Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

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DX 599700 LOCHGILPHEAD

2 October 2020

SUPPLEMENTARY PACK 1

ARGYLL AND BUTE LOCAL REVIEW BODY - **VIA SKYPE** on **FRIDAY, 9 OCTOBER 2020** at **2:00 PM**

I enclose herewith **item 3d (Agenda Pack from 1st Calling of the Local Review Body held on 1 June 2020)** for your information which was not included with the Agenda for the above meeting.

Douglas Hendry
Executive Director

ADDITIONAL ITEM

3. CONSIDER NOTICE OF REVIEW REQUEST: 20/0005/LRB - 1 ARGYLL TERRACE, TOBERMORY, ISLE OF MULL (REF: 19/01801/PP)

(d) Agenda Pack from 1st Calling of the Local Review Body held on 1 June 2020 (Pages 3 - 64)

Argyll and Bute Local Review Body

Councillor Rory Colville (Chair)
Councillor George Freeman
Councillor Robin Currie

Contact: Hazel MacInnes Tel: 01546 604269

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Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
25 May 2020

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **VIA SKYPE** on **MONDAY, 1 JUNE 2020** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 20/0005/LRB - 1 ARGYLL TERRACE, TOBERMORY, ISLE OF MULL (REF: 19/01801/PP)**
   (a) Notice of Review and Supporting Documentation (Pages 3 - 16)
   (b) Comments from Interested Parties (Pages 17 - 62)

Argyll and Bute Local Review Body

Councillor Rory Colville (Chair)
Councillor George Freeman
Councillor Robin Currie

Contact: Hazel MacInnes Tel: 01546 604269

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Agenda Item 3a

Ref: AB1

ARGYLL AND BUTE COUNCIL

www.argyll-bute.gov.uk/**

NOTICE OF REVIEW

OFFICIAL USE

H MacInnes
13/03/2020

Date Received

Notice of Request for Review under Section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's website.

You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW		(2) AGENT (if any)	
Name	Mr Alan Tomkinson	Name	AGL Architect Ltd
Address	1 Argyll Terrrace	Address	32 Carseview
			Bannockburn
	Tobermory		
Post Code	PA75 6PB	Post Code	FK7 8LQ
Tel. No.		Tel. No.	01786 811533
Email	agtomkinson@gmail.com	Email	info@aglarchitect.co.uk

(3) Do you wish correspondence to be sent to you [ ] or your Agent [x]

(4) (a) Reference Number of Planning Application: 19/01801/PP

(b) Date of Submission: 27th August 2019

(c) Date of Decision Notice (if applicable): 13th January 2020

(5) Address of Appeal Property:

1 Argyll Terrace
Tobermory
Isle of Mull
PA75 6PB

(6)	Description of Proposal	THE REMOVAL OF ROOF AND ERECTION OF FIRST FLOOR EXTENSION. LAND AT 1 ARGYLL TERRACE, TOBERMORY.

(7) Please set out detailed reasons for requesting the review:-

Please refer to enclosed letter and supporting statement.

If insufficient space please continue on a separate page. Is this attached? Please tick to confirm: X

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information:-

(a) Dealt with by written submission ☐

(b) Dealt with by Local Hearing ☐

(c) Dealt with by written submission and site inspection ☒

(d) Dealt with by local hearing and site inspection ☐

NB it is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review **(Note if posting your paperwork 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No	Detail
1	Application Form
2	Supporting Statement
3	Applicant's Letter
4	Photographs
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this attached? Please tick to confirm ☐

Submitted by (Please sign)		Dated	12/03/20

Important Notes for Guidance

(1) All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review

(2) All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.

(3) Guidance on the procedures can be found on the Council's website -: http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body

(4) In in doubt how to proceed please contact 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk

(5) Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk **or returned by post to *Committee Services, (Local Review Body), Kilmory, Lochgilphead, Argyll, PA31 8RT***

(6) You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email: localreviewprocess@argyll-bute.gov.uk

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For official use only

Date form issued	
Issued by (please sign)	

STATEMENT IN SUPPORT OF THE APPEAL AGAINST THE DECISION OF ARGYLL & BUTE COUNCIL TO REFUSE THE PLANNING APPLCIATION FOR THE REMOVAL OF ROOF AND ERECTION OF FIRST FLOOR EXTENSION. LAND AT 1 ARGYLL TERRACE, TOBERMORY.

PLANNING REFERENCE: 19/01801/PP

1.1 Mr Tomkinson submitted a detailed planning application to Argyll & Bute Council on 27th August 2019 for the removal of an existing roof and erection of a first-floor extension for a member of staff. This application was refused on the 13th January 2020 with two reasons given for the decision. The first reason being the proposal does not preserve the character and appearance of the conservation area and adversely affects neighbouring residential amenity and lack of off-street parking.

1.2 The appellant believes the above points for refusal and the subjective policies referred to in the refusal notice has harmed the planning applications chance of being approved. The report of handling associated with the application does not expand / explain the reasons for refusal and relies solely on the relevant policy.

1.3 Mr Tomkinson therefore wishes to appeal against the decision to refuse his application and submits this statement in support of his case.

2.0 The Application Proposal.

2.1 The site lies to the North of Argyll Terrace and is located on the end of the terrace / street. The main house is located to the Eastern boundary of the plot with the existing and proposed ancillary accommodation located to the Western boundary, located on Breadalbane Lane.

2.2 The plot topography runs up hill from Argyll Terrace to Breadalbane Lane. However, the existing building is located within a hollow and sits well within the existing plot. Breadalbane Lane continues to rise up from Victoria Street. It is proposed to access the new upper floor accommodation from Breadalbane Lane and not Victoria Street so as to utilise the existing levels of the lane and to limit the impact on the existing building / site in relation to access stairs etc. By keeping the existing footprint means there is no further development on the plot area.

2.3 The site is located across Victoria Street to the south west from the Parish church and not immediately adjacent to the church as suggested in the refusal notice.

2.4 The proposals include the raising of the roofline / ridge by 1.3m to achieve the necessary headroom internally. The raised ridge would still be significantly lower than the adjacent building ridges due to the building being within the hollow.

2.5 To help reduce any potential visual impact on the surrounding context the upper storey extension is clad in a lightweight finish to avoid being top heavy or dominant within the site. The detailing of the upper floor includes traditional dormer windows and reflect the character of the conservation area.

2.6 The proposals are for staff accommodation to provide accommodation for a member of staff during the peak tourist season on Mull. If the use of a car was needed then an additional on street car space within the vicinity of the B&B would not have an adverse impact on road safety.

3.0 The reasons for refusal and the applicant's response.

3.1 The planning application was refused with two reasons given for that decision. The reasons are as follows:

1. *The proposed development is incongruous and overbearing within the curtilage of the commercial guesthouse property which is detrimental to its setting within the conservation and detrimental to the wider visual amenity the area within which it is located in terms of size, scale, design and materials. The development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building. Furthermore, the development will have a materially harmful negative impact on the setting of the adjacent Listed Parish Church building, due to the siting and scale of the proposed development and, in particular, the cumulative impact of recent development at the guesthouse site.*

   The proposal is contrary to the provisions of Policies LDP 3 and LDP 9, Supplementary Guidance SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LOP which collectively seek to resist developments which dominate the existing building or surrounding area by way of size, scale, proportion or design and which have an adverse impact on the landscape and character of the area. The proposed development would also be contrary to national planning policy as expressed within the Historic Environment Policy for Scotland (June 2019) and the associated supplementary guidance documents, Managing Change in the Historic Environment – Setting (May 2019) and Managing Change in the Historic Environment - Extensions (October 2010).

2. *There is insufficient off-street and on-street car parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. This is contrary to the provisions of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilage space, the removal of the existing stone wall and the physical appearance of the parking area.*

3.2 It is now proposed to address this reason in order to demonstrate why the applicant believes that the application can be approved without being in contravention of the quoted Local Plan Policies.

3.3 Reasons for refusal

The reason relates to the design, scale, mass and use of materials and the preservation of the conservation area character.

Conservation Area Character:

3.4 In order to prove that the proposal enhances the character and appearance of the conservation area we have to first assess the existing characteristics of the area. The Tobermory Conservation Area covers the upper area of the town which has been designed / planned in a grid format, probably by Thomas Telford. This grid formation covers Breadalbane

Street, Breadalbane Lane and Argyll Terrace on the north-south axis and Victoria Street, Albert street and West Street on the east -west axis.

3.5 the majority of the houses along these streets are built immediately against the back of the pavement / roadside and have long narrow linear feu's. Access to the rear gardens of the properties on Breadalbane Street and Argyll Terrace are provided by private lanes running parallel with the street frontages. The majority of the properties, particularly on Argyll Terrace, have a mix of traditional single storey outbuildings and some newer 1 ½ storey buildings which include self-catering units and private garages. These outbuildings are accessed by a single track for private use.

3.6 In relation to the design within the conservation area it is evident that there is a variety of building designs and principles. The characteristics found within the area vary from single storey to 3 storey stone-built houses in a linear form with their roof ridge running parallel to the street. The same can be said for the outbuildings along the service lane. However, the outbuildings locations are more sporadic than that of the formally planned street frontage. This can be seen by various garages and outbuildings erected adjacent to the application site over the last few years.

3.7 The long gardens rise up in level from Argyll Terrace to the service lane thus meaning the outbuildings and garages are more dominant and higher in level on the skyline than the main buildings.

3.8 In relation to building materials within the conservation area we can highlight that there is a mix of materials present –not all traditional materials. An example of materials found are – Stone, render, brick, slate, tile, metal roofing, UPVC, aluminium and timber windows and doors. Thus, reinforcing the fact that there is little uniformity nor a defined characteristic found within the back-garden areas of the conservation area.

Policies & Appellants Response:

4.0 Reason 1 of the refusal refers to various reasons for refusal however the common theme relates to visual amenity, scale, design, size and materials of the proposal. It also states the proposal is detrimental to the Conservation area.

4.1 Each of the policies mentioned in the decision notice are subjective and open to interpretation. Policy LDP 3 & SG LDP ENV 17 encourages high standards of design and its careful integration with is surroundings. The proposal is of a high architectural standard using traditional materials such as render, timber and slate to assist with its integration within its surroundings. The development will also be energy efficient in line with the current Building Standards.

4.2 In relation to the form, siting and scale under Policy LDP 3 & SG LDP ENV 17, the appellant has investigated the pattern of plot / development characteristics of the outbuildings on Breadalbane Lane and surrounding area. This study makes it clear that there is a strong variation of building / plot ratios and storey heights. (See appendix A)

4.3 Policy LDP 5 & 8 promote sustainable growth and strengthening communities. This policy was not referred to in the refusal notice although in our opinion it reinforces the argument for approving the proposals. The proposals will allow an existing tourism business to continue to develop and will attract new people to live and work in Mull. The appellant has advised that staff accommodation is in very short supply in Tobermory, many of the local businesses have this problem. The proposals will allow the appellant to run their business more efficiently. The business creates local employment and generates tourism.

4.4 Policy LDP 9 is a very subjective policy. It refers to the design of buildings and how they should be treated within special areas such as conservation areas. It explains the criteria to which the designs should follow, such as Development Setting, Development Layout &

Density and Development Design. We believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the conservation area. Having established that the character is not of a singular, uniform design, scale, mass or use of materials and that the historic pattern is continued along Breadalbane Lane, we have sought to demonstrate why the proposal will not have the adverse effect as feared by the planning department. The appellant has proved that by adding a high-quality architectural design to this mix of buildings will indeed enhance the conservation are as a whole and its character. The proposals include a raised ridge to allow the accommodation. The designs take into account the location of the site and it is proven that the height of the building would still be significantly lower than the adjacent building ridges due to the building being within a hollow made by higher adjacent ground levels.

4.5 Policy SG ENV 14 referred to in the refusal notice relates to Landscaping. As the proposals utilise the existing footprint of the building, the surrounding landscape will not be affected by the proposals. If necessary, a landscape design can be incorporated in the design proposals.

4.6 Policy SG ENV 16(a) relates to development affecting a listed building and it's setting. The site has some distance from the listed building and we do not see how such a proposal will have an effect on the building. The listed building is surrounded by a mix of building designs which are of little architectural significance.

4.7 Reason 2 of the refusal refers to the proposals having an adverse impact on road safety. The referred to policy SG LDP TRAN 4 in our opinion refers to street design and new private / public access roads. The proposals do not provide any alteration to the existing road layout nor any new access arrangements.

4.8 Policy SG LDP TRAN 6 states that a degree of flexibility will be available where:

"*Environmental considerations are of prime importance, e.g. the development is within a*

Conservation Area." The site is also adjacent to and served by public transport and

pedestrian links to the town and surrounding areas. Therefore, a realistic stance on whether

an addition of one potential vehicle needs to be made.

4.9 At the time of carrying out the side extension to the main house the appellant created a further car park space alongside the extension. Car parking associated with the bed and breakfast is not so problematic as the majority of guests arrive by tour bus and are dropped off and picked up the following morning. We have spaces for 2 cars and we currently have 1 car in the family.

5.0 Conclusion

5.1 Whilst there was only a single reason for refusing the application, we believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the conservation area. Having established that the character is not of a singular, uniform design, scale, mass or use of materials and that the historic pattern is no longer significant along Breadalbane Lane, we have sought to demonstrate why the proposal will not have the adverse effect as feared by the planning department. The appellant has proved that by adding a high-quality architectural design to this mix of buildings will indeed enhance the conservation area as a whole and its character.

5.2 In light of the above, Mr Tomkinson asks that the Local Review Body overturn the decision of the planning officer and grant permission for the new accommodation.

6.0 APPENDIX A

6.1 APPENDIX B

AGL Architect Ltd. | 32 Carseview, Bannockburn, Stirling FK7 8LQ | **T**: 01786 811533 | **M**: 07814 139 222 | **E**: info@aglarchitect.co.uk

Director: Alexander G. Lees Bsc (Hons) Dip. Arch RIBA RIAS | **Company Reg**: SC 377884

Alan and Bella Tomkinson,

Harbour View Bed and Breakfast ,

1 Argyll Terrace , Tobermory . PA75 6PB.

Argyll Bute Planning department

A.G.L. architect's (Sandy Lees)

15th February 2020 .

Regarding our application for staff accommodation that has been turned down at our address above,we have listed some of the points that were mentioned in your refusal below.

1. Our existing building that we would like to extend is on Breadalbane Lane , this is not directly opposite the Church but is in a line with the very rear wall of the Church, and is also not on Victora Street but on the rear of Breadalbane Lane .
2. Breadalbane Lane is only used by local residents to move there rubbish and recycling bins out onto Victoria Street .
3. When we removed our old balcony three years ago on the side of the house and built a very nice stone-faced new room with balcony above , we at our own expense dug out at the side of the building and created another car parking space for public use .
4. We would not employ staff that required car parking , it would only be for one working girl .
5. There is not any problem with car parking at Harbour View Bed and Breakfast , most clients arrive by a tour bus and are dropped of and picked up the following morning , we also only have one car for our family , the next-door neighbours have three cars for two persons.
6. The existing building would not block the view from any other property , it would also only be extended upwards a total of one and a half meters .
7. With the new roof , it would still not be any higher than the height of next doors garage.
8. The extension if approved would look very nice ,be built to a very high standard and would enhance, and be in keeping with the local area .
9. The new entrance would only be at the same level as the rear of the lane .
10. The footprint of the building would be exactly the same as existing .

We would also point out that a few doors further down the lane , planning was granted for a new building that is far higher than all other existing buildings on the lane , if you are so concerned , why was this planning permission granted , as pointed out, our building if granted would not be any higher than next doors garage .

2/

We are trying to build up our business for our family and two little girls , which also creates local employment , our business generates tourism, and people spend money in local shops/ restaurant's etc, and also creates income for the many other local business's here in Tobermory.

Staff accommodation is in **very short supply** in Tobermory , many other local businesses' also have big problems regarding this matter , if granted our small staff accommodation extension would help us run our business properly and more efficiently .

We have enclosed some photo's showing some of the points in this letter .

We would welcome you to pay a site visit to allay any concerns' that you may have regarding this application , and think that under the circumstances that a site visit and viewing face to face would be the best way forward , we hope that this application can be looked at again, and hopefully granted , this would show that your planning department is forward looking (and not stuck in the past and unhelpful) and that you can help local business's to grow and prosper , who in turn pay there taxes and Council tax and create employment for local people .

Without tourism the isle of Mull and all other islands for that matter would be in a sorry state, we want our two little girls to be able to grow up and have a future here and not have to move away, but to stay on Mull and eventually have family's of there own , this is the way forward for all communities that live on the islands , and hope that under the circumstances you can look again at this application in a more favourable light .

Yours faithfully ,

Alan and Bella Tomkinson, and our two girls , Alisha and Morag (two and three years old)

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Agenda Item 3b

STATEMENT OF CASE

FOR

ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY

20/0005/LRB

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE 19/01801/PP
REMOVAL OF EXISTING ROOF, ERECTION OF FIRST FLOOR EXTENSION ONTO EXISTING BOTHY TO PROVIDE ACCOMMODATION FOR STAFF MEMBERS

HARBOUR VIEW
1 ARGYLL TERRACE
TOBERMORY
ISLE OF MULL
ARGYLL AND BUTE
PA75 6PB

24/03/20

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Alan Tomkinson ("the appellant").

Planning permission 19/01801/PP for the removal of existing roof and erection of first floor extension onto existing bothy to provide accommodation for staff members at Harbour View, 1 Argyll Terrace, Tobermory, Isle of Mull ("the appeal site") was refused by the Planning Service under delegated powers on 13/01/20.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

Harbour View forms part of a terraced row of traditional cottages on Argyll Terrace. This is the end terrace property where it is situated on a prominent corner plot between Argyll Terrace and Victoria Street. The site is within the Tobermory Conservation Area and adjacent to Tobermory Parish Church - a Category C Listed Building.

The building itself is one and a half storeys in height, it has a steeply pitched slate roof, a gable end and features wallhead dormer windows and large chimneys. It has been significantly and substantially altered and extended over the years to the rear and to the side which fronts onto Victoria Street. The garden is long and linear which slopes upwards towards a rear lane and is enclosed by an attractive stone wall. A single outbuilding (previously a garage) is located to the rear of the garden which is currently being used as two separate self-contained letting units, one of which is unauthorised and is subject to a live enforcement investigation.

A large oil tank is located on the southern boundary with 2 Argyll Terrace. As a result of these incremental works the amount of available curtilage space has been significantly reduced.

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 Act, regard is to be had to the development plan, and all other material planning considerations 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 proposed development complies with the policies and guidance set out in the adopted Argyll and Bute Local Development Plan (LDP) 2015.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

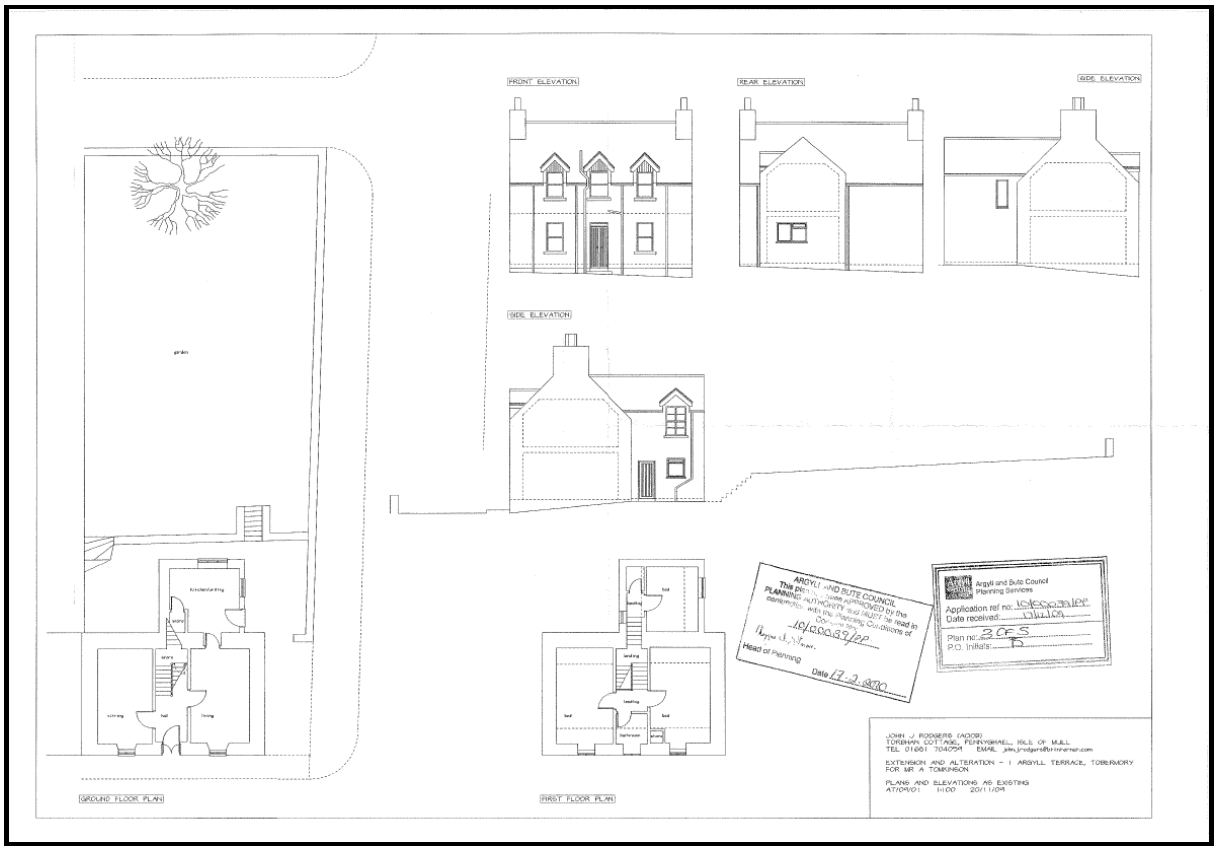
REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. 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 any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

In order to provide some context to the decision to refuse planning permission 19/01801/PP, it is, firstly, useful to detail the site history and how development at this property has evolved over the years before, secondly, commenting on the appellant's submission.

Original dwellinghouse and curtilage

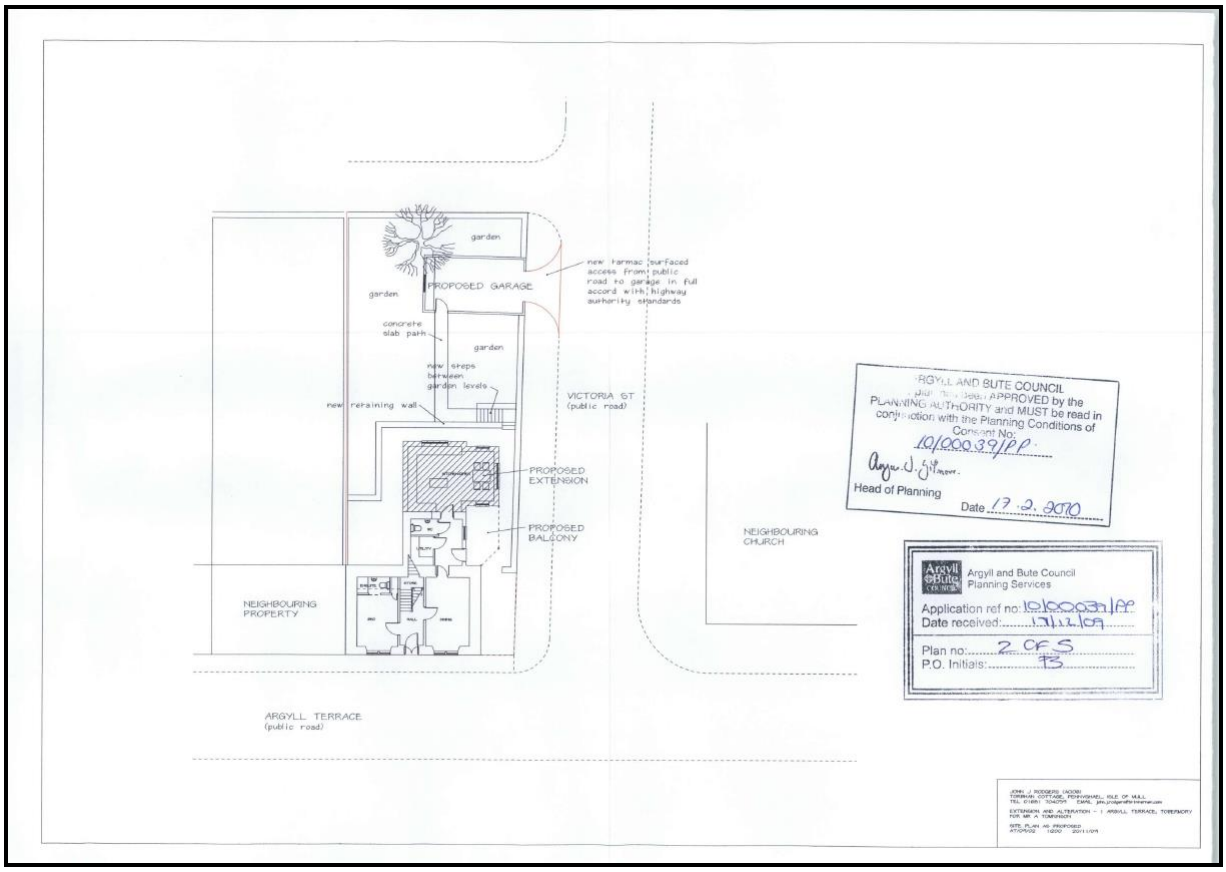


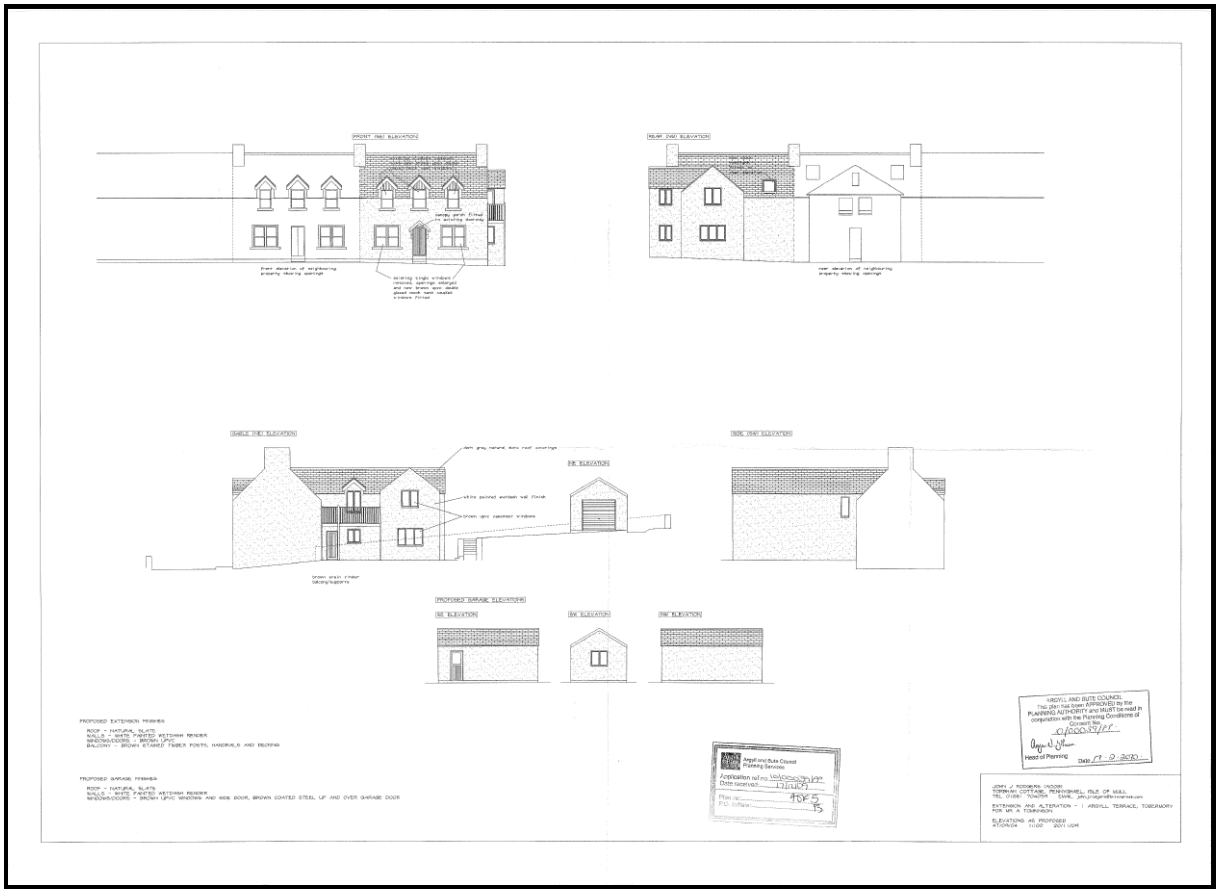
These photographs and application drawings illustrate what the property looked like prior to any development being carried out. Subsequent planning applications are detailed below and these illustrate how the property has developed and evolved since 2010.

The LRB panel can clearly see from the above illustrations that the premises the subject of this Review was, until 2010, a relatively modest and attractive traditional

building wholly in keeping with the form and character of this part of the Tobermory conservation area.

10/00039/PP
Alteration and extension to existing dwellinghouse
Granted 17/02/10

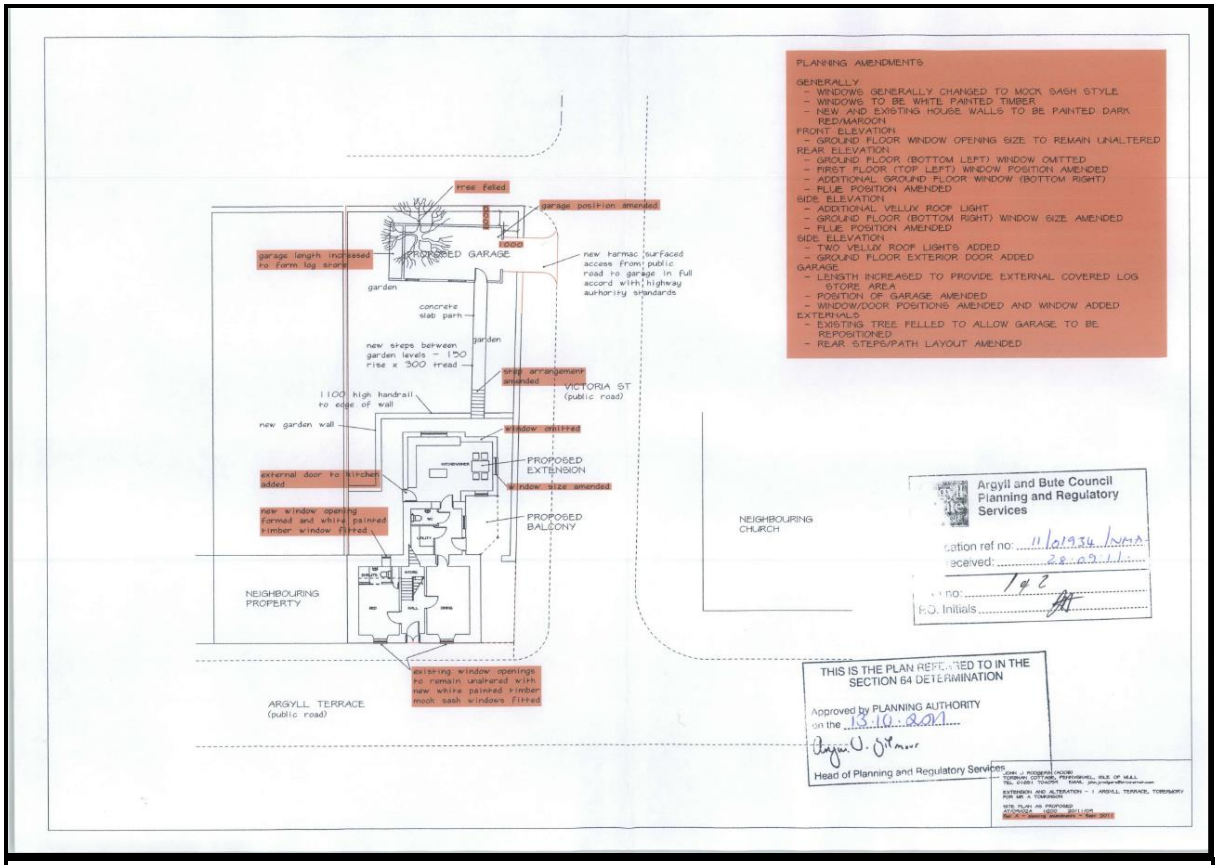


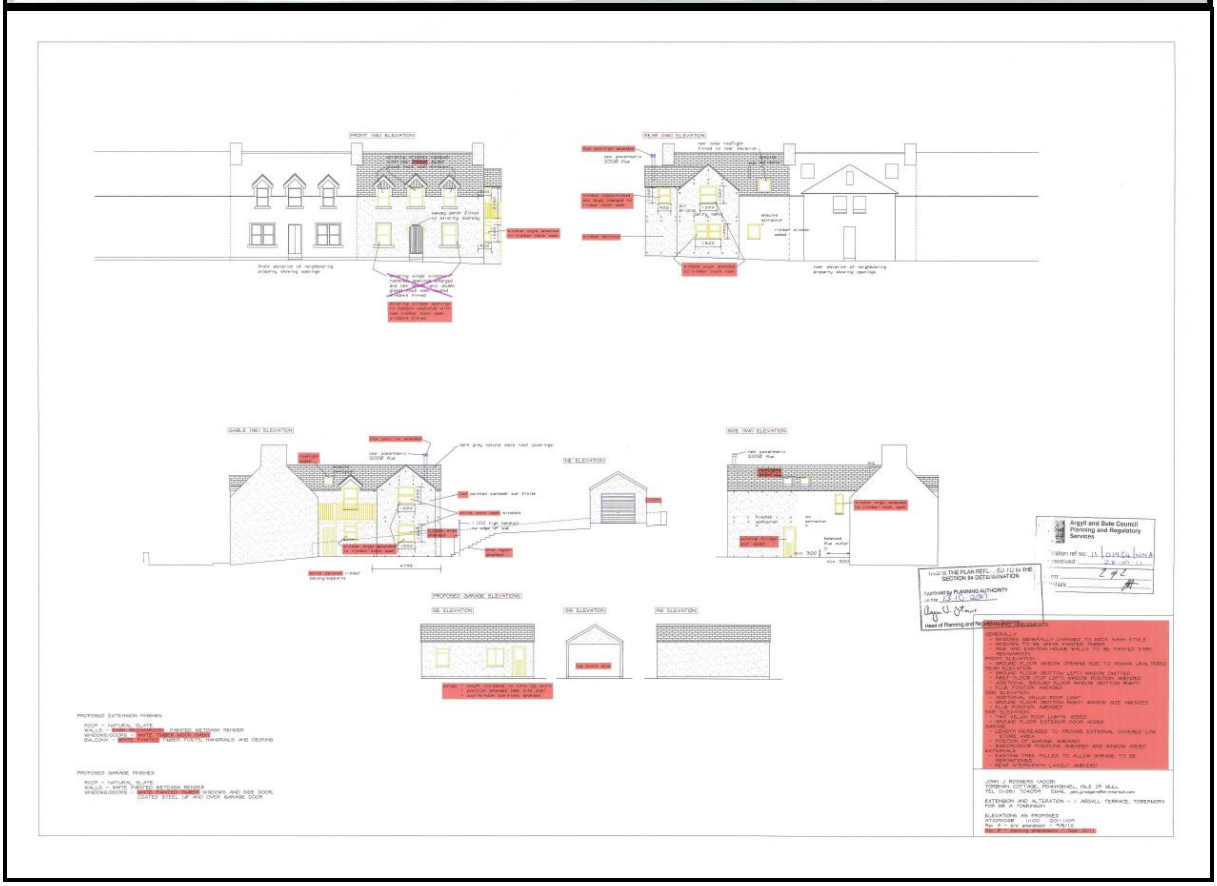


This proposal was for a one and a half storey extension to be built on the rear (west) elevation and a garage to the rear of the garden. The applicant was Mr Tomkinson, the appellant for the current review. This was a substantial extension to the property which, although ultimately assessed as acceptable, clearly affected the former traditional character and scale of the premises to an extent where any further substantial additions would be extremely difficult to justify in terms of landscape impact, impact upon the historic environment and overdevelopment of the site.

It is noted that, at this time, that the applicant asserted that the premises were a single, domestic dwellinghouse.

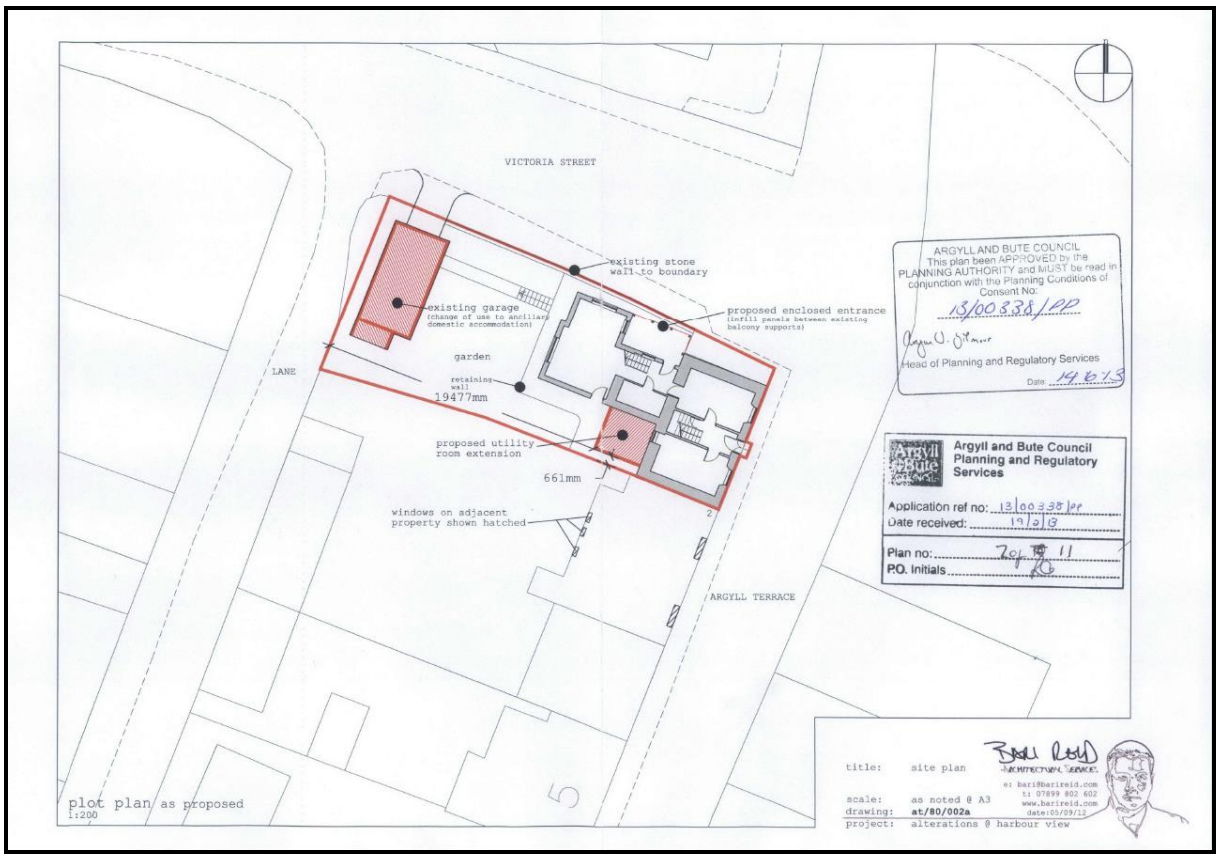
11/01934/NMA
Non-material amendment to planning permission 10/00039/PP - amendment to fenestration, garage siting and finished colour of house. Granted 13th October 2011





This proposal slightly amended the details relating to 10/00039/PP.

13/00338/PP
Change of use from dwellinghouse to guesthouse and erection of extensions and change of use from garage to form additional accommodation (retrospective). Granted 14th June 2013

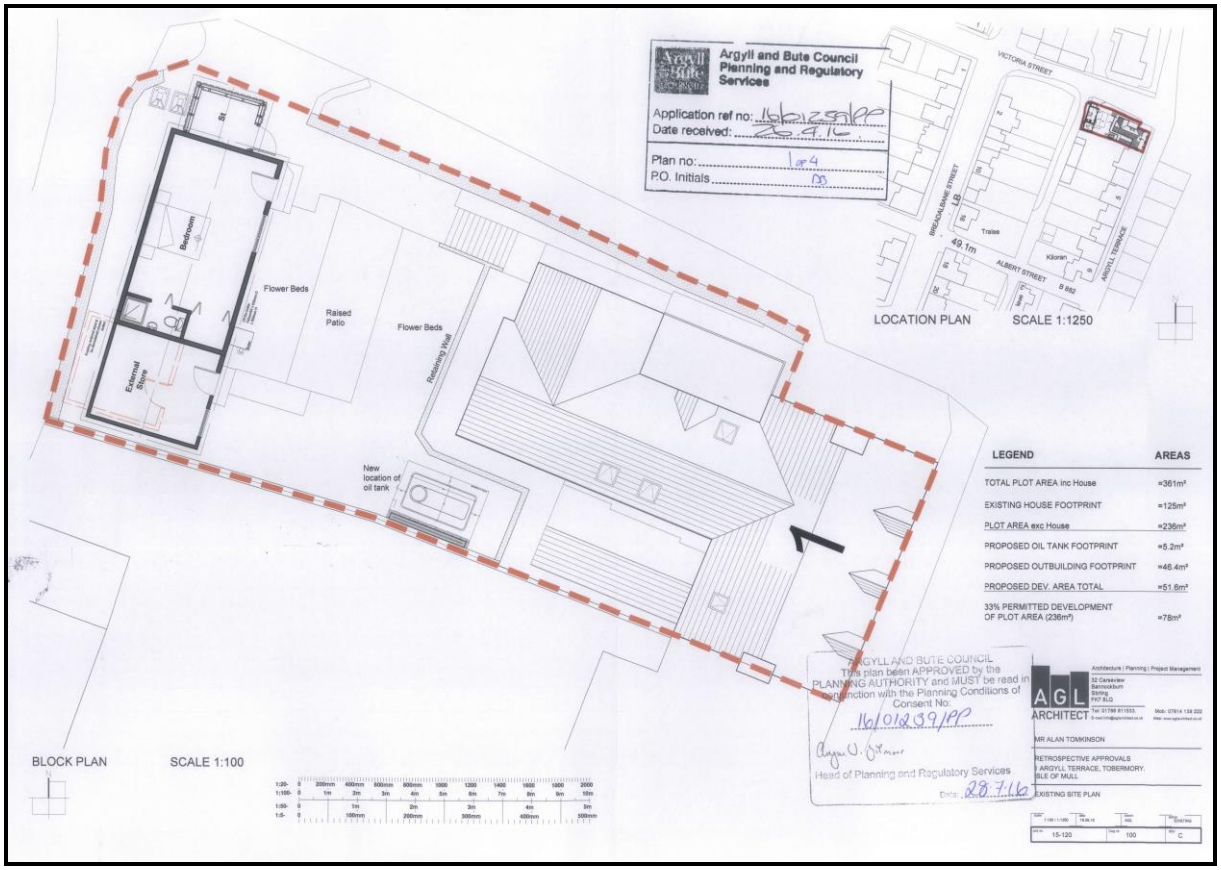


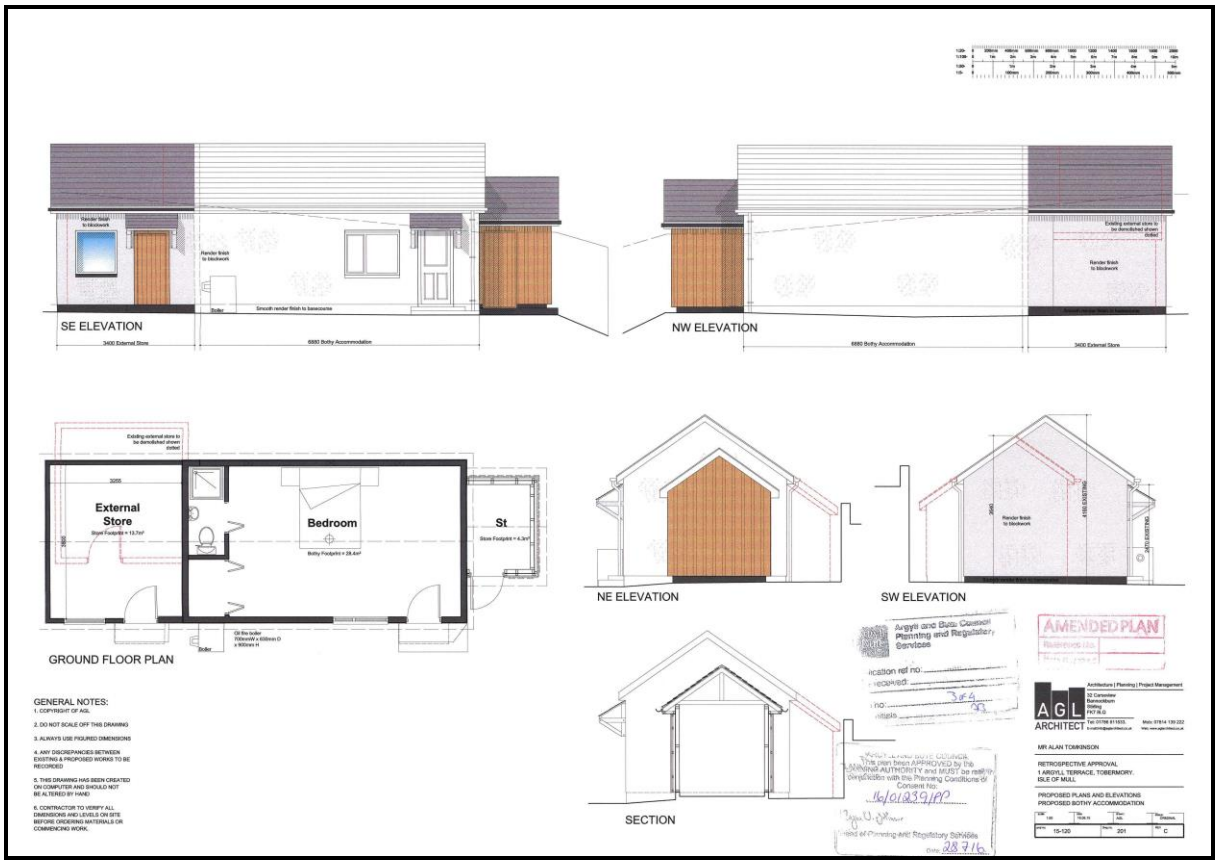
This proposal involved the following:

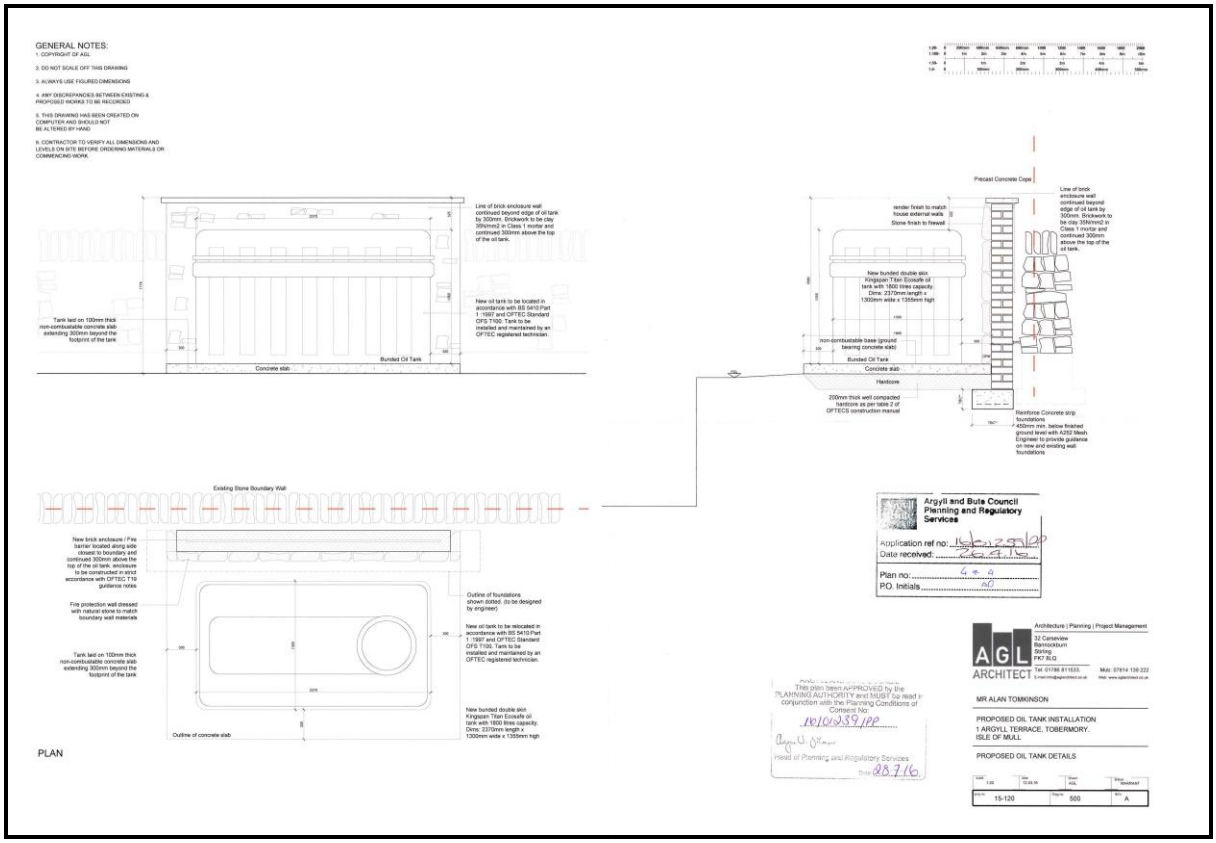
- Change of use of dwellinghouse to form guesthouse (retrospective)
- Change of use of garage to form additional accommodation (retrospective)
- Erection of utility room extension
- Formation of enclosed entrance

The applicant was again Mr Tomkinson and whilst the works the subject of this application had, in the main, been carried out unlawfully, the planning authority considered at that time that the change of use of the premises from dwellinghouse to commercial guesthouse business, together with the relatively minor utility room extension could be supported. Accordingly, retrospective planning permission was granted.

16/01239/PP
Installation of oil tank and external boiler and erection of extensions to outbuilding (retrospective). Granted 28th July 2016


Argyll and Bute Council
Planning and Regulatory Services
Application ref no: 16/01239/PP
Date received: 4.6
Plan no: 1 of 4
P.O. Initials
LOCATION PLAN
SCALE 1:1250
BLOCK PLAN
SCALE 1:100
Bedroom
Flower Beds
Raised Patio
Flower Beds
Retaining Wall
External Store
New location of oil tank
LEGEND
AREAS
TOTAL PLOT AREA inc House =361m²
EXISTING HOUSE FOOTPRINT =125m²
PLOT AREA exc House =236m²
PROPOSED OIL TANK FOOTPRINT =5.2m²
PROPOSED OUTBUILDING FOOTPRINT =46.4m²
PROPOSED DEV. AREA TOTAL =51.6m²
33% PERMITTED DEVELOPMENT OF PLOT AREA (236m²) =78m²
ARGYLL AND BUTE COUNCIL
This plan been APPROVED by the PLANNING AUTHORITY and MUST be read in conjunction with the Planning Conditions of Consent No: 16/01239/PP
Head of Planning and Regulatory Services
Date: 28.7.16
AGL ARCHITECT
MR ALAN TOMKINSON
RETROSPECTIVE APPROVALS
1 ARGYLL TERRACE, TOBERMORY.
ISLE OF MULL
EXISTING SITE PLAN
15-120
100
C


SE ELEVATION
NW ELEVATION
External Store
Bedroom
St
GROUND FLOOR PLAN
NE ELEVATION
SW ELEVATION
SECTION
GENERAL NOTES:
1. COPYRIGHT OF AGL
2. DO NOT SCALE OFF THIS DRAWING
3. ALWAYS USE FIGURED DIMENSIONS
4. ANY DISCREPANCIES BETWEEN EXISTING & PROPOSED WORKS TO BE RECORDED
5. THIS DRAWING HAS BEEN CREATED ON COMPUTER AND SHOULD NOT BE ALTERED BY HAND
6. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE ORDERING MATERIALS OR COMMENCING WORK.
AMENDED PLAN
Argyll and Bute Council
Planning and Regulatory Services
AGL ARCHITECT
MR ALAN TOMKINSON
RETROSPECTIVE APPROVAL
1 ARGYLL TERRACE, TOBERMORY.
ISLE OF MULL
PROPOSED PLANS AND ELEVATIONS
PROPOSED BOTHY ACCOMMODATION
15-120
201
C



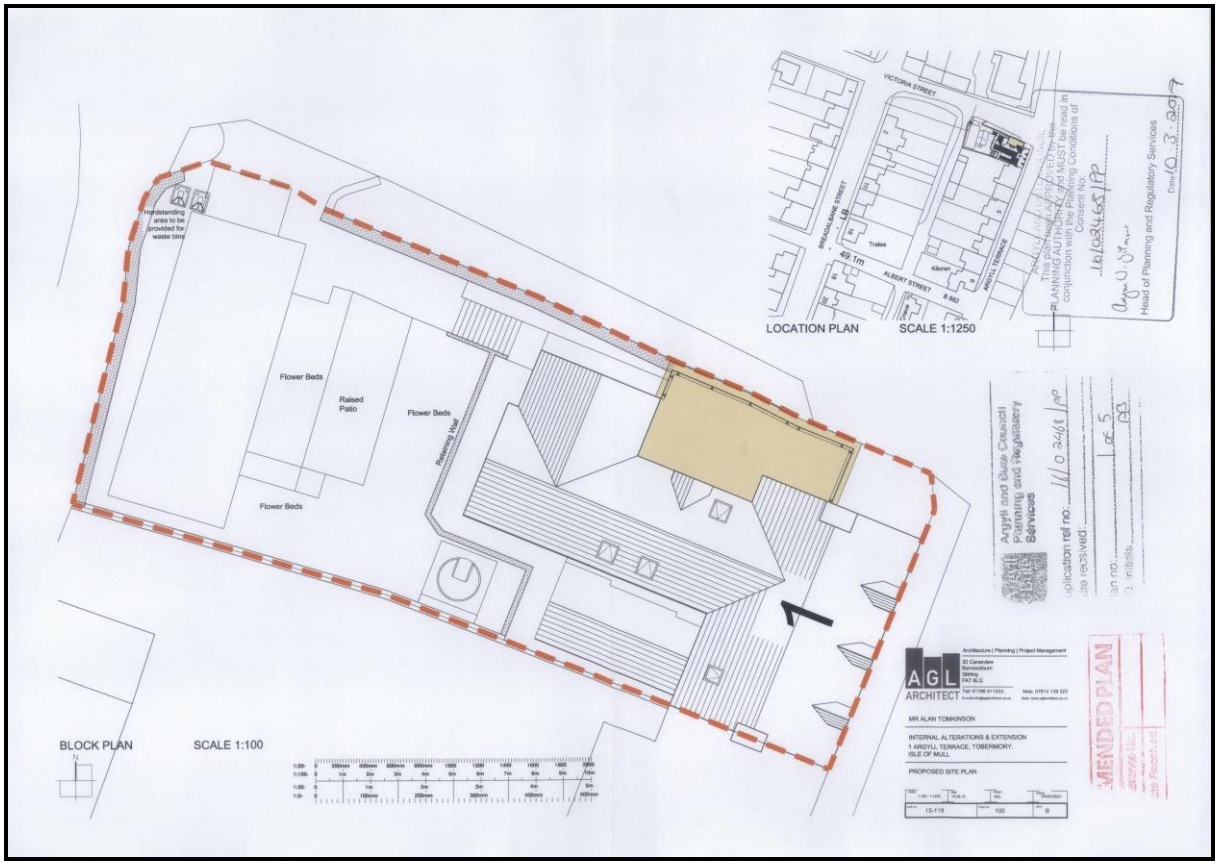
This proposal involved the construction of a small external store on the northern elevation of the letting unit and a further store on the southern elevation. A new oil tank was also proposed to be erected on the southern boundary with the neighbouring property. These works were carried out in advance of planning permission being granted. There was an existing oil tank which was also unauthorised and this was replaced by the oil tank proposed as part of this permission.

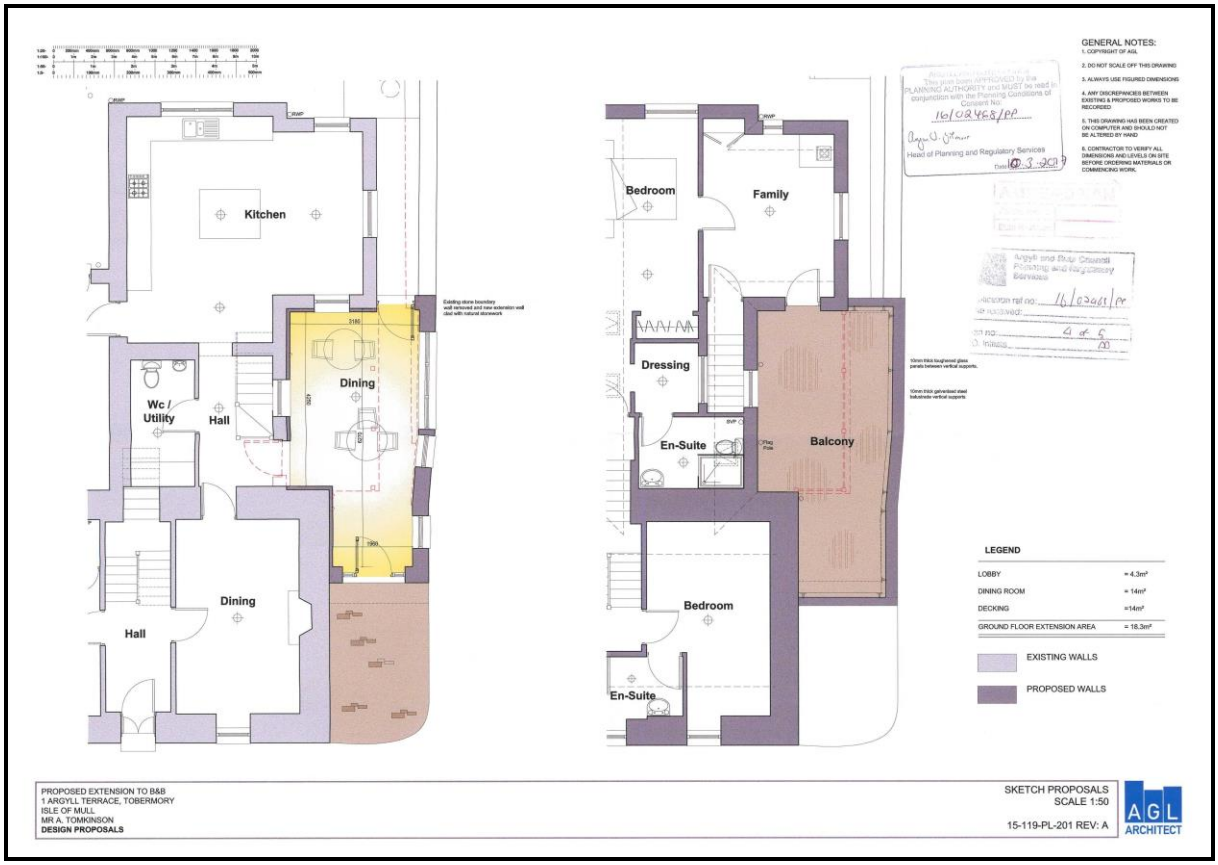
Again, the applicant was Mr Tomkinson and, again, the proposed works were retrospective.

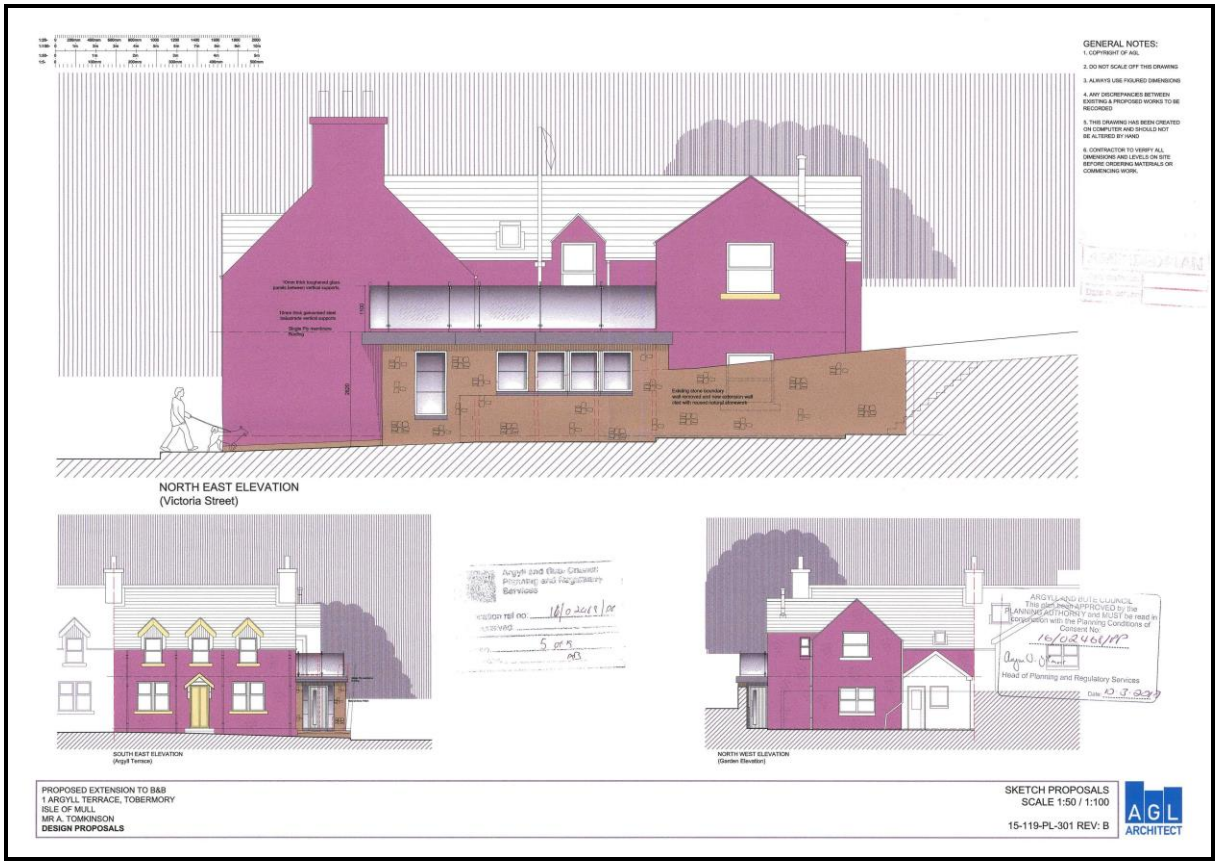
This application was the subject of third party objection which, amongst other matters alleged that the part of the outbuilding at the rear of the garden marked ‘external store’ on the submitted plans was actually being used as a separate letting bedroom. This allegation formed a subsequent planning enforcement investigation.

Whilst the unlawful works the subject of this planning application again further eroded the character and quality of the conservation area and added to the further built development of what was fast becoming an overdeveloped site, the planning authority considered, at that time, that the development could be supported.

16/02468/PP
Alterations and extension to guest house including roof terrace and repainting of facades of existing building.
Granted 10th March 2017.


LOCATION PLAN
SCALE 1:1250
BLOCK PLAN
SCALE 1:100
Flower Beds
Raised Patio
Flower Beds
Retaining Wall
Flower Beds
Hardstanding area to be provided for waste bins
AGL ARCHITECT
MR ALAN TOMKINSON
INTERNAL ALTERATIONS & EXTENSION
1 ARGYLL TERRACE, TOBERMORY.
ISLE OF MULL
PROPOSED SITE PLAN
AMENDED PLAN


Kitchen
Dining
Wc / Utility
Hall
Dining
Hall
Bedroom
Family
Dressing
En-Suite
Balcony
Bedroom
En-Suite
GENERAL NOTES:
LEGEND
LOBBY = 4.3m²
DINING ROOM = 14m²
DECKING =14m²
GROUND FLOOR EXTENSION AREA = 18.3m²
EXISTING WALLS
PROPOSED WALLS
PROPOSED EXTENSION TO B&B
1 ARGYLL TERRACE, TOBERMORY
ISLE OF MULL
MR A. TOMKINSON
DESIGN PROPOSALS
SKETCH PROPOSALS
SCALE 1:50
15-119-PL-201 REV: A
AGL ARCHITECT



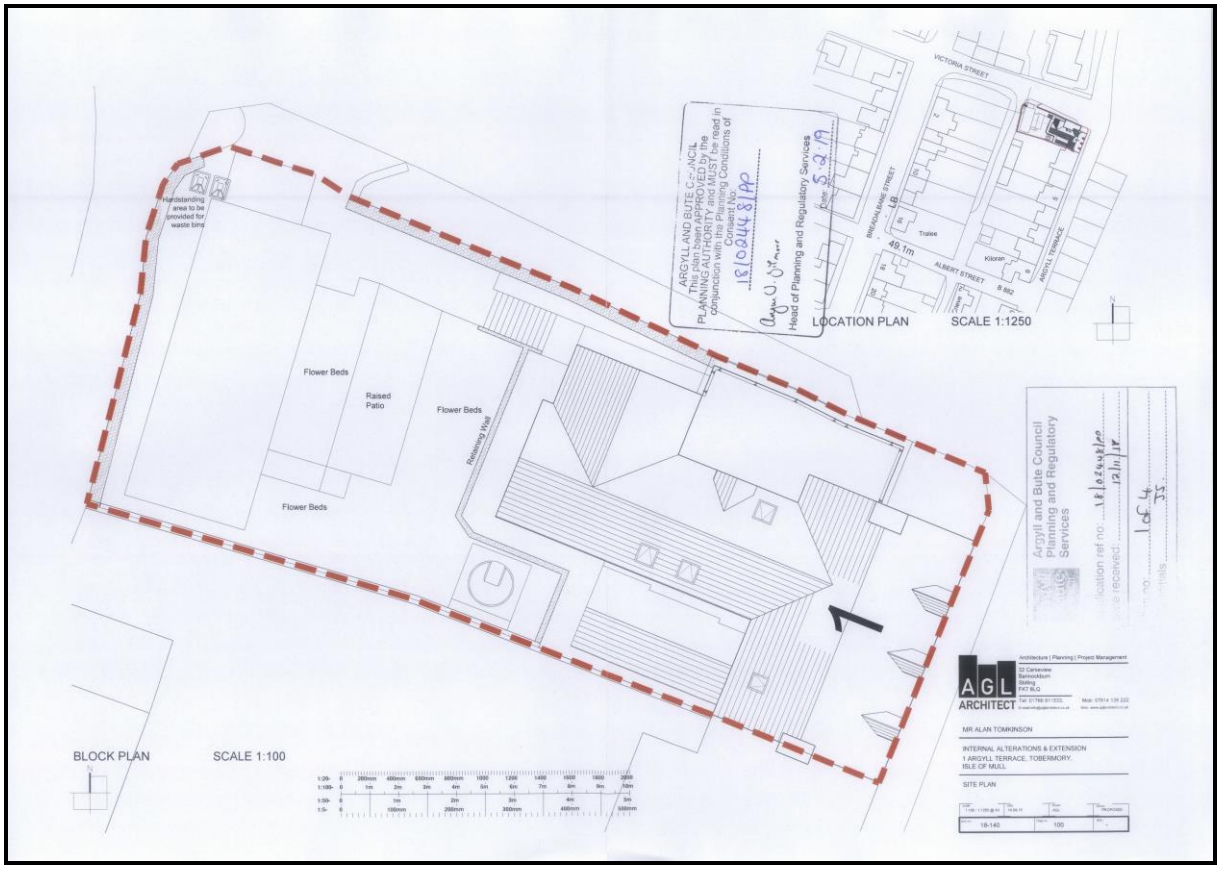
This proposal involved the extension of the property on the northern elevation extending northwards to the existing stone wall and to the east. This provides a new entrance vestibule and space for additional dining tables. The majority of the new floor space created was already covered by an unattractive open balcony. The roof of the proposed extension is the same height as the existing balcony and a new balcony created above.

The proposed development the subject of this planning application whilst again further eroding the character of the conservation area and adding to the bulk of the building and, again, attracting third party objection, was ultimately supported by the planning authority, primarily in order to support the applicant (Mr Tomkinson) and the growth of his business. However, the planning authority were concerned regarding the imminent likelihood of a materially harmful overdevelopment of this site and attached the following informative note to the applicant at this time:

The applicant/developer is hereby advised that the Planning Authority consider it unlikely that any further built development, either by way of extension to the existing buildings within the site, or else the erection of new buildings within the site, would be supported with respect of any future application for planning permission, given the materially constrained nature of the site, specifically the lack of space within it, and its extensive history of previous development.

18/02448/PP
Alterations and erection of rear extension to provide additional bedroom.

Granted 5th February 2019.



This application was for the removal of an existing single storey laundry room projection to the rear (south-west) elevation of the building and to construct a new upper storey pitched roof extension to accommodate an additional bedroom with en-suite facilities.

This application was very carefully assessed given the history of the site and the continuing objections from third parties, with the planning authority concluding, in summary, that:

The development applied for is for the erection of a very modest extension above an existing ground floor projection. Whilst this site is considered to be developed almost to capacity, the relatively small first floor extension currently proposed is well designed and integrated within the existing building and will not result in any additional ground floor footprint. Therefore the existing ratio of built development to plot size will not change.

Again, planning permission was ultimately granted with the following attached informative:

The applicant/developer is hereby advised that the Planning Authority consider it unlikely that any further built development, either by way of extension to the existing buildings within the site, or else the erection of new buildings within the site, would be supported with respect of any future application for planning permission, given the materially constrained nature of the site, specifically the lack of space within it, and its extensive history of previous development.

Dwellinghouse and Curtilage as existing

The above information illustrates the evolution of development at this property and shows that the applicant has history of carrying out development without the requisite planning permissions. It is hoped that the above summary demonstrates the planning authority's willingness to accommodate the owner's aspirations, support economic growth and tourism, whilst at the same time protecting visual amenity and the historic environment. The above clearly illustrates how the property was originally constructed and how it appears now. Significant alterations and extensions have already been permitted, some of them incrementally over time. It is the carefully considered and settled professional opinion of officers that the further development as proposed will clearly result in overdevelopment which will have a materially harmful impact on the setting of the conservation area and listed building and the wider visual amenity of the area as thoroughly detailed in the published report of handling.

As it stands now, the property has planning permission for five bedrooms. The garage has planning permission to be used as an additional letting bedroom although an adjoining store is also currently being used unlawfully as another letting bedroom in breach of planning control. There is no off-street parking available at the property.

Below is a response to some of the comments made by the appellant, however it is considered that the planning authority's assessment and reasoning for refusing planning permission are robustly detailed within the published report of handling.

Policy and Content of Report

- The appellant believes the above points for refusal and the subjective policies referred to in the refusal notice has harmed the planning application's chance

of being approved. The report of handling associated with the application does not expand / explain the reasons for refusal and relies solely on the relevant policy.

Comment: *Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The policies and supplementary guidance contained within the adopted Argyll and Bute Local Development Plan (LDP) 2015 are clear in their purpose and the published report of handling details why the development is contrary to the LDP. There are no material considerations which would warrant a departure from the LDP.*

- The site is located across Victoria Street to the south west from the Parish church and not immediately adjacent to the church as suggested in the refusal notice.

Comment: *The site plan clearly illustrates that the application site is directly across the road from the parish church. The description within the published report of handling that the site is immediately adjacent to it is accurate.*

Visual Impact

- By keeping the existing footprint means there is no further development on the plot area.

- The proposals include the raising of the roofline / ridge by 1.3m to achieve the necessary headroom internally. The raised ridge would still be significantly lower than the adjacent building ridges due to the building being within the hollow. The majority of the properties, particularly on Argyll Terrace, have a mix of traditional single storey outbuildings and some newer 1 ½ storey buildings which include self-catering units and private garages. These outbuildings are accessed by a single track for private use.

- In relation to the design within the conservation area it is evident that there is a variety of building designs and principles. The characteristics found within the area vary from single storey to 3 storey stone-built houses in a linear form with their roof ridge running parallel to the street. The same can be said for the outbuildings along the service lane. However, the outbuildings locations are more sporadic than that of the formally planned street frontage. This can be seen by various garages and outbuildings erected adjacent to the application site over the last few years. The long gardens rise up in level from Argyll Terrace to the service lane thus meaning the outbuildings and garages are more dominant and higher in level on the skyline than the main buildings.

- Policy LDP 9 is a very subjective policy. It refers to the design of buildings and how they should be treated within special areas such as conservation areas. It explains the criteria to which the designs should follow, such as Development

Setting, Development Layout & Density and Development Design. We believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the conservation area. Having established that the character is not of a singular, uniform design, scale, mass or use of materials and that the historic pattern is continued along Breadalbane Lane, we have sought to demonstrate why the proposal will not have the adverse effect as feared by the planning department. The appellant has proved that by adding a high-quality architectural design to this mix of buildings will indeed enhance the conservation are as a whole and its character. The proposals include a raised ridge to allow the accommodation. The designs take into account the location of the site and it is proven that the height of the building would still be significantly lower than the adjacent building ridges due to the building being within a hollow made by higher adjacent ground levels.

- To help reduce any potential visual impact on the surrounding context the upper storey extension is clad in a lightweight finish to avoid being top heavy or dominant within the site. The detailing of the upper floor includes traditional dormer windows and reflect the character of the conservation area. In relation to building materials within the conservation area we can highlight that there is a mix of materials present –not all traditional materials. An example of materials found are – Stone, render, brick, slate, tile, metal roofing, UPVC, aluminium and timber windows and doors. Thus, reinforcing the fact that there is little uniformity nor a defined characteristic found within the back-garden areas of the conservation area.

Comment: *The increase in height and the inclusion of dormer windows fundamentally alters the appearance of what was once an ancillary domestic garage. It would appear as a new and substantial entity in its own right, visually discordant and detached from the existing guesthouse and would appear as a new standalone dwellinghouse. A building of this nature and magnitude will have an over dominating and overbearing effect creating an adverse visual impact and would materially harm the established character of the area. The proposal adds to an already significantly developed site and the alteration of this building will result in overdevelopment.*

The majority of neighbouring outbuildings whilst located on higher ground than the application site are generally much smaller and ancillary in appearance and are located in an area which is not readily visible from the main roads. They therefore have minimal impact on the special qualities of the conservation area. This site on the other hand is located on a prominent corner plot directly opposite the listed church. A one and half storey residential property at this location will have a fundamentally different impact and will be highly visible, adversely altering the streetscene and cohesiveness of the character of the conservation area. It is considered that the extended outbuilding would no longer be ancillary and subservient in scale and nature.

Policy LDP 9 – Development Setting, Layout and Design states, inter-alia:

Development Setting

(A) *Development shall be sited and positioned so as to pay regard to the context within which it is located.*

Development Layout and Density

(B) *Development layout and density shall effectively integrate with the urban, suburban or countryside 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 overshadowing of sites shall be resisted.*

Development Design

(C) *The design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to massing, form and design details within sensitive locations such as Conservation Areas and the settings of listed buildings. Within such locations, the quality of design will require to be higher than in other less sensitive locations and, where appropriate, be in accordance with the guidance set out in "New Design in Historic Settings" produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.*

This policy should also be read in conjunction with the adopted Sustainable Siting and Design Principles. It states that, "the scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. Generally they should be built using the same materials as the house and be placed satisfactorily in relation to it, not haphazardly in one corner of the site. The total amount of building on the site should not exceed 33% of the site area."

The scale and siting of the proposed building and its proposed finishing materials are considered to have an adverse visual impact appearing prominent and out of keeping with this part of the conservation area. The council's conservation officer has advised that the Tobermory Conservation Area Character Appraisal states that the "planned grid-iron layout of the town is a key feature and that the conservation area has limited capacity to accommodate new development which adverse effects the town's continuity and cohesiveness. New development proposals within the conservation area should aim to maintain where possible the classic grid-iron pattern, particularly within the upper part of town." She concludes that this proposal would result in a significant change of character to the historic and planned settlement of Tobermory and would be contrary to policy SG LDP ENV 17 of the LDP, contrary to the provisions of national planning policy contained within the Historic Environment Policy for Scotland, May 2019 and the advice contained within the Historic Environment Scotland publications Managing Change in the Historic Environment – Extensions, October 2010.

Historic Environment

Policy SG ENV 16(a) relates to development affecting a listed building and its setting. The site has some distance from the listed building and we do not see how

such a proposal will have an effect on the building. The listed building is surrounded by a mix of building designs which are of little architectural significance.

Comment: *The listed church is directly adjacent to the application site on the opposite side of Victoria Street. The buildings are approximately 16m from each other.*

The "setting" of a listed building includes views to and from the building, the character of its surroundings and how the listed building is experienced. Scottish Planning Policy defines setting as being "more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building". Historic Scotland Managing Change: Setting states, inter-alia, 'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include:

- *current landscape or townscape context*
- *views to, from and across or beyond the historic asset or place*
- *key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)*
- *the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting*
- *aesthetic qualities*
- *character of the surrounding landscape*
- *general and specific views including foregrounds and backdrops*
- *views from within an asset outwards over*
- *key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace*
- *relationships with other features, both built and natural*
- *non-visual factors such as historical, artistic, literary, place name, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors*
- *a 'sense of place': the overall experience of an asset which may combine some of the above factors*

The Council's conservation officer also notes that the category C listed church has historically enjoyed a commanding position and the open space with only low ancillary buildings to the south of the church are important to its siting and prominence and therefore to how it is experienced.

She advised that in her professional opinion the proposal is contrary to Supplementary Guidance SG LDP ENV 16(a) – Development Impact on Listed Buildings in terms of its siting and scale.

Landscape

- Policy SG ENV 14 referred to in the refusal notice relates to Landscaping. As the proposals utilise the existing footprint of the building, the surrounding landscape will not be affected by the proposals. If necessary, a landscape design can be incorporated in the design proposals.

Comment: *Landscape not only includes the natural environment, it also includes the built environment and it is considered to be relevant.*

Parking

- The proposals are for staff accommodation to provide accommodation for a member of staff during the peak tourist season on Mull. If the use of a car was needed then an additional on street car space within the vicinity of the B&B would not have an adverse impact on road safety.

- Reason 2 of the refusal refers to the proposals having an adverse impact on road safety. The referred to policy SG LDP TRAN 4 in our opinion refers to street design and new private / public access roads. The proposals do not provide any alteration to the existing road layout nor any new access arrangements.

  Policy SG LDP TRAN 6 states that a degree of flexibility will be available where: "*Environmental considerations are of prime importance, e.g. the development is within a Conservation Area*." The site is also adjacent to and served by public transport and pedestrian links to the town and surrounding areas. Therefore, a realistic stance on whether an addition of one potential vehicle needs to be made.

  At the time of carrying out the side extension to the main house the appellant created a further car park space alongside the extension. Car parking associated with the bed and breakfast is not so problematic as the majority of guests arrive by tour bus and are dropped off and picked up the following morning. We have spaces for 2 cars and we currently have 1 car in the family.

Comment: *The applicant has not provided any evidence that they have been unable to attract suitable staff and whether or not this is due to a shortage of accommodation within Tobermory. Nevertheless, a minimum of three car parking spaces is required for properties with four or more bedrooms as per the adopted parking standards contained within the LDP. The planning authority has already relaxed these requirements for planning permission 18/02448/PP which was for an additional bedroom. The property has planning permission for five bedrooms. There are two further bedrooms within the garage (one unauthorised) and this application proposes to add a self-contained residential unit with a further bedroom. As it stands there is no off-street parking to cater for residents or bed and breakfast guests. The planning authority cannot control how many vehicles the applicant may or may not have nor can they control the number of vehicles that may or may not be used by guests. The area roads engineer requires a minimum of two off-street parking spaces to be provided. A new access onto the public road would therefore be required and thus SG LDP TRAN 4 would be applicable in that instance. Lack of*

parking has been cited as an objection from neighbours and the area roads engineer has advised that they have also received complaints regarding lack of parking within this area. The planning authority also understands that the applicant is parking without authorisation on the public road and that the roads department are investigating this (presumably the space located adjacent to the extension as advised by the appellant). The provision of parking within the remaining curtilage will have a further significant detrimental impact on the visual amenity of the area and on the curtilage space itself.

Economic Growth

- Policy LDP 5 & 8 promote sustainable growth and strengthening communities. This policy was not referred to in the refusal notice although in our opinion it reinforces the argument for approving the proposals. The proposals will allow an existing tourism business to continue to develop and will attract new people to live and work in Mull. The appellant has advised that staff accommodation is in very short supply in Tobermory, many of the local businesses have this problem. The proposals will allow the appellant to run their business more efficiently. The business creates local employment and generates tourism.

Comment: *Whilst the Council is generally supportive of tourism development and promoting economic growth, this must not be to the detriment of the environment and to the exclusion of other relevant policy considerations. Policy LDP 5 – Supporting the Growth of our Economy and Supplementary Guidance SG LDP TOUR 1 have both been referenced within the published report of handling. SG LDP TOUR 1 states, inter-alia, there is a presumption in favour of new or improved tourist facilities and accommodation provided:*

A. The development is of a form, location and scale, consistent with Policy LDP DM 1;
B. They respect the landscape/ townscape character and amenity of the surrounding area;
C. They are well related to the existing built form of settlements AND,
D. The proposal is consistent with other policies and SG contained in the Local Development Plan;

These policies were given due consideration and it is considered that the development as proposed is contrary to these policies, although not specifically detailed within the wider assessment.

CONCLUSION

Officers consider that they have done all that they reasonably can to support the appellant's economic growth aspirations whilst balancing this with other material planning considerations, not least the visual impact of the developments upon the site and its surroundings, including on the historic environment.

However the blunt truth of the matter, at least in the considered professional opinion of officers, is that the appellant's development aspirations have finally outgrown the size and nature of the site to the extent that the further development the subject of this review would lead to material harm and is, therefore, not supported by approved and adopted national and local planning policy.

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.

Taking all of the above into consideration, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposal is not appropriate as it will have an adverse visual impact on the streetscene, on the setting of the conservation area and on the setting of the adjacent listed building. The development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building resulting in gross overdevelopment of the site. Furthermore, there is insufficient off-street and on-street car parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. In the event that parking provision was to be provided within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilage space, the removal of the existing stone wall and the physical appearance of the parking area.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development and Economic Growth

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

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Reference No:	19/01801/PP
Planning Hierarchy:	Local
Applicant:	Mr Alan Tomkinson
Proposal:	Removal of existing roof, erection of first floor extension onto existing bothy to provide accommodation for staff members
Site Address:	Harbour View, 1 Argyll Terrace, Tobermory, Isle of Mull, Argyll and Bute, PA75 6PB

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Removal of existing roof, erection of first floor extension onto existing bothy to provide accommodation for staff members

(ii) Other specified operations

- N/A

(B) RECOMMENDATION:

That planning permission be REFUSED for the reasons appended to this report.

(C) CONSULTATIONS:

Area Roads Officer
No objection subject to conditions. Report dated 11th November 2019

Environmental Health
No response at time of report and no request for an extension of time

Conservation Officer
Objection. Adverse impact on conservation area and setting of adjacent listed building. E-mail dated 18th December 2019.

(D) HISTORY:

18/02448/PP
Alterations and erection of rear extension to provide additional bedroom. Granted 5th February 2019.

16/02468/PP
Alterations and extension to guest house including roof terrace and repainting of facades of existing building. Granted 10th March 2017.

16/01239/PP
Installation of oil tank and external boiler and erection of extensions to outbuilding (part-retrospective). Granted 28th July 2016

16/00455/PP
Installation of oil tank and erection of extensions to outbuilding (part-retrospective). Withdrawn

13/00338/PP
Change of use from dwellinghouse to guesthouse and erection of extensions and change of use from garage to form additional accommodation (retrospective). Granted 14th June 2013

12/02212/PP
Change of use from dwellinghouse to guesthouse and erection of extensions and change of use from garage to form ancillary residential accommodation (retrospective). Withdrawn

12/01081/PP
Change of use of dwellinghouse (class 9) to guesthouse (class 7), change of use of garage to form holiday letting accommodation, erection of extension and formation of sun room. Application returned

11/01934/NMA
Non material amendment to planning permission 10/00039/PP - alteration and extension to existing dwellinghouse - amendment to fenestration, garage siting and finished colour of house. Granted 13th October 2011

10/00039/PP
Alteration and extension to existing dwellinghouse. Granted 17th February 2010

(E) PUBLICITY:

Advertised in terms of Regulation 20 procedures, closing dated 10th October 2019.

(F) REPRESENTATIONS:

Eight objections have been received regarding the proposed development.

Gillian MacLeod, Cove Cottage, Victoria Street, Tobermory, PA75 6P

(22.09.19)

Duncan MacLeod, Cove Cottage, Victoria Street, Tobermory, PA75 6PB (22.09.19)
Olive Brown, Tobermory Parish Church (23.09.19)
Mr Richard Payne, 4 Breadalbane Street, Tobermory, PA75 6PE (25.09.19)
Anthony Spillane, 2 Argyll Terrace, Tobermory, PA75 6PB (25.09.19)
Mrs Allison Spillane, 2 Argyll Terrace, Tobermory, PA75 6PB (25.09.19)
Mrs Agnes MacKay, The Rowans, 2 Breadalbane Street, Tobermory, PA75 6PE (27.09.19)
Owner/Occupier, Seabrae, 3 Argyll Terrace, Tobermory, PA75 6PB (27.09.19)

Summary of issues raised

- There is insufficient parking for the proposed development creating a road safety hazard and congestion.

  Comment: *The area roads officer has not raised any objections subject to the provision of two car parking spaces within the site. In order to accommodate this a significant portion of the remaining curtilage space would be lost and the character of the development would be further altered. It is recommended that planning permission be refused.*

- There is no operational reason why the applicant requires staff accommodation.

  Comment: *The planning authority considers that insufficient information has been provided with the planning application to suitably demonstrate that the applicant has an operational need for staff accommodation.*

- The development is not appropriate within the conservation area and it materially alters its character.

- The proposed use of timber is inappropriate in the conservation area.

  Comment: *It is recommended that planning permission be refused as the proposal will have an adverse impact on the character of the conservation area and streetscene as well as the setting of the adjacent listed church. Consultation with the Council's conservation officer have taken place and she has advised that the proposal will involve a significant change in character to the conservation area due to its scale and detailing and it would also diminish the prominence of the listed church due to overdevelopment of the rear garden.*

- The entrance to the property is dangerous as there is a significant drop to the ground level below.

  Comment: *This is a matter which would be addressed under the building standards.*

- Rose Cottage does not have planning permission. It should be a

store.

Comment: *This has been passed to the enforcement officer for further investigation.*

- The proposed development would have an adverse impact on the privacy of 2 Argyll Terrace.

Comment: *It considered that the proposed development is unlikely to have an adverse impact on the privacy of 2 Argyll Terrace due to the separation distance, angle of view and difference in level having regard to the Sustainable Siting and Design Principle of the LDP.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link http://www.argyll-bute.gov.uk/content/planning/publicaccess.

(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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**	No

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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(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.

Policy

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
Policy LDP 5 - Supporting the Sustainable Growth of Our Economy
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing Our Consumption
LDP 11 – Improving Our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
SG LDP ENV 16(a) - Development Impact on Listed Buildings
SG LDP ENV 17 – Development Impact on Conservation Areas
SG LDP TOUR 1 - Tourist Facilities and Accommodation, including Static and Touring Caravans
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 Vehicle Parking Provision
Sustainable Siting & 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.

Scottish Planning Policy (SPP) 2014
Historic Environment Policy for Scotland, May 2019
Managing Change in the Historic Environment – Setting, June 2016
Managing Change in the Historic Environment – Extensions, Oct' 2010
Proposed Local Development Plan 2
Third party representations

(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

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

(P) Assessment and summary of determining issues and material

considerations

Planning permission is sought for the removal of an existing roof and the erection of a first floor extension onto an existing bothy to provide accommodation for staff members at Harbour View, 1 Argyll Terrace, Tobermory, Isle of Mull, Argyll and Bute, PA75 6PB.

In terms of Policy LDP DM 1 of the Local Development Plan (LDP), the development lies within the Settlement Zone where the principle of appropriate small scale development within the curtilage of buildings is supported.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

The site is also within the Tobermory Conservation Area and as such Supplementary Guidance SG LDP ENV 17 is applicable which advises on the special controls and considerations that apply to development within conservation areas, including a requirement for developments to maintain or enhance the existing area, and to secure the highest quality of development, having respect to the architectural and special qualities of the specific conservation area.

The property is situated on a prominent corner plot between Argyll Terrace and Victoria Street which is within the Tobermory Conservation Area and adjacent to Tobermory Parish Church - a Category C Listed Building. Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 are therefore relevant, as is the national planning policy contained within the Historic Environment Policy for Scotland, May 2019 and the advice contained within the Historic Environment Scotland publications Managing Change in the Historic Environment – Setting, June 2016 and Managing Change in the Historic Environment – Extensions, October 2010.

1 Argyll Terrace has been significantly altered and extended in the past and its once traditional character has been largely eroded and diminished and various extensions and outbuildings have reduced the amount of available amenity space. The most recent permission granted was 18/02448/PP which was for the erection of a rear extension. This gives the guesthouse a total of five bedrooms. The existing outbuilding is currently being used as two separate letting units however only one of these has planning permission (our ref: 16/01239/PP). The use of this particular outbuilding is therefore unauthorised and is currently the subject of an ongoing planning enforcement investigation.

Concern has long been expressed by officers regarding the harmful cumulative impact of extensions and alterations to this building and its curtilage area with the 18/02448/PP planning permission having been considered as the last acceptable enlargement of the property and its grounds, with any subsequent enlargement likely to represent an unacceptable further overdevelopment of the site, contrary to its landscape and streetscene impact and, specifically, the character of the conservation area and the setting of the adjacent listed Parish Church.

The applicant has submitted a supporting statement in order to justify this

further proposed development. The applicant states that due to having a young family they are unable to effectively operate the bed and breakfast business without any additional help. They state that there is a shortage of rented accommodation in Tobermory and therefore that is why they propose to alter the existing outbuilding. They state that the existing outbuilding is below existing ground level at the rear, the footprint would be the same and the overall height would only be raised by less than one and a half metres. This would be below the level of the neighbour's garage and other neighbouring buildings. The works would not have an adverse visual impact and would support tourism and the local economy. The applicant, however, fails to provide any evidence that they have been unable to attract suitable staff and whether or not this is due to a shortage of accommodation within Tobermory.

Due to the development being located on a corner plot it is highly visible from Argyll Terrace and Victoria Street. Dwellinghouses and other buildings in the area are generally terraced and front onto the main roads with no areas of front garden. Rear gardens are long and narrow which back onto a small lane. Gardens are usually well contained and where there are outbuildings these are small scale and subservient in nature to their host properties (such as garden sheds and garages).

1 Argyll Terrace is located on a slope and the ground floor of the rear building sits at a higher level than the existing guesthouse. The small lane to the rear of the outbuilding slopes upwards to the south-west and there is an obvious level difference between it and the neighbouring outbuildings which are located at a higher level.

The existing guesthouse has been significantly extended and this has reduced the available curtilage space. This has been further diminished by the erection of the existing outbuilding. As it currently stands, the site maintains the appearance of a substantially extended dwellinghouse with a subservient outbuilding within a single planning unit.

The proposed alterations propose the construction of a new first floor to an existing and relatively extensive outbuilding which involves an increase in the overall height of the outbuilding. Two large pitched roof dormer windows are proposed on the south-east elevation and a pitched roof entrance porch is proposed on the north-west elevation fronting the rear lane with a new bridge-like access path linking the lane to the building. A large area of timber cladding is proposed which will be highly visible and is generally alien within street-facing buildings within the conservation area. The proposed alterations are significant in the context of the existing building which completely alters its existing character. It is considered that the extended outbuilding would no longer be ancillary and subservient in scale and nature. It would appear as a new and substantial entity in its own right, visually discordant and detached from the existing guesthouse and would appear as a new standalone dwellinghouse. A building of this nature and magnitude will have an over dominating and overbearing effect creating an adverse visual impact and would materially harm the established character of the area.

The Sustainable Siting and Design Principles of the LDP states that "domestic garages/outbuildings are useful structures, which normally add to the amenity and value of any house. The scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. Generally they should be built

using the same materials as the house and be placed satisfactorily in relation to it, not haphazardly in one corner of the site. The total amount of building on the site should not exceed 33% of the site area.

As the proposal is within the conservation area and adjacent to a listed church, consultation with the Council's conservation officer has taken place. She has advised that the Tobermory Conservation Area Character Appraisal states that the "planned grid-iron layout of the town is a key feature and that the conservation area has limited capacity to accommodate new development which adverse effects the town's continuity and cohesiveness. New development proposals within the conservation area should aim to maintain where possible the classic grid-iron pattern, particularly within the upper part of town." She concludes that this proposal would result in a significant change of character to the historic and planned settlement of Tobermory and would be contrary to policy SG LDP ENV 17 of the LDP, contrary to the provisions of national planning policy contained within the Historic Environment Policy for Scotland, May 2019 and the advice contained within the Historic Environment Scotland publications Managing Change in the Historic Environment – Extensions, October 2010.

In this regard, the Historic Environment Policy for Scotland (June 2019) national planning policy document states as its guiding principle that change within the historic environment should be managed sensitively and appropriately and that negative impact should be avoided where possible, particularly within those sites and areas given specific legal protection, such as conservation areas and listed buildings.

The Historic Environment Scotland publication Managing Change in the Historic Environment – Extensions (October 2010) states at Paragraph 2.5 that extensions have the potential to impact on the setting of adjacent historic buildings, which should be taken into account when considering a proposal; and as one of its 'key issues' that extensions must protect the character and appearance of the building and should be subordinate in scale and form.

The conservation officer also notes that the category C listed church has historically enjoyed a commanding position and the open space with only low ancillary buildings to the south of the church are important to its siting and prominence and therefore to how it is experienced. She advises that the proposal, the subject of this planning application, is contrary to Supplementary Guidance SG LDP ENV 16(a) in terms of its siting and scale.

In this regard, the Historic Environment Scotland publication Managing Change in the Historic Environment – Setting (May 2019) states, as one of its 'key issues' that development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

It is considered that the proposed alterations would create a building which is incongruous and overbearing within the curtilage of the guesthouse, detrimental to its setting within the conservation area and detrimental to the wider visual amenity of the area within which it is located in terms of size, scale and design. The development is therefore contrary to Policies LDP 3 and LDP 9, Supplementary Guidance SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP. The proposed development would also be contrary to national planning policy as expressed within the Historic Environment Policy for Scotland (June 2019) and

the associated supplementary guidance documents, Managing Change in the Historic Environment – Setting (May 2019) and Managing Change in the Historic Environment – Extensions (October 2010).

The existing guesthouse has five bedrooms and there are two separate letting units, one of which is unauthorised. If this application were to be approved this would create another standalone unit. 1 Argyll Terrace has no off-street parking and the area roads officer has advised that a minimum of two car parking spaces are required. This cannot be provided without having a significant adverse impact on the curtilage space and it would also grossly overdevelop the site. Several complaints have been received regarding the capacity of on-street provision both to the planning authority and the roads authority. The property currently has no off-street parking for the owner or visiting customers and the addition of a further unit for a staff member will exacerbate the existing problem. As such the proposal is contrary to Policy LDP 11, Supplementary Guidance SG LDP ENV 4 and SG LDP ENV 6 of the LDP.

In light of the above it is recommended that planning permission be refused.

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

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(R) Reasons why Planning Permission or Planning Permission in Principle should be refused:

1. The proposed development is incongruous and overbearing within the curtilage of the commercial guesthouse property which is detrimental to its setting within the conservation and detrimental to the wider visual amenity the area within which it is located in terms of size, scale, design and materials. The development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building. Furthermore the development will have a materially harmful negative impact on the setting of the adjacent Listed Parish Church building, due to the siting and scale of the proposed development and, in particular, the cumulative impact of recent development at the guesthouse site.

   The proposal is contrary to the provisions of Policies LDP 3 and LDP 9, Supplementary Guidance SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP which collectively seek to resist developments which dominate the existing building or surrounding area by way of size, scale, proportion or design and which have an adverse impact on the landscape and character of the area. The proposed development would also be contrary to national planning policy as expressed within the Historic Environment Policy for Scotland (June 2019) and the associated supplementary guidance documents, Managing Change in the Historic Environment – Setting (May 2019) and Managing Change in the Historic Environment – Extensions (October 2010).

2. There is insufficient off-street and on-street car parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety.

This is contrary to the provisions of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilage space, the removal of the existing stone wall and the physical appearance of the parking area.

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

N/A – the proposal is recommended for refusal.

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

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Author of Report:	Andrew Barrie	**Date:**	6th January 2020
Reviewing Officer:	Tim Williams	**Date:**	9th January 2020

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 19/01801/PP

1. The proposed development is incongruous and overbearing within the curtilage of the commercial guesthouse property which is detrimental to its setting within the conservation and detrimental to the wider visual amenity the area within which it is located in terms of size, scale, design and materials. The development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building. Furthermore the development will have a materially harmful negative impact on the setting of the adjacent Listed Parish Church building, due to the siting and scale of the proposed development and, in particular, the cumulative impact of recent development at the guesthouse site.

   The proposal is contrary to the provisions of Policies LDP 3 and LDP 9, Supplementary Guidance SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP which collectively seek to resist developments which dominate the existing building or surrounding area by way of size, scale, proportion or design and which have an adverse impact on the landscape and character of the area. The proposed development would also be contrary to national planning policy as expressed within the Historic Environment Policy for Scotland (June 2019) and the associated supplementary guidance documents, Managing Change in the Historic Environment – Setting (May 2019) and Managing Change in the Historic Environment – Extensions (October 2010).

2. There is insufficient off-street and on-street car parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. This is contrary to the provisions of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilage space, the removal of the existing stone wall and the physical appearance of the parking area.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **19/01801/PP**

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

(B) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

(C) The reason why planning permission has been refused

See reasons for refusal above.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	19/01801/PP
Decision Date	
Issue Latest Date	
Decision	REFUSE

Date signed by ATL

Don't Issue Decision		Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers				
Notification to Historic Scotland				
Section 75 Agreement				
Revocation				

Issue Decision	✓	*Tick*	Standard Conditions/Notes to include

Tick	***Dev/Decision Type***	Time Scale*	Initiation	Completion	Display Notice		
			Only use if PP/AMSC & Granted				
	Local – Sch.3 – Delegated						
✓	Local – Delegated	REF					

*standard time condition not required if application retrospective.

Include with Decision Notice	
Notification of Initiation Form	
Notification of Completion Form	
Customer Satisfaction Survey	✓
Scottish Water Consultation response	
Pre-commencement conditions sheet	

Notify of Decision	
Roads	
Ongoing Monitoring – priorities:	

Total residential units FP3 (uniform)			
Houses		Sheltered	
Flats		Affordable	

20/0005/LRB
Conservation Officer response

In a statement appealing against the refusal the architect states that the LDP policies are subjective, however the assessment is based on a careful appraisal of the individual characteristics of the site and its environs. The architect specifically refers to policy LDP 9 as being subjective. This, and LDP3 are wide overarching policies, to each of which policy SG ENV 17 provides more detail.

The character of the conservation area is defined by its planned grid-iron layout. Historically there were two well defined rows of houses with a lane of low and subservient ancillary buildings between. The application site forms part of this row of buildings of a subservient and ancillary appearance.

Policy ENV 17 states that "*there is a presumption against development that does not preserve the character or appearance of an existing or proposed conservation area"*

The proposal involves raising the roofline/ridge by 1.3 metres. The architect clarifies that "*the long gardens rise up in level from Argyll Terrace to the service lane thus meaning the outbuildings and garages are more dominant and higher in level on the skyline than the main buildings*". Whilst I would argue that the current roofs are not visually prominent from Argyll Terrace, raising the ridge height would significantly increase the prominence of the building on this site. Furthermore as this site occupies a corner plot onto Victoria Street, the prominence of a building on this site is far greater than others on the lane.

The proposed design incorporates dormer windows. The architect refers to the dormer windows reflecting the character of the conservation area. However whilst dormer windows may be prevalent in the main rows of houses, these would not be suitable on this particular site which has an ancillary and subservient appearance.

The architect states that "*the outbuildings' locations are more sporadic than that of the formally planned street frontage. This can be seen by various garages and outbuildings erected adjacent to the application site over the last few years*". Each application is determined on its own merits. It could be considered that previous developments along the lane in the past have begun to erode the character of the conservation area, however this is not justification for further and significant erosion of the character, in fact it strengthens the argument that this application should be refused.

Appendix A submitted by the architect shows a plan of the area, however the problem is not the footprint of the proposal (which is already existing) but the height.

The architect states that the report of handling does not expand on or explain the reasons for refusal. However the following explanation was provided by the planning officer – "the development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building". The above paragraphs offer further detail to this explanation.

As policy ENV 17 states that "*there is a presumption against development that does not preserve the character or appearance of an existing or proposed conservation area"* and this proposal would not preserve the character but be detrimental to it, the application should be refused.

In terms of the impact on the adjacent listed church, Historic Environment Scotland's Managing Change in the Historic Environment: Setting explains that "*setting often extends beyond the property boundary or curtilage of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes."*

The church has historically enjoyed a "commanding position" (Listing Description, Statement of Special Interest). The open space with only low ancillary buildings to the south of the church are important to its siting and prominence and therefore to how it is experienced.

The architect states that "*the site has some distance from the listed building and we do not see how such a proposal will have an effect on the building".* It is not the effect on the church building itself but on its setting that is contrary to policy. The architect further states that *"the listed building is surrounded by a mix of building designs which are of little architectural significance*". The designs of existing buildings in the area and whether they are of architectural significance are not relevant in assessing this application against policy ENV 16(a).

I would therefore consider this proposal to be contrary to policy ENV16(a) as it does not respect the setting of the C listed church in terms of its siting and scale taken together.

27 March, 2020

To: Argyll and Bute Council

From: Richard Payne and Susan Wood
4 Breadalbane St
Tobermory, Isle of Mull
PA75 6PE

Re: Local Review Body Reference: 10/0005/LRB
1 Argyll Terrace, Tobermory, Isle of Mull

We are writing to respond to the Appeal against the decision to refuse the planning application at 1 Argyll Terrace. The applicants raise a number of points that we wish to respond to.

The lane adjacent to this property, between Argyll Terrace and Breadalbane Street, connecting Victoria Street, Albert Street and West Street, is public according to our registered land survey, and is openly used by non-residents. As the applicants point out there are a variety of "bothy" structures along this lane. We believe, however, that the proposed structure has unique aspects that merit its rejection.

1) The size of the proposed, expanded structure sets a new precedent. Its overall size (approximately 10m long, 4m deep, 5.5m high) would be significantly larger than any structure so far erected along Breadalbane Lane. At the moment there is only one "bothy" along the lane of comparable height (1.5 stories, behind 6 Argyll Terrace, a case which created controversy at the time). The other 11 structures along the lane, between Victoria and West Streets, are all single story. All the current "bothies" are less than 8m in length,

   We do not believe that approving a "bothy" behind 1 Argyll Terrace that is comparable in size to some of the original historic houses in the neighborhood is compatible with the designated Conservation Area.

2) Unlike other "bothies" along the lane, the proposed structure is prominently visible from streets in the Conservation Area as it faces Victoria Street, and access to the self-catering units is from Victoria Street. The full façade of the expanded structure will be prominently visible to visitors and churchgoers as they turn up Victoria Street from Argyll Terrace and enter the Church, which is the major landmark of the historic streetscape there. The proposed "bothy" will also be visible from parts of Argyll Terrace, Breadalbane St and indeed from other parts of town (across from Back Brae/Western Isles Hotel, etc). The proposed structure therefore does indeed impact the setting of the Church and the Conservation Area.

In addition to these issues, parking is indeed a significant problem along Argyll Terrace and Victoria St, and though that might not be the case during the COVID-19 pandemic due to closures, visitors will return and the church will reopen. The current provision of one parking site for a business with 6 guest rooms/self-catering units, is inadequate. This expanded structure, for

proposed staff housing, will likely require another on-street parking space, as staff are even more likely to have a vehicle requiring routine parking.

In closing, the many changes that have gone on in our historic conservation area have made the area change in significant ways. However, just because previous applications have been approved (and some only with retrospective approval after they have been built, including at 1 Argyll Terrace), this is not a sound reason for approving still more significant additions and changes. As regards the applicant's business interests, the historic architecture and the setting of Tobermory is what attracts visitors to our town and fills this hotel. It should therefore not be in the interest of any local business to overbuild and degrade the Conservation Area.

From:
Sent: 27 March 2020 12:39
To: localreviewprocess
Subject: 20/0005/LRB (1 Argyll Terrace Tobermory)

27.3.20

Dear Sir/ Madam,

Please find further representation in relation to the case outlined below:

Local Review Body Reference: 20/0005/LRB

Planning Application Reference: 19/01801/PP

1 Argyll Terrace, Tobermory, Isle of Mull

I fully support the Council's initial decision to refuse this planning application for the following reasons:

> mso-bidi-font-family:"Comic Sans MS"">1. "The proposed development is incongruous and overbearing within the curtilage of the commercial guest house property which is detrimental to its setting within the conservation and detrimental to the wider visual amenity the area within which it is located in terms of size, scale design and materials".

The proposed development **is** adjacent to the church and will have an impact on the "listed Parish Church building due to the siting and scale and in particular, the "cumulative impact of recent development" of 1 Argyll Terrace. We need to protect the character of this conservation area.

I believe this church is the significant building in Tobermory and its surroundings need to be protected

Unlike the other properties bordering onto Argyll Lane, Number 1 Argyll Terrace has never had rear outbuildings. Therefore the design and materials used in buildings along the Lane are not relevant to this review. It should be noted that other planning applications for developments along this Lane have been declined in the past or had serious stipulations added.

> mso-bidi-font-family:"Comic Sans MS"">2. "There is insufficient off-street and on-street parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. This is contrary to the provisions of policy and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilages pace, the removal of the existing stone wall and the physical appearance of the parking area."

"The Area Roads Officer has not raised any objections subject to the provision of two car parking spaces within the site. In order to accommodate this significant portion of the remaining curtilage space would be

lost and the character of the development would be further altered. It is recommended that planning permission be refused."

This site has no off street parking. The two parking spaces referred to by both AGL Architect LTD and Mr Tomkinson are **not within** the curtilage, are both on- street parking, on council land and not designated for this property.

In addition to the two reasons stated by the council for refusing this planning application I would also like to raise the following points:

- • Rose Cottage does not have planning permission.
- • The proposed gable will be within 300mm of the boundary
- • Given the history of retrospective planning for this site we have no confidence that this will be staff accommodation: A garage and a wood shed became two separate holiday lets.
- • Exit from this proposed development would be directly onto the lane which is used by many vehicles and services.
- • Please note, this is Argyll Lane, and not Breadalbane Lane.

Also, Mr and Mrs Tomkinson's accompanying letter is full of inaccuracies, emotion and hearsay. As we have previously stated we would also welcome you to pay a site visit.

I therefore fully support the initial decision made by the Planning Department of the council.

Yours Faithfully

Mrs A Spillane

2 Argyll Terrace

Tobermory

Isle of Mull

PA756PB

27.3.20

Dear Sir/ Madam,

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Planning Application Reference: 19/01801/PP

1 Argyll Terrace, Tobermory, Isle of Mull

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The proposed development **is** adjacent to the church and will have an impact on the "listed Parish Church building due to the siting and scale and in particular, the "cumulative impact of recent development" of 1 Argyll Terrace. We need to protect the character of this conservation area.

I believe this church is the significant building in Tobermory and its surroundings need to be protected

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2. "There is insufficient off-street and on-street parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. This is contrary to the provisions of policy and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilages pace, the removal of the existing stone wall and the physical appearance of the parking area."

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Yours Faithfully

Mr A Spillane

2 Argyll Terrace

Tobermory

Isle of Mull

PA756PB

27 March, 2020

To: Argyll and Bute Council

From: Agnes MacKay
2 Breadalbane St
Tobermory, Isle of Mull
PA75 6PE

Re: Local Review Body Reference: 10/0005/LRB
1 Argyll Terrace, Tobermory, Isle of Mull

I am writing to respond to the Appeal against the decision to refuse the planning application at 1 Argyll Terrace.

I am strongly opposed to this expansion, which is directly in front of my house. I fully support the original rejection of these plans by the reviewers and am hopeful that they will continue to protect the precious historical setting of our very special Upper Village of Tobermory.

Regarding the appeal, I would like to address some of the points made by the applicants directly:

Point 1. Whether or not the proposed expansion is directly opposite the church is splitting hairs. It is VERY close to the church and is, indeed directly across the street, whether a few feet above or below the rear wall of the church.

Point 2. Breadalbane Lane is not simply a means for moving rubbish bins to and from the backs of houses, as suggested by the applicants, who in saying this demonstrate a lack of understanding of the character of the Tobermory Upper Village. The mere size of the proposed structure is in direct conflict with the character of the lane, which has old bothy structures along it. Indeed, some of these bothy structures have been replaced with new structures, but none of them is larger than 8m in length. Replacing an old bothy with the larger new structure proposed is certainly not in keeping with the conservation of this historical area. Even IF other applicants have been granted approval for expansions in the past, this is no reason to further detract from the character of this area. In fact, it is a reason to arrest further development that detracts from the character of this area.

Point 5. Parking is indeed a big problem along Argyll Terrace and Victoria St. The current provision of one parking site for a business with 6 guest rooms/self-catering units, is simply inadequate. There is no way to regulate whether guests to 1 Argyll Terrace will arrive via bus or via car, so the applicant’s argument to that point is not sufficient.

Point 8. I do not concur with the applicant's assessment that the expansions made to date on that property or the ones proposed would "enhance and in keeping with" the local area. The current structure is overbuilt already. Adding onto it would in no way visually enhance the local area.

The proposed expansion increases the population density of that tiny corner of the Upper Village. Breadalbane Street and Argyll Terrace were named after the two main founders of the town, namely the Duke of Breadalbane and Duke of Argyll, in the 1780s as two of the main residential streets in the Upper Village for the people of the newly created town of Tobermory. This is a very special, historical area.

I am a Tobermory native (born in the 1930s), and our house at "The Rowans", 2 Breadalbane Street has been in my family since 1955. My mother lived in the house for many years after my father passed away. The house is on the original Tobermory Town Plan from the 1700s as "The Weavers' House," and we have title deeds dating back to 1830 when the owner was a Captain John MacLean. My family and I take pride in being good neighbors and caretakers of our property which is one of the oldest houses in the area. While I appreciate the tourist industry that contributes greatly to the local economy, I must say that in all the years my family has owned "The Rowans," we have never experienced this type of expansion of a tourism business in this very special section of Tobermory – it adversely affects the setting and feel of this special, historical Conservation Area.

Dear Hazel,

Local Review Body Reference 20/0005/LRB

Thank you for extending our response deadline.

Our comments are as follows:

We strongly support the decision already made and see no reason to change it.
Responding to some of the points made in the applicant's appeal :

- Breadalbane Lane is used for more than moving rubbish. It gives vehicular access and is also used by pedestrians and dog-walkers wishing to avoid the busy Argyll Terrace.
- "Most clients arrive by tour bus" – can the applicant supply a breakdown of how many guests are tour bus passengers? Not many I suspect, at least judging by the Trip Advisor comments. Several of these refer to the parking spaces available adjacent to the property. And none refer to tour buses.
- "Planning granted for a taller building further down the lane" – two wrongs don't make a right.

And how do the economics of this work? Renovation will cost say £20,000 (being conservative), annual salary of the staff member say £15,000. Those amounts cannot be recovered through the income from additional guests. What therefore is the economic justification of the project? A likely scenario in my opinion is this – appeal successful, project goes ahead, "financial necessity" then forces owner to change use to self-catering, additional parking spaces then required.

Yours sincerely,

Duncan and Gillian MacLeod