

**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:** 19/00749/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr David Sloss  
**Proposal:** Alterations and Extensions to Dwellinghouse and erection of detached garage (Retrospective)  
**Site Address:** Wyndham, Drummore Road, Oban

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

- (i) Development Requiring Express Planning Permission**
- Extensions and alterations to dwellinghouse (retrospective)
  - Erection of detached garage (part retrospective)
- (ii) Other specified operations**
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**(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.

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**(C) CONSULTATIONS:**

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| Area Roads Authority | Response Received<br>02/05/2019 | No objections subject to a condition requiring parking and turning be provided for 3 vehicles. |
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|-----------------------------|--|--|
| Health and Safety Executive |  | Not consulted. Whilst the site is listed as being within the notifiable area for the Oban LNG storage of gas, the development undertaken is not considered to trigger the requirement for formal consultation. The proposal does not cause an increase to the population density living within this notifiable area, |
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being extensions and alterations to an existing dwelling, with the formation of a garage within the garden curtilage.

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**(D) HISTORY:**

14/01527/PP – extensions and alterations to dwellinghouse, formation of detached garage.

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**(E) PUBLICITY:**

Neighbour Notification  
EXPIRY DATE: 21.05.2019

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**(F) REPRESENTATIONS:**

**(i) Representations received:**

Representations in objection to this development have been received from;

Alex Carmichael, 8 Drummore Road, Oban 09.05.19  
Alistair Young, Ardlonan, Drummore Road, Oban 30.05.19  
A MacDonald, 6 Drummore Road 14.05.19  
Edwin Aitken, 2 Drummore Road, Oban 09.05.19

The objections are summarised as follows:

- “The pitch of the garage roof exceeds the original plans (as authorised by the 2014 Planning Permission 14/01527/PP). We feel it is not conducive to other buildings in the area”.
- “The structure is out of proportion with the surrounding buildings”.

**Comments:**

*The height and prominent position of the garage will in the opinion of the Planning Authority result in a structure which will be unacceptably visually dominant within the streetscene. The existing built development on the north side of Drummore Road accommodates the natural north to south sloping topography by being single storey development, set lower in the landscape and being generally oriented so as to minimise bulky built structures near to the road. The proposed garage structure does not pay appropriate regard to this established form of built development. The proposed garage is located in a prominent position very near to the road, and will be oriented with its ridgeline running east to west. As a result the additional height of the building will appear significantly more prominent and visually intrusive when viewed from the public road. This does reflect the context of the established built character of the area.*

- “There are an excessive number of power points indicated on the drawings which could indicate the use of the garage as a workshop or dwelling, hence the requirement for the large roof pitch”.
- “It seems clear the alterations will allow the applicant the opportunity to amend the building to provide living accommodation in the future, as they have seen fit to ignore previous planning permissions”.
- “The street can be congested with vehicles at times going up and down the road. If the use of the garage changes to an accommodation use or a workshop this would impact the local environment”.
- “The design layout of the dwelling allows potential for the property to be used for additional occupation / letting which will further increase parking and turning requirements for vehicles onsite. Such arrangements are not provided in the existing garden curtilage”.

**Comments:**

*The applicant has confirmed that the whole of the development, including the detached garage, is to remain their own family home. There are no intentions for the space to be used for any other purpose. The Planning Authority may only consider the application before it. Whilst the development, by nature of its design, may provide future opportunities for the owners, this is not a material planning consideration at this time. Any such development either constitutes deemed permission, as set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or would require the benefit of express planning permission, being the subject of a further planning application. The requirement for further onsite parking, in the event of a future planning application for accommodation use, would be a material planning consideration.*

- “A new boundary masonry wall has been erected to the side elevation, where it steps to the north end of the timber boundary fence. The boundary wall appears to be encroaching onto Ardlonan property”.

**Comments:**

*The applicant has stated that they own the land contained within the application boundary. Consideration of any boundary disputes are a civil matter, resolved outside of the planning process. Therefore, this is not a material planning consideration at this time.*

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |      |  |    |
|------|--|----|
| (i)  | <b>Environmental Statement:</b>  | No |
| (ii) | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No |

(iii) **A design or design/access statement:** No

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

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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

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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 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 14 – Landscape  
SG LDP TRAN 6 – Vehicle Parking Provision  
SG LDP ENF – Enforcement Action

Sustainable Siting & 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.**

- Third party representations
  - Scottish Planning Policy (SPP)
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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 the subject of statutory pre-application consultation (PAC):** No

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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 a hearing:** No

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

Planning permission Reference 14/01527/PP was granted on 3 October 2014 for alterations and extension to dwellinghouse and erection of detached garage at Wyndham, Drummore Road, Oban, a detached dwellinghouse situated within a well-established residential area of Oban.

However, the scheme constructed on site is materially different to that approved under the aforementioned planning permission with changes to the internal layout of the extended dwellinghouse and to the roof design of both the dwellinghouse and detached garage.

As the works undertaken on site are materially different to those granted planning permission, the Planning Authority is of the view that the works undertaken are unauthorised and unlawful with the current application seeking to regularise the situation.

Prior to its extension the dwellinghouse was a simple hipped roof bungalow with a small flat roofed extension to its east elevation. The approved extensions and alterations to the dwellinghouse referred to above included a more steeply pitched roof with an adjoining flat roofed element which was considered at that time to be in keeping with the character and appearance of the existing dwellinghouse and the wider streetscene.

The subsequent unlawful changes to the approved design (forming part of this current application) incorporate a greater use of the hipped roof along the southern elevation (with the removal of part of the previously proposed flat roof) along with other minor internal layout changes and the introduction of an additional set of French doors to the north elevation. Whilst the changes are at variance with the previously approved planning permission, and require the benefit of planning permission, they are considered to be acceptable and do not detract from the appearance of the dwellinghouse or its setting within the wider streetscene consistent with the provisions of the current Development Plan.

However, the changes to the scale and design of the previously approved detached garage are not considered to be acceptable. The original planning permission showed a 6 metre x 6 metre detached double garage located within the garden ground of the dwellinghouse sited adjacent to Drummore Road with an overall ridge

height of 3.7 metres.

Whilst the footprint and wallhead height of the garage remain largely unchanged, the roof pitch has been increased steeply resulting in a ridge height of approximately 5.3 metres representing an increase in 1.6 metres from the approved ridge height of 3.7 metres. The orientation of the roof has also been changed from a north-south axis to an east-west direction parallel with Drummore Road.

The applicant has provided no explanation of why he has built a development which fundamentally differs from the previously approved details. In his submitted 'General Supporting Statement' it is mentioned that the applicant considers the garage to be positioned within his rear garden ground. This is not correct; the garage has been constructed in front of the principle elevation of the dwellinghouse fronting Drummore Road and clearly and unequivocally requires planning permission.

The applicant has indicated that the raised ridgeline and steeper roof pitch is so that he might use the additional roof space so created for purposes incidental to the enjoyment of the dwellinghouse, particularly for storage and/or an area for family recreation. The planning authority notes however that no internal or external stair is shown on the submitted drawings and must therefore question how the enlarged roof space will be accessed.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the site is located within the main settlement of Oban where Policy STRAT 1 and LDP DM 1 give a general encouragement to acceptable forms of development on appropriate sites. Policies LDP 3, LDP 9 and SG 2 require development be sited and positioned with due regard to their context, and that their built form integrates with the character and setting of existing built development and the wider landscape context. SG 2 provides specific comments on garages stating that they are useful structures but that their scale, design and materials should complement the dwellinghouse and not dominate it or detract from its amenity or the amenity of the surrounding area and properties.

The site is within an area characterised by a varied mix of architectural styles and finishing materials, but what is evident is that garages/outbuildings serving the dwellinghouses are generally small, single storey structures subordinate to the dwellinghouses they serve and generally no higher than 4 metres in height.

In this instance it is considered that the proposed height of the garage, together with its orientation, is contrary to the established pattern found within the wider streetscene resulting in the introduction of an overbearing, prominent structure directly adjacent to the public road with no opportunity for any screening or mitigation to help soften its impact. It is considered that the visual prominence of the garage, in particular its height, is contrary to the SG set out above, and when viewed from Drummore Road appears more dominant than the dwellinghouse itself.

The statement submitted in support of the application sets out that, once the finishing materials of the garage are in place, the structure will appear more recessive and integrate better within the site. However, in this instance, given the height and prominent location of the garage, it is not considered that finishing materials will be sufficient to offset the significant visual impact to the streetscene resulting from the proposed garage in its current form.

The applicant has cited other examples of garages in Oban which are also steeply



## **REASONS FOR REFUSAL OF APPLICATION REF. NO. 19/00749/PP**

1. The garage, by virtue of its height and orientation, is an incongruous, overbearing feature within the curtilage of the dwellinghouse detrimental to its setting and detrimental to the wider visual amenity of this primarily residential area within which it is located in terms of size, scale and design.

The proposal is contrary to the provisions of Policies LDP 3 and LDP 9 and SG 2, SG LDP ENV 13 and SG LDP ENV 14 which collectively seek to resist developments which dominate the existing building or surrounding area by way of size, scale, proportion or design and which have a detrimental impact on the amenity of the wider area.

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **19/00749/PP**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**

**If Yes: The terms of the Section 75 obligation may be viewed on the Council's website at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk) by recalling the application reference number on the Council's Public Access Module and then by "Clicking" Section 75 Obligation under the attached correspondence or by viewing the Public Planning register located at Planning Services, Dalriada House, Lochgilphead, Argyll, PA31 8ST.**

- (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. **No**

- (C) The reason why planning permission has been Refused:

See reason for refusal above

**CHECK SHEET FOR PREPARING AND ISSUING DECISION**

|                          |                                |
|--------------------------|--------------------------------|
| Application Number       | 19/00749/PP                    |
| Decision Date            | 21.11.19                       |
| <b>Issue Latest Date</b> |                                |
| Decision                 | Approved subject to conditions |

Date signed by ATL

| Don't Issue Decision               | Tick if relevant | Action (tick) | Date sent |
|------------------------------------|------------------|---------------|-----------|
| Notification to Scottish Ministers |                  |               |           |
| Notification to Historic Scotland  |                  |               |           |
| Section 75 Agreement               |                  |               |           |
| Revocation                         |                  |               |           |

| <i>Issue Decision</i> ✓ |                           | <i>Tick</i> | Standard Conditions/Notes to include |            |                |  |  |
|-------------------------|---------------------------|-------------|--------------------------------------|------------|----------------|--|--|
| <i>Tick</i>             | <i>Dev/Decision Type</i>  | Time Scale* | Initiation                           | Completion | Display Notice |  |  |
|                         |                           |             | Only use if PP/AMSC & Granted        |            |                |  |  |
|                         | Local – Sch.3 – Delegated |             |                                      |            |                |  |  |
| Y                       | Local – Delegated         |             | ✓                                    | ✓          |                |  |  |

\*standard time condition not required if application retrospective.

| Include with Decision Notice         |   |
|--------------------------------------|---|
| Terms of Section 75                  |   |
| Summary of Variations made           |   |
| Notification of Initiation Form      | Y |
| Notification of Completion Form      | Y |
| Notice for Display                   |   |
| Roads Schedule/standard drawing      |   |
| Archaeology Guidance                 |   |
| Scottish Water Consultation response |   |
| Pre-commencement conditions sheet    |   |
| Other:                               |   |

| Notify of Decision               |  |
|----------------------------------|--|
| Objectors/Contributors           |  |
| Roads                            |  |
| Ongoing Monitoring – priorities: |  |
| Other:                           |  |

| Total residential units FP3 (uniform) |  |            |  |
|---------------------------------------|--|------------|--|
| Houses                                |  | Sheltered  |  |
| Flats                                 |  | Affordable |  |