



Milton House Milton Avenue Dunoon PA23 7DU

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2008**

**REFUSAL OF PLANNING PERMISSION**

**REFERENCE NUMBER: 12/01566/PP**

**Mr Stephen Gallagher  
Michael Hyde  
The Mews  
11B West Abercromby Street  
Helensburgh  
G84 9LH**

I refer to your application dated 18th July 2012 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Demolition of garage, erection of dwellinghouse and formation of parking area. at Garden Ground Of Hazelbank Upper Flat 118A Shore Road Innellan Dunoon Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 2 October 2012

Angus J. Gilmour  
Head of Planning and Regulatory Services



## REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 12/01566/PP

1. Having regard to the character of the immediate settlement pattern that provides for detached dwellings with generous curtilages allowing meaningful separation distances between dwellings, the proposed dwellinghouse would be sandwiched in the side amenity space between Hazelbank and Window Rock. Sited in such close proximity to these dwellings, the proposal would result in unacceptable infill development at odds with the character of the immediate established settlement pattern of the area, resulting in reduced standards of amenity for the existing lower and upper flats within Hazelbank, and Window Rock, where the proposed dwellinghouse would be visually dominant and overbearing. Additionally, the proposed dwellinghouse including its scale, design and siting and lack of adequate separation distances would result in the over-development of the site given the subsequent removal of amenity and visual space around Hazelbank to the detriment of the adjacent dwellings and to the character of the Special Built Environment Area.

Accordingly, the proposal is considered to be contrary to the principles of sustainable development and that of protecting and enhancing the quality of the environment as identified in Scottish Planning Policy (February 2010); Planning Advice Note 67 - 'Housing Quality'; STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, LP ENV14, LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4); and LP HOU 1 of the Argyll and Bute Local Plan (August 2009), all of which presume against the nature of the development proposed and advises that;

*“The design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area.....“New housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features”.* (Planning Advice Note 67 - 'Housing Quality'")

*“Infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development”.* (Scottish Planning Policy 2010, para. 82).

*The things that must be considered when developing an infill site are access and car parking provision and the scale and design of the proposal, which should be in harmony with the surrounding area, particularly the adjacent buildings. The amenity and privacy of neighbouring properties should also be considered. (10.2, Appendix A: Sustainable Siting and Design Principles, Argyll and Bute Local Plan 2009)*

2. The introduction of a further independent dwellinghouse to the plot where some of the facilities are communal, would result in a loss of existing amenity for the existing two flats within Hazelbank and

also result in an intensification of the plot in respect of reduced amenity spaces, and an increase in car parking, visitors, servicing and deliveries. There are existing parking issues within the larger plot which the proposal with its particular requirements would only exacerbate to the detriment of existing dwellings.

The removal of amenity space and intensification of the plot with the addition of an additional separate dwellinghouse and car parking spaces in the front garden area and also

between Hazelbank and the proposed dwellinghouse is considered to be unacceptable and would be contrary to the surrounding settlement character where traditional dwellings benefit from generous private amenity spaces. Such a development would therefore be contrary to Policies LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4) and LP HOU 1 of the Argyll and Bute Local Plan (August 2009), all of which now presume against the nature of the development proposed.

3. The proposal lacks necessary improvements to the existing access to improve sightlines that would appear to be outwith the applicant's control. The northern access would require the provision of sightlines (42 metres from a 2.4 metre setback), where the northbound sightline is on land outwith the applicant's control. Accordingly, the inability to provide the necessary visibility splay would be contrary to Policy LP ENV 19 'Development Setting, Layout and Design' including Appendix A Sustainable Siting and Design Principles, Policy LP TRAN 4 'New and Existing, Public Roads and Private Access' of the Argyll and Bute Local Plan (August 2009).

## NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 12/01566/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. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll\\_bute.gov.uk](mailto:localreviewprocess@argyll_bute.gov.uk)
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 **12/01566/PP**

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**A) Submitted Drawings**

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

2012\_0025/00 Rev B  
2012\_0025/04 Rev A  
2012\_0025/01 Rev A  
2012\_0025/03  
2012\_0025/02 Rev A

**B) 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?**

Yes. Revised site location plans submitted indicating the position of the existing garage/store.