



Appeal Decision

Site Visit made on 10 August 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Appeal Ref: APP/P2114/D/21/3271519

Shore House, Shore Road, Bonchurch PO38 1RN

- 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 L Channing against the decision of Isle of Wight Council.
 - The application Ref 20/02078/HOU, dated 25 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is described as rear conservatory, balcony, 2nd fl. bed ext'n & front balcony ext'n - revised.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. However, as the policies of the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development, with particular regard to the roof extension, on the character and appearance of the surrounding area and the Bonchurch Conservation Area (CA); and
 - the effect of the proposed development on the living conditions of the occupiers of Sea Strand and Sea Shell House, with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site contains a two-storey detached dwelling set above Shore Road. Although it is set back within the site, behind a driveway and areas of planting, the building is visible in public views and reads as a relatively large feature in the locality. While some properties in the surrounding area contain some striking and elegant features and gables for example, built form in the vicinity of the site is generally two-storeys and has a traditional appearance and a reasonably modest, unimposing character.

5. The site is located within the Bonchurch CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area in the exercise of planning powers. The Framework also sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The Council's Bonchurch CA Appraisal sets out that, due to topography, the area is one of secret places which surprise and delight. With buildings ranging from modest two-storey cottages to tall and turreted mansions, the appraisal identifies, amongst other aspects, that local stone is the predominant building material, that there is no dominant height or mass in the CA, that form is diverse, ranging from simple cottages and villas to mansions with flamboyant extras, and that the emphasis is vertical, with reference to classical proportions. It also identifies that the CA contains, for example, many turrets, towers and all manner of complicated roofs.
7. The significance of the designated heritage asset stems from, amongst other things, these elements providing the area with its varied interest. However, as the CA encompasses a relatively large area, it is not particularly surprising that it includes a mixture of properties. It was also clear to me during my visit that the area in the vicinity of the site, with its reasonably traditional and modest built form, has a relatively simple and more consistent nature and form, with little in the way of obvious vertical emphasis, and lacks some of the CA's more flamboyant or quirkier elements such as turrets and towers.
8. The proposed roof extension, with its tower-like form and notable protrusion above the existing two-storey property, would be a significant and incongruous addition. Combined with its forward position, the roof extension would thus appear in the public realm – particularly in the short distance public views from the highway below the site – as a prominent feature that would fail to reflect its context and appear as a dominant element out of character with the existing building and locality. In coming to this view, I have taken into account the extent of the use of the highway, the overall height of the pitched roof extension, its vertical nature in the central point of the long frontage, that it is said that the roof extension would be reminiscent of a Victorian Villa, and that the proposal would incorporate matching materials.
9. Amongst other aspects, the proposed development also includes the erection of a rear conservatory on the existing first-floor terrace and an enlarged first-floor balcony to the front and associated balustrade and privacy screen. The Council do not allege that the conservatory would be unacceptable and, from the submitted evidence and my site visit observations, I concur. With the existing building and some other nearby properties already featuring first-floor balconies with balustrades on their front elevations, the proposed extension to the front balcony would also not appear out of keeping with its context while the privacy screen would read as a relatively unobtrusive feature.
10. Nevertheless, for the above reasons, I conclude that the proposed development, with particular regard to the roof extension, would harm the character and appearance of the surrounding area and the Bonchurch CA. I therefore find that it conflicts with Policies SP5, DM2 and DM11 of the Island

Plan Core Strategy (IPCS). Amongst other aspects, these set out that the Council will support proposals for high quality design that protect, conserve and enhance the existing environment and that development that has an adverse impact on the Island's historic and built environments should be avoided.

11. In failing to preserve the character and appearance of the Bonchurch CA, I find that the appeal proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage asset. In such circumstances, the less than substantial harm should be weighed against the public benefits. However, no public benefits have been put forward to weigh against the harm, nor do I find any exist.

Living conditions

12. The neighbouring property known as Sea Strand is set down slightly below the site and situated in close proximity to the shared boundary. The proposed roof extension would increase the height of Shore House and, introducing fenestration at a higher level than its existing windows, would provide views above the hedge and soft landscaping on the shared boundary. However, positioned in the middle of Shore House, the extension would be set away from the boundary. Situated at the front of the plot, the main amenity area at Sea Strand is separated from the site by Sea Strand itself and soft landscaping. Sea Strand also contains limited fenestration facing the site and I observed on my site visit that the first-floor rear windows that would be visible from the proposed roof extension and extended first-floor balcony serve non-habitable rooms and some are obscure glazed. Accordingly, the proposed development would not result in an unacceptable loss of privacy or outlook at Sea Strand.
13. The property known as Sea Shell House is positioned below the site. However, there is a good degree of separation between the two given the site's set back and that Sea Shell House is situated on the opposite side of the highway. Located behind a gravelled parking area and fence, its existing main external amenity area is positioned towards the front of the plot and is thus further away from the site. I observed on my site visit that the rear elevation of Sea Shell House, which faces the highway and the site beyond, also contains relatively limited fenestration, including one high-level window and two obscure glazed windows.
14. Visible from Sea Shell House and its main external amenity area, the proposed roof extension and extended front balcony would allow for more views from the site. However, for the above reasons, the roof extension would not appear as an overbearing feature from Sea Shell House and the extent of additional overlooking arising from the proposal would be limited and generally restricted to oblique, long-distance views. The proposed development would thus not result in an unacceptable loss of privacy or outlook at Sea Shell House.
15. This is also a residential area with several dwellings located in relatively close proximity. As such, a certain degree of mutual overlooking and restricted outlook – which I observed on my site visit is currently the case – would not be unusual. Accordingly, and for the above reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of Sea Strand and Sea Shell House, with particular regard to outlook and privacy. I therefore find that it accords with IPCS Policy DM2 which, amongst other things, sets out that the Council will support proposals for inclusive design that protect the existing environment.

16. Given my findings above, the proposed development would not interfere with the rights of the occupiers of Sea Strand and Sea Shell House – that every natural or legal person is entitled to the peaceful enjoyment of his possessions and that everyone has the right to respect for his private and family life, his home and his correspondence – afforded under Article 1 of the First Protocol and Article 8(1) of the European Convention on Human Rights, as incorporated into domestic law by the Human Rights Act 1998.

Other matters

17. Although the Council does not allege the proposed development would harm the living conditions of the occupiers of Dolphins, the representations submitted from the current occupiers of that property detail a number of potential effects on them. Although the main issues above derive from the refusal reasons set out in the Council's Decision Notice, I observed on my site visit the potential for overlooking of Dolphins from the proposed development, particularly in relation to the roof extension. However, although I take this matter seriously, in dismissing the appeal, this issue would not arise. Accordingly, it has not been necessary for me to consider it in greater detail.
18. The appeal proposal is a revised scheme following a previous refusal by the Council and subsequent pre-application discussions. I recognise that the roof extension would provide an additional bedroom and maximise the site's southerly aspect facing the sea, while the proposed development would, amongst other aspects, provide also more direct access between rooms. Nevertheless, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

19. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR