

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: 13/00839/PP

Planning Hierarchy: Local Application

Applicant: Mr Thomas Malcolm

Proposal: Amendment to planning permission 11/00400/PP to increase height of roof of dwellinghouse by 0.4 metres (retrospective)

Site Address: 14 Kilmahew Avenue, Cardross

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Increase height of roof by 0.4 metres (retrospective) over that previously approved under planning permission 11/00400/PP

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY:

11/00400/PP - Erection of extension and alterations to dwellinghouse and increase in roof height to provide additional accommodation (Approved 21.07.11)

12/01988/NMA - Non Material Amendment to 11/00400/PP (Erection of extension and alterations to dwellinghouse and increase in roof height to provide additional accommodation) - Increase in roof ridge height. (Refused 22.02.13)

(D) CONSULTATIONS: None

(E) PUBLICITY: None

(F) REPRESENTATIONS:

One letter of objection has been received from the following:

Objections:

W J Major, 41 Hillside Road, Cardross (letter dated 10/05/2013)

(i) Summary of issues raised in objection

It is not obvious that this application refers to an unauthorised increase in the height of the roof ridge over that for which approval was given under 11/00400/PP. Although the application seeks approval for an additional height increase in 0.4 metres – some 25% higher than that originally approved – there appears to be no evidence that this is the true height of the ridge.

Comment: This is a retrospective application. See also my assessment.

The factors identified as issues of concern during the NMA application are still relevant, viz, the roof's relationship with the extension and the impact on the streetscene caused by the perceived scale and bulk of the roof feature. Additionally there is no doubt that this additional height increase has adversely affected even further on the level of amenity.

Comment: See my assessment.

Finally, would seek assurance that any decision made as a result of this application would not result in any change to the roof height of the garage extension as described in the original planning approval drawings.

Comment: The current application is for retrospective permission for the increase in the height of the roof of the dwellinghouse over that previously approved under planning permission 11/00400/PP. Any further changes, if they were to be made, would be judged on whether they are material or not and thereafter assessed on their merits against development plan policy and other material considerations.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

- (iii) **A design or design/access statement:** No
 - (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No
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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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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 Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP HOU 5 – House Extensions
LP TRAN 6 – Vehicle Parking Provision
Appendix A – Sustainable Siting and Design Principles

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

'Argyll & Bute Sustainable Design Guidance' (2006)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No
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- (L) Has the application been the subject of statutory pre-application consultation (PAC):** No
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- (M) Has a sustainability check list been submitted:** No
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- (N) Does the Council have an interest in the site:** No
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- (O) Requirement for a hearing (PAN41 or other):** No
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(P) Assessment and summary of determining issues and material considerations

Planning permission was previously granted by Committee under application 11/00400/PP for the erection of an extension to the front of this dwellinghouse and raising the height of the roof of the dwellinghouse. The extension included a double garage at ground floor level and the raising of the roof to allow for accommodation at first floor level. Construction began on the alterations and extension but in the process the ridge height of the roof of the dwellinghouse was increased by an additional 0.4 metres over that approved under 11/00400/PP.

Prior to the current application being submitted, the applicant requested that the increased ridge height be dealt with by means of a request for a non-material amendment (NMA under reference 12/01988/NMA. In assessing this it was considered that the increase in ridge height was a material change to the development permitted and that a further application for planning permission was required. The refusal of the non-material amendment does not affect determination of the current application which is assessed on its merits against development plan policy and other material considerations

The current retrospective application is to raise the ridge height of the roof of the original dwellinghouse by approximately 0.4 metres over that previously approved under 11/00400/PP. The main roof runs away from the objector's property, unlike the front garage extension which was purposely permitted with a lower roof in order to safeguard their amenity. The site sits at the end of a road in the middle of a hill and as such the house to the east side sits substantially higher than the existing house. This means that the raising of the roof over that previously approved will not seem overbearing or out of character with the existing streetscape even allowing for a slight change in ground level from east to west. The scale and design is considered to be acceptable and it is not considered that there will be any daylight, privacy or amenity issues. There is no change to the front extension accommodating the garage.

It is considered that the proposal is acceptable and it is recommended that planning permission be granted.

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

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

The site sits at the end of a road in the middle of a hill and as such the house to the east side sits substantially higher than the existing house. This means that the raising of the roof over that previously approved will not seem overbearing or out of character with the existing streetscape. Notwithstanding the third party representation received, the scale and design is considered to be acceptable and it is not considered that there will be any unacceptable daylight, privacy or amenity issues arising from the increase in roof height.

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

N/A

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

Author of Report: Howard Young

Date: 04/06/2013

Reviewing Officer: Richard Kerr

Date: 05/06/2013

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 13/00839/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 15/04/2013 and the approved drawing reference numbers TM – 05A, TM – 01A, TM 03E, TM – 02E unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTES TO APPLICANT

1. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion of Development' to the Planning Authority specifying the date on which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/00839/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is within the settlement boundary of Cardross as defined by the adopted Local Plan. Within the settlement boundary there is a presumption in favour of development subject to compliance with all other Local Plan Policies.

B. Location, Nature and Design of Proposed Development

The application site is situated at the top of Kilmahew Avenue, Cardross. Kilmahew Avenue rises along its length which means that number 14 is higher than number 12, which is higher than number 10 and so on. Above number 14, but with a different road frontage, is 41 Hillside Road and adjacent to this is a footpath.

Planning permission was previously granted under application 11/00400/PP for the erection of an extension to the front of the dwellinghouse and raising the height of the existing dwellinghouse. The extension included a double garage at ground floor level and the raising of the roof to allow for accommodation at first floor level. Construction of the alterations and extension started some time ago and the ridge of the original part of the dwellinghouse has been increased over that approved under 11/00400/PP by approximately 0.4 metres.

Prior to the current application being submitted, the applicant requested that the increased ridge height be dealt with by means of a request for a non-material amendment (NMA under reference 12/01988/NMA. In assessing this it was considered that the increase in ridge height was a material change to the development permitted and that a further application for planning permission was required. The refusal of the non-material amendment does not affect determination of the current application which is assessed on its merits against development plan policy and other material considerations

Policy LP HOU 5 and Appendix A of the adopted Local Plan gives advice on house extensions and sets out a number of criteria which should be adhered to. These include that the extension should not dominate the original building by way of size, scale proportion or design, that the materials should complement the existing house and that the extensions should not have significant adverse impact on the privacy of neighbours.

Under application 11/00400/PP the proposal was for the erection of an extension to the front of the dwellinghouse and the raising of the ridge height of the existing dwelling. The ridge height of the existing building was increased by approximately 1.6 metres to allow the loft space to be converted to living accommodation. The upper floor could then accommodate 2 additional bedrooms and a bathroom. The extension included a double garage and was finished in materials to match the existing dwelling. As originally submitted, the extension measured approximately 50 square metres and the ridge height of the extension was shown to match the proposed raised ridge height of the dwellinghouse. However this was considered to have an overbearing impact on the adjoining neighbouring property and the streetscape and as such the ridge height of the

extension was lowered by approximately 1.9 metres and the footprint reduced to approximately 45.5 square metres. This reduction meant the loss of living accommodation above the garage, but this was necessary in order to reduce the impact of the extension on the streetscape and the adjoining property.

Concern has been raised that the proposed raised ridge height over that previously approved would have a detrimental impact on the amenity of the adjacent neighbouring property at 41 Hillside Road by way of daylighting, overshadowing and privacy. The main roof runs away from the objector's property, unlike the front garage extension which was purposely permitted with a lower roof in order to safeguard their amenity. All of the houses to this side of Kilmahew Avenue are uniform in style; however number 14 is in a unique position as it clearly marks the end of the road. The site sits at the end of a road in the middle of a hill and as such the house to the east side sits substantially higher than the existing house. This means that the raising of the roof by approximately 0.4 metres over that previously approved will not seem overbearing or out of character with the existing streetscape, even allowing for a slight change in ground level from east to west. The scale and design is considered to be acceptable and it is not considered that there will be any daylight, privacy or amenity issues.

It is considered that the proposal is acceptable in terms of Policy LP HOU 5 and Appendix A of the adopted Local Plan. It is recommended that planning permission be granted.