

Appeal Decision

Site visit made on 9 August 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/P2114/W/24/3344461

Big Blue, Afton Down, Freshwater, Isle of Wight PO40 9TY

- 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 Andrew Court against the decision of Isle of Wight Council.
 - The application Ref is 23/01662/FUL.
 - The development proposed is Replacement Dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Replacement Dwelling at Big Blue, Afton Down, Freshwater, Isle of Wight PO40 9TY in accordance with the terms of the application, Ref 23/01662/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. Subsequent to the determination of the planning application, Areas of Outstanding Natural Beauty became National Landscapes. Therefore, in this appeal decision, reference to the National Landscape (NL) refers to the Isle of Wight Area of Outstanding Natural Beauty as referred to by the parties.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, NL and Tennyson Heritage Coast (THC) with particular regard to the design of the dwelling and to the glazed areas and any increase in artificial light pollution.

Reasons

5. The existing dwelling comprises a detached bungalow within a large plot that benefits from extensive views across Freshwater Bay from a raised position close to the cliff edge. In light of this, the rear elevation currently comprises a significant amount of glazing stretching across the majority of the elevation and containing two large bay windows. The appeal fronts Military Road but is set back from it at a lower level. The existing bungalow is of no

particular architectural merit with a bland front elevation with small windows. The building comprises a poor standard of accommodation and construction with a lack of insulation and poor energy performance.

6. The appeal site adjoins a more modern detached residential building (Marine Villa) that is partly split over two floors that benefits from considerable glazing to its rear elevation, including a first floor Juliet balcony and rooflights. Within fairly close proximity to the opposite side of the appeal site is St. Martins that comprises a modern part two and part three-storey block of flats. St. Martins contains a significant amount of glazing to all elevations including the provision of glazed balconies to the rear elevation facing out over the bay. These two buildings comprise significantly less bland frontage elevations than the appeal property.
7. The appeal site is located within the NL and THC. Objective 01 of The Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019 – 2024 (the Management Plan) seeks to ensure the conservation and enhancement of the NL according to its statutory purpose in line with the aims, objectives and policies, as detailed in the plan. The aims, objectives and policies include the need to ensure consideration is given to the impact upon the tranquillity and dark skies in all development and to ensure that development complements the character of the area, strengthening its local distinctiveness. The main objectives for the THC include the need to conserve, protect and enhance the natural beauty of the coasts and its open, undeveloped nature. These aims, objectives and policies are consistent with paragraphs 182 and 184 of the National Planning Policy Framework (the Framework) that require great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes and for planning decisions to be consistent with the special character of the area and the importance of its conservation.
8. This part of the NL and THC are characterised by open and exposed land with limited vegetation, grazing land and dominant high chalk cliffs. Within this landscape, the appeal property and the other nearby dwellings form a sporadic pattern of differing designs and materials that mark the end of development within Freshwater Bay and the start of the coastal landscape.
9. It has been put to me that the increased height of the proposed dwelling would be visually harmful. However, it would not be significantly higher than existing, with the height to the ridge of the dwelling almost identical to that of Marine Villa and remaining lower than St. Martins. While the ridge height between Marine Villa and the appeal property currently steps down slightly following the topography of the road, the buildings are set back and down from the road, partly screen by boundary vegetation on approach and sit on different alignments. As such the increase in height would not be noticeable or incongruous and would be visually acceptable within the wider area.
10. With regard to the scale and mass of the dwelling, although the footprint would be similar, it is acknowledged that the introduction of the floor within the roof would make the building appear larger from the road frontage and when viewed from the south and parts of the coastal path. However, Marine Villa benefits from accommodation within the roof and with St. Martins comprising at least a full two storeys with roof above, the proposal would be

seen within the context of these buildings and provide a suitable progression between them in terms of scale and mass. I acknowledge that the proposal incorporates an additional underground store with access from the rear elevation, but as this is set into the ground and would be partly screened by boundary vegetation, it would not be highly visible outside of the site.

11. Turning to the materials, Marine Villa comprises a tiled roof with rendered facing materials with some boarding over its garage. St. Martins comprises predominately brick faced elevations under a tiled roof. The appeal property has a tiled roof over brick rendered elevations but with the garage benefitting from a slate roof with outbuildings and a side projection finished in boarding. In light of this mix of materials, the proposed slate roof and render, with a small element of natural cedar boarding would match those to the immediate area.
12. Concerns have been raised regarding the extent of proposed glazing to the south facing elevation and resultant light spill. Although I acknowledge that the proposal would introduce an upper floor with glazing, there would be less glazing at ground floor to compensate given the removal of the two existing large bay windows and windows to the east facing side elevation. Moreover, the dwelling would be viewed in the context of Marine Villa and St. Martins that comprise significant levels of glazing, upper floor accommodation and balconies. As such, the level of glazing, and introduction of an upper floor, would not cause a material effect on the artificial light experienced in this area or further impact upon the tranquillity of the dark sky.
13. Therefore, having regard to the surrounding development and the siting of the proposed dwelling, despite its increased height, scale and mass, it would result in a development which is visually acceptable and would complement the character of the area. Furthermore, by reason of the replacement of the existing dwelling with a dwelling of more modern appearance and less bland frontage, it would better reflect its immediate setting and therefore provide a limited enhancement to the immediate area. I have come to this conclusion having regard to the detailed policy criteria for development within the NL and the THC.
14. Accordingly, I conclude that the proposal would have an acceptable impact on the character and appearance of the area, NL and THC with particular regard to the design of the dwelling and to the glazed areas and any increase in artificial light pollution. It follows that it complies with Policies DM2 and DM12 of the Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012. Amongst other things, these support proposals for high quality and inclusive design to protect, conserve and enhance our existing environment, expect development proposals to complement the character of the surrounding area, and reflect aims and objectives of the Management Plan.

Other Matters

15. My attention has been drawn to the location of the site where treated effluent could discharge into a Solent International Site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar, Portsmouth Harbour

SPA and Ramsar, Chichester and Langstone Harbours SPA and Ramsar), or body of water that subsequently discharges into such a site.

16. However, The Isle of Wight Council Position Statement: Nitrogen neutral housing development (January 2024) states that it only applies to development that involves a net increase of residential units. Furthermore, Natural England's Advice on Achieving Nutrient Neutrality for New Development in the Solent Region (June 2020) states that it applies to all types of development that would result in a net increase in population. Given that the appeal proposal seeks the replacement of the existing dwelling with a single dwelling with no additional bedrooms, there would be no net increase of residential units or population. As such, there are no likely significant effects, either alone or in combination, on the Solent International Site or its qualifying features.

Conditions

17. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
18. Conditions are necessary to secure the submission and approval of details of the materials to be used on the external surfaces of the dwelling, hard and soft landscaping and boundary treatment in the interests of protecting the character and appearance of the area. I have amended the wording of these conditions from pre-commencement conditions to prior to the development above ground level for materials and first occupation for the other conditions for purposes of reasonableness. I have combined the landscaping conditions for reasons of conciseness.
19. A further condition is necessary to ensure that the parking spaces are provided prior to first occupation in the interests of highway safety.
20. In light of my findings above with regard to the effect on the Solent International Site, a condition requiring the submission of details of a foul drainage connection is not reasonable or necessary.
21. I have amended the wording of conditions slightly in the interests of clarity.

Conclusion

22. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

*****SCHEDULE OF CONDITIONS*****

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no's:

- 2260-1-1 Revision C Proposed Basement,
 - 2260-1-2 Revision C Proposed Ground Floor,
 - 2260-1-3 Revision C Proposed Attic Plan,
 - 2260-1-4 Revision C Proposed North and West Elevation,
 - 2260-1-5 Revision C Proposed South and East Elevations,
 - 2260-1-13 Revision C Proposed Site Plan
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
 - 4) The dwelling hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. refuse or other storage units, lighting, etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc, indicating lines, manholes, supports, etc). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; an implementation programme.
 - 5) The dwelling hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building hereby permitted is occupied. Development shall be carried out in accordance with the approved details.
 - 6) The dwelling hereby permitted shall not be occupied until space has been laid out in accordance with the Proposed Site Plan (2260-1-13 Revision C) for 2 car parking spaces, together with 2 long term (secure / undercover) plus one short term cycle parking spaces and for vehicles to turn on site so that they may enter and leave the site in forward gear. These spaces shall not thereafter be used for any purpose other than that approved in accordance with this condition.

*****END OF CONDITIONS*****