



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

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## OFFICER REPORT – DELEGATED

Application number: P/18/018/FUL	Expiry date: 18 May 2018
Received on: 12 March 2018	Neighbour expiry date: 13 April 2018
UPRN: 000192000691	Consultation expiry date:
Legal agreement:	Site notice posted: 26 March 2018
Departure:	Site notice expiry: 16 April 2018
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:	Mrs Charlie Carss
Site Address:	Storm Cottage Little Porth Hugh Town St Mary's Isles Of Scilly TR21 0JG
Proposal:	Conversion of garage to form ancillary living accommodation including external alterations to form first floor bedroom.
Application Type:	Planning Permission

### Description of site and development:

Storm Cottage is a detached 3 bedroom house located on the south side of the road at Parsons Field between Little Porth and Porthcressa. Originally permitted a small conversion of a garage to form a small unit of local needs accommodation and the property retains a Section 106 Legal Agreement to restrict the occupancy to qualifying persons.

The current owners have obtained the adjoining land which up until recently was separate garage and parking space, owned by a third party. The applicant has declared that they now own the entire site and the proposal is to convert the attached garage to living space at ground floor and increase the pitch of the roof to accommodate a further bedroom. Previously as built the property did not have any outside amenity space but now the property includes the former car parking space of the garage and this is enclosed to form a small yard area that is used as outside amenity space for the property. The site is enclosed by a 2m high hit and miss fence.

The property is modern construction with a painted rendered finish and a tiled roof.

### Public representations:

A site notice has been on display in the vicinity of the site for a period of 21 days. All properties that share a boundary with the property have been written to directly. No letters of representation have been received.

#### Property History

P5416 Permission demolition of garage and construction of chalet bungalow. Approved 2004

P/15/075 Erection of 2m high boundary fence. Approved 2015

#### Consultee representations:

Mr Terry Nottle - Fire Officer      NONE

#### Constraints and designations:

HLC: Settlement  
Conservation Area  
AONB  
Heritage Coast

#### Relevant policies, SPGs and Government guidance:

### Primary Legislation and Planning Policy

#### 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 a 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 considerations 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.

Chapter 11 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 115 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

### **Isles of Scilly Local Plan 2005**

Policy 1 relates to environmental protection and seeks to permit development proposal 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, (b) Preserve nationally important archaeological remains and their settings; (c) 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; (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 (SSSI); and locally important biodiversity habitats, species and landscape features.

### **Isles of Scilly Design Guide 2007**

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

### **Consultation Draft Isles of Scilly Local Plan 2015-2030**

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for the residential extensions (Policy LC9). Additional space created by an extension to a dwelling, or the erection or alteration to outbuildings and other structures to provide ancillary accommodation, can be an acceptable means

of meeting changes in household space requirements. However, they can also have a significant effect on the neighbours' enjoyment of their property, as well as impacting on the character and appearance of the building and surrounding area. Consequently proposals should be properly integrated with the existing dwelling, respect the character of the surrounding area and safeguard the privacy and amenity of neighbouring properties.

For ancillary accommodation standards of privacy and amenity may be relaxed in relation to the main dwelling. In such circumstances the occupation of the accommodation will be tied by condition to the occupation of the main dwelling. The scale and design of extension should be in accordance with the Isles of Scilly Design Guide Supplementary Planning Document.

*Policy LC9 Residential Extensions:* Requires developments to extend and/or alter a dwelling will be permitted where the proposal: a) respects the scale, proportions, materials and overall design and character of the existing property; and b) does not harm the street scene or surrounding area; and c) avoids the material loss of privacy and amenity for the residents of neighbouring properties. Where a domestic extension results in an increase in scale (in relation to footprint and volume) of the original dwelling by 40% or more, an occupancy restriction will be imposed to retain the property as permanent residence.

Clearly the consultation draft Local Plan is out to public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight.

**Appraisal/key issues and conclusion:**

The main planning issues for consideration relate to whether the proposed extension of the dwelling into an attached garage, including the creation of an additional bedroom for a property of restricted occupancy is acceptable in principle. It is material to consider the impact upon the wider character and appearance of the area including the impact upon the conservation area. Finally as a domestic extension it is essential that it does not give rise to any significant harm to the privacy and amenity of existing neighbouring properties.

The property Storm Cottage is currently on the market as a restricted occupancy dwelling that is available to meet a specific local need. It therefore cannot be occupied other than by qualifying persons who have obtained the status of having a Specific Local Need. A legal agreement is in place that ensures that this remains the case regardless of extensions to the property. The intention of the S106 is to retain a stock of housing available for local people, with a reduced value reflecting the fact that any owner cannot sell the property more widely.

There is a consideration however that the increase in size will increase the value of the property making a sale to qualifying persons (who, it is acknowledged, generally cannot afford to purchase on the open market) less likely. The property will increase from an

adequately-sized three bedroom detached property to a larger 4 bedroom property at the loss of one of the 2 garage spaces and an extension to the roof, including a dormer window. A single garage space will be retained although it is noted that neither of the current spaces are particularly accessible by vehicles and the remaining single garage space will have limited access by vehicles but an off-street car parking space will be retained to the west side of the property.

The property is well located in relation to local conveniences and makes good use of a previously developed site. There is no loss of outside amenity space and the property will retain some off-street car parking. The property will inevitably be of a higher value as a result of the permission, however there are no policy reasons why a domestic extension in this case should not be permitted because of the occupancy restrictions in place.

The 2005 Local Plan states, in the explanatory text to Policy 3, that the restricted housing market limits the available workforce on the islands and is one reason why the community finds it difficult to retain younger families, with the consequent impact on the viability of the school and other services. The suitability of the mix and type of houses in the stock for the community is important. Restrictions on occupancy will be applied to new homes and we will seek to maximise the use of the existing dwelling stock to meet the housing needs of the community.

There is no evidence to suggest that there is no demand for a restricted occupancy 4-bedroom property centrally located, that would force the owners to seek the removal of the occupancy restriction. There have not been any successful applications to remove Section 106 legal agreements on restricted occupancy properties to date.

Emerging policies in the Draft Local Plan 2015-2030 seek to restrict the scale of domestic extensions on existing property, partly on the basis of the increase in higher value stock being less accessible to the local community. Policy LC9 advises that extensions over and above a 40% increase in scale will not be permitted without occupancy restrictions. The existing property is currently occupancy restricted but it is considered reasonable to seek to ensure the property remains available to local people, where possible. The usable floorspace increase, as a result of the proposal, is around 30% with no increase in footprint and a modest increase in volume overall. On this basis it is considered that under both the current local plan and the emerging draft local plan the proposal would be considered acceptable subject to the S106 remaining in place.

Within the current local plan (2005) there are no specific policies that seek to control domestic extensions and providing the occupancy restrictions remain in place it is considered that the principle of an extension is acceptable.

#### **Impact upon residential amenity**

The proposed roof extension will increase the ridge height of the existing building from 3.7 metres to 5 metres which is a 1.3 metre increase in height. The eaves of the existing building will increase from 2.5m to 2.8m with the effect of increasing the angle of the pitch of the roof from 27 degrees to 42 degrees. A new small gable window, overlooking the road is proposed to serve a new en-suite bathroom. A dormer window is proposed within the new roof structure, which will face north-west over the existing yard. At ground floor

a garage door is proposed to be replaced with full glazed doors. No other windows or doors are proposed within the alterations and extensions.

It is not considered that the proposal will result in any overlooking as a result of the additional windows at first or ground floor, which will overlook the existing road and the applicants own garden space. The increase in volume of the proposed roof will sit above the existing garage, adjacent to the neighbouring property at Periwinkle. The proposed extension will sit lower and further back relative to this existing property. Due to the position and scale it is not considered that the proposed extension will give rise to any significant impacts upon this adjacent property in terms of being overbearing, dominant or restricting outlook. It is not considered that there will be any overshadowing or other impacts upon privacy.

#### **Impact upon the character of the area**

The proposed extensions relate to an existing modern property within an existing built-up area of Hugh Town. It is not considered that this part of St Mary's contains particular aspects of built heritage that should be protected from significant change. The area is comprised of modern mid-twentieth century properties. The proposed extension within an existing domestic curtilage is considered to preserve the character of the conservation area and will not give rise to harm.

There are no other material considerations

#### **Recommendation:**

In light of the above assessment it is considered that the proposal is acceptable and subject to the below conditions is recommended for approval.

C1 Standard 3 year time limit

C2 In accordance with the approved plans:

- Location Plan Ref: TQRQM18081200335666 Date stamped 23 March 2018
- Proposed Plans Drawing No: 118-05 Dated Mar 2018
- Existing Block Plan, Drawing No: 115-02 Dated Mar 2018
- Proposed Elevations, Drawing No: 118-06 Dated Mar 2018
- Proposed Roof Plan, Drawing No: 118-07 Dated Mar 2018

Stamped as approved

C3 Site Waste Management Plan

#### **ANY ADDITIONAL INFORMATION:**

- 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 NPPF.
- In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fees are as follows:



a) £34 for each request to discharge condition(s) where the planning permission relates to a householder development (domestic extension/alteration or outbuilding etc.).

b) £116 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application.

The fee is payable for each individual request made to the Local Planning Authority.

- In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £34/£234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
- The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted.

Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens in the first or, if none is available, The Bat Conservation Trust's National Bat Helpline on 0845 1300 228.

Signed: 	Dated: 16/5/2018	Signed: 	Dated: 16/05/2018
Planning Officer		Senior Manager	