

# Council of the Isles of Scilly

## Delegated Planning Report

### Householder application

**Application Number:** P/25/012/HH

**UPRN:** 000192001042

**Received on:** 06 February 2025

**Valid on:** 17 February 2025

**Application Expiry date:** 14 April 2025

**Consultation expiry date:** 11 March 2025

**Site notice posted:** 18 February 2025

**Site notice expiry:** 11 March 2025

**Case Officer:** PSMYTH

**Applicant:** Mr. and Mrs. Humphries

**Site Address:** 7 Lower Strand  
Hugh Town  
St Mary's  
Isles of Scilly  
TR21 0PS

**Proposal:** Ground floor and first floor rear extension and addition of historical bay window to the front elevation(Amended Plans)

**Application Type:** Householder

---

**Recommendation:** PERMIT

---

#### Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. Hours of Construction

## 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: 29/04/2025

## Site Description and Proposed Development

The application site is located to the south of Lower Strand and comprises a mid-terrace, 2-storey residential dwelling that fronts onto Lower Strand. To the rear the property has a generous private rear garden with an existing attached rear extension and existing detached outbuilding along the rear boundary, which backs on to Museum Flats.

Permission is sought for the following works:

- Extensions and alterations to include:
  - 2 no. dormer windows on the front elevation (included in P/18/033/FUL).
  - 1 no. dormer window to the rear elevation (included in P/18/033/FUL, albeit with a pitched roof and PV panels which are now not included).
  - The demolition of flat roof extension and replacement with pitched roof extension (included in P/18/033/FUL).
  - The replacement of existing uPVC window with timber (included in P/18/033/FUL).
  - The reinstatement of a historic first floor bay window on the front elevation.

The submitted Design and Access Statement refers to the partial implementation of previous planning permission P/18/033/FUL but does not set out what has been implemented. Notwithstanding this, it is a material consideration that permission has been previously granted for works to the application property, albeit before the Isles of Scilly Local Plan (2015-2030) was adopted in 2021. This has been taken into account in the following assessment.

Owing to concerns raised during the course of the application, amended plans were submitted which removed the proposed first floor rear extension.

**Certificate:** A

**Other Land Owners:** None

### Consultations and Publicity

The application has had a site notice on display for 21 days (18/02/2025 – 11/03/2025). The application appeared on the weekly list on 24<sup>th</sup> February 2025. Due to the nature of the proposal external consultations are required as set out below.

Consultee	Date Responded	Summary
<b>Cornwall Fire and Rescue Service</b>	27/02/2025	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>Should the premises proposed use be for short term holiday letting or similar the Fire Authority must be consulted as part of the Building Regulation process.</p>

### Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

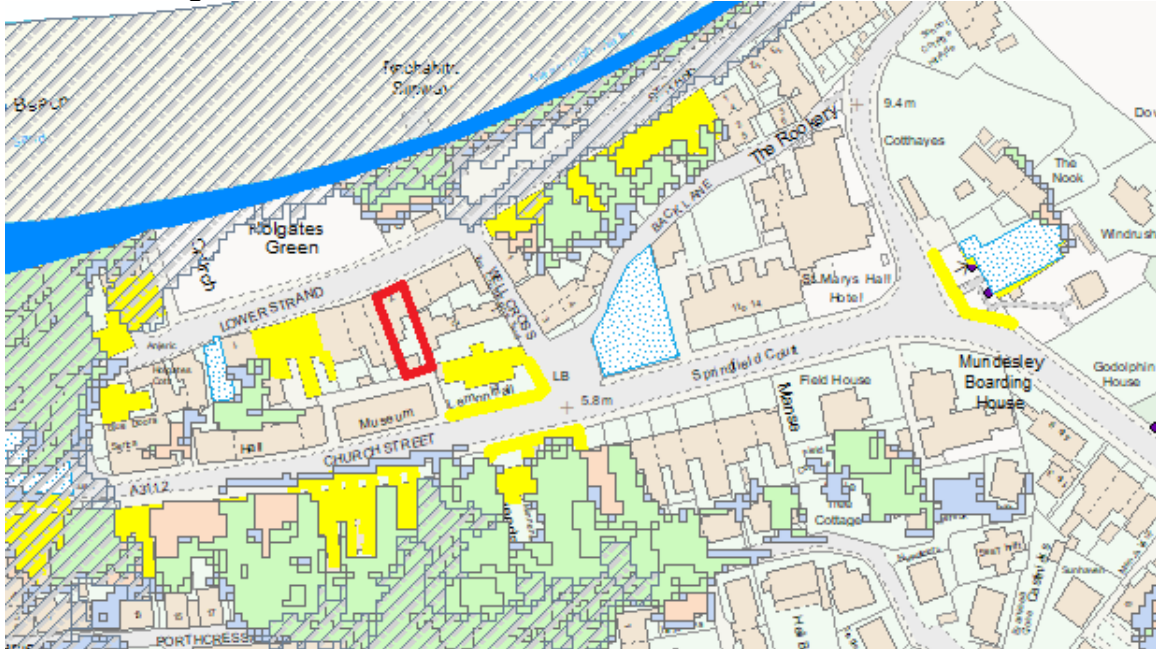
### Relevant Planning History:

P/19/056/ROV	Variation of Condition 2 (approved plans) of planning permission P/18/033/FUL to install rainwater harvesting tank and re-orientate the rear annexe.	GRANTED 18.11.2019
P/19/039/DISCON	Discharge of condition 3 (Site Waste Management Plan) on application P/18/033/FUL (extensions and alterations to dwelling).	GRANTED 11.09.2019
P/18/033/FUL	Conditional permission for extensions and alterations including 2 no. dormer windows to front, 1 no. dormer window to rear, replacement of UPVC windows with timber, demolition of flat roof extension and replacement with pitched roof extension and removal of existing outbuildings and replacement with single outbuilding for use as additional living space in conjunction with main dwelling.	GRANTED 23.05.2018
P/06/118	Conditional permission for replacement of existing	GRANTED

	front door with same material.	19/01/2007
--	--------------------------------	------------

### Constraints:

- Conservation Area
- Isles of Scilly National Landscape
- Heritage Coast



### Planning Assessment

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

Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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?	YES
Within an Archaeological Constraint Area	NO
<b>Other Impacts</b>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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	YES
Are the Water connection/foul or surface water drainage details acceptable?	YES
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?	NO
Are there external lights	NO

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	YES – see below
Does the proposal include any demolition	NO
Does the proposal include tree or hedge removal	NO

Is an assessment of impact on protected species required	NO
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
Are biodiversity enhancement measures required	NO
Is a condition required to provide biodiversity enhancement measures	NO

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

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

#### Analysis:

**Design:** Policy SS2 outlines proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Policy LC8 requires proposals to demonstrate an appropriate, scale, density, layout, height, mass and use of materials so as to not be visually intrusive in the landscape. In addition, LC8 requires proposals to demonstrate they do not result in the overdevelopment of the site.

It is a material consideration that permission was previously granted for a number of the works included in the current application, albeit there are several design differences.

The proposed first floor dormers on the front elevation would alter the appearance of the dwelling and would add additional bulk to the roof slope. However, the proposed dormer windows would be in keeping with adjoining dwellings and would respect the character of the streetscene.

The proposed flat roof rear dormer extension would not be an attractive feature but it is recognised that permission was granted previously for a rear dormer, albeit with a pitched roof and solar panels which are omitted from the current scheme. Owing to its orientation to the rear of the dwelling, it would not be highly visible in the public realm and would not appear unduly prominent in the streetscene.

The proposal to reinstate a historic first floor bay window is welcomed.

The proposed materials, namely horizontal composite boarding, would not match the existing granite. However, owing to their use to the rear of the property, the boarding would not be highly visible and would be acceptable on this basis.

Policy LC8 sets out that where a proposal results in an increase in size of the original dwelling then this should meet, and be no greater than 30% above as a maximum, the minimum space standards as set out in the Nationally Described Space Standards unless clear justification is provided as to why a larger home is required. With the proposed extensions, the dwelling would have a gross internal floor area of 140sqm. This would be 30% above the space standards for a 3-bed, 6-person, 3-storey dwelling and, on this basis, would accord with Policy LC8.

On the basis of the above assessment, the proposed development is considered to be acceptable.

**Residential Amenity:** Policies SS2 and LC8 require proposals to safeguard residential amenities. Concerns were raised regarding the originally proposed first floor extension in terms of the impact on neighbouring occupiers, however this element of the proposal was removed from amended plans which were submitted. The removal of this element has significantly improved the proposed relationship.

The proposed rear dormer window would introduce additional windows which would provide oblique views to neighboring gardens, however this is an existing relationship and is considered no more harmful than the existing situation. The proposed front dormer raises no concerns regarding residential amenity.

The proposal would therefore accord with Policies SS2 and LC8, accordingly.

**Historic Environment Impacts:** Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the conservation areas, listed buildings, Scheduled Monuments and Archaeological Site.

Number 7 Lower Strand is located in the Conservation Area but is not identified as an important building in the area, nor is it Listed. None of the adjacent properties are listed, however there are a number of Listed buildings in the wider vicinity of the site.

Notwithstanding this, the application site and the proposed development are considered to be sufficiently separate from nearby heritage assets and as such no harm is identified. The proposal would therefore accord with Policy OE7.

**Waste management:** Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a waste management plan (SWMP).

A SWMP has been submitted with the current application. This sets out the waste types, likely sources and management strategy for each type of waste. It sets out waste controls and responsibilities. The SWMP is considered to be proportionate to the scale of the proposed development and will ensure that waste materials are disposed of appropriately. On this basis, the proposed development would accord with Policy OE5.

**Ecology and biodiversity:** Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed work would involve the insertion of dormer windows in the front and rear roof slope which would involve disturbance to the existing roof. No ecological information has been submitted; however, it is a material consideration that an existing permission for very similar work is extant and could be implemented at any time. On this basis, it would not be reasonable to insist on the provision of ecological information to assess the potential impact on protected species. The applicant is reminded that it is an offence to disturb protected species and works should be stopped should protected species be found during construction and the advice of an ecologist should be sought.



As the application is a householder application, it is exempt from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

### Conclusion

The proposed extensions are considered to be acceptable in terms of design, scale and materials and they would not give rise to harm to residential amenity or negative impacts on heritage assets. The proposal is therefore considered acceptable.

**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 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.

**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**
- **Plan 2 Block Plan**
- **Plan 3 Proposed Floor Plans Amended**
- **Plan 4 Proposed Elevations Amended**
- **Plan 5 Design and Access Statement**
- **Plan 6 Site Waste Management Plan**

**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 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C4 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours.**

**There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

**Further Information**

1. **STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. **POST-DECISION AMENDMENTS:** 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 or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here:  
[https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
3. **DISCHARGING CONDITIONS:** 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 payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied: [https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
4. **BUILDING REGULATIONS:** This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).
5. **BIODIVERSITY NET GAIN:** Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.  
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:  
(a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.  
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.
6. **COMMENCEMENT NOTICE:** Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:  
(2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.  
(3) Once a person has given a commencement notice, the person:  
o may give a further commencement notice substituting a new date for the date previously given, and  
o must do so if the development is not commenced on the date previously given  
The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.  
Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:  
(5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.  
(7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to

give the information required by the notice within the period of 21 days beginning with the day on which it was served.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

---

---

**Print Name:** Lisa Walton

20/05/2025

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

---

---