

LOCAL REVIEW BODY

2 JUNE 2021

PLANNING APPLICATION FOR REVIEW

MR M REBECCHI

ERECTION OF TWO STOREY EXTENSION WITH SINGLE STOREY EXTENSION
INCORPORATING A CANOPY WITH EXTERNAL TERRACE AT:
ARDFRUOCH, GLENMOSSTON ROAD, KILMACOLM (20/0314/IC)

Contents

1. Planning Application dated 15 December 2020 together with Drawings and Location Plan
2. Appointed Officer's Report of Handling dated 5 February 2021
3. Inverclyde Local Development Plan 2019 Policy Extracts

To view Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

4. Inverclyde Local Development Plan 2019 Maps Extract
5. Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts
6. Representations in relation to Planning Application
7. Decision Notice dated 5 February 2021 issued by Head of Regeneration and Planning
8. Notice of Review Form dated 29 March 2021 together with Supporting Statement from Bennett Developments and Consulting
9. Suggested conditions should planning permission be granted on review

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 15 DECEMBER
TOGETHER WITH DRAWINGS AND LOCATION
PLAN**



Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100340298-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Extension to existing house to provide entrance hall, family room, gym & swimming facilities, and a guest bedroom to first floor.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Thomas Robinson Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	The Red House
Last Name: *	Higgins	Building Number:	
Telephone Number: *	01360661144	Address 1 (Street): *	Croftamie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G63 0EU
Email Address: *	craig@thomasrobinsonarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Ardfuoch
First Name: *	Marco	Building Number:	
Last Name: *	Rebecchi	Address 1 (Street): *	Glenmoston Rd
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kilmacolm
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA13 4PF
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

ARDFRUOCH

Address 2:

GLENMOSSTON ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KILMACOLM

Post Code:

PA13 4PF

Please identify/describe the location of the site or sites

Northing

669489

Easting

236285

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Craig Higgins

On behalf of: Mr Marco Rebecchi

Date: 15/12/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Craig Higgins

Declaration Date: 15/12/2020

Payment Details

Online payment: ICPP00000956
Payment date: 16/12/2020 11:53:00

Created: 16/12/2020 11:53

**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 5 FEBURARY 2021**

REPORT OF HANDLING

Report By: Sean Mc Daid

Report No:

20/0314/IC

**Local Application
Development**

**Contact
Officer:** 01475 712412

Date:

5th February 2021

Subject: **Erection of two storey extension with single storey extension incorporating a canopy and external terrace at
Ardfruoach, Glenmosston Road, Kilmacolm**

SITE DESCRIPTION

The site is a two and a half storey detached house located in the Kilmacolm Conservation Area. Ardfruoach is located on the east side of Glenmosston Road and set within extensive grounds. Mature tree cover, hedging and a stone wall to the boundary of the plot limits views from both the public road and from neighbouring properties. The main part of the house has a pitched roof finished in red tiles with white painted render on the walls. There are wall head dormer windows on the north-east facing elevation and dormer windows on the south-west facing elevation. Neighbouring properties are also set in large sized grounds.

The house is orientated at an angle within the site on a general north-west to south-east alignment and positioned towards the centre of the site. The house is elevated above Glenmosston Road with the driveway rising up from the road. The driveway leads to a reasonably large level area of tarmac on the north side of the house that is used for parking. An entrance door into the house faces onto this area of tarmac. There is also a porch extension on this elevation towards the west side. The section of the house at the north-west side is two storeys high with a hipped roof and its ridge line is below the ridge line of the roof on the main part of the house. Adjacent to this and on the south-west facing elevation there is a single storey flat roof extension with an external raised terrace beside it.

On the south-east side of the house there is a two storey extension/projection with a hipped roof that again has its ridge line below the ridge line of the roof on the main part of the house. This extension/projection has a covered terrace on the ground floor.

The area to the east and south-east of the house contains a lawn with groups of trees of mixed species beyond. There is a general gentle slope from west to east across the lawn to the trees. The lawn to the south/south-east side of the house slopes down in a general southward direction.

PROPOSAL

The proposed extension is to be constructed onto the east part of the north-east facing elevation of the house over part of the area of tarmac and onto the lawn. The extension is to extend out 12.51m from an existing gable end on the north-east facing elevation and the overall length of the extension is to be 36.635m.

The part of the extension that is to be attached to and extends out from the north-east facing elevation of the house is to accommodate an entrance hall on the ground floor and a bedroom

on the first floor. This part of the extension is to be linked internally to the ground and first floors of the house by hallways. The roof over this part of the extension is to be asymmetric. On the north-west facing elevation the eaves and ridge lines of this part of the extension are to be at the same level as those on this part of the house and the roof appears as a continuation of where it is attached to the roof of the house. The north-west facing elevation is to incorporate a double storey projection that contains a porch on the ground floor and a bay window on the first floor. There is also to be a double storey height projection positioned at an angle where the extension joins the house. The eaves line on the east facing (rear) roof slope of this part of the extension is to be lower and at first floor level.

The extension continues at right angles to the abovementioned part of the extension in a south-east direction and has a pitched roof running into its rear roof slope with its ridge line approximately 1.6m below the existing ridge line. The eaves line is again to be at first floor level. This part of the extension is to accommodate a family room and a gym on the ground floor with no first floor above and a vaulted ceiling over both rooms. There is to be a chimney head positioned on the roof at the east side of the family room as well as centrally positioned rooflights.

The eastern part of the extension is to be positioned at right angles to the main part of the extension and is to house a swimming pool. This part of the extension is to be 7.9m wide and 16.065m long. It is to be single storey and has a flat roof with a centrally positioned rooflight. There is to be a plant room with a flat roof attached to the east side of the swimming pool that extends out by a further 3.2m and is to be 3.4m wide. This is to have a flat roof with its highest part set below the eaves of the swimming pool part of the extension.

There is to be a terrace in the area between where the proposed extension is to be attached to the house and the swimming pool. The terrace is to be 20.28m long and extends out from the extension by approximately 7.5m although does not extend beyond the south-east elevation of the swimming pool. Approximately half the width of the terrace is to be covered by a flat roof canopy that is approximately 2.5m high.

The main external materials on the extension are to be white render on the walls with red tiles on the roof all to match those used on the existing house. The roof over the swimming pool and canopy are to be finished in lead/zinc roof cladding.

The submitted drawings also indicate stone paving to be laid along the north elevation of the house and over part of the parking area as well as around the perimeter of the proposed extension.

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 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

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 and 5 on "House Extensions" and "Outdoor Seating Areas" applies.

CONSULTATIONS

None.

PUBLICITY

The application was advertised in the Greenock Telegraph on 8 January 2021 as development affecting a conservation area.

SITE NOTICES

A site notice was posted on 8 January 2021 as the proposed development is in a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and no representations from neighbours have been received.

The Kilmacolm Civic Trust has no objections to the application and comments that the design has been thought through carefully and the extension will have little, if any, impact on the privacy of neighbouring houses in the immediate vicinity.

ASSESSMENT

The material considerations in the determination of this application are the Inverclyde Local Development Plan (LDP); the Planning Policy Statement on Our Homes and Communities; and the amenity impact of the proposal.

Policy 1 of the LDP requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figure 3. In this proposal, the relevant factors relate to being 'Distinctive' through reflecting local architecture and urban form and being 'Safe and Pleasant' by avoiding conflict with adjacent uses.

The site is located within a residential area under Policy D of the Planning Policy Statement on Our Homes and Communities where the general principle of extending a house and constructing terraces/outdoor seating areas may be acceptable subject to the details of what is being proposed and cross-referencing to the Planning Application Advice Notes (PAANs).

This part of the Conservation Area is characterised by reasonably large houses in large plots with the stone boundary walls being a defining feature of the streets. There are a variety of house styles in the surrounding area. Mature trees within gardens are also a feature of the streetscape in the conservation area.

It is acknowledged that this is a reasonably large house within extensive grounds however it does not follow that it is appropriate for a large extension to be constructed. Extensions are expected in the first instance to be in proportion with the original house and not dominate it in terms of size, scale, position and design. It also has to be borne in mind that this house has

already been extended with a single storey flat roof extension and a porch under planning permission 16/0329/IC.

In terms of the direct impact of the proposed extension on the existing house the total floor space of the proposed extension excluding the external terrace is larger than the footprint of the extended house. The size of the proposed development is considered to dominate the existing house irrespective of whether the height of the extension drops across its length from west to east.

The design and external appearance throughout the extension does not fully reflect the design and character of the existing house. The part of the extension that is attached to the north-east elevation of the existing house is considered to generally reflect the design and appearance of the house, particularly the north-west facing elevation of this, through the use of the same eaves and ridge lines and matching external materials. However the part of the extension at the rear of this, where the family room and gym are located, contrasts with the aforementioned part of the extension in terms of its footprint and different roof design. The extent of the roof is considered to be large and visually dominant when viewed against the other parts of the extension. The same can be said of this roof when viewed against the house. The east part of the extension that is to house the swimming pool introduces a further different roof design.

There are therefore disparate design elements across the entire extension that contrast with other parts of the extension and most importantly they contrast with the original house. Although flat roofs are used over an existing extension and porch these are used in limited areas which mean that these are secondary in appearance to the original house. There is little uniformity in design across the proposed extension which does not reflect the design and character of the house and this results in a detrimental impact on the house.

PAAN4 indicates that consideration will be given to contemporary and/or innovative proposals that are considered to have a positive impact on the amenity, character and appearance of the property and its surroundings. The parts of the proposed extension that are to house the family room, gym and swimming pool and the covered terrace would be considered to be of a more contemporary design however these are not considered to have a positive impact on the character and appearance of the house for the reasons set out above.

PAAN4 gives advice on side and rear extensions and although the proposed extension may not result in 50% of the garden area being developed and is not within 5.5m of the garden boundary, compliance with these factors does not result in the proposed extension being acceptable.

PAAN5 states that outdoor seating areas should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods to the extent that regular activity may impinge upon the enjoyment of neighbouring gardens. PAAN5 goes on to indicate that screening will generally be required, however if this is more than 2.5m high within 2m of a boundary or results in a loss of light to a room in a neighbouring house, then the proposed decking will not be supported. The proposed terrace is large and therefore could be used over extensive periods. Given the position of the proposed decking, its limited height above ground level, the distance from the south boundary and to the property to the south, and the existing intervening trees it is not considered that significant overlooking will occur.

Although the proposed extension combined with the proposed external terrace does not result in overdevelopment of the entire site this factor alone does not result in the proposal being acceptable. In order for an extension to be acceptable at this location it would have to be substantially reduced in size and reflect the design of the existing house more directly. An important design consideration in particular would be the size, scale and appearance of the roof.

There may be limited aspects of the proposed extension that accord with parts of Policy 1 and parts of the advice in PAAN 4 and 5, however the application has to be considered as a whole and the overall impact considered as a whole. As indicated above the overall impact on the house is not acceptable.

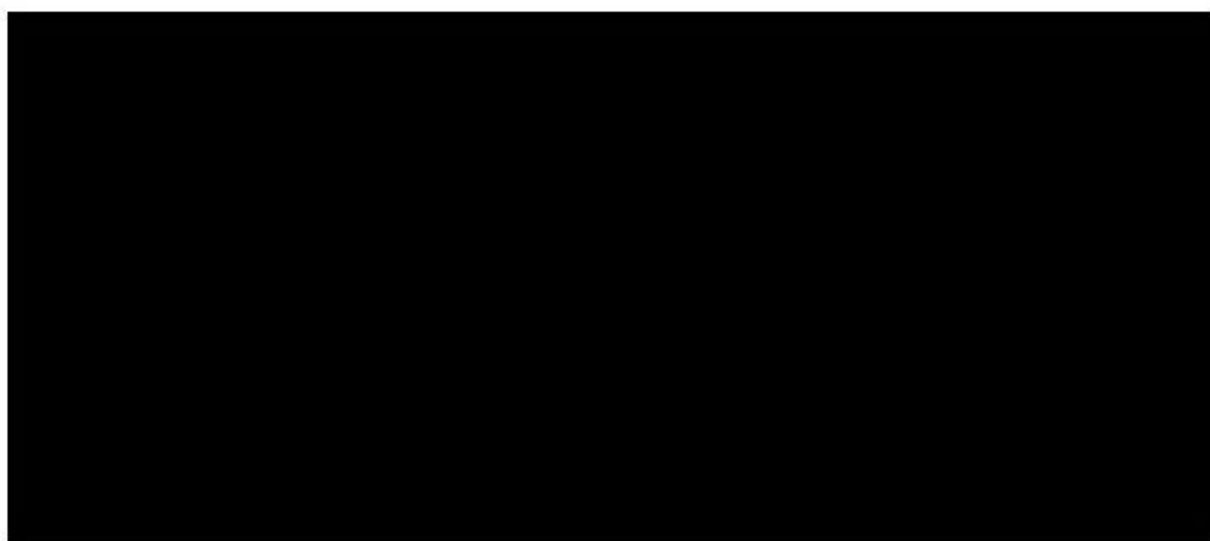
In conclusion, the overall form and appearance of the extension contrast significantly with the existing house to the detriment of the house. The proposed extension cannot be justified under Policy 1 and there are no material considerations that outweigh this policy.

RECOMMENDATION

That the application be refused on the following reason.

1. The proposed development cannot be justified under Policy 1 of the adopted Inverclyde Local Development Plan as the overall size, design and appearance contrasts significantly with the original house as well as visually dominating the house. The proposed development is considered to be incongruous, does not reflect local architecture and urban form and therefore has a negative visual impact on the house.

Signed:



Sean Mc Daid
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

3. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACTS

3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

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.



Wemyss Bay Railway Station

FIGURE 3: Factors Contributing to Successful Places



10.0 OUR HISTORIC BUILDINGS AND PLACES

10.1 Inverclyde's buildings and places chart the long history of the area. Archaeological finds evidence the occupation of the area from pre-historic through to Roman times; Newark Castle and the initial growth of our towns and villages occurred during medieval times; and the industrialisation and urbanisation of the 18th to 20th centuries shaped Inverclyde as we know it now. Inverclyde's past has gifted the present day with a rich and varied legacy of historic buildings and places which significantly contribute to the culture, character and sense of place, and which support tourism and the economy. These include conservation areas, listed buildings, scheduled monuments and other archaeological sites, and gardens and designed landscapes. As well as the policies below, the Council will have regard to Historic Environment Scotland's Policy Statement (June 2016) and any successor document, when assessing proposals affecting these historic buildings and places.

Conservation Areas

10.2 Inverclyde has eight conservation areas: Greenock (West End and Cathcart Square/William Street), Gourock (West Bay and Kempock Street/Shore Street), Inverkip, Kilmacolm (South East and The Cross) and Quarrier's Homes. There are Article 4 Directions associated with five of these, the exceptions being The Cross, Kilmacolm and the two Gourock conservation areas, which were designated after the General Permitted Development Order was amended to restrict permitted development in conservation areas. Article 4 Directions remove permitted development rights from the conservation areas they cover.

10.3 Conservation Area Appraisals are useful documents for understanding the important features of conservation areas, assisting their positive management, and informing development management decisions. A Conservation Area Appraisal was completed for the Greenock West End in 2016 and it is intended that appraisals be undertaken for the other conservation areas over the lifetime of this Plan.

POLICY 28 – CONSERVATION AREAS

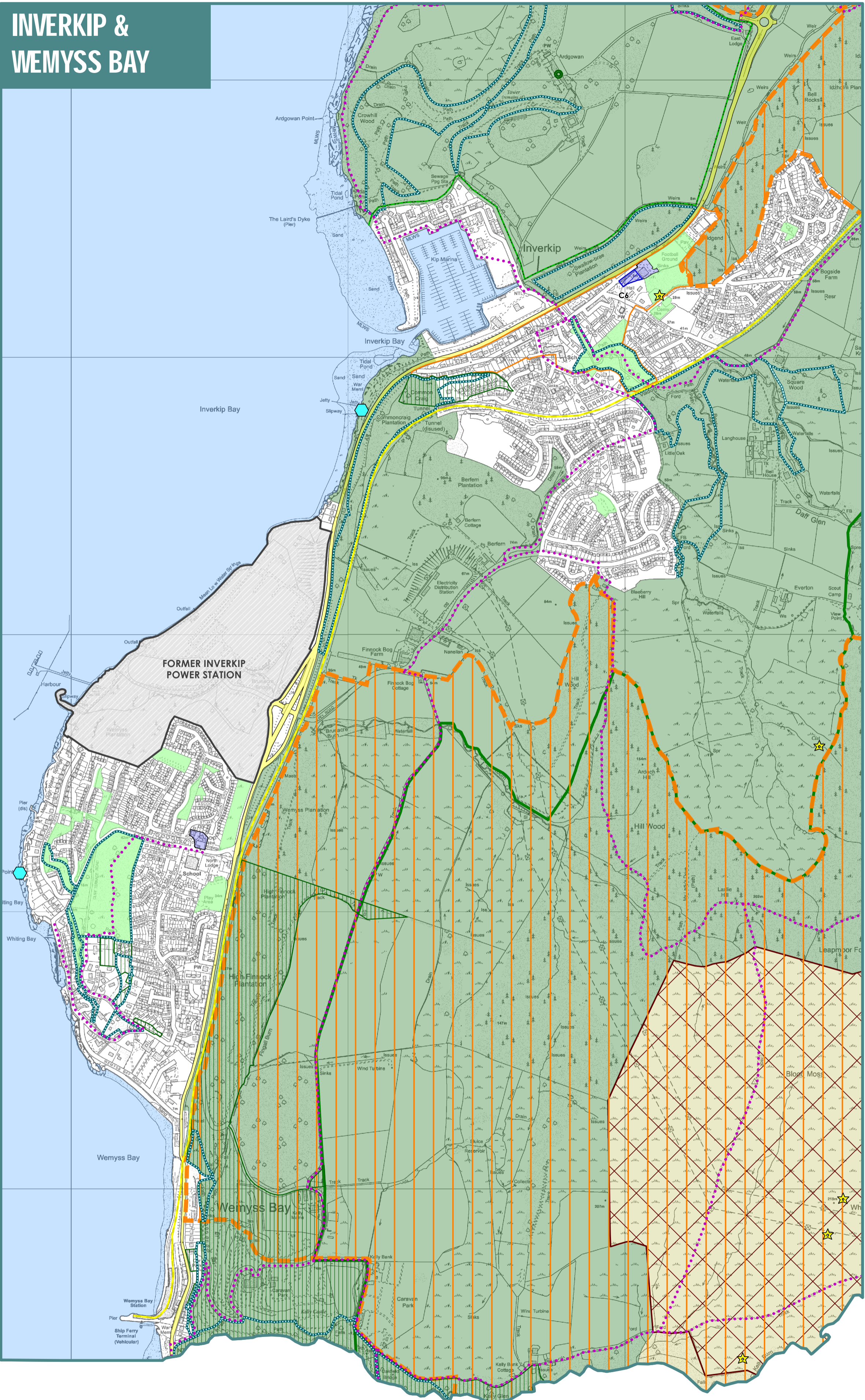
Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.



Conservation Area - Main Street, Inverkip

4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACT

INVERKIP & WEMYSS BAY



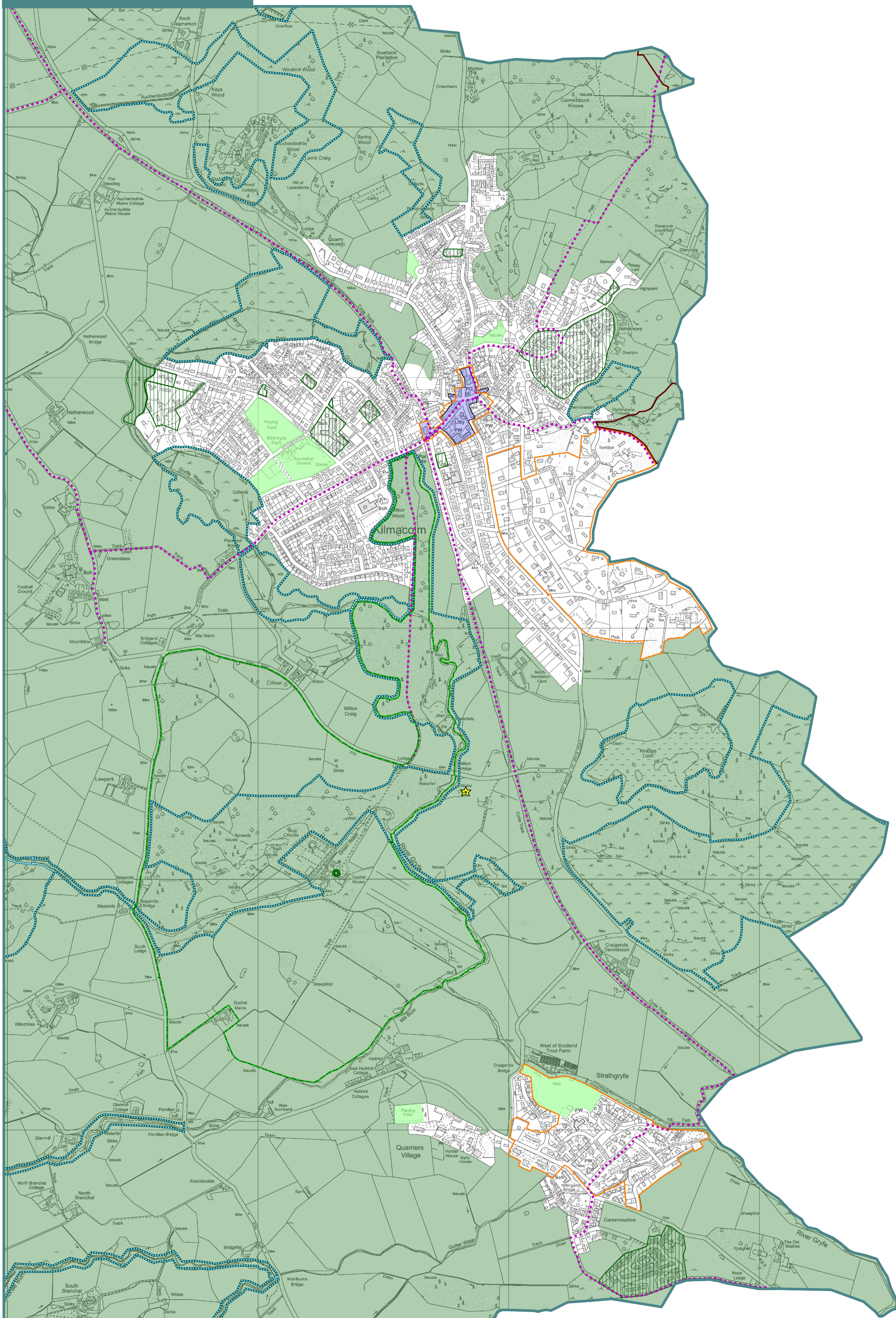
KEY

- SUSTAINABLE DEVELOPMENT STRATEGY**
 - Priority Place **POLICY 3**
- CONNECTING PEOPLE AND PLACES**
 - Trunk Road **POLICY 11**
 - Railway **POLICY 11**
- SPATIAL DEVELOPMENT STRATEGY**
 - Green Belt **POLICIES 14 & 19**
 - Countryside **POLICIES 14 & 19**
- OUR TOWN AND LOCAL CENTRES**
 - Town Centre / Local Centre **POLICY 22**
 - Network of Centres Opportunity **POLICY 22**
- OUR JOBS AND BUSINESSES**
 - Business & Industrial Area **POLICY 25**
 - Business & Industrial Development Opportunity **POLICY 26**
- OUR HISTORIC BUILDINGS AND PLACES**
 - Conservation Area **POLICY 28**
 - Scheduled Monument **POLICY 31**
 - Gardens & Designed Landscapes **POLICY 32**
- OUR NATURAL AND OPEN SPACES**
 - Special Protection Area / Ramsar Site **POLICY 33**
 - Site of Special Scientific Interest **POLICY 33**
 - Local Nature Conservation Site **POLICY 33**
 - Local Nature Conservation Site (Geological) **POLICY 33**
 - West Renfrew Hills Local Landscape Area **POLICY 33**
 - Tree Preservation Order **POLICY 34**
 - Open Space **POLICY 35**
 - Clyde Muirshiel Regional Park **POLICY 37**
 - Core Path **POLICY 38**
 - River Clyde / Firth of Clyde

Inverclyde council **SCALE 1:10,000**

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KILMACOLM & QUARRIERS VILLAGE



**5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019
SUPPLEMENTARY GUIDANCE ON PLANNING
APPLICATION ADVICE NOTES POLICY EXTRACTS**

PLANNING APPLICATION ADVICE NOTES

Planning Application Advice Note No. 4

HOUSE EXTENSIONS

Not all house extensions require planning permission. For works that do require planning permission, this advice note offers guidance on how a house can be extended by achieving a reasonable balance between the interests of those wishing to extend and the interests of their neighbours.

The following advice sets out standards that the Council expect proposals to comply with. Consideration will also be given to contemporary and/or innovative proposals which are considered to have a positive impact on the amenity, character and appearance of the property and its surroundings.

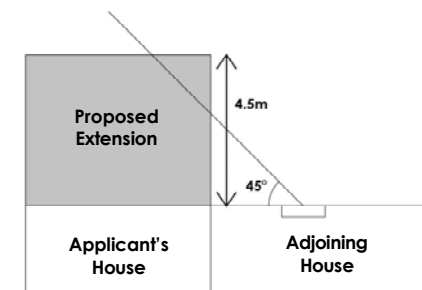
Rear extensions

- Single storey extensions should be designed so as not to cross a 45 degree line from the mid point of the nearest ground floor window of the adjoining house, or extend to a maximum of 4.5 metres from the rear wall of the original house.
- Two storey extensions will be considered on individual merit. They should not extend beyond 3.5 metres from the rear wall of the original house or result in unacceptable loss of light to a room in a neighbouring house. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.
- Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres (two storeys) or 4.5 metres

(single storey) from the rear wall of the original house, then the house may be similarly extended to equal size.

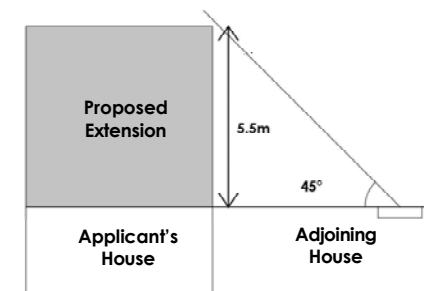
- An extension should not result in more than 50% of the rear garden area being developed. In all cases an extension should not encroach within 5.5 metres of the rear garden boundary.
- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable. Where screening is required, it must either not exceed 2.5 metres above ground level or itself result in an unacceptable loss of light to a room in a neighbouring house. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.
- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.
- The extension should be finished in materials to compliment those of the existing house.
- The off street parking requirements of the Council's Roads Development Guide shall be met.

ACCEPTABLE



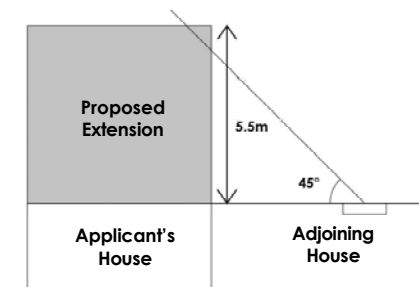
Extension encroaching 45 degree line

ACCEPTABLE



Extension more than 4.5 metres but not

NOT ACCEPTABLE



Extension encroaching 45 degree line

Side extensions

- Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable. Where screening is required, it must either not exceed 2.5 metres or itself result in an unacceptable loss of light to a room in a neighbouring house. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.
- Ground level window positions should comply with the window intervisibility guidance. Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.
- Windows which are visible from public areas shall match the scale, proportions and materials of those on the existing house.
- The roof over extensions should match the existing house roof. Extensions should be set back at least 1.0 metre from the site boundary.
- The off street parking requirements of the Council's Roads Development Guide shall be met.

Conservatories and sun rooms

- Conservatories and sun rooms should be designed so as not to cross a 45 degree line from the mid point of the nearest ground floor window of the adjoining house, or extend to a maximum of 4.5 metres from the rear wall of the existing house, whichever is the greater.
- Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres (two storeys) or 4.5 metres (single storey) from the rear wall of the original house then the conservatory or sun room may extend to equal size.
- A conservatory or sun room should not result in more than 50% of the rear garden area being developed. In all cases a conservatory or sun room should not encroach within 5.5 metres of the rear garden boundary.
- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable. Where screening is required, it must not exceed 2.5 metres above ground level or it may itself result in an unacceptable loss of light to a room in a neighbouring house. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

Front porches

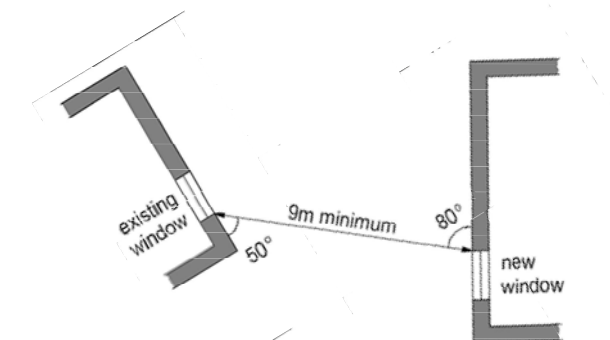
- Where applicable, porches should be pitch roofed to match the existing roof.
- Base courses should be finished in materials to match the existing house.

Window intervisibility

The table below details acceptable levels of window to window intervisibility. The distances are taken from the shortest point between the windows.

Minimum Window to Window Distances (metres)

Angle at window of any other house not more than:	Angle at window of house/extension etc. to be erected not more than:									
	90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°	18	18	18	18	13	9	6	4	3	2
80°	18	18	18	13	9	6	4	3	2	-
70°	18	18	13	9	6	4	3	2	-	-
60°	18	13	9	6	4	3	2	-	-	-
50°	13	9	6	4	3	2	-	-	-	-
40°	9	6	4	3	2	-	-	-	-	-
30°	6	4	3	2	-	-	-	-	-	-
20°	4	3	2	-	-	-	-	-	-	-
10°	3	2	-	-	-	-	-	-	-	-
0°	2	-	-	-	-	-	-	-	-	-



Planning Application Advice Note No. 5

OUTDOOR SEATING AREAS

The topography of Inverclyde provides many houses with spectacular views over the Firth of Clyde. Inland there are often opportunities to view open countryside. There is no objection in principle to balconies or decking being erected or extended, but they must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

Outdoor seating areas are becoming increasingly popular, but must take account of privacy and the impact these may have on neighbours enjoyment of their gardens.

This Advice Note provides a guide to the issues that are considered in determining applications for planning permission.

Balconies & Roof Terraces

- These should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscured from view from neighbouring housing. These should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required. Screening may not be required in cases where

there is no increase in the intervisibility between, and the overlooking of, neighbours. Where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony or roof terrace will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position shall be appropriate to the architectural design of the house.



Garden Decking & Raised Platforms

- The position should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised more than 0.5 metres above the original ground levels, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where positioned within 9 metres of the garden boundary and where it will result in an increased view of the neighbouring private/rear

garden area, the erection of screening, either at the decking/platform edge or the garden boundary shall generally be required. Where screening is required and it is in excess of 2.5 metres high above ground level within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed decking/platform will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the decking/platform shall be appropriate to the architectural design of the house.



6. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Laura Graham

From: David Ashman on behalf of Devcont Planning
Sent: 07 January 2021 17:24
To: Laura Graham
Subject: FW: (No Classification) Applications 20/0314/IC, 20/0311/IC and 20/0306/IC: KCT Comments

Classification: No Classification

From: Nicol Cameron [REDACTED]
Sent: 07 January 2021 10:37
To: Stuart Jamieson <Stuart.Jamieson@inverclyde.gov.uk>; Devcont Planning <devcont.planning@inverclyde.gov.uk>
Subject: Applications 20/0314/IC, 20/0311/IC and 20/0306/IC: KCT Comments

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)

Dear Mr Jamieson,

KILMACOLM CIVIC TRUST COMMENTS on APPLICATIONS 20/0314/IC, 20/0311/IC and 20/0306/IC

The 15 members of the Kilmacolm Civic Trust Executive Committee have considered these 3 applications.

We have the following comments:

20/0314/IC: Ardfuoch, Glenmosston Road, Kilmacolm

- **No Objection.**
- The applicants are clearly intent on creating a Grand House. The design has been thought through carefully. The extension will have little, if any, impact on the privacy of neighbouring houses in the immediate vicinity.

20/0311/IC: Torridon, Glenmosston Road, Kilmacolm

- **No Objection.**
- The front and side porches will have a much more aesthetically pleasing and balanced appearance in relation to the design and shape of the house.
- The immediate entry areas behind the doors will be much more practical.

20/0306/IC: Construction of 9 dwellings on the old Carsemeadow School site, Quarriers Village.

- **No Objection.**
- This is a Brownfield site. It is good that it is being developed for housing.
- We note the change in the positioning of the dwelling houses, the access road and the garages.
- The designs of the 9 dwelling houses are aesthetically pleasing. It is clear that a great deal of thought has been devoted to the proximity of the site to the Conservation area immediately opposite and the design of the houses within the Conservation area.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron - Chairman Kilmacolm Civic Trust)

**7. DECISION NOTICE DATED 5 FEBURARY 2021
ISSUED BY HEAD OF REGENERATION AND
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 20/0314/IC

Online Ref: 100340298-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013***

**Mr Marco Rebecchi
Ardfruch
Glenmosston Road
KILMACOLM
PA13 4PF**

**Thomas Robinson Architects
The Red House
Croftamie
GLASGOW
G63 0EU**

With reference to your application dated 16th December 2020 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of two storey extension with single storey extension incorporating a canopy and external terrace at

Ardfruch, Glenmosston Road, Kilmacolm, PA13 4PF

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposed development cannot be justified under Policy 1 of the adopted Inverclyde Local Development Plan as the overall size, design and appearance contrasts significantly with the original house as well as visually dominating the house. The proposed development is considered to be incongruous, does not reflect local architecture and urban form and therefore has a negative visual impact on the house.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 5th day of February 2021


Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
100048957		09.12.2020
EX-200		12.09.2020
EX-201		12.09.2020
EX-300		23.01.2018
EX-500		12.09.2020
PL-305		12.09.2020
PL-306		12.09.2020
PL-500	Rev B	17.12.2020

**8. NOTICE OF REVIEW FORM DATED 29 MARCH 2021
TOGETHER WITH SUPPORTING STATEMENT
FROM BENNETT DEVELOPMENTS AND
CONSULTING**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100383897-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Ardfruch"/>
First Name: *	<input type="text" value="Marco"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Rebacchi"/>	Address 1 (Street): *	<input type="text" value="Glenmosston Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kilmacolm"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="PA13 4PF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ARDFRUOCH"/>
Address 2:	<input type="text" value="GLENMOSSTON ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILMACOLM"/>
Post Code:	<input type="text" value="PA13 4PF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669489"/>	Easting	<input type="text" value="236281"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of two storey extension with single storey extension incorporating a canopy and external terrace.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Failure on part of planning service to properly assess the application

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

STATEMENT OF APPEAL

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/0314/IC

What date was the application submitted to the planning authority? *

16/12/2020

What date was the decision issued by the planning authority? *

05/02/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Don Bennett

Declaration Date: 29/03/2021

Bennett *Developments and Consulting*

10 Park Court,

Glasgow, G46 7PB

don@bennettgroup.co.uk

STATEMENT OF APPEAL

22.3.2021

ARDFRUOCH, GLENMOSTON ROAD, KILMACOLM

APPEAL TO THE LOCAL REVIEW BOARD OF INVERCLYDE COUNCIL IN RESPECT OF THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A TWO STOREY EXTENSION WITH SINGLE STOREY EXTENSION INCORPORATING A CANOPY AND EXTERNAL TERRACE.

APPLICATION REF: 20/0314/IC

01 Background:

01-01 The property at Ardfruoch is a substantial country house located within extensive grounds in the village of Kilmacolm. It is in an area where this type of property on large plots, is the norm. The site is elevated and extensively wooded and the property itself is screened from the road by tree cover, providing a high level of privacy and rendering the building difficult to see from the road.

01-02 The existing property was designed in the Arts and Crafts style by the renowned architect James Austin Laird in 1904. Whilst of architectural merit and having many fine features, the small rooms which were a feature of many Arts and Craft houses no longer meet the requirements of modern living or the needs of the current owner, the appellant, and it was against that background that consideration of extending the property was first considered.

01-03 To describe the proposal as an extension is I believe to underscore the skill and artistry of the design. A more accurate description might be a reworking of the original house with a view to incorporating a series of new activity spaces which would enable the property to better fulfil the needs of the modern family while respecting and embracing the ambience and detail of the original house. The applicant was seeking more usable family space along with leisure elements, including a pool, which is entirely appropriate for houses of this quality, scale and location.

01-04 In pursuing this agenda, the proposed planform was developed. One which gave relevance to the new spaces created and the linkages between them to deliver a house which while large was easy to navigate, which felt cohesive and which provided the quality and type of accommodation sought by the owners.

01-05 Having established the mechanics of the interior of the house, it was clear that given the history of the house and its location, that the external envelope would need to embrace the Arts and Crafts style and that the language of any extensions would need to have the same enduring properties, though not necessarily the same specific style but would introduce modern elements which would still exude quality and draw inspiration from the house.

The result was the proposal which was the subject of the application and this appeal.

01-06 On 16th December 2020, a planning application was submitted for the proposed development which it was felt recognised and respected the original house but also introduced elements of modern design which integrated well with the original house.

On 5th February 2021 the planning application was refused and a Decision Notice to that effect issued. The single reason given for the decision was that:

“The proposed development cannot be justified under Policy 1 of the adopted Inverclyde Local Development Plan as the overall size, design and appearance contrasts significantly with the original house as well as visually dominating the house. The proposed development is considered to be incongruous, does not reflect local architecture and urban form and therefore has a negative visual impact on the house”

02 Response to reasons for refusal

02-01 The above decision contains a number of expressions which are very much matters of opinion. While opinions may carry some persuasion facts carry authority and little in the decision notice is based on facts, so one must treat the determination with caution. A review of the Report of Handling would verify this as there is little of substance which would support a decision to refuse. In such circumstances we must consider the decision to be flawed.

02-02 In determining an application, the local authority are required to assess it in the context of the latest approved and adopted local development plan and if minded to refuse, to demonstrate and justify within the policies and guidance in the plan, where the proposal fails to comply and on that basis recommend refusal. For reasons which are not apparent, this does not appear to have been the practice adopted in this case, as no substantive justification has been offered for the decision to refuse.

02-03 In challenging the decision it will be necessary to demonstrate that the basis on which the decision was reached was flawed and that the policies and guidance referred to was either inappropriate or misinterpreted.

02-04 As referred to above the single reason given for refusing the application was that it did not accord with **Policy 1** of the local development plan, which identifies the six qualities of the successful place.

These are defined as:

- 1 Distinctive
- 2 Adaptable
- 3 Resource Efficient
- 4 Easy to Move Around
- 5 Safe and Pleasant
- 6 Welcoming

02-05 As aspirational qualities they are laudable and acceptable and provide a broad canvas against which developments can be assessed. However, with almost no exception they relate to developments which occur in the public domain and not on private buildings on private land. It is even questionable if the two examples cited in the Report of Handling, have any relevance, namely:

- i) **Distinctive**-Reflect local architecture and urban form
- ii) **Safe and Pleasant**-Avoid conflict between adjacent users by having regard to adverse impacts that may be created by noise, smell, vibration, dust air quality, flooding, invasion of privacy or overshadowing

02-06 In the first instance there is no identifiable local architectural language which should be reflected in this design, and as the application relates to a standalone building in a large acreage of private, secluded and wooded landscape, how can urban form even be a consideration. The Report of Handling claims that the design of the extension does not fully reflect the existing house, though no reason is given as to why it should. The new extension accommodates a number of uses which justify an architectural language which may differ in detail from the existing house but nonetheless clearly draw inspiration from the original.

It should be noted that the Kilmacolm Civic Trust were highly supportive of the scheme and went as far as to say that..." *the design had been thought through carefully and the extension would have little if any impact on the privacy of neighbouring houses in the vicinity*". A ringing endorsement indeed.

02-07 Simply stating as the Report of Handling does, that the design of the extension is unacceptable, does not make it so. Such an opinion must be supported by the facts and a full and proper justification advanced. The failure to produce such evidence renders the views expressed as nothing more than an opinion which as has been stated previously lacks any authority.

02-08 In fact the main reason for setting the extension back was to give prominence to the principle south facing elevation, and to enable the formation of a south facing terrace shared by the living room extension, gym and pool. A review of Arts and Crafts houses will show that they are often laid out in this way, effectively one room deep, and this arrangement seemed appropriate here where it was possible for the main house to remain dominant with a lesser wing added.

02-09 Secondly there are no adjacent users, so the problem issues referred to will not arise.

02-10 As regards the Planning Application Advice Notes(PAAN's) Supplementary Guidance referred to, while perfectly valid in an urban setting which is the circumstances they were intended to address, provide little guidance or direction in a rural or countryside situation. This is reinforced by the actual wording of the PAAN's where specific reference is made to the need to recognise the interests of the

neighbours and in that context the examples of dimensions cited are all on a modest and urban/suburban scale.

02-11 It is self evident that these PAAN's relate to an urban form characterised by terraces, rows of houses and the more traditional residential layouts where space between houses is limited and issues of privacy and overlooking are major considerations. For example the advice contained within PAAN 4 which it is claimed the appellants proposed development fails to meet, talks of extensions of 4 metres and that two storey extensions must not impact on a neighbours right to daylight and where new windows should be placed to ensure privacy and the possibility of boundary screening.

02-12 This is completely irrelevant in the context of this dwelling and the proposed extension. The existing house is almost 70 metres from the nearest neighbour, so issues of privacy, scale, screening, window placements and other such details simply do not apply.

02-13 The same is true of PAAN 5 which offers advice on outdoor seating areas and stresses the need to ensure that the privacy and amenity of neighbours is not impacted upon . Again we must advise that the nearest neighbour is almost 70 metres away so the size and height of any deck is inconsequential.

02-14 It should be noted that despite the ROH labouring on privacy issues not a single objection was received from neighbouring properties, presumably due to the fact that they are at some distance from and screened from the appellants property.

02-15 In essence it is not clear why the Report of Handling labours these issues when they clearly do not apply. Indeed the same Report of Handling while citing these PAAN's concedes that the proposed development does actually comply but seeks to counter this by stating that.. "*although the proposed extension combined with the proposed external terrace does not result in overdevelopment of the entire site this factor alone does not result in the proposal being acceptable*", but fails to explain why not.

02-16 By the same token the Report of Handling states that.. "*this is a reasonably large house within extensive grounds however it does not follow that it is appropriate for a large extension to be constructed*". Of course it is appropriate and that is precisely what the PAANs are advising in respect of standard dwellings in urban locations , stating dimensions that are appropriate for the type of dwelling and the small plots they are to be found on.

02-17 Scale is relative to the size of the existing property and in this context it is entirely reasonable and logical that any extension will be corresponding larger. This is a substantial house on a very large site running to a number of acres, so to attempt to challenge the scale of the proposed extension and to cite inappropriate policies and PAANs to justify the decision is simply foolish

02-18 The reason stated for the refusal is itself a matter of concern and makes a number of claims which have not been substantiated and appear to lack constructive and considered thinking but instead to offer little more than opinions, some of which are quite extraordinary and gross exaggerations.

02-19 Given that no substantive justification has been given for the refusal it would seem odd that even in the absence of quantifiable proof, the design is described as "*incongruous*". It is also suggested that the design does not reflect local architecture and urban form, yet fails to establish and

identify what is the local style or urban form, which itself is a quaint claim given that this is a standalone building in a large acreage of private, secluded and wooded landscape.

02-20 The fact remains that to try and assess and determine the proposed development by applying policies and advice notes which were never intended for such situations is highly questionable and must cast serious doubt over the validity of the decision to refuse.

03 Conclusion

03-01 The proposed development is without doubt a competent and well considered extension to a very substantial country house set within acres of ground. It is a response to the need to meet the changing demands of the owners and at the same time to deliver an architectural form which reflected the existing house in both design terms and in importance.

03-02 In refusing the application, the local authority are required to clearly establish the basis for the refusal and to relate this to specific policies and guidance within the adopted local development plan.

03-03 It has been demonstrated that the local authority have failed to do this and accordingly the reasons cited for the refusal are without foundation, as they cannot be supported by any policies or guidance within the plan, and as such must be considered incompetent and flawed.

In such circumstances the decision is unsafe and must be rescinded and the application approved.

**9. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

Erection of two storey extension with single storey extension incorporating a canopy with external terrace (20/0314/IC).

Ardfruch, Glenmosston Road, Kilmacolm, PA13 4PF.

Suggested conditions should planning permission be granted on review.

Condition

Development shall not commence until samples of materials to be used on all external surfaces of the development hereby approved have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason

To ensure the development is acceptable in appearance and the external materials are appropriate for the conservation area.