



Appeal Decision

Site visit made on 11 January 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/P2114/D/22/3309179

2 Zephyr Cottage, Church Street, Seaview, Isle of Wight, PO34 5EN

- 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 S Barney against the decision of Isle of White Council.
 - The application Ref. 22/01175/HOU, dated 1 July 2022, was refused by notice dated 26 August 2022.
 - The development is proposed first floor extension and alterations.
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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 character and appearance of the host property and surrounding area, and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site lies within the Seaview Conservation Area (CA). 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 National Planning Policy Framework (Framework) (July 2021) and in policies SP5, DM2 and DM11 of the Isle of White Core Strategy & Development Management Development Plan Document (IOWCS) (March 2012).
4. The Councils 'Seaview Conservation Area Appraisal' (Appraisal) (September 2007) divides the CA into three areas with the appeal site located within 'Area 3 - Residential'. The Appraisal states that this area has a strong homely character which is distinct from the dense and busy village core, with the character of the area being simple, quiet and familiar.
5. The Appraisals summary reflects my observations on site, with Area 3 having a more open appearance compared to the village core. It contains a variety of attractive buildings and although they differ in terms of their architectural style, scale, layout, form and materials, they include a large number of original properties that make an important contribution to the historic and special interest of the area. A feature of the properties constructed from stone, as in

the case of the host property, is the presence of alternate colour bricks used to stress windows and quoins. Some properties have front or side gardens and others are sited hard up against the back edge of the pavement. All of the above factors contribute to the character and appearance of the CA as a whole.

6. In relation to the positive elements of Area 3, the Appraisal states that these include, amongst others, retention of decorative details, harmony of brick finishes and regularity of pattern and form. Included in the negative elements is the interruption of rhythm by alterations to regular pattern of windows.
7. The appeal proposal would involve a first floor extension over the existing flat roofed single storey extension at the rear of the host property. The proposal would allow the internal accommodation to be improved through extending the existing kitchen on the ground floor and relocating the bathroom from the rear of the kitchen to the new extension. The proposal would be constructed from stone with brick quoins, to match existing and with stone copping to the flat roofs parapet. Other alterations would include new windows and a replacement door on the side elevation to the host property.
8. The appeal site forms one half of a detached two storey cottage whose main frontage is onto West Street. The other half, 1 Zephyr Cottage (1ZC) has a garden that wraps around the property, whereas the host property only has the benefit of an enclosed landscaped strip on its frontage to West Street. The side elevation to the host property fronts onto Church Street and is separated from the road by a pavement that narrows towards the junction with West Street. The side elevation is predominantly two storeys but also includes a single storey flat roofed extension at the rear, on which the proposed extension would be built.
9. Given the position of the host property close to the back edge of the pavement and on the corner of West Street and Church Street, as well as the junction of the latter with Steyne Road, the host property is highly visible from various public vantage points and occupies a prominent position within the CA. The host property also retains most of its original historic features, including its windows, stone walls, quoining, decorative brickwork and slate hipped roof. These features are repeated on 1ZC, as well as other similar properties in this part of Area 3.
10. Within the above context, the proposed extension would be highly visible and prominent within the streetscene. Due to its height, size and flat roofed design the proposal would result in an incongruous addition to the host property that fails to properly relate to or respect its existing design and distinctive form. It would represent an unsympathetic extension to the host property and as the proposed parapet would extend well above the existing eaves to its two storey element, the proposed extension would not be subservient or proportional.
11. Furthermore, the proposed flat roof/parapet would introduce an awkward juxtaposition with the existing main building and hipped roof, giving the impression of an extension that does not harmonise or integrate well with the original building or established built form. The latter would be exacerbated by the proposed windows to the extension, which would not align with the new windows on the side elevation or the existing windows on the rear. The result would be a development that does not sit comfortably on the appeal site or within the streetscene. As a result, the proposal would neither preserve nor enhance the character or appearance of the CA.

12. The Appellant contends that the impact of the proposal on the CA would be the same as the impact of an approved first floor flat roofed rear extension to 1ZC, which was allowed on appeal in October 2020 (ref. APP/P2114/D/20/3245820). I do not agree. In that case, the Inspector found that that first floor extension would have a 'neutral effect' on the character and appearance of the CA. In reaching that finding, the Inspector noted that the extension would be set back from West Street and behind the existing dwelling and as such views of the development from this road would largely be blocked. Whilst the extension would be visible from Church Street, the Inspector found that its 'neutral effect' would arise from a combination of the proposed cream colour of the cement render to the elevations facing Church Street (I note that elevation did not include any windows), its overall scale in that it would be only 2.7 metres deep and its siting next to an existing flat roofed extension.
13. The proposed extension to the host property would not be set back but sited close to the back edge of the pavement on Church Street and it would be noticeable deeper than that approved on 1ZC. It would also be constructed from stone with large window openings on two elevations. As I also confirmed above, the proposal would extend well above the existing eaves to the host property, whereas the plans for 1ZC show that the approved flat roof to that extension would be broadly in line with the existing eaves. The siting, scale, height and design of the appeal proposal relative to the CA and consequent impact on its character and appearance would, therefore, be significantly different to the approved extension on 1ZC. Consequently, the existence of the approval to extend 1ZC does not affect my findings on this issue.
14. Similarly, the examples of other flat roofed developments referred to by the Appellant, within the surrounding area, do not affect my findings. No evidence of the planning background to these examples has been provided or whether they were approved within the context of the designation of the CA. Furthermore, in assessing any of these examples it is important to reemphasise the well-established principle that applications must be considered on their individual merits having regard to the circumstances of the case. Based on the evidence before me, therefore, none of these examples appear comparable to the appeal proposal and they do not affect my overall findings.
15. For the reasons set out above, I find that the appeal proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the CA. In view of this finding and as is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset, where the level of harm would be high. Even though the proposal may lead to the permanent occupation of the property, this economic benefit would not be sufficient to outweigh the harm I have identified and there are no other public benefits, delivering either economic or social or environmental objectives that would mitigate for the significant harm that would result to the character and appearance of the CA.
16. Accordingly, I find that the proposed development would be contrary to policies SP5, DM2 and DM11 of the IOWCS and paragraphs 189, 197, 199 - 200 and 202 of the Framework.

Neighbours – living conditions

17. To the south of the appeal site and the proposed extension is a two storey property known as Newell Cottage (NC). This property has a single window in its northern elevation which appears to serve a non-habitable room and is obscured. Even so, as this window is set back any views of the proposed extension would be at an oblique angle and there would still remain a reasonable gap between the proposal and the side elevation to NC. In relation to the private amenity area of NC, this is located at the rear of that property and therefore further away from the proposed development. For these reasons, I am not persuaded that the development would result in significant harm to the living conditions of the occupiers of NC.
18. In relation to 1ZC, the proposal would extend up to common boundary on the rear, taking in half of the shared window on that elevation which I understand, as with the host property, serves a staircase. The window to the east of this serves a bedroom, but given the distance that separates it from the new extension and the fact the window is south facing, I am again not convinced that any harm to the living conditions of the occupiers of that property would be sufficient to justify the refusal of planning permission. In relation to the private amenity area of 1ZC, this is located further east of the proposal and beyond the single storey extension to that property and would not, therefore, be materially affected by the development.
19. All the above findings are supported by the Appellants submitted daylight and sunlight assessment that does not appear to have been challenged by the Council. Furthermore, whilst concerns have also been raised by an interested party in relation to the overlooking of NC, given the siting of the proposed extension relative to the side elevation of NC and as views of its rear garden would be at an oblique angle, I am satisfied that the proposal would not lead to any harmful overlooking of that property.
20. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of neighbouring occupiers would be compliant in this respect with policy DM2 of the IOWCS.

Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, proposal would be in direct conflict with development plan policies and the policies of the Framework that seek to conserve and enhance designated heritage assets and there are no material considerations that justify making a decision other than in accordance with the development plan.
22. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR