



Appeal Decision

Site visit made on 24 May 20205

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/P2114/W/24/3355573

23A Albert Street, Cowes PO31 7ND

- 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 Robinson (Rotapoint Ltd) against the decision of Isle of Wight Council.
 - The application Ref is 23/01804/FUL.
 - The development proposed is continued use of single storey side extension as separate flat & include refurbishment of building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the existing property and on the local area;
 - Whether the development would provide satisfactory living conditions for future occupiers;
 - The effect of the development on the living conditions of neighbours of surrounding properties, and
 - Whether the development would provide appropriate parking provision.

Preliminary Matters

3. The proposal is described on the application forms as continued use of the side extension as a separate flat. The Appellant has provided information to set out that, in his view, No 23A is already a separate unit of residential accommodation. Evidence has been provided in the form of separate Council tax references and payments for No 23 and No 23A. Whilst I have no reason to doubt that this is the Appellant's understanding of the situation, and the separate Council tax references may provide evidence in support of this contention, no planning permission or certificate of lawfulness of the existing use has been provided to confirm the separate and self-contained residential use of the premises the subject of this appeal. In the absence of any such formal confirmation, I must necessarily consider the proposal as seeking permission to create a new residential unit.

Reasons

Character and Appearance

4. The appeal property is a single storey rear extension to No 23 Albert Street in a very dilapidated state of repair. Access is via the side steps from Albert Street, also serving No 23 and it is also possible to gain access from Moorgreen Road to the rear. The site is within a predominantly residential area. The land slopes down from Albert Street to Moorgreen Road.
5. The proposal would create a one bedroom unit with pedestrian access from the side passageway leading off Albert Street and serving No 23. It would have a flat roof with a render finish to the elevations.
6. In terms of scale and in particular its roof form as well as design and proposed materials, it would not be in keeping with the scale and form as well as the materials of the main house to which it is attached. It would be seen in street scene views both from Albert Street as well as Moorgreen Road to the rear and in such views, its poor design and visual discordance with the No 23 Albert Street would detract from the character and appearance of the local area.
7. I therefore conclude that the proposed development would not be of high quality design nor respect the character and appearance of No 23 Albert Street as well as of the local area. This would conflict with Policies DM2 and DM11 of the Isle of Wight Core Strategy (Core Strategy) and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.

Satisfactory Living Conditions – future occupiers

8. On the basis of the Council's figures which the Appellant has not sought to dispute, the proposed residential unit would have a floor area of some 32 sq m. There would be a living / dining / kitchen area together with one bedroom and bathroom. This would be a very limited floor area, even for a one bedroom flat. Moreover, the access would be restricted alongside No 23 and the outlook from the unit would be limited, particular for the bedroom which would be restricted to the side over the passageway. The plans are not entirely clear but there would appear to be some limited external space to the rear.
9. The combined effect of the limited internal space, poor access as well as limited outlook would, particularly when taken together, not provide a satisfactory living environment for future residents. This would conflict with Policy DM2 of the Core Strategy as well as the Framework, and in particular paragraph 135, all of which amongst other things seek a high standard of design which respects the amenities of existing and future occupiers.

Satisfactory Living Conditions - Neighbours

10. The plans are not entirely clear, but it would appear that the main house at No 23 would lose access to any private amenity space, as the red line accompanying the proposal indicates this to be part of the proposed unit at No 23A. Given the size of the house at No 23, this lack of any private amenity space would result in material harm to the living conditions of the residents of No 23.

11. The comings and goings associated with the introduction of a new residential unit in this rear garden location with windows facing towards neighbouring gardens would also lead to increased disturbance and loss of privacy to some of the neighbours of adjoining properties, including No 23 as the access to the proposed dwelling would pass along the side of the house.
12. The combined effect of all these factors would, particularly when taken together, not provide a satisfactory living environment for neighbouring residents, including at No 23. This would conflict with Policy DM2 of the Core Strategy as well as the Framework, and in particular paragraph 135, all of which amongst other things seek a high standard of design which respects the amenities of existing and future occupiers.

Parking provision

13. Policies SP7 and DM17 from the Island Plan seek to support proposals that increase travel choice and provide alternative means of travel to the car. The Council's adopted Supplementary Planning Document: Guidelines for Parking Provision as Part of New Developments 2017 (SPD) indicates a guideline of 1 space per 1 bed residential unit, but the SPD is clear that each situation will be considered on its merits and in relation to the specific context.
14. There would be no specific parking proposed for the new unit. On-street parking is unrestricted along both sides of Albert Street and in some of the adjoining streets. The Highway Authority indicates that the parking in the local area is at saturation point. However, the site is in a generally sustainable location in terms of access to public transport and shops and services.
15. Although there has been no parking assessment undertaken, given the on-street parking and the location of the site, as well as the small scale of the development proposed, I am satisfied that the absence of a parking space specific to the proposed unit would not be a reason to withhold planning permission in the particular circumstances of this case. There would be no conflict with Policies DM17, SP7 and DM2 of the Core Strategy in respect of securing sustainable travel.
16. The proposal would not fully accord with the parking standards set out in the SPD but for the reasons set out above, and in the particular circumstances of this case, I do not consider that this would on its own justify refusal of planning permission.

Other Considerations

17. A legal agreement has been provided by the Appellant during the course of the appeal to pay a Habitat Mitigation Contribution in the sum of £465.00 prior to commencement of development and an affordable housing contribution to be paid prior to occupation, based on a formula relating to a percentage of open market value less a threshold figure. I have taken this agreement and the contributions offered into account in my decision.
18. The Council has commented on the legal agreement to advise that the required contributions to the Habitat Mitigation Contribution (Bird Aware Solent Strategy) are updated each 1st April and that therefore the submitted agreement does not accord with the latest contribution figures. Were there no other matters of concern and planning permission were to be granted, it would be possible to revise the agreement to secure the required contributions.

Planning Balance

19. I have found that the proposed development would be acceptable in terms of parking, notwithstanding the lack of provision for on-site parking. It would also be possible to resolve and secure the appropriate contributions required for affordable housing and the Bird Aware Solent Strategy. However, these findings would not override the harm I have concluded to the character and appearance of the local area, as well as the living conditions of future and existing residents. Consequently, there would be conflict with the development plan policies which are consistent with the Framework's position of seeking a high quality of design which respects and re-enforces local character and the amenities of existing and future occupiers. As a result, I attach significant weight to this conflict.
20. There is no dispute between the parties that the Council is unable to demonstrate the required supply of deliverable housing sites, and that as a result Paragraph 11 d) is engaged. Accordingly, in line with paragraph 11(d) and footnote 8 of the Framework, the policies most important for determining the application are out of date. Paragraph 11 d) i. is not relevant in this instance and therefore Paragraph 11 d) ii. is engaged whereby planning permission should be granted unless *any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*
21. There would be a modest social benefit in providing an additional housing unit in a generally accessible location and making efficient use of the land. Economic advantages would also arise from the construction works and occupation of this dwelling. These benefits carry some weight in support of the proposal. I have also paid particular regard to the paragraphs referenced in footnote 9 of Paragraph 11 d) ii. of the Framework. I have addressed some of these paragraphs above and whilst some of the paragraphs support the proposal, they include references to achieving well designed places and a good standard of amenity for existing and future occupiers. This therefore limits the weight to be attached.
22. I attach significant weight to the principle of housing delivery but the benefits arising from a net addition of one unit would be very modest. However, the provision of the new residential unit as proposed would materially harm the character and appearance of the local area, as well as the living conditions of existing and future residents. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

23. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR