

**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE)
AT GARDEN GROUND OF 91A PRINCES STREET
EAST, HELENSBURGH G84 7DQ**

PLANNING APPLICATION

REFERENCE NUMBER 11/00518/PPP

LOCAL REVIEW BODY REFERENCE 12/0001/LRB

18 January 2012

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mr Peoples ('the appellant').

The planning permission in principle application, reference number 11/00518/PPP, for the erection of a dwellinghouse at garden ground of 91A Princes Street East, Helensburgh, ('the appeal site') was refused under delegated powers on 21 October 2011. The planning application has been appealed and is subject of referral to a Local Review Body, reference number 12/0001/LRB.

DESCRIPTION OF SITE

The site is located within the front garden of 91A Princes Street East and measures some 540 sq.m. with a new access being formed onto the adjoining road.

SITE HISTORY

Two previous applications for residential development have been refused in 1983 (C7044) and 1987(C7568) respectively. The latter application was subsequently appealed and the appeal dismissed.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Argyll & Bute Council considers the determining issues in relation to the case are as follows:

Whether the proposal accords with Development Plan policy and whether there are any material considerations to outweigh these adopted policies. In particular, whether the proposed development maintains and enhances the residential area by ensuring that it has regard to the character of surrounding development and that development layout is effectively integrated with the streetscape/townscape setting.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

COMMENTS ON APPELLANT'S SUBMISSION

The site is within the settlement boundary. In terms of the development plan, there is encouragement for infill development, especially in the main towns. However, such development must be appropriate. One measure of appropriateness is the impact on the built environment.

The report of handling sets out our position on issues of plot size, density and design. The appeal site is not within a Conservation Area and is big enough to accommodate a modest dwelling. Moreover, the area has a mix of house styles and plot sizes. Given these issues, will one more dwellinghouse make any difference?

Helensburgh is a mature settlement with limited opportunities for infill development. The risk is that town cramming can occur with houses shoe-horned into any potential gap site. Reference is made in the reasons for refusal to the issue and importance of streetscape. Streetscape is the term given to the collective appearance of all buildings, footpaths and gardens along a street. The streetscape is the visual identity of a neighbourhood and plays an important role in facilitating interaction between residents and creating a community.

Houses can be diverse in age, shape or style yet combine to create a community identity. At the same time, a development that is not sympathetic to the existing streetscape can significantly detract from the character of the neighbourhood.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. This will be lost if the development is permitted. The immediate neighbouring properties to the west of the site also have this open aspect which is considered worth preserving.

The importance of streetscape and of development that is both appropriate and fits in is reflected in the policy background contained in the adopted Local Plan. Whilst this has been covered in the report of handling it is worth reiterating a number of key points. Policy LP ENV 1 makes specific reference that development should protect, restore or where possible enhance the established character of the area. It also requires regard to be had to the location and nature of the proposed development.

The particular character and distinctiveness of the area in which the appeal site is located is its variety with a mix of plot sizes and house types and styles. That variety is not a justification for another dwellinghouse but for the retention of those elements which contribute to the existing character. As part of that distinctiveness the existing property at 91A and its curtilage with its open character has a value in terms of the immediate streetscape particularly in conjunction with the neighbouring properties to the west. This will be lost if the development proceeds. The loss of this area and its replacement with a dwellinghouse, access, hardstanding, fences and other associated suburban development will compromise any remaining amenity value, will be visually intrusive, visually discordant, and will not maintain or enhance the character of the area. Consequently, the proposal is not supported by Policy LP ENV 1.

Policy LP ENV 19 and Appendix A of the Local Plan take a similar line and put more flesh on the bones in relation to specific aspects of such proposals. They stress the importance of development setting and layout. Development with poor quality layouts including over-development should be resisted. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. The proposal is therefore also contrary to Policy LP ENV 19 and Appendix A.

The Council's 'Sustainable Design Guidance' gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design. In this case the application is for planning permission in principle and any issue in terms of design would be dealt with by a further application if the appeal is successful. However, the design guidance also highlights the importance of the need to integrate buildings into their setting. It is

easy to spot those buildings which are compatible with their settings and those which are not. For the reasons set out above, it is not considered that an additional dwellinghouse, shoe-horned into this site, will protect, restore or enhance the established character of the area.

As there is a clear lack of policy support for the proposed development, Section 25 of the Act also requires other material considerations to be taken into account, which may overcome the policy deficit. In this case, the site history is the key material consideration. Two previous applications for residential development have been refused in 1983 (C7044) and 1987(C7568) respectively. The latter application was subsequently appealed and the appeal dismissed. Whilst the Local Plan is different, the fundamental underlying concerns are the same. The importance of streetscape and of development that is both appropriate and fits in is still crucial. In that regard there has been little change in policy or circumstances that would support a different outcome from the three previous refusals. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. New development should maintain and enhance residential areas by ensuring that it has regard to the character of surrounding development and that development layout is effectively integrated with the streetscape/townscape setting.

The further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

Argyll and Bute Council
Development & Regulatory Services

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: 11/00518/PPP

Planning Hierarchy: Local Application

Applicant: Mr Peoples

Proposal: Site for the erection of a dwellinghouse (In principle)

Site Address: Garden Ground of 91A Princes Street East, Helensburgh G84 7DQ

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

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

- Erection of dwellinghouse and formation of access (In principle)

(ii) **Other specified operations**

- Connection to public water and sewerage

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons stated overleaf.

(C) **HISTORY:** C 7044 – Erection of dwelling (outline) (Refused 31/8/1983)
C 7568 – Erection of dwelling (outline) (Refused 00/0/1987 and subsequent appeal dismissed)

(D) **CONSULTATIONS:** Scottish Water – letter dated 08.04.2011 – no objections
Area Manager Roads – memo dated 12.04.2011 – no objections subject to conditions

(E) **PUBLICITY:** None

(F) **REPRESENTATIONS:** Four representations were received from

Mrs. Maud Stevens 97, East Princess Street (letter received – 21 .4.2011)
Mrs Anne Begg 91, East Princess Street (letter dated - 27.04.2011)
Mr and Mrs J. Hall, 91c, East Princess Street (letter dated - 18.04.2011)
Jamie Everden – no address given (email - 19.04.2011)

The points raised and comments are as follows –

1. The proposed house would overlook the garden ground of 91b East Princess Street.
Comment – This area is situated to the west of the proposed site and it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
2. An extra house would mean more vehicles using the existing access.
Comment – The Area Manager Roads has no objection to the proposal.
3. The existing house on the site is a Victorian villa and the new building will not be in keeping with and will detract from the Victorian style building.
Comment – See assessment
4. An extra dwellinghouse will create more noise in the vicinity during construction and from the residents.
Comment – Excessive noise from premises is not considered a material planning consideration and can be monitored by other appropriate legislation.
5. The proposed house will block light and sun from the back garden of 97 East Princess Street.
Comment – Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from a single storey dwellinghouse.
6. The proposed house will reduce privacy to the back garden of 97 East Princess Street which is used extensively by the proprietor who has severe medical problems.
Comment - Being situated to the west of 97 East Princess Street it is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into this adjacent garden.
7. The proposed garage will block light and sun to the front garden of 97 East Princess Street
Comment - Being situated to the west of 97 East Princess Street it is not anticipated that considering the sun path that there will be unacceptable shadow cast or loss of light from the proposed development.
8. The proposed house will increase overlooking of adjacent properties.
Comment - It is not considered that given suitable boundary treatment there would be any unacceptable overlooking from a single storey dwellinghouse on the site into adjacent properties.
9. The proposed house will be overlooked by the tenement properties across East Princess Street.
10. Comment – These properties are located some 18m. across Princes Street East which complies with guidance on window to window distances.
11. There will be a loss of established trees.
Comment – See my assessment.
12. The bus stop will have to be moved to the front of 97 East Princess Street.

Comment – There is adequate street frontage for the bus top to be relocated. This is outwith normal planning functions and will be coordinated by the Area Roads Manager and the appropriate bus operator.

13. There are enough houses on the site and there is no need for additional houses in Helensburgh.
Comment – Sites in the area exhibit differing densities some of which are compatible with the proposal and each site is considered on its own merit with regards to compatibility with policies in the adopted Local Plan.
 14. The proposal will require a new access through the existing wall. The sight lines at this access are poor and the formation of an access will mean the loss of two parking spaces on the road.
Comment – The Area Roads Manager has no objection to the proposal.
 15. The proposal should be refused as it was in 1983 and 1987.
Comment – The application is considered under current Local Plan Policies in relation to the settlement pattern of the area.
 16. Another property will place extra burdens on existing water and sewerage services.
Comment – Scottish Water have no objections to the proposal.
 17. The site already has two flats and two houses on it and another house will represent overdevelopment.
Comment – See assessment.
 18. The current proposal gives no indication of the height of the house and even a single storey house would look directly into the living room and bedroom of 91c east Princess Street.
Comment – The application is for a development in principle and as such there is no requirement to indicate the proposed height of the house. It is considered however that the site is only suitable for a single storey house and a condition is proposed to that effect.
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(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** N
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(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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 1 – General Housing Development
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (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: N

(L) Has the application been the subject of statutory pre-application consultation (PAC): N

(M) Has a sustainability check list been submitted: N

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

(O) Requirement for a hearing (PAN41 or other): N

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

Planning permission is sought in for the erection of a dwellinghouse and associated garage and access. The site is located within the front garden of 91a Princes Street East with a new access being formed onto Princes Street East. The site measures some 540 sq.m. Two previous applications for residential development have been refused in 1983 and 1987 respectively. The latter application was subsequently appealed and the appeal dismissed.

Plot sizes in the vicinity vary and are generally larger than the proposed plot although there are a few of comparable or smaller size notably the two plots to the north of the site adjacent to the railway. The proposed dwellinghouse and garage although indicative measure some 138 sq.m. floor area. This represents some 25% of the plot. The useable private garden area would be some 340 sq.m. The proposed plot at the nearest point would be located some 13m. from the existing housing to the rear. The pattern of development in Princes Street East is varied with some buildings being constructed in the area of ground fronting the street with other buildings occupying the rear areas. Immediately to the west of the site there are a number of large villas set to the back of the plots with ancillary development such as garages to the front.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise." Section 37 (2) of the Town and Country Planning (Scotland) Act 1997 further states that "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

The two previous refusals on this site and the appeal decision are the key material considerations in this case. The two previous applications were refused on the basis that density would be increased to an unacceptable level and would also establish a second layer of residential development which would set an undesirable precedent. Current Local Plan policy is less concerned with second tier development, subject to certain caveats. Equally, the Reporter in the appeal decision was less concerned with the resultant density created by the previous proposal. His concern was whether the back garden of the proposed bungalow would be large enough to accommodate the activities normally carried out in a back garden, and if not what effect the proposal would be likely to have on the appearance and character of the area.

The conclusion was that the proposal would be to the detriment of the appearance and character of the area. The Reporter was also concerned about the impact of the proposal on existing trees on site. This is still an issue with the current application as three mature trees could be compromised by the proposed house and access. Whilst the trees have value and the Council has a duty to protect good specimens I am of the view that their value is limited.

In conclusion, the site is within the settlement boundary, is not within a Conservation Area and is big enough to accommodate a modest dwelling. However, overall I consider that the existing unlisted villa and its remaining curtilage still has streetscape value which would be lost if the development goes ahead. In policy terms it cannot be supported as it would not maintain or enhance the character of the area. In terms of material considerations the previous site history is crucial. It adds weight to the policy refusal and it is not considered that there has been a material change in circumstances that would merit approval.

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

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

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

(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: N

Author of Report: Howard Young
Reviewing Officer:

Date: 19/10/2011
Date:

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 11/00518/PPP

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further sub-division of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council's Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.

NOTES TO APPLICANT

1. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 25 March 2011 and the refused drawing reference number 2A.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 11/00518/PPP

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- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

N

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- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

N

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- (C)** The reason why planning permission has been refused.

The proposed dwellinghouse would be located within the curtilage of a traditional but unlisted villa. The curtilage has previously been compromised by development either side of the existing villa but the property and its curtilage still have an open character and value in terms of the immediate streetscape. The proposed development, by virtue of its relationship with the street frontage to East Princes Street and its location in front of the existing villa would erode the remaining open character of this existing property and would by its location be a dominant and obtrusive form of development. Consequently, the further subdivision of the curtilage and the erection of a dwellinghouse on the principle elevation of this existing traditional property would erode and undermine the remaining value it has in the streetscape, would be visually intrusive, visually discordant, and would not maintain or enhance the character of the area. As such it would be contrary to Policies LP HOU 1, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan and the Council’s Design Guide which require that new development maintains and enhances the residential area by ensuring that it has regard to the character and density of surrounding development and that development layout and density be effectively integrated with the streetscape/townscape setting.