



Appeal Decision

Site visit made on 21 August 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/P2114/D/17/3179437

Nirvana, Hamstead Road, Shalfleet PO41 0YB

- 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 Stephen Sharp against the decision of Isle of Wight Council.
 - The application Ref P/00578/17, dated 6 May 2017, was refused by notice dated 3 July 2017.
 - The development proposed is increase the width of the rear conservatory and replace the plastic roof with a flat roof with sky lights. Fill in the front court yard by moving the front door forward with a tiled porch overhang roof. Cover with a flat roof incorporating three sky lights.
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Decision

1. The appeal is allowed and planning permission is granted for: increasing the width of the rear conservatory and replacing the plastic roof with a flat roof with sky lights; and filling in the front courtyard by moving the front door forward, with a tiled porch overhang roof and covering with a flat roof incorporating three sky lights at Nirvana, Hamstead Road, Shalfleet PO41 0YB in accordance with the terms of the application, Ref P/00578/17, dated 6 May 2017, subject to the following 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 unnumbered approved plans: 1:1250 Site Location Plan; 1:500 Location Plan; Floor Layouts Revision A; and Proposed Elevations Revision A.
 - 3) With the exception of the roof of the conservatory the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the development on: the Isle of Wight Area of Outstanding Natural Beauty (the AONB), with particular regard to dark skies and tranquillity; and the Cranmore Site of Special Scientific Interest (SSSI) and nocturnal species.

Reasons

The AONB

3. Nirvana is a detached bungalow in a comparatively large plot and it is one of a small number of dwellings situated in Hamstead Road. Hamstead Road is in the AONB.
4. The development would comprise two elements, a side extension to a rear conservatory and the enclosure of a front courtyard to create enclosed space. The conservatory extension would nearly double its area. The alterations to the conservatory would include the replacement of a translucent roof with a felted flat roof across the full width of the enlarged structure. Two lantern lights (lanterns) would be inserted into the conservatory's roof, which would have a combined glazed area of 6.0 sq.m. After dark there would be some potential for artificial light to be emitted via the lanterns at an intensity exceeding the diffuse light that is emitted via the conservatory's existing roof of 16.7 sq.m¹.
5. I recognise that the large scale emission of artificial light could be conspicuous within the AONB and would be harmful to its character after dark. However, the lanterns' glazed area would be comparatively small and I consider that the light emitted via them would be of a magnitude that would not be conspicuous in the AONB. As the extended conservatory would be of limited extent relative to the bungalow's overall size, I consider that any additional use of the conservatory after dark would not be significant.
6. The creation of the enclosed space in advance of the existing front door would involve the installation of a flat roof, with three skylights inserted into it. In combination those skylights would have an area of 3.0 sq.m. Two of the skylights would serve bathroom/toilet areas, while the third one would serve a hallway. It is likely that only the hallway skylight would be a source for any extended light emissions, however, I consider that any light emitted after dark via this skylight of 1.0 sq.m would be insignificant.
7. I consider that after dark the development, in its totality, would not cause significant emissions of light and that the AONB's intrinsic darkness and tranquillity would be conserved. I therefore conclude that the development would not be harmful to the AONB and that it would accord with Policies SP5, DM2 and DM12 of the Island Plan² and paragraphs 109, 115 and 125 of the National Planning Policy Framework (the Framework). That is because the AONB, as a valued landscape, would be conserved and the development would have a very limited impact on the intrinsically dark landscape. I also consider that there would be no conflict with the policies for tranquillity and dark skies stated in the AONB's Management Plan³.

SSSI and nocturnal species

8. The second reason for refusal contends that insufficient information has been submitted to assess the development's effect on the integrity of 'designated ecology/wildlife sites'. However, the Council's ecology officer has stated that

¹ All areas being those stated in the appellant's grounds of appeal

² Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document adopted in 2012

³ The Isle of Wight Area of Outstanding Natural Beauty Management Plan 2014 – 2019 (Adopted in April 2014)

'the site lies adjacent to the Cranmore SSSI' and 'the proposed development is outside of the designated site and is unlikely to have any impacts on it'⁴.

9. The SSSI boundary plan that has been submitted clearly shows that the development would be outside the designated area. It therefore appears that the ecological officer's comments were misinterpreted in the drafting of the second reason for refusal, given the development would not affect the SSSI's integrity. I therefore conclude that the development would not be harmful to the SSSI, having regard to the legislative controls applying to it, including The Conservation of Habitats and Species Regulations 2010. As the SSSI's integrity would be unaffected there would be no conflict with Policies SP5 and DM12 of the Island Plan and paragraph 118 of the Framework.
10. The ecological officer's concerns relate to the impact of the emission of light on nocturnal species, such as bats and dormice. However, that concern is stated in precautionary terms and is based on an opinion that the parts of the bungalow served by the lanterns and skylights would be used for extended periods of time after dark. No indication of how large the bat and dormice populations in the area are or how those populations might actually be affected by any additional light emissions.
11. As I have stated above I consider that this development would not give rise to any significant increase in the emission of light after dark. On the available evidence I therefore conclude that the limited additional emissions of light would not be harmful to nocturnal species frequenting the area. In this regard there would be no conflict with Policy DM12 of the Island Plan and paragraphs 109, 118 and 125 of the Framework because the artificial light arising from the development would have a minimal effect on the area's biodiversity.

Conditions

12. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans for certainty and, with the exception of the conservatory's roof, the development should be constructed using external materials matching those of the bungalow. To take account of the fact that the conservatory's roof would differ from the existing structure, I have amended the wording of the suggested matching materials condition to avoid any inconsistency with the plans condition.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR

⁴ Email comments of 8 June 2017