

Appeal Decisions

Site visit made on 22 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Appeal A Ref: APP/P2114/W/23/3331485

Star Cottages, Camp Road, Freshwater, Isle of Wight PO40 9HT

- 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 Mantas Gritenas against the decision of Isle of Wight Council.
 - The application Ref is 23/01242/FUL.
 - The development proposed is alterations and conversion of building to form self-contained dwelling to include replacement raised roof.
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Appeal B Ref: APP/P2114/W/24/3345545

Star Cottages, Camp Road, Freshwater, Isle Of Wight PO40 9HT

- 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 Mantas Gritenas against the decision of Isle of Wight Council.
 - The application Ref is 23/01839/FUL.
 - The development proposed is alterations and conversion of building to form self-contained dwelling to include replacement raised roof.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Applications for costs

3. In relation to Appeal A, an application for an award of costs was made by Mr Mantas Gritenas against Isle of Wight Council. This application will be the subject of a separate decision.

Preliminary Matters

4. In respect of each of the appeals, the proposals are similar. Therefore, in order to avoid repetition, I have provided one reasoning section, detailing my

findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.

5. During the course of Appeal A, the description of development was updated. I have therefore used the amended description as provided on the Council's decision notice.

Main Issues

6. For both Appeal A and Appeal B the main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the proposed development on the living conditions of future occupiers, with regard to outlook, daylight and ventilation, and for Appeal A only, the effect on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

Character and Appearance

7. The appeal site is located in a residential area which is predominantly characterised by detached or semi-detached homes, of different designs, that are set within fairly large plots. As a result, the surroundings have a relatively spacious feel.
8. In relation to both appeals, the proposed development would involve the conversion of an existing building, and the addition of a new pitched roof, to form a very small single storey one-bedroom house which would include a mezzanine area for the bedroom space. The plot that the building is located within is also very small with tight boundaries on either side and to the rear. As such, it is inevitable that the proposed dwelling would be seen as being very cramped and somewhat 'squeezed' into the street scene, thereby eroding the feeling of spaciousness that currently exists. In addition, it would appear highly incongruous and out of place in the context of the predominant character of the surroundings. In my view, this amounts to clear, obvious and enduring harm.
9. I note that there are a limited number of smaller homes in the vicinity, such as the nearby Diamond Cottages and Bruce Cottage. However, these are traditional two storey dwellings that do not appear to be particularly cramped within their plots, and as such, they are quite different from the proposed development before me.
10. I therefore conclude that, in relation to both Appeal A and Appeal B, the proposals would result in harm to the character and appearance of the area. As a result, they would conflict with Policy DM2 of the Island Plan Core Strategy, March 2012 (CS), which in part, seeks to ensure that new development is well designed and that it preserves character and appearance.

Living Conditions

11. Within the main living spaces, there are two windows within the northern elevation, as well as patio doors to the rear of the building. Given the proximity of the boundary fence, the outlook from the two windows is very limited indeed. The outlook to the rear through the patio doors is slightly

better but is still quite limited due to the small size of the patio itself. As a result, I find it highly likely that future occupiers would feel cramped and enclosed when inside the dwelling.

12. Appeal B does provide a slight improvement in this regard as a result of the proposed small window within the front elevation. However, I am of the view that the lack of outlook from the larger window on the north elevation and the patio doors would still result in an unacceptable level of harm. The roof lights in the mezzanine area, and the additional window proposed at that level as part of Appeal B, would provide a greater level of outlook, but this does little to mitigate the harm in relation to the main living areas below.
13. I am satisfied that the very small internal space would receive sufficient daylight. I note that this is confirmed within the report produced by Herrington Consulting in October 2023. In terms of ventilation, the windows and patio doors would all be openable and so it seems unlikely that air circulation would be insufficient within the dwelling.
14. In relation to Appeal A, given the small plot size, the proposed dwelling would have a very close relationship with the neighbouring dwellings either side. However, any views of private garden spaces from the rooflights at mezzanine level would be fairly oblique, and I do not find that the 'perception' of feeling overlooked would be such that it would amount to harm in this case.
15. I therefore conclude that the proposed development would not result in harm to the living conditions of future occupiers in relation to daylight and ventilation, or to the living conditions of neighbouring occupiers with regards to privacy. However, for both Appeal A and Appeal B there would be harm in relation to outlook for future occupiers. This would conflict with CS Policy DM2, which in part, seeks to preserve living conditions.

Other Matters

16. In relation to Appeal A, the lack of a suitable financial contribution towards affordable housing was a further reason for refusal. However, the Council has confirmed within its appeal statement that the willingness of the appellant to enter into a planning obligation to address this issue means that it is no longer a matter in dispute between the two parties. As a result, this was not a reason for refusal for Appeal B. I am satisfied that, in accordance with CS Policy DM4, such a contribution is required. However, as I am dismissing the appeal, there is no need to take this matter forward.
17. Similarly, there is no requirement for me to consider the effect of the proposed development on nearby Special Protection Areas.

Conclusion

18. It is not in dispute that the Council cannot currently demonstrate a sufficient record of housing delivery and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

19. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. However, I only afford limited weight to these benefits overall given that they are relatively minor in nature.
20. For both Appeal A and Appeal B, I have concluded that there would be material harm to the character and appearance of the area and to the living conditions of the future occupiers of the proposed development. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance and living conditions. In this instance, the harm to both would be significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.
21. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. As a result, Appeal A is dismissed and Appeal B is also dismissed.

C Butcher

INSPECTOR