

Report To: The Planning Board

Date: 2 December 2020

Report By: Head of Regeneration and Planning

Report No:
20/0122/IC
Plan 12/20
Local Application
Development

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



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SUMMARY

- The proposal complies with the intent of the Inverclyde Local Development Plan.
- Nine objections have been received.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QBYRXQIMHBC00>

BACKGROUND

At the September 2020 meeting of the Planning Board, consideration of the application was continued to enable the Head of Regeneration and Planning to enter into discussions with the applicant regarding the Planning Board's concerns in respect of a garage being proposed in lieu of the originally approved carport, together with the specification of the proposed balconies.

Extensive discussions have taken place with the applicant and a revised proposal has been submitted. These revisions comprise providing a carport rather than a garage, together with the removal of the upper level balcony to the south-western elevation. An alternative Juliet balcony type arrangement is provided with a glass balustrade across the existing patio doors. The applicant also proposes to add additional glazing bars to the patio doors.

Following receipt of the revised details, neighbour notification was re-issued together with a letter to those who made representation on the application.

SITE DESCRIPTION

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

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.

A further planning application was received to address various design changes to the house and proposed the erection of a detached garage in place of the previously approved carport. This application was refused by the Planning Board in November 2019. A subsequent appeal against this decision was dismissed on 9th April 2020. At the time of the appeal decision, the dwellinghouse was largely complete.

It is now proposed to undertake various works to amend the design of the largely completed dwellinghouse which seek to address the concerns raised by the Reporter in the appeal decision. These include the removal of the pitched roof section to the front projection of the dwellinghouse in favour of a mono-pitch design as a continuation of the main roof, together with the replacement of the currently installed red roof tiles with grey tiles. It is further proposed to replace the red weatherboard cladding with grey.

Additionally, the balcony arrangement to the south-western elevation has been amended including the removal of the upper level balcony with an alternative Juliet type arrangement being provided with a glass balustrade across the existing patio doors. The lower balcony with access to the garden remains with a glazed balustrade arrangement in lieu of the red infill panels previously proposed. Additional glazing bars will also be added to the patio doors on the western elevation.

A carport with facing brick supports and a solid grey tiled roof to match the main house is proposed to the north-eastern side of the house.

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 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.

PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

Policy B - New Housing Development

New housing development will be supported on the sites identified in Schedule 1, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against Planning Application Advice Notes Supplementary Guidance.

There will be a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.

Policy D - 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.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 10th July 2020 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eight objections were originally received in connection with the application. Following the additional neighbour notification process, one further updated objection was additionally received.

The points and 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.
- In granting permission, objections regarding a new house on this site have been ignored by the Council.
- The development did not accord with the approved plans and the works have been undertaken without the benefit of planning permission.
- Planning conditions on the original planning permission have not been complied with.
- Correct planning procedure has not been followed.
- The proposal does not comply with local planning policy.
- A similar application for a new build house on Faulds Park Road situated within Prichard Wood nearby which is also protected by a Tree Preservation Order was refused by the Local Review Body.

Design

- The design is out of keeping with the character of the area.
- The house is positioned too close to the road which exacerbates its prominence.
- The roof height and design is inappropriate. The house should have an apex roof which would be lower and less obtrusive.
- The extent of the ground works is inappropriate.
- Additional windows are proposed beyond that of the original approval.
- The wide patio doors to the western elevation are inappropriate.
- The external materials are inappropriate.
- The rear underbuild increases the height of the rear elevation when viewed from Cloch Road.
- A door has been fitted to the rear elevation to give access to the basement/underbuild area which may be used for habitable accommodation.
- The design being considered still differs from that approved by the Local Review Body.
- A garage is proposed rather than the previously approved car port.

Road Safety

- The proposal is to the detriment of road safety.
- Insufficient off-street parking is proposed.
- The footway surface has not been reinstated following the installation of the service connections.

Trees and Environmental Impact

- Additional trees have been removed within the site which is covered by a tree preservation order.
- No tree protection measures were in place during development.
- 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 and neighbouring property.
- The trees may be dangerous and a threat to neighbouring property.
- No reference has ever been previously made to a high voltage cable running through the site and any tree removal resulting from this by Scottish Power should have followed correct procedure.
- The diversion of the high voltage cable running through the site which resulted in the additional loss of trees was undertaken at the applicant's request and expense to allow the new house to be constructed.

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 Council's Planning Policy Statement on Our Homes and Communities, the visual impact, the impact on the wooded setting and tree cover, the planning history of the site and the objections received.

As planning permission has previously been granted for a dwellinghouse on this site, this report considers only the design changes with reference to the original planning permission and the appeal decision for the previous application to amend the design. The principle of the erection of a house at this location, inclusive of comparisons to previous planning decisions, may not be revisited in determining this application.

Additionally and as noted in the assessment of the application for the amended design in 2019, the 2019 Local Development Plan has been adopted by the Council since the original granting of planning permission for a house at this location. 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, with reference to the original planning permission, the subsequent refusal of the amended design and the Reporter's assessment and appeal decision, whether the amended proposal now being considered will result in an acceptable arrangement on site. In this respect, Policy 1 of the Local Development Plan which requires all developments to have regard to the six qualities of successful places, provides the basis for the assessment of this application with regard to impact on the amenity, character and appearance of the area, together with the advice and guidance within Draft PAANs 2 and 5. Policy B of the Council's Planning Policy Statement on Our Homes and Communities addresses new housing development and Policy D requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area also combine to provide the primary basis for the assessment of the proposal.

It remains that the dwellinghouse is largely consistent with the planning permission previously granted in respect of the overall scale, massing and position on site. Whilst I note the concerns raised in the objections in respect of the mono-pitch roof design and the proximity of the new dwellinghouse to the road, these were both a feature of the original planning permission granted.

As recognised by the Reporter, Dunvegan Avenue is characterised by a range of house styles with a variety of external materials. However, she found the dwellinghouse on the site to be larger and higher than neighbouring properties and to occupy a prominent position close to the road. She considered that the design changes to the roof increased the volume and height of the roof on the front elevation and that due to the proximity of the dwellinghouse to the road, this has an overbearing

effect and increases the visual impact of the development. Accordingly, she therefore considered that the introduction of a pitch roof section on the front elevation had an adverse effect on the character and appearance of the area. The revised design now proposed seeks to address this by removing the pitched section in favour of a mono-pitch design as a continuation of the main roof. This reflects the design of the originally approved dwellinghouse which featured a single mono-pitch roof and I consider that this addresses the Reporter's concerns. Adjustments require to be made to the upper window arrangement to accommodate the revised mono-pitch roof on the house as constructed. This will result in the removal of the currently installed front upper window immediately below this section and the reduction in height of the two side windows at this location. I am satisfied that these amendments will result in an acceptable visual arrangement.



Turning to materials, planning permission for the amended design was refused due to the concern that the materials used in the construction of the dwellinghouse did not comply with planning permission 16/0319/IC and, as such, the design of the dwellinghouse is not acceptable. The Reporter found no disagreement with the use of render. Whilst noting other red roof tiles on the two houses immediately to the south-west of the site she considered these two properties smaller and less visible due to mature planting and their location further down the slope and some distance from the road. She concluded that the use of red roof tiles makes the dwellinghouse on the site more visually intrusive, particularly when viewed from a south-east direction and that this detracts from the character and appearance of the area. Overall, she considered that whilst a more compatible colour of brick would have been preferred, it is the cumulative effect of the brick with the red timber effect weatherboard and the red roof tiles that has an adverse impact on the character and appearance of the area, particularly due to the prominence of the dwellinghouse. The Reporter was of the view that that the overall appearance of the dwellinghouse could be improved by changing the colour of the roof tiles and using a simpler and more harmonious palette of materials, noting that using grey roof tiles and a complementary colour of weatherboard cladding could be an option for providing some improvement.

It is proposed to replace the currently installed red roof tiles with grey flat profile concrete roof tiles. It is further proposed to replace the red weatherboard cladding with grey. Not only does the use of these materials more closely reflect the original planning permission, I consider that a more harmonious palette of materials will be achieved and this will address the Reporter's concerns

regarding the adverse impact on the character and appearance of the area resulting from the current combination of materials.

Considering other design points, the Reporter accepted the revised balcony design to the south-western elevation. However, following discussion with the applicant, an updated arrangement is now proposed with a balcony to ground floor level and a Juliet balcony at the upper level. To the ground floor balcony, the balustrade will comprise glazed infill panels in lieu of the red solid panels previously proposed. The Juliet balcony at the upper level will feature a matching glazed balustrade to the front of the patio door. I consider this is an appropriate design approach. I concur with the Reporter's assessment of the window arrangement in that they are uniformly spaced with a vertical emphasis which creates a visual harmony. Whilst she considered the wide patio doors on the south-western elevation were perhaps not in keeping with the overall design concept, I note that the openings themselves follow that of the original planning permission although the French door with side window arrangement would have given more of a vertical emphasis than the current arrangement. I concur with the Reporter that any visual impact will be mitigated in time by the tree planting in the south-west corner of the site. In order to mitigate concerns regarding the lack of a vertical emphasis, the applicant proposes to add additional glazing bars to the patio doors. Accordingly, I do not consider that the patio door arrangement alone would justify the refusal of the application. As noted by the Reporter, the rear elevation is not readily visible. Alterations to the rear, inclusive of the larger underbuild area, do not have any adverse impact on the amenity, character or appearance of the area. Whilst I note the concerns raised regarding the visibility from Cloch Road, particularly when the trees are not in leaf, the site lies some 120 metres from Cloch Road and I do not consider the appearance of the rear elevation from such a distance would warrant the refusal of the application. With regard to the concern raised that the underbuild area could be utilised as additional habitable accommodation, there are no proposals to do so. However, this area is within the envelope of the house and its use in the future as habitable accommodation as part of the house would not itself necessarily require planning permission.



The Reporter found that due to the proposed materials, the garage would have an adverse effect on the character and appearance of the surrounding area, although there was no objection to the principle of a garage in lieu of the carport at this location. It is now proposed to revert to a carport with facing brick supports and a solid grey tiled roof to match the main house. I consider this arrangement to be acceptable. Whilst I note the concerns raised regarding road safety, the access and parking arrangements follow that of the original planning permission and raise no issues in this regard.

In originally 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. This has now been undertaken with the provision of 13 new trees. It is acknowledged that the tree removal during construction has gone beyond that previously identified. During her site inspection, the Reporter observed that replacement trees have been planted to mitigate the impact of those previously removed. She concluded that the proposal therefore accords with Policy 34 of the Local Development Plan. I consider that it is appropriate to attach a condition requiring that any replacement trees planted are themselves replaced should they fail within five years of the date of the granting of planning permission.

It should be noted that works undertaken by a utility provider to divert a cable which passes through the site and which resulted in tree removal is a matter distinct from consideration of the planning merits of the proposal regardless of who funded the works.

Condition 1 of the original 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. Having reviewed the matter in conjunction with the Head of Service – Roads and Transportation, the surface water system connects into Scottish Water's network and no further details are required.

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. Matters relating to reinstatement works to the footway are also addressed via separate legislation.

To conclude, the design amendments now proposed will return the overall design of the house to one which more closely resembles that originally approved, particularly in respect of the roof design. The revised palette of materials is also considered acceptable with reference to the original planning permission and to the streetscape within which the new house is positioned. Overall, I am satisfied that the revised proposal addresses both the previous reason for refusal by the Planning Board and the concerns of the Reporter in the decision letter issued on the appeal. The amended house design together with the garage is therefore considered acceptable with reference to Policies 1 and 34 of the Local Development Plan together with PAANs 2 and 5 and Policies B and D of the Planning Policy Statement on Our Homes and Communities. Whilst I remain mindful of the objections received, it is considered that planning permission should therefore be granted subject to the conditions below.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That unless otherwise first agreed in writing by the Planning Authority, the development hereby permitted shall be implemented in full within 4 months of the date of this permission to the satisfaction of the Planning Authority.
2. That unless otherwise first agreed in writing by the Planning Authority, all external materials to be used in construction shall accord with those specified on the "Proposed Plans and Elevations" hereby approved.
3. In respect of the compensatory planting undertaken, any specimens which, in the 5 year period from the date of this consent die, become diseased, are damaged or are removed 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. To ensure the works are undertaken in appropriate timescale, in the interests of visual amenity.
2. To ensure the external materials are appropriate, in the interests of visual amenity.
3. To ensure the retention of the replacement tree planting, in the interests of the integrity of the tree preservation order designation.

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