

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: 24 March 2017

Appeal Ref: APP/P2114/W/16/3164744

13 Shore Road, Gurnard PO31 8LD

- 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 Mr Anthony Schirmer against the decision of Isle of Wight Council.
 - The application Ref P/00719/16, dated 24 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the demolition of a 2-storey residence and the rebuilding of a 3-storey single residence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the works on the character and appearance of the area and their impact on the living conditions of neighbouring residents.

Reasons

Character and appearance

3. I understand that this part of Gurnard, from the shore line along Shore Road up the hillside to just past the appeal site, was originally developed with a collection of small beach huts and shacks. Although many of these have been redeveloped or altered over time, the haphazard arrangement of the buildings coupled with their materials, their size, their simple form and the network of narrow lanes and paths mean the original and distinctive character of this area has been maintained.
4. The appeal property currently respects this overriding character. It is 2 storeys high with a hipped roof, but it does not appear unduly large within the street-scape. This is because the upper floor does not project the entire length of the lower floor, and from the road its lower floor is substantially concealed by boundary hedging and the slope of the land. Its materials of render, weatherboarding and glazing reflect the simple nature of beach huts, while its balcony emphasises the recreational aspect of such buildings. However it is in a poor condition and I was told the lower floor is unused and uninhabitable.
5. This is the third appeal concerning the redevelopment of the site. The 2 previous ones each sought to build 2 houses following the demolition of the existing, and both were dismissed¹.

¹ Decisions APP/P2114/A/10/2137029 and APP/P2114/A/13/2206215 dated February 2011 and January 2014

6. It is now proposed to erect a single dwelling here in place of the current property. It would be an extra storey higher, with the additional floor being at the southern end up the slope, and it would be appreciably taller than the eaves and ridge of the existing property. It would have a shallower roof pitch and it would have a more solid appearance when compared to the current building because of its limited windows and more extensive elevations, while it would be slightly nearer to the highway. Furthermore, unlike at present the middle floor would extend northwards over the full length of the lower floor.
7. Taking the above factors together I consider that from the south the top floor of the dwelling means it would appear unduly tall and dominant amongst the other buildings on the hill slope. Indeed it would be one of the tallest and would rise above 11 Shore Road, the relatively low neighbouring property.
8. When seen from the road next to the site there would be an increased awareness of built form. This would be because of its additional height and its closeness to the carriageway. Moreover the middle floor would have a greater impact because of its longer projection that could be seen above the boundary hedge as the road descends. Together these factors would mean the house would be significantly larger and more dominant than those around, and would create an appreciable sense of enclosure in the streetscape.
9. When looking up the hill I accept the house would be concealed to some degree in more distant views because of the intervening buildings. Moreover, from where it could be seen to the north and north-west the increased glazing would not necessarily be unacceptable as this is commonly found elsewhere nearby. However, the proposal would appear appreciably taller than the existing and surrounding houses, partly as a consequence of the upper floor and partly because of the way the sloping land would accentuate the projection and consequent height of the middle floor.
10. Taking these factors together, I consider the resultant development would appear unduly large and dominant when compared with the modest buildings around. It would also enclose the street to an unacceptable degree and visually overwhelm the properties to the north-west. As a result, it would detract from the current pleasing and distinctive character of this part of Gurnard.
11. In coming to this view I have noted the new property further down the hill on the opposite side of Shore Road. However while relatively sizeable its impact is not comparable as its upper floor is within the roof and it sits at right angles to the road. As a result, its elevations are less pronounced. I have also taken into account the larger properties further inland on Shore Road, to the south of No 11. These though do not lead me to different findings because this section of the road has a distinctly different character as it has a weaker link to the sea and the dwellings tend to be bigger and less reflective of the 'beach hut' style. I have had regard as well to the other buildings between No 13 and the shoreline, but I see nothing in their designs and locations to offer me a basis to reach different findings.
12. Finally, I understand that planning permission was granted to enlarge No 11, but that has now lapsed. As a result it does not carry weight in my reasoning as a 'fallback' option.

13. I raise no specific objection to the proposed design or materials, considering them to be a modern interpretation of the traditional built form in the area. Concern was expressed about the external use of corrugated iron, as residents said it had been recently used on other properties nearby but had already started to show adverse signs of weathering. However, the precise treatment for this could be addressed by condition.
14. Accordingly I conclude the development would detract unacceptably from the character and appearance of the area and so conflict with Policies DM2 and DM12 in the *Island Plan*, the Council's Core Strategy, which broadly seek to protect the environment and landscape of the island. For this reason there would also be conflict with the *National Planning Policy Framework* (the Framework).

Living conditions

15. The separation would be sufficient to mean the scheme would not have an unduly dominant effect on the living conditions of the houses on the opposite side of Shore Road.
16. To the south-west is 15 Shore Road, which is a bungalow that stands at a similar level to the middle floor of the proposal. The residents there already experience some overlooking of their conservatory and garden from the large lounge windows at No 13 that presently run along its south-western elevation and also from its balcony. The proposal would have only 2 smaller windows on its elevation to No 15 and the balcony would be further from that neighbouring house, meaning views back would be more acute and less likely. A balcony is also to be on the top floor but that could be screened. Therefore to my mind what is before me would not result in an increased loss of privacy at that neighbouring property.
17. However, the middle floor of the proposal would project further than the equivalent floor now, while the absence of windows would mean it was more solid in appearance. The effect of this would be emphasised by the sloping land, and would result in a greater sense of enclosure at No 15.
18. Although an additional top floor is also proposed that would scarcely project beyond the north-west elevation of No 15 and so would not adversely affect the amenities of those residents.
19. I appreciate that the reduction in windows in the south-west elevation of the proposal has both a beneficial and a harmful effect on the living conditions at No 15 as it reduces overlooking but also increases the dominance of that part of the building. However, when this is taken with the further dominance created by the longer middle floor element I find that, on balance, the scheme would harm the living conditions of those at No 15 to an unacceptable degree.
20. To the south-east of the proposal is No 11, which is a low, small dwelling. This property appears to have north-westfacing windows on either side of No 13 – one allowing a view out to the north-east of the Appellant's house while on the other side windows look over the roof of No 15.
21. The views from the windows of No 11 that are on the south-western side of No 13 are currently enclosed to some degree by the elevation of the appeal property. This elevation would not be moving any closer to the boundary and so would not reduce this outlook. While the south-west elevation of No 13

would be longer and taller than at present in my opinion neither of these differences would result in an appreciable change to the outlook from or daylight in those rooms of No 11.

22. The development would reduce the outlook from window on the north-east side as the new house would be built slightly closer to the highway. However, although no doubt an attractive view towards the sea, I consider its loss would not have an unreasonable effect on the living conditions in that neighbouring property, given the outlook that exists through other windows. The owner of No 11 expressed concern about the effect such a loss could have on rental income from lettings, but no specific evidence was submitted to support that and so the weight I can afford it is limited.
23. Finally, the moving of the balcony from its existing position back to beyond the end of the ground floor element would allow an unacceptable and more pronounced overlooking of the dwellings to the north-west.
24. While it was said that the metal roof would be noisy when it rained, that would not offer a basis to resist the proposal.
25. Accordingly I find that the dwelling would unreasonably affect the living conditions at 15 Shore Road and the properties to the north-west, in conflict with Policy DM2 in the *Island Plan*, which seeks to provide an attractive and functional built environment amongst other things. It would also conflict with the Framework, which identifies as a core planning principle the need to seek a good standard of amenity for all existing residents.

Other matters

26. I have insufficient evidence before me to find the scheme would have an unacceptable effect on ground stability or drainage, while planning permission would be required to change the building subsequently to 2 dwellings. The parking situation would be no different to the existing and so there would not be an adverse effect on highway danger.
27. The Appellant noted that the building had remained substantially unaltered since it was built in the 1930s and it was generally now substandard with the lower floor being uninhabitable. The proposal would therefore be creating a much more useable property. However, these are matters that generally concern the maintenance regime employed, and they do not demonstrate that what is proposed is the minimum necessary to allow the optimum use of the site. Moreover, I accept that the scheme now before me in many ways is preferable to each of the 2 schemes previously refused but again that does not mean what is now proposed is acceptable. To my mind these points do not outweigh the conflict with the development plan.

Conclusions

28. Accordingly I conclude the proposal would conflict with Policies DM2 and DM12 in the *Island Plan* and the Framework, and in the absence of any material considerations to indicate otherwise, the appeal should be dismissed.

J P Sargent

INSPECTOR