

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH**  
**on FRIDAY, 25 FEBRUARY 2011**

**Present:** Councillor Daniel Kelly (Chair)  
Councillor Vivien Dance Councillor Donald MacMillan  
Councillor David Kinniburgh Councillor Roderick McCuish  
Councillor Bruce Marshall Councillor Alex McNaughton  
Councillor Alister MacAlister Councillor James McQueen  
Councillor Neil Mackay Councillor Al Reay

**Also Present:** Charles Reppke – Head of Governance and Law  
Howard Young – Planning Officer  
Lynda Robertson – Build Heritage Conservation Officer  
Belinda Hamilton – Area Governance Assistant  
Robert Sills – Agent for Applicant  
Nigel Millar – Helensburgh CC – Statutory Consultee  
Kathleen Siddle – Helensburgh CC – Statutory Consultee  
Lee Fish – Supporter  
John Tacchi – Supporter  
Mr A Bain - Supporter  
Leslie Cox - Objector  
Hugh Connolly - Objector  
Mrs Linzee-Gordon - Objector  
Arthur Morris - Objector

**1. APOLOGIES FOR ABSENCE**

Apologies were intimated from Councillor Colville, Councillor Currie and Councillor Devon.

**2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3. MR AND MRS P CAIRNS: ERECTION OF DWELLINGHOUSES AND ASSOCIATED WORKS: GROUND TO THE NORTH OF DEAN HOUSE, EAST ABERCROMBY STREET, HELENSBURGH (REF: 10/01302/PP)**

The Chair welcomed everyone to the meeting and general introductions were made.

Charles Reppke, Head of Governance and Law, advised that a late representation in support of the application had been received in the form of an email from John Tacchi. This had been distributed to members prior to the commencement of the meeting.

Mr Reppke then outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to identify themselves.

## **Planning Officer**

Howard Young, Planning and Regulatory Services, gave a brief outline of the application site which was situated in upper Helensburgh and was within the Conservation Area. Mr Young advised that he had received a late representation in support of the application from Mr John Tacchi by e-mail. He also wished to point out that two e-mails received from Mr A McGillvray and Mr A Rodgers, were noted in the report as objections when in fact they were in support of the application.

Mr Young advised that the applicants had now redesigned the proposed dwellinghouse and that this now complied with the Council's requirements. A Power-point presentation showed the amended design and finishes, floor layout and elevations. Mr Young considered that the design was now satisfactory and modern and would fit well into the area.

In these respects, Mr Young recommended approval of the application subject to the relevant conditions contained within his report.

## **Agent for Applicant**

Mr Robert Sills introduced himself and gave a brief summary of his professional background, advising that he himself was a local resident having lived a little over 35 years in the Helensburgh area and had an intimate knowledge of the site and surrounding area. He added that over the years, his practice had been involved in more than two hundred projects in the Helensburgh, Lomond and West Dunbartonshire area and that he had gained a reputation for high quality, innovative design solutions working with both historic and contemporary buildings. Indeed, he had been presented the Helensburgh & Lomond Planning Design award by the Council on several occasions.

Mr Sills then went on to give a brief review and history of the application. The initial design proposals were formulated following a pre-application consultation with the Planning Officer on site. This consultation took place between the Planning Office and the applicants on 21 May 2010 and was important to them in so far as it gave them the degree of comfort necessary to enable them to appoint Mr Sills to progress detailed design proposals for their new home with a view to submitting a formal planning application. Mr Sills reminded the committee of the Council's policy to only accept detailed design proposals in Conservation areas and that this incurred considerable and unrecoverable expense to the applicants. The Planning Officer's initial view had been that the site was of an adequate size to accommodate an additional house. He also suggested at that time that the house should be located in a similar position on the site to the one eventually proposed by the architects following their own site survey and analysis.

Prior to the submitting a formal planning application, a full set of design proposals was shown to the same Planning Officer on site on 13 July 2010. His response at that time was positive and his view was that the proposals could be submitted as they stood. This was done on 30<sup>th</sup> of same month.

As part of their Planning Application, Mr Sills advised that a 19 page Design and Access Statement with illustrations and photos was submitted. This included an

initial appraisal of the site both within its immediate surroundings and as part of the wider Conservation Area, followed by a detailed explanation of how they proposed reconciling the applicants' requirements within the constraints imposed by the site.

Following representations received as part of the consultation process, Mr Sills subsequently submitted a further 11page document entitled 'Response to Representations' in which they had responded to all of the issues raised.

Both of the above mentioned documents are now available to view on the Council's website and indeed the Planning Officer's report and recommendations to Committee makes reference to the main issues referred to in these documents.

As a result of issues raised as part of the consultation process and to address some of the concerns expressed by the immediate neighbours, a number of significant changes to the proposed design of the house had been made. These included reducing the overall floor area, length and height of the house, and moving its position on the site. As a result of these changes, Mr Sills believed that the overall likely visual impact of the house on the site would be reduced and that its relationship with the rear of Dean House and the adjoining property, Sparrowcroft, would be improved.

Whilst finalising the position of the house on the site, privacy issues that may have arisen due to the relative position of the windows in the new house together with those in the adjoining properties, were taken into account. Having assessed the window positions in accordance with the relevant Scottish Government guidelines, Mr Sills was satisfied that there were no valid privacy issues.

The relative positions of the new house and the adjacent property of Sparrowcroft were assessed with regard to overshadowing. Mr Sills demonstrated that there would be no significant impact to the daylight or sunlight currently enjoyed by either Sparrowcroft or to the rear of Dean House. The size and orientation of the windows of the new house would also ensure that it would enjoy adequate day/sunlight when assessed in accordance with the Building Research Establishment's guide to good practise with regard to the site layout planning for day/sunlight.

The form of the proposed new building is visually single storey and use of the roof space had been made to provide two small bedrooms and a shower room. One of these rooms has a dormer window, similar to the haylofts in other coach houses in East Rosdhu Drive and elsewhere in Upper Helensburgh and the architect had sought to make this, in conjunction with the entrance doors below and the adjacent glazed wall of the staircase, a central feature of the design.

Mr Sills informed that the design of the proposed property was his contemporary take on a traditional coach house. The revised proposals were submitted to the Council on 29 October 2010 following lengthy discussions with the Planning Officer who had declared himself satisfied with these as submitted, subject to due planning process.

The Planning Officer had deemed these alterations significant enough to be considered material alterations to the original Planning Application, and as a

result, further advertising of the proposals was carried out and a further consultation process undertaken.

When the application was finally placed before the Committee last month with a recommendation that it be approved subject to conditions, the applicants were informed that a late response was still awaited from Lynda Robertson, the Council's relatively newly appointed Built Heritage Conservation Officer.

Mr Sills advised that he had subsequently met with Lynda Robertson and Howard Young on 9<sup>th</sup> February 2011, when Lynda Robertson had expressed the views on the proposals which she confirmed in her memo to Howard Young dated 17 February. At their meeting, some areas were identified where it was agreed that there was still scope for some minor changes to be made, such as with regard to choice of boundary fencing, driveway surface treatment and extent, type and colour of render. Mr Sills explained that he had felt it unnecessary at this time to make more fundamental design changes to what he considered to be a good architectural solution.

Having subsequently discussed the matter with the applicants, Mr Young was advised that the architects were agreeable to reducing the extent of cast stone cladding on the new house in favour of using more render as suggested by the Conservation Officer, and that this revision could be treated as 'non-material'. The architects were also agreeable to having the type of boundary fence and choice of hard driveway surface made the subject of conditions requiring the further approval of the Planning Officer. Notes to this effect were added to the drawings now in the Planning Officer's possession.

Mr Sills then pointed out some observations regarding the late contribution by the Conservation Officer to the consultation process. He referred to the mention of the two mature guard trees being an important part of the design and setting of Dean House. These were in fact Leylandii some 43 years of age and in this respect would have been around at the time of the sub-division of Dean House and that it would have been impossible therefore, for these trees to have formed any part of the original design and setting of original house. Mr Sills advised that these trees had been removed as they had been close to and had blocked the daylight from the rear windows of Dean House and that their roots were damaging the drains.

Regarding the layout of the feus in Upper Helensburgh, Mr Sills informed that the rear areas of the large villas were generally laid out as utility areas and that there was rarely any attempt to balance the rear elevations visually as was the case with the principal front elevations. Rear south sloping garden areas to the north of the main houses were usually laid out as vegetable plots and that any elements of such grand design as tennis courts, and exotic plant species, were reserved for the garden area to the south of the main houses. East Rosdhu Drive would have been used almost exclusively for service access to the villas which fronted East Abercromby Street. For this reason, the coach houses and stables serving these villas were usually tucked away in a corner of the feu behind the main house as close as possible, and that it was this arrangement that formed the dominant street pattern throughout most of Upper Helensburgh.

Under the heading of 'Impact of Current Proposal', Mr Sills advised that the Conservation Officer had stated that the most significant impact of the proposal

on the conservation area would be the loss of the spatial relationship between the main house and its designed ground which was considered a key characteristic of the Conservation area. Mr Sills explained that there existed no such relationship to speak of as the rear garden of Dean House had been untended and overgrown since at least 1985. Mr Sills advised that his proposals would seek to create the sort of relationship similar to that found between other large villas and their subsidiary coach houses and stables both in East Rossdhu Drive and throughout Upper Helensburgh. He added that the garden area seen at this morning's site visit would be laid out in accordance with the detailed landscaping layout that formed part of the planning application.

On Ms Robertson's comments on the scaling back and simplification of the roof design, Mr Sills felt that in his professional opinion, these were entirely appropriate and that the existing design would add visual interest to the building.

Mr Sills also wished to address the misconception by some of the objectors, that the creation of the Upper Helensburgh Conservation Area (UHCA) in 1994 was intended to put a stop to any further new development and that this was not the case and that it was also not true to say that East Rossdhu Drive was worthy of more special treatment than other parts of the Conservation Area. Much had been made by the objectors, of the fact that no new dwellings had been built on East Rossdhu Drive since the creation of the UHCA. However, several new dwellings were constructed on this street after Dumbarton District Council had put in place their Interim Policy Statement covering the sub-division of existing feus in Upper Helensburgh in 1982. This IPS was designed to provide 'emergency control measures' for all new development within the Upper Helensburgh area which it was recognised had particular character worthy of preservation. In effect this IPS treated Upper Helensburgh as a Conservation Area in waiting and included most of the development control measures currently existing in the Conservation Area Planning legislation. Therefore the suggestion that the existing relatively new houses on East Rossdhu Drive would not have been approved under the current planning legislation was pure speculation and not relevant in this case.

Mr Sills referred to the support that the application had received and that he had taken on board and tried to address the genuine concerns raised by the objectors. He wished to make the point that Local Plan Policy ENV14 was often quoted by the objectors in that the development would not 'preserve or enhance' and that he was confident that his proposals would have a positive influence on this part of the conservation area. However, Mr Sills added, that the Scottish Planning Policy Document went further and states that proposed development that would have even a neutral effect upon the character or appearance of the area, should also be treated as being one which preserves the area's character or appearance.

In conclusion, Mr Sills asked that the Committee approve the application.

### **Statutory Consultee**

Nigel Millar, Helensburgh Community Council, summarised the objections raised by the Planning Sub Group of the Community Council. He said that much had been made of the site of Dean House in the Upper Helensburgh Conservation Area and it was the view of the objectors that this was an area to be treasured

and looked after. Mr Millar advised that Helensburgh was fortunate in having the highest overall percentage in Scotland of conservation area in relation to the landmass of the town, and that it contained a high number properties by well known Victorian and Edwardian architects. These properties would have been cutting edge in design in their time and would have been both innovative and creative. Mr Millar acknowledged that Dean House was not a listed building but that the community council still had concerns regarding the application. Mr Millar referred to the Helensburgh Design Statement Appraisal Document created by the community council and the wealth of experience used in the compilation of the document. He stressed that when responding to any proposed development, the community council would consider these on their individual merit.

In considering this particular application, Mr Millar noted that when it could be demonstrated that there was a failure to 'preserve and enhance' the application would usually be refused. It was the view of the Helensburgh CC that this application did not preserve, enhance or add anything to the conservation area and surrounding landscape. He added that in Argyll and Bute's own design guide, much mention was made of the rear of a site and that the siting of the proposed development alongside a very large house facing down the street was not consistent with this design guide.

Mr Millar indicated that it was the opinion of the community council that this design only maintained and did not enhance and that there were concerns about the removal of the green areas between the buildings.

Under LPENV14, Mr Millar stated that the design should be of the highest quality and that the community council were not of the opinion that this was the case. He referred to the fine range of excellent Victorian and Edwardian architect designed properties as being the 'Jewels in the Crown' for Helensburgh and whilst not looking for copies of these, any proposals should be of 'landmark design'.

Mr Millar noted the use of words such as maintain, acceptable and complement were used in the report but that there was no mention of 'special quality'. There were many examples of such properties in Helensburgh which in their time would have been creative and innovative and were now referred to as traditional. The six characteristics referred to in the Helensburgh Design Statement had not been met in this application, particularly regarding the sustainability and green aspects and in these respects, the Helensburgh Community Council could not support the application.

## **Supporters**

### Mr Lee Fish

Mr Fish, son-in-law of the applicants, thanked all who had been supportive of the application and noted the depth of feeling that it had provoked. He thanked also, the Local Authority staff and Councillors for the time spent on the application. Mr Fish referred to plans for other houses of a similar nature that had been granted and said that he understood that this was an emotive issue due to the uncertainty. However, in this instance, he felt that the design had been sensitively done and that change should be welcomed. Mr Fish noted that most of the objectors did not live in the vicinity of Dean House and that over 1/3 of the

letters received were from the same families and that much scaremongering had taken place as to the scale of the development. He added that his family had a fifty year history in the town and that the house was not being constructed for economic gain but was to provide a home for his wife's elderly parents. It was through much hard work and diligence that the plans had been amended and that this was evident through the reduction in the number of complaints now received. The size, scale and aspect of the design now complemented the diverse range of villas in the street and testament to the success of this is that complaints come from those living in similar developments. Dean House was now the only house in the block development with sole occupancy and this indicated the unsuitability of large houses in modern times. The garden had now been cleared and the Leylandii trees removed and Mr Fish thanked the many friends and strangers who embraced the progress being made. The application now spanned seven months, needlessly long, due to the objections which were in Mr Fish's opinion, mainly invalid. He noted that several of the immediate neighbours were not among those who had objected and he asked that planning permission be granted without further delay as his in-laws were now excited at the prospect of moving into the area to be with their friends, family and neighbours.

#### Mr John Tacchi

Mr Tacchi introduced himself as an ex- Councillor with Argyll and Bute from 2003/2007 when he had represented those in the East RosSDhu and Abercromby ward and was therefore familiar with the site. Mr Tacchi is also a current member of the Helensburgh Community Council as were three other supporters of the application. He referred to this area as being of 'eclectic development' comprising of both good and bad design. He pointed out that Conservations Areas were not sacrosanct and should be merely a caveat when considering new applications. In reference to the Helensburgh Design Statement, Mr Tachhi advised that this application ticked five out of the six requirements and that he felt unqualified to comment on the sustainability and open space issue. Dean House had now been restored to much of its former glory and the applicants had worked with the Planning Officer to comply and that the new house would not detract from the character and appearance of the older property. Mr Tacchi added that it was highly pertinent that both Historic Scotland and Scottish Natural Heritage had no objection and that in these respects, asked that the committee approve the application.

#### Mr Andrew Bain

Mr Bain informed that he believed the proposed development to be of a modern and well designed nature which would enhance the area. He added that it was a good example of 21Century design which met all the required criteria and it was noted that he himself lived in a home designed by Mr Sills in a similar location. His home, he noted, was energy efficient, modern, pleasant and attractive. The design had been initially controversial and that there had been initial objections by Historic Scotland but that once completed, had received a design award from the Council. Mr Bain acknowledged that there would always be differences of opinion but that if it was a good design, it would eventually be accepted. He urged the committee to back the experience of the architect and trust in what was a good track record.

## **Objectors**

### Mr Leslie Cox

Mr Cox said that he hoped to dissuade the committee that the objections were based on a threat to the whole conservation area and added that he had no qualms with the architect himself. The Planning Officer's report there had been 31 letters in support and 103 in objection to the application. He reiterated that it was not the design of the house that he objected to, but to the development in the green space. Most people, he said, wished the gardens to be restored to their original state and noted that the gardens had begun to deteriorate in 2001, the same time as planning permission for a house in the back garden had been refused. Mr Cox said that it was the ordinary person in the street who should judge whether the application would be an enhancement and that Councillors as elected representatives, should acknowledge the feelings of their constituents.

It was the lack of light due to the orientation of the application site that gave most cause for concern and Mr Cox pointed this out in his presentation. He felt that the size of the proposal would challenge Dean House and showed the superimposed plan. The committee were shown a variety of aspects regarding roof ridge height and distance from boundary wall. Mr Cox assured them that the photographs were to scale and all the plans accurate in perspective etc. He said since the first draft, Mr Sills had made adjustments of a minimal amount. It was felt that the addition of the large window to address the light issue, was of unsuitable design and would open the floodgates for similar developments. The Google Map showed what was described as a pleasant arrangement of houses, and Mr Cox pointed out sites he felt were more suitable for development. He was concerned that the appearance of East Abercromby street would become akin to a film set and urged the committee to reject the application.

### Mr Hugh Connolly

Mr Connolly introduced himself and added that he lived in the adjacent property of Sparrowcroft. His objection was that of loss of amenity and the lack of respect to the conservation area by his new neighbours. He felt that there would be a serious issue of shadowing and loss of daylight to his property during late afternoon and evening for much of the year. Mr Connolly showed photographs of the small garden to indicate his point and showed the position of the house wall in the window reflection. The roof height of the new house would rise 16ft above the height of the boundary wall and result in loss of view and darkness to his property. Various elevations and the possible resulting impact were demonstrated. Mr Connolly also drew the committee's attention to the Google Map which showed that trees had been removed. He also advised them that the part of the boundary wall had been removed without planning permission and that the front gateposts had been removed and then re-instated in a wider position.

### Mrs V Linzee-Gordon

Mrs Linzee-Gordon informed the committee that she had been in a similar situation to Mr Cox and Mr Connolly a number of years ago but that the application at that time had been rejected following guidance by the then Conservation Officer and that this had now resulted in a flourishing garden. Mrs



Linzee Gordon said that she hoped that the same decision would be reached for this application.

Mrs Linzee-Gordon said that the historical architecture of many of the properties in Helensburgh were part of the town's identity and although Dean House was not a listed building, it was certainly one of the oldest remaining housing stock in Helensburgh. When originally constructed, Dean House would have been surrounded by trees and flourishing gardens and it was no surprise that Helensburgh was known as the Garden City of the Clyde at that time. Since the new owners had moved in, the site had been left to deteriorate, Mrs Linzee-Gordon said, in order to encourage support for its development. Other similar developments in the vicinity had been sympathetically sited, such as Dhu Mill, but this would not be the case at Dean House as it would potentially dominate the villa. Mrs Linzee-Gordon advised that a previous application by neighbours had failed and she suggested that the conservation area designation had stopped infill development but that the 2009 Local Plan acknowledges the need for new low cost housing and starter homes.

Mrs Linzee-Gordon questioned the lateness of the report from the Planning Officer and added that she had been horrified by the stance taken by the applicants regarding the Planning Officer's suggestions, insisting that they would only make the relevant changes if they were cost-effective. She said that there had been a failure to address the scale and mass issue highlighted by Mr Young.

She then urged the committee to consider the proposal in front of them and to question whether the development would enhance, preserve the character of, and preserve the amenity of the surrounding area.

#### Mr Arthur Morris – Helensburgh and District Civic Society

Mr Morris said that many of the points he wished to raise had been made already and that he had no complaints regarding the architectural design of the proposed house. However, he felt that its location within the conservation area was inappropriate and that it should be constructed using local stone, slate and timber sash windows in keeping with other properties in the vicinity. Mr Morris felt that a precedent would be set which would result in all the other coach houses being converted in a similar manner. Mr Morris was of the opinion that the main house would be devalued by the addition of the smaller property, as would the whole surrounding area and that similar previously rejected applications in the same area would have to be revisited.

The Civic Society which had 100 members and Mr Morris said that it was important that their views were considered, and that failure to do this would result in a disincentive for people to join such local groups. Mr Morris said that it was the wish of the Civic Society to oppose this application.

#### **Members' Questions**

Cllr McCuish asked HCC if it had been of any comfort for them to know that Mr Young had been involved in the previous application to which Mrs Siddle responded by saying that their concern had been with the late involvement of the Conservation Officer but that she hoped their awareness of the Appraisal Document would provide some comfort.

Cllr McCuish noted that some members of the HCC were in support of the application and asked about the process of deciding who they would represent. Mr Millar explained that the responsibility was delegated to their Planning Group whose representatives were knowledgeable on the technical nature, and familiarisation of various policies and documents and that all comments and amendments were taken on board. When asked if the decision of the Planning Group went back to the full committee of the community council Cllr McCuish was advised that it did not but that a report was circulated to all members prior to their monthly meeting at least two days before to allow consideration. Mrs Siddle said that this system worked very well and that no adverse comments had been received.

Cllr Kinniburgh asked Mr Young if it was the case that the previous case had been withdrawn or refused to which Mr Young responded that application 07/02046DET had been withdrawn before any decision had been reached.

Cllr Kinniburgh asked Mr Young as to why, despite the Conservations Officers recommendation to scale back the dormer roof, approval had still been recommended. Mr Young responded by advising that in addition to the other response, his own should be considered and he felt that in this case, the dormer feature added interest and was similar to others in the same street.

Cllr Reay asked Mr Sills if the design of this application was typical of others in the near vicinity. Mr Sills said that it was and that in his professional and architectural opinion fitted well into the streetscape and was modest in comparison.

Cllr Reay was concerned about the fencing demonstrated in the presentation and asked Mr Sills about his plans for this. Mr Sills explained that this was one of the conditions and that suitable material and design would be mutually agreed with the Planning Officer.

Cllr McKay asked Mr Tacchi how many members of HCC there were to which he was advised that there were 22. He asked Mr Millar how many members sat on the Planning Group and was advised that there were 6.

Cllr McKay then asked Mr Young about the entrance material for the entrance to the development to which Mr Young responded that there had been various suggestions which could be incorporated into the conditions. Cllr McKay asked him about the six points in the Helensburgh Design Statement and Mr Young responded by saying he felt that the application did fulfil the majority of these criteria but that he was unable to answer the matter of carbon emissions.

Cllr Dance referred to the democratic element adopted by the HCC and asked Mr Morris if all 100 members of the Civic Society had been consulted. Mr Morris answered that all of their members were not involved in the planning aspect and that 6 – 10 members who had knowledge in this field had submitted a letter during the first application.

Cllr Dance then suggested that only about 8 of the Civic Society members had given their opinion and not 100.

To Mr Young, Cllr Dance asked about the 'waning' approach to conservation areas previously suggested by Mrs Linzee-Gordon. Mr Young felt that this was a difficult matter to address and that as one who was born locally he did care about the designs. He used his professional opinion to take the application through the steps that came to the conclusion he had now reached and highlighted that the policies currently in place were not merely for preservation.

Cllr Dance asked Mr Cox if he had any comment on the impact on Dean House when viewed from the front as that was the main feature of the site. Mr Cox said that the gateposts were the only issue.

Cllr Dance asked Mr Tacchi what was the sixth feature of the design statement that he was unhappy with, to which Mr Tacchi responded that it was because he was unable to answer the 'open spaces' issue as he did not know what was the intention of the applicants in regards to the green space.

Cllr Dance asked Mr Sills about his somewhat brief references to green issues. Mr Sills referred to Section 3.2.8 of the Design Statement on Carbon Emissions and said that one aspect had been that on the original application, the house had been longer and had an additional structure.

Cllr Chalmers enquired as to the source of the additional guidelines to developments with neutral impacts referred to by Mr Sills in his introduction. Mr Sills advised that this was the Council's own policy LPENV14 which interprets this. Mr Sills added that in his opinion something which does no harm should be regarded as the same thing as something which preserves and enhances. Cllr Chalmers enquired as to the procedural onus on objectors to prove detriment, to which Mr Young responded that it was the Council who made the assessment and judgement in material considerations.

Cllr Reay asked the Conservation Officer whether POL ENV 1 was active or neutral to which she answered that it was neutral rather than enhancing.

Cllr McCuish asked Mr Connolly whether his house was in the grounds of a Victorian villa to which Mr Connolly replied that it was

Cllr McCuish asked the objectors to look at the plan of the street and whether in their opinion, infill had been established. Mr Young replied that there had been some infill in that area which predated the conservation area designation but that the wider block must be taken into consideration. Mr Young advised that the issues of light and views would not be regarded as material considerations.

Cllr Dance asked Mr Young about the boundary fence issue and asked him to explain the use of a wooden fence rather than an extension to the existing wall. Mr Young said that the plans indicated a choice and that a clause could be inserted. He suggested that Mr Sills be mindful to look at the suggestions of the Planning Officer in this respect.

Cllr Reay asked the Conservation Officer to define 'neutral' in this context. She referred to the amount of previous infill and explained that due to the size of this infill the effect would not be neutral.

Cllr Reay pressed the issue and asked if the Conservation Officer regarded if a

neutral effect would be had in the context of Dean House to which she responded that it would not be neutral.

The Chair then asked for the summing up process to commence and advised that no new information could be introduced during this process.

## **Summing Up**

### Planning Officer

Mr Young had nothing to add and was happy with the recommendation.

### Architect and Agent

Mr Sills had little to add other than pointing out that this was only a single storey house and of modest proportions. In his professional opinion, it would enhance the surrounding area and was energy efficient. With regards to the trees, he said that this issue had been dealt with and acknowledged that the owners should have applied for planning permission to move the gateposts, but that he felt that it would have been granted in any case and added that the boundary wall had been damaged by a skip.

### Statutory Consultee

Mr Millar HCC, said that the CC works within Council policy and that there is a presumption in favour of housing. He said that there was no inbuilt resistance to this in any area of the town and that they had the highest respect for the architect and indeed had recently supported another such development. Mr Millar felt that much had been made of the enhancement issue and that it was interesting to hear the Planning Officer's definition of this. However, he felt that the written standards of both Scottish Government and the Council should have been addressed in the original documents. In reference to the Planning Group, Mr Millar said that they, as volunteers did their best under the circumstances and that they had a good record that they should be proud of and that the members of the CC who had supported the application had a democratic right to do so. Mr Millar finished by saying that the CC had taken the view of the residents and that this was in the ratio of 3:1.

## **Supporter**

### Mr Lee Fish

Mr Fish said that Helensburgh CCs comments had been subjective and not objective. He said that they must listen to the advice of the Planning Officer and Conservation Officer who both recommended approval.

### John Tacchi

Mr Tacchi stressed that he had no differences with the HCC and that he believed in democracy and they procedures that they followed. He asked that councillors consider this application in relation to the whole street and that this was a case that should be viewed in its totality.

### Andrew Bain

Mr Bain had nothing further to add.

### **Objectors**

#### Mr Cox

Mr Cox had nothing further to add.

#### Mr Connolly

Mr Connolly said that the fence was his main concern together with the fact that the house would overlook his property and Dean House and that this would result in build density.

#### Mrs Linzee Gordon

Mrs Linzee Gordon referred once again to the 2000 application which had been turned down by the Council. She felt that the development would neither enhance or preserve the surrounding area and that the amendments had been minimal. She felt that the Planning Officer had made a U-turn on these amendments. She acknowledged that in the current climate, it was irresistible to develop garden areas where possible.

#### Mr Morris – Civic Society

Mr Morris felt that the whole thing hinged on the issue of enhancement which in his opinion was not the case. The result would be a de-grading of Dean House.

The Chair then ascertained that all parties had received a fair hearing to which they confirmed that they had.

### **Debate**

Cllr McCuish thanked everyone for their input and indicated that he was happy with the design in that it was both modern and iconic. Buildings of this type had previously been frowned upon but that in this instance, he did not feel that it would detract from the character of the area and was in support of the application

Cllr Marshall was impressed by the high standard of all the presentations. He was aware that buildings such as Dean House were constructed in the 1850s but that we must remember that this was now the 21<sup>st</sup> Century. In modern times, it was not feasible to look after such properties as a whole and that the best use would be for the modest house proposed. Mr Marshall was aware that planners must make the decisions but that there would possibly have been no Hill House if planners were not forward thinking. His view was that approval should be granted.

Cllr McKay said that the standard of both sides had been high. He acknowledged that the involvement of the Conservation Officer should perhaps have come at an earlier stage but that much pre-application discussion with the Planners had

taken place and that the applicants had taken on board what had been asked of them. He acknowledged the enthusiasm and knowledge of the HCC members and that their input had been an advantage but due to the existence of other back garden development. He felt that there could be some degree of compromise and recommended that the application be approved.

Cllr Reay congratulated both sides and that the application was always going to be controversial. He congratulated the owners on their restoration of Dean House. Cllr Reay was disappointed with the massing and scale and was keen to have more clarification on the 'neutral' issue. He had no problem with the design in principle, but felt that its setting within the grounds of Dean House was inappropriate and would affect the neighbouring properties and it was with this in mind that he recommended refusal.

Cllr Dance said that this was an example of what Helensburgh does well and acknowledged the emotive issues were involved. Cllr Dance described the application as finely balanced and that it should be considered in the wider context. Four out of the six criteria in the Design Statement had been reached and only the open space and enhancements issues questionable. In conclusion, Cllr Dance felt that when assessed against the neutrality test, the application did no harm and that the lack of comment by Historic Scotland was highly significant. She recommended approval of the application

Cllr Kinniburgh had listened to all the arguments and congratulated all who had taken part. However, he agreed with Cllr Dance in that the application should be considered in planning terms and in this respect, he was happy to support it.

Cllr McMillan indicated his support for the application

Cllr McQueen indicated his support for the application

Cllr McNaughton supported the application and added that the presentation by the Agent had been extremely good.

Cllr McAllister said that in his opinion, all the boxes of the Design Statement had been ticked and that this was a sympathetic design on a Victorian stable. He saw nothing detrimental in the application and indicated his support for it.

Cllr Chalmers thanks all for a well conducted meeting. He was happy to have taken part and said that it was unfortunate but appreciated that the decision did not suit all.

Cllr Reay felt that it was imperative that another review of the Conservation Area took place in the near future on the potential capacity of relevant properties.

Councillor Kelly thanked everyone for their well discussed points and moved that the application be granted subject to the conditions contained within the report and the additional condition that Mr Young liaises with the Chair, Vice Chair and Local Members of the Helensburgh Central ward.

Councillor Kelly thanked everyone for their well discussed points and moved that the application be granted subject to the conditions contained within the report and the additional condition namely to delegate to the Head of planning in

consultation with the Chair ,Vice Chair and Councillors Reay and Dance to agree the details *submitted pursuant to condition 3.*

## **Decision**

It was agreed that planning permission be granted subject to the following conditions:-

### **CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01302/PP**

1. The development to which this permission relates must be begun within three years from the date of this permission.  
*Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.*
2. The development shall be implemented in accordance with the details specified on the application form dated 30/07/2010 and the approved drawing reference numbers 485/PA1A, 485/PA2A, 485/PA3A, 485/PA4A, 485/PA5A, 485/PA6A and 485/PA7A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.  
*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*
3. Development shall not begin until samples of materials to be use (on external surfaces of the buildings and/or in construction of hard standings/walls/fences) have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.  
*Reason: In order to integrate the development into its surroundings.*
4. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, and the provision of a Sustainable Urban Drainage System (SuDS) The scheme shall be prepared in accordance with the advice given in Planning Advice Note 61 (PAN 61) 'Planning and Sustainable Urban Drainage Systems' and the 'SuDS Design Manual' (CIRIA C697). The development shall be implemented in accordance with the duly approved surface water drainage system.  
*Reason: To ensure that an acceptable scheme of surface water drainage is implemented.*
5. Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply (and/or public sewer).  
*Reason: In the interests of public health and to ensure the availability of an adequate water supply (and/or drainage system) to serve the proposed development.*

6. The new vehicle access should be surfaced in a bituminous or other approved material details of which shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site. In addition, the existing drainage ditch along the verge should be maintained in perpetuity at the crossing point.

*Reason: In the interests of road safety.*

(Ref: Reports by Head of Planning dated 18 February 2011, submitted, e-mail received from John Tacchi, dated 23 February, tabled)