



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/20/3253352

Land Adjacent 11 Quarr Close, Ryde PO33 4EN

- 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 Alan Ringer against the decision of Isle of Wight Council.
 - The application Ref 19/01400/FUL, dated 11 November 2019, was refused by notice dated 11 February 2020.
 - The development proposed is dwelling (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been changed following submission of the application. The original description was '*proposed dwelling on land adjacent 11 Quarr Close*'. I have utilised the amended description as it better reflects that the application for the appeal scheme followed a previous application.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, the living conditions of occupiers of neighbouring dwellings, namely 9 Quarr Close, and future occupiers of the development, and the effect of the proposal on existing trees.

Principle of development

4. 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 The relevant policies for determining the application may therefore be considered out-of-date.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. In any case, despite the Council's reference in its decision notice to Policy SP1 of the Isle of Wight Core Strategy: Island Plan (CS), adopted in 2012, the Council acknowledges that the appeal site is in a location where housing development may be considered acceptable in principle, subject to the policies of the Development Plan as a whole.

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

Character and appearance

5. Quarr Close and Quarr Place (a road leading off Quar Close which forms part of its built context), are verdant and attractive residential streets. The grain of development is relatively loose given the predominance of detached dwellings and generous plot sizes. Dwellings along both streets are oriented towards the road and the pattern of development is planned yet spacious. Whilst it is noted that some dwellings along Quarr Close and Quarr Place have been extended or replaced creating a greater degree of plot coverage, there are no such examples of tightly arranged infill and plot sizes have not been subdivided or reduced. As such the overall pattern of development is a strong feature of the local character.
6. The appeal site is located to south of Quarr Close, at the end of the cul-de-sac. In keeping with the established grain and pattern, the dwellings at this end of the street are orientated onto the road, are detached and are within generous plots. The appeal proposal seeks to construct a new three-bedroom detached dwelling adjacent to 11 Quarr Close. Due to its siting, the proposed dwelling would not directly front the road. Its positioning would appear contrived and the subdivision of the original plot for 11 Quarr Close to accommodate the new dwelling would create a cramped over-development, incongruous with the existing grain and pattern of development. This would be exacerbated by the positioning of the development in close proximity to, and under the canopy of, several mature trees.
7. Whilst there is some degree of uniformity in design and materials in the vicinity, the appeal proposal takes design cues, particularly in relation to fenestration, from a modern replacement dwelling at number 10 Quarr Close and would not be out of keeping with the vernacular in terms of detailed design.
8. For these reasons, the appeal proposal would be out of keeping with the character of the area, contrary to the Framework and policy DM2 of the CS. Policy DM2 seeks, amongst other things, neighbourly and high-quality design which protects, conserves and enhances the existing environment whilst allowing for change.

Living conditions

9. The position and orientation of the proposed dwelling would result in its front elevation facing directly towards the private rear garden of 9 Quarr Close at a relatively short distance. The proposed dwelling would also be sited at a higher point of ground level than 9 Quarr Close. Whilst the proposal has sought to mitigate overlooking impacts with obscure glazing at first floor level, the relationship between the two properties would appear uncomfortable and would create a strong sense of perceived overlooking.
10. The proposal is for a family sized dwelling in a verdant, open and rural edge of settlement location. Given this context, future occupiers might expect a sufficient outdoor amenity space to meet their needs and provide for adequate living conditions. The original plot size of 11 Quarr Close is typically generous and thus the proposed subdivision of the plot would create an adequate level of outdoor amenity space for the proposed new dwelling. However, the proposed dwelling would be sited close to mature trees and a large proportion of the garden would be beneath the canopy of those trees. This would result in a

largely shadowed garden and with the trees overbearing the amenity space. The quality of the amenity space would therefore be compromised if the trees were to remain in situ.

11. For these reasons, the appeal proposal would have an adverse effect on the living conditions of occupiers of neighbouring dwellings and would provide poor quality of living conditions for future occupiers of the appeal proposal, contrary to the Framework and policy DM2.

Trees

12. The appeal site is bounded by woodland to the south, west and in part, the north. Three trees within the site are subject to a group Tree Protection Order² which covers a significant number of trees in Quarr Close and Quarr Place, preserving the area's verdant character. The proposed dwelling would be sited in close proximity to both the protected trees and the woodland. A Tree Plan and Arboricultural Report submitted with the application conclude that the trees could be adequately protected during and following the construction of the new dwelling through use of a robust scheme of tree protection and sensitive solutions for surfacing in Root Protection Areas (RPAs). However, the strategy for tree protection does not account for the likely pressure to cutback or remove trees to improve the quality of the amenity space, as addressed above.
13. Whilst it is acknowledged that other dwellings along Quarr Close and Quarr Place are proximate to trees, including 10 Quarr Close which has several protected trees in its plot, those dwellings benefit from more generous plots than the appeal proposal and the trees have a less overbearing impact as a result. Notwithstanding this, each development should be considered on its own merits.
14. For these reasons, the appeal proposal would fail to adequately take into account proximate trees, contrary to the Framework and policies DM2 and DM12 of the CS. Policy DM12 seeks, amongst other things, to preserve, enhance and promote the landscape and avoid direct and indirect adverse effects upon the integrity of designated sites.

Conclusion and Planning Balance

15. For the reasons stated above, I find that the appeal proposal would have an adverse effect on the character of the area, living conditions of occupiers of a neighbouring dwelling and would provide a poor standard of living condition 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. The adverse impacts of granting planning permission would significantly and demonstrably outweigh this limited benefit, when assessed against the policies of the Framework taken as a whole. The proposal is contrary to the Framework and Policies DM2 and DM12 of the Development Plan. I conclude that the appeal should be dismissed.

² TPO/1982/37, T20, T21 and T22.

Kim Langford Tejrar

INSPECTOR