

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
25 June 2013

Agenda Item	5.2
Report No	PLS/034/13

13/01702/FUL: Mr Arafah Aleshi per Patience Architecture Ltd
36 Greig Street, Inverness IV3 5PX

Report by Area Planning Manager - South

SUMMARY

Description : Erection of extension

Recommendation - GRANT

Ward : 15 – Inverness Central

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : 5 or more unresolved objections

1. PROPOSAL

- 1.1 The proposal is for the erection of an extension to the rear of the property at 36 Greig Street which currently operates as a guesthouse. The proposed extension measures 6.4m in length and would be partially located to the side of the property thereby extending the overall length of the property by 3.2m. From the plans it is noted that the accommodation created by this extension would provide a study with an en-suite WC. The proposed extension would feature a low pitched roof measuring 3.5m at the highest point with materials proposed comprising slate effect roof cladding panels with walls rendered to match those of the existing property.
- 1.2 No pre-application advice was sought regarding the proposal. An application was submitted earlier this year for a 2 storey extension; the agent was informed that it would not be possible to support this as it would constitute over-development to the detriment of adjoining properties. The agent was advised it may be possible to support a single storey extension however a new application would be required.

2. SITE DESCRIPTION

- 2.1 The existing property is a semi-detached Victorian villa with a contemporary two storey extension to the rear. This opens up to the rear garden which has a depth of approximately 20m and consists of an area of gravel bounded by a wall of under 1m which then steps up to a grassed area. It is this gravel area which would accommodate the proposed extension which would therefore be slightly set down in comparison to adjacent properties. The site is bounded to the rear by properties at Kenneth Street to the south west and Duncraig Court to the south east.

3. PLANNING HISTORY

- 3.1 02/00305/FULIN: erection of extension to rear of existing dwelling – granted 6 June 2002
03/00938/FULIN: erection of extension to rear of existing dwelling (amendment to existing permission to install additional window to side elevation (obscure glass)) – granted 13 October 2003
13/00983/FUL: Proposed extension – withdrawn 8 May 2013

4. PUBLIC PARTICIPATION

- 4.1 Advertised : n/a
Representation deadline : 01.06.2013
Timeous representations : 6 representations from 5 households
Late representations : 1
- 4.2 Material considerations raised are summarised as follows:
- The proposed extension would be an over-development of the property and would have an adverse impact on the character, ambience and green space of the area to the detriment of residential amenity.
 - Adverse impact to the 'Substantial Local Amenity Tree' located in the garden of 50 Kenneth Street (an adjacent property), the roots of which may be damaged by groundworks.
 - Loss of privacy and amenity to properties at Kenneth Street and Duncraig Court.
- 4.3 All letters of representation are available for inspection via the Council's ePlanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 The Council's **Forestry Officer** was consulted given that a number of objections to the application relate to the potential impact on a tree located within the garden of 50 Kenneth Street which adjoins the application site to the south-west.

The Forestry Officer has no objections to the proposed development and

commented as follows:

‘The tree in question is a relatively small, mature pear tree of poor form which is no more than approximately 4m tall as a result of having been repeatedly crown reduced to prevent it fouling the telecoms lines above it. The proposed extension comes to 875mm from the boundary so there is likely to be some root disturbance in the formation of the foundations, but this is extremely unlikely to result in significant dieback of the tree, particularly given the extent of crown reduction that has previously occurred and the amount of free rooting space available to the west. The level of crown reduction is such that there would be no impact on the crown of the tree through construction of the proposed extension’.

The Forestry Officer has recommended two planning conditions which have been attached to the consent. These specify that:

- any ground excavations works within the rooting area of the tree should be carried out by hand and;
- details of surfacing, sub-base materials and levels within the rooting area are to be agreed with the Forestry Officer.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan (adopted 2012)

28 Sustainable Design

6.2 Inverness Local Plan (2006) (as continued in force)

No specific policies

7. OTHER MATERIAL CONSIDERATIONS

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (February 2010)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The application must be determined principally against Policy 28 of the Highland-wide Local Development Plan (Sustainable Design). This outlines a range of

criteria against which proposals will be assessed. In terms of proposals of this size and nature the most relevant of these criteria includes 'impact on individual and community residential amenity'.

The application site benefits from sizeable rear garden space with a garden depth of approximately 20m. Objectors have stated that the proposed development would constitute 'over-development' however it is considered that a garden area of this size is more than sufficient to accommodate an extension which will effectively extend the length of the property by only 3.2m to the rear. This will therefore leave a distance of around 17m between the proposed extension and the boundaries of adjacent properties to the south-east (Duncraig Court). Proposed windows have been restricted to this elevation and, given the distance separating the adjacent properties it is considered there will be no overlooking or loss of privacy to these properties as a result of the development.

As noted in Section 2.1 the property is lower and set down from the adjacent properties thereby further reducing the impact to residents including those located to the south-west at Kenneth Street. These properties also benefit from sizeable rear gardens. It is not proposed to install windows on this elevation other than roof lights to allow for light to enter the extension and a condition has been added to this effect. In addition, daylighting calculations have been provided by the agent which indicate that there will be no major impact on surrounding properties as a result of a single storey extension.

It is considered therefore that there will be limited adverse impact on individual and community residential amenity and the proposal is therefore judged to be compliant with the provisions of the development plan.

8.4 Material Considerations

Material considerations are considered throughout this report.

8.5 Other Considerations – not material

One letter of objection has stated that consideration should be given to the fact that the proposed development may be used as an additional bedroom or sitting room for the owners instead of a study. This is speculative only and is not material to the consideration of the planning application.

9. CONCLUSION

- 9.1 The proposed development will allow a modest expansion of the property without any adverse impact to the residential amenity of adjoining properties and is fully compliant with development plan policy. This is a significant improvement from that of the previous proposal to alter and extend the property by 2 storeys which would not have been given a positive recommendation. This current proposal has taken into account the advice of planning officers and is considered an appropriate scale

of development for the site. It is recommended that planning permission is granted.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Scotland Order 1992, as amended, no windows shall be installed on the south west elevation of the extension hereby approved without the express consent of the Planning Authority.

Reason: In order to safeguard the privacy of neighbouring property and occupants.

2. Any ground excavation works (e.g. foundations, services and surfacing) within the rooting area of the adjacent mature pear tree (at 50 Kenneth Street) shall be carried out by hand. No development shall commence until the extent of hand digging has been determined on the ground by the Planning Authority. The hand digging shall be directly supervised by the Planning Authority. Any rooting exposed shall be cut back cleanly by secateurs or saw and under the direction of the Planning Authority.

Reason: In the interests of protecting the mature pear tree within the neighbouring property.

3. No development shall commence until details of surfacing, sub-base materials and levels within the rooting area of the adjacent mature pear tree (at 50 Kenneth Street) have been agreed with the Planning Authority.

Reason: In the interests of protecting the mature pear tree within the neighbouring property.

REASON FOR DECISION

The proposal accords with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms

represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

Accordance with Approved Plans & Conditions: You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan B112
Plan 2 – Existing Floor Plan B113
Plan 3 – Existing Elevation Plan B114
Plan 4 – Proposed Floor Plan B115
Plan 5 – Proposed Elevation Plan B116

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Colin Campbell	52 Kenneth Street, Inverness IV3 5DH	31 May 2013	Against
Ms E.S Paterson	Gowanlea, 11 Ballifeary Road, Inverness IV3 5PJ	30 May 2013	Against
Lyn Kuttler	39 Kenneth Street, Inverness, IV3 5DH	31 May 2013	Against
Mrs PMA Coleman	50 Kenneth Street, Inverness, IV3 5DH	30 May 2013 31 May 2013	Against Against
Derek Rudkin	48 Kenneth Street, Inverness, IV3 5DH	3 June 2013	Against
Mr William Skinner	1 Duncraig Court, Duncraig Street, Inverness	31 May 2013	Against