



Appeal Decision

Site visit made on 1 June 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/P2114/D/21/3267669

The Chute, Gully Road, Seaview, Isle of Wight, PO34 5BZ.

- 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 Simon Scholfield and Ms Moira Gorman against the decision of the Isle of Wight Council.
 - The application Ref 20/01307/HOU, dated 10 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed is a deck to existing flat roof at second floor level together with replacement double glazed uPVC windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development, as set out in the bullet point above, taken from the application form indicates that replacement double glazed uPVC windows are proposed. However, the windows to be replaced and the detail of the replacements are not clearly highlighted or illustrated on the drawings. Further, neither party refers to this part of the proposal in the evidence provided. I am therefore unable to come to a conclusion on whether this element of the proposal would be acceptable or not.
3. In addition, planning permission Ref: 20/02202/HOU was granted on 9 February 2021 for the *proposed replacement balustrading to existing deck together with entrance canopy (revised scheme)*. I will therefore confine my considerations at appeal to the proposed new deck and balustrade at second floor level only. Nevertheless, my determination will be made on the entire proposal before me. In the event that I dismiss the appeal the approved scheme for the replacement balustrade to the existing first floor deck will be unaffected by my determination of this appeal.

Main Issues

4. I consider the main issues to be:
 - a) the effect of proposed second floor deck on the living conditions of the occupiers of Sunnymead in terms of the potential for overlooking leading to a loss of privacy; and,
 - b) the effect of the second-floor deck on the architectural integrity of the host property and the character and appearance of the street scene.

Reasons

5. The Chute is an integral part of a substantive three-storey property, Seagrove House, designed and built in a pleasing vernacular style.
6. The appellant proposes the construction of a new deck with glazed balustrade over an existing flat roof projection at the western end of the dwelling at second floor level. It would be accessed from the second-floor landing.

First main issue

7. The nearest residential property, Sunnymead is located directly to the north of The Chute and set down at a lower level on the other side of the valley. As I saw, due to the open aspect of views across the valley Sunnymead and its private garden is already overlooked from the existing first floor deck.
8. As the proposed deck would extend full width across the western façade of the building and be in a more elevated position than the existing first floor deck it would result in significant additional direct overlooking along with a greater sense of perceived overlooking of the neighbouring dwelling.
9. I consider therefore that the proposed deck would result in significant harm to living conditions of the occupiers of Sunnymead as a result of overlooking leading to a loss of privacy.
10. In reaching my conclusion on this issue I have taken account of the letter submitted from the current owner/occupier of Sunnymead dated 16 December 2020 stating that he supports the application for the proposed new deck. However, given the thrust of local and national planning policy to protect the living conditions of residential occupiers I can only give this evidence very limited weight in the planning balance.
11. I therefore conclude in respect of the first main issue that due to the harm to living conditions as a result of overlooking and loss of privacy of the neighbouring dwelling the proposal would fail to comply with Policy DM2 of the Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (Adopted March 2012) (LP) as it seeks to protect living conditions.

Second main issue:

12. The existing outshot to the western side of The Chute, due to its flat roof form and coping detail is not an attractive feature of the existing house. On balance, given the extant planning permission for a glazed screen to the existing first floor deck and the contemporary design of the various new houses in the Gully Road Area, I do not consider that the proposed deck would appear incongruous in terms of its relationship with design character of the host dwelling or that of character of balconies in the vicinity of the site.
13. I therefore conclude in respect of the second main issue that the proposal would not harm either the architectural integrity of the host property or the character and appearance of the street scene. To allow it would therefore accord with the aims of LP Policy DM2 as it relates to the quality of design.

Conclusions

14. Having regard to all matters I have concluded that the proposal would not harm either the architectural integrity of the host property or the character and

appearance of the street scene. However, it would result in unacceptable overlooking of Sunnymead and for that reason the appeal should not succeed.

Philip Willmer

INSPECTOR