



Appeal Decisions

Hearing held on 15 December 2009

Site visit made on 15 December 2009

by **Christina Downes** Bsc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
21 January 2010

Appeal A Ref: APP/D1590/A/09/2110678

Crowstone House, Crowstone Avenue, Westcliff-on-Sea, Essex SS0 8HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Runwood Homes Ltd against the decision of Southend-on-Sea Borough Council.
- The application Ref SOS/08/00982/FULM, dated 1 August 2008, was refused by notice dated 26 February 2009.
- The development proposed is the demolition of Crowstone House and ancillary staff accommodation and erection of 14 residential apartments.

Appeal B Ref: APP/D1590/E/09/2110683

Crowstone House, Crowstone Avenue, Westcliff-on-Sea, Essex SS0 8HT

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Runwood Homes Ltd against the decision of Southend-on-Sea Borough Council.
- The application Ref SOS/08/01096/CAC, dated 1 August 2008, was refused by notice dated 26 February 2009.
- The demolition proposed is of Crowstone House and ancillary staff accommodation.

Decision

1. For the reasons given below I dismiss these appeals.

Procedural Matter

2. At the Hearing amended plans were submitted which showed GPS levels and the proposed escape route in case of flood. This information was requested by the Environment Agency and I am satisfied that it does not materially alter the scheme or cause prejudice to any party. Accordingly I shall take these plans into account in my consideration of the appeal.
3. The Council has referred to the need for contributions towards the provision of education and highways facilities but at the Hearing it was unable to provide justification for this request. Taking account of advice in Circular 05/2005: *Planning Obligations* I have insufficient evidence to be able to conclude that such payments would be a reasonable or necessary requirement.

Main Issues

4. The main issue common to both appeals is the effect of the proposed development, including the demolition of the existing building, on the character and appearance of the Crowstone Conservation Area. In Appeal A the other
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determining issues relate to the effect of the proposed development on the living conditions of adjoining residential occupiers and whether it would place people or property at undue risk from flooding.

Reasons

Issue One: Effect on the Conservation Area

5. The development of Westcliffe as a residential seaside resort derived from the coming of the railway at the end of the 19th century. Although there is now a great variety of building style, including a number of large modern apartment buildings, there are also good examples of the early seafront architecture. Two such locations have been designated conservation areas and it is within one of these that the appeal site is located. Unlike the Leas Conservation Area to the east, the Crowstone Conservation Area is very small and comprises just seven buildings around the junction of Crowstone Avenue and Chalkwell Esplanade. Its special interest derives from its associations with the development of this part of Southend. Features including wooden balconies and verandas, sash windows with upper multi paned sections, bays and turrets, which typify seaside architecture in the Victorian and Edwardian period.
6. Crowstone House faces towards the sea with a return frontage along Crowstone Avenue. The Crowstone Conservation Area Appraisal (CAA) indicates that this was probably one of the first properties to be built and the front part, which was originally a private residence, dates back to about 1905. Although it has not been listed, Crowstone House is on the Council's Local List of buildings of local architectural or historic interest. The older front section includes many period features and its height and prominent corner position signals it as a key building in the conservation area. This is further emphasised by the fine ornate domed baroque tower that affords the occupiers extensive sea views. The property was subsequently converted into a school and a more austere gabled extension with an institutional appearance was added. Whilst this is not as exuberant as the original part it integrates well and does not detract from the overall value of the building, in my opinion. Crowstone House thus makes a positive contribution to the character and appearance of the conservation area as noted in the CAA. Taking account of advice in Planning Policy Guidance Note 15: *Planning and the Historic Environment* (PPG 15), the presumption is in favour of its retention.
7. On the opposite corner are five storey flats known as Hamilton Grange. This is a modern building and although there is a corner rotunda feature and a few nautical references it has drawn few of its design cues from its historic context. This building is a negative presence in the conservation area as is recognised in the CAA. Whilst it cannot be denied that it is an influential feature within this small building group I do not consider that it subsumes the underlying character that I have described. I appreciate that the Council did intend to de-designate this conservation area but this never happened. I do not agree with the Appellant that its historic character now relies solely on Crowstone House. The other traditional buildings also play their part as recognised in the CAA. In any event, new development is still subject to the statutory controls and indeed the recent approval of the CAA indicates that the Council now thinks differently about the historic value of this small part of Southend.

8. It is clear that the proposed building has not sought to relate to its historic context in terms of massing, height or design. Rather it aims to create a contemporary statement with maritime features including "porthole" windows on the Esplanade elevation, steel balconies and mast like structural supports. There is also a curved wall and roof extension as the building turns the corner into Crowstone Avenue, which seeks to reinforce its importance. The aim is to provide a gateway feature at the junction and a balanced composition with Hamilton Grange on the opposite corner. I consider this to be the wrong approach and one which shows little respect for the conservation area or the seaside aesthetic that characterises it. In addition, Crowstone House, and particularly the original part that fronts Chalkwell Esplanade, is a building of considerable visual importance in its own right. It may not be worthy of statutory listing but it is a strong and significant feature in the streetscape. It is clearly highly valued by local people and those who enjoy its distinctive architecture as they walk along the seafront. Even though there would be a landscaped frontage, I consider that the large and bulky building would not be a worthy replacement. It would impose itself on its surroundings and, in conjunction with Hamilton Grange, it would remove the remaining special interest that provides justification for the conservation area's designation.
9. For all of these reasons the proposed development fails to preserve the character and appearance of the conservation area and is contrary to relevant development plan policies, including saved Policies C2, C4, C11 and H6 in the Southend-on-Sea Borough Local Plan (LP) and Policies KP2 and CP4 in the Southend-on-Sea Core Strategy (CS). The proposal also conflicts with the Council's Supplementary Planning Document: *Design & Townscape Guide* and the provisions of PPG 15.

Issue Two: Effect on Living Conditions

10. No 7, Chalkwell Esplanade is a detached property with two boundaries abutting the appeal site. The new building would be set considerably further away from the common side boundary than the existing property. Taking account of the position of existing and proposed windows I am satisfied that privacy to the existing house and its garden would not be further compromised. Although parts of the new building would be higher I do not consider that there would be an overbearing impact or unacceptable loss of light taking account of the increased distances. I note the Council's concern about the position of the refuse store but this would be enclosed and its use would be unlikely to cause problems of smell or noise to either existing or new residents.
11. I observed that there is already a hard surfaced parking area within that part of the site that projects back behind the rear boundaries of properties in Second Avenue and Chalkwell Esplanade. Although the proposal would increase this in size I do not consider that unacceptable disturbance would ensue, taking account of existing boundary treatments and proposed new hedge planting.
12. The building would step down in height at its northern end and the scale would relate satisfactorily to the adjoining residential property, 1 Crowstone Avenue. It would not project further back than the rear elevation of that house and, taking account of the position of existing and proposed windows, I am satisfied that there would be no undue loss of light or privacy. I note the concerns of those living in Hamilton Grange who have balconies facing onto Crowstone

Avenue. Although the new building would be higher at its southern end and nearer to its site frontage I consider that any diminution of sun or daylight to these existing amenity areas is likely to be small and limited to short periods when the sun is low in the sky. Whilst sea views may be interrupted to a small degree the intervening distances would be sufficient to ensure that the new building would not appear overbearing in the outward view.

13. Taking account of all of the above factors I conclude that the living conditions of adjoining residential occupiers would not be unacceptably harmed. The proposal thus complies with the relevant development plan policies in this respect.

Issue Three: Flood Risk

14. The appeal site is within Flood Zone 3 where there is a high annual probability of tidal flooding from the sea. The Council is satisfied that the requirements of the Sequential Test have been met and from the information before me I do not disagree with that assessment. Taking account of Planning Policy Statement 25: *Development and Flood Risk* (PPS 25) the primary matter of dispute relates to the Exception Test and in particular whether the development would be safe in the event of an inundation.
15. The Flood Risk Assessment establishes that for a 1 in 200 year event plus climate change there is a modelled flood level of 5.988 metres above Ordnance Datum (AOD). The ground floor level of the new building would be set accordingly. I appreciate that the Environment Agency ask for an additional 0.3 metres in order to take account of discrepancies in the modelling and such factors as the wash created by vehicles moving through the floodwater. In the Appellant's view such a safeguard is unnecessary as the 5.988 metre AOD level would effectively address the worse case scenario because it assumes no flood defences. Furthermore, it is unlikely that vehicles would be travelling through this depth of water. In this case the lack of an additional 0.3 metres to ground floor levels does not seem to me to be a determinative factor.
16. The site is very close to the seafront and a breach of the sea wall could occur prior to overtopping. Such a breach analysis has not been undertaken and the Appellant contends that this would be disproportionate and unnecessary. In any event it appears that such an analysis is being undertaken in connection with an updated Strategic Flood Risk Assessment. From the evidence I was given it is clear that such an analysis would provide more detailed information as to the nature of the inundation such as the depth, speed of onset and the velocity of flow. However I was told that such a breach analysis would not result in a higher flood level than the modelling and that a similar exercise at a nearby site had produced a maximum flood level of 4.5 metres AOD. From the information before me I am satisfied that the proposed building floor levels would be sufficient to ensure that occupiers would be safely above the flood level in the event of a 1 in 200 year event allowing for climate change.
17. The proposed means of escape is a raised walkway to the rear of the building. This is shown to have a level of 5.995 metres AOD with a wall each side rising to 6.295 metres AOD. The route out would be in a northerly direction and subject to minor adjustments to the ground levels it seems to me that this would allow a satisfactory means by which people could evacuate the building

safely during a 1 in 200 year plus climate change flood event. In the absence of specific information about water depth and velocity the Environment Agency has adopted a precautionary approach and objected on the grounds that it is not satisfied that there is sufficient information to be confident that the built structures could withstand the pressure arising from the flood waters. However, from the information provided this seems to be a matter of structural design and I see no reason in principle why this should present an insurmountable problem. It is a matter that could be dealt with by means of the planning condition suggested by the Environment Agency.

18. The Environment Agency also referred to a 1 in 1,000 year event where the modelling shows flood levels of 6.451 metres AOD with climate change. I acknowledge that the Environment Agency would like the building and its escape route to be designed to take account of such an eventuality. However, it seems to me that in such an event there would be scope to move to higher floors of the building although I appreciate that the emergency planners would need to be satisfied about the efficacy of the detailed provisions. Taking all of the above factors into account I conclude that people or property would not be placed at undue risk from flooding. The proposal does not therefore conflict with Policy KP2 in the Core Strategy or PPS 25.

Conclusions

19. There would be 14 new homes and 3 of these would be affordable units to meet a local need in accordance with policy requirements. This would be a benefit of the appeal scheme. There would also be an efficient use of a brownfield site within a relatively sustainable location and this is a further advantage. However the proposal results in the loss of a building of considerable character and local importance. I appreciate that the existing building is not considered by the operator to meet the high standards now expected of a modern residential care home but there is no evidence that a suitable alternative use could not be found to allow it to be retained. In any event the replacement building would not be an acceptable alternative and the proposal thus fails to preserve the character and appearance of the Crowstone Conservation Area. This is a matter of paramount importance that outweighs the lack of harm in respect of flooding and residential amenity as well as the advantages that I have summarised above. I have taken account of all other matters raised but nothing alters my conclusion that these appeals should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr G D Frall BSc DipBldgCons FRICS	Partner of The JTS Partnership
Mr R Horley BSc BArch DipTP RIBA MRTPI	Partner of John Finch Partnership
Mr G H Bullard CEng MICE	Principal of G H Bullard and Associates
Mr R Sinden MSc DMS DipASSCQSW	Consultant in Health and Social Care

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Leigh MA	Senior Planning Officer with Southend-on-Sea Borough Council
Mr R Carpenter MIHBC	Senior Historic Buildings Advisor with Essex County Council

INTERESTED PERSONS:

Mr R Webster	Development and Flood Risk Engineer with the Environment Agency
Ms C Williams	Planning Liaison Officer with the Environment Agency
Mr N Dinwiddie	Planning Liaison Officer with the Environment Agency
Ms Z Hawkins	Local Resident and also representing the Conservation Association Westcliffe Seaboard and the South Westcliffe Community Group
Mr K P Smith	Local Resident
Mr and Mrs Baws	Local Residents
Mr P Sanders	Local Resident

DOCUMENTS

- 1 Crowstone Conservation Area Appraisal (November 2009)
- 2 Proposed conditions submitted by the Environment Agency
- 3 Extract from the Southend-on-Sea Local Plan, including Policy U2
- 4 Written representations submitted by Ms Hawkins

PLANS

- A (1/3) Amended plans showing GPS levels and flood escape route