

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
4 March 2008

Agenda Item	3.3
Report No	10/08

08/00005/FULSU Erection of a 1½ storey house with services. Extension of existing access at Land To North Of Sunny Brae Balvoolich Durness

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is in detail for a 1½ storey house to the rear of the existing house 'Sunny Brae' on the western side of Durness.

The Recommendation is to Refuse planning permission

Ward Number 1 – North West and Central Sutherland

Applicant – Mr K G Thomson

The application has been advertised as a Departure from policy. No Hearing has been requested.

1. PROPOSAL

1.1 The site is located to the west of the village on the north side of the road to Balnakeil. It is positioned to the north of the existing long established linear settlement pattern along the road, sitting on an exposed and open area of land above the existing houses with very open aspects to the west, north and east. To the north of the site is the coastguard store and radio mast. Access is to be shared with the existing house, 'Sunny Brae'. The proposal is for a 1½ storey house to the rear of Sunny Brae. The proposal is in detail and is for a 5-bedroomed T-shaped house. External finishes are of stained horizontal Douglas Fir cladding to the walls and a grey box profile steel sheet roof. Windows are to be double glazed timber, with timber doors. The house is orientated with the tail of the T to the south and varies in distance from this house by approximately 12m – 21m. Water and sewerage are to connect to Scottish Water infrastructure.

2. PLANNING HISTORY

2.1 Members will note that the site has a considerable planning history which is material to the consideration of the current application, including two refusals and a dismissed appeal:

1) 06/00285/FULSU - Erection of a 1.5 storey house and detached garage with all services. Siting of mobile home for duration of build. The application was refused at the Sutherland County Committee on 2 October 2006. Following this, the applicant submitted an Appeal which was dismissed by the Reporter on 2 April 2007. A copy of the Decision is attached to the rear of this report. The Reporter's Decision noted (para 23) that the proposal was "without any obvious spatial relationship with the existing street pattern...which would be an unacceptable form of backland development". Furthermore, the Reporter noted the proposal as "conflicting prominently with the grain of the local development pattern and as such cannot be regarded as being sensitively or appropriately sited and I agree with the Council's position in that regard". The comments of the Reporter identified here apply equally to the current proposal.

2) 07/00243/FULSU - Erection of 1.5 storey house with services. Temporary siting of mobile home. Refused under delegated powers on 29 October 2007.

3. PUBLIC PARTICIPATION

3.1 The application was advertised as a Departure from the provisions of the development plan, the 21 day period expiring on 8 February 2008. No representations have been received.

4. CONSULTATIONS

4.1 **Durness Community Council** – Members of Durness Community Council have discussed this application and wish to lend their full support to the development.

4.2 Internal Consultees

Area Roads and Community Services Manager – No objections.

Development Plans - The current application (08/00005/FULSU) lies within the Settlement Development Area (SDA) for Durness and therefore Policy 1 applies. The important part of this policy in relation to the application submitted is to assess how compatible it is with the existing pattern of development. Policy 4 also applies because the application site lies within an Area of Great Landscape Value which is a feature of local/regional importance. The purpose of the text and the slightly altered SDA boundary is to offer scope for development whilst respecting the existing pattern and form of development at Durine and its local distinctiveness. Policy 18 on Design Quality and Place also more generally seeks to protect these attributes. However the Deposit Draft of the Sutherland Local Plan which was approved for consultation by the Planning Environment and Development Committee on 26 September 2007 also specifically addresses the potential for development within the SDA in Durine:

"At Durine the SDA has been defined to reflect the staggered building line where some houses are sited further back from the road and traditional outbuildings run perpendicular to the road. This does not promote back land development but

perhaps offers potential for sensitively sited and designed development respectful of the existing form of development.”

Consideration therefore needs to be given as to whether the proposal would read as part of the existing staggered building line, or as an outbuilding, or whether it would constitute back land development. Its siting and alignment almost directly behind Sunny Brae would not be consistent with the staggered building line found at Durine and its form would not reflect the traditional outbuildings of Durine. Reflecting on Policies 1 and 18 the proposal is not considered to be compatible with the historic settlement pattern; and in terms of Policy 4 the proposal must be determined on whether it would have an unreasonable impact on the amenity and heritage resource of the AGLV. Consideration must also be given to whether the proposal meets with Policy 18 in terms of demonstrating local distinctiveness of architecture and design and whether it makes a positive contribution to architectural and visual quality.

4.3 External Consultees

Scottish Water – No comment received.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for Sustainability
- H3 Housing in the Countryside

North West Sutherland Local Plan paragraph (CV6.38) states that “a presumption against development unrelated to the working of the land will apply to the better quality agricultural ground and to land important in terms of amenity and the setting of the village.”

Material to the consideration of the application is the **Deposit Draft Sutherland Local Plan** and Policies 1 (Settlement Development Areas), 4 (Natural, Built and Cultural Heritage) and 18 (Design Quality and Place-Making) in particular.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- SPP1: The Planning System

6. 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
- 6.3 Members will note the long and extensive recent planning history of the site set out at section 2.1. I consider that this recent planning history, including the comments by the Reporter from the Scottish Government's Directorate for Planning and Environmental Appeals and the specific policy advice provided by the Development Plan team are strong material planning considerations in the assessment of the proposal.
- 6.4 The two previous planning applications and the current application all have slightly different site boundaries and positioning of the proposed houses. The first application (06/00285/FULSU) had the proposed house located approximately 75m from the public road and 47m -58m from 'Sunny Brae'. The second application (07/00243/FULSU) had the proposed house much closer to 'Sunny Brae' (approximately 8m- 18m) and 35m from the public road. The current proposal is 12m -21m from 'Sunny Brae' and 39m from the public road.
- 6.5 The Reporter, in assessing the previous application (06/00285/FULSU - see section 2.1), noted that development to the rear of Sunny Brae would not have any obvious spatial relationship with the existing street pattern and would be an unacceptable form of backland development. Furthermore he was of the view that such a development would conflict prominently with the grain of the local development pattern and as such could not be regarded as demonstrating sensitive or appropriate siting.
- 6.6 Structure Plan Policies G2 and H3 require that proposals demonstrate sensitive and appropriate siting and high quality design and materials. In my assessment, the proposal does not demonstrate sensitive siting as it would sit above and to the seaward side of the existing established properties at Balvoolich. As the site lies to the rear of the existing housing, approval would set an unwelcome precedent, with the prospect of further unplanned backland development to the rear of the houses at Balvoolich/Durine which would be difficult to satisfactorily service and provide for appropriate levels of amenity and privacy. Furthermore, the proposal would clearly break from the established scale and location of the existing settlement pattern, with the existing housing being set close to the road, rather than at least 40m from it. I am concerned that the proposed building would sit on a very exposed site with no landform, vegetation or other buildings to ameliorate the weather and exposure, and provide some degree of shelter.

- 6.7 Members should note that the proposal does not accord with the North West Sutherland Local Plan policy for the area. Policy CV6.38 presumes against development unrelated to the working of the land on better quality agricultural ground and to land important in terms of the amenity and the setting of the village. Whilst the Agent has suggested that Applicant is the tenant of the croft and has “a clear agricultural need to be located within its boundaries”, no further evidence or supporting information has been provided.
- 6.8 The Deposit Draft Sutherland Local Plan specifically notes that at Durine the new village Settlement Development Area has been defined to reflect the staggered building line where some houses are sited further back from the road and traditional outbuildings run perpendicular to the road. This does not promote backland development but perhaps offers potential for sensitively sited and designed development respectful of the existing form of development. In my view, the proposal does not demonstrate sensitive siting to meet the requirements of the Deposit Draft Plan. The proposal is not considered to accord with the Deposit Draft Sutherland Local Plan Policy 1 as it is not judged as being compatible with the existing settlement pattern.
- 6.9 Furthermore, it does not meet the requirements of Structure Plan Policies G2 or H3 with respect to sensitive siting in keeping with local character and historic environment, and is not of an appropriate location, scale and design. Also, it is not considered to respect or be consistent with the existing staggered building pattern in the area.
- 6.10 The building is a modern standardised design although it uses slightly less common external finishes. There appears to have been little consideration given by the applicant to the relationship between the proposed building and its exact positioning, scale, design and material finishes, and how these relate to the existing settlement pattern, particularly in respect of their setting. Accordingly, the proposal does not accord with Deposit Draft Sutherland Local Plan Policy 18 as it does not have regard to the historic pattern of development in the locality and does not demonstrate local distinctiveness of architecture and design.
- 6.11 The Agent has claimed that there are particular family care circumstances that would be assisted by a house on the site. Whilst the Planning Authority can empathise with these, they are not matters which I can give any weight to in the consideration of the application.

7. CONCLUSION

- 7.1 The proposal is not considered to accord with the existing Development Plan Policies, or the emerging Deposit Draft Sutherland Local Plan. There are no material issues which have been raised which can be given sufficient weight to overturn the Development Plan Policy in this instance.
- 7.2 Refusal is recommended.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposal does not accord with the North West Sutherland Local Plan Policy CV6.38 which presumes against development unrelated to the working of the land on the better quality agricultural ground and to land important in terms of the amenity and the setting of the village.
2. The proposal does not accord with Structure Plan Policy H3 as it does not take into account locally important croft land.
3. The proposal does not accord with Structure Plan Policy G2 Design for Sustainability, or Policy H3 Housing in the Countryside, as it does not demonstrate sensitive and appropriate siting and high quality design and materials in keeping with local character, and furthermore would have a significantly detrimental impact on both individual and community residential amenity by means of its siting and design.
4. The proposal does not accord with the Deposit Draft Sutherland Local Plan Policy 1, as it is not considered to be compatible with the existing settlement pattern.
5. The proposal does not accord with the Deposit Draft Sutherland Local Plan Policy 18, as it does not have regard to the historic pattern of development in the locality and does not demonstrate local distinctiveness of architecture and design.
6. Approval of the proposal would set a dangerous precedent making it difficult to refuse similar departures from approved policy and contrary to the interest of road safety.

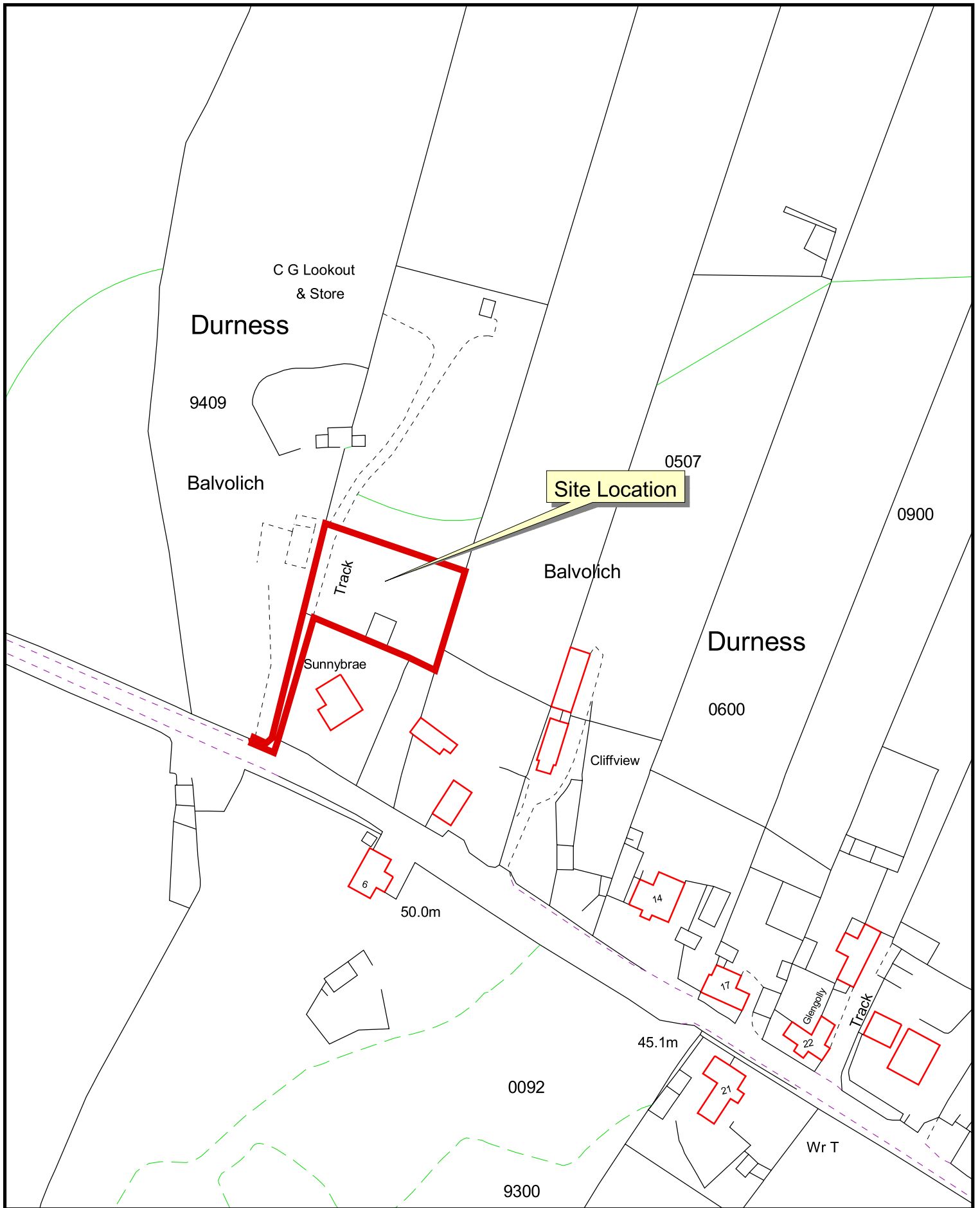
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01862 812044

Background Papers: As referred to in the report above and case file reference number 08/00005/FULSU

Date: 19 February 2008



08/00005/FULSU
 Erection of a 1.5 storey house with services. Extension of existing access at Land to North of Sunny Brae, Balvolich, Durness.

Mr K G Thomson
 per Keppie Planning Ltd
 160 West Regent Street
 Glasgow
 Mr G MacCallum

Date: 19 February 2008

SUPPLIED BY THE HIGHLAND COUNCIL

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409

Balvolich

Bal

Track

Sunnybrae

CURRENT SETTLEMENT BOUNDARY

DEPOSIT DRAFT SETTLEMENT BOUNDARY - OCTOBER 2007

0 50 Meters



08/00005/FULSU

SUPPLIED BY THE HIGHLAND COUNCIL

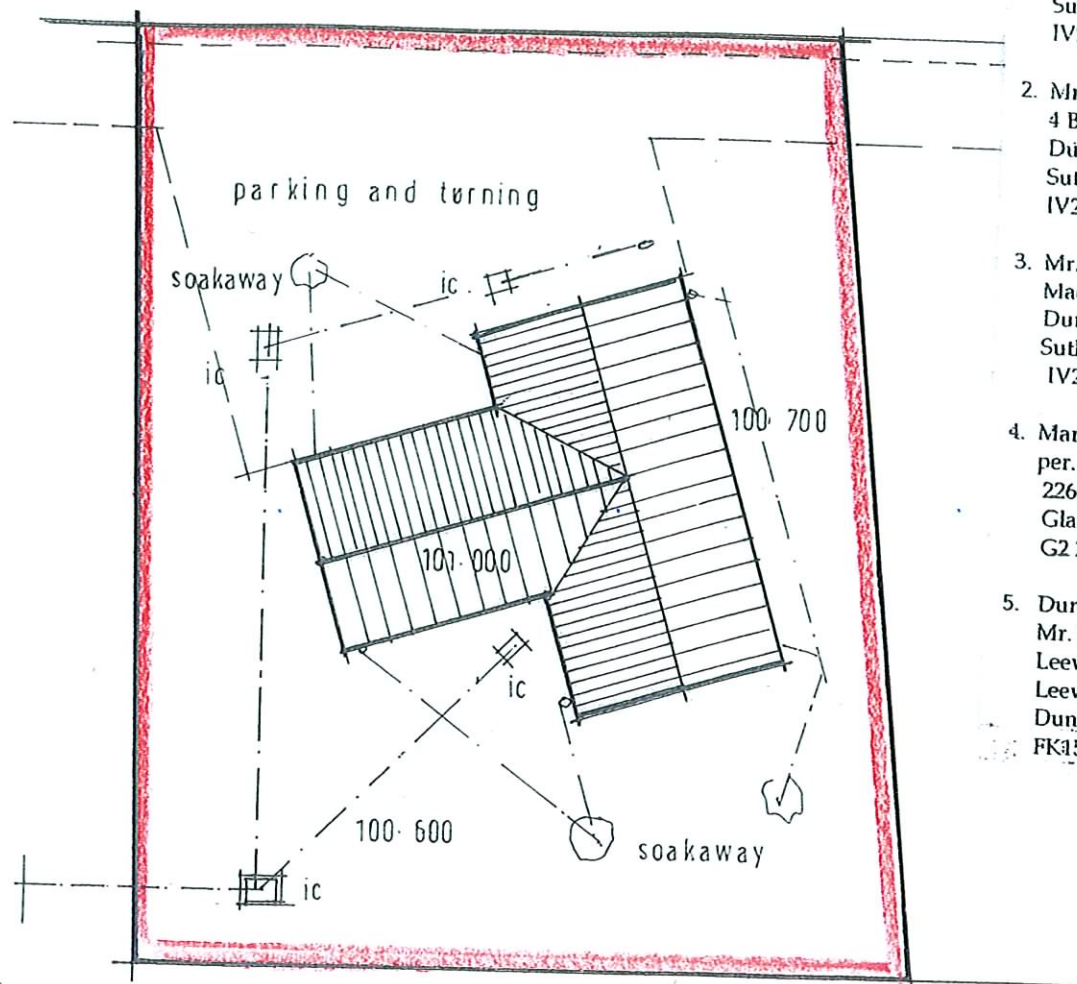


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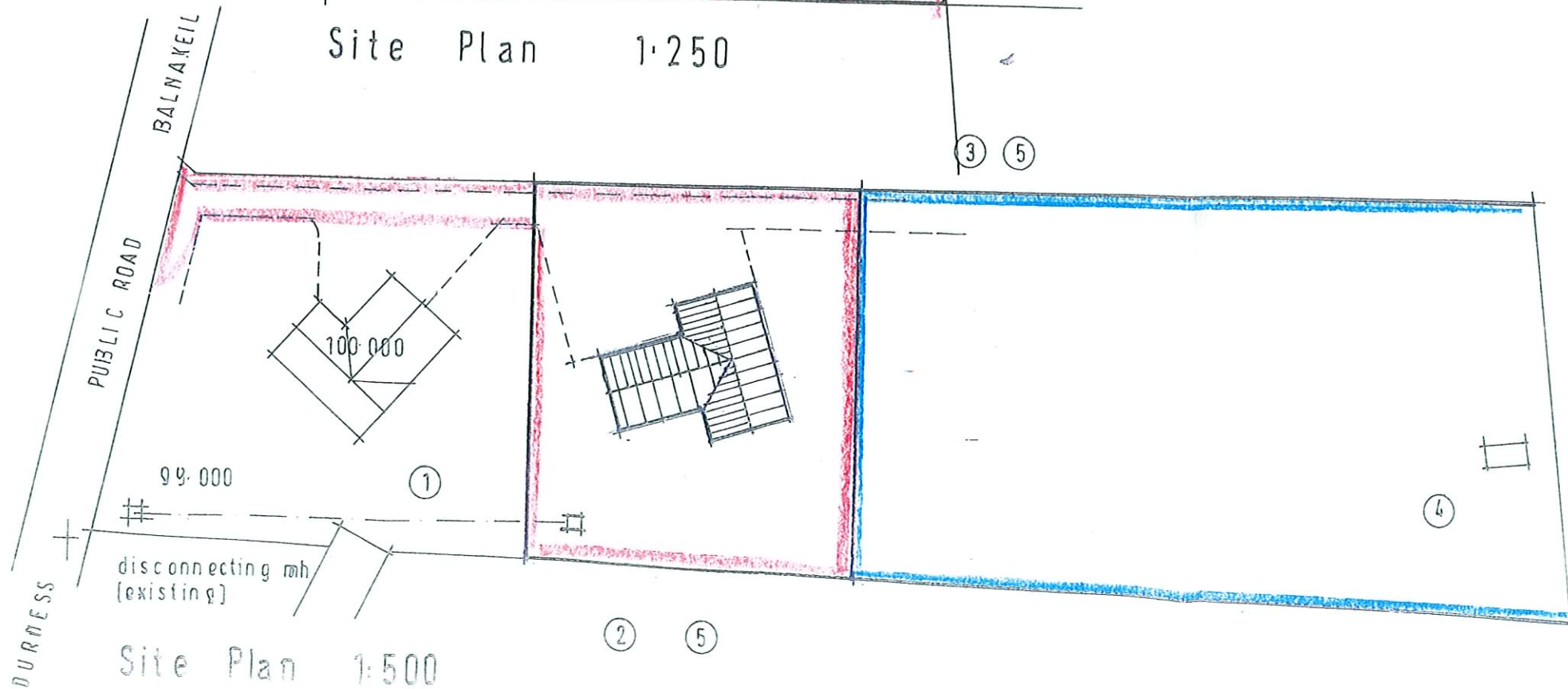
Neighbouring Property

1. Mr. & Mrs. J. M. Mackay
Sunnybrae
5 Balvoolich
Durness
Sutherland
IV27 4PW
2. Mr. W. J. Munro
4 Balvoolich
Durness
Sutherland
IV27 4PW
3. Mr. & Mrs. R. Mackay
Mackay's Hotel
Durness
Sutherland
IV27 4PN
4. Maritime & Coastguard Agency
per. James Barr
226 West George Street
Glasgow
G2 2LN
5. Durness Estate per
Mr. I. Wilson
Leewood House
Leewood Road
Dunblane
FK15 0DR

Proposed detached house with all services at
Plot adjoining "Sunnybrae, 5 Balvoolich, Durness. IV27 4PW for
Mr. & Mrs. K. G. Thomson
Scales. 1:250. 1:500 1:2500



Site Plan 1:250



Site Plan 1:500

Access from Existing Road

Lay 10/12mm dia. gravel spread over sprayed layer of cold bituminous emulsion and rolled.
Lay 6/10mm. dia. gravel spread over sprayed layer of cold bituminous emulsion and rolled.
Road to be provided with fall to verges with drain to topside as necessary.

Fencing

Renew existing boundary fencing and new fences to sites with 5 strand stock fencing.

Access Road [applicant's parents house - wayleave to be obtained]

Surface strip access road & remove all vegetable matter and leave ready for hardcore.

Compact subgrade as necessary and ensure a maximum fall of 1:16 to access road

Upfill area of road in 100mm. clean hardcore well wetted and rolled.

Lay 75mm thick graded well consolidated hoggin well wetted and rolled

Top layer of compacted quarry dust, well wetted and rolled

Form new roadside ditch as necessary and direct to existing watercourse

Foul Water Drainage.

Lay 100mm. upvc drain at a fall of 1:40 to existing disconnecting manhole at boundary of Sunnybrae and connect up.

Surface Water Drainage.

Lay a 100mm "Wavencoil" wrapped in "Terram" drainage mat with gravel/stone to top between rainwater gullies & soakaways [1 cubic metre] Soakaways to be 5 metres minimum from boundary

Water Supply and Services.

Excavate for new water, telephone and electricity supplies to be taken below ground from adjoining road and fields in applicants or parent ownership.

Exact depth and direction of tracks to be agreed with service providers.

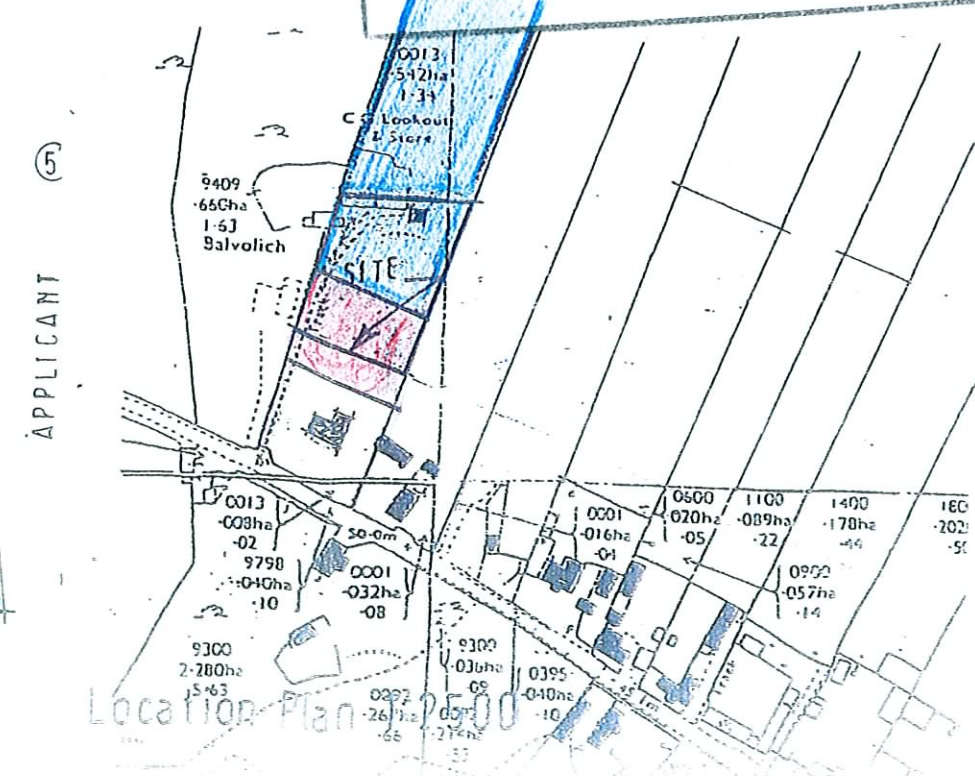
Amenity Planting.

Fence and plant area of ground with native trees and bushes under sown with grass.

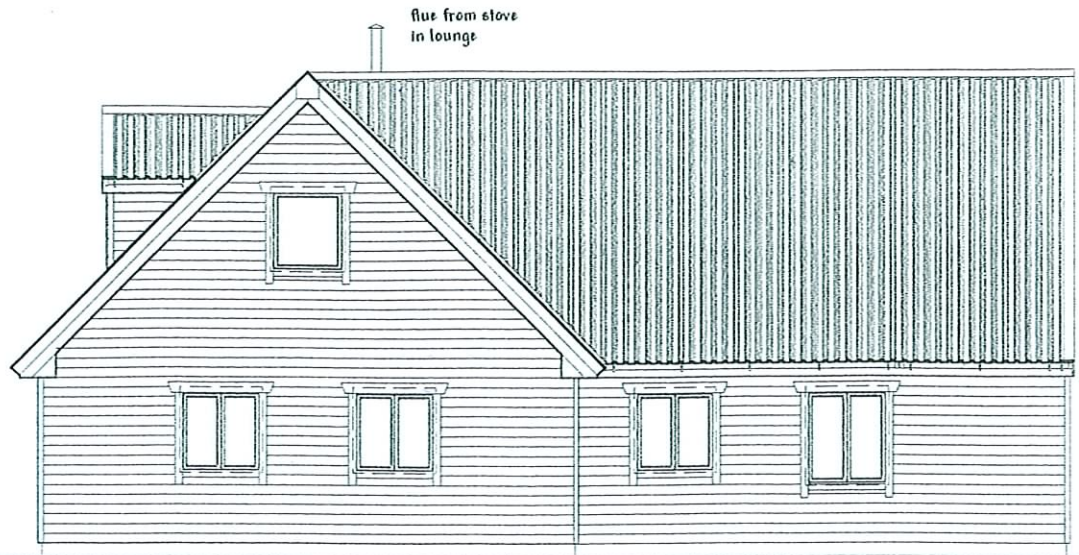
Reduce as necessary the existing high points to provide a level site, grade any banking and form embankment to lower level

Allow a maximum of 500mm of dead wall to be visible.

PLAN 1 OF 4 OF APPLICATION REFERENCE
08/00005/FULSU
RECEIVED 07/01/08



Location Plan 1:2500

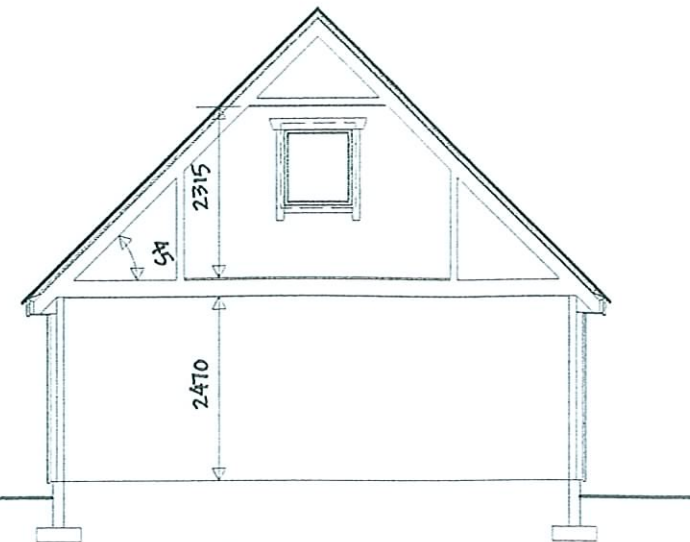


Box profile steel roof sheeting with matching ridge and barge boards

High capacity pvc rainwater gutters and downpipes

Stained timber cladding

South west elevation



Typical cross section



"Velux" rooflights

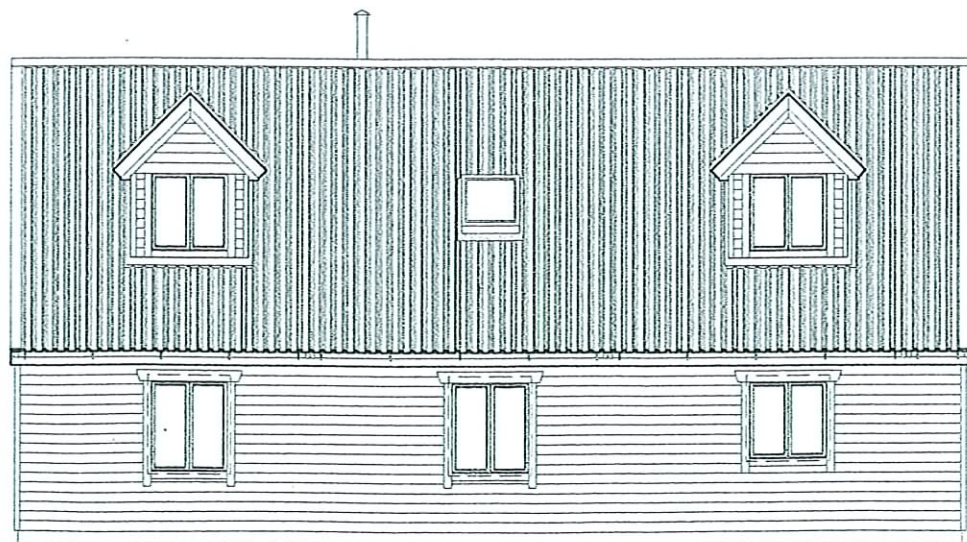
high performance timber windows

Double glazed stained timber entrance doors

North east elevation



South east elevation



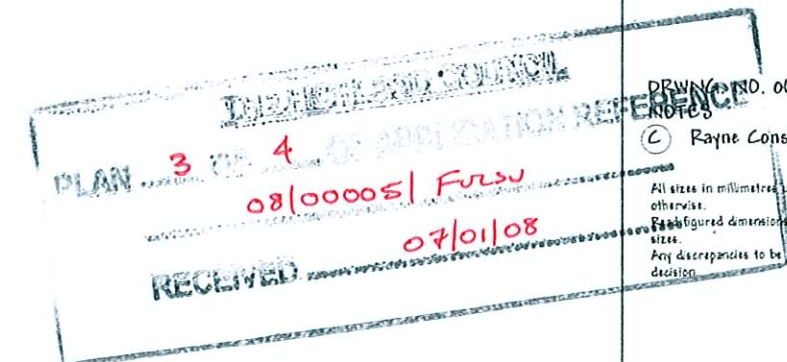
North west elevation



AMNDS.

PROJECT

Proposed dwelling house for Kenneth Thomson



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All sizes in millimetres unless stated or shown otherwise.
 All figured dimensions in preference to scaled sizes.
 Any discrepancies to be referred to client for a decision.

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 Tel: 01464 851518
 Fax: 01464 851555

date 20th June 2006
 scale 1:100

