

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/25/039/HH

UPRN: 000192002490

Received on: 31 March 2025

Valid on: 8 April 2025

Application Expiry date: 3 June 2025

Consultation expiry date: 8 May 2025

Site notice posted: 9 April 2025

Site notice expiry: 2 May 2025

Case Officer: PSMYTH

Applicant: Mrs. L Thompson

Site Address: 7 Bay View Terrace,
Telegraph Road,
Porth Mellon,
St Mary's,
Isles Of Scilly,
TR21 0NE

Proposal: Creation of a self-contained annexe extension to support
multi-generational living

Application Type: Householder

Recommendation: PERMIT

Summary Conditions

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Materials as per application
 4. Hours of Construction
 5. Ancillary accommodation
 6. Artificial lighting
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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 Dan Marcus

Date: 28/04/2025

Site Description and Proposed Development

The application site is located to the north of Telegraph Road as it reaches Porthmellon Beach. The site is accessed via Telegraph Road. The application site comprises a detached, 2-storey, 3-bedroom dwelling and detached outbuilding set in a large, corner plot. The character of the area is predominantly residential.

Permission is sought for the following works:

- Alterations and extensions to the existing conservatory on the south-eastern side elevation to form an ancillary annexe. A functional link would be provided from the existing utility room through to the annexe.

Certificate: B

Other Land Owners: Mrs H Barclay

Consultations and Publicity

The application has had a site notice on display for 21 days (09/04/2025 – 02/05/2025). The application appeared on the weekly list on 14th April 2025. Due to the nature of the proposal external consultations are required as set out below.

Consultee	Date Responded	Summary
CIOS Waste & Recycling	N/A	No comments received.
CIOS Highways	N/A	No comments received.
Fire Officer	08/05/2025	The fire authority has no adverse comments to make however we would

		remind the applicant should the annex or any associated premises be used for short term accommodation now or in the future, the Regulatory Reform [Fire Safety] Order 2005 would be applicable and sufficient fire safety provisions and a fire risk assessment would be required.
South West Water	28/04/2025	The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements set out in their submitted response.

Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

P/09/054/FUL	Erection of dwelling for Specific Local Need.	GRANTED 20/11/2009
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Constraints:

- Conservation Area
- Isles of Scilly National Landscape
- Heritage Coast

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
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?	YES
Is the parking and turning provision on site acceptable?	YES
Would the proposal generally appear to be secondary or subservient to the main building?	YES
Is the scale proposed in accordance with NDSS	YES – see report

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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/A
Other Impacts	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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	YES
Are the Water connection/foul or surface water drainage details acceptable?	YES
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	YES – see report

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	NO
Does the proposal include any demolition	YES

Does the proposal include tree or hedge removal	NO
Is an assessment of impact on protected species required	NO – see report
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	NO
Are biodiversity enhancement measures required	NO
Is a condition required to provide biodiversity enhancement measures	NO

Waste Management	YES OR NO
Does the proposal generate construction waste	YES
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	NO
Does the proposal include a Site Waste Management Plan	YES
Is a condition required to secure a Site Waste Management Plan	NO

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	NO
Does the proposal include any site specific sustainable design measures	YES
Is a condition required to secure a Sustainable Design Measures	YES

Analysis:

Principle of Development: The Local Plan supports the creation of ancillary accommodation which is required for immediate members or relatives of the existing household, on the basis that proposals comply with the requirements of Policy LC8. Alterations and modifications to existing buildings and dwellings, including proposed extensions, outbuildings and annexes, must be of an appropriate scale and subservient in relation to the existing building, taking into account the site location and the cumulative impacts of previous extensions and development on the site where appropriate.

Policy LC8 is clear that an extension or alteration to an existing dwelling will not be permitted to include any self-contained holiday letting accommodation unless this already lawfully forms part of the existing property, secured through planning permission or a lawful development certificate.

The proposed annexe would provide accommodation for an elderly resident to enable them to live independently but with a functional link to the main dwelling,

where an element of care can be provided by family. This would accord with Policy LC8, however a condition is recommended to be attached to ensure that the proposed annexe remains ancillary to the host dwelling and that it is not later severed to provide holiday accommodation or used as an independent dwelling.

Design, Visual and Landscape, Seascape, Historic Environment Impacts:

Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty and demonstrate an appropriate scale, density, layout, height, mass and use of materials. Policy OE7 seeks to conserve and enhance the significance of the Isles of Scilly National Landscape and heritage assets, including the Isle of Scilly Conservation Area.

The proposed annexe extension would be larger than the existing conservatory projection. However, owing to its single storey form, orientation within the plot and subservience to the host dwelling, it would not appear unduly prominent in the streetscene and would not appear visually intrusive in the landscape.

The design of the proposed annexe extension would be in keeping with the appearance of the host dwelling, thus maintain the property's existing character. The proposed annexe extension would utilise painted render, grey natural dry-laid slate tiles and white uPVC fenestrations to match the existing dwelling.

Policy LC8 sets out that where a proposal results in an increase in size 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 unless clear justification is provided as to why a larger home is required. The existing dwelling has an existing floor area of 180sqm. The proposed extension (whilst making use of the existing 12.6sqm conservatory) would result in an additional 31.5sqm of floor space.

The proposed annexe would have a floor area of 44.09sqm which would exceed the space standards as set out in the Nationally Described Space Standards (Technical Housing Standards) for a 1-bed room, 1-storey unit for 1 person (39sqm). The applicant has set out that only the 'essential spaces' for independent living are proposed, and that the accommodation being entirely ground floor has been designed with accessibility and future mobility needs in mind.

With the proposed extensions, the dwelling would have a gross internal floor area of 211.5sqm which would be within a 30% increase of the original dwelling. On this basis, the proposal would accord with Policy LC8.

On the basis of the above assessment, the proposed development is considered to be acceptable and in accordance with Policies OE1, OE7 and SS2 of the Local Plan.

Sustainable Design: Policy LC8 sets out that all planning applications for replacement dwellings, extensions or alterations that increase the number of bedrooms relative to the existing dwelling should proportionately improve the overall energy performance of the building and accord with the principles set out in Policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design.

Within the submitted Planning Statement, the applicant has set out a number of sustainable design measures they intend to implement in the proposed development. Measures proposed include the reused of materials/openings, sustainably sourced materials, insulation, new double glazing and ventilation. The proposal would also include photovoltaics on the southern roof elevation.

These measures are considered to be proportionate to the development proposed and would improve the energy performance of the existing dwelling, in accordance with Policies LC8, SS1 and SS2.

Residential Amenity: Policies SS2 and LC8 require proposals to safeguard residential amenities. The application site is adjacent to a row of terraces cottages and a number of other residential and commercial properties.

The proposed annexe would replace an existing single-storey projection in the same location. Owing to its single-storey nature and its orientation within the plot, the proposed annexe extension would not result in overbearance or a loss of light to neighbouring occupiers, nor would it result in overlooking or any loss of privacy over and above the existing situation. The proposal would therefore accord with Policies SS2 and LC8.

Waste management: Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must

align with the waste hierarchy and be supported by a waste management plan (SWMP).

A SWMP has been submitted with the current application, within the submitted Planning Statement. This sets out that all materials will be reused or recycled on-site where possible. Where reuse or recycling is not feasible, waste will be taken to an appropriate waste and recycling site in accordance with proper disposal procedures. The Principal Contractor on site would be responsible for implementing the SWMP and ensuring compliance with it. On this basis, the proposed development would accord with Policy OE5.

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

The proposed works would involve alterations and extensions to the existing single-storey conservatory projection on the south-eastern side elevation to create an ancillary residential annexe. The current structure does not have a roof void, as demonstrated by the elevation plans. As such, there are no suitable spaces for bats to roost within this part of the dwelling. On the basis that the proposed development would only involve alterations to the existing conservatory, it is not considered necessary to insist on the provision of ecological information to assess the potential impact on protected species. The applicant is reminded that it is an offence to disturb protected species and works should be stopped should protected species be found during construction and the advice of an ecologist should be sought.

As the application is a householder application, it is exempt from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

Dark Skies: Policy OE4 seeks to protect Scilly's Dark Skies. As identified by the applicant in the submitted 'Lighting Statement', the site is located within an established residential area where there are existing levels of ambient light emitted from existing residential properties, including the host dwelling. The proposed extension would replace an existing single-storey conservatory projection. The proposed extension would introduce a modest increase in glazing

through the addition of two small openings on the west elevation, and two small areas of glazing on the east and south. This is considered to not be materially harmful over and above the existing situation.

No external lighting is proposed but it is considered appropriate to attach a condition requiring permission to be sought for any additional lighting. On this basis, the proposal is considered to accord with OE4.

Conclusion

The proposed annexe extension is considered to be acceptable in terms of design, scale and materials and they would not give rise to visual harm to the landscape, harm to residential amenity or negative impacts on heritage assets. The application is therefore recommended for approval.

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

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	
<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 Site and Location Plans**
- **Plan 2 Proposed Elevations**
- **Plan 3 Proposed Floor Plans**
- **Plan 4 Planning Statement**

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 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.

- C5 The annexe extension hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the dwelling known as '7 Bayview Terrace' and shall not be occupied separately, or used as holiday accommodation, or severed thereafter.**

Reason: To safeguard the amenities of the local area and to ensure that the accommodation is used only in connection with the existing dwelling.

- C6 No artificial lighting shall be installed within the red line boundary without the prior agreement in writing of the Local Planning Authority. The lighting shall accord with the approved details thereafter.**

Reason: To preserve the scenic beauty of the Isles of Scilly as a designated Area of Outstanding Natural Beauty which includes its Dark Night Skies, including the Garrison Dark Sky Discovery Site, in accordance Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

Further Information

1. **STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. **POST-DECISION AMENDMENTS:** 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
3. **BUILDING REGULATIONS:** 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.
4. **BATS:** 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.
5. **BIODIVERSITY NET GAIN:** Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
- The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.
6. **COMMENCEMENT NOTICE:** Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:
- (2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.
- (3) Once a person has given a commencement notice, the person:
- may give a further commencement notice substituting a new date for the date previously given, and
 - must do so if the development is not commenced on the date previously given
- The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.
- Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:
- (5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.
- (7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

Print Name: Lisa Walton

23/05/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
