



Appeal Decision

Site visit made on 13 July 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022.

Appeal Ref: APP/P2114/D/22/3297915

Friston, Bonchurch Shute, Ventnor, Isle of Wight, PO38 1NX

- 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 Ms J Antrobus against the decision of Isle of White Council.
 - The application Ref. 22/00224/HOU, dated 3 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is first floor extension (revised scheme).
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension (revised scheme) at Friston, Bonchurch Shute, Ventnor, Isle of White, PO38 1NX, in accordance with the terms of the application, Ref. 22/00224/HOU, dated 3 February 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and otherwise be in accordance with those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020/05.63; 2020/05.86; 2020/05.87; 2020/05.88; and 2020/05.89

Main Issues

2. The main issues are the effect of the proposed development on: (a) the living conditions of neighbouring occupiers; and (b) the character and appearance of the host property and surrounding area, with particular regard to the sites location within the Bonchurch Conservation Area.

Reasons

Neighbours living conditions

3. The Council contend that the proposed extension would have an overbearing impact on the amenity space of the neighbouring occupiers at High View, located to the east of the appeal site.

4. The proposed first floor extension would be sited above the existing ground floor rear extension to the host property (as depicted on the submitted plans). The existing walkway and steps that provide access to the rear garden of the host, which runs between the ground floor extension and the common boundary with High View, would be retained. The existing timber fence on the common boundary with High View, which, as I observed on my site visit, provides an effective screen between the two properties, would also be retained.
5. The new extension would be sited approximately 10 metres back from the main rear wall to High View and would thus also be set back a reasonable distance from the immediate private amenity area at the rear of that property. Whilst the new extension, as with the existing ground floor extension, would be sited adjoining the common boundary fence, as I confirmed above it, would be offset marginally from this. Combined with the distance that would separate it from the rear of High View, I am satisfied that the proposal would not, for these reasons, have an overbearing impact on that property.
6. Whilst I accept that a large part of side wall to the new first floor extension would sit above the boundary fence and thus be visible from High View, the impact on the living conditions of the occupiers of that property would not, in my judgement, be significant. There would be some impact, but given the location of the new extension, its distance from the rear of High View, the orientation of High View and the fact that the new extension would be sited to the north west of that property, the level of impact would not be sufficient to justify the refusal of planning permission.
7. Moreover, the building relationships that would arise would reflect those commonly found in built up areas such as this. The above findings are also supported by the fact that views of the new extension, from the rear windows and immediate private amenity area of High View, would be at an oblique angle. Furthermore, the main views from the rear windows and immediate amenity space of High View, along the length of its rear garden, would not be materially affected by the proposal.
8. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of High View and would, therefore, be compliant in this respect with policy DM2 of the Isle of Wight Core Strategy & Development Management Development Plan Document (IOWCS) (March 2012) and paragraph 130 f) of the National Planning Policy Framework (Framework) (July 2021).

Character and appearance

9. The appeal site lies within the Bonchurch Conservation Area (BCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in policies DM2 and DM11 of the IOWCS.
10. The Councils 'Bonchurch Conservation Area Appraisal' (BCAA), dated April 2006, states that the character of the area arises from its predominantly Victorian architecture, which, in a number of locations, is not immediately visible due to the topography of the area formed by steep slopes and lanes.

That character is further enhanced by steep grass banks, mature trees and stone walls. The BCAA continues by stating that whilst the houses largely comprise stone elevations with natural slate roofs, there is no dominant height or mass to the houses and that their form is equally diverse. As well as there being a number of examples of towers and turrets, the BCAA acknowledges that there are also all manner of roof forms and associated detail.

11. All of the above factors contribute to the character and appearance of the BCA, as a whole.
12. The BCAA continues by identifying the positive elements of the area, which include large houses within large plots, stone walls, mature trees and a consistency of materials. The negative elements include inappropriate modern inserts, the loss of traditional details and the loss of stone walls. The BCAA does not, however, provide any guidelines on what would constitute appropriate extensions, alterations and roof alterations to existing housing.
13. The Council's Delegated Report (CDR) (and its second reason for refusal) confirm that the Council have no objection to the proposed first floor extension in terms of its impact on the design of the host property or on the character and appearance of the BCA. The analysis that leads to this finding is set out in the CDR, wherein it states that the proposed extension would not appear unduly prominent within the streetscene due to its set back, presence of existing planting and its scale. The CDR concludes that the new extension can be comfortably accommodated on the appeal site. I fully concur with the Council's findings in this respect.
14. The Council's concern relates to the proposed dormer(s), which they contend would be out of proportion with and poorly positioned in relation the host property, resulting in an unacceptable design. The Council also alleges, specifically in its CDR, that this aspect of the new extension would fail to preserve or enhance the BCA. However, no substantive evidence is provided to support the latter statement and there is no analysis of how the proposed dormer(s) would be harmful to the BCA, as a whole, bearing in mind the CDR's finding that the proposed extension would not appear unduly prominent within the streetscene and the BCAA's assessment of the historic importance and features of the BCA, which I summarised above.
15. Even so, as I observed on my site visit, views of the appeal site from public vantage points are limited due to the topography of the area, the fact most of the appeal site sits at a higher level to the adjacent road and due to the extensive boundary screening to the appeal site, which includes high hedging and shrubs on top of a stone wall. The height and extent of this screening is such that only glimpsed views of the host property are available, primarily from its existing gated access onto the road. However, the latter view is of the front elevation to the host, with the rear elevation, where the proposed extension would be sited, hidden from view.
16. Any glimpsed views of the proposed dormer(s) from public vantage points would, therefore, be limited and would not impact on any key views or vistas or other features that contribute to the special importance of the BCA. For all the above reasons, this aspect of the proposal would not, therefore, result in any harm to the character or appearance of the BCA, as a whole.

17. In relation to design, the Council have not referred to any supplementary guidance in support of their objection, and as I confirmed earlier, there are no detailed guidelines within the BCAA in relation to the considerations that will be taken into account when assessing extensions and roof alterations. As the Appellant points out, a similar design of dormer can be found on 16a Leeson Road, which abuts the appeal site to the north east and is also, I understand, within the BCA. The Appellant also emphasises that the proposed design of the dormer(s) is partly in response to their attempts to address the Council's refusal of a previous application.
18. Whilst I accept that the dormers are not of a traditional design and form, I do not agree with the Council and consider that their proportions, siting and fenestration integrate well with the design, form and scale of the new extension and at the same time relate well to the design of the host. They would assist in reaffirming the subservience of the proposed extension to the host property and would introduce a detail that adds interest to this elevation. Overall, it would secure a design that would, in my view, be acceptable, again bearing in mind that only glimpsed views of the proposed extension would be possible from public vantage points. For these reasons, any impact on the character and appearance of the host property or on the surrounding area would be minimal and would not result in any significant harm.
19. Accordingly, I find that the design of the proposed dormer(s) would be acceptable given the local context and overall design of the proposed extension and that this aspect of the proposal would preserve the character and appearance of the BCA, as a whole, in that it would leave it unharmed, and would thus be in accord with policies DM2 and DM11 of the IOWCS and the corresponding policies of the Framework.

Conditions

20. I have considered the suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring the materials to match existing or otherwise as shown on the approved plans and for compliance with the submitted plans, are necessary and reasonable to secure a high-quality sustainable development. I have, however, added a list of approved plans for clarity.

Conclusion

21. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR