
Appeal Decision

Site visit made on 1 February 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/P2114/D/21/3281018

38 Gordon Road, Cowes PO31 7SL

- 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 David Toogood against the decision of Isle of Wight Council.
 - The application Ref 21/01324/HOU, dated 24 June 2021 was refused by notice dated 5 August 2021.
 - The development proposed is demolition of the existing pitched roof to the rear of the building, to be replaced with a roof terrace where the perimeter is surrounded with 1.1m high obscured glazing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the appeal proposal on the character and appearance of the area; and
 - The effect of the appeal proposal on the living conditions of the occupiers of neighbouring properties, having regard to privacy impacts.

Reasons

Character and appearance

3. The appeal property is a semi-detached period dwelling with accommodation over two storeys and within the roof space. It is finished in brick, with white render at ground floor level on the rear-most part of the building, and has a slate pitched roof.
4. The site lies within an established residential area, and Gordon Road is characterised by semi-detached, terraced and detached dwellings of a similar age and design. There is a strong uniformity of original building design, materials and fenestration form and positioning, together with the retention of original decorative design features such as barge boards and chimneys. This results in a visually harmonised street scene which forms an attractive streetscape and makes a positive contribution to the character and appearance of the area.
5. The maintenance of original building design and integrity in respect of the group of dwellings located between Ashton Terrace and West Hill Grove, within

which the appeal site is located, applies to the rear as well as the front elevations. The backs of these properties incorporate a regular pattern of similar subsidiary two storey pitched roof rear projections finished in brick at first floor level and with rear-facing gable ends.

6. The appeal scheme, by replacing the pitched roof of the rear projection of the appeal property with a flat-roofed terrace, would introduce an incongruous element into the existing harmonious rear roofscape. It would disrupt the regular rhythm of development across the group of properties as a whole. It would give the rear projection a 'boxy' appearance that would be out of keeping with the prevailing pitched roofs that reflect the original design of the properties, and are a positive feature of the townscape.
7. The discordant nature of the development would be particularly evident in relation to the other half of the semi-detached pair. By replacing only one of the subsidiary pitched roofs at the rear of the building, the appeal scheme would result in an unbalanced alteration to the building at roof level. This would impact negatively on the existing strong element of symmetry between the two properties, a feature which is a positive characteristic of the group of properties as a whole.
8. The incongruous nature of the appeal scheme is further emphasised by its detailed design. Roof terraces and balconies of the size proposed are not a feature of the period properties within the locality. Moreover, the introduction of a glazed balustrade, with a wide and square glazing panel design, would introduce a contemporary element which would be at odds with the palette of traditional materials which epitomise the townscape.
9. The combination of the size of the glazing panels, their opaque nature, and their second floor height, would serve to draw the eye towards the structure, so that the balustrade would stand out as an incongruous feature within a townscape of simple, unassuming rear roofscapes which typify the locality. The likely associated introduction of domestic paraphernalia associated with the use of the terrace, such as furniture, parasols, planters and outdoor lighting would also serve to draw attention to the alien nature of the proposal. Its 'square' appearance means that the balustrade would sit awkwardly in relation to the adjacent pitched roof rear projection at No.36.
10. The appeal scheme would not be visually prominent in views from Gordon Road, and it would be partially screened in some other views by the pitched roof projections of neighbouring properties. However, I saw on my site visit that, the consistency of rear roofscape in this part of the street is clearly evident from the public realm at the rear of Gordon Road in views from Ashton Terrace and West Hill Grove, and from some of the properties in these roads.
11. From these locations, the proposed development would be seen as an incongruous and discordant feature to the rear of the appeal property, which would erode the uniformity of building design and materials within the locality, to the detriment of the visual amenities of the wider area. Although the proposal would be partially screened by existing mature trees/shrubs adjacent to the rear boundary of the appeal site, I cannot be certain that this mature soft landscaping, which lies outside the appeal site, would remain, and this is not a reason to allow development that is unacceptable.

12. For the above reasons, I conclude that the appeal proposal would cause significant harm to the character and appearance of the area. It would therefore be contrary to Policy DM2 of the *Island Plan Isle of Wight Core Strategy* (2012) (the Core Strategy). This policy, amongst other things, supports proposals for high quality design, and requires new development to provide an attractive built environment, have regard to existing constraints including adjacent buildings or other features which significantly contribute to the character of the area, and complement the character of the surrounding area.
13. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021* (the Framework) which requires well-designed places.

Living conditions

14. The proposed terrace would have a useable floor area of about 17 sq.m, thereby providing a generous outdoor amenity area. Having regard to the family-sized nature of the dwelling, and the appellant's stated intention to utilise sea views, the new terrace has the potential to be well-used by occupiers of the appeal site.
15. The pitched roof projections to both neighbouring properties would prevent views towards those properties from the sides of the terrace. However, given the proximity of the terrace to both side boundaries of the appeal site, and the proposed low height of the glass balustrade, the appeal scheme would allow direct views from the rear of the terrace over the rear gardens of Nos. 36 and 40. The resulting impact on neighbouring living conditions would be greater than that associated with existing upper floor rear elevation windows looking down onto neighbouring gardens, since this is a common occurrence in built-up residential areas. Such windows are not associated with as much potential people and activity as the proposed terrace, which would involve residential activities outdoors and at height. As such, the proposal would result in a severe and unacceptable loss of privacy to the occupants of the side neighbouring properties, given that their rear gardens comprise their main source of outdoor private living space.
16. Moreover, whilst tree and mature shrub planting adjacent to the rear site boundary currently provide effective screening against overlooking from the new terrace to the houses directly to the rear in Ashton Terrace and West Hill Grove, this landscaping does not lie within the appeal site and the appellant's control. As such, I do not consider that this can be satisfactorily be relied upon to provide such screening in perpetuity.
17. For the above reasons, I therefore conclude that the appeal proposal would materially harm the living conditions of the occupiers of neighbouring properties, having regard to privacy impacts. As such, the development would not accord with Core Strategy Policy DM2, which, amongst other things, seeks to ensure that all new development responds to a clear understanding of social context and provides a functional built environment.
18. This is generally consistent with paragraph 130 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

19. I acknowledge the appellant's desire to optimise the provision of living accommodation at the appeal site, and to maximise available sea views. However, these matters would not address, or outweigh, the harm that I have identified in respect of the main issues, contrary to the Core Strategy and the Framework.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR