



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: 18 September 2025

Appeal Ref: APP/P2114/W/25/3366032

Land adjoining 2 Crescent Road, Sandown, Isle of Wight

- 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 Isle of Wight Hotels Ltd against the decision of Isle of Wight Council.
 - The application Ref is 24/01777/FUL.
 - The development proposed is demolition of garage and store building and construction of dwelling with parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area and on the Sandown Conservation Area; and
 - The effect of the proposal on the living conditions of the occupiers of nearby properties, with particular regard to outlook and light impacts.

Reasons

Character and appearance

3. The appeal site is located on the south side of Crescent Road. It is T-shaped and is occupied by a brick and render finished single storey garage/store building which is part flat and part pitched roofed. To the front of the building is an open hard-surfaced forecourt accessed directly from Crescent Road, so that the site has a highly visible presence within the Crescent Road townscape.
4. The area around the appeal site is characterised by a variety of property uses, designs, heights and building lines. These include hotels which front onto Culver Parade, looking towards the sea, a public house fronting Avenue Road near its junction with Crescent Road, and residential properties within Crescent Road and further north along Avenue Road. The existing built developments along Culver Parade, Avenue Road and the northern side of Crescent Road generally present consistent and uniform frontages to their respective roads.
5. The southern side of Crescent Road within which context the appeal site is read, does not have a uniform street-facing built frontage. There is frontage 2-storey commercial and residential built development sited close to the back of the footpath running along Avenue Road and around the corner into Crescent Road, including a

public house and several dwellings. Then, further east along Crescent Road, including the appeal site, the character of the south side of the road predominantly comprises the rear elevations of the aforesaid taller sea-facing hotel buildings, together with associated rear extensions, outbuildings, staircases and parking areas.

6. Notwithstanding the current condition of the existing buildings on the appeal site, they nonetheless fit comfortably within the prevailing townscape of the southern side of Crescent Road, which comprises irregularly positioned built development to the rear of and subservient in function and size to, the south-facing hotel development.
7. The existing buildings on the appeal site do not appear so unduly visually intrusive or harmful to the townscape as a result of their current state of repair as to warrant their removal on visual amenity grounds. Moreover, based on the evidence before me, including my site visit, I see no reason why they cannot be restored to an improved condition. Alternatively, their removal and/or replacement with similarly designed and sized outbuildings would not compromise the prevailing townscape.
8. The existing garage/store buildings are clearly subservient in scale to most of the buildings which surround them, and notwithstanding having a relatively large footprint in relation to the appeal site and being positioned close to the site boundaries, they do not appear unduly cramped or visually over-dominant due to a combination of their single storey height, their building scale and their function as a garage and store.
9. The proposal would replace the existing buildings with a detached two-storey pitched roof dwelling which would be sited in the position of the flat-roofed part of the existing structures. It would be located within the central part of the site, with proposed private garden areas to one side and to the rear and a parking area to the front.
10. The proposed building would have a smaller footprint than the existing garage, and its proposed siting would allow for more space to be provided between the building and the southern and western site boundaries than was the case in respect of the previous two refused planning applications for two¹ and three² houses on the site. In this respect the appeal scheme is less cramped than the previous proposals in relation to those boundaries.
11. However, the width of the new building would be similar to that of the existing flat-roofed structure, and, whilst there would be some off-set from the appeal site boundaries, the new building would still be positioned close to the eastern side boundary and parts of the northern and southern boundaries.
12. Moreover, the proposed positioning of the new dwelling further forwards towards the site frontage than the previously refused schemes means that it would have a significantly greater visual impact upon the Crescent Road street-scene than in the case of the earlier proposals. The proposed function of the building as an independent dwelling which fronts the street would further reinforce its visual presence within the streetscape.

¹ LPA Ref 24/00232/FUL

² LPA Ref P/00800/17 – Dismissed by appeal Ref APP/P2114/W/18/3194841

13. The appeal scheme would present a notably higher building fronting the street than that which exists. Furthermore, the perceived increase in height would be accentuated by the design of the proposed building having a high ground-to-eaves height in comparison to the distinctly shallower eaves-to-ridge height, together with the positioning of the new building on the part of the appeal site where the existing ground levels are at their highest.
14. The proposed angled position of the dwelling and that of the eastern site boundary relative to the alignment of the site road frontage would result in a high gable-ended house side wall and a 1.8m high close-boarded fence projecting awkwardly towards the site frontage. The proposed frontage parking, by taking up a large part of the area to the front of the dwelling and being positioned close to and obliquely to the front of the dwelling, would introduce a further discordant element to the built development.
15. As a result of all the above combined, the proposal would have an unduly over-dominant, incongruous and cramped appearance when viewed from Crescent Road. This would be to the detriment of the prevailing townscape.
16. The boundary of the Sandown Conservation Area (the SCA) abuts the southwest corner of the appeal site, although the site itself lies outside the conservation area. The SCA is split up into character areas, with that closest to the appeal site (character area 1) being identified in connection with its commercial character associated with Sandown's history as a seaside resort.
17. The appeal site lies behind buildings that are either within or adjoin the SCA and, as such, it is mainly hidden in views into and out of the conservation area. This, together with the position of the site on the outer edge of the SCA means that it makes a limited contribution to the significance and character and appearance of this heritage asset.
18. Moreover, since the appeal scheme would front onto Crescent Road and would be largely screened in views into and out of the conservation area, it would have little visual or physical connection with it. Accordingly, the proposal would not impact upon the commercial character of the SCA. This, combined with the outlying position of the proposed development in relation to the SCA and the limited contribution that the appeal site makes to the character and appearance of the conservation area, means that the proposal would not harm this heritage asset and the character of the SCA would be preserved.
19. Notwithstanding the above, for the aforesaid reasons, I nevertheless conclude that the proposal would materially harm the character and appearance of the area. As such it 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) (the Core Strategy) in so much as this policy, amongst other things, expects development proposals to provide an attractive built environment.
20. This accords with the Framework objective of achieving well-designed places (chapter 12).

Living conditions

21. To the west side of the appeal site at 2 Crescent Road is a two-storey terraced house whose sole area of outdoor living space is located to the rear of the building. This area is small and private, being enclosed by boundary treatment to both sides, the rear wall of the dwelling itself and the back of the pitched roof store building on the appeal site. The proposed removal of this building and its replacement with a side garden for the new dwelling would result in less overshadowing of the garden of No.2 and an improved outlook directly to the rear of that property.
22. However, the new dwelling would be sited close to the southeast corner of the garden of No.2. As such, it would result in a full two-storey property whose main front elevation, including upper floor windows, would be visible in near views from the garden, as well as from the rear elevation windows of the dwelling. This would have an unduly oppressive and over-dominant impact upon the outlook from the garden and the rear windows of No.2.
23. This is due to a combination of the height of the proposal, its proximity to No.2, the proposed incorporation of a principal front-facing upper floor window near to the garden of No.2 and the resulting activity associated with the function of the building as a dwelling.
24. No objections to the appeal scheme have been received from the occupiers of No.2. However, a lack of objection does not necessarily mean a lack of harm. I must determine the appeal based upon the merits of the appeal scheme before me and having regard to the Council's reason for refusal.
25. To the rear of the appeal site are hotels, one of which has been extended to the rear within proximity of the appeal site, separated from it by a pedestrian walkway. In determining the appeal referred to footnote 2 above, the Inspector, noted the presence of a window in the rear of this extension which to the best available knowledge relates to an internal living area within the hotel. No evidence to the contrary has been presented as part of the current appeal submissions.
26. The current appeal scheme would set the proposed dwelling further away from the southern appeal site boundary than that proposed as part of the dismissed appeal, so that the resulting impact upon outlook from the hotel room would not be as oppressive. Nonetheless, the proposed separation distance would not be sufficiently large as to completely mitigate any harmful impacts on the outlook from the aforesaid window, given the full two-storey height of the proposal, the incorporation of a row of first floor rear-facing windows and the proposed positioning of the new building parallel to and directly opposite the hotel. As such, I find that, whilst there would be no material harm to the light obtained to that room, the impact upon the outlook from its rear window would be unduly oppressive.
27. For the above reasons, I therefore conclude that, notwithstanding that I have found no harm in respect of light impacts, the proposal would materially harm the living conditions of the occupiers of nearby properties, with particular regard to outlook impacts. I find no conflict with Core Strategy Policy DM2, in so much that this policy does not specifically refer to living conditions. Notwithstanding this, the proposal would be contrary to the Framework in so much that it 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

SPA

28. 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).
29. 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

30. 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).
31. 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.
32. 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

33. It has been brought to my attention in determining another current appeal³ in relation to the Council's refusal of planning permission for residential development,

³ APP/P2114/W/25/3364263

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 housing⁴.

34. 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 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.
35. 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.
36. 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 because 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. However, the aforesaid benefits would be modest having regard to the small scale of the development.
37. Accordingly, I find that these benefits do not outweigh the harm I have found in respect of the main issues, and that the Framework social objectives of sustainable development of fostering well-designed and beautiful places would not be achieved.
38. The Council has raised no objection to the appeal scheme in respect of matters including the principle of development, heritage impacts, highway safety and parking, and biodiversity. In terms of the planning balance, a lack of identified harm is a neutral factor.
39. 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 main issues.
40. 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.

⁴ Isle of Wight Council Five Year Housing Land Supply Annual Position Statement on 1st April 2024

Conclusion

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

S Leonard

INSPECTOR