

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/045/HH
Received on: 28 August 2019
Application Expiry date: 23 October 2019
Neighbour expiry date: 28 August 2019
Consultation expiry date: 18 September 2019
Site notice posted: 29 August 2019
Site notice expiry: 19 September 2019

Applicant: Mr D Cliffe
Site Address:
Storm Cottage
Little Porth
St Mary's
Isles of Scilly

Proposal: Proposed garage conversion incorporating loft conversion, increased ridge height to match main house.
Application Type: Householder

Recommendation

That the Application is REFUSED for the following reasons:

1. The proposed development, by virtue of its scale, massing, form and design is considered to be incongruous with the existing building and detracts from the character and appearance of the building and the Conservation Area and does not, therefore, accord with Policy 2 of the adopted Local Plan 2005, the Isles of Scilly Design Guide (2006), Policies SS1 and SS2 of the submission Draft Isles of Scilly Local Plan 2015-2030 or paragraph 127(c) of the National Planning Policy Framework (2019).

2. The proposed development, by virtue of its increase in internal usable floor space, which exceeds the minimum range for a 2 storey 3-bedroom dwelling for 4 people by 50%, is considered excessive without adequate justification being provided as to why a larger home is required. The existing dwelling is a home that was approved to meet a Specific Local Need and is covered by a restrictive occupancy Legal Agreement (S106) to ensure it remains available as an affordable home in perpetuity to meet the needs of the community. The proposal is therefore contrary to Policy LC9 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Contributors:**Public Representations:** NONE**Consultation Representations:**

Cornwall Fire and Rescue – 04/09/19

Constraints:**Scheduled Monuments:** NONE**Listed Buildings:** NONE**Archaeological Constraint Areas:** NONE**Site Description and Proposed Development**

Storm Cottage is a detached 3 bedroom dwelling located on the south side of the road at Parsons Field between Little Porth and Porthcressa, Hugh Town, St Mary's. Originally permitted as 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 existing dwelling has an attached double garage. The property is of modern construction with a painted rendered finish and a tiled roof.

This application seeks planning permission for a garage conversion incorporating a loft conversion and an increased ridge height to match main house.

Background and Relevant History

P5416 – Planning Permission for the demolition of garages (A & B) and erection of chalet bungalow. Approved 2006 subject to a S106 planning obligation restricting occupancy to those with a specific local need. The occupation restriction was modified on 20.08.2013 to include those with key worker status in addition to specific local need.

P/15/075 – Planning permission for the erection of 2m high timber fence and gate (adjacent to highway) and installation of north facing double patio doors. Approved 30.10.2015.

P/18/018 – Planning permission for the conversion of garage to form ancillary living accommodation including external alterations to form first floor bedroom. Approved 18.05.2018.

Consultations and Representations

Cornwall Fire and Rescue have commented on the application on the 04/09/19 and state

Access and Facilities for the Fire Service as detailed in B5 AD B Volume 1

You will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances.

It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.

Appliance type Pump High Reach

Minimum width of road between kerbs(m) 3.7 3.7

Minimum width of gateways(m) 3.1 3.1

Minimum turning circle between kerbs (m) 16.8 26.0

Minimum turning circle between walls (m) 19.2 29.0

Minimum clearance height(m) 3.7 4.0

NOTE for Building Regulations

The proposed escape route via the kitchen will not be deemed satisfactory under the Regulatory Reform (Fire Safety) Order 2005. An alternative from the first floor a protected route will be required.

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 2017 (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) 2019

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. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

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.

Chapter 12 of the NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

National Design Guide (Oct 2019)

As of 1st October 2019 the Government published a planning practice guidance of National Design Guide¹. This sets out the 10 characteristics that should be used to inform and create good design and states that well-designed places and buildings come about when there is a clearly expressed ‘story’ for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context.

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 and (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.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands’ environment, economy or local communities 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; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Isles of Scilly Design Guide (2007)

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 where planning permission is required. 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”. Page 93 sets out specifically guidance of dormer window extensions and states that whilst dormer windows are not a significant feature in traditional Scillonian cottage buildings, they are seen in later buildings from the 19th Century onwards. Dormers are a useful architectural device where a new building requires a low eave (part of a roof which projects out from the side wall) height in order to achieve a sympathetic scale in relation to adjacent buildings. Dormers can take different forms, but they should not have the effect of creating a ‘boxy’ or busy (cluttered) roofscape.

Pre-Submission 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 environment (Policy OE2) and policy LC9 relates to residential extensions and ancillary accommodation.

Policy LC9 Residential Extensions and Ancillary Accommodation states that development will be permitted where it respects its setting. Proposes should take account of (1) Where the existing dwelling is below the minimum range of internal space standards, an extension will be permitted to bring the property up to a size that is in accordance with the Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards). (2) Where the existing dwelling is already within the minimum range of internal space standards and a proposal is to enlarge the property, this will only be permitted to meet a growing household size. In such circumstances

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835212/National_Design_Guide.pdf

applicants must be clear on the number of bedrooms and the size of the household. The size of extension must be in accordance with Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) for the size of property proposed. (3) In all cases proposals will also need to: a) improve the overall energy performance of the building and accord with the principles set out in Policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design; and b) ensure there is sufficient space within the existing curtilage to accommodate the extension without resulting in overdevelopment of the site or adversely impacting on residential amenity space and parking provision. (4) An extension to an existing dwelling will not be permitted to include any element of holiday letting accommodation and, where appropriate, a condition will be imposed removing permitted development rights to further extend or alter the dwelling. (5) All planning applications for extensions to existing dwellings should be supported by calculations of the existing and proposed habitable floor space.

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Planning Assessment

The main material planning considerations in this case are considered to be the principle of development, the design, scale and materials and the impacts on the character and appearance of the Conservation Area, the impact on protected species and habitats and the impact on neighbouring amenity.

PRINCIPLE OF THE DEVELOPMENT

Policy 2 of the adopted Local Plan and Policy LC9 of the draft Local Plan, permit such development in principle, subject to set criteria providing the proposed development would be used for residential purposes.

The proposed development seeks to increase the residential floor area of the property by approximately 29m². The original dwelling of Storm Cottage, which is covered by an existing restrictive legal agreement (S106) to restrict occupancy, was a 3-bedroom 2 storey dwelling and the proposals would retain this arrangement (the 2018 approval sought to create a 4th bedroom). The usable floorspace, however would, under the current application, increase to more than 129m², which is a 28% increase overall, relative to the original dwelling. This would be 25% larger than the minimum space required for a 2 storey, 3-bedroom house for 6 people and 52% larger than the minimum required for 4 people. There are no submitted details to explain why additional space is now required in the property, why an additional kitchen and lounge are now proposed and why this additional accommodation would appear to be largely self-contained space.

Whilst the current (2005) adopted Local Plan has no specific policies that seek to control the size of domestic extension; it is considered that the scale of the extension will cause an unacceptable impact on the character and appearance of the main dwelling. Policy LC9 of the draft Local Plan, which can (following submission to the Secretary of State) be afforded greater weight, seeks to restrict unnecessary increases in scale of existing homes. The proposed development would create a significantly larger dwelling, 50% larger than the minimum required for 4 persons, without providing justification and does not, therefore, accord with Policy LC9 of the draft Local Plan. Additionally

Policy LC9(4) does not permit extensions to existing dwellings where this includes an element of holiday let accommodation. Whilst the applicant does not state that the accommodation would be for holiday let accommodation, the layout submitted does suggest this is a self-contained extension. This could however be conditioned to be for ancillary occupation only.

In 2018, an application was submitted to convert the attached garage to provide an adjoining living room at ground floor and a bedroom at first floor. The principle of whether the creation of an additional bedroom (for a property of restricted occupancy) was considered acceptable and the application was approved. Since that application was approved there has been a change in local planning policy. Policy LC9 of the draft Local Plan, as consulted on in Regulation 18, has been amended and reconsulted on. So whilst it was given only limited weight in 2018 this policy, in its current form, as the draft plan has been submitted for public examination, can be afforded significantly greater weight. This policy now seeks to ensure that homes align with the Nationally Described Space Standards, to enable small homes to be brought up to a good standard but also prevents already large homes from becoming excessive in size/scale and does not permit extensions for the purpose of holiday let accommodation.

DESIGN, SCALE AND MATERIALS

The proposed development consists of the conversion of an existing attached double garage to provide at ground floor a kitchen with an internal access door into the main property and the retention of 1 no. garage space. The proposed development seeks to raise the ridge height of the garage roof to provide a bedroom, bathroom and lounge area at first floor, accessed by a second and separate staircase. The proposed development also includes the installation of a new rooflight on the south elevation.

Under application P/18/018 the ridge height of the garage was proposed to be increased from 3.7m to 5 metres and the eaves height of the garage increased from 2.3m to 2.8m, which included increasing the angle of the roof pitch from 27 degrees to 42 degrees. These alterations were approved. The proposed alterations to the roof under the above planning permission appear to have been implemented, as the existing elevation show the existing ridge height to be 5 metres and the existing eaves height to be 2.8m. Although the existing floor plans and roof plan, show no internal changes or the insertion of the first floor dormer that was approved.

This current application seeks to further increase the ridge height of the garage by approximately 0.3m to give a proposed ridge height of 5.3m. The proposed development also includes the removal of a double garage door and its replacement with a door and window, the removal of a window and re-siting of a door at ground floor and the insertion of two double sets of doors with Juliet balconies at first floor on the west elevation. The insertion of a new rooflight on the south elevation and the proposed change to the window design on the north elevation from a double pane window to a triple pane window. The proposed development also includes the insertion of two dormers at first floor level. These proposed dormers will be inserted along both sides of the garage roof and will extend out from the roof slope by approximately 2.3m at eaves height. The western dormer is proposed to continue along the entire length of the garage roof slope and connect to the existing dormer on the northern elevation.

The proposed development creates an internal ground floor area of approximately 14.5m² and proposed internal first floor area of approximately 23.97m², totalling an approximate increase in residential floor area of approximately 38.47m².

Policy 2 (a) of the 2005 Local Plan states that development will be permitted where it conserves or enhances the landscape and existing buildings of the islands through the use of appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping. The Isles of Scilly Design Guide (2006) states that dormers can have different forms, but they should not have the effect of creating a 'boxy' or busy (cluttered) roofscape.

Policy LC9 of the Submission draft Local Plan seeks to restrict the scale of domestic extension on existing properties, partly on the basis of the increase in higher value stock being less accessible to the local community. Policy LC9 advises that extensions shall align to the range of internal floor space dimensions as set out in the Nationally Described Space Standards. For a 2 storey, 3-bedroom property the range would be between 84m² and 102m² of internal usable floorspace. Unless there is a demonstrable proven need to justify a larger extension, in order to maintain a supply of homes that meet the needs of the community (in terms of affordability and size) then the NDSS are used to determine whether the scale of extension proposed is acceptable or not.

Policy LC9 also states that proposals will need to accord with the principles set out in policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design. Policy SS1 states that development will be permitted where it conserves and enhances the outstanding natural, built and historic environment and Policy SS2 states that development will not be permitted if it is considered to be of poor or unsustainable design and development must be of a high-quality design and contribute to the islands' distinctiveness by respecting and reinforcing the character, identity and local distinctiveness of an area with scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting.

The proposed dormers dominate the roofscape of the garage and encroach onto the roof of the main dwelling creating a cluttered appearance. It is considered that the proposed development, by virtue of its scale, massing and design does not conserve or enhance the existing building contrary to the requirements of Policy SS2 of the Submission Draft Local Plan. The proposed development is considered to have an unacceptable impact on the character and appearance of the building and is not subservient in its form and design. The proposed development does not; therefore accord with Policy 2 of the adopted Local Plan, the Isles of Scilly Design Guide or Policies SS1 and SS2 of the draft Local Plan.

It is considered that the design, massing, form and scale of the proposed development is unacceptable and would cause harm to the character and appearance of the existing dwelling.

Impact on the Character and Appearance of the Conservation Area

Policy 1 of the adopted Local Plan relates to Environmental Protection. This policy seeks to ensure that all development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment.

The test under the Listed Buildings and Conservation Area Act is whether a development proposal preserves or enhances the character or appearance of the Conservation Area. The proposed development seeks to alter an existing dwelling through the conversion of an existing double garage incorporating an increased ridge height. Through its design, massing, form and scale it is considered that the proposed development neither preserves nor enhances the character or appearance of the Conservation Area and is considered to fail the test under Section 72 of the Listed Buildings and Conservation Area Act. The proposed development does not; therefore accord with Policy 1 of the Local Plan or Policy SS1 of the draft Local Plan.

Impact on Protected Species and Habitats

Policy 1 of the adopted Local Plan relates to Environmental Protection. This policy seeks to ensure that all development proposals 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.

Policy OE2 of the draft Local Plan states that (1) development will be required to conserve, protect and, where possible, restore and/or provide measurable net gains to biodiversity and geodiversity interests and soils. All development must ensure that the importance of habitats, designated sites and species are taken into account; they must also incorporate appropriate measures to avoid and reduce

the disturbance of sensitive wildlife sites and habitats, provide opportunities for enhancement wherever possible, and minimise the impacts on non-native species through the lifetime of the development.

A preliminary ecological appraisal and preliminary bat roost assessment report (dated 23 August 2019) was submitted alongside the application. Section 5 of this report sets out the recommendations. The report states that the characteristics of the building and the surrounding habitat suggest negligible roost potential for bats, no nesting birds were found, no vegetation of conservation interest was found in the immediate surrounding habitat and recommend that no further surveys or a European Protected Species licence are required.

Section 5 of the report also sets out the mitigation and further actions required. As the results of the survey have shown that, there is a low risk that bats may roost within the building (due to the identification of 1 or 2 small roost features), prior to demolition, precautions should be taken to reduce the probability of committing an offence.

It is considered that the proposed works conserve, protect and the recommendations contained in the report offer biodiversity net gains, and the development, therefore complies with Policy 1 of the adopted Local Plan and Policy OE2 of the draft Local Plan.

Impact on neighbouring amenity

The proposed development seeks to increase the residential floor area of the property through the conversion of the existing, attached, double garage that incorporates an increase in the ridge height of the garage roof to allow the provision of dormer windows. The footprint of the existing dwelling would not increase. The proposed alterations include the installation of a rooflight on the south elevation; however, this elevation already has three existing rooflights. The proposed alterations also include the installation of two dormer windows (with Juliet balconies) and the replacement of a garage door with a single door and window, these alterations all face over the existing yard.

It is not considered that the proposed development would result in any overlooking from the proposed 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 mainly above the existing garage, with a small portion extending to join an existing dormer on the roof of the main dwelling. The proposed development would have a higher ridge height than that previously approved and would have a dormer on either side of the roof slope. This includes a dormer that would sit nearer to the adjacent neighbouring property at Perriwinkle. As the rear facing dormer window does not include any windows and would overlook the roof only of this adjacent property the proposed development is not considered to have a negative impact upon this adjacent property in terms of being overbearing, dominant or restricting its outlook. No letters of representation have been received. It is considered that the proposed development would be acceptable in terms of impact upon adjoining properties.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/ the Development Plan and Central Government Guidance.

Conclusion

The proposed development is judged to have an unacceptable impact on the character and appearance of the building, the Conservation Area and the Area of Outstanding Natural Beauty. The proposal is not considered to comply with Policies 1 and 2 of the adopted Local Plan (2005), Policies SS1 and SS2 of the Submission Draft Local Plan or paragraph 127(c) of the NPPF (2019) and are judged to fail the test for development within a Conservation Area. Additionally the size of extension proposed is excessive in scale, without justification and contrary to Policy LC9 of the Submission Draft Isles of Scilly Local Plan 201-2030, as such, it is recommended that planning permission is refused.

Links

<https://www.scilly.gov.uk/planning-application/planning-application-p19045>

Reasons for Refusal

1. The proposed development, by virtue of its scale, massing, form and design is considered to be incongruous with the existing building and detracts from the character and appearance of the building and the Conservation Area and does not, therefore accord with Policy 2 of the adopted Local Plan 2005, the Isles of Scilly Design Guide (2006), Policies SS1 and SS2 of the submission Draft Isles of Scilly Local Plan 2015-2030 or paragraph 127(c) of the National Planning Policy Framework (2019).
2. The proposed development, by virtue of its increase in internal usable floor space, which exceeds the minimum range for a 2 storey 3-bedroom dwelling for 4 people, by 50%, is considered excessive without adequate justification being provided as to why a larger home is required. The existing dwelling is a home that was approved to meet a Specific Local Need and is covered by a restrictive occupancy Legal Agreement (S106) to ensure it remains available as an affordable home in perpetuity to meet the needs of the community. The proposal is therefore contrary to Policy LC9 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Report Sign-off

Checked by CIOS Planning Officer	Signed: 		Dated: 23/10/2019
Signed: <i>Y. Dale</i>	Dated: 22/10/19	Signed: 	Dated: 23/10/2019
Planning Officer		Senior Manager	