



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/18/057/FUL	Expiry date: 28 August 2018
Received on: 16 July 2018	Neighbour expiry date: 7 August 2018
UPRN: 000192001696	Consultation expiry date:
Legal agreement: No	Site notice posted: 18 July 2018
Departure: No	Site notice expiry: 8 August 2018

Applicant:	Mr Sibley
Site Address:	Salt Whistle McFarland's Down St Mary's Isles Of Scilly TR21 0NS
Proposal:	Extension and remodel for disabled adaptation. Extensions to rear and front, proposed new dormer and change of garage roof from flat to mono-pitch.
Application Type:	Planning Permission

Description of site and development:

This is an application to make extensive alterations including extensions to this existing detached property at McFarlands Down. Planning history shows this was originally approved as a bungalow in 1959 (P0244) with extensions of a garage and a porch approved in 1964 (P0531). In 1977 (P1617) an application was refused for a Summer House. In 2005 (P5771) extensions and alterations were approved. In 2006 (P/06/016/FUL) an application for demolition and replacement was approved. As is clear from the property history the property has been altered and extended over the years but has largely remained very similarly scaled in terms of footprint with modest later extensions.

The application site is located at McFarlands Down, which is a settlement on the far north side of St Mary's. The property is on the west side of the road. It is a detached dormer bungalow which has gable detailing running east to west. It is a property that is located within an existing settlement area and the extensions proposed will largely sit within the existing building envelope and includes:

- The enclosure of the rear decking with a single storey rear extension.
- Front and rear extensions to the existing garage
- Installation of new roof structures above the garage and porch
- New roof which includes an overhang or cantilevered section.
- A new dormer window on the south elevation
- Various external ramps and additional garden decking

Public representations:

No letters of representation have been received. Neighbours at Luitreth and Pednbrose have been written to directly as these properties share a boundary with the application site. A site notice has been on display on the road in the vicinity of the site for a period of 21 days. No letters of representation have been received.

Consultee representations:

Mr Sean Taylor (CAU) No comments

Mr Terry Nottle - Fire Officer Has provided comments in relation to compliance with building regulations.

A Bat Survey has been requested and submitted due to alterations to the roof which could impact upon protected species.

Constraints and designations:

Conservation Area, AONB, Heritage Coast

Within 75 Metres of Pendrethen/Long Rock Down ACA

Within 150 Metres of Bants Carn/Halangy Down ACA

More than 250m x6 prehistoric HERs

Bat Roost 90m to the south-east at Jedi (McFarlands Down)

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) 2018

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.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations

Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 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.

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. Policy 2 (a) requires development to ensure conserve or enhance 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.

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.

Policy LC9 Residential Extensions: sets out that developments that propose 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 has only just concluded public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure Members are fully aware of relevant policy requirements being proposed, moving forward.

Appraisal/key issues and conclusion:

The main planning issues for consideration relate to whether the proposed extension 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 and AONB, and 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 proposal should not give rise to issues of highway safety or impact upon protected species or the historic or natural environment.

The current property at Saltwhistle is a 4-bedroom open market detached dwelling. The proposal is to erect a number of modest extensions and make further alterations to this existing large property. The alterations facilitate accessibility requirements of the applicant, who is a wheelchair user.

The original footprint of the dwelling as originally approved in 1959 was approximately 73 square metres plus an additional detached storage building/shed which equated to around 6 square metres. Following the approval of further extensions in 1964, including a porch and garage this increased to 116.25 square metres. This equated to a 47% increase in footprint. The original property was demolished and rebuilt following approval in 2006. The original 1959 dwelling, at the time its replacement was approved, had a footprint of 127.82 square metres. The current dwelling would appear to have a footprint of around 129 square metres and the proposed extensions will increase this to around 163.4 square metres. This is an increase of around 27% in footprint on the replacement dwelling. Whilst it is not possible to calculate the usable floorspace of the 1959 dwelling (now demolished) it would appear that the current 2006 replacement dwelling has 174.4 square metres of usable floorspace. The extensions now proposed would increase this to 208.37 square metres, which is an increase of around 19.4% from the replacement dwelling.

Under the proposed Policy LC9 Residential Extensions of the Draft Local Plan 2015 – 2030, a domestic extension of this scale would be acceptable without the owners being required to enter into a legal agreement to ensure the property was retained for local occupation. Part of the rationale for this policy, as set out in paragraph 242 of the Draft Local Plan 2015-2030, is that existing open market homes that are of modest size are more likely to be available to the local community. Significantly increasing the property will result in it being less likely to be available to the local community in the future, due to its significant increase in value. It is acknowledged however, and as set out above, that this emerging policy currently carries limited weight in planning decision making for the Isles of Scilly. Whilst the extensions would appear to be creating a significantly larger property relative to the original 1959 dwelling, they are not significant relative to the replacement dwelling, as approved in 2006.

In order to set out the context of housing sizes, officers have reviewed the Government's technical housing standards. This document sets out the expected amount of usable floor space for the size of the property and number of bedrooms proposed. For a two storey 4 bedroom dwelling the government expects this to have around 110 square metres of usable floor space. A property with the amount of usable floor space now proposed for Saltwhistle (208 square metres) would equate to a property with 6+ bedrooms, according to the Government's Technical Housing Standards. Whilst these are minimum space

standards it is acceptable for a Local Planning Authority to set these, within its planning policy, as maximum spaces standards. This is the case in some National Parks where the retention of smaller affordable homes is critical to sustainable communities. The existing home at the application site is already larger than a standard 2 storey 4 bedroom home, by 58%. The current extensions proposed would result in a 2 storey 4 bedroom home that is 89% larger than the governments prescribed space standards for such a property. However, as a dormer bungalow the volume of the property would be significantly less than an average 6 bedroom property and it is also recognised that as the proposals are seeking to create an 'accessible' home there is a requirement to have larger spaces and as such the increases in scale is not as excessive as these figures would suggest. This information is set out for context only.

The current 2005 Local Plan does not seek to control extensions to existing residential properties within policy but does set out clear guidance in the Isles of Scilly Design Guide which, as a Supplementary Planning Document (SPD), which does have material weight when making planning decisions. It is important therefore that this application is assessed against this guidance.

Page 74 of the Design Guide, and again a link has been set out below, relates to scale and massing which "are important aspects of good design and creating developments of appropriate proportion. To a certain extent the scale of development should be relative to the existing surroundings i.e. the size of a house relative to those in the vicinity or the size of a conservatory or a door relative to the type of house in which it is placed. The general form of the building should echo the pattern of the traditional buildings in the area, i.e. have a rectangular plan and relatively low profile. This does not mean that the building has to look exactly like traditional cottages, but it should not for example have a deep plan or exaggerated roof profiles".

This guidance states that inappropriate massing is where the proposal gives a busy and boxy appearance compared with the general building appearance. It is set out that development proposals should avoid dominant extensions which by their bulk and location overpower the original building.

The proposed extensions would result in a change to the appearance of the existing dwelling, the design choices are modern and are inspired by 'modern' properties. The rear extension would only be visible by immediate neighbours from the rear. The most noticeable elements will be the dormer window on the south roof slope and the installation of new roof structures, these are however, largely contained within a reasonable position that would not appear as significant discordant features within the streetscene and the building height is not exceeded. However, on balance it is considered that the proposed extensions are acceptable given that their modern design and scale which is sympathetic to the existing dwelling, including the contours and shape of its roof slopes. The proposal is therefore considered, on balance, to meet the Isles of Scilly Design Guide and therefore Policy 2(a) of the Isles of Scilly Local Plan. The principle of the domestic extensions proposed is considered acceptable.

Whilst the scale of the proposed dwelling is considered to be large and will likely further reduce opportunities for local family housing in the future, this is not currently a policy consideration of the adopted Isles of Scilly Local Plan. It is therefore not recommended as a reasonable reason for refusal at this time.

Impact upon the character of the Conservation Area and AONB

The Conservation Area and Area of Outstanding Natural Beauty (AONB) are blanket designations that cover all parts of the islands. It is important therefore that development both conserves the scenic beauty of the AONB and preserves or enhances the character of the Conservation Area. By virtue of the above assessment, it is considered that the design and scale of the proposed extension would not significantly impact on the character and appearance of the Conservation Area and AONB.

Impact upon Privacy and Amenity

All first floor windows proposed in the extensions will face either east, towards properties opposite, this is the case with the new dormer window, and west, also in the new dormer window. A first floor window in the west facing gable will change to a Juliet-style balcony, which will overlook the applicant's private rear garden. There are no other new first floor windows looking either north or south, which could result in a detrimental impact upon the amenity of neighbouring properties. The first floor dormer windows are considered to be acceptable and are sufficiently distanced from the property opposite which is around 30 metres from the nearest property at Minalto, to the east. All other new windows are ground floor and would not result in significant overlooking. Adequate privacy is usually achieved by ensuring distances of 21 metres are achieved between face-to-face habitable room windows and this is guidance contained within the Isles of Scilly Design Guide SPD. Where neighbours are not directly face-to-face and windows proposed are to be off-set then this distance can be reduced to 12 metres, although Officers would note this is not part of the Isles of Scilly Design Guide SPD. It is considered that there would not be any significant overlooking as a result of the proposed alterations and extension to warrant a refusal of the proposed extension.

The increased volume and bulk of the proposal, through a combination of roof structures, and extensions does have the potential to impact upon the neighbouring properties through over-shadowing or by having a dominating impact as would be the case of boundary extensions, for example. The proposed alterations and extensions to this existing detached home are largely angled away from the neighbouring properties or are single storey in nature. The exception being the addition of a dormer window on the south roof slope. Given the detached nature of the property, the fact that extensions are away from both the north and south boundaries with the neighbouring properties, it is not considered that there would be a significant impact in terms of over-shadowing as a result of the work. Rooflights in the north and south facing roofslopes are existing and the proposal results in a reduction in these. The rear extension is single storey and is considered to be acceptable.

Overall the proposal is not considered to give rise to significant impacts on existing neighbouring amenity and is considered acceptable.

Impact upon highway safety.

The existing property has an existing vehicular access, garage and off-street car parking clear of the private access road. There is no additional accommodation to suggest an increase in car use or ownership. The proposal is not considered to give rise to any issues of highway safety.

Impact upon protected species.

As the proposal results in alterations to an existing roof there is the potential to impact upon protected species including bats and birds. The applicants have been asked to carry out a Preliminary Ecological Appraisal and bat roost assessment. This has been carried out by The Isles of Scilly Wildlife Trust. The outcome of this suggested a low possibility of impacting upon protected species due to limited evidence and limited opportunity for opportunistic roost sites. This report required a further dusk-emergence survey, followed by a dawn re-entry survey. The outcome of which would confirm whether or not bats were present or active at this site. A bat presence/absence survey was carried out and submitted to support the application. This conclusively stated that currently there are no bats within the building and therefore no EPS (European Protected Species) License is required. In order to ensure appropriate action is taken, should bats be discovered during the course of the works, then mitigation is recommended to minimise bat disturbance and reasonable avoidance measures have been set out and are recommended for any decision notice issued:

- Working outside the main breeding/mating season for bats

- Carrying out checks in crevices prior to demolition
- Using sensitive external lighting to avoid future bat disturbance
- To enhance bat activity provide new opportunities for roosting around the site and building.

Subject to the above it is not considered the proposal would adversely impact upon protected species and would be in accordance with Policy 1 of the Isles of Scilly Local Plan.

Impact upon the Historic Environment.

The application site is not a listed building, scheduled monument or other designated heritage asset and there are no such known designations within the application site. As identified above there are a number of historic records including archaeological constraint areas in and around this site. The proposal does not include any significant foundations or below ground works and therefore the likely impact upon unknown below ground archaeological remains is considered to be low. Whilst there is the potential for below ground archaeological remains to be present, this site has been the subject of relatively recent ground works when the current property was constructed around 10-12 years ago. It is not considered that the proposal will impact upon the nearby scheduled monuments at Bants Carn or Halangy Down due to the nature of the surrounding landscape and topography. The historic landscape for this area is identified as 'settlement' with no other historic landscape type provided. The development at McFarlands Down commenced in the 1950s and whilst there are known important archaeological remains around this area it is not considered the proposal would impact upon these to any significant degree.

Impact upon the natural environment

The site is not located within any natural environment designations or any of the SSSI Risk Impact Zones. The nearest such designation is the Porthloo SSSI which is around 750m to the south west of the site. With Higher Moors and Porth Hellick Pool SSSI which is around 1200m to the south east of the site. The proposal is not considered to give rise to any particular impact upon natural environment designations

Conclusion

On the basis of this assessment the proposal is, subject to the below conditions, considered to be acceptable and is recommended for approval in accordance with the planning policy framework for the Isles of Scilly.



Recommendation:

1. Standard 3 year Time Limit
2. In accordance with the approved Plans
 - Elevations as proposed, drawing no: PL(P)-00-003, dated July 2018
 - Plans as proposed, drawing no: PL(P)-00-002, dated July 2018
 - Block Plan and Location Plan, drawing no: PL(P)-00-006, dated 12.07.2018
 - Design and Access Statement by PLG
3. Submission of a Site Waste Management Plan
4. Submission of Bat Enhancement Measures
5. Removal of Permitted Development Rights – Alterations and Extensions
6. No external illumination without agreement

Informatives

1. Standard Bat Discovery
2. Compliance with Building Regs – Fire Equipment

3. 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 paragraph 38 the National Planning Policy Framework 2018.

Signed: 	Dated: 05/09/2018	Signed: 	Dated: 7/09/2018
Planning Officer		Senior Manager	