

**A meeting of the Planning Board will be held on Wednesday 6 November 2019 at 3pm within the Municipal Buildings, Greenock.**

GERARD MALONE  
Head of Legal & Property Services

## **BUSINESS**

1. **Apologies, Substitutions and Declarations of Interest**
2. **Planning Application**  
Report by Head of Regeneration & Planning on application for planning permission by Mr C Canata for erection of dwellinghouse and garage (amendment to planning permission 16/0319/IC) at vacant site, 13 Dunvegan Avenue, Gourock (19/0158/IC)

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Report To: The Planning Board

Date: 6 November 2019

Report By: Head of Regeneration and Planning

Report No: 19/0158/IC  
Plan 11/19

Local Application  
Development

Contact Officer: James McColl

Contact No: 01475 712462

Subject: Erection of dwellinghouse and garage (amendment to planning permission 16/0319/IC) at  
Vacant Site, 13 Dunvegan Avenue, Gourock



### SUMMARY

- The proposal complies with the Inverclyde Local Development Plan.
- Twelve written representations have been received raising a wide range of concerns including the planning history and procedure, design, road safety, tree removal, impact on residential amenity, roadworks and service connections.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PT3599IMM1A00>

## **SITE DESCRIPTION**

Situated within a wooded setting, the application site lies to the northwestern side of Dunvegan Avenue, Gourrock. It slopes gently from the street before falling more steeply to the northwest. A variety of dwellinghouses lie adjacent including a modern, two storey dwelling with a detached double garage to the southwest and detached dwellinghouses situated on elevated plots on the opposite side of Dunvegan Avenue. Open space and woodland adjoin to the northeast and northwest.

## **PROPOSAL**

In April 2017 planning permission was granted by the Inverclyde Local Review Body for the erection of a two storey dwellinghouse designed with a monopitch roof and a free-standing carport with an asymmetric pitch roof.

Construction of the dwellinghouse is at an advanced stage. This application seeks to address design changes and proposes the erection of a detached garage in place of the previously approved carport. The garage reflects of the overall design and position of the carport and the materials are those used on the dwellinghouse. Solar panels are incorporated on the roof slope facing towards Dunvegan Avenue. The design changes to the dwellinghouse include:

- On the southwestern gable the removal of the ground floor bay with balcony above and replacement by two small balconies, the lower of which also provides access to the garden.
- The formation of a pitched roof above the front entrance projection.
- Adjustments to ground levels resulting in a more significant underbuild to the rear of the house.
- External materials now comprise brown facing brick, white drycast render, weatherboard cladding panels and a red concrete roof tile.

The revised design also results in changes deemed non-material as they would not require planning permission in the event of the house having been completed. These changes are to the door and window arrangement, including the installation of an access door to the basement/underbuild area to the rear.

## **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.

### **Policy 18 - New Housing Development**

New housing development will be supported on the sites identified in Schedules 3 and 4, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Development Briefs for Housing Sites, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages which are brought forward under Policy 17 to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

## **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.

## **Policy 34 - Trees, Woodland and Forestry**

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal;
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

**Planning Application Advice Note (PPAN) 2** "Single Plot Residential Development" applies.

**Planning Application Advice Note (PPAN) 5** "Outdoor Seating Areas" applies.

## **2014 Local Development Plan Policies**

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

## **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and, where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

## **Policy ENV1 - Designated Environmental Resources**

### **(a) International and National Designations**

Development which could have a significant effect on a Nature site will only be permitted where:

- i. an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- ii. there are no alternative solutions, and
- iii. there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

- i. it will not adversely affect the integrity of the area or the qualities for which it has been designated, or

- ii. any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the Clyde Muirshiel Regional Park and other strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- i. visual amenity will not be compromised;
- ii. no other site identified in the Local Development Plan as suitable is available;
- iii. the social and economic benefits of the proposal are clearly demonstrated;
- iv. the impact of the development on the environment, including biodiversity, will be minimised; and
- v. the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

**Policy ENV4 - Safeguarding and Enhancing Open Space**

Inverclyde Council will support, safeguard and, where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map; and
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community, and their function as wildlife corridors and Green Network links.

**Policy ENV6 - Trees and Woodland**

Trees, groups of trees and woodland designated as Tree Preservation Orders (TPOs) will be safeguarded. Where it is considered necessary to protect other trees and woodland areas for amenity reasons, new Tree Preservation Orders will be promoted.

Trees and woodland will be protected and enhanced by having regard to the Scottish Government's Woodland Removal Policy and through:

- (a) promoting the planting of broad leaved and native species, or other species with known biodiversity benefits;
- (b) protecting and promoting the positive management of hedgerows, street trees and any other trees considered to contribute to the amenity of the area;
- (c) protecting and promoting the positive management of ancient and semi-ancient natural woodlands; and
- (d) encouraging the planting of appropriate trees as an integral part of new development.

Woodland creation proposals will be guided by the GCV Forestry and Woodland Framework Strategy (FWS), where priority locations for woodland management and expansion in Inverclyde will be assessed against the following criteria in accordance with the UK Forestry Standard:

- (e) the benefits of woodland creation to the value of the existing habitat;
- (f) contribution to the enhancement of the wider Green Network;
- (g) the safeguarding of nature conservation and archaeological heritage interests;
- (h) safeguarding of water supplies;
- (i) the area's landscape character;
- (j) integration with agricultural interests;
- (k) existing and potential public access and recreational use;
- (l) woodland design and the proposed mix of species; and
- (m) points of access to and operational tracks through woodlands.

**Planning Application Advice Note (PAAN) 2** "Single Plot Residential Development" applies.

**Planning Application Advice Note (PAAN) 5** "Balconies & Garden Decking" applies.

## **CONSULTATIONS**

None required.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 19 July 2019 as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Twelve objections have been received. The concerns raised can be summarised as follows:

### Planning History and Procedure

- The development of a house at this location should not have been granted planning permission.
- Planning permission was refused for the erection of a house at this location numerous times in the past.
- The development does not accord with the approved plans and the works have been undertaken without the benefit of planning permission, including a garage which has been constructed to the northwest of the new dwellinghouse.
- Enforcement action should be undertaken in respect of the unauthorised works.
- Planning conditions relating to external materials have not been complied with.

### Design

- The design changes are out of keeping with the character of the area.
- The roof covering is inappropriate.
- The extent of the ground works is inappropriate.
- The proposed garage inclusive of the monopitch roof and proximity to the road will have an unacceptable visual impact within the streetscape.
- Additional windows have been added to the house.
- A door has been fitted to the rear elevation to give access to the basement/underbuild area.

### Road Safety

- The proposal will be to the detriment of road safety.
- There is no footpath on the western side of Dunvegan Avenue at this location.
- Insufficient off-street parking is proposed.

### Trees and Environmental Impact

- Additional trees have been removed within the site which is covered by a tree preservation order.
- The updated Tree Survey Report does not accurately reflect site works.
- Japanese Knotweed is found within the application site and detailed eradication proposals are required.
- The landowner has previously failed to cut back trees which encroach on the public road.
- The trees may be dangerous and a threat to neighbouring property.

### Residential Amenity

- The use of white render reflects sunlight towards neighbouring properties.
- Solar panels to the garage roof will reflect sunlight to adjacent properties as would panels fitted to the roof of the house should this occur.
- Works on site were undertaken at inappropriate times to the disturbance of neighbouring residents.

### Roadworks and Service Connections

- The roadworks for the service connections were inappropriately managed and took an extended period of time.
- Builders encroached into neighbouring privately owned land to implement service connections.

I will consider these concerns in my assessment.

### **ASSESSMENT**

The material considerations in the determination of this planning application are the Local Development Plan, Planning Application Advice Notes (PAAN) 2 and 5 on “Single Plot Residential Development” and “Outdoor Seating Areas” respectively, the visual impact, the impact on the wooded setting and tree cover, the planning history of the site and the objections received.

As part of the development monitoring process the site was visited during construction and it was evident that works were not being undertaken in accordance with the planning permission. This application is the result. Whilst it is disappointing that the changes have been undertaken without first seeking planning permission and that conditions attached to the planning permission have not been met, this can have no bearing on the assessment of this application.

This report considers only the changes to the approved plans. While I note the concerns raised in the objections that planning permission should not have been granted for the house, particularly in light of previous planning refusals for similar developments, the principle of the erection of a house at this location may not be revisited in determining this application.

Additionally it must also be noted that since planning permission was granted, the 2019 Local Development Plan has been adopted by the Council. The Proposals Map identifies Levan Wood as an area of open space, however, in reflecting the previous grant of planning permission, the application site is not located within this area. The site is also not included within the Local Nature Conservation Site (LNCS) designation which lies adjacent. This updates the position from the 2014 Local Development Plan. It remains, however, that the application site lies within a Tree Preservation Order (TPO) area.

It therefore rests to consider whether there are any material planning considerations which suggest that this planning application for the amended dwellinghouse design and the formation of a garage in lieu of the carport should not be granted.

Considering design, Policy 1 of the Local Development Plan which requires all developments to have regard to the six qualities of successful places, Policy 18 which addresses new housing development and Policy 20 which requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area, all combine to provide the primary basis for the assessment of the proposal.

It remains that the dwellinghouse is consistent with the planning permission previously granted in respect of the overall scale, massing and position on site. The revised roof arrangement whilst still being primarily of a monopitch design, now incorporates a pitched section to the roof slope above the projection to the front elevation. This provides a punctuation to the roof slope which is considered visually acceptable.



It is noted that in the original planning permission, grey concrete roof tiles were to be used. The final choice of external materials was, however, reserved by condition. Red roof tiles have been utilised, and whilst it is acknowledged that dark concrete roof tiles are the predominant local roofing material, this is not exclusively the case. For example, it is noted that the house to the south west was constructed with red roof tiles which have weathered over time. A mix of roof coverings and materials within streetscapes is commonplace and can provide visual variety. In this instance the dwellinghouse visually stands alone on the seaward side Dunvegan Avenue and is not within a row of buildings. It is considered that the use of a red roof material contributes to a distinctive development in accordance with the qualities of successful placemaking and therefore does not warrant the refusal of the application.



The remainder of the external facing materials are considered visually acceptable. The use of white render as a finishing material is commonplace in Inverclyde and while I note concerns that this will reflect sunlight towards neighbouring property to the detriment of neighbouring residents, it is not considered this concern merits the refusal of planning permission.



Turning to the alterations to the southwestern gable, the removal of the ground floor bay with balcony and substitution with two small balconies with support legs is considered visually acceptable in the context of the house design. The floor area of the balconies allows for limited seating during good weather but will not allow for a wide range of functions to be undertaken to the disturbance of neighbouring residents. I am also satisfied that there are no additional privacy implications. Overall, it is considered that the balconies accord with the advice and guidance within PAAN5.

Examining the alterations to ground levels within the site, resulting in a larger underbuild to the rear of the house, I am satisfied that the visual impact does not warrant the refusal of the application.



The garage, whilst originally designed with a monopitch roof, has been amended and now follows the overall scale, shape and approximate position of the previously approved carport. I do not consider concerns that the limited extent of the solar panels on the garage roof will reflect sunlight towards to the detriment of the amenity of neighbouring residents forms the basis for refusing planning permission. Overall, I am satisfied that the design, external materials and positioning of the garage are acceptable. It is also noted that the access and parking arrangements follow that of the original planning permission and raise no issues in respect of road safety.

The approach to assessing new residential development and design has continued from that taken in the 2014 Local Development Plan Policies SDS3 and RES1 and I am satisfied that the revised design of the dwellinghouse and provision of a garage in lieu of the carport presents no conflict with the original proposal granted planning permission and accordingly safeguards the character and amenity of this residential area in accordance with Local Development Plan Policies 1, 18 and 20 and with the advice and guidance in PAAN2.

It therefore rests to consider if there are any other material planning considerations which would warrant the refusal of the application.

In approving planning permission, the Local Review Body was aware from the assessment of the application that the site is located within a TPO and the development would result in the loss of trees. It was proposed that this would be mitigated by the provision of compensatory planting. It is acknowledged by the applicant's updated arboricultural assessment that the tree removal during construction has gone beyond that previously identified. It is also accepted that pruning works not previously identified were undertaken. It is disappointing that this occurred without reference to the Council, however, it is also acknowledged that it is always difficult to balance the retention of trees and the erection of a new building within a wooded setting. Whilst I note the concerns in the objections relating to the content of the arboricultural report, it is clear that the trees retained on the site are now almost exclusively Category A or B trees which are of high or moderate value and quality. The report further notes that the development was largely complete

at the time of inspection and that these trees have been successfully retained as part of the development. It is proposed to plant 13 replacement trees to mitigate for those removed, and these will be positioned to take account of the new house and underground services; this will assist in restoring and enhancing the woodland environment. I am therefore satisfied that the proposal is acceptable with reference to Policy 34 of the Local Development Plan which continues the approach of policy ENV6 of the 2014 Local Development Plan.

It should be noted that works undertaken by a utility provider to a cable which passes through the site and which resulted in tree removal is a matter separate from this planning application.

Condition 1 of the previous planning permission required details of a piped surface system with a discharge rate no higher than green field runoff rate to be submitted for approval. This was to ensure that matters relating to flooding were adequately addressed. No details have been received. I therefore consider it appropriate that any new permission reflects this position but with additional requirements in respect of timescale for submission and implementation given that works on site are at an advanced stage.

Turning to the outstanding matters in the objections received, whilst I note that Japanese Knotweed existed on site, no related conditions were attached to the planning permission granted and this may be addressed under separate legislation. This is similar to issues of construction noise, roadworks, trees overhanging the roadway and the installation of service connections. Any encroachment into neighbouring private land is a civil matter, as would be any concern regarding dangerous trees being a threat to neighbouring property. The erection of a garage to the northwest of the site is noted. This is, however, not within the application site and accordingly is a matter to be addressed separately from this planning application.

To conclude, the design amendments to the house granted planning permission, inclusive of the construction of a garage in lieu of the carport, are considered visually acceptable. It is acknowledged that additional trees have been removed within the site beyond those originally identified, however the resulting position is a site which comprises good quality retained trees to be augmented by additional planting. Overall, I am satisfied that the proposal can be considered acceptable with reference to Policies 1, 18, 20 and 34 of the Local Development Plan together with PAANs 2 and 5. I have taken into account all representations received, however I consider that there are no material planning considerations that would justify the refusal of the planning application.

## **RECOMMENDATION**

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

1. That within four weeks of the date of this permission, full details of a piped surface system with a discharge rate no higher than green field runoff rate together with the timescale for implementation shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved and maintained on site at all times thereafter to the satisfaction of the Planning Authority.
2. The tree planting detailed in Section 4 and on the Tree Survey and Planting Proposals site plan of the Donald Rodger Associates Ltd Arboricultural Consultants Tree Survey and Planting Proposals Report, dated August 2019, shall be completed in the first planting season following occupation of the dwellinghouse hereby approved and any specimens which in the subsequent 5 years die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternatives.

## **Reasons**

1. In the interests of addressing surface water run-off and avoiding flooding.
2. To ensure the continued woodland character of the site in the interests of the integrity of the tree preservation order designation.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.