively in determining this application, by assessing the proposal against all material planning considerations, including planning policies and any representations that may have been received. Planning permission has been granted subject to conditions as the proposal was found to be compliant with the objectives of planning policies and guidance and there were no material considerations to justify reaching a different conclusion. A detailed analysis of the proposal is set out in a report on the application prepared by officers.**

**b. GRANT LISTED BUILDING CONSENT subject to the following condition:**

- 1 The development hereby permitted shall be retained in accordance with the following approved plans: 01; 01B**

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

**10 Informative**

- 1 You are advised that the 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](http://www.southend.gov.uk/cil) for further details about CIL.**