



Appeal Decision

Site Visit made on 11 October 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/P2114/W/21/3269289

39 Woodvale Road, Gurnard PO31 8EE

- 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 I Atkinson against the decision of Isle of Wight Council.
 - The application Ref 20/00959/FUL, dated 18 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described as a replacement domestic dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 November 2021.

Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing dwelling and a garage, and for a replacement dwelling and an ancillary outbuilding at 39 Woodvale Road, Gurnard PO31 8EE in accordance with the terms of the application, Ref 20/00959/FUL, dated 18 June 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of development in the banner above appears in the application form. In my decision above, I have amended the wording in light of the Council's description of development it used in making its decision and which the appellant used in the appeal form. The description is now more accurate and precise.

Main Issue

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

Reasons

4. The appeal property is a 1950s detached chalet bungalow, similar in size and design to No 37 on one side. On the other side, No 41 is a large detached two-storey house with contemporary external materials and appearance. Next to it is No 43 which is a detached chalet bungalow and albeit significantly wider, it is more in keeping with the appearance of the appeal property and No 37. This row of four dwellings is set back behind landscaped front gardens, elevated above this side and part of Woodvale Road which slopes down past the appeal site.

5. The proposal would demolish the chalet bungalow and replace it with a house over three floors and demolish a garage in the rear garden and replace it with an ancillary outbuilding. It is a revised scheme following the Council's previous refusal of planning permission. The Council did not object to the ancillary outbuilding, nor did any interested parties. I have no reason to reach a different view in this respect.
6. Woodvale Road is a long road that zigzags alternately to the left and right to the east of the appeal property. It contains mostly pitched roof chalet bungalows or bungalows and some two-storey houses. Most of these dwellings (and in nearby roads) are original, traditionally designed buildings with brick, tile or slate external materials and conventional fenestration. These are punctuated by some that have been altered significantly, or replaced, with modern contemporary forms or external materials including timber panels or cladding, render, plate glass fenestration (with powder coated coloured metal frames) and standing seam sheet metal roofs. Viewing points or windows, flat roof terraces and balconies on some buildings are evident given the coastal location and elevated views towards the Solent and mainland beyond.
7. Most of these dwellings are visually or spatially separate from the appeal site. They would not be seen together with the proposed house in public views and are not part of the immediate site surroundings. Nonetheless, there is a local context for two-storey houses, contemporary design or materials and flat roof elements that can be observed in the wider Woodvale Road area and elsewhere in Gurnard. Moreover, the row of five split level houses opposite the appeal property are located on the lower side of the road with a single storey aspect facing the road and consequently are relatively diminutive. The most significant contribution to the streetscene in this lower short section of Woodvale Road is the row of four dwellings, including the appeal property, on elevated ground and which is distinctly different from other parts of Woodvale Road.
8. The overall cubic shape of the proposed house would be unusual in Woodvale Road. However, its vertical and horizontal front elevation dimensions would be broadly comparable to the main part of No 41 up to two-storey eaves level. It would also therefore have a similar acceptable visual and physical presence in these regards in relation to No 37 as does No 41 currently to the appeal property. While most of the first floor part of the house would add a substantial amount of bulk above the main hipped roof of the appeal property, the house would be partly in-set into ground level and step up the gradient of the road. It would as a result be slightly higher than the eaves level of No 41, but lower than its shallow hipped roof ridge, and though significantly taller than the eaves level of No 37 it would remain significantly below its main ridge height.
9. The flat roof would have a narrow vertical stepped split level and the building would have an alternating arrangement and type of external materials. There would also be variety in the placement and orientation of fenestration. Some parts of the first floor would be inset behind balconies and below brise soleil and part of the ground floor would project as a small nub, while the two-storey rear wing would be narrow and short and its flat roof would be below the main roof level. This considered articulation of building form would significantly alleviate the overall apparent scale and massing of the house and would not therefore result in a bulky or plain 'box like' appearance. While No 41 has a shallow pitched gable roof, the contemporary external materials and balconies

of the proposed house and its form to eaves level would broadly reflect and complement No 41.

10. The 'lantern' (study) room at a third storey level would be an unusual feature. However, it would be a relatively small nub projecting above the main roof and would integrate with the overall design theme of the house, including a flat roof. This limited vertical projection would relieve the horizontal expanse of the main flat roof and be at a similar height as the short main roof ridge of the appeal property. Furthermore, it would be centrally placed towards the rear elevation of the house away from the sides. It would not therefore be a dominant element and considering the effect of perspective, the house would be observed as mainly two-storey in scale and massing in most public views.
11. Consequently, while the proposed house would be significantly different to the appearance of No 37 and No 43, and different in roof form to No 41, it would nonetheless not jar in this streetscene or appear unduly incongruous. It would therefore successfully integrate into its immediate context and preserve visual amenity.
12. The siting and floorplan of the proposed house would broadly reflect that of the appeal property. It would thus maintain a similar building line, distances to boundaries and nearby dwellings and a similar extent of openness in front and rear gardens. Despite its increased scale and massing there would nonetheless be sufficient gaps maintained between the house and No 37 and No 41. It would not therefore appear unduly cramped or an overdevelopment of the site.
13. I have been referred to a dismissed appeal¹ for a replacement dwelling at No 37. However, that site is at the end of this row of four dwellings, on a corner plot and higher ground level that is more conspicuous in two different Woodvale Road streetscenes. In that case the proposed flat roofed dwelling was significantly different in siting and form and the overall development was more substantial in scale and massing. That decision can therefore be distinguished from the circumstances of the current appeal which I have, in any event, determined on its individual planning merits.
14. Taking all of the above into account, whilst the proposal would not replicate the prevailing form and design of other dwellings nearby, it would nonetheless reflect a form of housing that exists in Gurnard and be appropriate in this location. Moreover, and in particular, it would complement an approach to residential development in this part of the Woodvale Road streetscene established by No 41 and not be unduly conspicuous or prominent. It would not therefore cause harm to the character or appearance of the area.
15. Consequently, it would comply with Island Plan² (IP) Policy DM2. This policy includes that development should be high quality in design and enhance the environment while allowing change to take place. It should also have regard to its location, context and constraints (such as adjacent buildings and views) and complement the character of the surrounding area. It should provide an attractive, adaptable built environment with a sense of place.

¹ APP/P2114/W/19/3238512

² The Island Plan, the Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Development Plan Document, March 2012

Other Matters

16. Outlook from the lantern room would be taken from a point well behind the edges of the main flat roof of the house and be in two directions only (south and west). There would not, therefore, be any unacceptable overlooking of nearby dwellings and gardens and no loss of privacy to the occupiers of these dwellings.

Planning Balance

17. The IP was adopted more than five years ago. Nonetheless, it is the adopted development plan and IP Policy DM2 is the most relevant policy for determining this appeal. Its aims are broadly consistent with the National Planning Policy Framework (Framework). In this regard, the proposal would be well-designed and innovative, be visually attractive in architecture and layout, add to the overall quality of the area and provide a tangible sense of place.
18. The house would be energy efficient (constructed to a 'Passive House' building standard) and this would be an environmental benefit. It would be suitable for modern living needs and family occupation and be a social benefit. There would also be economic benefit from employment and the supply of materials during the construction of the development. Commensurate with the relatively modest scale of the proposal, these benefits therefore have moderate weight.
19. The proposal would have no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies.

Conditions

20. The Council has suggested some conditions. I have considered these and where necessary I have modified the wording in the interests of clarity and in light of the tests in Framework paragraph 56 and in Planning Practice Guidance³. The main parties were given an opportunity to comment on conditions, including those which I consider are necessary to make the development acceptable. I have taken comments received into account in my decision.
21. In addition to the standard time limit condition (1), conditions are necessary to specify the approved plans and documents to ensure certainty (2) and to ensure that the development is carried out in accordance with specified details for external materials (3). These conditions are in the interests of the character and appearance of the area. Condition (4) is necessary to protect the living conditions of the occupiers of nearby residential properties from undue noise or disturbance during construction and conditions (5), (6) and (7) are necessary to protect the privacy of these residents during occupation of the house.
22. I am also satisfied that conditions (1) to (7) would serve a useful planning purpose and are relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
23. The Council originally suggested a condition for a 1.8m high obscured glazed screen to be installed at either end of the first-floor front balcony balustrade. However, both corner panels are proposed to be obscured glazed and this

³ Paragraph ID: 21a-003-20190723.

would be secured by condition (2). These provisions would sufficiently restrict views by seated persons. Moreover, standing views in one direction would be towards the balconies in No 41 which would be sufficiently far enough away to maintain adequate privacy. Views in the other direction would be towards the front garden of No 37 and not result in unacceptable overlooking or loss of privacy. A condition requiring 1.8m high obscured glazed screens is therefore not necessary.

Conclusion

24. The proposal would accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
25. For the reasons given above I conclude that, subject to conditions, the proposal is acceptable and that the appeal should succeed.

Robin Buchanan

INSPECTOR

Schedule of Conditions (7)

- 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 and documents:
 - 099 000 001 Rev 0 Existing building-site plan-block plan-landscape plan
 - 099 000 002 Rev 0 Existing elevations-sections
 - 099 000 003 Rev 0 Streetscene
 - 099 000 004 Rev 0 Plans-ancillary-views
 - 099 000 005 Rev 0 Elevations
 - Design Access & Planning Statement Rev 0, June 2020
- 3) Notwithstanding condition 2, apart from demolition, site clearance and the construction of foundations, no development shall commence above damp proof course until there shall have been submitted to and approved in writing by the local planning authority details, including samples, of the materials to be used in the construction of the external surfaces of the development hereby permitted. Development shall be carried out in accordance with the approved details.
- 4) Demolition, site clearance and construction work, including the operation of machinery and deliveries to or from the site, shall take place only between 0800 and 1800 (Monday to Friday) and between 0800 and 1300 (Saturday) and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) The development hereby permitted shall not be occupied until the windows in the first-floor north and south (side) elevations have been fitted with obscured glazing which has been rendered obscured as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer). Details of the restrictive opening mechanism for these windows, and for the solid opening ventilation panels in the first-floor north and south (side) elevations, shall have been submitted to and approved in writing by the local planning authority before these windows and panels are installed. Once installed these windows and panels shall be retained to this specification and in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed.
- 7) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.