

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: 11/01590/PP

Planning Hierarchy: Local Application

Applicant: Mr and Mrs J Urquhart

Proposal: Alterations and extension to dwellinghouse

Site Address: 64B Colquhoun Street, Helensburgh

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of extension to front of dwellinghouse
- Erection of 1.8 metre high wall

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

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

(C) HISTORY:

03/00205/DET - Erection of extension to domestic garage – Permitted 07.03.2003
07/01218/DET - Erection of 1 1/2 storey extension – Refused 03.09.2008

(D) CONSULTATIONS:

Helensburgh Community Council – 19/09/2011 – Objects as follows:

- The site is within a residential area and not zoned for commercial activity. HCC has no quarrel with the existing B & B we do not condone its expansion to the detriment of neighbours.
 - HCC believes that further development of this site will lead to overcrowding and will not preserve or enhance the character of the Conservation Area
 - The north east corner if this site is already overcrowded and further development would lead to an even greater imbalance. This is contrary to Policy LP ENV 19.
 - The position of the extension would lessen the light to Thorndean and also affect its views. This again is contrary to Policy LP ENV 19.
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(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 23.09.2011)

(F) REPRESENTATIONS:

11 letters of objection have been received from the following:

Miss Gemma Greaves, Thorndean, 64 Colquhoun Street, Helensburgh (email dated 19/09/2011)

John and Anne Stewart, 2 Millig Street, Helensburgh (letter dated 11/09/2011)

Mrs Maureen Morison, 4A Millig Street, Helensburgh (letter dated 10/09/2011)

Dr James Greaves and Mrs Christine Greaves, Thorndean, 64 Colquhoun Street, Helensburgh (letters dated 5/09/20211 and 19/11/2011)

Gordon Elbrid, 39A Colquhoun Street, Helensburgh (letter dated 08/09/2011)

Tony and Ann Morris, 66A Colquhoun Street, Helensburgh (letter received 08/09/2011)

Sheena and Angus Savage, 45A Colquhoun Street, Helensburgh (letter dated 5/09/2011)

Alan J Baillie, 107 Sinclair Street, Helensburgh (letter dated 16/09/2011)

Mr and Mrs G Smith, Amberwood, 2A Stafford Street, Helensburgh (letter dated 10/09/2011)

Mr and Mrs K F Moos, 43 Colquhoun Street, Helensburgh (letter dated 12/09/2011)

(i) Summary of issues raised

The reason for extending the house is to extend their business.

Comment: One B & B letting room and the applicants' own bedroom are to be extended. It is not considered that this will lead to intensification of their existing legitimate business. Any proposal to increase the number of letting rooms would require to be the subject of a separate application and would be considered on its merits in the light of relevant policies and any other material considerations.

Any increase in the number and size of the letting rooms will create more traffic, noise and parking issues within this quiet residential area.

Comment: The number of letting rooms is not increasing and therefore there has not been any requirement to consult with the Area Roads Manager. The property

has two letting bedrooms, one of which is to be increased in size, however, it is not considered that this will increase traffic or parking problems.

This is a commercial business within a residential area and is contrary to the Local Development Plan as this area is not zoned for commercial activity.

Comment: The use of a dwellinghouse to provide bed and breakfast accommodation up to the limits established by the Town and Country Planning (Use Classes) (Scotland) Order 1997 does not require planning permission.

Balmillig was first run as a bed and breakfast with two letting rooms which is acceptable within a residential area. This has since been increased to three letting rooms which brings it into the realms of a commercial business which is not acceptable. The extension also allows for internal alterations to bedroom 4 which could allow this to be used as a letting room.

Comment: Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, a dwellinghouse can be used as a bed and breakfast provided it does not use more than 1 bedroom where the house has less than 4 bedrooms, and a maximum of 2 bedrooms where the house has 4 or more bedrooms. If this limit is exceeded, then planning permission will be required for a change of use to Class 7 (Hotels and Hostels) or the occupancy of the property would become liable to enforcement action.

It appears that the property has had 3 bedrooms occupied for B & B purposes in the past, and therefore the third letting bedroom has been occupied without the benefit of planning permission. The applicants have been advised of the legislative position and have confirmed that the number of letting bedrooms has since been reduced from 3 to 2. Further to that assurance, a Planning Contravention Notice has been served on the owners in order that they are obliged to make a formal declaration as to their occupation of the property. Failure to truthfully disclose the actual use would constitute an offence.

On the basis that no more than two rooms are made available for occupation on a bed and breakfast basis, there is no change of use and the application is solely for the extension of the building.

This property is creeping farther forward on the plot which will detract from the view of Thorndean from Colquhoun Street. Any further building would be over development of the site. Planning permission was refused for an extension in 2008. The reasons for this refusal are still valid.

Comment: See my assessment. The proposed extension has been significantly reduced in scale and it is therefore considered that this will alleviate any amenity issues that were associated with the previous application.

The building of a 1.8 metre high wall adjacent to the boundary with Thorndean will cause an issue with lack of amenity to this house. It is also an issue that this wall could be used for future development.

Comment: It is not considered that the erection of this wall will adversely affect the amenity of the adjoining property. There are already dense shrubs and a fence between both properties and the proposed wall will be no higher than this. Should any proposal for further development be submitted this will be judged on its own merits.

(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:** No
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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(H) PLANNING OBLIGATIONS

- (i) **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
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design

LP HOU 5 – House Extensions

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.**

Argyll & Bute Sustainable Design Guidance (2006)

- (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

(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): Although representations have been received from the community council and letters have been received on behalf of 16 individuals, most of the matters raised relate to the use of the building (which is not at issue on the basis of current occupancy) rather than the extension for which permission is sought. Accordingly, a discretionary local hearing is not recommended in that circumstance.

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

Planning permission is sought for the erection of an extension to the front of this detached dwellinghouse at Balmillig, 64 B Colquhoun Street, Helensburgh. This is within the settlement boundary of Helensburgh and within the Upper Helensburgh Conservation Area.

A previous application for the erection of an extension (ref: 07/01218/DET) was refused in 2008. This was refused because the massing and scale of the extension was considered overbearing and would have lead to a loss of amenity for the neighbouring property (Thorndean). It would also have lead to loss of daylight to Thorndean and its size would have been over dominant and would have adversely affected the character and appearance of the conservation area.

This new application seeks to extend the property in a manner which overcomes the shortcomings of the original proposal. The extension will be smaller in scale than the previous refused application with a footprint of approximately 9 square metres, rather than 23 square metres as previously refused, and extending 2 metres out from the front of the dwelling, rather than the 5.3 metres which was previously proposed. This will mean that the extension will no longer have the same adverse affect on the amenity of the adjoining property or the character or appearance of the conservation area. It is therefore now considered that the design, massing and scale of the proposal are acceptable.

(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 proposal are acceptable and in keeping with the existing dwellinghouse. The proposal will have minimal impact on the amenity of adjoining properties and will preserve the character and appearance of the Conservation Area. This is in accordance with Policies LP ENV 1, LP ENV 14, LP ENV 19, LP HOU 5 and Appendix A of the Argyll and Bute Local Plan.

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

N/A

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

Author of Report: Stephanie Glen

Date: 01/12/2011

Reviewing Officer: Howard Young

Date: 01/12/2011

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/01590/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 22/08/2011 and the approved drawing reference numbers 2027..31, 2027..32 and 2027..33 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 used on external surfaces of the buildings and in construction of the wall has 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.

NOTES TO APPLICANT

1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. 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.
3. 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: 11/01590/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the settlement boundary for Helensburgh and is also within the Upper Helensburgh Conservation Area as defined by the adopted Local Plan. Within such areas there is a presumption in favour of development subject to all development plan policies being complied with. Within the Conservation Area there is also a requirement that new development should preserve or enhance the character and appearance of the Conservation Area.

B. Location, Nature and Design of Proposed Development

The site is within the Upper Helensburgh Conservation Area, the main characteristics of which are large traditional villas set within generous plots. Approximately 11 years ago, the plot of the neighbouring property, 'Thorndean', was subdivided and 'Balmillig' - the subject of this application - was then built. The house is a moderately sized 1 ½ storey dwelling of traditional design and is subsidiary to its neighbouring property. This property is used as a bed and breakfast. It has two letting rooms and two private bedrooms.

The dwelling is rectangular in plan with a wrap around conservatory to the south and west elevations. The proposed extension will be to the south elevation and will have a footprint of approximately 9 square metres. It will extend two existing bedrooms - one letting room on the first floor and the master bedroom below. The extension will have a pitched roof to tie in with the existing dwelling and is to be finished in white wet dash render with a natural slate roof and timber windows, all to match the existing.

The view to the site from Colquhoun Street has an open aspect, with the larger traditional villa of Thorndean to the rear and the more subsidiary building of Balmillig to the north of the site. The proposed extension will be at right angles to the existing house and will project out to the front to a point slightly in front of Thorndean. This extension will be 2 metres long and approximately 3.9 metres to eaves and 6.9 metres to ridge height. This extension will therefore protrude approximately 1.75 metres in front of Thorndean when viewed from Colquhoun Street. While Thorndean is not a listed building, it is traditional and does contribute to the character of the area. Policy LP ENV 14 of the adopted Local Plan presumes against development that would not preserve or enhance the character or appearance of the conservation area and all development in these areas must be of the highest quality. It is considered that while the proposed extension will obscure the view of part of Thorndean, this is only very slight and will not impact on the overall character and appearance of the conservation area. It is therefore considered that the proposal accords with this policy in that it will preserve the character of the conservation area.

Policy LP ENV 19 and Appendix A sets out guidance on development setting, layout and design. This also sets standards in relation on positioning of new development adjacent to existing dwellings and guidance to protect privacy, daylight and the amenity of existing properties. As mentioned, this proposal is a re-submission of a previous application refused under reference 07/01218/DET. This was an application for an extension which measured 5.3 metres in length, 4.4 metres wide and 7 metres to the ridge. The main reason for refusal was the fact that the proposed extension extended in front of two habitable room windows of Thorndean. It was considered that the massing and scale of this would have a negative impact on the amenity of the adjoining neighbours as the development would mean that the outlook from these windows would be to a blank wall.

Furthermore, the size of the extension would lead to a loss of daylight to the kitchen of this adjacent property. This current application has addressed these issues. The length of the extension has been reduced by 3.3 metres and as such does not extend in front of these windows. Therefore, daylight will not be affected, and while there may be a minimal loss of view (which is not a material planning consideration) there will be no loss of amenity as the outlook will not be to a blank wall. It is therefore considered that the proposal accords with this policy.

The proposal also includes the erection of a 1.8 metre high wall adjacent to the extension which will be 4.3 metres in length. Many of the letters of objection have stated that this wall could be used for further development of the site. It is considered that this wall is to be erected for the privacy of Balmillig, as the proposal will include French doors leading from the master bedroom. However, should any further application be submitted, this will be judged on its own merits.

C. Built Environment

The application site is within the Upper Helensburgh Conservation Area. It is bounded to the west by Colquhoun Street and to the north by Millig Street. To the east of the site is Thorndean, a detached traditional 2 storey villa. The application site once formed the curtilage of Thorndean until it was subdivided and permission was given to erect Balmillig, the subject of this application. Three previous applications were made to erect a dwelling on this site and each was refused and their appeals dismissed. This is because it was considered that the loss of the Colquhoun Street frontage would detract from the setting and character of Thorndean to an unacceptable degree and that the development of the site would not maintain or enhance the character and amenity of the conservation Area.

The approved dwelling was therefore sited so that the openness of the Colquhoun Street frontage would be retained. This proposed extension would extend slightly in front of Thorndean, however this will only be by 1.75 metres and it is considered that the impact would be slight and within acceptable limits. This is in accordance with Policy LP ENV 14, LP ENV 19 and Appendix A of the adopted Local Plan.

D. Road Network, Parking and Associated Transport Matters

Since the application seeks only to increase the size of two existing bedrooms and does not propose any new rooms, the Area Roads Manager was not consulted regarding this application. It is not considered that the proposal would generate any increase in traffic or increase road safety concerns.