



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/041	Expiry date: 17/07/17
Received on: 22/05/2017	Neighbour expiry date: 21/06/2017
UPRN: 000192001125	Consultation expiry date: None
Legal agreement:	Site notice posted: 31/05/2017
Departure:	Site notice expiry: 21/06/2017
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 A Sibley
Site Address:	Apple Tree Cottage, Rams Valley, Hugh Town, St Mary's
Proposal:	Re-build existing conservatory
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17041>

### Description of site and development:

This application proposes the re-build of an existing conservatory at Apple Tree Cottage, Rams Valley, Hugh Town, St Mary's.

### Site Description

The existing conservatory is attached to the western side of the property known as Apple Tree Cottage. Apple Tree Cottage is a two storey dwelling with a stone and rendered external finish, uPVC windows and a tiled roof. The existing conservatory to be replaced is a single storey structure with a timber framed conservatory (painted brown in colour) with glass roof sat on granite stone. The proposed replacement conservatory is a uPVC double glazed frame (brown in colour) with a tiled roof (to match the existing dwelling) with four velux rooflights and sat on granite stone.

The conservatory is visible from neighbouring properties in all directions. To the eastern side of the conservatory is the attached existing dwelling, to the north is a small piece of residential curtilage that borders a neighbouring property (Field Cottage), to the western side of the conservatory is the garden area belonging to the existing dwelling and to the south lies the existing parking area and beyond that the access road.

## Background and Relevant History

In 1988 application (**P2770**) was submitted and approved for the erection of a double garage. In 1991 application (**P3234**) was submitted and approved for the erection of a conservatory and porch.

### Public representations:

The following neighbours were notified: No's 1-3 Mundelsey House in Church Road, Nundeepts, Arden House and Merrick in Rams Valley and The Manse and Field Cottage in Church Street. A site notice has been on display outside the site for a period of 21 days.

No letters of representation have been received.

### Consultee representations:

A site notice has been on display outside the site for a period of 21 days. One letter of representation has been received.

## Isles of Scilly Bat Group

When we examined the conservatory at Apple Tree Cottage on the morning of the 24<sup>th</sup>, we did not consider that a survey would have been necessary. There were no signs of bats but more importantly, it is difficult to see how they could enter anywhere and not be noticed. What I should prefer to do is not submit a formal survey report but personally to ask the applicants to get the contractor to be sure to let us know in the unlikely event of a bat being present when the work is done.

### 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.

#### **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 where practicable and appropriate, proposals would 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 and landscaping; (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; and (c) utilising natural resources efficiently in the design, construction and future use of land and buildings.

#### **Appraisal/key issues and conclusion:**

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

The proposed works include the demolition of an existing conservatory (30.772m<sup>2</sup>). However, in a Conservation Area permission is not required to demolish a building (that is unlisted) which does not exceed 115 cubic metres.

The proposed conservatory will be constructed of uPVC double glazed units (brown in colour), a tiled roof to match the existing dwelling and four rooflights. The proposed structure form and window layout matches the existing design with the exception of a slightly steeper roof pitch. The height of the roof where it abuts the existing dwelling is slightly higher but the proposed eaves height is the same as existing. The existing and proposed floor area is 30.772m<sup>2</sup>. The proposal does not include the creation of any additional residential floor space.

The proposed conservatory will be 9.8m x 3.14m with an eaves height of 2.2m and a ridge height where it abuts the existing dwelling of 3.3m (existing conservatory has an eaves height of 2.2m and a ridge height where it abuts the existing dwelling of approximately 2.7m).

#### **Impact upon the wider landscape.**

Properties within this area are largely rendered white or a pale shade with a mixture of materials in relation to roofs and fenestration details. The Design Guide SPD advises that the LPA will seek to resist uPVC windows on properties of granite or on older more traditional buildings. Apple Tree Cottage is not a listed building and is a relatively modern dwelling that has been extended since its original construction.

In this case timber windows are the preference, however 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).

The current materials for the replacement conservatory are non-traditional and it is judged that the use of these replacement materials will not cause material harm to the building or the character

and appearance of the Conservation Area. It is considered that the replacement conservatory will preserve the existing character of the Conservation Area and although it may not enhance the Conservation Area it appears to be an improvement on what currently exists.

The Isles of Scilly bat group have confirmed that there were no signs of bats during their inspection but have recommended that an informative be added to the approval to remind the applicant of the need to inform a qualified specialist in the unlikely event of a bat being discovered during the works.

### **Impact upon privacy and amenity**

The proposal is not considered to result in material harm to the privacy or amenity of adjacent residential properties or neighbouring land uses. The proposed works are to replace an existing conservatory. The proposed conservatory is similar to the existing conservatory in its structure, form and window layout. It is considered therefore that the proposal is acceptable.

### **Conclusion**

Drawing on all of the above considerations and having regard to the Local Plan Policies, 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 Site Plan**
- **Proposed Elevations – 17<sup>th</sup> May 2017**
- **Proposed Ground Floor – 17<sup>th</sup> May 2017**

**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.

- 3. The colour and material of the external finish to the roof of the conservatory, hereby approved, shall match the existing roof of the dwelling, in material, colour, texture and form. All works shall take place in accordance with the agreed details and thereafter maintained in accordance with those agreed details.**

Reason: To minimise the impact of the building in the landscape.

4. **Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/ location of disposal of all demolition material and all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

#### INFORMATIVE

The developers are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2010. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

#### Further Information:

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 Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. **The fee is £28 for each request to discharge condition(s).** The fee is payable for each individual request made to the Local Planning Authority.
3. 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 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: 26.07.2017	Signed: 	Dated: 26.07.2017
Planning Officer		Senior Manager	