

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/003/ROV

UPRN: 000192001624

Received on: 22 January 2024

Valid on: 26 January 2024

Application Expiry date: 22 March 2024

Neighbour expiry date: 20 February 2024

Consultation expiry date: N/A

Site notice posted: 26 January 2024

Site notice expiry: 16 February 2024

Applicant: Mr Mark Wright

Site Address: Bishop View
Porthloo
St Mary's
Isles Of Scilly
TR21 0NF

Proposal: Application to vary condition C2 (Approved Plans) of planning permission P/23/046/HH (Removal of hipped roof and construction of new roof incorporating first floor accommodation and internal alterations (Amended Plans)) to enable the construction of an en-suite shower room to the first floor bedroom.

Application Type: Removal or Variation of Condition

Recommendation: Refusal

Reasons for refusal

- R1** The proposed variation of condition 2 of planning permission P/23/046/HH would result in a dwelling with a gross internal area 81% greater than the Nationally Described Space Standards and 39% greater than the maximum gross internal area prescribed within Policy LC8. Without justification as to why a larger home is required in this case, the proposal would result in further erosion of existing modestly sized housing and fails to accord with Policy LC8(1) b) of the Isles of Scilly Local Plan (2015 – 2030).

Site Description and Proposed Development

The application site is Bishops View, a detached converted bungalow located in a relatively isolated location between the settlement areas of Telegraph and Porthloo on the island of St Mary's. The dwelling was originally constructed as a single storey bungalow in the late 1960s with a large private garden to the rear and side.

The dwelling received permission under P/23/046/HH to convert the loft space to form habitable space by raising the roof by approximately 1.75m and altering the roof form. The dwelling, as approved, has a pitched roof with gable ends on the east and west elevations, a single storey historic flat roof extension to the rear, and a section of single storey pitched roof to the north east of the dwelling.

The application seeks to vary condition 2 (Approved plans) of application P/23/046/HH to raise the section of single storey pitched roof by approximately 2.25m to first floor level to form a first floor en-suite bathroom. The ridge height would remain below that of the main roof form. As proposed the new section of roof would be clad with timber or composite boarding, with a slate tile roof. Proposed Elevation 2024A-P10 indicates that there would be an additional roof light in the west elevation roof slope.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (26.01.2024 – 16.02.2024). The application appeared on the weekly list on 29th January 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

G/F Flat Gorrean House (previous representation)

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

P.0708 Approved Permission granted for improvements to existing cottage
05.12.1967

P.0733 Approved Conditional permission granted for the erection of L.V.
overhead mains and one pole mounted substation at Bishops View. 30.01.1968

P.2173 Approved Conditional permission granted for the rebuilding of the rear kitchen extension to provide kitchen / dining room with improvements 28.06.1983

P.2568 Approved Conditional permission granted for the change of use from residential to Garden Cafe as per the Town and Country Planning (Use Classes) Order 1972 24.02.1987

P.2764 Approved Conditional permission granted for the demolition of existing garage and alterations to Bungalow and provision of integral shower 07.06.1988

P.2982 Approved Conditional permission granted for the provision of vehicle access on to the Highway 26.09.1989

P.3713 Approved Conditional permission granted for the erection of a garden shed 06.12.1994

P.3802 Approved Conditional permission granted for a rear extension for porch and related alterations. 08.08.1995

P/23/046/HH Removal of hipped roof and construction of new roof incorporating first floor accommodation and internal alterations. Approved 20.11.23. Committee date 16.11.23

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Multiple (Spatial)

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?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	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?	N/A

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/A
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees a) Will this be acceptable b) 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
Are there external lights	N

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	N/A
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
Are biodiversity enhancement measures required	N/A
Is a condition required to provide biodiversity enhancement measures	N/A

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

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	N
Is a condition required to secure a Sustainable Design Measures	N

Analysis:

The core policy for consideration in this instance is Policy LC8 (1), which aims to prevent an imbalance of house types and sizes, and to help retain affordable homes. In order to achieve this, policy LC8 1) b) sets out that proposals for extensions should not increase the Gross Internal Area (GIA) of the dwelling by more than 30% above the Nationally Described Space Standards (NDSS) as a maximum.

In this instance, the dwelling, as approved, is two stories, has three bedrooms and provides 6 bed spaces. The NDSS for a dwelling of this type sets a minimum GIA of 102 sqm. The maximum GIA acceptable under LC8 is therefore 133 sqm.

The dwelling as approved under P/23/046/HH has an approximate GIA of 170 sqm. This is already 66% greater than the NDSS and is 33% greater than the maximum set out under LC8. The proposed variation would increase the dwelling's GIA by a further 14.7 sqm to approximately 185 sq in total. This would be approximately 81% greater than the NDSS and 39% greater than the maximum GIA prescribed within LC8.

LC8 1) provides for an exemption for extensions in excess of the stated 30% above NDSS where clear justification is provided, however, no justification has been provided in this instance.

The proposed amendment would result in a dwelling with a GIA 81% greater than the NDSS and 39% greater than the maximum set out in LC8 1) b) which is significantly in excess of the limits set by the policy without any evidence to justify an exemption to those limits. The proposal therefore fails to accord with LC8.

It is considered that the proposal would result in a degree of additional bulk and massing to the rear (north east) of the dwelling. This, in combination with the works already approved under P/23/046/HH, would cumulatively erode the legibility of the original, modest dwelling. However, the development would be screened on the north east elevation by the existing treeline and would therefore not be significantly visible in the wider landscape. The additional bulk and mass is therefore not considered to negatively impact the wider landscape character, to the extent that a reason for refusal on the basis of visual harm to the landscape of the AONB could be reasonably sustained.

The local plan seeks to address the loss of existing modestly sized homes on the islands. So whilst no harm is identified in terms of the wider landscape, the proposed further enlargement would result in harm to the long-term viability and overarching social sustainability of the islands and the affordability of homes for local people.

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.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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	

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.

Print Name: Lisa Walton

13/03/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications

Reasons For Refusal

- R1 The proposed variation of condition 2 of planning permission P/23/046/HH would result in a dwelling with a gross internal area 81% greater than the Nationally Described Space Standards and 39% greater than the maximum gross internal area prescribed within Policy LC8. Without justification as to why a larger home is required in this case, the proposal would result in further erosion of existing modestly sized housing and fails to accord with Policy LC8(1) b) of the Isles of Scilly Local Plan (2015 – 2030).