

Ref: DS/AI

Date: 26 January 2021

**A meeting of the Planning Board will be held on Wednesday 3 February 2021 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.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Continued Planning Application</b> Report by Head of Regeneration & Planning on continued application for planning permission by Mr & Mrs Andrew for detached garden room in garden grounds of existing dwelling house (in retrospect) at 6 Knockbuckle Lane, Kilmacolm (20/0246/IC)	<b>p</b>
3.	<b>Planning Application</b> Report by Head of Regeneration & Planning on application for planning permission by Mr C. Quinn for rear single storey extension and formation of new dormer to front at 3 Divert Road, Gourrock (20/0290/IC)	
4. (a)	<b>Planning Appeals</b> Report by Head of Regeneration & Planning intimating the notification of a planning appeal at Blackwater Farm, Woodhead Road, Kilmacolm (20/0038/IC)	
(b)	Report by Head of Regeneration & Planning intimating the notification of a planning appeal at Flat 1, 113 Albert Road, Gourrock (20/0010/IC)	
<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 – **Diane Sweeney** – Tel 01475 712147

**Report To: The Planning Board**

**Date: 3 February 2021**

**Report By: Head of Regeneration and Planning**

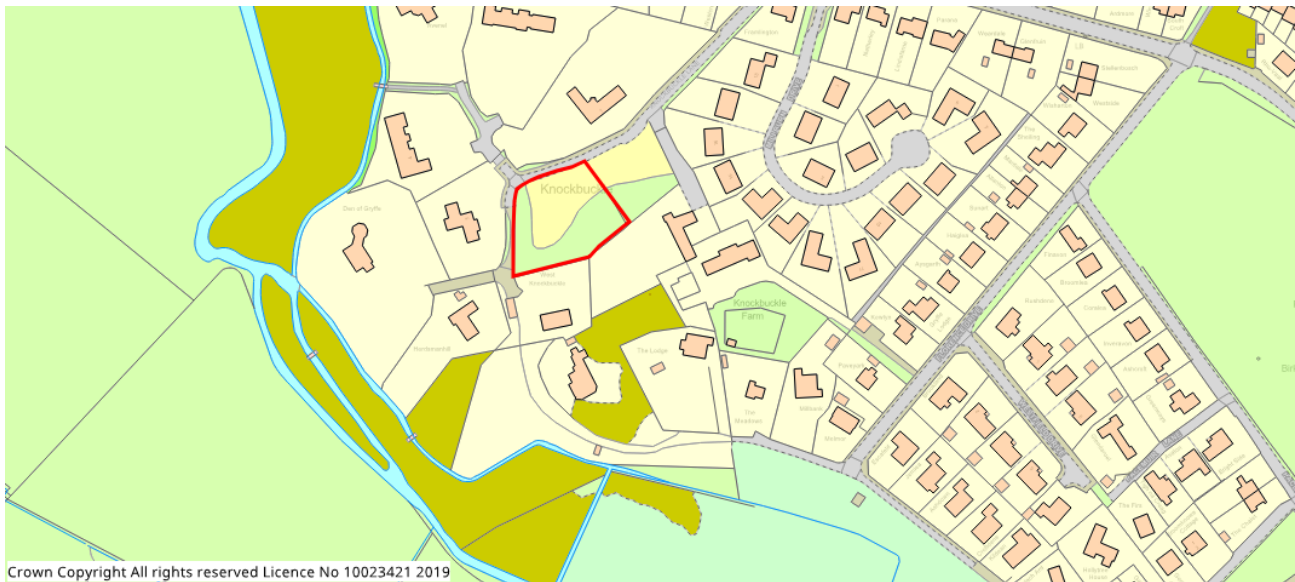
**Report No: 20/0246/IC  
Plan 02/21**

**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>

## **BACKGROUND**

At the December 2020 meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 16 December, to allow Members the opportunity to consider the site and its environs.

## **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 Kilmaccolm 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

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

**Report To:** The Planning Board

**Date:** 3 February 2021

**Report By:** Head of Regeneration and Planning

**Report No:** 20/0290/IC  
Plan

**Local Application  
Development**

**Contact  
Officer:** David Sinclair

**Contact No:** 01475 712436

**Subject:** Proposed rear single storey extension and formation of new dormer to front at  
**3 Divert Road, Gourock**



### **SUMMARY**

- The proposal accords with the Inverclyde Local Development Plan.
- No 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=QK3AX7IMIVK00>

## **SITE DESCRIPTION**

The application site comprises a detached dwellinghouse located within an established residential area on the south side of Divert Road, Gourrock. On the front elevation the dwellinghouse contains a protruding gable incorporating a bay window on the east side of the main entrance and a rounded corner tower with a conical roof on the west side. The house roof is finished in grey slate with a decorative red tile ridge line, contains a dormer window on both front and rear elevations and a rooflight on the north-east side elevation. The house is finished with traditional red brick walls on the principal elevation and white roughcast render on the side and rear elevations. The windows, doors and fasciae are finished in anthracite grey uPVC.

The site is bound by a two-storey detached villa to the east and a single storey bungalow to the west. To the rear are two storey semi-detached properties and to the north, across Divert Road, lies an area of open space with a row of garages and two storey semi-detached properties set behind at a lower level.

The site is bound by a traditional stone wall 1.2 metres in height, topped with a wooden fence panel in line with the rear garden. The villa to the east contains a car port which adjoins the application site boundary.

## **PROPOSAL**

Planning permission is sought for the construction of a single storey rear extension and a dormer window on the west side of the protruding gable towards the front of the property.

The rear extension is proposed to contain a flat roof, will measure approximately 3.1 metres in height and project beyond the rear elevation of the house by 6.3 metres, and is to be in line with the east side boundary of the dwellinghouse. The extension is proposed to measure 4.6 metres across and will be finished with vertical timber cladding and contain a set of glazed folding screen doors on the south-west corner. A square rooflight measuring approximately 1.7 metres across is proposed on the roof and will be positioned approximately 0.5 metres from the existing rear elevation.

The proposed dormer window is to be set back from the gable head by approximately 1.8 metres, being positioned directly above the main entrance door when viewed from the south-west. The dormer is proposed to project from the side facing roof by approximately 1.3 metres, with a height of approximately 1.6 metres and a width of approximately 1.5 metres, matching the existing front facing dormer in terms of height, width and glazing design. The dormer is proposed to be finished with slate cheeks. No further details are confirmed regarding choice of materials and finishes for the roofs and glazed elements of the extension or for the roof and dormer face of the proposed dormer.

## **DEVELOPMENT PLAN POLICIES**

### **Inverclyde Local Development Plan**

#### **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.

### **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.

**Planning Application Advice Note (PAAN) 4** on “House Extensions” applies.

## **CONSULTATIONS**

None 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**

No representations were received.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); Planning Application Advice Note (PAAN) 4 on “House Extensions”; and the Planning Policy Statement on Our Homes and Communities approved by the Environment and Regeneration Committee in October 2020.

The site is located within an established residential area and requires assessment against LDP Policy 1. Policy 1 requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which PAAN 4 is relevant to this proposal. The relevant qualities to this proposal in LDP Policy 1 are being ‘Distinctive’ through reflecting local architecture and urban form and being ‘Safe and Pleasant’ by avoiding conflict with adjacent uses.

The proposed extension will be located to the rear of the building and will not be visible from the public realm, being obscured behind the main dwellinghouse, therefore it will have no impact on the urban form of the area or the streetscape. The proposed dormer will be located on the principal elevation of the building and will be visible from the public realm. In considering the impacts of the dormer on the urban form of the area, the dormer does not project forwards of the established building line, being positioned on the side of the projecting front facing gable and will be positioned within the footprint of the existing dwellinghouse, therefore I am satisfied that the proposal reflects the urban form of the area, in accordance with the quality of being ‘Distinctive’. Further assessment is required to determine whether the proposal reflects local architecture and to consider the impacts of the proposal on the amenity of neighbouring properties. In assessing these, I shall turn to the guidance given in the PAAN series.

In assessing the proposed rear extension, the guidance given in PAAN 4 states that single storey rear extensions should not cross a 45 degree line from the mid-point of the nearest neighbouring ground floor window, should not result in more than 50% of the rear garden being developed and should not encroach within 5.5 metres of the rear garden boundary. The extension complies with all of these guidelines, being approximately 7.5 metres from the nearest neighbouring ground floor window at 1 Divert Road and extending outwards by approximately 6.3 metres, coming to approximately 15.9 metres from the rear garden boundary. The rear garden covers approximately 480 square metres and currently contains a small outbuilding towards the rear and areas of hard surfacing along the rear of the house and around the perimeter of the garden which cover around a quarter of the rear garden area. Approximately two thirds of the proposed extension is to be built onto an area which currently contains a deck, with around 10 square metres being built on undeveloped ground. I am therefore satisfied that the proposal will not result in an excessive amount of development in the rear garden.

PAAN 4 goes on to state that windows should comply with the window intervisibility guidance and windows on side elevations should be avoided where they offer a direct view of neighbouring private/rear gardens. I note the proposed extension contains glazed folding screen doors on the rear and south-west side elevations, however note that the proposed extension is to be positioned approximately 14.8 metres from the side boundary, which contains a 1.8 metre high solid timber fence and that the neighbouring property is set considerably lower than the application site. When viewed from the proposed extension, the top of the fence will sit approximately in line with the height of the eaves of the neighbouring bungalow, obscuring anything which is below eaves height from view. I am satisfied that the proposed glazing will not afford a direct view of the neighbouring private/rear gardens from inside the extension and consider the proposal to accord with PAAN 4 in this regard.



PAAN 4 also requires the extension to be finished in materials that complement the existing house and for the off-street parking requirements of the Council's Roads Development Guide to be met. As the proposal is for a family room and does not introduce any additional bedrooms to the property, it meets the parking requirements. In considering the choice of materials, the use of vertical timber cladding is of a more contemporary design than that of the existing house, which currently contains a render finish on the rear elevation. Whilst this differs from the original dwellinghouse, I note that vertical timber fencing is used on both side elevations which complements the proposed materials and consider that the extension will be viewed in context with the timber fencing from neighbouring properties. Recognising the position and scale of the extension, I consider that it neither visually detracts from the traditional features of the house nor negatively impacts on the house's overall unique design and as such is acceptable with reference to meeting the quality of being 'Distinctive' in LDP Policy 1. Taking all of the above into account, I consider the proposal to be acceptable with regard to PAAN 4.

In considering the proposed dormer on the principal elevation, the design guidance given in PAAN 6 states that dormers should be subordinate to the existing roof by being set back from the wall head, gable ends and below the ridge line. The dormer design accords with all of these principles. In considering materials and finishes, PAAN 6 states that exposed fascia boarding on dormers should be used sparingly and should be painted to match the colour of the dormer faces rather than the window frames. Where practical the external cladding of the dormer



should be similar to that of the original roof. The dormer is proposed to have fascia boarding which matches the design, materials and finishes of the fascia boarding on the existing front facing dormer window on the property and can be considered acceptable for the proposed dormer. Regarding the external cladding, the proposal indicates that this will be finished in slate, which matches the materials on the existing dormer cheeks and the slate roof in accordance with the guidance.

The guidance in PAAN 6 also states that dormers should preferably be located at the rear of the house and on a building of traditional design, a pitched or sloping roof over each dormer should reflect the architectural style of the building. The proposed dormer is to contain a shallow pitched roof, which matches the design of the existing dormer and I am satisfied the design proposed will reflect the architectural style of the building. Furthermore, I note that the existing property and neighbouring properties at 5 and 7 Divert Road contain front facing dormers with flat or low pitched roofs and consider that, in this instance, having a flat roof on the front dormer more accurately reflects the existing local architecture and considering the surrounding context, would not impact negatively on the overall appearance of the building. Whilst the proposal does not strictly comply with the guidance in PAAN 6 in this regard, I consider that it largely complies with the guidance and that the criteria which the proposal does not accord with is also not met by a number of properties on Divert Road. As such, the proposal can be considered acceptable with having regard to PAAN 6. Overall, I consider that the design has been thought through to reflect local architecture and therefore the proposal meets the quality of being 'Distinctive'.



In considering the impact on the amenity of neighbouring properties, the proposed dormer is to be positioned on a side facing roof, with windows looking towards the neighbouring property at 5 Divert Road. I note that the dormer is to be positioned approximately 13.5 metres back from the side boundary and that the existing dwellinghouse contains side facing windows which are positioned much closer to the boundary, most notably on the single storey tower which faces the neighbouring front garden at distance of approximately 6.3 metres from the boundary. The proposed dormer does not provide a view into the neighbouring private/rear gardens and complies with the window intervisibility guidance. Furthermore, I note that the area of the neighbouring front garden which is visible from the dormer is fully visible from the public realm and consider that the dormer does not present any privacy or overlooking issues. It stands that the proposal can be implemented without creating conflict with neighbouring uses in terms of

noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in LDP Policy 1.

With regard to other material considerations, the site, as noted, is located within a mainly residential area under Policy D of the Planning Policy Statement on Our Homes and Communities. The proposal is considered to have an acceptable impact on the amenity, character and appearance of the area as required by the Policy.

In conclusion, the proposal is in accordance with LDP Policy 1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant Plan policies and there are no material considerations which would warrant refusal of this application, it stands that planning permission should be granted, subject to a condition.

## **RECOMMENDATION**

That the application be granted subject to the following condition:

1. That prior to installation, full details of materials and finishes for the extension and dormer hereby approved, shall be submitted to and approved in writing by the Planning Authority. Development shall proceed utilising the approved materials and finishes, unless the Planning Authority gives its prior written approval to any alternatives.

Reasons:

1. In the interests of visual amenity.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.

**Report To: The Planning Board**

**Date: 3 February 2021**

**Report By: Head of Regeneration and Planning**

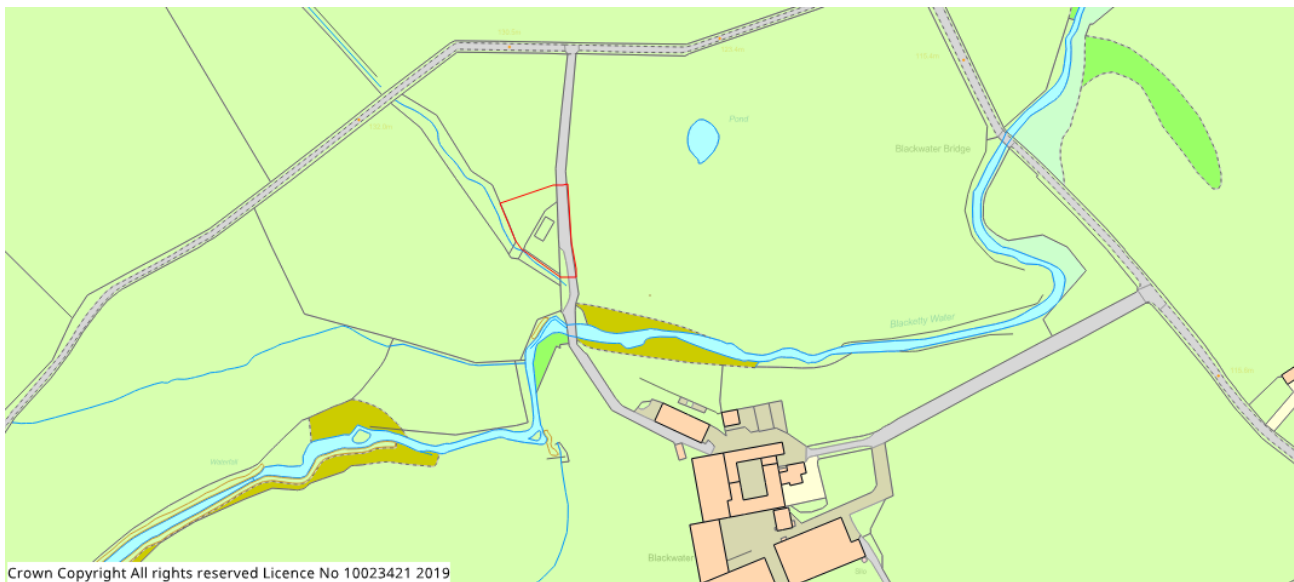
**Report No: 20/0038/IC  
Plan 02/21**

**Local Application  
Development**

**Contact  
Officer: David Ashman**

**Contact No: 01475 712416**

**Subject: Notification of Appeal: Non-compliance with condition 1 of planning application  
16/0236/IC at  
Blackwater Farm, Woodhead Road, Kilmacolm**



## **SUMMARY**

- The planning application was granted by Inverclyde Council subject to a condition restricting the permission to a 3 year period.
- The applicant has appealed the decision to the Scottish Ministers.

Details of the appeal may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121304>

## **INTRODUCTION**

In September 2020 planning permission was granted for the continued siting of a holiday chalet at Blackwater Farm, Woodhead Road, Kilmacolm subject to the following condition with its associated reason:

That planning permission shall last for a period of 3 years from the date of this permission.

Reason:

The external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside.

## **NOTIFICATION OF APPEAL**

Notification has been received that an appeal against the condition has been lodged with the Scottish Government. Reporter Sinead Lynch BSc (Hons) MRTPI has been appointed to consider the case and will be undertaking a "virtual" site visit. It is likely that after carrying out the site inspection the Reporter will have enough information to make her decision and it will be issued in due course.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

**Report To: The Planning Board**

**Date: 3 February 2021**

**Report By: Head of Regeneration and Planning**

**Report No: 20/0010/IC  
02/21**

**Local Application  
Development**

**Contact  
Officer: James McColl**

**Contact No: 01475 712462**

**Subject: Notification of Appeal: Timber deck to rear (in retrospect) at  
Flat 1, 113 Albert Road, Gourock**



### **SUMMARY**

- The planning application was refused by the Planning Board.
- The applicant has appealed the decision to the Scottish Ministers.

Details of the appeal may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121283&T=0>



## **INTRODUCTION**

In September 2020 planning permission was refused by the Board for a timber deck (in retrospect) for the following reason:

1. The effect on privacy, having regard to the fact that the deck is erected on a slope overlooking rear gardens.

## **NOTIFICATION OF APPEAL**

Notification has been received that an appeal against the refusal has been lodged with the Scottish Government. Reporter Amanda Chisholm MEDES has been appointed to consider the case and undertook an unaccompanied site inspection on 22<sup>nd</sup> December 2020. Following the site inspection, it is likely the Reporter will have enough information to make her decision and it will be issued in due course.

## **RECOMMENDATION**

That the Board notes the position.

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.