

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/072/HH

Received on: 29 October 2019

UPRN: 000192001266

Application Expiry date: 26 December 2019

Neighbour expiry date: **22 November 2019**

Consultation expiry date: 22 November 2019

Site notice posted: 31 October 2019

Site notice expiry: 21 November 2019

Applicant: Mr Alfred Trenear

Site Address: Waverley
Church Road
Hugh Town
St Mary's
Isles Of Scilly
TR21 0NA

Proposal: Remove existing porch and replace with new porch.

Application Type: Householder

Recommendation

-
1. That the Application is APPROVED for the following reason and subject to the condition set out below.
-

Site Description and Proposed Development

This is an application for a replacement porch on the east elevation of the existing bungalow on Church Road. Waverly is located close to the top of Church Road, with a frontage on to this main road and principle elevation facing north east. To the south west is the St Mary's Power Station that runs along the rear boundary. There are two properties to the north west and one property to the south east. The porch proposed is a single storey relatively flat-roofed structure that covers a footprint of just under 6 square metres. It is permitted development to construct a porch which covers a floor area of no more than 3 square metres.

Background and Relevant History

Planning history for this property starts in 1961 when a planning application was submitted for the erection of a bungalow. Application P258 was conditionally approved in June 1961. An earlier application (P243) for a house was refused in 1959. In 1975 an application was refused (P1444) for a living room extension. In 1976 a smaller extension (P1491) was also refused. In 1981 an application for a detached garaged was submitted. P1949 was approved in February 1981. In 1987 an application was submitted for a large side porch. P2601 was approved in June 1987. In 2006 an application was made to replace windows with UPVC. P/06/113 was approved in January 2007.

Consultations and Representations

Public Representations: None

Consultation Representations: NONE

Constraints: Historic Landscape Character: Settlement

A site notice has been on display for a period of 21 days and no letters of representation have been received. Neighbours at Gull Cry, The Bylet and April Cottage have all been written to directly. No letters of representation have been received.

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

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) 2019

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.

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".

Submission 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 OE7). This emerging document also contains policies for residential

extensions (Policy LC9). This permits extensions to enable smaller homes to be enlarged to either the minimum size (internal space standards) or enlarged to meet a growing household need, providing the design is otherwise in keeping with the character of the area and it does not impact upon the amenity of neighbouring properties or highway safety.

A link to this consultation Draft Local Plan has been set out below. As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

Planning Assessment

Internal Floor space	No of Storeys/ floors	No of Bedrooms	Calculation Provided by applicant	Calculation (by case officer)	NDSS	%above or below NDSS
Existing	1	3	No	51.54m ²	74-95m ²	45% below (for 6 people) 40% below standard (for 5 people) and 30% below min standard (for 4 people)
Proposed	1	3	No	57.47	74-95	22% below standard for 4 people 33% below standard for 5 people 39% below standard for 6 people

The principle of a residential extension is considered acceptable and in accordance with both the existing Local Plan (2005) and the Design Guide SPD (2007). Additionally the emerging Local Plan Policy LC9 of the submitted draft Local Plan (2015-2030) also accepts the principle of a domestic extension. The issues for consideration therefore relate to whether the proposed porch gives rise to any issues of highway safety, impacts upon the amenity of adjoining neighbouring properties and whether the porch is in keeping with the design of the existing dwelling and the wider character of this part of the conservation area.

Impact upon neighbouring amenity

Located to the front of the dwelling, facing Church Road, the proposed porch will replace a smaller porch feature. The proposed materials will be upvc with a GRP roof covering whereas the smaller existing porch is a timber structure with felt tiles. The flat roof porch will terminate at the eaves of the existing building and not extend out beyond the north west side of the building. To the front is a door and a window above a sand cement render finished wall. To the side will be a window above a sand cement render finished wall. The roof will be covered with grey fibreglass. Whilst there will be a porch window facing towards April Cottage, it is considered that this will not give rise to any issues of overlooking due to the nature of the space provided within the porch. There will not be any overlooking from the front window and door, as these face the applicant's own front garden and Church Road. There are not considered to be any issues of overlooking or harm to privacy and amenity as a result of the replacement porch.

Impact upon the character of the area

It is considered that a upvc porch structure with a flat roof is not always a design solution that is in keeping with the historic character of a conservation area, particularly on an elevation that will be prominent in the street scene. Having said that, the bungalow is a low-rise mid-century design, the proposed render finish will match that of the existing building and the use of upvc will also be in keeping with the doors and windows as existing on this property. The use of upvc and the addition of flat roof porch are structures that are not uncommon in this part of St Mary's where there are a higher proportion of properties of various bungalow designs that date to this period. On this basis it is considered that the porch will be in keeping with the character of this part of the conservation area

and whilst it is not considered to result in an enhancement it is considered that the porch will have a neutral impact overall. On balance, it is considered that the proposal is acceptable.

Other Issues



The proposal does not seek to increase the size of the property and as such there is no pressure for additional car parking likely to arise as a result. The scale of the proposal does not trigger the need for bat surveys or sustainable design enhancements and on this basis it is considered that no further assessments on these issues are required.

Conclusion

The proposal is considered to be acceptable without giving rise to any issues of acknowledged importance, as assessed above.

Recommendation

Subject to the standard conditions set out below the application is recommended for approval.

Signed: 	Dated: 17/12/2019	Signed: 	Dated: 17/12/2019
Planning Officer		Senior Manager	

Conditions

C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- Proposed Porch, Drawing Number: W-PP-AT, Dated October 2019
- Location Plan, Date Stamped 29/10/2019

These are 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 adopted Isles of Scilly Local Plan (2005) and Polic LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of neighbouring properties.

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)										
Contrary to (tick)										

In accordance with (tick)									
Our Outstanding Environment									
	OE1	OE2	OE3	OE4	OE5	OE6	OE7		
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									
Strong Living Community									
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									
A Strong Working Community									
	WC1	WC2	WC3	WC4	WC5	WC6			
Clause/Part (State)						1			
Contrary to (tick)									
In accordance with (tick)						✓			