



Appeal Decision

Site visit made on 3 March 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/P2114/D/21/3288441 20A Whitepit Lane, Newport PO30 1LX

- 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 Paul Fincham, against the decision of Isle of Wight Council.
 - The application Ref 21/00399/HOU, dated 12 February 2021, was refused by notice dated 8 November 2021.
 - The development proposed is the demolition of a garage and a two storey extension to the side.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling and locality.
 - The effect on the living conditions of the occupiers of the adjacent dwellings at 79A Elm Grove and 20B Whitepit Lane, with particular regard to overlooking.

Reasons

3. The appeal concerns a two storey detached dwelling. The side extension would be set back from the main front wall with a lower ridge height than that of the host building, appearing as a subordinate addition when seen from the street at the front. However, this would not be the case at the rear. Despite matters such as the extension having a lower ridge than the main roof and the window serving the balcony being recessed, the extension would project significantly beyond the adjacent main rear wall.
4. There would be a window at second floor level in a dormer projection. This roof addition would virtually span the width of the extension at this height while also abutting its ridge and rising above the profile of the adjacent roof slope. The mono-pitched roof would slope down fairly gently to the rear, giving a relatively bulky form. In consequence and despite being set back from the end of the side extension this part would itself be of an excessive bulk and scale. It would also result in the overall addition having a noticeably top-heavy appearance. The roof feature would introduce a window at this height, where none are currently found, with an appreciably larger area than the existing first

floor windows at the rear. These factors would serve to unduly emphasise the presence of the roof projection.

5. The extent of the width of the void space of the balcony and the glass balustrade at first floor level would tend to highlight and draw attention to the presence of this feature. This would be especially so by comparison to the noticeably more restrained ratio of void to solid wall generally reflected in windows in the main rear wall. In the above circumstances, the side extension would appear overly dominant at the rear, while also relating in a particularly awkward and unsympathetic manner to the host property.
6. The dwelling at the appeal site is one of a small group of three. While these are not identical, they are characterised by fairly simple and plain elevations and form. Dwellings in the wider locality also tend to be of a relatively traditional appearance. I accept that contemporary additions of a contrasting design can be acceptable and add visual interest. However, in this case at the rear the extension would give rise to an abrupt and unacceptably jarring contrast with the host dwelling itself, as well as others in the locality and consequently appear as an incongruous and intrusive feature. This would occur because of the precise details of the extension, having regard to matters that include bulk, size, form and rear projection, rather than merely because of a contemporary design.
7. It is recognised that the existing garage is currently set further back into the site than the main rear wall. However, this outbuilding is fundamentally different to the proposed extension due to factors that include being single storey and detached from the house. There would be no harm to the streetscene with the rear elevation of the extension not being visible from Whitepit Lane. However, any suggestion that the scheme should therefore be accepted represents an implicit acknowledgement of the inappropriate nature of the development.
8. For the above reasons, I conclude that the proposal would harm the character and appearance of the host dwelling and locality. The development would therefore conflict with Policy DM2 of the Island Plan, Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document, March 2012 (LP), the aims of which include seeking high quality design which complements the character of the surrounding area.
9. I am reinforced in my view regarding the adverse impact of the development by the importance placed on design in the National Planning Policy Framework (The Framework). This indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. The failure to achieve good design in this case means there would also be conflict with the Framework.
10. The extension would be set at some 35 to 40m from the dwelling at 79A Elm Grove to the north, according to the Appellant. Reasonable use of the new balcony would be unlikely to result in undue noise and disturbance to adjacent occupiers. However, those standing on the new balcony would be at first floor level outside the internal accommodation. Moreover, standing on this feature residents would be closer to the neighbouring property than existing first floor windows. The extension would have a fairly large window at second floor level.

This would be at about the same distance from the property to the north as existing first floor windows but there are not currently any windows at this height.

11. Furthermore, despite the distance from the proposed extension to the dwelling itself at 79A Elm Grove, it would be particularly near to the rear amenity space at the adjacent property because of the fairly shallow depth of that at the appeal site. As a result, the new windows and balcony would overlook the back garden of the neighbouring property at an unacceptably close distance. The appeal site is set at a noticeably higher level than 79A Elm Grove and the Appellant indicates a difference of 5-6m at the first floor level of the host dwelling.
12. However, rather than making the proposal acceptable this would intensify the harm arising from overlooking. The difference in levels is not so great that views from the extension would be at a sufficiently high level as to prevent or acceptably limit views down into the adjacent garden. On the contrary, overlooking from the balcony and second floor window would be readily possible down into the outside space and because of their elevated position be particularly intrusive.
13. The obvious presence of the balcony and dormer addition would readily draw the attention of the adjacent occupiers to the fact that they are overlooked. As a result, there would also be a particularly undue perception of being overlooked, which is an effect that can be particularly disturbing to residents. The impact of the development would be significantly greater than that arising from existing first floor windows given that there are currently no balconies or second floor windows.
14. The position of the extension would prevent any undue overlooking of the adjacent amenity space at 20B Whitepit Lane. This would occur due to the adjacent dwelling projecting beyond the rearmost end of the proposed extension. There are flank windows in this dwelling but these face the garage and two storey side of the house at the appeal site and so are already subject to a significant degree of enclosure. In consequence, the extension would not appear overbearing from the adjacent dwelling. However, despite being further away, the greater height of the proposed extension means that there would be no significant benefit from the removal of the garage in respect of matters such as light and outlook at the adjacent dwelling.
15. In any event, for the above reasons it is concluded that the living conditions of the occupiers of the dwelling at 79A Elm Grove would be harmed as a result of overlooking. As such, the development would not accord with LP Policy DM2, which among other things, seeks to ensure that all new development responds to a clear understanding of social context and provides a functional built environment. There would also be conflict with the Framework, which seeks to ensure that developments promote a high standard of amenity for existing and future users.
16. I note that the scheme rejected by the Council was a result of negotiations and that there were no objections from neighbours, the highways consultee or the Parish Council. There would also be no loss of amenity space. However, none of these matters confer acceptability and they do not constitute beneficial effects of the development that would offset or weigh against the harm that I have found. The Appellant makes a generalised reference to extensions

approved elsewhere by the Council. However, without the full details and background to any specific cases no meaningful comparison can be made with the current proposal, which I have considered on its own merits. In this instance the improved family accommodation would be achieved at the unacceptable expense of the quality of the built environment.

17. The matters in dispute in this appeal are fundamental planning considerations that inevitably involve matters of subjective judgement which must, nevertheless, be made. Taking account of all other matters raised and due to the harm that would arise, it is determined that the appeal fails.

M Evans

INSPECTOR