

# Council of the Isles of Scilly

## Delegated Planning Report

**Application Number:** P/19/078/FUL

**Received on:** 11 November 2019

**UPRN:** 000192002750

**Application Expiry date:** 9 January 2020

**Neighbour expiry date:** 5 December 2019

**Consultation expiry date:** None

**Site notice posted:** 14 November 2019

**Site notice expiry:** 5 December 2019

**Applicant:** Mr & Mrs Clive Sibley

**Site Address:** The Tides  
Jacksons Hill  
Hugh Town  
St Mary's  
Isles of Scilly

**Proposal:** Demolition and rebuild of dilapidated sun room, replacement of broken UPVC windows and minor alterations and improvements to front elevation.

**Application Type:** Planning Permission

### Recommendation

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| 1. | That the Application is APPROVED subject to the condition set out below. |
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## Site Description and Proposed Development

The Tides is a detached, 2-storey dwelling located at the bottom of Jacksons Hill, on the east side of Hugh Town on St Mary's, close to Porthmellon. Jacksons Hill is a steep private cul-de-sac road access via Moorwell Lane.

The proposal is to replace a small lean-to conservatory of 3.6m x 1.8m on the side (south west) elevation with a slightly larger sun room of 2.7m x 3.4m. The existing conservatory is a lightweight structure with transparent roofing material. The proposed replacement structure is a larger insulated structure with a tiled roof. On the front north west elevation it is proposed to replace one first window with larger Juliet balcony feature with full-height glazing. At ground floor the window below the Juliet balcony will also be replaced with a full height glazed door with a 1.6m depth balcony which will be 2.8m wide. This decked balcony will be 0.4m raised off the ground. Finally the application includes the attachment of vertical timber cladding to the front elevation. These alterations (windows, balcony and cladding) will be located on the front elevation of the property.

## Background and Relevant History

In 1965 an outline application, described as 'redevelopment' was submitted. Outline Planning application P556 was conditionally approved in February 1965. In 1966 a follow-up full application described as 'estate layout' (13 houses) was submitted. P598A was conditionally approved in December 1966. In 1968 an application for 'a house' was submitted and P785 was conditionally approved in October 1968. In 1971 an application for a 'split level house' was submitted. P992 was conditionally approved in February 1971.

By the 1980s this property was known as 'Cornerways' and in 1986 an application was submitted to convert the building into 2 flats. Application P2520 was refused permission in October 1986. A subsequent appeal was made and the Inspector overturned the Council's decision and allowed the splitting of this property into 2 flats.

In 1988 an application for a conservatory was submitted. P2756 was approved in June 1988. In 1995 an application was made for an 'extension to bedroom'. P3795 was approved in August 1995. In 2004 an application was made to replace the timber windows with Upvc. P5435 was conditionally approved in March 2004. Finally in 2008 an application was made to change the colour of the property. P/08/026 was conditionally approved in August 2008.

## Consultations and Representations

**Public Representations:** One neighbouring property at Bryhil, 3 Jacksons Hill has been written to directly. A site notice has been on display to the front of the site for a period of 21 days. No letters of representation have been received.

**Consultation Representations:** NONE

**Constraints:** Historic Landscape Character: Settlement

**Listed Buildings:** None

## 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. 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.

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).

As of 30<sup>th</sup> 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**

This is an application that proposes demolition of a small lightweight conservatory extension and its replacement with a small single storey side extension. The application also includes alterations to 2 windows on the north west elevation and the construction of a 1<sup>st</sup> floor Juliet balcony and a ground floor raised balcony and timber cladding. There is no further sub-division of this property (as noted above permission was allowed on appeal to split this formally into 2 flats in the 1980s). The alterations now proposed relate to both properties and the appropriate fee has been paid. It is considered that the principle of the proposed alterations and extension is acceptable. The main issues to be assessed are whether the works are considered to be in keeping with the character of the existing building, the street scene and wider character of the conservation area, whether there will be any impacts upon neighbouring amenity, wider environmental impacts or issues of highway safety as a result.

### **Scale and Design**

The existing dwelling is a relatively modern 1960s two storey detached dwelling, located in a position that reflects the period in which it was constructed. It has a modest garden to the perimeter of the property and off-street car parking to the front and side. The main outlook is from the front elevation which faces north west. The site is on the edge of the residential part of Hugh Town and just to the east is Moorwell Lane, the Council's waste site and industrial buildings of Porthmellon. The property has a painted rendered finish with a cream colour paint. Windows and doors are upvc and tiles and cement. The alterations to the front windows will be prominent given the position of the dwelling on the entrance to Jacksons Hill but will not be particularly noticeable or prominent more widely. The elements proposed are relatively modern in nature and have the effect of modernising this property, from its current 1960s appearance. Given the mix of dwelling types that make up Jacksons Hill, this is considered acceptable.

The proposed replacement side extension will be a larger and more substantial structure and given the slope of the site, will be more elevated than you would normally expect for a single storey side extension. Nonetheless with its hipped roof, tiles and rendered walls, it will be in keeping with the design of this property. It is noted that the slight enlargement of this side extension makes this 2 bedroom single storey flat slightly larger than the Nationally Described Space Standards, by approximately 10%. Given that visually the proposal will not significantly enlarge the dwelling, this slight increase in scale can be considered marginal and only to tip the balance towards refusal if there are other harmful impacts, as a result.

The balcony features have been drawn to show a lightweight finish with larger glazed openings than currently. These alterations are considered to be acceptable in the context of the style of buildings in this area.

### **Impact upon Amenity**

The enlargement of front facing windows both a ground floor and at first floor do have the potential to overlook neighbouring properties. Given that these face north west there will be an increased view

towards Number 2 Jacksons Hill. It is noted that this is not 'direct' and will have oblique views only at a distance of around 16m. The existing windows in this elevation are already sizable openings with substantial views to the north and north west. It is not considered that the increase in height of the first floor window would significantly harm the privacy and amenity of this nearest neighbouring property. The ground floor window, whilst it also includes a balcony, enabling persons to sit outside, this is on the ground floor and it is not considered that this would result in harm, given that this is within the front garden of the property.

The proposed replacement side extension would extend slightly further out by just over 1m (1.8m to 3m), this is marginal in terms of impacts upon neighbouring properties. Although the site is sloping, it would not restrict outlook or give rise to any significant overlooking or loss of privacy for properties to the south or west.

Overall it is considered that the proposed alterations and side extension are acceptable in terms of impact upon neighbouring properties.

### **Impact upon the historic Environment**

There are no listed buildings, scheduled monuments or archaeological constraint areas within the vicinity of this site. Whilst of a 1960s design, located within a Conservation Area, designed to preserve or enhance the historic built-form, the proposal is considered to have a neutral impact upon this area and would have no real conflict with the design of wider street scene and conservation area. On this basis the proposal is considered acceptable.

### **Other issues**

As the proposal does not include further bedrooms or other significant extensions and is located sustainably on the edge of Hugh Town, the proposal does not generate the need for additional off-street car parking.

Any application for demolition or alterations to a roof would require an assessment as to impact or likely impact upon protected species including bats. As the current proposal does not include any demolition of significant structures (the demolition of the existing conservatory is a lightweight structure where it would not trigger the need for a bat survey) or re-roofing there is no requirement to submit any protected species assessment. The proposed alterations and extensions do not have any particular impacts upon the biodiversity of this area. The existing garden is minimal and no trees or hedgerows around this site are proposed to be removed.

The applicant has not provided any particular sustainable design measures, as they are not proposing any significant building works. The sun room conservatory to be replaced will be more thermally efficient, relative to the existing building and on this basis it is not considered necessary to seek further sustainable design measures.

Given the level of works the applicant has not provided a Site Waste Management Plan but has stated they will be minimising the amount of waste generated and will maximise re-used materials and will recycle any wherever. All waste will be segregated and removed from the site using a local contractor.

There will be no increase in water use or sewage discharge and on this basis it is not considered that the proposal will result in an increased pressure on existing infrastructure.

### **Conclusion**

Whilst the ground floor 2-bed flat becomes 10% larger than the NDSS, as set out above, the other material considerations have been assessed as acceptable. On the basis that the proposed works are considered to be an enhancement to this 1960s property which has been assessed as having a neutral impact upon the street scene, wider conservation area and AONB, it is not considered a reasonable scale of increase on which to refuse this application. There are no significant adverse

effects identified and as such the proposal is considered acceptable and is recommended for approval.

#### **Ground Floor 2-bed Flat (Spring Tide)**

<b>Internal Floorspace</b>	<b>No of Storeys/ floors</b>	<b>No of Bedrooms</b>	<b>Calculation Provided by applicant</b>	<b>Calculation (Provided or calculated by case officer)</b>	<b>NDSS</b>	<b>%above or below NDSS</b>
Existing	1	2	No	75.35m <sup>2</sup>	61-70	+7.6%
Proposed	1	2	No	77.35	61-70	+10%

#### **Lower Ground Floor 1-bed Flat (Neap Tide) No Change to this flat**

<b>Internal Floorspace</b>	<b>No of Storeys/ floors</b>	<b>No of Bedrooms</b>	<b>Calculation Provided by applicant</b>	<b>Calculation (Provided or calculated by case officer)</b>	<b>NDSS</b>	<b>%above or below NDSS</b>
Existing	1	1	No	67.85m <sup>2</sup>	37-50	+35.6%
Proposed	1	1	No	67.85m <sup>2</sup>	37-50	+35.6%

#### **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:**

- **Site Plan, Date Stamped 11/11/2019**
- **Location Plan, Date Stamped 11/11/2019**
- **Plans and Elevations as Proposed, Drawing Number CF-19-02, dated October 2019, Date Stamped 11/11/2019**

**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 Isles of Scilly Local Plan (2005) and Policies SS1, SS2, OE7 and LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any additional external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**



Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

- C4 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.

**C5 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

Signed: 	Dated: 02/01/2020	Signed: 	Dated: 2/1/2020
Planning Officer		Senior Manager	

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)										
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)									2, 3(a)	
Contrary to (tick)										
In accordance with (tick)									✓	
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										