



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/109	Expiry date: 31/01/18
Received on: 06/12/17	Neighbour expiry date: 28/12/17
UPRN: 000192000600	Consultation expiry date: 22/12/17
Legal agreement:	Site notice posted: 11/12/17
Departure:	Site notice expiry: 01/01/18
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr M Tappin & Ms M Clarkson
Site Address:	Pine Trees, The Town, Bryher
Proposal:	Demolition of existing flower packing shed and erection of a new extension
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17109>

Description of site and development:

This application proposes the demolition of existing flower packing shed within the curtilage of the dwelling and the erection of a new extension at Pine Trees, The Town, Bryher.

Site Description

Pine Trees is a two storey dwelling located on the north eastern side of Bryher. It has a slate roof and has horizontal cladding on the exterior of the first floor. Pine Trees is cut into the slope and the land runs downwards in a southerly direction. Attached to the west elevation of the dwelling is a single storey packing shed and runs in an east-west direction. The old packing shed is used as ancillary accommodation to the existing dwelling.

Background and Relevant History

In June 2013 application P/13/030 was approved for the extension and alterations including creation of annexe for use as holiday accommodation. In January 2017 application P/16/056 was approved for the removal of condition 11 from planning permission P/13/030 (use of annexe restricted to holiday letting) to allow use of annexe as a separate dwelling.

Public representations:

One public letter of representation has been received.

The owners of a neighbouring property have made the following comments:

- The application fails to make any comments about any effect the proposed extension may have on the view of Bryher from various vantage points
- The views from vantage points will be impaired due to the extraordinarily large floor to ceiling and wall to wall continuous glazed frontage – reflecting bright sunshine most of the day
- The introduction of the unobstructed glazing and its impact are undesirable
- A jarring note would be introduced which ought to be avoided and which would extend during most of the daylight hours
- It isn't clear from the application whether the extension is mainly for occupation or for holiday lets and the access arrangements seem strange
- The proposed extension will bring resident or holiday accommodation significantly closer to Pera than the current arrangement
- It will increase the bulk of Pine Trees and possibly exceed the 1/3rd of existing area for allowable extensions
- If the proposed extension meets the extension size criteria – a north-south axis would not have so severe an effect on appearance
- The provision of two en-suite bathrooms adjacent to each other seems slightly sybarite for Bryher and in view of water conservation rather over the top
- The proposed extension will be hardly visible from the roadway and with the restraints on materials employed will not visibly obtrude on or change the existing.
- This is important as by and large the Town has retained a Scilly Off-Island vernacular appearance and is important to preserve
- From the south the proposed extension will anatomically enlarge and alter the appearance of Pine Trees
- The proposed extension seems hardly the sort of extension appropriate to the Islands
- It might be useful to search out the Jellicoe report which advocated no new building on the Off-Islands

Consultee representations:

A site notice has been on display outside the site for a period of 21 days. The following statutory consultee was notified: The Cornwall Fire and Rescue Service. Their response is outlined below:

Cornwall Fire and Rescue Service

Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, 2007.

Constraints and designations:

Conservation Area, AONB and Heritage Coast. The building is close to a Scheduled Monument and Grade I listed building of the Garrison Walls.

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies, it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands and where planning permission is required.

Appraisal/key issues and conclusion:

The main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to the principle of development, the materials, scale, design and appearance; the impact on neighbouring amenity and the wider landscape including the Conservation Area and AONB.

Principle of Development

As the flower packing shed lies within the residential curtilage and is attached to the dwelling it could be used for habitable accommodation without the need for planning permission. The proposal is to demolish the existing flower packing shed that is attached to the dwelling and replace it with

the erection of a new extension to be used ancillary to the existing residential property. As such, the principle of development is considered acceptable subject to other material planning considerations.

Design, Scale, Massing and Materials

The proposed works seek to extend the existing accommodation of the dwelling by demolishing an existing flower packing shed that is attached to the dwelling and replace it with the erection of a new extension. The existing flower packing shed is single storey with a floor space of approximately 17.4 metres x 4.5 metres (77.4m²). The existing corrugated iron roof slopes in a north-south direction, with the northern side adjacent to an existing granite wall. The northern most slope of the roof is approximately 2.4 metres in heights and slopes down to approximately 2.1 metres. The existing flower packing shed is of traditional granite construction with timber windows along the top half of the south elevation.

The proposed replacement extension is of similar dimensions with a proposed floor space of approximately 17.2 metres x 4.5 metres (77.4m²). The proposed lead roof slopes in a north-south direction, with the northern side adjacent to an existing granite wall. The northern most slope of the roof is approximately 3.2 metres in heights and slopes down to approximately 2.7 metres. The proposed difference in height between the existing structure and the proposed replacement is 0.8 metres. However, the proposed structure rises 0.3 metres above the existing granite wall with the remainder of the height increase being dug underground. The proposed replacement extension is of traditional granite construction with horizontal timber cladding to the top half (matching that of the existing dwelling). The proposed south elevation has four sets of full length aluminium framed glass doors. The proposed extension will provide two additional bedrooms, two en-suite bathrooms and a living room.

The proposed works also includes the provision of a sheltered terrace area adjacent to the proposed extension and is the access to both of the proposed bedrooms. The proposed terrace area measures approximately 14.9 metres by 1.9 metres (28.31m²). The terrace area has a lead canopy over the top with lead stretched down over the soffit. It also has metal support poles and metal cabling to form the balcony rails.

The proposal is therefore considered to be acceptable by way of its scale, massing, design and materials.

Impact upon the Conservation Area and AONB and the wider landscape.

The dwelling is situated within the residential curtilage of this attached dwelling. Proposals for extensions within Conservation Areas will be expected to meet a high standard of design with the general objective of making sure that the proposed change reinforces the area's established character and appearance. The proposed works are to the side of the existing dwelling. The majority of the works will not be visible to the neighbouring properties to the north, east and west of the dwelling. The proposed extension will protrude 0.3 metres above the existing granite wall that runs along the northern side (rear) and this is not considered to result in any detrimental impact to the street scene. The proposed works are considered to enhance the Conservation Area by improving the appearance of the accommodation.

The proposed south elevation provides four sets of double doors that full height and glazed. The existing south elevation has glazing along but is only half length with a granite wall below. The proposed extension has a canopy that extends over a terrace area that runs in front of the doors (the terrace provides the access to the two proposed bedrooms). It is considered that the canopy should provide some shade protection to the glazed doors and reduce any potential sun glare.

The existing flower packing shed is proposed to be demolished and a Wildlife Survey has not been submitted with this application. A condition will be added to this permission requesting that a wildlife survey is submitted prior to any works taking place.

It is considered that the proposed works preserve and enhance the character and appearance of the Conservation Area. The proposal is within a built-up area of the island and is not considered to give rise to any harm to the scenic beauty of the landscape including the AONB.

Impact upon residential amenity

The adopted Design Guide states that the layout of a new extension to an existing building must take account of the need to respect the privacy of adjacent households. This is particularly important on the Isles of Scilly as in many settlements, the house plots are quite small, with the house taking up a relatively large proportion of the site. The proposed extension will occupy the same footprint as the existing packing shed but does rise 0.3 metres above the existing granite wall that separates the site from the neighbours to the west “Pera”. The proposed extension will have no material impact on neighbours to the north, east or west. There are no near neighbours to the south. It is not considered that the proposed extension will be overbearing, increase overlooking or lead to a loss of light in this case.

Other Considerations

In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NNPF.

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**
- **The Location Plan**
 - **Block Plan**
 - **Proposed West Elevation – Drawing Number 2091/07**
 - **Proposed South Elevation – Drawing Number 2091/05**
 - **Proposed roof plan and North Elevation – Drawing Number 2091/06**
 - **Proposed Floor Plan – Drawing Number 2091/04**
 - **Proposed Section Plan – Drawing Number 2091/08**

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 3. Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification), the extension, hereby permitted, and the existing dwelling, shall be used as one unit of residential accommodation (use class C3) and for no other purpose.**

Reason: Any other use would require further assessment in accordance with Policy 3 of the Isles of Scilly Local Plan 2005.

- 4. Prior to the commencement of the works, hereby permitted, a Bat Survey shall be carried out and the report submitted to and approved in writing by the Local Planning Authority. Any advice and/or mitigation measures proposed shall be adhered to, and thereafter, maintained.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon wildlife, to be submitted and agreed by the Local Planning Authority. In accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 5. The development hereby approved shall not be externally lit unless the specification of the lighting has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall accord with the approved details thereafter.**

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 6. Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be**

submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 7. The granite wall to the north and west of the existing packing shed, adjacent to the road, shall be retained at its existing height shown on the approved plans, for as long as the development, hereby permitted, remains in situ.**

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 8. For the avoidance of doubt, the canopy, hereby permitted, over the terrace area shall be constructed with an externally finished roof of lead with rolled lead around the soffits, and additionally, the support poles to the canopy shall be finished in metal and the cables forming the balcony rails shall be metal. Once constructed in these materials they shall be retained as such thereafter.**

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: Yvonne Dale	Dated: 26/01/18	Signed: 	Dated: 31/01/18	Signed: 	Dated: 31/01/18
Case Officer		IOS PLANNING		Senior Manager	