



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: 25 February 2025

Appeal Ref: APP/P2114/D/24/3349595

The Studio, Trinity Church Lane, Cowes, Isle of Wight PO31 8BG

- 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 Galvin against the decision of Isle of Wight Council.
 - The application Ref is 24/00432/HOU.
 - The development proposed is described on the application form as being first floor and second floor extensions and alterations to the internal layouts to maximise the potential of the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the living conditions of the occupiers of No. 4 Melbourne Place, with particular regard to sunlight and daylight; and (ii) whether the proposed development would conserve or enhance the character or appearance of the Cowes Conservation Area, and whether it would preserve the setting of the Church of the Holy Trinity, a Grade II listed building.

Reasons

Living Conditions

3. The Studio is located in very close proximity to No. 4 Melbourne Place. During my site visit, I was able to clearly see the relationship between the two buildings, both from the roads in front and behind the properties, and also from within the appeal site itself. The proposed development would add height and bulk to the The Studio building, and as such, has the potential to result in a loss of light to the neighbouring property. In order to address this matter, the appellant has provided some information about the likely effects of the proposal on the neighbouring occupiers, with regards to daylight and sunlight.
4. In particular, the Design and Access Statement and the Planning Comment Response Document both contain high level diagrams that seek to demonstrate that the existing living conditions of the occupiers of No's. 4 and 5, either side of the appeal site, would be largely unaffected by the proposed development. However, due to the siting and orientation of the dwellings, my primary concern is the potential reduction in the amount of sunlight and daylight reaching the rear windows and rear garden space of No. 4. Given that the diagrams provided are of a fairly small scale, and are orientated so as to be front on, it is not possible to ascertain the effect of the proposal on the rear of No. 4 with any great certainty.

5. The appellant's appeal statement provides further drawings which do show the row of buildings from the rear. However, the drawings seek to assess the impact of the proposed development on the amount of light reaching No. 5 in the morning period rather than No. 4 in the afternoon. Furthermore, while the drawings might provide an indication of the effects of the development, they are not an adequate substitute for a detailed light assessment based on the relevant guidance.
6. As a result, based on the limited evidence before me, I do not have sufficient certainty that the proposed development would not result in harm to the living conditions of the occupiers of No. 4 Melbourne Place. It would therefore conflict with Policy DM2 of the Island Plan Core Strategy 2012 (the CS), which in part, seeks to ensure that living conditions are preserved.

Heritage Assets

7. The appeal site is located within Queens Road Character Area 1 which forms part of the wider Cowes Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of this part of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Cowes in the nineteenth century, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of many of the buildings that comprise the Conservation Area.
8. Nevertheless, within the immediate vicinity of the appeal site, there is a significant variety of building designs, sizes and styles. Indeed, along Queen's Road and Trinity Church Lane, there can be found apartment blocks, mid to late twentieth century semi-detached or terraced homes, as well as very modern detached homes such as The Studio. Furthermore, the Grade II listed Church of the Holy Trinity, the significance of which is associated with its use and historic appearance, is a dominant feature within the street scene.
9. The proposed development would add a very modern looking extension to the host dwelling. However, while I have found the potential for harm in relation to living conditions, I do not consider that the additional height would be significant enough to visually dominate the surrounding buildings. Indeed, of particular importance is the fact that there are a small number of modern homes immediately above and behind The Studio. As such, the host dwelling is very much seen within that context when viewed from Queen's Road and Trinity Church Lane. As a result, the modern appearance of the proposed extension would not appear incongruous or out of place within its immediate surroundings. Furthermore, given the presence of the modern dwellings close to the church, it is not possible for me to conclude that the proposal would lead to harm to its setting.
10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, while Section 66(1) states that special regard must be had to the desirability of preserving the setting of listed buildings. For the reasons given, I conclude that both statutory requirements would be satisfied in this instance, and as such, the proposed development would conserve the character and appearance of the Cowes Conservation Area and preserve the setting of the Church of the Holy Trinity. There would therefore be no conflict with CS Policies DM2 and DM11, which in part seek to ensure that new

developments are well designed and that they preserve the significance of designated heritage assets.

Conclusion

11. I have found that the appeal proposal would have the potential to cause harm in relation to living conditions. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have not found harm with regards to designated heritage assets. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR