



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW  
01720 424350  
planning@scilly.gov.uk

## OFFICER REPORT – DELEGATED

Application number: P/17/002/FUL	Expiry date: 30 March 2017
Received on: 02 February 2017	Neighbour expiry date: 23 February 2017
UPRN: 000192002694	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 02 February 2017
Departure:	Site notice expiry: 23 February 2017
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 J Greenwood
Site Address:	1 Godolphin House Church Road Hugh Town St Mary's TR21 0NB
Proposal:	Replacement of 2 windows on South East elevation.
Application Type:	Planning Permission

### Description of site and development:

This is an application to replace 2 existing uPVC windows in the south east elevation with 2 new uPVC windows (altering the opening positions from those as existing).

### Site Description

1 Godolphin House occupies the ground floor of a three storey building situated along Church Road, St Mary's. There are two further flats above (No's 2 & 3 Godolphin House) and this building abuts a further building containing flats 4 to 9 Godolphin House. The building has painted render walls, a flat roof and uPVC windows and doors.

### Background and Relevant History

Planning history for Godolphin House starts in the mid 1960's when an application was submitted and approved for the erection of a block of 9 flats. In June 1976 an application (**P1530**) was submitted and approved for the installation of windows to stairways. In November 2007 an application (**P/07/118**) was submitted and approved for replacement windows and improvements to North West staircase enclosure. In November 2012 an application (**P/12/098**) was submitted and refused for proposed alterations to lounge window to form Juliet balcony on flat 9.

### **Public representations:**

The following neighbours were notified: No's 2-9 Godolphin House. 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:**

No statutory consultees were consulted and no comments 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. As the proposal relates to a Grade II\* listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

#### **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.

#### **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.

#### **Isles of Scilly Local Plan 2005**

Policy 1 relates to Environmental Protection and aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced. The overall intent of the Local Plan, as reflected in Policy 1, is to protect its environment and keep development to the minimum required for sustaining viable communities.

#### **Appraisal/key issues and conclusion:**

In light of the above policies it is considered that the principal consideration is whether the replacement windows in uPVC preserves or enhances the character or appearance of the conservation area of St Mary's.

The proposed changes to the windows include changing the existing bedroom window openings from a one piece bottom opening window on each half to a right side and top opening on one half of the proposed window and the other half is non-opening. The changes to the bathroom window are from a right hand one piece bottom opening window and a left hand top opening window to a left hand top opening and side opening with obscure glazing proposed window with a non-opening right hand side. The proposed windows are to be the same dimensions as those existing. The current materials of the window are non-traditional and it is judged that the use of replacement uPVC will not cause material harm to the building or the character and appearance of the Conservation Area. The plans submitted show these windows will be replaced in the same position as the current windows and it is considered that the windows will preserve the existing character of the conservation area.

#### **Impact upon residential amenity**

The proposal is not considered to result in material harm to the privacy or amenity of adjacent residential properties or neighbouring land uses. The replacement windows are a like for like material and are of the same dimensions as the existing windows. The only change is the position of the openings. It is considered therefore that the proposal is acceptable.

In an email dated 10.03.2017 from the applicant, it was confirmed that as the window frames and glazing have been disposed of by skip through Richard Hand Haulage to a site on the mainland. This method of disposal is considered appropriate. The property is undergoing a general renovation which did not require the benefit of planning permission and for that reason it appears that the windows have already been disposed of prior to permission being issued as the window openings are covered up with black plastic sheeting.

#### **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
- Window Detail 2 – Stamped received by the planning department 30 January 2017

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.

**Further Information:**

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

Signed: 	Dated: 15.03.2017	Signed: 	Dated: 15.03.2017
Planning Officer		Senior Manager	