

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

**Application Number:** P/24/062/HH

**UPRN:** 000192001456

**Received on:** 09 August 2023

**Valid on:** 19 August 2024

**Application Expiry date:** 14 October 2024

**Neighbour expiry date:** N/A

**Consultation expiry date:** 11 September 2024

**Site notice posted:** 21 August 2024

**Site notice expiry:** 11 September 2024

**Case Officer:** SWHITE

**Applicant:** Mr and Mrs Skaife

**Site Address:**

Guthers,  
Church Road,  
Hugh Town,  
St Mary's,  
Isles Of Scilly,  
TR21 0NA

**Proposal:** *Alterations to existing dormer bungalow, construction of new dormer window and creation of outdoor terrace*

**Application Type:** Householder

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**Recommendation: Permit**

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## Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. External lighting
5. Black out blinds
6. Ecology
7. Scheme of Native Planting
8. Obscured Glazing
9. Hours of Construction
10. Site Waste Management Plan

## 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 Daniel Marcus

Date: 14.08.2024

## Site Description and Proposed Development

The application site is Guthers a residential dwelling to the east of Hugh Town on the island of St Mary's.

The dwelling is a detached dormer bungalow with a large shed dormer extending the full width of the rear (NE) roof slope. The dwelling is rendered with a timber shingle pitched roof, a white uPVC door and a mix of uPVC and timber windows.

The plot sits on the corner between Silvester's Lane and Pilots Retreat and slopes downwards towards the north towards the Lower Moors.

Permission is sought for the following works:

- Replacement of the existing timber shingle roof with natural slate.
- Replacement / alterations to the existing dormer on the rear roof slope. The proposal would feature 2 pitched roof dormers connected by a section of flat/shed roof dormer in a broadly similar siting as existing. The new dormer arrangement would have 3 windows.
- Introduction of raised decking / terrace area around the rear (NE) and site (NW) elevations. The terrace would be timber with a contemporary post and wire balustrade.
- Removal of chimney
- Replacement of front central windows with single window featuring obscured glazing.
- Replacement of rear ground floor window with full height glazed doors.
- Introduction of roof light on front roof slope.

- Introduction of a pitched roof canopy above a new front door and glazed panel
- Introduction of timber (Cedar) cladding on the gable ends, around the dormer and within the gable of the canopy gable.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (21.08.2024 – 11.09.2024). The application appeared on the weekly list on 27<sup>th</sup> August 2024. Due to the nature and location of the application the following external consultations have been carried out.

| Consultee                          | Date Responded | Comments  |
|------------------------------------|----------------|---|
| Cornwall Environmental Consultants | 17/09/2024     | <p>There are no objections to this planning application on ecological grounds.</p> <p>A condition will be required to ensure that all work is carried out in accordance with the Mitigation and Precautionary Method of Working recommendations made throughout Section 4 of the 'Bat Presence/Absence Surveys' report prepared by James Falconbridge. As noted within Section 4.3 of the report a European Protected Species Mitigation License will be required for any works that impact the roof of the property.</p> <p>In addition, the works should be timed to avoid the bird nesting season or if this is not possible a precommencement inspection should be carried out to ensure that nesting birds are not disturbed as detailed in the 'Preliminary Roost Assessment' report.</p> |

### Representations from Residents:

Neighbouring properties:

[0] letters of objection have been received.

[1] letter of support has been received.

### Relevant Planning History:

No relevant planning history.

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

## 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?  | 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,<br>a) Will the development preserve the character and special architectural or historic interest of the building?<br>b) Will the development preserve the setting of the building? | N                |
| Within an Archaeological Constraint Area   | N                |
|  |                  |
| <b>Other Impacts</b>   |                  |
| Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?  | Y                |
| Impact on protected trees<br>Will this be acceptable   | N/A              |

|  |     |
|--|-----|
| Can impact be properly mitigated?  |     |
| 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   | 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  | N                |
| Is a condition required to secure a Site Waste Management Plan  | Y                |

| <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 provides support for the enlargement, replacement or substantial rebuilding of lawful dwellings. 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. As existing, the dwelling is 2 storey, with 4 bedrooms and 7 bed spaces. The NDSS for a dwelling of this type sets a minimum GIA of 115 sqm. The existing dwelling has a GIA of approximately 144.5 sqm and is therefore 29% above the NDSS.

As proposed, the dwelling would be 2 storey, with 3 bedrooms and 6 bed spaces. The NDSS for a dwelling of this type sets a lower minimum GIA of 102 sqm. The proposed dwelling would have a GIA of approximately 147 sqm which is approximately 44% in excess of the NDSS. The proposed works would therefore result in a dwelling with a GIA more than 30% greater than the NDSS. In this instance, the proposal seeks to increase the habitable floor space by approximately 2.5 sqm, and to reconfigure the existing living space by using an existing bedroom as a workshop. Whilst the loss of a bedroom reduces the minimum NDSS, the 2.5 sqm increase in habitable space is considered minor and would not materially alter / increase the habitable space of the dwelling. In addition, LC8 2) sets out that proposal for extensions will not be supported where they introduce new self-contained holiday letting accommodation. The proposal is an alteration of a residential property in accordance with LC8 2). In summary, the proposal is considered to accord with LC8 and is acceptable in principle.

**Design and Siting:** 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 proposed works would broadly conserve the visual appearance of the existing dwelling and are considered sympathetic to the landscape, seascape and historic environment.

The proposed dormer alterations would add additional bulk to the rear roof slope. However, the existing dormer is of no particular architectural merit and the proposed pitched roof dormers would be locally characteristic and of a scale that is proportionate to the roof slope. In addition, whilst the loss of the chimney is unfortunate, the use of natural slate is supported as a locally characteristic material.

The proposed timber cladding would also be locally characteristic and would improve the rendered finish of the existing dwelling. The proposed wrap around decking would not be prominent from the public realm and is not considered to detract from the dwelling or its setting. The proposal is therefore considered to accord with OE1, OE7, SS2 and LC8.

**Residential Amenity:** IoS Policies SS2 and LC8 require proposals to safeguard residential amenities.

The proposal seeks to introduce an area of raised decking / terrace on the rear (NE) and side (NW) elevations. The decking would be raised to 1.7m at its highest point and would provide views towards the residential dwellings of 'Nancherrow' and 'Tanglewood' from a distance of approximately 25m. Due to the topography of the site and existing dense vegetation, it is not considered this decking would give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity.

The proposal also seeks to replace a ground floor bathroom window on the front elevation. This is marked as obscured glazing which should be further secured via a suitably worded planning condition. With this condition in place the proposal is considered to accord with policies SS2 and LC8.

**Ecology Impacts:** Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed works impact the roof space of the dwelling and as such has the potential to impact bats and nesting birds. A Preliminary Roost Assessment (PRA) and follow-up Bat Presence/Absence Surveys (PAS) have been submitted with the application identifying 2 No common pipistrelle bats. The submitted PAS recommends a 'transitional period roost' and that a European Protected Species Mitigation License will be required. These details have been reviewed by the Council's Ecologist who has raised no objection and requested a condition to secure all works in accordance with the PRA and PAS.

As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. However, the proposal is still required to demonstrate a biodiversity net-gain under OE2. The applicant has indicated this gain can be delivered by a scheme of native planting on the site which should be proportional to the proposed development. This can be secured via a suitably worded planning condition. With this condition in place, the proposal is considered to accord with OE2.

**Dark Skies:** Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety,

security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal seeks alterations to the existing windows and the introduction of a roof light. The proposed increase in glazing is marginal and is not considered to materially increase upward light pollution, however, the proposed roof light should be encouraged to fit blackout blinds to mitigate potential upward light spill. Overall, however, the proposal is considered to accord with Policy OE4.

**Site waste management:** The applicant has not provided a Site Waste Management Plan (SWMP) as required by the Local Plan. It is therefore considered appropriate to require the submission and agreement of a SWMP by means of a suitably worded planning condition.

**Conclusion:** 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 Sections 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   |                |
| Policy OE4 Protecting Scilly's Dark Night Skies                         | ✓              |
| 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, drawing number 2045-P01, received 09.08.2024**
- **Plan 2, Proposed Site Plan Proposed Block Plan, drawing number 2045-P06, received 16.08.2024**
- **Plan 3 Proposed Elevations, drawing number 2045-P05 A, received 10.09.2024**
- **Plan 4 Proposed Floor Plans, drawing number 2045-P04, received 09.08.2024**
- **Plan 5 DESIGN AND ACCESS STATEMENT, received 09.08.2024**
- **Plan 6, PRELIMINARY ROOST ASSESSMENT (PRA), reference number 24-7-4 received 16.02.2024**
- **Plan 7 BAT PRESENCE/ABSENCE SURVEYS (PAS), reference number 24-7-10 received 10.09.2024**

**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 No external lighting shall be installed on the dwelling or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

**C5 The development hereby approved shall be undertaken in accordance with the Preliminary Roost Assessment (PRA) (24-7-4) dated 20th July 2024 and the Bat Presence/Absence Surveys (PAS) (24-7-10) dated 3rd September 2024.**

Reason: To safeguard protected species and their habitats, in accordance with Policy SS2(g) and Policy OE2 of the new Isles of Scilly Local Plan (2015-2030).

**C6 Prior to the completion of the development hereby approved, a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. Planting should consist of native species. The scheme design shall include a layout of planting to show plant species, planting sizes, locations, densities and numbers. All such work as may be approved shall then be fully implemented in the first planting season, following the completion of the development, in strict accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: To ensure the development delivers biodiversity enhancements in accordance with OE2 of the Isles of Scilly Local Plan (2015-2030).

**C7 Before the first occupation of the building hereby permitted any window/windows(s) of any room in use as a bathroom on the front elevation shall be fitted with obscure glazing. The window(s) shall be permanently retained as such thereafter.**

Reason: To safeguard the privacy of the occupiers of the adjoining property in accordance SS2 and LC8 of the Isles of Scilly Local Plan (2015-2030).

**C8 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.

**PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

**C9 Prior to the commencement of the development, hereby approved, a**

**scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

#### Informatives

- 1. Due to the potential for new rooflights to give rise to light pollution the occupants are encouraged to install blackout blinds, ideally of sensor-controlled to minimise upwards light spillage.**

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**Print Name:** Lisa Walton

04/10/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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