

Report To: The Planning Board

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Report By: Interim Service Director  
Environment & Economic Recovery

Report No: 21/0126/IC  
Plan 08/21

Local Application  
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Proposed balcony to rear of detached dwellinghouse at  
Langdale, Bridge of Weir Road, Kilmacolm.



## SUMMARY

- The proposal complies with the Inverclyde Local Development Plan.
- Thirteen objections and one neutral representation have been received raising concerns over scale and size, design, overlooking into neighbouring properties and impacts on neighbouring amenity and wellbeing.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=summary&keyVal=QRNMPPIMMEY00>

## **SITE DESCRIPTION**

Langdale is a detached villa set within a site covering approximately 1350 square metres, located on the south-west side of Bridge of Weir Road, Kilmacolm. Built in the early 20<sup>th</sup> Century, the villa is two storey to the front with a basement level to the rear and contains a cylindrical tower topped with a conical red tiled spire in the northernmost corner on the principal elevation. The building is finished in red roof tiles; white render walls; with white sash and case windows to the front and a mixture of decorative and uPVC windows to the rear, all finished in white. The rear elevation contains a large floor length white uPVC window at first floor level with a door set within the frame on the right hand side of the window when viewed from the garden.

The site is positioned on a south-west facing slope, with gradients varying between 1 in 10 and 1 in 30. Boundary treatments include a mixture of hedging and trees around all boundaries, with a low boundary wall along the front elevation on Bridge of Weir Road with a higher section of wall and set-back gated entrance in the northernmost corner of the site. Three coniferous trees lie along the rear boundary within the site. A dense area of trees and bushes around 10 metres deep, measuring up to 10 metres in height is located immediately behind the north-west boundary within the neighbouring garden at Longridge.

The site is adjacent to similarly sized detached residential properties on all sides, set in similarly sized gardens.

## **PROPOSAL**

Planning permission is sought for the erection of a raised platform at first floor level on the rear elevation of the building. The platform is proposed to be set on a galvanised steel frame, measuring 5.5 metres across and extending out from the rear elevation by 3 metres, with the floor level positioned 2.8 metres above the surrounding ground level. It is proposed to install a set of stairs on the west side of the balcony. A steel frame balustrade is proposed around the raised platform.

## **ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 – Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

**Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 – Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 3 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

### **Policy 20 – Residential Areas**

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council’s Planning Application Advice Notes Supplementary Guidance.

**Draft Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **CONSULTATIONS**

None required.

## **PUBLICITY**

The nature of the proposal did not require advertisement.

## **SITE NOTICES**

The nature of the proposal did not require a site notice.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. 14 representations were received, comprising one neutral comment from the Kilmacolm Civic Trust and 13 objections, 12 from individuals and one from the Kilmacolm Community Council. Concerns were raised as follows:

### Amenity concerns

- Noise concerns from the number of people who could occupy it due to its size, contrary to Planning Application Advice Note guidance.
- Concerns that neighbouring houses will have no privacy in their own gardens due to the height of the balcony and being overlooked and overheard.
- Concerns over impact on neighbouring amenity generally.
- The applicant has removed a number of trees in the last year, which previously sheltered the view into neighbouring gardens. The balcony will give them an even clearer view into neighbouring gardens.

### Design concerns

- The proposed balcony would dominate the landscape behind.
- The garden slopes downwards to the rear, therefore the balcony will be very high and exposed.
- The design of balcony falls outwith the scope of Council guidance, is ugly and is not in keeping with the property and nearby properties.
- Concerns over the use of metal for the structure.
- Concerns over impacts on the public realm on Houston Road.
- The proposed balcony is excessive and not a feature which is replicated in any other residences in the neighbourhood.

### Procedural and Legislative concerns

- Proposal would be a breach of Article 8 of the Human Rights Act.
- Concerns over lack of consultation with neighbours prior to removing the trees or applying for the balcony.
- A large balcony that overlooks private recreational space does not appear to be in keeping with either the spirit or the regulations of planning requirements.

### Safety concerns

- Concerns over the safety of the first floor kitchen window, which contains a door 2.8 metres above the ground level of the house and no barriers to prevent anyone falling out.

One neutral representation was received from the Kilmacolm Civic Trust. The Trust stated that they had no objection in principle to the proposal, however raised the following points:

- The platform for the balcony will be some 3 metres above ground level. This may give oversight into neighbouring properties. We suggest that the Planning Officer should conduct a site visit.
- The design and materials used for the elevated balcony make it look like industrial scaffolding. We feel that the Architect could do better.

## ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; and the representations received.

The application site is located within an established residential area and requires assessment against Policy 1 in both LDPs. This Policy requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which both the adopted and Draft PAAN 5’s are relevant to this proposal. The relevant qualities to this proposal in both Policy 1’s are being ‘Distinctive’ through reflecting local architecture and urban form and ‘Safe and Pleasant’ by avoiding conflict with adjacent uses. Policy 20 in the proposed LDP is also relevant and requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.



Site as viewed from Houston Road

Firstly, in addressing impacts on the character of the area, the proposed balcony is to be located on the rear elevation of the dwellinghouse and will be largely obscured from the public realm, only being partially visible from Houston Road over the 2 metre high boundary wall and hedge and beyond an intervening property. The balcony is well set back from Houston Road, only being visible from a minimum distance of over 40 metres between existing trees positioned between Houston Road and the rear of the dwellinghouse. Given its position to the rear of the property and distance from the road, it stands that the proposal will not impact significantly on the public realm or on the urban form of the area, meeting the quality of being ‘Distinctive’ in Policy 1 of both LDPs in this regard.

In considering the impact of the proposal on the character and appearance of the building and on neighbouring amenity (Policy 20 of the proposed LDP), the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. In considering these for the balcony I turn to the guidance given in both PAAN 5’s on “Outdoor Seating Areas”.

In considering the appearance of the construction, both PAAN 5’s state that the design and position shall be appropriate to the architectural design of the house. I note that the proposed balcony is to be positioned along part of the rear elevation of the building which contains a white render wall with a number of modern white uPVC windows of varying sizes and contains little architectural features or decoration. The balcony is to be positioned in line with the south-west

side of this section of the building, forming a continuation to the existing wall. I note that the stairs are to slightly overlap the existing single storey side extension by approximately 0.35 metres, however they will be subsidiary in scale and position and will not significantly impact on the building's frontage. In considering the choice of materials proposed, I note the concerns raised that the balcony will have a similar appearance to industrial scaffolding, however consider that this can be mitigated by providing a suitable finish to the balcony frame. This matter can be addressed by condition to ensure the balcony has an acceptable impact on the character of the existing property. I find the design and position of the balcony to be largely what could be expected for such a development, albeit that the steps leading to the rear garden area are not replicated for other developments of this nature. Nevertheless, in the context of the scale of the associated dwelling I consider the steps to be acceptable in providing access to the rear garden area and appropriate to the architectural design of the house, in accordance with both PAAN 5's.

In considering possible activity and noise, I note the concerns raised in the objections over the size of the balcony and the number of persons that could potentially occupy the balcony at any given time. Both PAAN 5's state that balconies should be restricted in size to allow for limited seating and the enjoyment of wider views. Covering an area of 16.5 square metres, the balcony



Rear elevation showing position of proposed platform

can be considered an acceptable size to afford seating for a family to enjoy good weather and not of a scale which would afford the opportunity of undertaking a wide range of activities over extensive periods throughout the day and evening. Whilst I note the concerns raised over this matter, I consider that the proposed balcony would be unlikely to result in an unacceptable level of noise and disturbance which would impinge on the enjoyment of neighbouring gardens.

Finally, in considering implications for privacy, both PAAN 5's state that where positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required. Screening may not be required in cases where there is no increase in the intervisibility between and the overlooking of neighbouring. The balcony is to be positioned approximately 19 metres from the south-east side boundary and approximately 15 metres from the south-west rear boundary, therefore it is to be sufficiently distant from both of these boundaries to not require screening. The balcony is, however, to be positioned approximately 4.5 metres from the side boundary to the north-west. In assessing the impact of neighbouring intervisibility on this boundary, I note that the boundary currently contains a well-established line of vegetation, comprised of a mixture of coniferous trees and evergreen hedges including Cherry Laurel and Griselinia, which provide a blanket cover between the two gardens up to a height of around 7 metres. While I acknowledge the concerns raised over the proposal resulting in overlooking and an invasion of neighbouring privacy, the proposal does not conflict with the guidance in this regard. Based on the above assessment, I consider the proposal to be in accordance with the guidance given in both PAAN 5's.

Turning to concerns raised by objectors not yet addressed above, the proposal would mitigate the current safety concerns of the first floor rear door. Concerning the removal of trees and a lack of consultation with neighbouring properties over this matter, trees within the property are not protected by a tree preservation order (TPO) nor are they within a conservation area and therefore no breaches of legislation have occurred. As the application has been assessed against the current situation following the removal of the trees in the rear garden, this issue is therefore of no relevance to this planning application. Article 8 of the Human Rights Act is not prejudiced by consideration of the planning merits of a proposal. Planning legislation ensures that all those with a right to comment are allowed to do so during the entire procedure.

Based on the above assessment, I consider that the proposal is unlikely to create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs. Furthermore, the proposal can be considered to have an acceptable impact on the character, appearance and amenity of the area, in accordance with Policy 20 of the proposed LDP.

In conclusion, the proposal is in accordance with Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant Plan Policies and there are no material considerations which would warrant refusal of this application, it stands that planning permission should be granted subject to a condition.

## **RECOMMENDATION**

That the application be granted subject to the following condition:

1. That all steel elements of the balcony hereby permitted shall be given a white powder coated finish.

Reason:

1. To ensure a finish compatible with the appearance of the rear elevation of the dwellinghouse is provided.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.