

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 15 March 2011**

|             |                   |
|-------------|-------------------|
| Agenda Item | <b>4.3</b>        |
| Report No   | <b>PLC/007/11</b> |

10/04814/FUL : Mr Scott Harland  
Land 45m east of 'South View', Portskerra, Melvich

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

**SUMMARY**

**Description :** Erection of house with associated garage and access road

**Recommendation - REFUSE**

**Ward :** 01 - North, West And Central Sutherland

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee :** Delegated refusal to Members referred to Committee for determination as per scheme of delegation.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for a single house and detached garage to the north-east of Portskerra.
- 1.2 Initial site inspection and informal pre-application advice given following a site meeting on 20 September 2010 with the applicant. This noted that the houses along this immediate stretch of road are single storey traditional buildings (albeit with various extensions and alterations). These houses have been there for many years and have a long established amenity by virtue of the open ground around them and the outlook to the sea. The houses on the seaward side of the road are mainly orientated with their gables facing east/north-east towards the sea and their main 'front' elevations facing south. The land patterns are similar with a general flow of long narrow fields running to the north-east.

Accordingly, Members will note that there is a clear and long established pattern of housing development on the low road.

The planning policy was set out, noting that proposals within the Settlement Development Area (SDA) are favoured, proposals outside are less favoured. It was also stated that part of the proposed site is within the SDA (and part is not).

The majority of houses in the village are set close to or on the roadside, with few instances of housing where there are two houses side by side towards the sea.

Whilst it was indicated that the design would generally be acceptable within the village, the specific site here, characterised by surrounding single storey houses, would caution the Planning Authority against a favourable view for a design as then proposed on the site due to concerns over the size, orientation and placing of windows and its potential for having a significantly detrimental impact on the character, amenity and outlook enjoyed from the existing adjacent houses.

The Planning Authority suggested that the applicant examine alternative sites, or a single storey design for the site more in keeping with the scale of the existing nearby houses.

- 1.3 There is no existing infrastructure on the site.
- 1.4 Supporting / Design Statement submitted with application. A further statement was received on 3 March.
- 1.5 No variations have been made to the application since submission.

## **2. SITE DESCRIPTION**

- 2.1 The site is located in Portskerra village on the loop road below the village. The site slopes generally from south-west to north-east towards Melvich Bay, and is currently used for rough grazing.

## **3. PLANNING HISTORY**

- 3.1 No previous planning history for the site.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Neighbour Notification.

Representation deadline : 11.01.2011

Timeous representations : 1

Late representations : None

- 4.2 Material considerations raised are summarised as follows:

- originally submitted plans were inaccurate (now corrected);
- proposed house will block much of the outlook from 'Four Winds' to the east towards the Bay and cliffs;
- existing house overlooks proposed house.

- 4.3 All letters of representation can be viewed online at [www.highland.gov.uk](http://www.highland.gov.uk), at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

## **5. CONSULTATIONS**

- 5.1 **TEC Services:** No objections, subject to a combined surfaced bellmouth and service bay with a 90m visibility splay being provided. Access is to be taken from a new access to the north of 'Four Winds' in order to meet the technical standards. The existing croft access to the south of 'South View' is maintained.
- 5.2 **Scottish Water :** No objections.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Structure Plan 2001**

- G2                      Design for Sustainability
- H3                      Housing in the Countryside

### **6.2 Sutherland Local Plan**

- 1                        Settlement Development Areas
- 3                        Wider Countryside
- 6                        Designing for Sustainability

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

#### **Highland Wide Local Development Plan – Proposed Plan (September 2010) – Policies**

- 29 Sustainable Design
- 30 Design Quality and Place Making
- 35 Settlement Development Areas
- 36 Housing in the Countryside
- 37 Wider Countryside (Interim Supplementary Guidance)
- 49 New/Extended Crofting Townships
- 66 Waste Water Treatment
- 67 Surface Water Drainage

### **7.2 Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside

### 7.3 **Scottish Government Planning Policy and Guidance**

SPP

## **8. PLANNING APPRAISAL**

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

Members will note that the Highland Wide Local Development Plan (HWLDP) – Proposed Plan (September 2010) is material to the consideration of the application and in particular those policies set out at 7.1 above.

The four bedroom house would have a large footprint at 19.1m x 8.6m (at its widest) with a variable 1.5-1.75 storey form with a slate roof and an ivory wet dash render. A detached double garage (7.9m x 6.4m) to the south-west of the house is also proposed.

The design of the house and garage are, when assessed on paper and in their own isolated context, acceptable.

8.4 The building is around 24m due east of 'Four Winds' and 30m north-east of 'South View', the two closest existing houses. The orientation of these existing (and the proposed) houses is gable towards Melvich Bay. Whilst 'South View' does not have windows directly facing the bay, there is a small glass porch at 'Four Winds' facing it. Notwithstanding this, these existing houses do have an acute view of the bay from within; and from their garden areas, the proposed house will have a significant visual impact on their current outlook to the east. The other house to the west side of the road in the existing cluster, 'Windy Knowe', faces directly towards the proposed house site through the gap between 'South View' and 'Four Winds'.

8.5 The context of the proposed buildings and their relationship to the existing buildings is not assessed to be appropriate in terms of their massing, scale and orientation. It is considered that they will have an undue impact on the existing individual and community residential amenity of the immediate area, and will therefore not accord with Structure Plan policy G2, or policies 29, 30, 35, 37 and 49 of the HWLDP. Furthermore, they are not compatible with or reflect the existing pattern of development, which generally is of single houses in a linear pattern close to the road, and as such do not accord with the Sutherland Local Plan policies 1 or 3, or policies 29, 30, 35, 37 and 49 of the HWLDP.

8.6 Pre-application advice indicated that due to the SDA of the village (the site straddles this) and the size and (potential) orientation of the proposed house, the development of the site would not be straightforward and that alternatives should be considered to the proposed site and design.

- 8.7 Therefore, it could be argued that the proposal is a Departure from the recently adopted (2010) Local Plan for the village due to the straddling of the SDA, with the main part of the development (the proposed house) lying outside of it to the north-east. Furthermore, it does not accord with policies 35 or 37 of the HWLDP.
- 8.8 Members will note that the SDA at Portskerra is drawn generously around the community offering various opportunity sites for development. There is land immediately available to the north and north-west of 'Four Winds' which is allocated for housing within the SDA. Access to these potential sites would be shorter than that proposed. In my assessment, a house site in these alternative locations would have a lesser impact on individual and community residential amenity and would therefore accord with Development Plan policy.
- 8.9 **TEC Services** have no objections to the proposed access, subject to a combined surfaced bellmouth and service bay with a 90m visibility splay being provided. Access is proposed from a new point to the north of 'Four Winds' in order to meet the technical standards. The existing croft access to the south of 'South View' is maintained.
- 8.10 **Applicant's Supporting Information** – This outlines the reasons for the application. The applicant has highlighted the following:
- The croft was assigned to the applicant and is currently a 'bare land croft'. It is contended that whilst there may be other housing sites available in the village, the application site is the only land available to the applicant on which building a new house is financially viable. Crofters House Grant Scheme is only available to houses of at least four bedrooms. Developments of a similar scale have been erected in the village in the last year.
  - The nearby houses 'South View' and 'Four Wind' would historically have been associated with the croft (crofts 123 & 124) but have been decrofted and are in private ownership.
  - The pattern of development in Portskerra is characteristically long narrow parks and as such there is no opportunity for the required new croft house to be in a linear formation with the road given the locations of 'Four Winds' and 'South View'.
  - Within Portkserra, there are instances of buildings being set varying distances back from the road. These instances create a non-uniform building distance line from the road.
  - The development does straddle the village Settlement Development Area boundary line. However this was a considered decision on which to minimise the impact on the amenity of the neighbouring houses.
  - The Wider Countryside policy states that development may be supported where it helps to maintain and strengthen local population and services, particularly within communities currently experiencing difficulty (fragile areas). The proposal would bring a young family to Portskerra helping to

maintain and develop the community and creating a rural crofting business.

Members will note that no detailed supporting statement from an independent third party, such as the Scottish Executive Environment Directorate, has been received in relation to the agricultural need for a house on the 'bare land croft'. All that has been provided is an assertion from the applicant that a house is required on this specific site and that it would be used to work the croft from. It could be contended that there are many other sites within the village on which a house could be built without impacting on the characteristic pattern of development in the village, or the amenity of neighbouring properties. The croft could be worked from these alternative sites.

The proposed design is generally appropriate within the village context (as para 1.2) but the actual site and siting of the proposed house is not considered to be acceptable.

8.11 **Representations** relate to the following matters:

- Original submitted plans were inaccurate – The site plan has been adjusted by the applicant to amend the footprint of 'Four Winds'.
- Proposed house will block much of the outlook from 'Four Winds' to the east towards the Bay and cliffs – There is no right to a view. However, there is a wider issue of the impact on individual and community residential amenity, and changing the long-established pattern of built development, which is generally characterised by individual houses adjacent to the road with unbroken agricultural rigs.
- Proposed house will be overlooked by 'Four Winds' – It is considered that there will be a degree of overlooking. However, the separation of around 24m between 'Four Winds' and the proposed house is considered sufficient such as not to have a significant overlooking impact.

8.12 **Matters to be secured by Section 75 Agreement**

None

**9. CONCLUSION**

- 9.1 In my assessment, the proposed site is not appropriate for a house of the size, massing and orientation of that detailed. Whilst the design is generally considered to be acceptable for a single house plot in a rural location, or on the edge of a village as is the case here, I do not consider that it is acceptable in this particular location due to the existing and long-established specific site characteristics, settlement pattern and amenity. There is a significant amount of allocated land within the Portskerra SDA which could be developed by the applicant for a single house site which would not have an undue impact on the long-established pattern of development, or on the individual or community residential amenity of the area. In my consideration, the proposal is not acceptable and refusal is recommended.

## 10. RECOMMENDATION

### Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland n

Conclusion of Section 75 Agreement n

Revocation of previous permission n

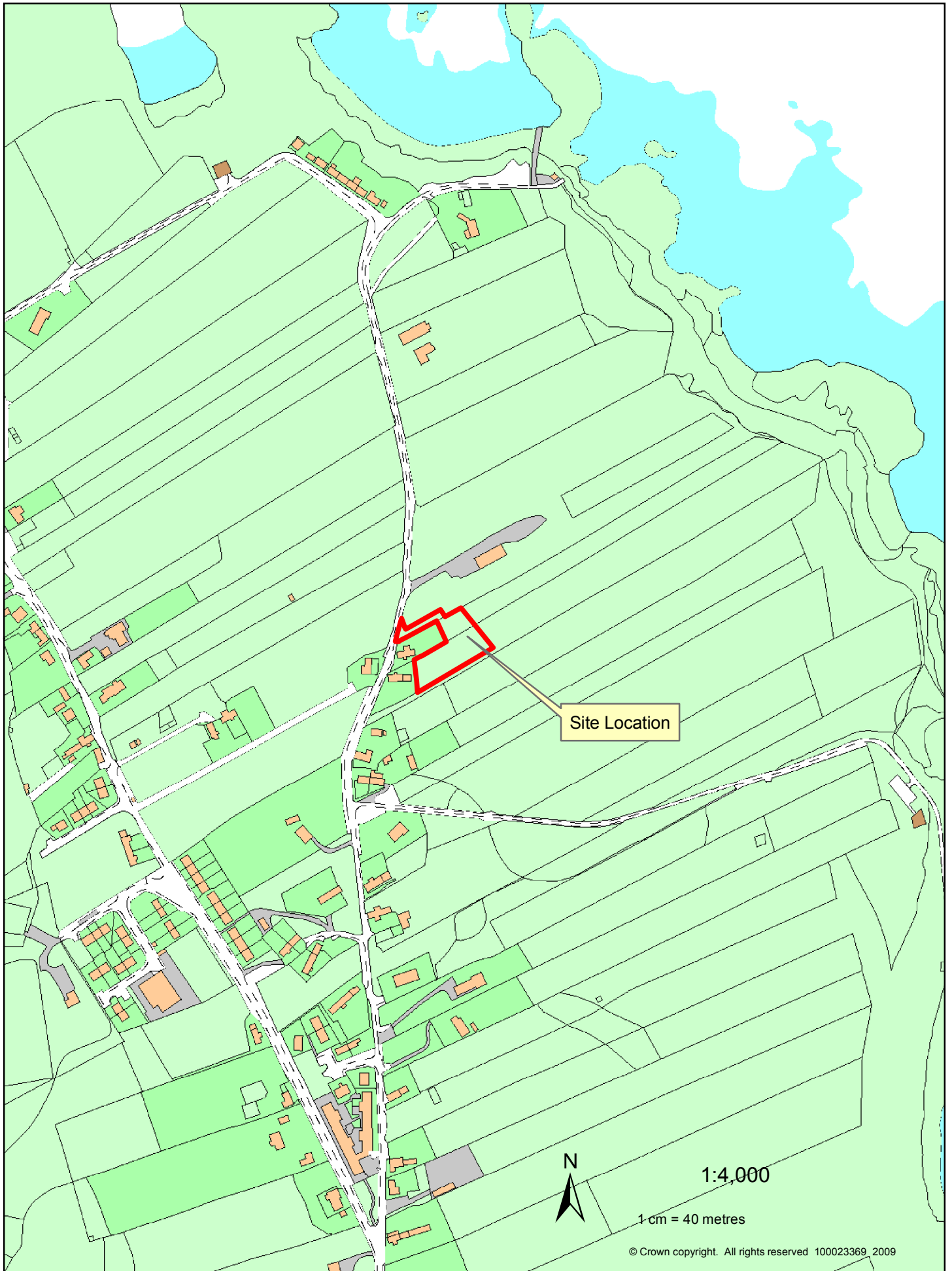
**Subject to the above**, it is recommended the application be **Refused** for the following reasons:

1. The context of the proposed buildings and their relationship to the existing houses is not assessed to be appropriate in terms of their massing, scale and orientation. It is considered that they will have an undue impact on the existing individual and community residential amenity of the immediate area, and will therefore not accord with Highland Structure Plan policy G2.
2. The proposal is not compatible with or reflects the existing form of development, which generally is of single houses in a linear pattern close to the road, and therefore does not accord with Sutherland Local Plan policies 1 or 3.
3. The proposal is a Departure from the Sutherland Local Plan (2010) for the village due to the house site straddling the Settlement Development Area, with the main part of the development (the proposed house) lying outside of it to the north-east.
4. The proposal is a Departure from the Highland Wide Local Development Plan policies 29, 30, 35, 37 (Wider Countryside (Interim Supplementary Guidance)) and 49 due to its impact on existing and individual community residential amenity, the existing form and pattern of development; and the landscape character and the setting of the Settlement Development Area.
5. Approval of the proposal would set an undesirable precedent making it difficult to refuse similar applications in the future.

Signature: Allan J Todd  
Designation: Area Planning & Building Standards Manager  
Caithness, Sutherland and Easter Ross  
Author: Bob Robertson  
Background Papers: Documents referred to in report and in case file.

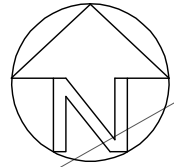
Relevant Plans: Plan 0001 – Location Plan  
Plan 00010 – Floor Plan  
Plan 00011 – Floor Plan  
Plan 00013 – Sections  
Plan 00014 – Sections  
Plan 00050 – Floor plan  
Plan 51 – Elevations (revised)  
Elevation Plan (revised)  
Site Plan (revised)  
Design Statement



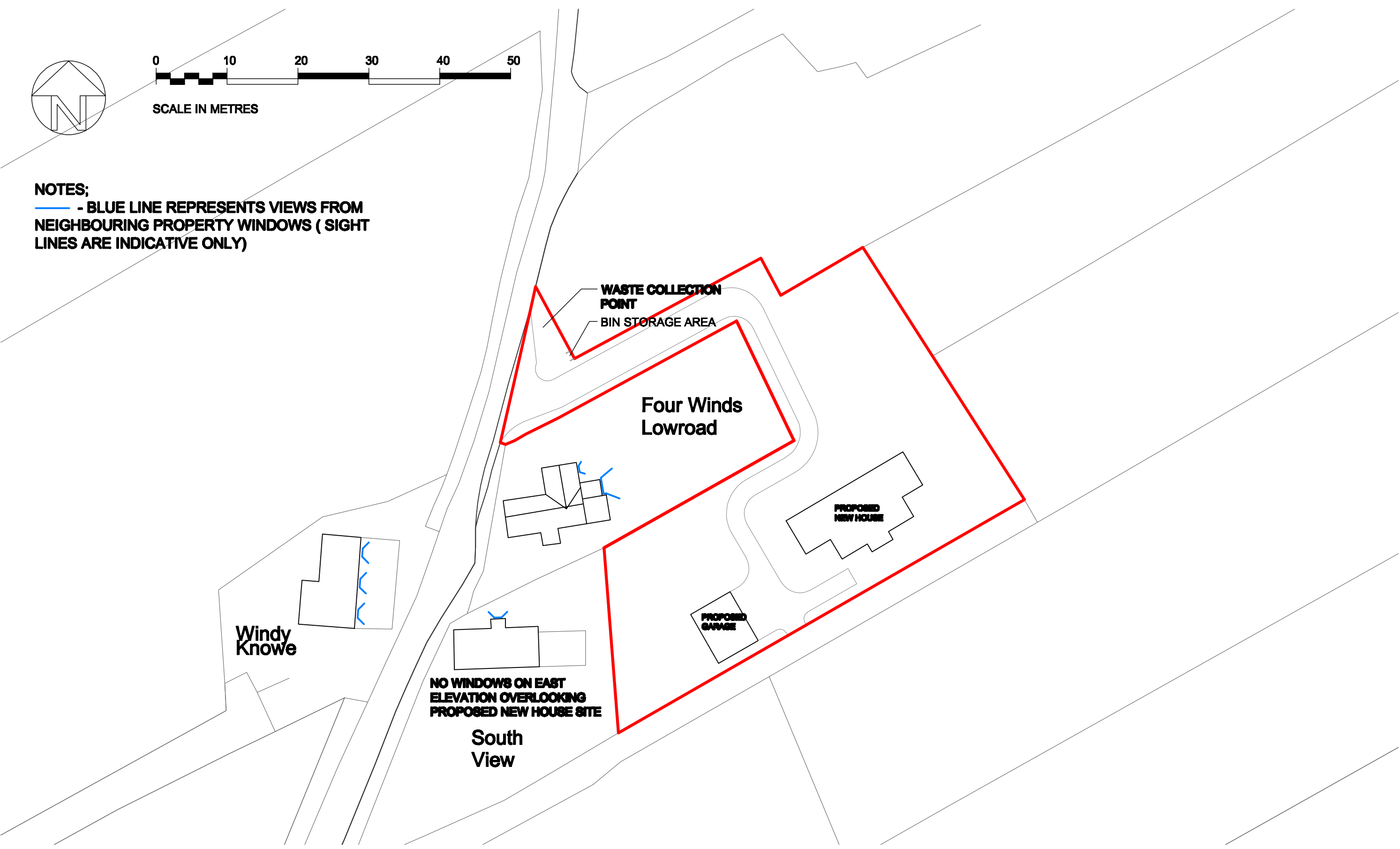


10/04814/FUL  
Erection of house with associated garage and access road at  
Land 45m East of South View, Portskerra, Melvich.

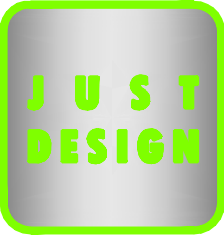
Mr Scott Harland  
8 Pentland Crescent  
Thurso  
KW14 8BL



**NOTES;**  
 — BLUE LINE REPRESENTS VIEWS FROM  
 NEIGHBOURING PROPERTY WINDOWS ( SIGHT  
 LINES ARE INDICATIVE ONLY)



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| <p><b>NOTES</b></p> <p>ALL DRAWINGS ARE SUBJECT TO FURTHER SITE INSPECTION</p> <p>DO NOT SCALE FROM THE DRAWINGS</p> <p>FURNITURE LAYOUT IS INDICATIVE ONLY</p> | <p><b>REVISIONS</b></p> <p>REV. 2, AM - 16.01.11; 'Four Winds' extension amended and note removed</p> |
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| Project Name and Address      |  |
| 123-124 Portkerra, Sutherland |  |
| Drawing SITE PLAN             |  |

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| Job No   | REF   | Revision |
| 1404     | SK    | 2        |
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| AM       | 00002 |          |
| Date     |       |          |
| 14.11.10 |       |          |
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| 1:500    |       |          |



FRONT ELEVATION



END ELEVATION



REAR ELEVATION

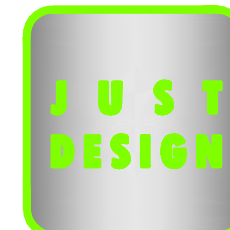


END ELEVATION

**NOTES;**  
**ROOF - SLATE**  
**WALLS - IVORY WET DASH RENDER**  
**WINDOWS and DOORS - WHITE UPVC (GREY SMOOTH**  
**RENDER SURROUNDS WHERE INDICATED ON**  
**ELEVATIONS)**

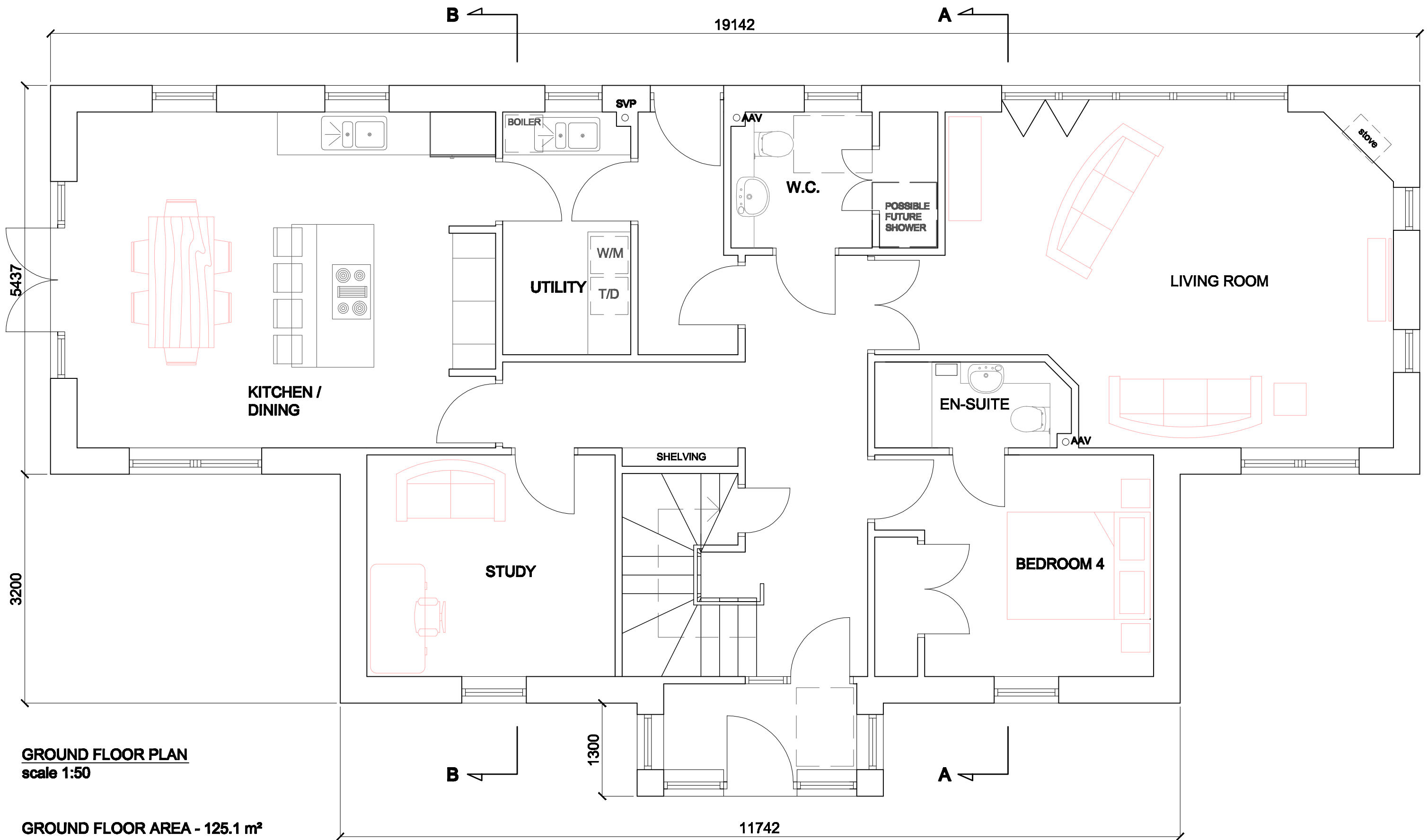


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| <p>Project Name and Address</p> <p><b>123-124 Portkerra,<br/>Sutherland</b></p> <p>Drawing</p> <p><b>ELEVATIONS</b></p> |
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| <p>Job No</p> <p><b>1404</b></p> <p>Drawn</p> <p><b>AM</b></p> <p>Date</p> <p><b>26.10.10</b></p> <p>Scale</p> <p><b>1 : 50</b></p> | <p>RFP</p> <p><b>SK</b></p> <p>Revision</p> <p><b>a</b></p> <p>Sheet</p> <p><b>00012</b></p> |
|---|--|



**GROUND FLOOR PLAN**  
scale 1:50

**GROUND FLOOR AREA - 125.1 m<sup>2</sup>**  
**FIRST FLOOR AREA - 75.9 m<sup>2</sup>**  
**GROSS INTERNAL FLOOR AREA - 201 m<sup>2</sup>**

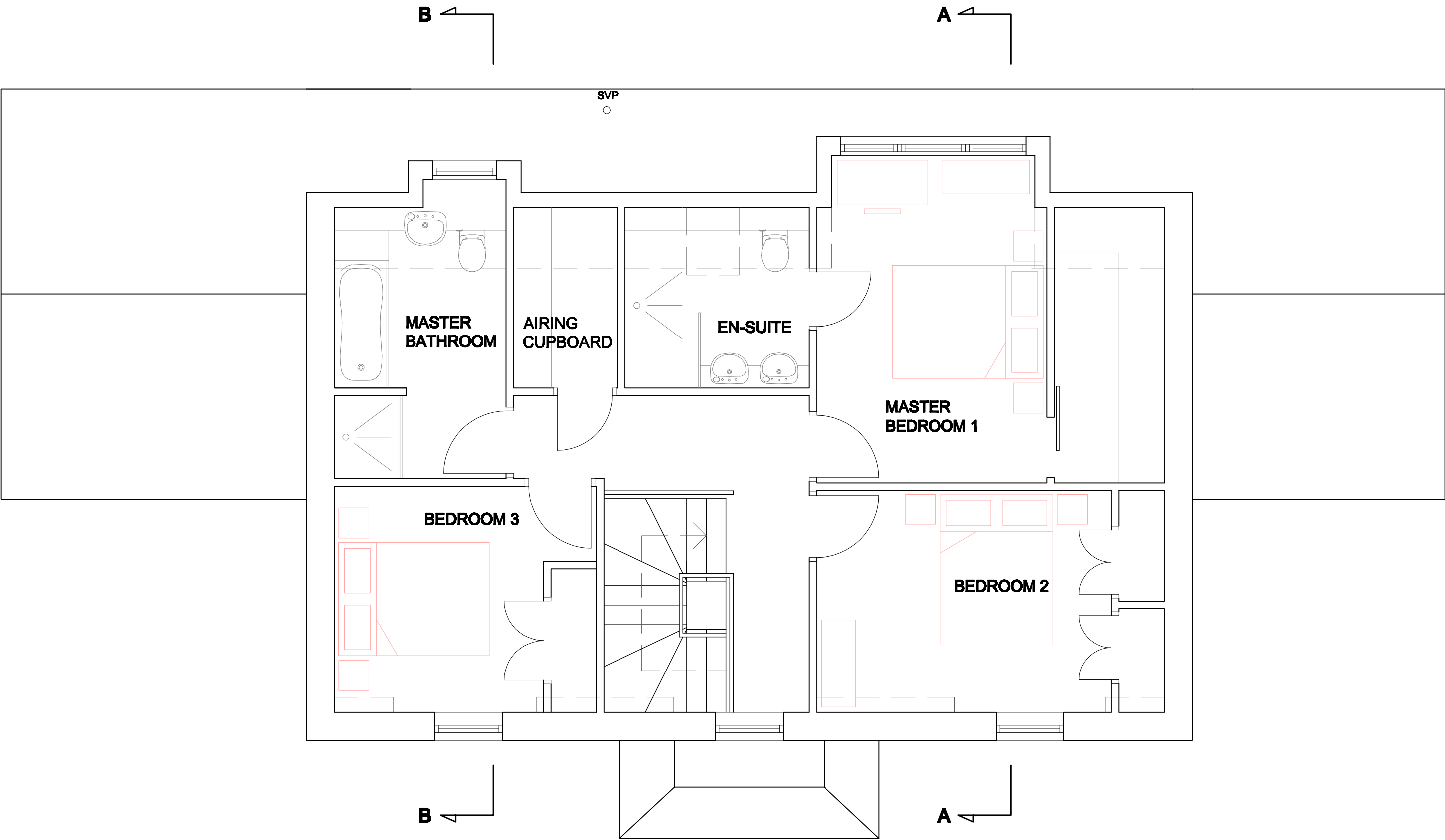


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| <p>Project Name and Address</p> <p><b>123-124 Portkerra, Sutherland</b></p> |  |
| <p>Drawing</p> <p><b>GROUND FLOOR PLAN</b></p>                              |  |

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| <p>Job No</p> <p><b>1404</b></p>   | <p>RFP</p> <p><b>SK</b></p>      | <p>Revision</p> |
| <p>Drawn</p> <p><b>AM</b></p>      | <p>Sheet</p> <p><b>00010</b></p> |                 |
| <p>Date</p> <p><b>26.10.10</b></p> |                                  |                 |
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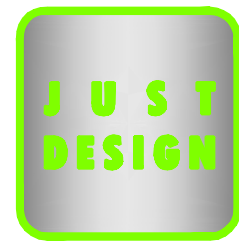
**FIRST FLOOR PLAN**

scale 1:50



rev. a - 14.11.10 - en-suite changed to a shower. Stair landing created.

| NOTES   | REVISIONS |
|---|-----------|
| <p>ALL DRAWINGS ARE SUBJECT TO FURTHER SITE INSPECTION</p> <p>DO NOT SCALE FROM THE DRAWINGS</p> <p>FURNITURE LAYOUT IS INDICATIVE ONLY</p> |           |



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| Project Name and Address      |  |
| 123-124 Portkerra, Sutherland |  |
| Drawing FIRST FLOOR PLAN      |  |

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| Job No   | RFP   | Revision |
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| AM       | 00011 |          |
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