

**Delegated 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:** 20/00898/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Iain Torrance  
**Proposal:** Demolition of rear extension and erection of front and rear two storey extensions  
**Site Address:** Tigh Na Torran, Lochgair, Lochgilphead, Argyll And Bute PA31 8SD

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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**

- Erection of front and rear extensions
- Formation of 2 no. dormer additions on the front elevation
- Alterations to existing parking and turning area
- External alterations to existing house

**(ii) Other specified operations**

- Demolition of extension and dormer on rear elevation and 2no. dormers on front elevation
  - Alterations to internal layout
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**(B) RECOMMENDATION:**

That planning permission be refused for the reasons set out in this report

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**(C) CONSULTATIONS:**

Area Roads – 29<sup>th</sup> May 2020 – Recommend deferral of determination pending submission of a plan drawing showing parking and turning for 3 no. vehicles within the application site to the satisfaction of the Council's Roads and Amenity Services.

SEPA - 1<sup>st</sup> June 2020 - Refer to SEPA standing advice for planning authorities and developers on development management consultations.

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**(D) HISTORY:**

No relevant planning history.

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**(E) PUBLICITY:**

Neighbour notification expired 19th June 2020.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Michael Reid, Westhome, Gallanach, Lochgair (3/11/20)\*

*\* The above representation was received after submission of the notice of review however it does not raise any additional issues which have not been addressed in my assessment. It is included here for completeness.*

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

- General support for the proposal in design terms and consider it best to allow the development to proceed to simply upgrade the current house.

*Comment: Noted. The assessment section provides a thorough response to this comment.*

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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| <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>  | No |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | 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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Landscape and Design**

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Transport (Including Core Paths)**

SG LDP TRAN 6 – Vehicle Parking Provision

**(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.**

- Scottish Planning Policy
- Argyll and Bute Proposed Local Development Plan 2 November 2019
- Supporting information submitted by the applicant
- Consultee responses
- All representations on material land-use planning considerations received within relevant consultation periods

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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**

Proposed Development

The proposed development comprises a series of alterations, additions and extensions to an existing, shore front house within the small settlement of Lochgair. Proposed development includes extensions to the front and rear elevations and formation of two dormer windows (to replace 2 no. existing smaller dormers) on the front elevation.

LDP Spatial Strategy

The proposals relate to an existing residential property located within the minor settlement of Lochgair as identified in the Argyll and Bute Local Development Plan – 2015 (LDP). As such the principle of a domestic residential extension is consistent with the LDP Settlement and Spatial Strategy as established by policy LDP DM1.

Flood Risk

Having regard to SEPA standing advice for planning authorities and developers, I am satisfied that the proposed development to extend an existing house falls within one of the low flood risk categories set out in that advice, and as such will not give rise to unacceptable flood risk issues.

Siting, Scale, Massing, Form, Materials and Design Details

The siting, scale, massing, form, material finishes and detailed design of the proposed development fall to be assessed under policy LDP 9 of the LDP as well as associated supplementary guidance (SG LDP) on “Sustainable Siting and Design Principles.”

Paragraphs 8.1 and 8.2 of the above supplementary guidance give specific policy guidance on “Alterations, Extension, Conversions.” As such this guidance will be given significant weight in this assessment. The LDP policy can be considered in full on the Council’s web-site, however excerpts have been reproduced below for convenience.

Para. 8.1 acknowledges the value of carefully designed extensions going on to state that:

*“...care needs to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties.”*

Para 8.2 continues: -

*“Alterations and extensions should be in scale and designed to reflect the character of the original dwellinghouse so that the appearance of the building and the amenity of the surrounding area are not adversely affected. The following criteria will be taken into account when considering house extensions:*

- 1) Extensions should not dominate the original existing building by way of size, scale, proportion or design;*

2) *External materials should be complimentary to the existing property.”*

There is no dispute that the property would benefit from sensitive extension and alterations which would result in an improvement in its appearance and benefit to the visual amenity of the locality.

However, this is not incompatible with the adopted policy requirement that extensions should reflect the character of existing houses and should not dominate the original existing house. In other words, the planning authority is fully supportive of investment and proposed extension of this house in principle. It is considered that the detailed design proposals, specifically the relatively large and prominent front extension, will not be consistent with relevant LDP policy.

The existing local built development pattern is characterised by detached houses fronting onto a public road which runs along the edge of the loch. There is a variety of house styles however one important common feature is that they have a generally rectangular plan and volumetrically simple pitched roof form oriented such that the line of the main roof ridge runs generally parallel with the public road. This predominantly rectangular building footprint and simple roof form presenting the front roof slope to the principle elevation (and gables to the end elevations) reflects the traditional Scottish house typology.

The proposed front extension is sited symmetrically about the centreline of the principal elevation of the existing house. The front (east elevation) of the proposed extension is 4.56 metres wide and it will project 4.65 metres in front of the front wall of the principal elevation of the house. The ridge of the roof is the same height as that of the existing house and it is orientated at 90° relative to the existing house such that it presents a gabled elevation to the front elevation.

As a result, the proposed development will obscure a significant proportion of the existing front elevation. Taking into account the effects of perspective (where nearer objects appear larger and take visual precedence over objects behind) and prevailing ground levels, the strong gabled form of the front extension will dominate the traditional simple form and character of the existing house behind. In particular, the apex of the gabled roof to the extension will appear significantly higher than the height of the original house. Whilst of arguably lesser relative significance than siting, scale, massing and height, the higher eaves level of the proposed extension relative to the original house will accentuate the dominance of the proposed development relative to the existing house.

The principal public elevation of a house is by nature, the most sensitive to change, and as such there is a general planning principle that the most appropriate siting for extensions to a house is to the rear or to the side. Front extensions are generally limited to porches or considerably more modest 'bay' windows.

The simple roof form of this house, with ridge orientated generally in line with the line of the front boundary is a strong element of its character. The replacement of 2 no. existing dormers with enlarged dormers on the front elevation (in of themselves) reflect the form of the house, on balanced assessment. Having the height of the dormer roof ridges set even slightly below that of the ridge would be a significant improvement, however, taking into account the benefits of positive improvements to this property, then the dormers can be supported notwithstanding these concerns. However, the further addition of a relatively large gabled extension occupying almost the full width of existing roof plane remaining between the dormers will introduce an

inappropriately dominant and 'cluttered' form of development at first floor/roof level at odds with the simple, tradition form and character of the house, and that of nearby development.

This resultant combined form with its more complex intersecting roof forms and T-shaped plan with central forwardly projecting gable-ended wing does not reflect the volumetrically simple formal language of Scottish houses. It does not relate to the form and character of nearby houses. As such it would result in an incongruous intervention into the existing development character to the detriment of the visual amenities of this sensitive lochside area, contrary to the relevant provisions of the adopted Local Development Plan policies.

#### Comments on Applicant's Supporting Statement

In response to the case officer's concerns, the agent submitted (on 20<sup>th</sup> October) several examples of nearby houses with a view to establishing a case in favour of the proposed development.

On 27<sup>th</sup> October the applicant submitted a letter of support which also responded to the concerns raised in my e-mail correspondence with the applicant's agent. This letter was received after the submission of the notice of review.

The supporting comments from agent and applicant are available for inspection in full on the Council's we-site, however for convenience, I will summarise the contents and respond to them briefly as follows:-

- My original reference to the existing property as "a single storey house with rooms in the roof" (relative to a proposed 1  $\frac{3}{4}$  storey front extension) in correspondence was inaccurate and undermined my assessment.

*Comment: - Whether the existing house is "a 1  $\frac{1}{2}$  storey house" or "a single storey house with rooms in the roof space" did not affect my assessment. However I did acknowledge that a "1  $\frac{1}{2}$  storey house" is a more technically appropriate term.*

- The existing building has a step in the eaves line over a projecting bay window and across the front door. This justifies a step up of 1.4 metres between the eaves of the existing house and the proposed front extension.

*Comment: - The existing step down in eaves is formed by the downwards extension of the existing roof plane to extend over a small bay window projection. In my view it integrates successfully with the overall character of the house. This existing modest feature is completely different in terms of scale, massing, form, height and design relative to the proposed extension and as such does not support the proposed development of a significantly larger front extension which will have a much greater impact on the existing house.*

- The forward-projecting design was partly to allow for south facing windows to increase solar gain in interests of energy efficiency.

*Comment: - Energy efficient design in principle is supported, including the installation of solar panels on the rear extension. No objections have been raised with regard the solar panels on the proposed rear extension. However, the introduction 2 no. south facing windows to benefit from thermal gain is not*

*of significant weight, in my assessment, to warrant supporting a proposed development which has been assessed as being contrary to other LDP policies and Supplementary Guidance.*

- On 22<sup>nd</sup> October, the agent advised that there had been a slight error in describing the proposed finishes. The applicant preferred the walls to be “white wet-dash render, untreated larch cladding” (the original drawings showed walls to be timber cladding) and existing & proposed roofs to be clad in Spanish slate. Timber cladding would give a modern contrast to the existing (white rendered) house and would ‘be sympathetic to the timber garage doors. There is a precedent for using timber in the area e.g the porch on the property to the north and timber boat sheds.

Comment:- The proposed external material finishes, whilst appropriate in of themselves, do not reflect the character of the original building. If timber cladding was to be used for an extension which has an appropriately subordinate relationship with the original house and maintained the original house as the dominant element then timber cladding could be appropriate. However, its use to clad a relatively large new addition with the aim of contrasting with the white painted and rendered cottage behind will re-inforce the dominant impact of the new extension contrary to policy. The modestly-scaled porch at “Taobh an Loch” or the more modest front extension at the house in Tayvallich (submitted by the applicant) are good examples of the scale of front additions which can be clad in timber. For reference, the cubic volume of the proposed extension subject of this application is over five times that of the example submitted at Tayvallich.

- In the applicant’s letter (submitted after the notice of appeal) he sets out his personal aspirations for the property and states that investment into the somewhat ‘run-down’ condition will result in an enhancement to local visual amenity.

Comment:- *The planning authority is wholly supportive of investment in the property and has indicated support for improvement works, including extensions, in principle.*

*However, the proposed front extension is considered to be contrary to LDP policy by reason of a combination of siting, scale, massing, form and design.*

*Rather than refuse the application on these grounds, the planning authority sought to negotiate an amended design in respect of the front extension in order to support the investment into the property, For example, a front addition of similar scale, massing and form to the precedent at Tayvallich submitted by the applicant, or at “The Old Manse, Lochgair” is likely to have been supported had the applicant sought to negotiate a revised design as opposed to submitting a notice of review.*

- The agent’s e-mail of 20<sup>th</sup> October, and the applicant’s post-review letter of 27<sup>th</sup> October include in the region of eight properties within the local area, and one in Tayvallich, submitted as precedents of development similar to that proposed.

Comment: - *I do not accept that any of these examples are reasonably comparable to the proposed front extension, particularly with regard to scale*

*and massing. The extension at Tayvallich is arguably the most similar in nature to the proposed development. It is noted that the cubic volume (or massing) of the proposed extension at "Tigh na Torran" is in the region of five to six times larger than the example submitted at Tayvallich. One of the fundamental considerations required by policy is the scale and massing of the development in relation to the original house. Given such a significant difference in scale, the example at Tayvallich is not considered to be a helpful comparison to support the current application. Development at all of these properties (with the exception of the house at Tayvallich and "The Old Manse" at Lochgair have been thoroughly assessed in relation to the proposed development prior to my initial e-mail of 18th October. It is considered that none of these examples are similar in terms of siting, scale, massing, form and design to the proposed extension. The precedents submitted show examples of much smaller front additions to original houses, or new houses designed with additive forms, where those extensions or additive forms are of an appropriately subordinate scale and design relative to the original house or the main volumetric form of the house. However, none of these examples come close to the scale and massing of the proposed front extension and as such cannot be accepted as an appropriate comparison.*

*It is important to note that a revised design (at "Tigh na Torran ") of similar scale, massing, form, height and general design to those examples put forward by the applicant at Tayvallich; "The Old Manse", "Gair Cottage" and "Taobh an Loch" (all in Lochgair) are likely to have been supported by the planning authority without need for a review had the dialogue not been stopped by the applicant. Likewise, a shallow projecting bay feature of very similar dimensions and design to that at "Achnabraec", Lochgair (again submitted by the applicant as a precedent) would also have been very likely to have been supported by the planning authority. This was made clear to the agent during negotiations.*

- The applicant disagrees with the assessment of the proposed development in relation to surrounding properties.

Comment – *It is not accepted that the planning authority's assessment of impact upon the existing house and local visual amenity with regard to adopted policy guidance is flawed in any way. Not one of the examples submitted bears reasonable comparison to the proposed development in relation to its impact on the existing house. As stated above, the example at Tayvallich is arguably closest in character to the proposed development and even then it is around 1/5<sup>th</sup> the size of the proposed development. It follows that a front extension over 5 times the cubic volume of the precedent submitted at Tayvallich will have a significantly greater impact upon the character of the existing house. The planning authority would have been supportive of revised designs similar to many of the precedent examples without the need for a review.*

*It is noted that the applicant has failed to identify a single property which has been extended to the principal elevation by the scale and mass as that currently proposed.*

#### On-site Parking and Turning

18<sup>th</sup> October - the agent was advised that the Area Roads Engineer had deferred assessment pending receipt of a layout plan demonstrating adequate on-site parking and turning space for 3 cars.



20<sup>th</sup> October - the agent submitted a revised parking/turning layout for comment.

21<sup>st</sup> October- the agent was advised that the Area Roads Engineer had been informally consulted for his comments on the revised drawing prior to submission of a formally revised drawing. It was advised that the Area Roads Engineer was unavailable until 27<sup>th</sup> October but that he would try to respond soon as possible upon his return.

25<sup>th</sup> October – Notice of Review submitted by applicant.

26<sup>th</sup> October - The Area Roads Engineer commented informally that the revised layout was unacceptable as there is insufficient room to manoeuvre.

As a result of the notice of review being submitted prior to potential resolution of the car parking and turning provision, a technical reason for refusal is recommended on the basis that the application has failed to demonstrate the provision of adequate parking and turning for 3 no. vehicles to the satisfaction of the Council's Roads and Amenity Services contrary to policies LDP 11 and SG LDP TRAN 6.

For clarity, the reason for refusal relating to inadequate parking and turning is of a technical nature. The planning authority does not dispute that the application site has adequate capacity to provide an acceptable layout to serve 3 no. vehicles however acting on the advice of the roads engineer, a revised plan demonstrating this was sought prior to determination. Discussions were instigated to secure a revised plan to allow the Area Roads engineer to make a recommendation, however the applicant submitted a notice of review prior to resolving this issue. As such, on the basis of the Area Roads Engineer consultee response at the time of the notice of review, there is no option other than to include a technical reason for refusal with regard to inadequate parking and turning. This issue could have been resolved by the applicant prior to submitting a notice of review.

#### Process and Timescales

It should be recorded that the case officer indicated support in principle for alterations and extensions to this house in order to improve both the quality/volume of accommodation and the external condition and appearance of the existing property and local visual amenities.

Albeit that the planning authority's initial response was later than would normally have been expected objections were clearly set out with reference to adopted LDP policy. Rather than proceeding to determine the application with a recommendation for refusal, the case officer 'held-off' determination to give the applicant the opportunity to engage in positive and open discussions to move towards a revised design. Unfortunately, before discussions could reach a conclusion the applicant chose to submit a notice for review.

The existing property has a neglected appearance and as such I am fully supportive in principle of improvements and extensions which will increase the standard and level of accommodation to a contemporary standards and that would enhance the appearance of the property.

To these ends, the proposed rear extension comprising large utility area and new stairs on the ground floor with a bathroom, an en-suite and landing above is considered to successfully reflect the character of the original house. The applicant has been advised that these element of the works could have been supported.

Additionally, I have indicated support for the proposed replacement of 2 no. small flat-roofed dormers on the front elevation by larger dormer additions to increase usable space in bedrooms 3 and 4.

Finally, I have also indicated support in principle for a central additive 'bay' form on the front elevation subject to design. I instigated positive design negotiations with the agent on 18<sup>th</sup> October indicating a willingness to engage positively in co-operative and open discussions regarding potential design amendments prior to determining the application. Positive exchanges of correspondence, including a detailed telephone conversation, took place over the following days, the latest of which was my e-mail 23<sup>rd</sup> October 2020, culminating in a request that the applicant advise how he wished to proceed in order to make a determination.

No response was received to this e-mail. Instead, a notice of review dated 25<sup>th</sup> October was submitted without further reference to the case officer.

#### Conclusion and Recommendation

There is an adopted and clear policy assessment that extensions should be carefully designed to have an appropriate relationship with the character of the existing development and should not dominate it.

By reason of siting across the front and centre of the existing principal elevation; comparatively large scale and massing relative to the original house; assertive gabled elevation composition; projection 4.65 metres in front of the wall of the front elevation of the existing house, the proposed development will obscure much of the existing house from public view and will visually dominate it. This would be clearly contrary to established policy to the detriment of the visual amenities of the local area. No supporting information has been received which demonstrates an exceptional case to support a departure from policy.

The applicant submitted several precedent examples of front additions which by reason of scale and design, do successfully respect the character of the original houses. However they do so principally because they are considerably smaller than the extension proposed. As such they cannot support a comparatively much larger extension. The local planning authority has always been open to exploring a revised design however the applicant chose to submit a notice of review instead. It is likely that a revised design similar to several of the examples submitted e.g at Tayvallich and "The Old Manse" would have been supported without need for a review. The planning authority actively sought to explore a revised design. This opportunity was declined by the applicant and he submitted a notice of review instead.

It has not been demonstrated that adequate parking and turning provision can be provided to support the demand generated by the proposed development.

Having regard to all material considerations, it is therefore recommended that the application be refused as contrary to the relevant policies of the Local Development Plan.

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

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:**

It is recommended that the application be refused as being inconsistent with Local Development Plan policy.

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

Not applicable

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

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**Author of Report:** Norman Shewan

**Date:** 9<sup>th</sup> November 2020

**Reviewing Officer:**

**Date:** 9<sup>th</sup> November 2020

A handwritten signature in black ink, appearing to read 'Fergus Murray', with a horizontal line underneath the name.

**Fergus Murray**  
**Head of Development and Economic Growth**

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **20/00898/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. **Yes**

**A revised site layout plan showing parking and turning for 3 no. vehicles has been submitted. (The Area Roads Engineer has advised that this revised layout is not acceptable.)**

- (B) The reasons why planning permission has been refused:

- 1) **By reason of siting, scale, massing, form, material finishes and detailed design, the proposed development will not reflect the character of the existing house, but will result in an overly dominant extension relative to the existing property and as such will have an unduly detrimental impact upon local visual amenity contrary to Local Development Plan policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.**
- 2) **The application has failed to demonstrate adequate provision for parking and turning of 3 no. vehicles within the application site to the satisfaction of the local planning authority in consultation with the Council’s Roads and Amenity Services to potential detriment to public road safety and the free flow of traffic on the public road contrary to Local Development Plan policy LDP 11 and SG LDP TRAN 6.**



**Location Plan Relative to planning application: 20/00898/PP**



1:1,250