
Appeal Decision

Site visit made on 5 September 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th September 2023

Appeal Ref: APP/P2114/W/23/3316344

9 Bath Road, Cowes, Isle of Wight PO31 7QN

- 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 Matthew Thomas against the decision of Isle of Wight Council.
 - The application Ref 22/01363/FUL, dated 1 August 2022, was refused by notice dated 25 October 2022.
 - The development proposed is the conversion of a commercial office on the ground floor to residential to create additional accommodation for Pelham House.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a commercial office on the ground floor to residential to create additional accommodation for Pelham House at 9 Bath Road, Cowes, Isle of Wight PO31 7QN in accordance with the terms of the application, 22/01363/FUL, dated 1 August 2022 and the plans submitted with it.

Procedural Matters

2. I have taken the description of the development from the appeal form, rather than the application form, as it is more precise and reflects the description given in the Council's Decision Notice.
3. No 9 Bath Road is a Grade II listed building. I am not aware of any associated application for listed building consent for the works and no related appeal is before me. This appeal therefore relates only to an application for planning permission, and I have considered it accordingly.
4. At my site visit, I noted that the partition walling which separated the commercial unit from the dwelling had been removed. While the room in question was not occupied, this has now been brought into main house which has effectively created a single unit. I have therefore treated this application as retrospective.
5. The Planning (Listed Building and Conservation Areas) Act 1990 sets out statutory duties in considering whether to grant planning permission for development which affects a listed building or its setting (s66(1)) and for development within a conservation area (s72(1)).
6. The Council's reason for refusal makes reference to the impact of the proposed development upon Cowes Conservation Area, but it does not specifically cite harm to the Grade II listed building. I do, however, note that the Officer

Report does find harm to this heritage asset. For the avoidance of doubt and in light of the statutory tests, I must give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses and thus I have considered the effect on the listed building in my decision.

Main Issue

7. In light of the above, the main issue in this case is the effect of the proposed development on the character and appearance of Cowes Conservation Area (CCA) and the Grade II listed building.

Reasons

8. The CCA is a large area which covers a significant part of the settlement of Cowes. It includes three distinct character area, and the appeal property is located within the Town Centre Character Area (TCCA).
9. Cowes has developed historically as a town, port and centre for ship and boat building since the 17th Century. The town centre developed from that time through the 18th and 19th Centuries as part of its increasing prosperity and today the TCCA contains narrow streets and a variety of buildings dating from 17-20th centuries, which are typically small scale due to the narrow plots. There is a variety of shopfronts along High Street which forms the main spine of the town centre, this then turns into Bath Road, when travelling north, which also contains a number of commercial properties. The other character areas consist of residential properties and parkland, again indicative of the prosperity of the town due to its relationship with the waterfront.
10. The significance of CCA is thus derived from its important waterfront location and its associated historic development as its prosperity and desirability grew during the 17th-20th Centuries.
11. No 9 Bath Road is a stock brick built 3-storey property which dates from the early 19th Century. It has a mid-19th Century shopfront to the ground floor which is typical of the period with stallrisers, fascia, large window panes, mullions and a central recessed doorway. The upper floors have a curved glazing bar bay window at first floor level and a sash window to 2nd floor level. The property directly fronts the pavement along Bath Road.
12. The significance of this listed building is derived from its architectural interest in its age and architectural details, as set out above. It also has historic interest as being a commercial property in Cowes Town Centre. For this reason it also makes a strong positive contribution to the CCA.
13. Today the property is in residential use. The retail unit subject to this application is limited to a single room to the ground floor frontage. From the information before me this has been vacant for some time. No external alterations are proposed as part of the proposed change of use. There is also no policy objection from the Council in terms of the vitality and viability of the town centre through the loss of a retail use.
14. In light of the historic commercial use, it is important to recognise that there is a need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing building and its setting (which includes CCA). Architecturally, shopfronts were designed as a way to

display goods for sale in order to entice passers-by into the shop. This is at contrast to domestic properties where more privacy is often required.

15. Here, the expanse of glazing is large, however I consider that its historic use as a commercial unit and the contribution of this and the shopfront to the overall significance of the listed building is maintained by the proposals. The current owners have indicated that they wish to occupy this area as a home office which would be consistent with a commercial use. Even if that were to change in the future, the space is small which limits the impact any domestication could have. Moreover, any significant alterations would require listed building consent and may require planning permission and thus would be under the control of the Council.
16. I saw at my site visit that modern internal shutters had been installed. However, while the shutters do assist in providing a solution to privacy and are not overtly domestic in character, this would come under the remit of any listed building consent, rather than the planning permission sought. I therefore consider that conditioning the long-term retention of these this would go beyond what is reasonable to condition as part of a planning application.
17. In any case, I am also mindful that other more domestic window dressings, such as curtains, could be installed even if the use were to stay as a commercial premises. Taking the above together, I consider that the special interest of the listed building is preserved.
18. In terms of the setting and CCA, the appeal property is located towards the edge of the town centre boundary where there is an established mixture of residential and commercial properties. Some of these appear to be historic residential uses and some are clearly later conversions, whereby the original use and function of the building remains legible in spite of the new use. The appeal proposal effectively maintains this character and would not cause harm to the CCA.
19. Overall, I find no harm to the significance of the Grade II listed building or the CCA. The development accords with Policy DM11 of the Island Plan Core Strategy (2012) which seeks to support proposals which conserve the historic environment and Policy DM2 which deals with design quality and seeks to conserve the existing environment while allowing change to take place.
20. The Council have suggested two conditions relating to timescales for implementation and a plans condition. As the use has commenced, I have simply referenced the plans in my formal decision.

Conclusion

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

C Searson

INSPECTOR