



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

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| Application number: P/18/055/FUL | Expiry date: 4 September 2018 |
| Received on: 5 July 2018 | Neighbour expiry date: 31 July 2018 |
| UPRN: 000192001835 | Consultation expiry date: |
| | Site notice posted: 10 July 2018 |
| | Site notice expiry: 31 July 2018 |

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| Applicant: | Mrs Rosemary Sharman |
| Site Address: | Trevean The Thorofare Hugh Town St Mary's Isles Of Scilly TR21 0LN |
| Proposal: | Replacement of timber windows on front elevation with UPVC windows in same style and colour. |
| Application Type: | Planning Permission |

Description of site and development:

Trevean is a three storey town house located within a block of other buildings on the Thorofare, just off the north east side of Hugh Street in Hugh Town St Mary's. The building is of granite construction with white painted timber sliding sash windows and a centrally positioned timber door.

The proposal is to remove the existing sliding sash timber windows and replace these with a upvc double glazed alternative to the same appearance.

Planning History

In 2001 (P4923) and again in 2005 (P5728) the property was converted back from a guesthouse to a private dwelling. Planning history shows that the permission for replacement of the same timber windows was refused in 2004 (P5560).

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:

Due to the nature of the proposal there are no statutory consultees to notify.

Constraints and designations:

Conservation Area, AONB and Heritage Coast.

Relevant policies, SPGs and Government guidance:

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) 2012

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. 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 192 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 11 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 115 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.

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, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings...

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. Policy 2 (a) requires development to ensure conserve or enhance 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.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "the simple task of replacing the windows of older buildings can very easily go wrong if the glazing pattern and proportions of the original windows are changed. Hugh Town in particular has suffered from poor window replacement to an extent that this single practice has done much to undermine the character of the place. Windows are arguably the most difficult aspect of a building to get right. Historically we would have been limited by construction techniques and cost to keep windows small and away from corners, with typically small openings surrounded by large areas of wall (what is known as a high solid to void relationship). This gave a strong and sturdy appearance to the buildings. Today there is no such constraint and larger picture windows, if not properly proportioned, can be totally inappropriate within an historical environment such as that found in the settlements of Scilly.

To be appropriate in the Scillonian context, windows form of division i.e. have panes. Good window division can be achieved by firstly dividing the window symmetrically about the central horizontal or vertical axis and using a window type or system with glass panes of identical size (or as near as) e.g. vertical sliding sash. The use of timber engineered to high specification is strongly recommended. This complements the Council's general preference to encourage the use of natural materials. It has the added benefits of being easily replaced and repaired. UPVC (unplasticised polyvinyl chloride, a rigid plastic material used for pipework and window frames.), is not acceptable in most Conservation Area locations. The effects of sand blow and high levels of daylight make UPVC a short life material. Timber windows should be recessed in stone or rendered walls and have a main sill (horizontal ledge at the base of the window) of slate, stone, reconstructed stone or possibly timber of substantial section. Lintels (a beam inserted into the wall to create an opening for a window) should be expressed using timber, reconstituted stone or concrete of appropriate mix and dimensions. Timber windows should preferably be painted

rather than stained or varnished. Doors should be boarded in most locations. Panelled doors are suitable in Georgian and early Victorian contexts” (Page 86).

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). This emerging document also contains policies on sustainable design (Policy SS2). The detailed design of buildings and use of materials provided many local areas with character and identity. The Council will seek to maintain and strengthen the character and identity of each island and the distinctiveness of areas within them by ensuring that development is undertaken using natural, sustainable materials and styles that complement those found in the local area and avoid proliferating the use of unacceptable or unsustainable materials.

Policy SS2 *Sustainable Quality Design and Placemaking* states that development will be permitted where it is of a high quality in terms of design, sustainability and local distinctiveness and therefore: a) does not detract from the dominance, or interrupt important public views, of key landmark buildings or features; b) makes efficient use of the land whilst respecting the character of the site and surrounding area and neighbouring uses; and c) minimises the consumption of resources by encouraging sustainable design by ... using natural resources more prudently, including the use of locally sourced, recycled or low carbon materials in construction where they are available and represent a viable option; construction and design.

Appraisal/key issues and conclusion:

The principal planning issues for consideration are whether the development is in accordance with the current policy framework for the Isles of Scilly. This includes full consideration in relation to whether the proposals are of an appropriate form and design in keeping with the character of the area and can demonstrate that they either preserve or enhance the wider conservation area and scenic beauty of the AONB. It is also a material planning consideration to consider the impact upon the privacy and amenity of existing neighbouring residential properties and highway safety.

Impact upon the wider character of the area

The property, the subject of this application, is a traditional granite construction town house in the heart of Hugh Town. It is not on a primary frontage but is located just off Hugh Street in close proximity to a number of Listed Buildings. The property is not itself a listed building but on the basis of its traditional appearance and use of characteristic detailing, it is considered to be an important building within the Conservation Area. The property appears on the 1890s Ordnance Survey maps for Hugh Town.

The current windows are in good maintained condition, painted white with single glazing and no glazing bar details. The justification for replacement suggests that the windows are rotten with seaweed and sand being blown in during the winter months and suggests this is having an effect on electrical equipment. Further justification is given on the cost of maintaining timber windows versus the cost of maintaining upvc and that it would reduce energy bills.

Following a site visit it is noted that the windows, certainly at lower levels, appear well-maintained with no signs of rotting.



This condition cannot be ascertained for the upper floors but there did not appear to be any maintenance issues particularly. Having reviewed properties in the vicinity then it is noted that there is a high proportion of properties with upvc windows but this tends to be on rendered and less traditional or more modern buildings. It is noted that in 2006 permission was granted for upvc windows on Thorofare Cottage and more recently on Smugglers Ride. These properties are both granite and traditional in appearance and both have upvc windows. These do not present good examples of upvc windows within granite/traditional buildings. The current windows on Trevean do look better and more in keeping with the traditional character of the conservation area. Where original or traditional sash windows have been retained on granite buildings then these buildings do enhance and reinforce the character of this area and a good example is Trevean itself and nearby Harbour Lights.

Overall the windows do not appear to be in a deteriorated state and as such there are no positive improvements to be made, through a replacement of traditional windows with non-traditional upvc that could tip the balance towards window replacement with upvc. As advised in the Isles of Scilly Design Guide SPD, the use of upvc windows are not appropriate in traditional buildings and as such the proposed replacement will neither preserve nor enhance the character of the conservation. On this basis the proposal is considered unacceptable and contrary to Policy 1 of the adopted Isles of Scilly Local Plan 2005 and emerging Policies SS2 and OE3 of the emerging Publication Draft Isles of Scilly Local Plan 2015-2030.

Impact of amenity

The proposal to replace windows will not have any detrimental impact upon the privacy and amenity of neighbouring properties. Outside of limited noise of window installation and removal there will be no amenity issues associated with the proposal.

Other Considerations

There are no other material planning consideration outside of the issues above.

Conclusions



On the basis of the above assessment the application is considered to be unacceptable and contrary to Policy 1 of the adopted Isles of Scilly Local Plan 2005 and emerging Policies SS2 and OE3 of the emerging Publication Draft Isles of Scilly Local Plan 2015-2030.

Recommendation:

Refuse the window replacement as proposed for the following reasons:

- R1 The replacement of existing traditional sliding sash timber windows with upvc materials would have a detrimental impact upon the character and appearance of the Conservation Area contrary to Section 72 of

the Planning (Listed Buildings and Conservation Area) Act 1990, which requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character of the Conservation Area. The proposal is also considered to be contrary to paragraph 124 and 130 of the National Planning Policy Framework 2018. This framework states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 172 requires planning authorities to attach Great weight to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Paragraph 200 requires Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. The proposal is contrary to the Isles of Scilly Design Guide SPD 2007 and Policy 2 of the Isles of Scilly Local Plan 2005.

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| Signed:  | Dated: | Signed:  | Dated: 31/07/2018 |
| Planning Officer | 31/08/2018 | Senior Manager | |