



Appeal Decision

Site visit made on 23 November 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/P2114/W/20/3255836

Land rear of 12 Gordon Road and adjacent 48 Beckford Road, Cowes, Isle of Wight PO31 7ST

- 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 Cranley Estates against the decision of Isle of Wight Council.
 - The application Ref 20/00258/FUL, dated 10 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is described as 'proposed dwelling revised scheme'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a unilateral undertaking dated 9 October 2020 pursuant to section 106 of the Town and Country Planning Act 1990. This contains a planning obligation relating to financial contributions towards affordable housing provision and appropriate habitat mitigation in accordance with the Solent Recreation Mitigation Strategy. I shall return to this matter later.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) the effect of the proposal on the living conditions of the occupiers of No 12 Gordon Road and No 48 Beckford Road with regard to outlook; and (iii) whether adequate living conditions would be provided for future occupiers of the proposed dwelling in respect of natural light.

Reasons

Character and appearance

4. The appeal site lies within a mainly residential area close to the junction of Gordon Road and Beckford Road. It comprises a large part of the former rear garden of No 12 Gordon Road, which runs alongside Beckford Road.
5. The area is characterised by mostly a mix of attractive pairs of semi-detached and terraced Victorian era properties arranged in a traditional and established layout reflective of that period. Given that the proposal is for a detached dwelling, in this regard, it would be at odds with the prevailing character of the residential property in the area.

6. The rear gardens of properties in the area are generally lengthy but narrow by virtue of the layout of development. Although the proposal is for a modest one-bedroom property, it would largely subsume the area of the former garden. The proposal would result in a dwelling positioned within a plot significantly smaller than most others in the area. Hence, the proposal would result in a denser and cramped form of development, out of character with the predominant pattern of development in the surrounding area.
7. The proposed dwelling would extend across much of the gap between No 12 and No 48 Beckford Road. It would, therefore, disrupt the established architectural character of development in the area by removing an important gap that provides relief to the relatively high density housing originally formed as a result of the traditional grid like street pattern.
8. Whilst there is an existing fence on top of the brick boundary wall and overgrown vegetation within the site, the proposed dwelling would represent a materially more solid built form than the boundary treatment and vegetation combined. Thus, their existence does not have the same adverse impact, in terms of the loss of the important gap within the street scene to that which would result from the proposed development.
9. The street scene comprises mainly traditional properties characterised by gable roofs and bay windows and small front gardens. By contrast, the proposed dwelling would be positioned tight to the edge of the pavement and so would not have a front garden. Furthermore, the proposed mono pitched roof would be materially at odds with the prevailing roof form of properties in the area. Its front elevation, with a large strip of glazing at upper mezzanine level and no bay windows, would be markedly different to most other neighbouring properties. As a result of these factors, the proposed dwelling would appear incongruous within the street scene.
10. It is acknowledged that the appellant has sought to address specific concerns relating to the design of a previously refused proposal¹ at the site. However, for the reasons outlined above, the proposed development would not respect the prevailing pattern of development in the surrounding area and would appear out of place within the street scene. It would, therefore, cause significant harm to the character and appearance of the area.
11. Consequently, in this regard, the proposal would not accord with the design aims of Policy DM2 of the Island Plan² 2012 (IP) which, amongst other things, seek to ensure development proposals are of a high quality design and complement the character of the surrounding area. It would also conflict with chapter 12 of the National Planning Policy Framework (the Framework) which seeks to ensure that development proposals are sympathetic to local character and achieve good design that improves the character and quality of an area.

Neighbours' living conditions

12. While the outlook from the rear courtyard of No 12 is towards an existing wooden fence along the boundary with the appeal site, the proposed dwelling would be significantly greater in height than the fence. Taking into account the position and height of the proposed dwelling and the small courtyard area, it

¹ Local Planning Authority Ref: 19/00432/FUL

² Full title: Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document. March 2012.

would have a significant enclosing effect and be a dominant and overbearing feature in the outlook from the courtyard. The development would, therefore, result in a loss of outlook for the existing occupiers of No 12.

13. The proposed dwelling would be positioned close to the north east boundary of the appeal site. However, the evidence indicates that the distance between the development and the side elevation of No 48 would be around 2.2 metres, which is the combined width of the existing footpath that allows pedestrian access from Beckford Road to the rear garden of No 14 Gordon Road and the footpath that affords pedestrian access to the main entrance door in the side elevation of No 48 Beckford Road. Moreover, whilst the side elevation walls of No 48 and the proposed dwelling would be roughly parallel to each other the evidence indicates that the two buildings would run alongside each other by only around 2.9 metres. Therefore, the proposed development would not result in a significant tunnelling effect on the footpath serving the access to the side elevation door of No 48. Nor would it result in any significant loss of outlook for the existing occupiers of No 48 owing to the offset position of the proposed dwelling relative to the windows and doors within the side elevation of No 48.
14. In conclusion, the proposal would not result in any significant harm to the living conditions of the occupiers of No 48 Beckford Road in terms of outlook. However, for the above reasons, the proposed dwelling would have a significantly harmful effect upon the living conditions of the occupiers of No 12 Gordon Road in terms of outlook. Consequently, in this regard, the proposal would not accord with the living conditions aims of Policy DM2 of the IP and paragraph 127 (f) of the Framework which, amongst other things, set out to ensure that development proposals create places that provide a high standard of amenity for existing occupiers.

Future occupiers' living conditions

15. The Council consider that the mezzanine level of the proposed dwelling would benefit from sufficient natural light by virtue of the large window that would stretch along the entire length of the proposed dwelling. Based on the information before me, I see no reason to disagree.
16. A glazed door would serve the living room and the internal layout of the proposed dwelling would allow some natural light from the windows serving the first floor accommodation to reach the ground floor living room. However, the glazed door, whilst it would be south west facing, would be in proximity to high walls that would form the small courtyard. These walls would reduce the amount of natural light reaching the ground floor accommodation.
17. Moreover, the ground floor bedroom, which would be a habitable room, would be served by a small window; the appellant states that the size of the window would be 0.5 square metres. The bedroom window would be north east facing and would be in proximity to the south west elevation of No 68. These factors, combined with the limited size of the opening, would substantially reduce the amount of natural light reaching the habitable room.
18. The appellant states that there would be no reliance on artificial light as the building is designed to take advantage of the seasonal changes and arc of the sun. However, I have not been presented with any substantive evidence to demonstrate that this would be the case.

19. Consequently, for the reasons outlined above, in regard to the ground floor accommodation, I consider that the proposed development would not provide adequate living conditions for future occupiers in respect of natural light. It would not, therefore, accord with the living conditions aims of Policy DM2 of the IP and paragraph 127 (f) of the Framework which, amongst other things, set out to ensure that development proposals create places that provide a high standard of amenity for future occupiers.

Other Matters

20. The appeal site lies within the buffer zone of the Solent Special Protection Area (SPA). The unilateral undertaking has been accepted by the Council as providing a financial contribution towards habitat mitigation in respect of the impact of the proposal on the interest features of the SPA from increased recreational disturbance. Notwithstanding this, were I to allow the appeal, I would still need to consider the implications of the proposed development upon the SPA. However, as I have determined to dismiss the appeal on the grounds set out above, it has not been necessary for me to address this matter any further.
21. The unilateral undertaking facilitating a financial contribution towards affordable housing provision has been accepted by the Council. The financial contribution would be in line with Policy DM4 of the Island Plan and the Affordable Housing Contributions Supplementary Planning Document (2017). Based on the evidence presented the contribution would satisfy the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework.

Planning Balance and Conclusion

22. The financial contribution towards affordable housing provision would be a positive benefit in the planning balance. While the appeal site is located close to transport links the provision of one new dwelling would represent a very modest contribution towards the Council's five-year supply of housing land.
23. Against these benefits I have found that significant harm would be caused to the character and appearance of the area. Furthermore, harm would be caused to the living conditions of the occupiers of No 12 Gordon Road and the proposed development would not provide adequate living conditions for future occupiers. I afford significant weight to these matters in my decision, noting conflict with both development plan and Framework policies.
24. Although the proposed development would not cause harm to the living conditions of the occupiers of No 48 Beckford Road, this is a matter of neutral consequence in the overall planning balance.
25. In conclusion, the identified benefits of the proposed development would not outweigh the considerable harm that I have found. Consequently, for the above reasons and having regard to all other matters raised, the appeal is dismissed.

Andrew Bremford

INSPECTOR