



Appeal Decision

Site visit made on 6 September 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 SEPTEMBER 2022

Appeal Ref: APP/P2114/W/22/3294647

Land adjacent Pear Tree Cottage, Circular Road, Seaview PO34 5ET

- 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 Siobhan Barney against the decision of Isle of Wight Council.
 - The application Ref 21/02408/FUL, dated 29 November 2021, was refused by notice dated 25 January 2022.
 - The development proposed is the installation of pedestrian doorway to provide access to approved development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the safety of users of the highway; and b) the character or appearance of the Seaview Conservation Area (SCA).

Reasons

Highway Safety

3. Circular Road is a two-way road which serves a number of residential properties, some of which have been converted into apartments. The road also provides some on-street parking, including outside the proposed new entrance. The proposed doorway would be set directly onto Circular Road and so is unable to meet modern visibility and set back requirements. In response to these safety concerns the appellant contends that the proposal would not represent an increased risk to pedestrians or other highway users.
4. Although the appellant suggests that the road operates an informal one-way system, this is not something which would be obvious from the road markings and is not something those unfamiliar with the area or visitors looking for parking spaces would instinctively be aware of. Thus, there is the real likelihood of two-way traffic movements occurring. That it might only be an occasional occurrence by someone unfamiliar with any local convention would add to the potential hazard as it would be more unexpected to regular users.
5. If residents and those familiar with the road do operate an informal one-way system, it suggests to me that the majority of vehicles would be likely to pass in front of the appeal site and proposed new entrance.
6. With regard to the level of usage, the appellant suggests that the road is little used, but no details are provided. Nevertheless, aside from residents' vehicles,

there are no doubt visitors to these properties, delivery, and service vehicles, as well as those looking for somewhere to park. At the time of my site visit, which I acknowledge was only a snapshot of a Tuesday afternoon, there were cars parked on Circular Road, outside the appeal site. Thus, the road would seem likely to be subject to a reasonable level of vehicular movements during the course of a day, potentially in both directions.

7. All of this points me towards the conclusion that the insertion of a new entrance would increase the potential risk of conflict between pedestrians using the doorway and other road users. I accept that vehicle speeds would not be excessive, and some reordering of vehicle parking could enable an access protection bar to be introduced immediately in front of the entrance. Nevertheless, pedestrians would still have to emerge from between parked vehicles in order to get across the road to the footpath opposite. In the absence of evidence to the contrary and given my own observations, I do not find that the level of usage of, or potential for conflict on, Circular Road is as limited as the appellant suggests. Furthermore, I have no substantive evidence to indicate that such concerns could necessarily be overcome by conditions.
8. I acknowledge that there is a similar door serving Pear Tree Cottage, which accesses directly on to Circular Road. No details have been provided but it appears to be an entrance that has existed for some time and so may pre-date more recent highway safety considerations. I therefore do not consider that it represents justification for harmful development at the appeal site and each application must be determined on its individual merits.
9. Overall, the proposed development would have an unacceptable effect on the safety of users of the highway and would therefore conflict with Policy DM2 of the Isle of Wight Core Strategy 2012 (CS) which, amongst other things, seeks to ensure that developments provide a safe environment.

Character and Appearance

10. S.72 of the Act¹ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Policy DM11 of the Isle of Wight Core Strategy 2012 (CS) broadly accords with this approach.
11. The SCA is characterised by buildings from differing eras and of differing designs. Its tight and compact historic core has buildings with small curtilages set on or very close to the narrow roads. This gives way to more spacious outer areas, with wider roads and footpaths serving properties with larger curtilages. The variation in the density and age of buildings echoes the evolution and development of the area over time. All of these elements contribute positively to the SCA's character and appearance as a whole and thereby to its significance as a designated heritage asset.
12. The appeal site is located within the historic core of the SCA. It occupies a corner plot, enclosed by a high wall that extends across the rear of neighbouring properties. A single doorway is located within the wall, serving

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Pear Tree Cottage, and accesses onto Circular Road. The wall contributes to the character and pattern of development of the SCA by maintaining the close proximity of built form to the narrow road. Whilst the wall is a notable feature within the street scene, it is not listed.

13. The new door would represent a small loss of the historic fabric which goes towards making up the character and appearance of the SCA as a whole. This loss and the new door would not be readily visible when travelling south along High Street although would be more evident to pedestrians walking north along High Street as well as anyone passing along Circular Road.
14. Conservation is a process of managing change and this change can either be neutral, positive, or harmful depending on how it affects the heritage asset. It only becomes harmful if the identified significance is eroded. I acknowledge that there would be a small alteration to one part of the wall. However, overall, the wall would alter very little in appearance. This change would not prevent the wall from continuing to function as a means of enclosure; remove its solid appearance or diminish its presence within the street scene. In this instance I am therefore satisfied that the change would have a neutral effect such that it would not affect the significance of the heritage asset and so would not detract from the quality of the character or appearance of the SCA as a whole.
15. I therefore find that the proposal would not be contrary to Policy DM11 of the CS which, amongst other things, seeks to conserve the Island's historic and built environment.

Other Matters

16. I acknowledge that the proposal is a revised scheme, designed to overcome the previous concerns raised by the Council, which were similar to those raised in relation to this appeal. The change principally reduces the width of the doorway. Whilst I have found that the revised scheme overcomes harm to the character and appearance of the SCA, it does not overcome concerns in relation to highway safety.
17. The appellant points to the new doorway facilitating the repair of the wall. Whilst I saw some cracks to the outer surface of the wall there is no evidence before me as to the scale of work required and how important it is to the wall's overall integrity. Furthermore, there is no indication that with the correct permits' any necessary materials could not be stored on Circular Road and an area cordoned off to allow the work to be undertaken.
18. From my visual inspection of the wall, it appeared that there had been some previous repairs to it, without the benefit of an access onto Circular Road from the appeal site. I also note that the appellant suggests contractors are unwilling to undertake the work due in part to a lack of parking and unloading arrangements, but the proposal would not create additional parking/road capacity. It is therefore not clear to me that there is a strong or direct correlation between the insertion of the doorway and the ability of the appellant to have the wall repaired. I therefore give this matter limited weight.
19. It may not be possible to provide a sewerage connection under the wall. However, the appellant indicates that the original entrance on the High Street frontage was altered but does not say whether this represents an alternative route for connection. There is also no information on what alternative means of

- dealing with sewerage are possible or have been considered. Furthermore, if a connection via Circular Road is the only option, the appellant has not indicated whether a smaller opening, that did not facilitate pedestrian access, would achieve the same results. I therefore attribute this matter limited weight.
20. There may be some benefit from avoiding disruption to High Street when deliveries are made to the site during the conversion of the building to houses. However, a condition could seek a construction management plan to ensure any traffic management measures and hold ups were operated and timed to minimise disruption to the public.
21. No doubt some larger and heavier material would be lifted over the wall and in such circumstances, there is no reason why this could not be done from Circular Road, which as I have noted above is a two-way road and so would minimise disruption to other road users. Overall, any disruption during the construction process would be temporary and any benefits arising from the new door in this respect would therefore be limited.
22. On a day-to-day basis, future residents may suffer some inconvenience if a vehicle were unable to stop outside the existing High Street entrance. However, this seems to me to be a natural consequence of a dwelling being located in this tightly packed historic area and no doubt is something future occupiers would consider before choosing to live there.
23. Similarly, there could be consequential effects on the traffic flow along High Street if a vehicle were to stop outside the High Street entrance. However, the Planning and Heritage Statement submitted with the planning application indicates that the proposal would allow independent access for each converted unit. Thus, the proposed new door would not remove the existing access onto High Street and thus does not remove the potential for vehicles to occasionally stop outside it.
24. Whilst the existing High Street entrance offers limited pedestrian refuge and visibility, it would continue to be used. Any reduction in usage would be off-set by an increased use of the new entrance, which does not offer a pedestrian refuse or good levels of visibility and so overall appears to offer a lower level of safety to users. This is not a benefit to be weighed in favour of the scheme.

Conclusion

25. I have found the scheme unacceptable in relation to highway safety. I have identified considerations advanced in favour of the proposed development but found these to be worthy of only limited weight for the reasons I have given.
26. The fact that I have found in the appellant's favour with regard to any effects on the SCA does not outweigh the totality of the harm I have identified and does not alter my conclusions.
27. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR