

Lemon Hall
Church Street
Hugh Town
St Mary's
TR21 0JT

25 February 2014

Dear Mr Dryden,

Please find enclosed our representations on the latest applications for Well Cross Yard. (P-14-009-FUL, P-14-010- LBC)

We are pleased that the scheme no longer relies on the unlawful use of Lemon Hall's property, but we still have serious concerns about several aspects of the proposed design and the application itself.

Regarding the design's relationship to Lemon Hall, there are three issues that could be addressed with little impact. The first relates to the proposal to leave a freestanding breezeblock gable in place after the applicant removes their corrugated asbestos roof. The second is the proposed passageway through the building, which would result in loss of visual privacy for our back garden and kitchen. The third is the increase in the number and size of the skylights facing our garden and house compared with previous designs.

There are also problems with the application itself and the information supplied. Last November, the applicant put forward some changes to the original scheme and applied for listed building consent for the first time. Those applications were withdrawn before the planning meeting, but the planning consultant's report was presented to the Council in December 2013. The report contained very clear guidance about what information the council would require for proper assessment of those Well Cross Yard applications. Specifically, the Planning Consultant's overall recommendation was to defer the previous applications pending receipt of the following items:

1. "A detailed survey of the whole length of the existing boundary wall together with more detailed and precise plans and sections showing the proposed treatment of the whole length of the wall, including any parts of the wall that would need to be removed or re- built, the concrete capping, lead flashing and rain-water goods;
2. A survey of the elm tree that abuts the boundary together with the submission of detailed measures that would be required to ensure that the tree is protected from any from damage during the course of development; and
3. A Heritage Statement, indicating the significance of the heritage asset and an assessment of the proposal of the heritage asset."

None of this information has been supplied with the latest set of applications, and the applicant has not carried out the surveys.

Whilst the scheme has moved 50 centimetres north, the proposal would still require ground excavation, footings and foundations beside our listed wall and mature elm tree. Consequently, the need for these surveys still exists. The planning department should have required this information in order to validate the latest applications and we are concerned that they did not.

As with the previous three applications, there are still an unacceptably large number of inaccuracies in the drawings. The discrepancies between the plans and elevations are material. There are also inaccuracies in the Design and Access Statement and defects in the application forms. No site notices were posted at Well Cross Yard in connection with this application and the applicant's contractors have carried out work that presumes the Council's approval of this application. Combined, these issues raise many serious questions about how this application has been handled.

Planning legislation safeguards everyone from poor decision-making and inappropriate development. With apparent consent from the planning department, the applicant has shown scant regard for this legislation by persistently submitting applications that are defective and by starting work at Well Cross Yard. Remembering that the Council gifted the site to the applicant last year, with the intention of it being developed, it becomes very difficult for the council to demonstrate that these applications are being determined according to the fair process that is required. A full investigation is now justified.

The provision of affordable housing is an important part of the local plan, and we support Well Cross Yard being developed for this purpose if a suitable design can be found. Even so, the need for affordable housing does not justify poor design, or the submission of inconsistent, incomplete and incorrect information.

We hope the council agrees that refusal of both applications is the only possible outcome because the proposal contravenes planning guidance and the application is seriously flawed. Refusing these applications will also send a clear message that the council expects every applicant to be diligent in providing accurate information.

Rejection of this proposal does not prevent the site from being used for affordable housing. The applicant should be left in no doubt that they must carry out the necessary surveys and consider the privacy issues in order to reach a design that meets planning requirements. Good design is especially important in the provision of affordable housing, because the most financially vulnerable members of the community are likely to have little choice other than to accept the housing they are given. In this context, building homes with serious privacy issues is a moral dereliction.

Yours sincerely,

Peter and Clare Huxley

Section A: Representations on Planning Application P-14-009-FUL

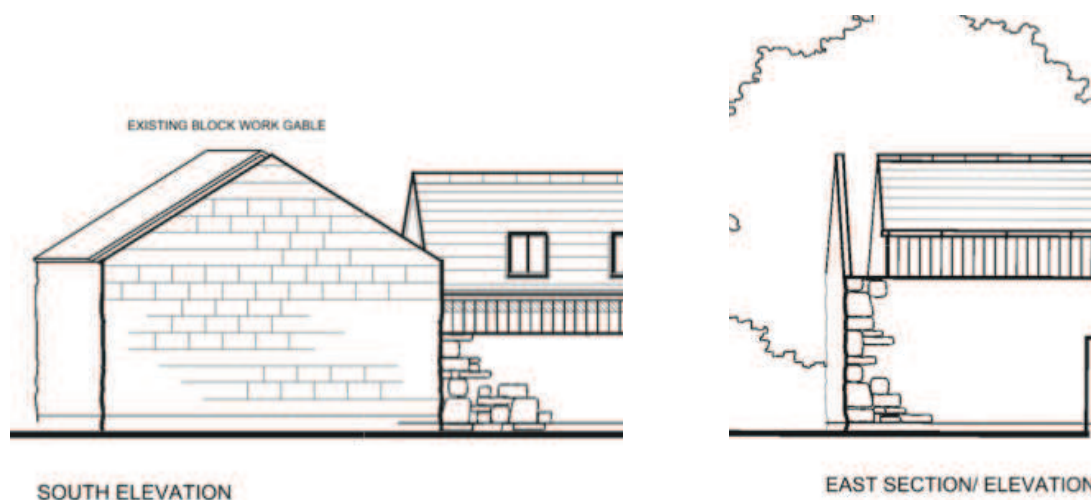
We make this representation as the owners of Lemon Hall. The Grade II listed property to the south of Well Cross Yard.

We are supportive of Well Cross Yard being used for the provision of affordable housing. However the current proposal is not suitable and the council should hold the applicant to a higher standard of design.

The council should also require that drawings and information supplied are accurate and correct, such that they can consider the merits of the application without uncertainty on the detail of the scheme that is being proposed.

Gable End Treatment

The applicant proposes to leave a single leaf breezeblock gable end wall as a permanent freestanding feature at the west of the site. This forms part of the existing shed structure and also part of the listed curtilage wall of Lemon Hall.



Leaving the gable adjacent to the new building does not protect or enhance the built environment, and we suggest it is not appropriate for any development in a conservation area to result in such an unsympathetic arrangement at completion. This is especially the case because the gable being retained is merely the infill for a semi-permanent shed structure. The council should require that the applicant find a better solution to this potential eyesore with the agreement of their neighbours.

Additionally, we are concerned about the structural safety of this gable wall, and the difficulty of maintaining it in the future, given there is only a 50cm gap between its inner face and the wall of the new building. It is currently cracked and held in place by the existing roof.

Our surveyor has advised that following removal of the applicant's roof, the gable will need to be rebuilt because it has been damaged by the roof and is

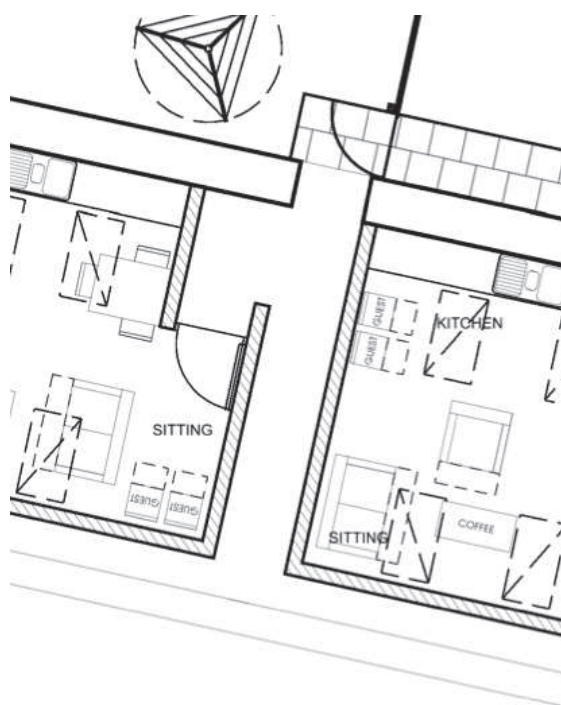
structurally unsound. When it is rebuilt, it would be more appropriate for the gable to be replaced with a flat-topped wall that matches the height of the existing walls on either side.

The Council granted planning permission in 2013 (P07/068) for a scheme that replaced the cement gable with a granite gable. In recognition of the listed status of the wall, the availability of surplus granite on the Well Cross Yard site, and the comments of the Planning Consultant in November 2013, we ask that the council places a planning condition that a replacement section of the wall be built from granite to the same height as the walls on either side.

The proposal includes demolition of sufficient granite walling elsewhere at Well Cross Yard to construct this short section of wall, and doing so would be consistent with the local plan's requirement on *"utilising natural resources efficiently in the design, construction and future use of land and buildings including ... by securing the recovery and reuse of suitable building materials."*

Passageway through Building – Loss of Privacy and Security

The new proposal includes a covered passageway, which runs between the two dwellings and is open on the south elevation that faces our garden. The purpose of this passageway is unclear, however it creates a direct line of sight at eye height from the entrance area of the two-bedroom dwelling into our back garden. We are concerned by the loss of privacy that this introduces.



The loss of privacy is especially acute as the view from the entrance area of the flat will be directly into our kitchen window. At this point, the curtilage wall is only waist high.

Altering the design so that the southern wall of the building is continuous would protect the privacy and amenity of our house and back garden. It could also increase the floor areas of new living rooms.

The proposed passageway also provides easy access into our rear garden, because of the height of our listed wall and the gateway (not shown) into Well Cross Yard from Lemon Hall. This presents a security risk for our property.

Inadequate Maintenance Passageway

The 50cm wide maintenance passageway around the southern perimeter is too narrow for its stated purpose. Once the overhang of guttering and eaves is subtracted from this, it is not clear how the applicant will clear their gutters or

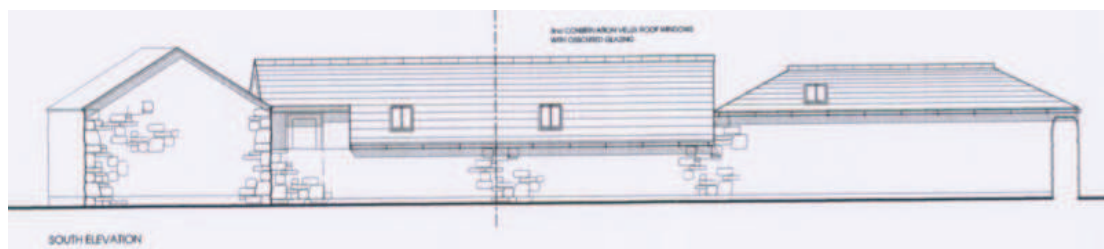
carry out roof or solar panel maintenance, without access through our garden. It is likely that debris would accumulate in this narrow passageway, where it would cause damage to the structure of the proposed dwellings and the listed curtilage wall of Lemon Hall.

We have been advised by the architect that the route around the building is not envisaged as a fire-escape, but it is not clear what other exit there is for an occupant in the corner bedroom of the two bed flat should a fire break out in the hall. The minimum width for a fire escape is 75cm for able bodied-people and 90cm for disabled people.

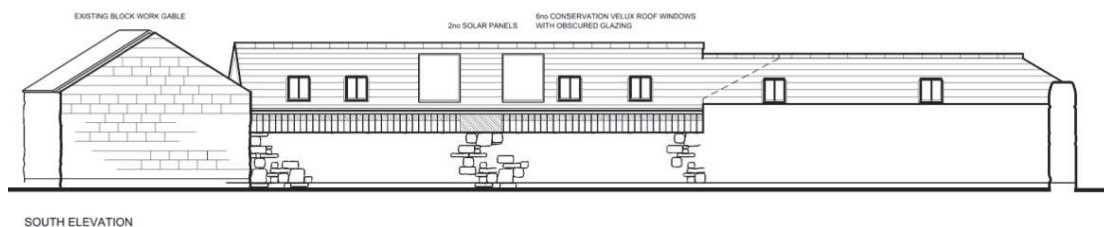
Skylights

We think that doubling the number of skylights on the south elevation from three to six is excessive. It creates a much more visually intrusive façade than before and will increase our loss of privacy. The skylights are highly visible because the Well Cross proposal is single-storey.

Original proposal for the South Elevation:



New proposal for the South Elevation:



Increasing the number of skylights would appear to be at odds with the Isles of Scilly design guide, which states *“The characteristic features of a barn, the large doorway and the limited number and small size of openings, are elements which should be respected in any conversion.”* It also specifically mentions that it is undesirable to have skylights facing each other on both sides of a ridge.

As with the previous proposal, we ask that all skylights on the south side be conditioned to be non-opening as well as obscured. This will help ensure visual privacy between Lemon Hall and Well Cross and reduce the potential for noise transfer from the new adjacent living spaces. The planning consultant who advised on the previous design, submitted 4 months ago, recommended this request be granted.

We also note that there is a clear discrepancy between the locations and width of the roof lights as drawn in the floor plan, in both the north and south elevations and also in the section drawings.

Drawings of Existing Site

In November 2013 we raised concerns about the lack of detail and inaccuracies in the drawings showing what exists on site. The latest set of designs are still based on the 2007 survey, which was incorrect and did not adequately survey the listed wall and other features on the site.

The plans that the applicant provided with previous applications showing what exists on site were noted to be grossly inaccurate. Yet, these have been provided again part way through the public consultation period and notably without amendment. The planning consultant suggested that November's application be deferred to allow a proper site survey to be carried out. We are concerned that the planning department did not hold the applicant to this requirement.

On the site plan, the distance between the development and the boundary is not shown and nor are the boundaries clearly marked in red.

The key items that are not shown are:

1. The elm tree

Again we draw the council's attention to the presence of a mature elm tree that overhangs the site. We raised this as a key concern in November 2013.

This tree is still not shown on any of the applicant's drawings and is not recorded on section 15 of the application form, as it should be. No tree survey has been carried out and no tree preservation plan has been presented. The applicant has not provided details of the proposed foundations or they plan to mitigate any impact on the tree. The contractors have already pruned some branches from this tree.

As before, we ask the council, as the responsible authority, to take every step to ensure that this development causes no harm to our tree.

2. Inaccuracies in the drawings of the wall

The drawings show our boundary wall as being of even height. In reality it has several different heights, its thickness and construction are varied, and there is a window and a historic gateway that are not shown.

3. Proximity and relationships with surrounding buildings

The proposed design is shown as an object in isolation, whereas the character of the site is highly enclosed.

Privacy and Relationships with other buildings:

The applicant has supplied no drawings showing the relationships with the surrounding buildings and the Design and Access statement only mentions the relationship between Well Cross and the ground floor shops on The Strand. There is no mention that the first and second floor flats on the Strand entirely and directly overlook the living spaces in the proposal.

Objectively, this relationship must constitute a severe and unacceptable loss and lack of privacy. The council should require the applicant to demonstrate that thought has been given to mitigating this problem. Privacy is especially important because this is an affordable housing scheme, so the residents may have no option to move elsewhere if they find the level of visual intrusion invasive.

The change of use of Well Cross Yard into to a residential site, housing six people, will constitute a significant increase in occupation, which has the potential to impact on the privacy of its immediate neighbours.

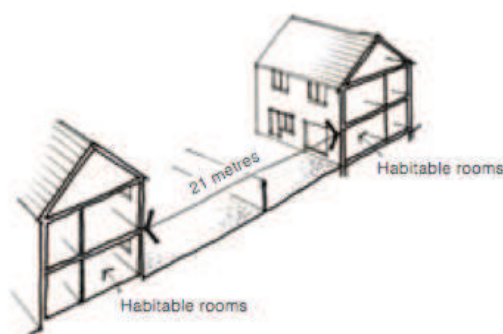
The Isles of Scilly design guide has a section on how to achieve privacy and quotes a standard distance of 21 metres between opposite living room windows.

Privacy can be achieved by:

(a) distance (usually the imposition of a standard spacing of 21 metres between opposite living room windows) and

(b) by design (the layout of one building in relation to another, the careful definition of the public and private side of a house and the size and disposition of windows on an elevation).

Due to the "tight" character of many of the settlements, proposed layouts based on a strict adherence to the distance principle are unlikely to be appropriate as the principle tends to produce a suburban layout, which is rarely achievable or desirable. Thus privacy should be achieved through the careful siting, design (interior and exterior) and placement of windows.



The distances between the habitable rooms of Well Cross yard and its neighbours are about a quarter of this distance. Therefore the careful siting of windows is a necessary condition for all residents. There is no evidence that the architect has considered this issue properly in the design or in the Design and Access statement.

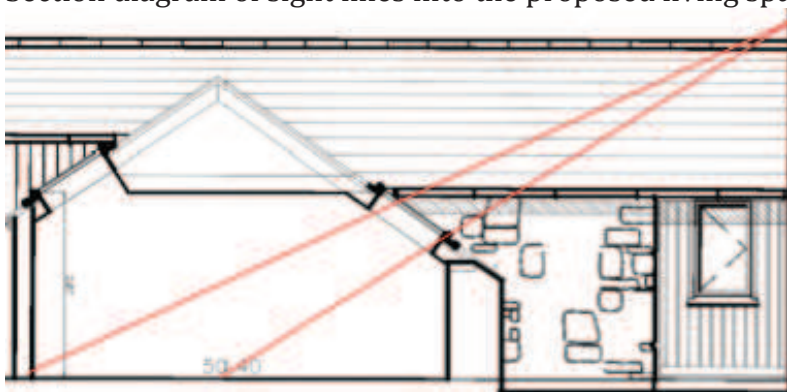
The photo below (taken from the first floor of Lemon Hall, with the existing barns in the foreground) illustrates the proximity of the first floor flats to the proposal and the extent of the glazing that looks directly into the proposal's skylights.



Floor plan showing four proposed skylights facing the Strand:



Section diagram of sight lines into the proposed living spaces:



Loss of privacy, and the creation of housing that has no privacy in its main living spaces, is a material planning concern. We suggest that the council visits the site to assess this matter as part of their decision making process.

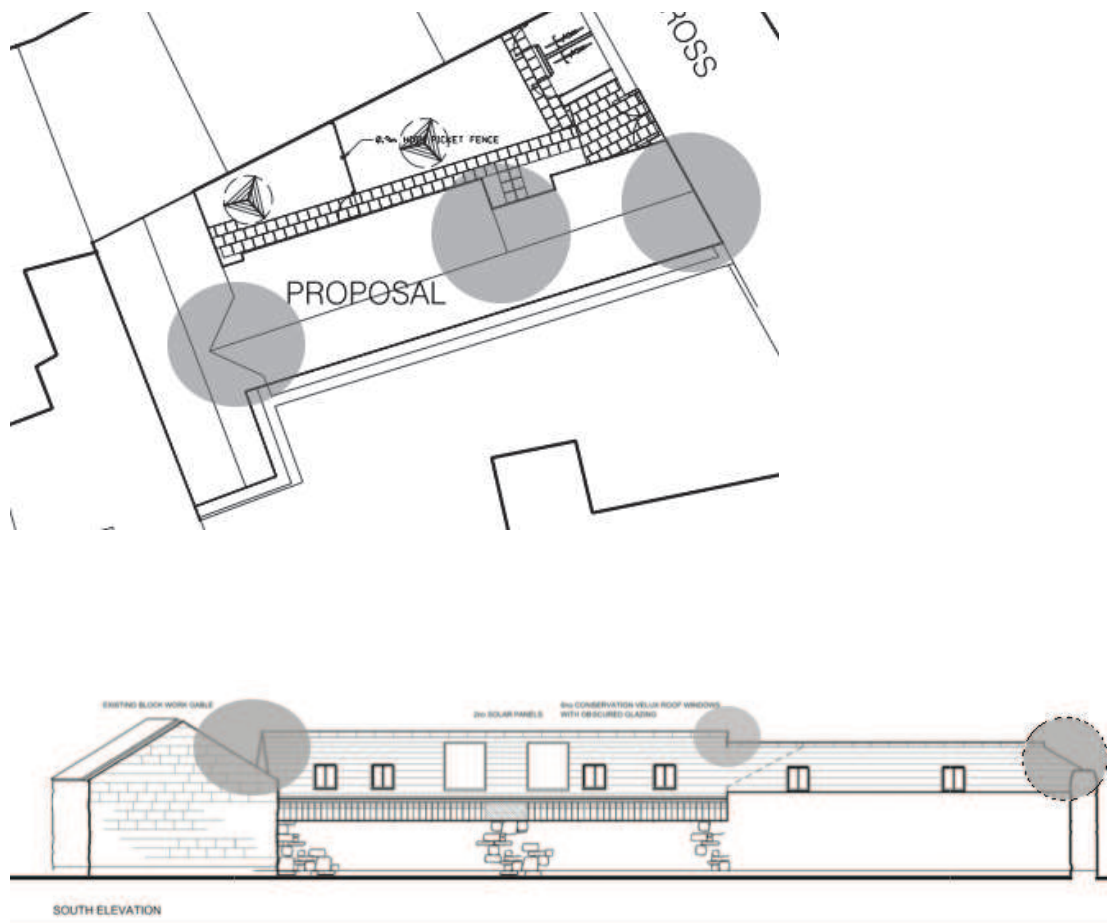
Unsuitable Design

The council should not consider this to be a credible design because of the large number of inconsistencies in the drawings presented by the applicant and problems with the functionality of the living spaces.

1). The most important discrepancy is the different roof structures presented in plan and elevation.

The elevation drawings show three distinctly different roof structures that broadly match the three shed structures that they replace. This gives a varied built form. By contrast, the roof design shown in the plans is a continuous monolith with two ridgelines at right angles to each other that stretch the entire length of the plot. The character of the building presented in plan would not have the same cottagey character as the previous sheds.

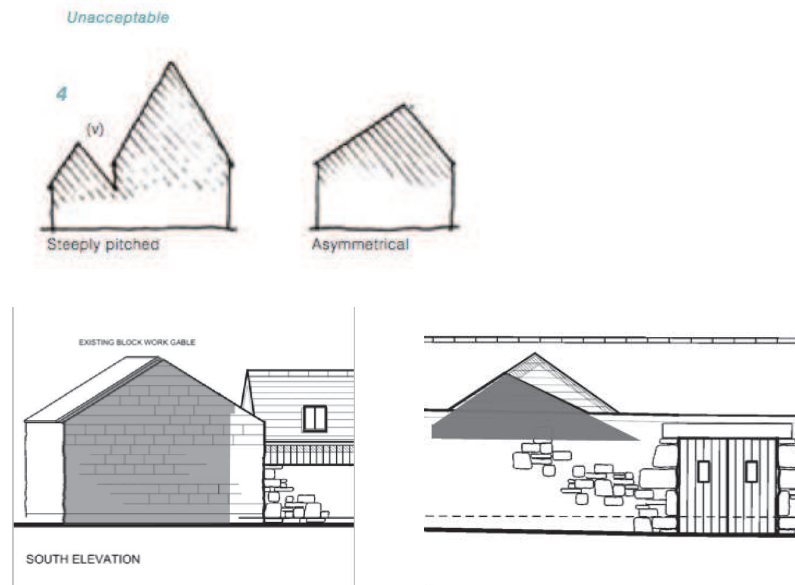
The grey circles in the plan below show areas that are obviously inconsistent with the elevations provided.



2). Asymmetrical roofing

The Isles of Scilly design guide specifically refers to asymmetrical roofing as being unacceptable (see the top image below, which is taken from page 92 of the

guide). The applicant has submitted a proposal in which all three roofs proposed would be asymmetrical (shown in grey below).



3). The design shows the kitchen areas in the eaves, which may be problematic in terms of headroom, and possibly insufficient for safe cooking on a hob.

4). We note that the finishes of windows and doors are proposed to be stained, whereas the design guide points to painted finishes being traditional on Scilly.

Missing information:

No information has been provided detailing the types of foundations or their required depth. Such details are necessary to assess whether the proposal could have a detrimental effect on the listed boundary wall or elm tree.

There is no detail on the solar panel type or fixing method. It has also been placed in the shadiest part of Well Cross, where it is most heavily overshadowed by Lemon Hall. The applicant has not assessed whether solar panels are viable in this location. In conjunction with the six skylights that are now proposed, these solar panels create an ugly roof design. They should therefore only be permitted if they are effective in reducing energy consumption significantly.

Section B: Representations on Listed Building Application: P-14-010-LBC

Listed building consent is required because of the changes proposed to the listed curtilage wall of Lemon Hall, which neighbours Well Cross Yard to the South.

The local plan states that development proposals will be permitted only where they “preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings including their features and settings.”

The listed building consent must be considered separately from the planning consent and should only consider the benefit to the listed site – Lemon Hall. There is a total lack of any information on how the proposal affects Lemon Hall,

its features or setting. The relationship between the sites has not been shown and no survey of Lemon Hall's listed curtilage wall has been undertaken. This demonstrates that the applicant has not considered the impact of the work that is proposed on the listed site.

The failure to provide this information also ignores the recommendations made in November 2013 by the planning consultant employed by the council to advise on the earlier application for this site. It would not be acceptable for the council to grant permission pending receipt of the surveys and heritage statement, as this would involve second-guessing the outcome of those surveys and would deny us, as owners of the heritage assets, the opportunity to assess them. In the circumstances, we would have expected the absence of the surveys and heritage statement to be identified by the planning department as an issue prior to validation of this application. The onus is also on the applicant to supply all the recommended information without prompting, and in this case they had recently received clear guidance. One might question why the planning consultant was employed at all, if neither party saw fit to follow their recommendations.

The proposed scheme involves the digging of foundations immediately adjacent to our listed wall and the removal of sections of the wall, which currently act as buttresses. This has the potential to weaken the wall, which is already in a weakened state because the lack of guttering on the applicant's shed roofs has caused run-off to pour down the outer face of the wall and erode the mortar. Despite the damage already caused and the changes proposed, no structural survey has been carried out to ascertain what work would be necessary to preserve the wall. At present, the applicant has only proposed to repoint the inner face of the wall. The applicant should be required to undertake all the necessary work needed to preserve the heritage asset before beginning on the digging of foundations for the new scheme.

As with the planning application, it is unacceptable that the proposal leaves the gable end as a single leaf block wall. We suggest that this is not a suitable treatment for a listed heritage asset, and that the applicant should be required to rebuild it using some of the surplus granite from the wall demolished on the Well Cross Yard site.

Further Issues

There are two further matters, which the planning department and the council should be made aware of and respond to accordingly:

A) The extent of work carried out to date at Well Cross Yard

Section 3 of the application form states that work has not started yet. This is inaccurate.

There is a contractor's sign up at the site and work to date has included the demolition of sections of granite wall, the pruning of our elm tree, and the digging of a trial hole abutting our listed boundary wall. The site has been substantially cleared and the installation of drainage has started.

Contractors have carried out the rough repointing of the inner face of the west granite wall with standard cement rather than lime mortar (in contravention of condition 9 of the previous planning application).



The council should note that the granite wall section that has been demolished would have remained intact for the earlier designs, but would need to be removed for the latest scheme. By demolishing this structure in a conservation area, the contractors have acted illegally and by instructing this work, the applicant has shown a presumption that the council will grant permission for this latest scheme.

The discrepancy between the amount and type of work that has been carried out and the statement on the application form that no work has been carried out is of great concern, and the council should consider what enforcement action is necessary.

B) Absence of site notices

During the consultation period, there was no evidence of site notices having been posted in relation to either application at or near Well Cross Yard. The posting of site notices is a statutory obligation ahead of determining any application.