

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/069/HH

Received on: 28 August 2020

UPRN: 000192000869

Application Expiry date: 23 October 2020

Neighbour expiry date: 18/09/2020

Consultation expiry date: n/a

Site notice posted: 28 August 2020

Site notice expiry: 18 September 2020

Applicant: Mrs Heather Jones

Site Address: 8B Buzza Street
Hugh Town
St Mary's
Isles Of Scilly
TR21 0HX

Proposal: Replacement of existing timber windows with UPVC.

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

Number 8B Buzza Street was originally part of a larger single dwelling which appears to have extended into former outbuildings at some point during its history. In the late 1980s permission was granted to formally split the dwelling into 3 holiday lets. Number 8B is the rear flat to which this application relates. This does not front on to Buzza Road, but faces the rear and is visible from Porthcressa Road.

This current application is to replace existing timber windows with like for like but in UPVC.

Constraints

Scheduled Monuments: None

Listed Buildings: None

Archaeological Constraint Areas: None

HER Findspots: None

Historic Landscape Character: None

Background and Relevant History

Planning history is largely relevant only when it has been determined under the adopted (2005 Local Plan) or the emerging Local Plan (2015-2030). In this case the only planning history was in 2010 which was an application to repaint the timber windows and door in a blue colour. P/10/073/ART4 was approved in July 2010. Earlier planning history shows that the property 8 Buzza Street was split into 3 holiday let flats in 1989 (P2893). There are no conditions on this permission to restrict occupation to short term holiday lets. The information provided by the owner of 8A notes that the flats 8A and 8B are now in separate ownership.

Consultations and Representations

A site notice has been on display in the vicinity of the application site for a period of 21 days (28/08/2020 – 18/09/2020). The application was published on the weekly list published on the 1st September 2020. Neighbouring properties have been written to directly. 1 representation have been received. This supports the proposal but highlights an agreement to have the kitchen and bathroom windows obscurely glazed.

Neighbour Consulted	Response Received (Date)	Comments
9 Buzza Street	None	n/a

7 Buzza Street	None	n/a
Great Warham, Beaford Winkleigh	14/09/2020	I am the owner of 8a Buzza Street being the property attached to the applicants. I write in support of the Application, but would like it conditioned by having obscure glass or similar to the kitchen window. Until 2016 8a & 8b we're in single ownership and the outside space was shared. The freehold was divided on the sale of 8a and the outside yard area was vested in the ownership solely of 8a with easements for maintenance and the like granted to the Applicant property. Assurances were given by the then owner and his Agent that the kitchen window would be obscured to ensure the privacy of both dwellings.

Due to the nature of this application there are no external consultation required.

Primary Legislation

The Town and Country Planning Act 1990

The Planning (Listed Buildings and Conservation Area) Act 1990

The Countryside and Rights of Way Act 2000

The Conservation of Habitats and Species Regulations 2017

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.

Isles of Scilly Local Plan 2005

Policy 1 environmental protection

Policy 2 Sustainable Development

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

Policy OE1 Landscape Character

Policy OE2 Natural Environment

Policy OE7 Historic Environment.

Policy SS1 (Principles of Sustainable Development)

Policy SS2 (Sustainable Quality Design and Place-Making)

Policy LC9 (Residential Extensions)

Planning Assessment

The main planning issues are considered to be whether the proposal would accord with the adopted Local Plan (2005) and specifically Policies 1 and 2. These relate to protection of the environment and sustainable development. Additionally the adopted Design Guide SPD sets out the principles of good design and amenity issues to take into account. Although acknowledging that it cannot be given full weight in planning decision making, Policy LC9 of the submission draft Local Plan (2015-2030) also supports proposals for domestic extensions and alterations. On this basis it is considered that the principle is acceptable.

Material planning considerations of neighbouring amenity and the impact upon the wider character of the area are assessed below. As this relates to the replacement of existing windows, there is no assessment of an increase in scale, as required by Policy LC9 and there are not considered to be any impacts upon the wider historic environment or highway safety.

Impact upon Neighbouring Amenity

The proposal relates to the existing timber windows and replacement with upvc alternatives. The size of each opening will remain as currently and there is no intention to enlarge or reposition any of the windows. The casements will generally match the appearance of the existing windows. The applicant has confirmed that the bathroom and kitchen windows would be obscurely glazed as these face into a shared yard area, which is used by property 8A, in separate ownership. Given that the windows are existing and the applicant has provided details of obscure glazing for the bathroom and kitchen windows, it is considered that the proposal would not have any greater impact upon neighbouring amenity

that the current windows. On this basis the proposal is considered to be acceptable and would accord with Policy LC9 of the Submission Isles of Scilly Local Plan (2015-2030).

Impact upon the wider character of the area (Conservation Area and AONB)

8 Buzza Street is located within a built-up part of Hugh Town, where there is a mixture of both relatively modern, mid-century as well as older and more traditional buildings. The proposed replacement windows will be both within an existing private yard area as well as being visible from the road. Although the site is within the conservation area, there are many examples of UPVC windows particularly in modern properties. The blue timber windows are currently at odds with the colour finish of most windows in the vicinity (whether upvc or timber are most commonly white in appearance). It is noted that the proposed windows will match (other than the colour finish) the existing windows, it is considered the proposal will have a neutral impact upon the wider character of the area.

In terms of impacts upon designated heritage assets then it is noted that there are a number of listed buildings in the general vicinity. These include Wahroonga (which lies around 60m to the south east of the application site) which is a Grade II LB, The Bell Rock Hotel (which is around 56 metres to the north east of the application site) which is Grade II LB and the terrace of listed town houses that front on to Church Street (Lynwood, Westford House, Albany House, Innisidgen and Longras which lie around 30m to the north) which are also Grade II. All nearby listed buildings have intervening development and are located on different roads. It is not considered that the replacement windows of this site will impact on the setting of the wider historic character of this part of Hugh Town. Overall it is considered that the proposal would be in keeping with the character of the existing dwelling and not give rise to any wider harm. The proposal would accord with Policy OE7 of the Submission Isles of Scilly Local Plan (2015-2030)

Other Issues

The Infrastructure of the islands needs to be taken into account when dealing with development proposals. In this case the infrastructure relates only to the management of construction waste as opposed to other infrastructure such as the highway, water consumption or waste water management. The emerging Local Plan requires all sites to be accompanied and supported by Site Waste Management Plans (SWMP) to ensure waste, both in the short and long term, are effectively managed. In this case consideration will be required in relation to the disposal of the existing windows. The applicant has provided details to

demonstrate the management of waste in the short-term as part of the construction phase. It is considered that the matters set out have been proportionately addressed to ensure waste is managed effectively. As this is an existing dwelling, which will not increase in scale or number of bedrooms, there is already an adequate management of domestic waste.

Conclusion

It is considered that the work proposed will not result in any particular harm to the wider character of the area. The neighbour impacts would be reduced and there would be a neutral impact upon the wider character of the conservation area. The proposal is considered to align with both the adopted and emerging local plan.

Recommendation

For the above reasons this application is recommended for approval, subject to the conditions set out below.

Other implications

The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

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:**

- **Plan 1 Location Plan**
- **Plan 2 Block Plan**
- **Plan 3 Existing and Proposed Windows**
- **Plan 4 Statement of Waste management**
- **Plan 5 Details of obscure glass for Bathroom and Kitchen**

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and

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.

Authorised Officer with Delegated Authority to determine Planning Applications

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)							(5),			
Contrary to (tick)										
In accordance with (tick)							✓			
Strong Living Community										

	LC1	LC2	LC3	LC4	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									3)
Contrary to (tick)									
In accordance with (tick)									✓

Application Number:	P/20/069/HH	
Valid Date	2808/2020	
Date Decision Issued	23/10/2020	
Approved	Refused	Withdrawn
DEL/LMP: 21/10/2020		COMM

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required		✓
Provided		
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		