

Appeal Decision Notice

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Decision by M J Culshaw, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/270/484
- Site Address: Plot 1, 14 Ferry Road, Golspie KW10 6ST
- Appeal by Roy and Christine Smith against the decision by The Highland Council
- Application for planning permission 06/00179/FUL dated 15 May 2006 refused by notice dated 2 March 2007.
- The development proposed: Formation of new house site with access from Ferry Road
- Date of site visit by Reporter: 23 October 2007

Date of appeal decision: 18 December 2007

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The appeal site lies at the rear of 14 Ferry Road and was formerly the site of a timber yard and saw mill. It is part of a larger site of 0.4 hectares allocated in the South and East Sutherland Local Plan for residential use, the plan indicating a capacity of four houses in total and commenting "access via Station Yard".
2. The planning authority do not dispute that the principle of development is acceptable in the light of that policy. Although I note the concerns of a number of local residents about the form which development might take, the possible need for decontamination of the site and the impact of development on drainage and amenity, physical aspects of which were pointed out to me at the site inspection, it is clear that the residential development of this plot as part of the larger area has been envisaged for some time and is specifically proposed in the adopted local plan.
3. Although this application purports to be for full planning permission, no details of the siting, design or external appearance of any building or of the landscaping of the site have been submitted, and I am therefore not in a position to judge any of those matters. It is accepted by the appellant and by the planning authority that if permission were granted the erection of any dwelling would require to be subject to conditions such as would be imposed on an outline planning permission. The main purpose behind the submission of this application has been to establish whether an access from Ferry Road rather than from the Station Yard would be acceptable. The proposed access would run between No 14 Ferry



Road, also known as Slieve-na-mon and No 15, also known as Roslin. The site itself would extend behind Roslin and No 16, Drynach.

4. Reference has been made in representations, including those by Golspie Community Council, to the conditions of a feudal charter granted in respect of this land, but that is a separate matter which I understand is already being pursued with Sutherland Estates. Since the principle of development is not in question, the determining issue in this appeal is thus the impact of the proposed new access on the amenity of neighbouring occupiers, having regard to the provisions of the development plan.

5. The access from Station Yard is of long standing and despite some minor improvements in accordance with an earlier planning permission has limited sight lines to the south due to the rise of the A9(T) over the railway. I can thus understand the wish to find an alternative means of access, though clearly it was considered acceptable when the local plan allocation was decided upon. Some residents have expressed concern at the road safety aspects of this proposal, but the Area Roads and Community Services Manager who advises the planning authority on these matters has raised no such objection and given the number of existing accesses from Ferry Road to individual houses in the road, it is difficult to see how the addition of one access would significantly alter the situation, even bearing in mind the use of the road by traffic heading for the golf course or karting events nearby.

6. The new access would be formed through the garden of No 14, and involves the removal of an existing garage and oil storage tank. I noted that some work has already been undertaken in this respect, and a separate permission has been obtained for a fresh access to No 14 on the north side of the plot. The access would run close to the boundary with Roslin, which has windows on the facing elevation, which representations from the occupiers indicate serve two bedrooms and a bathroom. Whilst the privacy of those rooms could be protected by the erection of high screen fencing, it could potentially create an overbearing appearance, and the use of the access would be so close as to cause some disturbance to the neighbouring occupiers.

7. The back gardens of houses in Ferry Road slope down towards the rear, and the main part of the appeal site is currently at a significantly lower level. Any dwelling on the appeal site would need to be built up to a higher level, though the plans do not indicate by how much, and it would also be necessary for any new access to accommodate the changes in level from Ferry Road across the lower garden level to the new dwelling and its parking or garage provision. This would have to take place alongside the boundary with Roslin, and the application contained no information on how this would be achieved. A driveway passing at a higher level would clearly have implications for mutual privacy and amenity, and the application contained no details which would indicate that the applicants were sensitive to these impacts. The introduction of any high screening which might be needed to avoid overlooking would itself reduce the pleasantness of the adjoining garden.

8. Drawing my conclusions together, I consider that an access in the position proposed would not accord with the indication in the local plan that access would be taken from Station Yard, but would be acceptable in highways terms. It would however have the potential to cause a significant loss of privacy and amenity for the occupiers of the immediately adjoining house. No details are included in the application which might avoid those harmful impacts, and in view of the differences in levels and the proximity to the boundary of the access I do not consider that I could impose conditions on a planning permission with confidence that they would achieve the desired effect. In these

circumstances the proposed access could not be considered a preferable alternative to that proposed in the local plan, and would be likely to have harmful effects which merit the refusal of planning permission.

9. While I note the appellants' comments concerning the time taken by the Council to reach their decision, and to what they consider to be the unusual involvement of the Community Council, neither of these is relevant to the planning merits of the proposal and they have not influenced my considerations. I have taken into account all the factors put forward in support of the appeal, but none is sufficient to alter my decision.

This is the version issued to parties 18 December 2007

M J Culshaw
Deputy Chief Reporter

DPEA as issued to parties