
Appeal Decision

Site visit made on 4 July 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/P2114/W/17/3170546

Land West of 34B Castle Close, Ventnor, PO38 1UD

- 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 M Cotton against the decision of Isle of Wight Council.
 - The application Ref P/01448/16, dated 1 November 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the living conditions of future occupiers, in terms of provision of garden space, and on the character and appearance of the surrounding area.

Reasons

3. 34B Castle Close is a recently constructed chalet style dwelling located at the end of a row of properties on the north side of this road. These properties sit within an area of woodland protected by a Woodland Tree Preservation Order and The Undercliff: Steephill Inner Cliff - Site of Importance for Nature Conservation (SINC). The dense coverage of mature trees in this area provides an attractive verdant and arboreal backdrop to the properties here and as such makes a significant contribution to the character and appearance of the area.
4. The appeal site comprises land to the west of No 34B. The front of the site is open but this area is very narrow and tapers away to a point. The rear of the site is wooded. Given the space constraints the proposed dwelling would sit very close to the woodland meaning there would be very little usable rear garden space. The main garden would therefore be located to the side of the property. This area would not be particularly large and would provide limited privacy being directly adjacent to the highway. Its close relationship with the parking area for the property would also have a negative impact on its quality.
5. Whilst the size of garden proposed might be within minimum garden standards found nationally this does not diminish the harm I have found in terms of its quality. Nor do the appellant's comments that prospective occupiers would be aware of the limitations of the garden justify a substandard garden space.

6. I accept that some human intervention with respect to the protected woodland within the appeal site might be of some benefit. Conditions such as the removal of permitted development rights, and requiring the erection of fencing and implementation of a woodland management plan in order to protect the woodland could also be attached to any subsequent permission. However, given my findings above on garden space I can appreciate the Council's concern that approval of this proposal could result in future occupants encroaching and intruding into the woodland which would be harmful to the character and appearance of the area. Although my decision on this appeal does not turn on this matter, it nevertheless carries moderate weight.
7. Taking the above points together I have found that the development would be harmful to the living conditions of future occupiers of the dwelling in terms of a lack of quality garden space. It could also lead indirectly to harm to the character and appearance of the surrounding area. For these reasons the proposal would conflict with Policy DM2 of the Isle of Wight Core Strategy (2012) (CS) which, amongst other things, requires development proposals to provide a functional and attractive built environment. It would also conflict with Policy DM12 of the CS which requires proposals to conserve, enhance and promote the landscape of the island by ensuring new development avoids both direct and indirect adverse effects upon the integrity of designated sites.
8. In coming to the above conclusions I consider that the proposed dwelling would not appear cramped in the street scene sitting in line with and not too close to No 34B. Although narrower than No 34B properties along the north side of Castle Close are not uniform in width so the proposed dwelling would not appear out of character. These matters do not, however, alter my findings above.

Other matter

9. The appellant refers to planning permission granted for a detached dwelling at 30 Castle Close which included a new access through the protected woodland/SINC which runs up the west and north sides of the appeal site. The Council, were, however, satisfied that this was an existing access. This matter therefore only carries limited weight and does not outweigh the harm I have found.

Conclusion

10. For the reasons given, and having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR