

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/017/HH

Received on: 24 April 2019

Application Expiry date: 19 June 2019

Neighbour expiry date: 15 May 2019

Consultation expiry date: 15 May 2019

Site notice posted: 24 April 2019

Site notice expiry: 15 May 2019

Applicant: Mr Delwin Thompson

Site Address: 29 Ennor Close
Old Town
St Mary's
Isles of Scilly

Proposal: Erection of rear extension

Application Type: Householder

Recommendation

That the Application is APPROVED.

Contributors:

Public Representations: None

Consultation Representations: None

Constraints:

Scheduled Monuments: None

Listed Buildings: None

Archaeological Constraint Areas: None

Historic Landscape Character: Settlement

Site Description and Proposed Development

29 Ennor Close is a terrace dwelling that sits within a row of four dwellings. It is two storeys with outdoor amenity space to the front and rear. A narrow single storey extension protrudes from the principal elevation of the dwelling and on the rear elevation of the dwelling is a conservatory. The area of the rear elevation around the conservatory is clad in plastic cladding. The roof of the dwelling is clad in concrete tiles.

The proposal is to remove the conservatory on the rear elevation of the dwelling and to erect a rear extension in its place. The walls of the proposed extension would be finished in painted render and the roof would be clad in concrete tiles to match the roof of the dwelling. The extension would be used to accommodate a lounge.

Consultations and Representations

A site notice has been on display to the front of the property, for a period of 21 days.

Neighbours at 28 and 30 Ennor Close have been written to directly.

No representations have been 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) 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. 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 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, (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; and locally important biodiversity habitats, species and landscape features.

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 OE3). Policies provide principles for sustainable development and water management. Policy LC9 relates specifically to residential extensions.

Planning Assessment

The main material planning considerations in this case are considered to be the principle of the development, the design, scale and materials of the development and the impact of the development on neighbouring amenity and biodiversity.

Principle of development

The proposed extension would replace an existing conservatory. The conservatory is not considered to be of historic nor architectural merit that it would be worthy of retention. As such, its removal is considered to be acceptable. The proposed extension would be a domestic extension to an existing dwelling and would be used ancillary to the residential use of the site. It is therefore considered to be acceptable in principle, subject to other material planning considerations being satisfied.

Design, scale and materials

The proposed extension would be attached to the rear elevation of the dwelling and would be single storey with a mono-pitched roof. The overall form and appearance of the extension is considered to not be out of keeping with the host building and the other residential properties around it. The proposed finishing materials would reinforce the extension as development that is congruent with the character and appearance of the built form around it. Its single storey form would help to create a subservient appearance to the host building and it is considered that its bulk and massing would not be oversized, nor would it constitute overdevelopment of the site. The design, scale and materials of the extension are considered to be acceptable. Given the above, there is considered to be no material harm to the Conservation Area and Area of Outstanding Natural Beauty that the application site is located within.

Impact on neighbouring amenity

As stated above, the proposed extension would be single storey. Further to this, it would be larger in massing than the conservatory it would replace and it would occupy almost the width of the rear garden. However, in terms of 28 Ennor Close there is an existing extension that has a similar depth to the proposed extension. This neighbouring extension means that the proposed development is not considered to materially increase overbearing or loss of light to this particular neighbouring property.

In terms of 30 Ennor Close, the proposed extension would rise above the boundary fence between this property and the application site. However, the mono-pitched roof of the proposed extension with its low pitched form, which would drop down in height the further it extends into the garden, means that its bulk when viewed from this other neighbouring properties would be reduced. There would be a degree of impact on this neighbouring property from the proposed development, but its form and bulk is not considered cause a materially significant impact that would warrant a refusal.

Impact on biodiversity

The structural composition of the conservatory to be demolished as part of this planning application, with its fully glazed walls and roof, leads Officers to consider that it would not provide suitable potential for bats or nesting birds. As such, the proposed development is not considered to cause material harm to biodiversity interests.

Conclusion

For the reasons outlined above the proposed development is considered to be acceptable and policy compliant. The application is therefore recommended for approval subject to appropriate conditions.

Links

Not applicable.

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 Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved details only including:
 - Proposed Lounge Extension Floor Plan, Drawing Number: DT-PL-1a
 - Proposed Lounge Extension Floor Plan and Elevations, Drawing Number: DT-PL-2a
 - Location Plan, 1:1250
 - Proposed Site Plan, 1:500
 - Site Waste Management Plan by P. Osborne

These are Stamped APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the [Listed Building] Conservation Area , Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Informatives

1. Statement of Positive Engagement
2. Amendments

Signed:	Dated:	Signed:	Dated:	Signed:	Dated:
<i>K. Reeves</i>	09/06/19	<i>[Signature]</i>	10/06/2019	<i>[Signature]</i>	10/6/19
Planning Officer		CIOS Planning Officer		Senior Manager	

