

**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:** 22/00996/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr J Lafferty  
**Proposal:** Erection of new detached dwelling  
**Site Address:** 47 Campbell Street, Helensburgh G84 9QW

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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 a dwellinghouse
- Formation of new private vehicle access junction with public road
- Formation of new gated access within existing boundary wall
- Formation of parking turning area

**(ii) Other specified operations**

- Tree felling
  - Connection to public drainage network
  - Connection to public water supply
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**(B) RECOMMENDATION:**

Planning permission be refused for the reasons set out within this report.

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**(C) CONSULTATIONS:**

**Area Roads** – 24.08.2022 - No objections subject to planning conditions to require that the proposed access design is in accordance with standards relating to minimum width, surfacing materials, maximum gradients; drainage; and the provision of parking and turning within the application site in accordance with adopted standards.

**Helensburgh Community Council (HCC)** – A Design Assessment has been submitted that concludes that the HCC does not object to a house being built on this site in principle however the proposed design “*does not do justice to the site or its position on it.*” HCC suggest potential areas for design improvements. HCC also supports other objections with regard to the position of the proposed access onto Barclay Drive on grounds including adverse impact on road safety and the visual

character of the conservation area. An alternative access onto Campbell Street would be preferable. In view of the volume of objections from local residents and the consultation response from Area Roads, HCC calls for a public hearing of the PPSL Committee to be held.

**Scottish Water** – 22.08.2022 - No objection. This does not confirm that the development can currently be serviced. Further investigations into Water & Waste Water capacity may be required once a formal application has been submitted to Scottish Water. Surface water connection into existing Scottish Water combined sewer system will be allowed only in exceptional and justified circumstances.

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**(D) HISTORY:**

No relevant planning history.

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**(E) PUBLICITY:**

Site Notice - Conservation Area – Expired 21.09.2022

Listed Building/Conservation Advert – Expired 22.09.2022

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total number of 22 no. representations have been received comprising 19 no. objections and 3 no. making representations.

Objection: -

Peter Holmes - 2 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Ruth H Holmes - 2 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Steve McGlynn - 10 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Bethany McGlynn - 10 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Amanda McGlynn - 10 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Wendy Hamilton - 8 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Richard M Glen - 23 Queen Street, Helensburgh, Argyll And Bute G84 9QL  
David Whitney - 6 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Elizabeth Whitney - 6 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Tricia Stewart - 24A Queen Street, Helensburgh, G84 9LG  
Tom Stewart - 24A Queen Street, Helensburgh, G84 9LG  
Geoffrey Holliman - 28 Queen Street, Helensburgh, Argyll And Bute G84 9QL  
Alison Holliman - 28 Queen Street, Helensburgh, Argyll And Bute G84 9QL  
Fiona Baker – Hillcroft, Station Road, Rhu, Helensburgh  
Mrs Tracey Wightwick - 4 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Neil Wightwick - 4 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Karin Gow - 57 Campbell Street, Helensburgh, Argyll And Bute G84 9QW  
Sheila Wilson - 12 Barclay Drive, Helensburgh, Argyll And Bute G84 9RD  
Emma Mason - 21 Queen Street, Helensburgh, Argyll And Bute G84 9QL

Representation: -

Gordon Miller - 66 Campbell Street, Helensburgh, G84 9QW

Fiona Miller - 66 Campbell Street, Helensburgh, G84 9QW

Mrs Deborah Dennett - 64 Campbell Street, Helensburgh, Argyll And Bute G84 9QW

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

**Access Issues**

- Barclay drive is unsuitable to accommodate additional traffic generated by the proposed development by reason of narrow width; poor visibility at the junction with Campbell Street; on-street parking making it difficult for large vehicles to pass; quiet character used by local children and other pedestrians.
- The above constraints to using Barclay Drive would cause problems particularly during the construction phase of the proposed development.
- The proposed opening in the existing boundary wall onto Barclay Drive does not appear to be wide enough to allow vehicles to turn in and out of it. It's likely that the opening will have to be considerably wider requiring a greater level of demolition of the stone boundary wall to the detriment of the character and appearance of the conservation area
- It is strongly suggested that any new vehicular access to the site be from Campbell Street which is wider and has better visibility.

*Comment: - The application must be assessed as it has been submitted i.e. with a proposed vehicular access onto the south side of Barclay Drive notwithstanding that local residents may consider that an alternative access onto Campbell St. is preferable. The Council's Area Roads Engineer has assessed this proposal and has no objections in principle on road safety grounds subject to planning conditions relating to, amongst other issues, the private access having a minimum width of 4.5 metres over the first 20 metres back from the public road.*

**Impact on Trees**

- The proposed development is within a garden area characterised by many specimen plants, shrubs and trees. It is important both in terms of "the Green Agenda" and the visual amenity of the conservation area that as many as possible of the existing trees and shrubs are retained.
- Proposed vehicular access onto Barclay Drive will be particularly damaging in terms of loss of trees.
- The application does not indicate how many or which trees will be required to be removed.

*Comment: - The planning authority considers that the information submitted with regard to development impact on trees within a conservation area is inadequate to allow a full and thorough assessment of this key consideration. Additional information has been requested. In the event that the requested information is not forthcoming it is recommended that the application be refused on this basis.*

**Impact on the Built Character and Appearance of the Conservation Area**

- The proposed development will not preserve or enhance the character and appearance of the Upper Helensburgh conservation area contrary to the provisions of policy LDP 3 and SG LDP ENV 17.

- The proposal by reason of high density of development, scale, siting, orientation and design is unsuitable for its location contrary to policy LDP 9 and associated SG.
- The 'townscape block' bounded by Suffolk St., Barclay Dr., Campbell St. and Queen St. is one of the few remaining areas in the Upper conservation area where the houses and their gardens remain as originally built. The proposal to "shoehorn" a house of modern design into the Victorian pattern of built development will not conserve or preserve the area.
- This proposal is for the sub-division of the private curtilage of a large Victorian Villa in the conservation area and it is inappropriate to assess the plot size and built development pattern to the more modern pattern of bungalow development along Barclay Drive to the north and upper Campbell Street.
- The excessive height of the proposed house in relation to nearby development will have an adverse impact on the conservation area.
- Proposed external material finishes are out of keeping with the conservation area.
- The stone boundary wall is a special feature within this part of the conservation area. Any loss or damage to the wall should be minimised. The creation of an opening in the unbroken section of boundary wall along Barclay Drive would set an unnecessary precedent.
- Potential damage to grass verges during construction.

*Comment: - An assessment of impact upon the character and appearance of the conservation area will be assessed in full, having regard to all material considerations including relevant LDP policy in Section (P) and Appendix 1 below.*

#### **Impact on Residential Amenity**

- Proposed house will overlook the rear garden of no. 28 Queen St.
- Removal of trees adjacent to the boundary wall with Barclay Drive will impact on the privacy of residents on the north side of Barclay Drive.
- Proposal has two balconies that threaten privacy by overlooking properties to the east and west.
- The quiet amenity of the private rear garden at no. 28 Queen St. will be disturbed by noise from regular traffic movements on the proposed driveway/parking area adjacent to the shared boundary wall.

*Comment: - Impact upon residential amenity will be assessed in more detail in Section (P) and Appendix 1 below. (By way of clarification to one of the above representations, the proposed house has only one external balcony at first floor level facing east, however it does have what is commonly referred to as a "Juliet balcony" i.e. full height glazed opening doors with a balustrade across the opening) at first floor level on the west facing elevation.*

#### **Drainage**

- The supporting Design Statement makes no reference to surface water drainage. It is noted from the consultation response that Scottish Water will allow surface water connection into their combined sewer system in limited exceptional circumstances where a justification can be demonstrated. Taking into account prevailing ground levels, this may

lead to flooding. Developer must address this by designing a private surface water drainage system.

*Comment: - Point acknowledged. Drainage infrastructure will be assessed in Section (P) and Appendix 1 below.*

### **Miscellaneous**

- Occupiers of nearby houses who work from home may be adversely affected during construction hours, particularly if the site is accessed from Barclay Drive.
- Noise from the construction phase may conflict with the use of the existing house at 47 Campbell Street, understood by the contributor to be supported accommodation for young adults.

*Comment: - This is not a material land-use planning consideration that can be given material 'weight' as part of this assessment. Establishment of this principle would in effect place a 'blanket' restriction on new construction within any residential area. As such, if the planning authority was minded to approve planning permission, then it is considered that such a condition would not be 'necessary' or 'reasonable' with reference to Government advice on the use of planning conditions. It would be reasonable to restrict hours of construction operation to 08.00-17.00 weekdays and 09.00-13.00 Saturdays to protect residential amenities.*

- Several comments are made addressing alleged inaccuracies/omissions within the applicants Design Statement.

*Comment: - Noted. The planning authority will assess the design taking into account all the relevant material considerations including the applicants Design Statement; the LDP Supplementary Guidance on Sustainable Siting and Design Principles; the consultation response from HCC; and, the comments on the proposed design submitted by third parties. The design assessment in relation to the conservation area setting will be set out in full in Section (P) and appendix 1 below.*

- One of the objections insists on any planning permission that may be approved being subject to a series of specified planning conditions.

*Comment: - The objectors concerns are noted. However, should the planning authority be minded to approve planning permission then the officers will consider the requirement for planning conditions, and frame them accordingly, with reference to Government advice on the use and format of planning conditions.*

- Those contributors who have made neutral representations as opposed to an explicit objection have outlined concern related to several considerations including potential impact on the conservation area, road safety and residential amenity, and seek assurance that any planning permission that may be approved be subject to appropriate safeguarding conditions to mitigate against any impact on the matters raised including re-positioning of the vehicular access onto Campbell St.

*Comment: - Noted.*

- Several representations call for an on-site assessment by planning officers and/or PPSL Committee.

*Comment: - Having regard to the criteria-based assessments set out in current protocol, it is considered that a Pre-Determination Hearing will not add value to the decision-making process, and is not required. Refer to Section (O) below for a full assessment.*

## **(G) SUPPORTING INFORMATION**

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

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

Summary of key issues below:

- The surrounding land use is private housing (photographs of examples of adjacent houses are included).
- Application site is 950m<sup>2</sup> and the average plot size of surrounding properties is 885m<sup>2</sup>.
- Site is level and level with the ground levels adjacent to the south, west and northern boundaries. To the east, Campbell Street has a significant gradient falling to the south.
- Site is not liable to flooding.
- Topsoil is boulder clay with poor drainage qualities.
- The site is currently a rear garden area described as part lawn and partially wooded mostly with small ornamental trees and shrubs. Several trees and shrubs will require to be removed. House is to be positioned within the lawn area so that most of the trees and shrubs, particularly along the boundaries with Campbell Street and Barclay Drive will be retained.
- The rear elevation of no. 47 Campbell Street has no significant windows and there are no windows in the proposed house facing towards the rear of no. 47.
- The 1 ½ storey detached house design and external material finishes are in keeping with existing buildings both within and outside of the conservation area.

- To minimise visual impact of forming an opening within an important boundary wall it is proposed to locate the access on Barclay Drive, which is considered to be less prominent than Campbell Street (and to offer a level access.)
- No other changes proposed to stone boundary walls other than new opening which will have black painted timber gate at same height as wall.
- Proposed house will not cause threat or nuisance to any surrounding properties.

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

**(H) PLANNING OBLIGATIONS**

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

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

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

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

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development  
 LDP DM 1 – Development within the Development Management Zones  
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
 LDP 8 – Supporting the Strength of our Communities  
 LDP 9 – Development Setting, Layout and Design  
 LDP 10 – Maximising our Resources and Reducing our Consumption  
 LDP 11 – Improving our Connectivity and Infrastructure

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
 SG LDP ENV 6 – Impact on Trees / Woodland

**Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings  
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)  
SG LDP ENV 18 – Demolition in Conservation Areas

### **General Housing Development**

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

### **Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

### **Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

### **Transport (Including Core Paths)**

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
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): - The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.*
  - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
  - Policy 36 – New Private Accesses
  - Policy 39 – Construction Standards for Private Access

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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

A total of 22 representations have been received in objection to the proposed development (19 objections and 3 representations of a neutral nature.)

The approved Hearing protocol advocates a lesser emphasis on the previous numbers (of representations) threshold as a 'trigger' for a Hearing and more reliance on a criteria based approach in order to 'add value' to the determination process.

- In relation to the assessment of this application proposal, it is considered that notwithstanding the number of representations, there is consensus between the local community (including the HCC) and the planning authority's recommendation.
- The material considerations in relation to the proposal are not considered to be significantly complex and are largely limited and impact upon the character and appearance of the conservation area (including impact on trees); impact on residential amenities of nearby residents; and impact on technical highways matters with reference to the proposed new access point.
- The proposed development is considered to be contrary to fundamental and up-to-date Local Development Plan policies and supplementary guidance. As such, the recommendation does not seek to justify a departure to the provisions of the Local Development Plan.

Therefore, having regard to the criteria-based assessments set out in current protocol, it is considered that a Pre-Determination Hearing will not add value to the decision-making process, and is not required.

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

The application site comprises most of the private amenity space to the rear of an existing, 2-storey detached sandstone villa set in large private grounds. The villa is not listed, but forms part of a planned townscape block of five similar villas bounded by Queen St., Campbell St., Barclay Drive and Suffolk St. located within the Upper Helensburgh Conservation Area. The site is bounded to the south by the remaining curtilage of the existing villa, no. 47 Campbell St.; to the west by the residential curtilage to no. 28 Queen St.; and the north and east by Barclay Drive and Campbell St. respectively. The boundaries of the site with these two public roads are demarcated by an historic stone wall some 1.7-1.8 metres high. The boundary of the conservation area in this location runs along the northern side of Barclay Drive,

immediately to the north of the application site. The garden contains a significant number of trees and large shrubs.

The proposed development is for the erection of a 4-bedroom house with a new vehicular access from Barclay Drive. The proposed dwellinghouse has a relatively large footprint and is to be sited centrally within the application site with the principal elevation facing east towards the frontage with Campbell St. The massing is broken down into a 1 ¾ storey volumetric form containing the principal living accommodation, and a smaller single storey form linked to the main built form, the latter providing service spaces, 2 smaller bedrooms and an integral garage. Orientation is east to west with all of the windows to habitable rooms facing either east or west with the exception of a large glazed opening to the dining room facing north towards Barclay Drive. Material finishes are to be smooth render to walls with feature larch cladding panels to the upper parts of the gables; dark grey coloured uPVC window and door frames, grey roof slates and dark grey rainwater goods. It is proposed to install an array of photovoltaic solar panels on the south facing roof plane. The application site comprises most of the private amenity space to the rear of an existing, 2-storey detached sandstone villa set in large private grounds. The villa is not listed, but forms part of a planned townscape block of five similar villas bounded by Queen St., Campbell St., Barclay Drive and Suffolk St. located within the Upper Helensburgh conservation Area. The site is bounded to the south by the remaining curtilage of the existing villa, no. 47 Campbell St.; to the west by the residential curtilage to no. 28 Queen St.; and the north and east by Barclay Drive and Campbell St. respectively. The boundaries of the site with these two public roads are demarcated by an historic stone wall some 1.7-1.8 metres high. The boundary of the conservation area in this location runs along the northern side of Barclay Drive, immediately to the north of the application site. The garden contains a significant number of trees and large shrubs.

The proposed development is for the erection of a 4-bedroom house with a new vehicular access from Barclay Drive. The proposed dwellinghouse has a relatively large footprint and is to be sited centrally within the application site with the principal elevation facing east towards the frontage with Campbell St. the massing is broken down into a 1 ¾ storey volumetric form containing the principal living accommodation, and a smaller single storey form linked to the main built form, the latter providing service spaces, 2 smaller bedrooms and an integral garage. Orientation is east to west with all of the windows to habitable rooms facing either east or west with the exception of a large glazed opening to the dining room facing north towards Barclay Drive. Material finishes are to be smooth render to walls with feature larch cladding panels to the upper parts of the gables; dark grey coloured uPVC window and door frames, grey roof slates and dark grey rainwater goods. It is proposed to install an array of photovoltaic solar panels on the south facing roof plane.

The primary considerations in this instance are an assessment of the impact of the proposed development on the character and appearance of this part of the Upper Helensburgh Conservation Area; impact on road safety and amenity by reason of the proposed new access onto Barclay Drive; and impact upon residential amenity.

At this stage it is useful to set out selected criteria for the designation of Conservation Areas from HES – Interim Guidance on Designation of Conservation Areas and Conservation Area Consent – April 2019: -

“It is the character of an area, either architectural or historic, created by buildings and open spaces and their relationship with one another which the designation of a conservation area seeks to preserve.”

This pattern of built development created by the siting, densities, scale, design and material finishes of built development in relationship with the private and public spaces around and between built development is considered to be a fundamental qualifying consideration in the designation of the Upper Helensburgh Conservation Area. As described elsewhere, a particular characteristic of the Upper Helensburgh Conservation Area is largely a grid-iron street layout with a loose-grain texture of development comprising mostly large detached villas oriented southwards within expansive landscaped grounds. Elsewhere within the Conservation Area, some of these villas had service structures such as coach houses, located to the rear of the villas however these buildings are traditionally sited in an unobtrusive location, with a modest scale and design reflecting their subordinate functional relationship with the primary villa building. Some infill residential development, involving the subdivision of original properties has taken place elsewhere within the conservation area, however spatial character of this particular townscape block has not been compromised by previous insensitive sub-division and new development and as such provides a good example of the historic development pattern in Helensburgh.

Notwithstanding, that the massing of the proposed dwellinghouse has been 'broken down' into linked volumetric forms, the proposed house, with a 'footprint' area similar to that of the original part of the stone villa, is still considered to be of an inappropriately large scale in relation to the size of the plot and the existing house. Furthermore, its prominent setting within the centre of the site will afford it an inappropriate level of 'presence' and status in relation to the original villa. This central siting, within 12 metres of the existing villa, fails to provide an appropriately subordinate relationship with the principal built form on the original site and would materially compromise the historic setting of the main villa and the clear spatial built development pattern of this townscape block and the wider conservation area. The detailed design of the proposed development and the external materials have a generic quality and the supporting information fails to support the design concept or design development having regard to its prominent and sensitive siting within the curtilage of a Victorian era villa in relation to the adjacent villas. Instead, the design approach appears to rely on the proposed design making reference to other 20th century in-fill development on different sites within the conservation area and the late 20th century housing estate design typologies outside of the conservation area designation to the north of Barclay Drive. Given the very sensitive and immediate relationship between the proposed site and the existing development that comprises the townscape block within which it 'sits', it is considered that the design evolution would be more appropriately informed by a detailed assessment of this historic environment as opposed to generic types of later 20th century housing development on sites that are different in character to this application site. On this basis it is considered that the proposed development, by reason of site location, siting/layout, scale, massing, detailed design and material finishes would result in a prominent and incongruous intervention that does not reflect the historic pattern of development to the significant detriment of the character and appearance of the conservation area. Additionally, the open spaces to the rear of these villas can also be considered as a transitional zone between the built development pattern of the conservation area in relation to the very distinct housing estate development to the north of the conservation area. At the moment, there is a very well-defined and distinct edge to the conservation area along Barclay Drive. The proposed development of this space, particularly with a house typology that reflects the housing estate as opposed to the conservation area, would serve to 'blur' this boundary condition and undermine the setting of the conservation area in this location. The proposal is contrary to Policies LDP 3 and SG LDP ENV 17.

This part of the assessment is consistent with previous advice offered to the applicant in respect of the proposed development of this site to provide a dwellinghouse as part of an application for pre-application advice ref: 17/02801/PREAPP.

The site comprises a well-landscaped private walled garden, an open space which has a strong relationship with the existing villa, and which has a significant number of trees and large shrubs. The presence of maturely landscaped open spaces, including mature trees, often along boundaries between the public and private realms is an important qualifying feature of the Upper Helensburgh Conservation Area. The character of Barclay Drive with trees along the boundary typifies this. This site is prominent in views from the public street to the north and east and as such the existing planting makes a positive contribution to the visual amenity of the area as well as the character of the conservation area. The proposal would result in the loss of a significant number of trees within the site. The application submission does not indicate the exact location of trees in relation to the proposed development and as such, it has not been demonstrated to the satisfaction of the planning authority that the character and amenity of the site can be preserved in relation to trees and shrubs.

Notwithstanding concerns expressed by local residents with regard to 'overlooking', having regard to the orientation of the proposed house and the distances between the proposed development and existing houses to the east and north, the planning authority is satisfied that the relationship is not uncommon with residential areas and complies comfortably with adopted guidelines. As such, it is not considered that the proposed development will have a materially adverse impact upon residential amenity of nearby houses by reason of loss of privacy, over-shadowing or other disturbance.

Again, notwithstanding concerns by local residents, it is not considered that the proposed new access onto Barclay Drive will result in detriment to road safety or an adverse impact upon visual amenity or the character and appearance of the conservation area. Officers appreciate that there are no other vehicular gateways off of the south side of Barclay Drive, however gated entrances within rear stone boundary walls (particularly if they have an understated appearance) are not uncommon features within the conservation area, and a new access, in principle, would not support a refusal of this application. This is consistent with the consultation response from the Council's area Roads Engineer.

The application submission does not show a means of surface water drainage (SuDS or otherwise). The Design Statement advises that the ground conditions have poor drainage qualities. In this context, it is noted from the consultation response from Scottish Water that they will not allow a surface water connection into their combined sewer system for reasons of sustainability and to avoid flooding of the sewer system. The application does not include any information to demonstrate that Scottish Water will allow such a connection as an exception, however very strong justification would be required to achieve this. Therefore, on the basis of the above, it has not been demonstrated that the proposed development can be served by adequate surface water drainage infrastructure and this is likely to lead to flooding on the site and adjacent land.

Having regard to a balanced assessment of all material considerations as set out above, it is recommended that this application for planning permission be refused.

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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:**

The proposed development by reason of siting, scale, massing, form, design detailing, material finishes and impact upon trees would be detrimental to the character and appearance of the conservation area and as such is considered to be an unsustainable form of development, inconsistent with the LDP Settlement and Spatial Strategy. In addition, on the basis of the information currently available, it has not been demonstrated to the satisfaction of the planning authority that the proposed development can be adequately served by existing public, or proposed private surface water drainage infrastructure which is likely to result in flooding on and adjacent to the application site. There are no other material considerations that would warrant a departure from these provisions.

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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:** 8<sup>th</sup> November 2022

**Reviewing Officer:** Howard Young

**Date:** 8<sup>th</sup> November 2022

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

## REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/00996/PP

1. Having regard to the siting, scale, massing, form, design detail and external material finishes in relation to the proposed development it would be severely detrimental to the visual amenity of the area and the character and appearance of the Upper Helensburgh Conservation Area. The proposed building is to be sited within almost the entirety of the rear private amenity space of a Victorian stone villa forming part of a planned 'townscape block' within a conservation area. The proposed house is to be sited in an unduly prominent central location in the centre of the rear garden some 12 metres from the villa and has an unduly large scale relative to the villa such that it would have a wholly inappropriate spatial and formal relationship with the primary built form of the villa to the serious detriment of the setting of the original villa within its historic curtilage. The proposed design is generic in terms of massing, form, design detailing and material finishes that appears to respond to the housing estate development adjacent to the north of the conservation area rather than its immediate context and as such would result in an incongruous and discordant built form with reference to the clear spatial pattern of built development in this part of the conservation area and serve to erode the integrity of the current clear edge between this part of the Upper Helensburgh Conservation Area and the later 20<sup>th</sup> century housing estate development to the north of Barclay Drive.

Given the above, the proposal is contrary to provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 17 and SG on Sustainable Siting and Design Principles which presume against development which is contrary to sustainable development principles identified in the Local Development Plan in terms of adverse impact on built heritage resources and as such is contrary to the Settlement and Spatial Strategy and which does not preserve or enhance the character or appearance of an existing Conservation Area or protect local visual amenity.

2. The application site comprises an established, maturely landscaped garden in a prominent corner siting with a significant number of trees and large shrubs which make a significant contribution to the character and appearance of this edge of the Upper Helensburgh Conservation Area. One of the qualifying features for the conservation area designation is the relationship between large, detached stone villas and their curtilages, often characterised by mature tree planting. The trees within this site play a particularly important role in that they form a natural edge in the transition area between historic built form within the conservation area and modern estate development immediately adjacent to the north of the conservation area boundary. Notwithstanding general comments made in the submitted Design Statement the proposed development will result in the loss of a significant number of trees and large shrubs within the site as a result of the scale and siting of the proposed house and the formation of a new vehicular access and parking/manoeuvring area. No information in the form of a detailed tree impact report based on an accurate tree survey has been submitted to demonstrate to the satisfaction of the planning authority that the proposed development can be implemented without significant loss of trees and large shrubs to the detriment of local visual amenity and to the established character and appearance of this part of the Upper Helensburgh Conservation Area. On the above basis, the proposed development is contrary to the provisions of Policies LDP STRAT 1, LDP DM1, LDP 3, SG LDP ENV 6 and LDP ENV 17.
3. The proposed development does not make provision for a Sustainable Drainage System and the application forms and drawings do not provide any information with regard to proposed surface water drainage infrastructure. The Design Statement addresses surface water drainage only to confirm that the site is not liable to flooding and that the ground condition has poor drainage qualities. With reference to surface

water drainage, the consultation response from Scottish Water advises that in order to protect their customers from potential sewer flooding, they will not accept any surface water connections into the public combined sewer system without significant justification. The application is not supported by any submitted evidence that Scottish Water are prepared to make an exception in relation to this proposal. On the basis of the information currently available, it has not been demonstrated to the satisfaction of the planning authority that the proposal can be adequately served by public or private surface water drainage infrastructure and as such the proposal may result in localised flooding on the site and adjacent land including the public road system contrary to the provisions of Policy LDP 10 and SG LDP SERV 2.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00996/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site is located within the Main Town settlement of Helensburgh as identified in the Argyll and Bute Local Development Plan – 2015 (LDP), wherein the provisions of policy LDP DM1 (A) gives encouragement to sustainable forms of development, up to and including large scale development, on appropriate sites.

Policy LDP STRAT 1 sets out a series of Sustainable Development principles that the planning authority will use in assessing applications. The policy advises that developers should seek to demonstrate how those principles have been addressed. The principles include: -

(h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources

Policy LDP 8 and SG LDP HOU 1 establish a general presumption in favour of housing development that is located in accordance with the spatial strategy (LDP DM 1) and advise that such proposals will be supported *“unless there is an unacceptable environmental, servicing or access impact.”*

Having regard to all material considerations and the site specific merits of this proposal, it is considered that the proposed development will have a materially adverse impact upon the character and appearance of the Helensburgh Upper Conservation Area and the general visual amenity of the area contrary to the provisions of policies LDP 3, LDP 9, SG LDP ENV 17 and Supplementary Guidance on Sustainable Siting and Design Principles. This element of the assessment is set out in greater detail section (D) below. As such, the proposal is not considered to qualify as “sustainable development” with reference to the provisions of policy LDP STRAT 1 and cannot be supported under the provisions of policy LDP 8 and associated SG LDP HOU 1.

The proposed development is therefore assessed as unsustainable and inappropriate to this site contrary to the LDP Settlement and Spatial Strategy as established by policy LDP DM 1 (A).

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

The application site comprises the majority of the private rear garden to the rear (north) of a large, detached 2-storey sandstone villa dating from circa late 19<sup>th</sup> century. Surrounding land uses are residential. The site lies within the Upper Helensburgh Conservation Area.

The existing villa at 47 Campbell Street forms the easternmost of five large, traditional villas that form a planned townscape block that addresses Queen St. to the south, and bounded by Suffolk St. to the west, Campbell St. to the east, and by the swept curve of Barclay Drive to the north. Built development to the east, south and west of this identified townscape block is also within the designated Helensburgh Upper Conservation Area. The development pattern to the west, south and east is generally very similar in terms of being a 19<sup>th</sup> century planned street layout originally comprising



mainly large detached villas set in spacious and maturely landscaped grounds predominantly facing southwards towards the water. Some incremental infill development has taken place over period of the 20<sup>th</sup> Century within the wider conservation area, notably including the erection of a linear row of 6 no. houses of mid-late 20<sup>th</sup> century design fronting onto the eastern side of Campbell Street from the rear of no. 26 Campbell Street to the south up the hill to the railway line to the north. These houses are mostly of single storey bungalow design with the exception of one two-storey house. The boundary of the Upper Helensburgh Conservation Area in this area runs along the northern side of Barclay Drive immediately to the north of 47 Campbell St. and the current application site. The boundary between the five villas south of Barclay Drive between Suffolk St. and Campbell St. is defined by an historic high stone wall, which as local residents have pointed out, is largely 'unbroken' with the exception of 3 no. pedestrian gates. The crescent of Barclay Drive would historically have formed the northern edge of classically planned Victorian expansion to Helensburgh in this area.

The land to the north of Barclay Drive and east of Campbell Street (north of its junction with Barclay Drive) lies outside of the Upper Helensburgh conservation area. This relatively large area, bounded to the north by the railway line has since been comprehensively developed with street layout, development pattern, densities, scale and house design typical of mid-late 20<sup>th</sup> century housing estate development. This period of development, where it fronts into the northern side of Barclay Drive, is characterised by attractive but relatively modestly scaled bungalows or 1 ½ storey design within more compact curtilages with a generally regular 'building line' relative to the curve of Barclay Drive. Some of these houses have an eaves height and roof form typical of a single-storey bungalow but with accommodation within the roof volume, sometimes with dormer additions – conventionally referred to as 1 ½ storey design.

No. 47 Campbell Street, as described above, is the easternmost of a 'block' of five villas constructed in the late 19<sup>th</sup> century. It is a two storey, cream sandstone villa of imposing scale set back from the Queen Street frontage behind a large front garden. The boundary with Queen St. is demarcated by a low stone retaining wall augmented by a continuous hedgerow, with a group of mature specimen trees immediately behind. The principal, formal elevation of the villa faces southwards over this maturely landscaped garden setting towards the Clyde and Gareloch, typical of the prevalent historic pattern of built development within the extensive conservation area. The principal formal access to the villa is off of Campbell Street just to the north of its junction with Queen Street. The existing property is bounded to the east by Campbell Street, which is demarcated by a low stone retaining wall and attractive landscape planting adjacent to the front garden northwards up to a second, more informal gated access that traditionally would have given 'service' access from Campbell Street to the rear of the villa. Beyond these gates, the boundary of the rear private curtilage with Campbell Street is formed by an original stone boundary wall approximately 1.8 metres high. This stone wall continues around the corner of Campbell Street to form the form the rear (northern) boundary of the property with Barclay Drive. The property is bounded to the west by another detached villa of very similar age, scale, siting, form, design and (cream sandstone) materiality to no. 47 Campbell St.

Number 47 Campbell Street is not a listed building. The closest listed building to it, some 65 metres distant, is a category C listed dwellinghouse. Number 32 Queen Street is 3 houses to the west of no. 47 Campbell Street, within the same townscape 'block.'

The rear private curtilage to no. 47 Campbell Street measures approximately 0.1136 ha. The application submission states that the application site comprises 950m<sup>2</sup> (some 84%) of this existing rear curtilage to no. 47 Campbell Street. The southern

boundary of the application site will adjoin the remaining curtilage of the original villa at 47 Campbell Street, approximately 10.86 metres to the north of the rear wall of the existing villa. The application site is bounded to the west by a residential property, no. 28 Queen Street and to the north and east by Barclay Drive and Campbell St respectively.

The rear garden to no. 47 Campbell Street is relatively level and has an open lawn area at its southern part adjacent to the rear of the existing villa. The northern part of the application site is characterised by a significant number of trees growing at fairly close intervals as well as some large shrubs.

The proposed development is for a 4-bedroom detached house sited roughly centrally within the site. The footprint of the proposed house is generally rectangular in plan with a footprint area of approximately 176m<sup>2</sup>. The principal elevation faces east addressing Campbell Street and is set back from the boundary with the street the same distance as the east (side) elevation of the existing villa. The principal volumetric form is a 1 ¾ storey 'wing' accounting for approximately 50% of the total footprint and accommodating the main living spaces (living room, dining room, kitchen/breakfast room and hallway at ground floor level with 2 no. en-suite bedrooms at first floor level.) This 'main' volumetric form has an eaves height approximately half way between that of a single-storey design and a conventional 2 storey design. (The planning authority refers to this type of development as a 1 ¾ storey design.) The ridge of the roof is orientated east-west presenting a gable elevation to the east, facing Campbell Street. This elevation incorporates a recessed external balcony to the main bedroom at first floor level. The other en-suite bedroom at first floor level has a large, west facing floor-to-ceiling opening with a pair of glazed doors with a fixed glazed light to either side. The door opening has an external glass balustrade across its width creating what is commonly referred to as a 'Juliet balcony.' An addition the south of the main 1 ¾ storey volumetric form comprises a single storey 'wing' with pitched roof ridge aligned east-west (to match the 'main' part of the house linked to the 1 ¾ storey form by a single storey link which has a pitched roof with the ridge running north south. These single storey forms accommodate 2 smaller bedrooms, utility room, bathroom, separate w.c and integral single garage. In this way, it can be said that the massing of the building is 'broken' up into a principle volumetric form and a smaller reciprocal volume on the same orientation with a slightly recessed volume linking the two. Windows to habitable rooms are largely orientated to face west and east with the exception of a large glazed opening to the ground floor dining room (and rooflights to en-suite shower/bathrooms) on the north facing elevation. There are no windows on the southern elevation facing towards the rear elevation of no. 47 Campbell Street. External material wall finish is ivory coloured smooth render with feature vertical larch cladding to the upper areas of the gabled elevations. The roofs are to be clad in grey coloured modern tiles. Window/door frames are to be anthracite coloured uPVC.

The remaining area to the north of the proposed house will provide landscaped private amenity space and the area to the rear (west) of the house is to be paved to provide parking and turning space for vehicles. Vehicular access will be via a new access off of Barclay Drive. The application drawings show the formation of a 3 metre wide opening in the stone boundary wall. Black painted timber gates will be installed into this opening. However, referring to the consultation response form Council Roads and Infrastructure Services, a minimum driveway access of at least 4.5 metres will be required for the first 10 metres (requiring a corresponding increase in width of the proposed gap in the boundary wall from 3.0m to 4.5m.)

A pedestrian access gate is proposed to be formed in the stone boundary wall with Campbell Street.

### C. Natural Environment/Trees

The application site comprises part of an existing garden area with a significant group of mature trees, large shrubs and smaller ornamental planting and some ground cover (ferns etc.) within the northern part of the garden.

It is considered that the natural landscape planting, including a significant tree group on the northern part of the application site, make a significant and positive contribution to the character and appearance of the conservation area in views from Campbell Street and Barclay Drive. The trees are a mix of deciduous and evergreen species. The impact of development on trees is a material consideration in the assessment of a development proposal. Trees within a conservation area are not technically automatically subject to a Preservation Order (as suggested by one contributor), however the provisions of the Town and Country Planning (Scotland) Act 1997 make it an offence for any person to carry out works to trees within a conservation area. It would be a defence for an individual charged to prove that the individual has served notice on the planning authority of their intention to do so, with full details, and the authority has issued written consent or if six weeks has expired from the date of the notification. It should be noted that if planning permission is approved for development that requires the removal of trees (or works to trees) then the planning permission will take precedence and effectively remove the requirement for prior notification.

The design statement advises that *“the house is to be positioned, for the most part, within the lawn area so that most of the trees and shrubs, particularly along the dominant boundaries of Campbell Street and Barclay Drive will be retained.”*

The application form confirms that there are trees within or adjacent to the application site. This section of the form continues by requiring the position of trees, and their canopy spreads, to be marked on the application drawings noting any protected trees and identifying those trees to be felled or cut back. This information is absent from the application drawings and as such inadequate information has been provided to allow a full and thorough assessment with regard to this important consideration of development impact on trees within a designated conservation area.

The only submitted information relating to trees is the general and relatively vague statement in the Design Statement that has no supporting evidence. The proposed site plan shows notional positions and numbers of trees/shrubs which is diagrammatic in nature and has little value in terms of a proper assessment.

With respect, planning officers do not accept the generalised statement within the Design Statement that “most of the trees and shrubs will be retained” gives an accurate reflection of the potential impact on trees, and the subsequent impact on the visual amenity and character of this prominent site within a conservation area. On the basis of the case officer’s on-site assessment (including measuring the house footprint out), planning officers have strong concerns that the location and scale of the proposed development will have a substantially more significant impact in terms of loss of trees than the tone and general comments in the Design Statement would suggest. A significant number of existing trees lie within the actual footprint area of the proposed house. Additionally, the root protection area for trees outside but adjacent to the development footprint are very likely to be impacted by the proposed development. Furthermore, the formation of a new access and parking/manoeuvring driveway adjacent to the western site boundary will result in the loss of existing mature trees which presently run along the southern side of Barclay Drive, and form an important element of the visual amenity and character of this street. The planning authority

accept that most of the other trees along the site boundaries could be retained, however, the trees and shrubs around the perimeter margin of the site are smaller, ornamental species with spaces between them and the significant removal of the group of large trees within the site will result in a material change in the character of this site to the detriment of visual amenity and the character of the conservation area.

This is a prominent corner site with a boundary onto Campbell Street and Barclay Drive. One of the key features of the Upper Helensburgh Conservation Area generally, and this immediate area in particular, is formed by large residential curtilages with attractive mature landscaped planting. The character of Barclay Drive in this locality is largely created by the boundary to the conservation area along its southern side demarcated by a high stone wall with mature landscape planting to the rear of it.

The planning authority has strong concerns regarding the scale of potential impact on established trees within a prominent corner site within a conservation area arising from a site assessment by the planning case officer. The application submission does not include any robust and accurate survey-based information to support the claim made in the Design Statement that the development can be implemented without a significant loss of trees and shrubs. On the basis of planning officers assessment that this proposal is unacceptable in terms of its impact on the conservation area, it was not considered reasonable to request further information in the form of a full tree report and survey when it would involve additional expense to the applicant without there being a reasonable likelihood that the preparation of this information would result in support of this application which is also considered to be fundamentally unacceptable on grounds other than loss of trees.

On the basis of the information currently available, and the case officer's on-site assessment, it is recommended that, this application be refused on grounds that the proposed development will have a significant impact in terms of loss of trees within a conservation area that will be detrimental to a key characteristic of the of the conservation area contrary to the provisions of policies LDP 3 and SG LDP ENV 6 and SG LDP ENV 17.

It is also noted from investigation of the google street view application that there were two very large trees within the site, immediately adjacent to the northern site boundary, in April 2011 and the central area of the site appeared to be more open than at present. The two large trees adjacent to the northern boundary have been taken down in the intervening period.

#### **D. Historic Built Environment**

The provisions of policies LDP 3 and SG LDP ENV 17 serve to operate a general presumption against development that does not preserve or enhance the character or appearance of a conservation area or its setting. SG LDP ENV 17 gives more detail stating that *“new development within these area must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their designation and conform to Scottish Historic Environment Policy 2011 and accompanying Managing Change Guidance Notes.”*

Policy LDP 9 seeks to require that developers and their agents produce and execute a high standard of appropriate design in accordance with stated criteria including Development Setting; Layout and Density; and Design. Further detailed guidance is given in associated Supplementary Guidance on Sustainable Siting and Design Principles. This reasserts the principles of Sustainable Development established in policy LDP STRAT 1, including that proposed development should integrate into the

existing built form to minimise impact on the environment. Paras. 41-4.2 of the guidance establishes set of general principles relating to “*Design of New Housing in Settlements.*” In summary, new housing should be:

- located to reflect or recreate the traditional building pattern or built form and be sympathetic to views;
- the layout must reflect local character/patterns;
- ideally have a southerly aspect to maximise energy efficiency;
- the design by reason of scale, shape and proportion should respect or compliment adjacent buildings and the plot density and size; and,
- colour, materials and detailing are crucial elements to ‘pick up’ from surrounding properties and integrate the development within its context.

An appraisal of character and appearance of this part of the conservation area, and the important elements that gave rise to its designation are set out in detail in Section B above. The key issues are that the application site comprises the majority part of the original private rear garden to an imposing, stone, detached villa. The existing villa forms an integral part of an established townscape block laid out in the late 19<sup>th</sup> century as a north-westwards expansion of the planned settlement of Helensburgh. This townscape block comprises five large, detached stone villas set in generous curtilages bounded by Queen Street to the south, Suffolk Street to the west, Campbell Street to the east and the sweeping curve of Barclay Drive to the north. The development pattern and density of development reflects the prevalent pattern in the wider conservation area which ‘surrounds’ this block to west, south and east i.e. large villas set well back in their plots with principal elevations facing southwards to the water over large, formally landscaped front gardens. The classical curve of Barclay Drive, created by this particular block of townscape development forms the limit of the Victorian expansion in this locality. The land north of Barclay Drive, west of Campbell Street, and contained to north and west by the railway line and Duchess Wood has been developed to provide a housing estate. The street layout, development pattern, plot densities, scale of buildings and open space between them, and external material finishes reflects the character of mid-late 20<sup>th</sup> century housing estate design that is fundamentally distinct from that of the Helensburgh Upper Conservation Area in general. It is acknowledged that some later 20<sup>th</sup> century development has taken place on appropriate in-fill sites within the conservation area, including a linear row of houses along the eastern side of Campbell Street to the north of no. 26 Campbell Street.

The proposed new house is to be sited approximately centrally within what is currently the private rear curtilage to a large, detached stone villa constructed in the later 19<sup>th</sup> century. The villa property was planned as the easternmost of a group of five villas which form a distinct townscape block with a frontage onto Queen Street and bound to the rear by the sweeping curve of Barclay Drive. The proposed development falls to be assessed in this immediate context. The rear curtilage to no. 47 Campbell Street is located on the southern corner of Campbell Street and Barclay Drive. As such, this open landscaped space provides a prominent open setting to the original villa, and an important spatial element in the development pattern of this formally planned townscape block. The conservation area boundary runs along the northern side of Barclay Drive. The northern boundaries of these five villas, demarcated by the sweeping curve of a high stone wall with mature trees behind therefore forms a very distinct and strong edge between the historic planned town pattern of development comprising large, south facing villas set in expansive curtilages and the mid to late 20<sup>th</sup> century housing estate development pattern immediately to the north which has a much finer grain of development comprising much more modest houses in compact plots and with a more regular density pattern.

It is considered that the subdivision of the property at no. 47 Campbell Street, to separate off some 84% of the original rear curtilage, and to site a 4-bedroom dwellinghouse within the centre of the application site would severely compromise the setting of the villa and the historic, planned spatial layout of this townscape block. The central siting within the plot will give the proposed dwelling an inappropriate level of status in relation to the original villas. The site coverage of the proposed house is approximately 176m<sup>2</sup> in comparison to the original 2-storey form of the stone villa which has a footprint of approximately 160m<sup>2</sup> (although the original villa has several later additions at ground floor level. The siting of a new house of generally similar footprint area to the original Victorian villa approximately 11 metres from the original villa would result in a cramped relationship with the 'primary' built form on the original plot. Despite being lower than the existing villa, and with the massing broken up, it is considered that the juxtaposition between the original villa and the proposed new house would be wholly inappropriate in protecting the primacy of the historic villa and would severely compromise the setting of the original villa and substantially erode the historic development pattern and spatial quality of the original formal layout of the block. The Design Statement makes reference to the plot size in relation to previous mid to late 20<sup>th</sup> century in-fill housing within the conservation area on the east side of Campbell Street and in a late 20<sup>th</sup> century housing estate outside of the designated conservation area to the north. However, unlike the houses on the opposite side of Campbell Street, this site is not part of a large open, undeveloped strip of land: it is part of the curtilage of a villa within a formally planned and considered expansion of the town of Helensburgh at the turn of the 19<sup>th</sup> Century, and it is in the context of this townscape block that it should be assessed. The relationship between the scale and built form of these five villas in relation to the open spaces between and around them is a key criteria for the designation of the conservation area. This is particularly evident in this instance as the 'block' was laid out to incorporate a crescent to the north (rear) of the buildings. It is considered that the historic integrity of this development pattern would be completely undermined by the proposed development. The proposed house, would in effect, challenge the integrity and primacy of the original villa given its close proximity and scale, particularly when viewed from the north.

The Design Statement does not offer any support for how this design, in terms of siting, scale, massing, form, detailing and material finish was informed by an in depth assessment of the conservation area context other than to refer to examples of later 20<sup>th</sup> century design in the locality. As such, it is not considered that this design is of high quality in relation to the sensitivity of its historic context as required by local development plan policy and associated guidance.

It is also a material consideration that this particular townscape block has not been previously compromised by insensitive development, and as such the spatial pattern of development remains intact. Furthermore, the open private curtilages to the rear of this group of villas has a role as a transition between this part of the conservation area and the modern estate development immediately adjacent to the north and is very sensitive to change. The development of a house, which in terms of design refers more directly to the 20<sup>th</sup> century estate development to the north of the conservation area, within the rear curtilage of a Victorian era villa some 11 metres to the rear of the original villa would significantly compromise the integrity of the edge of conservation area location and erode the existing clear distinction between the historic 19<sup>th</sup> century development pattern and the markedly different development pattern of later 20<sup>th</sup> century housing estate development pattern to the north.

The design detailing and material finishes for the proposed house do not address the colours, textures and material character of the conservation area. It is appreciated that the design and material qualities of the proposal refer to previous 20<sup>th</sup> century

development on the opposite side of Campbell Drive, however this is not considered to be a robust design approach for a new house in a very sensitive context within the curtilage of an historic villa that forms part of a comprehensively planned townscape block. A much more site specific design is called for in this situation.

Local residents have expressed concern that the removal of a section of rear boundary wall to give access onto Barclay Drive would compromise the historic integrity and significance of this stone wall, particularly as there are no other vehicular openings in the wall between Campbell Street and Suffolk Street. Were the planning authority minded to accept the principle of subdivision of no. 47 Campbell Street and the development of a new separate dwellinghouse in principle then, having regard to the consultation response from the Area Roads Officer, any new private access would require a new gateway in the wall with a minimum width of 4.5 metres.

## **E. Impact on Residential Amenity**

Policy LDP 9 and SG LDP – Sustainable Siting and Design Principles establish criteria to ensure that the siting, orientation and design of propose development in relation to existing residential properties preserves residential amenity and specifically does not give rise to a loss of privacy by overlooking. SG – Sustainable paragraphs 13.1-13.3 gives more detailed advice in respect of “*Overlooking*” setting out established general standards that no main window of a habitable room within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres. This is guidance only and can be assessed further in relation to site-specific circumstances.

It is noted that although the proposed house is sited within 12 metres from the rear elevation of the original two-storey villa, no. 47 Campbell Street, it is acknowledged that there are no windows on the south elevation of the proposed house and that windows on the rear, north-facing elevation of the existing villa are limited to what appears to be a stairway window, a large roof dormer window and a first floor window that may be to a habitable room. On this basis, the planning authority accepts that there will not be a material degree of direct overlooking between windows to habitable rooms of the existing and proposed houses and that an acceptable level of privacy will be retained/provided in relation to the existing and proposed house.

The principal (east) elevation of the proposed house (which includes a 1<sup>st</sup> floor external balcony) faces onto Campbell Street towards existing residential development on the opposite side of the road. The distance between the front elevation of the proposed house and the front elevation of the houses opposite is in excess of 30 metres. The northern elevation of the proposed house has one large, ground floor glazed opening facing towards the site boundary with Barclay Drive and the housing development on the northern side of that road. The distance between the side (north) elevation of the proposed house and the front elevations of the Barclay drive houses is also in excess of 30 metres. In both cases, the proposed house and the existing houses are separated by a public road. These distances of separation are not uncommon within a residential area and comfortably comply with the standards set out in the Supplementary Guidance with regard to direct overlooking. The rear (west) elevation of the proposed house (including a 1<sup>st</sup> floor Juliet balcony to a bedroom) faces towards a shared boundary with the rear garden of the adjacent house, no 28 Queen St., at a distance of approximately 8.4 metres. This boundary is formed by a stone wall approximately 1.8 metres high with trees and shrubs to either side. The LDP Guidance relates to direct overlooking of windows of separate houses as opposed to potential loss of privacy by reason of overlooking of private open amenity space. This is still a material

consideration however the assessment is rather more subjective and is based on individual circumstances of each site. It has to be expected that there is some overlooking of rear gardens of houses within residential areas, and the assessment of the planning authority in this instance is that whilst there may be an element of overlooking of private external amenity space of a neighbouring property, it will not result in a material loss of residential amenity to an extent that would warrant refusal.

The distances between the proposed house and nearby properties on the opposite sides of Campbell Street and Barclay Drive are typical of many residential areas and comfortably in excess of the minimum guidelines set out in SG LDP – Sustainable Siting and Design Principles.

In this case, notwithstanding the concerns expressed by objectors, the planning authority concludes that the proposed development will not have a materially adverse impact upon residential amenities by reason of overlooking.

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

The provisions of policy LDP 11 set out that the Council will seek to ensure that an appropriate standard of access is delivered to serve new developments. SG LDP TRAN 4 seeks to ensure that development is served by appropriate access arrangements and seeks to ensure that road safety and street design issues are addressed, and SG LDP TRAN 6 establishes parking. In addition, policy 35 (Design of New and Existing, Public Roads and Private Access Regimes); 36 (New Private Accesses) and 39 (Construction Standards for private Access) from LDP2 carry significant weight as they have not been objected to. Policy 35 requires that acceptance of utilising new and existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and the Planning Authority. This is very similar to the requirements of policy LDP SG TRAN 4. Policy 36 advises that development served by a new private access forming an individual private driveway serving a single-user development will be acceptable where, in the view of the planning authority, it does not generate unacceptable levels of traffic. Policy 39 generally seeks to ensure that private accesses are designed and constructed to function safely and effectively as set out in the Council's Roads Development Guide. The other roads policies which relate to road safety and parking standards have been objected to and carry little weight.

The proposed vehicular access is onto Barclay Drive adjacent to the northern boundary of the site, close to the western boundary of the application site with the rear garden area to no. 28 Queen St. The planning application drawings show the formation of a 3.0 metre wide opening within the existing stone boundary wall. It is proposed to install a pair of black painted timber gates across the gateway. A short section of driveway across the narrow grass verge to the road will be required.

The area to west (rear) of the proposed house, and bounded by the southern, western, and northern site boundaries will be almost exclusively laid out to provide parking and turning including vehicular access to the integral garage.

Notwithstanding that Barclay Drive is a relatively narrow and fairly quiet street, it is not considered that the formation of a new private access to serve a single dwellinghouse will have an adverse effect on road safety or the established character of this area. This is consistent with the consultation response from the Council's Area Roads Engineer which does not raise any objections subject to conditions of a technical design layout nature and the provision of adequate provision for parking and manoeuvring on-site for vehicles to enter and leave in a forward gear. It is noted that



one element of the condition recommended is that the minimum width of the proposed access be 4.5 metres over the first 10 metres back from the public road. Whilst this may be technically achievable, one implication of this is that a significantly longer section of stone boundary wall will have to be removed to achieve this.

## **G. Infrastructure**

The provisions of policies LDP 10 and SG LDP SERV 1 seek to maximise our resources and reduce consumption by requiring that new development proposals in the main settlements shall connect to the public sewer. The consultation response from Scottish Water does not indicate any constraints in principle with regard to Water and Waste Water infrastructure to serve the propose development, subject to possible further investigation when an application is submitted to them. It is therefore considered that there is no evidence to confirm that the proposal is not capable of being supported by public water supply and foul water drainage in accordance with policy LDP 10 and SG LDP SERV 1.

Policies LDP 10 and SG LDP SERV 2 encourage developers to incorporate Sustainable Drainage Systems (SuDS) into their development proposals. This provides benefits in terms of flood avoidance, water quality, habitat creation and amenity. The application forms state that the proposal does not make provision for sustainable drainage of surface water. The Design Statement advises that *“there are no adjacent water features and the site is not liable to flooding”* and that *“the topsoil of the site and surrounding lands are boulder clay with poor drainage qualities.”* No details of surface water drainage are shown on the application drawings. From the information available in the application submission, it is therefore unclear how the proposed development will address surface water drainage related to the house and the creation of a large parking/manoeuvring area. In this context, it is noted from the consultation response that Scottish Water will not accept any surface water connections into their combined sewer system. The response does continue that *“there may be limited exceptional circumstances where we (Scottish Water) would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.”* On the basis of the information currently available, the applicant has failed to demonstrate that the proposal can be adequately served by surface water drainage infrastructure and this could lead to localised flooding contrary to the provisions of policies LDP 10 and SG LDP SERV 2.