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Planning Statement


Colossus
2 Pilots Retreat
St Mary's
Isles of Scilly. TR21 OPB

Prepared on Behalf of: Michael and Debra Rigby

Project: 18039
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Contents

Executive Summary	i
1. INTRODUCTION	1
2. SITE AND SURROUNDINGS	2
3. DEVELOPMENT PROPOSAL	4
4. PLANNING HISTORY	6
5. PLANNING POLICY CONTEXT	6
The Development Plan.....	6
National Planning Policy Framework	7
Other Material Policy Consideration	8
Appropriate Weight	8
6. PLANNING CONSIDERATIONS	10
7. SUMMARY AND CONCLUSIONS	13
Figure 1 - Site Location (taken from Google Maps)	2
Figure 2 - Proposed Site Layout (extracted from submitted plans).....	4

Executive Summary

Evans Jones Ltd have been instructed by Michael and Debra Rigby to submit an application to make alterations to a dwellinghouse, including erection of rear decking

The application site is within the boundary Isles of Scilly Council.

The proposal is acceptable in principle complying with the relevant Development Plan policies. This statement has assessed all the other relevant planning considerations and found that the scheme is fully compliant with the Development Plan and other material policy considerations, including national policy and the pursuit of sustainable development.

1. INTRODUCTION

- 1.1 This Planning Statement is submitted in support of the full planning application seeking permission for alterations to a dwellinghouse, including erection of rear decking.
- 1.2 This Statement sets out the main planning considerations and justifications for the scheme. In support of the application, this Statement demonstrates that the proposed scheme is acceptable in principle and expands upon issues relating to inter alia ...
- 1.3 The application submitted comprises the following plans and documents.
- Location Plan
 - Block Plan
 - Existing Plans
 - Proposed Plans
- 1.4 This statement should be read in conjunction with the plans and documents that make up the application as a whole.

2. SITE AND SURROUNDINGS

2.1 The application site is located at Pilot's Retreat, off Church Road via Silvester's Lane, to the north east of Hugh Town, St Mary's Isles of Scilly.

2.2 The site comprises a dwellinghouse and its plot... This can be seen in Figure 1

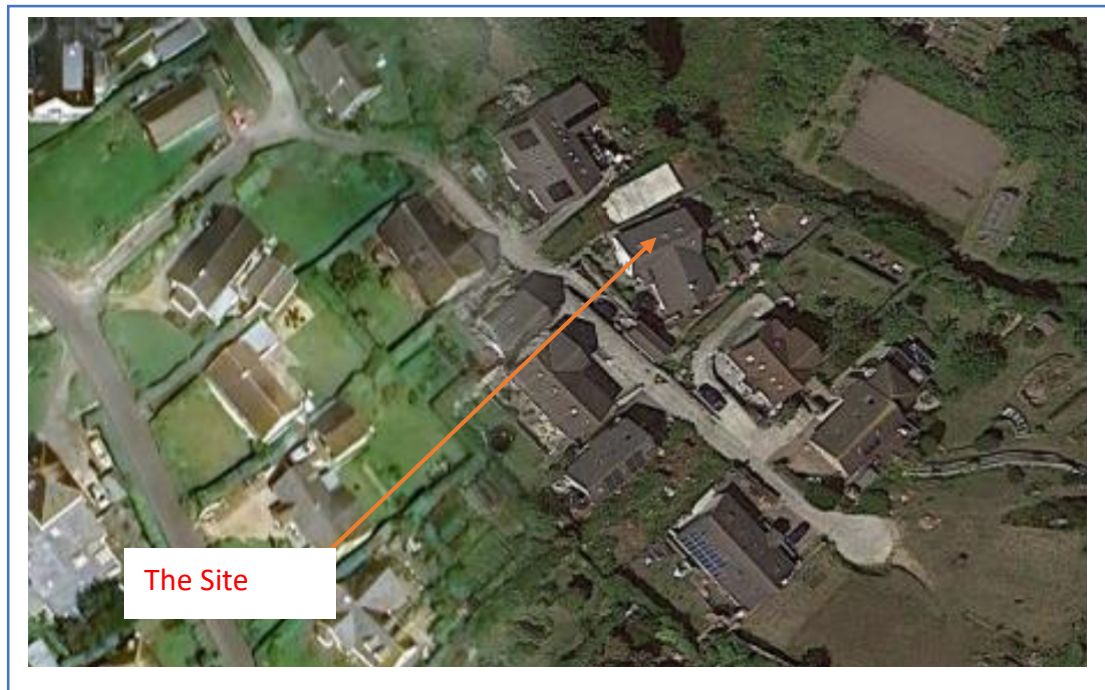


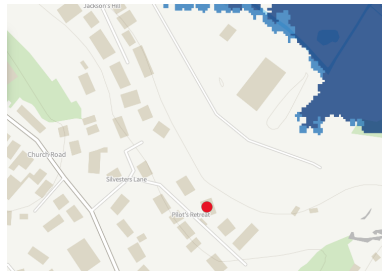
Figure 1 - Site Location (taken from Google Maps)

2.3 The character of the area is residential, being at the edge of the built up area of Hugh Town. Behind the site, to the north, is land in agricultural use including osier land within the southern edge of the Lower Moors.

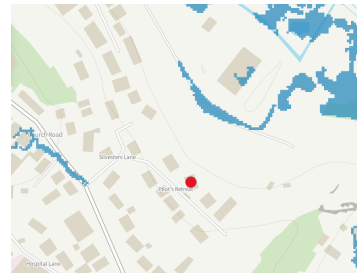
2.4 There are no listed buildings or other sensitive heritage assets nearby.

2.5 The site is within the Isles of Scilly National Landscape (Area of Outstanding Natural Beauty). It is also within the Impact Risk Zone for the Lower Moors St Marys Site of Special Scientific Interest (SSSI); however, the nature and scale of the proposed development does not make it Natural England notifiable.

2.6 The site is within Flood Zone category 1, with a low risk of flooding and similarly there is no surface water flood risk.



Flood Risk for Planning
Extract from 28.03.25



**1 in 1000 year Surface Water
Flood Risk Flood Risk for Planning**
Extract from 28.03.25

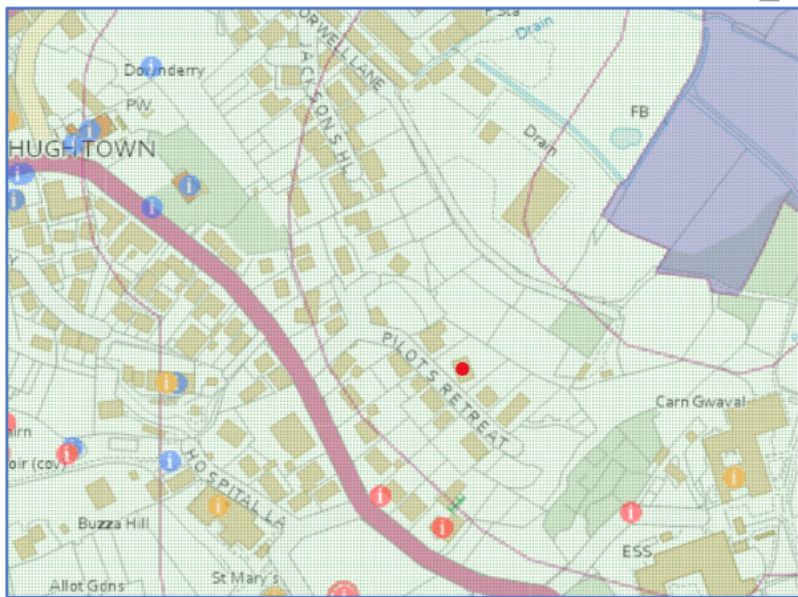


Figure 2 - Cornwall Council Interactive Map Extract

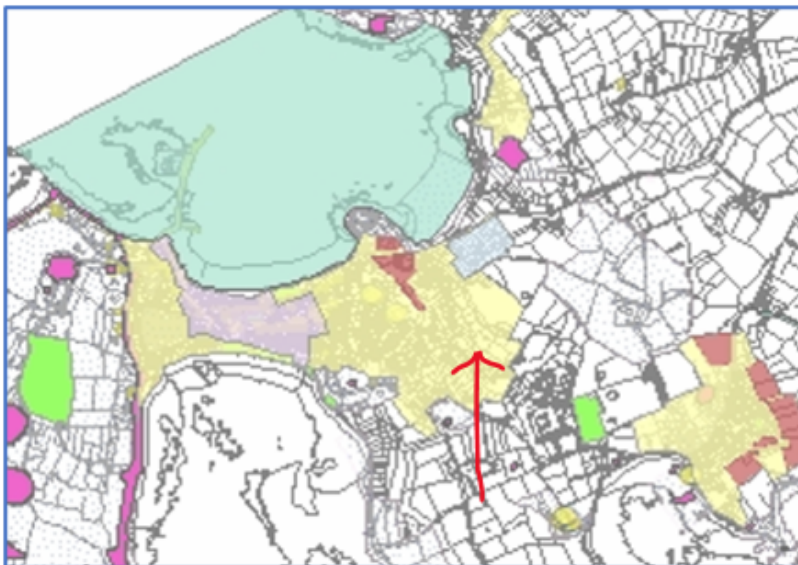


Figure 3 - IoS Local Plan Proposals Map Extract, showing approximate site location

3. DEVELOPMENT PROPOSAL

- 3.1 The application seeks planning permission for alterations to a dwellinghouse including the erection of a rear amenity deck.

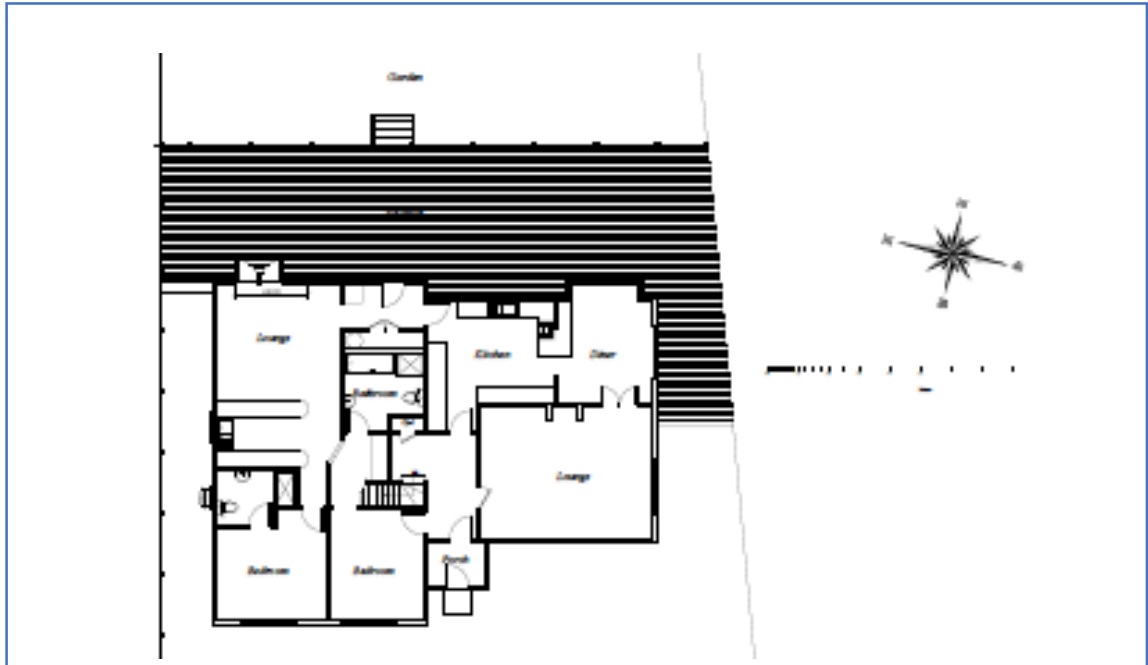


Figure 4 - Proposed Site Layout (extracted from submitted plans)

- 3.2 The changes requiring planning permission comprise:

- | | |
|------------------|--|
| West Elevation: | <ul style="list-style-type: none"> • Tile hung cladding to gable elevation and • Solar photovoltaic array to roof |
| South Elevation: | <ul style="list-style-type: none"> • No change |
| East Elevation: | <ul style="list-style-type: none"> • Replacement of ground floor picture window with three panel patio doors • Replacement of first floor window with picture window • Solar photovoltaic array to roof |
| West Elevation | <ul style="list-style-type: none"> • Replacement of side door with (shower room) window |
| Ground works | <ul style="list-style-type: none"> • External amenity deck to rear and partly to south side of dwellinghouse |

- 3.3 Other changes, which do not require express consent comprise:

- | | |
|-----------------------|---|
| Ground floor | <ul style="list-style-type: none">• Internal changes to facilitate provision within the dwellinghouse of a self-contained one-bedroomed ancillary annexe with an internal intercommunicating door |
| 1 st Floor | <ul style="list-style-type: none">• Internal alterations to enlarge a bedroom and to provide a bathroom, replacing an ensuite and an office |

4. PLANNING HISTORY

- 4.1 This is a late C20th dwellinghouse in a short street of similar properties in a variety of designs.

5. PLANNING POLICY CONTEXT

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

- 5.2 The Development Plan policy context for the site and the surrounding area is provided by the Isles of Scilly Local Plan (2021).
- 5.3 The policies that are of relevance to this application are:
- SS1 Principles of Sustainable Development
 - a) Development should conserve the built and historic environment
 - SS2 (1) Sustainable Quality Design and Place-Making

High-quality sustainable design is required,

 - a) respecting local character, and
 - d) safeguarding amenity including potential privacy, overlooking, overshadowing and overbearing impacts
 - SS2 (2) Sustainable Quality Design and Place-Making

The development should be sustainable including energy efficient
 - OE1 Protecting and enhancing the landscape and seascape
 - LC8 Replacement Dwellings and Residential Extensions, Alterations and Ancillary Accommodation

The alteration, enlargement, replacement or substantial rebuilding of a lawful dwelling will be supported subject to compliance with Council requirements

National Planning Policy Framework

- 5.4 The National Planning Policy Framework (The Framework) was revised on 12th December 2024. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.
- 5.5 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means *"approving development proposals that accord with an up-to-date Development Plan without delay" or "where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole."*
- 5.6 Paragraph 231 of the Framework advises that the policies within the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.
- 5.7 Paragraph 232 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to publication. Due weight should be given to them, according to their degree of consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 5.8 Section 12 of the Framework provides context to design within planning. Paragraph 131 states *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live*

and work and helps make development acceptable to communities.”

Other Material Policy Consideration

5.9 Outside of the Development Plan and the Framework, there are other material policy considerations that need to be discussed in relation to this development. In this case, the other material policy considerations are:

- **The Isles of Scilly Design Guide (2006)**

This encourages use of roof top solar PV panels for localised generation of renewable energy under the sustainability checklist and ‘living in balance’ section.

Long-lasting materials are also encouraged.

Providing wheelchair accessible entrances is encouraged.

The site is not identified as being a part of a significant view.

- **Isles of Scilly Landscape Assessment and Management Strategy**

This describes topography and landscape in relation to the sea, natural processes and farming practice. It also identifies significant views including from high points and coastal vantage points.

- **Article 4 Direction 1995**

This removes any permitted development right to make alterations to the roof or change windows or doors without express planning permission.

Appropriate Weight

5.10 Regarding the weight that is given, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, determination of applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, full weight is given to the Isles of Scilly Local Plan (2021).

5.11 As it forms the basis of Government policy for planning applications, substantial weight should be given to the policies of the Framework.

5.12 Since they do not form part of the Development Plan, limited weight can be given to the aforementioned SPDs/SPGs. However, they are material considerations and should not be overlooked.

6. PLANNING CONSIDERATIONS

6.1 Having regard for the proposed development; the sites planning history; the relevant planning policy context; and all other material issues; the main planning considerations for the determination of this application relate to:

- The impact of appearance of the alterations to the character of the area, and
- The impact on neighbouring living conditions

Impact to the Character of the Area

6.2 While the entire island of St Marys is a protected National Landscape (Area of Outstanding Natural Beauty), this small residential site in a residential street is not part of any significant view and the changes proposed are limited and appropriate.

6.3 The provision of solar PV arrays on roofs is encouraged, and the proposed units would be proportionate to the building and neatly contained on the East and West facing roof slopes.

6.4 The proposed alterations to elevations would have a limited yet positive impact on the appearance of this home. The main gables would be tile hung; this would be a design detail in keeping with adjacent houses. It would have the effect of reducing the visual impact of this home and it would look well.

6.5 The proposed alterations by replacing openings would have a limited impact on the appearance of this building. The new windows and doors would be sympathetic to the proportions and design style of this contemporary home; they would be fabricated in white uPVC to match the existing building.

Impact to neighbouring living conditions

6.6 The proposal would remove a side door and replace it with an obscure glazed window, this would have no impact on the amenity of the dwelling to the north, 'Schiller' 1 Pilot's Retreat, which stands beyond an intervening hardstanding.

6.7 The proposed rear facing enlarged first floor window and ground floor patio doors would have no impact on neighbouring amenity.

6.8 The proposed deck would raise the level of the ground to the rear of this dwelling, which requires an assessment of potential for privacy impact. However, the house to the north stands apart from the proposed deck with an intervening separate hardstanding, and the house to the south, number 3 Pilot's Retreat itself stands on higher ground neutralising the potential impact of raising the levels. Also, there is an established intervening boundary hedge that would be retained. The adjacent house itself also has a raised deck behind one of its rear facing habitable rooms. Thus, there would be no unacceptable material impact to neighbouring living conditions.

6.9 In addition, other considerations include:

- The benefits of local energy generation
- The benefits of providing level access to a ground floor annexe
- Consideration of potential for impact to protected species

Benefits of local energy generation

6.10 The proposal includes the provision of solar PV arrays for local sustainable energy generation as the local design guide and policy encourages. The arrays will be carefully sited on the east and west facing roof slopes in a way that is sensitive to maintaining a pleasing overall aesthetic for this building in its context.

That the annexe does not of itself require planning permission and

benefits of level access to ground floor annexe

6.11 The proposal would provide an ancillary residential annexe within the ground floor. This would have an intercommunicating door. Of itself this does not require express planning consent as no additional planning unit is being created.

6.12 This principle derives from *Uttlesford DC v SSE & White* [1992] JPL 171, which found even where "accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree". In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annex with the occupant sharing her living activity in company with the family in

the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

6.13 So it is in this case. There is no separate vehicular arrangement proposed nor any separate pedestrian access from Pilots Retreat, the parking, services and amenity area are all shared and the intercommunicating door is to enable easy sharing of living activities with the main building on a regular basis. No separate planning unit is proposed, thus no express consent is required for the rearrangements to provide for an ancillary unit within this home.

6.14 The provision for older residents of a level accommodation with a level access is encouraged by planning policy. This would be delivered by the proposed deck to the rear and partly to the south side of this home, the instalment of which is necessitated by the sloping nature of the site.

Ecology and Consideration of potential for impact to protected species

6.15 The proposal would retain the hedgerow to the south of the site.

6.16 As there are very minor changes to the roof (i.e. fixings for solar array) it is necessary to consider whether there is scope for impact to bats. In this case the roof is a well maintained contemporary roof, which has gable soffits that are closed and offer no means of access to the roof space. This together with the very minor nature of the changes proposed, being the tile hanging over two rendered gables beneath closed gable soffits and the fixings necessary to install solar panels, means it is not necessary to obtain any further assessment of the potential for impact to bats. Nonetheless, the applicant is aware of their responsibilities to protected species under other legislation and will execute the build with careful consideration.

Overall agreement with the local plan

6.17 Overall, the proposal would therefore be consonant with the expectations of local plan policies SS1, SS2 (1, 2), OE1 and LC8.


7. SUMMARY AND CONCLUSIONS

- 7.1 The application seeks planning permission for alterations to a dwellinghouse, including erection of rear decking.
- 7.2 This is partly to facilitate the provision of an ancillary annexe within this home for a close relative of the applicants. It has been shown that this in itself is not a new planning unit and does not require the express consent of the Local Planning Authority.
- 7.3 The proposals would look well and would not adversely affect the character of the host building or the area, including the National Landscape.
- 7.4 The proposals would not unacceptably materially harm the living conditions of the neighbouring dwellings.
- 7.5 The proposals would neither affect the nearby SSSI nor impact any protected species.
- 7.6 The proposed changes would be effected in a way that would improve the sustainability of this existing home, including through the provision of local sustainable energy generation (solar photovoltaic cells).
- 7.7 The proposal would therefore be consonant with the expectations of local plan policies SS1, SS2 (1, 2), OE1 and LC8. This Statement has reviewed the relevant Development Plan Policy Framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies and national guidance, and there are no other material considerations present to override them.
- 7.8 It is therefore urged that the Local Planning Authority grant planning permission for this sustainable development.

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