

# Council of the Isles of Scilly Delegated Planning Report Householder application

**Application Number:** P/21/054/HH

**Received on:** 5 July 2021

**UPRN:** 000192001280

**Application Expiry date:** 10 September 2021

**Neighbour expiry date:** 10/08/2021

**Site notice posted:** 20 July 2021

**Site notice expiry:** 10 August 2021

**Applicant:** Mr R Jackman

**Site Address:** Westward Ledge  
Church Road  
Hugh Town  
St Mary's  
Isles of Scilly  
TR21 0NA

**Proposal:** Roof alteration for introduction of two dormers plus velux roof light.

**Application Type:** Householder

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**Recommendation: REFUSE**

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## **Summary Reasons for Refusal:**

- R1 The proposal would, as a result of large and prominent dormer structures, have an intrusive impact and harm the character and appearance of the surrounding area, which is designated as an AONB, Conservation Area and Heritage Coast in conflict with Policies OE1, OE7, LC8 and SS2 of the Isles of Scilly Local Plan (2015-2030) and paragraph 176 and 197(c) of the National Planning Policy Framework (2021).

## 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: 10 August 2021

Name: Cllr Dan Marcus

Date: 07/10/2021 (AMENDED PLANS)

Name: Cllr Dan Marcus

Date: 13/12/2021 (Reversion to original)

## Site Description and Proposed Development

Westward Ledge is a detached two storey dwelling located on the south east side of Church Road, as it rises up leaving Hugh Town on the east side. The slope of the site means the dwelling is situated above the level of the road, with only a stepped pedestrian access from the front. An area of off-street parking was granted under a permission in 2010 (P/10/037/FUL). This however has not been implemented and the property does not have any off-street car parking.

The private garden is fairly open to the front, with a sloping terraced garden. The private rear garden is relatively small. The plans submitted identify that the roof space is currently used for storage and the plans, both existing and proposed, show this to have no habitable accommodation. The dormer structures have been proposed as a means to achieve greater amount of usable storage within the loft space. One rooflight is proposed, which will be located between the two front facing pitched dormers.

Certificate: A

### Consultations and Publicity

The application has had a site notice on display for 21 days (20/07/2021 – 10/08/2021). The application appeared on the [weekly list on 19<sup>th</sup> July 2021](#). Due to the nature of the proposal no consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- Cadwallan, Church Road
- The Annex, Barn House, Church Road

- Barn House, church Road
- 2 Matthews Field, Church Road
- Chy-an-mor, Church Road

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

In 2006 two applications were submitted and refused for alterations to the roof pitch and installation of dormer windows. P/06/098 and P/06/126 were both refused. These were considered under the 2005 Local Plan. P/06/126 was the subject of an appeal, which upheld the Council's decision to refuse the proposal.

### Constraints:

Conservation Area, AONB, Heritage Coast

Historic Landscape Character Landscape Type: Settlements.

Listed Building: No

Scheduled Monument: No

Archaeological Constrain Area: No

### Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	n
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	n
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	n
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?	y
Would the proposal generally appear to be secondary or subservient to the main building?	n
Is the scale proposed in accordance with NDSS	n <sup>1</sup>

<sup>1</sup> The applicant would gain additional storage space within the roof space, but indicates this would not be habitable so has not provided any calculations (as required by the local validation checklist) as to changes in floorspace.

<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 preserve or enhance the character and appearance of the Conservation Area?	n
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
<b>Other Impacts</b>	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
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	n
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/a
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	y

the roof	
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	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	y
Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	y

This application proposes to install two large blank pitched-roof dormer structures to the front elevation of this property in addition to a centrally positioned rooflight. No other alterations to roof height or pitch are proposed. The current roof slope is around 30 degrees and, based on the submitted plans, the roof space would have a head height of less than 1.5m so would not be currently adequate to create sufficient head space to use it as habitable accommodation.

The proposal would add approximately 66 square metres of floorspace and a third floor to the existing 5 bedroom house. Currently the property has two floors of habitable accommodation. It would appear therefore that the existing property already exceeds the minimum space standards, and the 30% maximum as required by Policy LC8 (1):

*b) Where a proposal results in an increase in size (either in relation to number of bedrooms, floors, usable floor space or footprint) 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 (Technical Housing Standards) (or any*

*replacement standards); unless clear justification is provided as to why a larger home is required.*

The applicant has stated the roof space will remain as storage for the property. The applicant has stated that the use of the roof space will not be to create any habitable accommodation and that the dormers and roof light are to provide a bit more space as well as light.

The applicant states that the insertion of windowless dormer structures is to primarily create a visual improvement to the principal elevation only. On this basis it is considered necessary and to ensure compliance with Policy LC8 to restrict the use of the roof space as ancillary storage only and not for habitable purposes, in order to ensure compliance with LC8(1)b).

In clarifying the rationale for the scale of the proposal, the applicant has referenced dormer windows being permitted on other property, in the period since his initial 2006 application was refused (figure 2 below).



Figure 1 As Existing



**Reason 1**

The proposal would, as a result of the increased height of the building and the number and positioning of the dormer windows, have an intrusive impact and harm the character and appearance of the surrounding area which is designated as an AONB, Conservation Area and Heritage Coast in conflict with Planning Policy Statement 1, Planning Policy Statement 7, Planning Policy Statement 15 and Policies 1 and 2 of the Local Plan.

Figure 2 As refused in 2006 (and appeal lost) including Reason for Refusal.



**Figure 3 As now proposed 2021**

The proposed elevations, of which are shown in figure 3 above, are considered to be overly bulky in appearance. The house is a large two storey property situated in an elevated hillside position on Church Road. The blank dormer features are not considered to be particularly characteristic in terms of design. Some examples of nearby property have been considered:



**Figure 4 small dormers on a relatively modern two storey house to the north east**



Figure 5 Dormer added to a mid-century bungalow on Church Road to the north west



Figure 6 dormers on modern bungalows on Church Road, to the East side

Whilst the applicant references a large extension to the rear of a neighbouring property (next door but 1 to the south east), this is rear facing, connected to a bungalow that is semi-detached and set further back from the road. It is not considered that this is directly comparable to the proposed blank dormer structures on the application property, which are on the front elevation.

The applicant has variously sent through a series of amended dormer designs for consideration. All amended plans, referenced below, have however been withdrawn at the request of the applicant. This assessment therefore whilst references the sequence of amendments, is based on the original submission, as shown in Figure 3 above.

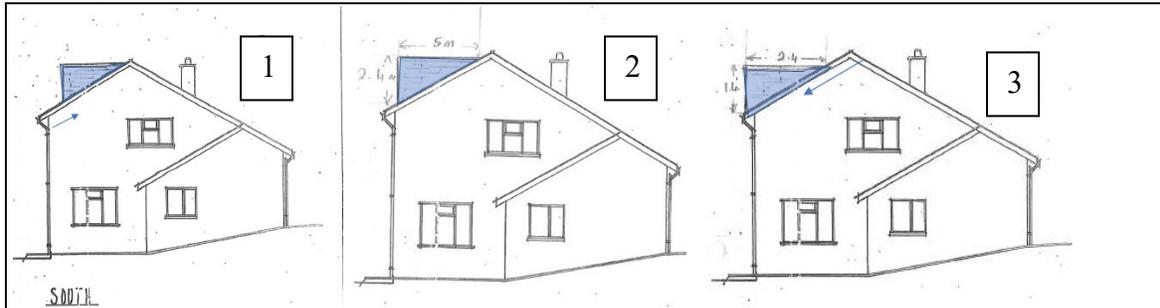


Figure 7 1st, 2nd and 3rd Amendments

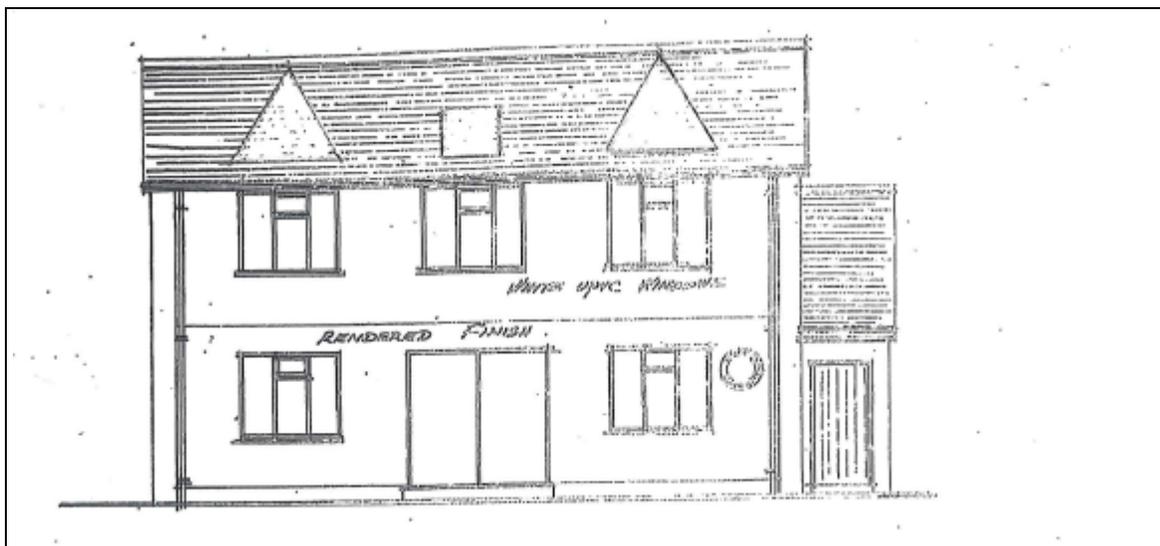


Figure 8 The front (north) elevation with the various amendments (fig 7) has remained unchanged.

The first set of amended plans (1) were submitted after the applicant was asked to consider reducing the overall scale of the dormers to something less bulky. These plans were the subject of a conversation with the building inspector, particularly in terms of implications under the building regulations, as it was apparent that the head-height would be inadequate but if the applicant was successful at the planning stage and 'boarded out' the space or fixed a permanent means of access, it would be considered 'habitable' for the purposes of the building regulations. Clarification on the plans was therefore sort, in terms of adding dimensions to the drawings and requesting sections (existing and proposed). This resulted in the second set of amended plans (2). These indicated wildly inaccurate dimensions, which the applicant was asked to clarify. This resulted in the third and final set of amended plans, shown as (3) in figure 7 above (side elevation) and figure 8 (front elevation) being submitted as an amendment to the application. It is noted that with all three versions of the amended plans the size and position of the dormer were inconsistent (the side elevations all differed from the front elevation in terms of position and size). On the basis that the amended plans were inconsistent in terms of the side elevations and front elevations, and the dormers were stated to achieve

aesthetic improvements primarily, the applicant was again asked to scale down the dormers further and ensure the drawings were consistent. This resulted in a withdrawal of the amended plans and a reversion of the scheme back to the originally submitted dormers, as shown in figure 3 above.

The site is within the Isles of Scilly Conservation Area, so whilst this part of Hugh Town does not contain historic or listed buildings, all of the land has been identified as an integral part of the islands' historic development. The islands are also an Area of Outstanding Natural Beauty and heritage coast. Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. Whilst it does not necessarily follow that planning permission should be refused, if regard has been taken into account of the special character of the conservation area, it is necessary to consider whether development does indeed preserve or enhance the area. In relation to the historic environment, paragraph 197 c) of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of:... the desirability of new development making a positive contribution to local character and distinctiveness. Notwithstanding the conservation area considerations, paragraph 176 of the NPPF, advises that great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

In this case the dwelling is a prominent two storey property, with a particularly visible presence in the street scene. The proposed dormer structures are not required or being proposed as a means to bring the scale of the property up to minimum space standards and they are not proposed as a means to improve the sustainability of the property. A case is being made to aesthetically improve the appearance of the property. Whilst dormer windows and dormer structures are relatively common and enable smaller properties to gain extra accommodation within the roof space, they generally function as windows (as in examples in figures 5 and 6) or, where they don't, they are small and add interest to the roofline (as in the example in figure 4). The dormers proposed would appear, in this case, to be unnecessarily large and bulky and result in a visually prominent increase to the roof of this property.

Policy LC8 of the adopted Local Plan, relates to residential extensions and requires proposed alterations or enlargements of existing homes to consider size, siting and design, as well as the use of materials, to ensure proposals would not be more visually intrusive in the landscape. Policy SS2 relates to sustainable quality design and place-making and part (1) states that development will not be permitted if it is considered to be of poor or unsustainable design. New development must be of a high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability by: a) respecting and reinforcing the character, identity and local

distinctiveness of an area whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting. Policy OE1 (1) only permits development where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty, and therefore conserves and enhances the islands' landscape, seascape and scenic beauty, taking into account and respecting the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape.

Overall it is considered that the proposed dormer structures are bulky in design and will appear prominent in the street scene. Although put forward as a means to enhance the appearance of the dwelling, it is not considered that dormer structures of this scale are characteristic to the area nor would they particularly enhance the appearance of the dwelling. There is no justification put forward that could override the visual harm identified. It is considered that the proposal neither preserves nor enhances the character of the conservation area and the proposal is not considered to conserve or enhance the scenic beauty of the AONB.

**Conclusion:** It is considered that the proposed extension by virtue of its scale and design is contrary to policies of the local plan and the requirements of the NPPF.

**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.

**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 ✓
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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 Safeguarding Serviced Accommodation	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	Yes		N
Sustainable Design Measures			Y
Biodiversity Enhancement Measures:			Y

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.

### Recommended Reasons for Refusal:

- R1 The proposal would, as a result of large and prominent dormer structures, have an intrusive impact and harm the character and appearance of the surrounding area, which is designated as an AONB, Conservation Area and Heritage Coast in conflict with Policies OE1, OE7, LC8 and SS2 of the Isles of Scilly Local Plan (2015-2030) and paragraph 176 and 197(c) of the National Planning Policy Framework (2021).

<b>Print Name:</b>	Lisa Walton	13/12/2021
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	<i>Authorised Officer with Delegated Authority to determine Planning Applications</i>	