

Appeal Decision

Site visit made on 14 March 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.04.2024

Appeal Ref: APP/P2114/W/23/3329720

Ramblers, Bonchurch Shute, Ventnor 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 Mr & Mrs Daniel Rayner against the decision of the Isle of Wight Council.
 - The application, Ref. 22/01736/FUL, dated 27 September 2022 was refused by notice dated 2 June 2023.
 - The development proposed is a replacement dwelling and garage.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the site's surroundings including the setting of the adjacent Bonchurch Conservation Area ('the CA'), and (ii) whether the position, scale and design would be unneighbourly to surrounding properties. I consider that there is an overlap of these issues such that they can reasonably be considered together.

Reasons

3. The proposed development is on a site that forms part of a linear development of detached dwellings of varied appearance on the southern side of Bonchurch Shute. This is a narrow residential road sloping down from the northeast to the southwest which has a verdant character and attractive dwarf stone walls in the vicinity of the appeal site and along a significant stretch of the road to the southwest.
 4. The more immediate context of the site is Whitegates to the northeast, adjacent to the road and Hollowdare to the southwest, but sufficiently set down the cliff slope to a position largely hidden from Bonchurch Shute. The former is an attractive stone-built dwelling of traditional design as befits its late C19th origins and of sufficient merit to be included in the CA. Hollowdare is more modern in appearance and typical of the 1970s, when it was built as one of a matching pair with the appeal site dwelling (the latter demolished in 2015 because of land instability). Both the appeal site and Hollowdare are outside the CA.
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5. Having regard to the planning history, the site's location and its immediate setting I consider that the principle of a replacement dwelling is acceptable and that either a contemporary or more traditional design could be accommodated without causing harm to the surroundings. However, there is a significant constraint as regards scale in that, as shown on the red edged OS Location Plan, although the appeal site's frontage to the road and its seaward boundary are respectively narrower and wider than at Hollowdare, the flank-to-flank site widths in the areas of the former building/building are essentially the same. And whilst Hollowdare may have had some subsequent additions, as existing the dwelling essentially fills most of its plot width.
6. Bearing this in mind, the proposed replacement dwelling at Ramblers would be a much larger building than its neighbour and with its increased height at three storeys would be seen as two storeys from the road compared to at most only glimpses of Hollowdare. With roughly the same plot-width as Hollowdare where the new building is proposed, when seen from Bonchurch Shute without sight of the ground floor, the large gable comprising the upper part of the front elevation would draw the eye and may well be perceived as an incongruous element. Even just these upper parts of the front elevation would appear as bulky and overly dominant in relation to both its site and its setting in this stretch of the road.
7. This harmful appearance would be compounded by a design that lies somewhere between traditional and contemporary rather than one or the other, but in any event too featureless to relieve the substantial mass or add quality and interest. The appearance of all four elevations would in my view be not so much of a commercial style as the Council alleges, but with only minor alterations to its fenestration could easily be read as being a block of flats. As a result, the building would be seen as being out of keeping with the character and appearance of the road, notwithstanding that in itself this is varied. Furthermore, the flank elevation facing Hollowdare would be unduly imposing, giving a sense of domination and enclosure from the garden and lower driveway of that dwelling.
8. As regards the rear elevation, the need for the building's design to make the most of the seaward views is understandable. However, the quantity of glazing, overall but especially on the top floor, would in my view be such as to significantly diminish the design quality of a building that would be on a site within the immediate setting of the CA.
9. In this context I have not been advised of the extent, if any, of longer distance views of the appeal site from vantage points along this stretch of the Island's coastline. However, with the size of the building and the amount of glazing proposed, I consider it likely that there would be significant potential for the sun's reflection to be seen from afar and thereby at times comprise an unwelcome intrusion into this attractive coastal environment.
10. The grounds of appeal refer to the fact that the application was validated on 6 October 2022 and that no response from the Council was received until 23 February 2023. The appellant then co-operated with the Council in amending the scheme, including a reduction in the building's height and glazing, and on 31 March 2023 the case officer acknowledged that the amendments proposed were an improvement. There were further negotiations up until the day before

the Notice of Refusal was issued and this period also saw a change of case officer. Clearly this has been frustrating for the appellant and his agent.

11. However, whilst I accept that the Council's timeliness in its handling of the application was unsatisfactory, I am unable to allow this to alter my finding that, in combination, the size and design of the proposed dwelling would be such that it would impose itself on the verdant landscape of Bonchurch Shute rather than be comfortably accommodated within it. In addition, the outlook from the existing dwelling of Hollowdare would be dominated by the flank of the dwelling.
12. Accordingly, I conclude on the main issue that the proposal would have an unacceptable impact on the character and appearance of the area including the setting of the CA. The development would therefore be in harmful conflict with Policies DM2 & DM11 of the Island Plan's Core Strategy 2012 and with Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023 ('the Framework').

Other Matter

13. The matter of the effect of a new building in an area of land that is progressively unstable is of concern, particularly to occupiers of Hollowdare who fear that its construction would make matters worse for their property. In the event that the appeal had been allowed, the Council has suggested a condition to preclude any adverse effect on land stability as a result of the development.
14. However, the Council has also submitted their Statement of Case in this appeal which sets out recent events, including the nearby landslips of December 2023 and their actual and potentially additional consequences. It is therefore of paramount importance that any new proposal following my dismissal of this appeal demonstrates full cognisance of these ongoing local circumstances and is consistent with Government policy on land stability in paragraphs 189 & 190 of the Framework. As regards paragraph 190, it is clearly incumbent on the applicant to ensure that a safe development applies not only to the site itself but also to adjacent properties.

Conclusion

15. For the reasons explained and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR