



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/076/FUL	Expiry date: 14/11/17
Received on: 19/09/17	Neighbour expiry date: 10/10/17
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 19/09/17
Departure:	Site notice expiry: 10/10/17
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 K Cooper
Site Address:	Shearwater, The Parade, St Mary's, TR21 0LP
Proposal:	Roof alterations to single storey rear extension, replacement of UPVC windows at rear with timber French doors and window and internal alterations.
Application Type:	Full Planning Permission

<http://www.scilly.gov.uk/planning-application/planning-application-p17076-1>

### Description of site and development:

#### Site Description

Shearwater is a terraced house originally built in the early 19<sup>th</sup> Century. The dwelling is a Grade II Listed Building first added to the Statutory List in 1959. The building is described by Historic England as:

House. Early C19. Roughly coursed granite rubble with pebbledash render front; gabled slate roof; brick end stacks. Double-depth plan with central entry and staircase. 2 storeys with attics; symmetrical 3-window range. Trellis work porch to front of C20 door with overlight. Ground floor has 2 slightly-bowed tripartite sashes with glazing bars, of c1900; first-floor 6/6-pane sashes; 2 hipped attic dormers with similar sashes and slate-hung cheeks. Interior: panelled dados to bay windows, with reeded cornices and moulded wood architraves; ovolo-moulded joists to first floor; iron-bolted A-frame trusses, typical of C19 Scillonian construction. Subsidiary features: mid C19 decorative cast-iron railings to front.

The property has white UPVC fenestration, a slate roof and a mixture of both metal and upvc materials for the rainwater goods. The property has, until this year, been used as a guesthouse with owners accommodation at the rear. The property is now used as both a private dwelling and for self-catering holiday accommodation as a single unit.

## **Description of Proposal**

The proposed external works include removal of the asbestos slate covering from the two mis-aligned roofs over the single storey extension at the rear of the property together with its re-structuring to provide a single roof with natural slate covering, the removal of two UPVC windows on the ground floor of the extension and replaced with timber, painted, French doors and a new opening casement window. The proposed external works also include the replacement of a rear stable door with a modern timber unit of identical design.

The proposed internal works (which are the subject of the associated Listed Building Consent application – P/17/077) include the removal of the internal wall between the lounge and bedroom within the original ground floor section of the dwelling to create an enlarged living room capable of accommodating up to 12 persons (the sleeping capacity of the house). This will include the removal and making good of the existing bedroom door and removal of the en-suite shower room. The proposed internal works also include the removal of the decorative arch between the front and rear sections of the dining room within the original ground floor section of the dwelling. The proposed internal works also include the removal of a sliding sash window to create a door opening through to the kitchen/day room.

## **Background and Relevant History**

Planning History for this property starts in 1972 (**P1087**) when an application was submitted and approved for an extension to the rear. In 1975 application (**P1463**) was submitted and refused for an extension. In 1975 application (**P1465**) was submitted and refused for the removal of a chimney. In 1976 application (**P1463/A**) was submitted and approved for a shower room extension. In 1976 application (**P1514**) was submitted and refused for repairs to the roof. In 1982 application (**P2124**) was submitted and refused for the demolition of WC and shower room. In 1983 application (**P2132**) was submitted and approved for the provision of a shower room and toilet extension with pitched roof. Listed Building Consent was also given for these works. In 1990 application (**P3106**) was submitted and refused for the installation of two velux type rooflights to the rear of the roof. In 1991 application (**P3301**) was submitted and approved for the installation of en-suite facilities. In 1995 application (**P3768**) was submitted and approved for the removal of chalet bedrooms with extension improvements. In 1995 application (**P3768/A**) was submitted and approved for the Listed Building Consent for the removal of chalet bedrooms with extension improvements.

### **Public representations:**

The following neighbours were notified; Auriga and Roanoke, Porthcressa Road – No's 1-6 Hametwith and Trevea, The Parade. 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:**

No statutory consultees were notified; however, the Isles of Scilly Bat Group have conducted a survey and produced a report. A site notice has been on display outside the site for a period of 21 days.

#### **Isles of Scilly Bat Group –**

The survey was conducted on the 18<sup>th</sup> November 2017. The weather conditions were fine, sunny afternoon, dry, 17 degrees; light breeze. The roof of the extension at rear of main house to be re-tiled. The roof is in two adjacent sections; the right hand section extends slightly in front of the other and the join between the two is covered by a length of plastic tape. The proposal is to restructure so that these two sections are formed into one continuous piece of roofing. There is a thick growth of ivy at the peak of the roof. The tiles have no gaps that could enable bat entry. The lower end of the plastic tape has a gap that might admit entry but it is covered with cobwebs and so has not been disturbed. The ivy could possibly house bats but seems unlikely. We conclude that the proposed work should not affect bats. However, our usual provisos apply; Care should be taken in removing the tiles, restructuring the roof and removing the ivy. If any bats should be discovered during the work, they must not be handled: work must stop immediately and advice sought from local bat wardens in the first instance (Mike & Anne Gurr, 422224) or, if neither is available, The Bat Conservation Trust's National Bat Helpline on 0345 1300 228. The e-mail address is enquiries@bats.org.uk.

#### **Constraints and designations:**

Listed Building (ID: 1141194 – Grade II), 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. As the proposal relates to a Grade II listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

##### **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.

#### **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.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of grade II listed building should be exceptional. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefit that outweighs the harm or loss. Paragraph 134 states that where less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

### **Isles of Scilly Local Plan 2005**

Policy 1 relates to Environmental Protection and aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced. The overall intent of the Local Plan, as reflected in Policy 1, is to protect its environment and keep development to the minimum required for sustaining viable communities.

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.

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

In light of the above mentioned policies and identified designations it is considered that the main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to the principle of development, the materials, scale, design and appearance; the impact on neighbouring amenity and the wider Conservation Area, the impact on the natural and historic environment and the impact on the setting of the listed building.

### **Principle of Development**

The proposed works include the removal of the asbestos slate covering from the two mis-aligned roofs over the single storey extension at the rear of the property together with its re-structuring to provide a single roof with natural slate covering, the removal of two UPVC windows on the ground floor of the extension and replaced with timber, painted, French doors and a new opening casement window and the replacement of a rear stable door with a modern timber unit of identical design.

With regards to Policies 1 and 2 of the Local Plan it is considered that the proposed external works would constitute an enhancement of the existing building with the use of timber windows and doors and

creating a more visually pleasing roof line to the rear extensions. The proposed external works would also appear to be an enhancement of the setting of the listed building.

With regards to Policy 1(e) of the Local Plan the Isles of Scilly Bat Group have made a recommendation in their survey report that a Bat Informative is added to any permission.

### **Impact upon the character of the Conservation Area, impact on the AONB and the impact on the setting of the listed building**

Shearwater forms one of a terrace of houses and was formally used as a guest house. Shearwater is Grade II listed and has had planning permission for two rear extensions. One two storey and one single storey that adjoin each other. It is the extensions that the proposed external works relate to.

The proposed external works consist of the removal of the asbestos slate covering from the two mis-aligned roofs over the single storey extension at the rear of the property together with its re-structuring to provide a single roof with natural slate covering, the removal of two UPVC windows on the ground floor of the extension and replaced with timber, painted, French doors and a new opening casement window and the replacement of a rear stable door with a modern timber unit of identical design.

It is considered that the proposed external works will cause no loss of historic fabric as they are on the 1970's extensions and not part of the original house. It is considered that the proposed works would not result in the loss of any significance and will help to enhance the setting of the listed building. It is considered overall that the proposed works will not result in either harm or the loss of any historic fabric. It is considered that the significance of this building will not be harmed or lost as a result of this proposal.

It is considered that the use of traditional, natural materials would preserve the special architectural and historic interests of Shearwater and the character and appearance of the Conservation Area.

Taking into account the above, it is considered that the proposal will preserve the character of the existing listed building, Conservation Area and Area of Outstanding Natural Beauty in accordance with Local Plan policies and Government guidance. The proposed development and works will accord with the Local Planning Authority's statutory duty under sections 66(1), 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it would preserve the special architectural and historic interests of the listed building and would preserve and enhance the character and appearance of the Conservation Area.

### **Impact upon residential amenity**

The proposed external works consist of a replacement roof material and exchanging two UPVC windows for a timber window and doors. It is judged that the proposed works will improve the visual appearance of the property. It is considered that there will be no impact on existing neighbouring properties. No public letters of representation have been received.

### **Conclusion**

The application proposes the external changes to the rear extensions of Shearwater. The extensions were built in the 1970's and do not form part of the original building. The proposals include the removal of non-traditional materials and their replacement with natural slate and timber, as such, it is considered that the proposals preserve the character and appearance of the Conservation Area and preserve the setting of the adjoining listed building.

## BAT DISCOVERY INFORMATIVE

Care should be taken in removing the tiles, restructuring the roof and removing the ivy. If any bats should be discovered during the work, they must not be handled: work must stop immediately and advice sought from local bat wardens in the first instance (Mike & Anne Gurr, 422224) or, if neither is available, The Bat Conservation Trust's National Bat Helpline on 0345 1300 228. The e-mail address is enquiries@bats.org.uk.

### 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.

### 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:**

- **Location Plan**
- **Existing and Proposed Elevations – Plan Number SCS/SHW/IS/001**
- **Proposed Floorplan - Plan Number SCS/SHW/IS/003**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building in accordance with Policy 1 of the Isles of Scilly Local Plan 2015.

3. **Prior to the commencement of the approved development, hereby approved, 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, including excess material from excavations,**

**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 mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

4. **Any proposed window frames, including glazing bars, to be used in the works hereby permitted shall be of timber construction, and retained as such, thereafter.**

Reason: In order to preserve the character of the listed building and the conservation area in accordance with policies 1 and 2 of the Local Plan and section 12 of the National Planning Policy Framework.

5. **A sample of the proposed natural roof slate to be used in the works hereby permitted, shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such, thereafter.**

Reason: In order to preserve the character of the listed building and the conservation area in accordance with policies 1 and 2 of the Local Plan and section 12 of the National Planning Policy Framework.

Signed: 	Dated: 14.11.2017	Signed: 	Dated 14.11.2017
Planning Officer		Senior Manager	