
Report To:	The Planning Board	Date:	4th March 2009
Report By:	Head of Planning and Housing	Report No:	09/0012/IC Plan 03/09
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Erection of a two storey dwellinghouse with detached garage and non-compliance with condition 9 of Planning Permission IC/04/218 (construction outwith approved zone) at Plot 2 Avenel Knockbuckle Road Kilmacolm PA13 4JS		

SITE DESCRIPTION

The application site lies within the south west corner of the village envelope of Kilmacolm and is one plot within a six plot housing development on the former site of the house known as "Avenel".

PROPOSAL

Planning permission was granted in October 2004 for the construction of an access road and six serviced house plots. This application, for plot 2, is the fourth application. Planning permission has already been granted for houses on plots 1, 3 and 4. The proposal is for a substantial 5 bedroom villa set in spacious grounds in the northern part of the development.

The house sits in the northern half of the plot, a minimum distance from the common garden boundary with the house to the north, "Rozel", of 13 metres. The distance between the two houses is 30 metres. There are existing trees, protected by a Tree Preservation Order, located between the properties. The positioning of the house provides a long driveway entrance and generous front garden setting. A detached garage will sit in the north east corner of the plot. The proposed plans of the house show the main rooms orientated towards the front garden to the south.

The original planning permission for the site designated a development platform on which the construction of any later dwellinghouse was to take place. A condition on the original planning permission controls this. The proposed house steps outwith this development platform.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

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The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

Local Plan Policy HR9 - Tree Preservation Orders

Inverclyde Council will continue to manage works within designated Tree Preservation Orders. Where it is considered necessary, for amenity reasons, to protect other trees or woodland areas, the Council will promote new Tree Preservation Orders.

Local Plan Policy DS5 - Promotion of Quality in New Building Design and in Townscape/Landscaping

The urban environment and built heritage of Inverclyde will be protected and enhanced through controls on development that would have an unacceptable impact on the quality of this resource. Quality in new building design and landscaping will be encouraged to enhance Inverclyde's townscapes.

CONSULTATIONS

No consultations were 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. The occupier of "Rozel" objects to the application as:

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1. The size of the proposed house is greater than originally proposed.
2. The increased size and length of the house will invade the objector's privacy.
3. Its relocation is requested as it will reduce the light getting into the objector's property.
4. The positioning of the proposed house would adversely affect the valuations of both properties.
5. The positioning of the driveway will introduce noise, light and air pollution into the neighbour's garden.
6. The positioning would involve greater use of lighting, including security lighting, adversely affecting the objector.
7. The trees between the properties will be forced to grow higher to gain more light, posing a possible risk to the neighbour's property.
8. The location of the "front door" to the north of the proposed house is a security issue.

The objector asks that the proposed house be moved further south and reorientated by 90 degrees.

The second letter, from the Kilmacolm Civic Trust, expresses concerns that high security lighting may be introduced together with lighting leading up the driveway. It is requested that these concerns be considered to avoid an adverse intrusive effect on the neighbouring "Torwood" property.

ASSESSMENT

The material considerations in determination of this application are the Development Plan, the original approved master layout and the letters of objection and representation.

As the principle of residential development on this site has already been established it only remains to be determined whether or not the details of the proposal accord with the relevant Local Plan policies and the original planning permission. Of primary concern is assessment against policy H8.

The Avenel development is one of low density, considered design and consistent material use. The proposal accords with all these aspects. The house will sit within a dedicated plot framed by both mature and new landscaping and its visual impact is therefore judged to be acceptable. The framework landscaping will be implemented as development proceeds. Open space around the house is generous and the existing mature trees of note are protected by a Tree Preservation Order, thus ensuring the preservation of these landscape features. There are no roads related issues of concern and the plot is already serviced. I am therefore satisfied that the proposal is acceptable with respect to policy H8. With respect to policy H9, the submitted layout ensures that the development will fit around those trees protected by the TPO. Finally, turning to policy DS5, the proposed house is of a high quality of design. I am therefore satisfied that the proposal accords with the Local Plan.

It remains to be considered whether or not there are any material considerations that suggest planning permission should not be granted. In this respect it has to be considered how the proposal relates to the original planning permission, particularly the approved development footprint.

The footprint of the proposed dwellinghouse is not wholly contained within the development platform approved under the original planning permission. The transgression on the western part of the house footprint is a little over 4 metres. This is explained by the applicant's change of house design across the development following the grant of the original planning permission. Although the original design was for large houses with a more contemporary feel, the concept changed to an "arts and crafts" approach. One impact of this is that the size of the houses has grown. Some of the houses already approved have stepped outwith the original development platforms. This has been permitted as it has been judged that no injury to amenity would occur as a result. In this instance the bulk of the proposed house is contained within the original development platform and it is my assessment again that no injury to amenity will occur as a result of the footprint transgressions. In all other respects, the proposal accords with the parameters set in the original planning permission.

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Turning to the letters of objection and representation, the house is of a greater size than the one originally approved on plot 2. This, in itself, does not automatically constitute grounds for refusal. The objector refers to the increased size and length of the house invading their privacy. There are three issues to be considered in this instance. Firstly, the originally approved house was also to have windows facing the objector's house. Secondly, the windows in both the originally approved house and that now proposed do not have a clear line of sight to the objector's house. There are existing mature trees protected by a Tree Preservation Order that filter such a view, depending on the seasons. Thirdly, new houses within 9 metres of rear garden boundaries and within 18 metres window to window distance are regularly accepted by the Council as having an acceptable impact on neighbouring privacy. In this instance the proposed house is a minimum distance of 13 metres from the common garden boundary and the nearest window to window distance is 30 metres. I therefore consider that any further impact on privacy posed by the proposed house relative to the one already approved on the plot is acceptable. I would state, however, that the retention of a visual screen between the proposed house and the existing adjacent properties is considered to be important to amenity and was instrumental in the imposition of a Tree Preservation Order. As many of these trees are approaching maturity I consider it prudent to seek a new generation of planting aimed at ensuring continuity in the retention of a visual barrier. This matter may be addressed through the use of appropriately worded conditions.

With respect to concerns over light received by the objector's property, I am satisfied that the proposed house will have a negligible impact on this, particularly when the shade created by the intervening trees is taken into consideration. The matter of valuation is also raised but I do not consider that any perceived impact on valuation is material in considering the planning merits of the proposal. I note the concerns raised by the objector over the positioning of the driveway but consider that noise, light or air pollution from occasional vehicular movements within a domestic driveway should carry little weight in determination of the application. Similarly little weight should be accorded to the issue of the possible use of lighting and the security concerns over the positioning of the front door to the house. With respect to the letter of representation, the proposed house will be located between the driveway and "Torwood" and I do not, therefore, anticipate any light overspill pollution issues. The issue of the trees being forced to grow higher if the house is built is, I consider, irrelevant.

The objector concludes by suggesting the relocation and re-orientation of the proposed house. Should this occur, it could be located almost wholly outwith the approved development platform and would appear incongruous with respect to the rest of the "Avenel" development on account of reducing the depth of front garden and presenting a gable end as the main wall fronting the access. In the interests of good planning practice I consider such a relocation to be unacceptable.

I therefore consider that, notwithstanding that the proposed house is not located wholly within the approved development platform, no issues have been raised which suggest to me that it should not be regarded as acceptable.

RECOMMENDATION

That the application be Granted Subject to Conditions

Conditions

1. That the development to which this permission relates must be begun within five years from the date of this permission.

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2. That samples of all facing materials to be used shall be submitted to and approved in writing by the planning authority prior to their use on the dwellinghouse hereby permitted.
3. That the new stone wall and fencing shall be erected prior to occupation of the dwellinghouse hereby permitted.
4. That prior to the start of construction of the dwellinghouse hereby permitted, a scheme of planting along the common boundary with the adjacent properties of "Torwood", "Rozel" and "Orotava" shall be submitted to and approved in writing by the planning authority and shall consist of tree species with a minimum height of 2 metres to complement those already growing along this boundary.
5. That the scheme of planting approved in terms of condition 4 above shall be fully implemented during the planting season following occupation of the dwellinghouse hereby permitted. Any trees that are removed, die, become diseased or damaged within 5 years of planting shall be replaced within the following year with others of a similar size and species.
6. That prior to any construction work starting on the site, tree protection measures in accordance with British Standards Recommendations for Trees in Relation to Construction, currently BS 5837:2005. No development shall take place until details of tree protection measures have been submitted to and approved in writing by the planning authority.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure continuity in the "Avenel" development.
3. To provide the approved landscape setting for the dwellinghouse hereby permitted.
4. To ensure the long term screening between the respective residential properties in the interests of privacy.
5. To ensure the long term screening between the respective residential properties in the interests of privacy.
6. To ensure the avoidance of damage to trees.

F. K WILLIAMSON
Head of Planning and Housing

BACKGROUND PAPERS

1. Application form and plans.
2. Planning permission IC/04/218.
3. Inverclyde Local Plan.
4. Letters of objection and representation.

Appendix



Date: 11:02:09

Drawn: IAC Drg. No. 09/0012/IC



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Inverclyde
council
planning and housing

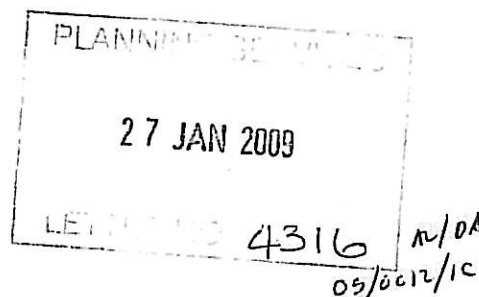
Ref. 09/0012/1c

Rozel
Knockbuckle Road
Kilmacolm PA13 4JT
01505 873209

Inverclyde Council
Head of Planning and Housing
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

26th January 2009

Dear Sir,



Planning Application Plot2 Avenel Knockbuckle Road Kilmacolm

It is difficult for members of the public with little or no experience of building and property development to fully understand the impact of a development from plans and drawings. With the completion of one property and the advanced stage of another on this site the imposing nature of these large buildings is now revealed. In addition we had not realized the impact of having the **main entrance door, driveway and parking area so close to our property.**

We wish to object to the planning application in respect of Plot 2, Avenel, Knockbuckle Road, Kilmacolm. The grounds for our objection are as follows:-

1. The **area** of the property previously proposed on plot 2 was 377sq.m. (a large house) but this has risen to 445sq.m, an increase of 68sq.m. This is an increase of considerable proportions - about the same as an average modern 4 apartment house. Surely this considerable increase is greater than would normally be acceptable as a departure from the agreed development platform and details set out in the original plans for which outline approval has been granted. The result is that a much larger property is proposed to be built close to "Rozel". This I consider to be sufficient to bring about a reconsideration by the planning committee.
2. The **increased size and length** of the property has, as a result of the developers wish to locate it at the extreme north of the plot, resulted in the building being even **closer** to our main garden, patio area and outlook from the main rooms in our house and invading our **privacy**. The plot is large at 1.3 acres giving ample scope to place the house in another position so that it would cause less invasion of privacy and reduction of quality of life to us. At the same time this would also be better for the future occupants of the new house. It should also be noted that the proposed house will be 10.2m high - **25% higher** than the adjoining houses in Knockbuckle Road, **further reducing the amount of light** getting into our property. I do not think that locating the new house in the currently proposed position would enhance the **value** of either property and in fact it would be detrimental.

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3. With the driveway turning round to the north of the property due to the main entrance door to the property being on the north side vehicles will be using the area immediately at our boundary causing pollution in the form of noise, light and fumes in the part of our garden where we spend most of our leisure time. To have the driveway and parking area immediately behind our main outlook, patio and garden is unacceptable.

There are a number of other points I feel worthy of note.

Orientation - The house entrance faces north with the frontage closer to my boundary than originally envisaged which is shaded by trees and shrubbery, thus causing the main door aspect of the new house to be dark at all times, perhaps causing extensive use of electric lighting to alleviate the problem. Is this sensible as a green issue is involved in planning? Would there be a need for security lighting at night which would cause great interference with the rights of adjacent owners. Further with the house being so large and near and to the south of the lime trees on the boundary, it will affect the amount of light getting to the trees. The trees would try to grow even higher and increase the leaves in the upper branches thus reducing the sun light getting into my garden. If the health of the trees was to be impaired they could present a possible source of risk to my property and family.

With the main entrance door of the property at the furthest point from the main access road and hidden from any public view, it may be that the security for the household and visitors is substantially compromised. I understand that this is an issue raised by police for consideration by the planners.

These points would be readily met if the house was to be re-orientated by approximately 90 degrees or moved to the south of the site. Whilst I am happy that the developer takes steps to ensure the wellbeing of the conserved tree on the site he must more importantly design and locate the house in such a way that it does not compromise the quality of life of the occupants of the adjoining property and this can be easily done without affecting the tree.

To summarise our main concerns are the proximity of a very large house – now increased by 20% - and the problem of having the main house entrance, driveway and parking area adjacent to our property and main outlook. We would hope that with access available all round the site there would be no need to have cars driving past the back of our garden let alone parking there.

I trust our points will be put to the planning committee and that they will be duly considerate towards those who currently live adjacent to the proposed development.

Yours sincerely

Gerald and Shona Ward

Appendix

KILMACOLM CIVIC TRUST (Scottish Charity No SCO 32744)

PLANNING SE

11 FEB 2009

From: Mr RN Cameron

Kaladan LETTER NO 4529
Lochwinnoch Road
Kilmacolm
PA13 4DY

Mr FK Williamson
Head of Planning Services
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

9th February 2009

Dear Mr Williamson,

PLANNING APPLICATIONS: Period 16 Jan 09 - 09 Feb 2009

The executive committee met at 7.30 pm on Thursday 5th February 2009. In addition to other business we reviewed planning applications affecting Kilmacolm and its local area published by you and lodged at the Kilmacolm Library during the period 16/01/09 - 05/02/09. Our decisions are summarised in the table below:

08/0157/IC Ward: 1	<u>Rugby Pitch.</u> <u>Birkmyre Park.</u> <u>Kilmacolm</u> Floodlighting (amended plans).	<u>Comment</u> No objection.
09/0012/IC Ward 1	<u>Plot 2, Avel.</u> <u>Knockbuckle Road.</u> <u>Kilmacolm</u> Construction of 2 storey house with detached garage.	<u>Comment</u> No objection in principle. However we are concerned that the detailed plan may include the installation of high powered external security lights at the front (east side) of the property, and all-night lights on the flanks of the driveway leading to the front door. We ask that you ensure that these do not have an adverse intrusive effect on the adjacent property known as "Torwood".
08/0019/LB Ward 1	<u>Listed School Building.</u> <u>New Community Centre</u> <u>Kilmacolm</u> Alterations to form Library and Commercial Area.	<u>Comment</u> No objection in principle. However, the whole 'New Community Centre' project is going to cause considerable disruption to parking whilst construction is in progress. This and the effect that other projects in the centre of the village will have on parking need to be tackled in-the-round and not viewed in a piecemeal fashion. The Civic Trust is preparing a paper on the whole issue of parking and traffic flow within the heart of the village. We intend to present the paper to Inverclyde Council within the next two months.
09/0009/IC Ward 1	<u>East Green Farm.</u> <u>Old Greenock Road.</u> <u>Kilmacolm</u> Construction of Dwelling House.	<u>Comment</u> We note that a new application has been submitted but that it is at present invalid for technical reasons. We look forward to seeing the plans when they are lodged in the library.
IC/Street Parking (Order Number 1/2009), Reference 0832 Ward 1	<u>Reference 0832</u> <u>No 2 Lochwinnoch Road</u> <u>Kilmacolm</u> Creation of a designated disabled-parking place.	<u>Comment</u> No objection. We would be grateful if you would inform the appropriate department.

Yours sincerely,

R.N. Cameron.

R.N. Cameron