

New House at Ballochyle

Agent and Applicant's Supporting Statement



October 2013





The main area of debate within this review is the subjective interpretation of the immediate area's character made by the planning officer. It is solely on this point of interpretation that the main reason for the refusal of this application hangs. This is a brief response to the planning officer's statement of case and I have responded to all of the relevant points that he has delineated.

I have not specifically responded to the representations from local objectors as I feel that all pertinent points regarding the reasons for refusal for the original application and the planning officer's comprehensive statement of case adequately cover all of the issues surrounding this application. This is not to dismiss local residents concerns but is merely recognition that all pertinent issues relating to the proposed development's effect on neighbouring properties have been more than adequately covered by the planning officer and I am aiming to prevent this statement becoming overly long. However I have responded to one area of concern for an objector - Mr Pierson's claimed loss of light as I feel that addressing this matter in detail is important.

Within this report I have enclosed a revised design, using a site plan that corrects the survey location of the large trees. The revised plan subtly changes the layout and siting of the proposed dwelling to address concerns regarding tree root compaction and site operations. This is not a re-design or a departure from any of the design principles of the application - it merely seeks to illustrate how a small modification to the dwelling's articulation can address the planning officer and objectors concerns regarding damage to the existing avenue of trees.

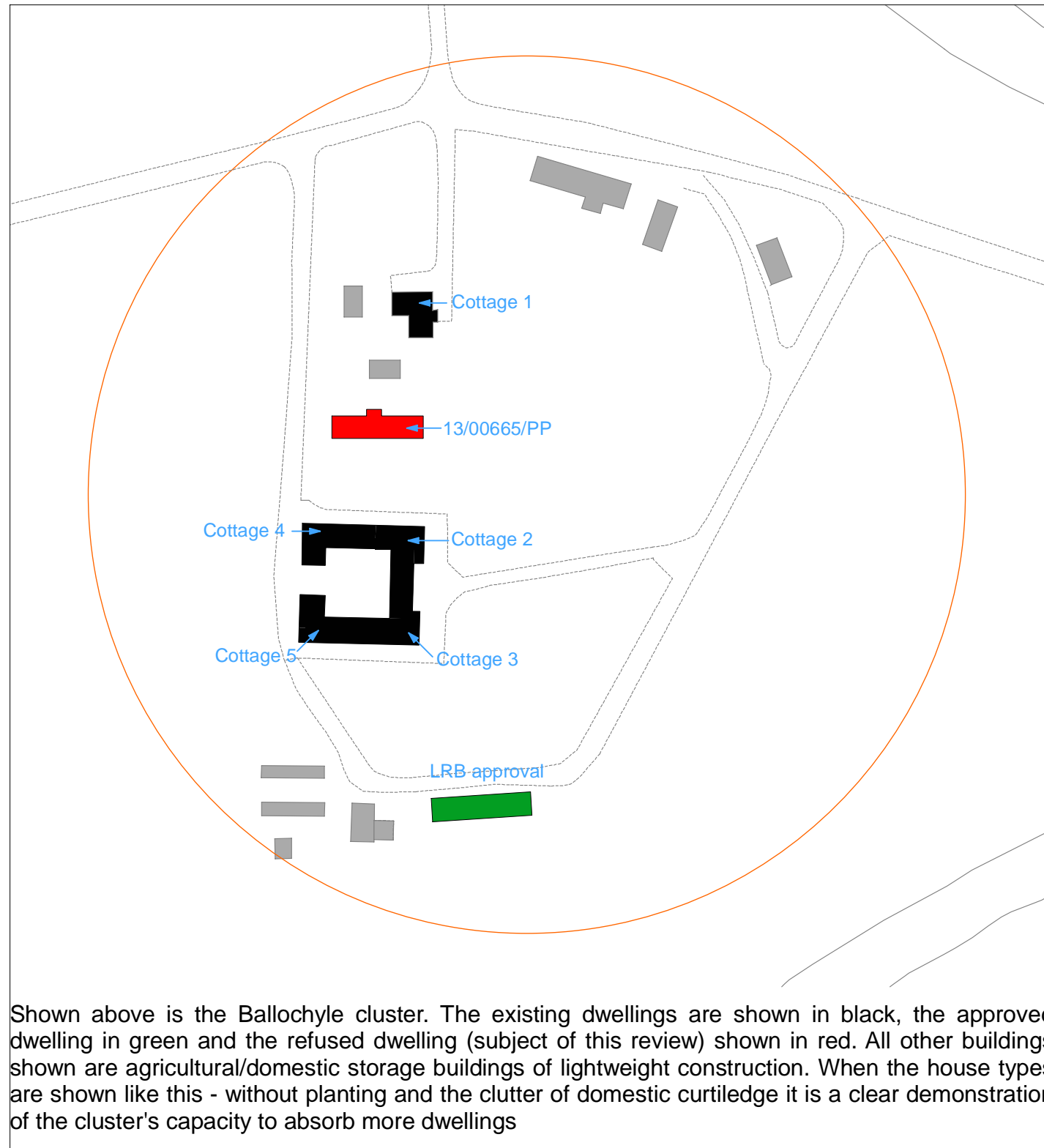
Lastly I also raise a few queries and concerns regarding the procedures followed by the planning officer in this (and other) cases that I feel would merit consideration in review of best practice.

Ballochyle Farm

As I have outlined on the preceding page the nature of the settlement is the key issue for this review and it is somewhat disingenuous of the planning officer to clearly state that the nature of settlement in this cluster is dispersed as this is plainly not true as the diagram opposite shows. The character of the area is not a “random group of dwellinghouses on large curtiledges” as the planning officer’s report states. There are currently five dwellings in this settlement loci and only one is detached. Four of the dwellings are physically attached, share external spaces, have windows that not only directly overlook amenity space but actually direct look into habitable rooms. I recognise that this is a result of converting old and mostly non residential buildings into useable dwellings however it must be accepted that this is the dwelling pattern as it exists in this location and it is a successful dwelling pattern. I was the agent for conversion of these dwellings and it should also be noted that the most recent one to come to open market has less than 50m² of garden area, is extensively overlooked and has windows along a boundary but was bought within a few weeks of being marketed - leading one to surmise that overlooking and high density are not a discouragement to people wanting to live here.

The local built environment is made up of a large number of sizable buildings, on large curtiledges that are in fact high density, multiple dwelling-unit housing development; Dalinlongart being the nearest such example. However Kilmun, Sandbank and Blairmore are scattered with subdivided large villas that make their “large curtiledges” somewhat irrelevant.

The open and rural nature of the immediate area that the planning officer refers to is not in fact a true reflection of the areas character. It is a semi-rural residential cluster.

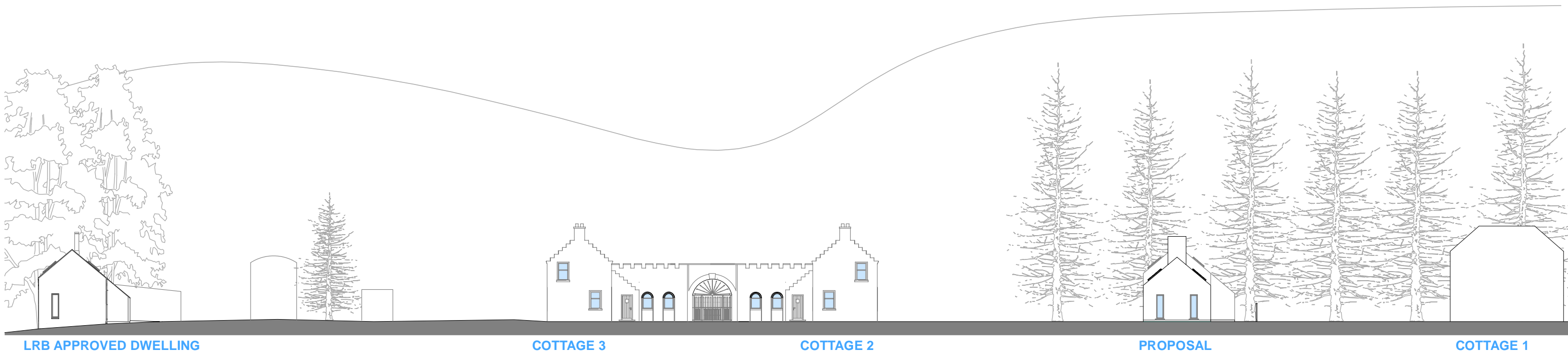


Paragraph 1.5 of the officer’s statement refers to the existing permission for a new dwelling at this location and it is understandable that the officer wishes to be brief in his assessment of the relationship between this approval and the proposal that is presented here.

The officer is well aware that the approved dwelling was indeed underway in 2012 and the officer was in contact with me regarding the conditions which were in the process of being discharged until a legal dispute caused a delay. The fact that the LRB agreed with my arguments in that instance regarding the settlement character of this area is indeed a highly relevant and material consideration at this stage and cannot be as briefly dismissed as the officer attempts to do in this paragraph.

This approval recognises the fact that the Ballochyle cluster is a logical location to increase housing density within the RoA and it also recognises the fact that the construction of a dwelling in this cluster will not detract from the semi-rural setting. The proposed dwelling that is the subject of this review is broadly similar in size, massing and detail to the LRB approval, itself designed to compliment the existing built environment.

In conclusion it appears reasonable to propose that if the creation of a new dwelling 35m to the SW of Ballochyle Farm is not detrimental to the area’s character then the creation of a similar dwelling 22m to the north of Ballochyle Farm would not be detrimental either.



LRB APPROVED DWELLING

COTTAGE 3

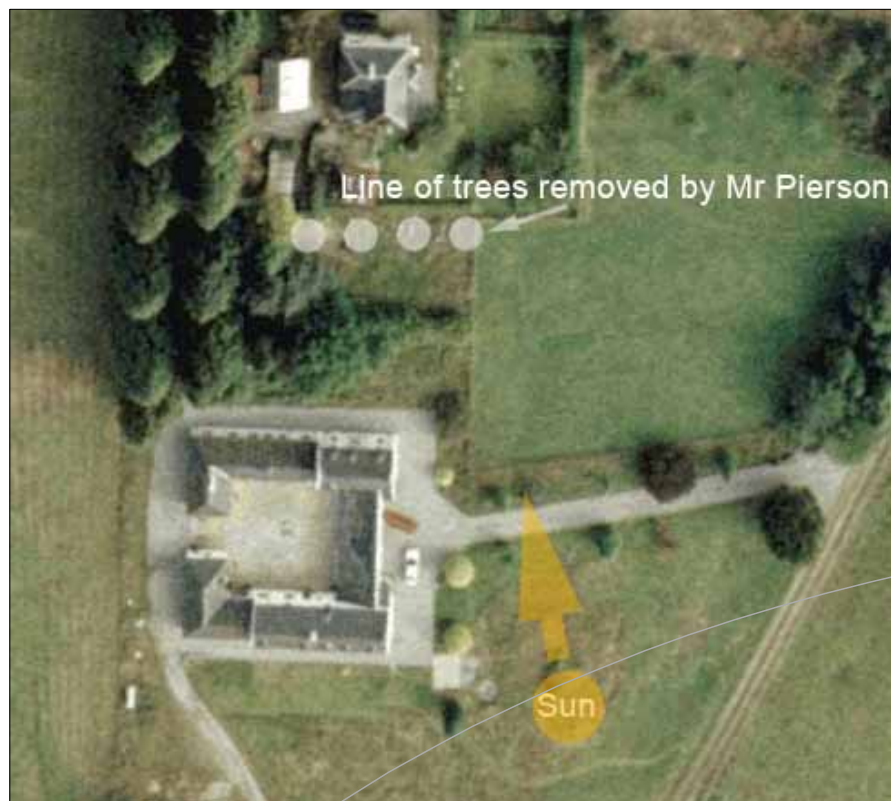
COTTAGE 2

PROPOSAL

COTTAGE 1

ELEVATION SHOWING THE RELATIONSHIP, DISTANCE AND SCALE BETWEEN ALL EXISTING AND PROPOSED DWELLINGS IN THE BALLOCHYLE CLUSTER

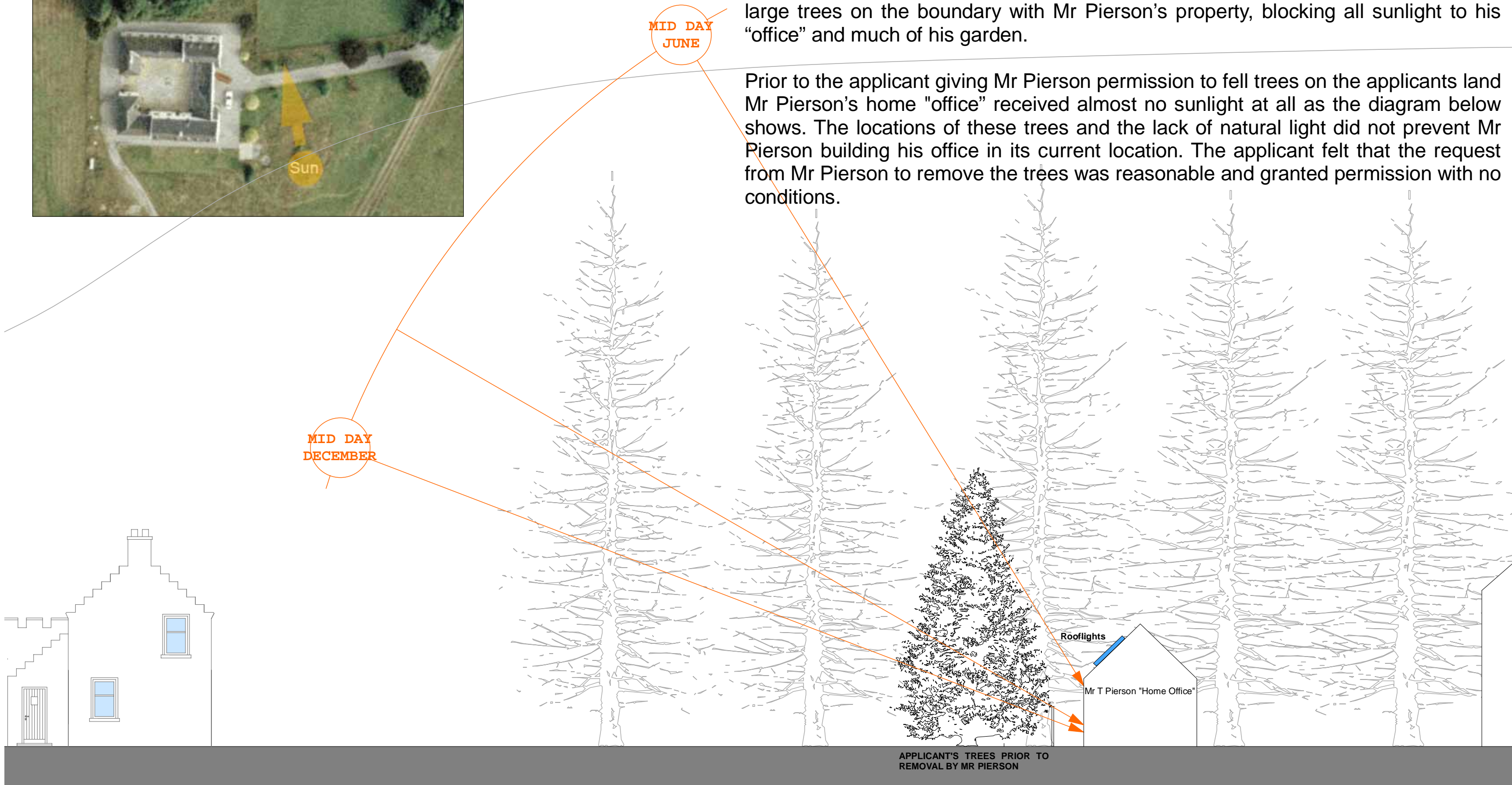




An immediate neighbour to this proposal, Mr Tom Pierson has expressed concerns that a new dwelling would overshadow his home "office" - a small building of non permanent construction bordering the application site. It is worth describing a brief history of this boundary, it's previous over shading, the effect of the proposed new house on Mr Pierson's "office" and also the effect of the avenue of evergreen trees on the overshadowing of Mr Pierson's site.

When the applicant acquired the Ballochyle Farm site in 2005 there was a line of large trees on the boundary with Mr Pierson's property, blocking all sunlight to his "office" and much of his garden.

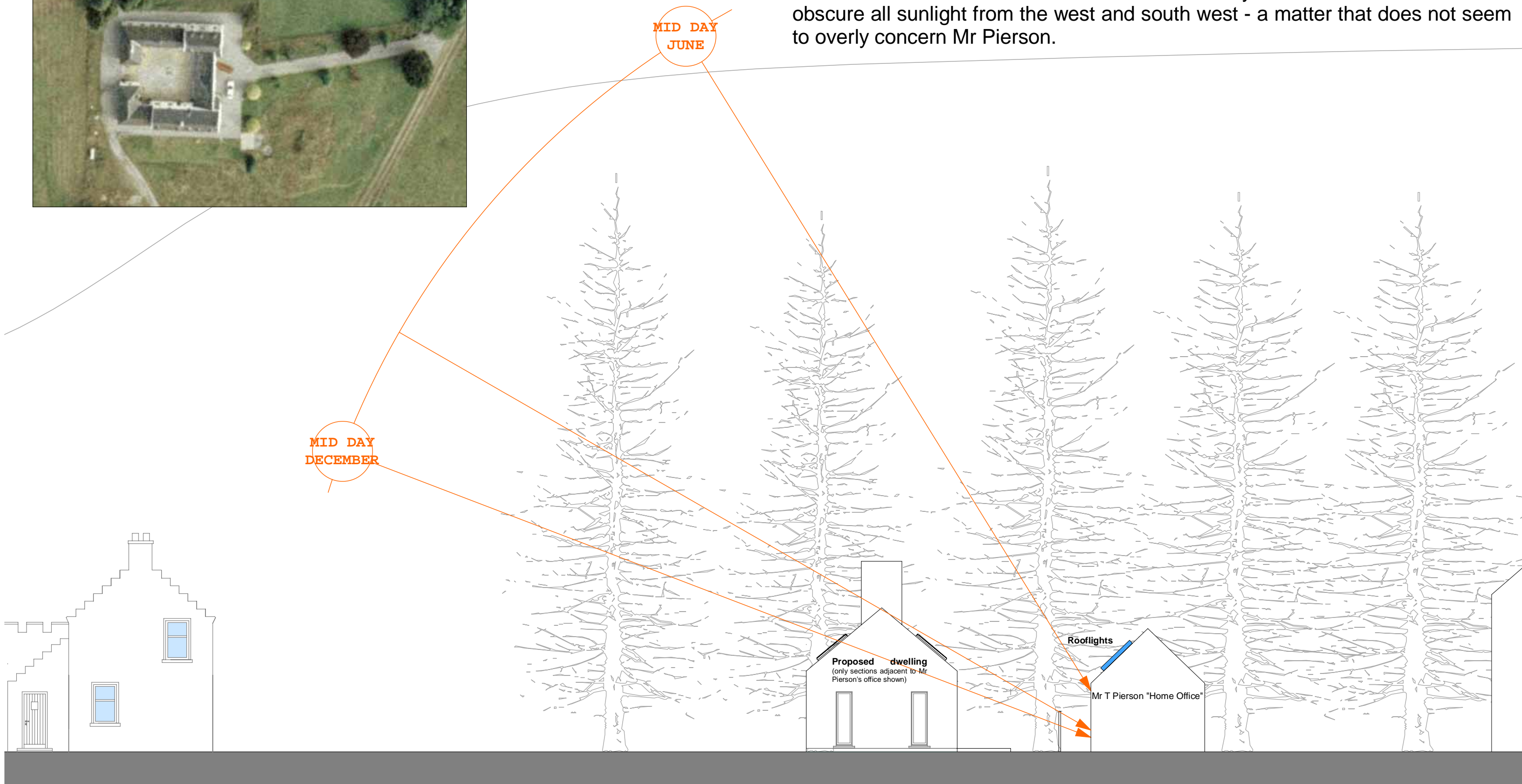
Prior to the applicant giving Mr Pierson permission to fell trees on the applicants land Mr Pierson's home "office" received almost no sunlight at all as the diagram below shows. The locations of these trees and the lack of natural light did not prevent Mr Pierson building his office in its current location. The applicant felt that the request from Mr Pierson to remove the trees was reasonable and granted permission with no conditions.



APPLICANT'S TREES PRIOR TO REMOVAL BY MR PIERSON



The below diagram shows the amount of lost sunlight/daylight due to the proposed dwelling. The sun altitude has been accurately plotted and clearly shows that there is no reduction of sunlight into Mr Pierson's top lit office due to the creation of this new dwelling. There is some minor shading to the bottom portions of the office during the winter months but this portion of the building is obscured by a boundary. It should be noted that this very small over shading is miniscule compared to the almost total over shading caused by the large Western Red Cedar trees on the western boundary of Mr Pierson's house which obscure all sunlight from the west and south west - a matter that does not seem to overly concern Mr Pierson.





Aerial photograph showing both avenues

As is shown by the date of the TPO application these trees were not covered by any statutory protection prior to this application and therefore no arboreal survey data was either submitted or requested with this application. Protecting these trees from damage during construction and during use is relatively straightforward based on recognised best practice when developing close to trees that are to be retained.

It should be noted that planning permission 09/00617/DET (two new dwelling houses directly across the river from Ballochyle) involves an access through an identical avenue of trees*, planted at the same time as the avenue at Ballochyle. The Planning Officer in that case merely added the following comment:

"The avenue trees along the private road which accesses this site are protected by a Tree Preservation Order (Ref No. 01/04). Should any of these trees require lopping or pruning to facilitate this development, written consent must be obtained from the Planning Authority."*

We would suggest that a similar approach could be taken to this instance however we would also consider a condition for an Ecological Clerk of Works to supervise works near the trees to also be a suitable safeguarding method.

*It should be noted that the trees in this avenue have been identified as *Chamaecyparis lawsoniana* (Lawson cypress) and it is highly probable that the avenue at Ballochyle is the same species and not Western Red Cedar as the planning officer's statement of case specifies - and therefore statements relating to root characteristics maybe misleading - but for reasons of clarity I will continue to refer to the trees as Western Red Cedar.

In recognition of concerns over the root system of the existing trees please see enclosed (Appendix 1) for a modified design for the proposed house that maintains the proposed dwelling's size, style, materiality and positioning. This proposal maintains the separation distances for windows and preserves amenity in the same way as the submitted design. However by rotating the two storey element and shortening the design it is possible to move the rear elevation 12m from the trunk position of the cedar trees. This allows the building and the driveway to avoid the compaction zone beneath the tree crown and thus ensure that there is no damage to the base of the trees. Furthermore see Appendix 2 for a construction access drawing that shows how all construction traffic can avoid the compaction zone during construction. If this application was to be approved a standard conditions as noted above can be added to ensure all relevant measures are taken to protect these trees.

One of the main points of contention with this application is the planning officer's approach to dealing with planning applications in general. I have had many applications processed by this particular officer and I have found the process extremely difficult in comparison to other local authorities. I would like to highlight the fact that I am an architectural consultant for a neighbouring local authority and I provide architectural commentary on both pre application and live applications so I am extremely well versed on how planning officers handle cases from both sides of the table - so to speak.

If one was to review the planning officer's report of handling for the refused application 09/01308/PP, which subsequently led to the LRB approval on the adjacent Ballochyle site and compare it to the report of handling for 13/00665/PP there are glaring inconsistencies in the officer's definition of what is at variance and what is in harmony with the settlement character. Irrespective of what policy paragraphs the planning officer quotes it is this subjective opinion that forms the foundation of this refusal and we reject most, if not all of the officer's conclusions regarding what constitutes the settlement character of Ballochyle and also what constitutes a harmonious and beneficial addition to this context.

We do not recognise any of the planning officer's negative statements regarding the design and siting of the proposal. The originally submitted design statement clearly describes the sensitive and careful siting and scaling of the proposed house. The image on its cover and on the cover of this report - an accurate computer generated image of the proposed dwelling in situ, eloquently describes the appropriateness of the design, orientation and massing of the proposed building more than written descriptions can conjure up negative impressions of an over scaled building. The minor alterations to the design as proposed in this report merely add to the contextual appropriateness of the proposal.

SuDs, TREES AND PROCEDURE

I have raised the SuDs issue before with this particular planning officer and I still maintain that on sites of this nature a detailed SuDs design is such a brief formality as to be irrelevant as it is dealt with in detail at the building warrant stage. SuDs is targeted at reducing stormwater run off in areas of severely curtailed rainwater attenuation - not a description you could possibly ascribe to Ballochyle or any rural or semi rural site in Argyll. I maintain my original position that the planning officer is merely using this as a tenuous support for the refusal so it does not solely rest on his subjective interpretation of settlement character. If the officer was minded to - a one line email to me during the process would have provided the detail required and the fact that the planning officer chose not to do this is perhaps reflective of his attitude towards the application. The enclosed drawings show a simple, compliant SuDs proposal for the site.

This is also relevant for foul water treatment proposals and private potable water supplies. There are no technical reasons why they cannot be achieved at this location and their design is carefully regulated and certified in later project stages (by SEPA and the EHO), thus they can be dealt with in suspensive conditions (as could SuDs).

This negative approach to information requests and suspensive conditions is also continued in the issues surrounding the protection of the avenue of trees. As I have highlighted in exactly the same scenario on an adjacent site another planning officer deemed it necessary to only state in conditions that written permission was required for any alterations to the trees. Again the planning officer could have simply requested more information from me or added in relevant suspensive conditions to ensure the protection of these trees. However that approach would leave very little justification for refusing this application.

SITE VISIT AND HEARING

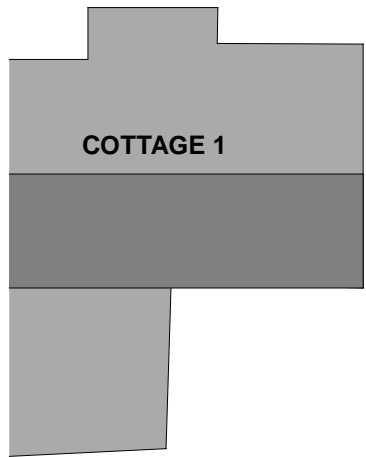
Given past experiences on this and other sites I feel it is of utmost importance that the Local Review Board visit the site to decide for themselves the validity of my argument regarding the character of the area. This visit should be within the context of a hearing to allow the applicant and me sufficient participation and oversight of the process.

APPENDIX A
REVISED DESIGN

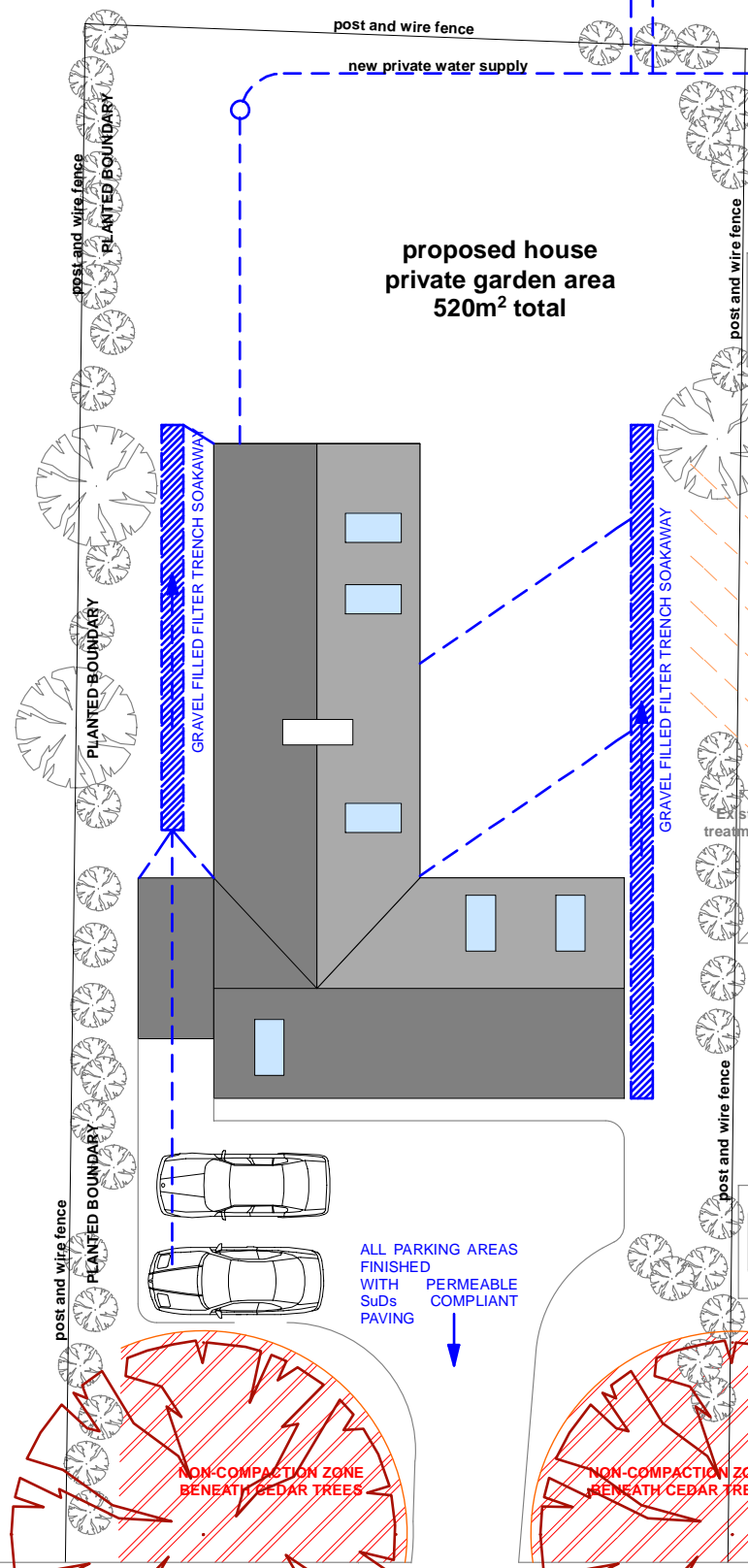
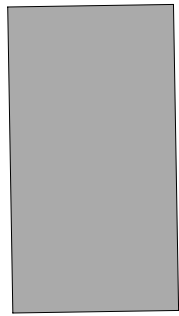




AREA OF SOFT LANDSCAPING TO PREVENT TREE COMPACTION



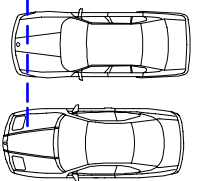
COTTAGE 1



proposed house private garden area 520m² total

front cottage (existing) private garden area 400m² total (inc. courtyard)

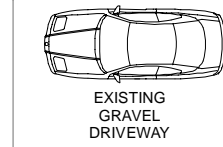
rear cottage (existing) private garden area 310m² total (inc. courtyard)



ALL PARKING AREAS FINISHED WITH SuDs PERMEABLE COMPLIANT PAVING

NON-COMPACTION ZONE BENEATH CEDAR TREES

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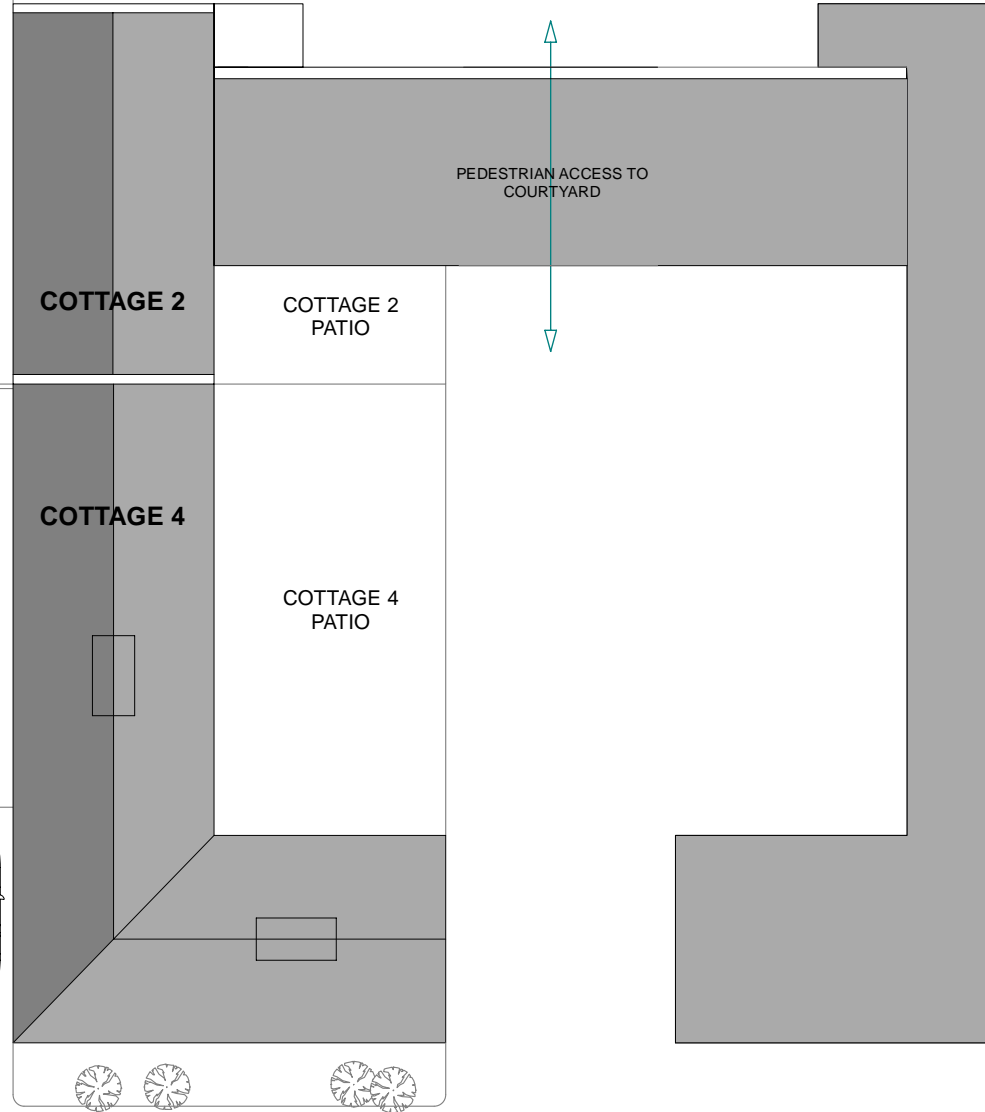


EXISTING GRAVEL DRIVEWAY

property accessed along existing shared driveway over which the applicant has full access rights

EXISTING GRAVEL DRIVEWAY

PEDESTRIAN ACCESS TO COURTYARD

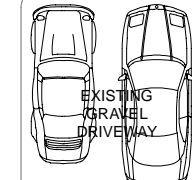


COTTAGE 2

COTTAGE 2 PATIO

COTTAGE 4

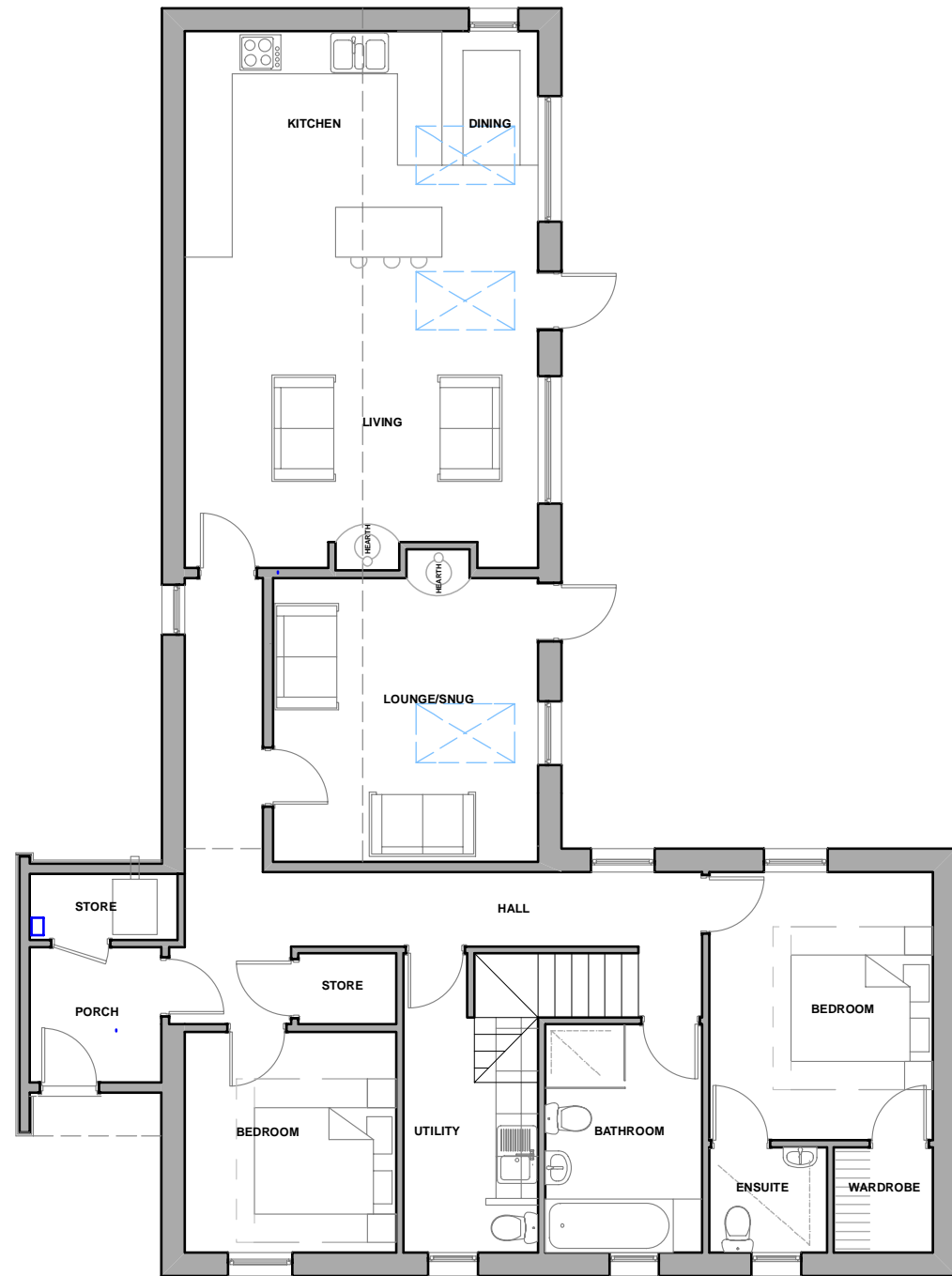
COTTAGE 4 PATIO



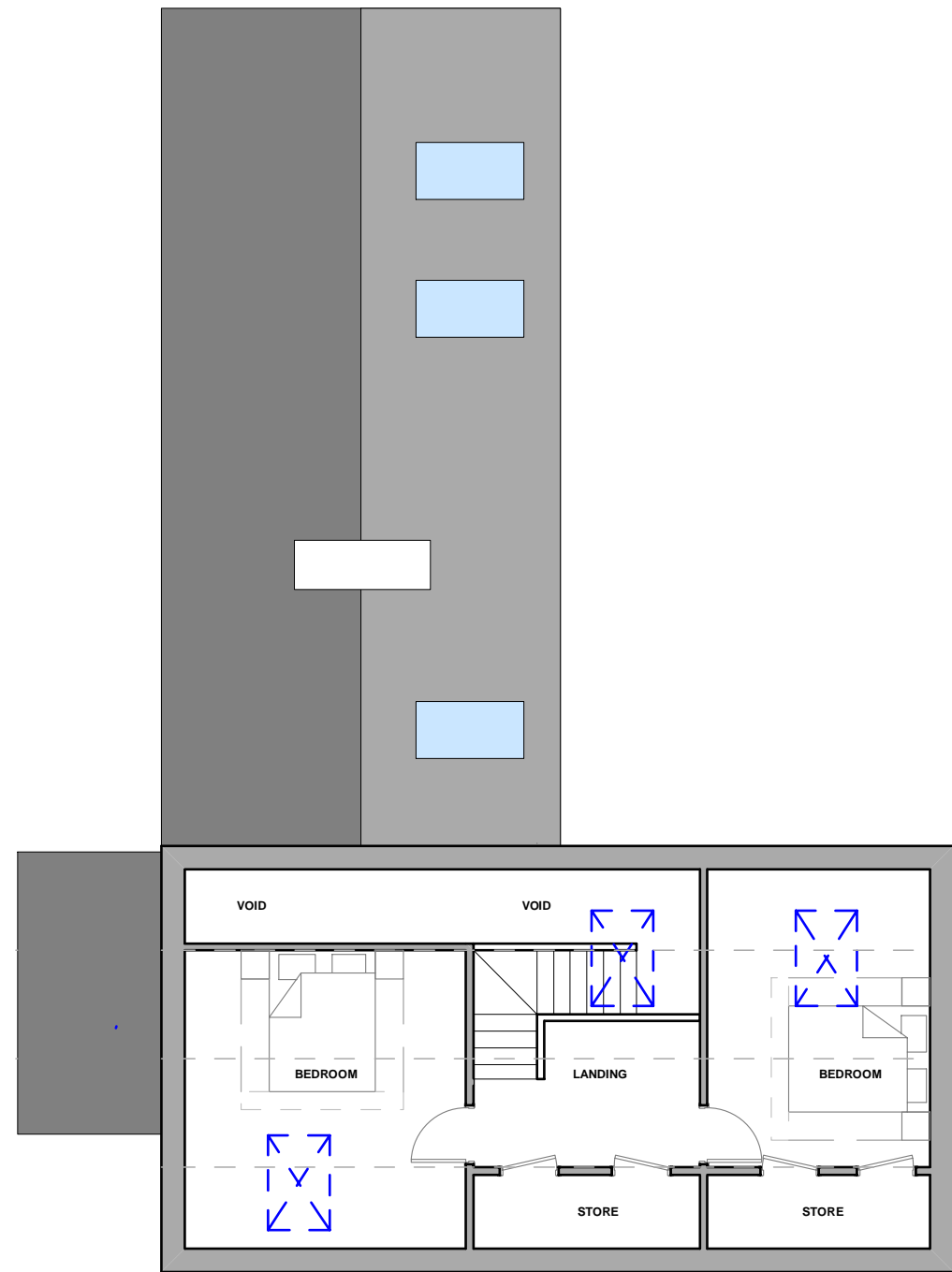
EXISTING GRAVEL DRIVEWAY

existing private access road over which applicant has full access rights

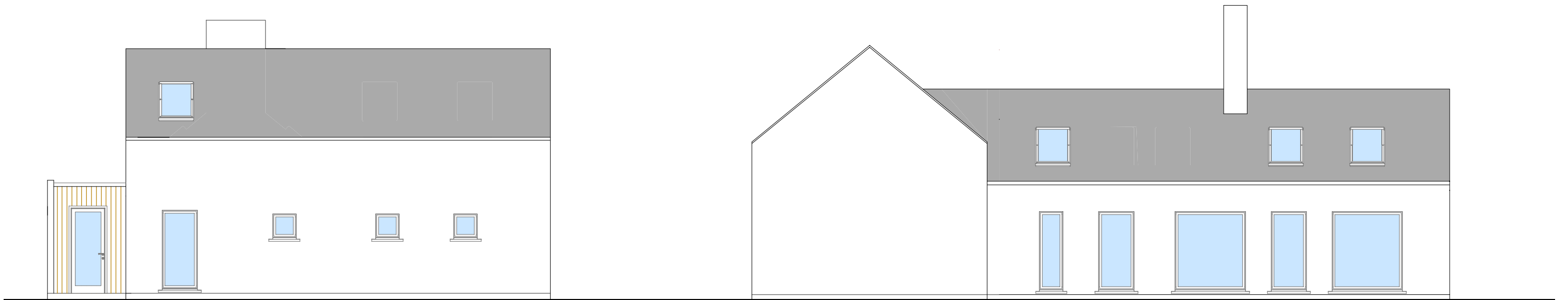




GROUND FLOOR PLAN

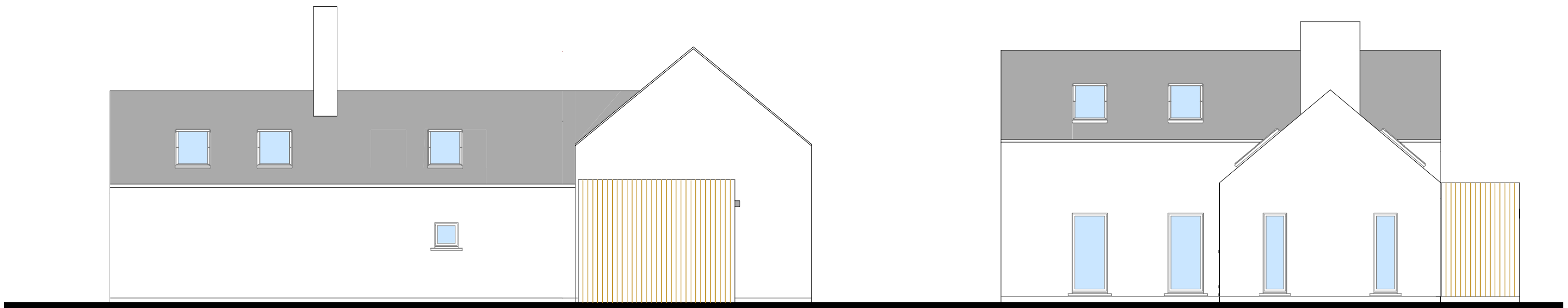


FIRST FLOOR PLAN



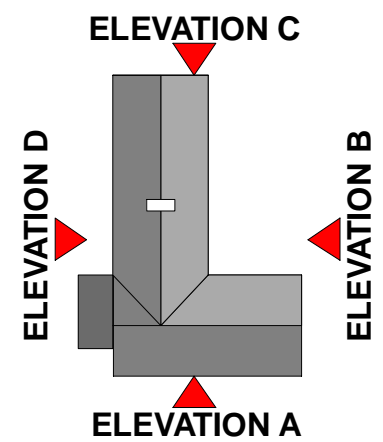
ELEVATION A

ELEVATION B



ELEVATION D

ELEVATION C



APPENDIX B
TREE PROTECTION



