

**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR DEMOLITION OF
GARAGE, ERECTION OF DWELLINGHOUSE AND FORMATION OF
PARKING AREA.**

**GARDEN GROUND OF HAZELBANK UPPER FLAT, 118A SHORE
ROAD, INNELLAN, ARGYLL.**

LOCAL REVIEW BODY REF. 13/0001/LRB

**PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 12/01566/PP**

1 February 2013

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr Stephen Gallagher.

An application for planning permission (ref. 12/01566/PP) for the demolition of a garage, erection of dwellinghouse and formation of parking area on garden ground of Hazelbank Upper Flat, 118A Shore Road, Innellan ('the appeal site') was refused under delegated powers on 2 October 2012. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site comprises the northern portion of a larger plot containing Hazelbank, a traditional one-and-a-half storey detached villa that was subdivided circa. 1992 into two self-contained flatted properties and their private and communal amenity spaces. The applicant is related to the occupant of the upper flat.

The application site contains a large timber garage/storage building that is located close to the northern gable of Hazelbank, but in very poor condition. The application site is also bounded to the north by a modern dwellinghouse Window Rock that is also located in very close proximity to the rear of the existing garage.

The application site includes the northern portion of the front garden area that is shown within the control of the upper flat although the curved driveway with dual accesses is actually in communal ownership for both flats. A number of vehicles are parked off this communal driveway on informal parking areas. There is no pedestrian footway along the frontage of the application site or along to the southern access.

The site slopes steeply to the rear where some of the wooded area has been cleared. A large residential caravan is sited to the rear of the garage but currently unused and in a derelict condition. A smaller caravan is sited close to the northern boundary in front of the garage/store and currently used for storage purposes.

The application site also lies with a Special Built Environment Area (SBEA) where Policy LP ENV14 states a presumption against development that does not enhance the character or appearance or setting of a SBEA. New development within these areas must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their designation.

SITE HISTORY

An application for planning permission (ref. 11/01117/PP) for the demolition of the garage and erection of a dwellinghouse was withdrawn on 31 August 2011.

An application for planning permission (ref. 11/02004/PP) for the demolition of garage, erection of dwellinghouse and formation of car parking area was refused on 31 January 2012 due to issues concerning scale, siting, car parking, lack of suds details and impact on the amenity of the lower flat.

An application for planning permission (ref. 12/01566/PP) for the demolition of garage, erection of dwellinghouse and formation of parking area was refused on 2 October 2012 due to issues concerning scale, siting, car parking, access and visibility splays and impact on the amenity (both shared and communal) of the existing flats within Hazelbank.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and 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, and 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 siting, scale and design of the proposed dwellinghouse is acceptable as a mainstream dwelling in very close proximity to Hazelbank and Window Rock?
- Whether the amenity of the existing flats within Hazelbank and Window Rock would be adversely affected by the proposed dwellinghouse?
- Whether the surrounding Special Built Environment Area would be adversely affected by the proposal?

The Report of Handling dated 1 October 2012 [Production 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. Other productions referred to below are listed in the Appendix. A variety of photographs are included within the Appendix [Production 7] to illustrate the site surroundings and help explain the issues related to in the text below.

It is also understood that the owners of Hazelbank Lower Flat intend to submit their own statement and include relevant correspondence lodged during the planning application process.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised are either addressed in this statement or were covered fully in the Report of Handling which is contained in the Appendix. 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 significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following summary points are noted in response to the appellant's comments:

1. Unacceptable Infill Development.

The applicant's agent wishes to clarify that the building to be replaced was historically a self-contained cottage, occupied independently of Hazelbank.

Previous correspondence between the original agent and Planning Officer suggested that "it may be possible to fit a very modest dwellinghouse in the footprint of the garage..."

Revisions have been made to the originally submitted proposals that result in a much more modest dwelling and from Shore Road would not appear to be significantly different in size to the building to be demolished. On this basis the agent considers that the replacement building would be no more 'sandwiched' between buildings than the current situation.

The agent considers it difficult to see how the proposed building could be visually dominant and overbearing given that it is significantly smaller and lower than the buildings to either side.

Comment: While the agent has submitted photographic evidence to suggest that the garage/store was historically used for 'residential' purposes, this may have been as ancillary to the upper flat. There are however no records to support any independent 'residential' use of the garage/store. The garage / store has not been used for 'residential' purposes for many years and is currently used as an ancillary building associated with Hazelbank upper flat. The timber garage / store is currently in a very poor condition.

The department offered advice and guidance to the applicant's previous agent where the issue of siting a mainstream dwellinghouse for a family member raised a number of serious concerns. The department had suggested that if was not possible to erect a mainstream dwellinghouse with independent amenities, then a modest ancillary building should be explored which may help to reduce potential tensions regarding adverse impacts on the private and communal facilities of the existing flats within Hazelbank. A letter to the previous agent for application ref.11/01117/PP dated 22 August 2011 [Production No. 2] explains clearly the difficulties the department had in accepting a mainstream dwellinghouse in this location and that, "a smaller detached annexe building may be more appropriate in the circumstances". However, the applicant did not explore or favour the ancillary annexe option and chose to make further applications for an independent dwellinghouse as a separate planning unit.

Revisions to the previous schemes by the current agent still proposed an independent dwellinghouse with a footprint greater than Hazelbank itself and this can be seen clearly on drawing ref. 2012_0025/04 RevA. [Production No.3].

The 1:250 'streetscape' image shown on drawing ref. 2012_0025/02 RevA [Production No.4]. does not reflect the actual siting, scale and proximity to adjacent dwellings as shown much more dependably on the 1:500 site plan above. The replacement two-bedroom detached dwellinghouse could hardly be regarded as modest in its particular situation.

2. Certificate of Lawful Use

The agent comments that a Certificate of Lawful Use has been submitted for the siting of a caravan ancillary to residential use within the grounds of 118A Shore Road. The agent highlighted maximum dimensions allowed under The Caravan Sites Act 1968. The reason in submitting this is to demonstrate that a caravan significantly larger than the proposed dwelling could be sited without the need for planning permission. Whilst this caravan could not be occupied completely independently of the main dwellinghouse, its visual impact would be much greater than the new dwellinghouse.

The agent has submitted case law regarding the use of a building within the curtilage of a dwellinghouse to be used for the provision of ancillary accommodation. The reason for referring to this case is to demonstrate that without the need for planning permission, it would alternatively be possible for the existing garage/store to be renovated and used for residential purposes, provided that no separate planning unit was created.

Comment: A Certificate of Proposed Lawful Use ref. 12/02374/CLWP for the siting of a caravan associated with the upper flat within Hazelbank was approved on 25 January 2013. The department did not dispute the proposal or case law presented by the agent, provided that any caravan remained wholly incidental and ancillary to the upper flat within Hazelbank as one single planning unit. Such a hypothetical use would technically be lawful with no development deemed to have taken place.

The approval of the Certificate of Proposed Lawful Use was submitted by the agent to demonstrate the scale of a twin-unit caravan against that of the proposed dwellinghouse. Members will appreciate that any caravan sited would require to remain wholly ancillary to the upper flat as a single planning unit whilst the proposed dwellinghouse would be a separate and independent dwellinghouse seeking its own amenities within a plot curtilage already containing two flatted properties with existing private and communal rights. This would appear to be the crux of this particular case. The department has no objections in principle to the existing garage/store being renovated for ancillary residential purposes or an ancillary caravan being sited to replace the existing garage/store and two caravans currently sited, but cannot approve a further separate planning unit within the site where there are existing tensions and legal issues. Whilst the department cannot get involved in legal matters, the ownership demarcation shown on drawing ref. 2012_0025/02 RevA [Production No.4] does not (according to the owners of the lower flat in their letter dated 30 August 2012) reflect the current legal position [Production No.5] .

3. Inadequate Parking / Amenity Space

The agent cites the second reason for refusal and refutes any suggestions that there are existing parking issues. The application was accompanied by a plan which indicated how amenity space would be divided with car parking provision for each separate dwelling. The plan shows that adequate parking/amenity space can be provided for both existing and proposed dwelling and that the communal right of access will not be adversely affected.

Comment: For clarification, the existing situation consists of two flatted properties within the building Hazelbank and their individual private amenity spaces in addition to communal shared amenity spaces. As indicated above, the ownership demarcation shown on drawing ref. 2012_0025/04 RevA [Production No.4] does not (according to the owners of the lower flat in their letter dated 30 August 2012) reflect the current legal position regarding the communal

driveway and access width. The current informal car parking arrangements for the occupants of the upper flat are considered to be un-neighbourly as stated in the representation dated 30 August 2012. The creation of an additional separate planning unit would only exacerbate the existing situation in addition to raising legal matters concerning titles. [Production No.5] .

4. Inadequate Access Arrangements

The agent considers that an additional reason for refusal not referred to in previous applications has also been introduced. This relates to the applicant's inability to improve the existing access to the property.

The agent highlights that the siting of an ancillary caravan or renovation of the existing building for ancillary purposes would generate the same amount of traffic movements as the proposed dwellinghouse. An alternative access arrangement and improve sightlines does however exist should the Local Review Body be minded to approve the dwellinghouse.

Comment: Whilst no comment was received from Roads for a previous scheme (ref. 11/02004/PP) this application was refused for other reasons which have been consistent throughout the process. The issue of sub-standard sightlines and lack of footway was not the sole reason for refusal. Roads response is attached for information. [Production No.6]

The agent indicates that it may be possible to form an alternative access by closing off both accesses and creating a new point of access 'at a central position on the site's frontage' and this could perhaps be addressed via a suspensive condition.

This raises a number of issues as a new access would appear to be outwith the red line boundary of the appeal site and may also appear to be on land outwith the control of the applicant. For this reason, a suspensive condition could not be used in this particular case as this would be materially different than the current proposal. Closing of both accesses would also require the written agreement of the owners of the lower flat as the driveway is communal between both lower and upper flats. The creation of a new access would therefore require to be the subject of a fresh application that would be judged entirely on its individual merits.

5. Agent's Conclusion

The agent concludes that the proposed new dwelling when viewed from Shore Road will not be significantly larger than the existing building and would not appear to be 'sandwiched' between existing buildings or that the proposed dwellings would have inadequate parking or amenity space. The agent quotes Scottish Planning Policy which notes "Infill sites within existing settlements can often make a useful contribution to the supply of housing land", with many examples of new buildings constructed within the grounds of older properties without there being any adverse impact on the character or the amenity of the area. The current proposal has an advantage of removing a building which makes no meaningful contribution to the appearance of the area thereby resulting in an overall visual improvement.

Comment: As mentioned in point 1. above, the submitted streetscape drawing shown on drawing ref. 2012_0025/02 RevA does not provide an accurate image of a separate dwellinghouse which would be twice the footprint of the existing garage/store and larger than the footprint of Hazelbank. In visual terms the proposed dwellinghouse would not sit comfortably with the adjacent dwellings but compete with and dominate the existing flatted properties in respect of expected amenities as a separate dwelling and planning unit. Photographs have been submitted by the agent indicating the scale of the garage/store when

used historically for 'residential' purposes but the new dwellinghouse would be much larger than the ancillary structure it seeks to replace. The agent has correctly quoted Scottish Planning Policy but has omitted the remainder of the relevant paragraph which states, "*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).

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 attached Report of Handling [Production 1] clearly details why planning permission could not be supported due to the siting, scale and design of the mainstream dwellinghouse sandwiched between Hazelbank and Window Rock. The nature of the proposed dwellinghouse as a mainstream dwellinghouse and single planning unit would have a serious impact on the amenities of the existing flatted properties within Hazelbank. The proposed dwellinghouse would not be subservient to the original dwellings but dominate and exacerbate existing car parking and access issues to the detriment of all residential properties within the larger plot curtilage. There may also be legal implications which the owners of Hazelbank Lower Flat have indicated in their representations but considered to be a civil matter between affected parties although the department acknowledges the existing situation of shared and communal facilities within the plot. For all of the reasons above, the proposed development was considered to be contrary to the settlement pattern and lead to an unacceptable loss of amenity which is contrary to adopted Structure Plan and Local Plan policies.

On the basis of all of the above, the department considers that the applicant and his agents were properly advised during the course of this application and concerns raised as to the siting of a separate dwellinghouse within the curtilage of two flatted properties with private and shared amenities and associated legal implications. The applicant was advised that the department would have had no objection in principle to either the renovation of the existing garage/store or the erection of a modest annexe with either option wholly ancillary and incidental to the use of the upper flat for residential purposes. However, this option was never fully explored and applications were submitted on the basis of a completely separate planning unit.

Accordingly, and on the basis of the objections received during the planning process, the department feels that it was correct to recommend refusal under the terms of Argyll and Bute Structure Plan policies 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) and LP HOU 1, LP TRAN 4 of the Argyll and Bute Local Plan (August 2009).

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDIX

- Production No.1** Report of Handling dated 1 October 2012;
- Production No. 2** Letter to previous agent dated 22 August 2011;
- Production No. 3** Refused drawing 2012_0025/04 Rev A;
- Production No. 4** Refused drawing 2012_0025/02 Rev A;
- Production No. 5** E-mail objection from owner of Lower Flat dated 30 August 2012.
- Production No. 6** Consultation Response from Roads dated 3 September 2012.
- Production No. 7** Photographs of the appeal site taken from Shore Road and within the site.

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

Reference No: 12/01566/PP

Planning Hierarchy: Local application

Applicant: Mr Stephen Gallagher

Proposal: Demolition of garage, erection of dwellinghouse and formation of car parking area.

Site Address: Garden ground of Hazelbank, 118 Shore Road, Innellan

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse;
- Formation of car parking areas for proposed dwellinghouse and upper flat within Hazelbank
- Installation of rainwater soakaway system (indicative).

(ii) Other specified operations

- Demolition of garage;
 - Connection to public water main and public sewer.
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(B) RECOMMENDATION:

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

(C) HISTORY:

An application for planning permission (ref. 11/01117/PP) for the demolition of the garage and erection of a dwellinghouse was withdrawn on 31 August 2011.

An application for planning permission (ref. 11/02004/PP) for the demolition of garage, erection of dwellinghouse and formation of car parking area was refused on 31 January 2012 due to issues concerning scale, siting, car parking, lack of suds details and impact on amenity of lower flat.

(D) CONSULTATIONS:

Scottish Water (response dated 24 August 2012): No objections. Potential wastewater capacity issues. Separate surface water drainage system required. Advisory comments.

Area Roads Manager (response dated 3 September 2012): No objections subject to conditions regarding sightlines, lack of footway, access design, gradient, car parking and turning provision and surface water drainage.

Public Protection (expiry date 7 September 2012): No response.

- (E) The application was advertised under Regulation 20(1) Advert Statement (publication date 31 August 2012, expiry date 21 September 2012).
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(F) **REPRESENTATIONS:**

One objection has been received from Derek McIntyre, Hazelbank Lower Villa, Shore Road, Innellan (e-mail dated 30 August 2012). The issues raised are summarised below.

- *Address on application form is wrong. There is no single property named Hazelbank after it was sub-divided in the 1960s, only Hazelbank lower flat at 118 and Hazelbank upper flat at 118a. For clarification it is the upper flat that is making the application.*

Comment: Noted and address now altered. For the purposes of this report, the building containing the lower and upper flat may be referred to as Hazelbank where the amenity of both lower and upper flats will be assessed.

- *Submitted streetscape elevation inaccurate in respect of dimensions of front elevation of Hazelbank and window locations on adjacent dwellings. Existing garage beside Hazelbank lower flat not shown.*

Comment: Whilst there may be minor inaccuracies, the streetscape elevation is considered sufficient in indicative terms but plans and elevations provide more accurate details.

- *No walls, fencing or bushes shown to separate the older property from the new. New build property overlooks communal areas and other area owned by lower flat.*

Comment: No boundary treatments or landscaping proposed. Agent confirms that this could be requested via planning conditions. Refer to report.

- *Proposed dwellinghouse will overlook front and back garden area of the lower flat.*

Comment: The proposed dwellinghouse would extend some 6 metres deeper and 1 metre closer than the existing garage.

- *Hazelbank flats share a communal driveway both in and out. The submitted plans do not show this. Shape of the front entrance to the communal driveway has been changed again without any consultation with the joint owner. Existing shared driveway has been adjusted to accommodate the proposed dwelling.*

Comment: The agent has confirmed that the colouring of the site plan does not reflect legal titles as existing where the driveway is communal.

- *New access and car parking area in the front garden will have a significant impact on the amenity of the both existing flats in terms of noise, disturbance, headlights, and visually. Any additional vehicles using the communal driveway and parking areas will exacerbate the existing situation.*

Comment: The proposed car parking area would be located in the front garden area in the front aspect of Hazelbank. Refer to report.

- *Proposal may lead to the southern access being used which is sub-standard or meeting additional vehicles using the northern access.*

Comment: Refer to report.

- *Scale and design of proposed dwelling and intensification of the plot in relation to the scale of the Victorian villa;*

Comment - Refer to report for an assessment of the issues raised.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement: N**
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N**
- (iii) **A design or design/access statement: Yes.**

The agent has submitted a Supporting Planning Statement indicating that the site is currently occupied by a substantial timber garage/store measuring 7.6 x 6.1 with a residential static caravan to the rear. The proposal involves the demolition of the existing timber garage/store, the removal of the static caravan and the erection of a modest single storey dwellinghouse. The agent has re-orientated the proposed dwelling to a position consistent with Hazelbank and Window Rock. The main footprint of the building would be only 1.0 metre larger in each direction than the existing garage, with an attached wing to the rear creating an overall 'T' shaped plan. The ridge height would be 5.5 metres and all principal windows would be to the front and rear of the new dwelling in order to minimise overlooking of neighbouring properties. The agent considers that the proposed dwelling would have no more visual impact than the existing garage building.

The agent also wishes to point out that the existing garage/store was formerly an independently occupied dwellinghouse with photographs submitted from 1978 and 1992. The agent feels that that the appearance of the site would be significantly improved by virtue of the demolition of the existing garage/store and its replacement with a new building and that a residential static caravan is sited to the rear of the garage but has been there for many years and now exempt from planning control.

Agent concludes that a modest new dwelling could be erected without any adverse impact on either the character of the area or the amenity of the occupiers of adjoining properties.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N**
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(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required: N**
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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N**
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- (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 SI 1 'Sustainable Development';
STRAT DC 1 'Development within the Settlements';
STRAT HO1 – 'Housing – Development Control Policy';

Argyll and Bute Local Plan (June 2009)

Policy LP ENV14 Development in Conservation Areas and Special Built Environment Areas;
Policy LP ENV19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4);
Policy LP HOU1 General Housing Development;
Policy LP SERV1 Private Sewage Treatment Plants and Wastewater Systems;
Policy LP SERV2 Incorporation of Natural Features/Sustainable Drainage Systems;
Policy LP TRAN4 New and Existing Public Roads and Private Access Regimes;
Policy LP TRAN6 Vehicle Parking Provision including Appendix C Access and Car 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.**

Scottish Planning Policy (February 2010);
Planning Advice Note 67 – 'Housing Quality'
Third party representations.

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**

(L) **Has the application been the subject of statutory pre-application consultation (PAC): N**

(M) **Has a sustainability check list been submitted: N**

(N) **Does the Council have an interest in the site: N**

(O) **Requirement for a hearing (PAN41 or other): N**

(P) **Assessment and summary of determining issues and material considerations**

Policy Considerations:

In the Argyll and Bute Local Plan (August 2009) the site is located within the small town and village settlement of Innellan where policies LP ENV 19 (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4); LP HOU 1, LP SERV2, LP TRAN 4 and LP TRAN 6 primarily apply.

The application site also lies with a Special Built Environment Area (SBEA) where Policy LP ENV14 states a presumption against development that does not enhance the character or appearance or its setting of a SBEA. New development within these areas must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their designation.

Site & Surrounding Area

The application site comprises the northern portion of a larger plot containing Hazelbank, a traditional one-and-a-half storey dwellinghouse that has been subdivided historically into two flats. The applicant is related to the occupant of the upper flat.

The application site contains a large timber garage/storage building that is located close to the northern gable of Hazelbank and in poor condition. The application site is also bounded to the north by a modern dwellinghouse, Window Rock that is also located in very close proximity to the existing garage. The surrounding settlement pattern has no rigid building line or pattern but is generally typified by detached villas and dwellings set back from Shore Road with their main front elevations facing the Firth of Clyde and ample separation distances.

The application site includes the northern portion of the front garden area that is shown within the control of the upper flat although the curved driveway with two access points is in communal ownership with the lower flat. A number of vehicles are parked off this communal driveway on informal parking areas. There is no pedestrian footway along the frontage of the application site or along to the southern access.

The site slopes steeply to the rear where some of the wooded area has been cleared. Japanese Knotweed is evident on parts of the application site but some eradication works have been carried out recently. A residential caravan is sited to the rear of the garage but this has been in this position for many years and exempt from planning control. A smaller caravan is sited close to the northern boundary in front of the garage/store but this is currently being used for storage purposes.

Proposal

Planning permission is sought to demolish the existing garage, remove the residential caravan and erect a single storey dwellinghouse around the garage footprint. The building footprint would be sited some 3 metres behind the building line of Hazelbank, 5 metres from the north facing side gable of Hazelbank and 1 metre from the stone boundary wall to the north. The proposed dwelling would be orientated with its main front gable facing east and south facing side elevation facing the northern side gable of Hazelbank. The dwellinghouse would have a pitched and gabled roof with a pitched roof porch feature on the east elevation and projecting extension on the rear elevation. The dwellinghouse would comprise lounge/kitchen/dining, bedroom and bathroom in the main footprint with a further bedroom in the rear extension. On the north elevation facing the front garden ground of Window Rock are a side entrance door and window from a bathroom. On the southern elevation facing the blank gable of Hazelbank is a bedroom window. Twin rooflights are proposed on the front roof slope.

Proposed materials include white cement render for external walls with grey slate effect tiles are proposed for the roof with stained timber window frames and doors.

A rear garden area is shown (approximately 12 x 12 metres) and a portion of the front garden area is shown allocated to the proposed dwelling. No boundary treatments or landscaping proposals are specified.

The existing shared access from Shore Road will be used with a car parking and turning area for three vehicles cut into the front lawn to provide two car parking spaces for the proposed dwellinghouse and one for the upper flat within Hazelbank. An additional car parking space for the upper flat within Hazelbank is proposed in the narrow space between Hazelbank and the proposed dwellinghouse.

It is proposed to install a soakaway system in front of the dwellinghouse but only indicative details have been submitted. A connection is to be made to the public water supply and sewage network.

Assessment

While the agent comments that the garage/store was formerly used as a dwellinghouse, this was historic and has since lost any rights to that use by virtue of either abandonment or absorption as a domestic garage/store in association with the upper flat. Any assessment is therefore made on the proposal to erect a new dwellinghouse on the site of the garage/store that is currently ancillary to the upper flat.

Policy LP HOU 1 of the Argyll and Bute Local Plan states a general presumption in favour of housing development unless there is an unacceptable environmental, servicing or access impact. Such proposals should not overwhelm the townscape character or the capacity of the settlement and be consistent with all other policies of the Structure and Local Plan.

Policy LP ENV 19 requires developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of the Local Plan, the Council's sustainable design guide and the following criteria :-

- (A) Development shall be sited and positioned so as to pay regard to the context within which it is located.
- (B) Development layout and density shall effectively integrate with the setting of the development. Layouts shall be adapted, as appropriate to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites shall be resisted.
- (C) The design of developments and structures shall be compatible with the surroundings.
- (D) The design of buildings shall be suitably adapted to meet the reasonable expectations for special needs groups.
- (E) Energy efficient design and sustainable building practice is strongly encouraged.

Appendix A: Sustainable Siting and Design Principles

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

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

Layout: must reflect local character/patterns and must be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.

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

Open Space/Density: all development should have some private open space (ideally a minimum of 100sqm); semi-detached/detached houses should only occupy a maximum of 33% of their site.

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

Design: the scale, shape, proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colours, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

In terms of the agent's supporting statement, the proposed house seeks to make use of the site of the garage/storage building and replace it with a 'modest' 3-apartment dwelling. However, in terms of the policy criteria above, it is considered that the proposed dwellinghouse fails to create an acceptable infill development for the reasons stated below.

Settlement character, Building Line and Orientation:

The limited width of the area (19 metres maximum) between Hazelbank and Window Rock does not allow an independent dwellinghouse to be suitably sited with ample separation distance. This would result in 'cramming' of the site and contrary to the immediate settlement pattern where existing villas and other dwellings are generally set within larger plots with ample separation distances to adjacent dwellings. The siting of the proposed dwellinghouse with its side gable facing Hazelbank at a distance of approximately 5 metres and north elevation 6.5 metres from Window Rock would be sited too close to these dwellings with insufficient separation distance and therefore considered to be inconsistent with the surrounding layout and townscape character.

Design:

Whilst the design of the proposed dwellinghouse is an improvement on previous schemes, it is still for a separate 2-bedroom detached dwellinghouse with standard amenities. Whilst the proposed dwelling has a frontage of 8.5 metres compared to Hazelbank (10 metres) it would have a depth of 12 metres against 7.5 metres for Hazelbank. The footprint of the proposed dwellinghouse would be approximately 10sqm larger than the footprint of Hazelbank.

The department previously suggested to the agent that perhaps a very modest 'ancillary' dwelling might be accommodated within the limited side garden space and competes directly with its immediate neighbours in such close proximity. The scale and design of the dwelling on this small site results in over-development of the site, appearing shoe-horned between Hazelbank and Window Rock to the detriment of both existing and proposed dwellings. The siting, scale and design of the proposed dwellinghouse is considered to be unacceptable in the context of its relationship to Hazelbank and Window Rock.

General Siting, Layout and Amenity:

Whilst there would be no obvious overshadowing or overlooking issues to Hazelbank or Window Rock, it is the significance of removing meaningful private garden ground and intensifying the residential uses on the plot that cause serious concern. The justification for the proposal is the removal of the garage and replacing it with a dwellinghouse. The footprint of the garage is approximately 7 x 6 metres with its longer elevation facing east. The proposed building footprint is approximately 90sqm and more than twice the area of the garage footprint. The proposed dwelling would also extend some 6 metres to the rear of the existing garage taking it much closer to Window Rock and also visually dominant from the lower flat in Hazelbank.

Window Rock is a detached dwellinghouse located 19 metres to the north of Hazelbank. The proposed dwelling would occupy the space between these buildings resulting in a cramming effect whilst reducing the visual amenity of Window Rock with a dwellinghouse located in such close proximity.

The overall impact would be of settlement cramming with the proposed dwelling looking at odds with the existing split villa and modern detached dwelling to the rear.

Plot Density and Amenity Space:

The upper flat within Hazelbank benefits from having significant garden space, albeit this may not be used to its best advantage given the condition of the garage/storage building and residential caravan parked to the rear. The rear garden although large on plan is steep and wooded where meaningful amenity space could be better provided by the side and front garden areas.

The vehicular access is shared as are some other parts of the curtilage of Hazelbank upper and lower flats. The introduction of a further dwellinghouse into this existing arrangement would result in a loss of amenity for the occupants of existing and proposed dwellings.

The location of the car parking area in front of Hazelbank would also result in a loss of amenity for the occupants of the lower flat by virtue of additional vehicle movements from the proposed dwellinghouse and upper flat within Hazelbank by virtue of close proximity to habitable rooms and nuisance from car headlights.

Access and Car Parking:

A new car parking area is proposed in the front garden area with space for three vehicles to park. The agent has confirmed that this parking area will serve both the proposed dwellinghouse (2 spaces) and the upper flat (1 space) within Hazelbank and an additional space is also proposed for the upper flat in the narrow gap between Hazelbank and the proposed dwellinghouse.

The current set-up with the two flats within Hazelbank is problematic with car parking issues around the shared driveway where the occupants of the upper flat park their cars in an unsurfaced area in front of the timber garage and on other areas. As mentioned in 'Plot Density and Amenity Space' above, the proposed car parking and turning space to serve both the proposed dwelling and the existing upper flat within Hazelbank would result in an unacceptable reduction in amenity for the lower flat in Hazelbank.

Roads comment that the required visibility splays are 42 x 2.4 m and that there is currently no footway along the frontage, only a demarcation line some 1.2 metres away from the boundary wall. A Section 75 Agreement would be required to ensure that the visibility splays are maintained as they extend beyond the ownership of the applicant. As the visibility splays are outwith the application site, the applicant has apparently no ability to provide the requested sightlines therefore contrary to policy LP TRAN 4 of the Local Plan.

Surface Water Drainage:

Scottish Water requires a totally separate surface water drainage system with surface water discharging to a suitable outlet. Only an indicative rainwater soakaway is shown in front of the proposed dwellinghouse with no other details submitted. It is considered that this matter could, however, be addressed via a planning condition and therefore generally consistent with Policy LP SERV 2 of the Local Plan.

Conclusion

The current proposal is the third attempt by the applicant to obtain planning permission for a dwellinghouse located between Hazelbank and Window Rock. Early pre-application advice to the applicant suggested that an ancillary annexe building might be capable of being accommodated in the narrow space between these dwellings but all three applications to date propose larger independent dwellinghouses that require their own dedicated amenities within a plot where facilities would be shared with the existing flats within Hazelbank.

Whilst the removal of the existing dilapidated garage and residential caravan from the site would visually improve this part of the plot, the erection of a new dwellinghouse that would effectively be crammed between Hazelbank and Window Rock would have a detrimental impact on the setting and amenity of these properties where the new dwellinghouse would be at odds and compete with the neighbouring buildings. Neither, should the presence of the garage/store as an outbuilding to the Hazelbank upper flat constitute a 'residential' infill plot.

The plot belonging to the upper flat appears to have existing car parking problems where a new garage/storage building in this location may offer a better solution than to introduce more vehicles onto the site which would then be shared by three separate residential properties.

On the basis of all of the above, the proposal is considered to be inconsistent with the relevant policies contained in the Argyll and Bute Structure Plan and Argyll and Bute Local Plan by virtue of inappropriate siting and design, significant impact on the amenity of the existing adjacent dwellings, impact of surrounding townscape character within a Special Built Environment Area and potential to exacerbate an existing parking problem to the detriment of the existing flats in Hazelbank.

(Q) Is the proposal consistent with the Development Plan: N

(R) Reason why planning permission or a Planning Permission in Principle should be granted.

Not applicable, application being recommended for refusal.

(S) Reasoned justification for a departure from the provisions of the Development Plan
n/a

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Brian Close

Date: 14 September 2012

Reviewing Officer: David Eaglesham

Date: 1 October 2012

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 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).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/01566/PP**

(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.

Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

22nd August 2011

Our Ref: 11/01117/PP
Contact: Brian Close; Direct Line: (01369) 708604

G R Kennedy
93 Marine Parade
Kirk
Dunoon PA23 8HQ

Dear Sirs

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPLICATION FOR PLANNING PERMISSION REF. 11/01117/PP;
ERECTION OF DWELLINGHOUSE;
GARDEN GROUND OF HAZELBANK, 118 SHORE ROAD, INNELLAN**

With reference to the application above that was validated on 26th July 2011, the following comments are made without prejudice.

This proposal continues to raise concern in terms of scale, orientation and design. At pre-application discussions, it was envisaged that the existing garage would be replaced by a very modest single storey dwellinghouse of similar footprint to the garage. The proposal above is for a three-bedroom detached dwelling sited gable end-on to Shore Road with very restricted sloping rear amenity space. Additionally, the submitted plans do not clearly demonstrate how the existing plot is currently divided in terms of access, car parking areas and communal and private amenity spaces. The proposed dwellinghouse occupies a footprint of approximately 11 x 7 metres with a ridge height of approximately 7 metres. Given the size of the existing garage, it may be possible to fit a very modest dwellinghouse in its footprint with no significant visual impact beyond the existing structure. Any dwelling should have its main elevation facing east towards the Firth of Clyde and be set back from the existing dwellinghouse Hazelbank. Significant separation should remain between Hazelbank and any proposed dwellinghouse. The frontage of the proposed dwelling should be significantly reduced from that currently proposed and ridge height reduced if possible.

It should be noted that the erection of a dwellinghouse within the curtilage of Hazelbank may still present difficulties and that a smaller detached annexe building may be more appropriate in the circumstances.

I have discussed the issues on-site with your client and he is aware of our concerns and that an alternative 'smaller-scale' scheme may obtain a more positive outcome. Given all of the above, it is therefore suggested that the current application be withdrawn and a fresh scheme submitted that proposes a more modest dwellinghouse orientated west-east. There would be no planning application fee if resubmitted within one year from the original date of submission but may incur another advertisement fee for a revised scheme. Additionally, an enlarged block plan at 1:200 which clearly shows the existing and proposed position in terms of existing buildings, outbuildings, accesses, car parking spaces and amenity spaces and a section through the site from west to east indicating the position of the proposed dwelling relative to Hazelbank and Window Rock on either side of the site should also be submitted. Any revised scheme should be discussed fully with the department prior to lodging an application. I would therefore be obliged if you would confirm how your client wishes his application to be determined by no later than 31st August 2011. If I do not hear from you by that date, it will be my intention to report this application with a recommendation of refusal as currently submitted. Please do not hesitate to contact me at the number above or at brian.close@argyll-bute.gov.uk should you wish to discuss any of the above.

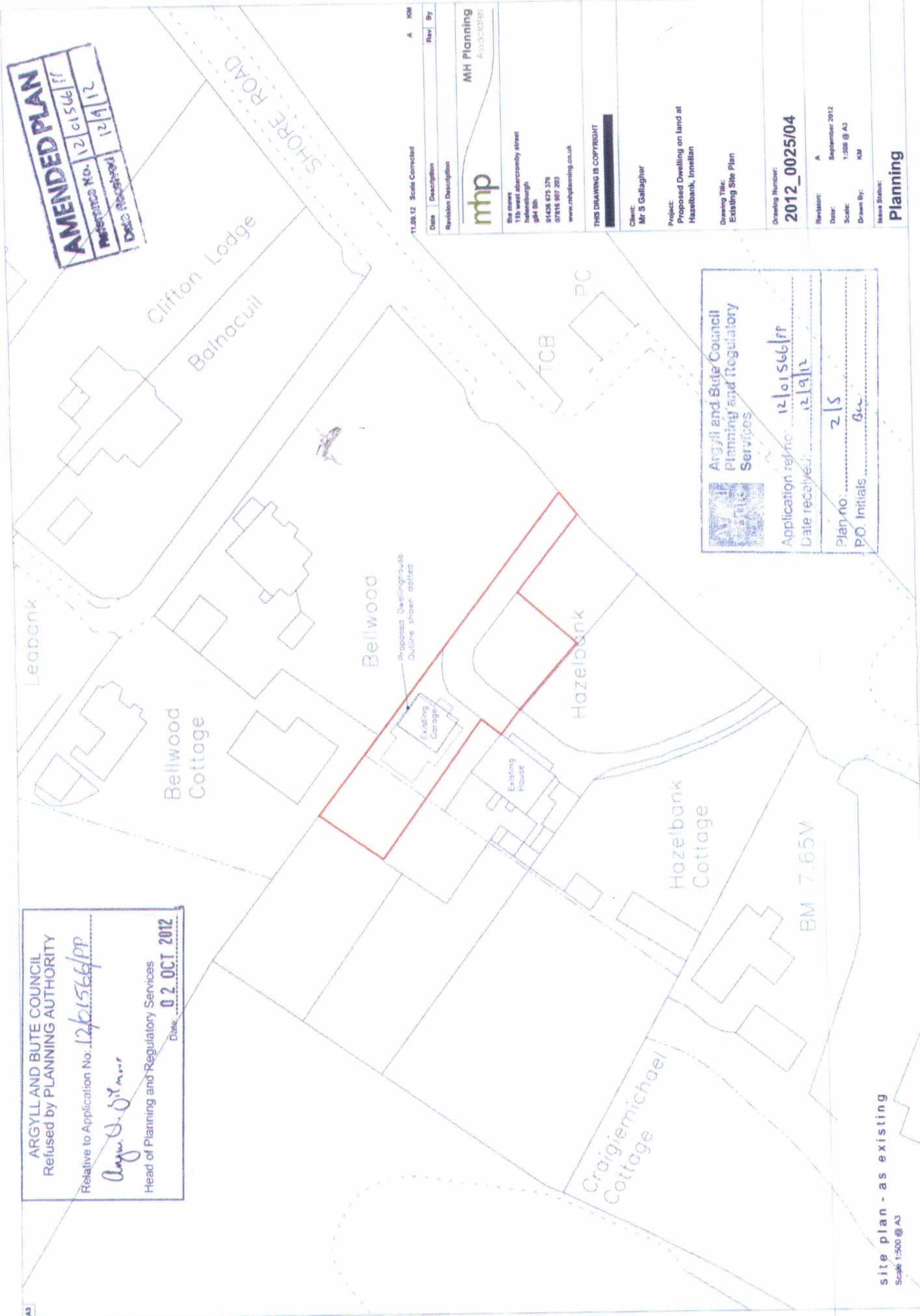
Yours faithfully


Planning Officer

Development Management,
Bute and Cowal

AMENDED PLAN
 Reference No. 12/01566/PP
 Date Received 12/19/12

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No. 12/01566/PP
 Angus D. Stamer
 Head of Planning and Regulatory Services
 Date: 02 OCT 2012



Argyll and Bute Council
 Planning and Regulatory
 Services
 Application ref no: 12/01566/PP
 Date received: 12/19/12
 Plan no: 2/5
 PO Initials: GLL

Date	Description	Rev	By
11.09.12	Scale Corrected	A	KM

mhp
 110 West Abercromby Street
 Glasgow G4 9JH
 01436 675 378
 07816 907 203
 www.mhpplanning.co.uk

MH Planning
 ASSOCIATES

THIS DRAWING IS COPYRIGHT
 [Redacted]

Client:
 Mr S Gallagher

Project:
 Proposed Dwelling on land at
 Hazelbank, Innellan

Drawing Title:
 Existing Site Plan

Drawing Number:
2012_0025/04

Revision:
 A

Date:
 September 2012

Scale:
 1:500 @ A3

Drawn By:
 KM

Issue Status:
Planning

Site plan - as existing
 Scale 1:500 @ A3



streetscape - as proposed
Scale 1:250 @ A3

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No. 12/01566/PP
Angus V. Gilmore
Head of Planning and Regulatory Services
Date: 02 OCT 2012

New Plot
 Upper Flat
 Lower Flat
 Car Parking Space

Argyll and Bute Council
Planning and Regulatory Services
 Application ref no: 12/01566/PP
 Date received: 17/8/12
 Plan no: S/S
 PO. Initials: BC



31.07.12 Red Line Altered, Window Positions Added A KM
Car Parking Altered

Date	Description	Rev	By
	Revision Description		

MH Planning
Associates

the mews
 11b west abercromby street
 helensburgh
 g84 9th
 01436 675 376
 07816 907 203
www.mhplanning.co.uk

THIS DRAWING IS COPYRIGHT

Client:
 Mr S Gallagher

Project:
 Proposed Dwelling on land at
 Hazelbank, Innellan

Drawing Title:
 Supplementary Site Plan
 and Streetscape as Proposed

Drawing Number:
 2012_0025/02

Revision: A
 Date: July 2012
 Scale: 1:500 / 1:250 @ A3
 Drawn By: KM

Issue Status:
Planning

supplementary site plan - as proposed
Scale 1:500 @ A3

BM 7.65M

Close, Brian

From: Derek [derek_mcintyre@btinternet.com]
Sent: 30 August 2012 17:10
To: Close, Brian
Cc: derek_mcintyre@btinternet.com
Subject: Neighbour Objections for Plans - Combination

Hi Brian, I've attached some of my objections for the planning permission sought at my home address. I haven't been able to go over the plans fully so I may add to these objections later if that's okay?

Please can you confirm safe receipt of this email.

Many thanks.

Derek McIntyre.

Neighbour Objections for Plans - Combination Case : 12/01566/PP, PP, CLOSEB,

Firstly please note that the address on the planning permission letter is wrong. As explained in a previous objections letter about the planned build I own part of Hazelbank, Shore Road, Innellan which is a split Victorian building consisting of a lower flat 118 shore road which I own and an upper flat 118a Shore Road which Mr Templeton owns in which Mr Gallacher the applicant resides. Please could I have this rectified as it appears from the application plan that 118 Shore Road Lower Flat Hazelbank Innellan is applying for permission when it's actually the upper flats occupant's.

Upon viewing the plans at your offices in Dunoon I am still very concerned about many of the issues that appeared on the previous planning application which was refused. Firstly I am in dispute about some of the measurements of the new properties sizes and in relation to how close it is to the dwelling house Hazelbank of which I own the lower portion and large grounds. It would appear once again that a front elevation drawing of the plans, featuring the original house, the planned new build and the property Window Rock to the rear sitting in quite comfortable spacious surrounds, however the reality is quite different. Once again the front elevation drawings show an "ideal" representation of how it would look but I feel not an accurate representative in size as to how it will actually look. Further investigation of more detailed sizes is required. The drawings appear to show my two front facing large bay windows as smaller than they actually are giving a misleading impression of their size - they take up the majority of the front of the building. One window (front bedroom) also does not appear to be marked on the window plans with a black dot - similarly the dots denoting windows have been missed out on the property of Window Rock too. So please could the plans be resubmitted showing those areas of concern. I also have noted that my garage does not appear in the drawings front elevations at the side of the house and that on closer inspection the shape of the front entrance to the communal driveway has been changed again without any consultation with me the joint owner of the in/out driveway.

In further objections I have noticed the lack of any kind of wall, fencing, bushes etc to separate the older property owned by the upper flat Mr Templeton and the new build property. This concerns me as the new build property not only looks onto communal areas owned both by myself 118 Shore road lower flat but also on an area wholly owned by myself. I fear that if this is not corrected I could then be sharing communal areas of my property which at the moment are only shared by the two properties lower and upper flat with a third adjoining property. This property will not only sit next to my property but also overlook my back garden and communal back garden as well as be very visible from my front garden and overlook it too. Bushes, walls, gates etc would have to be specified and the nature of their purpose.

On the subject of communal areas owned by the upper flat 118a and my lower flat 118 shore road innellann it must be noted that the driveway (in and out) is communal and not solely owned by the lower flat nor upper flat yet it appears that the driveway in the plans no longer functions that way (area marked white on coloured overview) with myself only having access to one in and one out exit not as it is at the moment. In other words it would appear from the plans (area marked orange) that a large portion of the communally owned driveway has been given away? How is this possible. Whilst we are dealing with the issue of access I would also like to make it clear that if the plans stay as they are I now stand a greater chance of meeting a vehicle heading out of the driveway from the new build in the opposite direction on the blind turn into the property from the main road (shore road) the in part of the communal driveway has been turned into the out access for the new build. To rectify this all traffic would have to pass directly in front of my front door and windows which is not acceptable.

On the subject of traffic, and noise created by it, I also feel that the property HazelBank, Shore Road, Innellan (lower and upper flats) can not support the extra traffic in and out of the property that a new build would bring. The noise of vehicles and frequency of the traffic at the moment running backwards and forwards to and from it (my property), right outside of my living room and front bedroom windows is already affecting our quality of life. We recently had to move to the back part of the house for this reason alone - car headlights shining in the windows merely feet from our house. The addition of an extra property will greatly increase this traffic and it's noise level. On a daily basis we are greeted by a van doing a 3 point turn in front our living room window, feet away, and then the noise of cars going back and forth past our front door which leads directly onto the driveway. To further complicate this I notice in the plans that there is now an extension for parking at the rear of the building also where no parking currently is able to take place. It forms a part of Mr Templetons back garden leading directly onto the communal back garden. The removal of a part of the back garden to put a parking space will then mean that traffic will sit facing into the back bedroom window and again this is only a few feet from the back bedroom window of the property making the only other bedroom in the building subject to traffic noise and car headlamps, car stereos etc. The parking issue continues at the front of the house with a large part of Mr Templetons front garden which borders on to my garden being removed to make way for further parking areas. Can you please note that this will be directly (20ft) away from my large living room windows and yet again I will be affected especially on dark nights by car headlamps shining in the window and related traffic noise, also if vehicles are over a certain height beyond normal car height they they will be clearly visible from the windows which at present look out onto gardens. Please bear in mind that this is not a big property but a converted Victorian building which once was only one house.

This forms part of my objections on public record for Plans - Combination Case : 12/01566/PP, PP, CLOSEB, Property : 118, Shore Road, PA23 7SS. I have some further objections/concerns but must consult with others and re-examine the full plans again to do so.

Regards,
Derek McIntyre
Hazelbank,
Lower Villa,
118 Shore Road,
Innellan
Pa23 7ss.

**OPERATIONAL SERVICES
BUTE & COWAL AREA
OBSERVATIONS ON PLANNING APPLICATION**

Planning No: 12/01566/PP
Contact: FARRELL PR
Tel: 01369708600
Received: 17/08/12



Grid Reference: NS1469

Dated: 17/08/12

Applicant: Mr S Gallagher

Proposed Development: Demolition of garage, erection of new dwelling house and formation of parking area

Location: Cruachan, 118 Shore Road Innellan Dunoon

Type of Consent: Detailed

Ref No(s) of Drg(s) submitted: Location & Site Plans and details (3)

RECOMMENDATION No Objections Subject to Conditions

Proposals Acceptable Y or N

Proposals Acceptable Y or N

Proposals Acceptable Y or N

1. General

(a) General impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis	N
(d) Flooding Assessment	N

2. Existing Roads

(a) Type of Connection (Road Junct/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Sightlines 42 X 2.4 m	Y
(d) Pedestrian Provision	Y

3. New Roads N/A

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/ Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/Radii/Sightlines)	
(f) Provision for PU	

4. Servicing & Car Parking

(a) Drainage	Y
(b) Car Parking Provision	Y
(c) Layout of Parking Bays/ Garages	Y
(d) Servicing Arrangements/ Driveways	Y

5. Signing N/A

(a) Location	
(b) Illumination	

Item Ref	COMMENTS
1	The proposed development is accessed from A815 Shore Rd Innellan within an urban 30 mph speed restriction.
2	The required visibility splays are 42 x 2.4 m. All hedges, fences and walls within the sightlines to be maintained a height not greater than 1 metre above the road. There is currently no footway along the frontage only a demarcation line some 1.2 metres away from the boundary wall.
4	The gradient not to exceed 5% for the first 5 metres. To be a sealed surface for first 5 metres. Gates if fitted must not be able to open out onto the road. Consideration will have to be given to surface water drainage to prevent runoff onto the carriageway. Parking for 2 vehicles and turning is already available within the site.

Item Ref	CONDITIONS
2	The required visibility splays are 42 x 2.4 m. All hedges, fences and walls within the sightlines to be maintained a height not greater than 1 metre above the road. A Section 75 Agreement will be required to ensure that the visibility splays are maintained as they extend beyond the ownership of the applicant. There is currently no footway along the frontage only a demarcation line some 1.2 metres away from the boundary wall. The gradient not to exceed 5% for the first 5 metres. To be a sealed surface for first 5 metres.
4	Gates if fitted must not be able to open out onto the road. Consideration will have to be given to surface water drainage to prevent runoff onto the carriageway. Parking for 2 vehicles and turning is already available within the site.

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: Paul R Farrell

Date 03/09/12

Copies to: Planning Maint SOID File

PRODUCTION NO. 7



The appeal site from Shore Road illustrating the setting of the existing garage/store as an ancillary structure and its relationship in close proximity to Hazelbank on the left and Window Rock on the right. Note the existing 'ancillary' static caravans to front and rear of garage / store (taken 6/9/12)



The existing garage/store taken from the front garden area of Hazelbank which is split between the two flats. Note the existing 'ancillary' static caravans to front and rear of garage / store (taken 6/9/12).



Garage / store at top of communal driveway, illustrating scale of existing structure and close proximity to Hazelbank. Also illustrates existing car parking on informal areas adjacent to narrow curved driveway (taken 18/8/11).



Photo taken from Hazelbank's rear communal drying green looking towards Window Rock with static caravan in the foreground and dilapidated garage/store to the right. Note close proximity of garage/store in relation to both Hazelbank and Window Rock. Proposed dwellinghouse would extend almost as far back as the left hand side of the caravan (taken 18/8/11).



Image illustrates narrow curving communal driveway (and not as shown on submitted plans), and front garden area of Hazelbank which could become a car parking area for the upper flat and proposed dwellinghouse, all in close proximity to Hazelbank lower and upper flats (taken 18/8/11).