



Appeal Decision

Site visit made on 27 September 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/P2114/D/24/3344485

Mouette, Maderia Road, Seaview, Isle of Wight, PO34 5BA

- 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 David Wood against the decision of Isle of Wight Council.
 - The application Ref is 24/00030/HOU.
 - The development proposed is described as replacement raised roof to form additional accommodation at second floor level to include balcony/roof terrace on front elevation, alterations to include replacement windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the area and the significance of the Seaview Conservation Area (SCA). The second main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular regard to privacy.

Reasons

Character and appearance

3. The SCA is an irregularly shaped conservation area located on the edge of the Solent. It encompasses the historic parts of the town, which became an important coastal resort during the Victorian period. The SCA has three identified character areas including the historic cores that are located close to the coast; the outskirts which are primarily residential and have a spacious rural setting; and a central residential area where dwellings are more compact and enclosed.
4. The appeal site is located within the central residential area, the western part of which is primarily characterised by uniformly designed pairs of Victorian semi-detached houses. The eastern part of this residential area, where the appeal site is situated, is more varied and includes a diverse range of two and three storey detached, semi-detached and terraced buildings with buff or red brick, stone or painted walls under a diverse range of primarily slate clad roofs.
5. Maderia Road is characterised by two and three storey detached and attached buildings with shallow pitched slate roofs. The buildings on the southern side of the road are all two storeys in height and other than the corner property

they are set back from and elevated above the road level. Their broadly consistent building lines, heights, uncluttered design and shallow pitched roofs under buff coloured brick walls provide a strong sense of rhythm and uniformity. Conversely, the buildings on the northern side of Maderia Road are more varied. They align with the back edge of the pavement and have shallow pitched slate roofs. However, they include two substantial three storey detached buildings, which results in a more varied roof heights and the use of buff coloured bricks is broken up at ground floor level by several commercial frontages.

6. To the west St Peters Church, which is grade II listed, occupies a prominent position within the street scene, opposite the junction of Maderia Road and Church Street. At the eastern end of Maderia Road, immediately adjacent to the junction of High Street and Pier Road is a substantial and ornate three storey Victorian building, which lies within the historic core of the SCA, which includes an eclectic mix of buildings. The above buildings are focal points within the street scene. Directly opposite the appeal site Watson Brothers Stores sits at a lower level to the dwellings on the southern side of the road. It comprises a two storey commercial property with a fully hipped and shallow pitched slate roof. This building is identified in the Seaview Conservation Area Appraisal as a positive element in the SCA.
7. The above characteristics and features all contribute to the diverse character, appearance and significance of the SCA.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
9. Collectively paragraphs 203, 205, 206 and 208 of the National Planning Policy Framework 2023 (the Framework), state that in determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset or from development within its setting, requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. Consistent with this policies DM11 & SP5 of the Island Plan Isle of Wight Core Strategy (2012) (CS), seek to support proposals that positively conserve and enhance the historic environment. Proposals should be informed by sufficient evidence to reveal the impact of a proposal on the significance of heritage assets.
11. Together and amongst other things paragraphs 131 and 135 of the Framework state that good design is a key aspect of sustainable development. Developments should be well designed and sympathetic to local character and history, while not preventing appropriate innovation or change. Proposals should establish or maintain a strong sense of place whilst optimising the potential of the site. CS Policies DM2 & SP5 similarly seek to ensure that

- developments are well designed and respond to a clear understanding of physical, social, economic, environmental and policy context.
12. Whilst reference has also been made to the Nettlestone and Seaview Parish Plan 2005, it does not address the character or appearance of the SCA and is not directly relevant to the appeal proposal.
 13. The appeal dwelling comprises a modest sized two storey infill development whose form, roof and wall materials pick up on that of some of the more modest Victorian buildings in the immediate area. It is sandwiched between Kimberley, which is sited close to the road and the Old Post Office which is a larger building with a single storey front extension that projects forward of the appeal dwelling. There is also a detached garage with a steeply pitched roof sited close to the road alongside the front garden to the appeal dwelling.
 14. The appeal dwelling is materially narrower and smaller than the adjacent buildings, its eaves height is lower than that of the Old Post Office and it has a very modest fully hipped and shallow pitched roof. Conversely the other dwellings within the row have ridge lines running parallel to the road and some of the dwellings have front projecting gable features which increase their perceived height and the prominence of their roofs.
 15. As a result of the above features and notwithstanding the modern design and appearance of its fenestration, the appeal dwelling appears visually discrete within the street scene. At the same time the adjacent detached garage, the flank wall to Kimberley and the rear elevation of the dwelling at Sea View, with its two storey flat roofed extension result in a visually cluttered and disjointed setting on the eastern side of the appeal property.
 16. Mansard roofs are not a typical feature of this part of the SCA. The crown roof and roof terrace on the adjacent corner building that fronts onto Pier Road, relates to a large ornate landmark building. Its pitched roof is partially hidden behind a series of prominent and ornate gables and its flat crown is set back from the front, side and rear eaves lines of the building. The mansard roof in High Street is similarly set back from the front and side walls of the host building and sits behind a stone parapet wall. In addition to the occasional roof top terraces, there are a number of balconies within the SCA, although most are positioned below roof level.
 17. Elsewhere within the SCA there are a number of parapet roofs and dormer extensions which have blended into the street scene with varying degrees of success. Much depends on the character and appearance of the host building and the form, proportions and design of the roof extensions.
 18. The proposal includes a curved and very steeply pitched mansard roof with two windows and central glazed door dominating its front roof-slope. The proposed roof would be set back from the front of the building behind a roof terrace enclosed by a frameless glass balustrade. It would overhang the side and rear elevations of the host building and would include white painted cornices above and below the slate mansard roof.
 19. As a result of these features the proposed roof extension would appear cluttered, top heavy and highly prominent within the street scene. It would be out of keeping with the host building and the roofscapes within Maderia Road and would materially detract from the street scene and the local area. This

harm would be exacerbated by the proposed glazed balcony and the painting of the external brickwork. These changes to the building would fail to respect the row of buildings and would increase the prominence of the building when viewed from the street scene.

20. Conversely the replacement of the existing windows with sash windows would improve the appearance of the host dwelling and would better reflect the character and appearance of the adjacent buildings and the street scene. I am also less concerned about the impact of the proposal on the rear garden environment. This is due to the more varied design of the rear elevations of the adjacent and nearby buildings and the larger scale and elevated position of the buildings to the rear of the appeal site. Notwithstanding this, the benefits that would be brought about by the replacement of the existing windows and the absence of harm at the rear of the appeal building would fail to outweigh the harm to the street scene that would be caused by the proposal.
21. For these reasons the proposal would materially detract from the character and appearance of the street scene and the SCA. It would result in clear harm to the significance of the SCA and whilst the level of harm that the scheme would cause to the significance of the SCA would be modest and thus less than substantial, it nonetheless needs to be weighed against the public benefits resulting from the scheme. In doing this, as required by the Framework, great weight should be given to the conservation of the SCA.
22. During its construction, the proposed roof extension would provide employment and would contribute to the local economy. However, this public benefit would clearly fail to outweigh the harm that would be caused to the significance of the SCA. Further, the harm to the character, appearance and significance of the SCA that would be caused by the proposed development would outweigh the personal benefits for the appellant and their family that would result from the additional accommodation. This harm is not something that could be satisfactorily address through the imposition of conditions.
23. I conclude on the first main issue that the proposal would fail to preserve or enhance the character or appearance of the SCA. The modest level of harm it would cause to the significance of the SCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with CS Policies DM2 & DM11 and paragraphs 131 and 135 of the Framework.

Living conditions

24. From the proposed balcony the main outlook would be over the rooftops of the building opposite. From the sides of the balcony it would be possible to look down towards the paved areas to the sides of Kimberley and the Old Post Office. However, it would not facilitate views over the main gardens to the rear these properties or over the rear gardens of the properties located to the rear.
25. The windows in the rear elevation of the proposed mansard roof would serve a bedroom. Whilst views from these windows would overlook the surrounding rear gardens, due to the close proximity of some of the buildings and the steeply sloping topography there is already mutual overlooking within the rear garden environment. As a consequence, the addition of two bedroom windows within this environment would not result in an unacceptable loss of privacy for the occupiers of the adjacent dwellings.

26. For these reasons I conclude on the second main issue that the proposal would not result in an unacceptable loss of privacy for the occupiers of Kimberley and Seaview Cottage. Accordingly, in this respect the proposal would comply with CS Policy DM2.

Other matter

27. The appellant has referred to the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework. In this instance I have found that the proposal would conflict with the social and environmental objectives of sustainable development. Also, as stated in paragraph 11d)i of the Framework where policies are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 clarifies that such assets include designated heritage assets, which includes conservation areas.
28. In this instance my conclusion on the first main issue and the proposal's conflict with sustainability and heritage policies within the Framework provide a clear reason for refusing the development proposed.

Conclusion

29. Whilst I have found in favour of the appellant on the second main issue my conclusion on the first main issue amounts to a compelling reason to dismiss this appeal.

Elizabeth Lawrence

INSPECTOR