
Appeal Decision

Site visit made on 7 October 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/P2114/W/19/3233584
7 Leeson Road, Ventnor PO38 1PR

- 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 Steve Oxenham against the decision of Isle of Wight Council.
 - The application Ref P/01436/18, dated 20 December 2018, was refused by notice dated 27 February 2019.
 - The development proposed is described as the 'demolition of dwelling; proposed replacement dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In support of the appeal the appellant has submitted the same 'Landscape Appraisal and Strategy' (LAS), dated September 2017, as submitted to the Council in support of two previous applications¹ for development at the site. On this basis, and given that it does not represent new evidence, I do not consider that any party would be unfairly prejudiced if I have regard to it in determining this appeal.

Main Issues

3. The Council's refusal notice refers to the effect of the development on the character and appearance of the area and the Isle of Wight Area of Outstanding Natural Beauty (AONB). It also refers to the '*limited amenity value for occupants of the dwelling*'. In respect of the latter issue, it is clear from reading the Council's officer report that this relates to outside space.
4. Therefore, the main issues are (i) the effect of the development on the character and appearance of the area, having regard to the location of the site within the AONB; and (ii) whether or not the proposed development would provide adequate living conditions for future occupiers in terms of outside space.

Reasons

Character and appearance

5. The appeal site is a steeply sloping parcel of land on the north side of Leeson Road. It is located on the southern edge of the Chalk Downs character area

¹ References P/00844/18 and P/01325/17.

within the AONB. The site comprises a modest sized bungalow, surrounded by trees and dense vegetation, set on land higher than the road level. Thus, the existing bungalow is not clearly visible in views from Leeson Road until immediately alongside the property.

6. The only properties along this section of Leeson Road are on the north side of the road. They are mainly one and two-storey detached properties of varying size and design, mostly set within landscaped gardens and in general set well back from the road frontage. These characteristics, combined with the trees and other foliage along the south side of this section of Leeson Road and the steep sided tree and vegetation covered land rising to the north, provide a distinctively verdant landscape character which the appeal site makes a positive contribution towards.
7. The proposed dwelling would be a four-storey detached property, thus much larger than the existing modest sized bungalow and out of keeping with other properties in the vicinity of the site. I acknowledge the contemporary design of the building and do not consider this per se to be objectionable. Furthermore, I accept the design reflects the topographical constraints of the site.
8. However, some of the trees and vegetation would be removed from the site and the proposed dwelling would occupy a significantly wider part of the site and be positioned closer to the road than the existing bungalow. It would be approximately 13.7 metres in height from the ground floor/road level and would incorporate an overhanging section at second floor level. Taking into account its position and scale the development would be readily visible from the public domain in local views from Leeson Road. Notwithstanding the proposed landscaping, it would appear unsympathetic to the aforementioned local landscape character. Furthermore, it would result in a cramped form of development in the context of the significant topographical constraints of the site.
9. Overall, for the above reasons, the proposed dwelling would be conspicuous and represent an incongruous and dominant feature within the overall street scene. Thus, would have an adverse visual effect upon the street scene. Consequently, the development would cause unacceptable harm to the character and appearance of the area.
10. With regard to the location of the site within the AONB, the National Planning Policy Framework² (the 'Framework') states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. It goes on to state that the scale and extent of development within these designated areas should be limited.
11. I have had regard to the findings of the LAS, although disagree, by virtue of the location of the proposal to the north of Leeson Road, that the site feels part of the settlement of Bonchurch. I acknowledge the site is only just within the AONB and views of the development would be limited primarily to its immediate boundaries to the south along Leeson Road. Nonetheless, for the reasons outlined above the proposal would fail to conserve or enhance the distinctively verdant landscape which forms the character and context of the local area within this part of the AONB. Therefore, the proposal would have an

² Paragraph 172 of the National Planning Policy Framework

adverse impact upon the landscape and scenic beauty of the AONB contrary to the aims of the Framework.

12. In conclusion on this main issue, the proposal would cause unacceptable harm to the character and appearance of the area. Furthermore, it would cause unacceptable harm to the landscape character and scenic beauty of the AONB. Consequently, it would conflict with Policies SP1, SP5, DM2 and DM12 of the Island Plan³ 2012 (IP) and the Framework which, amongst other things, seek to ensure development proposals respect and complement the character of the surrounding area and conserve or enhance the protected landscape character and the scenic beauty of the AONB.

Living conditions

13. The submitted site plans indicate the proposed dwelling would incorporate a range of external terraces and areas of landscaping. I acknowledge the Council's point that by virtue of the size, layout and topographical constraints of the site the development would result in relatively minimal useable outside space for future occupiers of the dwelling. However, I have no detailed evidence before me from either main party to demonstrate that the proposal is deficient in this regard.
14. For the above reason, I cannot reach a certain conclusion in regard to whether or not the proposed development would provide adequate living conditions for future occupiers in terms of outside space. Consequently, I cannot conclude, in respect of this main issue, that the development would fully accord with Policy DM2 of the IP and the Framework⁴ which, amongst other things, set out to ensure that development proposals create places that provide a high standard of amenity for future occupiers.

Other Matters

15. In terms of the impact of the development on the AONB the appellant has referred to previous planning approvals⁵ for development at the site and a proposal⁶ which was withdrawn, also more recent applications⁷ for development refused by the Council.
16. However, I am not aware of the full circumstances of these other cases and in any event, I have determined the appeal proposal on the evidence before me and on its individual planning merits.
17. None of the other matters raised alter or outweigh my overall conclusion on the character and appearance and AONB main issue.

Conclusion

18. I have not been able to reach a certain conclusion in respect of whether or not the proposed development would provide adequate living conditions for future occupiers in terms of outside space.

³ Full title: Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document. March 2012.

⁴ Paragraph 127 (f) of the National Planning Policy Framework

⁵ References P/00112/03 and P/02140/03

⁶ Reference P/00635/16

⁷ References P/01325/17 and P/00844/18

19. However, and for the reasons set out above, the proposal would cause unacceptable harm to the character and appearance of the area and the AONB. These are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR