

Council of the Isles of Scilly Delegated Planning Report Householder & Listed Building Consent

Application Number: P/25/024/FUL

UPRN: 000192001431

Received on: 5 March 2025

Valid on: 12 March 2025

Application Expiry date: 7 May 2025

Neighbour expiry date: 8 April 2025

Consultation expiry date: 8 April 2025

Site notice posted: 18 March 2025

Site notice expiry: 8 April 2025

Applicant: LiveWest Homes
Site Address: Normandy House
Normandy
St Mary's
Isles Of Scilly
TR21 0NY

Proposal: *Replacement timber windows and doors with uPVC windows and composite doors.*

Application Type: Full

Recommendation: REFUSE for the following reason(s)

1. The proposed replacement windows, by virtue of their uPVC construction and the detailing evidenced in the submitted sample (including thicker profiles and applied surface bars), would fail to replicate the appearance, proportions, depth, and traditional characteristics of the existing timber sash windows. The resulting change would lead to a harmful alteration to the appearance of the building and would not preserve or enhance the character or appearance of the Conservation Area, contrary to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore contrary to Policies OE1, OE7 and SS2 of the Isles of Scilly Local Plan 2015-2030 and to the heritage conservation aims of the National Planning Policy Framework. No public benefits have been identified that would outweigh this harm. Furthermore, by failing to conserve or enhance the natural beauty and special qualities of the designated National Landscape, the proposal conflicts with the strengthened statutory duty under Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, which requires relevant authorities to seek to further the statutory purpose of conserving and enhancing natural beauty.

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr D Marcus **Date:** 05/01/2025

Site Description and Proposed Development

Normandy House is a prominent, detached dwelling set within an elevated and visually exposed position within the settlement area known as Normandy. The property lies within the Isles of Scilly Conservation Area and within the designated National Landscape (formerly AONB), where the landscape and built environment are recognised for their special qualities.

The building is not listed; however, its traditional form, materials and fenestration contribute positively to the established character of this part of the Conservation Area. The principal elevations retain timber sash-style windows, which, while not necessarily original to the building, nevertheless reflect an appropriate traditional pattern, proportion, and operation type consistent with the heritage character of the area.

A later rear extension is present and contains more modern fenestration; however, this is not visible from the principal elevation and does not diminish the importance of the traditional windows on the main building.

While there are examples of uPVC windows elsewhere in the wider settlement, these are not read in the same visual context as Normandy House and do not influence its immediate character or the special interest that arises from its form, materials, and setting.

The application site is located on the southern side of Carn Friars Lane within the defined settlement of Normandy. It comprises a large detached building which once formed a farmhouse. It was previously used as a guest house and was later converted into 3 blocks of flats.

The site is bound by farmland to the north, south, west and the Council's public swimming pool is to the southeast of the property.

The application proposes the replacement of all of the existing timber casement and sash windows and timber doors with uPVC windows and composite doors. The windows would match the design of the existing windows but would be double glazing uPVC instead of timber single glazing. The existing communal white front door would remain unchanged.

Certificate: A

South Elevation - Existing



South Elevation - Proposed



East Elevation – Existing



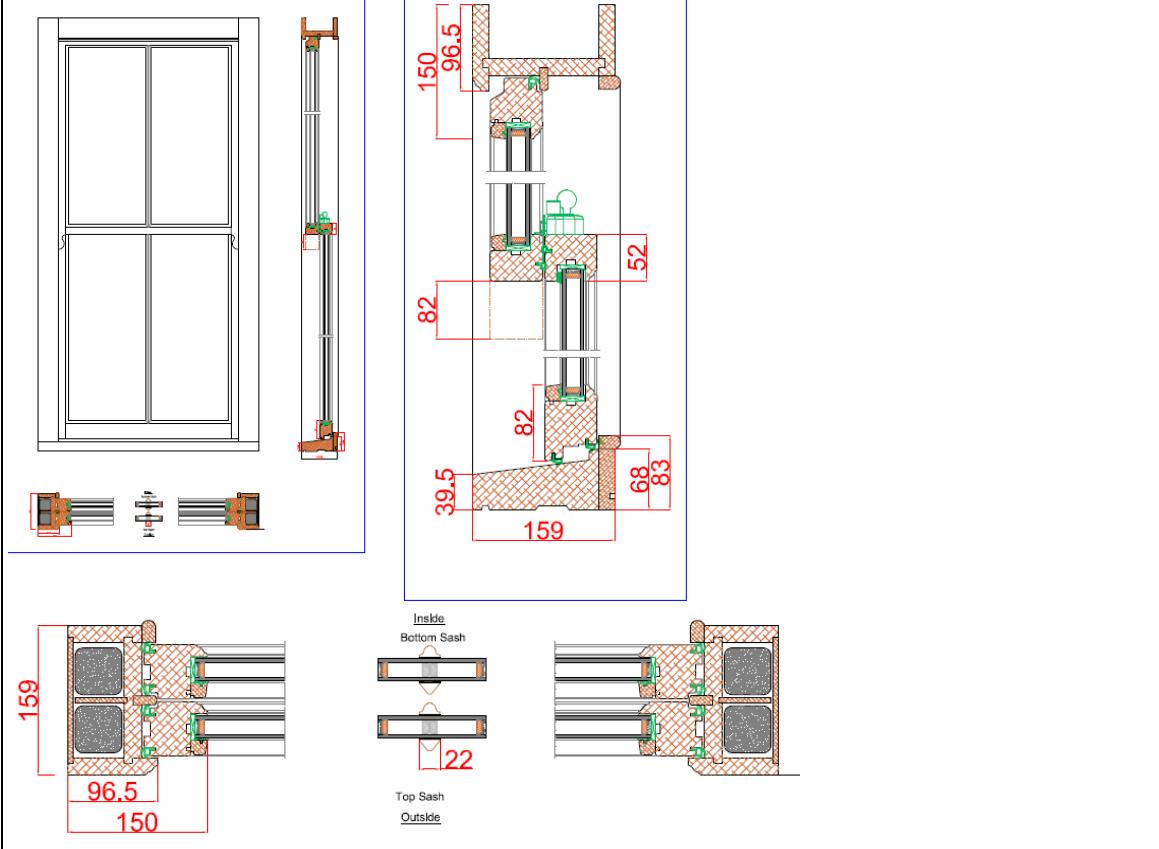
East Elevation 1:100

East Elevation – Proposed



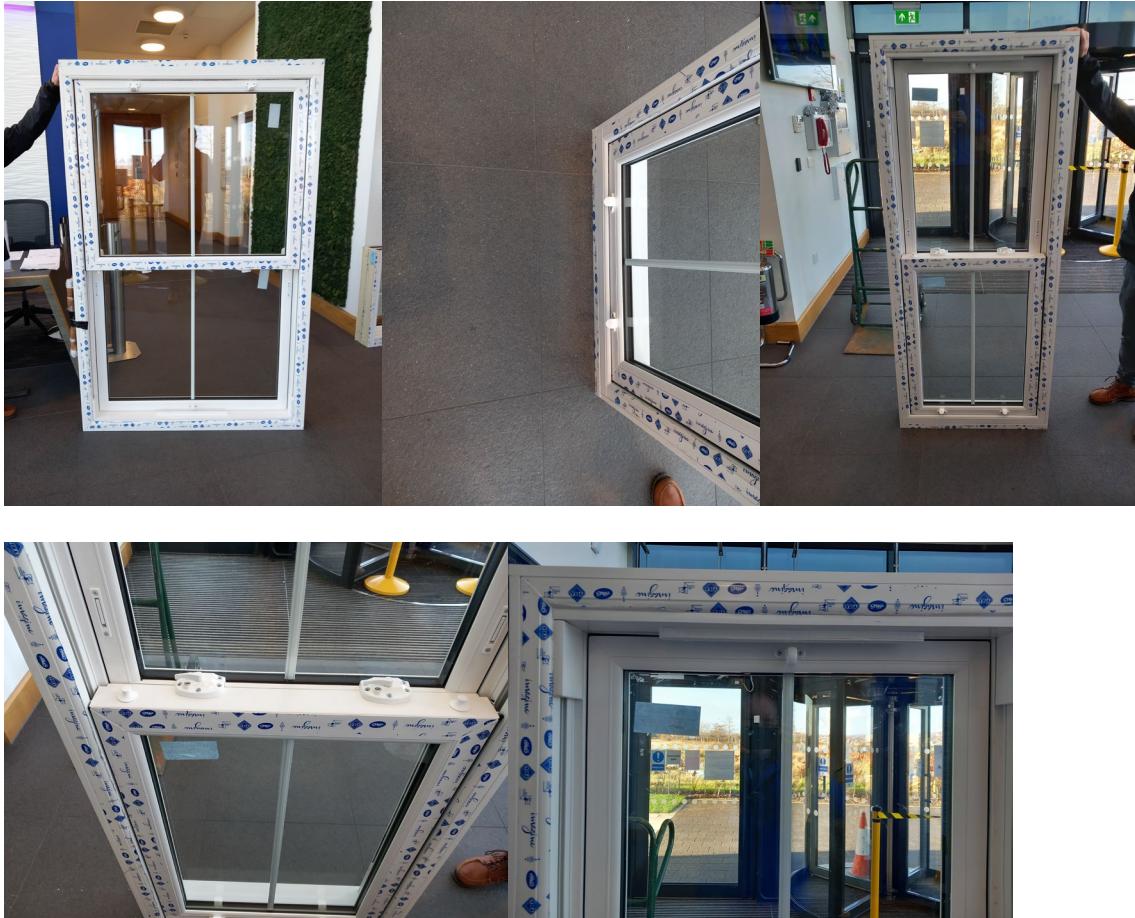
East Elevation 1:100

Examples of the details of the drawings provided



Samples of an Actual Window – made up by the applicant's selected manufacturer.





Consultations and Publicity

The application has had a site notice on display for 21 days (18 March 2025 - 8 April 2025). The application appeared on the weekly list on 19 March 2025.

Representations from Residents:

None received.

Relevant Planning History:

The planning history is extensive but not relevant to the current proposal.

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Settlement Area: Normandy

Planning Assessment

| Design | YES OR NO |
|---|-----------|
| Would the proposal maintain the character and qualities of the area | No |

| | |
|---|-----|
| in which it is proposed? | |
| Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area? | Not |
| Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area? | No |
| Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity? | N/A |
| Is the parking and turning provision on site acceptable? | N/A |
| Would the proposal generally appear to be secondary or subservient to the main building? | N/A |

| Amenity | YES OR NO |
|--|------------------|
| Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues? | N/A |
| Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact? | N/A |
| Is the proposal acceptable with regard to any significant change or intensification of use? | N/A |

| Heritage | YES OR NO |
|--|------------------|
| Would the proposal sustain or enhance the character and appearance of the Conservation Area? | No |
| If within the setting of, or a listed building, | |
| a) Will the development preserve the character and special architectural or historic interest of the building? | N/A |
| b) Will the development preserve the setting of the building? | |
| Within an Archaeological Constraint Area | N/A |
| Other Impacts | YES OR NO |
| Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety? | N/A |
| Impact on protected trees | |
| Will this be acceptable | |
| Can impact be properly mitigated? | |
| Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable? | N/A |
| Does the proposal conserve and enhance the landscape and scenic beauty of the AONB | No |
| Are the Water connection/foul or surface water drainage details acceptable? | N/A |
| If sited within a Critical Flood Risk Area (low lying land below the 5m | N/A |

| | |
|---|-----|
| datum) is the application accompanied by an acceptable Flood Risk Assessment? | |
| Are there external lights | N/A |

| Protected Species | YES OR NO |
|--|------------------|
| Does the proposal include any re-roofing works or other alteration to the roof | NO |
| Does the proposal include any demolition | NO |
| Does the proposal include tree or hedge removal | NO |
| Is an assessment of impact on protected species required | NO |
| Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements | N/A |
| Are biodiversity enhancement measures required | N/A |
| Is a condition required to provide biodiversity enhancement measures | NO |

| Waste Management | YES OR NO |
|---|------------------|
| Does the proposal generate construction waste | YES |
| Does the proposal materially increase the use of the site to require additional long-term waste management facilities | NO |
| Does the proposal include a Site Waste Management Plan | YES |
| Is a condition required to secure a Site Waste Management Plan | NO |

| Sustainable Design | YES OR NO |
|---|------------------|
| Does the proposal materially increase the use of the site to require additional sustainable design measures | NO |
| Does the proposal include any site specific sustainable design measures | NO |
| Is a condition required to secure a Sustainable Design Measures | NO |

Policy Context: Statutory Duty

Under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This duty must be given considerable importance and weight in decision-making.

Local Plan Policies

Key relevant policies from the Isles of Scilly Local Plan 2015–2030 include:

OE1 – Protecting the Isles of Scilly's Outstanding Environment

OE7 – Heritage Assets

SS2 – Sustainable Settlements and Design Quality

National Policy

The National Planning Policy Framework (2024) requires great weight to be given to the conservation of designated heritage assets (paragraph 202). Heritage assets are described as an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed by present and future generations (paragraph 202).

Paragraphs 203 and 207 emphasise the importance of sustaining and enhancing the significance of heritage assets and require applicants to describe the significance of any heritage assets affected to a proportionate level of detail. Proposals should use appropriate materials and design approaches that respect local character and distinctiveness (paragraph 203).

For Conservation Areas, paragraph 204 requires that areas are designated and managed because of their special architectural or historic interest, and paragraph 208 requires decision-makers to assess the impact of development on the character and appearance of such areas. Any harm to a heritage asset's significance must be clearly identified and justified, and great weight must be applied to its conservation (paragraphs 202 and 208).

Accordingly, alterations within Conservation Areas must preserve or enhance their character and appearance, and any identified harm must be outweighed by public benefits of sufficient magnitude (paragraph 208).

The NPPF also gives great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, now known as National Landscapes. Paragraph 189 confirms that these areas have the highest status of protection for landscape and scenic beauty, and that development within them should be limited and sensitively designed to avoid or minimise adverse impacts on the designated landscape. In addition, the strengthened statutory duty under Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling-up and Regeneration Act 2023, requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes when exercising any function that may affect them. This represents an active duty to positively conserve and enhance their special qualities, rather than simply having regard to them.

South Elevation (front)



North Elevation (rear)



Front elevation from Carn Friars to the south



Assessment

Principle of Development

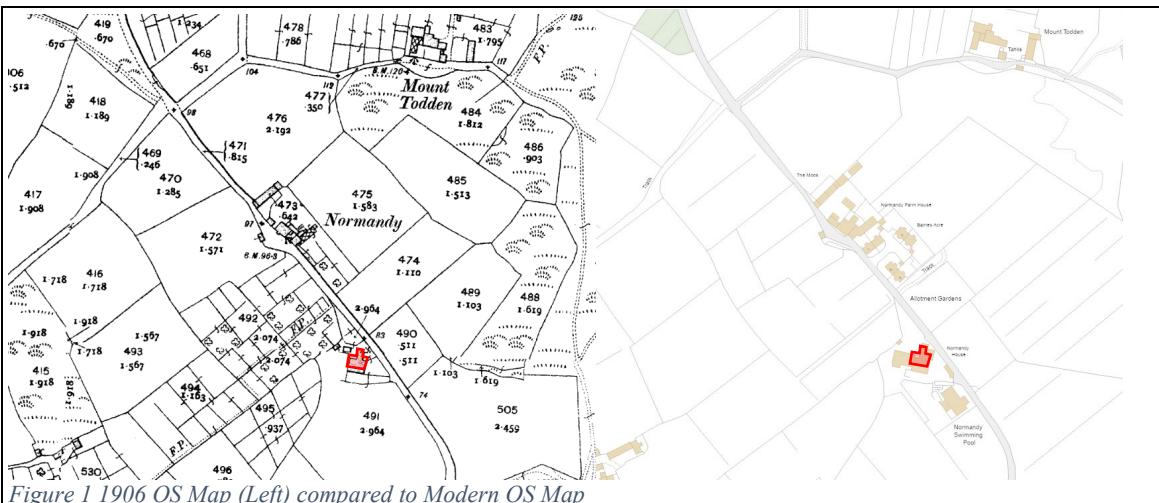
The proposal seeks the replacement of existing windows and doors within an established residential property, which is split into flats, situated inside the defined settlement of Normandy. As a form of domestic alteration, the principle of development is acceptable insofar as such works accord with the aims of Policy LC8 relating to domestic extensions and alterations. There is, however, a clear

need to consider the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision-makers to have special regard to preserving or enhancing the character and appearance of the Conservation Area, alongside the requirement for high-quality design that respects the building, its setting, and the wider National Landscape designation. The acceptability of the proposal therefore rests on whether the detailed design, materials, and overall impact of the replacement windows and doors comply with these policy and statutory requirements.

Impact on the Conservation Area (s.72; Policies OE1, OE7)

The settlement area of Normandy, of which this property is the principal building, is one of the older settlements on the island of St Mary's, as noted in the Historic Landscape Character of Scilly. Although Old Town is the oldest settlement area, Normandy House is a building of notable historic and architectural significance within the St Mary's Conservation Area. First mapped circa 1875, it represents a well-preserved example of late 19th-century domestic architecture on the Isles of Scilly. The age and architectural qualities of the host building make a strong positive contribution to the character and appearance of the Conservation Area. Its front elevation is remarkably unaltered and complete, retaining original features that enhance its local significance. These include the Delabole slate roof covering, crested ridge tiles, chimneys, and timber sash windows.

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Normandy House's intactness and high-quality detailing make it a key contributor to the character and appearance of this part of the Conservation Area and an important element of the island's built heritage.

Photographs of the applicant's sample UPVC sash unit have been reviewed. The sample demonstrates thicker meeting rails, applied surface-mounted glazing bars, and a reflective surface finish uncharacteristic of painted timber. These differences would be discernible on the principal elevation and would erode the authenticity of the building's historic appearance. The submitted proposal does not provide adequate assurance that the replacement uPVC units would be indistinguishable from timber in profile, operation, and detailing. On the contrary, based on the information provided and typical uPVC construction methods, the proposed windows would introduce:

- Thicker, more angular frames
- Applied fake glazing bars rather than true through-bars
- A reflective or plasticky surface finish
- Loss of the subtle shadow lines and depth that timber provides

These features would result in a discernible change in the building's appearance, eroding the traditional fenestration that forms part of the Conservation Area's character.

Given the property's prominent and detached position, the windows are widely visible in the landscape and form an important component of its contribution to local character. As such, any loss of traditional appearance would be pronounced and harmful.

This level of harm is identified as less than substantial in NPPF terms but nevertheless carries considerable weight. The applicant has not advanced any public benefits that could outweigh even minor or modest harm in this context.

Impact on the National Landscape (AONB) (Policy OE1)

The building sits within an elevated landscape and forms part of the visual envelope of the National Landscape designation. Traditional materials and detailing are important to maintaining the special qualities of the area. Replacing timber with unconvincing uPVC would undermine this appearance and result in a loss of authenticity in the wider landscape context.

Although parts of the elevation are experienced from approximately 150m, the building occupies an elevated, open, and visually prominent position where its fenestration forms a legible and characteristic component of the Conservation Area's landscape. Even at distance, the cumulative patterns of traditional window proportions and materials make a meaningful contribution to the conservation area's significance, and alterations that disrupt this reading result in perceptible harm.

Contextual Consistency

Isolated examples of UPVC within the wider settlement occur in different visual contexts and do not form part of the immediate landscape setting of Normandy House. Their presence does not diminish the intactness or architectural contribution of the host building, nor do they set a precedent capable of overriding statutory duties. Although uPVC examples exist elsewhere in the wider settlement, these are either:

- Not in the immediate views with Normandy House
- Not associated with buildings of comparable prominence
- Not examples of good conservation-led design

They do not set a precedent and cannot justify further erosion of CA character.

Site Waste Management

Policy OE5 requires that all development proposals must demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy, and a site waste management plan (SWMP) must be submitted to support planning applications.

The application is supported by a SWMP. This sets out that waste timber and glass from the removed windows and doors would be transported off island to be responsibly disposed of and recycled where appropriate. Owing to the minor scale of the proposed, the SWMP is considered proportionate and in accordance with Policy OE5.

Planning Balance

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be made in accordance with the development plan unless material considerations indicate otherwise. The key policy and statutory tests in this case relate to the requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, together with the design, heritage, and landscape policies of the Isles of Scilly Local Plan and relevant provisions of the NPPF.

The assessment identifies that the proposed replacement of traditional timber sash windows with uPVC units would result in a less than substantial level of harm to the character and appearance of the Conservation Area. This harm arises through the loss of traditional detailing, depth, profile and operation that collectively contribute to the building's positive presence within the wider designated National Landscape. Case law establishes that even small increments of harm to a Conservation Area must be given considerable importance and weight. This includes alterations that would individually appear modest but which cumulatively erode traditional character. Even modest harm to

a Conservation Area must be afforded considerable importance and weight, and this is reflected in Local Plan Policies OE1, OE7, and SS2, all of which seek to secure high-quality, locally distinctive design that conserves the Isles of Scilly's unique environment.

Against this harm, the proposal does attract some material benefits. The flats are owned and managed by LiveWest, a Registered Provider of affordable social housing, and the upgrading of windows will improve energy efficiency, reduce heat loss, and lower energy bills for occupants, including potentially vulnerable residents. Enhancing thermal performance in affordable homes is consistent with national objectives relating to sustainability, carbon reduction, and improved living conditions. These benefits therefore carry positive weight in the planning balance.

However, the NPPF makes clear that when considering proposals within a Conservation Area, great weight should be given to the conservation of heritage assets, and that harm, however minor, should not be accepted unless it is outweighed by public benefits of sufficient magnitude. In this case, the improvements to thermal efficiency, while important at the level of individual households, have not been demonstrated to require the use of uPVC specifically, nor has any evidence been submitted showing that energy benefits could not be achieved through a timber or more conservation-appropriate solution (such as slimline double-glazed timber sash units) that would avoid the identified heritage harm. As such, although the energy-efficiency improvements are a genuine benefit, they are not compelling in circumstances where alternative, less harmful approaches are both feasible and commonly used in heritage contexts.

For clarity, the identified energy-efficiency improvements relate to the private comfort and reduced running costs of the occupants and do not constitute public benefits for the purposes of NPPF paragraph 208. Public benefits must be benefits to the wider community, not just to the current occupiers. In addition, no evidence has been provided to demonstrate that these benefits could not be achieved through a more conservation-appropriate approach, including timber or slimline double-glazed sash units. As such, the weight that can be afforded to these benefits is limited and cannot outweigh the heritage harm, to which considerable importance and weight must be applied.

When weighed together, the public benefits associated with improved energy performance do not outweigh the identified heritage harm, which must be given considerable importance and weight. In accordance with the requirements of Section 72, the development plan, and the NPPF's hierarchy of heritage protection, the balance therefore falls decisively against the proposal. On this basis, and taking all matters into account, the identified harm to the character and appearance of the Conservation Area and to the special qualities

of the National Landscape is not outweighed by the stated benefits. The planning balance weighs against granting permission.

Conclusion

The proposal fails to demonstrate that the replacement uPVC windows would preserve or enhance the character or appearance of the Conservation Area. The harm identified, though less than substantial, must be given considerable importance and weight under s.72. No public benefits exist to outweigh that harm.

The proposal also fails to conserve the special qualities of the National Landscape and does not comply with Local Plan policies OE1, OE7 and SS2, nor with the heritage provisions of the NPPF.

Recommendation

REFUSE Planning Permission for the following reason(s):

1. The proposed replacement windows, by virtue of their uPVC construction and the detailing evidenced in the submitted sample (including thicker profiles and applied surface bars), would fail to replicate the appearance, proportions, depth, and traditional characteristics of the existing timber sash windows. The resulting change would lead to a harmful alteration to the appearance of the building and would not preserve or enhance the character or appearance of the Conservation Area, contrary to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore contrary to Policies OE1, OE7 and SS2 of the Isles of Scilly Local Plan 2015-2030 and to the heritage conservation aims of the National Planning Policy Framework. No public benefits have been identified that would outweigh this harm. Furthermore, by failing to conserve or enhance the natural beauty and special qualities of the designated National Landscape, the proposal conflicts with the strengthened statutory duty under Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, which requires relevant authorities to seek to further the statutory purpose of conserving and enhancing natural beauty.

Other Matters

EIA: The proposal is small-scale and low-impact, and it will not give rise to significant environmental effects. It is therefore not EIA development.

Proactive working: The Council has worked positively and proactively in line with the National Planning Policy Framework. The application has been assessed in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 and the relevant duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Under Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. For the Isles of Scilly, the development plan comprises the Isles of Scilly Local Plan 2015–2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

| Policy | Tick if Used ✓ |
|---|----------------|
| Policy SS1 Principles of Sustainable Development | |
| Policy SS2 Sustainable quality design and place-making | ✓ |
| Policy SS3 Re-use of Buildings | |
| Policy SS4 Protection of retailing, recreation and community facilities | |
| Policy SS5 Physical Infrastructure | |
| Policy SS6 Water and Wastewater Management | |
| Policy SS7 Flood Avoidance and Coastal Erosion | |
| Policy SS8 Renewable Energy Developments | |
| Policy SS9 Travel and Transport | |
| Policy SS10 Managing Movement | |
| Policy OE1 Protecting and Enhancing the landscape and seascape | ✓ |
| Policy OE2 Biodiversity and Geodiversity | |
| Policy OE3 Managing Pollution | |
| Policy OE4 Protecting Scilly's Dark Night Skies | ✓ |
| Policy OE5 Managing Waste | ✓ |
| Policy OE6 Minerals | |
| Policy OE7 Development affecting heritage | ✓ |
| Policy LC1 Isles of Scilly Housing Strategy to 2030 | |
| Policy LC2 Qualifying for Affordable Housing | |
| Policy LC3 Balanced Housing Stock | |
| Policy LC4 Staff Accommodation | |
| Policy LC5 Removal of Occupancy Conditions | |
| Policy LC6 Housing Allocations | |
| Policy LC7 Windfall Housing: | |
| Policy LC8 Replacement Dwellings and Residential Extensions | ✓ |
| Policy LC9 Homes in Multiple Occupation | |
| Policy WC1 General Employment Policy | |
| Policy WC2 Home based businesses | |
| Policy WC3 New Employment Development | |
| Policy WC4 Alternative Uses for Business/Industrial land and buildings | |
| Policy WC5 Visitor Economy and Tourism Developments | |

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The Council has had full regard to the Human Rights Act 1998 and to its Public Sector Equality Duty under Section 149 of the Equalities Act 2010 in reaching this recommendation. This includes having due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those who do not share them. The duty also requires consideration of whether any disadvantages affecting people with protected characteristics can be removed or reduced, whether their particular needs can be met, and whether their participation in public life can be encouraged.

While the duty does not require all disadvantage to be removed, the Council has had due regard to these matters in determining this application.

Print Name: Lisa Walton

28/01/2026

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
