

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 11/00037/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr and Mrs S McKinlay  
**Proposal:** Erection of car port extension with decking area above (retrospective)  
**Site Address:** Coul-Na-Mara, Peninver, Campbeltown

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**DECISION ROUTE**

**Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of car port
- Decking area formed above car port

**(ii) Other specified operations**

- Installation of patio doors at first floor level (internal access to decking area)
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**(B) RECOMMENDATION:**

It is recommended that this application be refused for the reasons contained within this report.

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**(C) CONSULTATIONS:**

West Of Scotland Archaeologist Service	13.01.2011	no objections
Historic Scotland	14.01.2011	no objections

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**(D) HISTORY:**

10/00394/ENFHS – Related enforcement investigation – recommendation in respect of the requirement for formal enforcement action appears elsewhere on the agenda for Members consideration.

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**(E) PUBLICITY:**

Regulation 20 Advert Local Application  
EXPIRY DATE: 11.02.2011

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

One letter of support has been received from the immediate neighbouring property, Michael Read, 'Four Winds', Peninver.

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

- The application should be supported as there are no objections from people within the village
  - This proposal will not change the character of the village which is a mixture of traditional and modern buildings, caravan sites, village hall and pub.
  - Rural communities are under pressure, working families with young children are vital to the rural community and should be supported.
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**(G) SUPPORTING INFORMATION**

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

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| <b>(i) Environmental Statement:</b>  | No |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No |
| <b>(iii) A design or design/access statement:</b>  | No |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |
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**(H) PLANNING OBLIGATIONS**

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

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 5 – House Extensions

LP ENF 1 – Enforcement Action

Appendix A – Sustainable Siting and Design Principles

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

- Third party representation.

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing (PAN41 or other): No**

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

Retrospective planning consent is sought for the erection of a carport with a decking area at first floor level at the bungalow known as 'Coul-Na-Mara', Peninver, by Campbeltown. This retrospective application has been submitted as the result of an enforcement enquiry in relation to this unauthorised development.

Local Plan policy LP ENV 1 – 'Development Impact On The General Environment', states that all development should protect, restore or, where possible, enhance the

established character of the landscape in terms of its location, scale, form and design and that the Council will resist development proposals which do not take proper account of layout, design, external appearance, density and privacy of existing and proposed developments.

Similarly, Local Plan policy LP ENV 19 – ‘Development Setting, Layout and Design’, requires developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of the Local Plan and that new development shall be sited and positioned to pay regard to the context within which it is located. Developments with poor quality or inappropriate layouts or densities, including over-development and over-shadowing of sites shall be resisted.

Appendix A of the Local Plan referred to above states at Paragraph 8.1 that, ....*‘care needs to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties’*. Paragraph 8.2 continues, *‘Alterations and extensions should be in scale and designed to reflect the character of the original dwelling house or building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected’*.

The Council’s Sustainable Design Guidance expands on this and advises that ‘sometimes extensions and alterations can look completely out of place even though they have used similar building materials and details to the older settlements around them. Even small extensions and alterations can have a disproportionate effect on their surroundings’.

The design principles of Appendix A are encapsulated by Local Plan LP HOU 5 – ‘House Extensions’, which supports extensions to residential properties but only where they cause no significant detriment to the building, the neighbours of the immediate vicinity. Where they comply with the relevant design and siting principles set out in Appendix A, and where they satisfy a set of specific design considerations, including that extensions would not dominate the original building by way of size, scale, proportion or design; and that extensions should not have a significant adverse impact on the privacy of neighbours.

The application site is located at the northern end of a row of detached, single storey dwellinghouses which incorporate some limited variation between design and finishes but which are all ultimately of similar scale and set back from the public highway. The site is bounded to the west by agricultural land which has the benefit of an extant planning permission for housing development, to the east by the B842 public highway and Peninver Sands Caravan Park beyond and, to the north by a small strip of vacant land and the private Glen Lussa road with one further single storey property on the opposite side of this private road.

The property in question is a single storey (with attic accommodation), timber clad dwellinghouse with a 13m frontage and 9m gable depth (approx. 117 sq m); the external walls are stained dark brown with a red tile roof covering. The dwellinghouse has previously been extended to the rear and has a number of single storey outbuildings contained within the residential curtilage to the rear of the building.

The car port has been constructed in timber on the north facing gable elevation of the dwellinghouse where the car parking area existed for the dwellinghouse, projecting 5.7m off the gable with a depth of 5.8m covering an area of 33sq m, just under a third of the footprint of the original dwellinghouse. A decking area has been formed above the carport at a height of 2.75 from ground level (4.4m to the highest part of the

balustrade from ground level) which also has 33sqm floor area and is accessed via a flight of steps to the rear of the carport. However it is also proposed within this application to form an opening at first floor level to access the decking area direct from the dwellinghouse. In addition, it is proposed to stain the extension a dark brown to match the existing dwellinghouse. The provision of decking at first floor level allows the applicant's an outlook over the top of the Peninver Sands Caravan Park which is located upon the opposite side of the B842 public highway which obstructs the view out of ground floor accommodation within Ceol na Mara and the four adjacent properties to the south.

The car port and decking area are poorly designed and conceived, and inappropriate in terms of the scale and character of the existing dwellinghouse. The development as implemented gives rise to the following specific concerns:

- The design of the installed carport/decking has required the installation of railings above the first floor level of the dwellinghouse, given the depth of the carport and prominent position of the access staircase, the railings extend to a point where they significantly interrupt the basic form, shape and proportions of the original property;
- Whilst the structure fulfils the practical purpose of a carport, it is noted that it is of a significantly more robust, chunky construction than would ordinarily be associated with this type of addition in order to accommodate the weight of the first floor decking; this substantially increases the presence of the structure and its visual intrusion upon the overall form and scale of the original building;
- The installed structure covers a footprint of 33sq m which is just less than a third of the footprint of the original dwellinghouse and, taking into account the two storey nature and appearance of the structure, provides a cumulative 'extension' of 66sqm which is considered excessive having regard to the modest scale and appearance of the original single storey building.
- The carport/decking is located on the northern end of the property and as such is readily open to view at both close quarters and for some distance on the approach to Peninver from the B842 public highway and the Glen Lussa road with no intervening visual screen to mitigate for the impact of the inappropriate development; the lack of intervening curtilage would prevent any such landscape mitigation being provided retrospectively.

Having regard to the above, the unauthorised carport/decking is considered, by virtue of its scale, design and overall mass, to be a prominent and incongruous feature which is substantially out of character with the modest character, scale and appearance of the original dwellinghouse; the significance and extent of this impact upon the surrounds is exacerbated by the location of the unauthorised structure on the north facing gable of the building which is open to view over a significant distance from the B842 on the northern approach to Peninver, and as such is considered to have a significant detrimental impact upon the visual amenity of the locale.

It is noted that the details contained within the application indicate that the decking is to be stained dark brown to match the external walls of the dwelling with the aim of the structure blending in against the wall of the original building. It is considered that application of a colour stain will not provide sufficient mitigation having regard to the concerns set out above, indeed application of a dark stain is likely to increase the prominence of railings and access steps and therefore exaggerate the overall bulk

and visual impact of the structure as being out of scale and proportion with that of the original building.

It should however be noted that the north facing gable of the property does have potential to accommodate a more appropriately sized and designed extension to the property. Having regard to the shortcomings of the current application, it is considered likely that a more traditional lightweight carport structure, or a lower decking structure with railings that do not protrude above the wall-head height of the original building, could potentially be accommodated without adversely impacting upon the overall appearance or character of the original building.

It is the view of officers that the north facing elevation of the property is capable of accommodating a modest extension, to this end discussions have been undertaken with the Applicant's Agent during which it was advised that a more appropriate design and smaller scale of extension may be considered acceptable provided that was in keeping with the existing dwellinghouse in terms of scale, proportion and design. However the applicant has requested the application be processed in its current form without any amendments and further exploration of such alternatives has therefore not been undertaken.

In summary, the scale, proportion and design of this car port/decking extension to 'Coul-Na-Mara' is considered inappropriate and unacceptable. The development is over dominant in respect of the scale of the existing dwelling and has adverse implications for its surroundings. The retrospective proposal is therefore contrary to adopted Local Plan policies ENV 1, LP ENV 19, LP HOU 5 and to the design principles as set out in Appendix A of the Local Plan and the Council's Sustainable Design Guidance..

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

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

The scale, proportion and design of this car port/decking extension to Coul-Na-Mara is considered inappropriate and unacceptable. The development is over dominant to the scale of the existing dwelling and surrounding area. Having regard to the above, and notwithstanding the limited third party support expressed for the development, this retrospective application is considered contrary to adopted Local Plan policies ENV 1, LP ENV 19, LP HOU 5 and to the design principles as set out in Appendix A of the Local Plan and the Council's Sustainable Design Guidance.

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

N/A

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

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**Author of Report:** Kim MacKay

**Date:** 23<sup>rd</sup> February 2011

**Reviewing Officer:** Peter Bain

**Date:** 23<sup>rd</sup> February 2011

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION 11/00037/PP**

1. The unauthorised carport/decking is considered, by virtue of its scale, design and overall mass, to be a prominent and incongruous feature which is substantially out of character with the modest character, scale and appearance of the original dwellinghouse. The significance and extent of this impact upon the surrounds is exacerbated by the location of the unauthorised structure on the north facing gable of the building which is open to view over a significant distance from the B842 on the northern approach to Peninver, and as such is considered to have a significant detrimental impact upon the visual amenity of the locale. The development is therefore considered contrary to adopted Local Plan policies ENV 1, LP ENV 19, LP HOU 5 and to the design principles as set out in Appendix A of the Local Plan and the Council's Sustainable Design Guidance.