



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424350
✉planning@scilly.gov.uk

OFFICER REPORT – DELEGATED

Application number: P/17/019	Expiry date: 05/05/2017
Received on: 28/02/2017	Neighbour expiry date: 31/03/2017
UPRN:	Consultation expiry date: None
Legal agreement:	Site notice posted: 10/03/2017
Departure:	Site notice expiry: 31/03/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr R Peak
Site Address:	8 Silver Street, St Mary's.
Proposal:	Replace wooden windows and doors with white UPVC
Application Type:	Householder

<http://www.scilly.gov.uk/planning-application/planning-application-p17019>

Description of site and development:

This application proposes the replacement of the fenestration and door on the principal elevation of the dwelling known as 8 Silver Street. The replacement material will be UPVC.

Site Description

No.8 is a two storey, 1970's terraced dwelling located on Silver Street within Hugh Town. The terrace of houses has symmetrical principal features with stone elevations and hung slate at first floor level, timber cladding on the gable ends of the half-dormers, and white fenestration with inset front doors.

Background and Relevant History

The property was erected as part of the 1970s street development and there is no recent planning history relating to the dwelling. A similar scheme to that being proposed, has been approved at 4. Silver Street under application P/11/067 for the replacement of windows and doors on the front elevation with double glazed 'Storm Evolution' windows with a white wood grain effect finish. This application gained permission in September 2011.

Public representations:

A site notice has been on display outside the site for a period of 21 days and neighbours were notified of the proposal. No letters of representation have been received.

Consultee representations:

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

Conservation Area, AONB and Heritage Coast.

Relevant policies, SPGs and Government guidance:

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) 2012

At the heart of the NPPF is 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 consideration

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.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

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, (c) Preserve or enhance the character or appearance of the Conservation Area (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 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 through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

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, and includes guidance on replacement windows.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the replacement windows and door will have on the wider character of the conservation area and AONB designations including the historic environment. It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

Impact upon the wider landscape.

The building is an area of St Mary's that is situated adjacent to the older areas of Hugh Town which include the Garrison. Silver Street was part of a 1970s housing development to meet the housing needs of St Mary's within that period. The character of this area therefore pays tribute to the Granite buildings and structures that characterise both the Garrison and the adjoining Hugh Street. Although the principal elevations of this terrace remain fairly symmetrical, alterations can be seen to have occurred to the fenestration on the properties with the introduction of modern glazing patterns and UPVC materials to some of the properties within the terrace. The Design Guide SPD advises that the LPA will seek to resist upvc windows on properties of granite or on older more traditional buildings. No.8 Silver Street is not a listed building and is a relatively modern 1970s terrace dwelling.

Whilst we would argue that timber windows are the preference it is considered that for modern properties, particularly those within this area, upvc windows can be acceptable without giving rise to conflict or harm with the wider character of the area or historic environment. There are many examples of upvc windows installed under permitted development rights, particularly on elevations that don't front the highway (where the Article 4 Direction is not relevant) and other examples of the use of upvc historically. The proposal to install upvc to the front of this property, which would be in keeping with the material used on other fenestration within the same terrace, would not give rise to any particular harm, in this case.

Whilst the property is near to listed buildings within the area such as the Town hall, it is not considered that the use of upvc windows to the front will give rise to any particular harm to the wider historic environment and does not directly impact on the setting of the listed building to any greater amount of harm to warrant refusing upvc windows and doors in this case.

Impact upon privacy and amenity

The replacement of doors and windows can have a very short-term noise impact during installation but it is not considered that the post construction phase will give rise to any additional privacy or amenity issues over and above the existing situation. It is considered that the application is acceptable.

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following 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 requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **The development hereby permitted, shall be carried out in accordance with the approved details only including:**



- **The Location Plan**
- **Proposed Specification Details (Quotation Ref: RED7Q03431)**
- **Site Waste Management Plan (SWMP)**

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of 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.

Informatives:

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £28/£195 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

Signed: 	Dated: 27/04/2017	Signed: 	Dated: 02/05/2017
Planning Officer		Senior Manager	