



---

## Appeal Decision

Site visit made on 14 February 2020

**by S Edwards MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 February 2020**

---

**Appeal Ref: APP/P2114/D/19/3239264**

**70 Long Lane, Newport PO30 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Miss Natalie Bee against the decision of Isle of Wight Council.
  - The application Ref P/00175/19, dated 15 February 2019, was refused in part in respect of the detached garage by notice dated 5 August 2019.
  - The development proposed is described as 'proposed two storey extension on front and side elevations and detached garage (revised plans) (re-advertised application)'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for proposed two storey extension on front and side elevations and detached garage (revised plans) (re-advertised application) at 70 Long Lane, Newport PO30 2NQ, in accordance with the terms of the application, Ref P/00175/19, dated 15 February 2019, and the plans submitted with it, 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 approved plans: 01 Revision D (dated 23 April 2019), 02 Revision A (dated 9 April 2019), 03 Revision A (dated 23 April 2019), 04 Revision B (dated 23 April 2019), 05 Revision B (dated 23 April 2019), 06 Revision A (dated 23 April 2019), 07 Revision B (dated 9 April 2019), 08 Revision B (dated 9 April 2019), 09 Revision B (dated 23 April 2019).
  - 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates shall be erected or remain across the vehicular access adjacent to Long Lane.

### Procedural Matters

2. The description of development provided in the application form has been amended in subsequent documents. I have adopted the description of

development provided in the decision notice, as it accurately and concisely reflects the proposal before me.

3. This appeal follows the Council's split decision in relation to the development described in the banner heading above. Planning permission was granted for the erection of a two-storey extension to the front and side of the dwellinghouse, and refused for the erection of a detached garage. However, in respect of an appeal made under section 78 of the Town and Country Planning Act 1990 (as amended), section 79(1)(b) allows the Secretary of State (and by corollary Inspectors appointed by the Secretary of State) to 'deal with the application as if it had been made to him in the first instance'. Therefore, the whole proposal is before me and consequently, I am not restricted to the sole concerns raised by the Council.
4. As part of my site visit, I was able to observe that works have commenced in respect of the approved extension to the dwellinghouse. I shall assess the appeal on this basis.
5. The appellant submitted amended plans with the appeal (Drawings Nos 03 Revision B, 09 Revision C, 12 Revision A and 13 Revision A, dated 15 October 2019), which did not form part of the original planning application. Having regard to the Wheatcroft principles<sup>1</sup>, the revised details were not considered by the Council in their determination of the planning application and were not subject to a period of public consultation. In addition, I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. In the interests of fairness and natural justice, I consider that the Council and interested parties in particular would be prejudiced by the consideration of further amendments to the proposal. My findings therefore relate to the scheme as determined by the Council.

### **Main Issues**

6. The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

7. The appeal site comprises a two-storey detached property located within an area of primarily residential character, which includes dwellings of different types and designs, sited within relative proximity to each other. Although the proposed extension would increase the overall massing of the appeal property particularly at first floor level, it would relate well and remain subservient to the host dwelling. The Council found that the extension would not have any detrimental harm on the character of the house or the area, and there are no reasons for me to take a different view.
8. The proposal as originally submitted included the erection of a double garage with pitched roof along the northern boundary of the site. Following concerns raised by the Council, the appellant submitted revised proposals during the course of the application, showing the relocation of the proposed structure along the boundary shared with no 72 Long Lane. Additionally, the size of the building was significantly reduced to a single garage with pitched roof.

---

<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

9. It is noted that there are similar structures in place to the front of nos 66 and 68 Long Lane. On this basis, the erection of a single storey building siting forward of the main property would not appear as an alien feature within the site's immediate context. Whilst it would be widely visible within the street scene and from neighbouring properties, I find that the proposed garage would remain relatively modest in scale and would not, consequently, dominate the width of the plot or appear unduly prominent within the street scene.
10. For the foregoing reasons, the proposal would not result in a form of development which would be detrimental to visual amenities, and the effect upon the character and appearance of the area would be acceptable. I therefore find no conflict with the design aims of Policies DM2 and DM12 of the Island Plan Core Strategy (2012).

### **Other Matters**

11. Concerns have been raised in respect of the effect of the proposal on the living conditions of neighbouring occupiers. The Case Officer found that the proposed scheme would not harm the amenities of the neighbouring properties by means of overshadowing or overlooking to an unacceptable degree. I agree with this conclusion.

### **Conditions**

12. I have considered the various conditions suggested by the Council. Where necessary, their wording has been amended, for clarity and accuracy, to ensure compliance with the tests as set within the Framework and the Planning Practice Guidance. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings, as this provides certainty.
13. A condition requesting details of the materials is required in the interests of visual amenity. Whilst the condition suggested by the Council was worded as a pre-commencement condition, I consider that this is unnecessary and have amended the wording accordingly. In the interests of highway safety, I have imposed a condition restricting the use of gates across the vehicular access adjacent to Long Lane.

### **Conclusion**

14. For the reasons detailed above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*S Edwards*

INSPECTOR