
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/16/3166013

38 Castle Road, Cowes, Isle of Wight PO31 7QZ

- 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 and Mrs Bettum against the decision of Isle of Wight Council.
 - The application Ref P/00172/16, dated 8 February 2016, was refused by notice dated 16 August 2016.
 - The development proposed is demolition of house; proposed replacement dwelling with ancillary detached boat store and sail loft.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would preserve or enhance the character or appearance of the Cowes Conservation Area.
 - The effect of the proposal on the living conditions of adjoining residential property, having regard to privacy.

Reasons

Character and appearance of the Conservation Area

3. The appeal property consists of a detached dwelling dating from the mid-20th Century, which occupies a spacious plot in the Cowes Conservation Area (CA). The dwelling is set well back from the gently curved street, in an elevated position overlooking the Solent. It is in a small row of detached properties of varying age, size, style and materials, occupying comfortably sized plots. The row borders and is visible from Northwood Park (the park), a substantial landscaped public open space at the crest of the hill. The park informs the character and appearance of this part of the CA¹. Dwellings in the row vary in terms of the distance they are set back from the street. However, the existing dwelling and the adjacent properties have a similar alignment which together with their similarities in scale, assists in minimising the effects of the more modern built forms on the setting of the park. There are examples of buildings of contemporary design in the street and surroundings. However, the design of most local development is rooted in the traditions of classical architecture.

¹ Northwood Park Character Area-Cowes Conservation Area Character Map.

Development further along the street is more closely aligned with the carriageway and is denser and more urban in feel.

4. The proposed dwelling would be arranged over four levels, with a partly underground garage dug into the rising ground. The central section of the new dwelling would stand on the footprint of the existing structure. However, its overall footprint would be much larger and substantially deeper. As a result, the new dwelling would have a significantly increased overall size and bulk compared with that of the existing building and adjoining dwellings. This would be most apparent at the front, as a two storey section of the new dwelling would project well forward of the front façade of the adjoining dwellings, with a raised single storey section and the garage further in front. Therefore, a significant part of the new dwelling would be much closer to the street than the adjoining buildings. The overall size and bulk of the new dwelling would be emphasised by its elevated situation. Consequently, the new dwelling would be a much more obvious feature in the street scene than the existing building and adjoining dwellings. Although the main bulk of the new dwelling would be set back a similar distance to some other dwellings in the row, those buildings are either of more modest scale or they have a different relationship with adjacent development and the street.
5. The new dwelling would be of a striking contemporary design, which has been articulated into a number of different modular elements to attempt to break up its overall scale and bulk. These vary in height, projection and proportions and there is a mix of both horizontal and vertical emphasis. There would also be a mix of external wall finishes including brick, metal and timber cladding as well as render, to contrast the different elements. When taken together, these factors would result in the new dwelling lacking a sense of unity and cohesion in its design, resulting in a somewhat unresolved and 'fussy' overall appearance. This would not compare favourably with the more restrained approach to design and simplicity in external materials generally found in this part of the CA, both in buildings echoing older architectural styles as well as contemporary structures.
6. Consequently, the new dwelling would have an awkward juxtaposition to the adjoining buildings and it would appear as a large scale and assertive feature in views from the street and the park. This would be entirely at odds with the largely more subdued relationship between existing dwellings in the row and their surroundings. The retaining of a deep front garden, existing hard and soft landscaping, proposed planting and the existing large outbuildings in adjacent front gardens would not significantly soften or offset the appearance of the new dwelling in the street scene. Accordingly, the new dwelling would not be easily assimilated into its context, even having regard to the variations in scale and design of buildings in the locality and it would appear as an incongruous feature in its surroundings.
7. The style and form of the existing dwelling makes no positive contribution to the CA. The new dwelling would have a low profile roof treatment, with a small central section of similar height to the ridge of the existing dwelling. However, the main two storey sections would be similar in height to the existing eaves level and would be similar to the height of adjoining dwellings. Therefore, when taken in isolation, the overall height of the new dwelling would not cause visual harm. The revised boat store design would not be visually harmful to its surroundings, having regard to the presence of structures of similar scale and

location in the locality. However, these matters do little to mitigate the awkward relationship that the new dwelling would have with its surroundings.

8. I have taken the support from interested parties into account. Nevertheless, for all of the above reasons I find that the new dwelling would not preserve or enhance the character or appearance of the CA. This is a matter which must be afforded great weight. Therefore, the new dwelling would not accord with Policy DM2 of the adopted Island Plan Core Strategy (CS), as it would not represent high quality design which protects and conserves the existing environment and it would not compliment the character of the surrounding area. The new dwelling would also not accord with CS Policy DM11, as it would not positively conserve the special character of the historic and built environment. Furthermore, the new dwelling would be inconsistent with the National Planning Policy Framework (the Framework) at paragraph 60, as it would not promote or reinforce local distinctiveness.

Living conditions

9. 36 Castle Road (No 36) has previously been significantly extended to the rear. In consequence its long front garden, which contains substantial maturing planting and ancillary buildings, forms its principal private amenity space. There is currently some overlooking of this space from first floor windows in the front elevations of the existing dwelling. However, the existing levels of overlooking are not dissimilar to that which would occur in many rear gardens. Consequently, the occupiers of No 36 enjoy a strong degree of privacy and seclusion in their front garden.
10. The new dwelling would have a window serving a ground floor bedroom in the front elevation, close to the boundary with No 36. This window would partly be angled towards the boundary. Due to the raised floor level, persons in the room would be able to overlook No 36's garden at close quarters. Whilst any overlooking from this window would be reduced if the existing boundary hedge were allowed to grow taller in future, this would not be a reliable way to safeguard privacy. Other windows in the new dwelling would be offset from the boundary with No 36 to the extent that they would not cause unacceptable overlooking or in the case of windows in the side elevations, they could be obscure glazed. However, this would not address the harm identified above.
11. The new dwelling would also have a second floor roof terrace. This would be offset from the boundary with No 36. Persons on the terrace would be stood back from its edge and their views would primarily be focussed towards the Solent, much like the views from first floor balconies at No 36 and elsewhere in the row. Even so, persons stood on the terrace would have extensive views over parts of No 36's front garden. The sense of being overlooked would be accentuated by the substantial height of the terrace relative to the level of No 36's garden. The proposed privacy screen at the side of the terrace would limit views to No 36's balcony and its immediate front garden but there would still be a wide angle of view over the rest of the garden. Consequently, the screen would not significantly reduce overlooking. Increasing the height of the parapet wall might reduce the opportunity for overlooking from the terrace. However, I have to determine the appeal on the basis of the plans before me.
12. It would be possible to avoid any overlooking from the proposed front garden terraces with appropriate boundary treatments. There would be more limited effects on the levels of privacy enjoyed by the occupiers of 40 Castle Road, as

the design of the new dwelling has afforded minimal opportunity for direct overlooking to occur. However, for the reasons identified above the new dwelling would unacceptably reduce the level of privacy currently enjoyed by the occupiers of No 36.

13. Therefore, the new dwelling would be inconsistent with one of the core planning principles at paragraph 17 of the Framework, as it would not secure a good standard of amenity for existing occupants of land and buildings. However, there would be no failure to accord with CS Policy DM2, as it contains no relevant criteria concerning the safeguarding of the privacy of neighbouring occupiers.

Other matters

14. Interested parties have expressed concerns regarding ground stability. Based on the available information planning conditions could have addressed this matter, if I had otherwise been minded to allow the appeal. Similarly, a condition could have been imposed to ensure that adequate surface water drainage was provided.
15. Whilst the new dwelling would not adversely affect any trees, this is a neutral factor. Evidence has also been submitted on behalf of an interested party regarding the effect of the new dwelling on a range of heritage assets. However, as I am dismissing the appeal for other reasons it is not necessary to consider this matter in further detail.

Planning balance

16. The harm to the significance of the designated heritage asset (the CA) would be 'less than substantial' as meant by paragraph 134 of the Framework. Consequently, it is necessary to balance the harm caused by the new dwelling against any public benefits. However, the benefits of the new dwelling would be largely private and in favour of the appellant. Consequently, there would be nothing which would outweigh the harm caused to the CA.

Conclusion

17. The new dwelling would not preserve or enhance the character or appearance of the CA, it would not accord with the Development Plan and it would be inconsistent with the Framework.
18. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR