



Appeal Decision

Site visit made on 10 June 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/P2114/W/24/3357779

Melrose, Spindlers Road, St Lawrence, Ventnor, Isle of Wight PO38 1XA

- 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 Susan Herbert against the decision of Isle of Wight Council.
 - The application Ref is 23/01991/FUL.
 - The development proposed is erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been provided with a Block Plan (numbered D3) and a Site Layout Plan (numbered D2), which both show the layout of the proposed bungalow in relation to the road and surrounding buildings. However, using the scale bars on each of the drawings results in significant discrepancies in the size of the site and the proposed bungalow. Comparison with the more detailed elevation and floor plans of the bungalow (Drawing numbered D1), indicates that the scale bar on Drawing D3 is erroneous. I have also been supplied with two unnumbered drawings, at different and unspecified scales, showing landscaping proposals. These are not consistent with Drawings D2 or D3 as they show the bungalow to be considerably further from the road. In light of this, I have discounted Drawing D3 and those showing landscaping details. My decision is based on the drawings numbered D1, D2 and D4.
3. The Council's fourth reason for refusal was based on the lack of a contribution towards affordable housing. During the appeal, the appellant submitted a Unilateral Undertaking dated 24 February 2025, under Section 106 of the Act, which secures a financial contribution towards affordable housing. The Council has confirmed that the Unilateral Undertaking overcomes this reason for refusal.

Main Issues

4. The main issues are, therefore:
 - a) The effect of the development on the character and appearance of the area;
 - b) The effect of the development on the living conditions of the occupants of Sunny Croft, The Moorings and Melrose, with particular regard to the enjoyment of their outdoor amenity spaces; and,
 - c) The impact of the proposal on ground stability.

Reasons

Character and appearance

5. The appeal site lies within a long, narrow expanse of residential development that occupies the coastal slope extending westwards from Ventnor. The sinuous roads follow the contours, so the houses have an informal arrangement, and they vary widely in scale, form, and materials. There is a high level of tree cover between the buildings, which are generally at low density, resulting in the wider area having a spacious, semi-rural character. There are, however, some clusters of houses, where the buildings are closer together, and trees are less pervasive, so the character becomes more suburban.
6. The area around the appeal site is one such area. The semi-detached houses on the eastern side of Spindlers Road occupy limited plots, so are closely spaced and near to the road. They are seen in close association with Sunny Croft, which is on a modest plot and close to the road on the opposite side. The line of dwellings extending westwards, which includes Melrose, are also quite tightly grouped, albeit that they have long front gardens. Consequently, the area immediately around the appeal site does not share the same spacious character as the wider surroundings. Within this context, the subdivision of the appeal site could be achieved whilst maintaining the wider area's prevailing character.
7. Sunny Croft, Melrose, and the four dwellings to the west are broadly in alignment. However, this does not translate into any particular formality in the street scene, as the dwellings are set well back from Seven Sisters Road, and at a lower level, behind extensive landscaped gardens and roadside screening. Furthermore, the dwellings differ widely in scale and design, and are at different levels, which further reduces any apparent uniformity in their layout. In any event, Sunny Croft and Melrose do not have access drives off Seven Sisters Road, so they appear visually detached from the others in the row. Melrose is also on a different orientation to the dwellings to the west, with its ridge perpendicular to the road and its front door facing east. The proposed bungalow would also be orientated this way. So, although it would sit in front of the line of buildings, it would have a side-to-side relationship with Melrose and would not appear discordant in the street scene.
8. The bungalow would sit well below the level of Seven Sisters Road, so would not be a dominant feature in views along the street from either direction. Its northerly gable would be close to the road, but only its apex would be visible above the steep roadside embankment, so it would not be a strident feature. As there are a range of building sizes and forms in the immediate vicinity, with a variety of materials, the vertically boarded bungalow would not appear incongruous. Indeed, the dark staining would help it to recede in the street scene, and would not, in itself be unattractive. The building would occupy a considerable proportion of its plot, so there would be limited scope for landscaping. However, the low-profile nature of the building, its reduced level in relation to the road, and its recessive materials, means that only reinforcement of the existing boundary planting would be necessary to successfully assimilate it into its surroundings.
9. The proposal would, therefore, optimise the potential of the site whilst maintaining the character and appearance of the area. Consequently, it would accord with

Policies DM2, DM11 and DM12 of the Core Strategy¹, which support proposals that conserve and enhance the special character of the Island's built environment, whilst allowing change to take place.

Living conditions

10. Sunny Croft is a bungalow to the southeast, which is at a slightly lower level than the appeal site. It is divided from the appeal site by a two-metre close-boarded fence so, although it has three windows facing north, there would be little intervisibility between these windows and the bungalow. Sunny Croft is very close to its rear boundary fence, and a garage occupies most of the space in the side garden nearest to the appeal site. Consequently, the main outdoor amenity space for occupants is to the south. The proposed bungalow would not be readily visible from here, so would not have an imposing impact and would have a negligible effect on the occupants' enjoyment of this outdoor area.
11. The Moorings is a bungalow to the northwest, which is at a slightly higher level than the appeal site. It has a long front garden that slopes up to an access on Seven Sisters Road. The side boundary of this garden is marked by a close-boarded fence that is more than two metres above the level of the appeal site. There is also boundary planting in the garden of The Moorings to a higher level. Although the proposed bungalow would be close to this boundary, its eaves would be little higher than the fence, and the roof would slope away from the boundary. Consequently, it would not be an overbearing feature when viewed from within The Moorings or its garden, and it would not lead to any significant loss of light. The windows in its rear elevation would be high-level and below the line of the fence, so would not overlook the adjoining garden. The proposal would not, therefore, have a harmful impact on the living conditions of occupants of The Moorings.
12. Melrose is at a similar level to the appeal site, and about five metres from the boundary, which is marked by a two-metre high close-boarded fence. There are two ground floor windows and one first floor window facing the appeal site, and the proposed bungalow would be about four metres away from the boundary, resulting in a gap of about nine metres between the buildings. At this distance, and being single storey, the proposed bungalow would not be an overly dominant feature when seen from within the dwelling.
13. The outdoor area on this side of Melrose is used for car-parking, so the presence of the gable end of the proposed bungalow relatively close to the boundary would not have any significant effect on the occupants' living conditions. The main outdoor amenity area for Melrose is on the opposite side and is about ten metres deep along the full width of the plot. It is level, private and well-maintained, so provides a high standard of outdoor amenity for occupants. The proposed dwelling would not, therefore, result in any harm to the living conditions of the occupants of the host property.
14. To conclude on this issue, the proposed bungalow would not be an imposing feature from any of the surrounding properties, so would not be harmful to the living conditions of occupants. The proposal would, therefore, accord with Policy DM2 of the Core Strategy, which seeks to ensure that development proposals provide an attractive, functional, accessible, safe, and adaptable built environment.

¹ Island Plan: The Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies DPD (adopted March 2012).

Ground stability

15. The northern part of the appeal site is a very steep slope of two or three metres up to Seven Sisters Road. Beyond the road the ground continues to rise steeply. The application was not accompanied by any evidence relating to the stability of this slope, or the appeal site and its surroundings. The appellant's statement says that an updated Ground Stability Report would be obtained to demonstrate the site is safe and suitable for development. However, the only information that I have been provided with is a report² that was prepared for a 2019 planning application for a dwelling on adjacent land to the east (the Stability Report).
16. The Stability Report identifies that the ground in the area forms part of a series of major regressive landslides known as the Undercliff, and that movements have been recorded within the landslide complex over both geological and historical time periods. The Stability Report refers to a set of maps that were produced in the 2000s on behalf of the Council showing details of geomorphology and ground behaviour, and giving planning guidance on areas likely to be suitable for development.
17. The maps show that the steep slope on the northern edge of the site marks the edge of a major ground block. The Stability Report states that differential ground movements can occur at the junctions between ground blocks, and generally it is considered unwise to build over such features, or too near to them. The proposed bungalow would encroach into the junction of the ground blocks and would be within two metres of the road. Excavations would be necessary for foundations at the base of, or within the slope. The Stability Report recommended that the dwelling proposed in 2019 should be relocated southwards to avoid incursion into the junction of the ground blocks, as well as ground investigation to confirm that no major discontinuity features are present immediately below the surface of the site. I have no evidence to demonstrate whether these recommendations were acted on before permission was granted, but the dwelling was not built, and the evidence suggests that the permission has expired.
18. Paragraph 187 of the National Planning Policy Framework (the Framework) says that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by land instability. Paragraph 196 says that when determining whether a proposal is suitable in this regard, adequate site investigation information, prepared by a competent person, should be available to inform the assessment. The only evidence available is the Stability Report for the adjoining site, which recommended that the proposed dwelling should be located outside the junction of the ground blocks. There is, therefore, no up-to-date site-specific evidence to assure me that excavations so close to the bank would not compromise its stability, with potential impacts on Seven Sisters Road above.
19. I have considered whether this matter could be resolved through the imposition of a pre-commencement condition. However, there is little scope within the site for relocation of the bungalow away from the slope, should this prove necessary. A pre-commencement condition that was not capable of being discharged would be unreasonable, so would not meet the tests set out in the Framework. Consequently, as it has not been demonstrated that the development could be

² Tari Wills Associates Ground Stability Appraisal Report Ref: 18C117 (Rev 1) 28 January 2019

carried out without consequent harm to land stability, the proposal would be contrary to Policy DM2 of the Core Strategy which, amongst other things, seeks to ensure that development proposals are safe.

Planning Balance

20. I have found that the proposal would accord with development plan policies that seek to protect the character and appearance of the area and the living conditions of existing residents. However, it would conflict with Policy DM2 of the Core Strategy, insofar as it has not been demonstrated that the development would be safe. Consequently, it would conflict with the development plan as a whole. Nonetheless, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council's evidence indicates that the supply is 3.5 years, so the shortfall is substantial. In these circumstances, the approach to decision-making set out at Paragraph 11d) of the Framework applies.
21. Paragraph 232 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. I see no fundamental conflict between the aim of Policy DM2 to ensure that development is safe, and the advice in paragraphs 187, 196 and 197 of the Framework. The conflict between the proposal and this development plan policy should, therefore, be given significant weight in this appeal.
22. The proposal would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 61, and it would make a modest contribution towards addressing the shortfall in housing land supply. It would make efficient use of land in accordance with the advice at Section 11, and would provide a modern, energy efficient home, which would align with the Framework's aims to plan for climate change. These benefits carry significant weight.
23. There would be economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the modest scale of the development means that these benefits would be limited.
24. The proposal would also provide a suitable home for the appellant's elderly parents in close proximity, allowing them to continue living independently, but with support nearby. As this is largely a personal benefit, it only carries moderate weight in my decision.
25. Overall, when assessed against the policies in the Framework taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the potential danger to occupants of the development and users of Seven Sisters Road through ground instability. The advice at paragraph 11d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan in this regard.

Conclusion

26. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR