

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD  
e.mail –douglas.hendry@argyll-bute.gov.uk

23 February 2012

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 1 MARCH 2012** at **2:00 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND AT LYNN HOUSE, GANAVAN ROAD, OBAN PA34 5TU**
  - (a) **Notice of Review and Supporting Papers (Pages 1 - 14)**
  - (b) **Comments from Interested Parties (Pages 15 - 34)**
  - (c) **Comments from Applicant (Pages 35 - 40)**

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)  
Councillor Al Reay

Councillor Robin Currie

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

11/01/12

Hazel Macdonald

12/0002/LEB

Date Received

## NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedures  
(Scotland) Regulations 2008

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

LAND AT LYNN HOUSE  
GANAVAN ROAD  
OBAN  
PA34 5TU

(6) Description of Proposal

Site for Erection of Dwellinghouse

(7)

Please set out the detailed reasons for requesting the review:-

The reasons for refusal by the Council were Site Size, Settlement Pattern and Precedent. The applicant requests a review to counter these reasons as noted below:

1. Site Size: The site is 288m<sup>2</sup>; the proposed house footprint is 77m<sup>2</sup> - this can comfortably accommodate a living room, kitchen, 2 bedrooms, shower room and utility room at ground floor level [this is the maximum size allocated by the Scottish Office for a 2-bed house]; the drive, parking and turning area is 83m<sup>2</sup>; this leaves 128m<sup>2</sup> private open amenity space, 25% above the A&BC Local Plan 2009 minimum standard. This development will not result in an unacceptably high density of development and is therefore not contrary to either Structure (STRAT DC1) or Local plan policies (LP ENV 1, LP ENV 19)

Additionally there is open public land to the west of the site where a burn runs to the sea. This land also contains the public sewer so cannot be built on. This open area combined with the garden ground of the surrounding houses accentuates the open space around the proposed house, giving a similar impression to that of the existing built form. The resultant private open amenity space of the existing house [Lynn House] will be approximately 400m<sup>2</sup>.

2. Settlement Pattern: The settlement pattern of the houses to the north and east of the site is linear (6 houses). These houses site several meters above the proposed site. However the overall settlement pattern of this area follows the road layout and the topography. Houses are clustered round cul-de-sacs and are orientated to run parallel with the road onto which they face. In a few plots houses sit at right-angles to the road to suit the steep topography.

The proposed development reflects the layout of the adjacent cul-de-sacs to the north and south [see the site layout showing orientation contained within the design statement] and is not at variance with the adjacent development pattern. The development is not backland development in the usual sense as the entire garden of Lynn House runs parallel to the public road. Therefore the development must be considered as infill and rounding-off as it reflects the overall settlement pattern of Ganavan Road development, and is in compliance with Structure (STRAT DC1) or Local plan policies (LP ENV 1, LP ENV 19)

3. Precedent: This is a unique site and there are no other sites of this type in the area that could be developed. The fact that the site lies at a substantially lower level than Lynn House and is accessed from the public road without affecting access to Lynn House supports this.

The plot size is similar to several other houses in this development. The layout of the houses and the topography has resulted in low levels of privacy between dwellings, but higher levels of amenity. This development will not affect this standard.



(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

**Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	DRAWING NO: 11.25.01 – SITE & LOCATION PLAN
2	DRAWING NO: 11.25.02 – SITE SECTIONS
3	DESIGN STATEMENT – 4 PAGES
4	PHOTOS – 2 X A4 – WITH DESCRIPTION
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

Submitted by  
(Please Sign)



Dated

5 January 2012

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

DESIGN STATEMENT  
DWELLING, LAND WEST OF LYNN HOUSE, GANAVAN, OBAN

BACKGROUND

This application is for Planning Permission in Principle for one dwelling.

POLICY, SETTLEMENT STRATEGY & LANDSCAPE CHARACTER

The level site lies within the Oban Settlement Boundary of the Adopted Local. It is bounded to the west by a burn and the sloping garden ground of Teven Cottage, to the east by the existing dwelling, Lynn House, to the north by garden ground and to the south by Ganavan Road. The location of the plot is in keeping with the existing estate's settlement pattern.

The plot is set low within the landscape and all dwellings to the east and west set on considerably higher ground, set in mature gardens.

Under Policies STRAT DC 10 of the Structure plan and policies LP ENV 19 and HOU 1, infill development is acceptable providing certain criteria including avoidance of inappropriate densities are met.

This area of Ganavan is a mixture of large and small plots; some plots are large simply because of the steeply sloping ground where only limited development was possible. Where the land is level the house sites are considerably smaller. Foothills, Tor na Var, Heanish, Clairmont and Broomhill are examples of plots that are similar in size to the application site.

Many houses on Ganavan Road are of medium size but there are also several small houses in the area - see above.

The low lying location of the plot in relation to the surrounding houses, all at a higher level would not result in a visually inappropriate, dense development.

There are no other garden sites in the area that could be developed due either to access or landform issues, therefore no precedent would be set for overly dense development.

While the built form to the immediate east and west is linear, this is not the case on much of the estate. At corners, changes in ground level and in cul-de-sacs, the built form is not rigidly linear. Additionally due to the considerable variation in levels throughout this estate, the settlement pattern is unreadable except in plan form.

In conclusion, the proposed plot is similar in size to many of the existing plots in this area and will in terms of siting and design be consistent with the local settlement pattern. Additionally the plot is considerably lower than any of the

surrounding houses and with careful design an appropriate dwelling that will not adversely impact on the surrounding built form, can be achieved

### INFRASTRUCTURE AND ACCESS

All infrastructure services are available; mains water, a public sewer, electricity and BT services run past the site; access from public road exists that complies with Roads Department requirements with regard bell mouth and visibility splay - Policies LP Tran 4 & 6.

### DESIGN

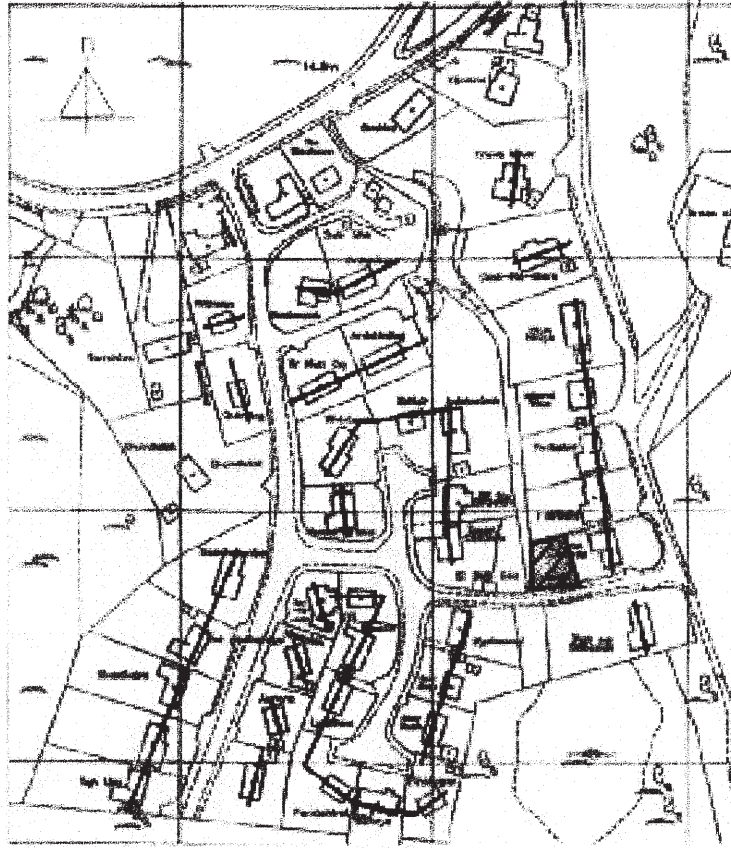
The design of the proposed dwelling will be in accordance with the A&BC Sustainable Design Guidance (2006).

### ADDENDUM

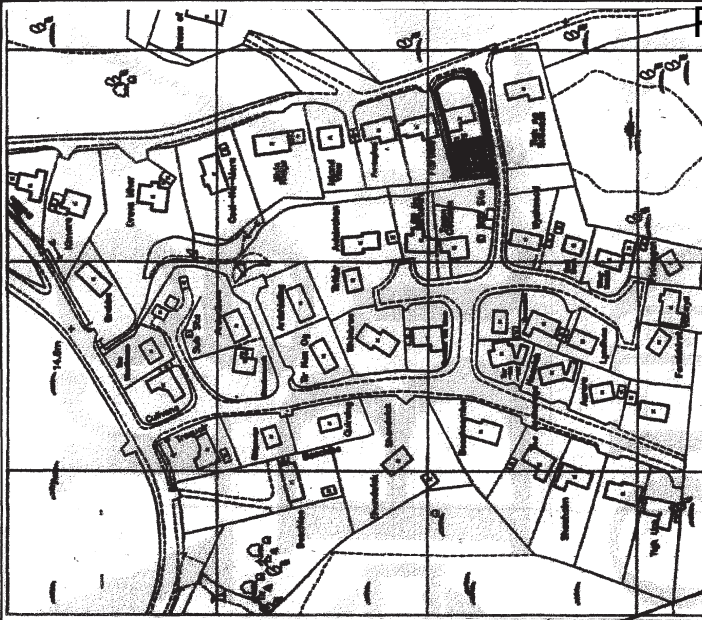
Please refer to the submitted photographs and site sections

It is clear from the above documents and the previously submitted design statement and plans that the proposed plot sits at such a low level as to have no adverse impact on the surrounding houses, their amenity, privacy and setting; that Lynn House has a large and usable garden to both front and rear above the retaining wall that bounds the plot; that the plot is unique within this area of Ganavan Road in both location and setting; that its development will not create a precedent for garden or tandem development.

red lines show orientation of dwellings in this area.  
plot shown hatched in black







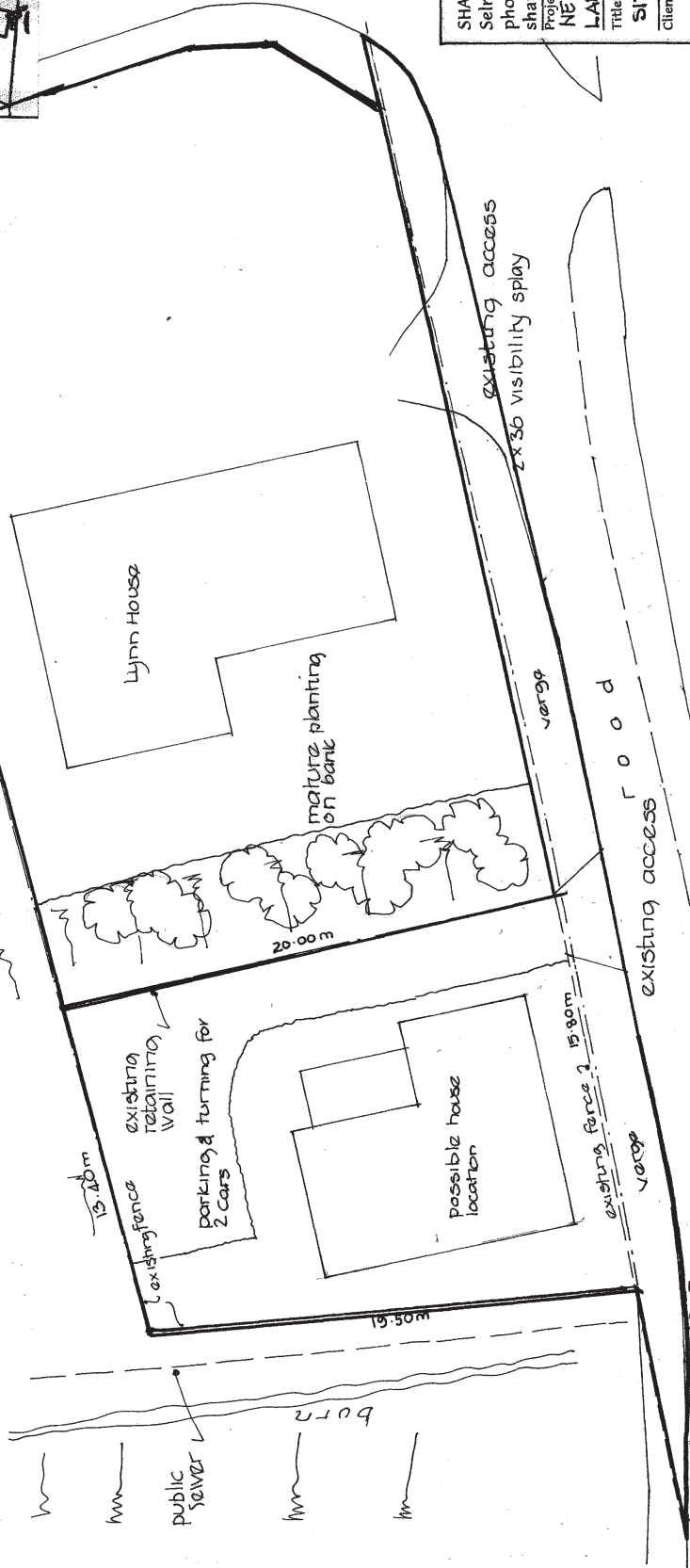
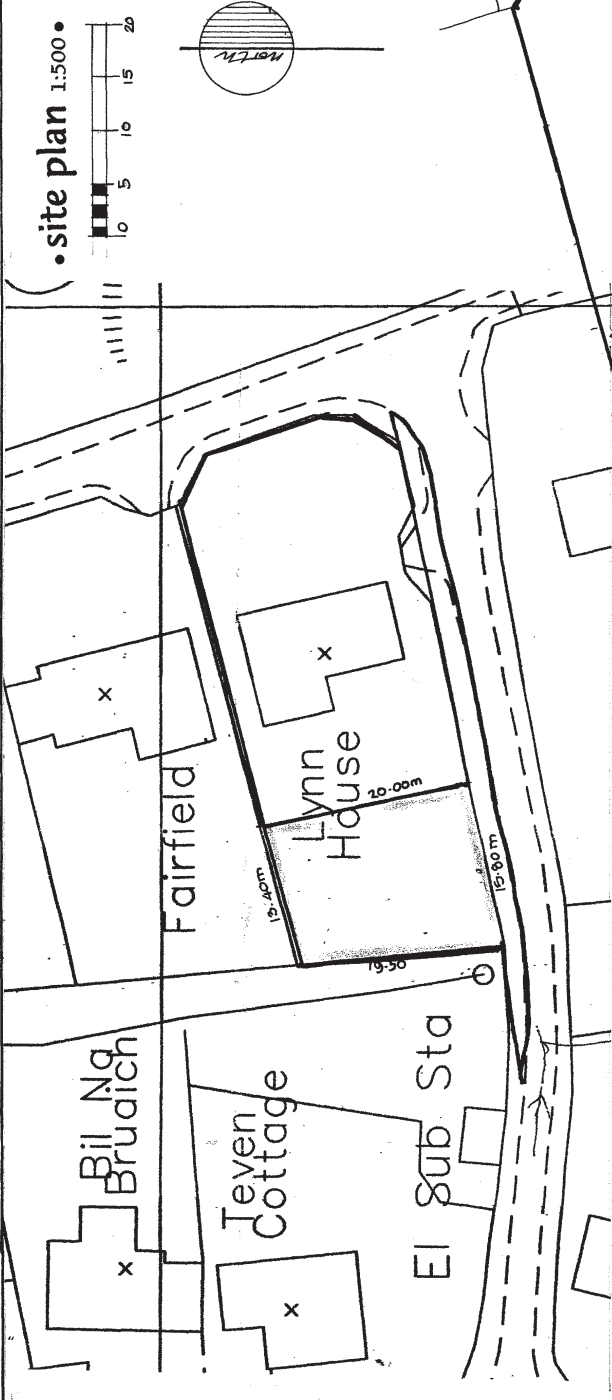
• location plan 1:2500 •

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SHAUNA CAMERON ARCHITECT LTD  
 Selma Church Benderloch Oban PA37 1QP  
 phone/fax 01631 720215 @sc-a  
 shauna.cameron@argyllarchitects.co.uk  
 Project:  
 NEW DWELLING  
 LAND E of LYNN HOUSE, GANAVAN RD OBAN

Title: SITE PLANS - LOCATION PLAN  
 Client: J. WATSON - HENDERSON  
 Drawn by: 87C  
 Drg no: 11.25.01 Rev:  
 Scale: 1:2500 Date: 8 sept 11  
 1:200 1:500

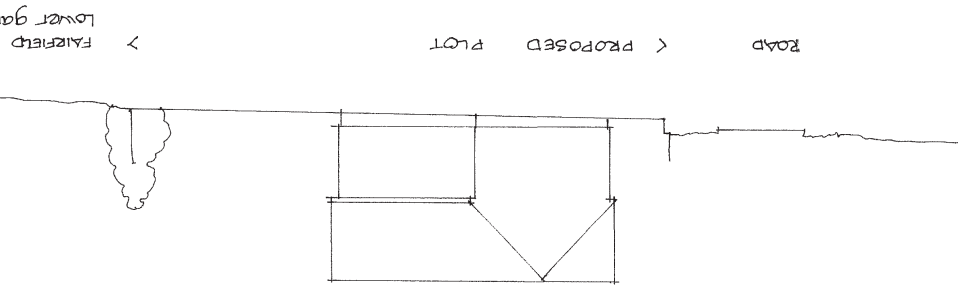
• site plan 1:500 •



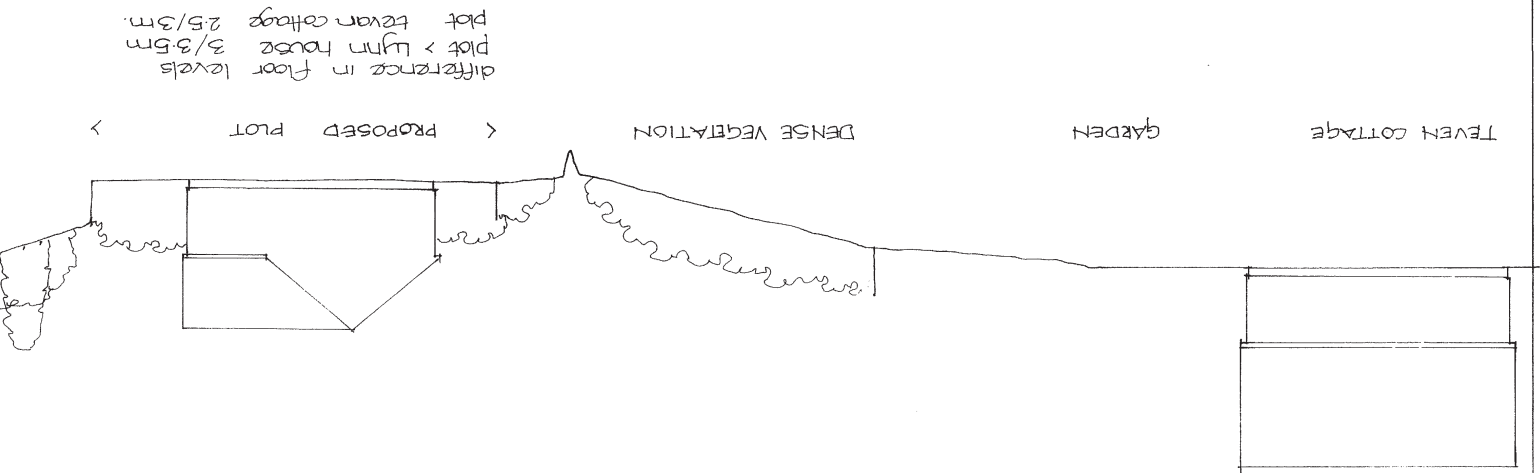
• site plan 1:200 •

2 x 25.5  
 visibility splay

• site section south - north •



• site section west - east •





Scale: 1:200 Date: Oct 11

Drawn by: MK Rev: 11.25.02 Drg no:

Client: J WATSON - HENDERSON

Title: SITE SECTIONS

Title:

Project: NEW DWELLING LAND S. of LYNN HOUSE GANAVAN ROAD OBAN

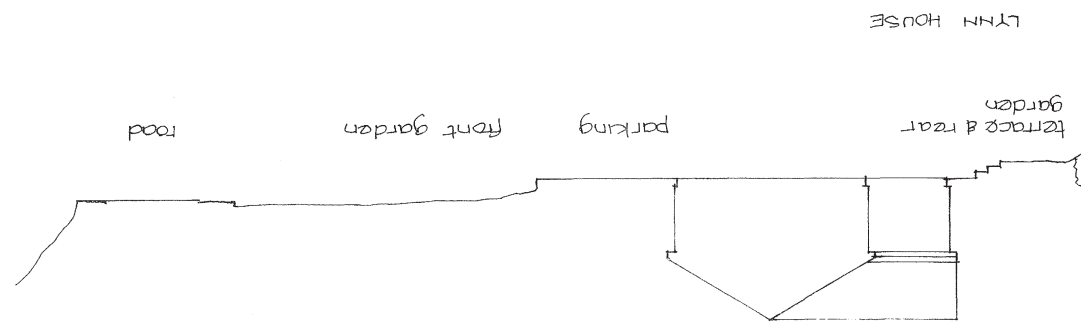
Project:

shauna.cameron@argyllarchitects.co.uk

phone/fax 01631 720215 @sc-a Selma Church Benderloch Oban PA37 1QP



SHAUNA CAMERON ARCHITECT LTD



LYNN HOUSE

terrace & rear garden

parking

front garden

road







LYNN HOUSE: Parking and front garden



LYNN HOUSE & FAIRFIELD from access to plot, showing mature vegetation



LYNN HOUSE & FAIRFIELD from burn showing height above plot and mature vegetation



LYNN HOUSE rear garden & terrace



PROPOSED PLOT looking west showing houses on higher ground



PROPOSED PLOT looking north west showing mature vegetation



PROPOSED PLOT at access showing retaining wall and mature vegetation



PROPOSED PLOT showing mature vegetation to north



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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**12/0002/LRB**

**REFUSAL OF PLANNING PERMISSION FOR SITE  
FOR ERECTION OF DWELLINGHOUSE**

**GARDEN GROUND OF LYNN HOUSE, GANAVAN,  
BY OBAN**

**PLANNING PERMISSION REFERENCE NUMBER  
11/01801/PPP**

**20 JANUARY 2012**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mrs J. Henderson ('the appellant').

Planning Permission in Principle Reference Number 11/01801/PP for site for erection of a dwellinghouse within the garden ground of Lynn House, Gavanan, by Oban ('the appeal site') was refused under delegated powers on 16 November 2011.

The planning decision has been challenged and is subject of review by the Local Review Body.

### **DESCRIPTION OF SITE**

The site is situated within the garden ground of Lynn House within the well established residential area of Ganavan to the north of Oban. The area is characterised by medium sized dwellinghouses which locally form two linear rows of development to the east and west of the proposed site.

### **SITE HISTORY**

A previous application for Outline Planning Permission Reference 08/01958/OUT for the same site was refused on 5 November 2009.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### **STATEMENT OF CASE**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the site has the ability to successfully accommodate a dwellinghouse which would relate to the established settlement pattern of the surrounding area without giving rise to any adverse environmental impact.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

### **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling

which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

### **COMMENT ON APPELLANTS' SUBMISSION**

The appellant contends that the site is sufficient in size to accommodate a dwellinghouse with an acceptable area of private amenity space and which will leave the donor house with an equally acceptable area of private amenity space, consistent with advice set out in the Local Plan.

The appellant contends that the proposed development reflects the layout of the adjacent cul-de-sacs to the north and south and is not at variance with the established settlement pattern.

The appellant contends that the development of this site would not set a precedent as it is a unique site and there are no other sites of this type which could be developed.

The appellant contends that the plot size is similar to several other houses within the development, the layout of which has resulted in low levels of privacy between dwellings and the proposed development will not affect this standard.

Whilst the appellant's comments are noted, it is still considered that the proposed site is too small relative to development in the surrounding area, and as such, represents a departure from the existing character of development in terms of reduced site size and higher density nature. Housing around the site has an established level of amenity, which is contributed to by the size of the plots. It is not considered that providing a minimum standard plot size is compatible with the higher spacing and amenity levels that exist around the site at present. The development of this site with a dwellinghouse would result in an undesirable form of backland development contrary to the established settlement pattern of the area, and a precedent could be established contrary to the contention of the appellant as the site is not considered to be so unique to justify the development.

A full detailed assessment of the site is contained within the Report of Handling at Appendix 1.

The proposal was refused as the site was considered too small to develop, would not respect the settlement pattern immediately adjacent to the site and would create an unacceptably high density of development which would not integrate with the pattern of surrounding development contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A.

### **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed site within the garden ground of Lynn House is not considered to represent an opportunity for acceptable infill, rounding-off or redevelopment but represents a form over-development or a small site in an inappropriate back-land location.

The proposed site is too small to comfortably accommodate a dwellinghouse, and the illustrative layout submitted confirmed that sufficient amenity space (minimum 100sq.m) adequate parking and turning, and a detached house footprint are difficult to achieve within a site of this size. The development of this site with a dwellinghouse would set a precedent for higher density, lower amenity housing than is characteristic of surrounding development. The use of such small sites for detached houses and the provision of higher density development are at variance with the established settlement pattern of the area, which the Development Plan seeks to protect.

It is considered that the proposed site does not take into account of, or relate to, the existing settlement character of the surrounding area as it fails to relate to the size of adjacent plots and constitutes an unacceptable form of back-land development.

Whilst the agent makes a case that the low lying nature of the site make it different from the wider settlement pattern, and reduce the likelihood of a precedent being established, the submissions are not considered to satisfy all planning concerns that exist with this proposal.

The proposal is considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A.

Taking account of the above, it is respectfully requested that the review be dismissed and the original refusal be upheld.



## APPENDIX 1

Argyll and Bute Council  
Development and Infrastructure

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

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Reference No: 11/01801/PPP

Planning Hierarchy: Local Development

Applicant: Mrs J Watson-Henderson

Proposal: Site for Erection of Dwellinghouse

Site Address: Garden ground of Lynn House, Ganavan, Oban

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### DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

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#### (A) THE APPLICATION

##### (i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
  - Upgrade of existing vehicular access
  - Connection to public water main
  - Connection to public drainage system
- 

#### (B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

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#### (C) HISTORY:

08/01958/OUT

Site for erection of dwellinghouse – Refused: 05/11/09

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#### (D) CONSULTATIONS:

Area Roads Manager

Report dated 20/10/11 advising no objection subject to conditions.

Scottish Water

Letter dated 27/09/11 advising no objection but providing advisory comments for the applicant.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 20/10/11.

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**(F) REPRESENTATIONS:**

Four representations have been received regarding the proposed development.

Mrs Wendy Douglas, Farringford, Ganavan Road, Oban, PA34 5TU  
John C. Hyde, Island View, Ganavan, Oban, PA34 5TU  
David W. T. Hodge, West Bracklinn, Ganavan, Oban, PA34 5TU  
Lesley MacPhail, c/o Allan Macaskill, 5 Ferryfield Road, Connel, PA37 1SR

**(i) Summary of issues raised**

- The proposed site is not in keeping with the established settlement pattern of the area.

*Comment: This is fully addressed in the assessment at Section (P) below.*

- The private road would prove difficult for large vehicles during the construction period and there should be no obstruction to access for residents.

*Comment: This is not a material consideration in the determination of this planning application but a civil matter between the applicant and relevant owners of the access road for private roads or the police for public roads.*

- The proposed site is situated off of a private unadopted access and if approved, would require to be brought up to adoptable standards which would detract from the rural aspect of the area.

*Comment: The Area Roads Manager was consulted on the proposed development and in his response stated that the existing access should be upgraded but did not seek that the road to be brought up to adoptable standards. Nevertheless, Policy TRAN 4 requires adoptive standards where 6 or more houses are served.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- |       |  |           |
|-------|--|-----------|
| (i)   | <b>Environmental Statement:</b>  | <b>No</b> |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b> |
| (iii) | <b>A design or design/access statement:<br/>Yes</b>  |           |
| (iv)  | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
- 

**(H) PLANNING OBLIGATIONS**

- |     |  |           |
|-----|--|-----------|
| (i) | <b>Is a Section 75 agreement required:</b> | <b>No</b> |
|-----|--|-----------|
- 

- |     |   |           |
|-----|---|-----------|
| (I) | <b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
|-----|---|-----------|
- 

**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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**(P) Assessment and summary of determining issues and material considerations**

Planning permission in principle is sought for erection of a dwellinghouse within the grounds of Lynn House, Ganavan, Oban.

In terms of the adopted Argyll and Bute Local Plan the site is situated within the Settlement Zone of Oban within which Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives a presumption in favour of development on an appropriate infill, rounding off and redevelopment basis subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to infill housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact and Policy LP ENV 1 requires applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

Whilst the acceptability of the principle of infill development within this area of Oban is set out in current policy, this is qualified by a requirement to ensure developments do not result in an unacceptable environmental, servicing or access impact.

The site is situated within the garden ground of Lynn House within the well established residential area of Ganavan to the north of Oban. The area is characterised by medium sized dwellinghouses which primarily locally form two linear rows of development to the east and west of the proposed site.

The proposed site within the garden ground of Lynn House is not considered to represent an opportunity for infill, rounding-off or redevelopment but represents a form of inappropriate back-land development.

The proposed site is too small to comfortably accommodate a dwellinghouse, and the illustrative layout submitted confirms that sufficient amenity space (minimum 100sq.m, adequate parking and turning, and a detached house footprint are difficult to achieve within a site this size. The development of this site with a dwellinghouse would set a precedent for higher density development than that which is characteristic of surrounding development. The use of such small sites for detached houses, and the provision of high density development is both at variance with the established settlement pattern of the area.

It is considered that the proposed site does not take into account of, or relate to, the existing settlement character of the surrounding area as it constitutes an unacceptable form of back-land development.

Whilst the application would also remove significant amenity space from the donor house, the minimum standards of 100sq.m could still be met at the donor house.

The application proposes to utilise an existing vehicular access to serve the proposed development. The Area Roads Manager was consulted on the proposal and raised no objection subject to conditions regarding the upgrade of the access, clearance of visibility splays and provision of an appropriate parking and turning area. However, to accord with TRAN 4, adoptive standards are required where 6 or more houses are served in total. This matter has not been investigated further at this time because the application is not being supported.

The application shows water and drainage via connection to the public systems to which Scottish Water has raised no objection but advised that augmentation of the system at the developer's expense may be required.

Whilst the agent makes a case that the low lying nature of the site and its characteristics make it different from the wider settlement pattern, and reduce the likelihood of a precedent being established, the submissions are not considered to satisfy all planning concerns that exist with this proposal.

Taking the above into consideration, it is considered that the proposal would represent an inappropriate form of back-land development and a development which is contrary to the established settlement pattern of the surrounding area. The site is too small to comfortably accommodate a house, parking and turning, and private amenity space. The proposal is therefore considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A and it is recommended that planning permission in principle be refused for the reasons appended to this report. This conclusion is consistent with the previous refusal and negative pre-application advice offered to the applicant in 2009 and 2011 respectively.

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(Q) Is the proposal consistent with the Development Plan: **No**

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(R) Reasons why planning permission should be refused

The proposal is contrary to Development Plan policy for the reasons for refusal detailed below.

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(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

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(T) Need for notification to Scottish Ministers or Historic Scotland: **No**

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Author of Report: **Fiona Scott** Date: 01/11/11

Reviewing Officer: **Stephen Fair** Date: 14/11/11



**Angus Gilmour**  
**Head of Planning**

#### **REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 11/01801/PP**

1. The application site is too small. The site cannot comfortably accommodate a detached house, adequate parking and turning, and the minimum 100m<sup>2</sup> of private open amenity space, that is required to meet the Council's minimum standards set out in Argyll & Bute Council Local Plan 2009 Appendix A. The small site area proposed is at variance from the pattern of surrounding residential development, where an unacceptably high density of development is involved, rendering it contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1; and Argyll & Bute Local Plan 2009 Policy LP ENV 1 part A and D, and LP ENV 19 part A and B.
2. The application site fails to respect the settlement pattern immediately adjacent to the site, which is characterised by linear development, whereas the proposal represents inappropriate backland development in a location that is at variance with the adjacent development pattern; in a manner that is not considered to represent infill, rounding off or redevelopment; rendering it contrary to Argyll & Bute Structure Plan 2002 Policy STRAT DC 1; and Argyll & Bute Local Plan 2009 Policy LP ENV 1 part A and D, and LP ENV 19 part A and B.
3. By virtue of the small site area proposed, it is considered that the development involves an unacceptably high density of development that fails to integrate with the pattern of surrounding development, which if approved, would lead to a precedent for similarly high density proposals on nearby sites, which would collectively undermine

the existing high standards of residential amenity enjoyed at properties in the vicinity of the application site.

**NOTES TO APPLICANT RELATIVE TO APPLICATION NUMBER 11/01801/PP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **11/01801/PP**

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- (A)** . Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

**No**

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- (B)** The reason why planning permission has been refused.

The proposal is contrary to Development Plan policy for the reasons for refusal detailed above.



Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development and Infrastructure Services**  
Director: Sandy MacTaggart

Charles Reppke  
Head of Governance and Law  
Customer Services  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

**Development and Infrastructure Services**

Municipal Buildings, Albany Street, Oban, PA34 4AW  
Tel: (01631) 569160 Fax (01631) 567988  
e mail john.heron@argyll-bute.gov.uk  
Website www.argyll-bute.gov.uk  
Direct Line 01631 569170  
Ask For: John F Heron  
Our Ref: R-PL-1  
Your Ref:  
Date: 20 January 2012

CUSTOMER SERVICES  
23 JAN 2012  
RECEIVED

FAO Hazel MacInnes

Dear Sirs

LOCAL REVIEW BODY REFERENCE 12/0002/LRB  
PLANNING APPLICATION REFERENCE 11/01801/PPP  
LAND AT LYNN HOUSE SEAFIELD GARDENS GANAVAN

I refer to your letter dated 12 January 2012 regarding the above.

I have no further representation to submit in addition to my response for the original planning application.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'John F Heron'.

John F Heron  
Technical Officer  
Oban Lorn & the Isles

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West Bracklinn,  
Ganavan,  
Oban  
PA34 5TU

Monday, 16 January 2012

Charles Reppke Esq  
Head of Governments & Law  
Customer Services  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

Dear Sir

Local Review Body Ref: 12/002/LRB

Planning Application Ref 11/01801/PPP

Land at Lynn House, Ganavan Road, Oban PA34 5TU

I refer to your letter and attachments dated 12 January 2012 in respect of the above.

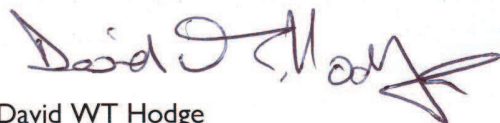
I reiterate what I stated in my original letter opposing the planning in that there is no precedent of splitting the title and developing "Back Garden" development and it is hoped that the density of the houses in the Ganavan Estate will remain at the acceptable level they are and will not become as dense as those at the new development at Ganavan Beach, the density of which is at a far higher level than the Argyll & Bute Council Planning Department originally wished. We do not wish a repeat of this error in the old housing estate.

In addition to this the access road to this site has not been adopted by the Council and it is a very narrow road making access exceedingly difficult and being a very awkward site in question makes delivering materials, etc to this site difficult. I have to maintain part of the old farm road and this is gradually being eroded by excessively large vehicles trying to negotiate the road and this development would almost certainly need access on the old farm road and I would make every effort to stop any construction vehicles or delivery from damaging the road further.

Please take into consideration the existing density of housing and do not create a precedent for other possible developments within the estate.

I trust this is in order.

Yours faithfully



David WT Hodge

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5 Ferryfield Road  
CONNEL  
Argyll  
PA37 1SR

[emacaskill@btinternet.com](mailto:emacaskill@btinternet.com)

23 January 2012

Mr Charles Reppke  
Head of Governance and Law  
Argyll & Bute Council  
KILMORY  
Lochgilphead PA31 8RT

CUSTOMER SERVICES

25 JAN 2012

RECEIVED

Dear Mr Reppke

LOCAL REVIEW BODY REFERENCE: 12/0002/LRB  
REF: 11/01801/PPP: LAND AT LYNN HOUSE, GANAVAN ROAD, OBAN

My client, Mrs Lesley MacPhail, occupies the neighbouring property and she fully supports the decision of the Council to refuse permission for the erection of a dwelling house at Lynn House, Ganavan Road, Oban.

The site is very small and would involve an unacceptably high density of development which would not integrate with the surrounding development. If approved this would set a precedent for similar density proposals on adjacent sites and would undermine the residential amenity of the neighbouring properties.

Yours sincerely



Allan N Macaskill

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Island View

Ganavan

Oban

PA345TU

17/01/12

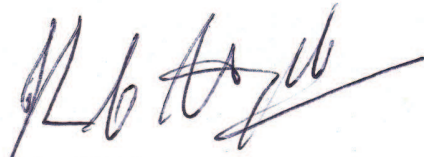
Dear Sir,

Ref: 11/01801/PPP – Site for erection of dwelling house at Lynn House Ganavan Road Oban

Local review body reference 12/0002/LRB

I refer to the above and to your letter of the 12<sup>th</sup> January and would confirm that I still wish to object to the proposal. I consider that my objections as detailed in my letter of the 13<sup>th</sup> October are still relevant and would ask that they are considered when the review is convened.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John C. Hyde', written in a cursive style.

John C. Hyde

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**ADDITIONAL INFORMATION for  
ARGYLL AND BUTE COUNCIL LOCAL REVIEW BODY  
from  
APPELLANT'S AGENT**

**ERECTION OF DWELLINGHOUSE, GARDEN GROUND OF LYNN HOUSE,  
GANAVAN REF: 11/01801/PPP**

**Additional information regarding**

**1. PLOT SIZE:**

**Argyll & Bute Adopted Local plan 2009 Appendix A states:**

**Open Space/Density:** *all development should have some private open space ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.*

The proposed house footprint of this development achieves **25%** more than the ideal minimum private open space – 125 sq m.

The proposed house foot print, of this development occupies **26%** of the site.

It is unacceptable that where the Local Plan states an ideal minimum or a maximum percentage, that the Planning Department should arbitrarily decide that some developments must supersede these requirements.

Additionally a significant number of (small) existing houses in the cul-de-sacs to the south east of this development have been granted permission for substantial extensions where the resultant private open space, after parking and turning is subtracted, is similar in area to the proposed development.

**2. LP HOU 1:**

The proposal does not conflict with this policy.

**3. Policy TRAN 4:**

12 houses already use this road to access their properties.

The Roads Department has not asked for the existing private access road to be adopted.

The private access road is existing, not new.

The road is finished to a high standard with a black-top finish – similar to the standard required or adopted roads (see attached photographs). One additional house will have no significant adverse impact on the use or condition of the road.

The refuse lorry, oil tankers etc. use this road to access the 12 existing houses.

The upkeep costs by will be divided among 13 households.

This application does not conflict with TRAN 4

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**ADDITIONAL INFORMATION #2 for  
ARGYLL AND BUTE COUNCIL LOCAL REVIEW BODY  
from  
APPELLANT'S AGENT**

**ERECTION OF DWELLINGHOUSE, GARDEN GROUND OF LYNN HOUSE,  
GANAVAN REF: 11/01801/PPP**

**Supplementary Information #2**

1. The appellant's daughter and her family will be building and living in the proposed house. The site is not for sale on the open market.
2. The appellant's daughter lives and works in Oban.
3. The natural slope of the rear garden of Lynn House has been split into two levels with a terrace and shed located on the upper level and a parking area in the front garden (east of the house). This allows the appellant to easily maintain the upper garden. The lower garden is flat, has a separate access and mature planting between the levels provides a landscaped boundary.

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Access road looking west from site



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