



Appeal Decision

Site visit made on 2 July 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/P2114/W/20/3246141

10 St Georges Lane, Newport, Isle of Wight PO30 3BA

- 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 Wright against the decision of Isle of Wight Council.
 - The application Ref 19/01289/FUL, dated 18 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is described as the 'Demolition of existing dwelling, rebuild one for one replacement (revised design)'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'Demolition of existing dwelling, rebuild one for one replacement (revised design)' at 10 St Georges Lane, Newport, Isle of Wight PO30 3BA in accordance with the terms of the application, Ref 19/01289/FUL, dated 18 October 2019, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

Character and appearance

3. The appeal site is within an enclave of residential development at the northern end of St Georges Lane opposite a mature hedgerow and trees. These houses mostly front onto the lane and broadly speaking have similar setbacks but this is not universally the case. Aside from this, notwithstanding the limited number of dwellings, they exhibit a wide variety of styles, materials and architectural detailing, whereby matching properties are the exception. This is exacerbated by the changing levels of the surrounding land. Overall this results in a semi-rural residential character to the area, but one where the built form has a mixed character and appearance.
4. The appeal site is a modest detached bungalow tightly sited between another detached bungalow and a pair of two storey semi-detached houses. As such, it is the principal elevation that is most visible from the public domain. It is notably smaller than most of the dwellings in the row, which combined with its simple form, gives it an unassuming appearance. In this context it makes a modest contribution towards the mixed character and appearance of the area.

5. The proposal would replace the bungalow with a two-storey detached dwelling. Although of a similar width, this would be both higher and have a deeper footprint than the present structure. Nevertheless, as the existing dwelling is considerably smaller than other nearby residences, the additional massing arising from the proposal would avoid dominating the surrounding dwellings. Moreover, due to the elevated land levels to the south its roof ridge would be broadly similar to 12 St Georges Lane adjacent. It would also be below the roof ridge for 6-8 St Georges Lane¹. Furthermore, although the footprint would extend further into the site, the principal elevation would still face towards the lane in a broadly similar position to the present bungalow. Consequently, the layout respects the prevailing setback and orientation within the row, and the scale would be comparable with the properties either side.
6. In addition, the use of a pitched roof utilising a dark grey Glass Reinforced Plastic (GRP) or similar material would assist in visually reducing the increased mass of the building. The weatherboarding at first floor level would contrast with the render at ground floor level, which together with the inset porch area would provide some articulation and interest to the most prominent elevation facing the lane. I accept that the remaining elevations would be less visually interesting, but this would be commensurate with their subordinate position and limited public visibility.
7. Given that surrounding properties have a wide range of external facing and roof materials including render, various colours of brick, timber cladding, reconstituted stone, slate and concrete tiles, the proposed materials, although different in some respects, would not be out of place.
8. Additionally, apart from Nos 6-8 which are a pair of semi-detached houses, the roof forms in evidence are reasonably diverse in pitch, materials and detailing. Whilst most take a conventional form, they include pitches, dormers, gables and hipped roofs with little homogeneity overall. Therefore, whilst the use of a shallower pitched roof would not match the surrounding dwellings, it would not diverge significantly from the overall impression. Hence, it would reasonably conform with the mixed character of the area.
9. The Council also raise concerns that the fenestration would lack symmetry, have a horizontal appearance and would sit directly under the eaves. However, the limited width of the principal elevation would prevent a horizontal appearance being particularly pronounced. In any event, there is little before me to suggest that symmetry or a vertical emphasis are distinguishing characteristics of the surrounding built form. As such, it is not explained why this would be harmful. Moreover, although different in detailing and shape, Nos 6-8 have first floor windows that sit directly under the eaves to which the proposed eaves of the replacement dwelling would be broadly aligned.
10. Taking these factors together, the proposed replacement dwelling would complement the surrounding built form. Therefore, having considered the layout, form, scale, appearance, materials and detailing proposed in line with the advice² in the National Design Guide (NDG) of the Ministry of Housing, Communities and Local Government, September 2019, it is not demonstrated that the proposal would be out of keeping with its context. I am specifically referred to paragraphs 39 and 50 of the NDG. Both sections emphasise that

¹ Proposed Front elevation street scene Drawing No 19-2019-2 Revision E

² Paragraph 21

well designed places and buildings will take account of their context. For the reasons outlined, I do not find that the proposal would conflict with that general approach.

11. There is no dispute between the parties that permission³ exists for a replacement dwelling at the site which might be implemented in the event that the appeal proposal is unsuccessful. The main difference with the scheme before me is that the approved scheme has a steeper roof slope that incorporates dormer windows. The Council consider this to be preferable⁴ to the appeal proposal. Be that as it may, given that I have not found harm would arise from the appeal proposal, it would not represent poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions as referred to in paragraph 130 of the National Planning Policy Framework.
12. Accordingly, I find that the proposal would not cause harm to the character or appearance of the area and would complement the immediate built form. It follows that there would be no conflict with policy DM2 of the Island Plan, Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document, March 2012 which generally supports proposals for high quality and inclusive design that would protect, conserve and enhance the existing environment whilst allowing change to take place.

Conditions

13. The three year period in which the planning permission may be implemented is a statutory requirement but I also consider that it is necessary to specify the plans that are approved and that the development shall be undertaken in accordance with these, as this provides certainty.
14. Given the generic references to materials used in the application form, I have imposed a condition requiring the agreement of the finish of the external materials to be used in order to safeguard the overall quality and articulation of the design.
15. In order to protect the living conditions of nearby residents from an unacceptable level of overlooking to their gardens arising from the proposed development it is reasonable to prevent the rear flat roof extension from being used as a balcony and to ensure that the utility room window facing towards No.12 is obscure glazed. For similar reasons, side screens to the rear deck area should be installed in the positions shown on the proposed plan.
16. Finally, a condition to secure the proposed parking arrangement is considered reasonable in the interests of highway safety. As the parking layout is not detailed in the submitted plans, this should be agreed with the Council prior to the occupation of the replacement dwelling.
17. The Council have also suggested a condition to restrict permitted development rights normally afforded to householders in relation to windows and dormer windows. Planning Practice Guidance advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. It is not fully explained why such a blanket

³ Reference P/01405/17

⁴ Delegated decision report reference 19/01289/FUL

removal of freedom to carry out such small scale domestic alterations would be reasonable or necessary in these circumstances in order to make the development acceptable in planning terms. Therefore, I do not consider that the suggested condition would meet the requisite tests set out in paragraph 55 of the Framework.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of Conditions (7 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: Location Plan drawing no. 19-2019 Revision E; Existing and Proposed Site Plan drawing no. 19-2019-1 Revision E; Plans and Elevations (Revised design) drawing no. 19-2019-2 Revision E.
- 3) Prior to development above ground level the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be constructed using the materials so agreed.
- 4) The building hereby approved shall not be occupied until the side screens shown on drawing number 19-2019-2 Rev E have been installed. The screens shall be constructed from solid non transparent material or if glazed, shall be obscure glazed. The screens shall be retained and maintained thereafter.
- 5) The flat roof area of the rear west facing elevation hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 6) The building hereby permitted shall not be occupied until the window at ground floor window on the south facing elevation (serving utility area on drawing number 19-2019-2 Revision E) has been fitted with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and no part of that window that is less than 1.7 metres above finished floor level shall be capable of being opened. The obscured glazing shall be retained thereafter.
- 7) The building hereby approved shall not be occupied until space has been laid out within the site, drained and surfaced in accordance with details previously agreed in writing with the local planning authority for a maximum of 2 cars to be parked. Thereafter, it shall be kept available at all times for that purpose.