

Appeal Decision

Site visit made on 23 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/P2114/W/16/3164027

Land adjacent to Bourne House, Church Hill, Totland, Isle of Wight PO33 0ET

- 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 Miss Tracey Tomlinson & Mr Anthony Parr against the decision of Isle of Wight Council.
 - The application Ref P/00867/16, dated 8 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. When the appeal was submitted the parties were under the impression that trees on the Appellants' land were subject of a tree preservation order¹. Just after my site visit though it came to light this was not in fact the case as paperwork relating to the confirmation of that order could not be found. However, a few days later a new order² was made in relation to these trees, and I am determining the appeal accordingly. I am mindful though that even without that order in place the trees in question would have been subject to a degree of protection because of their location within a conservation area.

Main Issue

3. Having regard to section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* the main issue in this case is whether the development would preserve the character or appearance of the Totland Conservation Area.

Policies

4. In assessing this issue I have been referred to Policies SP1, SP5, DM2, DM11 and DM12 in *Island Plan*, the Council's Core Strategy. Among other things these broadly seek to ensure new development respects and conserves the natural and historic environment of the island.

Reasons

5. The Totland Conservation Area reflects the growth of this settlement in the late 19th and early 20th Centuries. Although the buildings around are of a variety of designs and styles, the older ones nonetheless display common themes in their appearance such as the use of tile hanging, chunky timberwork, and ornate

¹ The County of the Isle of Wight (Parish of Totland) Tree Preservation Order No 1 1973

² The Country Garden, Church Hill, Totland Bay PO33 0ET Tree Preservation Order TPO/2017/05

- detailing. Moreover, they often stand in large, mature plots that give the area a soft, verdant character, and they are accessed along roads and lanes that, because of their winding alignment and limited pavements, appear informal and rural in nature. These factors contribute to the character of the conservation area and add to the significance of this designated heritage asset.
6. The Appellants live at The Country Garden, which is a large former hotel that is set back from Church Hill behind a lawn and a turning area. The design detailing and the spacious landscaped setting of this house mean it adds positively to the significance of the conservation area. Moreover, in front of The Country Garden, next to the lawn, is a fine mature beech tree that also makes a valuable contribution to the character of the surroundings when viewed from the road. The proposal is to be built on this front lawn, with the existing drive to the Appellants' property being retained to the side.
 7. If the detailing of what is before me is of a suitable standard and materials, which are matters that could be controlled by condition, I raise no objections to the proposal's design. Whilst the crown roof would be somewhat larger than the flat roofs found in the vicinity to my mind it would not be unduly apparent and its presence need not be inappropriate.
 8. The house itself would be roughly 10m deep and 9.3m wide. Nearly all its frontage would be given over to parking, while the back garden would be of a limited depth and area and enclosed with tall fencing. In my opinion this arrangement would result in a cramped and excessive development on the plot that would fail to respect the more spacious, landscaped housing layouts around.
 9. From Church Hill the proposal would also greatly conceal The Country Garden. Furthermore, because the 2 buildings would be large and would be only some 11m apart, it would create a tight and congested arrangement when looking down the drive and so form a level of development that would be at odds with what is characteristic of the area. As a result, the scheme would detract unacceptably from the spacious setting of The Country Garden, harmfully eroding the contribution it now makes to the conservation area and creating a layout that failed to accord with the pattern of built form around. I appreciate that the rest of its plot would still provide The Country Garden with a sizeable garden, but that would not assist in relieving the closeness of this relationship at this point.
 10. Turning to the beech tree, again from the road the scheme would reduce its contribution to the locality by concealing it to a great extent and undermining its pleasing spacious context. Moreover, that tree would notably overshadow the limited back garden and rear rooms of the proposal while there is insufficient evidence to show its root system would not be damaged by building this close. Therefore, granting permission for the dwelling could well result in pressure for the tree to be thinned or removed, so further harming the verdant nature of the surroundings. I have noted the Appellants' desire to reduce the crown of the tree, but I consider that would not be sufficient to allay my concerns in relation to the pressure it could be under if I allowed the appeal.
 11. I accept the beech tree is closer to The Country Garden than it would be to the proposed dwelling. However The Country Garden sits in a large site and the area around the tree, which accounts for a very small part of the total garden, does not appear to be readily used for outdoor recreation. Moreover, it affects

- relatively few windows at The Country Garden to any significant degree. Therefore, its impact on the existing dwelling is not as great as its effect would be on what is before me and so this current situation does not imply the relationship between the proposal and this tree would be acceptable.
12. Whilst the Council also raised concern about the effect on other trees, given the separation involved I am not satisfied the scheme would affect them harmfully.
 13. Finally, the use of nearly the complete frontage as a parking area with a full-width crossing would be a particularly harsh feature at odds with the mature landscaping found around. While I accept that some properties have relatively large areas of hardsurfacing in their curtilages, they tend to be set behind boundary treatments or within a more pronounced landscaped context and so do not have a comparable impact. I also understand this lawn used to be a car park with signage when The Country Garden was a hotel. However, it is not now and in any event I anticipate that a car park use would still maintain a sense of openness around the Appellant's existing house and the beech tree that would allow them both to be appreciated. As such, these points do not lead me to different findings in this case.
 14. Taking these factors together I find the proposal would cause harm, albeit less than substantial to the significance of the Totland Conservation Area.
 15. In the *National Planning Policy Framework* (the Framework) one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 134 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits.
 16. In this case the only public benefit highlighted by the Appellants is that it would address to some degree the shortfall in housing on this side of the island. However, I have little evidence to support that contention, and even if there was a shortfall any benefit resulting from the provision of this one property would be moderate only and so would not outweigh the permanent harm that would result from the scheme.
 17. Accordingly I conclude that the works would fail to preserve the character or appearance of the Totland Conservation Area, causing less than substantial harm to the significance of this heritage asset. In the absence of any public benefits to outweigh this harm I conclude the scheme would conflict with Policies SP1, SP5, DM2, DM11 and DM12 in the *Island Plan*, and the Framework.

Other matters

18. To the south of the site stands Bourne House, and this has a number of windows facing the proposal and a garden area in between. However I consider that the separation would be sufficient to mean those residents would not experience any unreasonable loss of light or outlook because of the proposal, and it would not be unduly overwhelming.

19. Although this scheme would increase pressures on the Solent Special Protection Areas I have no reason to consider that adequate mitigation could not be secured through the payment in the submitted deed.

Conclusions

20. For the reasons given I conclude the appeal should be dismissed.

J P Sargent

INSPECTOR