



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

28 July 2020

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY SKYPE** on **TUESDAY, 4 AUGUST 2020** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: ANCHOR COTTAGE, CRINAN, LOCHGILPHEAD, PA31 8SW (REF: 20/0009/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 20)
 - (b) Comments from Interested Parties (Pages 21 - 46)
 - (c) Comments from Applicant (Pages 47 - 50)

Argyll and Bute Local Review Body

Councillor Rory Colville (Chair)
Councillor Roderick McCuish

Councillor Graham Hardie

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100198490-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bowman Stewart		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kathryn	Building Name:	1 Victoria Buildings
Last Name: *	Macdonald	Building Number:	
Telephone Number: *	01546 606 067	Address 1 (Street): *	34 Union Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lochgilphead
Fax Number:		Country: *	UK
		Postcode: *	PA31 8JS
Email Address: *	info@bowmanstewart.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Arthur"/>	Building Number:	<input type="text" value="26"/>
Last Name: *	<input type="text" value="English"/>	Address 1 (Street): *	<input type="text" value="Malbrook Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Putney"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="SW15 6UF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@bowmanstewart.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ANCHOR COTTAGE"/>
Address 2:	<input type="text" value="CRINAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOCHGILPHEAD"/>
Post Code:	<input type="text" value="PA31 8SW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="694091"/>	Easting	<input type="text" value="178305"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations and erection of 2 storey side extension

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see in supporting documents section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

A written statement as to the reasons for review and the arguments against the Planners objections including local precedents and location plans. Also a timeline when these objections were notified to the agent and the drawings that were submitted to the planning officers.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/02312/PP

What date was the application submitted to the planning authority? *

05/11/2019

What date was the decision issued by the planning authority? *

26/02/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Kathryn Macdonald

Declaration Date: 20/05/2020

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Bowman Stewart Reference: 2639**Date:** 12 May 2020**Project:** Alterations and erection of 2 storey extension to Anchor Cottage, Crinan Harbour, Crinan, Lochgilphead.**Planning Application Ref:** 19/02312/PP

Request for Review

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

Background

The existing property is a two-storey detached dwellinghouse in the centre of a street of residential properties on one side and Crinan Harbour and Loch Crinan on the other side.

The site is located within the Knapdale National Scenic Area and within the Crinan Harbour settlement zone as designated in the Argyll and Bute Council local development plan.

This property is currently used as a self-catering holiday home and therefore bringing tourists and money into the local area and encouraging growth in the local economy.

The applicant wishes to build a boat house and study to allow them to work from home when using the property.

Reasons for requesting the review:

1. There were no objections to the proposed development either from adjacent proprietors or consultees.
2. In argument against the first reason of refusal:

1 Victoria Buildings, 34 Union Street, Lochgilphead, Argyll, PA31 8JS
01546 606 067 info@bowmanstewart.co.uk www.bowmanstewart.co.uk

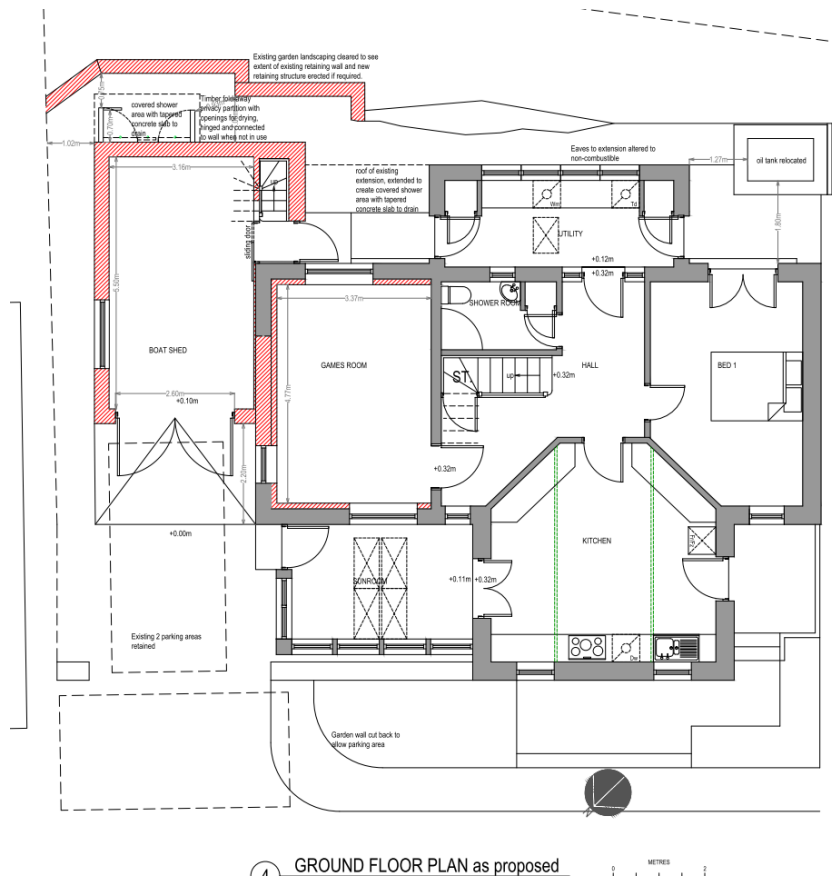
Directors: Ewan Stewart, BSc PGDip MRICS C.Build E MCABE Martin Stewart, BSc MSc CEng MICE **Associate:** Kathryn Macdonald, BSc PGDip PGDE RIAS
Martin C Stewart Ltd. Registered in Scotland. 233629 Registered Office: Lochawe House, Barmore Road, Tarbert, PA29 6TW

Regulated by RICS

RIAS Chartered Practice

- House is readily capable of use as (at least) a four bedroom property, for which the adopted car parking standards requires a minimum of 3 number on-site spaces.

- a. The first reason for refusal by the planning department is not felt correct as the property will not be increasing the number of bedrooms. Therefore, in accordance with the current car parking guidelines, only 2 parking spaces need be provided at the site. During the planning negotiation process we suggested including this in an appropriate manner, similar to the neighbouring properties, of one space in the driveway and another space perpendicular to this. An extract of this plan is shown below and the scale drawing is attached within the Supporting Documents.



Extract from Bowman Stewart drawing 19-2639-P-02 Rev B showing Ground floor Plan (not to scale)

This was not deemed as appropriate by the Roads department due to the perpendicular parking space but many of the other neighbouring properties have a similar parking provision, as can be seen from the below image, taken from Google StreetView, where at least two other properties park in this perpendicular fashion. Therefore, not allowing this in this case would not show consistent parking provision within this area.



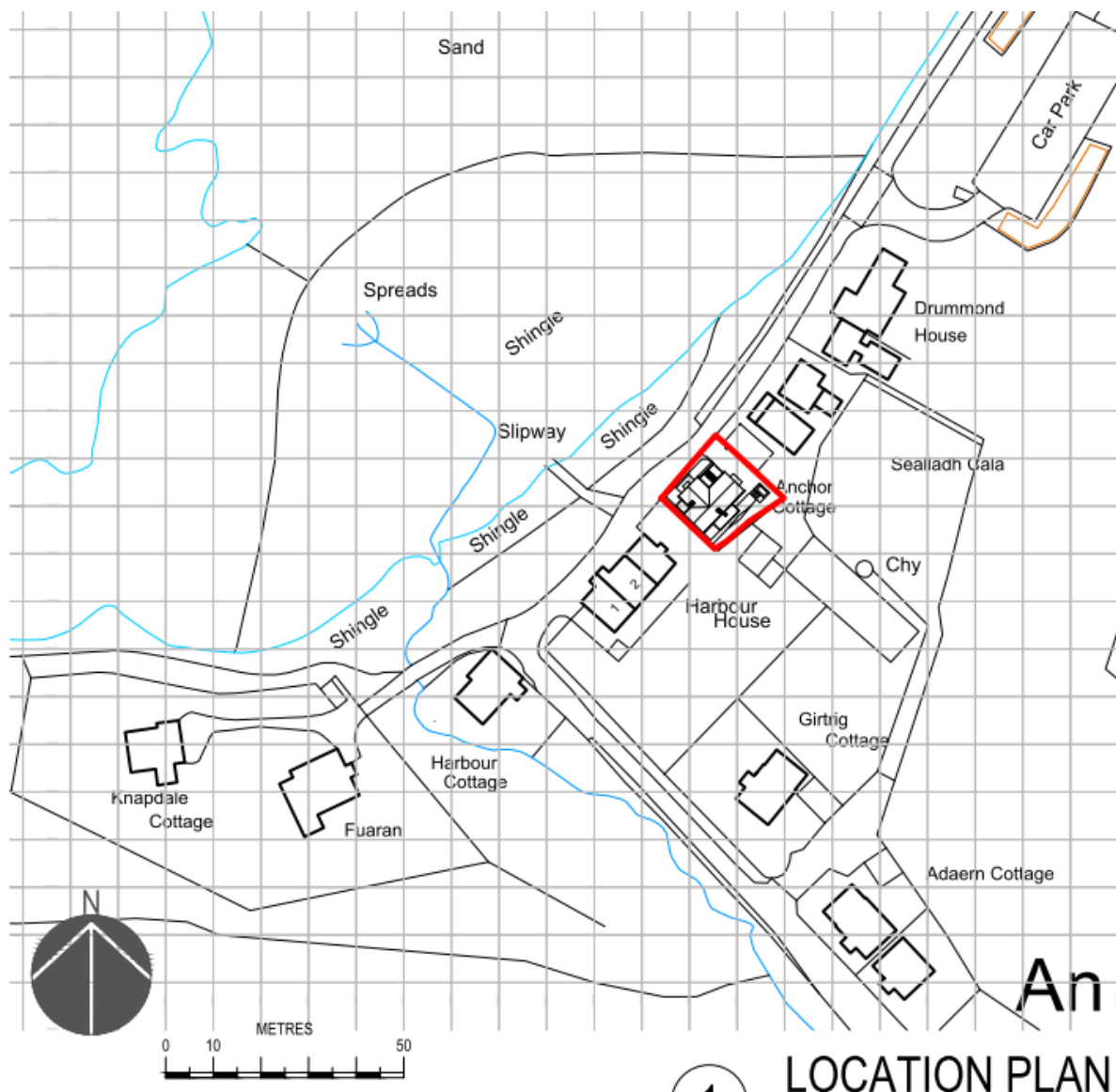
Image taken from Google StreetView dated 12/05/2020

- b. As a precedent, there was an application for an extension in this area, Ref: 17/01819/PP, for Harbour Island and they increased their accommodation from 3 to 4 bedrooms and they did not require an additional parking space. This application was approved in 2017. Therefore, our current refused application and the planners' first reason for rejection is inconsistent with previously approved projects.
- c. Within the above-mentioned precedent, the property uses the existing Car park at the end of the harbour for their current car parking provision. We suggested that we could use this as well if an overspill parking space was ever required, as is the common practice for inhabitants of the harbour.

3. In argument against the second reason of refusal:

- Extension occupies a large proportion of the site and this does not tie in with the surrounding settlement pattern and character of the area.

a. I believe that this extension does in fact tie in with the surrounding pattern of buildings in this area, as the buildings to the North of this property are massed to the full width of their sites, from Anchor Cottage to Drummond House, as can be seen from the location plan extract below, the scale drawing is attached within the Supporting Documents:



Extract from Bowman Stewart drawing 19-2639-P-01 Rev B showing Location Plan(not to scale)

Each house and boat shed are separately owned leaving small gaps or no gaps between each property. Therefore, our scheme is quite in-keeping with the local settlement pattern. I have also shown a photomontage showing the buildings in a line, showing the small gaps between each property.



Photomontage created by *Bowman Stewart* drawing using Images taken from Google StreetView dated 12/05/2020 – Red lines indicate boundaries

- b. Also, this extension would be set back from the road quite a bit and therefore would be less intrusive than the neighbouring Harbour House's extension. It would also be more in keeping with the character of the area.
- 4. In argument against the third reason of refusal:
 - The development would obscure the view of the scheduled monument from the public road to the detriment of its setting.
 - a. We were never given a chance to respond to the planners' third reason for refusal. Please see the timeline below to show we were only given one day to see this new reason for refusal before the planner said it would be determined. This gives the impression that this reason was added on at the end to try and make the refusal more substantial.

Timeline of reasons for refusal

12 Dec 19 – Notification of Roads departments objection, noted in email application would be determined by 17th Jan deadline.

12 Dec 19 - Agent submitted response to Planner and Roads department with alternative parking proposals to overcome parking reason for refusal.

09 Jan 20 – Parking and Massing reasons for refusal submitted to agent, noted in email application would be determined by 16th Jan deadline.

13 Jan 20 – Agent submitted response to Planner with arguments again reasons for refusal.

12 Feb 20 – Planner notified agent of further reason for refusal being the development would block the view of the ancient scheduled monument (not previously mentioned) with no allowance in the email for us to respond to this new reason for refusal as noted in email *"The determination is likely to be made before the end of working hours tomorrow unless a written request withdrawing the application is received prior to determination"*. Therefore, we were unable to respond to this.

- b. We were not given a chance to respond to this but it could be that due to the design of the extension having a pitched roof, and being set back, it may not interfere with the view from the public road and therefore this objection may not be relevant. I have shown an outtake of Google Streetview against the proposed elevation below for your information to see these side by side. Looking at these I believe one could very well still be able to see the scheduled monument from the Public Road.



Extract from Bowman Stewart drawing 19-2639-P-02 Rev B showing North Elevation. (not to scale)



Image taken from Google StreetView dated 12/05/2020

- c. Also the applicant could erect a tree in their rear garden, which may block the visibility of this Scheduled Monument from the public road without requiring Planning Permission, therefore I am not sure if this reason for rejection can be a legitimate reason for refusal.
- d. It is also worth noting that the erection of this extension would not block the view of this scheduled monument any more than any of the other developments along the stretch of road currently do.

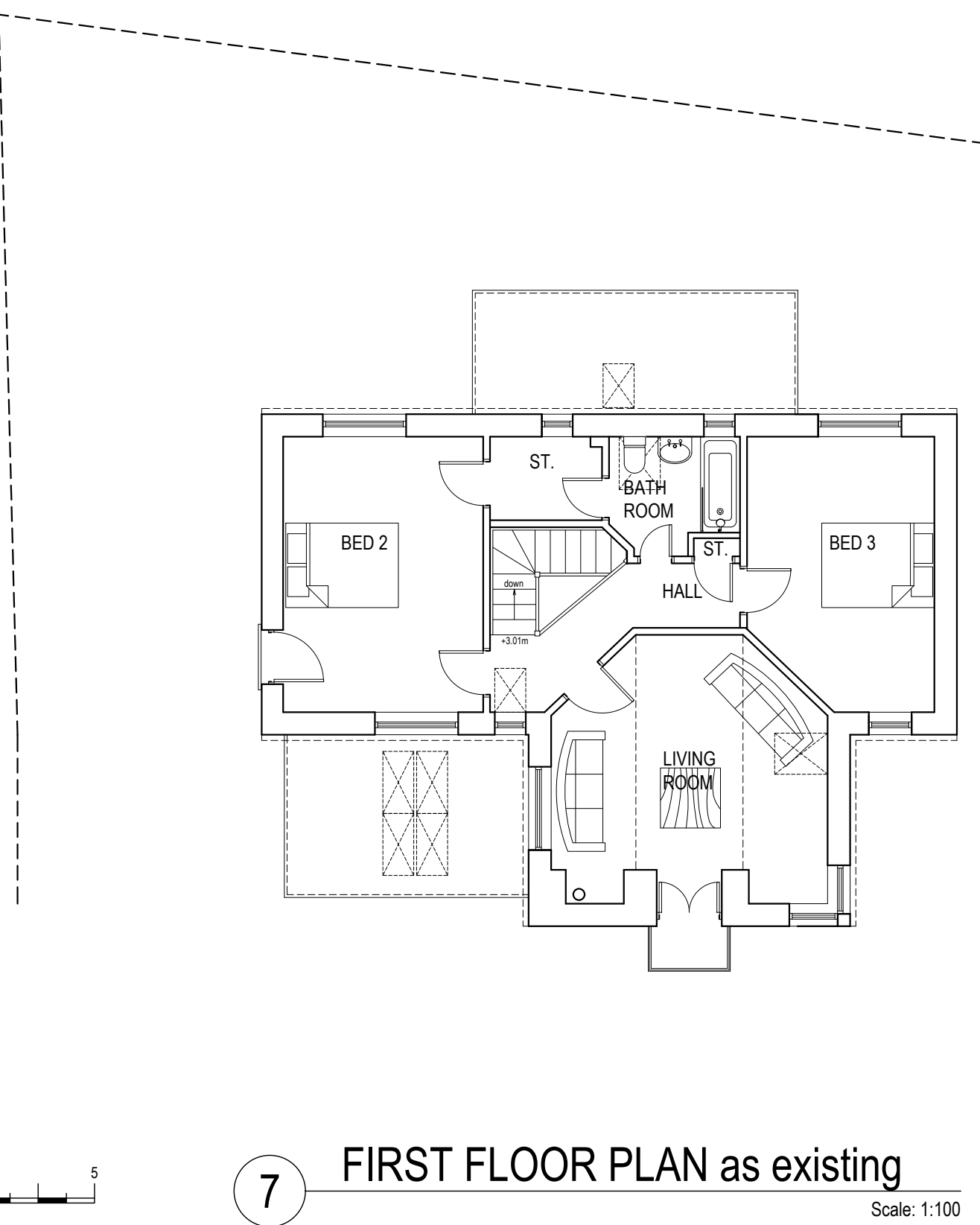
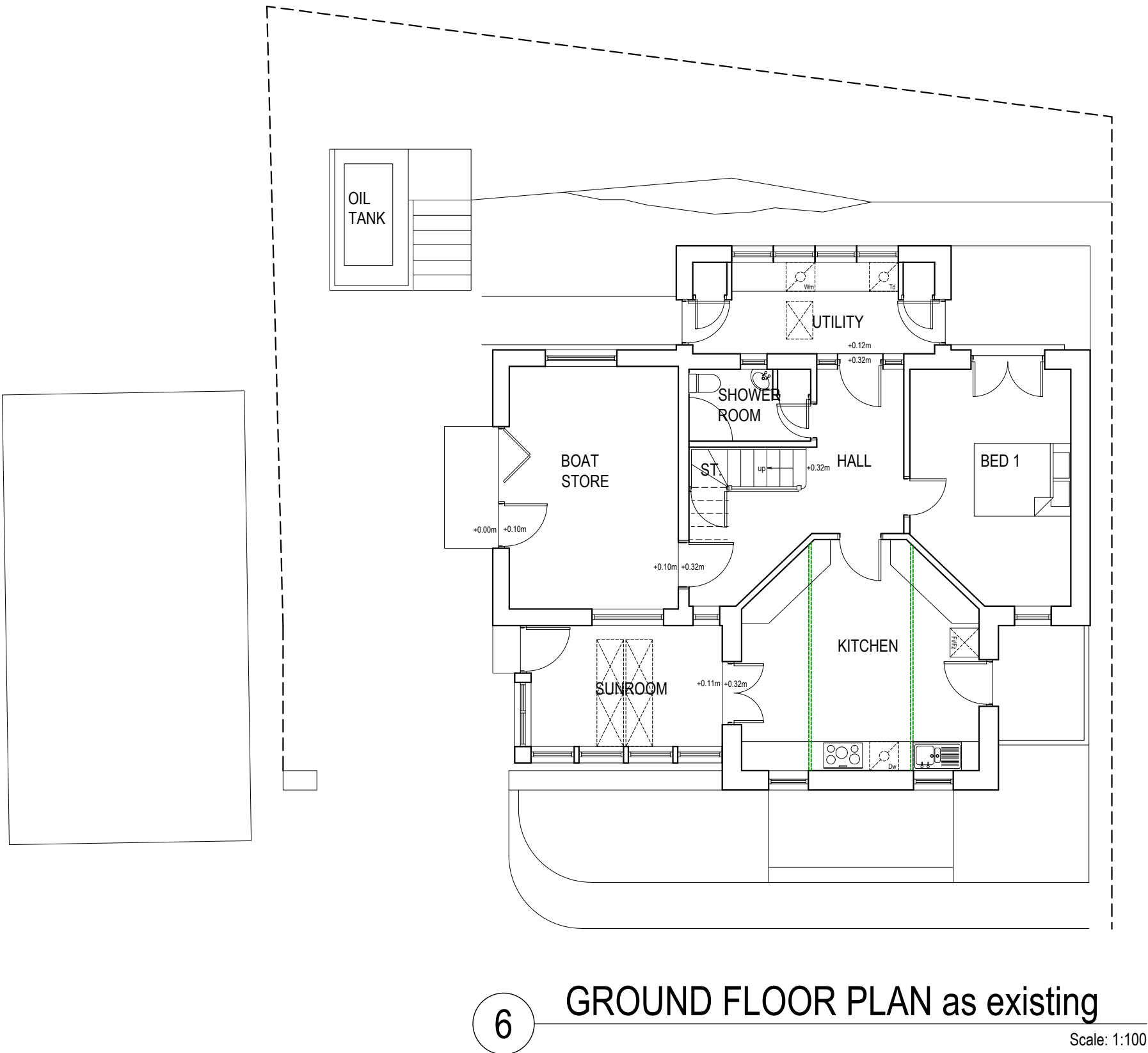
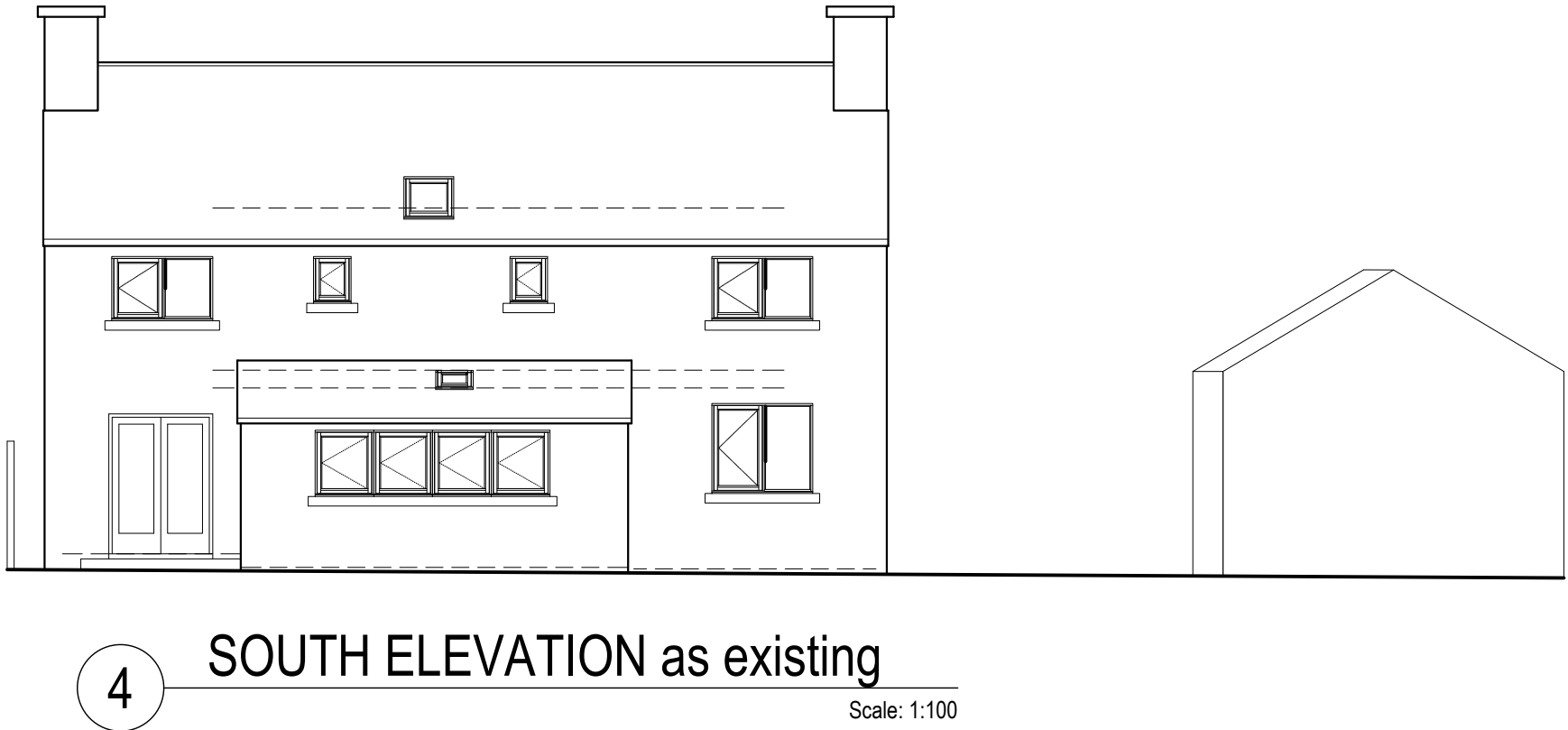
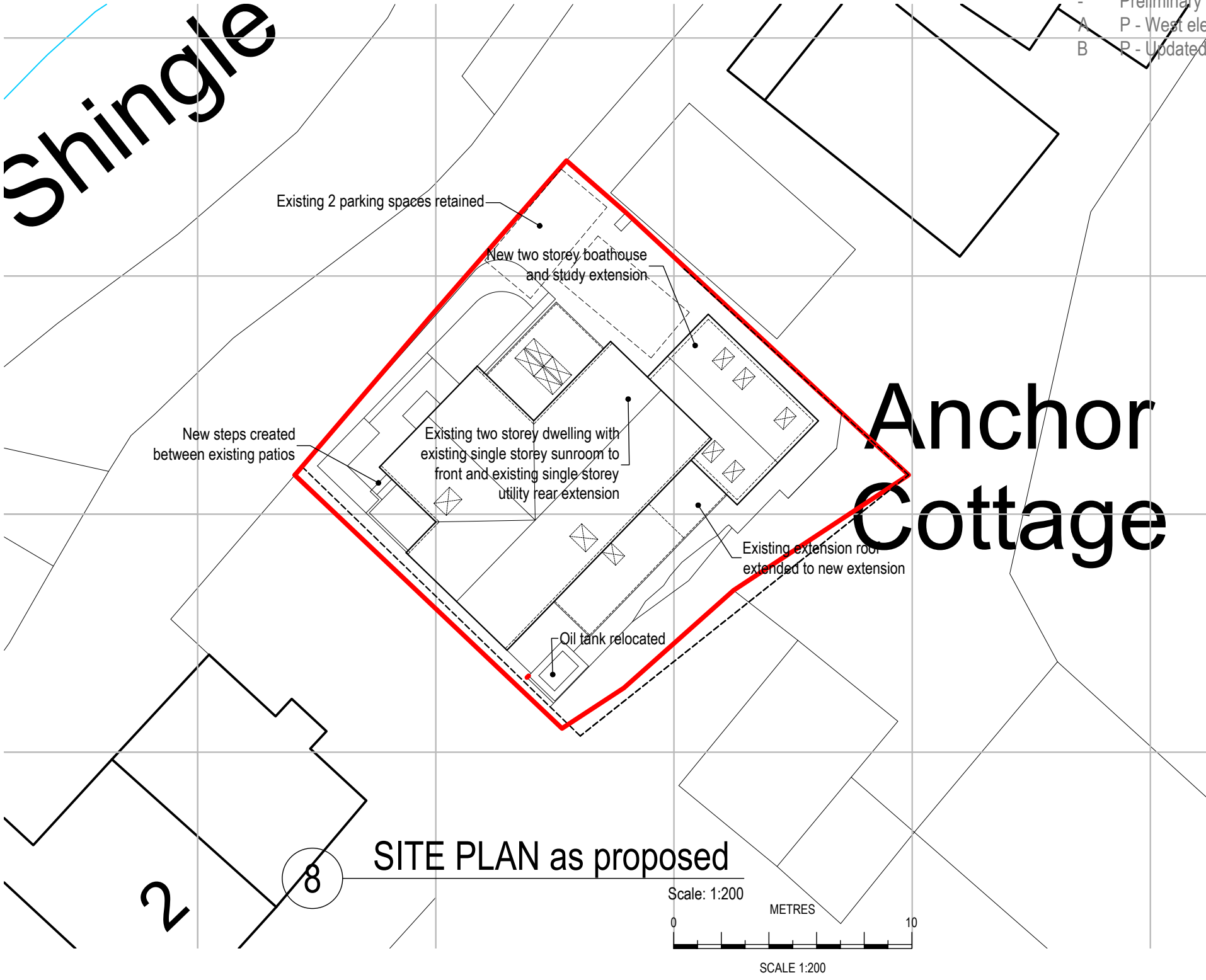
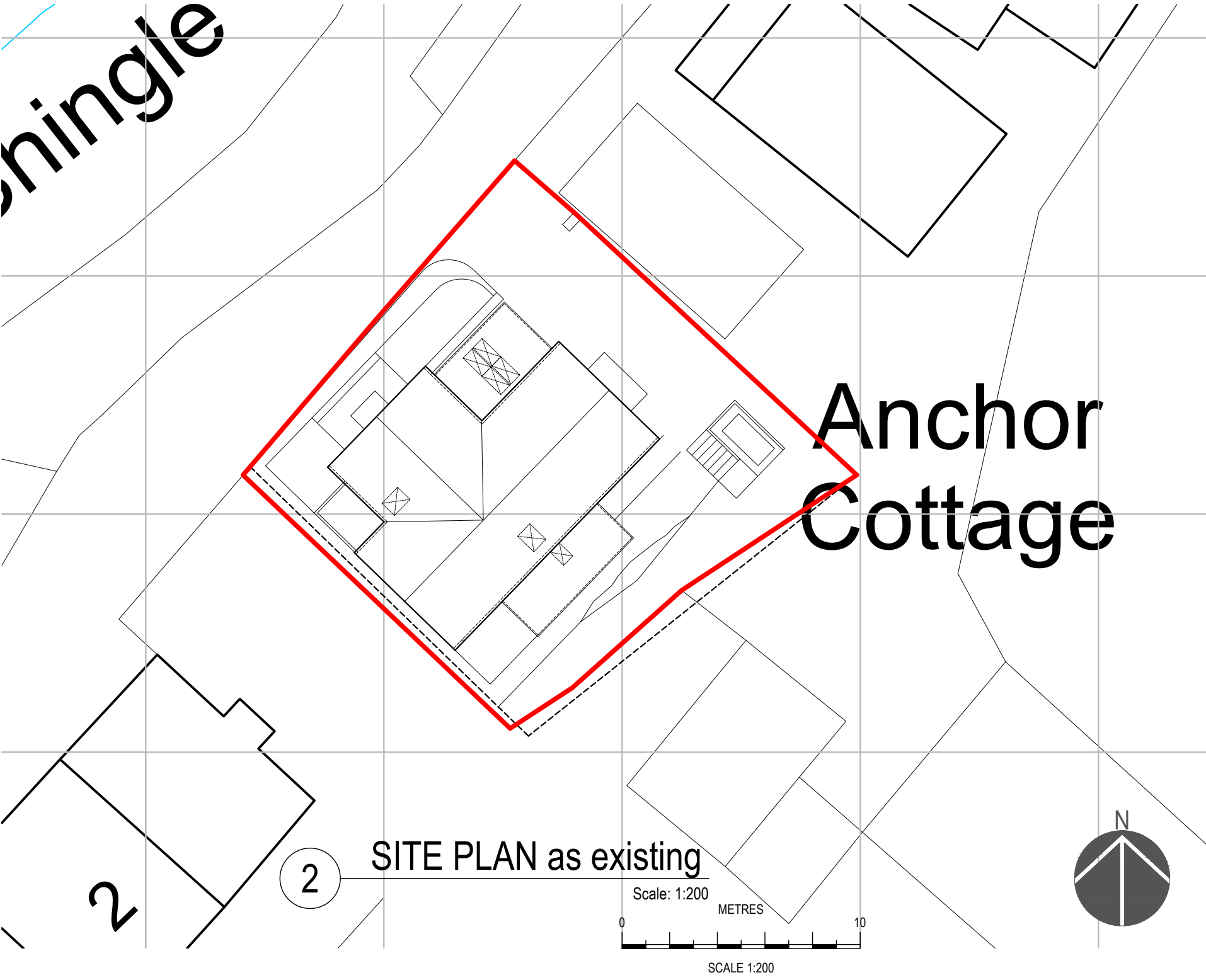
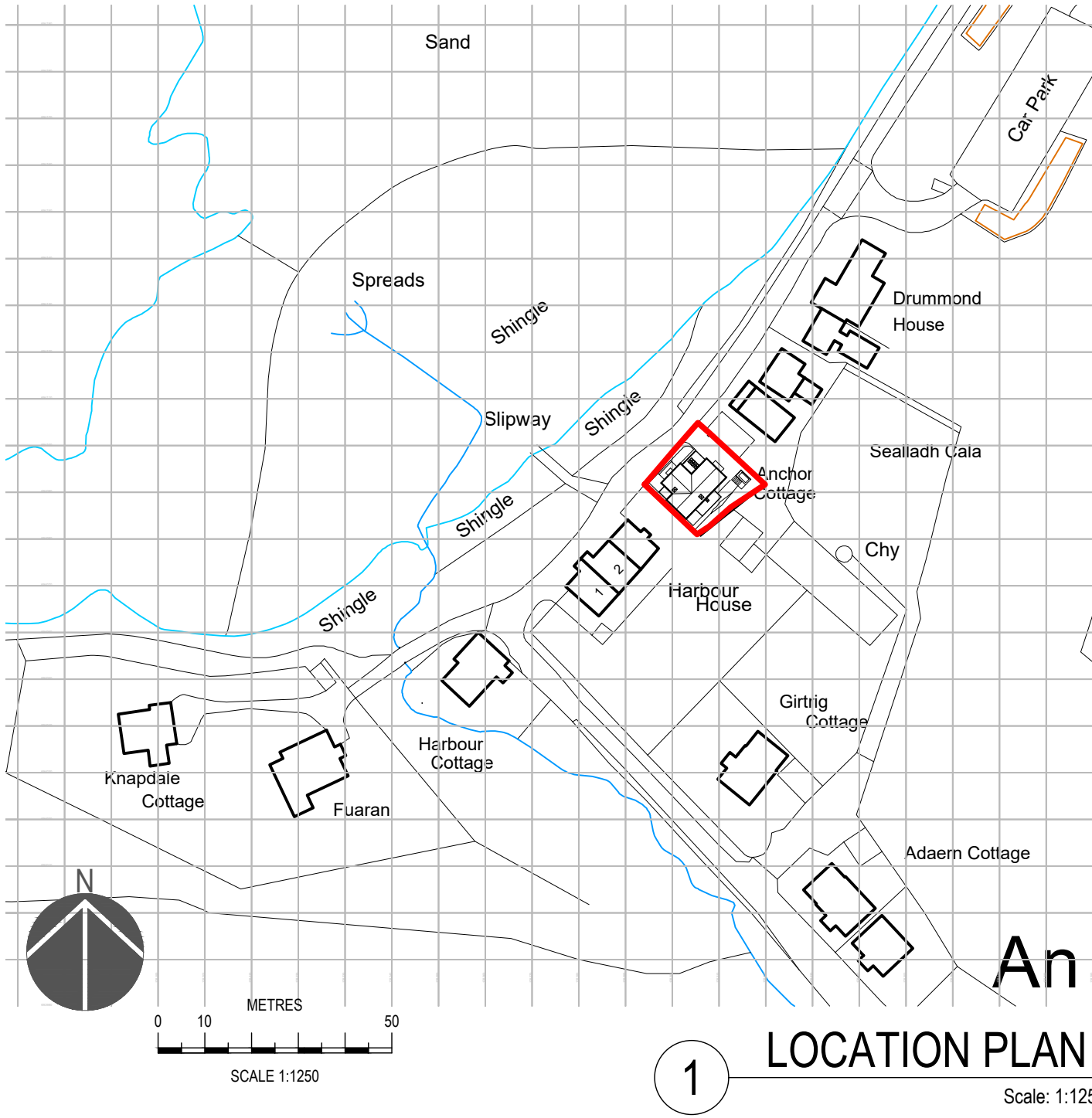
In conclusion, this application should be approved because:

- 1. The site can accommodate 2 parking spaces as required.
- 2. The development has a similar settlement pattern and character as the existing neighbouring buildings.
- 3. The development will most likely not cause a detrimental effect on the view of the scheduled monument from the public road.
- 4. The development will encourage tourism to the area as when the house is not used as holiday home, it is rented as holiday accommodation to tourists.

I trust that the Local Review Body will approve this application for planning permission.

Kathryn Macdonald,
Bowman Stewart

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PLANNING		
CLIENT	Mr Arthur & Mrs Juliet English	
PROJECT	Boathouse and conversion, Anchor Cottage, Crinan Harbour, Crinan, By Lochgilphead, Argyll	
DRAWING	Plans and elevations as existing	
DATE	Nov 2019	SCALE 1:1250, 1:200, 1:100 @ A1
DRAWN BY	KM	REVISION B

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Rev	Revision note	Date	Initial
-	Preliminary sketch	04.11.19	KM
A	P - updated floor plans	08.11.19	KM
B	P - updated to show car parking provision.	12.12.19	KM



1 NORTH ELEVATION as proposed

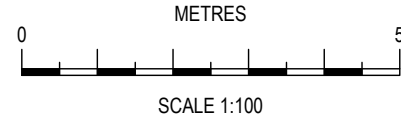
Scale: 1:100

PROPOSED FINISHES
Walls - Grey wet dash render & timber cladding on upper floor extension and stone cladding on ground floor extension
Roof - Profiled steel composite roof
Windows - Timber framed, painted green
Rainwater goods - Black PVCu



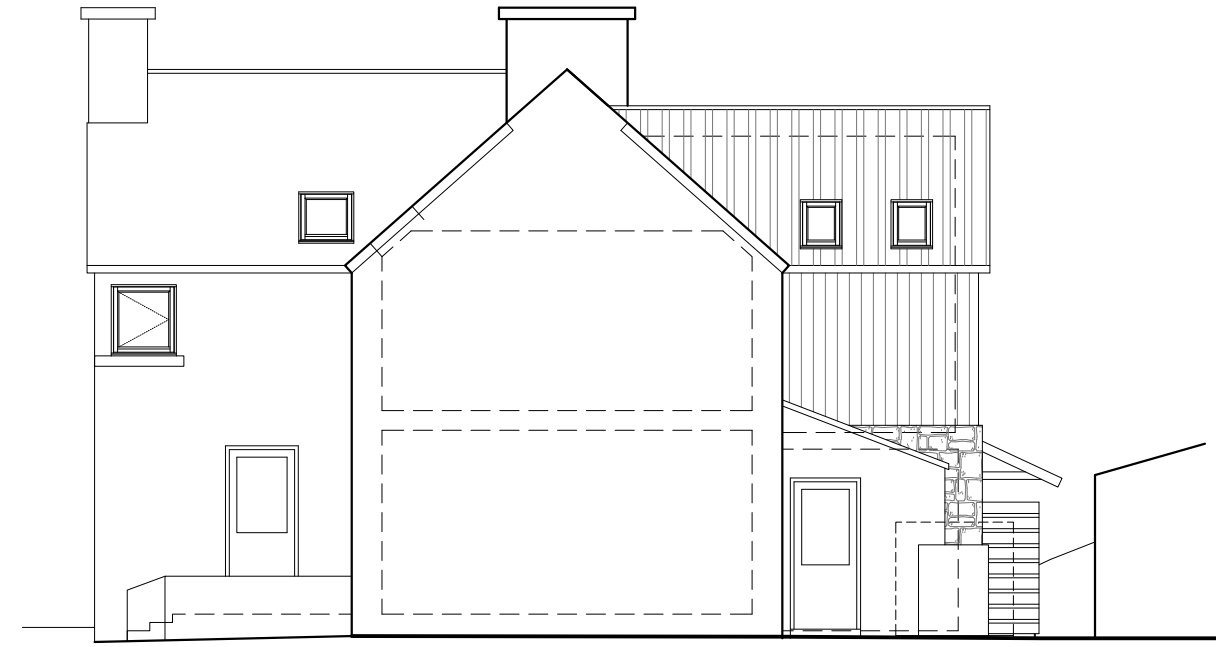
2 SOUTH ELEVATION as proposed

Scale: 1:100



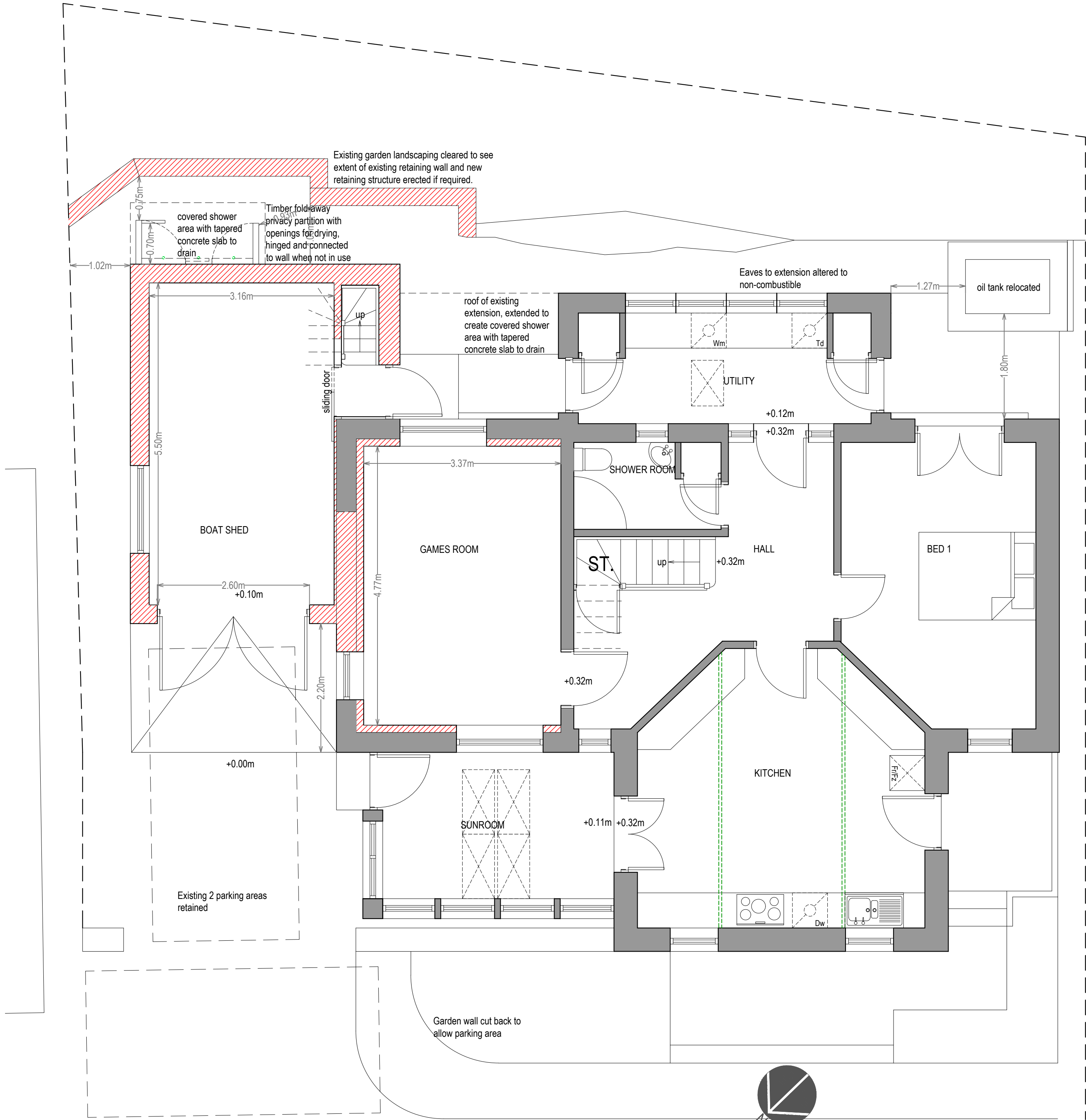
3 EAST ELEVATION as proposed

Scale: 1:100



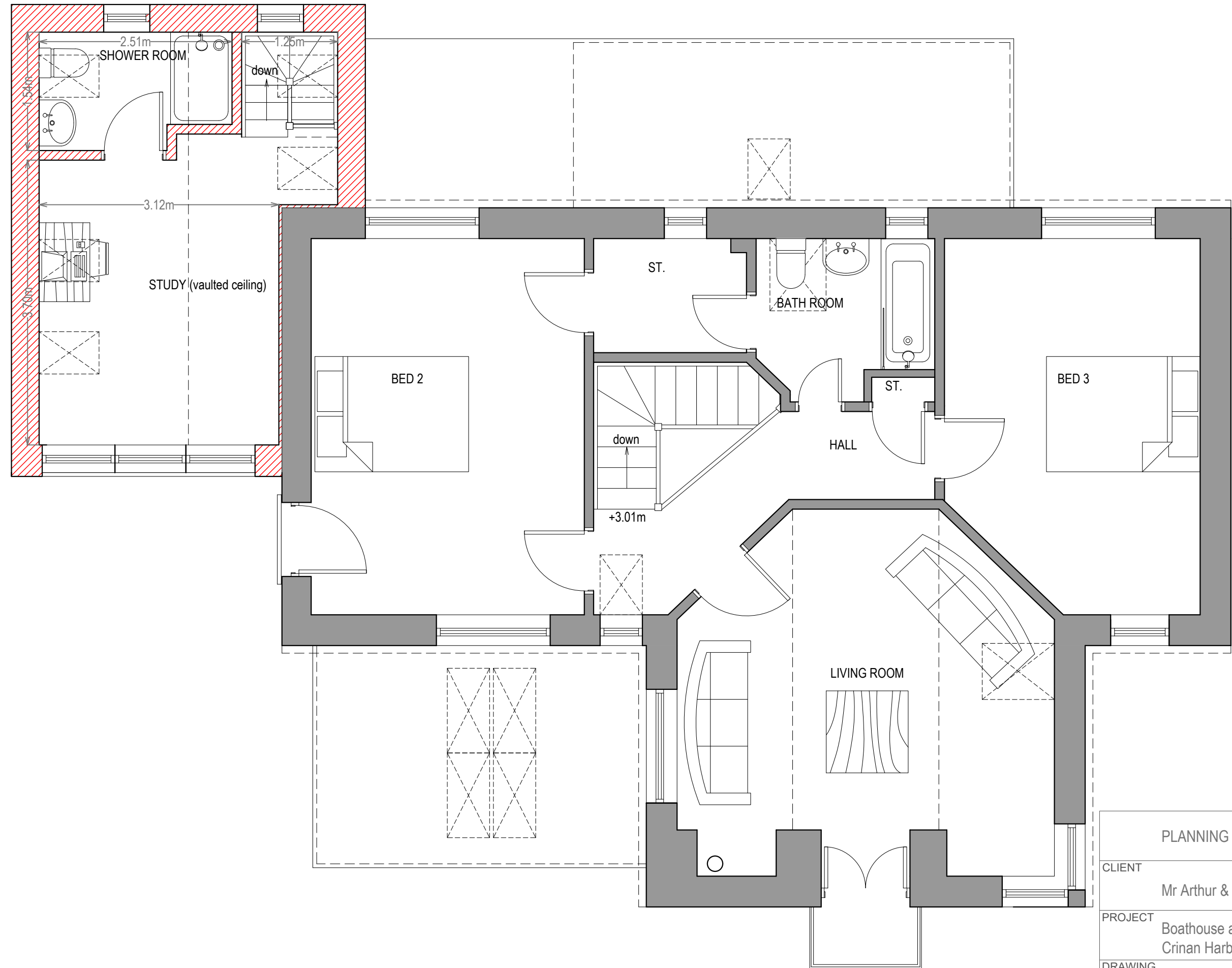
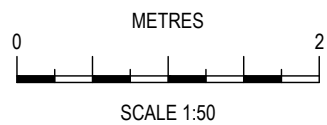
4 WEST ELEVATION as proposed

Scale: 1:100



4 GROUND FLOOR PLAN as proposed

Scale: 1:50



5 FIRST FLOOR PLAN as proposed

Scale: 1:50

PLANNING		
CLIENT	Mr Arthur & Mrs Juliet English	
PROJECT	Boathouse and conversion, Anchor Cottage, Crinan Harbour, Crinan, By Lochgilphead, Argyll	
DRAWING	Plans and elevations as proposed	
DATE	Nov 2019	SCALE 1:100, 1:50 @ A1
DRAWN BY	KM	DRAWING NUMBER 19-2639-P-02
		REVISION B

Bowman
Stewart

CHARTERED SURVEYORS,
ARCHITECTS & ENGINEERS

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LOCAL REVIEW BODY REFERENCE 20/0009/LRB**PLANNING APPLICATION 19/02312/PP****ALTERATIONS AND ERECTION OF A 2-STOREY SIDE EXTENSION AT ANCHOR COTTAGE, CRINAN HARBOUR, CRINAN****COMMENTS ON BEHALF OF THE LOCAL PLANNING AUTHORITY****BACKGROUND**

This proposal relates to a 2-storey, 3-bedroom cottage set within linear residential development fronting the coast road within the small hamlet at Crinan Harbour.

The existing cottage comprises kitchen, utility room, shower room, one bedroom and a boat store at ground floor level and living room, bathroom and 2no. bedrooms above, creating a 3-bedroom house with a shower room and a bathroom and integrated boat store. The property is used as self-catering holiday home which is rented out as well as being used by the applicants.

The property has a frontage width of some 17 metres onto the C39 adopted public road. The road terminates at the small jetty some 165 metres to the North East of the site. The property has an existing access junction onto the public road to the NE of the house and off-street car parking space for two cars parked one behind the other, along the side of the house. To the rear of the parking area is an external oil storage tank.

The curtilage has a depth of approximately 19.6 metres (maximum), immediately to the rear of which is the former Crinan pyroligneous acid works constructed c.1840 and designated as a Scheduled Ancient Monument.

PROPOSED DEVELOPMENT

The proposed development comprises the conversion of the existing integral boat store to a habitable room (games room) and the erection of a two-storey side extension to the North East of the house. The extension includes a boat store at ground floor level to replace the existing one, proposed to be converted. The upper floor comprises a study with an en-suite shower room. Access to this room is by means of an internal stairway with external door to the back garden.

COMMENTS ON THE APPELLANTS GROUNDS OF APPEAL

An appeal has been lodged against the refusal of planning permission for the reasons set out in the Decision Notice dated 26th February 2020.

1. The appellants first stated of the grounds of appeal is that there were no objections to the proposed development from adjacent proprietors or consultees.

I can confirm that no objections were received from third parties including owner/occupiers of neighbouring properties, however this in of itself does not in any way invalidate the reasons for refusal of planning permission.

The application was in fact subject to objection by a statutory consultee, namely the Council's Roads and Infrastructure Services (dated 11.12.19), recommending that the application be refused principally on the grounds that it would result in a development which was deficient in on-site car parking contrary to the policies and standards set out in the adopted Argyll and Bute Local Development Plan 2015 (LDP).

- 2(a) It is accepted that the proposed drawing is annotated to indicate that the upper floor of the proposed extension is to be used as a study. In addition, the original boat store is proposed to be converted to a habitable room. The drawing is annotated to indicate use as a games room. However, the proposed development will create 1 no. new room with en-suite shower facilities and separate access from the rear garden plus an additional room by conversion of the original boat store accessed off of the ground floor hallway of the house. Both of these new rooms are eminently capable of use as an additional fourth, and even fifth bedroom without any alteration to the proposed plans. The local planning authority would effectively have no control over the subsequent use of the study area or games room as additional bedrooms. Use of a planning condition to seek to restrict the specific use of rooms within a house is considered to be unenforceable and such should not be used. This is consistent with Scottish Government Advice (Circular 4/1998: the use of conditions in planning permissions). As such, assessment of the application as having the ready potential to be used as (at least) a four bedroom holiday-let or holiday home with regard to the application of Council parking standards is considered to be appropriate.

Upon receipt of the objection to the application by the Council's Roads and Infrastructure Services, the applicant was given to opportunity to seek to address the grounds of that objection. A drawing was subsequently submitted for assessment indicating parking for one vehicle on the existing (shortened) driveway and a replacement, second parking area on the public highway verge in front of the driveway. (An extract of the drawing is reproduced in the appellants' statement.) The land in front of the garden wall is regarded as the public road verge. Although this verge may form part of the applicants land ownership, the land forms part of the public road and as such is controlled by Argyll & Bute Council as the Roads Authority. As advised by the area roads engineer, there is inadequate space to provide replacement car parking in front of the driveway/front wall as suggested by the applicant. Any car parking bays parallel with the road must be set back 2.00 metres from edge of public road principally to allow driver and passengers to open car doors and get in and out of any parked vehicle without encroaching onto the carriageway. Car parking bays should be no smaller than 5.00 metres x 2.50 metres. As such, the applicant's agent was advised that this proposal did not satisfactorily address the objection by the area roads engineer.

Additionally, intensification of car parking along the verge parallel to the public road would have an adverse visual impact on the character and appearance of this attractive coastal setting.

A search of the Planning Authority's records does not reveal any planning permissions for development within this group of properties on the mainland which have been approved contrary to LDP policies regarding parking provision. As such, there is no basis to support the statement that the Planning Authority has applied planning policy inconsistently with regard to mainland properties.

The Planning Authority does not dispute that some local residents park adjacent and parallel to the road. This could result from historic properties which don't have parking; or from properties which have adequate parking with regard to Council standards but have more vehicles than the adopted standards; or even simply for convenience. Parking parallel to the public road is considered to be unsatisfactory, however the instances of roadside parallel parking highlighted by the appellant do not directly arise from development which required planning permission, and as such are outside of the control of the planning authority. However, the planning authority will correctly resist any application for development, including this one, which cannot provide parking to meet its demands with reference to adopted standards. Approval of development which does not meet the adopted parking standards will simply exacerbate the unfortunate practice of parallel parking directly adjacent to a public carriageway, or on passing places, to the detriment of highway safety.

In conclusion, the site currently has two car parking spaces which meets the Council's adopted standards in relation to a three bedroom house. The proposed extension will effectively be built over one of those existing spaces reducing on-site parking provision to one space. The Council's area roads engineer does not accept that there is adequate space to safely provide a compensatory, replacement parking space directly adjacent and parallel to the public road without undue detriment to highway safety. Therefore, even were the property to continue to be used as a three bedroom holiday-let with an additional en-suite study and games room the proposed development would still fail to provide adequate car parking. As such, the proposed development is contrary to adopted Local Development Plan policy on car-parking provision.

Notwithstanding this deficit relative to a 3-bedroom house, it is submitted that the resultant property will be readily capable of being used as at least a four bedroom holiday-let without planning control and without physical change to the internal layout. This eventuality would require a minimum of 3 no. spaces with reference to Council standards. The property, if developed as proposed, would only be capable of providing 1 no. acceptable parking space on site, giving a shortfall of 2 no. spaces. This under-provision is contrary to Council standards will result in parking on highway verges and passing spaces to the detriment of highway safety and visual amenity.

- 2(b) It is a fundamental tenet of development management planning practice that applications are assessed on a case-by-case basis with regard to individual, site-specific considerations. It is submitted that the application reference 17/01819/PP for an extension to a house on Crinan Island is substantially different in nature from the present appeal application development. As such it is submitted that a comparison in relation to relative assessments with regard to on-site car parking provision is flawed. There was obviously no car parking on the island. It has been established over many years that occupiers of the island house park on the

mainland. No existing on-site car parking was lost as a result of this island development. By contrast, the appeal property presently has 2 no. on-site car parking spaces in accordance with Council standards. The proposed development will result in the loss of one of those spaces whilst at the same time potentially increasing the required standard to 3 no. spaces. The character and nature of the two application sites are fundamentally different. Like-for-like comparison to an extension to a house on an island with no car parking is not appropriate. Approval of the extension to the island house does therefore not support the appellants' grounds of appeal that the planning authority has applied policy inconsistently.

- 2(c) The Council has accepted that the occupiers of the extended house on the island are very likely to use the public car park. This was considered to be an exceptional case on the basis of the house being on an island and therefore not able to provide on-site car parking. No such exception applies to Anchor Cottage which has existing car parking in accordance with Council standards at the moment. Adopted Council policy requires 3 on site spaces in relation to the proposed development. It is considered by the planning authority, in consultation with the Council as roads authority, that the maximum on-site car parking which could be provided without detriment to highway safety is one space to serve a house with ready potential to have at least 4 no. bedrooms. As such, the proposed development is contrary to Council adopted policy LDP 9 and associated Supplementary Guidance SG LDP TRAN 6. The nearby public car park is available for overspill car parking, however overspill parking is by definition, additional demand for parking *over and above* the standard provision of 3 no. spaces. Overspill parking is expressly considered not be the deficit in on-site provision relative to standards. In terms of day-to-day practice, the approval of a development which is deficient in on-site parking with regard to Council standards is simply likely to result in the exacerbation of undesirable parking on public road verges and passing places, notwithstanding the nearby car park.

- 3(a) The group of buildings north of the appeal property do extend across the significant majority of their respective plot widths as pointed out in the appellants' statement. However, in assessing the prevailing development pattern within the immediate area the planning authority has also taken into account, historic development to the South of the site. This is considered to be a reasonable and appropriate approach on the basis the development pattern of this attractive shore-side settlement should be considered as whole and not restricted to those buildings to the north of the site. It is noted that the appellants' photo montage is restricted to the appeal property and the buildings to the north. The rest of settlement directly adjacent to the south is excluded from the assessment and photo montage. This selective approach serves to 'skew' the appellants' analysis of the character of development in relation to development densities. For example there are significant gaps between buildings including between Harbour Cottage and no.1 Harbour House; between no. 2 Harbour House and Anchor Cottage (this open gap is within the curtilage of the former property with Anchor Cottage being within 500mm of its Southern side boundary); and between the Northern end of Anchor Cottage and the adjacent boat shed (proposed to be developed.) An appraisal of the wider setting of the appeal site therefore does not support the appellants' submission that the development pattern comprises almost continuous development across the full width of frontage plots with little or no gaps between. Rather, a wider and more appropriate analysis demonstrates that the development pattern comprises individual buildings and small groups of buildings with a variety of spaces between them, giving an informal and irregular rhythm between built form and open spaces between. It is considered that

these existing spaces, which set up this irregular rhythm and give intermittent views between otherwise continuous frontage development through to the wooded hillside setting behind, are instrumental to maintaining the established character of this settlement, especially in views from the public road and from the water. The extension of Anchor cottage across almost the entire width of the plot, and the resultant loss of an important space which contributes positively to its visual setting would be contrary to the development pattern of the settlement. Furthermore, the density of proposed development in relation to existing development pattern requires particularly careful assessment as the site lies within the North Knapdale National Scenic Area (NSA). This NSA is a statutory designation in the LDP as an area of landscape quality considered to be of national value. Within such nationally significant landscape, adopted LDP policy seeks to resist development considered to have an adverse environmental (including visual) impact.

- 3(b) Notwithstanding that the front wall of the proposed extension is set back behind the line of the existing cottage, it will still result in continuous two-storey development across effectively the full width of the plot. It will still result in the loss of an open space between built development which makes a positive contribution to setting of the cottage and this small hamlet, particularly when viewed from the public road and the water. The proposed development will be out of keeping with the local pattern of development as explained above.

The appellants' make comparative reference to a side extension at no.2 Harbour House (to the South) to support their case. The key difference between the proposed development and that approved at Harbour House is that the latter maintained a significant gap of some 7.67 metres between the side extension and the side boundary. This maintained the character of the settlement (as well as providing car parking to Council standards). In contrast, the proposed development subject of this appeal would extend over an existing open space to within 850mm of the side boundary at the front corner of the proposed extension. With respect to all material planning considerations therefore, the extension approved by the planning authority at no. 2 Harbour House, as raised by the appellants compares very favourably to the proposed development subject of this appeal.

- 4(a) It is acknowledged that the impact upon the setting of the Scheduled Ancient Monument was not specifically conveyed to the appellant's agent prior to the application being determined and the decision notice issued. This is unfortunate, however it is also to be noted that the planning authority, in conjunction with the area roads engineer notified the applicant's agent of issues relating to 'overdevelopment' of the plot resulting in a deficit of on-site car parking and visual impact. Ample time was allowed for the applicants to seek to address these planning concerns and it was only when several alternative proposals were assessed and that negotiated alternatives appeared to have been exhausted without satisfactory solution, that the planning authority determined the application.

The impression which this has given to the appellant, that the reason for refusal relative to the impact on the setting of the Scheduled Ancient Monument is a 'make-weight' reason is not accepted. In fact, far from it.

Part of the North Western boundary of the Scheduled Ancient Monument is contiguous with the appeal site boundary directly behind the proposed 2-storey extension, and within 3.75 metres of the rear wall of the proposed extension. The preservation of ancient monuments and their settings is a material consideration

when determining planning applications. A combination of policy LDP 3 and associated Supplementary Guidance SG LDP ENV 19 effectively serves to resist developments that have an adverse impact on Scheduled Monuments and their settings (unless there are exceptional circumstances.)

- 4(b) The appellants have submitted that the form of the pitched roof of the proposed extension and the set back from the line of the front of the existing cottage may not interfere with the view of the monument from the street and therefore that this reason for refusal may not be relevant.

Furthermore the appellant submits that the view that the scheduled monument could still be very well seen from the public road post development.

In respect of the drawing excerpt showing the north elevation as proposed, positioned above a Google Street View image in the appeal statement, the Review Panel will be able to make an assessment of the extent to which the proposed extension will impact on the view of the Monument (in particular the chimney which figures prominently in the scheduling description.).

I would only point out that the level of the viewpoint from the vehicle-mounted camera used for street view recording is approximately 2.5 metres (or thereabouts) above ground level. Whilst the Google StreetView extract may provide a helpful indication, it should be taken into account that the actual visual impact is likely to be more severe than the extract as indicates as it adds some 700-900mm height to the viewers' perception. With reference to that extract image, the height of the extension to eaves level (i.e before the slope of the pitch of the roof starts to take visual effect) will be roughly level the rearwards top corner of the first floor opening to the Juliet balcony on the side elevation. The proposed extension from this viewpoint will extend to within 860mm of the side wall of the adjacent boatshed. The effect of this is that the proposed extension will extend across in front of the chimney element of the scheduled monument, obscuring it from view, or at the very least significantly compromising its integrity and setting. Taking into account the 'false' height of the camera viewpoint and the addition of the pitched roof form, in real terms, it is very doubtful if more than just the very tip of the top of the chimney will be visible after the proposed development. In the view of the Planning Authority, a possible glimpse of the tip of a chimney behind frontage development without an understanding of its contextual setting will be severely detrimental to the integrity and setting of this key visual element of a nationally significant monument. In the absence of an exceptional case, it is therefore maintained that the proposed development will have an unduly detrimental visual impact on the setting of a Scheduled Ancient Monument contrary to LDP policy.

- 4(c) The planning authority cannot reasonably support an application which is considered to harm the setting of a scheduled ancient monument on the basis of a case that appellant could block or obscure the public view of that monument anyway by planting a tree. The simple principle at play here is that the planning authority has control over the proposed development by reason of a statutory requirement for express planning permission. It is the duty of the planning authority in assessing such an application proposal to take into account all material factors including impact on the setting of a scheduled monument. The fact that the appellant could plant a tree to obscure the monument, outside of the control of the planning authority can in no way support approval of planning permission for a development which it considers to be contrary to policies which aim to protect the historic environment.

- 4(d) The key point here is that the chimney feature is not widely visible due to existing buildings, and views of it within its setting are rare, as pointed out in the statement of appeal. As a result, views when it is revealed as one moves along the public road, of the chimney emerging from the undergrowth on the hillside, 'framed' between houses in the foreground takes on heightened significance. This is one of only a very few remaining views of the scheduled chimney (and in my view the best one in terms of the entirety and setting of the chimney). As such the loss of this view would harm the setting of the monument.

Within the appellant's background statement and in the conclusion, it is submitted that (in addition to the grounds appeal specifically referring to the reasons for refusal) that the proposed development should be supported as the property is currently in use as a self-catering holiday home and therefore brings tourists and money into the local area and encourages growth in the local economy. The planning authority does operate a presumption in favour of proposals for holiday-let accommodation in the interests of supporting the local economy. However, this presumption in favour is subject to a number of other considerations including that development will respect the landscape/townscape character and amenity of the surrounding area; and that it is consistent with other policies and supplementary guidance within the LDP (including parking provision.)

Notwithstanding the above, the site is presently occupied by a 3 bedroom cottage with two separate bath/shower rooms and a boat store. The addition of an en-suite study and games room to the existing accommodation is very unlikely to make significant positive impact upon the local economy; or certainly not of any real significance as to provide exceptional justification required to support a proposed development which is otherwise contrary to several adopted Local Development Plan policies.

CONCLUSION

It is considered that the proposed development will constitute an overly intensive built development of the application site to the extent that it is unable to provide parking provision to adopted standards; is detrimental to the character and visual amenities of this part of the National Scenic Area; and to the setting of a scheduled Ancient Monument contrary to Local Development Plan policy and associated Supplementary Guidance. There has been no exceptional case demonstrated such as would support approval of planning permission contrary to these provisions.

Norman Shewan

Planning Officer

4th June 2020

SUGGESTED CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED

2. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate one vehicle within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved parking layout shall be implemented prior to occupation of the approved development and shall thereafter be maintained clear of obstruction for the parking of vehicles.

Reason: In the interest of road safety.

Note: - Condition 1 will be a standard planning condition requiring that development be carried out in accordance with the details on the application forms and the approved drawings.

**Argyll and Bute Council
Development & Infrastructure Services**

Delegated 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

Reference No:	19/02312/PP
Planning Hierarchy:	Local
Applicant:	Mr and Mrs Arthur English
Proposal:	Alterations and erection of 2 storey side extension
Site Address:	Anchor Cottage, Crinan Harbour, Crinan, Lochgilphead, Argyll And Bute PA31 8SW

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 2-storey side extension
- Formation of new retaining wall

(ii) Other specified operations

- Relocation of oil tank within curtilage
-

(B) RECOMMENDATION:

That planning permission be refused for the reasons stated below.

(C) CONSULTATIONS:

Area Roads – 11.12.2019 – Recommends that the application be refused on grounds that the proposed extension is shown to be built on (part of) the existing parking area for this dwelling. This dwelling has currently 3 bedrooms which should have minimum 2 no. spaces. The proposed development will reduce available spaces from two to one. It's noted that this proposal opens up the possibility of increasing the number of bedrooms to a 4 bedroom house which would require 3 no. on-site spaces. The site is within an area where previous complaints have been received regarding parking in passing spaces.

Amended drawings showing a parking area parallel to the road and in front of the house were subsequently submitted for discussion and Area Roads re-consulted.

16.01.2020 - Maintain a recommendation that the application be refused on the same grounds. There is insufficient land for a car parking space in front of the dwelling.

There is a narrow verge between the edge of the public road and the garden wall. The public road verge is under the control of the roads Authority, Argyll and Bute Council.

(D) HISTORY:

96/01590/DET - Erection of dwellinghouse and installation of septic tank – Approved 05.03.1997.

(E) PUBLICITY:

Neighbour notification expiry 10th December 2019

(F) REPRESENTATIONS:

(i) Representations received from:

None

(ii) Summary of issues raised:

- Not applicable.
-

(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: Yes
Supporting Statement.

- Parking policies/standards have been inconsistently applied. For example, planning permission has been approved in 2017 for extension of a house on Harbour Island from 3 to 4 (potentially 5) bedrooms which did not require additional parking space.
- The proposed extension ties in with the character and pattern of development in the area in terms of site coverage. Buildings to the north of the property are massed to the full width of their sites.
- Also, the extension is set back from the road quite a bit and therefore would be less intrusive than the neighbouring Harbour Houses extension.

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No

(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

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

‘Argyll and Bute Local Development Plan’ Adopted March 2015

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
 LDP 4 – Supporting the Sustainable Development of our Coastal Zone
 LDP 9 – Development Setting, Layout and Design
 LDP 10 – Maximising our Resources and Reducing our Consumption

‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ (Adopted March 2016)

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)

Historic Environment and Archaeology

SG LDP ENV 19 - Development Impact on Scheduled Ancient Monuments

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (including Core Paths)

SG LDP TRAN 6 Vehicle Parking Provision

(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 3/2013.

- Scottish Planning Policy
- Argyll and Bute Proposed Local Development Plan 2 November 2019

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(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

The application site comprises a 2-storey, 3-bedroom cottage within linear residential development fronting the coast road within the small hamlet at Crinan Harbour.

Proposed development is for the erection of a two storey extension to the NE end of the existing cottage. The extension comprises a boat shed with double doors facing the street frontage, and study with en-suite shower room above. The front elevation of the proposed extension will be set back some 5 metres behind the line of the single-storey, lean-to sun room on the front elevation of the existing house. There is no direct internal connection between the existing house and the proposed en-suite study, the latter to be accessed by stairs positioned to the rear of the proposed ground floor boat store. The pitched roof to the extension has the ridge orientated at 90° to that of the main house, such that it presents a gabled elevation to the public street frontage. Material finishes are masonry stone-faced ground floor walls with vertical timber cladding to wall at first floor level and profiled steel composite roof.

The site is within the minor settlement of Crinan Harbour as identified in the Argyll and Bute Local Development Plan – March 2015 (LDP) wherein policy LDP DM 1 (C) gives encouragement in principle to sustainable forms of small scale development. The proposed extension is therefore consistent, in principle, with the LDP Spatial and Settlement Strategy. The proposed development now falls to be assessed against all other relevant LDP policy and supplementary guidance.

The existing 3 bedroom house is located towards the right hand side of its curtilage (when viewed from the road) with approximately 430mm width gap between the house and the side boundary at its closest point. The left hand side of the existing house is approximately 4330mm from the side boundary. This layout provides space for 2 no. cars to be parked down the side of the existing house in a tandem arrangement. This parking provision is consistent with the Council's adopted car parking standards i.e 2 no. on-site car parking spaces to serve a 3 bedroom house. The proposed extension would result in the loss of one of these spaces and as such

it would undermine the car parking policies set out in the Argyll and Bute Local Development Plan.

Notwithstanding that the proposed new first floor accommodation is labelled as a study, it is readily capable of use for an additional bedroom without control by the planning authority and without any physical alterations. Indeed, the provision of an en-suite shower room strongly suggests a likely future use as a bedroom rather than a study. On this basis, it is considered appropriate that the proposed development be assessed as a potential 4 bedroom house for the purposes of assessing on-site parking provision relative to LDP policy. As a result, the Council's adopted standard for a 4 bedroom house would be 3 no. on site spaces as opposed to 2 no. spaces for the existing level of accommodation (3 bedrooms.) In effect, the proposed development will directly result in the loss of 1 no. existing parking space whilst at the same time increasing the requirement for on-site parking from 2 spaces to 3. The proposed development will create a shortfall of 2 no. on-site car parking spaces in an area already subject to demand for parking along the public road, contrary to policy LDP 11 and SG LDP TRAN 6.

The applicant has suggested a potential amendment to form a compensatory new car parking space on the existing driveway/landscaped verge in front of the house. It is considered that there is insufficient space for car parking in front of the dwelling to provide parking. The land in front of the garden wall is regarded as the public road verge. Although this verge may form part of the applicants land ownership, the land forms part of the public road and as such is controlled by Argyll & Bute Council as the Roads Authority. Additionally, intensification of car parking along the verge parallel to the public road would have an adverse visual impact on the character and appearance of this attractive coastal area. Even were the above solution acceptable to the Council's Area Roads Engineer, this would still only provide 2 no. spaces which is insufficient with regard to adopted standards contrary to LDP policy.

Although indicated as a boat shed on the application drawings, the applicant has suggested that the proposed ground floor of the extension could be used as a garage. Firstly, this would still not meet the requirement for 3 no. car parking spaces required to serve a 4-bedroom house (or a house readily capable of being inhabited as a 4-bedroom house.) Secondly, the Council as a matter of consistent practice does not consider an attached garage as contributing towards parking provision standards as the space can be readily used for other purposes, often without the requirement for planning permission, resulting in a shortfall. In response, the applicant has suggested that the front of the ground floor extension could be left open. Whilst a car-port may be accepted as contributing towards car-parking (as it is essentially a covered car parking space), what is being suggested is in effect, a garage with no front doors as opposed to an external but covered parking space, and does not overcome Council concerns that the space would be unlikely to be maintained free of obstruction for car parking. In addition, the appearance of an open fronted garage with 1st floor accommodation over would be out of keeping with the attractive character of the area.

The applicant has also referred to a nearby public car park in compensation for the shortfall of on-site car parking created by the proposed development. I do not accept this as an appropriate solution given that new development is generally accepted to make full provision for the car parking which it generates within land under the applicant's control in order to provide for a balanced form of development which can meet its own needs for land within the application site. Notwithstanding that there is a free (at present) public car park some 90 metres from the application site, human nature and the desire to park as close as possible to the house is likely to result in

an increase of parking on the passing spaces within the public road or on the public road verge. The requirement for occupiers of the house to park in the public car park is un-enforceable and as such I have strong concerns that allowing further intensification of development resulting in a shortfall of 2 no. spaces, notwithstanding the nearby car park, will directly result in increased demand for parking along the public road to the detriment of highway safety, the free-flow of traffic and visual amenity.

The applicant has submitted that the planning authority has taken an inconsistent approach to car parking provision in the locality, specifically referring to the approval of planning permission to extend a house on Crinan Harbour Island from a 3 bedroom to a 4 bedroom house without on-site car parking. I do not accept that the Council has applied the car parking policy and supplementary guidance inconsistently. It is a general tenet of development management practice that each application is assessed on a case-by-case basis on their individual merits. An application to extend a dwellinghouse with existing parking via an access onto public road is materially different from the example given by the applicant principally in that this is on a small island not accessible by car. As such the two applications cannot be reasonably compared as the assessment with regard to on-site car-parking is by nature, substantially different. It is noted that the current application will result in a loss of existing on-site parking provision from two spaces to one (unlike the Harbour Island house proposal.) Vehicles used by the occupiers of the island house have historically parked on the mainland. It is accepted that the recently approved extension has the potential to generate a requirement for an additional parking space on the mainland, however unlike the current application it can be assumed with reasonable certainty that the island residents will use the car park as walking from the car park to the jetty will be a negligible part of their journey from their car to their home, and as such the convenience of parking on the public road nearer the jetty than the car park is unlikely to be so significant as to result in parking on the verge or in passing spaces. However, the primary assessment is based on the fact that the application property is capable of providing on-site provision whereas the island house is just not and as such there is no inconsistency by the planning authority.

In summary the proposal will result in an inappropriate and overly-intensive built development of this modestly sized plot such that the parking requirement as set out in Council adopted standards is not capable of being met on the site of the proposed development contrary to policy LDP 11 and SG LDP TRAN 1.

As referred to above, the original 3 bedroom house, approved by the planning authority in March 1997, is considered to be already generously scaled relative to the size of the plot. The house has a very narrow open gap (43 cm) to the boundary on the SW (side boundary); fronts directly onto the back of the public road verge (as several houses do); and has a shallow back garden area the majority of which is a steep bank above a retaining wall. As such, a very large proportion of the developable area has been built on already. However, sufficient space has been left undeveloped on the NE side of the house which provides on-site car parking to meet the demand which it generates with reference to adopted standards.

This space also makes a valuable contribution to the established balance between density of built development and pattern of open spaces around and between the buildings which form the row of linear development fronting onto the harbour side road. It is one of several spaces which allow a longer view through between frontage development to the natural vegetation of the hillside behind. The site lies within a prominent coastal siting within the Knapdale National Scenic Area (NSA) identified in the LDP as an area of landscape quality considered to be of national significance,

wherein a combination of Policy LDP 3 and SG LDP ENV 12 serves to resist development that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities of the area. I consider that the density pattern and character of development along this prominent coastal frontage contributes to the landscape qualities and that the development of an existing space, separating linear development would be harmful to the wider landscape character.

Additionally, the Crinan Harbour, pyroligneous acid works site lies directly behind the row of residential development front in the harbour. This site is a Scheduled Ancient Monument. Policies LDP 3 and SG LDP ENV 19 establish a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Developments that have an adverse impact on Scheduled Monuments and their settings will not be permitted unless there are exceptional circumstances. Being located at the rear of linear development, this monument is only really visible from public viewpoints through undeveloped open spaces between houses. The principle intact form of the SAM is a brick kiln tower which provides an important visual feature referencing the cultural, industrial heritage of the settlement. The sole, principal view of this historic, vertical element of the monument from the public realm is directly over the existing open space proposed to be developed. Built development of this open space would obscure an important view of this part of the monument and as such significantly compromise the setting of the Scheduled Monument contrary to policies LDP 3 and SG LDP ENV 19.

It is considered that the proposed development will constitute an overly intensive built development of the application site such that it is unable to provide parking provision to adopted standards; is detrimental to the character and visual amenities of this part of the national Scenic Area; and to the setting of a scheduled Ancient Monument contrary to Local Development Plan policy and associated Supplementary Guidance. As such, it is recommended that the application be refused.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

The existing property comprises a three-bedroom dwellinghouse with a frontage onto a public road and access serving 2 no. car parking spaces. This current parking provision relative to the level of residential accommodation complies with the Council's adopted parking standards in accordance with Local Development Plan policy. The proposed development will result in the loss of 1 no. existing space and will additionally create a house readily capable of use as (at least) a four bedroom property, for which the adopted car parking standards requires a minimum of 3 number on-site spaces. As such, the development will result in the net shortfall of 2 no. on-site car parking spaces with reference to adopted standards. This shortfall will result in an intensification of parking on the public road verge and within dedicated passing spaces within a popular area which historically attracts a significant amount of traffic, to the detriment of highway safety; the free-flow of vehicles and the high quality of visual amenity of the built environment and the wider landscape qualities of the Knapdale National Scenic Area (NSA). The applicant has failed to demonstrate exceptional circumstances to warrant support of a development proposal which is incapable of meeting its self-generated demand for parking within the application site. As such, the application is contrary to the Argyll and Bute Local Development

Plan – 2015 policies LDP 3, LDP 11 and associated Supplementary Guidance SG ENV 19 and LDP TRAN 6.

The application site comprises a relatively generously scaled form of development and level of accommodation relative to the proportions of the supporting residential curtilage resulting in a balanced relationship between built development and open space around it. The siting of the original house whilst close to the front and rear boundaries does retain an open space to the side of the house. This open space, along with several other spaces between built development along this linear group of houses fronting onto a narrow coastal road, plays an important role in giving relief to the otherwise developed frontage, providing an informal rhythm of open space between buildings, and allowing longer views between buildings through to naturally vegetated hillside to the rear, as perceived when travelling along this section of coast. The character of the built development pattern, including the relationship between the massing of frontage development and open space between, contributes to the wider landscape qualities of the Knapdale national Scenic Area. The proposed two-storey would effectively result in continuous built development extending across the full frontage width of this site with two storeys, resulting in the loss of an important open space. The loss of the space would remove this element of visual relief within a row of built development and lead towards the visual effect of a continuous ‘wall’ or terrace of frontage development with only minimal gaps between, out of keeping with and detrimental to the established character of this attractive group of buildings and the wider landscape qualities contrary to policies LDP 3, LDP 9, SG LDP ENV 12 and Supplementary Guidance – Sustainable Siting and Design Principles.

A designated Scheduled Ancient Monument is located to the rear of linear development, which includes the application site, fronting the coastal road. The monument comprises a former pyroligneous acid works which has been designated by reason of its special cultural and industrial heritage value. The remaining brick kiln tower is the most prominent visual feature which identifies the location of this scheduled monument from the public areas around it. This important visual feature can be viewed from the public road from both the south east on approach to the settlement and from the public thoroughfare along the coast through the gap between the existing house at Anchor Cottage and the adjacent boat shed. The proposed 2 storey development across the width of this gap between buildings would obscure an important coastal view of this important element of the monument to the detriment of its setting contrary to policies LDP 3 and SG LDP ENV 19.

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

Not applicable

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

Author of Report: Norman Shewan

Date: 12.02.2020

Reviewing Officer:

Date:

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 19/02312/PP

1. The existing property comprises a three-bedroom dwellinghouse with a frontage onto a public road and access serving 2 no. car parking spaces. This current parking provision relative to the level of residential accommodation complies with the Council's adopted parking standards in accordance with Local Development Plan policy. The proposed development will result in the loss of 1 no. existing space and will additionally create a house readily capable of use as (at least) a four bedroom property, for which the adopted car parking standards requires a minimum of 3 number on-site spaces. As such, the development will result in the net shortfall of 2 no. on-site car parking spaces with reference to adopted standards. This shortfall will result in an intensification of parking on the public road verge and within dedicated passing spaces within a popular area which historically attracts a significant amount of traffic, to the detriment of highway safety; the free-flow of vehicles and the high quality of visual amenity of the built environment and the wider landscape qualities of the Knapdale National Scenic Area (NSA). The applicant has failed to demonstrate exceptional circumstances to warrant support of a development proposal which is incapable of meeting its self-generated demand for parking within the application site. As such, the application is contrary to the Argyll and Bute Local Development Plan – 2015 policies LDP 3, LDP 11 and associated Supplementary Guidance SG ENV 19 and LDP TRAN 6.

2. The application site comprises a relatively generously scaled form of development and level of accommodation relative to the proportions of the supporting residential curtilage resulting in a balanced relationship between built development and open space around it. The siting of the original house whilst close to the front and rear boundaries does retain an open space to the side of the house. This open space, along with several other spaces between built development along this linear group of houses fronting onto a narrow coastal road, plays an important role in giving relief to the otherwise developed frontage, providing an informal rhythm of open space between buildings, and allowing longer views between buildings through to naturally vegetated hillside to the rear, as perceived when travelling along this section of coast. The character of the built development pattern, including the relationship between the massing of frontage development and open space between, contributes to the wider landscape qualities of the Knapdale national Scenic Area. The proposed two-storey would effectively result in continuous built development extending across the full frontage width of this site with two storeys, resulting in the loss of an important open space. The loss of the space would remove this element of visual relief within a row of built development and lead towards the visual effect of a continuous 'wall' or terrace of frontage development with only minimal gaps between, out of keeping with and detrimental to the established character of this attractive group of buildings and the wider landscape qualities contrary to policies LDP 3, LDP 9, SG LDP ENV 12 and Supplementary Guidance – Sustainable Siting and Design Principles.

3. A designated Scheduled Ancient Monument is located to the rear of linear development, which includes the application site, fronting the coastal road. The monument comprises a former pyroligneous acid works which has been designated by reason of its special cultural and industrial heritage value. The remaining brick kiln tower is the most prominent visual feature which identifies the location of this scheduled monument from the public areas around it. This important visual feature can be viewed from the public road from both the south east on approach to the settlement and from the public thoroughfare along the coast through the gap between the existing house at Anchor Cottage and the adjacent boat shed. The proposed 2 storey development across the width of this gap between buildings would obscure an

important coastal view of this important element of the monument to the detriment of its setting contrary to policies LDP 3 and SG LDP ENV 19.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **19/02312/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: | |

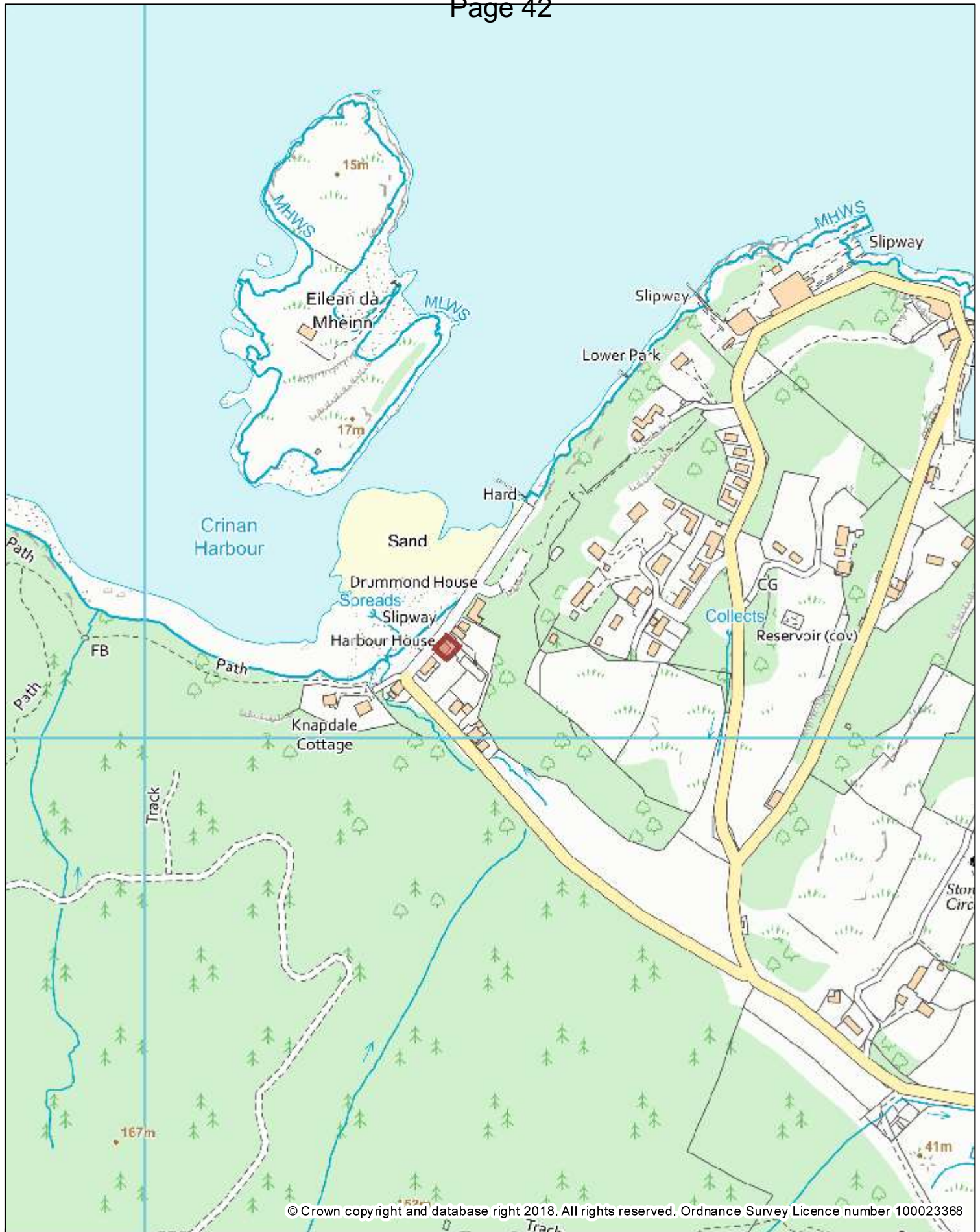
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The application site comprises a relatively generously scaled form of development and level of accommodation relative to the proportions of the supporting residential curtilage resulting in a balanced relationship between built development and open space around it. The siting of the original house whilst close to the front and rear boundaries does retain an open space to the side of the house. This open space, along with several other spaces between built development along this linear group of houses fronting onto a narrow coastal road, plays an important role in giving relief to the otherwise developed frontage, providing an informal rhythm of open space between buildings, and allowing longer views between buildings through to naturally vegetated hillside to the rear, as perceived when travelling along this section of coast. The character of the built development pattern, including the relationship between the massing of frontage development and open space between, contributes to the wider landscape qualities of the Knapdale national Scenic Area. The proposed two-storey would effectively result in continuous built development extending across the full frontage width of this site with two storeys, resulting in the loss of an important open space. The loss of the space would remove this element of visual relief within a row of built development and lead towards the visual effect of a continuous ‘wall’ or terrace of frontage development with only minimal gaps between, out of keeping with and detrimental to the established character of this attractive group of buildings and the wider landscape qualities contrary to

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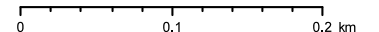
A designated Scheduled Ancient Monument is located to the rear of linear development, which includes the application site, fronting the coastal road. The monument comprises a former pyroligneous acid works which has been designated by reason of its special cultural and industrial heritage value. The remaining brick kiln tower is the most prominent visual feature which identifies the location of this scheduled monument from the public areas around it. This important visual feature can be viewed from the public road from both the south east on approach to the settlement and from the public thoroughfare along the coast through the gap between the existing house at Anchor Cottage and the adjacent boat shed. The proposed 2 storey development across the width of this gap between buildings would obscure an important coastal view of this important element of the monument to the detriment of its setting contrary to policies LDP 3 and SG LDP ENV 19.





Location Plan 19/0009/LRB

Author: NHS
 Date: June 5, 2020
 Scale: 1:5,000



Comments as follows:

1. The applicant's plan is incorrect as the plan shows the existing car parking adjacent to the public road. There are currently two existing end for end car parking spaces, please see attached photograph taken from Google Street View. If this development went ahead, one car parking space would be lost. There is insufficient land for car parking at the bottom of the existing access. Any car parking bays must be set back 2.00 metres from edge of public road. Car parking bays should be no smaller than 5.00 metres x 2.50 metres.
2. The current Local Plan clearly states that two car parking spaces are required for dwellings with up to three bedrooms and three car parking spaces for dwellings with four or more bedrooms. This property currently has three bedrooms.
3. Roads & Infrastructure Services have received complaints in the past about vehicles being parked in the passing place making it difficult for road users. A passing place sign was erected to help discourage people from parking. Roads & Infrastructure Services would not normally erect a passing place sign in a location such as this unless it was necessary.
4. The property appears on Google Maps as a property that does Bed and Breakfast, please see attached extract from Google Maps, for info. A Bed & Breakfast will generate more traffic and will require more parking. There is a fairly large public car park at the end of the public road. Visitors are more than likely to park in the passing place in front of the property than park in a remote unlit public car park.
5. I do not have access to the original planning application for this dwelling so I am unable to check the conditions relating to the existing vehicular access. I am fairly certain that the standard condition for the surfacing of the access will have been applied. The access is currently unsurfaced.

Roads & Infrastructure Services are objecting to this development as it would result in the property having insufficient parking.

Regards

James

James Ross
Traffic & Development Officer MAKI
Argyll & Bute Council
Roads & Infrastructure Services
1A Manse Brae
Lochgilphead
Argyll







Venture-West
Boat Charters



Anchor Cottage



Harbour House

Bowman Stewart Reference: 2639

Date: 17 June 2020

Project: Alterations and erection of 2 storey extension to Anchor Cottage, Crinan Harbour, Crinan, Lochgilphead.

Planning Application Ref: 19/02312/PP and 20/0009/LRB

Further Comments

As per Fiona McCallum's email dated 08 June 2020, we thank both the Planning Department and the Roads and Infrastructure Services Department for making representations in this case and we would like to put forward some further comments on these representations as follows:

Roads and Infrastructure Services representation

1. Regarding point 1, I can understand this is the parking standards currently in place and would be the preference by the Roads and Infrastructure Services department but I have seen other projects where it has been permitted on narrow streets to allow on-street parking bays as an alternative. Somewhat similar to our site plan drawing on 19-2639-P-02. I have noted a few I have found below and although none of these are in Crinan specifically they are in other similar single track narrow street in villages such as Tayvallich and Tarbert:
- 13/01159/PP, 17/02542/PP, 11/00287/PP

I realise this may be a different scenario as you perhaps see us as reducing the overall parking spaces by constructing the extension but if we were permitted to form a formal delineated on-street parking area here, as detailed above and similar to those applications mentioned above, then we would keep the existing 2 parking spaces, as required. We would also be happy to discuss the formal definition of this parking bay using differing materials to ensure this is formalised and clear as use as a parking area for this dwelling.

2. Regarding point 2, Anchor Cottage only has and will only have 3 bedrooms, therefore, 2 parking spaces would be required. If we were permitted to move forward as above this would be achievable here.
3. Regarding point 4, I can confirm that Anchor Cottage does not nor has ever, been available for bed and breakfast. It has only ever rented on holiday lets and nearly always to single households who nearly always travel in one car. We also wish to confirm that we do not propose parking in the existing passing bay.

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Directors: Ewan Stewart, BSc PGDip MRICS C.Build E MCABE Martin Stewart, BSc MSc CEng MICE **Associate:** Kathryn Macdonald, BSc PGDip PGDE RIAS
Martin C Stewart Ltd. Registered in Scotland. 233629 Registered Office: Lochawe House, Barmore Road, Tarbert, PA29 6TW

4. Regarding point 5, we currently have no access to the original planning permission for the dwelling but we confirm that this access has a similar finish access from the public road to all others on this street. Whether this be correct or not is not for us to determine but if we were permitted to proceed as my point 1 above, the access to the public would be upgraded to a standard that meets the Roads and Infrastructure Services material requirements, and would therefore discharge your concerns here.

Planning Department's representation

5. With regard to your point 2a) We again confirm that this will only be a three bedroom dwelling. And regarding the paragraph relating to the verge, we believe if we were permitted to proceed as noted above, having an on-street parking space, this would alleviate this concern.

Also we note from the Roads and Infrastructure Services department representations, the photograph on Page 3 shows other vehicles are currently using the verge for parking and parking parallel to the road.

6. Regarding your point 2c), we understand your comments regarding this being an exceptional case as cars are not able to go to the island however, we do query the method of determination of number of car parking spaces between both that application and the way it is being determined for our application. For example, in this precedent application (Ref: 17/01819/PP) the alterations were to go from 3 bedrooms to four bedrooms and a study. The study could have capacity to convert to a single bedroom, as per your last paragraph in 2a) in your representation. Therefore, it could be readily capable of being a five bedroom property and 4 parking spaces would have been required under roads authority guidelines. Therefore, in order to accommodate this number of additional people, I do not believe there was mention of additional parking provision being required for this application. I do understand cars cannot access the island, but those people would still require parking on the mainland for those additional people but this was not requested in that application. An outtake of the Report of Handling for that application is noted below, focusing on the parking determination:

"There is no vehicle parking associated with the dwelling house, with occupiers relying on on-street parking or the public car park close to the jetty at Crinan Harbour. It is considered that the increased level of accommodation will not directly result in an intensification of traffic, and notwithstanding, that there is adequate capacity on-road or in the car park to accommodate any small increase in demand."

Therefore, we feel there are two elements we find are inconsistent between the way our application has been determined in comparison to that previous application:

1. The way that bedrooms numbers are calculated.
2. The way that car parking provision is therefore calculated and implemented.

7. Regarding your point 3a), we believe that our reason for appeal regarding the settlement pattern still holds as the streetscape and settlement pattern has a density difference between the North and South. Therefore, one aspect cannot necessarily apply to the other and is therefore seen as a transitional pattern rather than regular. As you suggest the South 3 properties do have small gaps to the side for parking etc. but as you progress towards the North the settlement pattern becomes more crowded and dense with the further 6 properties. Our development is a transitional development linking both of these styles. Originally and as existing it has a small narrow gap to the side to allow parking, and our proposals include a new extension, still allowing a narrow gap between the building and boundary, and also set back so as to be subservient to the original building, therefore forming a pattern similar to the properties to the North but also allowing for a gap to the front (roadside) of the property, therefore tying in with the existing irregular settlement pattern.
8. Regarding point 3b), it may be worth noting that this space is not a completely open space as part of the rear is already taken up with a raised concrete wood store with the oil tank on top.
9. Regarding your point 4a) and 4b), we raise a query that as some of the properties along this stretch have been built in recent times (within the last 20 years), why only now do the planners focus so strongly on a narrow view of the chimney from directly in front of the current car park area rather than when these larger developments were originally applied for and granted?
10. Regarding your point 4d), we also confirm that the views of the chimney are not rare and it can be seen from many views along the street.

I also attach below a more recent photograph of the site showing the view of the chimney stack from eye level. Please see this below. This photograph was taken while standing against the existing neighbouring masonry boat shed and as you can see the chimney can still be seen from this location and therefore the extension will not block the chimney.



Image taken by Bowman Stewart dated 19/09/2019

11. Regarding the second to last paragraph, we respectfully disagree with your suggestion that the extension and internal alterations will not add to the desirability of renting the property and hence add to the local economy. We expect that the addition of a games room will definitely add to the appeal due to the varied weather in this area. This will be attractive as an alternative to the outside opportunities. It will therefore assist with the rental of the property and therefore bring more tourists to the local area that may not otherwise be there.

In conclusion, we believe that if we were permitted to form an on-street parking bay as I described in point 1 above and as seen across some other areas of Argyll and Bute, we may be able to alleviate many of the reasons for refusal mentioned by the Planning department and the Roads and Infrastructure Services department. We also feel that some of the other reasons, once analysed, may not necessarily be relevant as the chimney will be able to be seen as shown in the photograph above and the determination of bedroom and parking seems inconsistent in this application, when comparing it with others in the area.

Amended – Point 3 altered. 22/06/20