

Council of the Isles of Scilly

Delegated Planning Report

Householder & Listed Building Consent

Application Number: P/24/084/HH & P/24/085/LBC

UPRN: 000192000593

Received on: 24 October 2024

Valid on: 18 November 2024

Application Expiry date: 13 January 2025

Consultation expiry date: 12 December 2024

Site notice posted: 20 November 2024

Site notice expiry: 10 December 2024

Case Officer: Stella New

Extension of Time: 31 January 2025

Applicant: Cynthia Rickman

Site Address: Treskey
The Garrison
St Mary's
Isles Of Scilly
TR21 0LS

Proposal: Creation of new window to match design / configuration of existing elevation.

Application Type: Householder / Listed Building Consent

Recommendation: P/24/084/HH REFUSE

P/24/085/LBC REFUSE

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: December 2024

Site Description and Proposed Development

The application site is Treskey, a two-storey building contained within the rear west wing of the complex that is attached to, and forms part of the listed building curtilage of, Grade II* Newman House. It comprises a ground floor pottery and 1st floor accommodation. The existing front wall appears to have historic integrity in terms of its construction and granite quoins.

It is located outside the established settlement boundary of Hugh Town, within the Conservation Area and Isles of Scilly National Landscape (AONB.) The building group is in a prominent location near Newman Point.

The Historic England listing describes the whole building as:

Garrison Stores, later house. c.1716-1718; porch and internal alterations by Richardson and Gill, 1927; restored 1971. Roughly coursed granite rubble with dressed granite; stone-coped gabled slate roof; rendered end stacks. Double-depth plan. 2 storeys and attics; symmetrical 5-window range. Segmental arches with dressed voussoirs and keystones over horned 8/8-pane sashes. Porch with cambered roof has similar sash to front and granite lintel over 4-panelled door to left return. Dressed quoins rise from plinth to coved cornice. Hipped dormers with slate-hung cheeks and segmental-arched horned 6/6-pane sashes. Courtyard to rear enclosed by mid C19 extension to south, 1960s rear (east) range and mid C19 north range with brick segmental arch over entry connected to bays in same style as early C18 range with keyed segmental arch over horned 8/8- pane sash above double entry with C20 panelled screen and C20 porch.

Interior: chamfered reused beams and early C18 dog-leg with landing staircase with moulded handrail and turned balusters on closed string. Originally built as the garrison storehouse at a cost of £306 15s 10d.

An important and mostly complete example of its type, part of an important fortification and one of the most architecturally elaborate buildings on the islands. (P Laws: The Buildings of Scilly: Redruth: 1980-: 10

The proposal seeks to introduce a third, centrally located, double glazed window within the principal (western) elevation at first floor level that would be of a similar design and size as those existing. The window would serve a first floor living room.

Certificate: A

Other Land Owners: N/A

Consultations and Publicity

The application has had a site notice on display for 21 days (19.11.2024 – 10.12.2024). The application appeared on the weekly list on 25 November 2024. Due to the nature and location of the application a consultation has been carried out with the Conservation Officer, and a response is set out below.

Consultee	Date Responded	Summary
Conservation Officer	11.12.2024	<p>Grade II* listed buildings represent only 5% of all listed buildings and are of more than special interest. They are designated heritage assets of the <i>highest</i> significance.</p> <p>The proposal is for the insertion of a new 1st floor window to the existing living room on the west elevation. The new window would be a 16-pane vertical sliding sash window with arched head to match the adjacent windows but would be double glazed.</p> <p>The proposal would involve the removal of a section of historic fabric (likely early/mid-19th century). The historic fabric of the building contributes strongly to its significance and special interest. As such, 'less than substantial harm' would result. Whilst the proposals might seem minor in terms of the amount of historic fabric to be removed in order to deliver them, they do by their nature involve a minor level of harm to the heritage asset, and it is clear that any level of harm to a heritage asset requires clear and convincing justification (p.206 NPPF). This is a robust test for applications to meet, particularly for heritage assets of the highest significance.</p> <p>Additionally, the proposals would tend to negatively alter the solid to void proportions of the elevation (which are currently reflective of the aperture spacing on the gable end of the principal building).</p>

		We are not aware of any public benefits arising from the proposals which should be weighed against the harm identified, in accordance with p.208 of the NPPF. As such the proposals cannot be supported.
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Representations from Residents:

None received.

Relevant Planning History:

None

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II* Listed Building

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	N
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	N/A
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	N/A

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an	Y

overbearing impact?	
Is the proposal acceptable with regard to any significant change or intensification of use?	N/A

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	N
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N
Within an Archaeological Constraint Area	Y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
Impact on protected trees Will this be acceptable Can impact be properly mitigated?	N/A
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	N/A
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Y
Are the Water connection/foul or surface water drainage details acceptable?	N/A
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N/A
Are there external lights	N

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	N/A
Does the proposal include any demolition	Y
Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N

Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
Does the proposal generate construction waste	Y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	Y
Is a condition required to secure a Site Waste Management Plan	Y

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	N/A
Does the proposal include any site specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

Planning Assessment - P/24/084/HH

Principle of Development

Isle of Scilly Local Plan Policy LC8 provides support for alteration of lawful dwellings.

The proposal seeks to insert a new window within an existing dwelling which would accord with LC8. However, the dwelling is a listed building within a conservation area. The overall acceptability of the proposals is therefore depends on the impact on the listed building and whether the proposal is acceptable in heritage terms. This is considered in detail below.

Design, Visual and Landscape, Seascape, Historic Environment Impacts

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the grant of planning permission and states '*in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of*

special architectural or historic interest which it possesses'. Section 72 relates to the exercising of any planning function and states "with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

When assessing proposed changes to heritage assets the NPPF part 16 requires that '*great weight*' should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Area and listed buildings.

The application is supported by a Heritage Statement which offers the view that Treskey is not listed, and not visible when viewing the principal (north) elevation of Newman House, such that there would be no heritage impact on Newman House.

The Council disagrees with this assessment. The subject building is a Grade II* listed building which is prominent within the Conservation Area. The Council's Conservation Officer has advised that the works would involve the removal of a section of historic fabric, which contributes strongly to its significance and special interest, and would result in "less than substantial harm." Furthermore, the insertion of a third window would negatively alter the solid to void proportions of the elevation which are currently reflective of the aperture spacing on the gable end of the principal building, creating a fussier external appearance which is considered to be harmful to the building's historic significance.

Any level of harm to a heritage asset requires clear and convincing justification. No public benefits have been suggested in this case, and none immediately present themselves. The window would provide additional light to a living room which is already served by two windows on the western elevation and does not appear to be necessary to provide adequate daylight or otherwise protect the amenity of the occupant.

The proposal therefore fails to accord with policy OE7 and the NPPF.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposal presents no concerns in terms of overlooking or overshadowing. The proposal is, therefore, considered to accord with SS2 and LC8.

Dark Skies

Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

Whilst the proposal would introduce an increased amount of glazing, the proposal does not include any rooflights, and the extent of harmful upward light spill would therefore be limited. No external lighting is proposed.

The proposal is therefore considered to accord with OE4.

Ecology

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured. The proposed development seeks to insert a new window and would not result in a loss of biodiversity.

As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure a further biodiversity net-gain under OE2 in this instance.

The proposal is therefore considered to accord with OE2.

Site Waste Management

Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP).

The applicant has not provided a Site Waste Management Plan (SWMP.) Were the application recommended for approval, this matter could be acceptably addressed by means of a suitably worded planning condition to secure a Site Waste Management Plan. The proposal is therefore capable of according with policy SS2.

Conclusion

Given the above it is considered that the proposal is not in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should be granted. It is therefore recommended that planning permission be refused for the reason set out below.

R1 The proposal fails to protect the significance of the listed building and would result in harm to its historic fabric and character that is not justified by any public benefit. The proposal would fail to conserve a designated heritage asset and is therefore contrary to section 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990,) Policy OE7 of the Isles of Scilly Local Plan 2015-30 and paragraphs 212-215 of the National Planning Policy Framework 2024.

Planning Assessment - P/24/085/LBC

In considering whether to grant Listed Building Consent, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

When assessing proposed changes to heritage assets the NPPF part 16 requires that 'great weight' should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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The proposal therefore fails to accord with policy OE7 and the NPPF.

Conclusion

Given the above it is considered that the proposal is not in accordance with the
Given the above it is considered that the proposal does not meets the requirements of section 16 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990), the relevant development plan policies or the NPPF. It is therefore recommended that listed building consent be refused for the reason set out below.

R1 The proposal fails to protect the significance of the listed building and would result in harm to its historic fabric and character that is not justified by any public benefit. The proposal would fail to conserve a designated heritage asset and is therefore contrary to section 16 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990,) Policy OE7 of the Isles of Scilly Local Plan 2015-30 and paragraphs 212-215 of the National Planning Policy Framework 2024.

Other Matters

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	✓
Policy OE3 Managing Pollution	
Policy OE4 Protecting Scilly's Dark Night Skies	✓

Policy	Tick if Used ✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Print Name: Lisa Walton

31/01/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
