

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

Reference No: 11/00400/PP

Planning Hierarchy: Local Application

Applicant: Mr Thomas Malcolm

Proposal: Erection of extension and alterations to dwellinghouse and increase in roof height to provide additional accommodation

Site Address: 14 Kilmahew Avenue, Cardross

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of extension
- Raising of roof height

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY: None

(D) CONSULTATIONS:

Cardross Community Council (14/04/2011) Object to the application on the following grounds:

The extension seems not to conform to what may be appropriate or acceptable within the context of neighbouring properties.

The plan would substantially increase the footprint of the existing bungalow and the increase in roof height would constitute a considerable increase in scale overall.

The proposed extension would project beyond the front line of the house and would be at odds visually with the consistent appearance of other bungalows on the street.

The application may set a precedent. It is also a concern that smaller scale more affordable houses would be lost.

Several letters of support are from people outwith the area. Those opposed all come from local sources.

(E) PUBLICITY: None

(F) REPRESENTATIONS:

Six letters of objection and thirteen letters of support were received from the following:

Objections:

Robert Murray, 6 Napier Avenue, Cardross (email dated 14/04/2011)

W J Major, 41 Hillside Road, Cardross (email dated 04/04/2011)

A W Westwood, 16 Kilmahew Avenue, Cardross (email dated 11/04/2011 & 14/04/2011)

Mr and Mrs Leckie 29 Kilmahew Avenue Cardross (letter received 05/04/2011)

Margaret Johnston (email dated 07/04/2011)

Support:

Lynda Hayes (email dated 13/04/2011)

Brian McGinley, 48 St Annes Wynd, Erskine (email dated 14/054/2011)

Catherine Harkins (email dated 15/04/2011)

Paul Keerns (email dated 12/04/2011)

Leslyanne Roy (email dated 12/04/2011)

Lisa Hawkins (email dated 13/04/2011)

Kimberley Moore (email dated 14/04/2011)

Jennifer Clarke (email dated 11/04/2011)

Alexis Watson (email dated 11/04/2011)

Kate McGinty (email dated 11/04/2011)

Emma Kelly (email dated 11/04/2011)

Veronica Cumming (email dated 11/04/2011)

Emma Warren 22 (email dated 11/04/2011)

(i) Summary of issues raised in objection

Local Plan Policy LP HOU 5 indicates that extensions should not dominate the original by way of size, proportion or design. This proposal will increase the footprint of the building by 42%, it will have a floor area 3 times that of the existing house, the total amount of building will exceed 33% of the site area, and it will destroy the front garden and reduce the external useable space.

Comment: See my assessment.

The development does not accord with the building line of the six bungalows on the street and will be out of character with the form on the street of which it is part.

Comment: See my assessment.

Approval of this planning application could create a dangerous precedent that would be detrimental to the existing street line and to the estate if followed by others.

Comment: Each case is judged on its own merit.

The extension will border an existing public access route. The removal or more than 100 metres of soil where the site meets the access route means that in icy conditions this could be hazardous.

Comment: The application site is adjacent to a public path. Each person is responsible for his/her own safety and it is not considered that the application will present a safety hazard.

The excavated area will be up to 2 metres deep. Water run-off sometimes leads to flooding and this can only increase. This change in levels between the development, my garden and the access route will lead to stability problems.

Comment: The processing of the building warrant will ensure that the extension is built to standard and these issues will be dealt with then.

My garden (41 Hillside Road) is north facing and to the east enjoys an open aspect. The development will be six metres high along my west boundary. It will be overbearing and obtrusive, overshadowing my property, particularly in the afternoon and evening, the amenity I enjoy and the introduction of a first floor window overlooking my garden affecting my property.

Comment: See my assessment. The view from the garden at 41 Hillside Road is currently fairly open, looking over the rooftops and front garden areas of the houses on Kilmahew Avenue from an elevated position. The proposed extension, will sit considerably lower than the existing dwelling at 41 Hillside Road. Once built, instead of having an open aspect over the front garden area of 14 Kilmahew Avenue, they will overlook a roof. View is not a material planning consideration but daylight, overshadowing and amenity are. While there will be an impact it is considered to be within acceptable limits given the elevated position number 41 Hillside Avenue has over this property. Furthermore, the proposed velux window to the roof of the proposed extension will not affect the privacy of the adjacent property since the views are oblique and will not be direct.

The change from a small affordable bungalow into a large four bedroom house is at odds with the Councils' Housing Strategy relating to affordable housing.

Comment: Each individual has the right to extend their own home.

There is evidence that the applicant could be running a business from the house.

Comment: This is an enforcement issue should this be the case.

What is the proposed timescale for the work? The applicant is a self employed builder and can be working till 10 o'clock at night which is very unsociable.

Comment: This is not a material planning consideration. The Environmental Health Department should be contacted with regards to noise issues at unsociable hours.

The right of way on the path is being used as a parking area this will only increase if construction work starts.

Comment: At the moment the start of the footpath is being used as a parking area but does not restrict access and this is unlikely to change when the extension is built. Therefore this is not a material planning consideration in the assessment of the current proposal.

Several of the letters of support come from people outwith the area. All of the letters of objection come from a local source.

Comment: Anyone can object or support a planning application, no matter where they live.

(ii) Summary of issues raised in support

The proposal is in keeping with the surrounding area.

I feel this development will improve the property value of the house and in turn the property value of the area.

It is important to encourage the development of the area as if people are not allowed to renovate their homes they will inevitably move out of the area.

It is wonderful to have a variety of houses in the area. Having visited Cardross there appears to be various extensions to most of the properties therefore the precedent has been set.

Due to the location of the house being on a hill and at the end of a cul de sac I can't see that there will be any light/amenity issues.

This is a young couple trying to turn a small house into a larger family friendly home. This should be welcomed by the Council as it will inject some much needed life into the area.

The proposal will create further parking by way of a large driveway and double garage which will reduce the need for parking on the street.

The topography of the site means that the house sits 1 metre below street level and appears 'sunk' and the house appears to be overlooked by its neighbours. By extending to the front of the site this will retain the private garden to the rear. It will also make the best use of the available land on site since due to the topography of the site is underused and exposed.

The area has a mix of single and two storey dwellings and dormer bungalows. The extension has been carefully designed to look single storey and unobtrusive and the character of the row of properties is retained.

Development in front of the building line is not uncommon in the surrounding area therefore does not create a precedent.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

Summary of main issues raised by each assessment/report

Supporting statement

No 14 Kilmahew Avenue is a corner plot in terms of streetscape. The extension would result in an L shaped property consistent with the streetscape. The existing front building line would continue to reflect the properties to the west.

The property would continue to be perceived as single storey from the public road. Housing is a mix of single, 1 ½ and 2 storey properties and so increasing the roof height will not be out of keeping with the character of the area.

The extension will remain subordinate in scale to the main dwelling footprint. The rear garden would be unaffected by the proposals.

No 41 Hillside Road to the east and 16 Kilmahew Avenue to the north overlook and sit considerably higher than the application property. No 12 sits lower and has no east elevation windows. Considering the immediate context of the site, it can be concluded that the increased roof height will not adversely affect neighbours in terms of daylighting or privacy.

The windows proposed on the east elevation will sit at an angle and considerably lower than the west facing window of no 41 Hillside Road. The mutual boundary fence and shrubbery will act as a screen so the impact will be minimal.

The application property is sited at the corner of the street lending itself to a carefully positioned extension to the front.

The double garage and driveway will provide ample in curtilage parking provision for a resulting 4 bedroom house.

The resulting dwelling would be more energy efficient than the existing. The construction would comprise locally sourced materials where possible.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

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

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

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

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design

LP HOU 5 – House Extensions

LP TRAN 6 – Vehicle Parking Provision

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.**

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): A total of 19 letters and e-mail representations have been received. Of these, 6 are from objectors and 13 are in support of the proposal. Given this and that it is a minor, householder development; it is not considered that a hearing is justified in this instance.

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

The proposal is for the erection of an extension to the front of a dwellinghouse and raising the height of the existing dwellinghouse. The extension will accommodate a double garage at ground floor level and the raising of the roof will allow for accommodation at first floor level.

The site sits at the end of a road in the middle of a hill and as such the house to the east side sits substantially higher than the existing house. This means that the raising of the roof will not seem overbearing or out of character with the existing streetscape. Since originally submitted the proposals have been subject to change to accommodate neighbour and planning concerns. In effect both the vertical and horizontal scale of the proposed extension has been reduced. The scale and design is considered to be acceptable and it is not considered that there will be any daylight, privacy or amenity issues.

It is considered that the proposal is acceptable and it is recommended that planning permission be granted.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The scale and design of the proposed extension is acceptable and it raises no privacy/amenity issues. While the development is a minor departure from Appendix A of the Argyll and Bute Local Plan in terms of developed open space, it is considered that there will be adequate private open space to the rear of the dwelling and that the site will not appear over developed.

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

It is considered that the proposed extension sits comfortably within its plot and is of a scale and design in keeping with the existing house. The proposed extension, when added to the existing footprint of the house measures approximately 157 square metres. With the site area measuring 442 square metres this gives the total developed area of approximately 35% of the site. This is therefore a slight departure to policy since Appendix A of the adopted Local Plan restricts this to 33%. However, in this instance it is considered to be acceptable since the existing house will be left with a reasonably sized rear garden measuring approximately 142 square metres which is flat, useable private space associated with the dwelling which will be unaffected by the proposals. Furthermore, the front of the site will not appear over developed due to the unique position of the dwelling set off the end of a road, where the proposed front extension will be to the east of the site and will clearly mark the end of the road. An area of open space measuring approximately 75 square metres will remain to the front of the dwelling adjacent to this extension.

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

Author of Report: Stephanie Glen

Date: 31/05/2011

Reviewing Officer: Howard Young

Date: 01/06/2011

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/00400/PP

1. That 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 09/03/2011 and the approved drawing reference numbers TM – 01A, TM 02C, TM – 03D, TM – 04, TM - 05A and TM – 06A 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. Samples of the proposed materials to be used for the external walls and roof of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings

4. Prior to work starting on site full details of parking provision for 3 cars within the curtilage of the dwellinghouse (excluding the integral garages) shall be submitted to and approved in writing by the Planning Authority.

Reasons: In the interests of road safety.

5. Notwithstanding the provisions of Article 3 and Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no window or other openings shall be installed in the east facing elevations of the building without the prior consent of the Planning Authority

Reason: In order to prevent the inclusion of window and other openings in the specified elevations, which could significantly undermine the privacy and amenity of adjoining residential property.

6. Details of a boundary fence along the eastern boundary of the application site shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site. The duly approved fencing shall be erected concurrently with the extension hereby approved and shall be retained thereafter.

Reason: To ensure that there is adequate screening and to maintain the privacy between the development site and the neighbouring property.

NOTES TO APPLICANT

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
2. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/00400/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is within the settlement boundary of Cardross as defined by the adopted Local Plan. Within the settlement boundary there is a presumption in favour of development subject to compliance with all other Local Plan Policies.

B. Location, Nature and Design of Proposed Development

The application site is situated at the top of Kilmahew Avenue, Cardross. Kilmahew Avenue rises along its length which means that number 14 is higher than number 12, which is higher than number 10 and so on. Above number 14, but with a different road frontage, is 41 Hillside Road and adjacent to this is a footpath.

The proposal is for the erection of an extension to the front of the dwellinghouse and the raising of the ridge height of the existing dwelling. The ridge height of the existing building will be increased by approximately 1.6 metres which will allow the loft space to be converted to living accommodation. The upper floor would then accommodate 2 additional bedrooms and a bathroom. The extension will accommodate a double garage and will be finished in materials to match the existing dwelling. As originally submitted, the extension measured approximately 50 square metres and the ridge height of the extension was shown to match the proposed raised ridge height of the dwellinghouse. However this was considered to have an overbearing impact on the adjoining neighbouring property and the streetscape and as such the ridge height of the extension has been lowered by approximately 1.9 metres and the footprint reduced to approximately 45.5 square metres. This reduction has meant the loss of living accommodation above the garage, but this was necessary in order to reduce the impact of the extension on the streetscape and the adjoining property.

All of the houses to this side of Kilmahew Avenue are uniform in style; however number 14 is in a unique position as it clearly marks the end of the road. It is set off a small spur, which only serves the application dwelling and the footpath to the golf course beyond. The proposed extension would project from the front of the dwelling giving the house an L-shape. This is considered to be acceptable at this location as it clearly marks the end of the road. As the end property in this short row of similarly designed houses and sitting against a house at higher level of different design any visual impact will be limited and it is not considered that it will have a detrimental impact on the streetscape.

Policy LP HOU 5 and Appendix A of the adopted Local Plan gives advice on house extensions and sets out a number of criteria which should be adhered to. These include that the extension should not dominate the original building by way of size, scale proportion or design, that the materials should complement the existing house and that the extensions should not have significant adverse impact on the privacy of neighbours. Appendix A goes further than this and states that detached houses should only occupy a maximum of 33 % of their plot.

The proposed extension, when added to the existing footprint of the house measures approximately 157 square metres. With the site area measuring 442 square metres this gives the total developed area of approximately 35% of the site. This is therefore a

slight departure to policy. However, in this instance it is considered to be acceptable since the existing house will be left with a reasonably sized rear garden measuring approximately 142 square metres which is flat, useable private space associated with the dwelling which will be unaffected by the proposals. Furthermore, the front of the site will not appear over developed due to the unique position of the dwelling set off the end of a road, where the proposed front extension will be to the east of the site and will clearly mark the end of the road. An area of open space measuring approximately 75 square metres will remain to the front of the dwelling adjacent to this extension.

Concern has been raised that the proposed raised ridge height and front extension would have a detrimental impact on the amenity of the adjacent neighbouring property at 41 Hillside Road by way of daylighting, overshadowing and privacy. While this is an issue it is considered to be within acceptable limits. Because of the sloping nature of the site, the house at number 41 Hillside Road sits substantially higher than the existing dwellinghouse at 14 Kilmahew Avenue. There would be a slight loss of view since the rear garden of this property currently has an open aspect and with the extension the view will now be over the roof of the extension. However, view is not a material planning consideration. A velux window will be added to the roof of the proposed extension however, it will not affect the privacy of the adjacent property since the views are oblique and will not be direct. It is considered that raising the roof height of the existing building is acceptable given the existing streetscape and the fact that the dwellinghouse is located on a hill. The proposed extension although to the front of the dwelling, as previously mentioned, is at a unique position at the end of the road and therefore this will not look out of place on the streetscape. The height of the proposed extension will sit approximately 1.9 metres lower than the roof height of the main house, thus being subordinate and not over dominant.

C. Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has no objections in principle to the application. However, he has noted that integral garages have the potential to be converted to extra living rooms without requiring planning consent. A condition has therefore been placed on the consent to ensure that there is adequate parking for three cars within the curtilage of the dwellinghouse, excluding the double garage.