

Appeal Decision Notice

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



Decision by Clive Christopherson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/546
- Site address: land to the north of Traquair, Sinclair Lane, Halkirk
- Appeal by Caithness Homes against the decision by The Highland Council
- Application, in part retrospective, for planning permission (council reference: 07/00630/FULCA) dated 3 December 2007 refused by notice dated 5 February 2008
- The development proposed is the erection of two semi-detached houses, formation of vehicular access and the installation of oil tanks
- Application drawings: location plan, site plan M731/site/A, elevations (dwg. no 23201502 Rev 1A), section (dwg. no 23201503 Rev 1A), floor plan (dwg. no 23201501 Rev 1E)
- Date of hearing and site visit: 9 September 2008

Date of appeal decision: 17 November 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are whether the proposal accords with the relevant provisions of the development plan, in particular policy G2-Design for Sustainability of the Highland Structure Plan (2001) and Chapter 7 – Halkirk Framework Plan, Halkirk Development Guidelines and Standards for residential development of the Caithness Local Plan (2002) and, notwithstanding, whether any material considerations indicate that permission should be granted or not. Material considerations include the planning history of the site, Scottish Planning Policy 3: Planning for Homes (Revised 2008) (SPP3) and the arguments advanced in favour of the proposal by the appellants.

2. The appeal site is identified (in combination with adjoining land to the west) as being suitable for a single house in the Halkirk Framework Plan. Notwithstanding a house, Craiglea, has recently been erected on the aforementioned adjoining land the council has also granted outline planning permission for a single house on the appeal site. I find, as a consequence, that the acceptability in principle of residential development on the appeal site is established and that the focus of the determining issues therefore lies with the detail of the appeal proposal.



3. The houses situated along Sinclair Lane vary in age, appearance, and building line. Overall I find they enjoy relatively generous plots, in particular I noted little evidence of any property unduly imposing upon another. In this context I consider the length of the appeal building together with its proximity to the southern site boundary make an unfortunate combination. The curtilage of Traquair, the neighbouring house to the south, shares both a boundary with the appeal site and also with Craiglea. The latter is several metres shorter than the appeal building and is set further back from its southern boundary. Nevertheless, I find a consequence of this newly erected house is that the proposed building - in large part constructed at the time of my site inspection, - would occupy much of the remaining land along the northern boundary to Traquair, thereby adversely affecting its amenity and also introducing a noticeable change to the character of this part of Sinclair Lane.

4. I find the overly dominant presence of the proposal on Traquair would not be ameliorated by completion of the partly constructed building. Nor do I view there being any reasonable prospect that the combined effect of the appeal building's scale, extensive fenestration along its southern elevation, and nearness to the boundary would be satisfactorily mitigated by screening. An effective screen along the boundary would require a height which in itself would have an adverse visual impact for the occupants of Traquair. It would also largely remove the amenity value of the only private, south facing areas of garden ground available to the future residents of the two proposed houses.

5. I conclude from the findings in the preceding two paragraphs that the proposed development is in breach of policy G2 which seeks to avoid development which has a significantly detrimental impact on residential amenity (seventh criterion), or exhibits a lack of sensitive siting and accord with local character (tenth criterion).

6. With respect to the local plan, the Halkirk development guidelines seek to ensure new development makes a sympathetic contribution to existing character by compliance with a number of spatial standards and other design criteria. In this regard I find firstly, that the proposed building has a deeper floor plan, lower roof pitch and would have different roofing material from what is sought in the guidelines; secondly, the development would be in excess, albeit to a small extent, of the maximum plot ratio set out in the guidelines (in this regard, I do not accept that, for purposes of calculation, the access road serving the site can reasonably form a part of the plots); thirdly, that the houses would have smaller gardens than the standards expect for dwellings of their size; and, finally, that the building would be positioned significantly closer to the rear (southern) boundary than would reasonably be anticipated from the guidelines. I have considered in this latter regard the arguments made in the submissions that the development accorded with the guidance on building lines by virtue of the front elevation facing southwards. However, I find it is apparent that the front boundary of the site lies to the north of the building, from which direction public access would be taken, not the south which backs onto other property, has no access and would be essentially a private area. I additionally note, in support of my finding, that the guideline also associates the front boundary with lanes and public footpaths.

7. I turn now to material considerations. During my site visit, I noted that a considerable number of new houses have been erected in Halkirk in recent years. These are predominantly single storey and I find that in respect of materials, elevations and roof pitches they did not in the main depart greatly from the proposed houses. I consequently conclude refusal of permission would not be justified in terms of the proposal's failure to accord with this aspect of the local plan.

8. Almost without exception the new houses I noted were detached properties involving smaller buildings than the one proposed in this case. The only semi-detached houses brought to my attention were in Church Court but I view these of sufficient difference in scale (being much smaller dwellings) and layout to have little bearing on my determination of this case.

9. I find the proposal does not accord with paragraph 67 of SPP3, which requires of infill developments that they respect the scale, form and density of the surroundings, enhance the character and amenity of the community and avoid over-development.

10. I have taken account of all other matters raised in the submissions before and during the hearing but none carry sufficient weight to override my conclusions that the proposal is not in accordance with the relevant provisions of the development plan and that planning permission should be refused.

This is the version issued to parties on 17 November 2008

Clive Christopherson
Reporter