

A meeting of the Planning Board will be held on Wednesday 2 December 2020 at 3pm.

This meeting is by remote online access only through the videoconferencing facilities which are available to Members and relevant Officers. The joining details will be sent to Members and Officers prior to the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.

Please note that this meeting will be recorded.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
<p>2. Continued Planning Application Report by Head of Regeneration & Planning on continued application for planning permission by Mr C Canata for erection of dwellinghouse and garage (amendment to planning permission 16/0319/IC) at site at 13 Dunvegan Avenue, Gourock (20/0122/IC)</p>	p
<p>3. Planning Application Report by Head of Regeneration & Planning on application for planning permission by Mr & Mrs Andrew for detached garden room in garden grounds of existing dwellinghouse (in retrospect) at 6 Knockbuckle Lane, Kilmacolm (20/0246/IC)</p>	p
<p>Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.</p> <p>The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.</p>	

In terms of Section 50A(3A) of the Local Government (Scotland) Act 1973, as introduced by Schedule 6, Paragraph 13 of the Coronavirus (Scotland) Act 2020, it is necessary to exclude the public from the meetings of the Planning Board on public health grounds. The Council considers that, if members of the public were to be present, this would create a real or substantial risk to public health, specifically relating to infection or contamination by Coronavirus.

Enquiries to – **Rona McGhee** – Tel 01475 712113

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
Officer:** James McColl

Contact No: 01475 712462

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



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.

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

Report To: The Planning Board

Date: 2 December 2020

Report By: Head of Regeneration and Planning

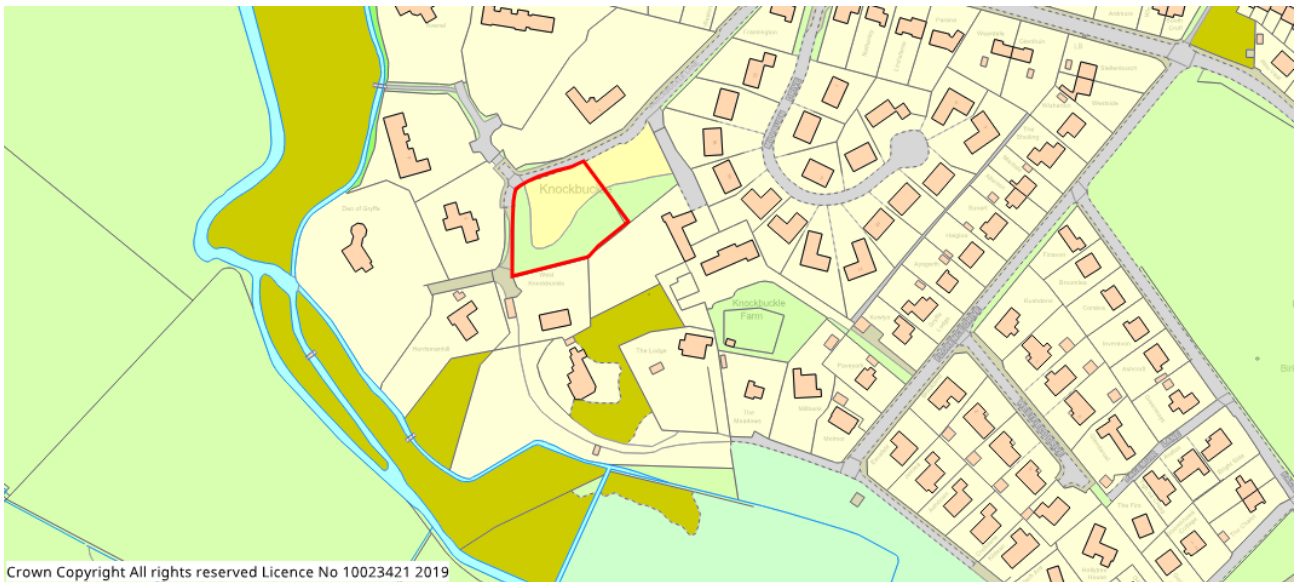
Report No: 20/0246/IC
Plan 12/20

**Local Application
Development**

**Contact
Officer:** David Ashman

Contact No: 01475 712416

Subject: Detached garden room in garden grounds of existing dwelling house (in retrospect) at
6 Knockbuckle Lane, Kilmacolm



SUMMARY

- The proposal accords with the Inverclyde Local Development Plan
- Ten representations have been received including eight objections
- 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=QIHRM3IMIEG00>

SITE DESCRIPTION

The application site is comprised of one of the recently built new dwellings forming part of the “Avenel” development, located off Knockbuckle Lane in Kilmacolm. It is one of seven “arts and crafts” designed dwellings which have been built in accordance with a development brief associated with a planning permission from 2004 which sought to establish a common design theme for all of the new houses whilst allowing individual variation. These dwellings are characteristically substantial villas set within generous grounds, finished mainly in a white render and black slate roof. Whilst there are individual characteristics to the design of each house they recognisably read as one development. The use of themed landscaping, noticeably beech hedges long the street frontages helps to hold the development together.

The dwelling on the application site was built under planning permission 17/0229/IC dating from September 2017. The site presented a challenge to develop due to the raised ground level to the rear along the south-eastern boundary of this plot and the adjacent plot to the north-east. The applicant has excavated the rock face leaving this as a raised garden area approximately 4 metres above the level of the rest of the plot.

The last of the new dwellings is presently under construction to the north-east of the application site with no boundary features between the plots at this stage. Mature vegetation and a 1.6-1.8 metres high palisade wooden fence forms the boundary with adjacent properties to the south-east. The neighbouring property beyond the fence line to the south-east has a variety of soft landscaping treatments supplementing the fence line boundary, including laurel hedging. The application site is bound to the north and west, on the opposite side of Knockbuckle Lane, by other dwellings forming part of the wider Avenel development, and to the south and south-west by longer established dwellings such as “Herdsmanhill” and “West Knockbuckle”.

PROPOSAL

Planning permission is sought, in retrospect, for a bespoke designed building which has been erected by the applicant on the upper garden level, close to the boundary with “The Stables” to the south-east and the new development plot to the north-east. The building is rectangular in shape, measuring 9.4 metres long by 3.9 metres wide by a maximum eaves height of 3.16 metres and an overall height of 3.3 metres. It consists of a “garden room”, as described by the applicant, measuring 5.9 metres by 3.7 metres and an external covered terrace measuring 3.4 metres by 3.5 metres. It is positioned 1.9 metres from the common boundary to the north-east and between 0.55 metres and 0.7 metres from the common boundary to the south-east. The roof marginally overhangs the walls. All measurements are approximate.

The rear of the building and part of the north-eastern elevations are presently finished in dark stained wooden boarding. The remainder of the north-east elevation and the enclosed part of the north-west elevation are finished in glazing. The shallow mono-pitched roof is finished in a single ply grey membrane. The building is framed by galvanized steel detailing. There is a gutter along the rear roof elevation which connects to a downpipe. At the time of assessment the building was still being fitted out with tiled flooring.

The applicant has submitted a design statement in support of the application describing the development and setting out why this situation has arisen and in which it is stated that planning permission is only required due to its proximity to the boundary.

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 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

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 POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

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

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

Ten representations have been received including eight objections. The points of objection may be summarised as follows:

Procedural and legislation/regulation issues

- Lack of advanced consultation with neighbours by the applicant.
- As the applicant is an experienced architect he should have known that planning permission was required.
- It does not comply with planning regulations due to its height and proximity to the garden boundary and the supporting statement is wrong in this regard.
- With regard to Policy RES1 of the Local Development Plan it does not safeguard or enhance the area.

Visual and other amenity impacts

- Design, as the building is out of style with other arts and crafts buildings nearby (comparison is made to a metal shipping container). It will not mature as it ages.
- The building is visible from neighbouring properties and has an overbearing impact from most windows and gardens and Knockbuckle Lane.
- It is a dark modern structure.
- Privacy impacts from the side window due to its position and internally elevated floor level.
- Concerns over noise and disturbance.
- Overshadowing of neighbouring properties.
- Drainage waters find their way into adjacent properties leading to waterlogging.
- The ground level on which it is built has been raised.
- The proposal is very large for an outbuilding.
- Object to the facing materials as they are not complementary to the associated house.
- It is visible from 9 houses.

Miscellaneous

- The “garden room” description is wrong as it is to be used as a gym and sauna and will require electrical and drainage connections.
- It could have been built elsewhere within the applicant’s garden, it too close to the boundary and is too elevated.
- Precedent being set for other such structures.
- Possible future works to neighbouring properties are not a material consideration.
- As the applicant is a member of the executive committee of Kilmacolm Civic Trust and the trust therefore has a conflict of interest.
- Additional reduction in height of the laurel hedging is planned for next year.
- The plans do not show dimensions.

One representation stated no objection on the basis of a lack of impact. Kilmacolm Civic Trust acknowledge that the applicant is a member of the Trust’s executive committee and considers that it should not comment.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP), the Planning Policy Statement (PPS) on Our Homes and Communities, the representations, the amenity impact of the building and its relationship to the application site and neighbouring properties.



Close view from raised garden area within the applicant's plot

The application site is located within an established residential area under Policy D of the recently approved PPS. This states that proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Although the policy also refers to the Planning Application Advice Notes, none are applicable to the development of outbuildings. Policy 1 of the LDP is applicable and requires that all development have regard to the six qualities of successful places. The relevant factors which consideration must be given to are set out in figure 3 to the policy and, in this instance, are being "distinctive" in reflecting local architecture and urban form and "safe and pleasant" by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by, in this instance, noise, invasion of privacy or overshadowing. Policy 9 requires that new build proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a sustainable urban drainage system (SUDs). Policy 34 is referenced as the LDP Proposals Map locates the site within an area covered by a tree preservation order. It is the case, however, that no trees are impacted by the building and no further reference to this policy is required. It therefore follows that the impact on the amenity, character and appearance of the area require to be considered. The magnitude of the impact of the building is largely determined by its size, design, use of finishing materials and its position on the raised garden terrace to the rear of the associated dwelling.

At approximately 33 square metres, 21 square metres of which is a room with the remaining 12 square metres an external covered terrace, it is a large outbuilding but this requires to be viewed in

the context of the scale of both the associated dwellinghouse and the plot within which it stands. Both the associated dwellinghouse and plot curtilage are of large scale with the house approximately 10.5 metres in height and covering approximately 204 square metres and the plot extending to approximately 2,580 square metres. In this context, I consider that the outbuilding does not create any impression of overdevelopment and is of acceptable size relative to the plot.



View from plot under development to the north-east

With regard to design, the development is a building of contemporary appearance, presently finished largely in dark brown timber panels and glazed panels with a membrane roof. There is an issue with regard to building regulations over the use of timber cladding within 1 metre of the boundary and the applicant has confirmed that this is to be replaced with non-combustible Cedral wood effect fibre cement boards of a similar colour. Steel framing is used but this is very much incidental. Outbuildings in the vicinity are finished in a mix of materials including a recently constructed timber faced garage at the nearby property of Herdsmanhill, a wooden shed at 4 Knockbuckle Lane and there is an outbuilding presently under construction at 5 Knockbuckle Lane being finished in materials not found on the associated dwelling. The roof finish is less typical but has limited impact from the public domain.

There is nothing intrinsically unacceptable for a building within a residential curtilage to be of contemporary design. One objector draws comparison with a shipping container, presumably due to the present vertical timber profiling, but I do not support such a comparison. The original planning permission for the Avenel site was subject to a condition which withdrew permitted development rights for garages in recognition that these can often be located to the side of and in line with the front building line of dwellings, thus significantly impacting on the streetscene. It was considered appropriate that a restriction be placed on the finish to any future garages restricting these to materials to match those used on the associated houses but there was no such restriction related to other buildings. With the exception of some garages, most outbuildings within residential properties are not designed or finished in materials to match an associated dwelling, nor would it be reasonable to introduce such a restriction. Indeed, most outbuildings do not require planning

permission and may be erected under permitted development rights. This outbuilding requires planning permission as it is within 1 metre of a boundary and exceeds 2.5 metres in height, and as the eaves slightly exceed 3 metres in height. Height measurements have to be taken at present ground levels as it is not possible to accurately determine if ground levels have been lowered and if so by how much.

The position of the outbuilding on the upper garden terrace has caused concern to some objectors. This relates to visibility from the public domain and from nearby private residences. The fact that an ancillary building within a house plot can be seen does not make that building unacceptable but its impact has to be assessed. Whilst it is claimed that it can be seen from 9 houses (if upper levels are included) the greatest impacts requiring assessment are those within reasonable proximity. The outbuilding is set back approximately 39 metres from north-western views from Knockbuckle Lane and 53 metres from western views from Knockbuckle Lane. Whilst being in an elevated position, the photograph below shows an example of the limited view of the building which can be achieved from Knockbuckle Lane to the front of the house plot, glimpsed between the applicant's dwelling and garage and the dwelling under construction to its north-east. This will reduce further as screen fencing is built on the upper level between the plots. The applicant's garage and the neighbouring dwelling under construction have been included in the photograph to provide position and height context from street level.



North-western view from Knockbuckle Lane

An additional street view photograph on the next page shows the typical view from Knockbuckle Lane as it continues around the side of the house plot.

Having assessed the position of the building from the public domain I am satisfied that, although visible from specific positions on Knockbuckle Lane, it could not be argued to dominate the streetscene nor have an overbearing presence in this regard. I therefore conclude that the building has an acceptable impact on the streetscene and the residences which view the building from these locations or beyond them. There will be a more immediate impact on those dwellings

immediately adjacent to the site. As only one of these is presently occupied I will first consider the dwelling to the south-east known as “The Stables”.



Western view from Knockbuckle Lane

“The Stables” is a converted farm building, is a long established residence pre-dating developments surrounding it and is one of the original buildings in the area. It is largely single storey with developed roofspace populated by rooflights. The common boundary to the application site and the adjacent plot which is currently under development is comprised of close boarded fencing of varying height ranging from approximately 1.6 metres to 1.8 metres. This is mainly set to the rear of a line of evergreen laurel bushes which run almost the full length of the common boundary with the application site. They vary in height but are generally within the range of 2.5-2.75 metres high, having recently been cut back. Their depth also varies and is difficult to measure but appears to be a maximum of between 2.5-3 metres from the dividing fence. There are taller bushes and trees along the boundary with the neighbouring plot presently under development nearer to the house. Whilst all of this vegetation may either grow higher or may be cut back or indeed removed, the application has to be assessed on the basis of the site and its surrounds as they presently are.

The views of the building from “The Stables” varies over the length of the garden, which is of generous proportion at around 50 metres depth by a maximum of approximately 35 metres width, reducing in width in a westerly direction. The key impacts are assessed to be on the patio area nearest to the rear of the house and from the rooms served by the windows on the ground floor. The ground floor provides the main living accommodation with the upper level rooflights providing daylight to a hall, bedrooms and bathroom. At a closest distance of approximately 20 metres (with intervening vegetation) I do not consider the building to have any impact on the daylight received by the rooms in “The Stables”. Furthermore, being located to the west to north-west of the affected windows on the house I do not consider that any loss of sunlight to these rooms will be of any significance with any possible minimal effect restricted to approximately the last couple of hours of sunlight in the middle of summer. I am also satisfied that given the size of the garden and the

combination of the screen fencing and the laurel bushes the additional impact of the building on daylight and sunlight received by the wider garden area is negligible.



View from approximately the centre rear of "The Stables" immediately adjacent to the house

The outbuilding does have a visual impact on "The Stables", more particularly from the area to the immediate rear of the house, most noticeably due to a gap between the elongated section of laurel bushes along the common boundary with the application site and other vegetation to the north-east of this. Some wooden palisade fencing approximately 1.8 metres in height has been recently erected by the owner but does not fully screen the outbuilding. Viewed from the ground floor rear of the house the upper 1.5 metres or thereabouts of the north-eastern elevation of the building can still be seen, including the side window. The south-eastern elevation can also be seen although the laurel bushes filter and reduce this visual impact to about 1 metre or so in height, varying along this length. Whilst I do not consider the outbuilding to be overbearing due to the combination of the existing screening and the contextual length of the garden ground I do consider that there is a privacy issue for the garden area of "The Stables" posed by the side window which requires to be addressed. This has been discussed with the applicant and the existing clear glazing is to be fitted with an opaque glazing film. The applicant has also indicated that he intends to fit such a film over the window nearest to the common boundary with the plot to the north-east. Given the existing privacy issue I consider that this matter requires to be addressed as a matter of urgency and a condition on a grant of planning permission can be attached accordingly.

Although the dwellinghouse to the north-east is presently still under construction, assessment of the impact on the future occupier is required. There is no boundary treatment between the properties at present and I am concerned over the implications for privacy caused by the side window overlooking the upper garden level. The raised floor level of the building, relative to ground level, was noted above and means that a standard 1.8 metres high timber fence will not address the privacy issue. Any fence higher than this would have a visual imposition of its own. The most appropriate solution in these circumstances is the fitting of the opaque glazing film referred to

above. I have also considered the privacy implications of the north-west facing windows in the outbuilding. Whilst these are directed towards the applicant's own property there is potentially also an oblique view of the neighbouring property. I am satisfied, however, that a combination of a dividing 1.8 metres high screen fence, the manner in which the upper garden level extends then falls sharply away to the north-west in both properties and the window-to-window distance to the nearest rear windows of the adjacent dwelling, a distance of approximately 20 metres, means that the privacy issues posed by these windows will be addressed. The applicant's offer to fit an opaque glazing film on the northern facing window closest to the common boundary will further assist.

Amenity impacts potentially also relate to noise and concerns in this regard have been raised as an objection. Such concerns have to be treated as speculative as it is not clear that there are grounds for refusal of the proposal on this basis. It is the case that should there be any concerns in this regard once the building is brought into use that legislation related to noise nuisance is within the remit of the Head of Environmental and Public Protection (Environmental Health) and any complaints would be subject to investigation.

I am therefore satisfied that with regard to size, design, position and use of finishing materials the building will be acceptable, subject to the noted change in facing materials, the fitting of the opaque glazing film and the erection of the plot dividing screen fencing. On this basis the building can be made to accord with Policy D of the PPS, in that the impact on the amenity, character and appearance of the area will be acceptable, and Policy 1 of the LDP, in that outbuildings are a common urban form and can be adjusted to avoid conflict between adjacent uses through addressing the identified privacy concerns. Architecturally the building is of bespoke design but notwithstanding this I consider it to be acceptable. No significant overshadowing or noise issues have been identified.

With regard to Policy 9 and complaints over the impact of surface waters, it has been noted that although a downpipe connects to a gutter this does not appear to drain anywhere in particular, apparently discharging onto the ground under the building. It seems that this is possibly causing some overland flow or seepage from the site to neighbouring ground in periods of heavy rainfall. It would therefore be appropriate to require the applicant to confirm drainage arrangements and implement them in short measure upon approval. The applicant has suggested that drainage will connect to a soakaway but in the meantime this matter may be addressed by condition.

Notwithstanding compliance with the LDP and the PPS, it remains to be considered if there are any other material considerations which suggest that planning permission should not be granted. In this regard I turn to the points of objection not already addressed.

There has been concern over lack of consultation by the applicant with neighbours over the proposal. The applicant indicates in the supporting statement that some consultation did take place but regardless of whether or not satisfactory consultation has occurred depending on the views of either party it is not a statutory requirement of planning legislation. I also make no assumption of any applicant's or objector's knowledge of the planning legislation or regulations. In this regard the reference to Policy RES1 by an objector refers to the superseded 2014 LDP and is no longer relevant. Furthermore, the submitted plans contain scale bars from which measurements can be taken.

Whilst the substantial garden ground means that the building could have been erected elsewhere within the plot, the application has to be considered as submitted. I note concerns about precedent being set but each application has to be treated on merit. Whether or not the building matures is speculative. The proposal has to be considered as submitted.

Buildings within gardens take many forms and are put to many uses. The most common buildings are detached garages, summerhouses, sheds and pagodas or variants thereof. The applicant has described the building as a "garden room" but in terms of the planning legislation it is regarded as a "building". Class 3A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, under which such a building is considered, establishes

permitted development rights for buildings within curtilages of dwellinghouses which may be used for any purpose incidental to the enjoyment of the dwellinghouse. Therefore, although given a specific description by the applicant the legislation permits any other domestic related use, such as the gym or sauna referred to by objectors. The applicant has indicated that it is to be used as a gym. Such a proposed use is acceptable in principle.

It is concerning that the building has been erected without the benefit of planning permission and that it is being considered in retrospect. The fact that the building is already in place has had no bearing on my consideration of this application but I conclude that none of the above material considerations suggest that there are grounds for refusal of the application, notwithstanding compliance with the Inverclyde Local Development Plan and the Planning Policy Statement on Our Homes and Communities. I therefore consider that planning permission should be granted for this retrospective development, subject to conditions addressing concerns over privacy and drainage issues.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That full details including a sample of an alternative cladding material shall be submitted to and approved in writing by the Planning Authority within 21 days of the date of this permission and shall thereafter be fitted within a further 21 days to the satisfaction of the Planning Authority unless a variation is approved in writing by the Planning Authority in either instance.
2. That full details of the drainage arrangements shall be submitted to and approved in writing by the Planning Authority within 21 days of the date of this permission and shall, thereafter be fully implemented within a further 21 days to the satisfaction of the Planning Authority, unless a variation is approved in writing by the Planning Authority in either instance.
3. That all surface water shall be contained within the application site boundary.
4. That the side window on the building and front window nearest to the property to the north-east shall be fitted with an opaque film to be approved in writing in advance by the Planning Authority all within 21 days of the date of this permission, unless a variation is approved in writing by the Planning Authority.
5. That prior to occupation of the neighbouring house at 7 Knockbuckle Lane, Kilmacolm, a 1.8 metres high timber screen fence shall be erected along the length of the upper garden level of the application site.

Reasons:

1. The present facing materials constitute a fire hazard and do not comply with the current Building Regulations.
2. To ensure drainage in accordance with the current Building Regulations to ensure that neighbouring properties are not adversely impacted by surface waters.
3. To ensure drainage in accordance with the current Building Regulations to ensure that neighbouring properties are not adversely impacted by surface waters.
4. To ensure the privacy of adjacent properties is addressed.
5. To ensure the privacy of the adjacent property is addressed.

Stuart Jamieson
Head of Regeneration and Planning