

**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF EXTENSION TO DWELLINGHOUSE AT
29 STUCKLECKIE ROAD, HELENSBURGH**

PLANNING APPLICATION

REFERENCE NUMBER: 12/01405/PP

PLANNING APPEAL REFERENCE: 12/0014/LRB

17 September 2012

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellants are Mr and Mrs Charles Livingston ('the appellants').

The detailed planning application, reference number 12/01405/PP, for the erection of an extension to a dwellinghouse at 29 Stuckleckie Road, Helensburgh ('the appeal site') was refused under delegated powers on 22 August 2012. The planning application has been appealed and is subject of referral to a Local Review Body (LRB), reference number 12/0014/LRB

DESCRIPTION OF SITE

The application site comprises a two storey, mid-terraced dwellinghouse located within the Kirkmichael development in Helensburgh.

SITE HISTORY

12/00914/PP – Erection of extension to dwellinghouse – Refused 15 June 2012

12/01405/PP – Erection of extension to dwellinghouse – Refused 22 August 2012

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.

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

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires 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.

Applications 12/00914/PP and 12/01405/PP were both assessed on this basis as is the appeal.

In the appellants' statement reference is made to floor areas in terms of development area. We quote the proposed development area as 87 square metres and a remainder of 75 square metres. The appellants quote 88.9 square metres and a remainder of 79.01 square metres. It's considered that the differences are marginal particularly as the appellants' submission states that the site area is 167.91 square metres whilst the submitted plans (which refer to the Building Warrant submission) state that the site area is 171.5 square metres. We both agree that the proposed development area as a percentage is 53% which is greater than allowed under Local Plan policy. The 49 square metres refers to the earlier refusal and was included (wrongly) in the Appendix of the latter application.

The first grounds for refusal state that there is a slight pitch to the roof. The roof of the proposed extension has, according to the appellants, a fall of 1 in 46 and a difference of 100mm over the length of the roof. This confirms what the plans show that to all intents and purposes it is a flat roof extension.

Reference is also made to discussions with the Planning Department. The appellants' agent was advised that when the original application was submitted, reference 12/00914/PP, the proposed extension was contrary to policy, constituted over-development and could not be supported. Following refusal, the appellants' agent was advised that he could submit a free application within one year of refusal. However, if it didn't address the policy background then the only basis to argue the case was on personal circumstances and even then we advised that it was unlikely we could support it.

Local Plan Policy LP HOU 5 clearly states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As it would occupy 53% of the site area the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan.

OTHER MATERIAL CONSIDERATIONS

The appellants make reference to personal circumstances and to parking. Whilst the personal circumstances are noted they are not considered to be sufficient justification to overturn the clear lack of policy support. In terms of parking, the spaces shown on the plans would need to be 4.8 metres wide and are not shown within the control of the appellants. Even if the spaces could be provided there remains the fact that the proposal constitutes over-development and is not supported by policy.

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. The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

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: 12/01405/PP

Planning Hierarchy: Local Application

Applicant: Mr and Mrs Charles Livingston

Proposal: Erection of extension to dwellinghouse

Site Address: 29 Stuckleckie Road Helensburgh Argyll and Bute G84 7NN

DECISION ROUTE

- (i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**
 - (ii) **Local Government Scotland Act 1973**
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(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of extension to dwellinghouse

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

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

(C) HISTORY:

12/00914/PP Erection of extension to dwellinghouse Refused 15.06.2012

(D) CONSULTATIONS:

Roads Helensburgh 15.08.2012 Parking provision is below the minimum
And Lomond acceptable standard.

(E) PUBLICITY: None

(F) REPRESENTATIONS: None

(i) Summary of issues raised

(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

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(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 5 – House Extensions

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.

(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 for the erection of a single-storey extension on the rear elevation of a mid-terraced, post-war dwellinghouse at 29 Stuckleckie Road, Helensburgh.

The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

Policy LP TRAN 6 states that off street car parking should be provided in accordance with the standards set out in Appendix C, which specifies a requirement for 3 parking spaces per 4 or more bedrooms. The existing dwelling house has only a single parking space and the proposal makes no provision for an additional space required by the Area Roads Manager. This would therefore create increased traffic hazards and congestion at this locality which would adversely affect vehicle and pedestrian safety. The development is therefore contrary to Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan in that it does not conform to road guidelines.

A supporting letter was sent by the applicant regarding their personal circumstances. In summary, there are 8 people, including adult children, living in this 3-bedroomed house. They cannot afford to move to a bigger house and consider that an extension is their only option.

A previous application for an extension was also refused. This application has an improved design; however the footprint of the extension still exceeds the guidelines and limitations in the Local Plan.

The proposed extension is therefore considered to be a departure from Local Plan policy and is recommended for refusal.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted: *N/A*

(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: Jim Reid

Date: 21/08/2012

Reviewing Officer: Howard Young

Date: 21/08/2012

Angus Gilmour
Head of Planning

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 12/01405/PP

1. The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.
2. Policy LP TRAN 6 states that off street car parking should be provided in accordance with the standards set out in Appendix C, which specifies a requirement for 3 parking spaces per 4 or more bedrooms. The existing dwelling house has only a single parking space and the proposal makes no provision for an addition space required by the Area Roads Manager. This would therefore create increased traffic hazards and congestion at this locality which would adversely affect vehicle and pedestrian safety. The development is therefore contrary to Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan in that it does not conform to road guidelines.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 20 April 2012 and the refused drawing reference numbers 1/5, 03, 04, 04A and 06.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/01405/PP

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- (A)** 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?

No

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

The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

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