

Ref: AB1

ARGYLL AND BUTE COUNCIL

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OFFICIAL USE

H MacInnes  
13/03/2020

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 Procedure) (Scotland) Regulations 2013

**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

Name

Address

Address

Post Code

Post Code

Tel. No.

Tel. No.

Email

Email

(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

(6) Description of Proposal

THE REMOVAL OF  
ROOF AND ERECTION OF FIRST FLOOR EXTENSION.  
LAND AT 1 ARGYLL TERRACE,  
TOBERMORY.

(7) Please set out detailed reasons for requesting the review:-

Please refer to enclosed letter and supporting statement.

If insufficient space please continue on a separate page. Is this attached?

Please tick to confirm

X

(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.*

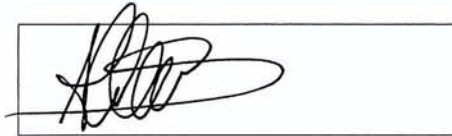
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

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

No	Detail
1	Application Form
2	Supporting Statement
3	Applicant's Letter
4	Photographs
5	
6	
7	
8	
9	
10	

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

Submitted by  
(Please sign)



Dated 12/03/20

### 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 -:  
<http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body>
- (4) In in doubt how to proceed please contact 01546 604392/604269 or email:  
[localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
- (5) Once completed this form can be either emailed to  
[localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services, (Local Review Body), 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 604392/604269 or email: [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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### For official use only

Date form issued

Issued by (please sign)



STATEMENT IN SUPPORT OF THE APPEAL AGAINST THE DECISION OF ARGYLL & BUTE COUNCIL TO REFUSE THE PLANNING APPLICATION FOR THE REMOVAL OF ROOF AND ERECTION OF FIRST FLOOR EXTENSION. LAND AT 1 ARGYLL TERRACE, TOBERMORY.

PLANNING REFERENCE: 19/01801/PP

1.1 Mr Tomkinson submitted a detailed planning application to Argyll & Bute Council on 27th August 2019 for the removal of an existing roof and erection of a first-floor extension for a member of staff. This application was refused on the 13<sup>th</sup> January 2020 with two reasons given for the decision. The first reason being the proposal does not preserve the character and appearance of the conservation area and adversely affects neighbouring residential amenity and lack of off-street parking.

1.2 The appellant believes the above points for refusal and the subjective policies referred to in the refusal notice has harmed the planning applications chance of being approved. The report of handling associated with the application does not expand / explain the reasons for refusal and relies solely on the relevant policy.

1.3 Mr Tomkinson therefore wishes to appeal against the decision to refuse his application and submits this statement in support of his case.

## **2.0 The Application Proposal.**

2.1 The site lies to the North of Argyll Terrace and is located on the end of the terrace / street. The main house is located to the Eastern boundary of the plot with the existing and proposed ancillary accommodation located to the Western boundary, located on Breadalbane Lane.

2.2 The plot topography runs up hill from Argyll Terrace to Breadalbane Lane. However, the existing building is located within a hollow and sits well within the existing plot. Breadalbane Lane continues to rise up from Victoria Street. It is proposed to access the new upper floor accommodation from Breadalbane Lane and not Victoria Street so as to utilise the existing levels of the lane and to limit the impact on the existing building / site in relation to access stairs etc. By keeping the existing footprint means there is no further development on the plot area.

2.3 The site is located across Victoria Street to the south west from the Parish church and not immediately adjacent to the church as suggested in the refusal notice.

2.4 The proposals include the raising of the roofline / ridge by 1.3m to achieve the necessary headroom internally. The raised ridge would still be significantly lower than the adjacent building ridges due to the building being within the hollow.

2.5 To help reduce any potential visual impact on the surrounding context the upper storey extension is clad in a lightweight finish to avoid being top heavy or dominant within the site. The detailing of the upper floor includes traditional dormer windows and reflect the character of the conservation area.



2.6 The proposals are for staff accommodation to provide accommodation for a member of staff during the peak tourist season on Mull. If the use of a car was needed then an additional on street car space within the vicinity of the B&B would not have an adverse impact on road safety.

### **3.0 The reasons for refusal and the applicant's response.**

3.1 The planning application was refused with two reasons given for that decision. The reasons are as follows:

- 1. The proposed development is incongruous and overbearing within the curtilage of the commercial guesthouse property which is detrimental to its setting within the conservation and detrimental to the wider visual amenity the area within which it is located in terms of size, scale, design and materials. The development would fundamentally alter the existing ancillary and subservient appearance and nature of the building and it would appear visually discordant and detached from the host building. Furthermore, the development will have a materially harmful negative impact on the setting of the adjacent Listed Parish Church building, due to the siting and scale of the proposed development and, in particular, the cumulative impact of recent development at the guesthouse site.*

*The proposal is contrary to the provisions of Policies LDP 3 and LDP 9, Supplementary Guidance SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LOP 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 an adverse impact on the landscape and character of the area. The proposed development would also be contrary to national planning policy as expressed within the Historic Environment Policy for Scotland (June 2019) and the associated supplementary guidance documents, Managing Change in the Historic Environment – Setting (May 2019) and Managing Change in the Historic Environment-Extensions (October 2010).*

- 2. There is insufficient off-street and on-street car parking available to serve the proposed development and approval of this development without sufficient parking would have an adverse impact on road safety. This is contrary to the provisions of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site. In the event that parking provision was to be within the site, this would have an adverse impact on visual and residential amenity due to the resulting loss of curtilage space, the removal of the existing stone wall and the physical appearance of the parking area.*

3.2 It is now proposed to address this reason in order to demonstrate why the applicant believes that the application can be approved without being in contravention of the quoted Local Plan Policies.

### **3.3 Reasons for refusal**

The reason relates to the design, scale, mass and use of materials and the preservation of the conservation area character.

Conservation Area Character:

3.4 In order to prove that the proposal enhances the character and appearance of the conservation area we have to first assess the existing characteristics of the area. The Tobermory Conservation Area covers the upper area of the town which has been designed / planned in a grid format, probably by Thomas Telford. This grid formation covers Breadalbane



Street, Breadalbane Lane and Argyll Terrace on the north-south axis and Victoria Street, Albert street and West Street on the east -west axis.

3.5 the majority of the houses along these streets are built immediately against the back of the pavement / roadside and have long narrow linear feu's. Access to the rear gardens of the properties on Breadalbane Street and Argyll Terrace are provided by private lanes running parallel with the street frontages. The majority of the properties, particularly on Argyll Terrace, have a mix of traditional single storey outbuildings and some newer 1 ½ storey buildings which include self-catering units and private garages. These outbuildings are accessed by a single track for private use.

3.6 In relation to the design within the conservation area it is evident that there is a variety of building designs and principles. The characteristics found within the area vary from single storey to 3 storey stone-built houses in a linear form with their roof ridge running parallel to the street. The same can be said for the outbuildings along the service lane. However, the outbuildings locations are more sporadic than that of the formally planned street frontage. This can be seen by various garages and outbuildings erected adjacent to the application site over the last few years.

3.7 The long gardens rise up in level from Argyll Terrace to the service lane thus meaning the outbuildings and garages are more dominant and higher in level on the skyline than the main buildings.

3.8 In relation to building materials within the conservation area we can highlight that there is a mix of materials present –not all traditional materials. An example of materials found are – Stone, render, brick, slate, tile, metal roofing, UPVC, aluminium and timber windows and doors. Thus, reinforcing the fact that there is little uniformity nor a defined characteristic found within the back-garden areas of the conservation area.

#### **Policies & Appellants Response:**

4.0 Reason 1 of the refusal refers to various reasons for refusal however the common theme relates to visual amenity, scale, design, size and materials of the proposal. It also states the proposal is detrimental to the Conservation area.

4.1 Each of the policies mentioned in the decision notice are subjective and open to interpretation. Policy LDP 3 & SG LDP ENV 17 encourages high standards of design and its careful integration with its surroundings. The proposal is of a high architectural standard using traditional materials such as render, timber and slate to assist with its integration within its surroundings. The development will also be energy efficient in line with the current Building Standards.

4.2 In relation to the form, siting and scale under Policy LDP 3 & SG LDP ENV 17, the appellant has investigated the pattern of plot / development characteristics of the outbuildings on Breadalbane Lane and surrounding area. This study makes it clear that there is a strong variation of building / plot ratios and storey heights. (See appendix A)

4.3 Policy LDP 5 & 8 promote sustainable growth and strengthening communities. This policy was not referred to in the refusal notice although in our opinion it reinforces the argument for approving the proposals. The proposals will allow an existing tourism business to continue to develop and will attract new people to live and work in Mull. The appellant has advised that staff accommodation is in very short supply in Tobermory, many of the local businesses have this problem. The proposals will allow the appellant to run their business more efficiently. The business creates local employment and generates tourism.

4.4 Policy LDP 9 is a very subjective policy. It refers to the design of buildings and how they should be treated within special areas such as conservation areas. It explains the criteria to which the designs should follow, such as Development Setting, Development Layout &



Density and Development Design. We believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the conservation area. Having established that the character is not of a singular, uniform design, scale, mass or use of materials and that the historic pattern is continued along Breadalbane Lane, we have sought to demonstrate why the proposal will not have the adverse effect as feared by the planning department. The appellant has proved that by adding a high-quality architectural design to this mix of buildings will indeed enhance the conservation area as a whole and its character. The proposals include a raised ridge to allow the accommodation. The designs take into account the location of the site and it is proven that the height of the building would still be significantly lower than the adjacent building ridges due to the building being within a hollow made by higher adjacent ground levels.

4.5 Policy SG ENV 14 referred to in the refusal notice relates to Landscaping. As the proposals utilise the existing footprint of the building, the surrounding landscape will not be affected by the proposals. If necessary, a landscape design can be incorporated in the design proposals.

4.6 Policy SG ENV 16(a) relates to development affecting a listed building and its setting. The site has some distance from the listed building and we do not see how such a proposal will have an effect on the building. The listed building is surrounded by a mix of building designs which are of little architectural significance.

4.7 Reason 2 of the refusal refers to the proposals having an adverse impact on road safety. The referred to policy SG LDP TRAN 4 in our opinion refers to street design and new private / public access roads. The proposals do not provide any alteration to the existing road layout nor any new access arrangements.

4.8 Policy SG LDP TRAN 6 states that a degree of flexibility will be available where:

*“Environmental considerations are of prime importance, e.g. the development is within a*

*Conservation Area.”* The site is also adjacent to and served by public transport and

pedestrian links to the town and surrounding areas. Therefore, a realistic stance on whether an addition of one potential vehicle needs to be made.

4.9 At the time of carrying out the side extension to the main house the appellant created a further car park space alongside the extension. Car parking associated with the bed and breakfast is not so problematic as the majority of guests arrive by tour bus and are dropped off and picked up the following morning. We have spaces for 2 cars and we currently have 1 car in the family.

## 5.0 Conclusion

5.1 Whilst there was only a single reason for refusing the application, we believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the conservation area. Having established that the character is not of a singular, uniform design, scale, mass or use of materials and that the historic pattern is no longer significant along Breadalbane Lane, we have sought to demonstrate why the proposal will not have the adverse effect as feared by the planning department. The appellant has proved that by adding a high-quality architectural design to this mix of buildings will indeed enhance the conservation area as a whole and its character.

5.2 In light of the above, Mr Tomkinson asks that the Local Review Body overturn the decision of the planning officer and grant permission for the new accommodation.





6.0 APPENDIX A



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LOCATION PLAN

SCALE 1:500



6.1 APPENDIX B



Alan and Bella Tomkinson,

Argyll Bute Planning department

Harbour View Bed and Breakfast ,

1 Argyll Terrace , Tobermory . PA75 6PB.

A.G.L. architect's ( Sandy Lees )

15<sup>th</sup> February 2020 .

Regarding our application for staff accommodation that has been turned down at our address above, we have listed some of the points that were mentioned in your refusal below.

1. Our existing building that we would like to extend is on Breadalbane Lane , this is not directly opposite the Church but is in a line with the very rear wall of the Church, and is also not on Victoria Street but on the rear of Breadalbane Lane .
2. Breadalbane Lane is only used by local residents to move their rubbish and recycling bins out onto Victoria Street .
3. When we removed our old balcony three years ago on the side of the house and built a very nice stone-faced new room with balcony above , we at our own expense dug out at the side of the building and created another car parking space for public use .
4. We would not employ staff that required car parking , it would only be for one working girl .
5. There is not any problem with car parking at Harbour View Bed and Breakfast , most clients arrive by a tour bus and are dropped off and picked up the following morning , we also only have one car for our family , the next-door neighbours have three cars for two persons.
6. The existing building would not block the view from any other property , it would also only be extended upwards a total of one and a half meters .
7. With the new roof , it would still not be any higher than the height of next doors garage.
8. The extension if approved would look very nice , be built to a very high standard and would enhance, and be in keeping with the local area .
9. The new entrance would only be at the same level as the rear of the lane .
10. The footprint of the building would be exactly the same as existing .

We would also point out that a few doors further down the lane , planning was granted for a new building that is far higher than all other existing buildings on the lane , if you are so concerned , why was this planning permission granted , as pointed out, our building if granted would not be any higher than next doors garage .

2/  
We are trying to build up our business for our family and two little girls , which also creates local employment , our business generates tourism, and people spend money in local shops/ restaurant's etc, and also creates income for the many other local business's here in Tobermory.

Staff accommodation is in very short supply in Tobermory , many other local businesses' also have big problems regarding this matter , if granted our small staff accommodation extension would help us run our business properly and more efficiently .

We have enclosed some photo's showing some of the points in this letter .

We would welcome you to pay a site visit to allay any concerns' that you may have regarding this application , and think that under the circumstances that a site visit and viewing face to face would be the best way forward , we hope that this application can be looked at again, and hopefully granted , this would show that your planning department is forward looking ( and not stuck in the past and unhelpful ) and that you can help local business's to grow and prosper , who in turn pay there taxes and Council tax and create employment for local people .

Without tourism the isle of Mull and all other islands for that matter would be in a sorry state, we want our two little girls to be able to grow up and have a future here and not have to move away, but to stay on Mull and eventually have family's of there own , this is the way forward for all communities that live on the islands , and hope that under the circumstances you can look again at this application in a more favourable light .

Yours faithfully ,

Alan and Bella Tomkinson, and our two girls , Alisha and Morag ( two and three years old )

