

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

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Reference No: 18/01500/PP  
Planning Hierarchy: Local Application  
Applicant: Mr and Mrs Michael Crowe  
Proposal: Erection of dwellinghouse and formation of access  
Site Address: Garden Ground of 34 Kirkton Road, Cardross, Argyll and Bute, G82 5PL

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## **DECISION ROUTE**

Local Government Scotland Act 1973

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### **(A) THE APPLICATION**

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

Erection of dwellinghouse and formation of access

#### **ii) Other Specified Operations**

Connection to existing public water main

Connection to existing public sewer

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### **(B) RECOMMENDATION:**

It is recommended that planning permission be approved subject to conditions.

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### **(C) HISTORY:**

18/00026/PP - Erection of dwellinghouse and formation of access – Withdrawn 16.07.2018

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### **(D) CONSULTATIONS:**

Roads Helensburgh And Lomond - 23.08.2018 - No objections subject to conditions  
Scottish Water - 11.07.2018 - No objections  
Scottish Environmental Protection Agency - 20.07.2018 - No objections  
Cardross Community Council - 24.08.2018 – Objects on loss of off-street parking spaces.

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### **(E) PUBLICITY: N/A**

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### **(F) REPRESENTATIONS:**

13 letters of objection were received

#### **i) Representations received from:**

**Objection**

Edward C Lee, No Address Given 31.07.2018  
Lorna J Lee, No Address Given 31.07.2018  
Marion & David Gray No Address Given 03.08.2018  
Mr Iain McCormick 9 Laggary Road Rhu Helensburgh 30.07.2018  
Mrs Marion McCormick 36 Kirkton Road Cardross  
Miss Alison McCormick 40 Kirkton Road Cardross  
Caroline Forbes 28A Barrs Road Cardross 09.08.2018  
Ritchie Marshall 28 Barrs Road Cardross 09.08.2018  
Susan Marshall 28 Barrs Road Cardross 09.08.2018  
Martha Hart 49 Barrs Road Cardross 09.08.2018  
Forbes Hart 49 Barrs Road Cardross 09.08.2018  
R D Forbes 28A Barrs Road Cardross 09.08.2018  
Mr R Phillips 32 Kirkton Road Cardross 30.07.2018

**ii) Summary of issues raised:**

Parking is an issue as this will take away off street parking spaces in an already congested area.

*Comment: The Area Roads Manager has no objections. It is noted that on street parking in this area, like many other residential areas in Argyll & Bute, is a constant source of neighbourhood concern. This proposal provides off-street parking for both the existing dwelling and the new dwelling and accords with the Council's local plan and supplementary guidance.*

We have problems with the drains being frequently blocked, a new house will add to this.

*Comment: Scottish Water has no objections.*

The safety of the nearby school children is a concern with all of the construction traffic.

*Comment: The Area Roads Manager has no objections on road safety.*

This new building will be out of character and not in keeping with the existing street.

*Comment: The new house will be similar in design and will be of a scale to match the existing dwellings. It is considered that it is in keeping with the existing area.*

The new house would take up a considerable area of land from house 34 adding further damage to the natural green area of Kirkton Road.

*Comment: This land is garden ground and is currently fenced off. There is a large area of green open space to the front of the terraces.*

There is an issue regarding ownership of land between houses number 34 and 38 Kirkton Road.

*Comment: Land ownership is not a material planning consideration.*

The house will look directly into my back garden (40 Kirkton Road) meaning a significant loss of privacy.

*Comment: 40 Kirkton Road is to the north of the proposal. The only window to the upper floor of this elevation is a hall window which is a non-habitable room, some 24 metres from the boundary. Therefore it is considered that there will not be a loss of privacy.*

This house will overshadow my garden (number 40 Kirkton Road) leading to loss of daylight.

*Comment: Number 40 Kirkton Road is 3 houses away from the development site. The proposed new building follows the building line of the existing terrace. The extension to the rear is single storey and will not have an effect on daylight.*

This is overcrowding and sub-dividing the plot will lead to a smaller garden area of the existing house which will reduce its desirability.

*Comment: It is not considered that this is overcrowding. The proposed dwellinghouse will be left with a garden larger than some of the gardens in the surrounding area and the existing dwelling will be left with a garden of comparable size to neighbouring properties.*

Houses to the rear will have an additional bedroom overlooking their properties/gardens.

*Comment: The ground floor windows are approximately 10 metres from the boundary. There is screening so there is no issue with loss of privacy from this window. The upper floor windows are approximately 14.5 metres from the boundary and another 20 metres to the dwelling. There is already a degree of overlook in this estate given the existing density. It is considered that any increase in overlook is minimal and within acceptable limits.*

This will set a precedent.

*Comment: Each application is judged on its own merits.*

I am the neighbouring property to number 34 and already have issues with access and my bins. This is going to be a nightmare.

*Comment: The Area Roads Manager has no objections. There will still be access for the bins to be taken out.*

This structure will directly overlook my back garden (number 36) meaning loss of privacy.

*Comment: There are no habitable room windows to the north elevation, which is the only elevation which could overlook number 36. The east elevation windows will not have a direct view into the garden since it is orientated north-east.*

The structure will overshadow my property (number 36).

*Comment: This revised application has moved the house in line with the existing dwelling and the two storey element to the rear has been removed and is now single storey. This will not have a significant impact on daylight to the neighbouring property given the existing situation and the high density of the surrounding area.*

The disruption this will cause will be severe and will affect me on a daily basis.

*Comment: Construction traffic is not a material consideration.*

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**(G) SUPPORTING INFORMATION**

- i) Environmental Statement:: Not Required
- 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

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**(H) PLANNING OBLIGATIONS**

None Required

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

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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.**

### Local Development Plan Policies

- Policy LDP DM 1 – Development within the Development Management Zones
- Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- Policy LDP 9 – Development Setting, Layout and Design

### Local Development Plan – Supplementary Guidance Policies

- SG LDP HOU 1 - General Housing Development Including Affordable Housing Provision
- SG LDP - Sustainable Siting and Design Principles
- SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 - Vehicle Parking Provision

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

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

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

No Pre-application consultation required

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

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

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**(O) Requirement for hearing (PAN41 or other):** The application has attracted 13 letters of objection together with an objection from Cardross Community Council. As such consideration has to be given to holding a hearing. The site is within the settlement boundary of Cardross where there is a presumption in favour of development subject to site specific criteria being met. Concerns have been raised regarding loss of off-street parking and road safety. However, the Area Roads Manager has indicated no objections subject to conditions. Objections have also been raised concerning impact on sunlight and daylight. This is a re-submission of a previous planning application (18/00026/PP) which was withdrawn. The current application seeks to address issues that were raised during the processing of the previous application with regards to daylight/sunlight. The two storey element to the rear has been replaced by a single storey extension and the house has been brought forward to be in line with the existing terrace. The parking arrangement to the front has been altered. The new house will stand alone rather than the upper floor being attached to the end terrace. The proposed plot is considered to be acceptable at this location and to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding properties or the wider area. Given the above it is not considered that a hearing would give any added value to the decision making process.

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

Planning permission is sought for the erection of a dwellinghouse at 34 Kirkton Road, Cardross. This is the garden ground of an end terrace comprising 4 ex-Local Authority dwellings. The site is within the settlement boundary of Cardross, where there is a presumption in favour of development subject to site specific criteria being met.

This is a re-submission of a previous planning application (18/00026/PP) which was withdrawn. The current application seeks to address issues that were raised during the processing of the previous application with regards to daylight/sunlight. The two storey element to the rear has been replaced by a single storey extension and the house has been brought forward to be in line with the existing terrace. The parking arrangement to the front has been altered. The new house will stand alone rather than the upper floor being attached to the end terrace.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. Within the area covered by the application site, the Development Plan currently comprises the Argyll and Bute Local Development Plan, adopted March 2015. The determining issues in the case are whether the proposal would accord with the Development Plan and, if not, whether there are any material considerations sufficient to outweigh the policies contained within this plan.

The existing dwellinghouse sits in a corner plot with a site area of 465 square metres, which is large in comparison with plot sizes in the surrounding area. The proposal is to sub-divide the plot, leaving the existing dwelling with a site area of 160 square metres and giving the new dwellinghouse a site area of 305 square metres. The newly formed plot will be more or less triangular in shape, with a frontage of 4.7 metres, widening to 17.5 metres at the rear. It is considered that a dwellinghouse, with a scale and density in keeping with the surrounding area can be accommodated on this plot whilst maintaining the character and amenity of the surrounding area and neighbouring properties.

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

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

Taking account of the above, it is recommended that planning permission be granted. The site is within the settlement boundary where there is a presumption in favour residential developments. The proposed plot is considered to be acceptable at this location and it is considered to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding properties or the wider area. It is therefore considered that the proposal is in accordance with Policies LDP DM1, LDP 3, LDP 9, LDP 11, SG LDP HOU 1, SG LDP - Sustainable Siting and Design Principles and SG LDP TRAN 6 of the Argyll & Bute Council Local Development Plan.

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

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**(T) Need for notification to Scottish Ministers:**

No

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**Author of Report:** Stephanie Spreng

**Date:** 27.08.2018

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**Reviewing Officer:** Howard Young

**Date:** 3.09.18

Angus Gilmour  
Head of Planning, Housing and Regulatory Services

## CONDITIONS AND REASONS RELATIVE TO APPLICATION: 18/01500/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 02/07/2018 and the approved drawing reference numbers 2339..11, 2339..12, 2339..13, 2339..14, 2339..15 and 2339..16 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the details on the approved plans, the dwellinghouse shall be finished in a render of a colour similar to that of the neighbouring terrace, details of which shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site.

Reason: In order to integrate the development with its surroundings.

3. The parking provision for the existing house shall be in place prior to commencement of construction of the proposed dwelling. The parking provision for the proposed house shall be in place prior to occupation.

Reason: In the interests of road safety.

4. The provision of surface water drainage is required to be installed at the low point of each driveway (heel of the public footway) to ensure that no surface water spills onto the public footway. Details of which shall be submitted to and approved in writing by the Planning Authority. These drainage channels shall be in place prior to occupation of the dwellinghouse.

Reason: In the interests of road safety and to stop surface water from cascading onto the public road.

5. The first 3 metres of the driveways/parking areas shall be surfaced in a bituminous material or other approved hard material as agreed in writing by the Planning Authority.

Reason: In the interests of road safety and to prevent loose material spilling onto the public footway.

## **NOTE TO APPLICANT**

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.



## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01500/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The site is within the settlement boundary of Cardross where there is a presumption in favour of development subject to site specific criteria being met. This is the garden ground of an end terrace comprising 4 ex-Local Authority dwellings.

#### **B. Location, Nature and Design of Proposed Development**

The existing dwellinghouse sits in a corner plot with a site area of 465 square metres, which is large in comparison with plot sizes in the surrounding area. The proposal is to sub-divide the plot, leaving the existing dwelling with a site area of 160 square metres and giving the new dwellinghouse a site area of 305 square metres. The newly formed plot will be more or less triangular in shape, with a frontage of 4.7 metres, widening to 17.5 metres at the rear.

The proposed new house would have a footprint of 67 square metres and will accommodate 2 bedrooms. The proposed new dwelling will follow the building line of the existing dwelling and from the front will be the same height, width and will have the same roof pitch. The proposed finish is facing brick. It is considered that this is not acceptable at this location and that the building should be rendered in a similar colour to the surrounding houses in order to integrate the development with its surroundings. A condition will be placed on the consent to this effect. It will have a single storey extension to the rear which will allow for a large kitchen. It is considered that the scale and design is acceptable and in accordance with the Local Development Plan.

There will be no windows to the south elevation and to the north elevation there will only be narrow hall windows, which are non-habitable and as such do not affect privacy. To the rear there will be patio doors leading to the garden area at ground floor level and at first floor level there will be a bedroom window. The ground floor windows are approximately 10 metres from the boundary. There is screening so there is no issue with loss of privacy from this window. The upper floor windows are approximately 14.5 metres from the boundary and another 20 metres to the dwelling giving a 35 metre window to window distance. There is already a degree of overlook in this estate given the existing density and it is considered that any increase in overlook is minimal and within acceptable limits.

There were issues in relation to loss of sunlight/daylight with the original application and these have been dealt with by the house being brought forward on the plot and in line with the existing terrace and for the two storey element at the rear being reduced to single storey. This takes away any impact on loss of light to the existing property and reduces any loss of daylight to surrounding properties garden areas. Although at some points in the day there may be a slight overshadowing in some areas of neighbours garden, this is within acceptable limits.

#### **E. Road Network, Parking and Associated Transport Matters**

A new vehicular access will be taken off of Kirkton Road. A monoblock driveway would be formed with parking for 2 cars. The Area Roads Manager has no objections to the proposal.

#### **G. Conclusion**

Taking account of the above, it is recommended that planning permission be granted. The site is within the settlement boundary where there is a presumption in favour residential developments. The proposed plot is considered to be acceptable at this location and it is considered to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding

properties or the wider area. It is therefore considered that the proposal is in accordance with Policies LDP DM1, LDP 3, LDP 9, LDP 11, SG LDP HOU 1, SG LDP - Sustainable Siting and Design Principles and SG LDP TRAN 6 of the Argyll & Bute Council Local Development Plan