



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/050/HH	Expiry date: 23/08/17
Received on: 26/05/2017	Neighbour expiry date: 19/07/17
UPRN:	Consultation expiry date: 24/07/17
Legal agreement:	Site notice posted: 29/06/2017
Departure:	Site notice expiry: 20/07/2017
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:	M Leathers
Site Address:	Linwood, 2 Little Porth, Hugh Town, St Mary's
Proposal:	Extension of 1m to depth of existing flat roof kitchen at rear.
Application Type:	Householder

<http://www.scilly.gov.uk/planning-application/planning-application-p17050>

Description of site and development:

This application proposes a 1m extension across the width of the existing kitchen at Linwood, 2 Little Porth, Hugh Town, St Mary's.

Site Description

The proposed extension is on the northern elevation of the property known as Linwood. Linwood is a one and a half storey terraced dwelling with a painted render external finish, uPVC windows and a slate roof. The existing kitchen is situated on the northern elevation of the existing dwelling and is single storey with painted render walls, uPVC windows and a corrugated metal roof. The proposed extension to the existing kitchen will measure approximately 1m x approximately 4m, with a height of approximately 2.6m rising to 2.8m. The proposed materials will match the existing materials with the exception of the proposed shallow mono pitched roof material being GRP Glass Fibre Roof. The proposed works include the removal of an existing raised flower bed to enable the proposed extension.

To the south side of the proposed extension is the attached existing dwelling, to the east and west lies residential curtilage belonging to the existing dwelling with a hedgerow forming the boundary to the east and stone wall to the west, separating the residential curtilage of the

adjoining properties, to the north side of the extension lies an existing garden area and a timber garden shed.

Background and Relevant History

In 1997 application (**P4252**) was submitted and approved for the construction of dormer windows and rear porch to allow improved facilities. In 2005 application (**P5750**) was submitted and approved for the replacement of windows with UPVC double glazing.

Public representations:

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. Two consultation responses have been received.

Cornwall Archaeology Unit

We have consulted the Cornwall & Isles of Scilly Historic Environment Record and in this instance do not consider that archaeological remains are likely to be disturbed by the groundworks. No archaeological mitigation is required, and no archaeological condition is sought.

Isles of Scilly Bat Group

Mike and Ann Gurr (the Bat Wardens) have considered that a bat survey for the proposed works on this property is not necessary.

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, (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 including siting, layout,

density, scale, external appearance (i.e. details and materials) 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.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the extension will have on the character and appearance 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.

The proposed extension will be constructed of timber framed painted render walls, upvc windows and doors (white in colour) with a GRP Glass Fibre roof. The proposed structure will have shallow mono pitched roof that meets the existing roof at eaves height. The proposed floor area of the extension is approximately 4m².

The proposed extension will be approximately 1.0 metres x 4.0 metres with the roof meeting the existing eaves height of 2.8 metres and dropping to its own eaves height of 2.6 metres.

In relation to Policy 1(a) of the Isles of Scilly Local Plan 2005 the proposed works will not have an impact on the natural beauty, wildlife or cultural heritage of the AONB or the heritage coast. In relation to Policy 1 (c) whilst the proposed works may not enhance the conservation area, the works will not negatively impact what currently exists and will therefore preserve the character and appearance of the Conservation Area. In relation to Policy 1 (e) the proposed works will have no impact on protected wildlife or biodiversity habitats as indicated in the response from the Isles of Scilly Bat Group that no survey would be required for these works at this property.

In relation to Policy 2 (a) of the Isles of Scilly Local Plan 2005 it is considered that the design and materials of the proposed works are appropriate and would enhance the existing building. In relation to Policy 2 (b) it is considered that the use of existing residential garden space to allow an enlargement to the existing kitchen will create a social benefit for the owners of the property, enabling a more functional and useable living space.

Impact upon the wider landscape.

Properties within this area are largely rendered white or a pale shade or stone with slate roofs and a mixture of materials on fenestration details. The proposed materials for the extension match the materials on the existing dwelling and surrounding properties and it is judged that the use of these materials will pass the legislative test of preserving or enhancing the character and appearance of the Conservation Area.

The proposed site is visible from public vantage points and from adjoining neighbouring properties. There is existing planting, the existing dwelling, fencing and stone walls that would

help to screen the proposed extension. It is judged that the proposed extension would have no material impact on the Conservation Area or the wider landscape due to its small size and subservient nature. The proposed extension is situated in a built-up area and would be seen in context with the existing residential dwellings and development.

The Cornwall Archaeological Unit have advised that they have consulted the Cornwall & Isles of Scilly Historic Environment Record and in this instance do not consider that archaeological remains are likely to be disturbed by the groundworks. No archaeological mitigation is required, and no archaeological condition is sought.

The Isles of Scilly bat group have confirmed that a bat survey for the proposed works on this property was not necessary.

In relation to any site waste that may be created the agent has confirmed that the removal and disposal of waste material will be dealt with by the contractor and it will be shipped across to the mainland.

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 extend the existing kitchen extension by 1m in a northerly direction increasing the overall floor space by approximately 4m². The proposed extension does not include any additional windows to those existing.

The property adjoining the application site to the east (3 Little Porth) has a similar rear extension to their property. It is considered that the proposed extension would not cause any material increase in overlooking, be overbearing or cause any additional loss of light and it is therefore judged that the proposal is acceptable, in this case.

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 – Scale of 1:1250 and dated 22nd June 2017
- The existing Block Plan – Scale of 1:500 and dated 22nd June 2017
- Proposed Plans – Drawing Number ML-KE-1a

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.

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: 15/08/2017	Signed: 	Dated: 21/08/17
Planning Officer		Senior Manager	