

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH  
on FRIDAY, 25 FEBRUARY 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Vivien Dance	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	Councillor Al Reay

**Also Present:** Charles Reppke – Head of Governance and Law  
Howard Young – Area Team Leader, Planning  
Gareth Roberts, Organic Architects – Agent & Architect for Applicant  
Nigel Millar – Helensburgh Community Council – Statutory Consultee  
Kathleen Siddle – Helensburgh Community Council – Statutory Consultee  
Tom Haveron - Objector  
Kenneth Crawford – Objector  
George Wootton – Objector  
Iain Martin – Objector  
James Crawford – Objector  
Bruce Mill – Objector  
Glen Roy – Objector

**1. APOLOGIES FOR ABSENCE**

Apologies were intimated from Councillor Robin Currie, Councillor Rory Colville and Councillor Mary-Jean Devon

**2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest

**3. MR H HOOD: SITE FOR ERECTION OF A DWELLINGHOUSE: LAND WEST OF 15 LOCH DRIVE, HELENSBURGH (REF: 10/01578/PPP)**

The Chair welcomed everyone to the meeting and general introductions were made.

Charles Reppke, Head of Governance and Law outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to identify themselves.

It was noted that Mr Kenneth Crawford's first name had been mistakenly noted as Keith on the report and this was corrected.

**Planning Officer**

Howard Young, Planning and Regulatory Services, gave a brief outline of the

application site which was situated within the garden ground of 15 Loch Drive, Helensburgh, sitting within a larger development block running along Loch Drive to the north, Cairndhu Avenue on the east, Castle Avenue on the west and Kidston Drive to the south. Mr Young advised that although this was an application in principle, indicative plans had been submitted. The two main issues which were outstanding were those of visual impact on the landscape and visual impact on the adjoining properties.

Within this part of Helensburgh there was a homogenous pattern apart from this plot which differed in that it comprised of two semi detached houses. Given the current climate, Mr Young said that it was only to be expected that the number of applications of this kind would increase. To address the sun/daylight issue, the applicant's agent had been asked to submit a report. Mr Young added that as the proposed new build be more than one storey, he would have concerns. He was therefore recommended approval subject to conditions and reasons appended in his report.

### **Agent and Architect for Applicant**

Mr Gareth Roberts, Organic Architects, introduced himself and provided a brief professional background. He reminded everyone that under the Council's own policy, there was a presumption in favour of the provision of housing and that this plot was in compliance under the issue of sustainability in Appendix A of the Local Plan. He then went on to give an outline of the proposals and that in his opinion, the character of Loch Drive would not be adversely affected adding that there had been no objections from Roads Department or Scottish Water. Addressing the daylight issue, he advised that the drawings produced during the initial application showed no significant impact. He reminded those present that this was an application in principle only and that such issues as scale and form would be considered by a future application.

### **Statutory Consultee**

Kathleen Siddle spoke on behalf of Helensburgh Community Council advising that they were in favour of such developments, but only when the site is right for Helensburgh and she gave examples of other such developments. She went on to say however, that the HCC objected to this particular development based on the Argyll and Bute Local Plan, the HCC Design Statement, and also through consultation with the neighbours in Loch Drive itself.

The Argyll and Bute Local Plan Policy LP ENV 19 states that the development should be sited and positioned to pay regard to the context in which is it located. Mrs Siddle stated that there was no ambiguity in this policy and that it meant that the landscape must be considered. From the visit to the site and from the attached location plan, it was evident that most of the houses on Loch Drive were detached and set within their own gardens. The only exception was the 2 sets of semi-detached properties at numbers 9 – 15. Each of these had a large garden at their side, making a most attractive balance between hard buildings and soft green garden land. Together with the fact that the vast majority of the houses and gardens in the street are maintained to a high standard, this resulted in a street of great charm

The plan to infill one of these such garden spaces with a hard building would

destroy the soft richness, openness, and balance of this part of the street. The resulting continuous line of building would look completely out of character with its surroundings and be very visually intrusive in the streetscape.

There were concerns that Argyll and Bute Council had suggested a single storey building for this site, as apart from this one, all the other buildings in this area are of one and a half or two storeys high. In this context, a single storey would look odd and that the development would not be paying regard to Policy LP ENV 19.

Regarding layout and density in the same policy, Mrs Siddle referred to the phrase "inappropriate layouts or densities including over-development shall be resisted. It was the opinion of HCC that the mass and bulk of the proposed dwelling, even single storey, would cause serious densification on the site, leaving the dwelling houses on either side very enclosed and at odds with the rest of the street. This would be even worse if the development was to be one and a half or even two storeys high.

On a practical level, Mrs Siddle advised that the small gap between the existing houses and the proposed house would make it impossible for a car to drive between the houses to any garage or parking at the rear. As the garage at No. 15 had already been demolished and part of its ground space would be taken up by the proposed development, the only place to park a car would be at the front of the property and that this was a situation that did not occur in this part of the street.

Mrs Siddle then referred to the Helensburgh Design Statement which she said aspired to raise the standard of building throughout the town and added that it had never been openly challenged or criticised. She said that when looking at planning applications, it encouraged the reader to consider whether the proposal would integrate with the immediate and wider landscape. By looking odd and out of character with the rest of the street, and causing loss of balance between the buildings and garden spaces, the planning application in front of us today would degrade what is currently a most attractive street and that in other words, the proposed building would not integrate with the immediate and wider landscape as described in the Design Statement.

In conclusion, HCC had been contacted by the residents of Loch Drive who feel quite strongly that this application should be rejected and HCC supports their view.

Mrs Siddle advised that HCC's objection was based solely on planning grounds and she asked that the visual appeal of this street together with the information contained in the Argyll and Bute Local Plan and the Helensburgh Design Statement should be the key factors to be used in determining this application.

Combined with local resident opposition, it was HCC's view that these take precedence and they therefore asked that the application be refused.

## **Objectors**

### Mr Tom Haveron

Mr Haveron referred to his objection regarding the drainage system advising that

this was based on the ability of the drainage and sewerage system to cope with an additional property, and whilst he understood the need to summarise objections, he considered that this report, his objection was summarised out of all recognition.

Mr Haveron explained that his objection had stemmed from the fact that whenever it rains, the road outside his house at 21 Loch Drive, is immediately flooded with a large pool of water forming across the entrance to his driveway, thus denying him a clear and dry access to his own property.

A few years ago, Mr Haveron advised that he had requested that Argyll and Bute Council investigate this problem in order to ascertain whether a drain could be put in the road which would take this water away. An Engineer did come along and examine the situation but advised him that nothing could be done as the drainage system in Loch Drive was already operating at full 100% capacity and therefore the system just could not cope with even one additional drain being installed.

Given that nothing had changed since then, Mr Haveron said that the point he was making in his objection was clearly that another additional property could not possible therefore be accommodated.

He went on to describe how his objection had appeared in the Supplementary Report and suggested that it would appear that the issue was clearly being avoided even though it had been Argyll and Bute Council themselves who had defined it. Mr Haveron also noted the lack of objection from Scottish Water and asked whether Scottish Water was aware of Argyll and Bute Council's claim that the system was already fully committed. Alternatively, he asked if it was possible that Argyll and Bute Council had not fully advised them of their assessment and that Scottish Water had no objection to overloading it. It could simply be, he suggested, that they had been misled by Argyll and Bute as to the true drainage situation.

Mr Haveron explained that he was submitting his written comments as he firmly believed that for whatever reason, his objection as recorded in the Supplementary Report had been recorded inadequately and inaccurately and that his issue with drainage would require to be fully investigated and the matter properly recorded.

#### Mr Kenneth Crawford

Mr Crawford introduced himself, adding that his name was Kenneth and not Keith as listed in the report. He had been a resident in Loch Drive for 18 years and had chosen this area in which to live as it was a well kept and developed estate. Mr Crawford explained that his reasons for objection were to the principle of creating a minimalist plot and squeezing another house between the long-established dwellings. Both he and his wife objected to the inevitable physical depression of the remaining existing property at no.15 which they felt, was not being considered but would be a very real result were the application permitted and implemented.

The Officer's report had twice referred to the central section of Loch Drive as deviating from the general development pattern. Mr Crawford said it was quite

clear, from the Plan supplied, that this was only true in relation to the siting of the houses within their individual plots which were all of the same size. These would have been set out in the 1930s by the then Ardencaple Estate. Every house on the south of Loch Drive has approximately 850 square metres. This includes the four post-war properties which were built as two pairs of semi-detached houses, and Mr Crawford suggested that this was perhaps due to the building works regulations or shortages at the time. Each house still has that standard plot size and we are now being asked to approve the division of one of them into unequal halves, to the severe detriment of the existing house.

Mr Crawford advised that it was intended that number 15 would be left with, at most, a 1m strip for access to its side door and garden, which is then reduced by four rainwater and wastepipes and a grid projecting 13cm from the gable and perhaps by the thickness of any future fence. The path will be the only rear access for weekly refuse bins to the kerb and return. One of Mr Crawford's wheelie bins was 58cm wide. This would leave the occupier only 29cm clearance and would even require the house back step to be cut back.

At the time of the application, the existing garage was being demolished, as was the front garden and wall. The suggestion is that a future owner's vehicle could use part of the existing access and turn left to park in front of the main door and lunge window, even that two vehicles could be parked in this way. Attempts to sell no. 15 before the outcome of these proceedings may have been unsuccessful even though it was indicated at that time that there would be a concrete hard standing at the side. Of course, if its price was reduced, a buyer would inevitably be found, but no.15 would then have become the lowest valued and least desirable property in the entire estate, with little or no opportunity for extension or improvement. No other house had no front garden.

Mr Crawford stated that the recommendation made no mention of preserving the roadside tree, which exists in the verge of the application site, and would be transferred to a purchaser. In conclusion, he requested that the application for Planning Permission in Principle be refused, the grounds being that there is insufficient site area for development without adversely affecting the amenity of the adjacent properties and their surrounding area. Further, that the development would be seriously detrimental to No 15 Loch Drive which currently formed part of the site.

### Mr Bruce Mill

Mr Mill began by thanking all the councillors who had travelled to the meeting. He then drew attention to his first point which related to 15 Loch Drive itself. He described the house as a fine three bedroom home with great views from any window or the conservatory of the large garden. The house did require some modernising, and it would be possible to build a large conservatory if the garage were to be removed. This was a fine and affordable family home in an excellent location. Mr Mill suggested that the house had now been butchered to accommodate the new development and was now a shadow of its former self. He said that in Mr Kerr's eyes, Loch Drive was disrupted by the two pairs of semi detached dwelling houses in the middle of the streetscape, homes as the people who live or lived there would call them. Whilst he acknowledged that this disruption occurred some 60 years ago, he felt that it was Mr Kerr's wish that

they be demolished to allow the construction of new houses.

Mr Mills then advised that the quoted measurements were wrong and misleading and that even when they had been remeasured for the meeting of 16<sup>th</sup> February, they were only stated as being approximate. He said that the boundaries of the new development had not been made clear. The latest, according to Clyde Properties, stated 1m from the gable end. Due to the proximity of the new development together with the dubious daylight assessment test, MH Planning had stated that the conservatory be demolished if it should become a determinative issue. Mr Mill felt that this reiterated the point he had made initially.

Mr Mill referred to the terms of Policy LP ENV1, Appendix A of the Local Plan and advice from Scottish Government regarding what constituted material planning considerations. He said that following his mother's death in October 2009, the house had come into his and his older brother's possession. He had at that time contacted the planning department on 18 May 2010 and in June had been told that planning on this plot would be highly unlikely. It had been with this in mind, that the house had been put up for sale. On 4 August 2010, Mr Hood made an offer which, with amendments, had been accepted. Between 8<sup>th</sup> and 23<sup>rd</sup> September, Mr Hill suggested, it had appeared that the planning officer had a change of mind as planning would now not seem to be a problem.

#### Mr Wootton

Mr Wootton indicated that many of the points he had wished to raise had been made already. He felt that the knocking down of the garage to No 15 had destroyed the continuity and symmetry of the semis. He was concerned about the plot ratios and drew attention to a drain which was over 1m away from the gable wall and would appear to be in the development plot. He cited drainage, symmetry and plot ratio as his three main issues for objection and felt that a precedent would be set were permission granted for this application.

#### Mr Iain Martin

Mr Martin's main objection was to the loss of light and privacy. His property lay only 17m gable to gable and he advised that the drawings on the application were inaccurate and caused confusion.

The new access would come in at his side of the plot thereby causing a loss of amenity. Mr Martin also felt that the new property would not be in keeping with the character of the street and that the parking issue had already been discussed, and reiterated the previously mentioned problem with the drainage and sewerage. Mr Martin felt that this had been a speculative venture on Mr Hood's part and that a lack of concern for residents of the street had been shown. He urged the committee to reject the application.

#### Mr James Crawford

Once again, Mr Crawford said that many of the main issues had been covered and that he too felt that the significant impact of the development had not been considered. Mr Crawford suggested that Mr Hood had been determined to get planning permission at all cost and that a smaller building would be out of scale with its neighbouring properties. He felt that the proposals would be of no merit.

or benefit to the area and should therefore be rejected.

### Glen Roy

Mr Roy's main objection was that a precedent would be set and that if passed, another two potential identical plots would be a possibility. Although he appreciated that each application should be judged on its individual merit, it would be difficult to refuse additional applications if this one were approved.

### **Members' Questions**

Cllr Chalmers asked Mr Martin to confirm the distance between the wall and fence to which Mr Martin confirmed that it was 1.4m. Cllr Chalmers then directed his question to Mr Roberts, asking what length of frontage there would be, to which Mr Roberts said that it would be 9.5m

Mr Martin said that in order to satisfy the light assessment for a single storey there should be 4m.

Cllr Chalmers asked Mr Young to explain how the loss of light was gauged. Mr Young responded that it was the 25degree rule and indicated this on the plan showing the angle from the apex.

There followed some discussion regarding dimensions and Cllr Marshall said that there would appear to be some dubiety about the actual distances. He asked Mr Young if he could confirm that the gable to gable distance was 17.3m to which Mr Young agreed that it was.

Cllr Marshall asked if this meant that the available building space was 13.9m and Mr Young said that he would anticipate it to be slightly less and that the plot could be elongated to allow more side access. Mr Young advised that he wished to maintain a 1m boundary from between 15 Loch Drive and a 4m boundary at the 17 Loch Drive end.

Cllr Marshall asked if this shape of house would be appropriate in this setting and Mr Young replied that there were a mix of styles and sizes of buildings in this area. He said that a single storey could be higher than a one and a half storey depending on the design.

Cllr Reay asked Mr Roberts if the division of the plots in this way was satisfactory to which Mr Roberts said that it was entirely satisfactory. He said that in his opinion it was a sensible, sustainable and energy efficient proposal and that it should be a 1 ½ storey. He advised that despite the restrictions, he felt that it could be accommodated without any detrimental impact.

Cllr Dance asked what the plot size was on the proposed site. Mr Roberts said that it was 450 square metres and that the property at No 10 was almost identical. He said that there were other precedents.

Cllr Dance asked if the 3m at the side of No 15 was big enough for a garage and wheelie bin access. Mr Roberts advised that the recommended space was 2.6m and that access to rear could be got through the garage. Cllr Dance thought this to be unsatisfactory.

Cllr Dance asked the Planning Officer if a single storey could be as high as a 1 ½ storey. Mr Young replied that this could be specified by conditions but that he would be looking for something lower and single storey where possible.

Cllr Dance referred to the parking in the front and noted that this did not exist anywhere else in the street. She asked what Mr Young's thoughts on this were and asked if he had taken on board the impact of density, symmetry of the streetscape and now parking. Mr Young responded that he was unclear that there was a detrimental impact as there were other instances of residents tarmac-ing the garden parking area.

Cllr McCuish asked Mr Young as to why the previous owners might have been led to believe that there would be no scope for planning and if it was possible that the new house could be set back to avoid the light pollution issue. Mr Howard said that the officer did not recall the alleged conversation and he was therefore not in a position to comment. Regarding the setting back suggestion, Mr Young said that the building line already established would be disrupted.

Cllr McKay asked if it was established that there would be no provision for a front garden. Mr Young replied that the indicative plans show a parking and turning area and said that it may or may not have a garage.

Cllr McKay said that this would mean it was the only property in the street with no garden and therefore did not comply with ENV19 and other relevant policies. Mr Young said that he recalled other properties in the area that had tarmac-ed over the drive and that he was satisfied with the proposal before him.

Cllr McKay said that we had heard from the architect that this is an in principle application and asked that if there was a garage, would it change the impact on light for example. Mr Young said that distances could be specified at the time of submission of the detailed application but that he would be unhappy with anything closer to the boundary. He said that it was not his issue where any potential garage could be sited.

Cllr McKay asked if all the parking requirements had been met. Mr Young said that the consultants had advised that it was satisfactory and he was happy with this advice.

Cllr Marshall asked about the drainage issue to which Mr Young said that he had only been made aware of this through the representations. Cllr Marshall asked the same question to HCC to which they said that they had only been made aware through the residents.

Cllr McAllister asked Mr Roberts if there was adequate space in the rear garden and Mr Roberts said there was and that this was the standard required by other Local Authorities. He noted that Argyll and Bute had no written standard regarding this.

The Chair then asked for the summing up process to commence and advised that no new information could be introduced during this process.

## **Summing Up**



### Planning Officer

Mr Young said that he expected more applications for sub-divisions such as this. He had initial concerns and although different from the existing pattern, thought that it might be acceptable. Any issues had either been raised or could be addressed and he therefore stood by his decision to recommend approval.

### Agent and Architect

Mr Roberts reminded those present that this was an application in principle and that any matters of concern could be brought forward and addressed in the future application.

### Statutory Consultee

Kathleen Siddle said that the HCC felt that the current balance would be lost and would not be as visually attractive as it is at present. There were concerns that the street parking would look odd.

### Objectors

Mr Haveron reiterated the drainage problem that remained unaddressed and asked if Planning Dept and Scottish Water had agreed on the capacity of the current system.

Mr Kenneth Crawford said that Scottish Water had made it clear that the developer should sort out the drainage problems. On page 10 of the report the areas of the plots were stated as being 850m squared and that this meant that the plot in question was technically only 401m square.

Mr Wootton pointed out again that the 1m boundary did not allow the possibility of a garage and this would necessitate parking to the front of the property.

Mr Martin said that in his opinion, the site was not wide enough and that there would be a big impact on the whole street although the applicant had done everything possible.

Mr James Crawford said that there was plenty other suitable space in Helensburgh for such applications. He felt that in this instance the intention was merely profit making and that there should be a duty of care to the new owner of No 15.

Mr Roy had nothing further to add other than that a precedent would be set.

The Chair then ascertained that all parties had received a fair hearing to which they confirmed that they had.

### **Debate**

Councillor Reay said that the idea of the subdivision of these plots was ill-conceived and that the amenity of the residents would be affected. The

application was out of character and there would be a particularly detrimental affect on No 15. He therefore recommended refusal.

Councillor Dance endorsed Cllr Reay's comments and added that there was no merit in this application. Whilst she was not averse to the sub-division of plots, she felt that to halve the square meter area of the plot was unsuitable. She acknowledged that this was an in principle application but that in the context of the design, symmetry of the streetscape would be lost and a minimalist plot would be created. She was in agreement with most of the points raised by the objectors regarding size and symmetry. Cllr Dance felt that the impact on both of the neighbouring properties would be highly significant and that there would be no improvement to the suburban setting. The proposals were contrary to ENV 19 and she therefore recommended refusal.

Cllr McCuish whilst congratulating Mr Roberts on his efforts, felt that it did not fit with the pattern of the street and recommended refusal.

Cllr McKay felt that although there was enough space on which to build, the size of the house would not be in character with the rest of the street. It contravened both ENV19 and LP HOU1 and had concerns regarding the parking issue. He recommended refusal of the application.

Cllr Marshall agreed with this and that he had particular concerns for the future owner of No 15. He therefore recommended refusal of the application.

Cllr Chalmers apologised to Mr Roberts but felt that his comparison with new build density did not apply to this case. He felt that both the access and amenity issues would result in too little frontage to work with. Although not against a contemporary landmark, he felt that this would be of the wrong type for the area and indicated his support for an amendment.

Cllr Kinniburgh said that the proposals simply did not fit into the streetscape of Loch Drive and would support an amendment to the recommendation.

Cllr McQueen indicated support for the amendment.

Cllr McMillan said he would support a motion for refusal.

Cllr McAllister felt that this was a borderline decision but agreed that it was out of character.

The Chair thanks everyone for their comments and agreed with what had been said.

## **Decision**

To recommend refusal of planning permission in principle for the following reasons:-

The size and shape of the proposed plot is insufficient to accommodate a dwellinghouse in keeping with the character of the existing residential area. The plot of land is located within an area of primarily detached dwellinghouses set within regular rectangular shaped plots of approximately 23 metres in width and

37 metres in depth giving an area of approximately 850 square metres. The existing dwellinghouse would have an overall area reduced from approximately 850 square metres to approximately 426 square metres. The proposed plot width for the new house would be only 12.9 metres and 37 metres deep giving an area of approximately 426 square metres which is 57% of the existing curtilage of No.15. This would result in a dwellinghouse which would appear to be too large for its plot and out of keeping with the character of the surrounding residential area. Consequently, the combination of the sub-division of the existing plot, the introduction of a detached dwellinghouse with a reduced frontage of 12.9 metres into a block of primarily detached dwellinghouses with 23 metre frontages would not integrate with its setting and, when juxtaposed with the existing detached dwellinghouses on larger plots, be visually discordant, visually intrusive and would have a detrimental impact on the character and amenity of adjoining properties and the wider street scene. This would be contrary to adopted Local Plan Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A which require that new development should integrate with its urban setting and should be compatible with its surroundings.

(Ref: Report by Head of Planning dated 14 February 2011, submitted)