

**THE HIGHLAND COUNCIL**  
**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING**  
**APPLICATIONS AND REVIEW COMMITTEE**  
**4 DECEMBER 2007**

Agenda Item	1.1
Report No	39/07

**07/00483/FULCA: Erection of two semi-detached houses and formation of two vehicular accesses.**

**Report by Area Planning and Building Standards Manager**

## **SUMMARY**

Application is made in detail to erect two 4-apartment semi-detached bungalows and to form vehicular accesses to each from Sinclair Lane on a flat vacant site to the west of Sinclair Lane in the built up area within Halkirk.

Outline planning permission has already been granted to build one detached house on the site (Ref: 07/00040/OUTCA dated 11 April, 2007). This current application has proved controversial principally because insufficient/inaccurate neighbour notification has occurred and, crucially, as the developer has started building the houses even though the application has not been determined. Five letters of objection, two from one address, and one from the Community Council have been received and are discussed below. The proposed houses are considered to have insufficient gardens and the proposed driveway configuration is incongruous.

**The recommendation is to REFUSE planning permission.**

Ward Number 4 – Landward Caithness

Applicant: Caithness Homes, Miller House, 55 Macrae Street, Wick, KW1 5QW.

## **1. PROPOSAL**

1.1 Application is made in detail to erect two 4-apartment semi-detached bungalows on a vacant flat site on the west side of Sinclair Lane, Halkirk. Each house is proposed to have its own driveway.

## **2. PLANNING HISTORY**

2.1 Outline consent exists to erect one house on the site – 07/00040/OUTCA granted on 11 April, 2007.

### **3. PUBLIC PARTICIPATION**

- 3.1 A total of five letters of objection have been received, two from one address, and one from the Community Council.
- 3.2 The Community Council says that the planning consent is for the erection of a single house but it is evident on site that it is two semi-detached houses which are being built. It also notes that construction is at an advanced stage and questions whether consent has yet been granted.
- 3.3 The grounds contained in the other four letters of objection can be summarised as follows:
- a) The development has proceeded prior to planning permission being granted.
  - b) Various complaints about neighbours not being neighbour-notified and furthermore that the notification originally served did not make it clear that it was for two houses.
  - c) Semi-detached bungalows are not in keeping with the area as all of the houses are detached houses in large plots.
  - d) The proposal could cause a flooding problem.
  - e) The front windows of one of the semis will face directly towards a neighbouring bedroom window at the adjacent house called 'Traquair'.
  - f) The proposed semi-detached houses will be an 'eyesore'.

### **4.0 CONSULTATIONS**

- 4.1 Scottish Water:- No objections.
- 4.2 Area Roads and Community Works Manager:- No objections subject to conditions.

### **5.0 POLICY**

- 5.1 The following policies are relevant to the assessment of the proposals:-

#### **Highland Structure Plan (2001)**

G2 Design for sustainability.

#### **Caithness Local Plan**

The site is subject to Policy 3 of the Halkirk Chapter of the Plan which allocates the site for housing with an indicative capacity of one house. All houses built which are subject to Policy 3 must make a financial contribution to the Halkirk Fund.

- 5.2 The proposal also requires to be assessed against relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN). In this instance, in particular,

SPP1 – The Planning System

SPP3 – Planning for Housing

## 6.0 PLANNING APPRAISAL

- 6.1 **Determining Issues** – 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.
- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy Section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- Whether the principle of development is appropriate in terms of policy.
  - Whether the layout of development is appropriate.
  - The impact on the amenity of the area and residents.
  - Other material issues raised by the objectors.
- 6.3 With regard to the Local Plan the site is allocated for housing development albeit that in the Local Plan the site is shown as having an indicative capacity of one and that one house has already been built. That said, I would have to say that, in my view, the site can easily accommodate two detached houses. The question is whether or not it can successfully accommodate both the existing detached house and these two proposed semi-detached houses.
- 6.4 None of the consultees has any objections to the application.
- 6.5 With regard to the comments of the Community Council outlined at paragraph 3.2 above, I would advise that the planning application submitted to the Council clearly states that the application is for the “Erection of single storey semi-detached houses”. However I do not think that the notifications given to the neighbours were quite so clear which is where I think the Community Council has reached the conclusion that the application is for only one house. Clearly consent has not been granted for this proposal.
- 6.6 With regard to the grounds of objection outlined in paragraph 3.3 above I would comment in turn as follows:-
- a) This is correct but that, in itself, is not a reason to refuse planning permission.
  - b) These complaints have substance but I believe that the situation has now been rectified.
  - c) This is not strictly correct as there are some detached houses in small plots. Furthermore, the area cannot either be said to be wholly residential as there is the yard of D. M. Geddes – a window manufacturer/joinery business – directly across the road from the application site.
  - d) The Area Roads and Community Works Manager is satisfied with the applicant’s proposals for surface water drainage.
  - e) I consider this to be a significant problem which has been caused by the proposed block being built gable on to the road. Whilst the neighbouring house ‘Traquair’, is built gable on to the road, it is already there. The front windows of

one of the houses would be 15.5 m from the directly facing existing bedroom window and I do not consider that that is an acceptable relationship at this locus.

f) I do not agree with this point and I am confident that if the development were to be completed the proposed building would not be visually intrusive.

- 6.7 In my opinion, there are three aspects to the proposal which are not satisfactory:
- a) the driveway proposed to the north of the units would be built alongside the existing driveway to the newly completed house to the west and that arrangement would be incongruous;
  - b) neither of the proposed houses has any meaningful garden space;
  - c) the front windows of the western-most semi are too close to and directly face the rear windows and garden of the house to the south 'Traquair', thus unacceptably compromising the privacy of the occupants of that property.

6.8 For these reasons my **recommendation is to refuse planning permission and to ask Committee to authorise the use of enforcement action, if necessary**, to remove the un-authorized development.

## RECOMMENDATION

Refuse detailed planning permission for the following reason:

1. That the proposed development of semi-detached houses does not fulfil the requirements of Highland Structure Plan Policy G2 – Design for Sustainability – in that:-
  - (a) the construction of a further driveway to the north of the proposed units alongside the existing driveway to the house to the west of the site would be an incongruous arrangement;
  - (b) neither of the two proposed houses would have any meaningful garden space; and
  - (c) the front windows of the western most semi-detached house are too close to and directly face the rear windows and garden of the house to the south – 'Traquair' - thus unacceptably compromising the privacy of the occupants of that property.

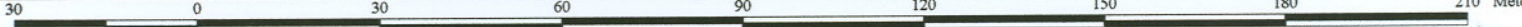
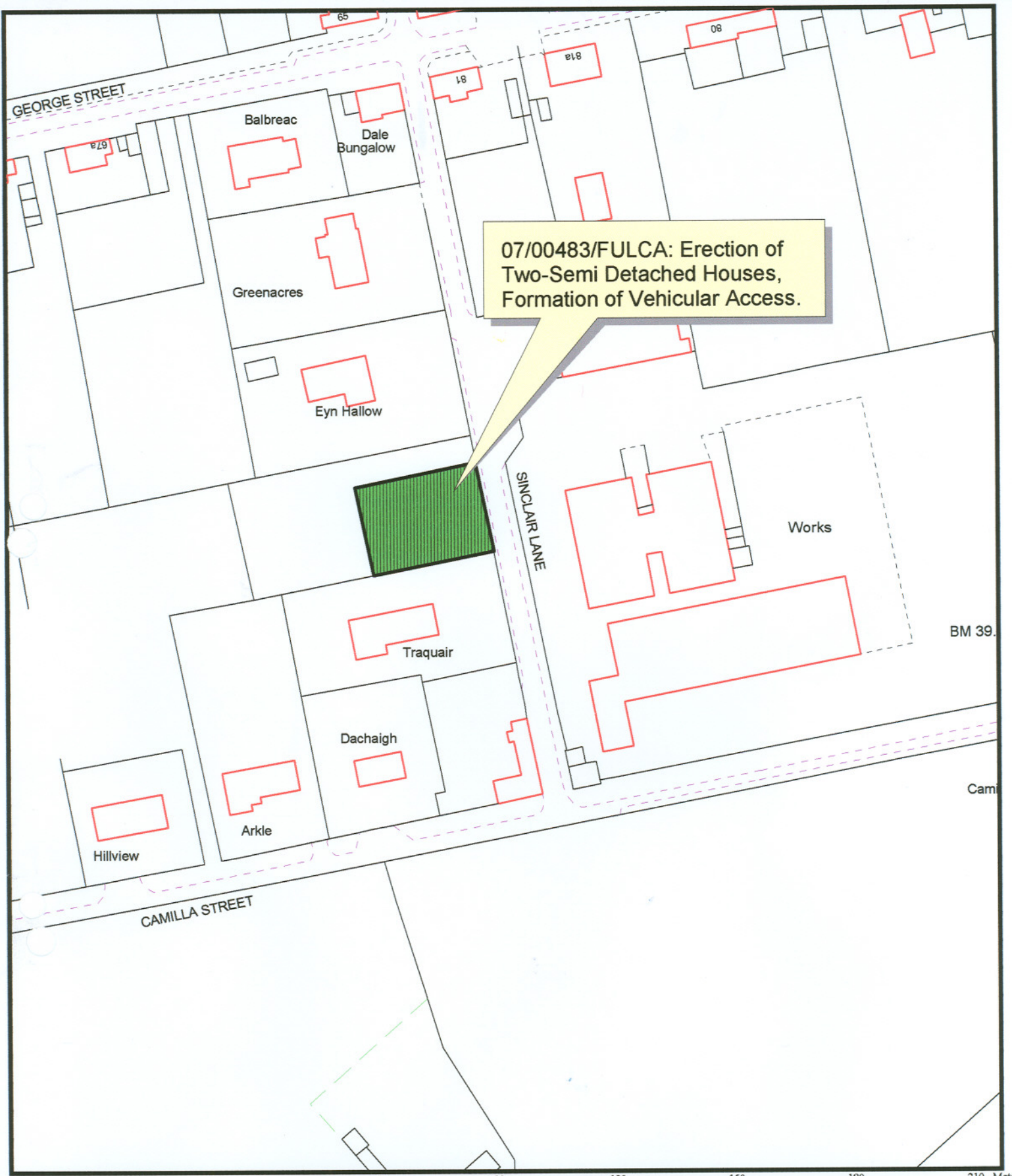
Signature:

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart, Team Leader (01955 607751)

Background Papers: As referred to in the report above and case file reference number 07/00483/FULCA

Date: 28 November 2007



**Land to North of Traquair, Sinclair Lane, Halkirk,  
THURSO.**



SUPPLIED BY THE HIGHLAND COUNCIL PLANNING & DEVELOPMENT SERVICE

Date

Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Highland Council LA09036L