



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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OFFICER REPORT – DELEGATED

Application number: P/18/062/FUL	Expiry date: 26 September 2018
Received on: 31 July 2018	Neighbour expiry date: 22 August 2018
UPRN: 000192000936	Consultation expiry date:
Legal agreement: No	Site notice posted: 1 August 2018
Departure: No	Site notice expiry: 22 August 2018

Applicant:	Mr & Mrs Fraser Hicks
Site Address:	33 Ennor Close Old Town St Mary's Isles Of Scilly TR21 ONL
Proposal:	Demolition of existing porch and construct new extension.
Application Type:	Planning Permission

Description of site and development:

This is an application for a single storey rear extension with a pitched roof. The proposal involves the demolition and replacement of the original flat roof porch on this mid-terrace property. The existing porch measures 6.8 square metres in area and 17 metres cubed in volume. The proposed extension measures 23.43 square metres in area and 70.3 cubic metres in volume. The proposed extension equates to a 244% increase in footprint and 313% increase in volume, approximate from the original porch.

The proposed extension runs along the north boundary with number 34 Ennor Close, along the length of the boundary, which is 7 metres. The width of the proposed extension is around 3.3 metres. The plans have been amended to foreshorten the pitched roof, which will be around 6 metres, with the last metre being flat roof and concealed behind the boundary both along the west and north sides of this garden.

The materials are stated to be rendered walls, which will match the existing property, a slate roof, in contrast to the concrete tiles of the original dwelling. Windows and doors will be upvc to match original.

Public representations:

Neighbours at 32, 34 and 35 Ennor Close have been written to direction and a site notice has been on display to the front boundary for a period of 21 day. No letters of representation have been received.

Consultee representations:

No consultations have been sent out and no consultation responses have been received.

Constraints and designations:

Conservation Area, AONB, Heritage Coast, Historic Landscape Type: Settlement

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) 2018

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.

Paragraphs 39-41 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 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 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; (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 (SSSI); 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. 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 "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic". Page 71: Although it is important to demonstrate an environmental and cultural awareness of the built heritage of the islands, we must embrace building techniques that reflect our advanced technology and contemporary lifestyles. As we move further into the new millennium, Scilly will be judged on how well these two objectives are met.

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 for sustainable design (Policy SS2). This requires development to respect and reinforce an area's character and identity in order to maintain locally distinctive communities. This emerging document also contains policies for the residential extensions (Policy LC9). Additional space created by an extension to a dwelling, or the erection or alteration to outbuildings and other structures to provide ancillary accommodation, can be an acceptable means of meeting changes in household space requirements. However, they can also have a significant effect on the neighbours' enjoyment of their property, as well as impacting on the character and appearance of the building and surrounding area. Consequently proposals should be properly integrated with the existing dwelling, respect the character of the surrounding area and safeguard the privacy and amenity of neighbouring properties.

Policy LC9 Residential Extensions: sets out that developments that propose to extend and/or alter a dwelling will be permitted where the proposal: a) respects the scale, proportions, materials and overall design and character of the existing property; and b) does not harm the street scene or surrounding area; and c) avoids the material loss of privacy and amenity for the residents of neighbouring properties. Where a domestic extension results in an increase in scale (in relation to footprint and volume) of the original dwelling by 40% or more, an occupancy restriction will be imposed to retain the property as permanent residence.

Clearly the consultation draft Local Plan has only just concluded public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure Members are fully aware of relevant policy requirements being proposed, moving forward.

Appraisal/key issues and conclusion:

The main planning issues for consideration relate to whether the proposed extension is acceptable in principle. It is material to consider the impact upon the wider character and appearance of the area including the impact upon the Conservation Area and AONB, and as a domestic extension it is essential that it does not give rise to any significant harm to the privacy and amenity of existing neighbouring properties. The proposal should not give rise to issues of highway safety or impact the historic or natural environment.

The current property at 33 Ennor Close is a 3-bedroom ex-council mid-terrace dwelling. The proposal is to replace the existing flat roof porch with a larger pitched roof single storey extension.

The original footprint of the dwelling as originally approved in the 1970s was approximately 50.35m². Following the approval of an extension in 2006, for a single storey rear extension this increased to 82.85m². This equated to a 64% increase in footprint. The approximate volume of the original dwelling was around 321.85m³ and after the 2006 extension this increased to 435.58m³. This equated to a 35% increase in volume. The extensions now proposed would increase the footprint from 82.85m² to 99.48m² (100% increase in footprint from the original dwelling) and an increase in volume from 321.85m³ to 488.87m³ (50% increase in volume from the original dwelling).

Under the proposed Policy LC9 Residential Extensions of the Draft Local Plan 2015 – 2030, a domestic extension of this scale would require the owners to enter into a legal agreement to ensure the property was retained for local occupation. As the house is an ex-council home, however, it is already restricted by a legal covenant on the property which would require it to only be occupied by a person living permanently on the islands and by a person who has been resident for 3 year preceding occupation. Part of the rationale for this policy, as set out in paragraph 242 of the Draft Local Plan 2015-2030, is that existing open market homes that are of modest size are more likely to be available to the local community. Significantly increasing the property will result in it being less likely to be available to the local community in the future, due to its significant increase in value. It is acknowledged however, and as set out above, that this emerging policy currently carries limited weight in planning decision making for the Isles of Scilly. Whilst the extensions would appear to be creating a significantly larger property relative to the original 1959 dwelling, they are not significant relative to the replacement dwelling, as approved in 2006.

Relative to the Governments Housing Technical Standards the home, for a 2-storey 4-bed property, which the application property would become, the proposal would result in a property would be within reasonable space standards and would not be excessively large (or small as the standards are set out as minimum gross internal floor areas). A 2 storey 4 bedroom home within these standards would have around 110m² of internal floor area. This information is set out for context only.

The current 2005 Local Plan does not seek to control extensions to existing residential properties specifically within policy but does set out clear guidance in the Isles of Scilly Design Guide which, as a Supplementary Planning Document (SPD), which does have material weight when making planning decisions. It is important therefore that this application is assessed against this guidance.

Page 74 of the Design Guide, and again a link has been set out below, relates to scale and massing which “are important aspects of good design and creating developments of appropriate proportion. To a certain extent the scale of development should be relative to the existing surroundings i.e. the size of a house

relative to those in the vicinity or the size of a conservatory or a door relative to the type of house in which it is placed. The general form of the building should echo the pattern of the traditional buildings in the area, i.e. have a rectangular plan and relatively low profile. This does not mean that the building has to look exactly like traditional cottages, but it should not for example have a deep plan or exaggerated roof profiles”.

This guidance states that inappropriate massing is where the proposal gives a busy and boxy appearance compared with the general building appearance. It is set out that development proposals should avoid dominant extensions which by their bulk and location overpower the original building.

The proposed extensions would result in a change to the appearance of the existing dwelling, the design choice is, however, considered to be in keeping with the original dwelling. The front extension would be visible from the front of the property. The most noticeable elements will be the pitched roof of this extension which is largely contained within a reasonable position that would not appear as significant discordant feature within the streetscene and the building height is not exceeded. On this basis it is considered that the proposed extension is acceptable given that the modern design and scale, which is sympathetic to the existing dwelling. The proposal is therefore considered to meet the Isles of Scilly Design Guide and therefore Policy 2(a) of the Isles of Scilly Local Plan. The principle of the domestic extensions proposed is considered acceptable.

Whilst the scale of the proposed dwelling is considered to be large and will likely further reduce opportunities for local family housing in the future, this is not currently a policy consideration of the adopted Isles of Scilly Local Plan. It is therefore not recommended as a reasonable reason for refusal at this time.

Impact upon the character of the Conservation Area and AONB

The Conservation Area and Area of Outstanding Natural Beauty (AONB) are blanket designations that cover all parts of the islands. It is important therefore that development both conserves the scenic beauty of the AONB and preserves or enhances the character of the Conservation Area. By virtue of the above assessment, it is considered that the design and scale of the proposed extension would not significantly impact on the character and appearance of the Conservation Area and AONB.

Impact upon Privacy and Amenity

All first floor windows proposed in the extensions will face south, into the applicant’s own garden/yard area. Adequate privacy is usually achieved by ensuring distances of 21 metres are achieved between face-to-face habitable room windows and this is guidance contained within the Isles of Scilly Design Guide SPD. Where neighbours are not directly face-to-face and windows proposed are to be off-set then this distance can be reduced to 12 metres, although Officers would note this is not part of the Isles of Scilly Design Guide SPD. It is considered that there would not be any significant overlooking as a result of the proposed extension to warrant a refusal of this application. The first floor windows and new door are considered to be acceptable and are sufficiently screened as to result in no particular overlooking for either neighbouring property.

The increased volume and bulk of the proposal, through a combination of roof structures, and extensions does have the potential to impact upon the neighbouring properties through over-shadowing or by having a dominating impact as would be the case of boundary extensions, for example. The proposed extension would be built on the boundary with number 34 Ennor Close. The extension would be positioned to south of this property, thus overshadowing would increase particularly during high summer months. It is noted that permission was granted in 2006 for a similar boundary extension which would have a similar impact upon the rear garden of this neighbour. Although not a consideration, this neighbour has not raised any

objections to the proposals. It is noted that the neighbour at 34 is an end terrace house, which has a significantly larger garden, which would appear to be seldom used, due to the overgrown plants and structures within the garden, again not a particular reason to conclude no impact. The orientation of the dwellings, the cumulative impact of the applicant's proposed and existing extensions, the position of existing boundary trees to number 34 do result in much of this garden being within shade a various times of the day and the proposed boundary extension would add to this impact.

Overall the proposal is considered to give rise to some impacts on existing neighbouring amenity. In considering whether a refusal would be justified however then it would appear that similar extensions have been permitted in the vicinity. With examples of other properties on Ennor Close having been granted similar extensions, particularly with similar relationships between 30 and 29 Ennor Close. As number 34 would appear to have a sufficiently larger garden the proposed front extension to number 33 is not considered as detrimental as some previously permitted extensions. The proposal is therefore not considered to be sufficiently harmful in this case that would support a refusal of the proposed extension.

Impact upon highway safety.

The existing property does not have any off-street car parking clear of the road. Parking for most housing on Ennor Close is on-street with a limited of number of garage blocks and some other areas of parking bays. Although garages are largely used for storage rather than parking of vehicles. The additional bedroom does have the potential to increase the occupation of the property and thus add to the already congested car parking at this part of Ennor Close. Policy 5 of the 2005 Local Plan does make policy provision to ensure development proposals ensure the functioning of the local road network or highway safety are not harmed as a result of the amount and type of traffic generated. This policy however does not seek to restrict car ownership on the islands or car parking standards for existing houses. The proposed extension, whilst it does introduce a 4th bedroom and therefore has the potential to increase car ownership it is not considered that a refusal on this basis could be supported at this time.

Impact upon the Historic Environment.

The application site is not a listed building, scheduled monument or other designated heritage asset and there are no such known designations within the application site. The proposal does include foundations and therefore has the potential to impact upon unknown below ground archaeological remains. Due to the lack of records of finds in this area, this impact is considered to be low. Whilst there is the potential for below ground archaeological remains to be present, this site it is not considered proportionate to require archaeological monitoring in this case. It is not considered that the proposal will impact upon the nearby scheduled monuments at Ennor Castle due to the nature of the surrounding landscape and topography. The historic landscape for this area is identified as 'settlement' with no other historic landscape type provided. The development at Old Town and Ennor Close commenced in the 1970s and whilst there are known important archaeological remains around this area it is not considered the proposal would impact upon these to any significant degree.

Impact upon the natural environment

The site is not located within any natural environment designations but does fall within 300m risk impact buffer zone of the Lower Moors SSSI. The nature of the proposal is such, however, that it is not considered to give rise to any particular impact upon natural environment designations.

Conclusion

On the basis of this assessment the proposal is, subject to the below conditions, considered to be, on balance, acceptable and is recommended for approval in accordance with the planning policy framework for the Isles of Scilly.

Recommendation:

Approve subject to the following conditions:

C1. Standard 3 year Time Limit

C2. In accordance with the approved Plans

- Proposed South West Elevation, drawing no 2102/03 A Dated: 07/07/18
- Proposed North West Elevation, drawing no 2102/02 A Dated: 07/07/18
- Proposed South East Elevation, drawing no 2102/04 A Dated: 07/07/18
- Proposed Ground floor plan, drawing no 2102/01 A Dated; 06/07/18
- Proposed Block Plan , drawing no 2102/05 A Dated 31/08/18
- Location Plan

C3. Site Waste management Plan

C4. Hours of Construction

Informatives

1. Standard Bat Discovery


2. Compliance with Building Regs

3. 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 paragraph 38 the National Planning Policy Framework 2018.

4. Part Wall Act

5. Discharge of Conditions

6. Non-material Amendment

Signed:	Dated:	Signed:	Dated: 7/09/2018
Lisa Walton			
Planning Officer	07/09/2018	Craig Dryden Senior Manager	