



Appeal Decision

Site visit made on 28 September 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/Z0835/D/23/3322177

Westward Ledge, Church Road, St Mary's, Isles of Scilly, Cornwall TR21 0NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Raymond Jackman against the decision of The Isles of Scilly Council.
 - The application Ref P/22/081/HH, dated 12 November 2022, was refused by notice dated 6 March 2023.
 - The development proposed is roof alteration, introduction of 2 dormers, plus a velux roof light.
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Decision

1. The appeal is allowed and planning permission is granted for roof alteration, introduction of 2 dormers plus a velux roof light, at Westward Ledge, Church Road, St Mary's, Isles of Scilly, Cornwall TR21 0NA in accordance with the terms of the application, Ref P/22/081/HH, dated 12 November 2022, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The appeal proposal is within a conservation area (CA) and an area of outstanding natural beauty (AONB). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and have had regard to the purpose of conserving and enhancing the natural beauty of the AONB as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the Isles of Scilly CA.

Reasons

4. The appeal site contains a two-storey detached property with a relatively simple, traditional design. Although its fenestration and material treatments provide a pleasing symmetry, the low pitch roof and plain front elevation magnify the building's width and create a somewhat stretched horizontal form. Elevated above the highway, it is visible in public views, including from in front of the site and along Church Road. However, I observed on my site visit that it is not notably more prominent than adjoining (similarly elevated) properties. Combined with its set back and some screening provided by soft landscaping, it also does not read as a particularly notable feature in the streetscene.

5. The surrounding area contains a variety of buildings, including various dormer bungalows (some of which have been extended) and larger two-storey properties (some with additional roof accommodation). Roof dormers of various sizes and designs, and projecting gable elements, are common features in the locality. While most incorporate windows, not all do. With a mixture of designs, scales, forms and finishes, the surrounding area therefore has a mixed appearance and residential character.
6. The site is within the CA, which covers the archipelago of the Isles of Scilly. The significance of the designated heritage asset stems from, amongst other aspects, individual building's historical and architectural interest, the hierarchy of streets and spaces, and their relationship with the surrounding landscape and seascape. However, the site does not contain a historic or listed building and, due to topography and the site's location surrounded by relatively modern development, it is also not particularly visible in the wider landscape. The appeal property therefore reads as a neutral element in the locality and CA.
7. Reduced from the previous iteration, the proposed dormers, with their limited width and height and being set above the eaves and well below the ridge, would be of a modest size. Despite the shallow roof pitch, they would therefore neither dominate the roof nor read as unacceptably bulky additions. The dormers would also break up the building's rather elongated form and their position, combined with the proposed roof light, would respect the property's fenestration. Subject to suitable materials that reflect the building's finish, they would therefore read as sympathetic additions that sufficiently relate to the original design of the property and add some visual interest to it. Although not containing windows, the variety of built form and dormer designs in the locality means that the proposed dormers would also appear as congruous features in their context. In coming to this view, I have taken into account that small windowless dormers generally form part of a property's original design.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area or the Isles of Scilly CA, whose significance would be preserved. I therefore find that it accords with Policies SS2, LC8 and OE7 of the Isles of Scilly Local Plan 2015 to 2030. Amongst other aspects, these support alterations and enlargements of existing dwellings which are not more visually intrusive in the landscape; require development to respect local character and distinctiveness, and be of a high-quality design with a scale and mass that responds to its setting; and set out that development which preserves or enhances the character or appearance of the CA will be permitted. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to conserving and enhancing the natural and historic environments.
9. Although there is no specific allegation of harm to the Isles of Scilly AONB in the reason for refusal, the Council raises concern in its Delegated Planning Report about the proposal's effect on the designated landscape, which has the highest status of protection in relation to its landscape and scenic beauty. However, on the basis of my findings above, and given the site's position surrounded by built form, I am satisfied that the proposed development would also not harm the landscape and scenic beauty of the AONB. Sympathetic and suitably designed development that reflects its surroundings can also be construed to be a form of enhancement. To my mind, the appeal proposal, set within a built-up area, would achieve that.

Conditions

10. I have had regard to the various suggested planning conditions. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents, to ensure that details are submitted for the Council's approval where relevant, and for clarity and consistency.
11. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. I have also imposed a condition requiring the submission of external materials details to the Council to ensure that the materials used are acceptable with regards to the character and appearance of the property and surrounding area. However, on the basis that the condition requires the submission of details only prior to installation, it does not prohibit some preparatory work to take place, should the appellant wish to do so, before installation of the dormers and roof light. It is therefore not a pre-commencement condition and thus it has not been necessary to obtain the appellant's written agreement on its wording in this instance.
12. Conditions restricting the use of construction plant and machinery to certain hours and requiring the installation of a bat box are necessary to preserve the living conditions of neighbours and achieve biodiversity net gain respectively. However, the Council's suggested condition to remove various permitted development rights does not pass the relevant tests, including with regards to necessity and reasonableness given that some of the rights that would be removed cover aspects unrelated to the proposed development, the imposed materials condition requires the approved materials to be retained, and the General Permitted Development Order includes various limitations and restrictions under each right. I have therefore declined to impose it.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole and the Framework. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents (all received by the Council on 28 November 2022 unless otherwise stated): Location Plan (P/22/081-01); Block Plan (P/22/081-02); Existing front and rear elevations (P/22/081-03); Existing north and south elevations (P/22/081-04); Proposed front and rear elevations (P/22/081-05); Proposed north and south elevations (P/22/081-06); Existing and proposed roof space plan (P/22/081-07, received by the Council on 5 January 2023); Existing and proposed roof plan (P/22/081-08, received by the Council on 5 January 2023); Roof space access (P/22/081-09, received by the Council on 5 January 2023); Supporting statement and SWMP (P/22/081-10); and section 5.5 (Recommendations – Further Action) of the Preliminary ecological appraisal and preliminary bat roost assessment (Ref: BS46-2021, dated 5-7-21).
- 3) Prior to installation of the dormers and roof light hereby approved, precise specifications (including the manufacturer, range and colour details where applicable) of the facing materials to be used shall be submitted to (or made available for inspection) and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details only and retained thereafter.
- 4) No construction plant and/or machinery shall be operated on the site, as part of the implementation of this permission, before 0800 hours on Mondays to Saturdays or after 1800 hours on Mondays to Saturdays, or at any time on Sundays or Bank or Public Holidays.
- 5) Within six months of the substantial completion of the development hereby approved, a minimum of one free-standing bat box, suitable for crevice dwelling bat species, as set out in the approved Preliminary ecological appraisal and preliminary bat roost assessment (Ref: BS46-2021, dated 5-7-21), shall be installed and retained thereafter.

END OF SCHEDULE