

Reference Number: 08/01077/OUT
Applicants Name: Mr. Robert McSeveney
Application Type: Outline
Application Description: Erection of dwellinghouse and alterations to vehicular access.
Location: Land to the rear of Portvasgo, Cromlech Road, Sandbank, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of detached dwellinghouse (indicative footprint only);
- Alterations and extension to existing vehicular access with provision for turning area and car parking spaces;

(ii) Other specified operations.

- Connection to public water supply and waste water network;
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(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Sandbank/Arndadam and covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment' and BE9 'Layout and Design of Urban Development'. In the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), the application site is located within the small town and village settlement of Sandbank, covered primarily by policies LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development'.

The proposal is considered contrary to the Cowal Local Plan in respect of the erection of a dwellinghouse to the rear of the applicant's dwellinghouse Portvasgo and behind the established building line on Cromlech Road. Such a back-land or tandem development could not be regarded as appropriate infill development that would also be contrary to the settlement pattern and result in a loss of privacy and amenity to the existing dwellinghouse.

The proposal is contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan since the dwellinghouse proposed cannot be regarded as appropriate infill development as the development is considered to result in unacceptable back-land development that would not be consistent with the immediate settlement pattern and would result in a loss of privacy and amenity to adjacent residential dwellings in addition to potentially prejudicing an area of land to the rear of the site that may be capable of future development.

Furthermore, the siting of a dwellinghouse in this location in close proximity to lawful existing 'bad neighbour' type storage and distribution uses at Ellangowan Farm could lead to significant residential amenity issues in respect of noise, odour, smoke, safety etc. and would result in a 'bad neighbour in reverse' situation. This is supported by Public Protection who recommend refusal on similar grounds.

Detailed planning permission (submitted by the same applicant) for a large detached one-and-a-half storey dwellinghouse was refused in November 2004 on the grounds of unacceptable tandem development, loss of amenity and privacy for *Portvasgo*, proximity to an existing 'bad neighbour' use and prejudicing land to the rear for future development. Since that time, the only significant change to the circumstances surrounding this proposal has been the emergence of the Argyll and Bute Local

Plan that further seeks to protect existing residential areas from unacceptable tandem or back-land development, clearly identifies the issues concerning bad neighbour in reverse scenarios and retains the field to the rear within the settlement boundary.

Given all of the above, it is considered that the proposed development does not differ significantly from that previously refused in November 2004, is inconsistent with the immediate settlement pattern, does not constitute appropriate infill development but promotes unacceptable tandem or back-land development that would have adverse impacts on neighbouring properties, and sited adjacent to a lawful 'bad neighbour use, that collectively would be contrary to policies contained in the Argyll and Bute Structure Plan, Argyll and Bute Modified Finalised Draft Local Plan and National Guidance.

(ii) Representations:

No letter of representation has been received.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Not required.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

Not applicable. The application is recommended for refusal.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

No, the application is recommended for refusal.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
26 September 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 15th September 2008
Date: 25th September 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01077/OUT

1. Having regard to the character of the existing settlement pattern, that comprises frontage or single tier development along *Cromlech Road*, the proposed dwellinghouse would not complement, but be at variance with the character of the immediate settlement pattern. The siting of a dwellinghouse to the rear of the existing dwellinghouse would constitute "*tandem development or back-land development*", resulting in both a poor standard of amenity for the existing dwellinghouse *Portvasgo*, and the proposed dwellinghouse. Additionally, the proposed development would remove meaningful private rear amenity space from the existing dwellinghouse at *Portvasgo*, thereby diminishing the amenity, privacy and outlook that the occupants could reasonably expect to enjoy.

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to: Scottish Planning Policy SPP1 "The Planning System"; SPP 3 'Planning for Housing'; Planning Advice Note 67 - 'Housing Quality'; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed.

2. Given the existing lawful use of the adjacent Class 6 activities within the curtilage of *Ellangowan* i.e. LPG bottled gas storage compound and other commercial storage or distribution uses, a dwellinghouse located immediately adjacent to such a complex would result in a poor standard of amenity, given the range of uses which could be carried out without the benefit of planning permission, resulting in disturbance generated by noise, smell and activities associated with such uses. Accordingly, the development would be contrary to SPP 3 'Planning for Housing'; PAN 56 "*Planning and Noise*", and Policy LP BAD 2 '*Bad Neighbour in Reverse*' of the Argyll and Bute Modified Finalised Draft Local Plan, which comment that:

"Not all sites will be capable of providing good residential environments, mainly because of safety or amenity considerations. Safety exclusion zones around hazardous installations and sites adjacent to noisy or polluting activities are unlikely to be appropriate (para 41). (SPP 3 'Planning for Housing')

"The juxtaposition of incompatible uses can cause problems for the occupiers of both the new and existing development. For example, where a residential development is proposed in the vicinity of existing industrial uses, the expectations of new residents may exceed the standards applied by the planning authority and which may give rise to local pressure to curtail the existing use. Planning authorities should therefore, try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise."

(para 46) (Planning Advice Note 56 - 'Planning and Noise')

"a presumption against proposals that will introduce new incompatible development and associated uses into or adjacent to areas already containing developments classed as 'Bad Neighbours'. The amenity of such a new residential use would not be as high as reasonably would be anticipated and could will result in complaints of noise and general disturbance complaints or related issues in the future if permitted. The 'bad neighbour' policy in reverse seeks to prohibit such potential conflicts for the future". (Policy LP BAD2 of the Argyll and Bute Modified Finalised Draft Local Plan)

3. The indicative siting of the proposed dwellinghouse, with a principal aspect facing across the site in a southerly and westerly direction, could prejudice, due to direct overlooking, part of land within the immediate area which is identified within the settlement boundary of Sandbank including Ardnadam with potential for future development.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01077/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and respect the landscape character of an area and the setting and character of settlements..

STRAT DC 1 '*Development Within The Settlements*' encourages appropriate infill, rounding off and redevelopment sites. Developments which do not accord with this policy are those which are essentially incompatible with the close configuration of land uses found in settlements e.g. settlement cramming or inappropriate rounding off on the edge of settlements.

STRAT HO1 – '*Housing – Development Control Policy*' : c) Outwith formally allocated housing sites, appropriate forms and scales of housing infill, rounding off and redevelopment will be encouraged within settlements where it is consistent with STRAT DC1-10; and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

(b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Sandbank/Ardnadam.

Policy POL HO8: '*Infill, Rounding-Off and Redevelopment*' where infill, rounding-off and redevelopment will be encouraged related to the 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.

Policy BE9 '*Layout and Design of Urban Development*' where the Council will seek to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

(c) Argyll and Bute Local Plan (Modified Finalised Draft) June 2006

In the Argyll and Bute Modified Finalised Draft Local Plan June 2006 the site is located within the small town and village settlement of Sandbank (including Ardnadam). The field to the south of the application site was previously identified within the Consultative Draft Plan as a Potential Development Area (ref. PDA 2/19). However, this PDA status was removed in the Modified Finalised Draft Local Plan where the field is now identified within the settlement zone and subject to policies including LP ENV19 and LP HOU 1.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 – '*General Housing Development*' states a general presumption of favour of housing within settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both Structure and Local Plan.

Policy LP BAD 2 '*Bad Neighbour Development In Reverse*' states a general presumption against proposals that will introduce new incompatible development and associated land uses into or adjacent to, areas already containing developments classified as "Bad Neighbour" Developments. This policy seeks not to prejudice the operational integrity of safeguarded land use and operations. For example, new residential development can expect to be refused if the proposal is located in close proximity to an industrial process plant.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(d) Scottish Government Advice

- a) Scottish Planning Policy SPP1 “The Planning System”; *One of the goals of SPP1 includes the promotion of ‘sustainable development’. “The planning system guides the future development and use of land in towns in the long term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development”....The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system”.*
- b) Scottish Planning Policy SPP3 “Planning for Housing”: *“Working with architects and landscape architects, developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11)..... Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development. These principles apply equally to development in the gardens or grounds of existing houses or on back-land sites in urban, suburban or village locations (para 34).....not all sites will be capable of providing good residential environments, mainly because of safety or amenity considerations. Safety exclusion zones around hazardous installations and sites adjacent to noisy or polluting activities are unlikely to be appropriate (para 41).*
- c) Planning Advice Note 67 - ‘Housing Quality’ advise that, *“the design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layout of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages”.* Furthermore, *“new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features..”.*
- d) Planning Advice Note 56 “Planning and Noise” – *Advises that Planning Authorities should, try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise.*
- e) Planning Advice Note 68 – ‘Design Statements’; *Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme...Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.*
- f) ‘A Policy Statement for Scotland - Designing Places’; *Good design creates places that work..... good design is a key to achieving social, economic and environmental goals of public policy.....sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it.*

(ii) SITE HISTORY

Detailed permission (98/00444/DET) was granted in 1998 for the erection of a dwellinghouse now known as *Portvasgo* and the home of the applicant. This dwellinghouse conformed to the established existing building line and settlement pattern in this part of *Cromlech Road*.

A detailed application (04/01376/DET) for the erection of a one-and-a-half-storey dwellinghouse was refused in November 2004 on grounds of unacceptable tandem development, loss of amenity and privacy for *Portvasgo*, proximity to a ‘Bad Neighbour’ use and prejudicing land to the rear for future development.

Related History

The adjacent buildings at ‘*Ellangowan*’ were historically in use as a farm and a piggery and previously owned by the applicant. Over the years, these buildings have been used for a number of commercial and storage or distribution uses i.e. lock-ups, storage, calor gas storage for West Highland Gas Ltd. etc. An application to change the use of agricultural land to a LPG bottled gas storage compound (ref.01-89/0510-COU) was approved retrospectively on 2nd August 1989 for part of the south eastern corner of that site. A further consent (ref. 01-93-0183) was granted on 2nd July 1993 for an extension to the existing gas storage compound.

An application by the applicant (ref 01-95-0122) for the erection of two dwellinghouses in front of and east of *Ellangowan*, was refused on 11th May 1995.

(iii) CONSULTATIONS

Public Protection (response dated 10th September 2008): Recommend refusal as there is considerable potential for noise and odour nuisance to the occupants of the proposed dwelling caused by the legitimate use of the adjacent site at Ellangowan.

Area Roads Manager (response dated 10th July 2008): No objections subject to conditions regarding design of access and provision of car parking and turning areas to serve both existing and proposed dwelling. Advisory Note regarding a Road Opening Permit.

Scottish Water (response dated 30th June 2008): Advisory comments. Potential waste water network capacity issues could only be resolved at the detailed stage. A totally separate surface water drainage system will be required.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a potential departure from Policy HO8 of the Cowal Local Plan (expiry date 8th August 2008). Under Article 9 Certification, no letter of representation has been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicants' agent confirms that he was the original agent for the dwellinghouse Portvasgo but was not involved in the scheme that was refused in 2004. He acknowledges that the previous reasons for refusal (such as interlocking, overlooking and the presence of bad neighbour environmental impact) cannot be that different to what must have been applicable for the approved application at Portvasgo. Interlocking and/or overlooking in respect of Portvasgo, Ellangowan and land within the immediate area identified as a Potential Development Area can be addressed by sensitive design, orientation, additional screening and screen planting conditions that his client is willing to accept.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01077/OUT

A. Settlement Strategy

In the adopted Cowal Local Plan, the application site is located within the settlement of Sandbank/Ardnadam to the rear of an existing dwellinghouse *Portvasgo* that is set back slightly from the established building line along the southern side of Cromlech Road. The site for the proposed dwellinghouse is adjacent to former farm buildings to the rear of Ellangowan, currently used for commercial and storage/distribution purposes. Adopted Local Plan policies (HO8 and BE9) encourage development related to the built form where issues such as privacy, light, parking and access should all be satisfactorily addressed.

Policies contained in the Structure Plan (policies STRAT DC1 and HO1) and Argyll and Bute Modified Finalised Draft Local Plan (policy LP ENV19 and LP HOU1) allow for appropriate infill, rounding-off and redevelopment within settlement zones. Given the siting and scale of the proposed dwellinghouse in relation to the existing house *Portvasgo* and existing settlement character of dwellings fronting Cromlech Road, it is considered that the proposal would be at odds with the existing settlement character and constitute unacceptable 'tandem development' that would result in a loss of privacy for the existing dwellinghouse *Portvasgo*, contrary to the settlement pattern.

Furthermore, given the existing lawful use of the adjacent storage and distribution activities (Class 6) within the curtilage of *Ellangowan* i.e. LPG bottled gas storage compound for West Highland Gas Ltd, and other commercial and storage or distribution uses, a dwellinghouse located in such close proximity would result in a poor standard of amenity, given the range of uses which could be carried out without the benefit of planning permission. Policy LP BAD 2 'Bad Neighbour in Reverse' states a presumption against proposals that will introduce new incompatible development and associated uses into or adjacent to areas already containing developments classed as 'Bad Neighbours'. The amenity of such a new residential use would not be as high as reasonably would be anticipated and could well result in complaints of noise and general disturbance or related issues in the future if permitted. The '*bad neighbour*' policy in reverse seeks to prohibit such potential conflicts for the future. This view is supported by Public Protection who have recommended refusal based on the fact that the boundary of the proposed premises is shared with that of a site that has unrestricted Class 6 storage or distribution activities including that of an LPG bottled gas storage compound. A dwelling located immediately adjacent to such a site would potentially result in a poor standard of amenity as a large number of activities could legitimately be carried out at the site which could cause noise and odour disturbances. This is a situation that is advised against in PAN 56 on 'Planning and Noise'.

Given the existing settlement pattern, and proximity to these commercial and storage/distribution uses, the department would not wish to encourage residential development where the amenity of prospective residents could be seriously compromised by the nature, range of activities and hazards associated with lawful Class 6 uses adjacent.

Since the proposal cannot be regarded as appropriate infill, rounding-off or redevelopment, and result in unacceptable 'tandem development' with loss of privacy and amenity to the existing dwellinghouse, it would be contrary to policy POL HO8 and POL BE9 of the adopted Cowal Local Plan, policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan. Additionally, the siting of a dwellinghouse in close proximity to an existing 'bad neighbour' use would be contrary to policy LP BAD2 of the Argyll and Bute Modified Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site comprises an area of undeveloped maintained grass (formerly used as tennis courts), located to the rear of the applicant's dwellinghouse '*Portvasgo*' on Cromlech Road. The application site is bounded to the south and west by a field, and by former agricultural buildings now in use for commercial and industrial uses as part of the former farmsteading *Ellangowan* immediately to the east. The application site has been maintained by the applicant as a flat-grassed area of open space, which contains shrubs and a mature tree on the western boundary.

Only an indicative footprint has been submitted at this stage but this depicts a similar footprint to *Portvasgo*, a large 'T' shaped bungalow (recently built in 1999) that fronts and is accessed from *Cromlech Road*. It is proposed to mirror *Portvasgo* by siting a dwellinghouse on the former tennis court to the rear at a distance of 18 metres. Development Plan Policies encourage rounding-off related to the built form but in this instance '*back-land or tandem development*' is proposed. Adopted Local Plan Policy BE9 requires a high standard of layout for new developments, more recently reinforced by policies LP ENV19 and HOU1 of the emerging

Local Plan, which re-iterate that developments shall be sited and positioned as to pay regard to the context within which it is located and be consistent with settlement character.

The ample private amenity areas associated with the existing dwellinghouse *Portvasgo*, would be significantly reduced with the proposed widened vehicular access running past the front elevation of this dwelling which has a living room window and a bedroom window located at 4 metres and 5 metres respectively from the proposed access to the new dwellinghouse. Should permission be granted, the existing single vehicular and pedestrian access would then be utilised to serve two dwellings with associated vehicular, pedestrian, visitor and delivery traffic movements all taking place immediately in front of the principal elevation of *Portvasgo*. Existing vehicle turning areas would be reduced by the widened and extended access. Existing rear curtilage amenity space and aspect to *Portvasgo* would be significantly reduced by the introduction of a new dwellinghouse in this location.

The side curtilage of *Portvasgo*, which includes a garden shed, greenhouse, sitting out area, rockeries planters, shrubs and trees would effectively be '*split*' by the proposed shared access. In terms of good design standards, the principle of taking a proposed access through, and splitting an existing residential curtilage would not, and should not be encouraged.

The positioning of the proposed dwellinghouse has its (indicative) principal elevation looking out over undeveloped land to the west to the rear of the adjacent property "*Staffa*". This area of land was previously in the Argyll and Bute Local Plan (Consultative Draft) as a *Potential Development Area*, but has since been removed and is now included within the settlement zone. Discussions have taken place as to development of this site but this is dependant on a means of access into this large site. Whilst only little weight can be given to the potential development of this area for residential purposes, the siting and orientation of the proposed dwellinghouse, whilst not completely prejudicing the potential future development on this area of undeveloped land, would inhibit a good standard of layout and privacy and amenity on part of the site.

Additionally, there will always be examples within the wider environs of '*back-land or tandem development*', but such examples should not be used as a precedent, otherwise the standard of residential layouts will continue to remain poor. Having regard to the character of the area, if approved, it is not difficult to envisage other residential properties elsewhere along this part of *Cromlech Road* seeking to pursue the same option. Development Plan Policies would not promote such a poor layout, where other means of access to the site, rather than the most convenient, should be explored.

(ii) Development Layout

Only an indicative footprint has been submitted at this stage but this appears to mirror *Portvasgo* as a large 'T' shaped dwellinghouse with gabled pitched roofs. The proposed dwellinghouse would be sited approximately 18 metres away from the existing dwellinghouse *Portvasgo*, and approximately 9 metres from one of the 'storage' sheds at Ellangowan.

The existing vehicular access serving *Portvasgo* would be widened to 5.5 metres that would also serve the proposed dwellinghouse. An indicative car parking and turning area is shown adjacent to the access.

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Settlement Zones', compatibility with existing nearby development and ensuring a positive contribution to the townscape of the area will be important factors in the Council's general requirement for a high standard of design should take the following advice into account:

Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements'

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

It is considered that the proposed development does not reflect the existing adjacent settlement pattern but promotes unacceptable tandem or back-land development in addition to creating a residential use adjacent to an existing lawful '*bad neighbour*' development at Ellangowan. The siting of the proposed dwellinghouse behind the established building line would be at odds with adjacent dwellings, in particular of adjacent dwellinghouses on Cromlech Road.

- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

The indicative footprint of the proposed dwellinghouse seeks to replicate the exiting dwellinghouse Portvasgo that does not reflect the local character and the particular siting of dwellings on Cromlech Road. The proposed dwellinghouse and its access would result in diminished levels of privacy for the existing dwellinghouse in addition to potentially prejudicing an area of land to the south and west.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

The Area Roads Engineer has expressed no objection but this is based on the ability to provide car parking and turning areas to serve both existing and proposed dwellinghouses. From the plot sizes, this would appear achievable. It is however the intensification and extension of the existing access to serve a back-land property that will result in a loss of privacy for occupants of the existing dwellinghouse.

- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m); semidetached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*

It is considered that the proposed plot has sufficient amenity space although the siting of an additional dwellinghouse to the rear of *Portvasgo* could give rise to privacy issues from activities within such amenity areas. The proposed dwellinghouse would not exceed prescribed plot density.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Scottish Water have no objection to the provision of a water supply to serve the development but comment that there may be capacity issues that can only be resolved at a detailed stage.

- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*

No design details have been provided at this stage other than an indicative footprint and supporting statement from the agent. It would appear that the indicative footprint proposes a building of similar scale and layout to *Portvasgo*.

In terms of 'Back-land Development 11.1-11.3', *back-land development is described as new development behind a row or group of buildings and normally accessed by a separate access. Back-land development needs to take account of the existing settlement character and requires to be designed to maintain the privacy and amenity of the original property while allowing for an appropriate and safe vehicular and pedestrian access. Planning applications for back-land sites should include details that clearly indicate the siting, aspect, and height of the building and proposed and existing accesses.*

It is considered that the proposed development does not respect the existing settlement character, shares and intensifies an existing access with significant impact on the existing dwellinghouse in terms of privacy and visual amenity. While an indicative footprint is shown, no design or height of the building has been submitted at this outline stage. Permission was previously refused for a large one-and-a-half storey dwellinghouse in a similar position.

The proposal would therefore be contrary to Policy LP ENV 19 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) in respect of a proposed dwellinghouse that does not pay due regard to the existing settlement character and design, siting and proximity of adjacent dwellings and their amenity spaces. Development of this back-land could lead to potential problems of overlooking, loss of privacy and visual dominance by virtue of inappropriate scale, design and siting.

C. Road Network, Parking and Associated Transport Matters

The application site would be accessed by extending and widening the existing vehicular access serving *Portvasgo*, from Cromlech Road. Three car parking spaces will be provided within the curtilage and the existing 1200mm high timber fence would remain along the northern boundary. Roads also require a system of surface water drainage and note that a Road Opening Permit (S56) will be required.

On the basis of the above, the proposal is considered consistent with the provisions of Policies LP TRAN 4 and TRAN 6 in respect of access and car parking provision.

D. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water have no objection in principle to the provision of a water supply to serve the development but comment that there may be capacity issues that can only be resolved at a detailed stage. Whilst no details have been submitted at this stage, full details of a separate surface water drainage scheme for the proposed development and the private lane could be addressed by condition.

On the basis of the above, the proposal is considered consistent with the provisions of Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006).

CONCLUSION

Development of this 'back-land' site for a dwellinghouse would result in an unacceptable '*tandem*' development in this part of Cromlech Road. The proposal to erect a dwellinghouse within the curtilage of the existing dwellinghouse *Portvasgo* at *Cromlech Road* would be at odds with the character of the established settlement pattern of the area that comprises frontage or single tier development. The resultant "*tandem or back-land development*" would result in both a poor standard of amenity loss of meaningful curtilage, private amenity space and aspect for the existing dwellinghouse *Portvasgo*.

Additionally, the siting of the proposed dwellinghouse immediately adjacent to existing commercial and storage or distribution uses could result in a substandard level of amenity given the range of uses and activities associated with such '*bad neighbour*' type developments.

Furthermore, a key material consideration in an assessment of the current proposal was the previous refusal by the Planning Authority on similar grounds as outlined below. Circumstances have not changed with regards the lawful uses within *Ellangowan* or the area of land adjacent to the site to allow an alternative view to be taken at this time. Should this situation change (as the applicant has already been advised by this department) then the character of the surrounding area may alter sufficiently to enable development to take place on the site with no detrimental impact on its neighbours or own level of amenity.

Given all of the above, it is considered that the proposed development represents a poor 'housing plot', fails to respect the existing frontage development along *Cromlech Road* that would have serious implications for the existing dwellinghouse *Portvasgo*, and adjoining land and land uses. Such a development with its particular siting, layout and scale would not represent infill, rounding-off or redevelopment related to the existing built form established settlement pattern. The proposal would therefore be contrary to SPP 3 Planning for Housing; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' (including Appendix A - Sustainable Siting and Design Principles - 'Design of New Housing in Settlements' and Back-land Development) and LP HOU 1 'General Housing Development', LP BAD 2 'Bad Neighbour Development In Reverse' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.