



Appeal Decision

Site visit made on 2 October 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/P2114/W/19/3234495

**Garages between 131 and 133 Whitepit Lane, Newport, Isle of Wight
PO30 1NH**

- 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 P Downer against the decision of Isle of Wight Council.
 - The application Ref P/01380/18, dated 7 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the demolition of garages and construction of four houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

Main Issue

3. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of Nos 133 and 135 Whitepit Lane, with particular regard to outlook, daylight and sunlight.

Reasons

4. The appeal site is an elevated plot of land which is occupied by two levels of lock up garages. The topography of the site rises upwards to the rear boundary. Vehicular and pedestrian access to the site is provided from Whitepit Lane via an existing ramped access.
5. It is proposed to demolish the existing buildings and erect four dwellings at the appeal site. To the rear of the site, there would be a pair of semi-detached three-bedroom dwellings, the dwellings would have a hipped roof form with dormer windows to provide accommodation within the roof space. To the front of the site, there would be two two-bedroom dwellings, which would have a gable roof form and would be laid out in an 'L-shape'. Whilst the dwellings would be of a traditional form, they would have a contemporary external appearance. In the centre of the site, there would be a parking and turning area.

Character and appearance

6. The surrounding area has an urban residential character and the properties are predominately two-storey semi-detached dwellings of a traditional design and appearance. Opposite the appeal site there is a three-storey flatted development, the ridge height of which broadly aligns with the neighbouring two-storey dwellings to the east.
7. The properties are typically set back from the highway behind well-proportioned front gardens in a linear pattern of development. The frontage of the properties are typically aligned parallel with the highway, with the properties consistently spaced and following a clear building line, which contributes positively to the local distinctiveness of the area.
8. Immediately to the west of the appeal site, there are a pair of semi-detached residential properties, Nos 133 and 135 Whitepit Lane, which are laid out perpendicular to the surrounding dwellings and positioned to the rear of the plot. The Council state that No 133 has been converted into two flats, which has not been disputed by the appellant.
9. The proposed dwellings to the front of the site would have limited frontages and be laid out in an 'L-shaped' manner, with the front elevation of Plot 1 protruding beyond the established building line of the neighbouring properties to the east. As such, the layout of the proposed dwellings would not be reflective of the prevailing pattern of development on Whitepit Lane, whereby properties follow an established building line and are set back from the highway behind well-proportioned front gardens. This deviation from the prevailing pattern of development would cause significant harm to the character and appearance of the area.
10. The appellant points out that there are two semi-detached dwellings (Nos 160 and 162 Whitepit Lane) with limited frontages situated opposite the appeal site. Whilst I accept that this is the case, overall this is an exception rather than the norm within this long street. In addition, I note that the dwellings are on the other side of the road and situated at a lower level and therefore they are not directly comparable to the appeal proposal. As such, I have afforded the existence of other properties in the street with limited frontages limited weight in the overall planning balance.
11. In terms of the proposed dwellings to the rear of the site, whilst I acknowledge that the frontage of the properties would broadly align with the neighbouring dwellings to the west, the height, overall scale and contemporary appearance of the proposed dwellings would be at odds with the surrounding properties, which are predominately modest two-storey dwellings of a traditional appearance. As such, the proposed dwellings would be an incongruous and unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
12. The Council have expressed a concern that the central parking area would be a dominant feature in the street. Whilst I acknowledge that the central parking area would be visible from the street, I am mindful of the site's current use, whereby an existing area of hard surfacing, which can be used for parking and turning, is already visible from the street. As such, I conclude that this element of the proposed development would not harm the character and appearance of the area.

13. Whilst I have found no harm in respect of the layout of the central parking area, when considered as a whole, I conclude that the proposed development would cause significant and demonstrable harm to the character and appearance of the area. As such, the proposal would not accord with Policy DM2 of the Island Plan: The Isle of Wight Core Strategy (2012) (the CS), which, amongst other things, requires development proposals to complement the character of the surrounding area.

Living conditions of neighbouring occupiers

14. The west facing elevation of Unit 3 would be built near to the site boundary with Nos 133 and 135. At present, this part of the site is occupied by a group of single storey garages, which are built up to the boundary. The neighbouring properties feature several windows facing east towards the appeal site. In addition, the upper flat at No 133 benefits from the use of a small external courtyard to the east of the neighbouring property, which would be situated in close proximity to the proposed dwelling.
15. The Council state that both neighbouring properties contain windows to habitable rooms which face eastwards towards the appeal site. Conversely, the appellant contends that No 135 does not have any eastward facing windows and that the eastward facing windows to No 133 do not serve key living rooms. However, no substantive evidence has been provided by the appellant to demonstrate that this is the case. As such, I have determined the appeal based on the evidence before me.
16. Despite the hipped roof design, by virtue of the overall scale of the proposed dwelling, which I note would be significantly larger than the existing garages, and its close proximity to the side boundary of the appeal site, the development would dominate the main field of view for neighbouring occupiers from the eastward facing windows and from within the external courtyard. Consequently, the development would have an oppressive and overbearing impact upon the living conditions of the occupiers of the neighbouring properties, significantly harming the living conditions of the occupants.
17. In addition to the above, due to the elevated position and overall scale of the proposed dwellings to the rear of the appeal site, and their location to the east of the neighbouring dwellings, the proposed development would result in a material loss of daylight and sunlight from the eastward facing windows and from within the external courtyard, especially during the early part of the day, significantly harming the living conditions of the neighbouring occupants.
18. The appellant contends that the neighbouring courtyard currently receives a limited amount of sunlight due to the site's lower level and the surrounding tree cover. However, no substantive evidence has been put forward to this regard. Even if I were to accept this assessment, the proposed development would further diminish the usability of the courtyard, which would significantly harm the living conditions of the neighbouring occupants.
19. The appellant points out that an existing storage building, which belongs to No 133, would be retained as part of the scheme and would provide a buffer between the proposed dwellings to the rear of the appeal site and Nos 133 and 135. Whilst this may be the case, due to the position of the outbuilding close to the rear boundary of the neighbouring property, its retention would not

outweigh the harm I have identified above. As such, this is a matter of neutral consequence in the overall planning balance.

20. In conclusion, the proposed development would cause significant and demonstrable harm to the living conditions of the occupiers of Nos 133 and 135 Whitepit Lane. As such, the proposal would not accord with Policy DM2 of the CS, which, amongst other things, requires development proposals to have regard to existing constraints such as adjacent buildings.

Planning Balance

21. The appellant has drawn my attention to the Isle of Wight Council Five Year Land Supply Update. The document assesses the Council's five-year land supply position as of 1 April 2018 and concludes that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework. Whilst I do not dispute the findings of the Council's report, due to the length of time which has passed since the calculations were undertaken, it is unclear as to whether the findings are representative of the Council's current five-year land supply position.
22. The provision of four dwellings would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. There would also be some limited benefits to the construction industry and from the spend of future occupiers.
23. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the shortage is along the lines identified by the Council's report; the significant harm to the character and appearance of the area and the living conditions of neighbouring occupiers, which would be an adverse impact of the development at odds with the development plan and the Framework, would significantly and demonstrably outweigh its limited benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.

Other Matters

24. The site is located about 10 metres from the curtilage of No 139 Whitepit Lane, which is a Grade II listed building on the opposite side of the road.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
26. In determining the application, the Council concluded that the proposal would preserve the setting of the aforementioned listed building. Based on my site visit, which also included a consideration of the separation distance between the site and the listed buildings and the layout of the proposed development, I have no reason to disagree with the Council in respect of this matter. However, this is a matter of neutral consequence in the overall planning balance.

27. The proposal would contribute to the delivery of additional housing within the Medina Valley Key Regeneration Area. In addition, the proposal would reuse previously developed land. Such benefits would not be significant enough to alter or outweigh my conclusions on the main issues. As such, they do not provide a compelling reason to depart from the development plan.
28. The Council state that there is a need for the development to contribute towards the mitigation of potential impacts on the Solent Special Protection Area. The Council has suggested a suitably worded condition to ensure that such mitigation would be secured should I be minded to allow the appeal. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, I have not completed an appropriate assessment. However, given my findings on the main issues, this is not a matter I need to address.
29. I note that several local residents have expressed additional concerns about the proposed development. However, given my decision to dismiss this appeal, it is not necessary to consider these matters in detail.

Conclusion

30. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR