



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: 12 October 2020

Appeal Ref: APP/P2114/W/20/3248179

Land Adjacent 2 Victoria Avenue, Shanklin PO37 6PQ

- 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 19/01430/FUL, dated 15 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is demolition of shop, construction of two houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed after the application was submitted to '*demolition of shop; propose pair of semi-detached houses*'. For the purposes of this appeal, I have utilised the original description.

Main Issues

3. The main issues are:
 - The principle of development,
 - The effect of the proposal on the character and appearance of the Shanklin Conservation Area,
 - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, namely 73 High Street, and future occupiers of the development.
 - Whether the proposal makes the requisite contribution towards affordable housing.

Reasons

Principle of development

4. The parties agree that the Isle of Wight Council cannot demonstrate a five-year supply of deliverable housing sites. The relevant policies for determining the application may therefore be considered out-of-date. This means that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear

reason for refusing the development proposed, or any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole¹.

5. The appeal proposal would result in the loss of a retail unit within a town centre location. The parties agree, and I concur, that this loss is justified based on the evidence submitted with the application.

Character and appearance of the Shanklin Conservation Area

6. The appeal site is located on the western edge of the Shanklin Conservation Area (CA). The appeal site is a transition point between the predominantly Victorian and architecturally detailed buildings of commercial scale on High Street and the mixture of more modern and domestic scale Victorian buildings in Victoria Avenue. This transition is somewhat focussed on the appeal site by virtue of its intervisibility in the two areas and the stark contrast in scales of built form bounding the site.
7. The appeal proposal is to demolish the existing building and replace it with two semi-detached dwellings. The proposal makes a particular effort to reflect the design form of the nearby Victorian dwelling. However, the constraints of the site have resulted in a design which would appear contrived due to an overall smaller scale than either the adjacent dwelling or the commercial building and the proportions of its architectural features failing to align with or complement the surrounding buildings. The CA Character Appraisal identifies the significance of this part of the CA as arising primarily from the quality of the surviving 19th Century architecture, with which the appeal proposal would appear incoherent and jarring.
8. At present the appeal site comprises a single storey shop building with a 'stepped' shopfront elevation to create an increasing set-back towards High Street. Whilst the existing building is not reflective of the scale of surrounding buildings or their architectural style, any benefit arising from its replacement would be somewhat limited by its low profile and set-back stepped design, which are unobtrusive despite its prominent transition location. Its replacement with the more prominent appeal proposal would not be beneficial.
9. For these reasons, the appeal proposal would result in less than substantial harm to the character and appearance of the Conservation Area, contrary to the Framework and policies DM1 and DM11 of the Isle of Wight Core Strategy Island Plan, adopted in 2012 (CS). Policy DM2 seeks, amongst other things, neighbourly and high-quality design which protects, conserves and enhances the existing environment whilst allowing for change. Policy DM11 seeks, amongst other things, to conserve and enhance the special character of the Island's historic and built environment.

Living Conditions

10. The rear wall of the existing building is separated from the main windows, doors and small outdoor amenity area of a ground floor flat at 73 High Street by a 1 metre wide path. The appeal proposal would increase this separation by a distance of 3 metres. Whilst the existing building is closer, it has a low single-storey height with a catslide roof which is higher from front-to-rear (though it

¹ Paragraph 11(d) of the National Planning Policy Framework (the Framework).

appears flat when viewed from either elevation). The outdoor amenity space for the flat is also raised by approximately 1 metre in height, which reduces the sense of enclosure from the proximity of the single storey wall. The appeal proposal would greatly increase the height of built form, albeit at a minimally less proximate 3 metre distance. Whilst this may not result in a significant reduction in overall daylight to the flat, its height combined with its still very proximate position would greatly increase the sense of enclosure resulting in an overbearing, overshadowing and dominant impact on the outlook from within the flat and on the outdoor amenity space. That impact would be detrimental to the existing arrangement, which whilst not ideal, avoids the same degree of overbearing dominance.

11. The positioning and proximity of the windows in the flat with the proposed positioning of the windows in the new dwellings would also create a significant degree of mutual overlooking, adversely affecting the quality of the existing and proposed outdoor amenity space. There is no boundary feature proposed between the flat and houses, which would reduce the privacy of the flat's existing amenity space as well as allow direct overlooking from the flat into the proposed amenity space for the houses. This relationship may also create pressure for a boundary feature to be installed close to the windows and doors of the flat.
12. The site is in a town centre location with easy access to public outdoor amenity spaces and there is no minimal provision standard in local policy. Whilst the Appellant contends that there would be demand for the houses regardless of the living conditions, such demand would not justify such a poor-quality arrangement or substandard living conditions.
13. For the reasons above, the proposal would adversely affect the living conditions of both the existing occupiers of the flat and future occupiers of the houses in respect of privacy, and the existing occupiers of the flat by way of loss of outlook, overbearing and overshadowing. The proposal is thus contrary to the Framework and Policy DM2 of the CS.

Affordable housing

14. The Appellant has submitted a signed legal agreement in respect of affordable housing provision. This reason for refusal has been overcome.

Conclusion and Planning Balance

15. For the reasons stated above, I find that the appeal proposal would cause less than substantial harm to the significance of the Shanklin Conservation area, have an adverse effect on the living conditions of occupiers of neighbouring dwellings and would provide a poor standard of living conditions for future occupiers of the development.
16. Substantial weight is to be afforded to the contribution the proposal would make towards unmet housing needs. However, the degree of benefit arising would be minimal given that the proposal would make a very limited contribution towards the housing supply.
17. This limited benefit would not outweigh the harm to the Conservation area. Moreover, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the

Framework taken as a whole. The proposal is contrary to the Framework and Policies DM2 and DM11 of the Development Plan. I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR