

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Donald Harris, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2091
- Site address: Fionn Cottage, Moyness, Nairn IV12 5LA
- Appeal by Mrs Heidi and Mr Steven Tweedie-Mcfarlane against the decision by The Highland Council
- Application for planning permission 13/00120/FUL dated 11 January 2013 refused by notice dated 25 June 2013
- The development proposed: demolish existing semi-detached bungalow and construct replacement house.
- Date of site visit by Reporter: 5 November 2013

Date of appeal decision: 21 November 2013

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issue in this appeal is the visual effect on the surrounding area, having regard to the provisions of the development plan.
2. Fionn Cottage and Gean Cottage are a pair of semi-detached dwellings accessed by a track which joins Moyness Road a few metres to the north-east. Together with two other dwellings fronting the road, they form a small group on high ground in the countryside east of Nairn.
3. It is proposed to demolish Fionn Cottage and build a detached house on the site. The width of the proposed house would be 4.55 metres and its depth 12.60 metres. This narrow building owes its shape to a perceived need to set it back from the side of Gean Cottage. There are no openings in the long south-west side elevation, so there would be no direct overlooking of Gean Cottage and garden from the house. Openings in the long north-east side elevation would overlook an unused plot of land, the boundary of which would be less than 3 metres away.

4. The narrow south-east elevation would have two bedroom windows side by side and immediately under the eaves. A submitted plan shows the eaves line substantially higher than that of Gean Cottage. The ridge of the roof is also higher. On the north-west elevation there would be no disparity of eaves lines, although the difference in the height of the roof ridges would remain.

5. The south-east elevation would be seen from Moyness Road notwithstanding a roadside hedge. In my opinion, the proposed house would relate badly to Gean Cottage, which is a long and low building even if divorced from Fionn Cottage. The contrast with a new house of which the height was greater than the width and with eaves and roof lines which did not relate to those of Gean Cottage would be visually disturbing.

6. Being on rising ground, the new house would also be conspicuous when seen from the north-east and north, again from Moyness Road, including its junction with the road from Brodie. In this context it would be seen as part of the group of dwellings which includes Gean Cottage, Smithy Cottage and Rose Cottage, the last two fronting the west side of Moyness Road. Although differing in some respects, these cottages have their horizontal character in common. The proposed new house would be out of character with this group, which at present (with Fionn Cottage included) sits harmoniously in the landscape. The proposal would not have a neutral effect on the group, as the appellants suggest.

7. The proposed house would be incompatible with its surroundings on account of its scale and proportions rather than its contemporary design.

8. Policy 28 of the Highland-wide Local Development Plan 2012 requires developments to demonstrate sensitive siting and high quality design in keeping with local character. Policy 29 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, where appropriate. The proposal is not in keeping with the local character and fails to make a positive contribution to the visual quality of the group of dwellings in which it would be situated. Both these policies of the development plan would be breached.

9. The planning authority accepts the principle that the existing sub-standard semi-detached cottage should be replaced by a detached house. This accords with policy 35 of the local development plan. However, the policy states that in such cases, the proposal should accord with the council's *Housing in the Countryside Supplementary Guidance*. Included in this document is the requirement that a replacement house "must in its design emphasise the character and style as well as materials of the original and absorb the principles of designing for sustainability" (paragraph 6.23). As an eco-house, the proposal goes far to satisfy the sustainability criterion, but the character and style are clearly not consistent with the guidance.

10. I conclude that the proposed house would have a seriously damaging visual effect on the surrounding area, contrary to the policies of the development plan.

11. I have considered all other matters raised, but find none that persuades me to alter my decision that the appeal should fail. I appreciate the point that the appellants have strong local connections and that the development would contribute to the economic and social development of the community. Indeed, significant support is given by people living locally. However, the failure of this appeal is due only to the unsuitability of the siting and design of the proposed house. The principle of the development of a replacement dwelling on this site in an existing housing group is accepted. As I have decided to dismiss the appeal on strong grounds of amenity, it is unnecessary for me to consider the issue of the stability of Gean Cottage, were Fionn Cottage to be demolished.

Donald Harris

Reporter