

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/22/081/HH

UPRN: 000192001280

Received on: 28 November 2022

Valid on: 5 January 2023

Application Expiry date: 2 March 2023

Neighbour expiry date: 27 January 2023

Consultation expiry date: N/A

Site notice posted: 6 January 2023

Site notice expiry: 27 January 2023

Applicant: Mr Raymond Jackman

Site Address: Westward Ledge
Church Road
Hugh Town
St Marys
Isles Of Scilly
TR21 0NA

Proposal: Introduction of two dormers plus a velux roof light (Re-submission of planning application P/21/054/HH).

Application Type: Householder

Recommendation: REFUSE

Summary Reasons for Refusal:

- R1 The proposed alterations to the roof are considered to result in a form of development that adds bulk to the simple shallow pitch roof of the existing property, which is very prominent in the street scene, in a manner that is not considered to be a high-quality sustainable design, as required by the Local Plan. As a result it is considered that the application would not make a positive contribution to local character and distinctiveness and would fail to both preserve or enhance the character or appearance of the conservation area. It would cause 'less than substantial harm' to the significance of the conservation area, as a designated heritage asset that would not be outweighed by any public benefits. The proposal is therefore in conflict with Policies SS2(1)a), LC8(1)a) and Policy OE7(5)a) of the Isles of Scilly Local Plan (2015-2030) and paragraphs 176 and 197(c) of the National Planning Policy Framework (2021).
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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 D Marcus

Date: 03/02/2023

Site Description and Proposed Development

Westward Ledge is a detached two storey dwelling located on the south east side of Church Road, as it rises up leaving Hugh Town on the east side. The slope of the site means the dwelling is situated significantly above the level of the road, with only a stepped pedestrian access from the front. An area of off-street parking was granted under a permission in 2010 (P/10/037/FUL). This however has not been implemented and the property does not have any off-street car parking. The private garden is fairly open to the front, with a sloping terraced garden. The private rear garden is relatively small.

The proposal is for the addition of 2 window-less pitched dormer structures on the front elevation with a rooflight between them. The application identifies that the roof space is currently used for storage and the plans, both existing and proposed, show this to have no habitable accommodation but with ladder access from the first floor. This is a re-submission of a previously refused scheme P/21/054/HH which was of a similar nature with the aim of achieving a greater amount of usable storage within the loft space. The roof light is intended to reduce the need for electric lighting.

Compared to the refused application, this scheme reduces the overall height and width of the dormers and moves the base of them down towards the eaves. Application P/21/054/HH was refused with a subsequent appeal dismissed. Both the planning decision and the inspectors appeal decision concluded that the proposal would lead to [less than substantial] harm to the character and appearance of the conservation area which was unacceptable in the absence of any wider public benefit.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (06/01/2023–27/01/2023). The application appeared on the weekly list on 9th January 2023. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Cadwallan, Church Road
- The Annex, Barn House, Church Road
- Barn House, church Road
- 2 Matthews Field, Church Road
- Chy-an-mor, Church Road

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

In 2006 two applications were submitted and refused for alterations to the roof pitch and installation of dormer windows. P/06/098 and P/06/126 were both refused. These were considered under the 2005 Local Plan. P/06/126 was the subject of an appeal, which upheld the Council's decision to refuse the proposal.

In December 2021 planning permission P/21/054/HH was refused for the alteration of the roof to introduce two dormers and a velux roof light. A subsequent appeal against this decision was dismissed in July 2022.

Constraints:

Conservation Area, AONB, Heritage Coast
Historic Landscape Character Type: Settlements.
Listed Building: No
Scheduled Monument: No
Archaeological Constrain Area: No

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	N
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	N
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	N
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?	N
Is the scale proposed in accordance with NDSS	N ¹

¹ The applicant would gain additional storage space within the roof space, but indicates this would not be habitable so has not provided any calculations (as required by the local validation checklist and Policy LC8) as to changes in floorspace.

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?	N
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	n
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

¹ The applicant would gain additional storage space within the roof space, but indicates this would not be habitable so has not provided any calculations (as required by the local validation checklist) as to changes in floorspace.

Are there external lights	n
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Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	y
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	Y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Y
Are biodiversity enhancement measures required	Y
Is a condition required to provide biodiversity enhancement measures	y

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	Y
Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	y

Assessment: This application proposes to install two blank pitched-roof dormer structures to the front elevation of this property in addition to a centrally positioned rooflight. The plans suggest that the height of each dormer is around 1m rising from the eaves with a blank gable, symmetrically positioned directly above two first floor windows. The structures would run back to the roof slope with a length 1.8m and would be set below (by approx. 0.68m) the ridge of the existing roof and tiled. No other alterations, to the existing roof height or pitch are proposed, other than the centrally positioned rooflight. The current roof slope is around 30 degrees and, based on the submitted plans, the roof space would have a head height of less than 1.5m so would not be inadequate to create sufficient head space to use it as habitable accommodation.

The applicant has stated the roof space will remain as storage for the property. The applicant has stated that the use of the roof space will not be to create any habitable accommodation and that the dormers and roof light are to provide a bit more space as well as light. No further assessment of the proposal against the maximum space standards, as required by Policy LC8, has been carried out on this basis.

The applicant states that the insertion of windowless dormer structures is to primarily create a visual improvement to the principal elevation only.

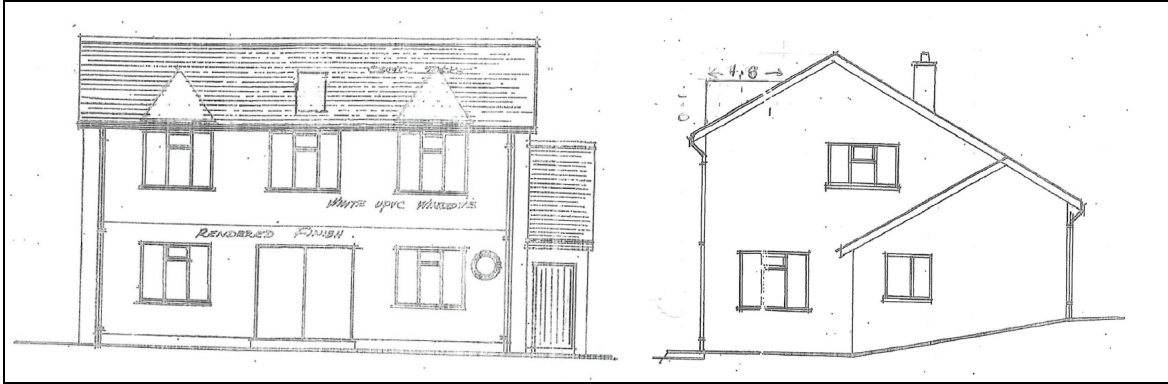


Figure 1 Proposed Dormer structures in the current application (P22/081/HH)



Figure 2 Dormer Structures as previously refused (P/21/054/HH)



Figure 3 House as existing

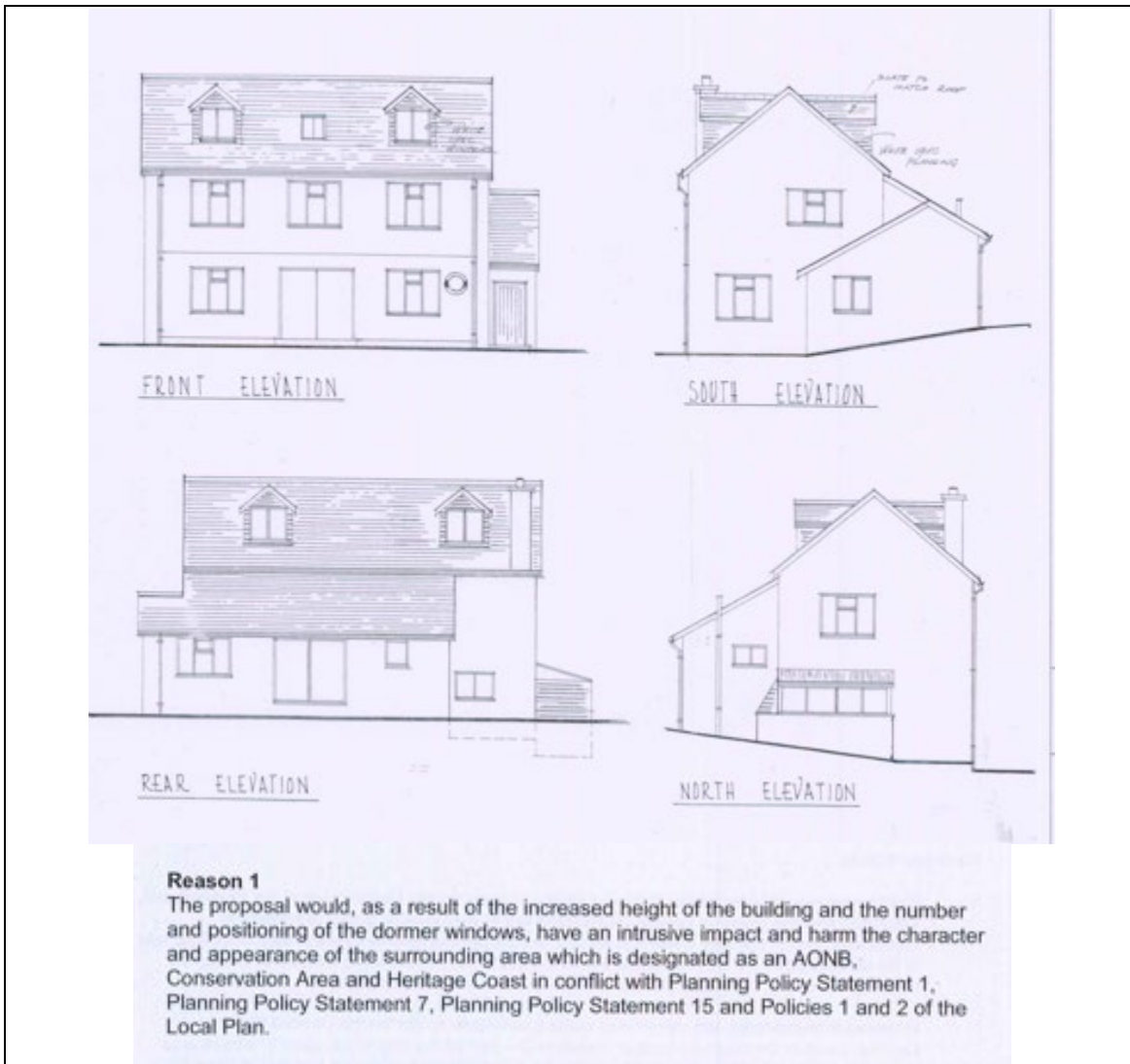


Figure 4 As refused in 2006 (and appeal lost) including Reason for Refusal.

The site is within the Isles of Scilly Conservation Area, as shown in figure 5 below, so whilst it does not contain historic or listed buildings, all of the islands have been identified as an integral part of the islands' historic development. The islands are also an Area of Outstanding Natural Beauty and heritage coast. Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. It is therefore necessary to consider whether development does indeed preserve or enhance the area. In relation to the historic environment, paragraph 197 c) of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of:... the desirability of new development making a positive contribution to local character and distinctiveness. Notwithstanding the conservation area considerations, paragraph 176 of the NPPF, advises that great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.



Figure 5 Application site (red line boundary highlighted) within the conservation area. Nearest listed buildings are shaded red.

Policy LC8 of the Local Plan, relates to residential extensions and requires proposed alterations or enlargements of existing homes to consider size, siting and design, as well as the use of materials, to ensure proposals would not be more visually intrusive in the landscape. Policy SS2 relates to sustainable quality design and place-making and states that new development must be of a high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability by: a) respecting and reinforcing the character, identity and local distinctiveness... whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting. Policy OE1 (1) only permits development where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty, and therefore conserves and enhances the islands' landscape, seascape and scenic beauty, taking into account and respecting the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape. Policy OE7(5) supports development within the Isles of Scilly Conservation Area will be permitted where: a) it preserves or enhances the character or appearance of the area and its setting; b) the design and location of the proposal has taken account of the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees and views within, into or out of the area; and the form, scale, size and massing of nearby buildings, together with materials of construction

In this case the existing dwelling, although relatively modern, is a prominent two storey property as shown in Figure 3 above, it is elevated significantly above the road with a particularly visible presence in the street scene. Although there is no clear indication of the finishing materials of the construction, a case is being made to aesthetically improve the appearance of the property through the installation of dormers which are purely to add visual improvements to its appearance. Whilst dormer windows are relatively common and enable smaller properties to gain extra accommodation within the roof space, they generally function as windows or, where they don't, they are small and add interest to the roofline. In the latter case such features generally formed part of the original design aesthetic.

The proposed dormer insertions would be set lower than the ridge of the main dwelling and, as noted in figure 2 above, lower and smaller than the originally refused scheme, which showed the dormer ridges to run up to the ridge of the existing dwelling. The LPA did previously seek to

negotiate with the applicant, prior to refusing the last application in 2021. The applicant was asked to consider reducing the dormer features down to a scale similar to that now proposed. It is noted that the Inspectors decision of July 2022² at paragraph 6-8 that it was concluded that the dormers did not form an authentic part of the design and, therefore, unlike neighbouring property examples would appear bulky and incongruous. It was concluded that they would detract from the character and appearance of the dwelling partly as a result of their inauthenticity of design as well as their bulky appearance, resulting in less than substantial harm to the character of the conservation area.

I do consider the scaled down scheme now proposed goes some way towards mitigating the bulky design, but I am not convinced that the dormers would represent particularly good design, in this case. The plans lack clear detail and although some of the visual impact is reduced I am not convinced that the proposal is appropriate. I would agree with the Inspectors assessment that the existing dwelling is a neutral element of the conservation but I do not consider the dormers, as now proposed, would alleviate the harm sufficiently to address the previous reason for refusal, in this case.

In terms of other material planning considerations, that could tip the balance in favour of the proposal, then I note the applicant makes no case of energy performance improvements as a result of the installation, as required by Policy SS1 and Policy SS2 which do not support development which is considered to be of poor or unsustainable design.

Overall it is considered that the proposed dormer structures, although reduced in scale from the previous submission, remain bulky in design relative the shallow pitch roof and overall aesthetic of the existing dwelling. Although put forward as a means to enhance the appearance of the dwelling, I disagree that dormer structures would deliver the desired enhancement to this property, and there are no other wider benefits put forward that could be taken into account. On this basis I consider the proposal neither preserves nor enhances the character of the conservation area and I do not consider it would conserve or enhance the scenic beauty of the AONB. I would therefore conclude that the proposal is unacceptable and does not address the previous reason for refusal.

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: The Council has previously attempted to work proactively with the applicant, in accordance with guidance within the National Planning Policy Framework. Officers have however, following the previous refusal of a very similar scheme, ultimately concluded that the application is unacceptable for planning permission to be granted.

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 Compulsory Purchase 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, which is considered up to date. The relevant development plan policies that have been taken into consideration are set out below:

² <https://scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/21/054/hh/A-22-001%20APPEAL%20DECISION.pdf>

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	Yes		N
Sustainable Design Measures			Y
Biodiversity Enhancement Measures:			Y

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 Reason(s) for Refusal:

R1 The proposed alterations to the roof are considered to result in a form of development that adds unnecessary bulk to the shallow pitch roof of the existing property, which is very prominent in the streetscene, in a manner that is not considered to be a high quality sustainable design, as required by the Local Plan. As a result it is considered that the application would not make a positive contribution to local character and distinctiveness and would fail to both preserve or enhance the character or appearance of the conservation area. It would cause ‘less than substantial harm’ to the significance of the conservation area, as a designated heritage asset that would not be outweighed by any public benefits. The proposal is therefore in conflict with Policies SS2(1)a), LC8(1)a) and Policy OE7(5)a) of the Isles of Scilly Local Plan (2015-2030) and paragraphs 176 and 197(c) of the National Planning Policy Framework (2021).

Print Name:	Lisa Walton	28/02/2023
Job Title:	Chief Planning Officer	
Signed:		
	<i>Authorised Officer with Delegated Authority to determine Planning Applications</i>	