



Appeal Decision

Site visit made on 10 July 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/P2114/W/23/3332480

Land to the north of Lea Cottage, Queens Road, Freshwater, Isle of Wight PO40 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Owen Davies against the decision of the Isle of Wight Council.
 - The application Ref is 23/00501/FUL.
 - The development proposed is the construction of a dwelling with parking and turning.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)¹ came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
3. I have used the site address entered on the planning application form in the banner head above as that more accurately reflects the location of the site. I have also removed details that aren't acts of development from the description.
4. Although not available to the Council when the planning application was determined, a signed Unilateral Undertaking (UU) has been provided as part of the appeal. This obligates the appellant to pay a contribution based on the size of the development towards affordable housing elsewhere on the Island, were I to allow this appeal. This satisfies the Council's concerns about the provision of affordable housing.
5. Consequently, the main issue is the effect of the proposed development on the character and appearance of the area, with specific regard to the setting of Lea Cottage and the Pound Green Conservation Area (the PGCA) and taking into account the local development strategy.

Reasons

6. The appeal site is located adjacent to Lea Cottage, a Grade II listed building. As a result, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard for the

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desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

7. Lea Cottage is single storey, modestly sized thatched cottage with white colour washed walls. Based on the evidence before me, including the statutory listing description, I consider the significance/special interest of Lea Cottage to be largely derived from its historical interest as a former squatter's cottage and the quality of its architectural features and use of materials. Despite its low stature, the thatched roof of the cottage is visible over the site's boundary fence and in the vista along Queens Road towards the open space of Pound Green. The position of the proposed dwelling would block this view, even though its design has evolved from the Council's feedback on a previous planning application² and in reflection of the recommendations in the Freshwater VDS³.
8. Whilst not visible in views from the road as it bisects Pound Green, the site is also experienced when looking towards Lea Cottage from the area of the Green adjacent to the side boundary of the property known as Kippax, as shown on the CGIs⁴ submitted with the appeal. Parts of the proposed dwelling would be visible on the front site boundary and across the compact garden area of Lea Cottage. Due to the oblique angle of this view, the sense of space between the two properties would be diminished, crowding the setting of the diminutive, listed building. In combination with its forward positioning and the site's open frontage, the proposed development would introduce built form in front of the otherwise verdant backdrop to Lea Cottage.
9. Lea Cottage is located within the PGCA and, whilst it has been indicated that the site previously formed part of the cottage's garden area when the Conservation Area was designated, nevertheless the site was excluded from its boundary. Regardless, the proximity of the PGCA is such that the Framework requires me to consider the impact of the proposed development on the significance of this designated asset.
10. The area of the PGCA closest to the site comprises a cluster of dwellings, including Lea Cottage, which are orientated towards Pound Green and the Grade II listed Village Pound and, in combination, defines this area's significance. In contrast, the larger section of the PGCA, located beyond Pound Green, creates an obvious gap between Pound Green and the Faringford Estate due to the lack of built form.
11. Located to the rear of Lea Cottage, the visual and physical relationship between the site and Pound Green is limited to the vistas identified above along the Queens Road corridor. Whilst not key views identified in the PGCA Appraisal (the Appraisal), nonetheless they signify a transition between the older, traditional rural forms surrounding Pound Green and the later properties on Queens Road. At this point, the enclosure created by the terraced properties opposite the site and the landscape features on the frontage to the north gently widens as the building elevations on both sides slope away from the road. This draws the eye to either the openness of Pound Green beyond when looking south, or the narrowing of the corridor when facing northwards. The

² Council ref: 22/01413/FUL

³ Village Design Statement

⁴ Computer Generated Images (CGIs)

introduction of built form in these views, therefore, would dilute the impact of this transition and be an intrusive feature in this part of the street scene.

12. Along Queens Road itself, no property type, style, architectural detailing, materials or colour dominates. However, immediately adjacent to and opposite the site there are two discrete areas of built form with differing characters. Whilst devoid of a clearly defined building line, the angular relationship of the large, detached dwellings that are set back from the road to the north of the site create a sense of spaciousness behind verdant landscape features alongside the carriageway. In contrast, the modestly sized short rows of terraced dwellings located opposite the site, sited close to the edge of the carriageway behind shallow front gardens, create a more defined and harder edge to the road.
13. The proposed development's detached form relates more closely to the area to the north whilst, its size and position close to the road demonstrates similarities with the terraces opposite. However, the parallel alignment of the proposed dwelling's frontage to the road, the lack of roadside planting and the small scale of the detached form falls short of complimenting and reinforcing the character and appearance of either area. Notwithstanding whether the distances between the proposed and existing properties would provide satisfactory living conditions⁵, the proposed development would be a cramped arrangement on the constrained shape and size of the site.
14. My attention has been drawn to another appeal⁶ on the site which also sought the construction of a detached dwelling. This appeal was dismissed largely due to the amount of vegetation which would be lost, particularly the roadside hedge and two trees. As the hedge has now been removed, the open frontage of the site is visible from the PGCA. The construction of a dwelling in this open frontage was an impact the Inspector considered would be detrimental to the character and appearance of the setting of the PGCA. As set out above, I have also found this to be the case.
15. The site is located within the West Wight Smaller Regeneration Area (SRA) and, as confirmed in the pre-application advice from the Council in 2015⁷ and 2021, the principle of development is established through the spatial strategy set out in Policy SP1 and supported by Policy SP2 of the Core Strategy⁸. However, Policy SP1 also requires development to demonstrate how it will enhance the character and context of the local area. Proposals that conflict with this aspect, regardless of their location in the spatial hierarchy, will not be supported. Given the harm to the character and appearance of the area, I have identified above, the proposed development conflicts with Policy SP1 of the Core Strategy.
16. I have found that the proposed development would harm the character and appearance of the area, including the setting of Lea Cottage and the PGCA. In the language of the Framework, the development results in less than substantial harm to the significance of these designated heritage assets. I have attached great weight to the desirability of avoiding such a harmful effect. In these circumstances, the Framework states that this harm should be weighed against the public benefits of the proposal.

⁵ As indicated in the Council's pre-application advice in 2021 - Council ref: iw21/4/15

⁶ APP/P2114/A/05/1180721

⁷ Letter from Lizzy Hardy, Senior Planning Officer

⁸ Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Plan Document March 2012 (the Core Strategy)

Other Matters

17. The proposed development would provide social and economic benefits from the construction and occupation of a dwelling in an area where there is a need for new homes. However, given the small scale of the development, any such benefits would be limited. It would also enhance the appearance of the currently derelict site and screen the incoherent mix of boundary treatments to its rear. Similarly, the benefits derived from this would also be small. Furthermore, the development as proposed development is not the only way this result could be achieved.
18. The appeal site is located within the catchment of the Solent Special Protection Area (SPA), the Southampton Waters SPA and the Solent Maritime Special Area of Conservation (SAC), European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SPAs and SAC, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further.
19. Even if I were to conclude that the proposed development meets the requirements of all other considerations, these would be neutral factors in the determination of this appeal. Any harm to the listed building as a result of the severing of the site from the cottage's garden area does not justify development which causes further harm.
20. Any comments regarding the Council's communication during the determination of the planning application or any inaccuracies in the Officer's Report are not determinative matters in this appeal. This also applies to any undocumented discussion with Council officers after the decision was issued.

Planning Balance

21. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. Additionally, the latest Housing Delivery Test⁹ indicates that the delivery of housing in the Council's area was below 75% of the housing requirement over the previous three years. However, as I have found that the proposed development would harm the setting of a listed building, an asset protected by the Framework¹⁰, there is a clear reason for refusing the development. Therefore, regardless of the shortfall in housing sites on the Island or the age of the Local Plan, the presumption in favour of sustainable development as set out in the Framework, does not apply.
22. I conclude that the proposed development would harm the character and appearance of the area, with specific regard to the setting of Lea Cottage and the PGCA. As a result, it would not satisfy the requirements of the Act or the Framework, and conflicts with policies SP1, SP2, DM2, DM11 and DM12 of the Core Strategy and Policy FNP6 of the Freshwater Neighbourhood Plan. In combination, these policies support high-quality design proposals that protect and conserve the island's historic and built environment, including complimenting the character of the surrounding area.

⁹ Housing Delivery Test: 2022 measurement, 19 December 2023

¹⁰ Footnote 7

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, including the Framework's presumption of sustainable development, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR