



Appeal Decision

Site visit made on 2 September 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/P2114/W/25/3365526

11 High Street, Sandown, Isle of Wight PO36 8DA

- 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 D Thakrar against the decision of Isle of Wight Council.
 - The application Ref is 25/00251/FUL.
 - The development proposed is described as “conversion of rear area of 11 High Street Sandown to a residential dwelling”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the future occupiers of the appeal scheme, with particular regard to fume emissions from the adjacent launderette.

Reasons

3. The appeal site lies within Sandown Town Centre on a stretch of the High Street where both sides of the road are characterised by terraced properties with ground floor commercial, business and service use with residential accommodation over.
4. No. 11 is typical of this streetscape and comprises former solicitors’ offices on the ground floor with a flat above which is accessed via a side covered alleyway which also provides access to an adjacent flat above No. 13. The ground floor of the building extends towards the rear of the site and is currently unoccupied.
5. Planning permission¹ (the launderette approval) has been granted to convert the front part of the former offices to a launderette. This use has not yet commenced. The appeal scheme relates to the conversion of the remainder of the ground floor to a 2-bedroomed flat.
6. The approved launderette would incorporate 4 stacked commercial tumble dryers, equating to 8 dryers. Having regard to the outflow from these machines, a condition of the launderette approval requires the development to be carried out in accordance with extraction system details which have first been approved by the Council. The subsequent condition discharge consent² approved a 500mm circular exhaust duct running along the internal wall at ground floor level and exiting via a

¹ LPA Ref 24/01074/FUL granted 3 October 2024

² LPA Ref 24/01891/DIS granted 23 January 2025

plenum box measuring 700mm by 1200mm attached to the rear wall of the main 2-storey part of the building.

7. The approved extraction system details took account of the existing first floor residential accommodation within the building. At that time, there was no extant permission for the residential conversion of the remainder of the ground floor of No.11. As such, the approved extraction duct does not take account of the appeal scheme.
8. The approved extraction system would vent out into the narrow passageway between No.11 and the neighbouring property to the west. 3 windows are proposed along the west side elevation of the new flat, which would serve as the sole main windows serving two bedrooms and a lounge.
9. I saw during my site visit that the passageway is long, narrow and enclosed. Given the proposed position of the extraction duct at near-ground height on the rear wall of the building at the southern end of the passageway, there would be restricted potential for air mixing at the point of discharge from the duct.
10. Moreover, the proposed dryer exhaust discharge point is lower than that approved under the condition discharge approval. The appellant has not explained why the position is proposed to be altered, and I find that the new position would reasonably result in a greater hindrance of fume dispersal than in the case of the approved higher duct position.
11. The closest ground floor window to the proposed extraction duct has been sealed off and the extraction vent would be sited a minimum of 2.12m from the closest bedroom window, so that it would comply with the BS 8446:2020 standard of 2m in relation to the '*Installation and maintenance of open-flued, non-domestic gas-fired laundry appliances*' (the BS). However, the information before me is that this standard is concerned primarily with tumble dryer efficiency and guaranteeing that make-up air is not contaminated by damp warm air being re-introduced into the system.
12. However, the Council's concerns specifically relate to the gas-powered design of the tumble dryers and the associated potential risk of carbon monoxide discharge from the extraction vent.
13. It is the appellant's view, supported by emails from a representative of a large UK tumble dryer supplier³ and having regard to the technical details of the dryers, that it would not be possible to create carbon monoxide due to the air mix.
14. Notwithstanding the above, since gas dryers heat air by burning gas, there is potential for carbon monoxide to be produced if there is insufficient oxygen to enable complete combustion to take place. This is acknowledged in the first paragraph of the appellant's supporting email dated 1 May 2025.
15. As such, whilst noting that the BS states that air for combustion of the gas commonly takes around 2% to 6% of the total air volume required for the operation of a laundry appliance⁴, in the absence of specific details from the appellant in respect of the precise specification of the tumble dryer ducting system, and how it would be installed and thereafter maintained in order to ensure that no carbon

³ Simon Arch - (ADC Dryers)

⁴ BS 8446:2020 Section 10

monoxide would be produced, I am unable to conclude that there would be no associated risks to future residents of the proposed ground floor flat, who would reasonably be likely to open their bedroom and lounge windows on a regular basis, particularly during warm weather.

16. In coming to this view, I have taken account of the location of the site within the Sandown Conservation Area (the SCA), which would reasonably preclude locating the extraction duct in an alternative location on the front of the building due to potential harm to the character and appearance of the street scape.
17. I have no reason to doubt that the company involved can meet the requirements and safety standards of the Department of Health HTM 01-04 and the Care Quality Commissions guidelines. However, the appellant's appeal statement has not explained which sections, if any, of these regulations are particularly relevant to the appeal scheme before me and the Council's first reason for refusal. Neither is there cogent evidence before me that the appellant's statement incorporates advice and guidance from a qualified gas safety expert.
18. For the above reasons, I therefore conclude that, based on the evidence before me, it has not been satisfactorily demonstrated that the proposal would provide adequate living conditions for the future occupiers of the appeal scheme, with particular regard to fume emissions from the adjacent launderette. As such, the development would not accord with Policy DM2 of the *Island Plan: Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document* (March 2012) in so much as this policy, amongst other things, seeks to ensure that new development provides a safe built environment.
19. This accords with guidance within the Framework which seeks to ensure that developments will function well and promote health and well-being with a high standard of amenity for existing and future users (paragraph 135).

Other Matters

Heritage

20. Given the location of the site within the SCA, I have considered the proposal in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
21. I find no conflict with the above, since the only proposed external change to the building is the blocking off of a ground floor window on the west side elevation in a visibly enclosed position facing into a side passageway, and given that the proposal would convert the rear of the ground floor into residential use within a part of the SCA which is characterised by a mix of commercial and residential uses.

SPA

22. The appellant has submitted a completed unilateral undertaking (UU), pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the payment of a Habitat Mitigation Contribution to provide appropriate mitigation against potential harm caused by recreational disturbance arising from the

proposed additional residential unit to the Solent and Southampton Water Special Protection Area (SPA). This European designated site is identified as being of international importance for the breeding, feeding, wintering or migration of rare and vulnerable species of European Union birds. This proposed mitigation accords with the *Bird Aware Solent Recreation Mitigation Strategy* (2017).

23. Whilst not comprising a reason for refusal, within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the SPA. However, as the first main issue provides clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider this matter any further as part of my decision.

Affordable housing

24. The Council has confirmed that a lack of delivery of affordable housing is a significant issue, and that there is an acknowledged need to increase the supply of such housing for the Island. The appeal site lies within a designated settlement boundary where small-scale residential developments are expected to provide financial contributions towards the delivery of off-site affordable housing, in accordance with the requirements of Core Strategy Policy DM4, which expects all new housing developments to provide for either on-site or off-site affordable housing, and the Council's *Affordable Housing Contributions Supplementary Planning Document* (2017).
25. Having regard to the available evidence, I am satisfied that a financial contribution towards affordable housing, which is calculated using a standard formula which accounts for the market value of the development, and which would be secured through the submitted signed and dated planning obligation, is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
26. As such, the submitted obligation, in so far as it relates to the affordable housing contribution, would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Planning Balance

27. It has been brought to my attention in determining another current appeal⁵ in relation to the Council's refusal of planning permission for residential development, that the Council is unable to demonstrate a five-year supply of deliverable housing sites. It considers that it can deliver a 3.5-year supply of deliverable housing⁶.
28. Accordingly, paragraph 11 of the *National Planning Policy Framework 2024* (the Framework) applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three

⁵ APP/P2114/W/25/3364263

⁶ Isle of Wight Council Five Year Housing Land Supply Annual Position Statement on 1st April 2024

years. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.

29. Paragraph 8 defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be within a designated settlement boundary, where access to facilities and public transport connections is likely to be greatest.
30. It would make a small contribution towards the Council's housing supply, and it could be built out relatively quickly, having regard to paragraph 73 of the Framework. There would be economic benefits as a result of the construction of the dwelling and economic and social benefits as a result of its future occupation. The proposal would also make a financial contribution towards affordable housing.
31. However, the aforesaid benefits would be modest having regard to the small scale of the development. Moreover, there would be some economic dis-benefits as a result of a loss of office floor-space.
32. Accordingly, I find that these benefits do not outweigh the harm I have found in respect of the first main issue, and that the Framework social objective of sustainable development of providing well-designed and safe places would not be achieved.
33. The Council has raised no objection to the appeal scheme in respect of matters including the principle of development, design, heritage impacts, highway safety and parking, and biodiversity. In terms of the planning balance, a lack of identified harm is a neutral factor.
34. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified in respect of the first main issue.
35. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits, and 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

36. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR