
Appeal Decision

Site visit made on 25 June 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/P2114/W/19/3221063

Land Next to Rivendell, Alverstone Road, Queens Bower, Sandown, Isle of Wight PO36 ONZ

- 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 Nick Mount against the decision of Isle of Wight Council.
 - The application Ref P/01166/18, dated 16 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described as a pair of 2-Bed Semis (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been updated, references throughout this decision relate to the 2019 Framework.
3. The Council have confirmed that a certified Unilateral Undertaking has been received by them which relates to a habitat mitigation payment in respect of the Solent Recreation Mitigation Strategy and as such it addresses the fourth reason for refusal.
4. The Council have confirmed that they did not request the inclusion of affordable housing in the Unilateral Undertaking at the start of the appeal and are not now pursuing the fifth reason for refusal relating to affordable housing contributions.
5. In the light of the above my deliberations will address only the first three reasons for refusal as set out in the Council's Decision Notice.

Main Issues

6. The main issues are: a) whether the location of the site is suitable for residential development in the context of local and national policy; b) the effect of the development on the character and appearance of the area including the Area of Outstanding Natural Beauty (AONB); c) the effect of the development on the living conditions of the occupiers of the adjacent property with regard to outlook and light.

Reasons

Development Plan

7. Policy SP1 of the Isle of Wight Core Strategy (2012)¹ (Core Strategy) sets out a spatial strategy which promotes development on appropriate land within or immediately adjacent to the defined settlement boundaries of the Regeneration Areas. Unless a specific local need is identified, proposals outside of these locations will not be supported. The site is located some distance from any identified settlement boundary and there is no evidence before me that there are local facilities/amenities close by. Whilst the appellant states that there are bus services past the site, I have no evidence as to their frequency. The appellant confirms that the shopping provision for day to day needs are a short car drive away though no further information is provided. On the basis of the evidence, residents would have limited option other than to rely on the private car for their daily needs and this limits the accessibility of the location.
8. There are no exceptional circumstances put forward to warrant the location of additional residential development on this site and consequently, the proposed development would result in an additional dwelling situated in the countryside which would conflict with Policy SP1 of the Core Strategy and to the aims of the Framework. These policies seek to direct new development to existing settlements and to protect the countryside. In the absence of any justified need to set aside this policy the principle of the scheme would be contrary to Policy SP1 of the Core Strategy and the aims of the Framework. These policies seek, amongst other things to direct development to sites within or adjacent to settlements.

Character and appearance

9. The site lies a short distance from the settlement of Queen Bower where development is loose knit in form. The site lies within the AONB, to the south is Borthwood Copse an area of woodland which is designated as a Site of Importance for Nature Conservation (SINC) and is also within the AONB.
10. The appeal site comprises part of the garden area of the host property. The existing conservatory would be made smaller and a pair of detached dwellings are proposed to be set back into the site with their front elevation in line with the rear elevation of the adjacent property, Oakdene. This would squeeze the dwellings in between existing properties in a space too small to accommodate them whilst still respecting the character, form and relationship with existing dwellings.
11. Whilst the site is part of an existing garden, in this location gaps between buildings form an important part of the characteristic loose knit nature of development. The location of a pair of dwellings set back into the site would close the gap between buildings and compromise the open pattern of dwellings in this location.
12. The appellant has highlighted the design has been prepared to reflect the existing context and that there is a variety of design in the local area. I note the efforts which have been taken to ensure that the design fits in to the local area, I do not find the design per se to be objectionable rather the resulting

¹ Full title – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012

- mass, position and relationship with the adjacent properties which would significantly alter the appearance of the site and be harmful to the loose knit character of the area. In any event, aspects of good design are fundamental to all development, as stated within the Framework so, on their own, are not of notable benefit.
13. The appeal site lies within the Isle of Wight AONB and in determining the appeal I have had regard to the duty under section 85 (1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB, a designation which is afforded one of the highest levels of protection and to which I must attribute significant weight.
 14. The appellant emphasises that the site is only just within the AONB and each case must be treated on its merits. Even though views of the appeal site would be limited, it would nonetheless fail to enhance the character and context of the local area.
 15. The Council refer to the AONB management plan which seeks to ensure that development complements the character of the area, strengthening its local distinctiveness. In this case the appellant has argued that the site is not of the same significance as the Borthwood Copse to the south of the site and the proposal would be insignificant in that context. I disagree. The gaps between the buildings provide glimpses of the land beyond and the closing of the gap would be harmful to the overall character of the site within the AONB.
 16. Consequently, the proposal would cause harm to the character and appearance of the area. In accordance with paragraph 172 of the Framework, relating to the conservation and enhancement of AONBs, I must give the harm to the AONB significant weight and as a result the development would not amount to sustainable development as defined in paragraphs 7 and 8 of the Framework.
 17. For these reasons, the development would conflict with Policies SP5, DM2 and DM12 of the Core Strategy; the aims of the AONB Management Plan and the aims of the Framework. These policies seek to: ensure that development protects the integrity of local designations; enhances their features; complements the character of the AONB; protects the aims of the Management Plan and complements the character of the surrounding area.

Living conditions

18. The location of the dwellings behind the rear building line of Oakdene and to the rear of the main two storey element of the host property would be dominant, obtrusive and overbearing in relation to Oakdene. It would be located close to the boundary and the height and position would result in a poor relationship with existing dwellings. I consider that the relationship would adversely affect the living conditions of the occupants of Oakdene by virtue of poor outlook and by the visual dominance of the proposed structure. It would also lead to some loss of light reaching the rear of the adjacent dwelling. This would be to the detriment of the living conditions of the occupants of Oakdene.
19. I note the appellants' statement that the first floor window in the host property has a limited outlook and could be obscure glazed. However, this would not overcome the fundamental concerns I have with the position and relationship of the proposal with the adjacent properties.

20. For these reasons the proposal would be contrary to Policy DM2 of the Core Strategy and to the aims of the Framework. These seek, amongst other things, to ensure that development integrates with its surroundings and has adequate regard to the relationship with adjacent buildings and which seek to ensure a high standard of amenity for existing and future occupiers.

Other Matters

21. The appellant has set out that the Core Strategy is now being revised and is subject to ongoing consultation, however the existing policy remains in force until formally superseded and I have to have regard in reaching my decision to the adopted policies.
22. Reference has been made to an earlier scheme submitted to the Council which was withdrawn and expresses the appellants' disappointment that the revised proposals discussed with the Council have not been supported. However, the earlier scheme has no relevance to my consideration of this appeal scheme which I must deal with on its own merits.
23. The appellant highlights that the proposals have been designed to meet affordable housing requirements and could be used for a housing provider if required. The appellant also makes reference to the Newchurch Parish Plan identifying the need for affordable housing though I have no evidence to support this. In any event there is no legal mechanism offered by the appellant to secure these dwellings for affordable housing in the locality and I can therefore afford little weight to this aspect.
24. I note that the appellant draws attention to the highway authority comment that the required visibility could be provided on the site and I am satisfied that if development were to proceed this matter could be resolved via the imposition of a planning condition.
25. The appellant highlights that a property agent has advised that there is a demand for 2 bedroomed properties in an area which mainly offers detached houses. Whilst the provision of an additional two dwellings would be a benefit it would represent a very modest contribution to housing in the area and is a benefit to which limited weight can be attributed.

Planning Balance

26. There is no dispute that the Council can demonstrate a supply of housing in excess of five years and as such the tilted balance afforded by paragraph 11 d) i is not engaged. Whilst a five-year supply does not constitute a ceiling limit to development it does mean that where restrictive policies apply, clear and convincing reasons are needed to depart from the development plan.
27. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out, harm would be caused in respect of the main issues I have identified, and these would not be outweighed by the modest benefits which would accrue from the scheme. On this basis there are no material considerations which would outweigh the countryside protection policies as set out in the Local Plan.

Conclusion

28. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR