

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: 12/00716/PP

Planning Hierarchy: Local application.

Applicant: Mr P Ellis

Proposal: Erection of single storey extension (retrospective)

Site Address: 5 Cammesreinach Crescent, Hunter's Quay, Dunoon

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of single storey rear extension

(ii) Other specified operations

- Upfilling of land to achieve level access;
 - Formation of a vehicular driveway and concrete hard standing;
 - Installation of site drainage.
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(B) RECOMMENDATION:

It is recommended that Planning Permission be granted subject to the condition and reason listed in the report.

(C) HISTORY:

10/02078/PP – erection of extension and alterations to dwellinghouse. The extension was shown as 20.5sq.m situated 1m from the boundary with 7 Cammesreinach Crescent. Applicant advised 5 January 2011 that extension represented 'permitted development'.

(D) CONSULTATIONS:

Area Roads Manager – Response 11.04.12, No objections.

(E) PUBLICITY: None required

(F) REPRESENTATIONS:

One letter of objection has been lodged by Mr Rai Barbour, 7 Cammesreinach Crescent, on the following main grounds:

- The architect's plans are inaccurate. The building height and proximity to boundary are not accurately depicted on the architectural drawings;

Comment: This has been rectified by way of amended drawings which do reflect the location and size of the extension as built.

- The extension has involved land raising which is causing water run-off onto the objector's property. The applicant has also connected his roof drainage to the objector's rainwater goods without the consent of the adjoining proprietor;
- The height and massing of the extension overshadows the objector's property.

Comment: The response to these points is outlined in the assessment below.

(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 e.g. 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 Local Plan' 2009

Policy LP ENV1 – Impact on the General Environment
Policy LP ENV 19 – Development Setting, Layout and Design
Policy LP HOU 5 LP HOU 5 – House Extensions
Policy LP ENF 1 – Enforcement Action

(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 and Bute Council Local Plan - Appendix A;
- Letter from Occupational Health in support of development;
- 'Permitted development' rights.

(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:** Yes – financial grant award.

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

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

Background

The application property is a single storey semi-detached bungalow situated on Cammesreinach Crescent, Hunter's Quay. The surrounding area is mainly characterised by similar residential properties. The land to the north of the application site is a small chalet park.

Retrospective planning permission is sought for a large (4.78m x 4.43m) single storey rear extension and other operations to provide level access and adapted accommodation. The extension accommodates a large wet room (bathroom) and mobility equipment. The extension is located on the northern (rear) elevation of the property. It is of flat roof construction involving roof alterations to the original building. The rear and side gardens have undergone partial upfilling and grading to achieve level access and a substantial area of concrete hard standing has been formed for the parking and manoeuvring of motor vehicles. The applicant has submitted a supporting letter from an Occupational Health worker outlining the applicant's medical condition and the need for the adaptation. The applicant's personal circumstances and need for the adapted accommodation is accepted.

Construction of the extension commenced in October 2011. However, following receipt of a complaint in March 2012, an inspection revealed that the extension had been built approximately 0.5m higher than had been shown at the time the proposal had been assessed to be 'permitted development' and with its flat roof cut into the rear roof slope of the property. By introducing an alteration to the existing roof, the extension therefore required planning permission under the Town and Country Planning (General Permitted Development (Scotland) Order) 1992, which was in effect at that time.

Whilst revised 'permitted development' rights introduced from 6th February 2012 would permit the alteration to the roof, the extension would still require planning permission because of other changes to the legislation, principally by exceeding a new definition of

height to eaves (limited to 3 metres) and by exceeding a 4 metre projection within 1 metre of the common boundary.

The works to the driveway and hardstanding commenced in December 2011 and are deemed to be 'permitted development' under Class 4 of the General Permitted Development (Scotland) Order 1992 - in force at the time the works were commenced.

Policy Assessment

Policy LP HOU 5 'House Extensions' supports house extensions where they cause no significant detriment to the building, the neighbours or the immediate vicinity, provided they comply with the relevant siting and design principles as set out in Appendix A, and also satisfy the following considerations:

- (a) Extensions should not dominate the original dwelling by way of size, scale, proportion or design;

Comment: The rear extension exceeds 'permitted development' limits. The extension is necessarily large in order to fulfil its function to provide adapted living accommodation to meet the special needs requirements of the occupier. As a consequence, the extent of under building and the height of the extension is of significance in terms of the presence of the extension on the boundary with the attached bungalow. However, the impact is restricted to the rear of the property and given the extension only marginally exceeds what could be constructed without planning permission by virtue of 'permitted development' rights, it is not considered that the additional scale is such as to render the development unacceptable. .

- (b) External materials should be complementary to the existing property;

Comment: The external walls are to be finished to match the existing property

- (c) Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens;

Comment: There is no window opening facing the neighbouring property, so privacy will not be diminished.

- (d) Flat-roofed extensions and multiple dormer window extensions which give the appearance of a flat roof will not be permitted where they do not complement the existing house style and design.

Comment: The attached property already has a single storey flat roofed extension attached to its gable end, so there is a precedent for flat roofed extensions on this pair of bungalows. Given that the extension for which permission is being sought is at the rear of the building, it does not have implications for the wider area in the way that an extension visible from the front of the property might.

Appendix A further advises that "Approval will not be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining properties taking into account sunlight, daylight and privacy."

Loss of privacy is not an issue in this case. The massing and height of the new extension at 3.65m measured at its highest point where closest to the mutual boundary with No 7 Cammesreinach Crescent is not ideal. The presence of the extension in proximity to the boundary with the attached bungalow will necessarily have some impact upon the neighbour's north facing rear bedroom window and patio, but that impact is not judged to be so significant as to warrant refusal of the application, particularly given the marginal difference between what could be constructed without the need for planning permission. .

Drainage

There will be some natural water run-off from the application site towards the objector's property due to ground level difference. However, a large extent of the application site is now under hard standing and the ground water run-off is captured and taken to the surface water drainage system. This should not present a significant risk to the objector's property providing the existing drainage arrangements are appropriately sized to accept the discharge from the additional roof area and hard standing surface. Building Standards have inspected and passed the construction, including underground drainage.

The roof drainage now partially discharges to the adjoining property's rainwater goods. The right to oversail or make connection to services located in another property is a civil and not a planning matter.

Other Material Considerations

'Permitted Development' - As set out above, the extension could have been completed as "permitted development" but for the 0.5m increase in height introduced during the course of construction. Under new 'permitted development' regulations introduced recently, the extension could also be constructed without the need for planning permission with only slight reductions in external dimensions.

Adapted Living - The extension and other operations are required to provide level access and adapted accommodation to meet the applicant's health needs. The alterations from the original design were necessary to achieve a level floor plan and to bring the driveway and hard standing finished level up to finished floor level to achieve level access.

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

(R) Reasons why Planning Permission should be granted

The development is only marginally beyond limits which would have rendered it exempt from the need to obtain planning permission by virtue of the operation of 'permitted development' rights. Having regard to the scale and height of the extension and its proximity to the boundary, and balancing any loss of amenity to the neighbouring property against the special accommodation requirements of the applicant, it is considered that notwithstanding the views expressed by a third party, there are no justifiable reasons for withholding planning permission in the particular circumstances of the case.

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

N/a

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

Author of Report: Martin Hannah Date: 15 June 2012

Reviewing Officer: David Eaglesham Date: 15 June 2012

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

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO 12/00716/PP

1. The development shall be implemented in accordance with drawing numbers 1655-04A and 1655-05 and stamped as approved by Argyll and Bute Council as the Planning Authority.

Reason: To define the terms of the permission and to ensure that the development is implemented in accordance with the approved details.

NOTES TO APPLICANT

1. 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.
2. It may be necessary to reach agreement with neighbouring proprietors for certain features of the development. This grant of planning permission should not be taken to imply that such agreement will necessarily be given.
3. Full implementation of this planning permission will regularise a breach of planning control. Failure to implement this planning permission in accordance with the approved plans as required by condition 1 above may result in Enforcement action by the Council as Planning Authority.