

Appeal Decisions

Site visit made on 15 February 2021

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

79 St Davids Road, East Cowes PO32 6EF

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
- The appeals are made by Mr Trevor Jones (T Jones & Son Developments Ltd) against the decisions of Isle of Wight Council.

Appeal A Ref: APP/P2114/W/20/3263589

- The application Ref 20/00872/FUL, dated 4 June 2020, was refused by notice dated 30 July 2020.
- The development proposed is a B1 office/workshop.

Appeal B Ref: APP/P2114/W/20/3263596

- The application Ref 20/01310/FUL, dated 11 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is a B1 office/workshop (revised scheme).
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out in the banner above, there are two appeals on this site. They differ only in the design of the roof of the proposed B1 office/workshop building. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located at one end of St Davids Road, which is a cul-de-sac. This part of the road is straight and mostly tightly fronted along either side by rows of reasonably small houses and gardens in this relatively densely developed, mainly residential part of East Cowes. It is part of a grassed open area behind a wall, about 1.6m high, and a row of car parking spaces in a turning head. In one corner is a fenced bin store. One side of the appeal site faces three relatively recently constructed terraced houses (Nos 1 to 3 Gracie Mews). On the other side it borders the ends of long, mainly open landscaped rear gardens of houses on lower ground fronting Adelaide Grove. Some of these gardens contain domestic outbuildings next to the appeal site, such as sheds, and some gardens extend behind the grassed open area to the rear of the appeal site.
6. There is therefore an appreciable degree of verdant spaciousness at this end of St Davids Road and in this 'gap' between the otherwise regimented arrangement of opposing and nearby rows of houses. I saw at my site visit that this relationship of surrounding development to the open area on the appeal site is noticeable in public views and is locally distinctive. It therefore makes a positive and meaningful contribution to the character and appearance of the area.
7. In each appeal the proposed development would result in the erection of a single storey building with a narrower end elevation facing St Davids Road and a longer side elevation extending in-depth behind. Most of the boundary wall would be removed next to the building to allow for access with a parking space retained in front. In Appeal A the building would have a monopitch roof, with triangular gables and a taller eave height on one side, and in Appeal B it would have a flat roof. The top edge and smallest gabled part of the monopitch roof would be reasonably limited in height and the flat roof would result in a significantly lower building overall by comparison.
8. The building would occupy about half of the width and half of the length of the grassed open area and so consume about a quarter of its surface, including some of the most public parts of the appeal site next to the end of the cul-de-sac. It would therefore unduly infill a substantial proportion of this open area and despite the staggered arrangement of Nos 1 to 3 Gracie Mews it would result in an unacceptable consolidation of built form in reasonably close proximity to these houses. It would also be appreciably larger in footprint and some dimensions to most of the nearby domestic garden outbuildings. While it would not significantly interfere with the screening effect, or setting provided by, the landscape planting in these gardens or in nearby gardens it would nonetheless unduly increase the accumulation and scale and massing of built form in the vicinity of the ends of these rear gardens.
9. This part of St Davids Road is relatively wide and slopes gently down towards the appeal site. As a result, on-street parking either side obstructs longer distance views to a limited extent. Consequently, the end elevation and part of the side elevation of the building, including the highest and most prominent parts (and in Appeal A including the taller gable and part of the angled roof slope) would appear as an overly conspicuous, jarring element in the streetscape vista on the approach to the appeal site. The loss of such a significant part of the grassed open area would be especially apparent in

shorter distance public views, including from the end of the cul-de-sac past the side of the proposed building and over the remnant of boundary wall that would be retained.

10. The proposed layout and siting of the appeal proposal would therefore unduly erode the extent of the grassed open area in front of Nos 1 to 3 Gracie Mews and the spaciousness of the immediate wider area at this end of St Davids Road. It would also result in an overly cramped layout and arrangement of built form that was at odds with the prevailing pattern, sequence and scale of development in the immediate locality.
11. In both appeal proposals the design and appearance of the proposed building would resemble a reasonably large domestic garage. Nonetheless, it would not be used as a domestic garage or be sited within a related residential curtilage and there are no similar sized domestic outbuildings in the gardens next to the appeal site. Moreover, most of these existing outbuildings and the houses in the vicinity of the appeal site have dual pitched roofs, including some which are hipped. Consequently, irrespective of its use the proposed monopitch or flat roof would be manifestly out of keeping with the prevailing form of existing development.
12. The appellant considers that 'small workshops in mews layouts were once a common feature of Victorian residential streets, and can still be found in several Isle of Wight towns, including West Cowes...'. However, no details of such examples are before me in this appeal. I am therefore unable to reach any reasonable comparative judgement in these regards and I note that the appeal site is in East Cowes, not West Cowes. Even if such development is a feature of West Cowes, in the absence of evidence to the contrary, it can therefore be distinguished from the circumstances of the appeal site.
13. I accept that were I minded to grant planning permission it would be possible to attach a condition to ensure that satisfactory details of doors and windows could be approved by the Council. While this would likely have a positive effect on the design of the appeal proposals, it would be a comparatively minor benefit and would not therefore overcome the substantive harm that I have identified above with regard to the siting and design of the proposed buildings.
14. Considering the above, the appeal proposals (and albeit in Appeal B by virtue of the lower roof to a slightly lesser, though nonetheless still unacceptable, degree) would cause significant harm to the character and appearance of the area. Consequently, they would not accord with Policy SP1 or DM2 of the Island Plan Core Strategy, March 2012. These policies include that development should be on appropriate land that is suitable for the development proposed, should protect the character and context of the local area and provide an attractive built environment with a sense of place having regard to constraints such as adjacent buildings, views and other features that significantly contribute to the character of the area.
15. It would also be inconsistent with the National Planning Policy Framework paragraphs 8, 124, and 127 which include that development should protect the built environment, create high quality places, add to the overall quality of the area, be visually attractive as a result of good layout and sympathetic to local character, including the surrounding built environment and landscape setting and maintain a strong sense of place using the arrangement of streets and spaces to create distinctive places.

Other Matters

16. I recognise that the appellant seeks to make an 'optimum' use of this urban site which is located in a 'Key Regeneration Area' and would be conveniently located for small-scale B1 employment use, including access by means other than the private car, and would otherwise be acceptable in principle in a residential area. Having regard to the relatively modest scale of development proposed, these would be limited benefits of the appeal proposals. Accordingly, these benefits would not outweigh the substantial weight that I give to the significant harm that I have identified in the main issue above.
17. Some interested parties, including East Cowes Town Council, also objected to the appeal proposals for reasons relating to the living conditions of occupiers of existing nearby houses and to means of access, traffic generation and parking. I note that the Council did not object to either appeal proposal for any of these reasons and having regard to the officer reports¹ (and noting that these include an erroneous reference to proposed B2 general industrial use, rather than the proposed B1 use) there is no substantive or other compelling evidence before me in these appeals to suggest that I should reach a different view to the Council in these regards. I also acknowledge that the appeal site is not in a conservation area and that there are no nearby listed buildings or protected trees. The absence of harm in these regards is a neutral factor in my decision.
18. I recognise that the appellant has had other development proposals for the appeal site refused by the Council and now considers the appeal proposals, in particular Appeal B, to address the Council's objections. Nonetheless, the Council made the decisions that it did. In any event, I have considered the appeals on their respective planning merits.

Conclusion

19. For the reasons given, the appeals do not succeed.

Robin Buchanan

INSPECTOR

¹ Council's application references 20/00872/FUL and 20/01310/FUL.