

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/18/082
Received on: 16 November 2018
Application Expiry date: 11 January 2019
Extension of Time Agreed: None
Neighbour expiry date: 7 December 2018
Consultation expiry date: None
Site notice posted: 16 November 2018
Site notice expiry: 7 December 2018

Applicant: Mr Page
Site Address: White Horses
Garrison Road
The Garrison
St Mary's
Isles of Scilly

Proposal: Infill of existing recessed balcony space with weather boarded all with glazed openings
Application Type: Planning Permission

Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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Contributors:**Public Representations:**

None

Consultation Representations:

None

Constraints:

Scheduled Monuments: Name: Post-Medieval Breastwork, Curtain Wall and Associated Defensive Structures on the Periphery of The Garrison, St Mary's

Name: The Rocket House 17th-18th Century Powder Magazine and Adjacent Prison on the Garrison, St Mary's

Name: The Star Castle, St Mary's

Listed Buildings: ID: DCO14277. Grade: I. Name: Powder Magazine and Blast Walls

Archaeological Constraint Areas: Name: The Garrison. Island: St Mary's

Historic Landscape Character: Multiple (Spatial)

Site Description and Proposed Development

This application is for the infilling of a recessed balcony on the first floor of White Horses. White Horses is a detached residential property on the western edge of St Mary's. The dwelling was constructed in the late 1950s/early 1960s. It is single storey with additional living accommodation within the roofspace. The exterior of the dwelling is finished in render under a slate tile roof. The recessed balcony that is the subject of this application is within the north western elevation.

The dwelling is set up on a higher ground level than the public highway that passes along the northern and eastern boundaries of the site. The property has a large residential curtilage. A private drive is provided within the curtilage with parking space adjacent to the dwelling. The private drive is served by the aforementioned public highway. There is a single adjoining residential property to the south of the application site.

The proposal would see the recessed balcony incorporated into the internal floorspace of the dwelling. This would be achieved by constructing an external wall flush with the outer face of the gable end. The infill would then be clad in timber cladding. A single door with an adjoining fixed glazed unit would be installed within the infill, and a window would be installed either side of the door and glazed unit. The door would open out onto a Juliet balcony.

Background and Relevant History

In 1961, an application (**P.301**) was approved for the erection of the subject dwelling. In 1999, (**P.4610**) planning permission was granted for construction of a porch/conservatory and a summerhouse in the garden. In 2016, (**P/16/081**) planning permission was granted for the demolition of the conservatory, together with alterations and refurbishments.

The delegated Officer report stated for the 2016 planning permission stated that it is unclear from an examination of the plans approved in 1961 when the house become an 'L' shape footprint as opposed to the rectangular dwelling that was approved under in 1961. Ordnance Survey maps show that in the 1980s the plan of the property was an 'L' shape. There is no planning record of either an amended scheme or a later application to extend the dwelling. It is apparent, however that the property as existing, has been in its current form for a period in excess of 30 years.

Consultations and Representations

A site notice has been on display for a period of 21 days and direct neighbours have been written to directly. No representations have been received. Due to the nature of the proposal no statutory consultation have been required.

Primary Legislation and Planning Policy

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) 2018

At the heart of the NPPF is a 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 considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a Draft Stage, which has gone through one further Regulation 18 public consultation and is supported by a raft of evidence on this issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally submitted, is considered below.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (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 (SSSI); and locally important biodiversity habitats, species and landscape features.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "it is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Page 40 of this guidance sets out the character of St Mary's and in relation to the Garrison states: "The Garrison is distinctive in that it has been heavily fortified over the centuries so that the shore is lined with ramparts, breastworks and battery positions. The headland also contains the Elizabethan Star Castle on the highest point".

The Garrison, St Mary's Isles of Scilly – Conservation Plan 2010

This work provides extensive research and history for the evolution of the Garrison and contains much information on the development of the various batteries. Page 27 states "in the 1890's the Army and Navy Review recommended that the Isles of Scilly should be established as an advanced naval signalling and re-fuelling station and it would be classed as a defended port. The perceived threat came from the French Atlantic naval bases. Implementation of this recommendation between 1898 and 1906 produced a range of defensive works sited mainly within the Garrison. Between 1898 and 1901 two 6" gun batteries, Woolpack and Steval Batteries (sites 118 and 129) and a defended barracks (site 120) were built on the summit plateau". It notes that during the mid-20th century and World War II the Woolpack battery was re-used with the installation of 6" gun battery (page 28).

Consultation Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). Policy OE3 (Development Affecting Heritage) sets out that great weight will be given to the conservation of the heritage assets on the Isles of Scilly. Development and/or works affecting any heritage asset, including designated and non-designated assets, will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset, taking account of its character, appearance and setting.

Policy LC9 relates to residential extensions and sets out that development to extend and/or alter a dwelling or any outbuilding ancillary to the main residential use will be permitted where the proposal:

- a) respects the scale, proportions, materials and overall design and character of the existing property; and
- b) does not harm the street scene or surrounding area; and
- c) avoids the material loss of privacy and amenity for the residents of neighbouring properties.

Where a domestic extension results in an increase in scale (in relation to footprint and volume) of the original dwelling by 40% or more, an occupancy restriction will be imposed to retain the property as permanent residence.

Paragraph 48 of NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Planning Assessment

This is an application for an extension to the dwelling's internal floorspace by way of the infilling of a recessed balcony and as such it is necessary to consider the design, scale and materials of the development and the impact of the development on the landscape, heritage assets and neighbouring amenity.

Design, scale and materials

The infilling of the balcony would be carried out in a sympathetic and visually non-intrusive manner. It would not see the extension of the internal floorspace of the dwelling beyond the external face of the existing gable end wall. The development would respect the overall form and character of the existing dwelling. The sympathetic works would be further reinforced by the use of natural timber for the cladding, as stated in the submitted application form. The use of this natural and sustainable material is to be encouraged instead of the synthetic materials that are often proposed in modern times for works to residential properties. The use of timber windows and door is of benefit to the development as well. This is subject to the timber elements of the scheme being finished to match the existing timber on the dwelling. In terms of scale, the proposed extension to the internal floorspace would be minimal when taking into account the overall floorspace of the existing dwelling. It would not conflict with the 40% restriction set out in Policy LC9 of the draft Local Plan.

The design, scale and materials of the development is considered to be acceptable and it is considered that there would not be harm to the character and appearance of the street scene as a result of the development. As such, the design, scale and materials are considered to be compliant with the relevant policies of the adopted and draft Local Plans. The proposed development is also considered to be compliant with the 2007 Isles of Scilly Design Guide.

Impact on landscape

The Isles of Scilly is designated as an Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations. Even when applying this great weight, it is considered that this small scale and sympathetic works to the existing dwelling would not cause material harm to this sensitive and protected landscape.

The development is considered to comply, in respect of impact on landscape, with Policy 1 of the adopted Local Plan and Policy OE1 of the draft Local Plan.

Impact on heritage assets

The application site sits within a highly sensitive historic environment with multiple listed buildings (including Grade I and II*) and Scheduled Monuments. Additionally the site lies within the Garrison Archaeological Constraint Area. The Garrison is situated on the Hugh, a major promontory at the southern end of St Mary's which rises to a height of about 40m. The garrison curtain wall follows and extensive and undulating landscape. The application site is situated to the inner west side of the older part of this defensive wall and whilst the historic character is generally well preserved the 2010 Garrison Conservation Plan notes that (page 17) "On the hill above the Powder Magazine...dwellings using 20th century design and materials have been introduced. The addition of conservatories, large greenhouses and domestic sheds is also noticeable". As noted above this dwelling is situated in an elevated position above and adjacent to the Powder Room.

The site is close to numerous designated heritage assets, Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy 1 of the adopted Local Plan requires development to preserve nationally important archaeological remains and their settings, and to preserve or enhance the character or appearance of the Conservation Area and the architectural or historic interest of all listed buildings, including their features and settings. Policy OE3 of the draft Local Plan sets out that great weight will be given to the conservation of the heritage assets on the Isles of Scilly.

Taking account of Paragraph 193, the designated heritage assets that surround the application site are considered to be of great importance both locally and nationally. As such, a significant weight should be given to their conservation. However, it is considered that the proposed development would not materially impact on the significance of the designated heritage assets. The development relates to an existing dwelling that already impacts on the heritage assets and this small scale works, which would not be overtly readable within the wider setting of the site, would not exacerbate the impact already caused.

The development is considered to comply, in respect of impact on heritage assets, with Policy 1 of the adopted Local Plan 2005 and Policy OE3 of the draft Local Plan 2015-2030.

Impact on neighbouring amenity

The north west gable end that the balcony is within does not face towards a neighbouring property. As such, it is considered that the proposed development would not cause an increase in overbearing or overlooking. As such, it is considered that there would not harm to neighbouring amenity as a result of the proposed development.

Conclusion

The application be approved subject to the condition set out below.

Conditions




The following conditions are recommended

1. Standard 3 year time limit
2. In accordance with the approved details including:
 - Site Location, Drawing Number: DWGPL20

- Site Plan, Drawing Number: DWGPL21
 - Proposed Balcony Infill, Drawing Number: DWGPL23
3. The facing materials and finishes of the development to match the corresponding materials of the existing building in respect of type of material, colour, size, shape and texture.

Informatives

1. Statement of Positive Engagement
2. Non-material amendments

Signed: Kieran Reeves	Dated: 20/12/2018	Checked by: Lisa Walton	Dated: 20/12/2018	Signed: Craig Dryden	Dated: 20/12/2018
					
Planning Officer		CIOS Planning Officer		Senior Manager	