

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/006
Received on: 07 March 2019
Application Expiry date: 02 May 2019
Extension of Time: 26 June 2019
Neighbour expiry date: 5 April 2019
Consultation expiry date: 28 March 2019
Site notice posted: 07 March 2019
Site notice expiry: 28 March 2019

Applicant: Mr and Mrs Hicks
Site Address: Penlee Boathouse
37 Porthcressa Road
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JL

Proposal: Alterations to property to provide improved second floor accommodation and internal re-modelling, to include modest increase to ridge height of roof and addition of dormers

Application Type: House Holder

Recommendation

That the application is approved subject to the conditions set out.

Contributors:**Public Representations:**

1 letter of representation from a neighbouring property objecting to the proposed development.

Consultation Representations:

NONE

Constraints:

Scheduled Monuments: NONE

Listed Buildings: Listed buildings to north of site situated on Church Street

Archaeological Constraint Areas: NONE

Site Description and Proposed Development

The application site is located in Hugh Town, St Mary's. The property fronts onto Porthcressa Road, at the eastern end. The dwelling is two storey and lies in a row properties of varying styles.

The details submitted show a garage, hallway and utility to the ground floor with the main living accommodation on the first floor. The dwelling's principal elevation faces south onto Porthcressa Road. The roof ridge of the dwelling runs perpendicular to the road, whereas the adjacent (west) terrace roof ridge line runs parallel to the road. The neighbouring property to the east has a flat roof.

Description of Proposal

The proposal comprises an extension in height of the existing dwelling, with the roof being raised and the introduction of dormer windows. Changes to the fenestration of the dwelling are also proposed.

The existing roof ridge and eaves height would be increased by approximately 0.84 metres to provide additional accommodation within the roof space, dormers are proposed to the west and east facing roof slopes to provide windows serving en-suites and a new stair case leading to the second floor respectively. The internal layout of the dwelling is proposed to be altered through the development and two bedrooms with en-suites are proposed on the second floor. The main living accommodation would be accommodated on the first floor and the ground floor would be altered in layout, with an office space and W.C. introduced.

The new roof is proposed with natural slate. The walls to the second floor would be externally clad with timber and this would also be applied to the first floor on the south elevation. Windows are proposed in each gable end to the second floor, with a circular window on the south elevation. The papers submitted explain that this, together with the timber cladding, seeks to enhance the 'boathouse' character of the property. The existing first floor windows to the south elevation are proposed to be altered to provide taller, but narrower apertures/doors with Juliette balconies.

The existing gross floor space to the dwelling, including the garage space and measured internally, is approximately 124m². The proposed extension adds another approximately 35m² when taking account of the additional space provided with the extra bedrooms and en-suites as shown on the proposed plans. The total of internal usable floorspace (existing and proposed) are therefore:

Internal Floorspace	No of Storeys/ floors	No of Bedrooms	Calculation Provided by applicant	Calculation (by case officer)	Min NDSS	%above (+) or below (-) NDSS
Existing	2	2	No	124M ²	79m ²	+56%
Proposed	3	4	No	159m ²	103m ²	+54%

The property, as existing (for a family of 4) has 124 square metres of internal usable floorspace. The government's minimum for such a property is 79 square metres. It is therefore already 56% above the government's minimum internal space standards, as prescribed nationally. The proposed increase to a 3 storey, 4-bedroom property increases the internal floorspace up to 159 square metres which, for a family of 4, is 54% larger than the Government's minimum.

Background and Relevant History

App. No.	Description	Date
P347	Approval of planning permission for the conversion of a packing shed to a dwelling	30.11.1961
P3155	Conditional approval of listed building consent for the installation of new doorway in place of window	27.02.1991

Consultations and Representations

All neighbouring properties that share a boundary with the application site have been written to directly and a site notice has been on display to the front of the site for a period of 21 days. One letter of objection has been received from a neighbouring property. The concerns received include:

- Concern regarding scale of Penlee Boathouse relation to neighbour's property, including garden
- Impact on light to lounge and to garden
- Concern regarding overlooking and detrimental impact on privacy
- Advise that when they have previously inspected the property, there was no self-contained flat on the ground floor and no bedroom in the roof space.
- Potential issues with noise, burden on water, sewerage and electricity with extended property.
- The design and access statement is misleading.
- Poor design of extension.

Primary Legislation and Planning Policy

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000.

The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2019

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that Local Planning Authorities should have an up-to-date plan in place. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing the

landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Policy 5 (Transport) seeks to achieve and maintain an effective, affordable and accessible year round transport system.

Policy 6 (Infrastructure for Sustainable Communities) advises that development proposals, among other things, must, where appropriate, either improve existing infrastructure or impose no unsustainable burden upon it; ensure that water supplies, in terms of quality and quantity, can be adequately provided and that local water sources remain unharmed; and that in areas not served by a sewage system, development must connect to an approved treatment plant.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

Consultation Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). Policies provide principles for sustainable development and water management. This emerging document also contains policies for the following policies relevant to this proposal, including:

Policy SS1 (Principles of Sustainable Development): requires development to meet the economic and social needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment. Development will be required to make a positive contribution towards the social, economic and environmental sustainability of the Isles of Scilly, while minimising its environmental footprint and taking into consideration climate change.

Policy SS2 (Sustainable Quality Design and Place-Making): requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design. Development proposals that involve the construction or conversion of buildings will need to be supported by a Statement of Sustainable Design Measures (SDM) as well as a Site Waste Management Plan (SWMP).

Policy OE1 (Landscape Character); advises that, among other things, development will only be permitted where it would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape.

Policy OE2 (Biodiversity and Geodiversity): requires that, among other things, development conserves and where possible restores or enhances biodiversity.

Policy OE3 (Development Affecting Heritage): gives great weight to the conservation of heritage assets.

Policy LC9 (Residential Extensions and Ancillary Accommodation): requires extensions and alteration of dwellings to respect the scale proportions, materials and overall design and character of the property. The policy advises that extension will be permitted where this does not harm the street scene or surrounding area and avoids material harm to neighbouring amenity.

Policy LC9 requires that an occupancy restriction be attached where an extension would increase the scale of the original dwelling by more than 40 percent to ensure that the dwelling is a permanent residence.

Clearly, the consultation draft Local Plan has not yet been adopted. At the time of writing this report, these policies can only be given limited weight.

Planning Assessment

The main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to its design, scale and its impact on the character and appearance of the Conservation Area, as well as, its impact neighbouring amenity and impact on important ecological interests.

Principle of Development

The application site lies within the existing built environment of Hugh Town. The extension and alteration to the existing dwelling is acceptable in principle.

Design, scale and impact upon the locality and the character and appearance of the Conservation Area

There is a variety of design and form of building types locally. The existing dwelling sits within this streetscape and generally has a subordinate scale to the buildings either side. The slightly receding scale of the dwelling is caused by the height and shape of the roof of the dwelling and also the alignment/height of the first floor windows relative to the neighbouring properties.

The design of the proposed extension responds to the character and appearance of the existing building. The general character of the dwelling would not be altered through the proposed development, and as such that the design is considered to be acceptable, as it would have an overall neutral impact upon the wider character of the area.

The increase in scale of the dwelling has a more significant impact. The raising of the roof brings a more dominant scale to the dwelling when considered in the context of the street scene. The timber cladding to the upper part of the elevations and notably the southern elevation does, however, break up and reduce the impact of the increase in scale. Notwithstanding this, the eaves height of the extended dwelling would match the eaves/height of the flat roof to 39-41 Porthcressa Road and the roof ridge line would sit lower than that to the adjacent terrace to the west. In the context of the street, therefore, the increase in scale is considered to be acceptable. The extension would increase the floor space to the dwelling by approximately 32 percent. The current emerging Policy for domestic

extensions, in the Draft Local Plan 2015-2030, Policy LC9, the proposed scale of the extension would be considered acceptable.

The scale of development is considered to have an acceptable impact on the locality. The proposal would see the building increase in height, but with an acceptable design and use of materials, and with a similar scale to buildings around the site.

The proposed alterations under this application are considered to cause minimal disturbance and visual impact on the wider designated areas surrounding the site, which would preserve the character and appearance of the Conservation Area.

There are listed buildings within the vicinity to the north of the site, however, the scale of development is such that the proposal is not considered to cause a material impact on the setting of those buildings.

The proposal is within the existing built form of Hugh Town and the design and scale of the extension is considered to be appropriate in its context reflecting the character of the existing property. Consequently, the proposal is not considered to give rise to harm to the scenic beauty and character of the landscape including the AONB.

Neighbouring amenity

An objection has been received from a neighbouring property. The concerns raised include that the development would harm the amenity enjoyed at the neighbouring property, particularly in relation to light and privacy, by virtue of the increase in height of the dwelling and the introduction of new windows. The application site fronts onto Porthcressa Road, which lies to the south-east of the objector's property. The red line of the site boundary runs up to the edge of this neighbour's property, on its south east corner, but there is a gap, however of around 4 metres between the two properties. Windows between the two properties are off-set, with a more direct relationship being between the application site and the property Penlee House, which contains a number of flats. Whilst there are direct face-to-face windows, the gap between the two properties is closer to 13 metres.

There are existing views between the properties fronting on to Church Street, which principally face north, and those on Porthcressa Road, which principally face south. The proposal does include additional overlooking by virtue of a second floor gable window, which would be centrally positioned at a height of over 5.5m above ground level. This window would serve a bedroom and be less than 0.5m². As there is an existing bedroom and living room window at first floor, which will become 2 bedroom windows in the proposed plan, it is not considered that this additional small second floor window would give rise to a significant amount of additional overlooking relative to the existing window arrangement. The additional height together with its small size would mean that views over adjoining properties would be limited to oblique angles. Rear facing windows on Church Road are set back at around 16 metres from the application dwelling. The relationship between the original Church Road dwellings and the later, more modern dwellings along Porthcressa Road do have an existing close relationship, in terms of achieving the prescribed design guide distance standards. Page 58 of the Isles of Scilly Design Guide SPD states that *"due to the "tight" character of many of the settlements, proposed layouts based on a strict adherence to the distance principle are unlikely to be appropriate as the principle tends to produce a suburban layout, which is rarely achievable or desirable"*. Thus privacy should be achieved through the careful

siting, design (interior and exterior) and placement of windows. It is considered that the proposed small second floor window and the obscurely glazed side facing dormer windows are carefully sited and designed to minimise significant overlooking of neighbouring properties.

Penlee Boathouse has been constructed with guttering that oversails the adjacent property at Lynwood, but this is an historic positioning, that appears to be a feature on a similarly orientated property along Porthcressa Road to the west at Number 17. The proposal would result in this existing overhanging relationship being retained, i.e. the overhang becoming no further out, longer or prominent with the proposal and would result in an increase in its height position only. The proposal would result in the same relationship as the existing in terms of the rainwater goods. The applicant has submitted a letter from a Planning consultant to confirm that the overhanging section identified is within the applicant's control and certificate A has been served to reflect that. No documentary evidence has been provided to the contrary and on this basis it is considered that the overhang is within the applicant's control.

There is a residential neighbour on the opposite side of the road, situated to the south of the application site, which is orientated with its main elevations facing east and west and has amenity space to its western side. Residential neighbours abut the east and west sides of the application building and there are neighbours to the north.

There is a mutual impact between neighbours, which is common with other more built up areas. The scale of development is judged to be acceptable and in keeping with the surround built vernacular. It is considered that the increase in roof height would have a negligible impact on light, and particularly sunlight, enjoyed at the properties to the east and west sides. The main elevations to the neighbours to the east and west face north and south, where the proposed extension would have little impact. The amenity space to the north side would be impacted by a minimal degree, as a result of the increase in height of the dwelling. The increase in height of the existing building by approximately 0.84 metres is considered to cause no significant impact on light to the properties north and south of the application site due to the relationship and distance of separation with those properties.

There would be new windows to the second floor accommodation. The windows to each gable end, one facing south and one facing north. There will also be altered first floor to the front of the property (facing south). These will change to full height glazed openings with Juliette balcony features. It is considered that these windows would not cause material harm to the existing levels of amenity already enjoyed at the neighbouring properties. The dormer window to the east side would serve a stair well and landing area. That window would look over the flat roof of the neighbouring property and there would be no unacceptable impact on amenity. The dormer proposed to the west side would accommodate two windows. Each window would serve an en-suite wc. The windows would be relatively small and obscurely glazed. The neighbour has raised concern regarding overlooking from the new openings.

The west facing en-suite bathroom windows are to be obscurely glazed. Due to the orientation of the bathroom layout, as indicated by floorplan, it is unlikely that a person occupying the room would be afforded much of a view out in to the neighbouring property, even if the window were opened. There is already a mutual impact between neighbours and the development is not considered to cause material harm to the level of amenity already enjoyed at these properties.

Ecology

A Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment of the existing building has been carried out and submitted in support of the application. The Appraisal report advises no evidence of nesting birds was found and that the application site has a limited number of potential opportunistic roost features for bats. The value of the existing building for bats is however considered to be 'low'. Notwithstanding that, the Appraisal recommends that further survey visits are required during the bat active season. If no roosts are found during these surveys, then no further survey work would be likely to be required. However, if roosts are found a detailed roost characterisation survey would be required. That information would then allow an accurate assessment of the potential impact of the proposed development on bats as well as the potential mitigation measures that may be required.

Further survey work has been carried out during the course of the application with a dusk emergence survey carried out on 5 June 2019. The dusk emergence survey found no evidence of roosting bats within the proposed development site, with the main activity around the proposed development considered to be low, consisting primarily of commuting and foraging behaviour. The recommendations in the PRA along with this report, suggest no further surveys and no requirement to obtain an EPS license. This report recommends that there are no constraints to the planning proposal if the following are adhered to; avoidance measures during demolition and construction phase, mitigation and enhancement in the form of provision of new potential roost sites. The proposal is not therefore considered to harm potential important wildlife interests.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third part interests/ the Development Plan and Central Government Guidance.

Conclusion

In conclusion, it is considered that the principle of development is acceptable. The design and scale of the extension are appropriate having regard to the context of the site and the proposal is judged to have an acceptable impact on local amenity, including that of the residential neighbours, and an acceptable impact on the character and appearance of the Conservation Area and AONB.

The bat survey work has found no evidence of bats using the building and suggest no further surveys and no requirement to obtain an EPS license.


The recommendation is that planning permission be approved.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).
2. The works hereby approved shall be carried out strictly in accordance with drawings submitted with the application, numbers PB-P-01, PB-P-04 and PB-P-05. Reason: To ensure a satisfactory standard of development in the interests of amenity.
3. Prior to first occupation of the second floor extension hereby approved, the windows in the west elevation of the roof dormer shall be obscure glazed as shown on approved drawing number PB-P-05. These windows shall be retained as such thereafter. Reason: To protect the amenity of neighbouring properties.
4. Prior to installation on the building hereby approved, details including a sample of the timber boarding to be installed on the north, south and west elevations of the extension and the external elevations of the dormer windows shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details. Reason: In the interest of the character and appearance of the development and the locality.
5. Notwithstanding the information submitted with the application, no artificial external lighting shall be installed within the application site unless precise details, including details of its siting, position, design, orientation and maximum level of illumination of external lighting to be installed has previously been submitted to and agreed in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details. Reason: To confirm details of the proposals in the interest of the character, appearance and amenity of the locality.

Informatives

1. Statement of Positive Engagement
2. Party Wall Requirements
3. Non-material amendments
4. Revisions to Balconies
5. Standard Bat Discovery condition

Signed:	Dated:	Signed:	Dated:
<i>J. White</i>	17/06/2019		28/6/2019
Planning Officer		Senior Manager	