

**DEVELOPMENT SERVICES  
PLANNING APPLICATION REPORT  
BUTE & COWAL**

Ward Number - 6 Cowal  
Date of Validity - 21<sup>st</sup> February 2008  
Committee Date - 3<sup>rd</sup> June 2008

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Reference Number: 08/00322/DET  
Applicants Name: Tarya Ann Watson  
Application Type: Detailed  
Application Description: Erection of rear extension  
Location: 106 Dixon Avenue, Kirn, Dunoon

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**(A) THE APPLICATION**

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

Erection of rear extension to ground floor flat.

**(ii) Other specified operations.**

None.

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**(B) RECOMMENDATION**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reason given on the attached page.

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**(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

**(i) Development Plan Context:**

The application site is located within the defined settlement zone under the adopted Cowal Local Plan 1993. Policy POL BE 9 '*Layout & Design of Urban Development*' seeks to encourage developers to execute a high standard of layout and design where new developments are proposed. **The proposal is considered to be contrary to POL BE 9.**

The application site is also located within the defined settlement zone under the Finalised Draft Argyll & Bute Local Plan. Policy LP ENV 19 - '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design, encouraging developers to execute the highest standards of design. LP HOU 5 of the Finalised Draft Local Plan specifies the type of extensions to dwellings that would be considered acceptable. **The proposal is also considered to be contrary to LP ENV 19 and LP HOU 5.**

**(ii) Representations:**

One letter of representation has been received from a neighbouring property.

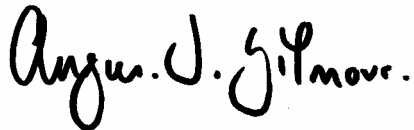
**(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:**

Although the development is a departure from the development plan, only one party has lodged representation so it is recommended that no hearing is required.

**(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.**

Not applicable.

- (v) **Is the Proposal a Schedule 1 or 2 EIA development:**  
No.
- (vi) **Does the Council have an interest in the site:**  
No.
- (vii) **Need and Reason for Notification to Scottish Ministers.**  
Not required.
- (viii) **Has a sustainability Checklist Been Submitted:**  
No.



**Angus J Gilmour**  
**Head of Planning**  
23 May 2008

**Author:** Brian Close 01369 708604  
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**NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)**

## REASON FOR REFUSAL RELATIVE TO APPLICATION 08/00322/DET

1. The proposed flat roofed rear extension, by reason of its scale, design and siting within a small rear garden area of a 4-in-a-block flatted property, would result in a building form that would dominate the limited garden area while introducing an alien and incongruous element into the rear amenity space. Such a visually overbearing development would be at variance to the simple character of surrounding dwellings and would overwhelm adjacent properties and their private amenity spaces.

Accordingly, the proposed development would not follow the principles of protecting and enhancing the quality of the environment and would be contrary to Policy BE9 of the Cowal Local Plan 1993 (Adopted 1995); the Council's Design Guide "*Alterations & Extensions to Existing Buildings*" (1985); and to policies LP ENV19 and LP HOU5 and Appendix A of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), all of which presume against the nature of the development proposed.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00322/DET

### MATERIAL CONSIDERATIONS AND ADVICE

#### (i) POLICY OVERVIEW AND MATERIAL ADVICE

##### **Cowal Local Plan 1993**

Policy POL BE 9 '*Layout and Design of Urban Development*' requires development to be of an acceptable high design standard and layout and states that it is important to ensure extensions and alterations respect the character of the existing buildings and surrounding areas. Proposals for new development should have regard to the Council's published design guidelines and development standards.

The following advice is contained in the Council's Design Guide "*Extensions and Alterations to Existing Buildings*" (1985):

*"The most basic principle is that any extension should be subsidiary to, and sympathetic with the form of the existing building. The extension should not dominate. It is thus vital to consider carefully the character of the existing building before designing any new work, and the extension should ideally reflect its style and proportions."* (Paragraph 5.4, Page 1)

*"With side, front or rear extensions, it is always preferable to match existing roof shapes, heights, pitches, details, materials and colour."* (Paragraph 5.5, Page 2)..... *"Flat roofs are often chosen for reasons of economy but they are unattractive and alien to local styles as well as being highly susceptible to water penetration problems."* (Paragraph 5.5, Page 3).

While the design guide recognises that buildings need to be extended or altered, it also highlights that extensions and alterations can have a significant impact on the appearance and character of the individual building and also of any street or group of buildings in which it is situated.

##### **Argyll and Bute Modified Finalised Draft Local Plan 2006**

Policy LP ENV 19 '*Development Setting, Layout and Design*' states that developers and their agents will be required to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A.

Policy LP HOU 5 '*House Extensions*' states:

*"house extensions where they cause no significant detriment to the building, the neighbours or the immediate vicinity will generally be acceptable provided they comply with relevant siting and design principles set out in Appendix A, and should also satisfy the following specific design considerations :*

*Extensions should not dominate the original existing building by way of size, scale, proportion or design;*

*Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens".*

In terms of privacy, standards are prescribed in respect of windows from habitable rooms directly facing other buildings. Similarly, daylighting and sunlighting standards are prescribed.

Appendix A – Sustainable Siting and Design Principles states:

*"While recognising that extensions can add valuable extra space to a house, care has to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties (para 8.1).....extensions should be in scale and designed to reflect the character of the original building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity*

*enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy. Care should be taken not to over-develop the site. (para 8.2).*

*In terms of open space and density, it is suggested that all development should have some private open space (ideally a minimum of 100sqm) where terraced houses and any extensions should only occupy around 45% of their site”.*

**Note (i):** The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

**Note (ii):** The Full Policies are available to view on the Council’s Web Site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

**(ii) SITE HISTORY**

A previous detailed application (ref. 07/01596/DET) was withdrawn on 19<sup>th</sup> December 2007 following concerns over design and scale of pitched roof rear extension. The current scheme represents the same footprint and internal layout but a flat roof instead of a pitched roof.

**(iii) CONSULTATIONS**

None.

**(iv) PUBLICITY AND REPRESENTATIONS**

Under Article 9 neighbour notification procedures, one letter of representation has been received from: Mr Niall Thomson, 108 Dixon Avenue, Kirn (letter received 22<sup>nd</sup> February 2008). The points raised can be summarised as follows:

- *Proposed extension would result in a visual obstruction to surrounding neighbours and result in diminished amenity.*

**Comment:** Refer to Assessment below.

- *Proposed extensions should fit in with vernacular and built heritage of surroundings. Shape and structure of proposed extension would be contrary to surroundings.*

**Comment:** Refer to Assessment below.

- *The proposal does not meet safety requirements regarding access for police, ambulance and fire services in respect of emergency evacuation for occupants of adjacent properties.*

**Comment:** Building Standards have confirmed that there would be no objections in principle to the rear extension and comment that a flat roof structure could actually aid and improve fire safety in respect of evacuation from upper properties.

- *The structure and orientation of the proposed building may represent a fire hazard.*

**Comment:** This is a matter that would be addressed in an application for Building Warrant.

- *Proposed extension encroaches upon land not owned by the applicant and has no agreement with owner of said land.*

**Comment:** While the proposed extension is shown hard against the common boundary, the applicant has intimated under Article 8 in the application form that all land within the red line boundary of the application site is within her control. This

would appear to be a civil matter between parties but all foundations should be within the ground belonging to the applicant and airspace rights concerning roof overhangs and rainwater goods and any extraction systems should be safeguarded. Matters such as access, construction and maintaining the property would also be a civil matter between parties.

- *Rights of access to rear of property would be diminished where previous legal rights when properties were in public ownership should be transferred and applicable for private ownerships.*

**Comment:** Refer to points made above. At the time of the previous application the upper flat at 108 Dixon Avenue was in the ownership of Argyll Community Housing Association (ACHA) but since transferred to private ownership.

- *Understood that the extension will be used for commercial purpose.*

**Comment:** Applicant's agent has confirmed that the rear extension is for domestic purposes only.

### **Applicant's Supporting Information**

The applicant's agent has submitted information (letters from Jack Thomson dated 11<sup>th</sup> February and 10<sup>th</sup> March 2008) in support of this application and in response to the letter of objection above.

*The agent states that he has tried to accommodate previous objections and concerns in this revised scheme while sticking to his client's objectives. A copy of the applicant's title deeds has been submitted for clarification.*

*The agent stresses that the proposed extension is on land owned by the applicant; it will not be used for commercial purposes; a flat roof will aid safe evacuation and that his client is a young working mother with two growing children (a boy and a girl) whose basic need is for the provision of an additional bedroom without losing any existing bedroom accommodation. At the request of the department, the agent has marked out the footprint of the extension to allow a thorough assessment to be made.*

## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00322/DET

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Location, Nature and Design of Proposed Development

The subject property is a lower flat in a block of four cottage flats at 102-108 Dixon Avenue, Kirn. The surrounding area is residential where adjacent house types are typified by similar four-in-a-block cottage flats, semi-detached dwellinghouses and terraced blocks. The nature of the surrounding area is medium to high density housing (previously in public ownership but many now in private ownership) that results in small garden plots, overlooked by adjacent properties.

The subject property has control of a small front garden facing Dixon Avenue and a small triangular piece of garden ground to the rear, both accessed by a communal path. The upper flat (108 Dixon Avenue) has control of a small side garden that narrows to a strip running past the triangular garden area of the lower flat. The rear garden areas are relatively open with properties overlooking all back garden areas where, with the exception of standard detached outbuildings (i.e. sheds, external storage structures) there are no other attached structures.

The proposal involves the erection of a single storey rear extension to the rear elevation of the lower flat. The existing lower flat comprises living room, two bedrooms, kitchen and bathroom. Due to the desire of the applicant to create additional accommodation the proposal will result in a rear extension that will accommodate one further bedroom and relocated bathroom (where the existing bathroom will be used as a dining room).

The five-sided extension will extend 6.7 metres into the rear garden from the rear elevation of the dwellinghouse but attached by a small link corridor that would have double doors opening out onto a drying green and patio area.

The proposed extension would be 2.9 metres high, 5.0 metres wide and 5.2 metres in length on its side elevation to the communal path. On the opposite side, facing into the applicant's garden area (and those of 102/104 Dixon Avenue) the extension would extend some 3.6 metres along its side elevation. The extension would be constructed in blockwork and rendered in roughcast to match the existing building. It would have a flat roof finished in stone chips on a mineral felt finish with windows to match the existing flat (i.e. white upvc).

**Given the particular design and location of the rear extension, it is considered that the proposal would be contrary to Policy BE9 of the Cowal Local Plan and to policies LP ENV19 and LP HOU5 of the Argyll and Bute Modified Finalised Draft Local Plan.**

#### B. Built Environment

Given the scale and siting of the proposed extension, it is considered that it would not result in a loss of privacy or overlooking from the proposed bedroom windows and opaque bathroom windows as these would be located on the rear elevation facing a small portion of the rear garden area. Similarly, the scale and design of the extension would not result in any loss of daylighting or sunlight to any adjacent properties as any overshadowing would be to the communal path and narrow strip of rear garden belonging to the upper flat.

However, notwithstanding the above, it is considered that the scale, siting and design of the proposed rear extension will result in a structure within a confined space that would result in an unnatural and unacceptable rear extension that would not be in keeping with surrounding properties or their rear gardens. The presence of this large flat roofed pavilion style linked extension in such a small rear garden would create a visually dominant feature within this corner of the streetblock overlooked by many properties. By designing the extension to have windows on only the rear elevation, the long side elevations would be entirely featureless and create a drab almost 3 metre high 5.2/3.6 metre long structure to properties on either side.

In terms of plot density, the existing lower flat has a footprint of 75m<sup>2</sup> occupying 37% of its curtilage. The proposed extension (footprint of 26m<sup>2</sup>) would result in a plot density of 50%. The existing rear garden area measures approximately 72m<sup>2</sup> and the proposed extension (26m<sup>2</sup>) would reduce this area to 46 m<sup>2</sup> (i.e. a 36% occupation of the small rear garden area). The remaining small and fragmented garden spaces would also result in any amenities taking place much closer to common boundaries than exists at present. Development in a four-in-a-block building is often problematic where common areas exist and amenity is shared. The danger in approving such an extension is that the lower flat would visually dominate all other garden and private amenity areas in close proximity.

**Given the particular scale, design and location of the rear extension within such a confined site, it is considered that the proposal would be contrary to the provisions of Policy BE9 of the Cowal Local Plan and to policies LP ENV19 and LP HOU5 of the Argyll and Bute Modified Finalised Draft Local Plan.**

## CONCLUSION

While only one objection has been received from the owner of the upper flat, it is considered that the erection of such a large rear extension would have a detrimental impact on the amenity of other surrounding properties while setting a dangerous precedent in respect of over-developing small garden areas. While sympathetic to the plight of the applicant, it is considered that some more modest extension together with internal alterations could perhaps achieve a similar aim to create one extra bedroom.

It is considered that the proposed rear extension would have the capacity to 'over-dominate', and appear incongruous by its design that would be attached to the relatively simple character of the original building by a link corridor. In essence, the proposed extension cannot be viewed as a natural addition to the flatted property where it would overwhelm and detract from the character of the building and surrounding properties, contrary to the basic principles in the Council's Design Guide – *'Extensions & Alterations to Existing Buildings'*, and to *Appendix A – Sustainable Siting and Design Principles*.

The proposal is therefore considered to be unacceptable in scale and design and likely to have significant visual impact on surrounding properties. The proposal is considered to be contrary to Policies POL BE9 of the adopted Cowal Local Plan 1993 and policies LP ENV19, LP HOU5 (and Appendix A) of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006). The proposal does not comply with the terms of the Development Plan and there are no material considerations which would allow the Development Plan to be laid aside. Refusal of detailed planning permission is therefore justified.