

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/19/061/HH

**Received on:** 1 October 2019

**UPRN:** 000192001112

**Application Expiry date:** 16 January 2020

**Neighbour expiry date:** **25 December 2019**

**Site notice posted:** 3 December 2019

**Site notice expiry:** 24 December 2019

**Applicant:** Mr James Squire

**Site Address:** The Holt  
Rams Valley  
Hugh Town  
St Mary's  
Isles of Scilly  
TR21 0JX

**Proposal:** Amendment to existing accommodation. New balcony fence. Rear door with stair access to first floor

**Application Type:** Householder

## Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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## Site Description and Proposed Development

The application site comprises a mid-terraced two storey house with dormer windows to the front and rear, which provide a sizeable roof space that is used as bedroom accommodation currently. To the ground floor is an existing garage, bedroom and front and rear access to the property. First floor access, via stairs from the ground floor, is provided that leads to a kitchen, a lounge and bathroom. Further stairs from the first floor to the second floor lead up to three further bedrooms. The current property is a 3 storey, 4-bedroom property for 5 people. The existing usable floor space is around 115m<sup>2</sup> (11% larger than the minimum).

The current proposal is to convert the existing garage to a lounge (although the plans show this as a bedroom this has been confirmed as a draughting error and is in fact a bedroom). In the rear yard it is proposed to install a stepped rear access to the first floor and install a door into the first floor kitchen. Whilst the existing ground floor rear access is to be blocked up (this was an external doorway directly into a bedroom) a new ground floor access is proposed to the 'entry' on the west side of the property. This would provide a side door that would provide access to the ground floor through the proposed lounge. Additionally it is proposed to replace the balcony balustrade with a glazed finish and remove the garage door on the front and replace this with a casement upvc window.

## Background and Relevant History

Planning history starts in 1971 when application (P1040) was initially submitted for an extension to Trelawny on Church Street, which was refused. The current dwelling was approved in 1972 when P1096, for the construction of a dwelling, was approved. This was an outline application, as it predated the establishment of a Conservation Area. In 1973 the reserved matters application was approved under P1232. In 1981 an application for a garage and balcony was submitted under P1962. This was refused and a subsequent appeal overturned the Council's refusal.

## Consultations and Representations

**Public Representations:** 11 neighbouring properties were written to directly. No letters of representation have been received. A site notice has been on display to the front of the site for a period of 21 days.

**Consultation Representations:** NONE

### Constraints:

Listed Buildings:	To the east side (but not adjoining this site) is the Grade II LB of the BELLROCK HOTEL AND ATTACHED WALL AND RAILINGS
Historic Landscape Character:	Landscape Type: Settlements.
Archaeological Constraint Area:	None
Scheduled Monuments:	None
Natural Environment:	None

## Primary Legislation and Planning Policy

### Primary Legislation

#### The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

#### The Planning (Listed Buildings and Conservation Area) Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

### **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) 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. 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”.

### 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 (Policy OE2) and historic environment (Policy OE7). This emerging document also contains policies for residential extensions (Policy LC9). This requires extensions to appropriate to the scale of the existing dwelling and size of household and requires an alignment with the minimum range of the Nationally Described Space Standards. Enlargements should not result in over-development of the site, other harm to neighbouring amenity and should not include elements of new holiday letting accommodation.

A link to this consultation Draft Local Plan has been set out below. As of 30<sup>th</sup> September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight. The Local Plan Examination in Public is due to take place between 21<sup>st</sup> and 23<sup>rd</sup> January 2020, where an independent Inspector will assess the soundness and legal compliance of all policies contained within the New Local Plan.

## Planning Assessment

The main considerations with respect to this application is to understand whether or not the proposal is acceptable in principle. This includes consideration of the impact upon privacy and amenity of neighbouring properties, the impact upon the wider character of the area and any impacts upon the natural environment. Providing the scale of the proposed enlargements or alterations are significantly above or below the NDSS and they do not result in other harm to issues of acknowledged importance, then the proposal would be considered acceptable.

### Scale and Design

Internal Floorspace	No of Storeys/ floors	No of Bedrooms	Calculation (Provided or calculated by case officer)	NDSS (for 5 people)	%above or below NDSS
Existing	3	4	115 m <sup>2</sup>	103 m <sup>2</sup>	11% above
Proposed	3	3	122m <sup>2</sup>	93 m <sup>2</sup>	31% above

Currently the property has an integral garage and 4 bedrooms (3 and one box room), the proposal includes no significant extension but will acquire the space of the garage, which will become part of the dwelling and the attic box room will become an en-suite bathroom. This results in a modest change of internal usable floorspace and a change to the configuration of bedrooms. Either way the property does meet the minimum standards and exceeds this by approximately 31%.

It is considered that as the proposal achieves the additional space without significant extension and the ground floor is intended to provide integral annex accommodation for a dependent elderly relative.

The proposal also includes the change in balcony design from timber to glazed, the removal of the garage door and construction of a window to the front (in place of the garage door). To the rear the applicant intends to install a rear stepped access to the first floor which will provide direct access to the private rear garden, from the first floor kitchen. This is justified on the basis of providing independence for the annex accommodation and not going through the ground floor to get to the back yard area. Whilst officers consider this is an excessive step to take to avoid either walking around the property to get to the rear garden, or walking through the side door, through the proposed lounge, there is no significant harm identified, in terms of overlooking, that would arise as a result of the stepped access to the first floor.

Overall the proposed changes make provision for an elderly relative, providing some independence without extensively altering or extending the property. The external alterations are considered acceptable and providing the annex accommodation, as shown to be the ground floor of the property, is conditioned to be occupied only ancillary to the main dwelling, and not as a separate unit of accommodation, the proposal is on-balance considered acceptable.

### **Wider impact upon the Character of the Conservation Area**

The proposed changes to the front of the property including an updated design for the existing balcony, and the removal of a garage door replaced with a simple casement window, would both be acceptable in design and be in keeping with the dwelling. It is considered that the proposal would preserve the wider character of the conservation area.

The installation of the rear stepped access would not have any particular visual impact upon the character of this area. The rear of properties along Church Street to the north and Porthcressa Road/Rams Valley to the south, have a mixture of designs and there are some instances of stepped accesses above ground floor, particularly on the rear of the Bell Rock listed building. The proposed alterations are considered acceptable in terms of preserving the character of the conservation area.

### **Impact upon residential amenity**

The proposed alterations to the front, which see a retention of the existing front balcony and a new window at ground floor, would not give rise to any amenity issues for neighbouring properties. The new stepped access at the rear, which will provide access to the first floor from the garden, would introduce a small area in which greater views over back yards and windows would become apparent. Having visited the site from this existing first floor room it was noted that the additional views would be limited to passing views as one leaves or enters the building, the small area to the rear would not allow for sitting outside, which could introduce elevated overlooking as well as noise. To the east the increase in view would not be significant, as the immediate neighbouring property wall blocks direct overlooking. The views north and west would not be significant from the top of the steps given that there is limited space being proposed. This together with the 'close-knit' arrangements of properties of Church Road and Porthcressa Road/Rams Valley area would suggest that the introduction of the first floor rear access steps would not have a significantly greater impact relative the existing relationship of properties in this area.

### **Other considerations**

The proposal would not impact upon the wider historic environment or setting of any listed building or scheduled monuments. There will be no significant ground works and as such no likely impact upon below ground archaeological remains.

The proposal does not impact upon any of the islands' natural environment designations. As assessed above the alterations will not impact upon the privacy and amenity of neighbouring properties. The removal of the garage is considered acceptable given the sustainable location of the

property, within walking distance of shops and services. Subject to the above mentioned condition the works are not considered to give rise to significant harm.

### **Conclusion**

Whilst overall the modifications to this property are above the minimum internal space for a property of this size, this is achieved without any harm being identified and will allow the applicants to accommodate an elderly relative. Subject to a condition to make it clear that this is not to be occupied separately to the main dwelling and that any sub-division of the property would require further consent, the proposal is considered to be acceptable.

### **Conditions**

**C1 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).

**C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Location Plan date stamped 21<sup>st</sup> November 2019;**
- **Site Plan date stamped 21<sup>st</sup> November 2019;**
- **Proposed Alterations, Drawing Number: H-PA-1a, date stamped 21<sup>st</sup> November 2019;**
- **Site Waste Management Plan for the Holt, Rams Valley, date stamped 21<sup>st</sup> November 2019;**
- **Sustainable Design Measures for the Holt, Rams Valley, dated 21/01/2020.**

**These are stamped as APPROVED**

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

**C3 Within 28 days of the completion of the development, hereby approved, the x1 bat box and x1 bird box, as set out in the application details (letter dated 22/01/2020, email of 27/01/2020 and plan) shall be installed and be retained as approved thereafter.**

Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005 and Policies SS1(d) and SS2(g) of the Submission Draft Isles of Scilly Local Plan 2015-2030.

**C4 The alterations to the property, hereby permitted, shall not result in any sub-division of this as a single dwelling and no element shall be occupied at any time as a separate dwelling including holiday letting purposes. Any such change of use should be subject to a further application for planning permission.**

Reason: To ensure that the development hereby permitted is occupied only as a single dwelling as specified in the application. In accordance with Policy 3 of the adopted Isles of Scilly Local Plan (2005) and Policy LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

**C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order) there shall be no external lighting installed as part of the implementation of**



the works, hereby approved, without formal approval in writing by the Local Planning Authority. For the implementation of this permission any details can be submitted under a discharge of this condition. Details should include precise specification of all external lighting to be installed, including details of its siting, position, design, orientation and maximum level of illumination.

Reason: To safeguard the visual amenity, landscape character and dark night sky of the Conservation Area and Area of Outstanding Natural Beauty in accordance with Policy 1 of the Isles of Scilly Local Plan 2005 and Policy OE4 of the Isles of Scilly Draft Local Plan 2015-2030.

**C6 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.


### Removal of Permitted Development Rights

**C7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions (Class A), alterations to the roof (Class B and Class C), Porches (Class D), curtilage buildings (Class E), to the dwelling hereby permitted shall be erected without the prior permission, in writing, of the Local Planning Authority.**

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock.

### Further Information

1. 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 2019.
2. 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 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.
3. 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 fee is £34 for each request to discharge conditions(s). The fee is payable for each individual request made to the Local Planning Authority.

Signed:	Dated: 28/01/2020	Signed: 	Dated: 28/1/2020
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	1, a, b, g	a), b), d),								
Contrary to (tick)										
In accordance with (tick)	✓	✓								
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)									2, 3 a), b)	
Contrary to (tick)										
In accordance with (tick)									✓	
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
Monitoring	Yes	No								
Sustainable Design Measures required	✓									
Provided	✓									
Conditioned										
Site Waste Management Plan Required	✓									
Provided	✓									
Conditioned										
Biodiversity enhancements required	✓									
Provided	✓									
conditioned										