

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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6 February 2012

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **MONDAY, 13 FEBRUARY 2012** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW: 91A PRINCES STREET EAST, HELENSBURGH, G84 7DQ**
 - (a) Notice of Review and Supporting Documents (Pages 1 - 64)
 - (b) Comments from Interested Parties
 - (i) Comments from Representee (Pages 65 – 66)
 - (ii) Comments from Planning Authority (Pages 67 - 80)
 - (c) Applicant's Response to Comments from Interested Parties (Pages 81 - 84)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Mary-Jean Devon Councillor Kinniburgh
Councillor Roderick McCuish (Chair)

Contact: Fiona McCallum Tel: 01546 604406

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

29 December
2011

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)
Name <input type="text" value="MR PEOPLES"/>	Name <input type="text" value="IAN MACLEOD"/>
Address <input type="text" value="91 A PRINCES"/>	Address <input type="text" value="2 KIDSON DRIVE"/>
<input type="text" value="STREET EAST"/>	<input type="text" value="HELENSBURGH"/>
<input type="text" value="HELENSBURGH"/>	<input type="text"/>
Postcode <input type="text" value="G84 7DO"/>	Postcode <input type="text" value="G84 8OA"/>
Tel. No. <input type="text"/>	Tel. No. <input type="text" value="01436 671807"/>
Email <input type="text"/>	Email <input type="text" value="ian.macleod.architect@googlemail.com"/>

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
(b) Date of Submission
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

91A, PRINCES STREET EAST
HELENSBURGH G84 7DQ

(6) Description of Proposal

ERECTION OF DWELLIGHOUSE
(IN PRINCIPLE)

(7)

Please set out the detailed reasons for requesting the review:-

SEE ATTACHED STATEMENT

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

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

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

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

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

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

No.	Detail
1	Planning Application Form
2	Report of Handling -- Application -- 11/00518/PPP
3	Refusal Notice -- Application -- 11/00518/PPP
4	Refused Plans -- Application -- 11/00518/PPP
5	Copy of Report and Refusal Notice by Dumbarton District Council on Application C. 7044 - 1983
6	Copy of Appeal Decision including Dumbarton District Council's case for refusal of Application C.7658 -- Appeal Ref. - P/PPA/SH/97 - 1987
7	
8	
9	

10	
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If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)

Ian Mac (Signature)
ARCHITECT
AGENT

Dated

22/12/2011

Important Notes for Guidance

- 1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review**
- 2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.**
- 3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/**
- 4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk**
- 5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT***
- 6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.**

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

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Issued by (please sign)

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Notice of Review Statement

**On the Delegated Refusal for the erection of a Dwellinghouse (in principle)
in Garden Ground of 91A Princes Street East Helensburgh Argyll and Bute G84 7DQ**

for Mr Peoples

91A Princes Street East Helensburgh G84 7DQ

Application Ref. – 11/00518/PPP

December 2011

Prepared by

Ian MacLeod Chartered Architect

2 Kidston Drive

Helensburgh G84 8QA

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1.0 Local Review Statement aims

This statement aims to fully illustrate to the Local Review Body that the proposal under consideration would -

- Have regard to the character and density of surrounding development and that the development layout and density would be effectively integrated with the existing streetscape/townscape setting and as such would constitute an acceptable density within this inner urban area.
- Be an acceptable development in relation to the existing development pattern.
- Not unacceptably erode the remaining open character of this existing property.
- Not constitute a dominant or obtrusive form of development within the area.
- Maintain the existing streetscape elements of the area.
- Not constitute a visually intrusive or discordant development to the detriment of the character of the residential area.
- Be in accordance with the provisions of the adopted Argyll and Bute Local Plan

2.0 Site Context

- 2.1 The site which is relatively flat is located within the curtilage of an unlisted traditional Victorian villa which has been converted into ground and first floor premises. The ground floor flat in which the appellant resides is designated as 91a, Princes Street East and the upper flat as 91b, Princes Street East.
- 2.2 The villa is located to the rear of the curtilage some 39 m. from Princes Street East.
- 2.3 The appeal site is located to the front of the existing villa. This front garden area is at present divided between the two properties with 91a having a garden area of some 860 sq.m. (some 760 sq. m. excluding the access driveway along the front of the property which serves 91c Princes Street East) and 91b a garden area of some 160 sq.m.
- 2.4 The site which is some 23m. in width by some 23.5m. in depth (some 540 sq.m.) is located within this front garden area associated with 91a Princes Street East as illustrated on the submitted plans. A footprint of the proposed dwellinghouse is shown on the submitted plans. This however is indicative at this stage as the application is in principle although it is proposed that this dwellinghouse be single storey in height.

- 2.5 The existing property at 91a Princes Street East would therefore have a reduced front garden area amounting to some 320 sq. m. It should be noted that this property also has a side/rear garden area of some 205 sq. m. which would remain unaffected by the proposal.
- 2.6 The front garden area associated with the upper property at 91b Princes Street East would remain as present and be unaffected by the proposal.
- 2.7 There are two other properties (91 and 91c Princess Street East) located to the rear of the area adjacent to the railway which take access from the shared access road off Princes Street East. These plot areas are unaffected by the proposal.
- 2.8 The site would therefore be bounded by –
 - a. To the south by the existing 1.8m. high stone wall which forms the boundary onto Princes Street East.
 - b. To the east by the boundary wall of the property at 97 Princes Street East.
 - c. To the north by the garden area associated with the lower property of the Victorian Villa.
 - d. To the west by the garden ground associated with the upper property of the Victorian villa across which is the common access road then a hedge on the boundary of the adjacent property.
- 2.9 Access to the property would be taken from a new driveway from Princes Street East located at the eastern end of the site adjacent to 97 Princes Street East.

3.0 History

- 3.1 As previously mentioned the existing Victorian villa has in the past been converted into two properties consisting of upper and lower flats.
- 3.2 Two dwellinghouses have been constructed to the west and east of the original Villa (91 and 91c Princes Street East) A further dwellinghouse has also been constructed to the east of the site under review adjacent to the main road (97 Princes Street East)
- 3.3 Planning Permission was refused in 1983 by Dumbarton District Council for the erection of a dwellinghouse on the site (Ref – C7044 – Production No. 5)
- 3.4 In 1986 planning Permission was refused by Dumbarton District Council for the erection of a dwellinghouse on the site (Ref – C7658)
This refusal was subsequently dismissed on appeal in 1987 (Ref – P/PPA/SH/97 – Production No. 6)
- 3.5 The planning application for the erection of a dwellinghouse (in principle) which is the subject of this review was validated by Argyll and Bute Council on 30th March 2011.
- 3.6 The application was dully considered and refused by delegated powers on 21st October 2011.
The reasons for refusal were –

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting. (Production No. 3)

3.7 This delegated refusal forms the basis of this review.

4.0 Appraisal of the Proposal

The following analysis is an appraisal of the proposal in relation to the spatial aspects of the area, the overall streetscape character, landscape elements, its compliance with Development Plan Policies, an evaluation of the points raised in the Report of Handling on the application and the Reasons for Refusal.

A. Spatial Analysis

1. Density

- a. The area which is predominantly residential is characterised by a wide range of house types including traditional villas, more modern detached and semi detached houses and tenement / flatted properties.
- b. The tenement / flatted properties have relatively small plots with a high urban density of between 100 – 120 dwellings per hectare.
- c. These tenement / flatted properties are located at the corner of Adelaide Street and the corner of George Street to the north of Princes Street East and also across this road to the south.
- d. Although these properties form part of the overall housing pattern of the area the site under review is more related to the housing pattern along the north of Princes Street East between the tenement blocks. This area can be assessed as being bounded to the south by Princes Street East, to the north by the railway

and to the east by 97 Princes Street East and to the west by 81 Princes Street East.

- e. Within this area there is a mixed pattern of development with some sub-division of plots which has taken place throughout the years.
- f. This area measure some 0.75ha (7500 sq.m.) and within it there are some 18 residential units. This relates to an overall density of around 24 dwellings per hectare.
- g. The addition of one house within this area would result in an overall density of 25 dwellings per hectare for the identified urban block.
- h. If we narrow the identifiable area within this block to the former curtilage of the original Victorian villa then this gives us an area of 0.325ha (3250 sq. m.) Within this curtilage area there are at present 5 dwellings resulting in a density of 15 dwellings per hectare
- i. The addition of one house within this area would result in an overall density of 18 dwellings per hectare for the identified curtilage.
- j. No single figure can be given as a correct net residential density, but the Sustainable Housing Design Guide for Scotland commissioned by Communities Scotland and published by the Government in 2000 indicated that – ‘Densities of 40-50 Dwellings Per Hectare should be easily obtainable without damaging residential quality in most circumstances - current suburban densities are 20 Dwellings Per Hectare or lower in many areas’.
- k. Considering these points made in this Design Guide the proposed density for the identified block of 25 dwellings per hectare is compatible with modern inner community living standards. As, is no doubt realised densities tend to be higher within inner areas of towns than the outlying suburban areas.
- l. Again considering these points made in this Design Guide the proposed density for the identified curtilage area of 18 dwellings per hectare is a fairly low density for inner urban areas and relates more favourably to out of centre suburban standards.
- m. The overall density of the area would therefore only be marginally increased by the proposal and would still be well within accepted spatial parameters for inner urban areas.
- n. The proposal therefore would respect the character and density of the surrounding area and the development density would reflect and be compatible with existing density standards within this inner urban area and be effectively integrated with the streetscape/townscape density setting.

2. Plot Sizes

- a. As stated there is a fairly varied pattern of development in the area on a wide variety of plot sizes.
- b. The tenement properties have shared rear gardens and due to their nature exhibit a high plot ratio of occupancy to amenity / garden area. As stated however the site in question really relates more to the development pattern along the area to the north of Princes Street East outwith these tenement areas.
- c. Within this area there are the following plot sizes –
 - 81, Princes Street East – Council Flats – 570 sq. m.
 - 24 and 26 George Street – semi detached houses (Rear lane access from George Street) 200 sq. m. per property.
 - 85, Princes Street East – detached house – 570 sq. m.
 - 83, Princes Street East – detached house – 495 sq. m.
 - 87, Princes Street East – detached villa – 975 sq. m. (this property would appear to be sub divided which could result in plot sizes of some 487 sq. m. although this has been difficult to ascertain on site)
 - 89, Princes Street East - detached villa – 1170 sq. m. (this property would appear to be sub divided which could result in plot sizes of some 585 sq. m. although this has been difficult to ascertain on site)
 - 91, Princes Street East – detached house – 425 sq. m.
 - 91a, Princes Street East – sub divided villa (the appellants property) – 1065 sq. m. – this would be reduced to some 525 sq. m. if planning permission is granted.
 - 91b, Princes Street East - sub divided villa – 450 sq. m. (including front garden area of 160 sq. m.
 - 91c, Princes Street East – detached house – 495 sq. m.
 - 97, Princes Street East – detached house – 450 sq. m.
- d. There is therefore as can be ascertained a wide range of plot sizes within this identified area with an average of around 420 – 440 sq. m. per plot.
- e. Even if we exclude the Council flats at 81, Princes Street east which form part of the identified area there is still a wide range of plot sizes within this identified area with an average of around 530 – 630 sq. m. per plot.

- f. If we were to restrict the area even further and only consider the curtilage of the existing villa this would give an average plot size within this curtilage of some 650 sq. m. This of course reflects the large area of existing garden ground owned by the appellant of some 1060 sq. m.
- g. If the proposed house were constructed on the site this would result in an average plot size of some 540 sq. m.
- h. The proposed plot size of some 540 sq. m. would therefore be compatible with the overall surrounding plot size pattern and would in fact be larger than around 60% of the plots within the larger identified area and 80% of the plots within the identified original curtilage of the villa.
- i. In the Report of Handling (Production No. 2 – Report of Handling) the Delegated Officer states – ‘Sites in the area exhibit differing densities some of which are compatible with the proposal’ and ‘Plot sizes in the vicinity vary and are generally larger than the proposed plot although there are a few of comparable or smaller size notably the two plots to the north of the site adjacent to the railway’. This as can be seen from the above analysis is not quite a true reflection of the overall density or plot size patterns as the proposed plot is compatible with the overall density of the area and would be larger than the majority of plots in the area.
- j. As illustrated on the submitted plans a modest dwellinghouse could be accommodated with adequate amenity area within the plot. That the size of the plot is adequate to accommodate a house has been recognised by the Delegated Officer in the Report of Handling which states – ‘the site is within the settlement boundary, is not within a Conservation Area and is big enough to accommodate a modest dwelling’.

B. Townscape

- 1. The surrounding Townscape is characterised principally by two elements. The first is a series of tenement / flatted blocks and the second a series of mainly detached dwellings.
- 2. To the south of Princes Street East there is a mixture of buildings with 2 to 3 storey high tenement / flatted properties and a single storey building used by the Red Cross.
- 3. The north side of Princes Street East in the vicinity again has 2 to 3 storey high tenement / flatted properties. These are situated at the corner of Adelaide Street and the corner of George Street and along with the railway to the north can be seen as defining the edge of what has previously been ascertained to be the wider urban block which relates to the proposal.
- 4. However, although as previously outlined these properties form part of the overall housing pattern of the area the site under review is more related to the housing pattern along the north of Princes Street East between these tenement

blocks. This area can therefore in Townscape terms be assessed as being bounded to the south by Princes Street East, to the north by the railway and to the east by No. 97 Princes Street East and to the west by No. 81 Princes Street East, the same area which was considered in the previous spatial analysis.

5. Within this area again there is range of house types including Council flatted property, two storey and single storey semi – detached and detached dwellinghouses of varying designs from traditional to modern.
6. Although it is difficult to ascertain the exact form of the original development at present the area is characterised by a degree of tandem development.
7. This aspect of tandem development is evident to the west end of the block where the property at No. 85, Princes Street East is located in front of No. 83, Princes Street East with this property taking access along the side of No. 85.
8. Further to the west there is also what could be considered tandem development in relation to No. 81 Princes Street East and the semi- detached properties behind although they are served by a rear lane from George Street.
9. To the east of the proposal No. 97, Princes Street East is in tandem with the property behind at No. 91c.
10. Again this sense of tandem development is reinforced by the garages at Nos.85 and 87 which are built in front of these properties onto Princes Street East.
11. The proposal under consideration would merely be adhering to this established pattern of development.
12. The proposal would be situated in the large front garden of 91a Princes Street East. The boundary of the plot however at its nearest point would be situated some 13m. from the existing properties to the rear. The house would be situated over 18m. from these properties which adheres to current window to window development standards. In essence these standards are similar if not greater than the distances between dwellings found throughout Helensburgh both in traditional buildings and new dwellings and housing estates.
13. It should be noted that at present there are no Policies within the adopted Local Plan which specifically indicate that tandem development is unsatisfactory and as such the inference is that tandem development (within site specific parameters such as overdevelopment etc) is considered an acceptable form of development in Helensburgh. Indeed there are numerous examples not only in the vicinity as outlined but throughout Helensburgh where tandem development has been considered acceptable.
14. The right of a view from a property is not considered under current Planning Legislation as a right. It is of course important to householders. At present long views from properties within the curtilage of the villa over the Clyde are restricted by the tenement properties across Princes Street East and the new house at No 97 Princes Street East, although this house is also viewed against

the backdrop of these tenements. If a new house was built on the proposed site it would also be viewed against the backdrop of these tenements. Views outwith the site down the existing access and Glenfinlas Street would be maintained. Notwithstanding these points it should however again be emphasised that the right to a view is not considered a material planning consideration. This of course would again apply to any views across Princes Street East from the tenements located to the south of this road.

15. Within the Report of Handling great emphasis is placed on the concept of an erosion of the open character of the area surrounding the site.
16. The following streetscape aspects should be considered in relation to this concept –
 - As previously illustrated there is a varied streetscape along Princes Street East and the openness to buildings has been largely restrained by other buildings fronting onto the road.
 - Approaching from the east along Princes Street East views into the existing villa are limited by the tenement properties and the new house to the east of the proposed site which fronts onto the road.
 - The views are again limited into the villa by the 1.8m boundary wall along Princes Street East.
 - From the east therefore the concept of an open character is severely limited by these physical elements.
 - From the west views into the area of the original villa will be maintained through the existing access which will remain and also across the area in front of Nos. 87 and 89 Princes Street East.
 - In this context therefore the erection of a house on the plot will not lead to an unacceptable diminution of the limited open aspect of the original villa.
 - From the south longer views from Glenfinlas Street will be maintained into the site due to the siting of the proposed dwellinghouse. As such there will be no appreciable loss of the limited open aspect in relation to the original villa from this area.
 - It is proposed to construct a single storey dwellinghouse. In this respect basically only the roof will be visible over the existing boundary wall onto Princes Street East. The mass and proportions of this roof when seen in perspective would not unacceptably lessen any sense of open character of the area when viewed from the limited confines of the adjacent road.
 - From the lower properties across Princes Street East there would be little change to the sense of any limited open character as the house would largely be contained behind the existing boundary wall and as such would not erode any considered open character to an unacceptable degree.

- From the upper flats across Princes Street East the proposed dwellinghouse would be seen in the wider context of development in the area mainly as a continuation of the existing building pattern. The limited open aspect of the villa would be maintained by views across the roof which in an urban context is acceptable. The introduction of a dwellinghouse on the site therefore would not in the overall context of the built up nature of the vicinity lead to an unacceptable loss of any limited open character.
17. As illustrated therefore, the construction of a dwellinghouse on the proposed site would not unacceptably erode any limited value of open character that remains in the vicinity. Also, due to its siting and location which would be largely screened by the existing wall would it form a dominant or obtrusive development and as such would not be detrimental to the overall streetscape of the area.

C. Landscape elements

1. The plot being garden ground is characterised by mainly shrubbery and a line of trees along the boundary of Princes Street East and another tree to the north of the site.
2. It is proposed to retain the tree adjacent to the existing access to the villa but the other three trees along the boundary wall onto Princes Street East would have to be removed to allow the construction of the dwellinghouse and associated access. It is also likely that the tree to the north of the site would also have to be removed but this would depend on the exact location of the proposed dwellinghouse.
3. These trees along the boundary with Princes Street East have been severely pollarded over the years and now are poor specimens having a misshapen and stump like appearance. This has resulted in a total loss of their visual and landscape function. Their appearance has been so diminished to the point that they now make no positive visual contribution to the landscape or townscape features of the area.
4. This assessment has been recognised by the Delegated Officer in the Report of Handling on the application when it is stated - 'Three mature trees could be compromised by the proposed house and access. Whilst the trees have value and the Council has a duty to protect good specimens I am of the view that their value is limited'.
5. It should be noted that as these trees are not located within a Conservation Area or covered by a Tree Preservation Order they could at any time be removed by the applicant without any recourse from the Council.
6. It is proposed to introduce new planting and landscaping in agreement with the Council as part of the overall development of the plot. As this application is in

principle these details would be provided with any subsequent application should permission be granted.

7. Boundary treatment would also be finalised in any subsequent application. It is proposed to retain the stone boundary wall fronting Princes Street East apart for the new access to the site. The boundary wall to the east would also be retained and new boundary treatment along the north and west could with agreement with the Council be either suitable fencing or hedging or a mixture of the two which would soften the aspect between the proposed house and the existing villa.
8. In essence therefore the removal of the poor trees on the site would not adversely affect the visual or landscape elements associated with the overall townscape and replacement planting would help to soften and integrate any subsequent development into the townscape.

D. Local Plan Policies

The following points are an appraisal of the proposal in relation to the relevant sections of the Local Plan Policies contained in the adopted Argyll and Bute Local Plan 2009.

1. Policy LP ENV 1 Development Impact on the General Environment - states that

In all development control zones, the Council will assess applications for planning permission for their impact on the natural, human and built environment, and will resist development proposals which would not take the following considerations into account, namely:

- The development is of a form, location and scale consistent with Structure Plan Policies STRAT DC 1 to 6;
- All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design.
- The relationship to the road and public transport network, means of access, particularly access for the physically impaired, emergency services, parking provision, and likely scale and type of traffic generation;
- The availability of infrastructure and relationship to existing community facilities;
- Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development.

Appraisal -

- Being located within the settlement boundary of Helensburgh the proposal for the erection of a dwellinghouse is in accordance with the provisions of Policy STRAT DC1 of the 2002 Structure Plan.
- As outlined previously in this report the proposal will restore and enhance landscape elements in the area.
- The proposal as indicated by the Area Manger Roads has a satisfactory access. Being located near the town centre it has a satisfactory relationship with existing roads and the public transport network, general infrastructure and community facilities.
- As outlined in this report the proposal is consistent with the relevant policies in the Argyll and Bute Structure and Local Plan.

Considering these points the proposal is compatible with the aims of Policy LP ENV 1 of the Argyll and Bute Local Plan.

2. Policy LP HOU 1 General Housing Development states that -

There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.

(B) There is a general presumption against housing development when it involves:

In the settlements:

1. large-scale housing development in small towns and villages and minor settlements;
2. medium-scale housing development in the minor settlements.

Housing Developments are also subject to consistency with other policies of both the Structure and Local Plan.

Appraisal -

- The proposal is for one dwellinghouse within the settlement boundary and as such does not constitute large or medium housing development.
- As outlined in this report the proposal is consistent with the relevant policies in both the Structure and Local Plans.

As there is a general presumption in favour of housing development within the settlement boundary for small scale development and there is as illustrated no unacceptable environmental, servicing or access impact and the development is consistent with the relevant policies in both the Structure and Local Plans the proposal conforms with the provisions of Policy LP HOU 1 of the Argyll and Bute Local plan.

3. Policy LP ENV 19 Development Setting, Layout and Design – states that

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide and the following criteria: -

- **Development Setting -**

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

Appraisal –

As illustrated in this report the proposal has taken account of and conforms to the development pattern in the area.

- **Development Layout and Density -**

Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area.

Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites shall be resisted.

Appraisal –

The proposal is, as outlined in this report consistent with the overall urban pattern and setting of development in the area. It is within the identified density parameters of the area and would not increase the overall density to an unacceptable level. The site as stated in the Report of Handling is capable in size of accommodating a dwellinghouse and as such along with the acceptable density ratio does not represent overdevelopment of the site. As also outlined in the Report of Handling there are no concerns of any overshadowing of adjacent properties from the proposal.

- **Development Design -**

The design of developments and structures shall be compatible with the surroundings. Particular attention shall be made to massing, form and design details within sensitive locations such as National Scenic Areas, Areas of Panoramic Quality, Greenbelt, Very Sensitive Countryside, Sensitive Countryside, Conservation Areas, Special Built Environment Areas, Historic Landscapes and Archaeologically Sensitive Areas, Historic Gardens and Designed Landscapes and the settings of listed buildings and Scheduled Ancient Monuments. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

Appraisal –

The application was submitted for the erection of a dwellinghouse in principle. As such there was no requirement to submit any detailed design drawings of the proposed dwellinghouse. The proposal is basically for a single storey modest dwellinghouse. The design of the dwellinghouse would be addressed during any subsequent planning application if approved and this design would respect and be compatible with the context and design of surrounding buildings.

Considering these points and the compliance with the criteria set out in Appendix A of this Local Plan and the Council's Sustainable Design Guide as illustrated in this report the proposal is compatible with the provisions of Policy LP ENV 19 of the Argyll and Bute Local Plan.

4. Policy LP TRAN 6 - Vehicle Parking Provision – states that

- Off-street car and vehicle parking shall be provided for development on the following basis:

Car parking standards

The car parking standards (including disabled parking) set out in Appendix C shall be applied to those specified categories of development.

Appendix C – Access and Parking Standards
Housing (Use Class 9) and Flatted Dwellings

- 1.5 spaces per 1 bedroom unit
- 2 spaces per 2-3 bedroom unit
- 3 spaces per 4 or more bedrooms

Appraisal –

Although the submitted plan illustrated an indicative footprint of a dwellinghouse it is envisaged that given the size of the plot up to 3 car parking spaces including garaging could be accommodated on the site. This would be compatible with car parking standards contained within Appendix C for a four bedroom dwellinghouse although as previously stated it is only proposed to erect a modest dwellinghouse on the site. It should also be noted that the Area Manager Roads raised no objections with regards to the illustrative parking arrangement.

Considering these points the site is capable of accommodating adequate off street parking provision and therefore the proposal is compatible with the standards of Policy LP TRAN 6 of the Argyll and Bute Local plan.

5. Appendix A – Local Plan

This section of the Local Plan sets out Sustainable Siting and Design Principles which should be considered and addressed in developments.

The relevant points in relation to this application under review are –

- **Landscaping and Boundaries:** Where privacy and amenity is important, built form should be screened or buffered from viewpoints (e.g. access ways) by using appropriate native planting. Existing planting and hedges should be supplemented and/or retained where possible. Hard-landscaping should be kept to a minimum and will work best when its colour is close to that of the local stone. Boundaries will either integrate a site into the landscape or alienate it. While the ideal of a dry stone dyke may not always be possible, the most unobtrusive alternative is post and wire fencing. Native hedging and/or vertical boarded fences may also be appropriate, but horizontal ranch-style fencing or block-work often appears to look very out-of-place. - and -
- **Landscaping :** Landscaping can significantly assist the integration of new development within the built or natural environment. Landscaping can take the form of soft or hard features and performs its function best when designed as an integral aspect of a new design.

Response –

As previously stated the application is for the erection of a dwellinghouse in principle. As such no specific landscape or boundary treatments were indicated. These would be detailed in any subsequent applications. It is however proposed as previously indicated to retain the stone wall fronting Princes Street East and the boundary wall between the property and the dwellinghouse to the east at 97, Princes Street East. It is proposed to enclose the boundaries of the site on the open garden ground to the west and north with either a suitably designed 1.8m. high vertically boarded fence or hedging or a mixture of both. Suitable replacement tree planting would also be integrated into the scheme. Hard landscaping would be kept to a minimum being basically used on the access driveway and any associated garden paths. All these landscape features would soften the aspect between the proposed house and the existing villa and the surrounding area. These landscape and boundary treatments could of course be appropriately conditioned if considered necessary by the Review Body if it is of the opinion that the proposal is acceptable in principle.

- **Parking:** Car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings. Other things to consider are services provision (power, telephone, water and sewerage) as well as proximity to community facilities and services (such as schools, shops or bus-routes).

Response -

The car parking area would be located to the front of the proposed dwellinghouse and behind the existing wall onto Princes Street East. It would be visually contained between the proposed dwellinghouse and this wall and as such would not constitute a dominant feature in the townscape. There is also adequate service provision to the site and proximity to community facilities and services.

- **Open Space/Density:** all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/ detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.

Response -

Although the proposal is in principle an indicative footprint of a dwellinghouse was included in the application. The proposed dwellinghouse and garage although as stated indicative measured some 138 sq. m. floor area. This represents some 25% of the plot. The useable private garden area would be some 340 sq. m. The plot therefore is capable of accommodating a modest dwellinghouse and maintaining private open space standards. This has been accepted by the Delegated Officer in the Report of Handling which indicates that the site is big enough to accommodate a modest dwelling. Again, if there is any concern over the size of the dwellinghouse the size of the house and plot ratio could of course be appropriately conditioned by the Review Body if it is of the opinion that the proposal is acceptable in principle.

- **Services:** connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.

Response --

There is adequate connection to all services.

- **Design:** The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

Response -

It is proposed to construct a single storey modest dwellinghouse on the site. This given the size of the site as previously outlined would compliment the pattern of adjacent buildings and plot densities. The exact design including finishing materials would be finalised in any subsequent applications but cognisance would be taken of the surrounding buildings and materials and the proposed house would be designed and finished to compliment the overall streetscape. Again, if there is any concern over aspects of the design or finishing materials suitable conditions could be appended by the Review Body if it is of the opinion that the proposal is acceptable in principle.

- **Design of New Housing in Settlements**

The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing

settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. Bullet points 1, 4, 5, 6 and 7 of section 3.1 can also apply here

As a general principle all new proposals should be designed taking the following into account:

- **Location:** new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.

Response -

As previously outlined the proposed siting of the dwellinghouse reflects the overall built form and established building patterns in the area.

- **Layout:** must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.

Response -

Again as previously outlined the proposed siting of the dwellinghouse reflects the overall built form and established building patterns in the area and is a compatible residential use. It has a southerly aspect which could maximise energy efficiency.

- **Access:** should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.

Response –

The Area Manager Roads has no objection to the proposed access.

- **Back-land Development**

Back-land development can be defined as new development behind a row or group of existing buildings. Access to such development is normally gained via a separate road from that serving the existing buildings, although joint accesses are sometimes possible.

Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the settlement's existing built character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.

Response -

The proposal does not constitute back land development. Notwithstanding this the proposed development as outlined reflects the development pattern of the area, maintains the privacy of adjacent properties and has an adequate separate access.

- **Overlooking**

Privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed. The use of windows that are taller than they are wide can greatly reduce problems of overlooking, particularly in built-up areas or where the road or footpath is close to the house.

The following standards have been successfully applied by the Council for many years and it is intended that their use will continue.

No main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres. Plans submitted with planning applications will be required to show the location of all adjoining properties and the exact position of their main windows. A distance of 12 meters is required between habitable room windows and gable ends or elevations with only non-habitable room windows. These standards may be relaxed where the angle of view or the design (i.e. use of frosted glass) of the windows allows privacy to be maintained. In some cases a condition may be attached to a planning consent withdrawing permitted development rights to insert new window openings.

Response -

Although the application is in principle the indicative plan submitted shows that a modest dwellinghouse can be positioned on the site to respect the above standards. In this respect the submitted plan indicates that the distance from the rear boundary to the existing villa is some 13m. and that the rear wall of the proposed dwellinghouse would be located in excess of 18m. from the villa. The front of the proposed dwellinghouse would also be located over 18m. from the properties across Princes Street East. Being located to maintain the existing building line along the eastern part of Princes Street East there will be no unacceptable direct overlooking from the property into adjacent dwellings or gardens. This point has been accepted by the Delegated Officer in the Report of Handling which states - 'It is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into adjacent properties' and - specifically in relation to the adjacent property to the east - 'Being situated to the west of 97 East Princess Street it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden'

- **Developments Affecting Daylight to Neighbouring Properties**

Householders can legitimately expect a reasonable amount of direct daylight into all or at least some living room windows, and this should be protected as far as possible in order to maintain reasonable levels of household amenity.

When considering a site for a new house, or an extension to an existing house, applicants should ensure that the house will not significantly affect daylight and direct sunlight to existing neighbouring properties. Applicants should refer to published standards "Site Layout Planning For Sunlight and Daylight" BRE 1991.

Where a proposed development has a significant adverse affect on daylight and direct sunlight to existing neighbouring properties planning permission will be refused.

Response -

The proposed dwellinghouse would as previously indicated be located on the existing building line along the eastern part of Princes Street East. Given this location and the prevalent sun path it is possible (subject to detailed design) that there could be a slight degree of shadow cast from the proposed single storey dwellinghouse over the gardens to the east and west. This however would cover possibly only a small part of these gardens at different times of the day and would be minimal and within the acceptable parameters expected in a built up area. The Delegated Officer has accepted that there would not be an unacceptable impact from loss of daylight or sunlight to adjacent properties in the Report of Handling which indicates that - 'Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from a single storey dwellinghouse'.

Considering the above points the proposal as can be ascertained as being in compliance with the Sustainable Siting and Design Principles contained in Appendix A of the Argyll and Bute Local Plan.

E. Argyll and Bute Council Design Guide

The Design Guide by its nature is more related to the detailed design of developments rather than the consideration of developments in principle. It also tends to concentrate more on the probable impact that developments could have on the rural and varied scenic qualities of the countryside in Argyll and Bute.

It does however contain some guidelines which are applicable to urban situations namely –

- **Small scale housing development** – The Design Guide indicates that - 'The site layout or siting of the building should be based on a considered response to the development pattern of settlements and buildings in the immediate area'.

Response -

As previously indicated the proposal has taken account of and is related to the broad development pattern and siting of adjacent buildings in the area.

- **Plot size and overlooking** - this section basically indicates that plot sizes should be in accordance with the area and capable of sustaining a dwellinghouse and that there should be no unacceptable overlooking of adjacent properties from any new developments.

Response -

These points have been evaluated in this report and as indicated the plot size is compatible with other developments in the area. It is of a sufficient size to accommodate a modest dwellinghouse and will not result in any unacceptable overlooking.

- **Massing, proportion and scale** – this section is more related to the detailed design of any development and indicates that the massing of a building on a site, its proportion and scale should reflect the surrounding area.

Response –

Although an indicative footprint of the proposed dwellinghouse was submitted it can be ascertained from this that the scale of the proposed dwellinghouse would be compatible with the overall massing and proportions relating to other buildings in the vicinity.

- **Character** – again this is more related to detailed design and indicates that new buildings should take account of and be sympathetic to the existing character of surrounding buildings and the general built format.

Response -

If the Review Body consider that the proposal is acceptable in principle then the design of any subsequent dwellinghouse will be discussed with the relevant Planning Officer to ensure that the design is complimentary to the overall character of this area.

- **Infrastructure and access** – this section indicates that all development should have adequate infrastructure and satisfactory access.

Response –

As illustrated in this report the development can utilise the existing infrastructure in the area and has satisfactory access.

- **Sustainable siting / settlement patterns** – this section indicates that development should reflect the broad pattern of existing development in the area in which it is situated.

Response -

As illustrated in this report the proposal takes cognisance of and reflects the broad pattern of development in the area.

- **Sustainable siting / prominence and visibility** - this section indicates that any development should where possible be integrated into the wider landscape and should not create a highly visible element within this landscape.

Response -

As illustrated the proposal will be seen as an integral part of the townscape and due to its siting and containment behind the existing boundary wall will not constitute a visibly discordant feature in the townscape.

Basically the Council's Design Guide requires that new development maintains and enhances the overall qualities of an area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting. In this respect as illustrated the proposal is compliant with these objectives and as such is in accordance with the broad guidance and objectives of the Design Guide.

5.0 Other material Considerations

1. Objections

It is understood that four representations were received with regards to the proposal.

The points raised and comments on these points are as follows –

- a. The proposed house would overlook the garden ground of 91b East Princess Street.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that – ‘This area is situated to the west of the proposed site and it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden’.

- b. An extra house would mean more vehicles using the existing access.

Comment –

It is proposed to construct a new access which would not result in additional traffic using the existing access. It is also noted from consultations on the proposal that the Area Manager Roads has no objection to the proposal.

- c. The existing house on the site is a Victorian villa and the new building will not be in keeping with and will detract from the Victorian style building.

Comment –

As expanded above the area is characterised by a wide mix of differing housing styles and it is proposed that the new house will be of an architectural style that would compliment the architectural elements of the existing villa and other surrounding housing.

- d. An extra dwellinghouse will create more noise in the vicinity during construction and from the residents.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that – ‘Excessive noise from premises is not considered a material planning consideration and can be monitored by other appropriate legislation’.

- e. The proposed house will block light and sun from the back garden of 97 East Princes Street.

Comment –

Again there is agreement with the Delegated Officer who stated in the Report of Handling that - ‘Being situated to the west of 97 Princes Street East it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from a single storey dwellinghouse’.

- f. The proposed house will reduce privacy to the back garden of 97 Princess Street East which is used extensively by the proprietor who has severe medical problems.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that – ‘Being situated to the west of 97 Princes Street East it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden’.

- g. The proposed garage will block light and sun to the front garden of 97 Princess Street East.

Comment –

Again there is agreement with the Delegated Officer who stated in the Report of Handling that – ‘Being situated to the west of 97 Princes Street East it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from the proposed development’.

h. The proposed house will increase overlooking of adjacent properties.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that – ‘It is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into adjacent properties’.

i. The proposed house will be overlooked by the tenement properties across Princess Street East.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that – ‘These properties are located some 18m. across Princes Street East which complies with guidance on window to window distances’.

j. There will be a loss of established trees.

Comment –

As outlined in the landscape assessment the trees are of poor quality and their removal would not adversely affect the overall townscape.

k. The bus stop will have to be moved to the front of 97 East Princess Street.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that - ‘There is adequate street frontage for the bus top to be relocated. This is outwith normal planning functions and will be coordinated by the Area Roads Manager and the appropriate bus operator’.

l. There are enough houses on the site and there is no need for additional houses in Helensburgh.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that - ‘Sites in the area exhibit differing densities some of which are

compatible with the proposal and each site is considered on its own merit with regards to compatibility with policies in the adopted Local Plan'.

m. The proposal will require a new access through the existing wall. The sight lines at this access are poor and the formation of an access will mean the loss of two parking spaces on the road.

Comment –

It is accepted there will be a new access through the existing wall. This wall is however not protected and will only be partially affected and the new opening with suitable gateposts will respect the traditional nature of the wall. The loss of on street parking spaces due to this new access will not, given the relatively low level of on street parking in the vicinity lead to unacceptable parking problems in the vicinity. It should also be noted that the Area Roads Manager has no objection to the proposal.

n. The proposal should be refused as it was in 1983 and 1987.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that - 'The application is considered under current Local Plan Policies in relation to the settlement pattern of the area'. The current Local Plan contains many policies that in essence diverge from older plans and are more compliant and up to date concerning pressures on modern communities.

o. Another property will place extra burdens on existing water and sewerage services.

Comment –

It is noted from the consultation replies that Scottish Water have no objections to the proposal.

p. The site already has two flats and two houses on it and another house will represent overdevelopment.

Comment –

As previously outlined in this report the area has a mixed density and the proposed plot is compatible in density terms and in size with other developments in the area. In these respects and others as previously outlined the proposal is compatible with the overall development pattern of the area and would not represent unacceptable overdevelopment.

q. The current proposal gives no indication of the height of the house and even a single storey house would look directly into the living room and bedroom of 91c East Princess Street.

Comment –

There is agreement with the Delegated Officer who stated in the Report of Handling that - 'The application is for a development in principle and as such there is no requirement to indicate the proposed height of the house. It is considered however that the site is only suitable for a single storey house and a condition is proposed to that effect'. As previously stated it is proposed to construct a single storey dwellinghouse and the applicant would have no objection to such a condition being attached to any subsequent planning approval.

The above comments illustrate that the objectors points can either be discounted or addressed in any subsequent application and that consideration of their objections should not outweigh the consideration of the application on its compliance with Local Plan policies.

2. Previous Applications / Appeal

- a. As previously indicated in the history and the Report of Handling relating to the application there have been two previous refusals for the erection of a dwellinghouse on the site.
- b. Planning Permission was refused in 1983 by Dumbarton District Council for the erection of a dwellinghouse on the site (Ref – C7044 – Production No. 5)
- c. At that time in 1983 Dumbarton Council considered that the application should be refused as – 'If approved the development would increase the density of dwellings on the site to an unacceptable level and would also establish a second layer of residential development which would establish a precedent for further equally undesirable development in similar locations'.
- d. In 1986 planning Permission was refused by Dumbarton District Council for the erection of a dwellinghouse on the site (Ref – C7658)
This refusal was subsequently dismissed on appeal in 1987 (Ref – P/PPA/SH/97 – Production No. 6)
- e. At that time in 1986 Dumbarton Council considered that the application should be refused as – 'If approved, the development would constitute an overdevelopment of the site and an unacceptable form of tandem development which could establish a precedent for equally undesirable development in similar locations'.
- f. These decisions were based on the overall provisions of policies extant at the time and principally those contained within the Dumbarton Council Local Plan No.1 which has since been superseded by other Local Plans and the current adopted Argyll and Bute Local Plan 2009.
- g. As illustrated in this report the proposed dwellinghouse would not increase the overall density of the area to an unacceptable degree and would be within the accepted density standards as existing throughout the area. Also, in this respect

as illustrated the site is accepted as being capable of accommodating a modest dwellinghouse and as such when considering this with the density criteria the proposal would not constitute overdevelopment of the site.

- h. The current Local Plan contains no policies which specifically prohibit second tier or tandem development. This is recognised by the Delegated officer who states in the Report of Handling that – ‘The two previous applications were refused on the basis that density would be increased to an unacceptable level and would also establish a second layer of residential development which would set an undesirable precedent. Current Local Plan policy is less concerned with second tier development, subject to certain Caveats’.
- i. The refusals in 1983 and 1986 also mention the concept of precedence. Precedent can be considered as a material planning consideration yet it refers to a somewhat restrictive circumstance in which a planning authority refuse planning permission because to grant it would likely lead to a proliferation of similar applications.
The mere fear of establishing a precedent or some general concern is not sufficient grounds for refusal as some evidence must exist before reliance on such grounds may be justified and there should be evidence in one form or another for similar development in the area to rely on precedence.
Decision making should rely on consistency and the provisions of the Development Plan and not on perceived precedent.
In practice each application should be solely considered on its own merits when there is no evidence led to indicate that there is any tangible precedent for similar developments in the area.
In the case of these previous refusals there was no tangible evidence led by the Council that any other similar applications out with this site had been received or were likely to be received or encouraged by these applications which would cumulatively erode the overall density standards or character of the area..
It should of course be noted that to date no other applications in the area for development outwith this site under review have been received by the Council. Precedent however has not been used as a reason for refusal in the current application under review.
- j. The proposal which was appealed in 1987 (Ref – P/PPA/SH/97 – Production No. 6) covered a slightly different site from the current site under review as although basically in the same position it extended up to the common entrance driveway to the west (a frontage of some 26m. by a depth of some 20m. – some 520 sq. m.) and as such included what is now amenity ground associated with the upper flat in 91a, Princes Street East.
- k. In his decision letter on the appeal the reporter indicated that – ‘ I consider the determining issues to be whether the back garden of the proposed bungalow would be large enough to accommodate the activities normally carried out in a back garden and if not what effect the proposal would be likely to have on the appearance and character of its surroundings’.

He duly considered that as the proposal would result in a relatively small back garden it would be to the detriment of the appearance and character of its surroundings and that this was the determining issue and the appeal was dismissed.

1. The current adopted Argyll and Bute Local plan contains standards for amenity garden areas for housing and indicates that - 'all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/ detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments'.
- m. As previously outlined under the open space /density considerations it is proposed that the dwellinghouse would not occupy more than 25% of the site with a resultant garden area of some 340 sq. m. This therefore would be consistent with the current policies / standards of the Local Plan.
- n. The reporter also was of the opinion that -
 - The resulting density in the area resulting from the construction of a dwellinghouse would not be unacceptably high.
 - That owners of other properties in the area do not have an inherent right of view.
 - That if the proposed house which was planned to face west was positioned to the south east corner of the site it would not intrude to a material extent into the view of the properties to the north of the site.

Note – As previously indicated it is considered that the proposed dwellinghouse would not intrude to an unacceptable degree into the views of these properties from the south along Princes Street East.

- The distances between the existing properties on the site and the proposed dwellinghouse would be greater than is found on many housing estates.
- The proposal would increase the risk of damage to the trees fronting the site and that this would be regrettable as these trees are a pleasing feature of the street scene.

Note – As previously outlined these trees are not protected and since the appeal decision the condition of the trees has substantially deteriorated to the extent that they now have little value in the streetscape. This view as has been previously stated is shared by the Delegated Officer in the Report of Handling on the application.

- o. In essence the Reporter did not totally dismiss the concept of a dwellinghouse on the site but considered the determining issue to be the resultant size of the

associated garden which in the application under review conforms with the standards contained within the current adopted Local Plan.

- p. These previous refusals and the appeal decision are material considerations. They should not however be considered as overriding material considerations as they were based on dated standards and policies which have been largely superseded by the standards and overall provisions of the 2009 Argyll and Bute Local Plan. As such their consideration should not outweigh the due consideration given to the policies and provisions of the current Development Plan.

6.0 Conclusion

- 6.1 From the above points and analysis it is ascertained that the proposal is consistent with the provisions of Policy STRAT 1 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP HOU 1, LP ENV 19, LP TRAN 6 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide.
- 6.2 The Planning Act indicates that - where in making any determination under that planning act regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 6.3 If it is considered that the proposal complies with the Development Plan and there are no adverse material considerations then planning consent should be granted.
- 6.4 As outlined above this proposal satisfies the overall provisions of the relevant policies of the Development Plan.
- 6.5 As the proposal complies with the relevant policies in the Development Plan and there are no adverse material considerations it is respectfully submitted that the proposal for the erection of a dwellinghouse (in principle) should be granted planning consent.

7.0 List of Productions

Production 1 – Planning Application Form

Production 2 – Report of Handling – Application – 11/00518/PPP

Production 3 – Refusal Notice – Application – 11/00518/PPP

Production 4 – Refused Plans – Application – 11/00518/PPP

Production 5 – Copy of Report and Refusal Notice by Dumbarton District Council on Application C. 7044 - 1983

Production 6 – Copy of Appeal Decision including Dumbarton District Council's case for refusal of Application C.7658 – Appeal Ref. - P/PPA/SH/97 - 1987

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	
Forename		Forename	IAN.
Surname	PEOPLES	Surname	MACLEOD
Company Name		Company Name	IAN MACLEOD
Building No./Name	91a	Building No./Name	CHARTERED ARCHITECT
Address Line 1		Address Line 1	2
Address Line 2	PRINCES ST. EAST	Address Line 2	KIDSTON DRIVE
Town/City	HELEWSPURGH	Town/City	HELEWSPURGH
Postcode	EH4 7DQ	Postcode	EH4 8QA
Telephone		Telephone	01436 671857
Mobile		Mobile	
Fax		Fax	
Email		Email	ian.macleod.architect@googlemail.com
3. Postal Address or Location of Proposed Development (please include postcode)			
91a PRINCES STREET EAST			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECTION OF DWELLING HOUSE IN PART OF THE GARDEN OF 91a PRINCES STREET EAST

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

[Empty box for temporary permission details]

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: [Empty box]

Date completed: [Empty box]

If yes, please explain why work has already taken place in advance of making this application

[Empty box for explanation of work]

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: G. HILDEKINDS

Date: MARCH '11

Ref No.: [Empty box]

SUBMIT APPLICATION

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

[Empty box for hectares]

Square Metre (sq.m.)

540 m² sq.

8. Existing Use

Please describe the current or most recent use:

GARDEN

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

- Yes, connecting to a public drainage network
- No, proposing to make private drainage arrangements
- Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

- Discharge to land via soakaway
- Discharge to watercourse(s) (including partial soakaway)
- Discharge to coastal waters

Please show more details on your plans and supporting information

- What private arrangements are you proposing?
 - Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
 - Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled. **OLD HEAVILY POLLARDED TREES 3M TO BE REMOVED**

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

SEE BIN STORE ON PLAN

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes No

If yes how many units do you propose in total?

/

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace? Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature: 

Name: IAN MACLEOD
CHARTERED ARCHITECT

Date: 25/3/2011

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

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

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00518/PPP

Planning Hierarchy: Local Application

Applicant: Mr Peoples

Proposal: Site for the erection of a dwellinghouse (In principle)

Site Address: Garden Ground of 91A Princes Street East, Helensburgh G84 7DQ

DECISION ROUTE

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

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse and formation of access (In principle)

(ii) Other specified operations

- Connection to public water and sewerage

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons stated overleaf.

(C) HISTORY: C 7044 – Erection of dwelling (outline) (Refused 31/8/1983)
C 7568 – Erection of dwelling (outline) (Refused 00/0/1987 and subsequent appeal dismissed)

(D) CONSULTATIONS: Scottish Water – letter dated 08.04.2011 – no objections
Area Manager Roads – memo dated 12.04.2011 – no objections subject to conditions

(E) PUBLICITY: None

(F) REPRESENTATIONS: Four representations were received from

Mrs. Maud Stevens 97, East Princess Street (letter received – 21 .4.2011)

Mrs Anne Begg 91, East Princess Street (letter dated - 27.04.2011)

Mr and Mrs J. Hall, 91c, East Princess Street (letter dated - 18.04.2011)

Jamie Everden – no address given (email - 19.04.2011)

The points raised and comments are as follows –

1. The proposed house would overlook the garden ground of 91b East Princess Street.
Comment – This area is situated to the west of the proposed site and it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
2. An extra house would mean more vehicles using the existing access.
Comment – The Area Manager Roads has no objection to the proposal.
3. The existing house on the site is a Victorian villa and the new building will not be in keeping with and will detract from the Victorian style building.
Comment – See assessment
4. An extra dwellinghouse will create more noise in the vicinity during construction and from the residents.
Comment – Excessive noise from premises is not considered a material planning consideration and can be monitored by other appropriate legislation.
5. The proposed house will block light and sun from the back garden of 97 East Princess Street.
Comment – Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from a single storey dwellinghouse.
6. The proposed house will reduce privacy to the back garden of 97 East Princess Street which is used extensively by the proprietor who has severe medical problems.
Comment - Being situated to the west of 97 East Princess Street it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
7. The proposed garage will block light and sun to the front garden of 97 East Princess Street
Comment - Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from the proposed development.
8. The proposed house will increase overlooking of adjacent properties.
Comment - It is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into adjacent properties.
9. The proposed house will be overlooked by the tenement properties across East Princess Street.
10. Comment – These properties are located some 18m. across Princes Street East which complies with guidance on window to window distances.
11. There will be a loss of established trees.
Comment – See my assessment.
12. The bus stop will have to be moved to the front of 97 East Princess Street.

Comment -- There is adequate street frontage for the bus top to be relocated. This is outwith normal planning functions and will be coordinated by the Area Roads Manager and the appropriate bus operator.

- 13. There are enough houses on the site and there is no need for additional houses in Helensburgh.**

Comment – Sites in the area exhibit differing densities some of which are compatible with the proposal and each site is considered on its own merit with regards to compatibility with policies in the adopted Local Plan.

- 14. The proposal will require a new access through the existing wall. The sight lines at this access are poor and the formation of an access will mean the loss of two parking spaces on the road.**

Comment – The Area Roads Manager has no objection to the proposal.

- 15. The proposal should be refused as it was in 1983 and 1987.**

Comment – The application is considered under current Local Plan Policies in relation to the settlement pattern of the area.

- 16. Another property will place extra burdens on existing water and sewerage services.**

Comment – Scottish Water have no objections to the proposal.

- 17. The site already has two flats and two houses on it and another house will represent overdevelopment.**

Comment – See assessment.

- 18. The current proposal gives no indication of the height of the house and even a single storey house would look directly into the living room and bedroom of 91c east Princess Street.**

Comment – The application is for a development in principle and as such there is no requirement to indicate the proposed height of the house. It is considered however that the site is only suitable for a single storey house and an condition is proposed to that effect.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: N
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- (iii) A design or design/access statement: N
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

- (i) 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.

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP HOU 1 – General Housing Development
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N

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

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

(N) Does the Council have an interest in the site: N

(O) Requirement for a hearing (PAN41 or other): N

(P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought in for the erection of a dwellinghouse and associated garage and access. The site is located within the front garden of 91a Princes Street East with a new access being formed onto Princes Street East. The site measures some 540 sq.m. Two previous applications for residential development have been refused in 1983 and 1987 respectively. The latter application was subsequently appealed and the appeal dismissed.

Plot sizes in the vicinity vary and are generally larger than the proposed plot although there are a few of comparable or smaller size notably the two plots to the north of the site adjacent to the railway. The proposed dwellinghouse and garage although indicative measure some 138 sq.m. floor area. This represents some 25% of the plot. The useable private garden area would be some 340 sq.m. The proposed plot at the nearest point would be located some 13m. from the existing housing to the rear. The pattern of development in Princes Street East is varied with some buildings being constructed in the area of ground fronting the street with other buildings occupying the rear areas. Immediately to the west of the site there are a number of large villas set to the back of the plots with ancillary development such as garages to the front.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that "Where, in making any determination under the planning Acts, regard is to be had to the

development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise." Section 37 (2) of the Town and Country Planning (Scotland) Act 1997 further states that "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

The two previous refusals on this site and the appeal decision are the key material considerations in this case. The two previous applications were refused on the basis that density would be increased to an unacceptable level and would also establish a second layer of residential development which would set an undesirable precedent. Current Local Plan policy is less concerned with second tier development, subject to certain caveats. Equally, the Reporter in the appeal decision was less concerned with the resultant density created by the previous proposal. His concern was whether the back garden of the proposed bungalow would be large enough to accommodate the activities normally carried out in a back garden, and if not what effect the proposal would be likely to have on the appearance and character of the area.

The conclusion was that the proposal would be to the detriment of the appearance and character of the area. The Reporter was also concerned about the impact of the proposal on existing trees on site. This is still an issue with the current application as three mature trees could be compromised by the proposed house and access. Whilst the trees have value and the Council has a duty to protect good specimens I am of the view that their value is limited.

In conclusion, the site is within the settlement boundary, is not within a Conservation Area and is big enough to accommodate a modest dwelling. However, overall I consider that the existing unlisted villa and its remaining curtilage still has streetscape value which would be lost if the development goes ahead. In policy terms it cannot be supported as it would not maintain or enhance the character of the area. In terms of material considerations the previous site history is crucial. It adds weight to the policy refusal and it is not considered that there has been a material change in circumstances that would merit approval.

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

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

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Howard Young

Date: 19/10/2011

Reviewing Officer:

Date:

Angus Gilmour

Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 11/00518/PPP

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

NOTES TO APPLICANT

1. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 25 March 2011 and the refused drawing reference number 2A.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 11/00518/PPP

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

N

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

N

-
- (C) The reason why planning permission has been refused.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services
Director: Sandy Mactaggart

Blairvadach Shandon Helensburgh G84 8ND

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 11/00518/PPP

Mr Peoples
Ian MacLeod Chartered Architect
2 Kidston Drive
Helensburgh
G84 8QA

I refer to your application dated 30th March 2011 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of dwellinghouse at Garden Ground Of 91A Princes Street East
Helensburgh Argyll And Bute G84 7DQ**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the reason(s) contained in the attached appendix.

Dated: 21 October 2011

Angus J. Gilmour
Head of Planning and Regulatory Services



REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 11/00518/PPP

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

NOTES TO APPLICANT

1. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 25 March 2011 and the refused drawing reference number 2A.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 11/00518/PPP

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

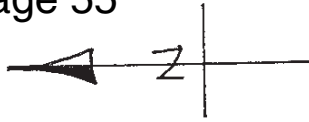
N

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

N

C) The reason why planning permission has been refused.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

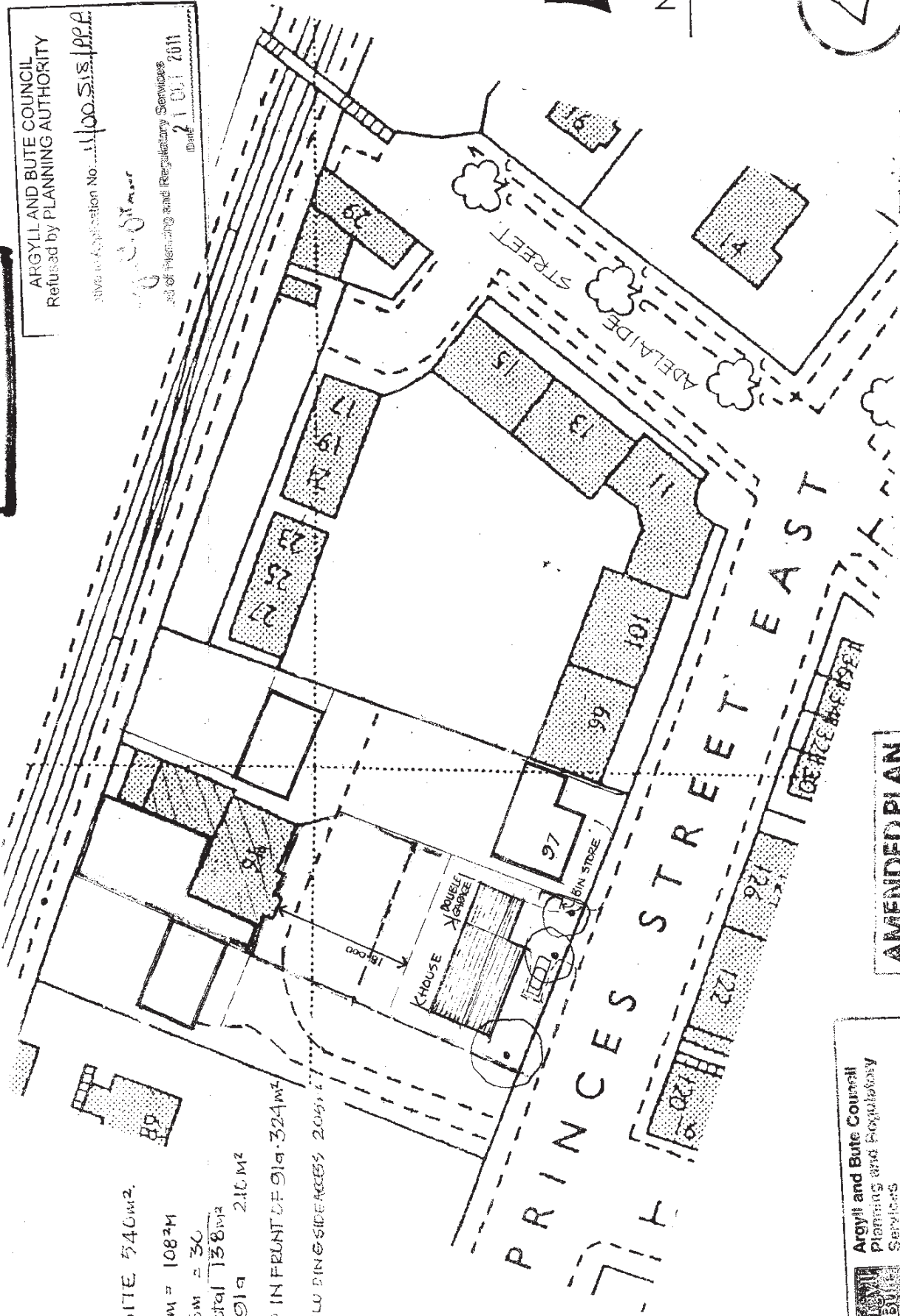


PRODUCTION N°4

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Application No. 11/00518/PPA

21 OCT 2011



PRODUCTION 5

NO. 10/1000

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS, 1947- 1977
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDER, 1981

DUMBARTON DISTRICT COUNCIL

Area: Dumbarton

To: The Director,
Dumbarton, Dumbarton Council,
80 Colquhoun Square,
Dumbarton.

In pursuance of their powers under the above-mentioned Acts and Order, the District Council hereby refuse to permit erection of two dwellings (Plot 1 & 2) at 91 East Victoria Street, Dumbarton (Dumbarton).

In accordance with the application, dated 11th May, 1981 and relative plans submitted to the Council, for the following reasons:

- 1. If approved the development would increase the density of dwellings on the site to an unacceptable level and would also establish a precedent for further residential development which would establish a precedent for further equally undesirable development in similar locations.

Dated this 11th day of May 1981

69 Glasgow Road,
Dumbarton

John Stone

Director of Planning and Development

DEVELOPMENT APPLICATION REPORT

Form 10

No. C.7044	Fee Paid £44. 00	O.S. No. H36 /302.5/822
Date 11.5.83.	Article 7(2) Expiry 25.5.83.	Delegated Date
Cert A	Acknowledged 17.5.83.	Committee
B.S.		Item No.

APPLICANT
 K. Markie,
 C/o MacLachlan, Stanton & Co.,
 22 Colquhoun Square,
 Helensburgh.

AGENT
 MacLachlan, Stanton & Co.,
 22 Colquhoun Square,
 Helensburgh.

SITE
 Aveland,
 51 East Princes Street,
 Helensburgh.

Type of Application
 Outline

Proposal Erection of one dwellinghouse.
 Plot B

Notice	Publication	Expiry Date	Newspaper	D.P. Policy/Proposal	Residential
Sect. 23				Listed Building	
Sect. 25/L.B.				Conservation Area	
Article 12				Tree Preservation Order	
N.I.D.				Previous Application	
Objections Received				None	

DETAILS OF DEVELOPMENT Erection of dwellinghouse in the front garden ground of existing villa. Permission has already been granted for a dwellinghouse on the east of the villa and an application has also been submitted for a dwellinghouse on the west side (C.7043)

Site Area	Density
-----------	---------

Recommendation/Reasons for Refusal/Attached Conditions

Refuse consent for the following reasons

1. If approved the development would increase the density of dwellings on the site to an unacceptable level and would also establish a second layer of residential development which would establish a precedent for further equally undesirable development in similar locations.

REPORT

There is already a new dwellinghouse under construction within the grounds of the same villa, and I have recommended approval of another dwelling within the grounds on the west side. An additional dwelling would introduce a fourth dwelling into an area measuring less than $\frac{1}{3}$ of an acre, which I feel is an overdevelopment of the site. This proposal is also for the front garden of the existing villa and would therefore introduce a tandem development which I feel is inappropriate and detrimental to the amenity of the other dwellings on the site and to adjacent properties.

I would therefore recommend that consent be refused for the reasons given above.

(Sgd.) Director of Planning & Development

Application No C.7658

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS, 1947-1984
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDER, 1981

DUMBARTON DISTRICT COUNCIL

To Messrs. Ferrier & Cleverly, per
Colin Robertson Graham and Partners,
13 Colquhoun Street,
Helensburgh.

In pursuance of their powers under the above-mentioned Acts and
Order, the District Council hereby **REFUSE TO PERMIT**

Erection of detached bungalow (Outline)
91 East Princes Street,
Helensburgh.

in accordance with the application, dated 06/02/86 and relative plans
submitted to the Council, for the following reasons:-

1. If approved, the development would constitute an over development of
the site and an unacceptable form of tandem development which could
establish a precedent for further equally undesirable development in similar
locations.

Dated this30th..... day ofApril,..... 1986

DEPARTMENT OF PLANNING & DEVELOPMENT,
69 GLASGOW ROAD,
DUMBARTON.

[Handwritten Signature]
.....
Director of Planning & Development

DUMBARTON DISTRICT COUNCIL

177

453

DIRECTOR OF ADMINISTRATION AND LEGAL SERVICES
J.N.S. MacEWAN, M.A., LL.D.



CROSSLET HOUSE,
ARGYLL AVENUE,
DUMBARTON G82 3NS
Telephone 65100

Your Reference C.7648

Our Reference 3115 SK.MP

If telephoning or calling please ask for

Miss S. Kerr Ext 215

27th August, 1987

James M. Webster,
Director of Planning and Development

F.A.O. Mr. K. Neeson

Dear Sir,

Town and Country Planning (Scotland) Act, 1972
Appeal: 91 East Princes Street, Helensburgh

I refer to the above Appeal and now enclose for your information a copy of the Inquiry Reporters decision letter.

Yours faithfully,

Director of Administration
and Legal Services.

RECEIVED
23 AUG 1987
DIRECTOR OF PLANNING
AND DEVELOPMENT





Scottish Office Inquiry Reporters

J S Traill Esq MSc FRICS MRTPI
Chartered Surveyor
Chartered Town Planner
51 Castlehill Drive
Newton Mearns
GLASGOW
G77 5LB

16 Waterloo Place
Edinburgh EH1 3DN

Telephone 031 556 9191
ext 3885
alternative ext 3904

Your ref
87/22

Our ref
P/PPA/SH/97

Date
20 August 1987

Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972: SECTION 33 AND
SCHEDULE 7
APPEAL BY MR R FERRIER AND MR J L CLEVERLY: BUNGALOW AT 91 EAST
PRINCES STREET, HELENSBURGH

1. I refer to your clients' appeal, which I have been appointed to determine, against the refusal of outline planning permission by Dumbarton District Council to build a one storied detached bungalow at 91 East Princes Street, Helensburgh. I held a public inquiry, which included inspections of the appeal site and its surroundings, into this matter on 24 and 25 June 1987.
2. The original curtilage of house No 91, a substantial 2 storied detached Victorian dwellinghouse known also as Aveland House, is within the built up area of Helensburgh, about 500m to the east of its town centre. It has a frontage of about 52m onto the north side of Princes Street, and is about 66m deep. The original house, which is now sub-divided into 2 self contained flats, is situated some 39m back from the front boundary of the site. Relatively new bungalows, 2 in number, have been built on either side of, and roughly in line with, the original house. Access is provided by a drive which enters the site near its south west corner, thence proceeding up the west side of the site before turning eastwards to pass in front of each of the 4 properties. A 1½ storied house, with access directly onto East Princes Street, has been built in the south east corner of the original curtilage. The appeal site is situated in front of the original house, between the 1½ storied house to the east and the shared drive to the west. It has a frontage of about 28m onto East Princes Street and is about 24m deep. Access to it would be off the shared drive.
3. The reason for the refusal of planning permission was "if approved, the development would constitute an overdevelopment of the site and an unacceptable form of tandem development which could establish a precedent for equally undesirable development in similar locations".
4. For the appellants the material points were that in accordance with advice given by central government planning permission should be granted for the appeal proposal unless the reasons for refusal were clear cut. The appeal site was larger than the sites of any of the other 5 houses built on the original curtilage, and indeed than plots on most modern housing developments. The appeal proposal conformed with policy H14 of the Dumbarton District Local Plan 2. Trees retained along the east and south boundaries of the appeal site, and the wall along the south boundary, would screen the appeal proposal from those aspects. Although the proposal would be seen from the bungalow in the north west corner

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of the original curtilage, its relationship with that house would be similar to that between the house in the south east corner of the original curtilage and the original house. In any case the north west bungalow faced down the drive towards the Firth of Clyde. Its occupant had no right to expect her views over the appeal site to be preserved. The proposal would not constitute tandem development as the bungalow could be orientated to face westwards. The drive would be comparable with a road on a housing estate serving houses on each side.

5. For the district council the material points were that the appeal site did not have an adequate road frontage. The proposed development would adversely affect the setting and character of the existing building, and would put at risk trees along the east and south boundaries of the appeal site. Although the appeal proposal itself would not constitute backland development, it would result in the original dwellinghouse becoming landlocked with no road frontage, and hence would be backland development. The appeal proposal would also adversely affect the outlook and the setting of the 2 bungalows and of the original 2 storey house along the rear of the original curtilage. In addition, the appeal proposal, with traffic passing along 3 of the 4 sides of the appeal site, would be overlooked from all sides. There was no need to release more land for housing in Helensburgh. If granted planning permission the appeal proposal would set a precedent for similar developments in other parts of the town.

6. For the objectors the material points were that by changing their grounds of appeal, submitting inaccurate plans and diagrams, and in omitting to notify all interested neighbours of the appeal proposal, the appellants had acted improperly and probably illegally. As there were already 5 separate dwellings on a site which originally accommodated only one house, the appeal proposal would constitute over-development. It would also be tandem development. It would increase the problems associated with maintenance of the drive and possibly overload sewerage within the site. Whichever way the proposed bungalow faced its back garden would be overlooked from other properties. In turn the appeal proposal would impinge on the privacy of other houses, adversely affecting their outlook and setting, and reducing their value. Aveland House, and the large open garden in front of it, was an important historic feature in this part of Helensburgh. Bungalows built on either side of the original 2 storey house were unlike the appeal proposal in that they did not adversely affect the outlook from other houses, nor were they overlooked from other properties. In such a cramped back garden trees along the east and south boundaries of the appeal site were unlikely to survive. There was no desperate shortage of sites for housing in or around Helensburgh.

7. From my inspection of the appeal site and its surroundings, and the representations made, I consider the determining issues to be whether the back garden of the proposed bungalow would be large enough to accommodate the activities normally carried out in a back garden, and if not what effect the proposal would be likely to have on the appearance and character of its surroundings.

8. I accept that the appeal site is larger than that of the 2 bungalows and of the 1½ storied house which have been built within the grounds of the original house, and that the density which would result from the building of the appeal proposal would not be unacceptably high. It is also well established that owners or occupants of property do not have an inherent right for their views or outlooks over other ground to be protected. In any case provided the appeal proposal was to be built towards the south east corner of the appeal site, as was suggested by you at the inquiry, it would not intrude into the view of the bungalow in the north west corner of the original site to a material extent, nor

J S Traill Esq

P/PPA/SH/97

20 August 1987

would it be seen from the bungalow in the north east corner, or impinge upon the view of Aveland House obtainable from the public footpath at the drive entrance. Also, although it would be clearly seen from the front rooms of Aveland House, as the distance between the 2 buildings would be greater than is found on many modern housing estates, I consider that this would not constitute a substantial objection.

9. However, in order to avoid the objections referred to by the district council and the objectors, and upon which I have commented in the previous paragraph, it would be necessary to locate the proposed development fairly near to the south east corner of the appeal site. This would result in a relatively small back garden being available to the occupants of the proposed bungalow, and in a temptation to carry out activities normally associated with a back garden in the front garden to the detriment of the appearance and character of the locality. This would be particularly regrettable on the appeal site as the front garden would occupy such an open and prominent position at the side of the drive serving the 4 dwellings at the rear of the site. In addition, although a condition or a tree preservation order requiring damaged or destroyed trees to be replaced could be imposed, the shortage of back garden space would increase the risk of damage to the trees, especially those along the south boundary of the site which would put much of the back garden in shade. This would be especially regrettable as these trees are a pleasing feature of the street scene and in the setting of Aveland House, and in the event of them needing to be replaced successors would take many years to grow to maturity.

10. I have given due consideration to all the other matters raised but they seem to me to be of insufficient weight to overbalance these views.

11. Accordingly, and in exercise of the powers delegated to me, I hereby dismiss this appeal.

12. The foregoing decision is final, subject to the right of any person aggrieved by this decision to apply to the Court of Session within 6 weeks from the date hereof conferred by sections 231 and 233 of the Town and Country Planning (Scotland) Act 1972; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1971 or of any orders, regulations or rules made under these Acts.

13. Copies of this letter have been sent to Dumbarton District Council and to other parties who made representations.

Yours faithfully

P. Bonsel

P BONSELL BSc ARICS MRTPI
Inquiry Reporter

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From: Everden Jamie []
Sent: 07 January 2012 15:07
To: localreviewprocess
Subject: FW: Intimation to Interested Parties of Receipt of Notice of Review

Attachments: Covering letter for interested parties.doc; Form AB3.doc

Dear Sir or Madam:

I refer to the attached planning application at 91 East Princes Street. I am unable to attend the hearing but I am strongly opposed to this planning application as it will overlook my garden ground and reduce significant amount of light on my garden. I have also checked the title deeds of the property which state;

- only a greenhouse or garden shed may be erected upon the garden plot, and even these must have permission.

As a trained property lawyer I would suggest that this proposal does not comply with the title deeds of the property.

I will be unable to attend the hearing but would like my concerns to be noted. If I need to submit these in a more formal way would you be able to let me know as soon as possible and I will arrange for my objections to be submitted in the correct form.

If you have any other queries please do not hesitate to contact me.

Regards,

Jamie Everden

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**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE)
AT GARDEN GROUND OF 91A PRINCES STREET
EAST, HELENSBURGH G84 7DQ**

PLANNING APPLICATION

REFERENCE NUMBER 11/00518/PPP

LOCAL REVIEW BODY REFERENCE 12/0001/LRB

18 January 2012

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mr Peoples ('the appellant').

The planning permission in principle application, reference number 11/00518/PPP, for the erection of a dwellinghouse at garden ground of 91A Princes Street East, Helensburgh, ('the appeal site') was refused under delegated powers on 21 October 2011. The planning application has been appealed and is subject of referral to a Local Review Body, reference number 12/0001/LRB.

DESCRIPTION OF SITE

The site is located within the front garden of 91A Princes Street East and measures some 540 sq.m. with a new access being formed onto the adjoining road.

SITE HISTORY

Two previous applications for residential development have been refused in 1983 (C7044) and 1987(C7568) respectively. The latter application was subsequently appealed and the appeal dismissed.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Argyll & Bute Council considers the determining issues in relation to the case are as follows:

Whether the proposal accords with Development Plan policy and whether there are any material considerations to outweigh these adopted policies. In particular, whether the proposed development maintains and enhances the residential area by ensuring that it has regard to the character of surrounding development and that development layout is effectively integrated with the streetscape/townscape setting.

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

COMMENTS ON APPELLANT'S SUBMISSION

The site is within the settlement boundary. In terms of the development plan, there is encouragement for infill development, especially in the main towns. However, such development must be appropriate. One measure of appropriateness is the impact on the built environment.

The report of handling sets out our position on issues of plot size, density and design. The appeal site is not within a Conservation Area and is big enough to accommodate a modest dwelling. Moreover, the area has a mix of house styles and plot sizes. Given these issues, will one more dwellinghouse make any difference?

Helensburgh is a mature settlement with limited opportunities for infill development. The risk is that town cramming can occur with houses shoe-horned into any potential gap site. Reference is made in the reasons for refusal to the issue and importance of streetscape. Streetscape is the term given to the collective appearance of all buildings, footpaths and gardens along a street. The streetscape is the visual identity of a neighbourhood and plays an important role in facilitating interaction between residents and creating a community.

Houses can be diverse in age, shape or style yet combine to create a community identity. At the same time, a development that is not sympathetic to the existing streetscape can significantly detract from the character of the neighbourhood.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. This will be lost if the development is permitted. The immediate neighbouring properties to the west of the site also have this open aspect which is considered worth preserving.

The importance of streetscape and of development that is both appropriate and fits in is reflected in the policy background contained in the adopted Local Plan. Whilst this has been covered in the report of handling it is worth reiterating a number of key points. Policy LP ENV 1 makes specific reference that development should protect, restore or where possible enhance the established character of the area. It also requires regard to be had to the location and nature of the proposed development.

The particular character and distinctiveness of the area in which the appeal site is located is its variety with a mix of plot sizes and house types and styles. That variety is not a justification for another dwellinghouse but for the retention of those elements which contribute to the existing character. As part of that distinctiveness the existing property at 91A and its curtilage with its open character has a value in terms of the immediate streetscape particularly in conjunction with the neighbouring properties to the west. This will be lost if the development proceeds. The loss of this area and its replacement with a dwellinghouse, access, hardstanding, fences and other associated suburban development will compromise any remaining amenity value, will be visually intrusive, visually discordant, and will not maintain or enhance the character of the area. Consequently, the proposal is not supported by Policy LP ENV 1.

Policy LP ENV 19 and Appendix A of the Local Plan take a similar line and put more flesh on the bones in relation to specific aspects of such proposals. They stress the importance of development setting and layout. Development with poor quality layouts including over-development should be resisted. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. The proposal is therefore also contrary to Policy LP ENV 19 and Appendix A.

The Council's 'Sustainable Design Guidance' gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design. In this case the application is for planning permission in principle and any issue in terms of design would be dealt with by a further application if the appeal is successful. However, the design guidance also highlights the importance of the need to integrate buildings into their setting. It is

easy to spot those buildings which are compatible with their settings and those which are not. For the reasons set out above, it is not considered that an additional dwellinghouse, shoe-horned into this site, will protect, restore or enhance the established character of the area.

As there is a clear lack of policy support for the proposed development, Section 25 of the Act also requires other material considerations to be taken into account, which may overcome the policy deficit. In this case, the site history is the key material consideration. Two previous applications for residential development have been refused in 1983 (C7044) and 1987(C7568) respectively. The latter application was subsequently appealed and the appeal dismissed. Whilst the Local Plan is different, the fundamental underlying concerns are the same. The importance of streetscape and of development that is both appropriate and fits in is still crucial. In that regard there has been little change in policy or circumstances that would support a different outcome from the three previous refusals. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. New development should maintain and enhance residential areas by ensuring that it has regard to the character of surrounding development and that development layout is effectively integrated with the streetscape/townscape setting.

The further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

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

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00518/PPP

Planning Hierarchy: Local Application

Applicant: Mr Peoples

Proposal: Site for the erection of a dwellinghouse (In principle)

Site Address: Garden Ground of 91A Princes Street East, Helensburgh G84 7DQ

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse and formation of access (In principle)

(ii) Other specified operations

- Connection to public water and sewerage

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons stated overleaf.

(C) HISTORY: C 7044 – Erection of dwelling (outline) (Refused 31/8/1983)
C 7568 – Erection of dwelling (outline) (Refused 00/0/1987 and subsequent appeal dismissed)

(D) CONSULTATIONS: Scottish Water – letter dated 08.04.2011 – no objections
Area Manager Roads – memo dated 12.04.2011 – no objections subject to conditions

(E) PUBLICITY: None

(F) REPRESENTATIONS: Four representations were received from

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Mrs. Maud Stevens 97, East Princess Street (letter received – 21 .4.2011)
Mrs Anne Begg 91, East Princess Street (letter dated - 27.04.2011)
Mr and Mrs J. Hall, 91c, East Princess Street (letter dated - 18.04.2011)
Jamie Everden – no address given (email - 19.04.2011)

The points raised and comments are as follows –

1. The proposed house would overlook the garden ground of 91b East Princess Street.
Comment – This area is situated to the west of the proposed site and it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
2. An extra house would mean more vehicles using the existing access.
Comment – The Area Manager Roads has no objection to the proposal.
3. The existing house on the site is a Victorian villa and the new building will not be in keeping with and will detract from the Victorian style building.
Comment – See assessment
4. An extra dwellinghouse will create more noise in the vicinity during construction and from the residents.
Comment – Excessive noise from premises is not considered a material planning consideration and can be monitored by other appropriate legislation.
5. The proposed house will block light and sun from the back garden of 97 East Princess Street.
Comment – Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from a single storey dwellinghouse.
6. The proposed house will reduce privacy to the back garden of 97 East Princess Street which is used extensively by the proprietor who has severe medical problems.
Comment - Being situated to the west of 97 East Princess Street it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
7. The proposed garage will block light and sun to the front garden of 97 East Princess Street
Comment - Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from the proposed development.
8. The proposed house will increase overlooking of adjacent properties.
Comment - It is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into adjacent properties.
9. The proposed house will be overlooked by the tenement properties across East Princess Street.
10. Comment – These properties are located some 18m. across Princes Street East which complies with guidance on window to window distances.
11. There will be a loss of established trees.
Comment – See my assessment.
12. The bus stop will have to be moved to the front of 97 East Princess Street.

Comment – There is adequate street frontage for the bus top to be relocated. This is outwith normal planning functions and will be coordinated by the Area Roads Manager and the appropriate bus operator.

13. There are enough houses on the site and there is no need for additional houses in Helensburgh.
Comment – Sites in the area exhibit differing densities some of which are compatible with the proposal and each site is considered on its own merit with regards to compatibility with policies in the adopted Local Plan.
 14. The proposal will require a new access through the existing wall. The sight lines at this access are poor and the formation of an access will mean the loss of two parking spaces on the road.
Comment – The Area Roads Manager has no objection to the proposal.
 15. The proposal should be refused as it was in 1983 and 1987.
Comment – The application is considered under current Local Plan Policies in relation to the settlement pattern of the area.
 16. Another property will place extra burdens on existing water and sewerage services.
Comment – Scottish Water have no objections to the proposal.
 17. The site already has two flats and two houses on it and another house will represent overdevelopment.
Comment – See assessment.
 18. The current proposal gives no indication of the height of the house and even a single storey house would look directly into the living room and bedroom of 91c east Princess Street.
Comment – The application is for a development in principle and as such there is no requirement to indicate the proposed height of the house. It is considered however that the site is only suitable for a single storey house and a condition is proposed to that effect.
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(G) SUPPORTING INFORMATION Page 74

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP HOU 1 – General Housing Development
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** N
-

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

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

(N) **Does the Council have an interest in the site:** N

(O) **Requirement for a hearing (PAN41 or other):** N

(P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought in for the erection of a dwellinghouse and associated garage and access. The site is located within the front garden of 91a Princes Street East with a new access being formed onto Princes Street East. The site measures some 540 sq.m. Two previous applications for residential development have been refused in 1983 and 1987 respectively. The latter application was subsequently appealed and the appeal dismissed.

Plot sizes in the vicinity vary and are generally larger than the proposed plot although there are a few of comparable or smaller size notably the two plots to the north of the site adjacent to the railway. The proposed dwellinghouse and garage although indicative measure some 138 sq.m. floor area. This represents some 25% of the plot. The useable private garden area would be some 340 sq.m. The proposed plot at the nearest point would be located some 13m. from the existing housing to the rear. The pattern of development in Princes Street East is varied with some buildings being constructed in the area of ground fronting the street with other buildings occupying the rear areas. Immediately to the west of the site there are a number of large villas set to the back of the plots with ancillary development such as garages to the front.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise." Section 37 (2) of the Town and Country Planning (Scotland) Act 1997 further states that "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

The two previous refusals on this appeal decision are the key material considerations in this case. The two previous applications were refused on the basis that density would be increased to an unacceptable level and would also establish a second layer of residential development which would set an undesirable precedent. Current Local Plan policy is less concerned with second tier development, subject to certain caveats. Equally, the Reporter in the appeal decision was less concerned with the resultant density created by the previous proposal. His concern was whether the back garden of the proposed bungalow would be large enough to accommodate the activities normally carried out in a back garden, and if not what effect the proposal would be likely to have on the appearance and character of the area.

The conclusion was that the proposal would be to the detriment of the appearance and character of the area. The Reporter was also concerned about the impact of the proposal on existing trees on site. This is still an issue with the current application as three mature trees could be compromised by the proposed house and access. Whilst the trees have value and the Council has a duty to protect good specimens I am of the view that their value is limited.

In conclusion, the site is within the settlement boundary, is not within a Conservation Area and is big enough to accommodate a modest dwelling. However, overall I consider that the existing unlisted villa and its remaining curtilage still has streetscape value which would be lost if the development goes ahead. In policy terms it cannot be supported as it would not maintain or enhance the character of the area. In terms of material considerations the previous site history is crucial. It adds weight to the policy refusal and it is not considered that there has been a material change in circumstances that would merit approval.

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

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

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Howard Young
Reviewing Officer:

Date: 19/10/2011
Date:

Angus Gilmour
Head of Planning & Regulatory Services

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

NOTES TO APPLICANT

1. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 25 March 2011 and the refused drawing reference number 2A.

Appendix relative to application 11/00518/PPP

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

N

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

N

-
- (C)** The reason why planning permission has been refused.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further subdivision of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council’s Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

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Response to the Statement of Case**By Argyll and Bute Planning Authority****On the Delegated Refusal for the erection of a Dwellinghouse (in principle)
in Garden Ground of 91A Princes Street East Helensburgh Argyll and Bute G84 7DQ****for Mr Peoples****91A Princes Street East Helensburgh G84 7DQ****Application Ref. – 11 / 00518 / PPP****Local Review Body Ref. – 12 / 0001 / LRB**

1. The Planning Authority have in their statement basically reiterated the points made in the original Report of Handling which were fully analysed in the previous Local Review Body appeal statement.
2. The following points however are made in relation to the statement.
3. The planning Authority has remarked that there is a risk of town cramming occurring.

As illustrated in the previous statement the proposed house plot would not increase the density of the area to an unacceptable level and the house plot is in itself larger in size than many other plots in the vicinity.

This density analysis was not challenged by the Planning Authority.

It is reiterated therefore that the proposed plot would not result in an unacceptable increase in the overall density of the area and that the plot in the proposed position would not constitute the cramming of a property into an unacceptable small plot to the detriment of adjacent properties or the area as a whole.

The proposal therefore has regard to the character and density of surrounding development and that the development layout and density is effectively integrated with the overall density of the area and the streetscape/townscape setting.

4. The Planning Authority maintains that the proposal will result in a loss of the open character of development in the vicinity.

As previously outlined in the Review Body Statement the character of the area is varied and is not dominated by a sense of openness.

It is maintained that as previously outlined that the proposal follows the townscape elements along Princes Street East which consists of a mixture of development including two tier development with houses being located behind other dwellings and buildings.

As also previously illustrated principal views into and from the site will be largely maintained and as such the development will be representative of the varied townscape of the area.

5. With regards to the previous appeal decision on the site the Planning Authority whilst accepting the current Local Plan has different policies maintains that the fundamental concerns are the same.

These differences are not expounded nor are the points made by the reporter recognised.

The reporter did not dismiss the concept of a dwellinghouse on the site but considered the determining issue to be the resultant size of the associated garden.

As outlined in the previous Notice of Review Statement the application under review now conforms with the standards contained within the current adopted Local Plan with regards to housing development.

6. With regards to the objection maintained by Mr Jamie Everden the following points are submitted

As far as can be ascertained from the correspondence forwarded or the Report of Handling Mr Everden has not submitted an address so it is difficult to respond to his points concisely with regards to the relationship between his property and the site.

However, the whole question of overlooking with regards to surrounding properties was fully investigated at the time of the application by the Planning Authority and as illustrated in the Report of Handling it was concluded that the proposal would not lead to any unacceptable overlooking of adjacent properties.

The points raised concerning possible restrictions on the Title Deeds of the property are legal points and as such are not material planning considerations in relation to determining this application.

7. Considering the above points and the original points made in the Local Review Statement it is maintained that the proposal complies with the relevant policies in the Development Plan and that there are no adverse material considerations.

It is respectfully submitted therefore that the proposal for the erection of a dwellinghouse (in principle) should be granted planning consent.

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1st February 2012

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