DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee

Local Member  Councillor D C Currie
Date of Validity  - 17\textsuperscript{th} March 2005
Committee Date  - 4\textsuperscript{th} April 2006

Reference Number: 05/00620/OUT
Applicants Name: Mr and Mrs Douglas Smith
Application Type: Outline
Application Description: Site for the Erection of a Dwellinghouse
Location: Land South West of Ardeneden, Tighnabruaich

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Permission in principle is sought for the erection of a dwellinghouse within an area of land measuring 0.207 acres to the south west of Ardeneden Guest House, Tighnabruaich;
- new vehicular access is to be formed onto the A8003 road;
- connection to an existing private sewerage system.

Other Specified Operations
- connection to the public water main.

(B) RECOMMENDATION

It is recommended that planning permission be refused for the reasons set out on the following page.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

Development Plan policies seek to encourage residential development within existing settlements where they relate to infill, rounding off or redevelopment plots and where they would not have an adverse visual or environmental impact. In addition, the retention and enhancement of existing tree groups and belts of trees within built-up areas is also encouraged.

Whilst the subject application is in outline form only, the Department considers that the proposed site for the dwellinghouse would occupy a plot significantly less than the average size of the surrounding properties. Were the development to be approved even with the relatively modest footprint indicated, it is considered that the proposed dwelling would have a cramped and confined plot of ground, particularly having regard to providing adequate access, parking, turning and curtilage space.

Furthermore, the wooded nature of the plot contributes to the amenity of this part of the village and, whilst it has been indicated that some trees and bushes are to remain around three of the site’s boundaries, it is considered that the substantial loss of trees within the front and central part of the site would have a significantly adverse effect upon this level of amenity.

On the basis of the foregoing, the application is being recommended for refusal as being contrary to Development Plan policies.

Angus J Gilmour
Head of Planning and Building Standards
Case Officer: S. Gove 01369-70-8603
Area Team Leader: D. Eaglesham 01369-70-8608

“In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985.”
REASONS FOR REFUSAL RELATIVE TO APPLICATION 05/00620/OUT

1. The proposed site for the dwellinghouse would occupy a plot significantly less than the average size of the surrounding properties; were the development to be approved even with the relatively modest footprint indicated, it is considered that the proposed dwelling would have a cramped and confined plot of ground, particularly having regard to providing adequate access, parking, turning and curtilage space. As such, the proposal is contrary to Policy POL HO 8 of the Cowal Local Plan 1993, which states that:

   “Within the settlement of Kames, the Council will encourage infill, rounding off and redevelopment related to the existing built form … Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted”.

2. The wooded nature of the plot contributes to the amenity of this part of the village and, whilst it has been indicated that some trees and bushes are to remain around three of the site’s boundaries, it is considered that the substantial loss of trees within the front and central part of the site would have a significantly adverse effect upon this level of amenity. As such, the proposal is contrary to Policy POL BE 8 of the Cowal Local Plan 1993, which states that:

   “The Council will encourage the retention and enhancement of existing tree groups and belts of trees within, or directly adjacent to, built-up areas. The Council will normally require that development and land use changes within its powers of control do not lead to the destruction of trees, woodlands and hedges …”
APPENDIX RELATIVE TO 05/00620/OUT

A. OTHER MATERIAL CONSIDERATIONS

(i) Site History

Outline Planning Permission (ref: 15567) granted on 22<sup>nd</sup> September 1972 for a dwelling and garage on the subject site.

(ii) Consultations

Scottish Water (letter dated 12<sup>th</sup> April 2005)

Public water supply available but no public sewer connection.

Environmental Health Officer (memo dated 18<sup>th</sup> April 2005)

No objections.

Area Roads Manager (report dated 25<sup>th</sup> April 2005)

No objections subject to conditions.

SEPA (letter dated 25<sup>th</sup> April 2005)

No objections in principle.

(iii) Publicity and Representations

The application has been advertised as a Potential Departure to the Development Plan (closing date 29<sup>th</sup> April 2005). No letters of representation have been received.

(iv) Applicants’ Supporting Information

The agent, Mr Andrew Frater, has submitted information in support of the application (letters dated 8<sup>th</sup> July 2005, 11<sup>th</sup> January 2006 and 7<sup>th</sup> February 2006), a summary of which is as follows:

• The Council granted permission in 1972 and it must be assumed that they gave similar consideration to the application as would currently be given. They found the scheme to be acceptable. It is contended that the character and surrounding settlement pattern have not radically altered in the intervening 34 years;

• The wooded area is mainly scrub and trees that have no positive value. The clearance of the site would not affect the amenity of the surrounding area;

• Whilst it is acknowledged that adjacent houses have larger plots, the application site is of a sufficient area to contain a dwelling and access. Many sites have been approved with much smaller plots – there are presently a number of schemes in Dunoon which can be referred to;

• Work on the dwelling to the rear has been abandoned. Nevertheless, it would be a sufficient distance back to avoid any negative effect on the amenity of the application site and trees would be retained along this rear boundary.

B. POLICY OVERVIEW

Policy POL HO 8 of the Cowal Local Plan 1993 seeks to encourage the development of infill, rounding off and redevelopment sites related to the existing built form for residential purposes but advises that those considered to have an adverse visual or environmental impact will normally be resisted.

Policy POL BE 8 of the Cowal Local Plan 1993 seeks to encourage the retention and enhancement of existing tree groups and belts of trees within built-up areas. The Council will normally require that development does not lead to the destruction of trees and woodlands.
Although the Argyll and Bute Local Plan is now at an advanced stage, Policies LP HOU 1 and LP ENV 7 of the Final Draft do not materially change the thrust of policies in the adopted local plan.

C. ASSESSMENT

Size of Plot

The proposed site for the dwellinghouse would occupy a plot significantly less than the average size of the surrounding properties. Were the development to be approved, even with the relatively modest footprint shown on the indicative plan, it is considered that the proposed dwelling would have a cramped and confined plot of ground, particularly having regard to providing adequate access, parking, turning and curtilage space.

On this basis, the proposal is considered to contravene Policy POL HO 8 of the Cowal Local Plan 1993 above.

Trees

The wooded nature of the plot contributes to the amenity of this part of the village and, whilst it has been indicated that some trees and bushes are to remain around three of the site’s boundaries, it is considered that the substantial loss of trees within the front and central part of the site would have a significantly adverse effect upon this level of amenity.

On this basis, the proposal is considered to contravene Policy POL BE 8 of the Cowal Local Plan 1993 above.

Adjacent Development Site

Work on the dwelling to the rear of the subject plot (granted Detailed Planning Permission in 2001) has commenced. If this building were to be completed, it would be situated at a higher level than the application site but approx 24m from the common boundary.

Notwithstanding that the agent has indicatively shown possible tree retention along this boundary (which could be regarded as questionable given that space for any occupier of the proposed dwelling would be at a premium), any dwelling and its garden on the application site would have its privacy diminished to a degree by overlooking from living room, dining room, family room and bedroom windows on the consented dwelling. However, this issue could be addressed in more detail at reserved matters stage if outline permission was granted and is not considered to be such importance as to contribute to the reasons for refusing the application.

Planning History

As stated above, Outline Planning Permission (ref: 15567) was granted on 22nd September 1972 for the erection of a dwelling on a similar plot. Whilst the agent contends that the current application site and the original are the same, the imperial scales involved in the plans and the fact that they are copies of the original mean that one could not state definitively that both sites are identical.

In addition, the 1972 ‘Location Plan’ identifies a garage being within its boundaries; if this were the garage that exists at the moment (and belonging to the property known as ‘Highgate’), then the sites would not appear to be the same.

Notwithstanding the possible differences between the 1972 and present sites, the Department considers that only very limited weight should be given to the original Planning Permission as it is long expired and was approved at a time when standards were different, Development Plans were considerably less advanced that at present and there was no National Planning Guidance.