
Appeal Decision

Site visit made on 24 June 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/P2114/W/25/3363612

33 Solent View Road, Gurnard, Isle of Wight PO31 8JY

- 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 Jonathan Reece and Clare Hensall against the decision of Isle of Wight Council.
 - The application Ref is 24/01841/FUL.
 - The development proposed is alterations to roof of existing house. 2x new dwellings (pair of semi detached).
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Decision

1. The appeal is allowed and planning permission is granted for alterations to roof of existing house. 2x new dwellings (pair of semi detached) at 33 Solent View Road, Gurnard, PO31 8JY in accordance with the terms of the application, Ref 24/01841/FUL, subject to the conditions in the attached schedule.

Background and Main Issues

2. The Council issued a split decision, granting permission for alterations to the roof of the existing house at 33 Solent View Road (No 33) and refusing the two proposed dwellings. I have reflected the alterations to the roof of No 33 as appropriate throughout my decision.
3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the site and the surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers of 37 Solent View Road (No 37) with regard to light and outlook;
 - the effect of the proposed development on the Solent and Southampton Water Special Protection Area (SPA); and
 - whether the proposed development would provide an appropriate contribution towards affordable housing.

Reasons

Character and appearance

4. The appeal site relates to an existing two storey house and a vacant plot of land currently occupied by two garages. Solent View Road contains a mix of predominantly two storey and one storey detached and semi-detached houses in

wide a variety of designs. While the site is relatively level, the road slopes gently in a south westerly direction.

5. The site lies between 33 and 37 Solent View Road (No 33 and No 37). No 33 is a two storey detached dwelling which has planning permission to increase its roof height and insert new windows at the loft floor level. No 37 is a bungalow, which at the time of my site visit, was being extended at the rear. There is a strip of land between the appeal site and No 37 which contains a single storey flat roofed garage and is used for the parking of vehicles.
6. While it has been argued that the proposed dwellings would be unconventionally tall for a two storey house, the space that would exist between them and No 37 would help to reduce the visual impact of the height difference and the jarring effect that might arise if they were immediately adjacent to one another. Although the sloping topography of the street is evident, the gentle ground level changes would not give rise to an unduly dominant or overbearing relationship of the proposed development with No 37.
7. The Council assert that even if the height of the proposed dwellings emulated the height of the semi-detached pair at 29 and 31 Solent View Road, the height difference between the proposed dwellings and No 37 would still be unacceptable. However, given the height difference between existing properties in the street, where it is not uncommon to see two storey dwellings neighbouring single storey dwellings, this argument lacks justification.
8. The proposed dwellings have been designed with footprints that are proportionate to their respective plots. Both the size and shape of the plots would reflect other plots containing semi-detached dwellings in the street. The dwellings would be comfortably positioned within their plots, providing adequate separation from neighbouring properties. The proposed houses would also reflect the width and depth of other semi-detached dwellings in the street. Consequently, the scheme would avoid any sense of overdevelopment and would not appear cramped or incongruous with the character of the street scene.
9. The street is characterised by dwellings with forecourt parking set behind low front boundary walls. The proposed scheme incorporates two car parking spaces at the front of each dwelling. There would be insufficient space to allow car users to open car doors due to the proximity of proposed planters positioned along the side boundaries of the site. A condition could be imposed to ensure the scheme does not include the planters along the side boundaries. The proposed hedging between the plots and the planter and brick piers along the front boundary would be sufficient to help break up and soften the visual impact of the car parking spaces in the street scene. It is also of note that the Highway Authority did not object to the proposed parking layout.
10. For the reasons given, the proposed development would not unduly harm the character and appearance of the site and the surrounding area. Accordingly, it would comply with Policies DM2 and DM11 of the Isle of Wight Core Strategy and Development Management Development Plan Document (March 2012) (the CS) insofar as they require development proposals to complement the character of the surrounding area, optimise the potential of sites but have regard to existing constraints such as adjacent buildings and topography.

11. While not referred to in the Decision Notice but in the Officer Report, the proposal would also comply with the Policy H1 of the Gurnard Neighbourhood Development Plan 2016-2027 insofar as it requires development to reflect the character and density of the surrounding development.

Living conditions

12. No 37 has three windows on its side elevation facing the appeal site, one serving a living room at the front of the bungalow and one serving a kitchen at the rear. The third window is obscurely glazed and does not serve a habitable room. The proposed dwellings would be set back behind the side living room window, and as a result, would not unacceptably reduce the amount of light and quality of outlook appreciated from that window.
13. The existing outlook from the side kitchen window of No 37, as evidenced in submissions by its occupants, largely comprises the existing garages within the appeal site. As such, the existing outlook from that window is already constrained, and during my site visit, further so by a tall van parked in the strip of intervening land between the appeal site and No 37. Although the outlook from the side kitchen window would change, I do not find the proposal would cause unacceptable harm to the outlook from that window given the current outlook. On the contrary, the removal of the existing garages and the erection of a fence along the shared boundary would tidy up the appearance of the site from the kitchen window.
14. While it is acknowledged that introducing a taller structure, in the form of a two storey dwelling, near the side kitchen window may have an effect on light levels, the kitchen benefits from another window and a half glazed door on the rear elevation of the bungalow, which would help to mitigate any harmful reduction in light to kitchen.
15. For the reasons given, the proposed development would not harm the living conditions of the occupiers of No 37 with regard to light and outlook. It would comply with Policies DM2 and DM11 of the CS insofar as it expects development to have regard to existing constraints such as adjacent buildings, and balance quality of place with economic, social and environmental characteristics.

SPA

16. The appeal site falls within the 5.6km Zone of Influence of the SPA which is designated to conserve critical habitats and species. The qualifying features of the SPA include the habitats it provides for protected species of birds to feed, rest and breed. Additional residential development, together with other developments in the area, has the potential to increase visitor numbers and recreational pressures on the SPA with associated harmful impacts on its qualifying features which would undermine its conservation objectives. The proposal would therefore result in likely significant effects on the qualifying features of the SPA, either alone or in combination with other plans or projects.
17. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires me to make an Appropriate Assessment of the implications of the proposal for the conservation objectives of the SPA. I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.

18. The Council's strategy for achieving mitigation of increased recreational pressure on the SPA as a result of additional homes is set out within the Bird Aware Solent Revised Strategy (2024) (the SRS). The mitigation in the SRS comprises funding from developer contributions calculated according to the bedroom numbers of proposed dwellings. It applies to all homes built within 5.6 kilometres of the SPA and aims to mitigate likely impacts of bird disturbance as a result of these additional homes and the resulting increase in recreational visits by focussing on educating people about the birds and encouraging positive behaviour change.
19. During the course of the appeal the appellant submitted a signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 which has been accepted by the Council. This secures a financial contribution towards mitigation for the effect of the proposed development on the SPA which would help deliver the SRS's behaviour change projects through preparing and updating code of conduct wildlife aware guides, expanding the use of audience workshops, resourcing communications, education programmes and exploring the use of volunteers, amongst other things.
20. The UU requires the financial contribution to be paid prior to the commencement of the development. Furthermore, that document confirms the purpose of the payment and therefore the way in which the money should be spent. The Council is a responsible and accountable public body, and the SRS is a clearly detailed long-term plan to fund the relevant mitigation measures endorsed by Natural England. In these circumstances, I am satisfied that the financial contribution would lead to effective mitigation.
21. I have consulted with Natural England, which has confirmed it has no objections to the contribution that has been secured to avoid significant adverse impacts on the SPA. Consequently, I am satisfied that likely significant effects to the ecological integrity of the SPA would be avoided.
22. The development would be connected to the public sewer that discharges to Sandown Waste Water Treatment Works and into the English Channel. I have no reason to conclude that the proposal would discharge into the Solent and result in any harmful nitrate enrichment of the SPA. The Council and Natural England came to similar conclusions in this regard.
23. For these reasons, the proposal would not have an adverse effect on the SPA. It would therefore comply with the Habitat Regulations and Policies SP5 and DM12 of the CS insofar as they seek to protect the integrity of international, national and local designations, respond to the SRS and conserve, enhance and promote biodiversity.

Affordable housing

24. Policy DM4 of the CS sets out that the Council will seek to deliver around 1,790 affordable homes over the plan period. For small scale schemes such as this, the policy requires a financial contribution towards affordable housing. The Affordable Housing Contributions Supplementary Planning Document (March 2017) sets out details of financial contributions required, based on property values. The UU would provide a contribution towards affordable housing in accordance with this document.

25. As such, the proposed development provides an appropriate contribution towards affordable housing. Accordingly, it would comply with Policy DM4 of the CS.

Other Matters

26. Paragraph 58 of the National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and finally they must be fairly and reasonably related in scale and kind to the development.
27. I am satisfied that the financial contributions towards the SPA and affordable housing are necessary to make the proposed development acceptable in planning terms. The obligation would contribute towards reducing recreational disturbance on the SPA and the provision of affordable housing. Given the location of the appeal site, I consider that the contributions are directly related to the appeal scheme. In addition, as they relate to standard charges based on the scale and type of residential development proposed, I consider them to be fairly and reasonably related to the proposal in scale and kind. For these above reasons, I am satisfied that the planning obligation would meet the requirements of the Framework and the CIL Regulations.

Conditions

28. I have had regard to the tests in the Framework and Planning Practice Guidance in relation to planning conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty. As set out above, another condition would be necessary to require the approval of an amended site plan to show the omission of side boundary planters in the interests of providing accessible parking spaces.
29. A pre-commencement condition is necessary to secure the submission and approval of details for the drainage and disposal of surface and foul water from the development to ensure the site is suitably drained and to protect ground water and watercourses from pollution.
30. A condition requiring the submission and approval of the external materials is necessary in the interests of the character and appearance of the area.
31. In the interests of highway safety, a condition requiring the submission and approval of details for the drainage and surfacing of the car parking area is necessary. For the same reason, a condition regarding details and approval for the relocation of the existing street lighting column and bus stop flag to the front of the appeal site is necessary.

Conclusion

32. For the reasons given above the appeal should be allowed.

U P Han

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing 24:159:204A; 24:15:211; 24:159:214; and 24:159:210A except in respect of the side boundary planters shown on plan 24:159:210A.
- 3) Notwithstanding the proposed ground floor plan on drawing number 24:159:210A, the dwellings hereby permitted shall not be first occupied until an amended proposed site plan showing the front parking area free from any side boundary planters is submitted to and approved by the local planning authority. The front parking area shall be completed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until the space for cars to be parked as shown in drawing no.24:159:210A has been drained and surfaced in accordance with details that shall first have been submitted to and approved by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 6) Prior to the accesses hereby approved first coming into use, the existing street lighting column and bus stop flag located to the front of the site shall be relocated in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. Foul drainage shall be connected to the public sewer served by the Southern Water Wastewater Treatment Works at Sandown. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the dwelling hereby permitted and be retained thereafter.

End of Conditions