

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the  
COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD  
on TUESDAY, 12 DECEMBER 2017**

**Present:** Councillor Rory Colville (Chair)  
Councillor George Freeman Councillor Jean Moffat

**Attending:** Charles Reppke, Head of Governance and Law (Adviser)  
Fiona McCallum, Committee Services Officer (Minute taker)

**1. CONSIDER NOTICE OF REVIEW REQUEST: ERECTION OF DWELLINGHOUSE AND RELOCATION OF SEARCH AND RESCUE SHED AT LAND SOUTH OF 1 LOCHANDHU, TAYNUILT, ARGYLL (REF: 17/0010/LRB)**

The Chair welcomed everyone to the meeting. He advised that his first task would be to establish if the Members of the Local Review Body (LRB) felt that they had sufficient information before them to come to a decision on the Review.

Councillor Freeman confirmed that he had enough information before him to proceed to determine this Review de novo. It was noted that this was an appeal of a deemed refusal.

Councillor Moffat commented on the reference made about the search and rescue shed. She said she was not clear what the position was in respect of the shed as it appeared in the site plan but the Applicant's Agent had said that it no longer required to be part of the application.

Councillor Colville shared Councillor Moffat's concerns about the search and rescue shed. He commented that he also found the roads issue confusing. He noted that the Applicant's Agent had indicated that the road was in the ownership of the Applicant and that he would be able to address the requirements for visibility splays. Councillor Colville said that it was not clear to him where the pinch point was. He advised that it also was not clear what or where the ancient monument was.

Councillor Moffat referred to Historic Environment Scotland advising that they had no comment to make but their decision not to provide comments should not be taken as their support for the proposals and that the application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Councillor Colville said that it was clear to him that the Applicant considered this to be a redevelopment site.

Councillor Colville pointed out that the Applicant has stated that the visibility splays can be achieved. He said that it appeared to him that the Planners had not taken this on board. He noted that Roads were also asking for the road to be brought up to adoptable standards which the Applicant did not agree with.

Councillor Colville questioned why the Applicant did not have any pre application discussions with the Planners.

Councillor Colville referred to the reasons for refusal given for previous applications submitted by the Applicant to develop this site and commented that he believed these had been addressed in respect of the design of the house.

Councillor Freeman advised that it was his view that there was nothing within the paperwork before the LRB that would suggest the Planners have got it wrong.

Councillor Moffat confirmed that she too agreed with the assessment made by the Planners in their submission to the LRB. She commented that the paperwork provided by the Applicant was insufficient as far as she was concerned to justify the development. She referred again to the plans showing the relocation of the shed and the Applicant's Agent saying this was no longer required.

Councillor Freeman moved that the application should be refused for the reasons stated in the report of handling and this was seconded by Councillor Moffat.

## **Decision**

The Argyll and Bute LRB, having considered the merits of the application de novo, agreed by a majority that the application be refused for the following reasons:-

1. Having regard to the immediate settlement character of traditional dwellinghouses in single tier format, the proposal to erect a one-and-a-half storey dwellinghouse to the rear of the row of cottages at 1-4 Lochandhu is considered to represent unacceptable backland development and is inconsistent with the character of the surrounding townscape due to scale, siting, design and impact on adjacent dwellings. Additionally, the presence of habitable room windows on the side (north) elevation of the proposed dwellinghouse would result in overlooking of the adjacent cottages at 1-4 Lochandhu including their private rear garden areas with reduced privacy and visual amenity. The siting, scale and design of the proposed dwellinghouse and its detached garage would represent an incongruous element to the rear of existing traditional dwellinghouses that would not be in keeping with the traditional character of the surrounding area.

Accordingly, it is considered that the proposed development would not constitute acceptable infill, rounding off or redevelopment consistent with the established surrounding settlement character and is therefore contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment as identified in Scottish Planning Policy (June 2014); Planning Advice Note 67 - 'Housing Quality'; and to policies LDP STRAT 1, LDP DM1, LDP8, LDP 9 of the Argyll and Bute Local Development Plan (March 2015) including Supplementary Guidance (March 2016) policies SG LDP HOU 1 and SG2, all of which presume against the nature of the development proposed.

2. The inappropriate siting to the rear of traditional dwellinghouses coupled with an incongruous design on this site particularly with regards to the impact on the A-listed Terrace at 1-4 Lochandhu to the north would not enhance or preserve the setting or character of these historic buildings. The proposed dwellinghouse is not subordinate in form or design and is considered to have a negative impact on the existing surrounding traditional buildings within the Conservation Area.

The proposed development would not preserve and enhance the Scheduled Monument immediately adjacent to the application site where a one and a half storey dwellinghouse in such close proximity would erode its traditional setting.

Accordingly, it is considered that the proposed development does not respect surrounding dwellinghouses within Taynuilt Conservation Area. The submitted Design Statement is considered to be minimal in its description of the proposed dwellinghouse to fully recognise the impact that the proposed development would have on adjacent historic buildings and their settings. Additionally, the proposed development would not preserve and enhance the Scheduled Monument immediately adjacent to the application site where a one and a half storey dwellinghouse set in such close proximity would erode its traditional setting.

Accordingly, it is considered that the proposed development would not provide an appropriate or enhanced relationship with the surrounding traditional dwellinghouses, particularly 1-4 Lochanduh Cottages., Conservation Area and Scheduled Monument and is therefore contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment as identified in Scottish Planning Policy (June 2014); Scottish Historic Environment Policy 2014; and to policies LDP STRAT 1, LDP 3 of the Argyll and Bute Local Development Plan (March 2015) including Supplementary Guidance (March 2016) policies SG LDP ENV 16(a), SG LDP ENV 17, SG LDP ENV 19 and SG2, all of which presume against the nature of the development proposed.

3. The proposal to erect a further dwellinghouse to the rear of existing buildings served by a an unsuitable private access has the capacity to intensify an already congested area with lack of dedicated car parking spaces and shared access arrangements. It is considered that the existing unmade single track private road serving the application site is unsuitable for any further development unless commensurate improvements could be made.

Additionally, the proposed shared access to serve the proposed dwellinghouse could not meet the required sightlines of 42 metres in each direction from a 2.4 metre setback nor meet the required Roads specification for a minim access width of 3 metres.

Accordingly, it is considered that without commensurate improvements to bring the private road up to adoptable standards then the private access regime is considered to be unsuitable for additional vehicular traffic. The proposal is therefore contrary to the principles of sustainable development and improving existing sub-standard access regimes and contrary to policies LDP STRAT 1, LDP 11 of the Argyll and Bute Local Development Plan (March 2015) including Supplementary Guidance (March 2016) policies.

(Reference: Notice of Review and Supporting Documentation and Comments from Interested Parties, submitted)