

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

**REFUSAL OF PLANNING PERMISSION FOR SUB-DIVISION OF
GARDEN GROUND AND ERECTION OF DWELLINGHOUSE.**

**REAR GARDEN GROUND OF 6 STEWART STREET, KIRN,
DUNOON, ARGYLL.**

LOCAL REVIEW BODY REF. 13/0010/LRB

**PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 13/00594/PPP**

3 July 2013

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Ms Liz Gilpin.

An application for Planning Permission In Principle (ref. 13/00594/PPP) for the sub-division of garden ground and erection of dwellinghouse in the rear garden ground of 6 Stewart Street, Kirn ('the appeal site') was refused under delegated powers on 25 April 2013. The planning application has been appealed and is the subject of referral to the Local Review Body.

DESCRIPTION OF SITE

The applicant's property at 6 Stewart Street is a one-and-a-half storey detached dwellinghouse with front elevation facing east with garden areas to front and rear. The application site comprises rear garden ground to the west of this dwellinghouse. The application site is bounded by a bungalow at 8 Stewart Street to the west, the two-storey Fyne Homes residential development in Kirn Place to the north and east, and two-storey semi-detached dwellinghouses across Stewart Street to the south. The application site is bounded by a low stone boundary wall along the site frontage with a gravel off-street car parking space created behind an opening in this wall.

The donor property has a gravel off-street parking area within the front garden and secondary off-street car parking area in the rear garden [Production No. 2].

SITE HISTORY

Whilst there is no planning history for the application site, enquiries were made by the previous owner to erect dwellinghouses in both the rear and front garden areas. Both proposals were considered to be over-development of the sites and wholly contrary to adopted policies at that time and accordingly, no support was forthcoming from the department [Production Nos. 3 and 4].

The applicant or her agent made no pre-application enquiry this time around and the application was submitted with no discussion or advice sought from the Planning Authority.

Planning permission ref. 04/02322/DET for the erection of a residential development by Fyne Homes comprising 3 dwellinghouses and 8 flats and formation of new vehicular access and off-street parking spaces was granted on 22 November 2005 and implemented.

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 in very close proximity to the donor dwelling at 6 Stewart Street, the bungalow at 8

Stewart Street, a semi-detached dwellinghouse Narnain, Stewart Street and semi-detached dwellinghouse at 1 Kirn Place?

- Whether the amenity of the adjacent dwellings at 6 Stewart Street, 8 Stewart Street, Narnain and 1 Kirn Place would be adversely affected by the proposed dwellinghouse?
- Whether the proposed development would adversely affect the immediate settlement character?
- Whether the removal of rear garden space would result in a serious loss of amenity for the donor dwellinghouse at 6 Stewart Street?

The Report of Handling dated 24 April 2013 [Production No. 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 No. 9] to illustrate the site surroundings and help explain the issues related to in the text below.

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, and 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 based on individual reasons for refusal below:

1.0 Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), an adjacent semi-detached property at 12 Stewart Street (13 metres), the donor property at 6 Stewart Street (5 metres) and private rear garden area of the adjacent semi-detached dwellinghouse at 1 Kirn Place (4.8 metres), it is considered that the proposed dwellinghouse would lack sufficient separation distances and would overlook and visually dominate these properties to the detriment of their amenities, inconsistent with the character of the surrounding townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.

1.1 The agent comments that it is proposed to erect the dwellinghouse no closer to the boundary than the adjacent bungalow at 8 Stewart Street. The adjacent dwellinghouse is a traditional bungalow which was built prior to planning legislation coming into force.

The proposed dwellinghouse must be assessed against current adopted Development Plan policies, which the agent makes no reference to whatsoever in his statement. If anything, current Development Plan policies now contain more detailed technical guidance on acceptable infill development and offer better protection for existing dwellings. Given the proposal to erect a two-storey dwellinghouse within 2.6 metres from the adjacent bungalow (which has a habitable bedroom window on the east facing side elevation), the department feels that an acceptable separation distance cannot be achieved to avoid potential adverse impacts of loss of daylight, loss of aspect and visual dominance to the existing bungalow.

- 1.2 The agent comments that the bungalow uphill would not be dominated by the new property.

The submitted drawings do not indicate any element of excavation where the proposed dwellinghouse would sit very close and tall in relation to the existing adjacent bungalow. Photographs in Production No. 9 indicate the relation of application site and streetscape in terms of limited dimensions of the site and relation to existing dwellings. An aerial photograph also helps to demonstrate the limited nature of the application site within its surroundings. [Production No.8].

- 1.3 The agent comments that the donor property will generally be 8.5 metres from the proposed new dwelling and that adequate separation is achieved, better than 1 Kirn Place adjacent.

In this case, it is not the separation distance itself which warranted refusal but the impact that the new dwelling would have on the donor property by significantly reducing its back garden area.

- 1.4 The department acknowledges that the original report refers to a semi-detached property at 12 Stewart Street, Narnain which should have been referred to as Narnain, Stewart Street. Whilst the reasons for refusal mention 12 Stewart Street, the original Report of Handling refers to this property as Narnain. Notwithstanding this typographical error, the adjacent property Narnain is 13 metres from the proposed dwellinghouse with potential privacy issues due to the close proximity between habitable room windows on the main front elevation of the proposed dwellinghouse.

- 1.5 The agent incorrectly states that the planning report refers to a separation distance of 4.8 metres from the proposed dwellinghouse to the adjacent property at 1 Kirn Place. The report clearly states that the proposed dwellinghouse would be 4.8 metres distant from the mutual rear boundary fence of the property at 1 Kirn Place where there is potential to adversely affect the rear private amenity space of that dwelling.

Blank side elevations of dwellings close to or overlooking private gardens do not generally result in a significant loss of privacy and amenity compared to a rear elevation directly overlooking private amenity space in close proximity as proposed.

- 2.0 *Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), the proposed dwellinghouse would result in a significant loss of daylight and aspect to the sole bedroom window on the east facing side elevation of this property. Furthermore, the*

scale and siting of the proposed dwellinghouse in such close proximity to the western boundary of the site would visually dominate and overwhelm this bungalow to the detriment of existing amenity and inconsistent with the character of the surrounding townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.

- 2.1 The agent considers that the adjacent bungalow at 8 Stewart Street is sufficient distance away to avoid visual dominance.

This issue has already been addressed in 1.1 and 1.2 above.

- 2.2 The agent suggests that in the interests of amenity, his client would be willing to relocate the new dwelling further away from the bungalow at 8 Stewart Street and to reduce the height to single storey. The agent comments that no opportunity was given to his client to consider any variation to the scheme but conditions could be applied to the consent to be resolved at the detailed design stage.

Given the historical enquiries and current policy guidance on infill development, it is considered that there would have been no merit in advising the applicant to submit an alternative scheme. The application is in outline at this stage with indicative footprint but it is difficult to see where a single dwellinghouse could be located within this small application site to also include off-street car parking provision without having a significant impact on surrounding dwellings. In any event, relocating the footprint of the dwelling and altering the site layout would have been regarded as a 'material' amendment requiring the submission of a fresh revised application which would have been judged on its individual merits. It has, and still is the department's view, that the application site as submitted is too small to accommodate a single dwellinghouse of this footprint and in this location.

The department may not however be against the idea of demolishing the dwellinghouse at 6 Stewart Street and the erection of one or more dwellinghouses with front elevations facing Stewart Street. Any such proposal would have to respect habitable window-to-window distances and proximity to the existing electricity sub-station at the eastern end of the site. This may allow better development of the entire curtilage of 6 Stewart Street but any proposal would be judged on its individual merits.

- 3.0 *The removal of such a significant amount of private amenity space from the donor dwellinghouse at 6 Stewart Street is considered to be unacceptable and would result in a serious reduction in meaningful amenity space expected for that dwelling. The introduction of a new dwellinghouse with enlarged driveway on the existing rear garden area would result in an unacceptable separation distance of 1.5 metres between the rear of the existing dwellinghouse and the new plot boundary which would be detrimental to the enjoyment of the existing dwellinghouse. Additionally, such a reduction in amenity space would be contrary to the surrounding settlement character where the properties benefit from sufficient rear garden private amenity spaces. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV*

1, 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.

3.1 to 3.8

The agent has provided supporting information on corresponding amenity space for a variety of dwellings surrounding the application site. All applications are assessed against the provisions of the Development Plan but are also based on their individual merits. For this reason, there are no strict policies on garden sizes where accepted habitable window to window separation distance tends to result in minimum separation distances of 18 metres and therefore a minimum of 9 metre back gardens. The amount and type of amenity space required depends however on the proposed development, nature of development, topography and combined amenity spaces with adequate and private amenity spaces. Front garden areas are often disregarded as 'setback' areas as they do not offer meaningful private spaces. The provision of adequate amenity space is only one determining factor in an assessment of new housing proposals, where smaller garden areas have been accepted if all other criteria have been satisfied. What cannot be argued is that the rear boundary of the donor property at 6 Stewart Street would be reduced from 17 metres from the rear of the projecting extension on its rear elevation to 1.5 metres which is considered to be unacceptable for a dwelling of its scale.

4.0 The applicant has failed to provide any information in respect of surface water drainage proposals (SuDS) for the application site. The lack of indicative drainage arrangements incorporating a SuDS scheme to alleviate potential surface water run-off from the proposed dwellinghouse and any areas of hard standing is contrary to policy LP SERV 2 – Sustainable Drainage Systems (SuDS) of the Argyll and Bute Local Plan (August 2009), which presumes against the nature of the development proposed.

4.1 Whilst the agent suggest that a suspensive condition could address the lack of any SuDS information, indicative surface water drainage proposals should be submitted even at this in-principle stage to establish that a surface water connection could be achieved. If the principle of a surface water scheme or connection is accepted, then a suspensive condition could require full details of the surface water drainage system (including SuDS) to be submitted as part of a detailed proposal at a later stage.

5.0 Agent's Conclusion

The agent considers that planning policies have not been consistently applied by the Council in comparison with other previous decisions and that with minor modifications; the proposal would comply with those policies. The department would reiterate that it has consistently rejected proposals to erect dwellinghouses on either the current application site or the front garden area of 6 Stewart Street on policy grounds that any potential development would be regarded as over-development with potential to have an adverse impact on the donor dwelling and surrounding dwellings. It was, and is still accepted that the siting of the donor dwelling at 6 Stewart Street in a central position within its curtilage makes it very difficult to develop the larger garden areas to the east and west of this property.

The applicant's agent compares the standards set within the Fyne Homes development to the rear of the application site and suggests that this development may have had a consequence for his client developing the application site. In this regard, It is interesting to note that the

original owner of 6 Stewart Street was approached by Fyne Homes at the time of their proposal to incorporate the entire site at 6 Stewart Street into their larger scheme. The owner however declined their offer at that time but then made enquiries to the department to develop the rear garden area (i.e. the application site) in May 2005. In September 2005, when the Fyne Homes application was being considered, a letter was received from the owner of 6 Stewart Street indicating support in principle for the proposed housing development with no mention of proposed dwellings in close proximity to his dwelling, impact on amenity or separation distances (as now suggested by the agent). Indeed, the letter concentrated on providing an alternative access for the Fyne Homes site through the owner's rear garden area i.e. the current application site [Production No.5]. This was not adopted by Fyne Homes and their two-way access was constructed east of the property at 6 Stewart Street. Following the granting of planning permission to Fyne Homes in November 2005, the owner of 6 Stewart Street wrote to the department again in April 2007 with a proposal for two dwellinghouses in both front and rear garden areas [Production No.4]. The department could not support such a scheme at that time, or now.

Current adopted policies still support this view in safeguarding existing residential properties from unacceptable infill development proposals. Any proposed dwellinghouse on this very limited site would have to be designed very carefully to respect the proximity and amenity spaces of surrounding adjacent dwellings taking into account ample separation distances, habitable window-to-window distances, provision of meaningful private amenity spaces for both existing and proposed dwellinghouses, loss of daylight and aspect and visual dominance. These technical factors have not been successfully demonstrated in this particular case and the department has a duty of care to safeguard the setting, amenity and privacy of immediate surrounding dwellinghouses as highlighted in letters of objection from two most affected properties [Production Nos. 6 & 7].

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 proposed dwellinghouse sandwiched between the appellant's dwellinghouse at 6 Stewart Street and the adjacent bungalow at 8 Stewart Street.

For all of the reasons above, the proposed development was considered to be contrary to the immediate settlement pattern by proposing unacceptable infill development resulting in an unacceptable loss of residential amenity to the donor dwelling and surrounding dwellinghouses which is contrary to adopted Structure Plan and Local Plan policies.

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 24 April 2013;
- Production No. 2** Refused drawings 01,001, 01-002, 01-003;
- Production No. 3** Letter to previous owner, Charles Gilpin dated 9 May 2005;
- Production No. 4** Letter to previous owner, Charles Gilpin dated 16 April 2007;
- Production No. 5** Letter from previous owner, Charles Gilpin dated 2 September 2005;
- Production No. 6** e-mail objection from owner of Narnain, Stewart Street, Kirn;
- Production No. 7** Letter of objection from owners of 8 Stewart Street, Kirn;
- Production No. 8** Aerial photograph illustrating dimensions and limitations of the application site.
- Production No. 9** Photographs of the appeal site taken from Stewart Street and from within the site.

PRODUCTION NO. 1

Argyll and Bute Council
Development and Infrastructure Services

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: 13/00594/PPP

Planning Hierarchy: Local application.

Applicant: Ms Liz Gilpin

Proposal: Sub-division of garden ground and erection of dwellinghouse.

Site Address: 6 Stewart Street, Kirn, Dunoon, Argyll

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 two-storey dwellinghouse (no details, indicative footprint);
- Formation of vehicular access.

(ii) **Other specified operations**

- Connection to public water main and public sewer.
-

(B) RECOMMENDATION:

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

(C) HISTORY: None

(D) CONSULTATIONS:

Area Roads Manager (response dated 8 April 2013): No objections subject to conditions regarding visibility splays, access, gradient, turning and parking revisions for proposed and existing dwellinghouse. Advisory notes regarding surface water drainage and requirement for Road Opening Permit.

Scottish Water (response dated 2 April 2013): No objections in principle. Potential wastewater capacity issues and separate surface water drainage scheme required. Advisory comments.

Public Protection (response dated 28 March 2013): No objections.

(E) PUBLICITY: None.

(F) REPRESENTATIONS:

Two emails/letters of objection have been received from:

Elliot Brown, Narnain, Stewart Street, Kirn (email dated 15 April 2013);
John Hlpson and Jane Nicol, 8 Stewart Street, Kirn (letter dated 12 April 2013);
The points of objection are summarised below:

- *If the proposed property faces south then it would be looking into the adjacent property Narnain;*

Comment: From the indicative building footprint, the property Narnain would be located approximately 13 metres from the proposed dwellinghouse resulting in potential window-to-window overlooking and privacy issues.

- *The proposed dwelling would be very close to the dwellinghouse at 8 Stewart Street where it could block out light and close to a bedroom window.*

Comment: The proposed two-storey dwellinghouse would be located only 2.6 metres from the south elevation of the adjacent property at 8 Stewart Street and likely to significantly affect this property in terms of loss of daylighting and visual dominance.

- *What measures would be put in place to manage traffic flow? The proposal will result in further waiting restrictions in a one-way street with waiting restrictions.*

Comment: Roads have no objections provide sufficient off-street car parking can be provided for the existing and proposed dwellinghouses.

- *The ground on which the dwelling is proposed is covered in Japanese Knowtweed. Despite being treated it still remains on site.*

Comment: Noted and an advisory note is attached.

- *Disruption to residents of Stewart Street during building. This is a one-way street and problematic at the best of times without heavy plant making the situation worse.*

Comment: This is not a planning concern but it would be anticipated that Roads would expect all construction traffic to be accommodated off-street.

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

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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 ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles and Sustainable Design Guidance 1-4);

Policy LP HOU 1 General Housing Development;

Policy LP SERV 1 Private Sewage Treatment Plants and Wastewater Systems;

Policy LP SERV 2 Incorporation of Natural Features/Sustainable Drainage Systems;

Policy LP TRAN 4 New and Existing Public Roads and Private Access Regimes;

Policy LP TRAN 6 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.

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 Kirn.

Site & Surrounding Area

The applicant's property at 6 Stewart Street is a one-and-a-half storey detached dwellinghouse with front elevation facing east with garden areas to front and rear. The application site comprises rear garden ground to the west of this dwellinghouse. The application site is bounded by a bungalow at 8 Stewart Street to the west, the two-storey Fyne Homes residential development in Kirn Place to the north and east, and two-storey semi-detached dwellinghouses across Stewart Street to the south. The application site is bounded by a low stone boundary wall along the site frontage with a gravel off-street car parking space created behind an opening in this wall.

The donor property has a gravel off-street parking area within the front garden and secondary off-street car parking area in the rear garden.

Proposal

It is proposed to erect a two-storey dwellinghouse within the rear garden area of the dwellinghouse at 6 Stewart Street, Kirn. The proposal is for Planning Permission in Principle and only an indicative building footprint has been submitted at this stage with no details submitted on design or materials.

The proposed dwellinghouse would be orientated with its main front elevation facing south towards Stewart Street and rear elevation facing the Fyne Homes development. The proposed building would follow the building line of dwellings on this side of Stewart Street. The existing informal driveway will be extended to create off-street tandem car parking. A small rear garden area will be provided. A 1-metre high timber fence is proposed along the eastern boundary.

A connection is to be made to the public water supply and public sewage network.

In terms of surface water drainage, no details have been submitted but the agent has confirmed that it is proposed to the public main in Stewart Street.

Assessment

Policy LP HOU1 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 ENV19 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.

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.

Comment: Whilst the siting of the proposed dwellinghouse follows the building line of other dwellings on the northern side of Stewart Street, it does not respect the general plot size and separation distances as detailed below.

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.

Comment: The application site measures 15 x 15 metres (225sqm) with an indicative building footprint of 10.4 x 7 metres (73sqm). The proposed building footprint would be located 2.6 metres from the east facing side elevation of the adjacent bungalow at 8 Stewart Street. The proximity of the proposed two-storey dwellinghouse to the adjacent bungalow would result in a significant loss of daylight to the sole bedroom window on this side elevation and also result in visual dominance from such a tall structure in very close proximity to a lower building. The proposed dwellinghouse would be sited 4.8 metres from the northern boundary with the adjacent semi-detached dwellinghouse at 1 Kirn Place. This could result in overlooking of the private rear garden area. The proposed dwellinghouse would be sited 13 metres from the front elevation of the adjacent semi-detached dwellinghouse Narnain, 12 Stewart Street. This could result in normal window-to-window distance (18 metre minimum for directly facing windows) being compromised with overlooking and privacy issues for the adjacent property

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.

Comment: The application site measures 15 x 15 metres (225sqm) where the indicative building footprint of 10.4 x 7 metres (73sqm) occupies approximately 32% of the plot. Whilst the plot density generally meets the requirements in the Local Plan, the undeveloped portion of the application site would comprise mainly driveway and hard areas with very limited private amenity spaces. The small garden area to the front measures 10 x 2 metres (20sqm) but this is regarded as fore garden space and not meaningful amenity space. The small garden area to the rear excluding the footpath measures approximately 45sqm and general depth of 4 metres. This is considered to be very limited in terms of comparison with surrounding dwellings. The proposal would also result in the loss of rear garden ground for the donor property at 6 Stewart Street. This property currently has a rear garden extending to 17 metres which would be reduced to 1.5 metres.

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

Comment: Roads offer no objections subject to satisfactory sightlines being achieved and that both the existing and proposed dwellinghouse have adequate off-street car parking provision.

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

The agent has confirmed that no surface water drainage exists or is proposed but anticipates that it may be possible to connect to the public main in Stewart Street. Scottish Water comments that a totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) if the system is considered for adoption.

Conclusion

It is considered that the limited dimensions of the site and juxtaposition of adjacent dwellings make this small site extremely difficult to develop without significant adverse impact on not just surrounding dwellings but to the donor property. The proposed two-storey dwellinghouse could lead to a significant loss of daylight to the bedroom of the neighbouring bungalow at 8 Stewart Street in addition to being visually dominant in the immediate streetscape. On such a small plot a two-storey (or even single storey) dwellinghouse would result in over-development of the plot with inadequate separation distances to adjacent dwellings with associated issues of visual dominance, overlooking and loss of amenity.

Additionally, the lack of an indicative surface water drainage system is contrary to the advice from Scottish Water and to policy LP SERV 2 of the Local Plan.

In view of the foregoing, 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 scale of the proposed dwellinghouse in very close proximity to the existing bungalow at 8 Stewart Street, donor property at 6 Stewart Street and semi-detached dwellinghouse at 1 Kirn Place. The proposed dwellinghouse would overwhelm the immediate surrounding properties and surrounding townscape character.

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

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

1. Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), an adjacent semi-detached property at 12 Stewart Street (13 metres), the donor property at 6 Stewart Street (5 metres) and private rear garden area of the adjacent semi-detached dwellinghouse at 1 Kirn Place (4.8 metres), it is considered that the proposed dwellinghouse would lack sufficient separation distances and would overlook and visually dominate these properties to the detriment of their amenities, inconsistent with the character of the surrounding townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.
2. Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), the proposed dwellinghouse would result in a significant loss of daylight and aspect to the sole bedroom window on the east facing side elevation of this property. Furthermore, the scale and siting of the proposed dwellinghouse in such close proximity to the western boundary of the site would visually dominate and overwhelm this bungalow to the detriment of existing amenity and inconsistent with the character of the surrounding

townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.

3. The removal of such a significant amount of private amenity space from the donor dwellinghouse at 6 Stewart Street is considered to be unacceptable and would result in a serious reduction in meaningful amenity space expected for that dwelling. The introduction of a new dwellinghouse with enlarged driveway on the existing rear garden area would result in an unacceptable separation distance of 1.5 metres between the rear of the existing dwellinghouse and the new plot boundary which would be detrimental to the enjoyment of the existing dwellinghouse. Additionally, such a reduction in amenity space would be contrary to the surrounding settlement character where the properties benefit from sufficient rear garden private amenity spaces. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.
4. The applicant has failed to provide any information in respect of surface water drainage proposals (SuDS) for the application site. The lack of indicative drainage arrangements incorporating a SuDS scheme to alleviate potential surface water run-off from the proposed dwellinghouse and any areas of hard standing is contrary to policy LP SERV 2 – *Sustainable Drainage Systems (SuDS)* of the Argyll and Bute Local Plan (August 2009), which presumes against the nature of the development proposed.

(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: 23 April 2013

Reviewing Officer: David Eaglesham

Date: 24 April 2013

Angus Gilmour
Head of Planning & Regulatory Services

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 13/00594/PP

(A) The reasons why planning permission has been refused

1. Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), an adjacent semi-detached property at 12 Stewart Street (13 metres), the donor property at 6 Stewart Street (5 metres) and private rear garden area of the adjacent semi-detached dwellinghouse at 1 Kirn Place (4.8 metres), it is considered that the proposed dwellinghouse would lack sufficient separation distances and would overlook and visually dominate these properties to the detriment of their amenities, inconsistent with the character of the surrounding townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.
2. Having regard to the siting and scale of the proposed two-storey dwellinghouse situated in such close proximity to an adjacent bungalow at 8 Stewart Street (2.6 metres), the proposed dwellinghouse would result in a significant loss of daylight and aspect to the sole bedroom window on the east facing side elevation of this property. Furthermore, the scale and siting of the proposed dwellinghouse in such close proximity to the western boundary of the site would visually dominate and overwhelm this bungalow to the detriment of existing amenity and inconsistent with the character of the surrounding townscape. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.
3. The removal of such a significant amount of private amenity space from the donor dwellinghouse at 6 Stewart Street is considered to be unacceptable and would result in a serious reduction in meaningful amenity space expected for that dwelling. The introduction of a new dwellinghouse with enlarged driveway on the existing rear garden area would result in an unacceptable separation distance of 1.5 metres between the rear of the existing dwellinghouse and the new plot boundary which would be detrimental to the enjoyment of the existing dwellinghouse. Additionally, such a reduction in amenity space would be contrary to the surrounding settlement character where the properties benefit from sufficient rear garden private amenity spaces. Such a development would therefore be contrary to Scottish Planning Policy (February 2010); STRAT SI 1, STRAT DC 1, STRAT HO 1 of the Argyll and Bute Structure Plan 2002; and to Policies LP ENV 1, 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.
4. The applicant has failed to provide any information in respect of surface water drainage proposals (SuDS) for the application site. The lack of indicative drainage arrangements incorporating a SuDS scheme to alleviate potential surface water run-off from the proposed dwellinghouse and any areas of hard standing is contrary to policy LP SERV 2 – *Sustainable Drainage Systems (SuDS)* of the Argyll and Bute Local Plan (August 2009), which presumes against the nature of the development proposed.

(B) Submitted Drawings

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

01-001

01-002

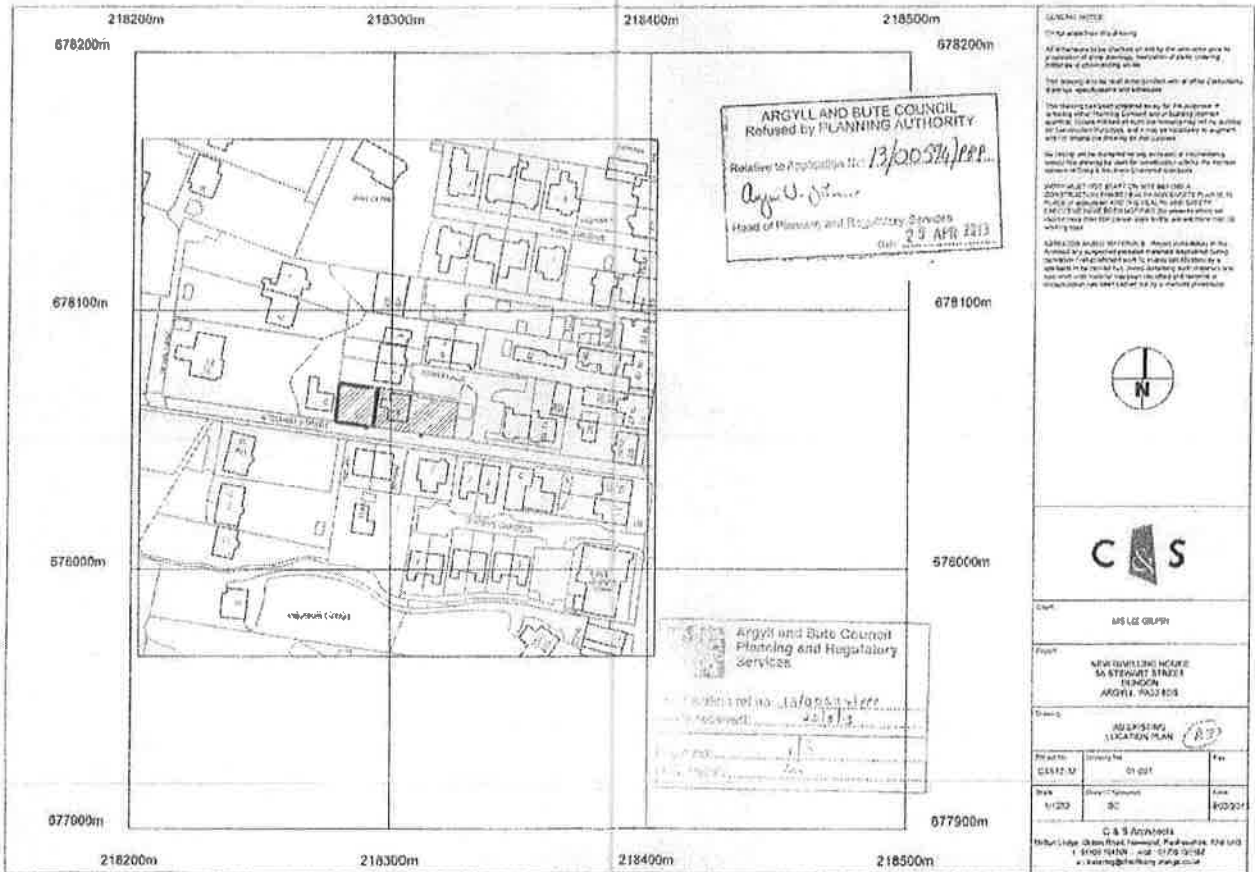
01-003

(C) 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 proposed block plan submitted with corrected scale.

ADVISORY NOTE TO APPLICANT

1. The applicant is advised that part of the application site is contaminated with Japanese Knotweed (*Fallopia japonica*) which will require appropriate treatment. The applicant/developer should be aware that under The Wildlife and Countryside Act 1981 Schedule 9 Section 14, it is an offence to 'plant or otherwise cause Japanese Knotweed to grow in the wild' and puts the management of this non-native invasive plant in the hands of the landowner. Furthermore, under the Environmental Protection Act 1990, Japanese Knotweed is classed as a 'controlled waste' according to The Environmental Protection Act (Duty of Care) Regulations 1991. Soil containing rhizome material can be regarded as contaminated and, if taken off site must be disposed of safely at a suitably licensed landfill site. Under The Environmental Protection Act, a landowner can be held liable for the spread of Knotweed into adjacent properties and for the disposal of infested soil off site during development which later leads to the spread of Knotweed onto another site.



**ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY**

Relative to Application No. 13/00524/PP...

Angus W. Johnson
Head of Planning and Regulatory Services
29 APR 2012

Argyll and Bute Council
Planning and Regulatory
Services

Application No. 13/00524/PP...

Received: 20/04/12

GENERAL NOTES

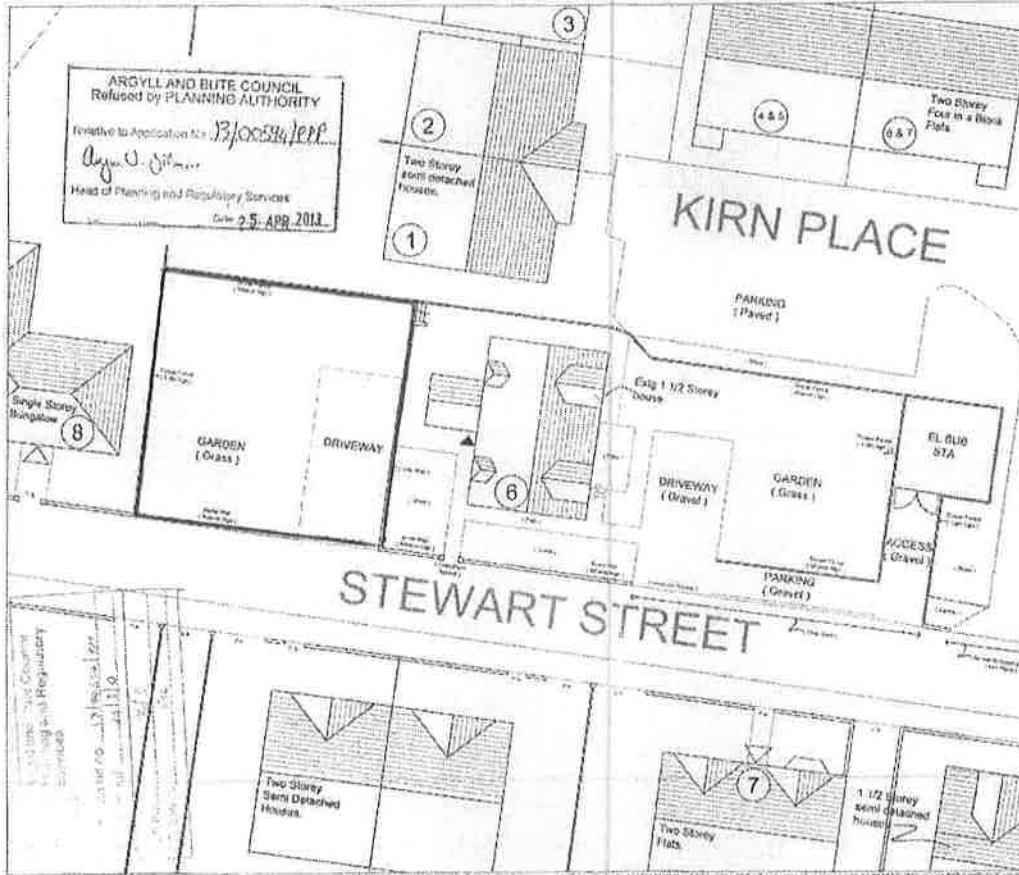
This plan is for information only and does not constitute a guarantee of accuracy. The Council is not responsible for any errors or omissions. It is the responsibility of the applicant to ensure that all relevant planning conditions and restrictions are observed.

The Council is not responsible for any damage to property or persons arising from the use of this plan. It is the responsibility of the user to ensure that the plan is used for its intended purpose only.

ARGYLL AND BUTE COUNCIL
Planning and Regulatory Services
29 APR 2012



Client:	MISLE GROUP
Project:	NEW DEVELOPMENT SA STEWART STREET DUNDEE ARGYLL AND BUTE
Drawn:	PLANNING LOCATION PLAN <i>(R3)</i>
File No.:	13/00524
Scale:	1:200
Date:	29 APR 2012
<p>C & S ARCHITECTS 1000 NORTH ABERDEEN ROAD, ABERDEEN, AB9 8UE Tel: 01224 604600 Fax: 01224 604601 www.candscs.co.uk</p>	



ARGVLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No. 13/00584/LEPP
 Angus J. Silliman
 Head of Planning and Regulatory Services
 Date: 25 APR 2013

GENERAL NOTES
 1. All dimensions are to the centre of the wall unless otherwise stated.
 2. The ground level is shown on the plan and is to be maintained throughout the development.
 3. The ground level is shown on the plan and is to be maintained throughout the development.
 4. The ground level is shown on the plan and is to be maintained throughout the development.
 5. The ground level is shown on the plan and is to be maintained throughout the development.
 6. The ground level is shown on the plan and is to be maintained throughout the development.
 7. The ground level is shown on the plan and is to be maintained throughout the development.
 8. The ground level is shown on the plan and is to be maintained throughout the development.



Existing site area = 680 sq m
 Existing footprint = 87.5 sq m
 Existing footprint = 592.5 sq m



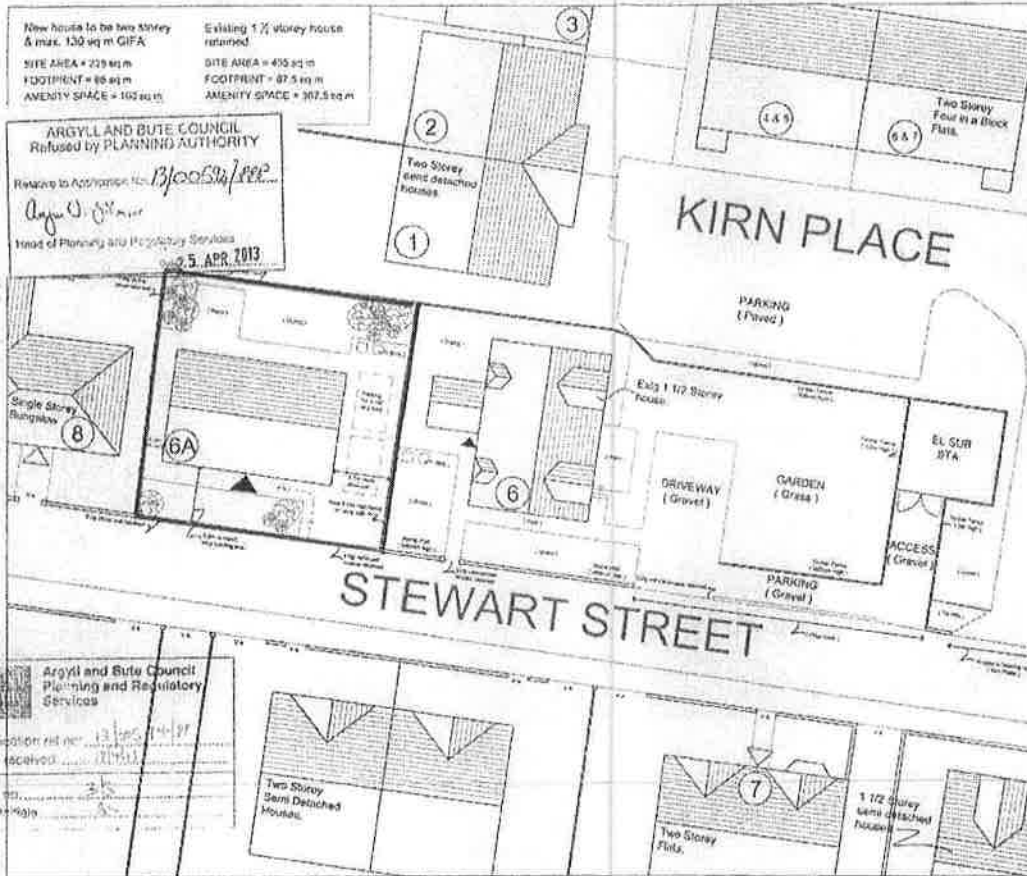
REF	M112 GL/PH
PROJECT	REDEVELOPMENT OF 10A STEWART STREET, DUNDEE AND F.L. FIVE (D)
DATE	AS EXISTING BLOCK PLAN (A3)
SCALE	1:100
DATE	21-03-13
BY	C & S Architects
FOR	10A STEWART STREET, DUNDEE AND F.L. FIVE (D)

Angus J. Silliman
 Head of Planning and Regulatory Services
 Date: 25 APR 2013

New houses to be two storey & max. 13.0 sq m GIFA
 SITE AREA = 229 sq m
 FOOTPRINT = 86 sq m
 AMENITY SPACE = 102 sq m

Existing 1 1/2 storey house retained
 SITE AREA = 490 sq m
 FOOTPRINT = 87.5 sq m
 AMENITY SPACE = 307.5 sq m

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Refused to Authorise No. 13/00534/1002
 Angus W. Gilmour
 Head of Planning and Regulatory Services
 Date: 5 APR 2013



DISCLAIMER
 The drawings have been prepared for the purposes of obtaining a planning permission and do not constitute a contract or any other legal document. The drawings are the property of the architect and shall remain his property. No part of these drawings shall be used for any other purpose without the written consent of the architect.

AMENDED PLAN
 Reference No. 13/00534/1002
 Date (Revised) 16/4/13

C & S

Drawn	MSP/C/CFM
Project	NEW DWELLING HOUSE 64 STEWART STREET DUNDEE ARGYLL PA32 5EB
Client	AS PROGRESS BLOCK PLAN
Project No.	13/00534
Scale	1:100
Date	16/4/13

C & S Architects
 10000 Dundee Road, Dundee, Scotland, DD1 1JG
 Tel: 01382 633333 Fax: 01382 633334
 e: info@csarchitects.co.uk

Argyll and Bute Council
 Planning and Regulatory Services
 Application ref no: 13/00534/1002
 Date received: 11/11/12

PRODUCTION NO. 3

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

9th May 2005
Our Ref : Devcon05/DC15/MBC0905
Your Ref :
Contact : Brian Close
Direct Line : (01369) 708604

Mr. Charles Gilpin
6 Stewart Street,
Kirn
Dunoon
Argyll
PA23

Without Prejudice

Dear Sir,

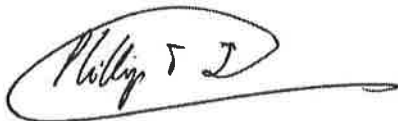
**RE: PROPOSED DWELLINGHOUSE WITHIN THE SIDE GARDEN OF 6 STEWART STREET,
KIRN, DUNOON, ARGYLL.**

Further to your enquiry and submission received 27th April 2005 in connection with the above, the department would offer the following informal comments.

Having regard to the dimensions of the side/rear garden area of the main dwellinghouse, the existing surrounding established settlement pattern, and the juxtaposition of adjacent dwellings the department would **not** be able to offer support for the erection of a dwellinghouse as outlined in your letter. Such a proposal would result in over-development of the site, a loss of amenity and privacy to adjacent dwellings in addition to providing a poor level of amenity and aspect for any proposed dwellinghouse. Indeed, given the limited site boundary, it is most unlikely that this site would be capable of supporting any form of detached dwellinghouse with requisite amenity spaces, car parking and turning areas.

It is however your prerogative to submit an outline planning application, but, in the event of a formal planning application being submitted the department must take account the views of all representation and views of statutory consultees. I trust these comment given without prejudice will be of assistance. Your attention is drawn in particular to the footnote.

Yours faithfully



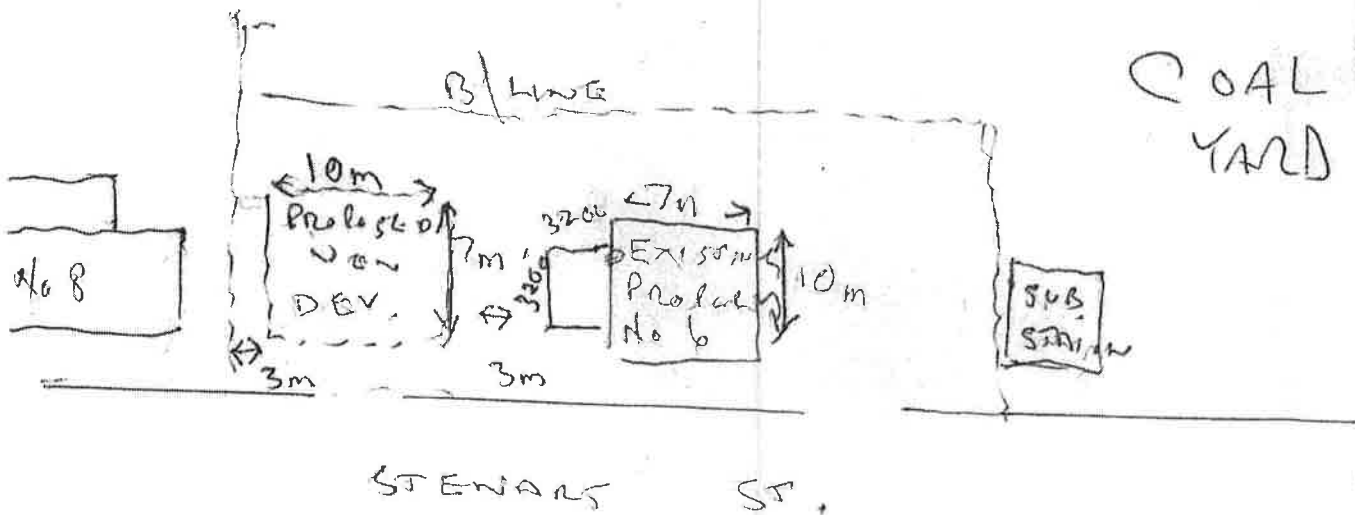
Area Team Leader (Development Control)
Planning Services
Bute and Cowal

The preliminary assessment is based on current information. In the event of a formal application being submitted, the Council must take into account views of consultees and representations as appropriate. Any report to Committee must reflect this and may therefore differ from the initial assessment. Finally, the above informal views may not necessarily be those of the Committee.

PLAN OF EXISTING SITUATION AND PROPOSED BUILDING/DEVELOPMENT

Please sketch the layout of your house and garden, showing the proposed works adjoining your property, the house itself, any extensions and any free-standing buildings, garage, sheds, greenhouse, conservatory or garden walls. Please also specify:-

- the size (external length, width and height) of all of these extensions and buildings on the original house;
- the distance of the proposed works from the house and other buildings within your property, garage, sheds, etc;
- the distance between the proposed works and the nearest garden boundary; and
- the height of any free standing walls/fences



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

16th April 2007
Our Ref : Devcon07/DC15/OBC1604
Your Ref :
Contact : Brian Close; Direct Line : (01369) 708604

Mr. Charles Gilpin
6 Stewart Street,
Kirn
Dunoon
Argyll PA23 8DS

Without Prejudice

Dear Sir,

**RE: PROPOSED DWELLINGHOUSES WITHIN SIDE GARDEN GROUND OF 6 STEWART STREET,
KIRN, DUNOON, ARGYLL.**

Further to your enquiry and submission received 12th April 2007 in connection with the above, the department would offer the following informal comments. The department previously responded (letter dated 9th May 2005) to a similar enquiry for a dwellinghouse within the side garden of 6 Stewart Street and a further copy is attached for your information.

Having regard to the limited dimensions of the side/rear garden area of the main dwellinghouse, the existing surrounding established settlement pattern, and the juxtaposition of adjacent dwellings the department would not be able to offer support for the erection of two dwellinghouses as outlined in your letter. Such a proposal would result in over-development of the site, remove all amenity spaces/car parking and turning spaces for the existing dwellinghouse, a serious loss of amenity and privacy to adjacent dwellings including the subject property at 6 Stewart Street in addition to providing a poor level of amenity and aspect for any proposed dwellinghouses. Indeed, given the limited site boundaries, it is most unlikely that both sites would be capable of supporting any form of detached dwellinghouse with requisite amenity spaces, car parking and turning areas. There may however be scope to develop the site if the existing property was demolished.

It is still however your prerogative to submit an outline planning application, but, in the event of a formal planning application being submitted the department must take account the views of all representation and views of statutory consultees. I trust these comment given without prejudice will be of assistance. Your attention is drawn in particular to the footnote.

Yours faithfully

Area Planning Officer
Development Management
Bute and Cowal

Enc.

The preliminary assessment is based on current information. In the event of a formal application being submitted, the Council must take into account views of consultees and representations as appropriate. Any report to Committee must reflect this and may therefore differ from the initial assessment. Finally, the above informal views may not necessarily be those of the Committee.

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

9th May 2005
Our Ref : Devcon05/DC15/MBC0905
Your Ref :
Contact : Brian Close
Direct Line : (01369) 708604

Mr. Charles Gilpin
6 Stewart Street,
Kirn
Dunoon
Argyll
PA23

Without Prejudice

Dear Sir,


**RE: PROPOSED DWELLINGHOUSE WITHIN THE SIDE GARDEN OF 6 STEWART STREET,
KIRN, DUNOON, ARGYLL.**

Further to your enquiry and submission received 27th April 2005 in connection with the above, the department would offer the following informal comments.

Having regard to the dimensions of the side/rear garden area of the main dwellinghouse, the existing surrounding established settlement pattern, and the juxtaposition of adjacent dwellings the department would **not** be able to offer support for the erection of a dwellinghouse as outlined in your letter. Such a proposal would result in over-development of the site, a loss of amenity and privacy to adjacent dwellings in addition to providing a poor level of amenity and aspect for any proposed dwellinghouse. Indeed, given the limited site boundary, it is most unlikely that this site would be capable of supporting any form of detached dwellinghouse with requisite amenity spaces, car parking and turning areas.

It is however your prerogative to submit an outline planning application, but, in the event of a formal planning application being submitted the department must take account the views of all representation and views of statutory consultees. I trust these comment given without prejudice will be of assistance. Your attention is drawn in particular to the footnote.

Yours faithfully



Area Team Leader (Development Control)
Planning Services
Bute and Cowal

Comment [A&BC1]:

The preliminary assessment is based on current information. In the event of a formal application being submitted, the Council must take into account views of consultees and representations as appropriate. Any report to Committee must reflect this and may therefore differ from the initial assessment. Finally, the above informal views may not necessarily be those of the Committee.

IS IT POSSIBLE FOR 2 SMALL HOUSES / BUNGALOWS
WHAT YOU ADVISE

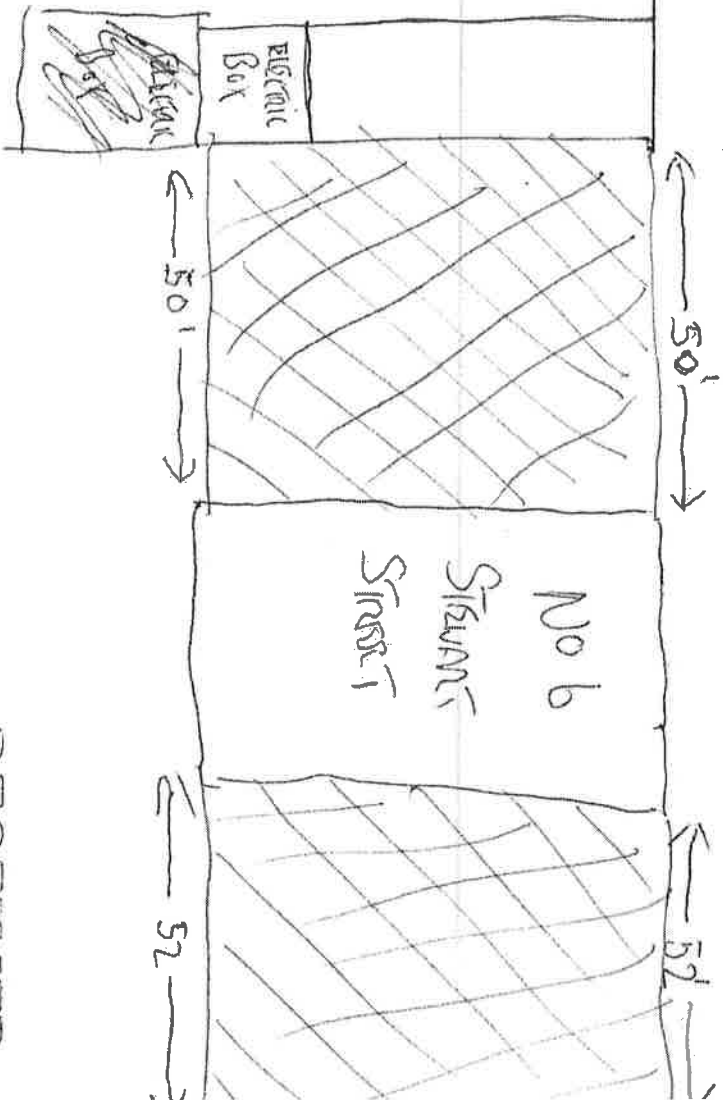
CHARLES GIBLIN

01369701139

Taxi Office

STEWANT STREET

COAL
YARD
AVAILABLE



RECEIVED
12 APR 2007

01369701139

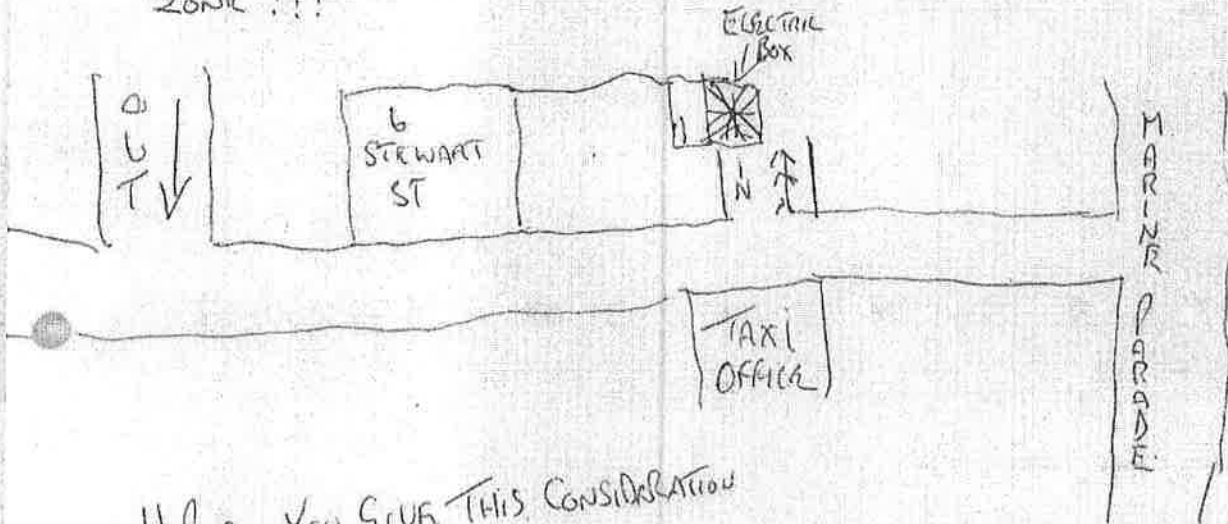


C. GILPIN
6 STEWART STREET
KIRW DUNOON
PA23 8DS
OBSPEC 1 sent
2/9/05

Sir

REFERENCE PROPOSED DEVELOPMENT COAL YARD,
IN PRINCIPAL GOOD PROPOSAL!!

PLEASE TAKE INTO CONSIDERATION THE TRAFFIC (11 CARS AT LEAST)
ENTERING AND ACCESS RIGHT ONTO A TAXI BUSINESS AT TIMES
ONE CANNOT GET OUT OF STEWART STREET ONTO MARINE PARADE
MAYBE ONE ENTRANCE IN AND ONE OUT TO STEWART ST
MAYBE CONSIDERED ALSO MARINE PARADE MADE A NO PARKING
ZONE ???



Hope you give this consideration

OP

McCabe, Charles

From: bandc, planning
Sent: 15 April 2013 10:41
To: Munroe, Helen; McCabe, Charles
Subject: FW: 13/00594/PPP

RECEIVED
15 APR 2013

From: planning.hq
Sent: 15 April 2013 10:40:43 (UTC) Dublin, Edinburgh, Lisbon, London
To: bandc, planning
Subject: FW: 13/00594/PPP

For information and action.
Beth

-----Original Message-----

From: Elliot Brown [<mailto:elliottb018@gmail.com>]
Sent: 14 April 2013 15:14
To: planning.hq
Subject: 13/00594/PPP

Good Afternoon,

I write to comment on the planning application lodged with you in respect of 6, Stewart Street, Duhoon.
The proposal is to split the rear garden of the property and utilise the newly sectioned rear garden as the site for a dwelling house. The site of the proposed new builds is opposite my house at Narnain, Stewart Street.

Privacy-

I attended the offices at Milton house to view the plans of the proposed build. From the plans it is unclear the height of the property or its aspects. Should the property be south facing then it will look into my property and vice versa, I would look into it. If the property faces east towards the sea with the same aspect as the property already at No.6 then this would minimise the privacy issues.

Traffic-

Further to the above what measures will be in place to manage traffic flow? As you are aware the carriageway in Stewart Street is one way with yellow lines on either side of the road, the proposed property will consume most of the site at the rear of number 6 which will lead in turn to inevitable traffic restriction and access to my and adjoining premises for what may be a prolonged period.

Many thanks

Elliot Brown
Sent from my iPad



*8 Stewart Street
Kirn
Dunoon
PA23 8DS*

01369 702309

12 April, 2013

*Planning & Regulatory Services
Argyll & Bute Council
Milton House
Milton Avenue
Dunoon
PA23 7DU*

Dear Sirs,

Application No. 13/00594/PPP

With reference to the Neighbour Notification dated 27 March, 2013 regarding the above application, we would like to highlight the following points:

The ground on which the proposed dwelling house would be erected is densely covered with Japanese knotweed. This was cut back last year by the then occupants of 6 Stewart Street, but was not dug out nor, as far as we can ascertain, was the ground treated. We have in the past reported this Japanese knotweed to Argyll & Bute Council, S.E.P.A. and Fyne Homes who have properties adjacent to this ground. The Japanese knotweed is encroaching on to their properties, as it is ours. To our knowledge, no action was taken by any of these Authorities.

The proposed building would be in very close proximity to our property and apart from the inconvenience this would cause, blocking out light, etc., our main concern is that the building would very close to our bedroom window.

Another concern which would have to be addressed would be the disruption to residents of Stewart Street during building. This is a one-way street and it is problematic at the best of times without having to contend with heavy plant making the parking situation worse.

Yours faithfully,

Handwritten signatures of John Hipson and Jane Nicol. The signature for John Hipson is written in a cursive style, and the signature for Jane Nicol is written in a more stylized, cursive script below it.

John Hipson and Jane Nicol