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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3<sup>rd</sup> June 2009</b>
<b>Report By:</b>	<b>Head of Planning and Housing</b>	<b>Report No:</b>	<b>09/0116/IC Plan 06/09</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Erection of two storey dwellinghouse and integral 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</b>		

## **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". Planning permission was granted in October 2004 for the construction of an access road and six serviced house plots.

## **PROPOSAL**

Planning permission was granted by the Planning Board at its meeting on 1<sup>st</sup> April 2009 for the construction of a two storey dwellinghouse with a detached garage. The applicant is seeking to amend the design of the approved dwellinghouse by adding an integral garage with a bedroom and associated sitting area incorporated within the roof space. The dwellinghouse is, as a consequence, 7.3 metres longer than previously approved. The width of the dwelling has not changed. The other changes are an alteration to the design of bay windows facing southwards and an increase in width of the vestibule. There are also some minor alterations to fenestration. The previously proposed detached garage has been deleted.

This application, for plot 2, is the fourth plot to be the subject of an application for planning permission. Planning permission has already been granted for houses on plots 1, 3 and 4.

In common with the previous planning permission, 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 approximately 13 metres. The distance between the two houses is slightly over 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. The proposed plans of the house show the main rooms orientated towards the front garden to the south.

The 2004 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**

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. Two letters of objection were received from the one neighbour. The relevant points of objection may be summarised as follows:

- 1) Concern that a visual barrier may be erected around the southern part of the garden under permitted development rights which would have an adverse impact upon the visual amenity of the scheme.
- 2) The proposed house will not be well screened from the objector's property.
- 3) The proposed house has continued to increase in size from that originally approved. The mass and scale of the proposed house is not in keeping with its surroundings, contrary to policy H8.
- 4) The proposed house will further adversely impact upon daylight received by the objector's property. This has not been accurately measured.
- 5) The scale of the proposed dwelling will adversely impact upon visual amenity, "enclosing" the objectors property.
- 6) The accuracy of the Ordnance Survey based drawings is in question.

## **ASSESSMENT**

As planning permission was granted by the Planning Board in April for a detached villa on the application site, it only remains to be determined whether or not the details of the current proposal would cause such harm to amenity as to merit refusal of the proposed amendment.

The footprint of the house type has been increased through the attachment of an integral garage and a re-design of the bay windows and vestibule entrance. The latter two alterations are, with respect to increased floorspace, of little significance. The former is of greater note, increasing the footprint by approximately 48 square metres. It has the effect of increasing the length of the house by 7.3 metres to approximately 38.7 metres overall. This is obviously a villa of substantial size but other than the previously noted transgression over the western boundary of the approved development platform and a marginal part of one of the bay windows, the dwelling, as currently proposed, remains largely contained within the development platform. The bulk of the proposed dwelling is, in fact, positioned slightly further south from the position of the approved dwelling. With respect to design, the integral garage and associated bedroom will appear to be a "wing" of the proposed dwelling. The scale of the addition to the approved dwelling is not considered to have any implications for neighbouring properties. It is therefore concluded that the proposed dwelling, as amended by this application, 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 the letters of objection from the notified neighbour are the only concerns. I shall address the points of objection in order.

Concern is raised over "enclosure" of the main garden area by fences or walls. The application plans indicate that there is to be a stone wall and fence erected around the southern part of the garden. There is no requirement for the gardens to be open plan and Plot 2 is not on a through route but is accessed via a private driveway. I do not regard enclosure of the garden area as impacting adversely upon visual amenity.

The screening of the objector's property by soft landscaping was addressed by the previous application and found to be acceptable. I do accept that the existing screening is less effective in

the winter months but because of the distance of the proposed house from the common boundary and the distance between the houses I do not regard there to be an unacceptable impact on privacy. Furthermore, I believe that an incorrect emphasis has been placed on the purpose of the replanting programme which is not specifically required to provide additional screening between the two houses. Although this is a consequence, the replanting is to address the nearing maturity of the existing planting and the positive benefits to wider amenity that a landscaping framework presents.

With respect to the increased size of the house and policy H8, I remain satisfied that the scale of the development relative to the plot is in character with the surrounding area and does not unacceptably impact upon the objector's property. The mass of the proposed house is only increased by the addition of the integral garage. The integral garage does not extend to the full height of the proposed dwellinghouse and, in my opinion, does not significantly increase its bulk.

The objector's concerns over increased size and bulk also impact on raised concerns over daylight. The minimal nature of the impact of the previously approved dwellinghouse on the issue of daylight was accepted when the previous proposal was approved. The bulk of the proposed dwellinghouse is marginally further away from the objector's property under the amended proposal, representing an improved situation. The proposed integral garage is incidental in height to the proposed dwelling and I consider that it will have little impact on daylight received by the objector's property and no impact on that received by the objector's dwelling.

Finally, with respect to concerns over the accuracy of the plans, the applicant has pegged the site showing the closest position of the proposed house to that of the objector. Tape measurements have been taken but, notwithstanding inaccuracies with this method of measurement, I am satisfied that any discrepancy does not impact upon my main conclusion that the distance between the two dwellings is acceptable with respect to privacy and amenity.

I therefore conclude that there are no material considerations suggesting that planning permission should not be granted.

## **RECOMMENDATION**

That the application be granted, subject to the following conditions:

### **Conditions**

1. That the development to which this permission relates must be begun within five years from the date of this permission.
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. Full details of these shall be submitted to and approved in writing by the planning authority prior to erection.
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

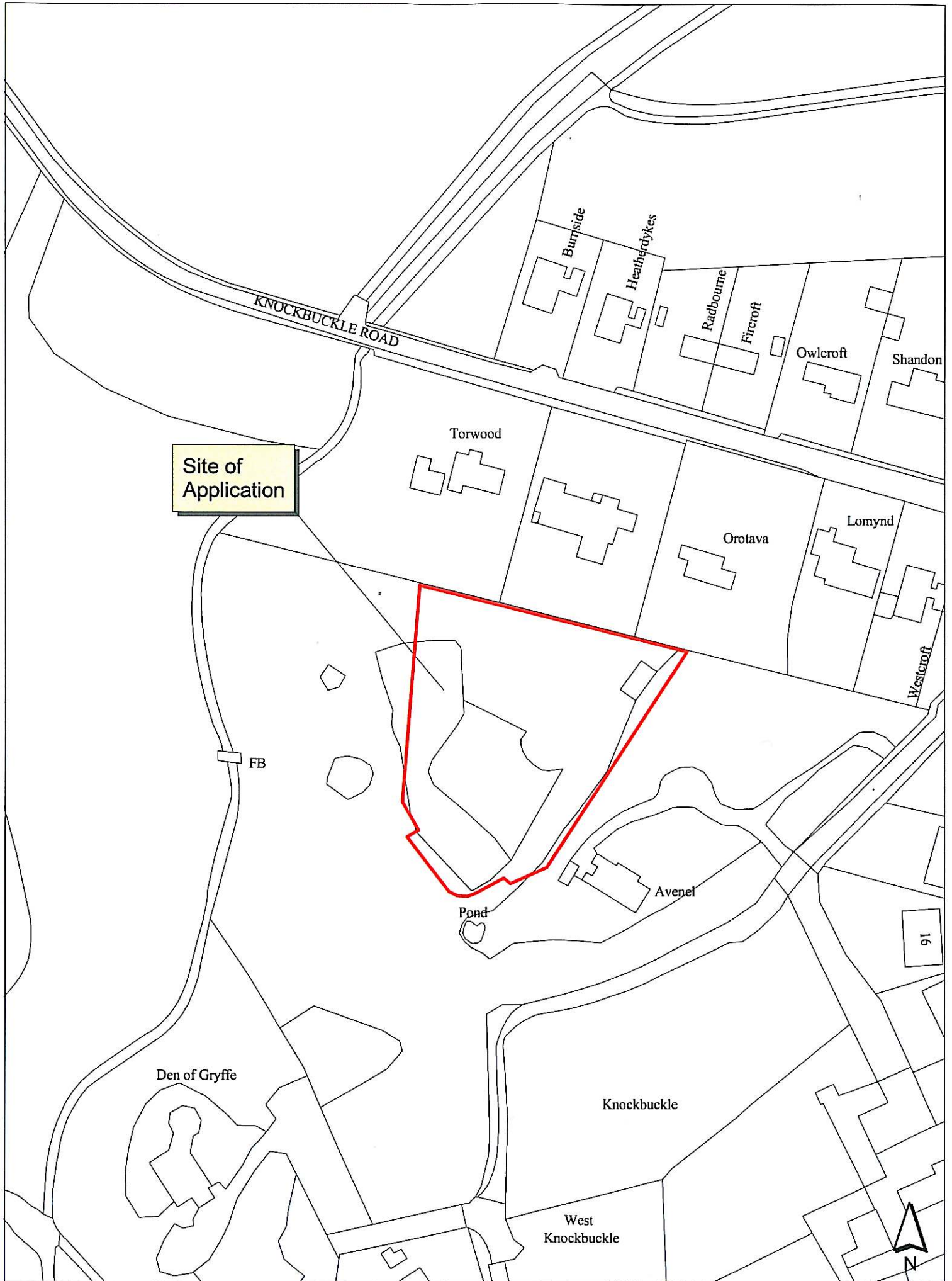
1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure continuity in the "Avenel" development.
3. To provide the approved landscape setting for the dwellinghouse hereby permitted.
4. To ensure the long term screening between the respective residential properties 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. Inverclyde Local Plan.
3. Letters of representation.





**Rozel**  
**Knockbuckle Road**  
**Kilmacolm PA13 4JT**

Tel. 01505 873209

7<sup>th</sup> May 2009

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



Dear Sir / Madam

**Proposed Construction of a Two Storey Dwellinghouse with Integral Garage on Plot 2 Avenel Kilmacolm**

In reference to the above proposed development we wish to state our strong objection to latest proposed alterations to the previously approved scheme.

While it is acknowledged that the previously granted planning permissions may have established the principle of development we would like to make the following comments on the overall scheme and in particular plot 2 as there are important considerations that we feel have not been given sufficient weight in the previous assessments.

In urban design terms the overall development lacks cohesion and will result in isolated buildings that are poorly related to each other and to their surroundings. This is best demonstrated in plot 2 which essentially turns its back on the rest of the development of which it is part. The proposed house is located at the furthest extremity from central access point which links the driveways leading to each dwelling, while the main entrance to the house and driveway / parking area takes up the remaining portion of the plot to the north of the dwelling, facing directly onto our back garden. As a consequence of this configuration, plot two's "back" garden is entirely exposed to the central access point, thereby affording the occupants absolutely no private amenity space.

It is our opinion that any occupant of a detached dwelling would justifiably expect their new home to provide some amenity space where they can enjoy their garden in relative privacy, screened from public view. However, the back to front configuration of Plot 2 denies any space for drying clothes, sitting out or essentially enjoying some privacy. As a result there is a considerable risk that the future occupants will want to introduce some form of boundary feature or method of enclosure that will inevitably break up the open frontage that the developer is trying to create. At worst there is the potential that a 2metre close boarded fence could be erected around the perimeter of the curtilage which would fall within the permitted development rights of the property and, therefore, beyond planning control. This would have an extremely harmful impact upon the visual amenity of the scheme and significantly detract from the attractive setting which the development currently enjoys.

We noted that in a letter to the case officer in relation to the previously submitted application that the architect included the following arguments for not relocating the dwelling further south towards the centre of the plot.

- The proposed location will maximise screening from neighbours
- Relocating the house would breach the condition requiring that the house be located within a particular building zone
- It would impact upon the protected trees south of the house.

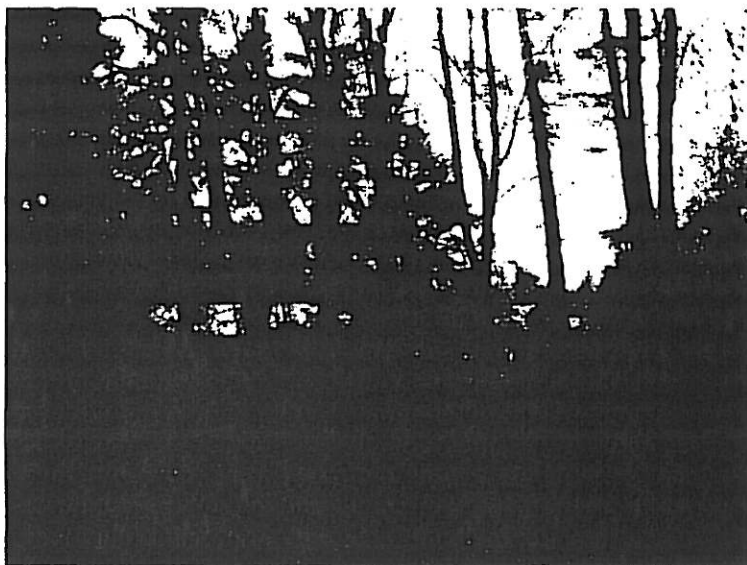
In response we would state that locating the property close to the boundary may maximise screening from the dwellings within the development but it also serves to minimise the screening in relation to our house. This argument demonstrates that the scheme has been designed in complete isolation with absolutely no reference to its juxtaposition or the impact upon its immediate surroundings. Furthermore, when viewed on plan the difference in proximity to the adjacent properties between locating the house at the northern end of plot 2 and a more central location is negligible, thereby entirely negating the argument.

Turning to the second point, we find that an argument citing concern failing to comply with the previous requirements of the approval to be quite weak when considering the number of changes that have taken place in the proposals at plot 2, including an increase in footprint of some 27%.

In respect of the third argument we would suggest that if the house were not 39 metres wide and had a mass and scale more in keeping with its surroundings then the building could be relocated further south without having any impact upon the integrity of the tree in question.

We feel that it is important to make these points in response to the arguments put forward by the architect as we consider that they were not fully examined in the previous assessment.

By way of context, our second comment on the previous application and its assessment relates to the tree "screen" set between our property and the proposal. We consider that in the officer's report the daylighting impact of the proposal upon our rear garden and rear elevation windows was too readily dismissed because there is a "screen" of trees on the shared boundary. From the attached photograph it can be seen that the trees, as of early May, serve as a limited screen from the adjacent plot, indeed they barely filter the amount of daylight passing through to our property from a southerly direction. It is also obvious that the proposal will be clearly visible from the rear of our property and more significantly the reduction in the amount of daylight received in the rear of our property will be considerable. We note the intention to condition the planting of further trees along the boundary in order to establish a screen between our property and the application site but this ignores the point and will simply add to the loss of daylight caused by the erection of the house at Plot 2.





*In respect of the current proposal we would raise the following objections.*

We consider that the daylighting impact remains unresolved and indeed the situation has now worsened as a result of the latest amendment. The dwelling remains at its closest point yet to our shared boundary, however, its mass and scale have increased again. The incremental changes have led to the proposal having an ever greater impact each time the application is revisited. Now we are faced with the prospect of being overshadowed by a building which is 39 metres wide and 10.5 metres high. The cumulative impact of the increasing scale of the property and its proximity to our shared boundary must now have taken the impact, in terms of enclosure and loss of daylighting, beyond what would be acceptable, particularly when considering the low density setting of the surrounding area.

When considered in terms of the above photograph it is quite clear that the proposed scale and proximity of the building will block out the daylight which does pass the tree trunks and limbs. We are not aware of any scientific methodology being used to assess the daylighting impact and in the absence of such we must conclude that there has only been a subjective assessment carried out on the ground. In this circumstance we would have grave concerns over whether the impact of a proposal of this magnitude is truly understood, along with concerns over the consistency of such an approach.

Notwithstanding the issue of daylighting, we consider that the proposal submitted does not comply with Local Plan Policy H8 – The Character and Amenity of Residential Areas.

The size and linear form of the proposal's footprint, along with its marginalisation within the plot, does not reflect the character of the surrounding area. The surrounding area is characterised by medium to large sized detached dwellings set centrally within large plots. However, the increase in footprint size from the largest of the existing properties to that of the proposal at plot 2 is so considerable that the new dwelling will dwarf the existing established scale of residential development. At an area of 564 square metres the proposal's footprint and massing is more akin to an institutional building rather than a detached dwelling and, therefore, certainly not compatible with the character of the area resulting in a clear failure to comply with the first criterion of Policy H8. This incongruity is simply compounded by the off centre location of the dwelling.

Policy H8 also requires the visual impact of new development to be taken into account. The impact upon visual amenity created by a dwelling of this scale is considerable. While much has been made of the level of screening that the trees will provide, it can be seen from the above photograph that the development will remain very visible, even during the summer months. The very fact that an argument has been promoted that the building needs to be screened to reduce its visual impact suggests that it is overly large and will have a harmful impact upon its countryside setting. In our view the negative impact is considerably amplified by the fact that the building is 39 metres long. For the applicants to even consider that a building, practically half the length of a football pitch, would be acceptable in such a sensitive and important setting is astonishing.

On the basis of the above we believe that the proposal will have an unacceptable impact upon the level of daylight available to our property and that it fails to comply with the first two criteria of Local Plan Policy H8.

In terms of the submission itself we are concerned about the accuracy of the drawings submitted. For instance the OS 1:1250 site plan submitted shows our rear house wall set 17 metres from our boundary but in reality the distance is only 15.5 metres. This brings into question the accuracy of the proposed house's proximity to the boundary and would suggest that it may actually be less than what the plan illustrates. Combined with the increased height of the property, we believe that there is a valid argument to question whether the newly increased scale and existing, questionable, proximity of the house to our property can truly be considered to have an acceptable impact upon our property.

In conclusion we believe that the application should be refused for the following reasons:

By reason of its increased scale and proximity to the northern site boundary the proposal will have an unacceptable enclosing impact upon our property and will permanently deprive our garden and rear facing windows of daylight to a level that is beyond what could reasonably be tolerated.

By reason of its overly large scale and massing the proposal falls to blend with the character and amenity of the surrounding area in terms of design and will have an unacceptable impact upon the visual amenity of the vicinity, contrary to terms of Local Plan Policy H8.

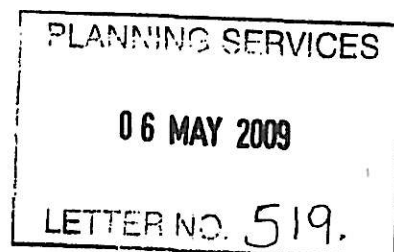
We trust you will take all of the matters raised into account in considering the latest proposal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerry Ward', written in a cursive style.A handwritten signature in black ink, appearing to read 'Shona C. Ward', written in a cursive style.

Gerry and Shona Ward

Rozel  
Knockbuckle Road  
Kilmacolm PA13 4JT  
Tel . 01505 873209



6<sup>th</sup> May 2009

Director of Planning,  
Environment & Community Protection  
Inverclyde Council  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Your Ref. 09/0012/IC

Dear Sirs,

Re Plot 2 Avenel Kilmacolm

Yesterday, Tuesday 5<sup>th</sup> May, we were at last able to view the detailed drawings of the latest proposal and latest new planning application for plot 2 Avenel. The drawings were received into Kilmacolm library on Saturday 2<sup>nd</sup>. May. The library was closed on Monday May holiday.

The drawings show a proposed main house once again increased in area and height with a changed extension of much greater length, depth and height which now includes a garage **and an apartment above it.**

The new building proposed is now **56% larger** than that given outline planning approval. The angle with the boundary has been greatly reduced and it is now almost parallel to our boundary and house. With the increased size it is almost the full length of our boundary.

The **nearness** of the building which is the **height of a three storey apartment block** and its **immensity** is neither considerate to Rozel nor acceptable to us.

We have sought professional advice on this matter and a detailed letter of objection will be submitted very shortly.

Please accept this as a holding letter of objection to a development which is incongruous with its surroundings and thus not aesthetically pleasing, will block light from our garden and house much more than filtered light through leafy foliage, and whose driveway and parking area at the main entrance to the house facing us will cause light, noise and fumes to pollute our environment.

1947 planning rules for building of new affordable housing estates after the war can not surely be equated with large houses on large areas of ground.

Please accept this as a notice of objection with further letter of objection, in accordance with professional advice, to follow.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'Gerald Ward'.

A handwritten signature in dark ink, appearing to be 'Shona C. Ward'.

Gerald and Shona Ward