
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: 03 December 2020

Appeal Ref: APP/P2114/W/20/3255679

Dowsabel Chase, Main Road, Rookley PO38 3NG

- 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 Newman Homes Ltd against the decision of Isle of Wight Council.
 - The application Ref 19/01585/FUL, dated 11 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is construction of three bungalows, access road and parking.
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Decision

1. The appeal is allowed and planning permission granted for the construction of three bungalows, access road and parking at Dowsabel Chase, Main Road, Rookley PO38 3NG in accordance with the terms of the application, Ref 19/01585/FUL, dated 11 December 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council advise that the signed and dated unilateral undertaking submitted by the appellant relating to a financial contribution towards affordable housing provision addresses the third reason for refusal on the decision notice. I shall return to this matter later.
3. I observed on my site visit that towards the rear of the site a building was partly constructed. However, I cannot be certain if such works are related to the appeal proposal now before me. Therefore, I have dealt with the appeal on the basis of the description of development as set out above.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of Nos 1 to 4 Hillcrest Road with regard to outlook and light.

Reasons

Character and appearance

5. The appeal site lies on the southern side of Main Road and comprises a detached dwelling, Dowsabel Chase. The surrounding area is characterised by a mix of residential dwellings and commercial uses. The single storey and two storey residential properties in the area vary in size, scale, design and appearance and are sited within plots of varying sizes. Dowsabel Chase is a two storey property set back from the road frontage within one of the larger

- residential plots along Main Road. By contrast, residential development to the south and west of the appeal site, around Hillcrest Road, is denser in character and mainly comprises pairs of semi-detached and short rows of terraced two storey properties set within plots mostly smaller than those along Main Road.
6. The proposed development would result in three bungalows on land which forms part of the large rear garden of the host dwelling. One bungalow would be a detached property and the other two would be semi-detached properties. They would be simply designed low key properties constructed of facing brickwork under slate roofs. Thus, considering the wide variety in the scale and design of properties in the area, the proposed three bungalows would not appear out of keeping with the prevailing character of residential development in the surrounding area.
 7. The sub-divided plot would retain a garden area to the rear of Dowsabel Chase and would leave the host dwelling sited within a reduced sized plot. However, given that it sits within one of the larger plots in the area, the resultant plot size would not be significantly different to that of most other residential properties along Main Road.
 8. The proposed detached bungalow would be sited within a slightly smaller plot than that of the host dwelling and the proposed pair of semi-detached bungalows would be sited within smaller plots than both the host dwelling and the proposed detached bungalow. However, the layout of the proposed dwellings and associated plot sizes would be broadly reflective of the transition between the more spacious characteristics of residential properties along Main Road and the denser character of development to the south and west of the site. Consequently, the subdivision of the site and the resultant plot sizes would not materially disrupt the established layout of residential development in the area.
 9. The appeal site slopes quite steeply upwards from Main Road towards the south, which allows views into it from some neighbouring plots. However, owing to their low profile, set back position to the rear of Dowsabel Chase and the alignment of the proposed access driveway, the proposed bungalows would not be readily apparent within the streetscene in views from Main Road.
 10. Overall, for the reasons outlined above, the layout of the proposed dwellings would generally be in keeping with that of other residential development in the vicinity of the site. Moreover, as a result of their scale the dwellings would not appear cramped within the context of the layout and varying size of existing built form in the surrounding area. Consequently, the proposal would not cause harm to the character and appearance of the area.
 11. Therefore, the proposed development would adhere to the design aims of Policies SP1 and DM2 of the Island Plan¹ 2012 (IP) which, amongst other things, seek to ensure development proposals complement the character of the surrounding area. It would also accord with paragraph 127 (c) of the National Planning Policy Framework (the Framework) which seeks to ensure that development proposals are sympathetic to local character, including the surrounding built environment.

¹ Full title: Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document. March 2012.

Living conditions

12. The western boundary of the appeal site is shared with Nos 1 to 4 Hillcrest Road and is formed by a tall close boarded fence. The proposed bungalows would be sited on ground similar in level to that of Nos 1 to 4. The side (west) elevation of the proposed semi-detached bungalow that would be sited within plot 3 would be around 1.6 metres from the boundary and, at its closest, be approximately 18.7 metres from the rear elevations of Nos 1 to 4.
13. It is acknowledged that the development would be close to the boundary. However, taking into account that it would be low profile with a hipped roof that would slope away from the garden areas of the neighbouring properties and the height of the fence and proposed soft landscaping along this part of the western boundary, the development would not represent a dominant or overbearing feature in the outlook from the rear gardens of Nos 1 to 4.
14. The development would be sited to the west of the rear gardens of Nos 1 to 4. So, by virtue of its position, in the very early morning period the development would result in a degree of overshadowing to the rear gardens of Nos 1 and 2 and to a lesser extent the rear gardens of Nos 3 and 4. However, as the sun climbs and moves to the south the development, taking into account that it would be single storey, would not result in any material loss of light as a result of overshadowing. I do not consider that the loss of light to the rear gardens of Nos 1 to 4 as a result of overshadowing would be so significant as to warrant refusal of planning permission.
15. For the reasons outlined above, I conclude that no significant harm would be caused to the occupiers of Nos 1 to 4 Hillcrest Road in respect of outlook and light. Therefore, in this regard, the proposed development would suitably accord with the living conditions aims of Policy DM2 of the Island Plan 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.

Other Matters

16. The unilateral undertaking facilitating a financial contribution towards affordable housing provision has been accepted by the Council as addressing its third reason for refusal. The financial contribution would be in line with Policy DM4 of the Island Plan and the Council's 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.
17. Interested parties have raised a range of issues about the proposal. These include loss of privacy, loss of views, parking provision and vehicle noise.
18. Taking into account the tall close boarded boundary fencing, the proposed addition of soft landscaping along part of the western boundary, which could be secured by condition, and the fact that the proposed dwellings would be single storey, there would be no overlooking issues that would lead to a material loss of privacy to the occupiers of Nos 1 to 4 Hillcrest Road.
19. Concern is raised that the proposal would result in loss of views from neighbouring properties in so far as there was greenery within the appeal site.

However, the private view from the windows of neighbouring properties is not in itself regarded as a planning matter.

20. The proposed development would provide six parking spaces and so there would be sufficient off-street parking provision for the proposed dwellings. Moreover, in regard to parking provision, I note that the Highway Authority has not raised an objection to the proposal on grounds of highway safety.
21. Noise emanating from the movement of motor vehicles passing along the driveway and parking on the site would be noticeable to the occupiers of some neighbouring properties. However, any noise or disturbance associated with the dwellings in regard to the use of the driveway and parking spaces would not be so significant so as to be harmful given the residential surroundings of the site.
22. The Council acknowledge that, in the context of the current housing delivery, there is a presumption in favour of sustainable development². The proposal for three new dwellings would make a positive contribution towards boosting housing land supply. This is a matter which weighs in favour of allowing the development. However, it has not been necessary for me to apply the 'tilted balance' as outlined in paragraph 11 d) of the Framework. This is because the proposal accords with the development plan for the area and in addition there is no conflict with any of the policies in the Framework. The proposal would, therefore, constitute a sustainable form of development.
23. None of the other matters raised alter or outweigh my overall conclusion that the appeal should be allowed.

Conditions

24. I have considered the Council's suggested planning conditions and where necessary I have amended the wording in the interests of precision and clarity. The appellant was given the opportunity to comment on the Council's suggested planning conditions and has expressly agreed to the pre-commencement conditions.
25. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty.
26. In the interests of highway safety, it is necessary to impose a condition in relation to the provision of parking spaces and the turning of vehicles within the site. Condition 4, in respect of a bin storage area, is necessary in the interests of highway safety and the character and appearance of the area.
27. It is necessary in the interests of highway safety to impose a condition requiring the submission and approval of measures to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development.
28. To protect the privacy of the occupiers of neighbouring properties a condition is necessary in respect of the details of the hedging proposed along part of the western boundary of the site.

² Paragraph 11 of the National Planning Policy Framework

29. Finally, in the interests of ensuring that the site is suitably drained, to protect groundwater and watercourses from pollution, and to prevent harmful impacts on the Solent and Southampton Water Special Protection Area, a condition is necessary in respect of a scheme for the disposal of foul water and surface water drainage from the site.

Conclusion

30. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew Bremford

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: 'Planning – Site Plans' 19-763-01 Rev B; and 'Planning – House Types' 19-763-02.
- 3) No dwelling hereby permitted shall be occupied until space has been laid out within the site and drained and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority for six cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.
- 4) No dwelling hereby permitted shall be occupied until details of a bin storage area to serve the dwellings at the site have been submitted to and approved in writing by the Local Planning Authority. The details shall outline the location, size and design of the bin storage area. The bin storage area shall be installed in accordance with the agreed details prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.
- 5) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority in respect of steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. The agreed facilities shall be installed prior to the commencement of development and shall be retained in accordance with the approved details during the construction phase of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.
- 6) No dwelling hereby permitted shall be occupied until such time as details of the hedging proposed along the western boundary (as shown on drawing number 19-763-01 Rev B) have been submitted to and agreed in writing by the Local Planning Authority and the hedging has been planted on the site in the position shown. The agreed hedging shall be retained and maintained thereafter.
- 7) No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The details shall confirm the Waste Water Treatment Works (WWTW) that will treat drainage from the development. Should the development be served by a WWTW other than the Southern Water facility at Sandown and discharge drainage into the Solent, details of a nutrient budget to prevent harmful impacts on the integrity of the Solent and Southampton Water Special Protection Area shall be provided. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the houses hereby permitted and be retained thereafter.