
Appeal Decision

Site visit made on 7 June 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/P2114/W/17/3169973

19 Albert Street, Ryde, PO33 2SB

- 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 M and A Dickson and Medley against the decision of Isle of Wight Council.
 - The application Ref P/01300/16, dated 18 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is the demolition of the existing dance school buildings and erection of a 2-storey building containing 2, 2-bedroom and 3, 1-bedroom self-contained flats with 5 parking spaces and amenity area.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dance school buildings and erection of a 2-storey building containing 2, 2-bedroom and 3, 1-bedroom self-contained flats with 5 parking spaces and amenity area at 19 Albert Street, Ryde, PO33 2SB in accordance with the terms of the application, Ref P/01300/16, dated 18 September 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant submitted a set of revised proposals to the Council. It is not clear to me what degree of consultation was undertaken in relation to those revisions. To ensure that no injustice is caused to anybody who may have wished to comment, I will consider the plans as originally submitted.
3. The Council has referred to the need for financial contributions to mitigate for impacts upon biodiversity interests. A Section 106 planning obligation (S106) has now been submitted by the appellants and I return to that matter below.

Main Issues

4. The effect of the proposal upon the character and appearance of the area. Whether the prospective occupants of the flats would have adequate living conditions with reference to outdoor amenity space. Lastly the effect upon living conditions of neighbouring dwellings.

Reasons

Character and appearance

5. At the time of my visit, the existing building had been demolished. A large gap

exists between the adjoining properties on either side. The submitted plans show in basic outline the building that previously existed on the site. The proposal would involve the construction of a 3 storey property with the top floor being within the proposed roof-space.

6. Albert Street includes residential properties which are mainly semi-detached traditional buildings but there are also some detached dwellings including that at No 18. There is some variety to the appearance of the nearby dwellings although I note that the previous building on this site had a different basic shape from those nearby. There is also some variety to the levels and heights of the buildings as the road is on a hillside.
7. Given that the proposed building would include 5 flats it is a bulkier structure than the dwellings that adjoin the site. It would not look cramped given the proposed retention of space on either side. The building would be a little lower in ground level than No 18 and a little higher than the dwelling on the other side, No 20. The roof height would be around the same as No 18. At that height the building would not look at odds with the buildings nearby even though there is a degree of stepping down the hillside. The design with hipped sloping sides to the flat topped roof would respect the design of many of the dwellings nearby. The proposed roof dormers, 2 on the southern side and 1 on the northern side would be set back from the front and rear elevations of the building. Dormers are not a common feature within the area but this building will to some extent look a little different anyway but that does not mean that it would cause harm. The dormers would not be prominent or out of keeping with the overall design.
8. In relation to the first main issue, the proposal would have a satisfactory effect upon the character and appearance of the area. I consider that this would be a quality design that would conserve the environment contributing to an attractive built environment and a sense of place. The proposal would therefore comply with Policies SP1 and DM2 of the Island Plan¹ (IP). In these respects, the proposal would constitute a good design, as required by paragraph 56 of the National Planning Policy Framework (Framework).

Living conditions – prospective occupants

9. The submitted plans show a small area for external amenity space which is indicated as being 47.56m² in area. The Council refers to this being slightly less but provides no particular rationale in the form of any guidance for requiring additional space. I will consider the matter on its merits.
10. The ground floor flats would each include 2 bedrooms and may therefore attract small families and so there may be some need for external space for children to play out. The external space could enable that. The other 3 flats would all be single bedroom units less likely to attract families. All residents may wish to use outside space for recreation at times of good weather but the issue is more acute for families. The amount available does provide for the needs of occupants but would be limited. This is not unusual for flatted developments in my experience. I do not consider that this would be a severe limitation and it would be a matter of choice for prospective occupants.
11. In relation to this main issue, the prospective occupants of the flats would have

¹ Isle of Wight Core Strategy (including waste and minerals) and Development Management Development Plan Document, adopted March 2012

adequate living conditions. This would comply with IP Policy DM2 and the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions – neighbouring dwellings

12. The proposal would include some windows, including the dormers that would face towards the properties on either side of the appeal site. These would enable some views primarily down to the sides of those dwellings. Although the windows would serve mainly habitable rooms, the overlooking would be over areas which are already overlooked from the street and which are primarily circulation space within those properties rather than the main parts of the gardens. There would inevitably be some overlooking towards rear gardens but this would be at least partially obstructed by the neighbouring buildings themselves. Furthermore, this is a tight knit residential area where even rear gardens do not enjoy complete privacy. I do not consider that obscure glazing would be necessary within these windows.
13. In relation to this main issue, the proposal would not have a harmful effect upon living conditions of the 2 adjoining properties. This would comply with IP Policy DM2 and the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants.

Other Matters

14. The appeal site falls within a Solent Special Protection Area (SPA) buffer zone and the proposal would result in a net increase in population. The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in May 2014. The SPD refers to the likely increase in recreational use of the Solent coastline, is likely to have a significant effect on the designated sites. Furthermore, Natural England are quoted within the document as stating that without mitigation of these effects this has the potential to restrict development within the area. This would be due to the potential harm caused to biodiversity interests without mitigation.
15. The Council states that £172 per dwelling is required from new residential unit to provide for mitigation. The SPD refers to a scheme that the money would be paid towards. I am satisfied that cumulatively harm could result for the development leading to additional population within the SPA if these measures are not put in place. The appellant has submitted a S106 which would contribute this amount per dwelling. I am satisfied that this is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The S106 would comply with regulation 122(2) of the Community Infrastructure Regulations 2010 and the policy tests within the Framework. The securing of contributions would overcome a decline in biodiversity as required by the Framework and the SPD.

Conditions

16. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed. This refers to the plans originally submitted rather the subsequent revisions.
17. I have also imposed other conditions suggested by the Council with some simplification to make them more precise. These relate to the parking and

amenity areas, materials and (due to the historic use of the site as a tobacco factory) ground contamination.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/AS/101 and 2016/AS/100 Rev A.
- 3) No dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing number 2016/AS/100 Rev A for a maximum of five cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.
- 4) No development shall commence until further details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The amenity space as shown on drawing number 2016/AS/100 Rev A shall be retained for the use of all owners/occupiers of the flats at all times.
- 6) No part of the development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-
 - a) a desk-top study documenting all previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research report no 11 and BS10175:2011+A1:2013 and, unless otherwise agreed in writing by the Local Planning Authority;
 - b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175:2011+A1:2013 -"Investigation of Potentially Contaminated Sites – Code of Practice"; andWhere contamination is identified prior to the commencement of development:-
 - c) a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority including an implementation timetable, monitoring proposals and a verification methodology;
 - d) development shall be carried out in compliance with the approved remediation scheme, implementation timetable, monitoring proposals and verification methodology; and
 - e) a verification report for the remediation shall be submitted to the Local Planning Authority prior to any development above finished floor level and no development shall take place above that level until the Local Planning Authority has confirmed in writing that it is acceptable to do so.