

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**17/0010/LRB**

**Local Review for non-determination of planning application ref 17/01745/PP – Erection  
of dwellinghouse and relocation of search and rescue shed at land to the south of 1  
Lochanduh, Taynuilt**

**21<sup>st</sup> of November 2017**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ("the Council"). The appellant is Mr Tony Huntington ("the appellant").

Planning application ref 17/01745/PP for the erection of a dwellinghouse and relocation of a search and rescue shed at land to south of 1 Lochanduh was validated on the 18<sup>th</sup> of June 2017. The appointed officer has failed to give the applicant their decision within a period of 2 months after the validation date.

The applicant has consequently requested a Local Review Body against a deemed refusal of this application whereby the appointed officer has failed to give the applicant their decision within a period of two months after the validation date.

### **DESCRIPTION OF SITE**

The application site comprises land to the rear of 1-4 Lochandhu Cottages, a terrace of single storey traditional dwellinghouses and south of Bonawe Iron Works. The application site also extends eastwards beyond these cottages to the rear of 5-7 Lochandhu, a terrace of 3 one-and-a-half storey traditional dwellinghouses. The site is bounded to the south by a grazing field and reservoir associated with the iron works (refer below). The applicant owns land around the application site that includes 1, 3, 5 and 6 Lochandhu.

An existing shed is located within the application site to the rear of 3-4 Lochandhu and this is used by the local Search and Rescue Team as a storage shed.

The scheduled monument (SM90037) consists of the extensive and well preserved remains of the Bonawe Iron Works, founded in 1753. The core of the site includes the furnace building, (including the bridge house, bellows house and casting floor), charcoal sheds and the ore shed. The wider complex also includes the aqueduct bringing water from the River Awe, two blocks of workers' dwellings (with an associated area of rig and furrow), the manager's house, slag heaps, reservoirs, the stone pier on Loch Etive, the remains of stabling and an area of slag-built ridges to the E of Bonawe House. Included in the area is a standing stone of uncertain date.

The two reservoirs associated with the iron works form two further parts of the scheduled area. In both cases the protected area is defined as 10m out from the normal edge of the water. This gives one area around Lochandhu which is irregular in shape and measures roughly 130m N-S by 110m and a second area in the grounds of Bonawe House which is also irregular and measures roughly 60m N-S by 60m.

In addition to the Iron Works, blast furnace and store house, the Category A Listing (LB12180) includes workers' dwellings to the south-east of the iron works at 1-4 Lochandhu Cottages which are rubble part lime washed with slated roofs.

### **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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### **STATEMENT OF CASE**

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

- Whether the material considerations asserted by the appellant are sufficient to warrant the approval of planning application ref 17/01745/PP.

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

## **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is medium scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

## **COMMENT ON APPELLANT'S SUBMISSION**

It is considered that the Local Review statement does not present any justification which could over-ride the policy issues which have been raised with regards to the Countryside Zone designation of the site, impacts on the historic environment and inadequate access arrangements.

The appellant further argues that the vehicular access should not be required to be brought up to adoptable standards and states that the search and rescue operation has now been moved elsewhere off the site. It is alluded by the applicant that this displacement of the search and rescue shed would result in no increase in vehicular movements at this access.

### Comment:

The Area Roads Engineer has been consulted and has recommended that the proposed development is refused for the following reasons:

1. The private road is unsuitable for any further development until the road is brought up to an adoptable standard. There are already 20 dwellings located on the surfaced section with a further 10 on the dirt track section
2. Visibility splays measuring 42m x 2.4m in each direction at junction with the public road are not achievable.
3. The proposed driveway is too narrow. Minimum width approximately 2.5m against Roads spec of 3.0m or 3.7m (Drg SD 08/002a) from a point 13m or more from a private road.

As the sightlines cannot be achieved and the private road is considered to be unsuitable to serve additional dwellings, the proposed development is considered to be contrary to policies LDP 11 and SG LDP TRAN4.

It is considered that the surrounding area has existing parking and access problems. The introduction of a further dwellinghouse to the rear of existing dwellings with shared access arrangements would only exacerbate traffic and pedestrian safety issues.

Furthermore the description of the proposed development includes the relocation of the search and rescue shed and not for its removal. The removal of this shed does not form part of this proposal.

## **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.

Taking all of the above into consideration, it is considered that the proposed development has been appropriately assessed against the Council's Local Development Plan and Supplementary Guidance.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

## APPENDIX 1

### Argyll and Bute Council Development & Infrastructure 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

---

**Reference No:** 17/01745/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Tony Huntington  
**Proposal:** Erection of dwellinghouse and relocation of search and rescue shed  
**Site Address:** Land to the south of 1 Lochandhu, Taynuilt

---

### DECISION ROUTE

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

---

#### (A) THE APPLICATION

##### (i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Relocation of existing search and rescue shed
- Upgrade to existing vehicular access
- Provision of informal footpath

##### (ii) Other specified operations

- Connection to public water supply network
  - Connection to public drainage network
- 

#### (B) RECOMMENDATION:

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

---

#### (C) CONSULTATIONS:

Area Roads Oban	01.11.2017	Refuse
SNH	03.11.2016	No comments
Environmental Health	17.03.2017	No objections

Core Paths	06.09.2017	No objections
HES	28.07.2017	No comments
Taynuilt Community Council	13.11.2017	No objections
Scottish Water	02.08.2017	No objections

---

**(D) HISTORY:**

12/02027/PP

Erection of a dwellinghouse and detached garage, withdrawn 18/01.2013.

14/00539/PP

Erection of a dwellinghouse and detached garage, refusal issued 17.04.2017.

**(E) PUBLICITY:**

ADVERT TYPE:

Regulation 20 Advert Local Application

EXPIRY DATE: 17.08.2017.

A Conservation Area Site Notice was displayed on the site on the 4<sup>th</sup> of August 2017

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

- No representations received

**(ii) Summary of issues raised:**

- N/A

**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- |   |     |
|---|-----|
| <b>(i) Environmental Statement:</b>   | No  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No  |
| <b>(iii) A design or design/access statement:</b>   | Yes |

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

**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required: No

---

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No
- 

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

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

'Argyll and Bute Local Development Plan' (Adopted March 2015)

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design  
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 16(a) Development Impact on Listed Buildings;  
SG LDP ENV 17 Development in Conservation Areas and Special Built Environment Areas;  
SG LDP ENV 19 Development Impact on Scheduled Ancient Monuments;  
SG LDP ENV 20 Development Impact on Sites of Archaeological Importance;  
SG LDP HOU 1 General Housing Development Including Affordable Housing Provision;  
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems;  
SG LDP SERV 2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);  
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes;  
SG LDP TRAN 5 Off-site Highway Improvements;  
SG LDP TRAN 6 Vehicle Parking Provision;  
SG2 Sustainable Siting and Design Principles.

- (ii) List of all other material planning considerations taken into account in

**the assessment of the application, having due regard to Annex A of Circular 3/2013.**

National Planning Framework 3 (NPF 3) (June 2014);  
Scottish Planning Policy (SPP) (June 2014);  
Scottish Historic Environment Policy 2014;  
Applicants Supporting Information;  
Planning history;  
Views of statutory and other consultees;

---

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

---

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

---

**(M) Has a sustainability check list been submitted: No**

---

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

---

**(O) Requirement for a hearing : No**

---

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

This is a proposal seeking planning permission for the erection of a dwellinghouse and relocation of search and rescue shed at land to the south of 1 Lochandhu, Tahuilt. Planning permission ref 14/00539/PP has recently been refused on the 16<sup>th</sup> of February 2017 for the erection of a dwellinghouse and detached garage at the site. This refusal of planning permission was not appealed and this very recent planning decision should be afforded a significant amount of weight in the determination of the proposed development.

The current application site unit is identical to the application site unit as refused per 14/00539/PP. The proposed dwellinghouse would be sited on the same part of the site as was previously proposed. The existing search and rescue shed would also be relocated to the eastern part of the site as was previously proposed. This proposal does not make any provisions for a detached garage. The design of the previously proposed dwellinghouse was modern in appearance, displaying only traditional form in its shape and roof pitch. Elevations displayed random patterns of both horizontal and vertical window openings lacking any cohesion. The relationship of the windows at upper levels on the north elevation particularly appeared at odds with traditional surrounding housing. The previously refused dwellinghouse was considered to be incongruous on this particular site amongst traditional dwellinghouses and in particular with impact on the A-listed terrace at 1-4 Lochandhu to the north.

The previous refusal ref 14/00539/PP was refused for three reasons. The first reason was that the proposed development would represent unacceptable backland development being inconsistent with the character of the surrounding

townscape due to scale, siting, design and impact on adjacent dwellings. The proposed development did not constitute infill, rounding-off or redevelopment consistent with the established surrounding settlement character. The second reason for refusal was that the design of the dwellinghouse was not of the highest quality that would respect the surrounding dwellinghouses within the Taynuilt Conservation Area. Additionally it was considered that the proposed development would not preserve and enhance the Scheduled Monument immediately adjacent to the application site where such a modern dwellinghouse in close proximity would erode its traditional setting. The third reason for refusal was on the grounds that the private vehicular access serving the 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 2.4metre setback nor meet the required Roads specification for a minimum access width of 3 metres.

In the Argyll and Bute Local Development Plan, the application site is located outwith the key rural settlement of Taynuilt within the Countryside Zone and within the Taynuilt Conservation Area. The proposed development is within the vicinity of Bonawe Ironworks (Category A Listed building), 1-4 Lochandhu Cottages (Category A Listed buildings) and Bonawe Iron Furnace (a Scheduled Monument).

The current proposal seeks planning permission for the erection of a dwellinghouse at the same part of the site as previously proposed.

The application site comprises land to the rear of 1-4 Lochandhu Cottages, a terrace of single storey traditional dwellinghouses and south of Bonawe Iron Works. The application site also extends eastwards beyond these cottages to the rear of 5-7 Lochandhu, a terrace of 3 one-and-a-half storey traditional dwellinghouses. The site is bounded to the south by a grazing field and reservoir associated with the iron works (refer below). The applicant owns land around the application site that includes 1, 3, 5 and 6 Lochandhu.

An existing shed is located within the application site to the rear of 3-4 Lochandhu and this is used by the local Search and Rescue Team as a storage shed.

The application site would be served by Lochandhu Road which is a private surfaced road from its junction with the B845 Brochroy Road to the west. From that junction, Lochandhu Road is a private road which serves some twenty dwellinghouses until at a point some 500 metres to the west the private road becomes an unmade single track road which splits to serve the Iron Works to the north and Lochandhu to the south. From Lochandhu, the unmade single track road loops westwards to join the A85.

The site is overgrown with areas of infestation by Japanese Knotweed.

The scheduled monument (SM90037) consists of the extensive and well preserved remains of the Bonawe Iron Works, founded in 1753. The core of the site includes the furnace building, (including the bridge house, bellows house and casting floor), charcoal sheds and the ore shed. The wider complex also includes the aqueduct bringing water from the River Awe, two blocks of workers' dwellings (with an associated area of rig and furrow), the manager's house, slag heaps, reservoirs, the stone pier on Loch Etive, the remains of stabling and an area of slag-built ridges to the E of Bonawe House. Included in the area is a standing stone of

uncertain date.

The two reservoirs associated with the iron works form two further parts of the scheduled area. In both cases the protected area is defined as 10m out from the normal edge of the water. This gives one area around Lochandhu which is irregular in shape and measures roughly 130m N-S by 110m and a second area in the grounds of Bonawe House which is also irregular and measures roughly 60m N-S by 60m.

In addition to the Iron Works, blast furnace and store house, the Category A Listing (LB12180) includes workers' dwellings to the south-east of the iron works at 1-4 Lochandhu Cottages which are rubble part lime washed with slated roofs.

The site lies within the designated Countryside Zone wherein Policy LDP DM 1 gives encouragement to small scale sustainable development on appropriate infill, rounding off sites and redevelopment sites and changes of use of existing buildings. The site does not present an opportunity for any of these types of development. It is considered that the proposed dwellinghouse would result in unacceptable backland development for the reasons stated below.

Sustainable Siting and Design Principles policy provides additional detail to policy LDP 9 –

Development Setting, Layout and Design of the Adopted Argyll and Bute Local Development Plan and provides guidance on the design of new housing in the Countryside Development Management Zones.

3.1 In many places the Argyll and Bute landscape could be easily spoiled by careless development. If its uniqueness and beauty are not to be destroyed, the design and construction of new houses within this landscape must respect local identity and the environment. All new buildings and other structures should be designed taking the following advice into account.

*• Location: houses must be carefully located within the landscape to complement their surroundings and should make the minimum possible physical impact. Hilltop, skyline or ridge locations should be avoided for wind exposure and visual reasons.*

Comment: The proposed dwellinghouse would be located behind a small cluster of dwellinghouses at the end of the private road.

*• Siting: must respect existing landforms and development patterns, and the amenity of other dwellings. Southerly aspect and shelter should be maximised. Clues can often be gained from old houses as to the best orientation for a new building, relative to shelter and aspect.*

Comment: The proposed dwellinghouse would be located to the rear of a line of two residential terraces. The established settlement character is one of linear development along the private road. Whilst the nearby building line is staggered, the immediate character is of single tier development with dwellinghouses facing the private road.

The proposed dwellinghouse would be sited approximately 25 metres to the rear of 1-2 Lochandhu and capable of overlooking these properties and their private back garden areas. Windows from habitable windows on both ground and upper floor of the proposed dwellinghouse would have the capacity to overlook and reduce

privacy and amenity for the properties at 1-4 Lochandhu.

The proposed dwellinghouse design varies substantially to the design of the previously refused dwellinghouse at the site. The previously refused dwellinghouse was modern in appearance, displaying only traditional form in its shape and roof pitch. Whilst this design may be appropriate on another site, it is considered to be incongruous on this particular site amongst traditional dwellinghouses and in particular with impact on the A-listed terrace at 1-4 Lochandhu to the north.

The proposed dwellinghouse which is the subject of this application has a more traditional form and style. It would be one and a half storey in height with a 45 degree pitched roof. The south facing elevation would incorporate 2 wallhead dormers with a number of velux windows being installed into the roof planes. The north facing elevation would incorporate a projection which would run from below the eaves with a mono-pitched roof running the majority of the length of the dwellinghouse. The openings are set cohesively which helps to aid to the dwellinghouses balanced appearance. The roof would be finished with slate and the walls would have a natural stone finish. The proposed dwellinghouse would be more in keeping with the one and a half storey terraced row of houses to the north east of the site. The proposed dwellinghouse is still considered to be relatively incongruous on this site particularly with regards to the impact on the A-listed Terrace at 1-4 Lochandhu to the north.

It is proposed to form a vehicular access from an existing lay-by off of the A819. An area of permeable hardstanding for parking and deliveries is to be formed near the junction with the public road. The Area Roads Engineer has been consulted and has recommended that the proposed development is refused for the following reasons:

1. The private road is unsuitable for any further development until the road is brought up to an adoptable standard. There are already 20 dwellings located on the surfaced section with a further 10 on the dirt track section
2. Visibility splays measuring 42m x 2.4m in each direction at junction with the public road are not achievable.
3. The proposed driveway is too narrow. Minimum width approximately 2.5m against Roads spec of 3.0m or 3.7m (Drg SD 08/002a) from a point 13m or more from a private road.

As the sightlines cannot be achieved and the private road is considered to be unsuitable to serve additional dwellings, the proposed development is considered to be contrary to policies LDP 11 and SG LDP TRAN4.

It is considered that the surrounding area has existing parking and access problems. The introduction of a further dwellinghouse to the rear of existing dwellings with shared access arrangements would only exacerbate traffic and pedestrian safety issues.

It is proposed to connect to both the public water supply network and the public drainage network. Scottish Water has been consulted and has raised no objections. .

The issues which were present at the time of planning for the previous refusal at the site ref 14/00539/PP still remain. It is recognised that the design of the

proposed dwellinghouse at the site has been significantly altered to have a more traditional appearance. However, the proposed dwellinghouse is still considered to be relatively incongruous on this site particularly with regards to the impact on the A-listed Terrace at 1-4 Lochandhu to the north. The roads issues are paramount to this proposal and there is no change to the proposed access regime which could warrant the development of this site.

The applicant has submitted a design statement which does not address the main issues which are present at this particular site. It is considered that the design statement does not present any justification which could over-ride the policy issues which have been raised with regards to the Countryside Zone designation of the site, impacts on the historic environment and inadequate access arrangements.

In view of the foregoing, the proposal is considered to be inconsistent with the relevant policies contained in the Argyll and Bute Local Development Plan by virtue of unacceptable backland development, inappropriate siting and design of a one and a half storey dwellinghouse to the rear of existing traditional dwellinghouses with significant impact on surrounding amenity space and capacity to exacerbate existing access and parking problems. Improving the surface of the private road would not remove the fact that the proposal is considered to be inappropriate backland development within the Conservation Area, immediately adjacent to a Grade A Listed terrace and adverse impact on surrounding residential amenity.

The proposal is considered to be contrary to policies LDP STRAT 1, LDP DM1, LDP 3, LDP8, LDP 9, LDP 11 and to Supplementary Guidance policies SG LDP ENV 16(a), SG LDP ENV 17, SG LDP ENV 19, SG LDP ENV 20, SG LDP HOU 1, SG LDP TRAN 4 and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Proposed Local Development Plan.

---

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

---

**(R) Reasons why Planning Permission or Planning Permission should be refused:**

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 Lochandu 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 form 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 SG LDP TRAN 4, SG LDP TRAN 5 and SG2, all of which

presume against the nature of the development proposed.

---

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

N/A

---

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

---

**Author of Report:** Lesley Cuthbertson **Date:** 21.11.2017

**Reviewing Officer:** Tim Williams **Date:**

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## **GROUNDS OF REFUSAL RELATIVE TO APPLICATION REFERENCE \*17/01745/PP**

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 Lochandhu 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

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **16/01745/PP**

---

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

**No**

---

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

**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**