

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/005/HH

Received on: 01 March 2019

Application Expiry date: 26 April 2019

Neighbour expiry date: 22 March 2019

Consultation expiry date: 22 March 2019

Site notice posted: 01 March 2019

Site notice expiry: 22 March 2019

Applicant: Mrs Margaret Tucker

Site Address: Trerose
Trench Lane
Old Town
St Mary's
Isles of Scilly

Proposal: Replace roof and windows on existing conservatory foundations.

Application Type: Householder

Recommendation

1. That the Application is APPROVED subject to the conditions set out below.
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Contributors:

Public Representations:

NONE

Consultation Representations:

NONE

Constraints:

Scheduled Monuments: NONE

Listed Buildings: NONE

Archaeological Constraint Areas: NONE

Site Description and Proposed Development

Trerose is the northern most property situated along Trench Lane within Old Town. Trerose is a detached bungalow with a part render and part clad exterior with a tiled roof and white upvc fenestration. The property also benefits from a single storey conservatory on the side (south east) elevation. The conservatory is constructed of a timber framed, render finish to the lower half of the walls with white upvc windows and doors with a polycarbonate sheet roof.

This application seeks planning permission to replace the roof and windows of the existing conservatory retaining the existing footprint. The existing dual pitched polycarbonate sheet roof will be replaced by a grey tile effect plastic, hipped roof.

Background and Relevant History

P522 – Approval of planning permission for the development of land and erection of 26 dwellings and garages in the Old Town area of St Mary's. Approved 11.09.1964.

P2085 – Approval of planning permission for the erection of eight bungalows and garages with estate road and sewer, comprising five four bedroomed and three three bedroomed bungalows at Trench Lane, Old Town, St Mary's. Approved 04.05.1982.

P2574 – Approval of planning permission for the provision of a conservatory to side elevation of bungalow at 5 Trench Lane, Old Town, St Mary's. Approved 24.02.1987.

P4772 – Approval of planning permission to raise roof pitch and construct dormers: to provide improved accommodation. Approved 14.03.2000.

Consultations and Representations

No comments received

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. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). 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 these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

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 the conservation and enhancement of the historic environment.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals 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 and (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. Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Isles of Scilly Design Guide (2007)

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.

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 OE7). Policy OE4 seeks to protect Scilly's Dark Skies from light pollution, policy OE6 relates to waste management and policy LC9 relates to residential extensions and ancillary accommodation. Policies provide principles for sustainable development and water management.

Planning Assessment

The main planning issues are considered to relate to the impact on the character and appearance of the building and the impact on the character and appearance of the Conservation Area.

The application property is a detached bungalow. The proposed development consists of the replacement of the existing roof and windows of the existing conservatory.

The existing conservatory measures approximately 2.6m x 5.1m with a dual pitched, polycarbonate sheet roof and upvc windows and doors on a rendered, timber framed base. The proposed works do not increase the existing floor area of the conservatory but seek to replace the shape and material of the existing roof and replace the windows.

The existing dual pitched, polycarbonate sheet roof will be replaced by a grey tile effect plastic hipped roof. The applicant states that the existing roof is rapidly deteriorating and wishes to replace it with something more resilient to the weather conditions.

The existing windows in the conservatory will also be replaced. The applicant states that although these are in good condition they are not designed to carry the additional weight of a more substantial roof. The existing windows will be re-used, where possible, on site. The existing windows are white upvc and the replacement windows are white upvc. There is an alteration to the window configuration. The proposed windows will consist of 3 fixed panes and 1 dual opening pane on the side (north east and south west) elevations and 4 fixed pane windows and 3 doors (middle door slides open) on the front (south east) elevation. The proposed work also includes the lowering of the wall on the south west (side) elevation to allow views into the garden and the removal of a portion of the wall on the south east (front) elevation to allow the insertion of an additional door.

The works, in terms of the consideration of the planning application, are considered to have an acceptable impact on the character and appearance of the building. The replacement materials are similar to those that are to be removed. In terms of the roof material, the grey slate tile effect would appear to be more in keeping with the existing dwelling than the current polycarbonate sheet roof. The impact of the works on the character and appearance of the Conservation Area is considered to be negligible and may offer an enhancement upon the existing materials.

Policy 1 of the adopted Local Plan relates to Environmental Protection. This policy seeks to ensure that all development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment. The proposed development seeks to alter an existing conservatory through the removal of an existing deteriorating polycarbonate sheet roof and its replacement and the replacement of the existing windows and doors in line with this new roofing material. It is considered that the proposed development preserves and may offer an enhancement to the character or appearance of the Conservation Area and therefore accords with Policy 1 of the Local Plan.

Policy 2 of the Local Plan relates to sustainable development. This policy seeks to ensure the proposed development contributes to the sustainability of the islands' environment, economy or local communities. The proposed development facilitates the re-use and continued use of an existing conservatory as a social benefit for a member of the local community. The proposed roofing material would appear to be more in keeping with the existing dwelling and helps to conserve the existing built form of the islands'. It is considered, therefore, that the proposed development accords with Policy 2 of the Local Plan.

Policy OE4 relates to protecting Scilly's dark skies and seeks to minimise light spillage. The proposed roofing material would appear to minimise the potential light spillage from the conservatory further

than the existing roofing material. It is considered that the proposed development accords with Policy OE4 of the draft consultation Local Plan 2015-2030.

Policy OE6 relates to managing waste from development proposals. The applicant has submitted a site waste management statement alongside the application. It states that the existing timber roof trusses will be used for firewood, the existing windows and doors are in a good condition and will be re-used by the applicant on site and any excess will be either offered to someone locally or taken to Council recycling centre along with the existing polycarbonate roof. The product information for the new roofing material states that it is 100% recyclable at end of use. It is considered that the proposed development accords with Policy OE6 of the draft consultation Local Plan 2015-2030.

Policy LC9 relates to residential extensions and ancillary accommodation. The proposed development does not increase the habitable floor area of the existing dwelling. The proposed development replaces the existing deteriorating roof and the windows and doors with an alteration to the window configuration and removal of some of the lower level wall to improve views from the existing conservatory. It is considered that the proposed development accords with Policy LC9 of the draft consultation Local Plan 2015-2030.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/ the Development Plan and Central Government Guidance.

Conclusion

On balance, the proposed development is judged to have an acceptable impact on the character and appearance of the building and the Conservation Area. The proposal is considered to comply with Policies 1 and 2 of the adopted Local Plan and Policies OE4, OE6 and LC9 of the consultation draft Local Plan, it is, therefore, recommended that permission be granted.

Links


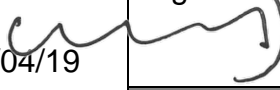
<http://www.scilly.gov.uk/planning-application/planning-application-p19005>

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 provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).
2. The works hereby approved shall be carried out strictly in accordance The works hereby approved shall be carried out strictly in accordance with drawings labelled as Location Plan and Proposed Plans and dated 19 February 2019. Reason: To ensure a satisfactory standard of development in the interests of amenity.
3. Reason: To ensure a satisfactory standard of development in the interests of amenity.

Informatives

- 1. Statement of Positive Engagement
- 2. Appeal

Signed:	Dated:	Signed:	Dated:	Signed:	Dated:
<i>Y. Dale</i>	24/04/19		29/04/19		
Planning Officer		CLOS Planning Officer		Senior Manager	29/04/19