



Appeal Decision

Site visit made on 17 May 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022.

Appeal Ref: APP/P2114/D/21/3289371

Westlands, Crozier Road, Yarmouth, PO41 0RU

- 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. Vladimir Chorniy against the decision of the Isle of Wight Council.
 - The application Ref 21/01621/HOU, dated 11 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is creation of an astronomy tower, dormer with Juliet balcony and windows, and balcony, the inclusion of a small side extension to connect the annex into the main dwelling, replacement patio-covered structure, and a new garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's third reason for refusal alleged that insufficient information had been submitted to assess the potential impact of the development on protected species and whether appropriate mitigation would be required. In response, the Appellant submitted a Bat Survey Report (dated November 2021), which found no record or evidence of any roosting bats or opportunities for roosting. The Report was reviewed by the Council's Ecology Officer who agreed with its findings. Consequently, the Council confirmed that the objection set out in its third reason for refusal had been addressed. As there is no other evidence that would lead me to reach a different conclusion, I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site is located on the corner of Crozier Road with Graeme Road and comprises a part two part single storey detached property within a large plot. The properties to the east on Crozier Road form a small cul-de-sac of detached bungalows. Similar style bungalows are to be found south east on Graeme Road as well as on part of the same road to the south west and on Worsley

Road. In amongst these bungalows are some older properties, including West Hill House which adjoins the appeal site to the west and comprises a large two storey property set within substantial grounds. The frontage to the appeal site is open and laid to lawn, a feature that is repeated on the surrounding bungalows. The appeal site also sits in an elevated position facing a large green, which is well maintained and contains several mature trees. As a result, the area has an attractive, informal and pleasant layout.

5. The appeal proposal includes the construction of a side extension/link, a replacement covered rear deck and a flat roofed garage. Whether any of these proposed works involve permitted development is not a matter for me to determine in the context of an appeal submitted under section 78 of the Town & Country Planning Act. Even so, based on the submitted plans and my observations on site, I am satisfied that these elements of the appeal proposal are acceptable in principle. This includes the new garage, which would be partly screened by the existing mature tree within the front garden to the appeal site, but which, due to its small scale and flat roofed design, would neither be prominent nor out of keeping within the streetscene.
6. As I highlighted above, the appeal site comprises a large plot, which is more than sufficient to accommodate the side/link and rear extensions and new garage, whilst still retaining sufficient space about the building, as well as preserving existing boundary landscaping and trees. These elements of the appeal proposal would not lead to the overdevelopment of the site or be harmful to the character and appearance of the host property or surrounding area.
7. Due to the elevated position of the appeal site, the proposed astronomy tower, rear dormer and balcony would be highly visible from various public vantage points. There are currently no roof extensions or dormers on the host property or on any of the surrounding bungalows and the roofscape of these properties remains, therefore, relatively intact and uniform. Whilst I accept that the roofscape of West Hill House includes a tower feature, as I confirmed above, this is a much older property and the tower appears to be an original and integral part of the design of that house. The pallet of materials, form, detailing and siting of West Hill House further distinguishes it from the host property, with the latter being read as part of the surrounding estate of bungalows.
8. Within the above context, the size, scale and siting of the proposed tower and to a lesser extent the rear dormer, would, in my judgement, be excessive. The tower would extend well above the existing ridge to the host and would represent an incongruous addition, disrupting the rhythm of the existing roofscape. It would not be subordinate nor would it be proportionate to the host property and would appear as an awkward addition that would not harmonise well with the design of the host property or wider streetscene.
9. As I highlighted above, the host property is highly visible from public vantage points, specifically the green opposite and in approaching, from either direction, on Graeme Road. The proposed tower would be visually prominent and would dominate these views, where it would appear out of keeping with the design and character of the host property and surrounding area. The result is an addition that does not sit comfortably on the host property.

10. I appreciate that the proposed tower has been designed to meet the Appellants keen interest in amateur astronomy and that considerable attention has been focused in bringing forward an acceptable architectural design. Also, that paragraph 130 c) of the National Planning Policy Framework (July 2021) (Framework) states, in ensuring that new development is sympathetic to local character, that this should not prevent or discourage appropriate innovation or change. However, none of these considerations outweigh the findings I have reached and this aspect of the appeal proposal would not, for the reasons I have set out above, represent appropriate change. I am also not convinced by the argument that the proposed tower would add interest or intrigue, given that it would not complement the host, it would detract from its appearance and dominate its surroundings.
11. As to the contention that Council Officers applied their own personalised preferences and did not undertake a balanced analysis, for the reasons set out above, that is not a view I share. Where issues of character and appearance arise the decision maker will often apply their own planning judgement to the acceptability of the visual impact of any proposal on its host and streetscene. In this respect, the Council's Delegated Report concluded that the proposed tower was unacceptable following an assessment of its impact and that this finding was supported by policy DM2 of the Isle of Wight Core Strategy & Development Management Development Plan Document (March 2012) (IWCS). Amongst other requirements, policy DM2 seeks to ensure that new development is of a high quality and inclusive design to protect, conserve and enhance the existing environment and that it also has regard to existing constraints, such as adjacent buildings, views and other features which contribute to the character of the area.
12. Accordingly, I find that the proposed tower and balcony would result in significant harm to the character and appearance of the host property and surrounding area contrary to policy DM2 of the IWCS and paragraph 130 of the Framework.

Living conditions – neighbours

13. The common side boundary with the bungalow to the east of the appeal site, which I understand is called The Spinney, comprises a mature screen of landscaping and trees. Even so, the height of this screening varies and is lower towards the middle and rearmost part of The Spinney's garden. The latter also sits at a slightly lower level to the appeal site. A similar mature landscape screen is to be found on the common side boundary with West Hill House, which also varies in height.
14. The proposed tower would extend high above the existing ridge to the host and includes several large windows that would face directly towards the adjoining properties. Similar views would be provided by the proposed rear balcony, which would extend much further back from the new tower and would be enclosed by a 1.1 metre high glazed balustrade. Based on this and the observations I made on site, the existing boundary screening would not prevent direct views from the proposed windows or balcony into the rear gardens of adjoining properties. This finding was reinforced by viewing the appeal site from the rear garden of West Hill House, from where it was clear that the proposed windows and balcony would be highly visible and would thus have direct views into the private amenity space of that property.

Furthermore, there are a several windows in the side elevation of West Hill House and whilst those on the ground floor would be unaffected due to screening, the proposed tower and balcony would afford views into a first floor window, which I understand to be a bedroom.

15. As the submitted plans show, the proposed windows and balcony would provide extensive areas for the occupiers of the host property to stand or sit in, at any time of the day, with direct views into the rear gardens of adjoining properties. These views would be new, in a location where no such views exist at present, resulting in an unacceptable loss of privacy to the occupiers of those properties. The absence of any objections does not override the significant harm that would result to existing and future occupiers.
16. The Appellant contends that existing screening and sightlines (view splays) would preclude any harmful views from the proposed windows and balcony. For the reasons given above, that is not a view I share and neither is the distance involved sufficient to mitigate for the level of overlooking that would arise. The Appellant also argues that no substantive or qualitative reasoning was given by Council Officers to support their decision in this respect. Again, for the reasons given above, I do not agree. In addition, where issues of overlooking arise, the decision maker is again often required to apply their planning judgement to the acceptability of those relationships. That approach is common and involves the decision maker having to draw on their experience of similar developments.
17. Accordingly, I find that the proposed tower and rear balcony would give rise to an unacceptable level of overlooking resulting in significant harm to the living conditions of the occupiers of the adjoining properties contrary to the aims of policy DM2 of the IWCS and paragraph 130 of the Framework.

Conclusions

18. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR