



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/16/110	Expiry date: 12/12/2016
Received on: 14/10/2016	Neighbour expiry date: 07/11/2016
UPRN:	Consultation expiry date: None
Legal agreement:	Site notice posted: 17/10/2016
Departure:	Site notice expiry: 07/11/2016
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr M Green
Site Address:	Tregea, 4 Bay View Terrace, Telegraph Road St Mary's Isles of Scilly
Proposal:	Application for Works to two flats including replacement of ground floor rear extension with two storey extension to replace existing ground floor kitchen and to include first floor ensuite bathroom. Addition of new windows to rear elevation on ground floor and roof lights to front elevation.
Application Type:	Full

Description of site and development:

The proposed works to the two flats include the replacement of the ground floor rear extension with a two storey extension to create a ground floor kitchen and first floor en-suite bathroom. The existing extension to be demolished has a footprint of approximately 8.6 square metres and the proposed two storey extension and single storey addition to the existing northern extension would create approximately 16.1 square metres of floorspace and would have a maximum height of approximately 5.7 metres. The proposed extension would be clad in timber on the elevations and would have a flat roof GRP finish. The windows would match the existing fenestration on the property.

In addition, two new conservation style rooflights are proposed to be installed on the southern roofslope and on the ground floor rear single storey extension along the courtyard boundary wall, the existing window is proposed to be realigned and enlarged and a further window is proposed to be added adjacent to this.

Site Description

The property is located on the east side of Hugh Town at Porthmellon towards the north coast at Porthmellon Beach. Number 4 is a white, rendered, mid-terraced dwelling with two original floors of accommodation and a converted loft space. To the principal elevation is a vehicular access for the property which separates the front garden from the dwelling. To the rear of the dwelling is a relatively modest private courtyard with a rear vehicular access beyond this.

Bay View Terrace is a relatively old row of properties, appearing on Ordnance Survey Maps of St Mary's in 1908 (it is not shown as built at the time of the 1890 OS map) and as such it would appear that the row was constructed at some point during the turn of the century on the site of an old quarry and immediately to the south of Harry's Walls.

Background and Relevant History

The most recent planning history for Tregea relates to an application (P/16/069/CLE) for a certificate of lawful use for the existing use of the dwelling house as two separate dwellings. This application was granted lawful use on 28th August 2016.

Public representations:

The neighbouring properties either side of the site (3 and 5 Bay View Terrace) have been written to directly and a site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Consultee representations:

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

Conservation Area, AONB and Heritage Coast

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

Policy 3 relates to housing and requires new housing to meet the housing needs of the islands to promote sustainable communities with no general open market housing being permitted. Development proposals which result in an inappropriate mix of dwelling sizes will not be permitted.

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands, where planning permission is required, and includes guidance on domestic extensions. Page 75 of the Design Guide states that in order to conserve the stock of existing buildings on the Isles of Scilly, it may be necessary for them to be adapted for 21st Century uses and requirements. However, in considering how to adapt the building, it is necessary to have regard to maintaining the character of the existing building and its capacity for change. It is also necessary to look at the requirements for extension and alteration; for instance, might the 'need' to have an extra room in a certain location be met instead by considering the reallocation of existing rooms and possibly locating a smaller extension in a different part of the building? In view of the Conservation Area designation covering the islands, the Planning Authority will assess whether a proposal to alter or extend a building will harm its character or its setting. The Authority will also assess whether the extension or alteration will result in the loss of privacy or daylight in adjacent properties.

Appraisal/key issues and conclusion:

In light of the above identified policies the principal planning issue for consideration is whether the alterations proposed to this existing dwelling would result in harm to the wider character of the conservation area or AONB designations. Additionally it is a material planning consideration to assess the impact upon existing neighbouring residential amenity and to ensure that the natural environment including the impact upon protected species is not harmed.

Impact upon the Conservation Area and AONB

The proposed extension and alterations will be located within the private rear courtyard of this existing mid-terraced dwelling. A site visit noted that there are very few vantage points where you could afford views into this rear area due to the existing built form and surrounding landscape. The existing rear extensions of neighbouring properties provides screening into the site from public vantage points from the east and land to the north of the site rises steeply. It is therefore considered that the extension would not be particularly noticeable in the context of a private courtyard with the backdrop of the existing dwelling and in the context of the other rear extensions on the adjoining properties. The proposed extension would not be visible from the principal elevation.

The proposed materials are natural and in keeping with the character of this existing dwelling and the wider character of the area. On the basis of this and the limited view it is considered that the proposed extension will preserve the character of the Conservation Area and not give rise to any harm to the scenic beauty of the landscape including the AONB and Heritage Coast designations.

Impact upon the Natural and Historic Environment

Tregea is not a listed building but does show on the 1908 Ordnance Survey Maps and as such it is considered to be of some historic value and interest in terms of the historic environment. The site lies around 25 metres to the south east of the nearest Archaeological Constraint Area, but there are no Historic Environment Records within this site to suggest there may be other unknown archaeological remains. On this basis it is considered that the proposal will not have any detrimental impacts upon the historic environment.

The site is outside of any natural environment designations. The nearest Site of Special Scientific Interest (SSSI) 'The Lower Moors' lies over 144 metres to the south east of the application site. The site is primarily in an unfavourable by recovering condition. Due to the recovering conditions of these designations it is not considered that the proposal for a domestic extension will be affect the natural environment.

Impact upon residential amenity

The proposed extension will be replacing an existing extension which already abuts the eastern boundary wall between Tregea and neighbouring property 'Number 5' and would appear as a

proportional addition to the dwelling replicating other extensions along this terrace of houses. The proposed development is to be erected within the rear courtyard of the property which is bound to the west and south by the existing north and western elevations of the dwelling and bound to the east by the neighbouring property's 2 storey extension which has a height of approximately 5.4 metres and is approximately 0.3 metres lower than the proposed extension height. Therefore, views into the site from the east will predominantly be obscured by the existing neighbouring, rear structures. Views from the north, shared access lane, will predominantly be obscured by the existing 1.8 metre pedestrian access gate and 2.5 metre north elevation of the single storey extension and the proposal will be seen in context with the existing built forms within the site.

The proposed extension will be a similar height, design and appearance as the existing two storey rear extension of 'Number 5' and no first floor side windows are proposed which would potentially overlook neighbouring properties. There is an existing mutual impact between the dwelling and neighbouring properties and the proposal is not considered to cause an adverse level of overshadowing taking into account the existing built environment and structures along the rear of the terrace of houses. No comments have been received from any neighbouring properties or general public and it is therefore considered that the proposal will not have a significantly harmful impact upon the residential amenity of neighbouring properties.

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**

- The Location Plan Date stamped 14 October 2016**
- The Site Plan Date stamped 14 October 2016**
- Proposed Plans, Drawing Number: MH-BV-RE1, Date stamped 14 October 2016**

These are signed and 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 1 of the Isles of Scilly Local Plan 2005.

- 3. All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

- 4. Prior to the commencement of the approved development, 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, 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 tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 5. Prior to their installation on the building hereby approved, details including samples of the timber cladding to be used on the elevation of the extension, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To confirm details of the development not already clearly shown in the interests of the character and appearance of the building.

- 6. The rooflights to the development hereby approved shall be of the 'conservation type', with a metal frame flush with the roof slope and a central vertical metal glazing bar.**

Reason: To ensure that the rooflights are appropriate to the character and appearance of the building and the Conservation Area.

Signed: L WALTON	Dated: 05.12.2016	Signed: C DRYDEN	Dated: 05.12.2016
Planning Officer		Senior Manager	