

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/22/027/HH

UPRN: 000192001369

Received on: 21 March 2022

Valid on: 29 March 2022

Application Expiry date: 24 May 2022

Neighbour Expiry date: 17 May 2022

Consultation Expiry date:

Site notice posted: 4 May 2022

Site notice expiry: 18 May 2022

Applicant: Mr Arthur Miller
Site Address: 12 Jacksons Hill
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JZ

Proposal: Replacement of windows, installation of new first floor front/east elevation patio door and larger window to north elevation, removal of first floor side door and timber balcony from the south and east elevation, removal of existing chimney and installation of new chimney, re-render external walls, installing new ground floor side window and new steel/glass balcony to the front, east elevation (AMENDED TITLE/AMENDED PLANS).

Application Type: Householder

Recommendation: Permit

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Hours of Construction
4. No external illumination
5. No other extensions

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr Dan Marcus

Date: 11/05/2022

Site Description and Proposed Development

Number 12 Jacksons Hill is a detached modern two storey property constructed on a sloping site on the east side of Hugh Town, and to the west of Moorwell at Porthmellon. It is a 1970s design and construction, that has a relatively symmetrical appearance, a central main entrance and windows to either side (upper floor) and a window and garage door to either side (ground floor). To the first floor is a timber balcony that wraps around the front to the south side of the property.

The proposal is to remove the existing balcony and replace this with a timber effect front balcony with a glazed balustrade, improve all of the windows including a replacement of the upper floor rhs front facing window with sliding doors and change the design of the north facing first floor side window. The first-floor external render is proposed to be replaced with a simple white smooth render finish and the existing flu is to be replaced with a new chimney structure.

As originally submitted the proposal also included the construction on a new front extension, which would replace the existing integral garage. This would have a new balcony on top. This element has been removed from the proposal and a further 14 reconsultation has been carried out with neighbours.

Certificate: A

Other Land Owners: n/a

Consultations and Publicity

The application has had a site notice on display for 21 days (30/03/2022 – 20/04/2022 and again for 14 days following amendments 04/05/2022 – 18/05/2022). The application appeared on the weekly list on 4th April 2022. Due to the nature of the proposal one external consultation has been carried out. This was with Cornwall Fire and Rescue.

Consultee	Date Response Received	Comments
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Cornwall Fire and Rescue	10/05/2022	Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. WATER SUPPLIES The proposed water supplies for firefighting purposes within the site do not appear to be satisfactory. Adequate water supplies for Firefighting purposes will be achieved by compliance with Part B5 of Approved Document B, Fire Mains and Hydrants.
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Representations from Residents:

Neighbouring properties written to directly both the initial 21 days and a follow-up 14 day consultation, which ended on 17th May 2022. :

- Upper Jacksons, 14 Jacksons Hill
- Hivernia, 10 Jacksons Hill
- Lower Jacksons, 14 Jacksons Hill

[1] letter of objection has been received. This relates to the initial consultation and not the consultation on the amended plans.

[0] letters of support have been received.

[0] letters of representation have been received.

Neighbour	Date Response Received	Comments
Hivernia, 10 Jacksons Hill	19/04/2022	Five major issues including the front projecting garage would block the bedroom window and the balcony and large window proposed would overlook the bedroom. The proposed garage, up to the edge of the road would dominate the street scene in an overbearing way. Any future change of use of the garage could result in additional windows, further increasing the impact upon privacy. The large balcony would be large enough to host a party would be disruptive. Photographs have been submitted with this representation to illustrate the points made.

Relevant Planning History:

No planning history relevant under the adopted or previous Local Plan . The original dwelling was approved in 1971 (P0996) and amended in 1974 (P1359).

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Type: Settlements.



Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y

Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

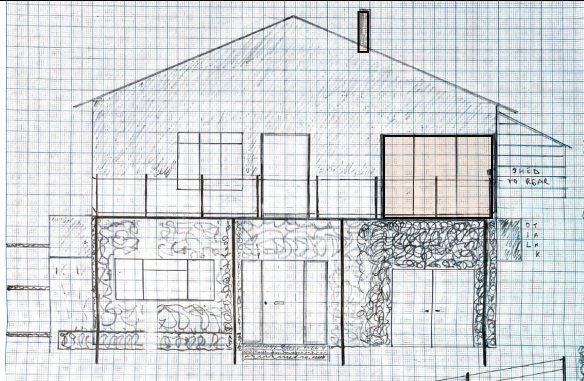
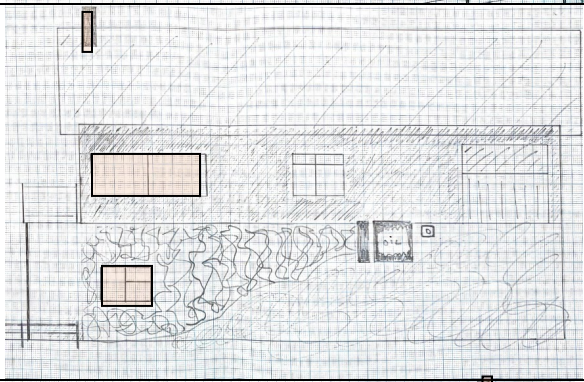
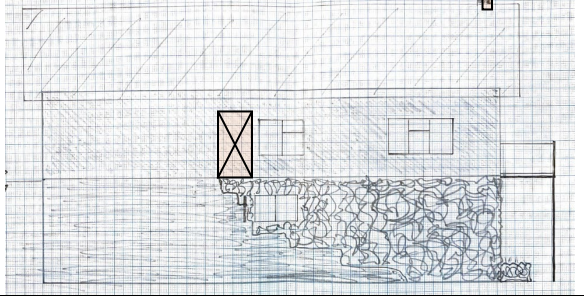
Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	n
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees Will this be acceptable Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a

If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	n
Does the proposal include any demolition	n
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	n
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

Waste Management	YES OR NO
Does the proposal generate construction waste	y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	n
Does the proposal include a Site Waste Management Plan	y
Is a condition required to secure a Site Waste Management Plan	n

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

	<p>Proposed front elevation: removal of the existing timber balcony that wraps around the front and to the south side. Replacement with simple front balcony with glazed balustrade. The RHS window is removed (currently a bow or bay style window) and replaced with sliding doors, to access the balcony</p>
	<p>Widening of the upper floor side (north) facing window. Currently this window is a bow or bay style window and it will be replaced with a wider picture window. An additional window is proposed at ground floor, but this is largely obscured by the existing vegetation.</p>
	<p>Alterations to the side (south) elevation include the removal of the existing side part of the balcony, and the blocking up of the existing first floor door</p>
<ul style="list-style-type: none"> • Removal of the existing flu is to be replacement with a rendered chimney. • Upper floor to be re-rendered in a smooth white • Extensive upgrade and modernisation to utilities (solar pv at a later date and subject to separate application). • Installation of an additional bathroom within part of the existing garage, retaining the rest of the garage space for the parking of vehicles. 	<p>Amendments are the removal of the proposed garage and larger balcony above.</p>

Conclusion: The proposal has been amended and it did originally include the

conversion of the existing integral garage for form habitable accommodation and the construction of a new front garage with a balcony on the roof. This enlarged the dwelling significantly above the maximum space standards as set out in policy LC8(1) b).

The proposal has been amended and does not now include any extensions and the integral garage remains as a garage with a small section of the space being used to provide a further bathroom.

Whilst the two-storey detached dwelling with 4 bedrooms already exceeds the space standards for a property of this size, there is now no further extension proposed. It is not therefore necessary to consider Policy LC8 (1) b) specifically (which seeks to ensure existing homes are not enlarged without clear justification).

The removal of the front extension and the balcony above, retaining a front replacement balcony removes the adverse impact in terms of overlooking, and dominance of the proposal both in terms of neighbouring amenity and the character and appearance of the area generally.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	

Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	y		n
Sustainable Design Measures	y		n
Biodiversity Enhancement Measures:	n		n

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Recommended 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:

- **Plan 1 Location Plan, date stamped 21/03/2022**
- **Plan 2 Block Plan AMENDED, date stamped 05/05/2022**
- **Plan 3 Proposed East Elevation AMENDED, date stamped 05/05/2022**
- **Plan 4 Proposed First Floor Plan AMENDED, date stamped 05/05/2022**
- **Plan 5 Proposed Ground Floor Plan AMENDED, date stamped 05/05/2022**
- **Plan 6 Proposed North Elevation AMENDED, date stamped 05/05/2022**
- **Plan 7 Proposed Roof Plan AMENDED, date stamped 05/05/2022**
- **Plan 8 Proposed South Elevation AMENDED, date stamped 05/05/2022**
- **Plan 9 Proposed West Elevation, date stamped 05/05/2022**
- **Design and Access Statement (Sustainable Design and Site Waste Management), date stamped 05/05/2022**

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles

of Scilly Local Plan (2015-2030).

- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any additional external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

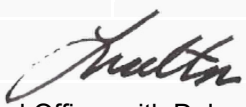
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C4 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 the islands.

- C5 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), means of enclosure (Part 2 Class A) shall be erected or constructed without first obtaining planning permission.**

Reason: To prevent the over development of the site in accordance with Policy SS2(1) d) of the Isles of Scilly Local Plan (2015-2030) and to prevent an imbalance of house types and sizes, and to help retain locally available housing in accordance with Policy LC8 of the Isles of Scilly Local Plan (2015-2018).

Print Name:	Lisa Walton	18/05/2022
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	