



Appeal Decision

Site visit made on 23 January 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/P2114/W/24/3347592

6 Shore Path, Gurnard, Isle of Wight PO31 8LL

- 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 Alex Davey against the decision of Isle of Wight Council.
 - The application Ref is 23/02162/FUL.
 - The development proposed is described as an application seeking detailed consent for the demolition of the attached rearward chalet and outbuildings and their replacement with a detached chalet bungalow (revised scheme).
-

Decision

1. The appeal is allowed and planning permission is granted for an application seeking detailed consent for the demolition of the attached rearward chalet and outbuildings and their replacement with a detached chalet bungalow (revised scheme) at 6 Shore Path, Gurnard, Isle of Wight PO31 8LL in accordance with the terms of the application, Ref 23/02162/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. As part of their appeal statement, the appellant has submitted revised plans that would provide new windows within the south east and south west elevations of the proposed chalet. The changes are very minor and do not alter the overall appearance of the chalet. Given that the Council has had an opportunity to comment on the revised plans, I am content for them to be accepted as part of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the likely long-term effect on protected trees.

Reasons

4. The appeal site is located to the rear of an existing chalet along a pedestrian footpath which is immediately adjacent to the sea front. There are several chalets and other buildings along the footpath, at least one of which is fairly significant in size and is situated immediately behind another. As a result, backland style development can be considered to be a feature of the immediate area. The chalets are of differing sizes and styles and so there is little in the way of conformity in terms of appearance.
5. The proposed development would involve the demolition of the existing attached rear facing chalet and outbuildings and the construction of a new detached chalet.

The proposed building would in effect be two storeys in height, and it would therefore be taller than the existing chalet. However, while the new home would be visible from Shore Path, its overall size would not be noticeably greater than several existing chalets nearby, and its location to the rear of No. 6 would not appear incongruous with the surrounding character.

6. There is an area of woodland immediately to the rear of the appeal site which benefits from a group Tree Preservation Order. The appellant has provided an Arboricultural Report, prepared by Woodside Tree Consultancy and dated December 2023 (the AR). None of the trees are situated within the site although Appendix 4 of the AR identifies that the root protection areas (RPAs) of two trees, marked as T1 and T2, extend into the corner of the garden space. Furthermore, the crown of T1 overhangs the garden.
7. It is clear that the proximity of the tree cover to the garden would mean that it would be in shade for much of the year. However, that is already the case in relation to the existing chalet and so I can see no reason why this situation would lead to harm. Indeed, a shaded garden can be a very pleasant environment, particularly in the summer months. The AR does recommend that a relatively minor amount of pruning to the outer foliage of T1 should take place in order to provide clearance from the gutters and eaves of the proposed building.
8. While T1 may well continue to grow, the AR concludes that minor pruning would not result in any long-term weakening or disease ingress. Based on my observations during the site visit, I can see no reason to disagree with that assessment. The proposed building would be situated away from the identified RPA's, and I am satisfied that the demolition of the existing outbuildings, which are unlikely to have significant foundations, can be achieved without causing harm.
9. As a result, I conclude that the proposed development would preserve the existing character and appearance of the area, and that there would be no harm to protected trees. It would therefore conform with Policies DM2 and DM12 of the Island Plan Core Strategy 2012, the relevant aspects of which seek to ensure that new development is well designed and that trees are protected.

Conditions

10. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Several conditions are necessary to preserve character and appearance, including those relating to materials, landscaping, trees and permitted development rights.
11. In order to protect the privacy of neighbouring occupiers I have imposed a condition to require that a window is obscure glazed. I have not extended that condition to encompass the ground floor window on the south west elevation as it would be a high level window, and as such, would not lead to privacy concerns. A final condition requires evidence that ground stability will be maintained.

Conclusion

12. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from date of this permission.
- 2) The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered:
 - 272-03C Existing Elevations and Proposed Altered Elevations to no. 6
 - 272-04D Proposed Site Plan
 - 272-05D Proposed Ground Floor Plans
 - 272-06C Proposed Unit 6a First Floor Plan and Street Scene
 - 272-07C Existing and Proposed Site Sections
 - 272-08B Location & Block Plan
 - 272-09C Proposed Unit 6a Elevations
 - 272-10A Existing and Proposed Street Scenes
- 3) Construction of the dwelling hereby approved shall not proceed above foundation level until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the consent of the Local Planning Authority [other than that expressly authorised by this permission].
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed without the consent of the Local Planning Authority.
- 6) The development 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 shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; bicycle storage; hard surfacing materials; minor artefacts and structures (eg. refuse or other storage); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines, etc, indicating lines, manholes, supports, etc). Soft landscaping shall include planting plans (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities together with an implementation programme.
- 7) Prior to the occupation of the building hereby permitted, the ground floor window on the north-east elevation, as shown on the submitted plans, shall be fitted with obscure glass, the specification of which will have been approved by the Local

Planning Authority before its installation. The window shall be fixed shut and shall be retained to this specification hereafter.

- 8) No development including site clearance shall commence on the site until all trees, not previously agreed with the Local Planning Authority for removal, have been protected by fencing or other agreed barrier, Any fencing shall conform to the following specification:

Any barrier shall consist of a scaffold framework as shown in figure 2 of BS 5837 (2005). It shall comprise of a vertical and horizontal framework braced to resist impact, with vertical tubes spaced at a maximum of 3m intervals. Onto this weldmesh panels are to be securely fixed. Such fencing or barrier shall be maintained throughout the course of the works on the site, during which period the following restrictions shall apply:

- (a) No placement or storage of material
- (b) No placement or storage of fuels or chemicals.
- (c) No placement or storage of excavated soil.
- (d) No lighting of bonfires.
- (e) No physical damage to bark or branches.
- (f) No changes to natural ground drainage in the area.
- (g) No changes in ground levels.
- (h) No digging of trenches for services, drains or sewers.
- (i) Any trenches required in close proximity shall be hand dug ensuring all major roots are left undamaged.

- 9) Prior to work commencing on site a method statement shall be submitted to the Local Planning Authority for approval in writing detailing that the stability of the site will not be adversely affected at any stage of the development. Development shall only proceed in accordance with the approved details.