



Appeal Decision

Site visit made on 27 January 2026

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

Appeal Ref: APP/P2114/W/25/3368171

Ventnor Towers Hotel, 54 Madeira Road, Ventnor, Isle of Wight PO38 1QT

- 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 Paul Clark against the decision of Isle of Wight Council.
 - The application Ref is 25/00007/FUL.
 - The development proposed is a 3 bedroom 2 storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reason for refusal numbered 6 on the decision notice related to the impact of development on the Solent Special Protection Area. However, the Council has confirmed that the appeal site falls outside of the 5.6km buffer zone of the protected area, and has withdrawn this reason for refusal.

Main Issues

3. Therefore, the main issues are:
 - a) Whether the proposal, including its impact on protected trees, preserves or enhances the character or appearance of the Ventnor Conservation Area (the CA);
 - b) The effect of the development on biodiversity;
 - c) Whether appropriate provision is made for affordable housing; and,
 - d) Whether the proposal would be affected by ground instability.

Reasons

Character or appearance of the CA

4. The site lies within the Residential Suburban Character Area of the CA. This area is characterised by substantial distinctive properties within large gardens, which appear to have been developed concurrently with the town centre and coastal areas between 1850 and 1890, and remain remarkably intact. The buildings are of high quality, with period detailing, such as vertically proportioned windows, projecting bays, and verandas. Local greensand stone is the dominant material both for the buildings and boundary walls, and roofs are often covered with natural slate and red/brown clay tiles. The steep topography dictates that there are undeveloped areas, with large groups of trees and landscaping, providing breaks

between the buildings. Consequently, despite their scale the buildings do not dominate, and are viewed in their landscaped setting. The topography allows unusual views and surprise vistas. The significance of this part of the CA is therefore derived from its consistency of period and overall character, the relationship between buildings, trees and topography, and the quality of individual buildings.

5. The appeal site comprises a former hotel set in spacious grounds that extend down the slope to the coast beyond. The building itself is a large four storey villa, with period detailing, including a central tower with a pyramidal roof and decorative gables to either side. It has painted render walls and plain clay tiled roofs. Despite its scale, the building is assimilated into its surroundings by mature trees along the roadside boundary and within the site. There are views to the sea across the site through the gap between the building and No 52 Madeira Road. Consequently, the site displays many of the distinctive characteristics of the CA. It therefore makes a positive contribution to the significance of the heritage asset.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The proposed dwelling would be constructed on a steeply sloping part of the site beyond the entrance drive. It would have two storeys, but on account of the topography, it would appear single storey from the road. It would be of contemporary design, with shallow roof slopes converging on a central valley, resulting in a flat-roofed appearance from most viewpoints. The building would be almost entirely clad in vertical timber boarding, with large areas of glazing in its front and rear elevations. It would not, therefore, be consistent with the prevailing character of the CA.
8. It is contended that the dwelling would be small, set well back from the road, and largely hidden. However, the front of the building would only be about ten metres back from the road, and would be viewed across an open driveway, with no scope for any landscaping to assimilate it into its surroundings. It would, therefore, be readily visible in the street scene, and its strikingly discordant form, materials, and horizontally proportioned windows would make it an incongruous and intrusive feature. Furthermore, whilst only the upper floor would be visible from Madeira Road, the whole building would be visible when looking into the CA from the coast. In these views, the apparently flat-roofed form, uncharacteristic materials, and extensive glazing would make it a jarring visual feature amongst the consistent period architecture of the surrounding CA.
9. I acknowledge that the proposed dwelling would be much smaller than the main building on the site, and that it would not be immediately alongside any Victorian buildings. However, it would be seen in juxtaposition with the former hotel, and with the period buildings on the opposite side of the road, in views down the street. Its discordant appearance would, therefore, be readily apparent, and would harm the consistency that characterises the CA. I also acknowledge that a flat-roofed extension to the former hotel has recently been demolished, but that does not justify the provision of a new building that would be harmful to the CA.
10. The site currently accommodates a range of mature trees which contribute to the established character of the CA. Those on the site frontage would be unaffected,

but there is a group between the former hotel building and No 52, which would be directly or indirectly impacted by the proposed dwelling. They currently provide a landscaped break between the buildings that is a key characteristic of the CA. Two of these trees are Corsican pines that are protected by a Tree Preservation Order. A proposal to fell these two trees was recently dismissed on appeal¹, with the Inspector concluding that their removal would cause significant harm to the character and appearance of the area.

11. The application was accompanied by a Tree Survey and Arboricultural Implications Assessment (the Tree Report)², which identified the removal of six mature trees to accommodate the development. The Tree Report concluded that the other three, including the two Corsican Pines could be retained alongside the proposed development. However, one of these, a mature Holm Oak would be very close to the dwelling, and the Tree Report recommends that it is pollarded to a height of four metres, and regularly managed in a reduced form thereafter. Consequently, it would provide limited amenity value. Together with the loss of the other six trees, there would be a significant erosion of the characteristic landscaped break between buildings. Furthermore, the removal of the trees would result in the proposed dwelling being a more isolated feature in the street scene, thus emphasising its discordant appearance.
12. The Tree Report states that no foundation design had been presented for the proposed development, but that a pile and stilted system would be less damaging to the root systems of the retained trees. The Structural Report³ that also accompanied the application post-dated the Tree Report, and recommended the construction of a new retaining wall on a concrete strip foundation. This would be within a few metres of the stem of the nearest of the pines, so would be likely to result in root damage. The Structural Report also advises that the bank may need to be re-profiled to suit the loads from this foundation to ensure slope stability. Furthermore, the site section drawing submitted with the application shows the front elevation of the dwelling excavated about a metre down into the slope. The cumulative impact of all of these works within the Root Protection Areas of both protected trees would be likely to result in significant harm to their health and viability.
13. Notwithstanding the likelihood of direct harm to the trees as a result of excavations and reprofiling of the land, the dwelling would also be under the canopy of the nearest of the pine trees. Bearing in mind that an application for removal of the trees has already been made, citing danger from falling branches as justification, it is likely that future occupants of the dwelling would feel apprehensive about living under the crown spread. A future application for felling would be more difficult to resist if a residential target is permitted so close to the trees. Consequently, even if the trees survived the construction phase, there would likely be reasonable pressure for their removal once the dwelling was occupied. Therefore, the proposal would, in all likelihood, result in the loss of all of the trees in the group, resulting in significant harm to the character and appearance of the CA.

¹ Appeal Ref: APP/TPO/P2114/9737

² M Jones Arborist Consultancy IW Ltd - Tree Survey and Arboricultural Implications Assessment for a detached dwelling at 'Ventnor Towers Hotel', 54 Madeira Road, Ventnor, Isle of Wight, PO38 1QT Ref:TC-TS-VTH - October 2024

³ London Design Centre Ltd - Structural Report: Feasibility Study of Site Adjacent to Ventnor Towers Hotel, Madeira Road, Ventnor, Isle of Wight for Development - Date: 21/02/25 - Report Reference: LDC-24025-REP02B

14. The loss of the trees and the introduction of a visually discordant building would result in harm to the significance of the CA. This harm would be limited to a relatively small part of the CA, so it would be less than substantial for the purposes of paragraph 212 of the National Planning Policy Framework (the Framework). Nevertheless, paragraphs 212 and 213 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification.
15. Paragraph 215 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development. In this regard, the proposal would provide an additional dwelling in a sustainable location, which would be energy efficient through the use of modern construction methods. It would also provide some economic benefits through employment during the construction works, and the ongoing spend of future residents in the local area. However, although I give some weight to these benefits, they do not outweigh the great weight that the Framework gives to the conservation of heritage assets.
16. To conclude on this issue, the proposal would result in less than substantial harm to the CA, which is not outweighed by public benefits. The development would, therefore, be contrary to Policies DM2, DM11 and DM12 of the Island Plan Core Strategy⁴. Taken together, these policies seek, amongst other things, to achieve high quality design in new development, to conserve and enhance the special character of the Island's historic and built environment, and to conserve, enhance and promote the landscape and seascape.

Biodiversity

17. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 provides that planning permission for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless a Biodiversity Gain Plan has been submitted to and approved by the planning authority. Under this statutory framework every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains, or statutory biodiversity credits.
18. The Council has identified inaccuracies and inconsistencies regarding the submitted Biodiversity Net Gain (BNG) calculations. Notwithstanding these concerns, the submitted calculations do not demonstrate that a 10% net gain would be achieved. The appellant acknowledges this, and has indicated a willingness to create additional on-site units, or to purchase open-market or statutory biodiversity credits. However, this matter had not been resolved prior to, or during the course of the appeal.
19. The biodiversity gain condition does not apply to small-scale self-build and custom build developments, but there is nothing in the evidence to demonstrate that the proposal would fulfil the criteria for this exemption. Furthermore, I am mindful that the appellant controls a significant area of land alongside the appeal site, and that

⁴ Island Plan: The Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Development Plan Document (March 2012)

this matter could, potentially, have been resolved through the requirements of the deemed condition prior to commencement of development. However, as I am dismissing the appeal for other reasons, there is no deemed condition, and the proposal has not demonstrated that a 10% BNG would be achieved.

20. The proposal would, therefore, be contrary to Policies DM2 and DM12 of the Island Plan Core Strategy, which seek to conserve, enhance and promote the biodiversity of the Island.

Affordable housing

21. Policy H4 of the Island Plan Core Strategy requires that all development proposals of 1 - 9 dwellings should provide a financial contribution towards affordable housing provision. The Affordable Housing Contributions Supplementary Planning Document (Adopted March 2017) (the SPD) sets out how the appropriate contribution for each proposal should be calculated. The SPD sets out that applicants will need to enter into a planning obligation in order to secure the financial contribution.
22. The appellant has indicated a willingness to provide the required contribution. Indeed, the evidence indicates that the process for the Council to prepare a draft agreement was instigated. However, it appears that the process stalled, and consequently there is no planning obligation before me that would secure the required financial contribution if I were to allow the appeal.
23. In the absence of any mechanism to secure an affordable housing contribution, the proposal is contrary to Policy H4 of the Island Plan Core Strategy, which seeks to deliver around 1,790 affordable homes over the plan period.

Ground instability

24. The site for the proposed dwelling lies on a steep bank, with a failing retaining wall supporting the entrance driveway. The evidence indicates that much of Ventnor lies within an ancient landslide complex known as Undercliff. Over the last 200 years, the area has been subject to ground movements which have caused damage to property and services. All of the geology around the site is within the landslip zone.
25. The Structural Report, which has been prepared by a suitably qualified expert, concludes that it would be feasible to construct a dwelling on the site. However, it does make assumptions about what lies beneath the superficial top strata, and what the first sub-grade to be encountered below the topsoil/surface is likely to be. It acknowledges that site specific ground investigation results for the site have not been undertaken, and that they will be required to develop a detailed design for a foundation system.
26. In some circumstances, it would be reasonable to rely on a planning condition to require additional investigations to be carried out, and suitable foundation designs to be submitted for approval. In this case, however, the extent and nature of the necessary excavations and foundations would affect the potential to retain two protected trees. The previous appeal has already concluded that the loss of the trees would cause significant harm to the character and appearance of the CA. In view of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, the outcome of the additional

investigations, and the consequent impact on the trees, cannot reasonably be reserved for future consideration.

27. Accordingly, while I have no reason to doubt the initial conclusions of the Structural Report, in the absence of site-specific ground investigation results I cannot be certain that a suitable foundation system could be designed that would safely support the dwelling, whilst allowing for the retention of the trees. The proposal would, therefore, be contrary to Policy 2 of the Island Plan Core Strategy, which seeks to provide an attractive, functional, accessible, safe, and adaptable built environment.

Planning Balance

28. Set against the harms and policy conflicts that I have identified, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 61. Paragraph 73 identifies that small sites can make an important contribution to meeting the housing requirement of an area, and great weight should be given to using suitable sites within settlements for homes.
29. There would also be economic benefits associated with the development, through the creation of jobs during the construction phase. Thereafter, residents would contribute to the local economy through ongoing spending and support for local services. The small scale of the development means that these benefits only carry modest weight.
30. However, in supporting development that makes efficient use of land, the Framework also highlights the importance of achieving well-designed places. Furthermore, it also makes clear at paragraph 12, that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Overall, the benefits of an additional dwelling do not outweigh the conflict that I have found with development plan policies that seek to protect heritage assets and biodiversity; to provide affordable housing; and to ensure that development is not adversely affected by land instability.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR