



Appeal Decision

Site visit made on 03 October 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal Ref: APP/P2114/D/20/3253896

The Garden Cottage, Swains Road, Bembridge PO35 5XS

- 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 and Mrs G and J Mead against the decision of Isle of Wight Council.
 - The application Ref 20/00295/HOU, dated 14 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is demolition of garage and conservatory, proposed alterations and extensions to enlarge accommodation including new dormer windows and Juliet balconies (revised scheme).
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and conservatory, proposed alterations and extensions to enlarge accommodation including new dormer windows and Juliet balconies (revised scheme) at The Garden Cottage, Swains Road, Bembridge PO35 5XS in accordance with the terms of the application, Ref 20/00295/HOU, dated 14 February 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was "*extensions and alterations (revised scheme)*". This description was amended following submission of the application and the new description better reflects the development proposed. As such, I have referred to the amended description for the purposes of this appeal.
3. The address for the appeal site is referred to as both 'The Garden Cottage' and 'Garden Cottage' in the various application documents. Both versions clearly describe the appeal site. I have referred to the address given on the original application form.

Main Issues

4. The main issues are the effect of the proposal on the character of the area and the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, specifically whether the proposal would create overlooking.

Reasons

Character of the area

5. The appeal site is located in Swains Road, a residential street of Bembridge. Plot shapes and sizes are varied, though all are relatively generous plots featuring predominantly medium to large detached dwellings of various types and styles. Most of the dwellings are set back some distance from the road, albeit dwellings do not align to follow an exact building line. The grain of development is relatively loose given the generous plot sizes, though several dwellings along the road fill the width of their plot or are irregularly sited closer to one boundary. Nonetheless, a sense of 'infill' is avoided and the road retains an open character by virtue of set-backs, gaps in built development or gaps at first floor level. Swains Road is also very verdant in character, which reduces the prominence of some of the larger dwellings or filters the appearance of their bulk and massing from the street. Some dwellings have open frontages and appear more prominent in the street scene.
6. The host dwelling is a two-storey dwelling with the appearance of a chalet type bungalow. It has a sloping roof with a front facing gable and side-facing dormers. It is the only dwelling along Swains Road of this type and is of a much smaller scale than the dwellings in the immediate vicinity. The appeal site also contains a detached garage. The appeal proposal is to demolish the garage and conservatory to the west side of the dwelling and to construct a two-storey extension to the side and rear of the dwelling.
7. The proposed extension does represent a significant increase in the overall size and scale of the host dwelling. However, the dwellings in the immediate vicinity are of a much larger scale of the host dwelling and as such, the proposed scale would be in keeping with the prevailing character. The proposed design includes a second front-facing gable end and a dual pitch steeply sloping roof. This design complements the character of the existing host dwelling well and would create a cohesive design which effectively articulates the extended dwelling to avoid the appearance of excessive mass.
8. Whilst the extended dwelling would span almost the entire width of the plot at two storeys, this is not unusual in Swains Road. Unlike a previous proposal for extension of the host dwelling, the roof of the appeal proposal would slope away sharply from the boundary to recreate the relief from built form found between other dwellings in Swains Road and to maintain a sense of openness at first floor level. The extension would infill the gap between the dwelling and garage (to be demolished); several dwellings in the area have large extensions which extend to the boundary, including neighbouring Durban Cottage. As such this pattern of development would reflect rather than adversely affect the character of the area.
9. The appeal site benefits from a very generous narrow but deep plot; the extended dwelling would cover only a relatively small proportion of the plot and would not represent overdevelopment.
10. The appeal proposal would avoid dominance as the resulting extended dwelling would be of a similar scale to those surrounding the site. Prominence or visual intrusiveness would be avoided by virtue of the significant set-back from the road and retained existing trees and foliage. In any case, both prominent and obscured dwellings contribute to the varied character of the area.

11. For these reasons, the appeal proposal would respect the character of the area and would accord with policy DM2 of the Isle of Wight Core Strategy Island Plan, adopted in 2012 (CS) and policy BNDP.D.2 of the Bembridge Neighbourhood Plan (NP), made in July 2014, as well as the advice relating to design in the Framework. Policy DM2 seeks, amongst other things, neighbourly and high-quality design which protects, conserves and enhances the existing environment whilst allowing for change. Policy BNDP.D.2 seeks, amongst other things, to ensure well designed extensions and alterations to existing dwellings.

Living conditions

12. The appeal proposal would introduce new dormer windows onto both side elevations of the property. The Council raises no concerns regarding the dormer window facing the dwelling known as Sandalwood to the east, subject to the imposition of a condition requiring obscure glazing. I concur with this view and consider a condition requiring obscure glazing is necessary due to the relative alignment of the rear elevations of the dwellings and the existence of large windows in the side elevation of Sandalwood.
13. The Council has raised concerns regarding overlooking to Durban, to the west. Durban is sited further back than the host dwelling and is extended to the rear with flat roof extensions and an enclosed balcony. Durban does not have windows in the side elevation of these extensions. The proposed dormer and existing dormers face onto the blank elevations and roofs of Durban's extensions. As such, real or perceived opportunities for overlooking Durban or its garden are limited. I do not consider a condition requiring obscure glazing of the new dormer on the west elevation would be necessary or proportionate.
14. For these reasons, the proposal would not have an adverse effect on the living conditions of neighbouring occupiers and would comply with policy DM2.

Conditions

15. I have imposed the standard 3-year time limit and approved plans conditions to ensure the development takes place in a timely manner in accordance with the details of the proposal. Whilst the Council has not suggested any conditions relating to obscure glazing in its suggested list of conditions, I have noted its comments regarding the first floor dormers and for the reasons set out above, I have imposed a condition requiring obscure glazing to the dormer window in the east elevation, facing Sandalwood. I have imposed pre-commencement conditions relating to materials and trees to ensure the high quality design of the proposal is not eroded by poor quality materials and ensure the preservation of trees which contribute to the character of the site and its surroundings.

Conclusion

16. For the reasons set out above, I conclude that the appeal proposal accords with the relevant policies of the Development Plan and that the appeal should be allowed, subject to conditions.

Kim Langford Tejrar

INSPECTOR

Schedule of 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: 19-740-02-Rev B and 19-740-03-Rev B.
- 3) Notwithstanding condition (2), no development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby approved have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction- Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) The extension hereby permitted shall not be occupied until the new dormer window in the east elevation, facing the property known as Sandalwood, has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscure glazing shall be retained thereafter.