

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/071/HH
Received on: 29 October 2019
UPRN: 000192000877
Application Expiry date: 10 January 2020
Neighbour expiry date: 9 December 2019
Consultation expiry date:
Site notice posted: 18 November 2019
Site notice expiry: 9 December 2019

Applicant: Mr Kevin Sherris

Site Address: Craggyellis

Buzza Street

Hugh Town

St Mary's

Isles Of Scilly

TR21 0JQ

Proposal: Timber clad first floor level exterior walls, repaint lower walls, erect cantilevered canopy porch on west elevation exterior door, replace UPVC windows & doors with new, insert round window in south gable end, replace window on south elevation with French doors, alteration to north and east boundary walls including painting & lowering and relocate rear gate.

Application Type: Householder

Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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Site Description and Proposed Development

The application site is a detached two storey property located at Porthcressa, close to Buzza Road. The property is an open-market unrestricted dwelling with accommodation over 2 floors. Walls are rendered and painted cream and the roof is covered with a cement tile.

The applicant proposed a modernisation and refurbishment of this property which dates back to the mid-1960s. The works include replacement of all upvc windows and doors, repainting the external walls including partial timber cladding, insertion of a round gable window to provide light to the loft-space, a repositioning and repainting of the rear gate, installation of a canopy over the front door and thermally insulating the walls, floors and roof of the property to achieve a good EPC. Whilst the application form suggests the cement tiles will be replaced by natural slate, which is a positive change, this work will be subject to a separate application on the basis that no bat assessment has been carried out to determine whether bats or bat habitats would be affected.

Background and Relevant History

The only planning history for this property dates back to 1965 when planning permission was granted for the construction of a dwelling (P576). In 1992 an application for Building Regulations compliance was made for the installation of stairs to and a room within the roofspace.

Consultations and Representations

Public Representations: Neighbours at Homeleigh, Charlies Cottage, Penventon, Morva and Treboeth have all been written to directly. A site notice has been on display to the front of the site for a period of 21 days. No letters of representation have been received.

Consultation Representations: NONE

Constraints: Historic Landscape Character: Settlement

Listed Buildings: Wahrenoga. Grade II is located 8-9 metres immediately to the east of this site.

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

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) 2019

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. 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.

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.

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.

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. Policy 2 (a) requires development to ensure conserve or enhance 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.

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".

Submission 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).

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

Planning Assessment

This is an application that proposed no extensions but refurbishment which includes upgrades to insulation, external appearance, windows and other minor elements. There is no proposed sub-division of this property or other enlargement, extension or outbuilding, the principle therefore is considered acceptable. The main issues are whether the works are considered to be in keeping with the character of the existing dwelling, the street scene and wider character of the conservation area, whether there will be any impacts upon neighbouring amenity, wider environmental impacts or issues of highway safety as a result.

Scale and Design

The existing dwelling is a relatively modern 1960s detached dwelling, located in a position that is discordant to many of the surrounding, older buildings. It has a very modest garden to the south side and off-street car parking only within the public car parking area of the Porthcressa redevelopment. The building is a large geometric structure with a traditional pitched roof with full gables facing north east and south west. The roof pitch is around 35 degrees, which allows for a reasonable room within the roof space. The main outlook is from the front elevation which faces north west and from the side elevation facing south west. The property has a painted rendered finish with a yellow/cream colour paint. Windows are upvc and tiles and cement. The proposal to improve energy performance by replacing the upvc windows will have a neutral impact, given that existing windows and doors are already upvc. The small canopy above the front door is considered to be a neutral feature that will break-up the front of the building. The proposed second floor portal window in the south west facing gable, will not be particularly noticeable in terms of the overall design and the timber cladding, which is proposed on the upper floors, will likely uplift the general appearance of this property. This will reflect more recent developments on Porthcressa. Overall the external alterations will have a positive impact upon the overall appearance of this building. An improved appearance would also have a positive impact upon the wider street scene, which comprises buildings that are either terraced or semi-detached. The use of a natural slate in place of the cement tiles would be very much an improvement to the appearance of this building but as set out above, this is to be subject to a separate application.

The existing gate to the north west boundary will be blocked up and repositioned to the south east boundary. This will have no wider visual impact upon the character of this area as the breeze block walls are a very negative detractor. However, it is proposed to paint these boundary walls white which together with the repositioned gate is considered acceptable.

Impact upon Amenity

The only additional window is a small portal window to provide light in the loft space. This will face south west towards the adjoining property Holmleigh. As this is a small and high level window, above two existing large bedroom windows, and on this basis it is not considered that such a small addition would give rise to significant overlooking issues. The repositioned gate will not result in any greater disturbance to neighbouring properties. Overall the proposal is not considered to give rise to any adverse impacts upon neighbouring properties through increased or significant overlooking or overshadowing.

Impact upon the historic Environment

As noted above, this property is situated within the context of older properties, one of which is a grade II listed building (Wahroonga). Given there are to be no extensions and no significant alterations to the general design, the installation of timber cladding to the upper floors, would have a positive visual

impact. The proposal, whilst located within the setting of a nearby listed building, is considered to have a positive visual effect on this area as a result of the upgrade to this building.

Whilst of a 1960s design, located within a Conservation Area, designed to preserve or enhance the historic built-form, the proposal is considered to enhance this area to the benefit of the wider street scene and conservation area. On this basis the proposal is considered acceptable.

Other issues

As the proposal does not include further bedrooms or other extensions and is located relatively centrally in Hugh Town, the proposal does not generate the need for off-street car parking.

Whilst the applicant would like to eventually replace the cement roof tiles with natural slate, they are aware this will need consent (due to the presence of an Article 4 direction which has taken away the PD right to alter the roof of any building within the conservation area). Any application for demolition or alterations to a roof would require an assessment as to impact or likely impact upon protected species including bats. As the current proposal does not include any demolition or re-roofing there is no requirement to submit any protected species assessment. The proposed refurbishments do not have any particular impacts upon the biodiversity of this area. The existing garden is minimal and there are no trees or hedgerows around this site which could be enhanced to provide biodiversity net-gains.

The applicant has not provided any particular sustainable design measures, as they are not proposing any building works. The dwelling will be more sustainable as a result of the refurbishment works, relative to the existing building and on this basis it is not considered necessary to seek further sustainable design measures.

Given the level of works the applicant has not provided a Site Waste Management Plan but has stated they will be minimising the amount of waste generated and will maximise re-used materials and will recycle any wherever. All waste will be segregated and removed from the site using a local contractor.

There will be no increase in water use or sewage discharge and on this basis it is not considered that the proposal will result in an increased pressure on existing infrastructure.

Conclusion

The proposed works are considered to be an enhancement to this 1960s property which has been assessed as having a positive enhancement on the street scene, wider conservation area and setting of a grade II listed building. There are no significant adverse effects identified and as such the proposal is considered acceptable and is recommended for approval

Internal Floorspace	No of Storeys/ floors	No of Bedrooms	Calculation Provided by applicant	Calculation (Provided or calculated by case officer)	NDSS	%above or below NDSS
Existing	3	3	No	108.46m ²	90-108m ²	Within range
Proposed	3	3	No	108.46 m ²	90-108m ²	Within range

Conditions

- C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- **Plan 1: Block Plan, date stamped 15/11/2019;**
- **Plan 2: Site Location Plan, date stamped 15/11/2019;**
- **Plan 3: Proposed Storm Porch, date stamped 15/11/2019;**
- **Plan 4: Proposed changes to boundary walls, date stamped 15/11/2019;**
- **Plan 5: Proposed Front Elevation, date stamped 15/11/2019;**
- **Plan 6, Proposed Side Elevation, date stamped 15/11/2019;**
- **Plan 7: Proposed Front Elevation, showing the side view of the cantilevered storm porch, date stamped 15/11/2019;**
- **Plan 8: Proposed Side Elevation, date stamped 15/11/2019;**
- **Plan 9: Proposed Rear Elevation, date stamped 15/11/2019;**
- **Plan 10: Proposed Ground Floor, date stamped 15/11/2019;**
- **Plan 11: Proposed First Floor, date stamped 15/11/2019;**
- **Plan 12: Proposed Second Floor, date stamped 15/11/2019;**

These are stamped as APPROVED



Reason: For the clarity and avoidance of doubt and in the interests of the setting of the Grade II Listed building (Wahroonga), 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) and Policies SS1, SS2, OE7 and LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any additional external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

C4 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.

Signed:  Planning Officer	Dated: 30/12/2019	Signed:  Senior Manager	Dated: 31/12/2019
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Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
 Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)									2, 3(a)	
Contrary to (tick)										
In accordance with (tick)									✓	
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										