
Appeal Decision

Site visit made on 4 April 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/P2114/W/16/3164655

6 Nunwell Street, Sandown, Isle of Wight PO36 9DE

- 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 Ms L Medelson against the decision of Isle of Wight Council.
 - The application Ref P/00086/16, dated 6 January 2016, was refused by notice dated 6 June 2016.
 - The development proposed is conversion of lower ground floor to self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the living conditions of the future occupiers of the proposed flat and the occupiers of the existing dwelling having regard to outlook, light and privacy.

Reasons

Living conditions

3. The appeal site is occupied by a substantial Victorian-era dwelling arranged over four floors, set in spacious gardens. The internal layout of the basement would be altered to form the proposed two-bedroom flat. This would be accessed externally by an existing pedestrian entrance and a new entrance, both located at the side of the dwelling down a flight of steps. An internal staircase and doorway linked to the rest of the dwelling would be retained.
 4. All habitable rooms in the proposed flat would be lit by the existing basement bay windows. Whilst these windows are large, apart from the topmost sections they are mostly situated below the external ground level and look out directly onto the adjacent retaining walls. Therefore, the windows afford only limited views and they have a restricted aspect which only allows a limited level of natural light within the rooms. In the case of the window in the proposed lounge/dining room the levels of outlook and light are further reduced by a substantial oversailing rear conservatory.
 5. As a result, the future occupiers of the proposed flat would have a very limited outlook from the habitable rooms. Due to the restricted aspect, they would also experience a limited level of natural light in those rooms. Using glazed external entrance doors would not significantly increase the available outlook or light levels, particularly as those doors are also at basement level.
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Consequently, the future occupiers would experience an oppressive living environment unduly reliant on artificial lighting. I acknowledge that the basement forms part of the habitable space of the dwelling and includes a kitchen. However, unlike future occupiers of the proposed flat, the existing occupiers also have access to rooms on upper floors with adequate outlook and light.

6. A modest external amenity space for the proposed flat would be formed in part of the existing private garden of the dwelling, adjacent to the glazed side elevation of the rear conservatory. The amenity space would be at a significantly lower level than the floor level of the conservatory. However, given the limited distance involved, use of the amenity space and the conservatory would result in a significant degree of mutual overlooking between the respective occupiers. Whilst the occupiers of adjoining properties might also be able to look towards the conservatory, the effect on privacy is more limited due to the greater distances involved. I accept that it might be possible to obscure glaze the side elevation of the conservatory. However, given the proximity of the conservatory to the amenity space such glazing would not significantly reduce the effect on privacy. As a result, whether the amenity space would be shared with the dwelling or as appears from the submitted plans it is intended to be separate, the proposal would significantly erode the existing levels of privacy enjoyed by the occupiers of the dwelling.
7. Notwithstanding the description of development in the banner heading above, which is taken from the application form, the appellant now says that the proposed flat would be used flexibly as a short-term holiday let or as part of the dwelling and it would not be sold separately. Even so, use of the proposed flat for short periods by holidaymakers would still give rise to the harm identified above. Consequently, the proposal would not provide for the high quality tourism supported by Policy SP4 of the adopted Island Plan Core Strategy (CS). Whilst the appellant says that a covenant could be added to the deeds to prevent the future sale of the flat separately from the dwelling, that is not a planning matter and I cannot take it into account in my decision.
8. Therefore, the proposal would not provide an acceptable standard of living environment for future occupiers and it would unacceptably harm the living conditions of the occupiers of the dwelling. There would be no failure to accord with CS Policy DM2, as it contains no relevant criteria concerning the provision of an acceptable level of outlook and daylight for future occupiers or concerning the safeguarding of the privacy of the occupiers of existing dwellings. Nevertheless, the proposal would not be consistent with a core planning principle of the National Planning Policy Framework set out in paragraph 17, as it would not secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

9. The appeal site lies within the Solent Special Protection Areas (SPA) buffer zone. A completed Planning Obligation making a financial contribution towards habitat mitigation within the buffer zone was submitted with the appeal as required by the Council's adopted Solent SPA Supplementary Planning Document. However, it is not necessary to look at the Planning Obligation in detail, given that the proposal is unacceptable for other reasons.

10. I acknowledge that the proposed flat is in an accessible location in relation to public transport, the seaside and other recreational facilities and that it could make a contribution towards regeneration of the area. These matters weigh moderately in its favour but do not carry more weight than the harm identified above.
11. I can fully understand the appellant wishing to derive an income from the dwelling to supplement their pension and to make a return from the investment they are making in its restoration. However, those are not planning considerations. Therefore, I cannot take matters of that nature into account in my decision.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR