

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
25 June 2013

13/00120/FUL: Mr S and Mrs H Tweedie
Fionn Cottage, Moyness, Nairn

Report by Area Planning Manager – South

Agenda Item	5.3
Report No	PLS/035/13

SUMMARY

Description: Demolish existing and erect replacement dwelling

Recommendation: REFUSE

Ward: 19 - Nairn

Development category: Local

Pre-determination hearing: Not required

Reason referred to Committee: Committee referral requested by a majority of local Ward Members.

1. PROPOSAL

- 1.1 The proposal is for the demolition of one half of an existing pair of semi-detached cottages, and its replacement with a modern, 2 storey asymmetrical house with turf roof.
- 1.2 There were no pre-application discussions.
- 1.3 The pair of cottages take access from the Auldearn – Moyness road. They are set back from the road with off street parking to either side. The cottages currently share a septic tank/soakaway system which is situated in the garden of Gean Cottage. Due to poor drainage within the application site itself, the proposal is to continue with this shared arrangement. An engineer's statement has been provided outlining initial proposals.
- 1.4 A short design statement was submitted with the application.
- 1.5 The distance between the existing house and the proposed house has been increased from 2m to 4m.
- 1.6 The cottage is understood to be of non-standard construction, hence the decision to replace the cottage rather than renovate it.

2. SITE DESCRIPTION

- 2.1 The existing pair of cottages sit within a small housing group, consisting of Fionn Cottage, the adjoining property (Gean Cottage), plus Rose Cottage and Smithy Cottage, both of which are traditional dwellings of 1 and 1½ storeys in height. The pair of cottages are thought to be around 90 years old and are of a traditional design and scale, with tile roofs. Fionn Cottage is single storey and Gean Cottage has been partially extended to 1½ storeys. There is an area of rough ground between Fionn Cottage and the road which is within the ownership of Cawdor Estate. The site is very narrow and slopes downwards towards the northwest. There are no trees of note within the footprint of the proposed building.

3. PLANNING HISTORY

- 3.1 There is no relevant planning history relating to this site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour (19.02.13)

Representation deadline : 15.02.13

Timeous representations : 0

Late representations : 11

- 4.2 Material considerations raised are summarised as follows:

11 letters were received (outwith the representation period) expressing support for the applicant's proposal on the basis of:

- The importance of retaining young families within the community
- Support for the modern, energy efficient design put forward
- The existing variety of housing designs and styles in the area

- 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 **TECS (Area Roads and Community Works Manager)**: No objections.
- 5.2 **Forestry Officer**: No objection subject to conditions protecting an existing tree to the NW of the site.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **Highland-wide Local Development Plan (April 2012)**

6.2 **Nairnshire Local Plan (Dec 2000) as continued in force**

ENV1

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside, Siting and Design Supplementary Guidance

7.2 **Scottish Government Planning Policy and Guidance**

SPP

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 site sits within the hinterland of Inverness/Nairn and the Council's Housing in the Countryside Policy therefore applies. This presumes against sporadic housing in the countryside unless one of the exceptions, as set out in the Council's Housing in the Countryside and Siting and Design Supplementary Guidance, can be met. These include developments which will round off or infill existing housing groups.

This policy also supports the replacement of existing houses which do not meet the requirements for modern living and where a clear case is made that the costs of upgrading are not justified on economic or environmental grounds. The policy goes on to state that the replacement house must, in its design, emphasise the character and style as well as materials of the original; and must not result in an excessive increase in footprint on that of the original building.

Policy 29 of the Highland-wide Local Development Plan states that "new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located" and Policy 28 states that developments will be assessed on the extent to which they "demonstrate sensitive siting and high quality design in keeping with local character and historic natural environment and in making use of appropriate materials". The Siting and Design Guidance states that traditional styles should be reflected in design, shape and materials.

It is considered that the proposal complies with Council policies in that it rounds off an existing housing group and is also a replacement dwelling. The principle of a house can therefore be supported in this location. However the proposal is not considered to comply with the Siting and Design Supplementary Guidance, or the relevant HwLDP policies, as it does not demonstrate appropriate siting and design, and fails to make a positive contribution to the architectural and visual quality of the place in which it is located.

8.4 Material Considerations

Siting and Design: The principle of a house on the site is supported; therefore the key remaining material consideration in the determination of this application is the siting and design of the proposed replacement building.

The form of the existing pair of cottages is long and low, which helps the building to integrate well into the landscape. They are traditional in form and design and fit well with the other houses in the group, both of which are traditional cottages of 1 and 1½ storey in height.

The proposal is to demolish one half of the pair of cottages and replace it with a detached house, partially on the footprint of the original. The new house will sit 4m from the remaining cottage (an increase from the original submission of 2m separation). While the increased separation is welcomed, the new house will still sit very close to the remaining cottage and will be read in conjunction with it when viewed from the road. It should therefore be designed in such a way that it complements the existing house in terms of design, form and scale.

The proposed replacement bears little relationship to that of the cottage it is to replace. It is very modern in style with an asymmetrical dual pitch turf roof; a myriad of window shapes and proportions; and an orientation towards the road (the cottages are gable end onto the road). The SE elevation which will be viewed next to the principal elevation of Gean Cottage has a blank wall at ground floor level and is higher at both eaves and ridge level than the existing cottage. No account has been given in the design to the fact that this is the 'public face' of Gean Cottage.

The Council is in no way unsupportive of modern architecture, and the HiC Siting and Design Supplementary Guidance states that the Council will look favourably on more innovative designs if the location and siting is appropriate. The starting point for any design must be the site itself and the opportunities and constraints it presents. In this instance the key factors influencing the site are its long, narrow shape, its sloping nature, and most importantly the presence of other, existing houses, both adjacent and within the housing group.

These houses are already in existence and the impact of any new development on their amenity must be fully considered. New developments should not detract from the setting of existing houses, but rather, should make a positive contribution to the local environment. It is not considered that this proposal, as submitted, does this.

The most successful examples of contemporary architecture in rural settings tend to occur when they seek to retain some local distinctiveness, by echoing some of the elements of the vernacular building style such as building form, roof pitch, window openings, or overall proportions within the design. These are then given a modern twist which, along with the appropriate use of modern and vernacular materials, can result in very effective energy efficient houses which relate well to their surroundings, complement the local character and work well for modern day living.

Unfortunately, the proposed design appears to take no inspiration from neighbouring properties or the vernacular style of the area in terms of ridge/eaves height, roof pitch, building form, proportions, or any other design elements. This results in a jarring of house styles, and a design which is incompatible with both Gean Cottage and the other houses within the group, to the overall detriment of their setting and amenity.

Third party representations: It is accepted that the appreciation of design is subjective, and a number of letters have been submitted from members of the local community, including those in the immediate housing group. These letters are supportive of the design that has been submitted and are also keen to support the applicants and their young family in their desire to live in the community.

It should be made clear that the Planning Authority has at all times been supportive, and remains supportive, of the proposal for a house on this site. However the personal circumstances of the applicant are not material to the determination of this application and the recommendation to refuse it reflects the design and siting of the proposed house rather than the principle of a house in itself. A further application for a house which will integrate better with the surrounding houses and landscape would be welcomed.

Further information: The proposal is for the demolition of half of the existing pair of cottages. The existing cottages are believed to be of non-standard construction (wire netting and cement over a timber construction) and it is therefore unlikely that the internal wall separating the 2 cottages will have adequate (if any) foundations. Evidence from a qualified structural engineer demonstrating that the wall is capable of being upgraded as proposed without affecting the structural integrity of the remaining cottage has not been submitted to date and given the age and construction of the property, there is no guarantee that the property can be subdivided without significant structural support to any new outer wall.

It is standard procedure for a bat survey to be requested when an application involves the demolition of a traditional building. While the applicant has been made aware of this, given that the recommendation is to refuse the application this has not been pursued.

8.5 **Matters to be secured by Section 75 Agreement**

Not applicable

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. While the principle of a house can be supported in this location, the siting and design of the proposed house is inappropriate within the context of its setting, to the detriment of the neighbouring properties. It is therefore considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is regrettable that the applicant has not taken into account the concerns raised and considered a design of a more appropriate scale and massing.

It is recommended that the application be refused.

10. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **REFUSED** subject to the following reasons for refusal:

1. The proposal, if approved, would be contrary to the provisions of the Highland-wide Local Development Plan in general and Policies 28 and 29 in particular, by reason of the unacceptable siting and design of the proposed replacement house, to the detriment of the setting and amenity of the housing group in which it is sited.
2. The applicant has not provided full structural details of how the pair of cottages will be divided, and has failed to demonstrate that the proposals as submitted will not affect the structural integrity of the remaining cottage (Gean Cottage).
3. The proposal, if implemented, would be in conflict with the aims and objectives of the Council's Housing in the Countryside Design and Siting guidance by reason of the design, scale and massing of the proposed replacement house to the detriment of the character of the area.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: Christine Macleod
Background Papers: Highland-wide Local Development Plan, Nairnshire Local Plan
Relevant Plans: Plan 1: 000001 – Site and Location plan
Plan 2: 000002 – Elevation Plan
Plan 3: 000003 – Elevation Plan
Plan 4: 000004 – Floor Plan
Plan 5: 000005 – Floor Plan
Plan 6: 000007 – Elevation Plan showing Gean Cottage
Plan 7: 000008 – Elevation Plan showing Gean Cottage

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Derek Bedford	Carlyon House, Golford, Moyness, Nairn	31.5.2013	For
Mr & Mrs Ker	Broomton Farm, Moyness, Nairn	31.5.2013	For
Mr & Mrs McQueen	Smithy Cottage, Blackhills, Moyness, Nairn	31.5.2013	For
The Occupier	Touchwood, Moyness, Nairn	31.5.2013	For
Mr & Mrs Croydon	Hillhead Cottage, Moyness	31.5.2013	For
Mr & Mrs Welch & Mr & Mrs Espresatti	Address not supplied	31.5.2013	For
Mr & Mrs Simpson	The Old Schoolhouse, Moyness, Nairn	31.5.2013	For
Mr & Mrs Goldsmith	Rose Cottage, Moyness, Nairn	31.5.2013	For
Mr & Mrs Tweedie	Gean Cottage, Moyness, Nairn	31.5.2013	For
Mrs Ferguson	High Spy, Moyness, Nairn	31.5.2013	For
Veronica Newman	Wester Golford, Moyness, Nairn	31.5.2013	For