

Appeal Decision Notice

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Decision by Douglas G Hope, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2042
- Site address: Land to north of Balintore Hotel, East Street, Balintore, Ross-shire, IV20 1UA
- Appeal by Peninsular Hospitality against the decision by The Highland Council.
- Application for planning permission in principle ref. no. 10/02996/PIP dated 6 July 2010 refused by notice dated 4 October 2010.
- The development proposed: Construction of housing (4 detached units).
- Date of site visit by Reporter: 12 January 2011

Date of appeal decision: 25 January 2011

Decision

I dismiss the appeal and refuse planning permission in principle.

Reasoning

1. The determining issues in this appeal are (1) whether the proposal is consistent with the relevant provisions of the development plan, in particular policy 1 of chapter 31 of the Ross and Cromarty East Local Plan 2007 (RCELP), and (2), if not, whether an exception to these provisions is justified by other material considerations. Balintore is one of a number of Seaboard villages on the eastern coast of the Tarbet Ness peninsula. It is typical of the fishing villages that are found throughout the Moray Firth with terraced rows of cottages situated below the coastal slope. Significant expansion took place during the oil-related boom of the 1970s and, more recently, housing estates have developed above the coastal slope towards Hilton of Cadboll. The appeal site is located within the Balintore settlement boundary and within the area to which housing policies apply. Policy 1 states that 'Proposals for further infill development must take account of the character of the pattern and design of the existing "Fishertown" houses'.

2. The site is located to the rear of the Balintore Hotel and comprises a row of single storey buildings previously used as accommodation and storage, which would be demolished, and the lower slopes of the steep banking behind, which stretches up to the wall of the village cemetery above the appeal site. It also incorporates a walled beer

garden, adjacent to the neighbouring property 'Rowchoish' ['Roehosh' on the application plan], over which access to the proposed development would be provided.

3. Although the planning application seeks planning permission in principle, the application was accompanied by a diagrammatic layout plan. This plan shows four detached two-storey houses built into the slope behind the exiting row of buildings with their front elevation roughly in line with the rear of the existing row of buildings. The floor levels of the proposed houses would approximate to the roof level of the lowest of the existing buildings. The majority of the banking between the site and the cemetery above, which is covered by a blanket of fern, gorse and some native trees, has been omitted from the application site. A previous planning application for the erection of ten houses on a larger site incorporating the whole of the banking was withdrawn due to concerns over the impact of the proposed development on the amenity of neighbouring property.

4. The design of the proposed development is a matter for further consideration on receipt of a detailed planning application. The matter before me is whether or not the erection of four houses, in principle, is appropriate taking account of relevant development plan policies and any other material considerations.

5. New housing development has taken place below and above the coastal slope to the north of the appeal site, at Murray View and beyond, with the coastal slope utilised as garden ground. However, that part of the slope which stretches below the cemetery from the B9166 entrance into the village (Hill Street) and behind the Balintore Hotel and the houses either side is much steeper and retains its original character. The proposed housing would be cut into the existing slope and the indicative cross-section indicates that considerable excavation would be required to provide platforms for the proposed houses and associated garages/parking spaces. From my inspection of the site, it is doubtful whether the required earthworks could be confined to the application site unless a substantial retaining wall was constructed behind the proposed houses.

6. The proposed development, cut into the coastal slope itself, would not be sympathetic to the topography of the area and would not reflect the character of this part of Balintore. There is no certainty as to the precise finished height of the proposed houses but there is no doubt that the development would be elevated above the existing houses on East Street. The earthworks necessary to enable the development to be achieved would exacerbate the visual impact of the development. Consequently, I do not consider that the proposed development constitutes appropriate infill. Although there would be a separation distance of some 28 metres between the front of the proposed houses and the rear of the closest existing houses on East Street, these properties would be overlooked and it is doubtful whether any fencing, hedging or landscaping within the application site would have any material effect on reducing the impact of the proposed development on privacy within neighbouring properties, particularly numbers 3, 3.5 and 4 East Street.

7. The proposed development would have little or no garden ground, although it is suggested that the remaining part of the slope, which has been omitted from the application site, could be incorporated into the development at a subsequent date in order to provide garden ground for the four houses. The incorporation of this additional land into the

development site would require the submission of a further planning application. As it stands, the present proposal suffers from a complete lack of private garden ground and amenity open space, in contrast to the standard of provision enjoyed by neighbouring houses.

8. Based on all the above considerations, I find that the proposal for four houses on this relatively restricted and steep site does not adequately reflect the pattern of development in the immediately surrounding area, contrary to policy 1 of chapter 31 of the adopted local plan.

9. I have taken account of all the other matters that have been raised but consider that none of these, either individually or cumulatively, justify an exception to the provisions of the adopted local plan. In reaching this conclusion, I am conscious of the fact that there are substantial areas of land allocated for housing in the Seaboard villages and no pressing need for this site to be developed.

Douglas G Hope

Reporter