

Reference Number: 09/00595/OUT  
Applicants Name: Denis Doherty  
Application Type: Outline  
Application Description: Erection of three dwellinghouses and formation of vehicular access.  
Location: Land east of Davidson Place, North Campbell Road, Innellan

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**(A) THE APPLICATION**

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

- Erection of 3 detached dwellinghouses (no details but indicative two-storey split-level footprints, floor plans and elevations);
- Formation of shared vehicular access from North Campbell Road, provision of shared turning area, resident and visitor car parking areas;

**(ii) Other specified operations.**

- Connection to public water supply and waste water network;
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**(B) RECOMMENDATION**

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

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

**(i) Development Plan Context:**

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Innellan and covered primarily by policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development'. In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the application site is located within the small town and village settlement of Innellan and covered primarily by policies LP ENV 19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development'.

The proposal is considered contrary to the Cowal Local Plan in respect of the erection of three detached dwellinghouses within a narrow and sloping backland site in close proximity to existing dwellings which would not relate to the existing built form where issues concerning over-development, siting, loss of privacy, visual dominance, loss of car parking spaces and driver/pedestrian safety are raised by neighbouring residents and supported by the department.

The proposal is considered contrary to both the Argyll and Bute Structure Plan and the Argyll and Bute Local Plan since the three dwellinghouses proposed cannot be regarded as appropriate infill development since the development would result in settlement cramming and overwhelm the townscape character of the immediate area.

The provision of the new vehicular access serving this 'backland' site could have a significant impact on properties at Jock's Lodge, Jane Villa and Cumbræ Cottage, as the vehicle ramp would be at a higher level than these properties and their amenity spaces. Additionally, the loss of existing on-street car parking spaces on North Campbell Road would only exacerbate the already congested situation. It is also considered that the sightline to the south from the new access is unacceptable due to the presence of parked cars.

**(ii) Representations:**

Ten representations (objection) have been received.

**(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:**

Not applicable. The application is recommended for refusal.

**(iv) Reasoned Justification for a Departure from 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.**

No, the application is recommended for refusal.

**(viii) Has a sustainability Checklist Been Submitted:**

No

**Angus J Gilmour  
Head of Planning  
9 June 2009**

**Author:** Brian Close  
**Reviewing Officer:** David Eaglesham

**Date:** 3<sup>rd</sup> June 2009  
**Date:** 9 June 2009

**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)**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION 09/00595/OUT

1. Having regard to the location of the application site on a narrow strip of 'green space' that acts as a buffer between an existing lower tier of residential development on Shore Road, Innellan and a higher tier of dwellings along North Campbell Road, the proposed dwellinghouses would not complement, but be at variance with the character of the immediate settlement pattern. The siting of three large detached dwellinghouses on this sloping and confined site to the rear of existing dwellinghouses on North Campbell Road would constitute settlement cramming and lead to unacceptable "*back-land development*", resulting in a poor standard of amenity for both the proposed dwellinghouses and the existing dwellinghouses on North Campbell Road from *Braeside Terrace* to *Jane Villa*. Development on this 'green space' buffer between existing housing would result in a loss of privacy and amenity for adjacent residents and also remove meaningful amenity space from the existing dwellinghouse at *Cumbræ Cottage*, thereby diminishing the amenity, privacy and outlook that the occupants could reasonably expect to enjoy. Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to: Policies STRAT SI 1 'Sustainable Development', STRAT DC 1 'Development Within The Settlements' and STRAT HO 1 'Housing-Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV 19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.

2. Having regard to the scale, massing, design and siting of the proposed dwellinghouses within the narrow, confined and sloping site, in such close proximity to adjacent dwellinghouses, the proposed dwellinghouses (and in particular on plot 1), would visually dominate the rear elevations and private amenity space of the dwellinghouse at *Cliff Cottage*, diminishing the amenity and privacy that the occupants of this dwellinghouse could reasonably expect to enjoy. The rear elevation of *Cliff Cottage* is located only 5 metres from the eastern boundary of the application site where the indicative footprint of the dwellinghouse on plot 1 is 4 metres west of this boundary. Additionally, the house on plot 1 is shown with a total height of approximately 36.9 metres (AOD) that would result in a difference in height of approximately 9.8 metres from ridge level to ridge level of *Cliff Cottage* below with a separation distance of approximately 9 metres. This unacceptable separation distance and height of the proposed dwellinghouses with main east facing elevations would visually dominate and have a significant impact on the rear elevation and private rear amenity space of *Cliff Cottage*, and would therefore diminish the amenity, privacy and outlook that the occupants of *Cliff Cottage* could reasonably expect to enjoy.

Accordingly, such a development with its particular siting and layout would be contrary to Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.

3. Having regard to the location of the application site on a narrow backland strip of sloping ground between existing dwellings, the proposed shared vehicular access between *Cumbræ Cottage* and *Jocks Lodge* would result in a ramped access that would mean that vehicles would be entering and exiting the application site at more than 11% resulting in a road level higher than existing ground levels (based on submitted drawings). The height of the new road would be comparable to the height of the top of the existing boundary wall on the southern side of *Jocks Lodge and Jane Villa* and higher than the garden of *Cumbræ Cottage*. Not only would the proposed access be at variance with the immediate settlement character that relies on on-street car parking but it would visually dominate and have a significant detrimental impact on the dwellinghouses and their amenity spaces at *Jocks Lodge, Jane Villa* and *Cumbræ Cottage* with additional safety and amenity concerns for occupants of these properties.

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.

4. Due to parked cars on the southern side of North Campbell Road adjacent to *Cumbræ Cottage*, the proposed vehicular access would have unacceptable southbound sightlines affecting driver and pedestrian safety. Additionally, the creation of the new access would remove valuable on-street car parking spaces from this already congested section of North Campbell Road, only exacerbating the existing situation. The proposed development is therefore contrary to Policy LP TRAN 4 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), which requires private access regimes to be 'fit for purpose'.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00595/OUT

### MATERIAL CONSIDERATIONS AND ADVICE

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

##### (a) Argyll and Bute Structure Plan 2002: The following policies are applicable:

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources; respect the landscape character of an area and the setting and character of settlements; and avoid places where there is a significant risk of flooding.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill, rounding-off and redevelopment sites. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

STRAT HO1 – '*Housing – Development Control Policy*' C) encourages appropriate forms and scales of housing infill, rounding-off and redevelopment where it is consistent with STRAT DC1 -10. and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

##### (b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Innellan and requires to be assessed against the following criteria:

POL HO8: 'Infill, Rounding-Off and Redevelopment' where infill, rounding-off and redevelopment will be encouraged related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted.

Policy BE9 'Layout and Design of Urban Development' seeks to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

##### (c) Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).

The site is located within the small town and village settlement of Innellan, where the following policies are applicable:

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 '*General Housing Development*' states a general presumption of favour of housing within the settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both the Structure and Local Plan.

Policy LP TRAN 1 '*Public Access and Rights of Way*' seeks to safeguard public rights of way, core paths and important public access routes.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

**Note : 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)**

##### (d) National Guidance

- a. Scottish Planning Policy SPP3 "Planning for Housing";
- b. Planning Advice Note 67 - 'Housing Quality'
- c. Planning Advice Note 68 – 'Design Statements'
- d. 'A Policy Statement for Scotland - Designing Places';

This advice is substantially incorporated in the Council's emerging Development Plan policies.

## (ii) SITE HISTORY

Outline planning application (ref. 08/00577/OUT) for the erection of four dwellinghouses was refused on 5<sup>th</sup> November 2008 due to unacceptable backland development, impact on car parking and adjacent residential amenity.

There have been previous applications regarding the applicant's own dwellinghouse, Cumbrae Cottage:

- Planning permission (ref. 04/02399/DET) for the demolition of porch and erection of rear extension and external alterations was granted on 24<sup>th</sup> December 2004 and implemented.
- An application (ref. 04/02463/DET) for the erection of a 2-storey detached annexe was withdrawn on 2<sup>nd</sup> June 2005.
- Planning permission (ref. 05/01095/DET) for the erection of a single storey detached annexe was granted on 4<sup>th</sup> July 2005. Not yet implemented

## (iii) CONSULTATIONS

**Area Roads Manager** (response dated 28<sup>th</sup> May 2009): Recommend deferral for reasons of car parking, surface water drainage, gradient and widths of accesses. Advisory note regarding a Road Opening Permit.

**Scottish Water** (expiry date 3<sup>rd</sup> June 2009): Awaiting response.

## (iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a *Potential Departure* to policies POL HO8 and BE9 of the Cowal Local Plan 1993, advertisement published 22<sup>nd</sup> May 2009 (expiry date 12<sup>th</sup> June 2009) and under Article 9 Advertisement. Ten letters of objection have been received from 7 households:

- Neil McMaster, *Jocks Lodge*, North Campbell Road, Innellan (letters dated 9<sup>th</sup> May 2009 and 16<sup>th</sup> May 2009);
- Mr Harry J Rennie, 2 Braeside Terrace, Innellan (letter dated 12<sup>th</sup> May 2009);
- Iain and Ruth Ross, *Cliff Cottage*, Shore Road, Innellan (letters dated 12<sup>th</sup> May and 25<sup>th</sup> May 2009);
- Steven And Beryl Mayberry, 3 Braeside Terrace, Innellan (e-mail dated 11<sup>th</sup> May 2009);
- Alan and Emily Forrest, *Jane Villa*, North Campbell Road, Innellan (letter dated 15<sup>th</sup> May 2009);
- Danny and Caroline Thomson, 5 Braeside Terrace, Innellan (letter dated 20<sup>th</sup> May 2009);
- Ms. Theresa Duffy (two e-mails dated 11<sup>th</sup> June 2009).

A summary of the concerns and issues raised is as follows:

- *Proximity of proposed buildings to existing buildings.*
- *Loss of privacy for occupants of Braeside Terrace and Cumbrae Cottage*
- *North Campbell Road is very congested at present and losing up to four car parking spaces for the new access to be created is not acceptable. The applicants do not have any off street parking to serve Cumbrae Cottage where their two cars are parked on North Campbell Road. Potential for further congestion on one-way North Campbell Road during construction period. Ability to access the site from North Campbell Road during construction.*
- *Proposed access into the site and height of new vehicular access in relation to adjacent dwellings.*
- *Owners of Jane Villa concerned about loss of privacy to house and garden areas from development and in particular to the main access road running past their property.*
- *Proposals are inconsistent with surrounding character and density. Proposed dwellinghouses appear out of character in the area.*
- *Owners of downhill property Cliff Cottage are concerned about loss of and invasion of privacy due to proximity and height of dwellings, potential for landslides and ground conditions, pollution, noise and dust and removal of habitat and vegetation. Dwellings could have an unimpeded view into this property and completely destroy existing privacy.*
- *Owners of Cliff Cottage are concerned about the separation distance between their property and proposed dwellings uphill. Agent states that vegetation cover between the sites will act as screening and preserve privacy. Most of this vegetation is down the slope and would not shield Cliff Cottage from any buildings at a higher level.*

- *Owners of Cliff Cottage own land that extends along to the footpath that would be also overlooked by dwellings on plots 2 and 3. Plans indicate that this land belongs to Benvula Buildings when it is part of the curtilage of Cliff Cottage.*
- *Owner of Jocks Lodge state that the boundary wall is structural as it supports access to this building and would require substantial buttressing to take the load for access to the site. This does not appear to have been addressed in the drawings.*
- *New access is potentially dangerous and out of character within the immediate area. Line of sight is questioned. Residents are of the opinion that the proposed access to the development does not have a clear view of oncoming traffic, especially with parked cars obstructing oncoming traffic. The entrance is right over the brow of a hill and does present a danger. Drawings for proposed access regarding gradient and infill do not appear to have addressed the subject properly.*
- *Existing site is wooded and home to many species of wildlife. No indication of replanting that would sustain existing wildlife levels.*
- *Access pathway to Jane Villa has been omitted from the plans. This is a Right of Way and not owned by the applicants. The access road interrupts the right of way to current property owners and an access to their front entrances and gardens.*
- *Concern over drainage of the site with increased run-off by virtue of an increase in hard surfaces.*
- *Proposed loop road could be used as a pedestrian shortcut to the steps on the southern end of the site.*
- *Potential for damage to adjacent older properties where subsidence has taken place in the past.*
- *Japanese Knotweed growing on site.*
- *Doubt whether applicant owns all of application site edged red. According to Registers of Scotland, land to east of Davidson Place is owned by five different persons, none of whom is Mr. Doherty*
- *Lack of visitor parking.*
- *Revised plan and supporting information indicates that proposed development will fit in with adjacent housing that has not yet been approved.*

Comment – Refer to Assessment below.

**(v) Applicant's Supporting Information**

The applicant's agent has submitted a supporting statement and 3-dimensional model to illustrate the siting of three dwellinghouses in relation to the surrounding area.

The agent suggests that the proposed development is in keeping with a recent permission for five villas on the site of the Royal Hotel adjacent. In respect of the previous refusal for the application site, the access road has been reconfigured to keep it away from Jock's Lodge but closer to Cumbrae Cottage. By altering the road, two dedicated car parking spaces can be provided for Cumbrae Cottage within the site. Indicative plans and cross sections show that there would be little impact on Cliff Cottage. Existing access path will be retained. Driveways and access will no longer be required to be built to adoptable standards in character with the surrounding area. Design of dwellings, landscaping and boundary treatments will all be addressed in any Reserved Matters application.

## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00595/OUT

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

In the adopted Cowal Local Plan, the proposal is located within the settlement of Innellan covered specifically by Policies HO8 and BE9. Policy HO8 'Infill, Rounding Off and Redevelopment', encourages such development related to the built form. Policy BE9 'Layout and Design of Urban Development' expects high standard of layout and design where issues such as privacy, light, parking and access should all be satisfactorily addressed.

Policies contained in the Structure Plan and Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), allow for appropriate infill, rounding-off and redevelopment within settlement zones. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

Given the indicative siting and scale of the three dwellinghouses, in relation to the existing tier of development along North Campbell Road from Braeside Terrace to Jock's Lodge and Jane Villa, it is considered that the proposal would represent settlement cramming that would result in the introduction of an additional tier of development, served by a shared access that would be contrary to the immediate settlement pattern.

**Given that the proposal would result in three dwellinghouses within a narrow backland strip between existing properties that cannot be regarded as appropriate infill, rounding-off or redevelopment, the proposal would be contrary to policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan, policies POL HO8 and POL BE9 of the adopted Cowal Local Plan and policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).**

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

##### (i) Development Setting

The application site lies between two existing tiers of residential development on Shore Road and North Campbell Road, Innellan. The application site is at a lower level than North Campbell Road, where it falls in stages eastwards then drops steeply over the cliff face towards dwellings on the lower tier fronting Shore Road (i.e. Cliff Cottage and Benvula Buildings). The application site is currently overgrown with a mixture of mature shrubs and trees, although the pedestrian footpath, which is bounded by a mixture of traditional random rubble and rendered walls, is maintained and used as a service lane to properties from Braeside Terrace to Jane Villa. The application site also includes a major part of the side and rear garden of Cumbrae Cottage (the home of the applicant).

The surrounding settlement character is typified by a line of assorted dwellings along Shore Road with sloping undeveloped green space (i.e. the application site) splitting the upper tier of assorted dwellings off North Campbell Road. To the south of the application site lies the site of the former Royal Hotel Site where permission has recently been granted for five villas. This is the only exception to established two-tier development in this part of Innellan. The settlement character is not only typified by two-tier development but of a range of dwellings with generous front and rear amenity spaces, where buildings are not immediately fronting Shore Road or North Campbell Road.

The 'L' shaped application site comprises a long narrow strip (approximately 100 metres long and 23 metres wide with a 35 metre long 20-metre wide shared vehicular access from North Campbell Road), extending from land to the rear of 1 Braeside Terrace northwards to dwellinghouses at Jock's Lodge and Jane Villa. Braeside Terrace comprises six modern semi-detached two-storey dwellings that are angled towards the eastern boundary of the application site that includes a grassed pedestrian access lane that runs from the public steps (between Shore Road and North Campbell Road) northwards up to Jane Villa. Davidson Place comprises a traditional two-storey flatted block with four flats within and sited parallel to this footpath. Cumbrae Cottage is a traditional split-level extended cottage fronting North Campbell Road that would lose much of its side and rear garden areas to provide vehicular and pedestrian access to the site. Jock's Lodge is a traditional split-level cottage fronting North Campbell Road. Jane Villa is a traditional one-and-a-half-storey design, set back from North Campbell Road and within the established building line with the dwellings at Braeside Terrace and Davidson Place. Whilst the lower tier of dwellings on Shore Road is located well below the application site, Cliff Cottage sits slightly back and higher than the established row of dwellings. This one-and-a-half-storey traditional dwellinghouse is located some 5 metres from the eastern boundary of the application site.

In terms of access and due to topography, the majority of adjacent dwellings have no in-curtilage car parking spaces and rely solely on North Campbell Road (one-way northwards) for on-street car parking. Indeed, the

applicant's own dwellinghouse Cumbrae Cottage has no off-street car parking and relies on North Campbell Road for parking.

(ii) Development Layout

The proposal comprises a development of three detached dwellings all sharing a new single vehicular and pedestrian access from North Campbell Road at the north end of the site between Cumbrae Cottage and Jock's Lodge. Indicative plans, sections and elevations have been provided. The new access would run downhill from North Campbell Road into the site where the three detached split-level two-storey dwellinghouses would be located in linear fashion (indicative plans and elevations only). A shared turning area with two visitor parking spaces would be located between plots 2 and 3. A passing place would be provided close to the entrance adjacent to two in-curtilage parking spaces for Cumbrae Cottage.

The topography of the site dictates a split-level design where the dwellinghouses would appear to be accessed via bridge decks but this would also involve a significant amount of underbuild. Car parking for two cars for each of the dwellinghouses would be located to the front (west) of each house off the access road. The indicative proposals show three identical pitched and gabled dwellinghouses with main elevations facing west and east. Garden areas are shown for each of the dwellings where the main rear areas are very close to the cliff edge and steeply sloping.

Indicative details show that the dwellinghouses proposed would have similar rectangular footprints (approximately 10 x 9 metres) and approximately 26 metres distant from nearest housing at Davidson Place and Braeside Terrace, but approximately 9 metres from the rear of Cliff Cottage.

A 6-metre section of wall will be removed beside Cumbrae Cottage to create the new vehicular access. The new access is shown wide enough at the entrance to allow two cars to pass with a further passing place located on the bend into the main part of the site. No details have been submitted to indicate proposed levels of infill or height of new access road that would appear to be at the level of the boundary wall of Jocks Lodge and higher than the garden area of Cumbrae Cottage.

(iii) Assessment

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Settlement Zones', compatibility with existing nearby development and ensuring a positive contribution to the townscape of the area will be important factors in the Council's general requirement for a high standard of design should take the following advice into account:

Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements'

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

The application site lies between two existing tiers of residential development on Shore Road and North Campbell Road, Innellan. Given the proposal to develop a backland strip of 'green space' that effectively acts as a buffer to separate existing tiers of development, it is considered that the proposed development does not reflect the existing adjacent settlement pattern but merely attempts to cram three large detached dwellings, their amenity spaces and accesses into a narrow confined and sloping site. The introduction of an additional tier of housing development in close proximity to existing dwellings would be contrary to the existing established two-tier development pattern.

- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*
- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m); semidetached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*
- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*



In terms of 'Back-land Development 11.1-11.3', *back-land development is described as new development behind a row or group of buildings and normally accessed by a separate access. Back-land development needs to take account of the existing settlement character and requires to be designed to maintain the privacy and amenity of the original property while allowing for an appropriate and safe vehicular and pedestrian access. Planning applications for back-land sites should include details that clearly indicate the siting, aspect, and height of the building and proposed and existing accesses.*

The proposed layout of the three detached dwellinghouses does not reflect the local character and density and in particular, the dwellings on plot 1 results in development very close to the eastern boundary of the site with potential for overlooking the downhill property *Cliff Cottage*, and to a lesser degree *Benvula Buildings*. The rear elevation of *Cliff Cottage* is located only 5 metres from the eastern boundary of the application site where the indicative footprint of the dwellinghouse on plot 1 is only 4 metres from this boundary. Additionally, the house on plot 1 is shown with a total height of approximately 36.9 metres (AOD) that would result in a difference in height of approximately 9.8 metres from ridge level to ridge level of *Cliff Cottage* below with a separation distance of between 9 metres.

Furthermore, whilst all of the proposed plots are indicatively shown more than 18 metres from housing on the western side of the site, these properties will still suffer from a loss of privacy and visual domination from the development and its access that would significantly alter the semi-rural character of the area.

Whilst plot density appears on plan to be comparable to surrounding properties, the topography of the site dictates very steep garden areas. The amount of meaningful amenity space to support development of this scale has not been fully demonstrated.

The revised proposal brings the new access road closer to *Cumbræ Cottage* and removes a significant part of its curtilage. The provision of two off-street car parking spaces does not compensate for the loss of curtilage that is currently approximately 777m<sup>2</sup> but would be reduced to approximately 357m<sup>2</sup>. The equivalent approximate plot densities equate to 24% 'as existing' and 53% 'as proposed'. Additionally, the position of the shared access, at a higher level and with a footway would have a detrimental impact on the privacy of *Cumbræ Cottage* and its rear garden area in addition to having a significant visual impact on the amenity of the occupants of *Jock's Lodge* and *Jane Villa*.

While this application is in outline only at this stage, the applicant has provided indicative design details to give the best idea of what type of housing could be accommodated on site. The indicative proposal suggests three similar detached split-level dwellinghouses, potentially accessed via a bridge deck from the western side of the site, all with significant underbuild. No indication of materials is given.

Notwithstanding the suitability of this site for residential purposes, the proposals represent a development that would not be in keeping with the character and scale of the surrounding area. While typified by a wide variety of house types, the proposal would result in visually dominant features when viewed from the east or more significantly from the west where the scale, siting and design of the proposed dwellings would be at odds with neighbouring properties.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

Refer to section C. below.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Refer to section D. below.

**The proposal would be contrary to Policies HO8 and BE9 of the adopted Cowal Local Plan and to Policy LP ENV 19 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), in respect of a poorly sited group of dwellinghouses that do not pay due regard to the existing settlement character, topography and design, siting and proximity of adjacent dwellings and their amenity spaces. Development of this narrow, confined and sloping site for three detached dwellinghouses could have the capacity to dominate existing dwellings in close proximity leading to potential problems of overlooking, loss of privacy and visual dominance by virtue of inappropriate scale, design and siting.**

### **C. Road Network, Parking and Associated Transport Matters**

The Area Roads Manager has recommended that the application be Deferred until additional information has been provided on surface water drainage, car parking, gradient and widths of accesses. Longitudinal sections

are also required to show the profile of the new access road and how it will tie into the existing road. A plan showing the amended road layout with levels relative to the site boundaries is also required to assess the implications on the site boundaries. The proposal must also ensure that adequate car parking for *Cumbræ Cottage* is maintained or provided which would be dependant on the number of bedrooms. Similarly, the level of car parking for the three dwellinghouses would also be dependent on the number of bedrooms proposed. Full details of surface water drainage proposals are also required. At the time of writing, no additional information has been submitted by the applicant or his agent.

Notwithstanding the lack of information requested by the Area Roads Manager above, the sloping access serving the site for three dwellings with potential for at least ten car parking spaces has the capacity to result in a loss of amenity and privacy in addition to safety issues for residents in adjacent properties, in particular *Jocks Lodge*, *Jane Villa* and *Cumbræ Cottage*.

The proposed shared vehicular access between *Cumbræ Cottage* and *Jocks Lodge* would result in a ramped access that would mean that vehicles would be entering and exiting the application site at a gradient exceeding 11% resulting in a proposed road level approximately 1 metre higher than existing ground levels. This would be comparable to the height of the top of the existing boundary wall on the southern boundary of *Jocks Lodge* and *Jane Villa* and higher than the garden of *Cumbræ Cottage*. Not only would the proposed access be at variance with the immediate settlement character that relies on on-street car parking but it would visually dominate and have a significant detrimental impact on the dwellinghouses and their amenity spaces of the dwellinghouses at *Jocks Lodge*, *Jane Villa* and *Cumbræ Cottage* with additional safety and amenity concerns for occupants of these properties.

Notwithstanding this lack of detailed information, a key concern is one of visibility when exiting the site. Many of the objectors have commented on this aspect and the department shares and support their views in that traffic leaving the site will not be able to see clearly beyond the line of parked cars on the south side of North Campbell Road. The existing 20mph speed limit on this stretch is advisory only and is still within an urban 30mph speed restriction.

Additionally the loss of existing on-street car parking spaces to create the new access will only exacerbate the already congested situation. For these reasons, and on the basis of poor southbound visibility and loss of car parking spaces, it is considered that the proposal would be contrary to policy LP TRAN 4.

The details submitted in support of this proposal do not include detailed sections to indicate how the new access will relate to adjacent properties and in structural terms. For this reason, the proposal is considered to be contrary to policy LP TRAN 4 in respect of the proposed access.

In terms of the applicants' proposal to build across an existing right of way, the applicant has indicated that he owns only half of the footpath and boundary walls but this is considered to be a civil matter between affected parties.

**On the basis of the above, the proposal is considered inconsistent with the provisions of Policies LP TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), in respect of poor southbound visibility and impact on existing on-street car parking provision. Furthermore, the development could give rise to potential safety problems in respect of visibility and exacerbate the existing congested on-street car parking situation.**

#### **D. Infrastructure**

It is proposed to connect to both the public water and waste water systems. Whilst awaiting their response, Scottish Water previously had no objection to the provision of a water supply to serve the development but comment that there may be capacity issues that can only be resolved at a detailed stage.

**On the basis of the above, the proposal is considered consistent with the provisions of Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).**

#### **CONCLUSION**

The current 'revised' application for three dwellinghouses instead of four previously refused (ref. 08/00577/OUT) is considered to be no different in terms of impact on residential amenity and impact on the character of the surrounding area.

Development of this narrow backland site for three detached dwellinghouses would result in the introduction of an additional tier of development within the immediate settlement and result in an unacceptable development close to existing dwellings. The siting of three dwellinghouses in such close proximity to existing dwellings from

*Braeside Terrace to Jocks Lodge/Jane Villa/Cumbræ Cottage and Cliff Cottage* would result in over-development and settlement cramming that would have an adverse impact on the privacy and amenity of neighbouring properties and would not relate to the existing built form. Given the siting and indicative two-storey design, the proposed development could not be regarded as appropriate infilling, contrary to Policy HO 8 of the adopted Cowal Local Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008).

Additionally, issues concerning over-development, siting, loss of privacy, visual dominance and settlement character have been raised by neighbouring residents and supported by the department. The proposal is contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), since the three dwellinghouses proposed cannot be regarded as appropriate infill development where the development would result in settlement cramming and would overwhelm the townscape character of the immediate area.

This revised proposal has also removed a significant part of the rear garden area of Cumbræ Cottage to allow the new access road to be reconfigured. The impact on Cumbræ Cottage is considered to be unacceptable.

Furthermore, the proposed shared private access from North Campbell Road would result in the introduction of a new access road to the rear of existing properties that would result in a loss of privacy and amenity in addition to potential road safety concerns in terms of unacceptable southbound sightlines and loss of existing on-street car parking provision.

Such a development with its particular siting, layout, scale and access would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to SPP 3 Planning for Housing; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing–Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' (including Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements') and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed and does not justify the grant of planning permission.