

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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31 January 2024

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS** on **WEDNESDAY, 7 FEBRUARY 2024 at 10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MS GAIL CRAWFORD: ALTERATIONS AND EXTENSIONS: 4 WEST LENNOX DRIVE, HELENSBURGH (REF: 23/00652/PP) (Pages 3 - 38)**
Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour
Councillor Jan Brown
Councillor Kieron Green (Chair)
Councillor Daniel Hampsey
Councillor Mark Irvine
Councillor Paul Donald Kennedy
Councillor Luna Martin
Councillor Peter Wallace

Councillor Gordon Blair
Councillor Audrey Forrest
Councillor Amanda Hampsey (Vice-Chair)
Councillor Graham Hardie
Councillor Andrew Kain
Councillor Liz McCabe
Councillor Dougie Philand

Contact: Fiona McCallum

Tel. No. 01546 604392

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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

Reference No: 23/00652/PP

Planning Hierarchy: Local Application

Applicant: Ms Gail Crawford

Proposal: Alterations and extensions

Site Address: 4 West Lennox Drive Helensburgh Argyll And Bute G84 9AD

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Alterations and extensions

Ground engineering works to repair and alter surface water drainage within the site

ii) Other Specified Operations

None

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

12/01550/TPO - Felling of one Cypress tree and one Silver Birch tree - Agreed 21.08.2012

18/01894/TPO - Proposed felling of 2 trees- Agreed 13.09.2018

(D) CONSULTATIONS:

Environmental Health - Helensburgh And Lomond – 28.09.2023 - No objection subject to conditions

Roads Helensburgh And Lomond - 31.07.2023 – No objection

Historic Environment Scotland - 10.07.2023 – No objection – consultation response notes;

The Hill House is several streets away, with no inter-visibility with 4 West Lennox Drive, and is not likely to experience any impacts on its setting. As well as Red Towers, we have also considered potential impacts on nearby Category A-listed Brantwoode on Munro Drive West. We have considered how the surroundings of Red Towers and Brantwoode contribute to an understanding, appreciation, and experience of their cultural significance and do not think the proposed extensions at 4 West Lennox Drive would have a significant adverse impact on their settings.

Helensburgh Community Council - 10.07.2023 – objection – consultation response summarises;

This planning application should be rejected by A&BC. The design of the extension to 'Redholm's' western elevation is unattractive and inappropriate. It will make the house appear lop-sided and destroy the attractive symmetry from its present central relationship with the site overall. And, it is likely there will be serious negative impacts on the amenity of its 'Whincroft' neighbours. Finally, it will damage – not enhance – the contribution 'Redholm' makes to the HCCA. Because of the strongly-held, vociferous and well-argued opposition from neighbouring residents and with 'Redholm' sitting in the HCCA HCC asks that this application be determined by a public hearing of Argyll & Bute Council's PPSL committee. And not be behind closed doors. The residents deserve no less and have full support of Helensburgh Community Council in their opposition to this planning application.

Built Heritage Conservation Officer - 23.06.2023, 03.08.2023, 26.09.2023 & 05.10.2023 – The conservation officer's key responses are detailed within the main body of this report.

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 29.06.2023

(F) REPRESENTATIONS:

A total of 29 representations have been received from third parties. 28 of these are objections to the proposal and the remaining one is a representation.

i) Representations received from:

Objection

Suzanne Hamilton Whincroft 2A Upper Colquhoun Street Helensburgh 07.06.2023, 16.08.2023, 22.09.2023, 05.10.2023

Scott Hamilton Whincroft, 2A Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ 07.06.2023, 05.10.2023

Lesley Carruthers Address Not Provided 13.06.2023

Ron Cromar Lower Culverden 2 West Lennox Drive Helensburgh Argyll And Bute 13.06.2023

Anne Cromar Lower Culverden 2 West Lennox Drive Helensburgh Argyll And Bute 13.06.2023

Russell Vallance Redtowers 4 West Douglas Drive Helensburgh Argyll And Bute 08.06.2023, 30.08.2023

Sally Butt Upper Culverden 2A West Lennox Drive Helensburgh Argyll And Bute 13.06.2023, 31.08.2023

Gillian Sproul Redtowers 4 West Douglas Drive Helensburgh Argyll And Bute 08.06.2023, 30.08.2023

Corinne Henderson Brantwoode 4 Munro Drive West Helensburgh G84 9AA 12.06.2023, 05.10.2023

Ruth Munro 2 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ 12.06.2023

David Henderson Brantwoode 4 Munro Drive West Helensburgh G84 9AA 12.06.2023,
20.07.2023, 05.10.2023
Theresa Fury 11 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ
01.07.2023
Michael Davis 79 Main Street Ochiltree East Ayrshire KA18 2PE 10.07.2023
Sonia Sharp 17 Harris Grove East Kilbride Glasgow G75 8TU 24.06.2023
John Butt Upper Culverden 2A West Lennox Drive Helensburgh Argyll And Bute
13.06.2023, 31.08.2023
Neil Douglas 4 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AH 15.07.2023
Max Carruthers 5 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ
13.06.2023
Alastair Wilson 7 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ
04.06.2023, 05.10.2023
Janette Wilson 7 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ
12.06.2023
Ruth Munro 2 Upper Colquhoun Street Helensburgh Argyll And Bute G84 9AQ 13.06.2023
Liliana Sheychenko 6 West Munro Drive Helensburgh Argyll And Bute G84 9AA 08.06.2023
Mr Garry Sharp 17 Harris Grove East Kilbride Glasgow G75 8TU 23.06.2023
John Shelton 3 West Douglas Drive Helensburgh Argyll And Bute G84 9AL 26.06.2023,
18.07.2023, 11.06.2023, 25.09.2023, 28.09.2023, 02.10.2023
San Choi Wong 1 West Douglas Drive Helensburgh Argyll And Bute G84 9AL 13.06.2023
Sally Shelton 3 West Douglas Drive Helensburgh Argyll And Bute G84 9AL 13.06.2023,
28.09.2023
Sheila Clarke 25 Larchfield Colquhoun Street Helensburgh Argyll And Bute 01.07.2023
Alistair McLuskey 6 West Munro Drive Helensburgh Argyll And Bute G84 9AA 05.07.2023,
07.06.2023, 24.09.2023, 02.10.2023

Representation

Gary Mulvaney No Address Given 16.08.2023

ii) Summary of issues raised:

Note that the massing of the proposed extensions is not in keeping with the existing property

Comment; *Please see full assessment below*

Concern that the modern extensions will be out of keeping with the existing traditional property

Comment; *Please see full assessment below*

Concern about the impact of the proposals on the setting of the nearby A listed properties as well as the neighbouring B listed property

Comment; *Please see full assessment below*

Note that the footprint of the proposed extension and garage will negatively affect the existing surface water drainage for the site

Comment; *The applicants have submitted drainage plans which indicate proposed repairs and alterations to the existing drainage which are considered acceptable. The increased size of the built element on the site is approximately 80sqm which is not considered to be significant enough to result in the requirement for additional surface water drainage*

Concern that the proposed drainage for surface water is insufficient

Comment; *Plans have been submitted to show a re-routed and repaired method of surface water drainage for the site which will tie back into the existing surface water drainage for*

the site. I have been to site and viewed the issues with the current broken surface water drainage and I am content that the proposed alterations to reinstate this are sufficient. As this is a proposed extension and not a new build there is no requirement for the applicants to install a new SUDS system. They do however require consent to alter the existing drainage which is broken given this involves engineering works. They intend to do this by digging a new french drain at the rear of the site to pick up the broken field drains which were discharging water into the solum of the property and then route the new field drain to the front of the property to tie in with the existing drainage discharge

Concern that the existing combined sewerage pipe could be compromised by the proposed repairs and alterations to surface water drainage

Comment: *this is noted however, should this occur then this would be a private civil matter*

Concern that the proposed hard landscaping will cause further issues with surface water drainage

Comment: *this is noted and I would note that a safeguarding condition should be added to the decision notice requiring that a scheme of hard and soft landscaping is submitted to and approved by the authority prior to works starting on site and that any hard landscaping proposed must be permeable*

Concern that the proposed extension and drainage works will affect the roots of an important copper beach tree located within the neighbouring garden

Comment: *This is noted and I have visited the site to understand where the extension will lay in relation to the tree roots. It is confirmed that the proposed extension is out with this trees canopy. However, a safe guarding condition will be added to the decision notice requiring that this tree is protected at all times during construction works. It is also noted that a TPO is being sought by the authority to further safeguard this tree*

Concern that the proposed extension will result in the overshadowing and loss of privacy to neighbouring properties

Comment; *Please see full assessment below*

Note that trees have been removed within the proposals site without consent

Comment; *This is being dealt with as a separate enforcement matter*

Note that the property is not as neglected as the application portrays

Comment; *I have visited site and viewed the property both internally and externally and therefore have a good understanding of the current state of the property to inform my recommendations*

Note that the existing rooms on the floor plans are mislabelled by way of an existing study being marked as a bathroom

Comment; *As the property is not listed any internal alterations to the existing property do not require consent*

Concern that the trees indicated on submitted plans are not correctly shown

Comment; *I have visited the site and therefore have a good understanding of the existing trees within the site and surrounding the property*

Concern in regards to unauthorised ground works that have taken place on the site and are yet to be rectified

Comment; *This is being dealt with as a separate enforcement matter*

Concern that the drawings submitted do not show the finished external ground levels on the site in particular to the rear where the unauthorised ground works have taken place

Comment; *The applicants have provided updated sections which adequately show the proposals for these areas*

Concern that the viewpoints used by the applicants in showing the impacts of the proposal on the wider conservation area are inaccurate

Comment; *I have visited the site and the surrounding conservation area with the design and conservation officer and therefore have a good understanding of the surrounding conservation area and viewpoints used and do not consider the viewpoints used by the applicant to be inaccurate*

Note that neighbours would request a site visit from committee members so they best understand the site prior to determining the application

Comment; *This is noted and members will be informed that this has been requested*

Note that neighbours also request a public hearing to voice their concerns

Comment; *This is noted and members will be informed that this has been requested however, we are not recommending this*

Concern that extension will overlook neighbouring properties and in particular the first floor terrace will overlook the front garden and bedroom window of Whincroft (2a Upper Colquhoun).

Comment; *Please see full assessment below*

Concern that the property might be sub-divided in the future

Comment; *no subdivision has been applied for or indicated at this time. Should the applicants chose to peruse this in the future, this would result in the need for a further application*

Concern that the proposals will harm the character of the surrounding conservation area

Comment; *The design and conservation officer as well as Historic Environment Scotland have been consulted on the proposals and I will summarise their views in my assessment below*

Concern that the precedents used by the applicants within their submission are not within the immediate conservation area

Comment; *This is noted*

Concern that the setting of the A listed Hill House will be effected by the proposals indirectly as visitors will pass the site on route to the Hill House and this has not been considered

Comment; *Historic Environment Scotland have been consulted on the proposals (summary of their comment in Section D above and I will summarise their views in my assessment below in relation to the setting of the Hill House*

Concern that the planting within the site does not positively contribute to the wider conservation area

Comment; A safe guarding condition will be appended to the decision notice to require that a scheme of planting is submitted to and approved by the authority prior to works starting on site. It is further noted that the bio-diversity officer will be consulted on this

Note that the drainage is shared within neighbouring title deeds

Comment; this is a private civil matter

Concern that the perforated metal cladding which is to be used on section of the first floor extension will affect the privacy of neighbouring properties

Comment; This is noted however it is not considered that this material will allow the glazing to act as a window as it is a form off screening. A safeguarding condition will be added to the decision notice requiring samples of all external materials are submitted to and approved by the authority prior to work starting on site and a further safeguarding condition will be added to require that the gazing behind this screening is to be opaque

Concern about the scale of the extensions in terms of overdevelopment of the plot as a whole

Comment; This is noted however, the proposed extensions are not considered to be overdevelopment of the site as the resultant built element on the site is not more than 33% of the overall site

Note that the removal of the existing chimneys, removal of the existing single story extension and alterations to the existing apex roof will affect the character of the existing property and wider conservation area

Comment; Please note that the applicants have amended their proposals and have omitted the proposed roof alterations, they have also amended the design to show to the retention of the two front chimneys, please see full assessment below for further details on this

Note that the revisions to retain two of the chimneys is still not acceptable

Comment; Please see full assessment below

Concern about the proposed repairs to the stonework

Comment; Please see full assessment below, it is also noted that any replacement to the stonework will require samples by way of a recommended condition and that no consent is required to undertake repairs to the property as it is not listed such as the proposed lithomix repairs

Concern that the proposed rear canopy will affect the central stained glass window to the rear elevation

Comment; This is noted however the applicants have submitted drawings to show that the canopy proposed will not harm the stained glass window as it is set proud

Concern that approval of this application would set a precedent

Comment; This noted however each application is assessed on its own merits

Note that the flat roof extensions are not in keeping with the surrounding conservation area or the existing property

Comment; Please see detailed assessment below

Note that the proposed external materials are not in keeping with the existing building or wider conservation area and note that traditional material should be used

Comment; *Please see detailed assessment below*

Note that the existing detached garage should not be demolished to preserve the character of the conservation area

Comment; *The existing garage is not considered to enhance the wider conservation area and is of low quality design, the replacement of this garage with a more appropriate alternative would be considered to enhance the wider conservation area*

Concern that the proposed garage is larger in scale, has a flat roof and does not have the same level of separation that the existing garage affords

Comment; *Please see detailed assessment below*

Concern that the proposed gym which is close to neighbouring properties will result in noise

Comment; *Environmental health have been consulted and have raised no objection in this regard*

Note that the internal fireplaces could be lost

Comment; *the existing property is not listed therefore no permission is required for any internal alterations*

Note that the existing windows are in good condition and do not require replacement

Comment; *this is noted however I have visited site and viewed the condition of the windows in person, the proposed replacements as detailed are timber sash and case replicas but with double glazing, these are considered to be high quality*

Note that the applicants have noted that no trees or on or adjacent to the proposals on the application form and that the drawings showing trees are also incorrect

Comment; *I have visited the site and therefore have a good understanding of the existing trees within the site and surrounding the property and please see the detailed assessment below*

Note that the property is not in the sole ownership of the applicant as indicated on the application form

Comment; *This is a private civil matter*

Note that the application form also notes that no work has started on site and this is not correct as ground works have begun

Comment; *This is noted and the unauthorised works are being dealt with as a separate enforcement matter*

Concern that the proposals will negatively affect the daylight levels to surrounding properties

Comment; *Please see full assessment below*

Note that one of the gate posts has been dismantled and set aside

Comment; *this is noted, the applicants have updated the drawings to show this gate post being reinstated on completion of the works*

Note that the removal of two number windows to the East Elevation of the existing building is unacceptable

Comment; *Please see full assessment below*

Note that the original internal ceiling details should not be lost

Comment; *the existing property is not listed therefore no permission is required for any internal alterations*

Concern in regards to the use of the temporary enclosure of the Hill House as a design precedent

Comment; *This would not be taken into account as this is a temporary structure*

Query as to how far the proposed extension will be to the adjacent properties boundary

Comment; *Drawings indicate that the ground floor of the proposed extension will be approximately just over 5m from the boundary*

Note that the boundary hedge as shown on the drawings is in joint ownership and not in the sole ownership of the applicants property's as indicated on the drawings

Comment; *This is a private civil matter*

Note that the original ridge tiles should not be replaced with zinc

Comment; *Please see full assessment below*

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(G) SUPPORTING INFORMATION

- i)** Environmental Statement: **N/A**
- ii)** An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: **N/A**
- iii)** A design or design/access statement: The applicants have provided a summary of their proposals within the opening statement of their original and revised D&A statement as follows;

The proposal is a full internal refurbishment and large contemporary extension to the rear of an unlisted Victorian villa which sits in the Hill House Conservation Area. The existing property consists of a series of grand rooms with significant decorative features, arranged in a formal manner reflective of the time in which it was built. In addition to a full renovation of the existing building to suit a growing family, the client's brief required a new open-plan, light filled kitchen and dining space suited to modern living, with a connection to the garden. The main design changes are proposed for the ground floor. We propose the removal of the existing extension to the north-west corner of the property, allowing us to radically transform the internal space, opening up the corner of the site to create a large central heart to the new home. This new generous open-plan layout will aim to rationalise how one moves and circulates throughout the house, which currently is disadvantaged by the disconnected cellular spaces of the traditional layout. Albeit striking, the scheme seeks to deliver a balanced contemporary interpretation of a house extension to a traditional Scottish Architecture that reflects and respects the original

guise of the building by modernising, yet not overpowering it. To create such a building of this flexibility, a high level of nuanced design in terms of materiality and massing articulation had to be considered. There are also a number of holding works we have proposed to the house to ensure its long term survival;

- Removal of redundant chimneys
- Localised roof repairs
- Refurbishment / Replacement of existing windows
- Localised Sandstone repairs
- Damp treatment

This document also includes; a contextual analysis, an overview of the proposals, a visual impact assessment and the proposed tree protection measures.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: **N**

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

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption
- NPF4 Policy 3 – Biodiversity
- NPF4 Policy 6 – Forestry, Woodland and Trees
- NPF4 Policy 7 – Historic Assets and Places

Liveable Places

- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 16 – Quality Homes
- NPF4 Policy 22 – Flood Risk and Water Management

[‘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 9 – Development Setting, Layout and Design

Local Development Plan Schedules

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March](#)

[2016 & December 2016](#)

Natural Environment

SG LDP ENV 6 – Impact on Trees / Woodland

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

SG LDP ENV 18 – Demolition in Conservation Areas

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

(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.**

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 16 – Listed Buildings

Policy 17 – Conservation Areas

Sustainable Communities

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

High Quality Environment

Policy 77 – Forestry, Woodland and Trees

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

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required .

(M) Has a sustainability check list been submitted: N/A

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

(O) Requirement for a pre-determination hearing: No

(P)(i) Key Constraints/Designations Affected by the Development:

- Conservation Area
- Listed Buildings

(P)(ii) Soils

Agricultural Land Classification: Built Up Area

Peatland/Carbon Rich Soils Classification: N/A

Peat Depth Classification: N/A

Does the development relate to croft land? No

Would the development restrict access to croft or better quality agricultural land? N/A

Would the development result in fragmentation of croft / better quality agricultural land? N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? No

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting? N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield

ABC LDP 2015 Settlement Strategy

Main Town Settlement Area

ABC pLDP2 Settlement Strategy

Settlement Area

ABC LDP 2015 Allocations/PDAs/AFAs etc: N/A

ABC pLDP2 Allocations/PDAs/AFAs etc: N/A

(P)(v) Summary of Assessment and summary of determining issues and material considerations:

Site Description

Planning permission is sought for the alterations and extensions to an existing detached two storey traditional villa located at; 4 West Lennox Drive, Helensburgh. The existing property is located within the Helensburgh Hill House Conservation Area and is directly adjacent to a category B listed property. Located on the opposite side of the street from the site is A listed Brantwoode and adjacent to this is B listed Strathmoynne. Furthermore, located on the street behind the site is A listed Red Towers and adjacent to this is B listed Tordarroch. It is noted that historically the site was subdivided and a modern dwelling was

built within the rear garden grounds. The area surrounding the property is a well-established residential area consisting of several listed properties as noted above, set with large plots as well as some modern dwellings which have been built within the garden grounds of the original villas.

The house plot measures approximately 2165sqm, the existing house including the single storey element has a footprint of approximately 216sqm, with the single storey element having a footprint of 55sqm. The existing garage has a footprint of approximately 30sqm and the timber sheds have a combined footprint of approximately 18sqm bringing the total built element on site to approximately 264sqm. The existing house is sited towards the rear of the plot with a large front garden. The site gently slopes downhill from North to South.

Proposal Description

The proposal seeks to remove the single storey hipped roof element and replace this with a new two storey extension. This proposed extension has a footprint of 90sqm whereas the original single storey element had a footprint of 55sqm. The proposal also seeks to remove the existing garage which has a footprint of 30sqm and replace this with a larger garage / gym which has a footprint of 70sqm. The proposal also seeks to introduce a covered external 'link' canopy between the garage / gym and the new extension, this has a footprint of 25sqm. The proposals also seek to remove the timber garden sheds. In summary the resultant total built element on the site would be approximately 346sqm in lieu of the 264sqm at present (an increase of 82sqm). This would represent less than 20% of the site being built up which is well under the 33% threshold considered to be overdevelopment. It is also noted that the footprint of the proposed first floor of the extension extends to approximately 50sqm.

The single storey elements of the proposals have a roof height of 3.2m and the two storey element has a roof height of 6.4m. In contrast the existing single storey element has an eaves height of approximately 2.5m and a ridge height of approximately 4.3m.

It is also proposed to alter the existing property on site by replacing 35 existing windows, repairing any stained glass windows, repairing the existing masonry / render, repairing / replacing the existing cast iron rainwater goods to match existing, removal of two first floor windows to West elevation and openings infilled with reclaimed sandstone, removal of existing ground floor window opening to West elevation and opening to be utilised as an internal doorway into the proposed extension, removal of a double ground floor window to North elevation and opening infilled with reclaimed sandstone, removing two of the four chimneys and also roof repairs including lead repairs and replacement, replacement of the existing cement ridge tiles with zinc ridge sheets and replacement of the existing chimney pots. It is noted that the applicants have revised their proposals as originally they had sought to remove three chimneys and had also sought to alter the roof design. The proposals have been revised to omit the originally proposed roof design alterations and also now seek to remove two chimneys as opposed to the three originally applied for. The proposed window replacements are double glazed timber sash and case to match the design of the originals.

The proposed external finishes for the extensions and garage are as follows; external walls including retaining walls (ground floor) - muted pink colour external render finish, external walls (first floor) - perforated 'scalloped' powder coated aluminium sheets colour muted green, external canopy - dark weathering steel finish, flat roofs - dark grey Sarnafil, windows – framed PPC aluminium, first floor terrace balustrade – glazed and roof flashing to garage - PPC flashing to colour match external canopy.

Summary of Assessment

The proposed extensions and replacement garage are located to the sides and rear of the existing property. In terms of the design of the proposed extensions these are

contemporary in materials and massing and seek to create a clear and defined stance on what is new and what is old. In this regards the following polices are considered.

It should be noted that the full assessment is contained within Appendix 1 of this report.

NPF4 Policy 14 sets out 6 qualities of successful places. Of particular note is '*Distinctive – supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.*' NPF4 Policy 16 states that householder developments will be supported where they '*do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials*'.

LDP Sustainable Siting and Design Principles requires that the development should integrate into the existing built form, and also to reflect the character of the original dwellinghouse.

Furthermore the design and conservation officer has noted within her consultation response that; '*LDP2 design policy has changed from the current LDP and is generally more supporting of contemporary design. Rather than requiring that the character of the original dwellinghouse is reflected, LDP2 Policy 10 requires that development responds appropriately to the site and wider context but that materials are legible as being contemporary design. Additionally, LDP2 places a requirement to consider the embodied energy and durability of proposed materials.*'

The proposed new extension seeks to use the heavier appearing finishes to the ground floor with the lightweight materials to the first floor. This is to make the design appear lighter as it increase a storey. This coupled with the reduced footprint of the propped first floor and the set back at first floor allows the proposed first floor extension to appear subservient to the existing property and does not dominate it.

NPF4 policy 7 (d) requires that the character and appearance of the conservation area be preserved or enhanced. It sets out relevant considerations of: architectural and historic character; existing density, built form and layout; and context and siting, quality of design and suitable materials. LDP SG ENV 17 also requires that the character or appearance of the conservation area be preserved or enhanced, and LDP2 Policy 17 is substantially the same.

In terms of the proposed window replacements I would the design and conservation officer has provided comments on this and notes; '*There is a preference for retaining historic windows where possible however the policy test is whether the proposal preserves the character or appearance of the conservation area. In this case I must concede that suitable replacements could be fitted without being contrary to this policy. To clarify, the house makes a contribution towards Helensburgh's conservation area but as it is an individual house type rather than a uniform townscape block, and as the building is not listed and there is no requirement to preserve the special historic or architectural interest of the building, whether or not the existing windows remain and are repaired, or new high quality windows that have a similar appearance, will not affect the overall character or appearance of the conservation area.*'

In relation to the existing building and in terms of the removal of the existing single storey element along with the existing non-original detached garage the Design and Conservation Area officer has further noted; '*Justification has been provided in terms of the viability of repair of the garage and side extension including the limited potential of thermal upgrades. In this case I therefore have no further comment on, or objection to, their removal.*'

In terms of the proposed alterations to the existing building is it considered that these when considered cumulatively do not have an adverse effect on the character of the existing

property nor on the wider conservation area. Again the design and conservation officer has further comment on this as follows; *'The policy test is whether the development would preserve or enhance the character or appearance of the conservation area, and whether it would preserve the character, special architectural or historic interest of the setting of any listed buildings. As noted in my consultation responses I feel that the design of the contemporary extension is well thought through and is a positive contribution within the conservation area. I have had concerns over chimney removal and roof reconfiguration and these have been discussed with the agent. The planning officer and myself agreed that the cumulative impact pushed the change in character and appearance to be contrary to policy, however the settled proposal of retaining 2 chimneys and the rear roof reconfiguration is in my view, satisfactory in policy terms as the overall character and appearance of the conservation area will be preserved. Whilst the contemporary extension obviously changes the appearance of the house, I believe that it is complimentary and complies in policy terms with NPF4 Policy 7 (d) and LDP2 Policy 16.'*

External landscaping has also been proposed which is mix of dark and light grey pavers and concrete along with raised planting beds and areas of indicated planting. This information is limited and I would propose to attach a safeguarding condition to any approval requiring that a scheme of hard and soft landscaping is submitted to and approved by the authority prior to works starting on site. This would include any planting which would be considered by the biodiversity officer. I would also note that any hard landscaping would require to be permeable as to not affect the surface water drainage. A retaining wall is also proposed along the Northern boundary that will return around the East and West boundaries to the rear of the existing property. Within the site there are approximately 12 trees that bound the eastern boundary, a single large tree at the southern boundary and 3 trees along the western boundary, no works or removals have been proposed to any trees within the site. In terms of the existing trees on site and any neighbouring trees that may be effected by the proposals such as the large copper beach tree within the adjoining garden of 2 Upper Colquhoun Street, Helensburgh which will have its roots within the sites boundary, it is recommended that these trees will be protected by safeguarding conditions that special protection measures are put in place and maintained during all construction as follows; no excavation shall be undertaken below the canopy of any tree to be retained including the neighbouring copper beach tree and that a 1.2 metre high fence is to be erected at least one metre beyond the canopy of each tree to be retained including the neighbouring copper beach tree.

It is noted that Historic Environment Scotland have been consulted on the proposals due to the possible effects on surrounding listed properties and they have noted; *'The Hill House is several streets away, with no intervisibility with 4 West Lennox Drive, and is not likely to experience any impacts on its setting. As well as Red Towers, we have also considered potential impacts on nearby Category A-listed Brantwoode on Munro Drive West. We have considered how the surroundings of Red Towers and Brantwoode contribute to an understanding, appreciation, and experience of their cultural significance and do not think the proposed extensions at 4 West Lennox Drive would have a significant adverse impact on their settings.'*

NPF4 Policy 16 and LDP SG Sustainable siting and design guide require that proposals do not have a detrimental effect on neighbouring properties in terms of overshadowing or overlooking. It is considered that the proposed extensions will not effect daylight into neighbouring properties or gardens by way of overshadowing as they are set back far enough from the boundaries that when the 45 degreed daylight test is applied the existing hedge screening mitigates any potential impacts including the first floor element. It is also noted that window to window and privacy issues have been considered and I would confirm that following; there are no privacy issues arising form the proposed areas of additional glazing from the front elevation, there are no privacy issues arising on the East elevation as no additional glazing is proposed, to the rear at ground level a double window will be removed and a large area of glazing installed to the proposed extension this will not create any privacy issues as there is existing screening along the Northern boundary and to the

first floor of the proposed extension glazing is proposed to the new shower room which is over 18m from the neighbouring property to the rear, furthermore, the shower room is not a habitable room (a safeguarding condition is proposed to require that this window be of opaque glazing), to the West elevation at ground level glazing is proposed to the gym this is over 18m from neighbouring properties and glazing is also proposed to the ground floor extension, the existing extension to be removed had glazing on this elevation also and the new glazing is successfully screened by existing planting, lastly to the first floor of the proposed extension on the West elevation perforated steel cladding is proposed, this cladding is a form of screening and is not considered to create any issues with privacy (a safeguarding condition has been recommend to request samples of this material to be approved prior to works starting on site – this again will be to ensure that this screening is adequate it is also recommended that a safeguarding condition is added that requires the glazing behind this section of screening be opaque), furthermore, two existing windows are to be removed from this elevation which again mitigates privacy concerns. Lastly the first floor terrace that is proposed is minimal in size and is screened by the existing large copper beach tree located within the neighbouring garden (subject to separate TPO consideration), furthermore, there is an existing level of overlook from the first floor windows, therefore, the limited additional element of overlooking is considered to be within acceptable limits.

Lastly, I would add that during the determination process the applicants have submitted plans to show a re-routed and repaired surface water drainage scheme for the site. It is noted that consent is not required for the repair of existing drainage but is required if there are proposed alterations to this. As such the applicant has submitted drawing to show the surface water drainage alterations. I have been to site and viewed the issues with the current broken surface water drainage and I am content that the proposed alterations to reinstate and alter this are sufficient. As this is a proposed extension and not a new build there is no requirement for the applicants to install a new SUDS system. The submitted drawings show a new french drain running along the northern boundary of the rear site to pick up the broken field drains which where discharging water into the solum of the property and then route the new field drain to the front of the property to tie in with the existing drainage discharge. These proposals would accord with NPF4 Policy 22, SG LDP SERV 2 and LDP2 Policy 61.

To summarise the proposed extensions and replacement garage are not considered to be overdevelopment of the site, the proposed design is considered to be subservient to the donor house as does not dominate it, the clear and deliberate design delineation between the old and the new is welcomed as is in line with policy, the proposed materials are high quality and respect the character of the existing property and wider conservation area, it is not considered that the proposals negatively affect the setting of surrounding listed properties and it is considered that this contemporary extension to a traditional villa is in keeping with the character of the wider conservation area and successfully enhances it. Furthermore, the proposals raise no issues in terms of overlooking, loss of daylight / privacy or amenity to surrounding properties. It is therefore considered that the proposal is in accordance with NPF 4 polices; 1, 2, 3, 6, 7, 14, 16 and 22 and Policies LDP STRAT 1, LDP DM1, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP ENV 18, SG LDP SERV 2 and SG LDP - Sustainable Siting and Design Principles of the Argyll & Bute Council Local Development Plan as well as Policies 01, 04, 05, 08, 09, 10, 15, 16, 17, 61 and 77 of LDP 2. Taking account of the above, it is recommended that planning permission be granted.

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

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

The proposal accords with NPF 4 polices; 1, 2, 3, 6, 7, 14, 16 and 22 and Policies LDP STRAT 1, LDP DM1, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 16(a), SG LDP ENV 17,

SG LDP ENV 18, SG LDP SERV 2 and SG LDP - Sustainable Siting and Design Principles of the Argyll & Bute Council Local Development Plan as well as Policies 01, 04, 05, 08, 09, 10, 15, 16, 17, 61 and 77 of LDP 2 and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

No Departure

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

Author of Report: Emma Jane

Date: 18.09.2023

Reviewing Officer:



Kirsty Sweeney
Area Team Leader
Dated: 29.09.2023



Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00652/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions**

1. The development shall be implemented in accordance with the details specified on the application form dated **23/04/2023**, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title	Plan Ref No	Version	Date Received
(PL)001 Existing location plan & Block plan	1 of 32	B	28.07.2023
(PL)002 Existing ground floor plan	2 of 32	A	30.03.2023
(PL)003 Existing first floor plan	3 of 32	A	22.05.2023
(PL)004 Existing roof plan	4 of 32	B	18.09.2023
(PL)005 Existing South elevation	5 of 32	B	18.09.2023
(PL)006 Existing West elevation	6 of 32	B	18.09.2023
(PL)007 Existing North elevation	7 of 32	B	18.09.2023
(PL)008 Existing East elevation	8 of 32	B	18.09.2023
(PL)010 Proposed location plan & Block plan	9 of 32	C	18.09.2023
(PL)011 Proposed ground floor plan	10 of 32	B	28.07.2023
(PL)012 Proposed first floor plan	11 of 32	B	28.07.2023
(PL)013 Proposed roof plan	12 of 32	C	18.09.2023
(PL)014 Proposed South elevation	13 of 32	C	18.09.2023
(PL)015 Proposed West elevation	14 of 32	C	18.09.2023
(PL)016 Proposed North elevation	15 of 32	C	18.09.2023
(PL)017 Proposed East elevation	16 of 32	C	18.09.2023
(PL)018 Proposed section A-A	17 of 32	A	28.07.2023
(PL)020 Existing window schedule	18 of 32	A	22.05.2023
(PL)021 Proposed	19 of 32	A	24.04.2023

window replacements			
(PL)030 Existing door schedule	20 of 32	A	22.05.2023
(PL)040 Images of areas for demolition	21 of 32	A	24.04.2023
(PL)050 Existing section A-A	22 of 32	A	18.09.2023
(PL)051 Existing section B-B	23 of 32	A	18.09.2023
(PL)052 Proposed section C-C	24 of 32	A	18.09.2023
(PL)053 Proposed section B-B	25 of 32	A	18.09.2023
(PL)054 Proposed section C-C	26 of 32	A	18.09.2023
(PL)055 Proposed section D-D	27 of 32	A	18.09.2023
(PL)056 Proposed section E-E	28 of 32	A	18.09.2023
Proposed drainage drawing	29 of 32	C	28.07.2023
Windows design & access statement	30 of 32	A	24.04.2023
Design & access statement	31 of 32	B	28.07.2023
Visual impact assessment	32 of 32	A	22.09.2023

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

2. Notwithstanding the effect of condition 1; Prior to work starting on site samples of the proposed materials to be used for the external finishes of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site. Samples to include; canopy finishes, render finish to external walls, retaining wall finish, garage door finish, perforated 'scaloped' powder coated aluminium cladding finish, roof finish, window frame finish and flashing finish.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.

3. Notwithstanding the effect of condition 1; Prior to work starting on site full details of the design of doors/windows to the proposed extension and garage shall be submitted to and approved in writing by the Planning Authority in the form of drawings at a scale of 1:20.

Reasons: To ensure appropriate detailing and to maintain the overall quality and character of the development and the surrounding environment.

4. Notwithstanding the effect of condition 1; Prior to work starting on site samples of the natural stone proposed to be used for window infills and repairs to the existing building shall be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure that the materials to be used on the external surfaces of the existing building match the existing building.*

5. Notwithstanding the effect of condition 1; Notwithstanding the details on the approved plans the window replacements to the existing building shall be vertically sliding timber sash and casement windows. Details of all the windows, including the size of windows, size of mullions, number of astragals, which shall physically divide the window into separate panes, method of opening, depth of recess and colour shall be submitted in the form of drawings scale 1:20 and shall be submitted to and approved in writing by the Planning Authority prior to work starting on site.

Reason: *In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building.*

6. Notwithstanding the effect of condition 1; Prior to work commencing on site full details of the proposed reconstruction of the wall ends and any piers or gate posts and gate shall be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure that the development is undertaken in a manner which minimises the visual impact of the alterations in the streetscape and preserves as far as possible the integrity of the boundary wall in question.*

7. Notwithstanding the effect of condition 1; Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates
- ii) Existing landscaping features and trees/vegetation to be retained;
- iii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iv) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Please note that any hard landscaping proposed shall be permeable as to not impact on the surface water drainage for the site.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping.*

8. Notwithstanding the effect of condition 1; During construction work on site, including the laying of services, no excavation shall be undertaken below the canopy of any tree to be retained including the copper beach tree located within the neighbouring garden of 2 Upper Colquhoun Street, Helensburgh who's roots and canopy are partially within the application site.

Reason: To ensure that no damage is caused to trees during development operations.

9. Notwithstanding the effect of condition 1; All existing trees on site shall be protected at all times during the construction period by means of the erection of a 1.2 metre high fence in accordance with Clause 8.2.2 of BS 5837 "Trees in Relation to Construction" at least one metre beyond the canopy of each tree including the copper beach tree located within the neighbouring garden of 2 Upper Colquhoun Street, Helensburgh who's roots and canopy are partially within the application site.

Reason: *The landscape features to be protected are important to the appearance and character of the site and the surrounding area and are required to successfully integrate the proposal with its surroundings.*

10. Notwithstanding the effect of condition 1; Prior to work starting on site, full details of any external lighting to be used within the site or along its access shall be submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

Reason: *In order to avoid the potential of light pollution infringing on surrounding land uses/properties.*

11. Notwithstanding the effect of condition 1; The first floor glazing to the North elevation (shower room window) and the first floor glazing to the West elevation (behind the proposed screening) of the proposed extension shall be of obscure glass and maintained in perpetuity in obscure glass to the satisfaction of the Planning Authority.

Reason: *In order to protect the privacy and amenity of adjacent properties.*

12. Notwithstanding the effect of condition 1; Prior to work starting on site details of the replacement chimney pots to the existing building shall be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building.*

13. Notwithstanding the effect of condition 1; Prior to work starting on site identification and assessment of all potential sources of nuisance, including noise/ vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the demolition / construction process should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site.

For all potential sources of nuisance the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Reason: *In order to avoid sources of nuisance in the interest of amenity.*

14. Notwithstanding the effect of condition 1; In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the construction process the hours of operation of the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operation on Sundays or Bank Holidays.

Reason: *In order to avoid sources of nuisance in the interest of amenity.*

NOTE TO APPLICANT

n/a

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/00652/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

- 1.1. The site is located within the Main Town Settlement Zone of Helensburgh as identified in the Argyll and Bute Local Development Plan 2015 (LDP) wherein Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites.
- 1.2. NPF 4 Policy 1 requires that significant weight be given the global climate and nature crises when considering new development. Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to impacts on climate change. NPF 4 Policy 5 aims to protect locally, regionally, national and internationally valued soils.
- 1.3. The development is located within an identified settlement with access to community facilities and public transport networks, consistent with the LDP Settlement Strategy, and as such complies with the Sustainability criteria established by Policy LDP STRAT 1, and is compatible with the provisions of NPF 4 Policy 1 in terms of addressing the Climate Crisis in principle. The site is located within an established residential area and will not impact upon soil that has material value. It is recommended that any planning permission will be subject to a model planning condition.
- 1.4. On the above basis, it is considered that there is a general presumption in favour of the principle of this proposed development in terms of its location, nature and scale when assessed against the policy provisions relating to the LDP Settlement Strategy and relevant NPF 4 Policy.

B. Location, Nature and Design of Proposed Development

- 2.1 4 West Lennox Drive, Helensburgh is located within the Helensburgh Hill House Conservation Area and is directly adjacent to a category B listed property. The existing property is a detached unlisted two storey traditional villa. Located on the opposite side of the street is A listed Brantwoode and adjacent to this is B listed Strathmoyne. Furthermore, located on the street behind the site is A listed Red Towers and adjacent to this is B listed Tordarroch. It is noted that historically the proposals site was subdivided and a modern dwelling was built within the rear garden grounds. The area surrounding the property is a well-established residential area consisting of several listed properties as noted above, set with large plots as well as some modern dwellings which have been built within the garden grounds of the original villas.
- 2.2 The existing plot measures approximately 2165sqm, the existing house including the single storey element has a footprint of approximately 216sqm, with the single storey element having a footprint of 55sqm. The existing garage has a footprint of approximately 30sqm and the timber sheds have a combined footprint of approximately 18sqm bringing the total built element on site to approximately 264sqm. The existing house is sited towards the rear of the plot with a large front garden. The site gently slopes downhill from North to South and is bounded by mature hedges to all boundaries.
- 2.3 The proposal seeks to remove the existing single storey element to the side / rear of the property and replace this with a new two storey extension. This proposed extension has a footprint of 90sqm whereas the original single storey element had a foot print of 55sqm. The proposal also sees to remove the existing garage to the side / rear of the property which has a footprint of 30sqm and replace this with a larger garage / gym which has a footprint of 70sqm. The proposal also seeks to introduce a covered external 'link' canopy to the rear between the garage / gym and the new extension, this has a footprint of 25sqm. The proposals also seek to remove the timber garden sheds. In summary the resultant total built element on the site would be approximately 346sqm in lieu of the 264sqm at present (an increase of 82sqm). This would represent less than 20% of the site being built up which is well under the 33% threshold

considered to be overdevelopment. It is also noted that the footprint of the proposed first floor of the extension extends to approximately 50sqm.

- 2.4 NPF4 Policy 16 requires that development proposals will be supported where they '*do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials*'.
- 2.5 NPF4 Policy 14 requires that development proposals be designed to improve the quality of an area; and, offers support to development that achieve the six qualities of Health; Pleasant; Connected; Distinctive; Sustainable; and, Adaptable. Development that is poorly designed, detrimental to the amenities of surrounding areas or inconsistent with the aforementioned six qualities will not be supported.
- 2.6 NPF Policy 14 is closely aligned with the provisions of Policy LDP 9 and SG LDP Sustainable Siting and Design Principles which requires that new development be assessed against identified sustainability criteria and identified design. The Supplementary Guidance also establishes design criteria that seeks to protect the residential amenities and daylight enjoyed by the occupiers of neighbouring properties.
- 2.7 The design of the proposed extensions and garage are contemporary in design and are considered to be subservient to the donor house and do not dominate it, the clear delineation between the old and the new is welcomed as is in line with policy, the proposed materials are high quality and respect the character of the existing property and wider conservation area.
- 2.8 Having regard to the built development pattern and densities of the local area, it is noted that there is a range of scale and design of houses, and whilst the overall pattern of built development is very spacious, there is a range of site densities; and that the ratio of built development to open curtilage in the case of this proposal is similar to some other existing development. The scale of the proposed extensions being an increase of 82sqm to the overall built element on the site is comparatively small and it is considered that the siting, form, massing and material finishes will respect and enhance the existing character of built development and compliment the visual character of the area in accordance with the relevant provisions of NPF4; LDP 9 and SG on Sustainable Siting and Design Principles.
- 2.9 The proposed extension and garage will be screened from surrounding properties at ground floor level by existing natural boundary features and this screening, in conjunction with the relative orientation of windows and separation distances will mean that there will be no material loss of residential amenities to the occupiers of surrounding properties by reason of overlooking. In terms of the first floor element the window on the north elevation of the proposed extension is in excess of the minimum 18 metres guideline (SG – Sustainable) from windows on the front elevation of the property to the rear, it is also noted that the proposed window is to a non-habitable room and that furthermore, a condition has been recommended that this window be obscure glass and maintained in perpetuity in obscure glass to protect the privacy and amenity of adjacent property. It is also noted that there was concern that the perforated steel cladding to the first floor of the West elevation of the proposed extension could impact on the privacy and amenity of the neighbouring property, it is noted that a safeguarding condition has been recommended that requires samples of this material be approved by the authority and that further a condition has been recommended that requires the glazing behind this screening be of obscure glass to protect the privacy and amenity of adjacent property. Lastly, the proposed windows to the south elevation of the first floor extension and the proposed terrace at this location; these will be screened by the exiting large copper beach tree which is sited within the neighbouring garden (this tree subject to separate TPO consideration), furthermore, there is an existing level of overlook from the existing first floor windows in this location, therefore, the limited additional element of overlooking is considered to be within acceptable limits. On this basis, Officers are satisfied that the proposed development will not have a material impact upon the residential amenities of nearby properties in accordance with the provisions of NPF4 Policy 14 and Policy LDP 9/SG – Sustainable Siting and Design Principles.

C. Natural Environment

- 3.1 NPF4 Policy 3 generally seeks to protect biodiversity, reverse biodiversity loss and to deliver positive benefits from development that strengthens nature networks. Policy 3(c) requires that proposals for local development will include appropriate biodiversity measures proportionate to the scale and nature of the proposal. Policy 3(d) requires any potential adverse impacts on biodiversity/nature networks/natural environment to be minimised by planning and design. NPF 4 Policy 3 is generally aligned with LDP Policy, although NPF 4 Policy 3(c) goes beyond the LDP requirements in relation to current biodiversity interests of the site.
- 3.2 NPF 4 Policy 4 generally confirms that development that will have an unacceptable impact on the natural environment will not be supported. Outside of European, national and local designations, development is expected to meet the relevant statutory tests in terms of protected species legislation; and potential impacts must be fully considered prior to determination of planning applications. NPF 4 Policy 4 (insofar as it relates to the location, nature and scale of the current proposal) largely aligns with the provisions of LDP policy.
- 3.3 Policy LDP 3 (the Argyll and Bute Local Development Plan – 2015) generally serves to support the protection, conservation and enhancement of the environment. SG LDP ENV 1 ensures that other legislation relating to biodiversity habitats are fully considered in relation to development proposals; and generally that development does not have an adverse impact on habitat or species, particularly in relation to habitat or species designated as being of European, national or local significance.
- 3.4 The site is not located within or in proximity to any nature conservation designation with the majority of the proposals being built on previously developed land where the existing garage and single storey element are to be removed.
- 3.5 It is advised that submission, assessment and approval of a scheme of hard and soft landscaping be required by planning condition which the council's Local Biodiversity Officer will have opportunity to assess. It is further recommended that this condition requires that any hard landscaping proposed be of permeable materials as to not impact on the surface water drainage for the site.

D. Built Environment

- 4.1 The site is located within the Helensburgh Hill House Conservation Area.
- 4.2 The existing property is not listed though it is a traditional detached villa.
- 4.3 The existing property is sited directly adjacent to a category B listed property. Located on the opposite side of the street from the site to the South is A listed Brantwoode and adjacent to this is B listed Strathmoyne. Furthermore, located on the street behind the site to the North is A listed Red Towers and adjacent to this is B listed Tordarroch. For this reason Historic Environment Scotland have been consulted on the proposals due to the possible effects on setting of surrounding listed properties and they have noted; 'The Hill House is several streets away, with no intervisibility with 4 West Lennox Drive, and is not likely to experience any impacts on its setting. As well as Red Towers, we have also considered potential impacts on nearby Category A-listed Brantwoode on Munro Drive West. We have considered how the surroundings of Red Towers and Brantwoode contribute to an understanding, appreciation, and experience of their cultural significance and do not think the proposed extensions at 4 West Lennox Drive would have a significant adverse impact on their settings.'
- 4.4 NPF4 Policy 7 generally seeks to protect and enhance the historic environment, assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 7(a) requires that development proposals with a potentially significant impact on historic assets or places be accompanied by an assessment based on an understanding of the cultural significance of the asset and/or place. Development will only be supported where the character and appearance of the conservation area is preserved or enhanced; and where the existing

natural and built features which contribute to the character of the conservation area (including boundary walls, trees and hedges) are retained.

- 4.5 The provisions of NPF 4 Policy 7 (as it applies to the current proposal) are LDP 3 and SG LDP ENV 16(a) and SG LDP ENV 17, however NPF 4 Policy 7(a) imposes an additional requirement for a detailed assessment as summarised above which was requested by the councils design and conservation officer within their original consultation response. The applicants have taken this on board and have submitted a revised design and access statement as well as the submission of a visual impact assessment which is considered acceptable under the requirements of the above.
- 4.6 Officers are satisfied that the proposed development, by reason of siting, scale, form and design is of a sufficiently high standard and will preserve and enhance the character and appearance of this part of the Hill House Conservation Area in accordance with NPF 4 Policy 7, Policy LDP 3, SG LDP 16(a), and relevant HES guidance on development impact on historic assets.

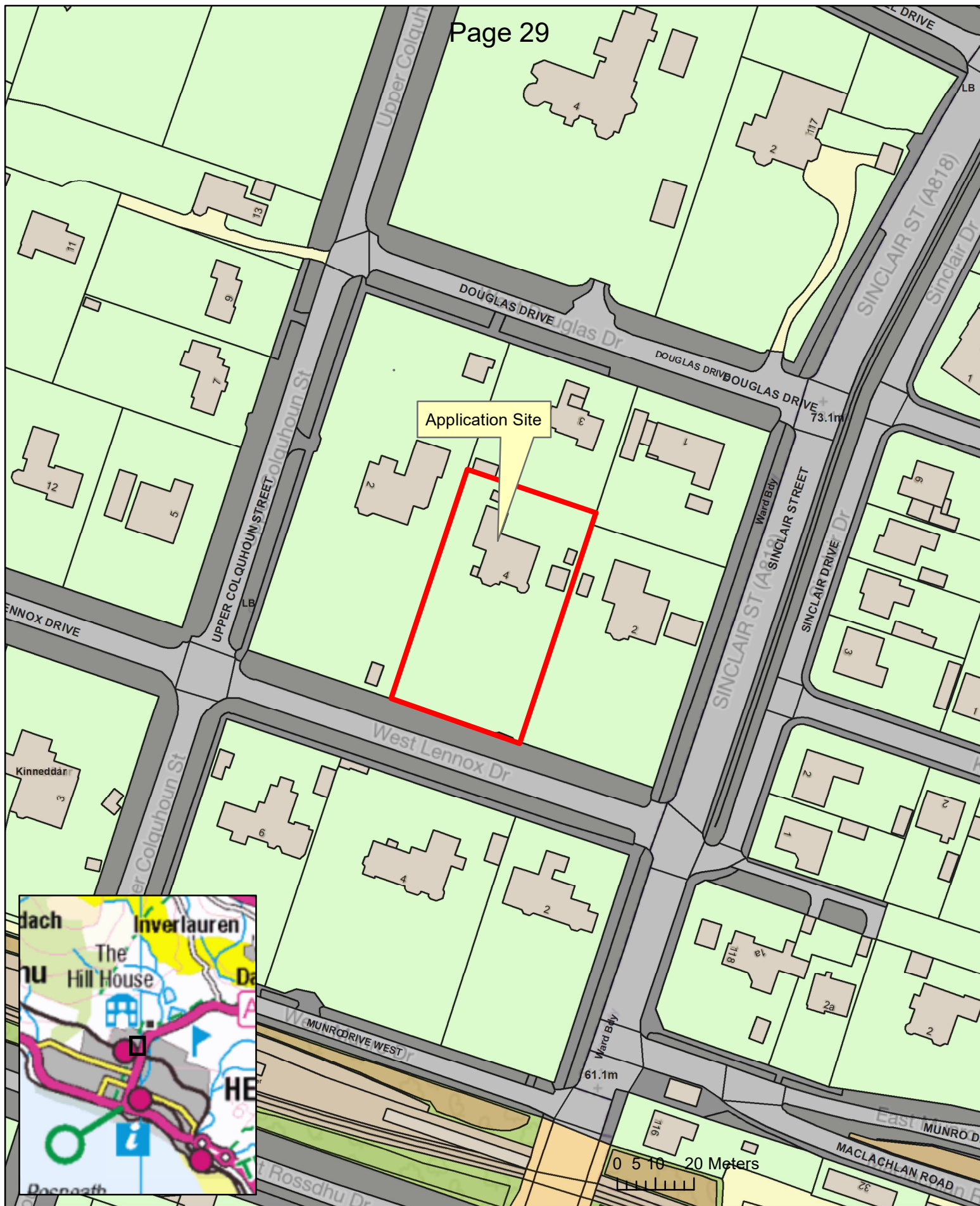
F. Impact on Woodland

- 5.1 As the site is located within a conservation area any works to the existing trees within the site would require tree works consent. Within the site there are approximately 12 trees that bound the eastern boundary, a single large tree at the southern boundary and 3 trees along the western boundary, no works or removals have been proposed to any trees within the site. However given the close proximity of the extension to the boundary trees and neighbouring trees (including the copper beech at 2 Upper Colquhoun St) and the works to install new drains then the tree roots may be affected.
- 5.2 It is advised that during construction work on site, including the laying of services, that no excavation shall be undertaken below the canopy of any tree to be retained including the copper beach tree located within the neighbouring garden of 2 Upper Colquhoun Street, Helensburgh who's roots and canopy are partially within the application site by way of a planning condition.
- 5.3 Furthermore, it is also advised that all existing trees on site shall be protected at all times during the construction period by means of the erection of a 1.2 metre high fence in accordance with Clause 8.2.2 of BS 5837 "Trees in Relation to Construction" at least one metre beyond the canopy of each tree including the copper beach tree located within the neighbouring garden of 2 Upper Colquhoun Street, Helensburgh who's roots and canopy are partially within the application site by way of a further planning condition.
- 5.4 It should be noted that the aforementioned copper beach tree which is sited within the neighbouring properties garden at; 2 Upper Colquhoun Street form part of a separate TPO application which the council is recommending as this particular tree is a key landscape feature which is to be protected and is important to the appearance and character of the surrounding conservation area.
- 5.5 On the above basis it is considered that the proposal is in accordance with the provisions of NPF4 Policy 6; Policy LDP 3; and SG LDP ENV 6.

K. Infrastructure

- 6.1 The application forms state that the site is not within an area of known risk of flooding; and advises that the applicant does not think that the proposal will increase flood risk elsewhere. The application site, is not overlain by any recorded areas at risk to coastal, fluvial or surface water flooding with reference to the SEPA Flood Map.

- 6.2 During the determination process the applicant has submitted plans to show a re-routed and repaired surface water drainage scheme for the site. It is noted that consent is not required for the repair of existing drainage but is required if there are proposed alterations to the existing drainage. As such the applicant has submitted drawing to show the surface water drainage alterations. I have been to site and viewed the issues with the current broken surface water drainage and I am content that the proposed alterations to reinstate and alter this are sufficient. As this is a proposed extension and not a new build there is no requirement for the applicants to install a new SUDS system. The submitted drawings show a new french drain running along the northern boundary of the rear site to pick up the broken field drains which were discharging water into the solum of the property and then route the new field drain to the front of the property to tie in with the existing drainage discharge.
- 6.3 Subject to the above, it is considered that the proposal makes adequate provision for services infrastructure in accordance with the provisions of NPF4 Policy 22, SG LDP SERV 2 and LDP2 Policy 61.



Location Plan Relative to Planning Application:23/00652/PP



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

HYBRID DISCRETIONARY HEARING

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. Hybrid meetings are those that will involve a physical location and facilitate attendees joining virtually if they wish.
2. The Executive Director with responsibility for Legal and Regulatory Support will notify the applicant, all representees, supporters and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish. Details on how interested parties can access the meeting will be referenced within the same notification.
3. On receipt of the notification the applicant, all representees, including supporters and objectors will be encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. Parties who wish to speak at the meeting shall notify Argyll and Bute Council no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access (see note 1) and the good conduct of the meeting.
4. The Executive Director with responsibility for Legal and Regulatory Support will give a minimum of 7 days' notice of the date and time for the proposed Hearing to all parties.
5. The hearing will proceed in the following order and as follows.
6. The Chair will introduce the Members of the Committee, confirm the parties present who have indicated their wish to speak and outline the procedure which will be followed. It is therefore imperative that those parties intending to speak join the meeting at its commencement.
7. The Executive Director with responsibility for Development and Economic Growth's representative will present their report and recommendations to the Committee.

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8. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
9. The consultees, supporters and objectors in that order (see note 1), will be given the opportunity to state their case to the Committee.
10. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good cause shown the Committee may extend the time for a presentation by any of the parties at their sole discretion.
11. Members of the Committee only will have the opportunity to put questions to the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, the consultees, the supporters and the objectors.
12. At the conclusion of the question session the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
13. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he/she will be entitled to invite them to conclude their presentation forthwith. (see note 3)
14. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
15. The Committee will then debate the merits of the application and will reach a decision on it. No new information can be introduced after the Committee begins to debate.
16. The Chair or the Governance Officer on his/her behalf will announce the decision.
17. A summary of the proceedings will be recorded by the Committee Services Officer.

NOTE

- (1) If you wish to speak at the hearing you will require to notify the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access if required and the good conduct of the meeting.

In the event that a party wishes to speak to a visual presentation, this requires to be sent to Committee Services no less than 2 working days (excluding public holidays and weekends) before the commencement of the Hearing; this will not be shared with other parties prior to the meeting but will ensure its availability for the commencement of the Hearing. The Committee Services Officer will control the slides under explicit instruction from the spokesperson(s), it would therefore be helpful if the slides were individually numbered. It would also be helpful if the file size of the presentations is kept to a minimum to mitigate against any potential IT issues – guidance can be provided if required.

If it is your intention to join the hearing to observe the proceedings, please advise the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting to facilitate remote access if required.

- (2) Councillors (other than those on the Committee) who have made written representations and who wish to speak at the hearing will do so under note 1 above according to their representations but will be heard by the Committee individually.
- (3) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing. For the avoidance of doubt the time allocated will be per party and will include for example all supporters/objectors in the half hour slot except where additional time is agreed by the Chair.

The representative of the Executive Director with responsibility for Development and Economic Growth – not more than half an hour
The Applicant - not more than half an hour.
The Consultees - not more than half an hour.
The Supporters - not more than half an hour.
The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Committee and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity subject to the requirements for notice herein.
- (6) Should, for any reason, Members of the Committee who are joining remotely lose connection or have any technical issues during the meeting, they will be asked to contact the Governance or Committee Support officer, if possible, by email or instant message. A short adjournment may be taken to try and resolve the connection. If the Members of the Committee are unable to re-join the meeting and a quorum still exists then the meeting will continue to proceed. If a

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quorum does not exist the meeting will require to be adjourned. For the avoidance of doubt Members of the Committee have to be present for the whole hearing in order to take part in the decision.

- (7) Should, for any reason, participants joining the hearing remotely lose connection or have any technical issues during the meeting, a short adjournment may be taken to try and resolve the connection. In the event the connection cannot be restored within a reasonable timeframe consideration will be given to the continuation of the meeting.
- (8) Members of the Committee joining remotely will use the hands up function to indicate to the Chair when they wish to speak to ask a question or make a comment. This function will be monitored by the Chair and by governance staff in attendance.
- (9) Where a Councillor who is a member of the PPSL has made or wishes to make a representation (on behalf of any party) during the meeting in relation to the application under consideration, they should make their position clear to the Chair and declare an interest. Having done so, they may, at the appropriate time, make the relevant representation and then must retire fully from the meeting room prior to deliberation of the matter commencing. A Councillor, not a member of the PPSL, may make a representation (on behalf of any party) during the meeting in relation to the application then must retire fully from the meeting room prior to deliberation of the matter commencing.
- (10) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Executive Director with responsibility for Development and Economic Growth which is attached hereto.

I:data/typing/virtual planning hearings/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. Expenses may be awarded against unsuccessful parties, or on the basis of one party acting in an unreasonable manner, in appeal/review proceedings.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy of justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Development and Economic Growth’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure from policy, reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government as contained within Planning Circular 3/2013: Development management procedures on the definition of a material planning consideration is attached herewith However, interested parties should always seek their own advice on matters relating to legal or

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planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A (5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

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- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.