

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/25/043/ROV

**UPRN:** 000192001230

**Received on:** 19 May 2025

**Valid on:** 19 May 2025

**Application expiry date:** 14 July 2025

**Neighbour expiry date:** 11 June 2025

**Consultation expiry date:** 11 June 2025

**Site notice posted:** 20 May 2025

**Site notice expiry:** 11 June 2025

**Applicant:** Mr John Henegan  
**Site Address:** Coastguard's Retreat  
Buzza Road  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JQ

**Proposal:** Application to vary Condition 2 (Approved Plans) of planning permission P/24/067/HH (Renovation of existing dwelling to include ground floor extension in place of existing conservatory, dormer windows at first floor and external alterations)

**Application Type:** Removal or Variation of Condition

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**Recommendation:** Permit the variation of Condition 2 (Approved Plans), Condition 3 (Submission of Facing Material and Finishes) and Condition 5 (Submission of Balcony Screening Details)

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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: 02/06/2025

## Site Description and Proposed Development

The application site is Coastguard's Retreat a detached residential dwelling within the established settlement boundary of Hugh Town. The dwelling is to the east of Porthcressa beach and backs onto Buzza Hill.

The proposal is to vary the approved plans for planning permission P/24/067/HH, which was determined on 14<sup>th</sup> November 2024. The delegated report, decision notice and approved plans for P/24/067/HH can be [read here](#).

P/24/067/HH approved the removal of the existing conservatory and its replacement with a permanent flat roof extension and balcony. It also approved two large box dormers, which fill the full roof slope on the North West and South East elevations, plus the introduction of additional glazing and cladding across the dwelling. The approved works are contemporary in style.

The amendments being applied for under the current application are considered to be minor material in nature, and include:

- A reduction to the amount and scale of glazed areas on all but the North East elevation.
- The introduction of a high-level window on the North East elevation.
- A change to the amount and scale of first floor glazing on the South West elevation and the introduction of a Juliette balcony.
- The repositioning of the main entrance from the South West elevation to the South East elevation.
- A change to the location and volume of cladding on the South West and South East elevation.

As part of the application, the information for Condition 3 (Submission of Facing Materials and Finishes) and Condition 5 (Submission of Balcony Screen Details) of P/24/067/HH has been submitted.

**Certificate:** A

### Consultations and Publicity

The application has had a site notice on display for 21 days (20/05/2025 – 11/06/2025). The application appeared on the weekly list on Tuesday 27<sup>th</sup> May 025. Due to the nature of the application no external consultations were deemed necessary.

### Representations from Residents:

Residents written to directly: **6** – The LPA wrote to all of the contributors to the previously approved permission (P/24/067/HH) to make them aware of the proposed amendments to the approved plans.

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

Reference	Description	Date
P.287	Approval of planning permission for the erection of bungalow.	05.06.1961
P.1469	Conditional approval of planning permission for the reconstruction of the sun loggia.	06.01.1975
P.4356	Conditional approval of planning permission for the Installation of low profile timber rooflights.	15.01.1998
P.5142	Conditional approval of planning permission for erection of front porch.	27.05.2002

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area: Buzza Hill

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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?	-
Would the proposal generally appear to be secondary or subservient to the main building?	-

<b>Amenity</b>	<b>YES OR NO</b>
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

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Y
If within the setting of, or a listed building, <ul style="list-style-type: none"> <li>a) Will the development preserve the character and special architectural or historic interest of the building?</li> <li>b) Will the development preserve the setting of the building?</li> </ul>	Y
Within an Archaeological Constraint Area	Y
<b>Other Impacts</b>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	-
Impact on protected trees <ul style="list-style-type: none"> <li>a) Will this be acceptable</li> <li>b) Can impact be properly mitigated?</li> </ul>	- -
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?	Y

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?	-
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?	-
Are there external lights	N

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	Y
Does the proposal include any demolition	Y
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

<b>Waste Management</b>	<b>YES OR NO</b>
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

<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	N
Does the proposal include a any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

## **Analysis**

### *Principle of Development*

Isle of Scilly Local Plan Policy LC8 provides support for the enlargement, replacement or substantial rebuilding of lawful dwellings.

### *Design & Landscape Impacts*

Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty. SS2 and LC8 also requires proposals to demonstrate an appropriate scale, density, layout, height, mass and use of materials. In addition, Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets and LC8 requires proposals to demonstrate that they do not result in the overdevelopment of the site.

The dwelling is sited on elevated ground to the east of Porthcressa Beach and west of Buzza Hill and is therefore prominent within the public realm, seascape and Isle of Scilly Conservation Area. As existing, the dwelling is of limited architectural merit and has a first-floor flat roofed conservatory on the principal elevation which is prominent and harmful within the setting.

The design of the approved permission (P/24/067/HH) was contemporary in design with glazed panelling, timber cladding, render and zinc roofing, and considered reflective of the contemporary approach taken on the approved (P/20/054/FUL) dwelling immediately to the west of the application site.

The proposed amendments still retain contemporary design elements, such as the zinc roofing, but reduce the amount and scale of glazed areas on all but the North East elevation and change the location and volume of cladding on the South West and South East elevation. The scale, density, layout, height and mass of these amendments are judged to be acceptable.

The proposal is therefore considered to accord with OE1, OE7, SS2 and LC8.

### *Details for Condition 3 (Submission of Facing Materials and Finishes)*

Due to the addition of new and contemporary materials to the dwelling it was considered appropriate to secure a schedule of all materials on the approved planning permission (P/24/067/HH). The submission of facing material and finishes has been included with this application and the details are included in the Proposed Elevations (Drawing Number: 1221-420). The details are considered acceptable, and it is recommended that Condition 3 is amended to ensure the development is carried out in accordance with the details provided.

### *Residential Amenity & Details for Condition 5 (Submission of Balcony Screening Details)*

Policies SS2 and LC8 require proposals to safeguard residential amenities.

The approved plans (P/24/067/HH) were considered to accord with SS2 and LC8, subject to the submission of balcony screening details. The details for the balcony screening have been submitted with this application and are included in the Proposed Elevations (Drawing Number: 1221-420). The proposal is to insert a glass privacy screen at a height of no less than 1.7m at the northern end of the balcony. The glass will be Pilkington Level 4, which provides the second greatest level of obscuration by that manufacturer. The details are considered satisfactory, and it is recommended that Condition 5 is amended to ensure the development is carried out in accordance with the details provided.

The impact of the new high-level window on the North East elevation must also be considered. It is judged that the window will not adversely impact residential amenity due to its letter box style and placement, which is in line with the height of the aforementioned privacy screen.

The introduction of the Juliette balcony on the South West elevation and repositing of the main entrance to the rear, rather than side elevation, of the property do not result in any residential overlooking issues. Accordingly, the proposed amendments to the approved scheme are considered to accord with SS2 and LC8.

### *Dark Skies*

Policy OE4 seeks to protect Scilly's Dark Skies. The reduction in the amount and scale of glazed areas will help to mitigate any upward light spill. The applicant is encouraged to install blackout blinds to further reduce the impact of light spill from the property. The proposal is judged to accord with Policy OE4.

### **Recommended Variations**

*Condition 2 as issued in P/24/067/HH:*

- C2    The development hereby permitted shall be carried out in accordance with the approved details only including:**
- **Plan 1 Location Plan, Drawing Number: 04-SVY Rev H, Dated 5th September 2024**
  - **Plan 2 Proposed Site Plan, Drawing Number: 05-SVY Rev G, Dated 5th September 2024**
  - **Plan 3 Proposed Ground and First Floor Plan, Drawing Number: 10 Rev F, Dated 24th July 2024**
  - **Plan 4 Proposed Lower Ground Floor Plan, Drawing Number: 09 Rev**

**F, Dated 24th July 2024**

- **Plan 5 Proposed NE and SE Elevations, Drawing Number: 31 Rev F, Dated 24th July 2024**
- **Plan 6 Proposed NW and SW Elevations, Drawing Number: 30 Rev F, Dated 24th July 2024**
- **Plan 7 Design & Access Statement, Rev C, Received: Sep 12, 2024**
- **Plan 8 PRELIMINARY ROOST ASSESSMENT (PRA), Reference: 24-6-9, Dated: 15th July 2024 Plan 9 BAT PRESENCE/ABSENCE SURVEYS (PAS), Reference 24-7-9, Dated 24th September 2024**

**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).

*Recommended Amendment to Condition 2:*

**C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Plan 1 Location Plan, Drawing Number: 04-SVY Rev H, Dated 5th September 2024**
- ~~Plan 2 Proposed Site Plan, Drawing Number: 05-SVY Rev G, Dated 5th September 2024~~
- **Plan 2 Proposed Site Plan, Drawing Number: 1221- 051 Rev C, Dated 10th April 2025**
- ~~Plan 3 Proposed Ground and First Floor Plan, Drawing Number: 10 Rev F, Dated 24th July 2024~~
- **Plan 3 Proposed Ground Floor Plan, Drawing Number: 1221-100 Rev C, Dated 10th April 2025**
- ~~Plan 4 Proposed Lower Ground Floor Plan, Drawing Number: 09 Rev F, Dated 24th July 2024~~
- **Plan 4 Proposed Lower Ground Floor Plan, Drawing Number: 1221-120 Rev B, Dated 10th April 2025**
- **Plan 5 Proposed First Floor Plan, Drawing Number: 1221-110 Rev C, Dated 10th April 2025**
- **Plan 6 Proposed Roof Plan, Drawing Number: 1221-130 Rev B, Dated 10<sup>th</sup> April 2025**
- ~~Plan 5 Proposed NE and SE Elevations, Drawing Number: 31 Rev F, Dated 24th July 2024~~
- ~~Plan 6 Proposed NW and SW Elevations, Drawing Number: 30 Rev F, Dated 24th July 2024~~
- **Plan 7 Proposed Elevations, Drawing Number: 1221-420, Dated 19th May 2025**
- **Plan 8 Design & Access Statement, Rev C, Received: Sep 12, 2024**
- **Plan 9 PRELIMINARY ROOST ASSESSMENT (PRA), Reference: 24-6-9, Dated: 15th July 2024 Plan 9 BAT PRESENCE/ABSENCE SURVEYS (PAS), Reference 24-7-9, Dated 24th September 2024**



**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).

*Condition 3 as issued in P/24/067/HH:*

**PRE-COMMENCEMENT CONDITION: Submission of Facing Materials and Finishes**

- C3** Prior to the commencement of the development, hereby approved, a schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority including windows and doors, timber cladding, stone cladding, roof materials, and glazed balustrades. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development. It is considered necessary of this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

*Recommended Amendment to Condition 3:*

- C3** Prior to the commencement of **The development**, hereby approved, a schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority including windows and doors, timber cladding, stone cladding, roof materials, and glazed balustrades. Thereafter the development shall be carried out in full accordance with the approved schedule and samples submitted facing material and finishes.

Reason: To safeguard the appearance of the building and the character of the area. and to enable the Local Planning Authority to properly consider the development. It is considered necessary of this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

*Condition 5 as issued in P/24/067/HH:*

**PRE-COMMENCEMENT CONDITION: Submission of Balcony Screen details**

- C5** Prior to the commencement of the development, hereby approved, details of a privacy screen on the balcony shall be submitted to and agreed in writing by the Local Planning Authority. The agreed screen shall be installed, prior to first use of the balcony, and shall be permanently retained as approved thereafter.

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties in accordance with Policy LC8(1) of the Isles of Scilly Local Plan (2015-2030).

*Recommended Amendment to Condition 5:*

- C5** ~~Prior to the commencement of the development, hereby approved, The submitted details of a for the privacy screen on the balcony shall be submitted to and agreed in writing by the Local Planning Authority. The agreed screen shall be installed, prior to first use of the balcony, and shall be permanently retained. as approved thereafter.~~  
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties in accordance with Policy LC8(1) of the Isles of Scilly Local Plan (2015-2030).

**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:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- 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
- 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.

<b>Print Name:</b>	Lisa Walton	17/07/2025
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	