
Appeal Decision

Site visit made on 16 July 2019

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/P2114/W/19/3226175

Land adjacent to 30 Chatsworth Avenue PO37 7NZ

- 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 Mrs T Bennett against the decision of Isle of Wight Council.
 - The application Ref P/01372/18, dated 6 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of 30 Chatsworth Avenue, with particular regard to outlook and light.

Reasons

Character and appearance of the area

3. The area around the site is characterised by bungalows of various designs, each set back a similar distance from the road. Plots are relatively wide and although the bungalows are quite close together, the slope of the road combined with the low roof profiles and sizeable front gardens contribute to a sense of spaciousness.
4. The proposed dwelling would be positioned on the upper part of the site and would be taller than neighbouring properties with a steeper roof pitch. The site is of limited width and further constrained by the public footpath, existing trees and hedges. The position and size of the proposed dwelling would result in there being little space around it on three sides. The modestly sized garden proposed on the lower part of the site would be narrow and enclosed by the existing boundary hedge and fence. Consequently, the proposed dwelling would appear cramped and contrived within its plot, contrasting with the more spacious character of the surrounding area. This would be evident from Orchard Road and the public footpath as there would be no significant screening of the site from these directions.

5. The proposed dwelling would sit forward of properties in Orchard Road and further back than those in Chatsworth Avenue. As such, the proposal would not relate well to either street. Although the trees along the footpath would remain, a section of boundary hedge would be removed to form the access and associated visibility splays. As a result, the proposed dwelling would be clearly visible when approaching from the east. When approaching from the south and west, parts of the dwelling, particularly its large roof, would be seen above the existing hedge. The narrow form, height and position of the proposed dwelling would be obvious from these vantage points and appear as a discordant feature when viewed in conjunction with nearby dwellings which are lower and wider. As a result, the proposed dwelling would be a prominent and intrusive feature in the street scene and would not integrate with its surroundings.
6. Opposite the site is 32 Orchard Road. This property is also a corner plot and the dwelling is at a right angle to its neighbours. The configuration of the appeal site is different to No 32, so it is inevitable that any dwelling on it would look different. Nevertheless, it is the form, height and position of the proposed dwelling in relation to its surroundings that would result in harm, rather than simply its orientation.
7. Although the Council has raised concern about the use of brick, it is found on several nearby properties. The appellant has confirmed that they would be willing to use artificial stone instead and I am satisfied that appropriate external materials could be agreed through a suitably worded planning condition. This would not however address the harm identified above.
8. For the reasons given above the proposed dwelling would harm the character and appearance of the area. I conclude that the proposal would conflict with the requirement in policy SP1 of the Island Plan Core Strategy¹ (IP) that all development on non-previously developed land enhance the character and context of the local area; and conflict with IP Policy DM2 which supports proposals for high quality design, and with paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to achieve well-designed places.

Living conditions

9. The proposed dwelling would extend along much of the length of the side boundary of the rear garden of 30 Chatsworth Avenue. This property is somewhat elevated from the road, but the proposed dwelling would be sited on even higher ground. The proposed dwelling would be set away from the boundary with No 30 with no clear glazed windows facing the neighbour. Despite this, because of its height and depth the proposed dwelling would dominate the outlook from several windows in the rear and side of No 30 and from its rear garden. This would have an unacceptably overbearing impact on the living conditions of the occupiers of that property.
10. The proposed dwelling would not reduce the amenity space available to No 30, but due to its siting and height, it would result in greater overshadowing of that garden than from the existing trees and hedges. Combined with the overbearing impact of the dwelling, this would make the garden area less attractive for use.

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

11. Consequently, I conclude that the proposal would harm the living conditions of 30 Chatsworth Avenue with regard to outlook and light. Conflict would therefore arise with IP Policy DM2 which requires development proposals to have regard to adjacent buildings. Furthermore, it would not achieve the high standard of amenity required by paragraph 127 of the Framework.

Other Matters

12. The proposed dwelling would add to the supply and mix of housing within a Key Regeneration Area as identified in policy SP1 of the IP. I note that the scheme would suit the needs of the appellant as a retirement home, and would allow them to release their existing property to the market.
13. The appellant has mentioned policies in the emerging local plan, the draft Island Plan Strategy. Bearing in mind the stage of preparation of the emerging plan these policies only carry limited weight. In any event given my findings above, the development would not accord with the provisions of those policies which seek to achieve high quality design and protect the living conditions of existing residents.
14. The appeal site is not in a conservation area or other designated area. Furthermore, the appeal scheme would be an infill development that makes efficient use of land in an accessible location. Together with improvements to the condition of the land and undertaking the biodiversity enhancements proposed, these would be minor benefits of the proposal. Sufficient car parking provision would also be available to serve the proposed dwelling. However, the appeal scheme would not achieve the Framework aims of securing well-designed places and maintaining the prevailing character of the area.
15. The appellant suggests that if the dwelling were brought forward on the appeal site it would have adverse impacts by appearing cramped in relation to No 30, however no such scheme is before me so I cannot give this any further consideration. The appellant has also referred me to a scheme granted planning permission for a new dwelling at 36 Blythe Way and has provided the officer report. I have not been provided with any plans or other details of that development. Hence, I cannot be certain that it is a direct comparison with the appeal scheme, which I have considered on its own merits.
16. The appellant has also referred me to other sites nearby where a property projects significantly past its neighbour and I saw these as part of my site visit: 32 Orchard Road has been extended but the roof line follows the falling land levels to the rear. Its immediate neighbour is two storeys high at the rear, so the relationship between the extension and the neighbour's garden and windows is different to that between the appeal site and 30 Chatsworth Avenue.
17. 53 Victoria Avenue is a three-storey block with a rear garden set below ground level. The garden is enclosed on two sides by 53 and 49 Victoria Avenue and on the other two by trees and a retaining wall, forming a courtyard. The context is therefore very different to that of the appeal site and its neighbour. Neither site is comparable to the appeal site and these do not justify the harm I have identified.

Conclusion

18. The appellant has referred to a shortfall in housing provision over the period 2011-2018 but I have not been provided with any more up-to-date figures by either party. Even if I were to conclude that there is still a shortfall in housing provision as the appellant suggests, the contribution of one dwelling would be small and carries very limited weight, and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
19. For the reasons given above I conclude that the appeal should be dismissed.

L McKay

INSPECTOR