

SCANNED

Acknowledged

02/02/15.

Posted 02/02

lw

Mrs Lisa Walton

Senior Planning Officer

Town hall

St. Mary's

Isles of Scilly

2nd February 2015

MR C. M. & MRS J. M. JONES
AMARYLLIS
Buzza Hill, St Mary's
ISLES OF SCILLY TR21 0NQ

Ref. P/15/006/LBC

& P/15/005/FUL

Buzza Tower Alterations.

Dear Mrs Walton

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We fail to see the need for stainless steel upright stanchions and wires on the top of the Tower "glistening in the sun and looking like candles lit up on top of a cake!"

If safety is the reason, then the operator could wear a safety harness, available for a few pounds(see enclosed), when going on to the roof to raise the `Obscura` tower.

The roof cannot be used by anyone else at any time-see Condition 15 of the Inspector's Report, Appeal....8Nov.2012. (copy enclosed) The only other reason for the wire/stanchions would be for an advertising banner to be fixed to it, which would be an eyesore on a listed building. When the Tower is open, a Punch & Judy style brown canvas with flag bunting screen is erected across the entrance door, obscuring light inside-without this, would the window be needed?

If the Council grants PP in the 8 week legal time frame(unlike last time when it went straight to appeal when the timescale was not adhered to) -we trust no advertising banners will be allowed, and strictly no one allowed on the roof-we have every confidence that the Planning Inspector would agree that these conditions should be added, if it goes again to appeal again.

Yours faithfully,

[Redacted signature box]



The Planning
Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

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02 FEB 2015
0117 372 8252
0117 372 6372

Mr & Mrs Jones
Amyrillys, Buzza Hill
St. Mary's
ISLES OF SCILLY
TR21 0NQ

Your Ref:

Our Ref:

Date:

APP/Z0835/E/12/2180887/NWF
**Further appeal references at
foot of letter**

8 November 2012

Dear Mr & Mrs Jones

**Planning (Listed Buildings and Conservation Areas) Act 1990 and Town and
Country Planning Act 1990
Appeals by Andrew Combes
Site at Buzza Tower, Buzza Hill, St. Mary's, Isles Of Scilly, TR21 0NQ**

I enclose a copy of our Inspector's decision on the above appeals.

If you have queries or complaints about the decision or the way we handled the appeals, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Kevin Plummer



camera obscura (or vice versa) and that the distance and orientation of the holiday let is such that from within that building, such limited views as there would be from the tower via the camera obscura, would not be intrusive.

12. In short, I regard the use and adaptation of the building as proposed to be acceptable in terms of any wider impact upon the privacy that walkers, beach users and residents at some distance from the device may expect (and thus disagree that it amounts to spying or voyeurism, as some critics suggest.) However, the need to protect the established privacy enjoyed by the immediately adjoining residents is a very significant material consideration². Indeed, I consider that, were it not possible to effectively prevent views into the three adjoining gardens and into ground floor habitable rooms of Harbour Gaze, the proposal would not be acceptable. The appellant plainly recognises and acknowledges those concerns as he has proposed "baffles" that he assures would prevent such overlooking from occurring.
13. The Local Planning Authority has advised that it did not reach a decision because it wished to seek additional technical information as to the effectiveness of the proposed baffles. It has since cast doubt as to whether the measures would actually prevent views into the properties. However, it is not clear to me from its submissions as to what more, in practice, the appellant could have provided, nor the basis of its scepticism as to the baffles' effectiveness, because it has detailed neither. The drawings illustrate where the baffles would be located and the appellant has described the method by which they would work. I can see no reasonable basis on which to disbelieve the above evidence and assurance. The provision of the baffles could be required by a condition which would be readily enforceable because the effectiveness (or otherwise) would be immediately apparent on viewing the camera obscura's image. On the basis that any harmful overlooking can be overcome by condition, I am therefore satisfied that the proposal would not prevent the neighbouring residents' enjoyment of their homes nor their family life, so there would be no interference with their human rights. I appreciate residents' concern over the *perception* of being overlooked but that would seem to me an unreasonable basis on which to withhold permission if, de facto, overlooking was obviated, as assured by the appellant.

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Conditions

14. The Council has suggested headings for 8 conditions but has provided no details and only brief reasons for some of them. In addition a neighbour has suggested some in the event that permission were granted. The appellant accepts most but objects to those which specify the use, limit the arc of view and the hours of operation. Neither the appellant nor the Council has submitted any evidence as to project viability so, in considering conditions, I have not attached weight to assertions concerning impact on viability of the scheme.
15. A condition specifying that the use be for the purposes of a camera obscura seems to me to do no more than limit it to what was applied for. Reference to a "tourist attraction" does not imply a specific use. I see no prejudice to any party if uses directly incidental to the camera obscura were referred to in the condition, and prevention of use of the roof for anything other than maintenance would obviate any prospect of unreasonable overlooking.

² No specific Local Plan policy has been drawn to my attention which addresses residential amenity.

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