



Appeal Decision

Site visit made on 16 September 2020

by **S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal Ref: APP/P2114/W/20/3254792

33 Noke Common, Newport PO30 5TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Albert Button against the decision of Isle of Wight Council.
- The application Ref 20/00199/RVC, dated 3 February 2020, was refused by notice dated 31 March 2020.
- The application sought planning permission for 'proposed 7 dwellings with parking; formation of vehicular accesses; landscaping (revised plans) (revised description)', without complying with condition attached to planning permission Ref P/00344/19, dated 15 November 2019.
- The condition in dispute is No 2 which states that: *'The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, number: 2018.36.C16.U1.FP Unit 1 Floor Plans; 2018.36.C16.U2.FP Unit 2 Floor Plans; 2018.36.C16.U3.FP Unit 3 Floor Plans; 2018.36.C16.U4.FP Unit 4 Floor Plans; 2018.36.C16.U5&6.FP Units 5 & 6 Floor Plans; 2018.36.C16.U1.EL Unit 1 Elevations; 2018.36.C16.U2.EL Unit 2 Elevations; 2018.36.C16.U3.EL Unit 3 Elevations; 2018.36.C16.U4.EL Unit 4 Elevations; 2018.36.C16.U5&6.EL Units 5 & 6 Elevations; 2018.36.C16.U7.EL Unit 7 Elevations; 2018.36.C16.U7.FP Unit 7 Floor Plans; 2018.36.C16.OA1 Site Plan and Street Scene; and the recommendations contained with the submitted Ecological Report AS/AB/0319 ECO (dated 19 March 2019).'*
- The reason given for the condition is: *'For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy'.*

Decision

1. The appeal is dismissed.

Procedural Matters

2. A number of amended plans (Nos 2018.36.C15.U5.ELA, 2018.36.C15.U5.FPA, 2018.36.C15.U6.FPA, 2018.36.C15.U6.ELA) were submitted in support of the appeal, which did not form part of the planning application determined by the Council. These plans seek to provide further details in respect of the proposed elevations and floor plans for units 5 and 6, to overcome the Council's second reason for refusal. Having regard to the Wheatcroft principles¹, I consider that the amended plans do not alter the nature of the development previously consulted upon and determined by the Council. As such, I am satisfied that my consideration of these amended plans would not prejudice the Council or any

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

other interested party. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.

3. The application subject to this appeal was notably refused by reason of the lack of information concerning the proposed dwellings on plots 5 and 6. In the absence of such details, the Council felt unable to assess whether the appeal scheme would comply with some of the aims of the development plan, which notably expect development proposals to reflect the most up-to-date Strategic Housing Market Assessment and contribute to meeting the identified housing need for the local area. Within their submissions, the Council have confirmed that their concerns regarding units 5 and 6 have been satisfactorily addressed by the additional information shown on the amended plans submitted by the appellant. There are no reasons for me to differ with this approach, and I shall therefore proceed on this basis.
4. The appellant has submitted a Planning Obligation by Unilateral Undertaking (UU), signed and dated 28 August 2020, pursuant to Section 106 of the Town and Country Planning Act 1990, which would take effect should the appeal be allowed. The UU would secure a financial contribution towards the Solent Recreation Mitigation Strategy² (SRMS), which I will return to later in this decision.

Main Issue

5. The main issue is the effect that the proposed amendments would have on the character and appearance of the area.

Reasons

6. Located on the edge of Newport, the appeal site comprises a bungalow and a large open field. The area includes dwellings of varying types and designs arranged in a ribbon development pattern which, together with the mature hedges and fields, notably on the opposite side of the road, gives it a pleasant semi-rural character.
7. Planning permission³ has recently been granted for the demolition of the existing bungalow and the erection of seven dwellings, and the formation of associated parking spaces, vehicular accesses and landscaping. The appellant is however seeking consent to amend the approved scheme, by replacing the pair of semi-detached properties with two detached dwellings, which are identified as units 5 and 6. Amendments are also proposed to the car parking spaces for units 5 and 6, which would be provided to the front of these dwellings, with turntable facilities.
8. There is no doubt that detached properties prevail in this area, but semi-detached dwellings nevertheless form part of the varied street scene which characterises Noke Common. Whilst the number of dwellings would overall remain unchanged, the uninterrupted succession of detached properties resulting from the appeal scheme would fail to reflect the variations which define the locality.

² December 2017.

³ Local Planning Authority Reference P/0033/19.

9. The appellant has sought to introduce some subtle differences to the detailing of the dwellings. However, the repetitive nature of the development would, by reason of the similar size and design of the two-storey properties, impart a regimented and formal appearance to the street scene, which would harmfully contrast with the semi-rural qualities of the locality. Given the site's prominence and the scale of the proposed dwellings, the provision of additional landscaping would not be sufficient to mitigate the harm which would be caused by the proposal.
10. In respect of the proposed parking arrangements, I saw that there are many examples along Noke Common where spaces have been provided to the front of residential properties, generally in the form of large areas of hardstanding, which are complemented by soft landscaping. It is also noted that the consented scheme includes the provision of car parking spaces to the front of some of the other units. For these reasons, and subject to the inclusion of appropriate landscaping, I am satisfied that the proposed parking arrangements for units 5 and 6 would not appear visually awkward or dominate the street scene.
11. Whilst the revised parking arrangements would be acceptable, I conclude that the appeal scheme would overall cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies SP1 and DM2 of the Isle of Wight Core Strategy⁴ (CS) which, amongst other things, seek to ensure that developments proposals are of a high quality and inclusive design to protect, conserve and enhance the existing environment whilst complementing the character of the surrounding area. For similar reasons, the appeal scheme would fail to accord with paragraph 127 of the National Planning Policy Framework, which notably requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

12. The appeal site lies within proximity to the Solent Special Protection Areas (SPAs), which are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species. There is no dispute between the main parties regarding the likely significant effects which the proposal, in combination with other plans and projects, would have on these internationally important areas, by reason of the increased recreational pressure generated by residential development.
13. In accordance with the SRMS, residential development proposals located within 5.6km to the Solent SPAs are therefore required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation. The appellant has submitted a UU to secure the required financial contribution. As I am dismissing this appeal for other reasons, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment to ensure the proposal's compliance with the Habitats Regulations.

⁴ March 2012.

Conclusion

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

S Edwards

INSPECTOR