

26th October 2020

Penventon,
Porthcressa
St Mary's
Isles of Scilly
TR21 OJQ

Dear Lisa,

Thank you for providing us with the revised plans regarding this application.

A height reduction of 200mm is insignificant in comparison to the overall scale of the proposal.

We will still suffer a dramatic loss of visual amenity, overshadowing, loss of light and solar warmth as the result of this proposal.

Our previous objections remain valid and in addition to those we would like to submit the following observations regarding this site and the planning processes applied to it:

We would like to draw the planning committee's attention to the extracts below from the planning report ref P19/20 which was the applicants previous submission last year.

52. Proposed development is within the Isles of Scilly Conservation Area and as such it is expected to meet a high standard of design with the general objective of making sure that the development reinforces the area's established character and appearance. Whilst there is some consistency within surrounding groups of dwellings, the design and appearance of the proposal does not demonstrate any particular local distinctiveness which should be reinforced and does not reinforce the established character of the area. The proposal would be a dominant building visible from many public viewpoints and is not considered to conserve or enhance the character of the Conservation Area or scenic beauty of the AONB of the surrounding area.

We would like to point out that this previous application had more green space than the current application which appears to be being celebrated for its conservation credentials. While we understand it is a matter of opinion, there is no consistency with the surrounding developments. The Proposal appears to fail to display any local distinctiveness whatsoever neither does it reinforce the established character of the area which the planning report makes reference to in Para 49.

49. Officers consider that whilst the existing garage building is in a poor state of repair and not of any architectural merit, its form, scale and character respect the character of this area. *The proposed dwelling would have an increased impact on the immediate area which would impact on the general amenity of the site as well as the amenity enjoyed by the surrounding properties as a direct result of its prominence. The proposed building mass would be much larger than the existing garage and, given the concerns raised above, it is considered that the proposed development would cause substantial harm to the character and setting of the area and neighbouring amenity. Whilst*

Officers recognise the need to support development of brownfield sites, this cannot be at the expense of high quality design, the protection of landscape character or the amenity of neighbouring dwellings. On this basis the proposal is considered unacceptable by virtue of its scale and massing.

We strongly believe that this is still the case, the current proposal is larger and more overbearing than before.

62. *The main properties which the development would affect are Monaveen (6 metres west), Penventon (6 metres west), Charlies Cottage (6 metres west), The Lookout (11 metres north) and Domremy (9.5 metres east). The proposed dwelling in comparison to the existing, at the scale proposed and increased building mass would, as previously stated, significantly worsen the outlook from the habitable windows of the neighbouring properties and would have an increased overbearing impact upon the amenity of the neighbouring properties to the east and west of the site. The proposed dwelling has 4 main habitable windows facing west towards Monaveen, Penventon and Charlies Cottage, all within 6 metres of the dwelling. There are three bedroom windows (x2 ground floor and x1 first floor) facing north towards The Lookout. There is a first floor lounge window facing west towards Domremy. These give rise to overlooking towards existing residential properties, contrary to the recommendations of the adopted Design Guide which requires that development should not harm the amenities of the occupiers of neighbouring properties. Furthermore, the proposed development would conflict with the NPPF, which at paragraph 130, seeks to secure a good standard of design.*

The section highlighted in red is pertinent here we would like the councillors to consider the underlined sentence as this remains a valid point that has not been addressed by presenting a larger proposal and moving the building 700mm further away and raising it 507mm higher than the previous submission.

65. *Whilst the proposed dwelling is seeking to meet an identified local housing need, which is acceptable in principle, **it is unfortunate the site is not capable of accommodating a development of the scale proposed.** Therefore, having regard to the considered overdevelopment of the site coupled with the impact on the living conditions of neighbouring occupants, it is therefore recommended that the application is refused planning permission for the reasons considered above and as set out in Appendix A below.*

Appendix A – Reasons for Refusal

R1. The proposal would result in overdevelopment of the site and by virtue of its scale and massing, would appear unacceptably overbearing and dominant when viewed from Penventon, Monaveen and Domremy, contrary to the Isles of Scilly Adopted Local Plan (2005), and to the guidance set out in the Isles of Scilly adopted Design Guide Supplementary Planning Document (2006) and emerging Policy SS2 (1) a), c), d) of the Draft Isles of Scilly Local Plan (Pre-submission (Regulation 19) Public Consultation) 2015-2030.

R2. The proposed development, by reason of its cramped appearance in the streetscene and proximity to the site boundaries would fail to preserve or enhance the character and appearance of the Conservation Area, and, if permitted, would be likely to set a pattern for similar undesirable proposals in the vicinity, resulting in a retrograde lowering of the spatial standards to which the area is presently developed, thereby contrary to Policy 1 the Isles of Scilly Adopted Local Plan (2005) and the guidance set out in the Isles of Scilly

adopted Design Guide Supplementary Planning Document (2006) and emerging Policy OE7 (5) of the Draft Isles of Scilly Local Plan (Pre-submission (Regulation 19) Public Consultation) 2015-2030.

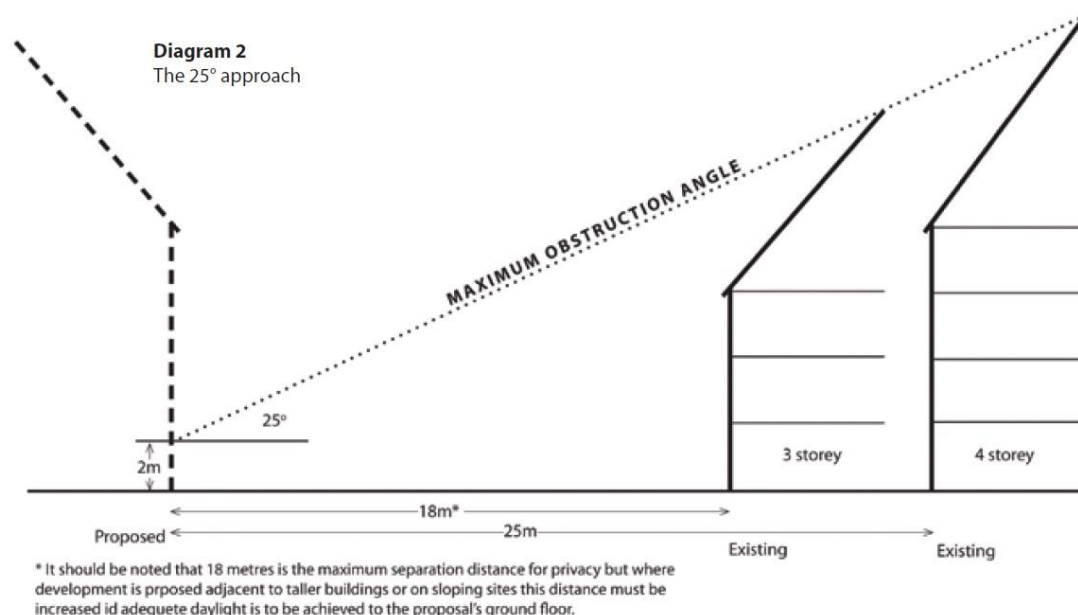
At the time of this report the applicant had already purchased the additional land and looking at the previous plans and the most recent plans no more land has been obtained?

If the previous application was too large for the plot (As stated in para 65 above) how can a significantly larger proposal suddenly be deemed to be acceptable?

The issue of overshadowing is still an issue in the fact that although the proposal is 700mm further away it is still even with a 200mm reduction in height is 507mm higher than the application that was turned down on the grounds of being overbearing and dominant to our property...

The comments within the meeting dismissing the question of sunlight are incorrect, we have photographic proof that the sun does indeed shine on our property in fact in early spring the sun breaches the horizon at 070degrees front the front of our house and we enjoy sun through to the middle of the afternoon when we loose it at 260degrees during the spring and autumn/early/late winter the sun is low in the sky and marginally breaches the horizon but still affords us valuable light into our home. This will be severely affected as we will be affected by over shadowing and loss of light.

1 of our objections was that the development conflicted with the 25 and 45 degree rules.



Having read the planning report and listened multiple times to the planning meeting online, our concerns regarding the 25degree rule have not been acknowledged or dealt with at any stage of the process. As we understand it overshadowing is a valid planning objection which appears to have been dismissed on the grounds of an "opinion".

We would also like some clarification on the councils definition of Brownfield as every reference we can find regarding Brownfield refers to previously developed land yet 117.2m² of the plot is a garden in a built-up area. The NPPF states that the following are excluded from the definition of a Brownfield site...

- The land that is or has been occupied by agricultural or forestry buildings;
- land that has been developed for [minerals extraction \(mining\)](#) or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
- **land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;**
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

Also it should be noted that the plans are wrong in so far as North is incorrectly marked on the plans which could be seen as an effort to deceive the planning department and committee into thinking that loss of light may not be significant as it actually will be.

The planning report contains errors regarding the area and foot print of the previous submission see below.

48. A number of the representations refer to the development proposed as 'over-development' of the site. This is on the basis that the proposed dwelling is larger than the previously refused dwelling. It is noted that in seeking to address the previous reason for refusal, the applicant acquired additional land to the rear of the garage. In 2016 the application submitted (P/16/129/FUL) which was refused, had a site area of 57.7m². The dwelling proposed in 2016 had a footprint of 58.18m². The dwelling therefore took up 92% of the site area. This was considered overdevelopment of the site on the basis that the dwelling took up a significant proportion of the site. The additional land acquired in 2019, and now submitted as part of this new application, equates to a site area of 174.9m² (203% increase in site area). The proposed dwelling has a footprint of 68.68m². The dwelling therefore now takes up 39% of the total land available in the application site boundary. So whilst the dwelling proposed is now larger than previously refused, the ratio of plot to building is considered to be acceptable without resulting in overdevelopment of the site.

Again refer to para 55 of the planning report regarding last years submission the additional land was acquired previous to the 2019 submission which was smaller yet deemed too large for the plot?

Also it seems odd that the planning reports makes various referrals to the 2016 submission yet there seems to be a lack of referral to the 2019 submission which was withdrawn...

We understand the applicants desire to have a nice house with a stunning view but it is clear that this development will have a negative affect on ourselves and our neighbours. And it should be born in mind that the purchase of this land was speculative regardless of the amount of money spent this should not be approved to the detriment of those that surround and will be directly affected by this proposal.

Sincerely

Jennie and Phillip Woodcock.



Fig 1. The sun on an Autumn morning



Fig 2. Long shadows cast by a low fence.



Fig 3. The “Revised height” of the proposal