

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

**Application Number:** P/23/097/HH

**UPRN:** 000192001192

**Received on:** 1 December 2023

**Valid on:** 19 February 2024

**Application Expiry date:** 15 April 2024

**Neighbour expiry date:** 15 March 2024

**Consultation expiry date:** 15 March 2024

**Site notice posted:** 23 February 2024

**Site notice expiry:** 15 March 2024

**Case Officer:** SWHITE

**Applicant:** Mr And Mrs Woodcock

**Site Address:** 4 Porthcressa Terrace  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JW

**Proposal:** Demolition of existing single storey extension and replace with larger extension on rear elevation, removal of existing rear dormer window and replace with a larger rear dormer window, replace scantle roof slates with new dry laid slates.

**Application Type:** Householder

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**Recommendation: Permit**

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## **Summary Conditions/Reasons for refusal**

1. Standard time limit (3 years)
  2. In accordance with the approved plans
  3. Materials as per application
  4. External lighting
  5. Ecology
  6. Hours of Construction
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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: 01.03.2024

## Site Description and Proposed Development

The application site is 4 Porthcressa Terrace a residential dwelling in Hugh Town on the island of St Mary's. The dwelling is a traditional end of terrace situated within a relatively large plot with a wraparound private garden to the front and rear. The dwelling has a slate tile roof with a modest hipped dormer on the front elevation, a larger first floor hipped dormer on the rear elevation and a modern single storey extension to rear. Front and rear access is provided of Ram's Valley. Permission is sought for the following works:

### Replacement rear extension

Removal of the existing single storey rear extension to be replaced with a larger single storey flat roof extension. The extension would extend level with that of the adjoining dwelling (north) and fill the full width of the dwelling.

The extension would be rendered and painted white with feature grey UPVC glazed doors on the rear elevation and a grey UPVC window on the side elevation.

### Dormer alterations

Extension of the existing first floor rear dormer by 2.6m from the rear wall. This proposed dormer would maintain a half-hipped roof form and reflect that of the adjoining property in both design and scale. The dormer is proposed to be white render to match the proposed extension, and the window would be grey UPVC.

### Other Works

- The gable end on the south elevation is proposed to be painted white.
- The roof is proposed to be replaced with Spanish slate.
- Installation of 2 rooflights on the rear elevation.

Certificate: A

Other Land Owners: N/A

### Consultations and Publicity

The application has had a site notice on display for 21 days (12/02/2024 – 15/03/2024 ). The application appeared on the weekly list on 26<sup>th</sup> February 2024. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- 1, 2 and 3 Porthcressa Terrace
- Galen, 1 Buzza Hill
- Clemmy's Cottage, Buzza Road
- The Lookout, Buzza Road
- Blue Marlin, Rams Valley
- Damasinnas, Rams Valley
- Leeward, Rams Valley

[0] letters of objection have been received.

[0] letters of support have been received.

[1] letters of representation have been received raising concerns of the existing sewage network and requesting any proposed development is in accordance with Building regulations.

### Relevant Planning History:

- P.5178 Conditional permission granted to replace the front elevation of roof with dry laid slate. 23.08.2002
- P.0775 Permission granted for the erection of kitchen extension 12.11.1968
- P.0407 Application received for the erection of residential building on land at Porthcressa Terrace 06.03.1963

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II Listed Building: Wahrenonga lies approximately 14 metres to the south west of the front of the property.

### Planning Assessment

Design	YES OR NO
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?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y
Is the scale proposed in accordance with NDSS	n/a

<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, 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?	y
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	y
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 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	n
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

<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 any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

**Principal of Development:** Isles of Scilly (IoS) Local Plan Policy LC8 (1), aims to prevent an imbalance of house types and sizes, and to help retain affordable homes. In order to achieve this, Policy LC8 1) b) sets out that proposals for extensions should not increase the Gross Internal Area (GIA) of the dwelling by more than 30% of the Nationally Described Space Standards (NDSS) as a maximum.

The existing dwelling is 2 storey, with 2 bedrooms and 4 bed spaces. The NDSS for a dwelling of this type sets a minimum GIA of 79 sqm. The existing dwelling has a GIA of approximately 78 sqm and is therefore below the NDSS.

Following the proposed extension, the dwelling would be 2 storey, with 3 bedrooms and 6 bed spaces. The NDSS for a dwelling of this type sets a minimum GIA of 102 sqm. The proposed dwelling would have a GIA of approximately 119 sqm which is approximately 21.8% in excess of the NDSS.

The proposed extension would therefore not result in a dwelling with a GIA more than 30% greater than the NDSS. In addition, LC8 2) sets out that proposals for extensions will not be supported where they introduce new self-contained holiday letting accommodation. The proposal is an extension of a residential property and in accordance with LC8 2). In summary, the proposal is considered to accord with LC8 and is acceptable in principle.

**Design and Siting:** Policy SS2 outlines that proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. 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 that they do not result in the overdevelopment of the site.

The proposal seeks a single storey extension to the rear of the dwelling and to substantially enlarge the existing rear dormer. This development would add additional massing to the rear of the dwelling and substantially increase the dwelling's footprint. Although I note the increase in mass would be to the rear of the dwelling and would not be highly visible or intrusive to the street scene. The dwelling is also situated in a relatively large plot which is considered able to accommodate the proposal. In addition, the proposed changes would reflect existing alterations on the adjoining dwelling to the north which have also been extended to the rear and have enlarged the dormer. The increase in scale and massing is therefore considered acceptable.

Regarding materials, the extension is proposed to be rendered and painted white with grey UPVC windows. The use of white render is reflective of the character of the area and is considered an improvement on the existing. All new windows are proposed to be grey including the large glazed doors to the rear. At ground floor level, grey UPVC would be reflective of the adjoining dwelling and considered acceptable. Grey windows are also proposed within the rear dormer, this is not reflective of the street scene where white dormer windows are a locally prominent characteristic, however, this is considered acceptable on balance due to the windows' limited visibility from the public realm.

The proposal also includes a slate roof which would match the remaining dwellings on the terrace and is therefore considered acceptable.

In summary, the dwelling is considered to accord with SS2 and LC8.

**Residential Amenity:** Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposed development includes increasing the mass of the dwelling, alterations to the first-floor rear window and the introduction of a window on the ground floor south elevation. These alterations would not give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity. Consequently, the proposal accords with policies SS2 and LC8.

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

The application site is within the Conservation Area and within the setting of Grade II listed dwelling 'Wahroonga'. The bulk of the proposed works would be to the rear of the dwelling and not clearly visible from the public realm or the setting of the listed building. This proposed development is therefore considered in accord with OE7.

**Sustainable design and waste management:** IoS Policy LC8 3) requires proposals which increase the number of bedrooms to improve the overall energy performance of the building and adopt the sustainable design principles set out in SS23 and SS2. In addition, SS2 requires that proposals for the construction of new buildings submit a statement of Sustainable Design Measures (SDM) and a Site Waste Management Plan (SWMP).

Sustainable design details have been submitted within the design and access statement. This outlines that the proposal will increase the thermal efficiency of the dwelling and include water-saving measures and rainwater collection.

In addition, a SWMP has also been submitted which outlines that waste blockwork and slate, window frames will be offered locally before disposal and all other waste will be recycled locally or disposed of via the waste processing facility. The proposal will not result in a sustained increase of waste production.

These details are considered sufficient to accord with LC8 3) and SS2.

**Ecology:** The proposed works impact the roof form and a number of existing detached structures. As such the proposal has the potential to impact bats and nesting birds. A Preliminary Roost Assessment (PRA) has been submitted with the application identifying 'negligible bat roosting potential'. The proposal should therefore be carried out in accordance with the Precautionary Method Statement contained with the PRA. This should be secured via a suitable worded planning condition.

**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**

<b>Policy</b>	<b>Tick if Used ✓</b>
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 received 14.02.2024.
- Plan 2 Proposed Block Plan, drawing no: DC\_XXX\_000\_06101\_P0, received 14.02.2024.
- Plan 3 Proposed Ground Floor Plans, drawing no: DC\_XXX\_000\_02101\_P02, received 16.02.2024.
- Plan 4 Proposed First Floor Plans, drawing no: C\_XXX\_001\_02102\_P02, received 16.02.2024.
- Plan 5 Proposed Roof Plan, drawing no: DC\_XXX\_R1\_02103\_P01, received 16.02.2024.
- Plan 6 Proposed Rear Elevation Amended, drawing no: DC\_ZZZ\_XXX\_04101\_P03, received 08.04.2024.
- Plan 7 Proposed Side Elevation Amended, drawing no: DC\_ZZZ\_XXX\_04102\_P03, received 08.04.2024.
- Plan 8 Design and Access Statement received 14.02.2024.
- Plan 9 Bat Survey, reference 23-10-1

- **Plan 10 Site Waste Management Plan received 14.02.2024.**

**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).

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting shall be appropriately cowled or down-lit with and controlled with a sensor. Any external lighting shall thereafter be installed in accordance with the agreed details only.**

Reason: To protect the amenities of the locality, including those of neighbouring residential properties and to preserve the dark night skies of the Isles of Scilly as an Area of Outstanding Natural Beauty and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C5 The development hereby approved shall be undertaken in accordance with the Precautionary Method Statement contained with the Preliminary Roost Assessment (23-10-1) dated 28th October 2023.**

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

- C6 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. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework 2023.
2. 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. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately, and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.
  4. 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).

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**Print Name:** Lisa Walton

12/04/2024

**Job Title:** Chief Planning Officer

**Signed:** 

Authorised Officer with Delegated Authority to determine Planning Applications

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