

Appeal Decision Notice

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Decision by Don Rankin DipTP MRTPI, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2049
- Site address: Ardmhor (Historic), 43 Obsdale Road, Alness, IV17 0TU
- Appeal by Mr David Skea against the decision by The Highland Council
- Application for planning permission 10/04309/FUL dated 19 October 2010 refused by notice dated 3 May 2011
- The development proposed: housing development of 8 No 2 bedroomed apartments/ 1 No 3 bedroomed house, associated site works, improved road access and SUDS surface water drainage.
- Application drawings: Site layout plan 000003, floor plans 000004 and 000005, elevations 000006, Location/Site Plan P61.10.01 (version A-7/1/2011), Location/site plan 000012.
- Date of site visit by Reporter: 14 June 2011

Date of appeal decision: 13 July 2011

Decision

I allow the appeal and grant planning permission subject to the 9 conditions listed at the end of the decision notice. Attention is drawn to the 3 advisory notes at the end of the notice.

Background

The proposal has subsequently been amended to delete the 1 No 3 bedroomed house from the planning application.

Reasoning

1. The determining issues in this appeal are: (1) whether the proposal complies with Policy G2 of the Highland Structure Plan 2001 and Policy GSP1 of the Ross & Cromarty East Local Plan 2007 with respect to the effect on the character and appearance of the area; and notwithstanding (2) whether approval or refusal is justified by other material considerations.

2. The appeal site, formerly occupied by a single two story house, lies between plots currently occupied by a single detached dwelling and semi-detached properties. In the immediate vicinity along Obsdale Road, a main route east from Alness to the A9 trunk road,



are a number of similar such properties on substantial plots. There are some non-residential uses. The area is a mixed, though predominantly housing, neighbourhood close to Alness town centre with ready access to bus and rail stations. The site was formerly in residential use. This is therefore a site appropriate for further residential development in a sustainable location with respect to public transport services.

3. The site is well screened by trees and mature hedges to the sides and rear and has a self contained appearance. The redevelopment with two blocks of four flats would significantly change the appearance of the site and influence the character of the area by increasing the intensity of use. The flats however, would take up only about 10% of the site. The rest would be assigned to parking between the two blocks and a substantial proportion of communal open space, most notably along the eastern perimeter where a substantial grassed area with existing trees retained would be created. The building line along Obsdale Road would be maintained with a significant green roadside space also retaining the existing trees.

4. The building would be of a traditional design and materials the mass of which fronting onto Obsdale Road would not be significantly different from the semi-detached buildings nearby. Clearly the addition of another block of flats to the rear differs from the style and density of adjacent development but set to the rear of the plot and largely screened by hedging and trees it would not in my view significantly harm the aspect from Obsdale Road. There would be no side facing windows. To the rear there would be a distance of about 30m to the next house on Springfield Terrace as well as existing substantial boundary planting. Adjacent residents would not therefore suffer from adverse overlooking or the close presence of an overbearing structure.

5. The car park in the centre of the plot would inevitably result in some additional noise and disturbance but, given the distance from adjacent properties, would not alter the character of the area or be detrimental to the amenity of those residents. I note that the highway authority do not consider the additional traffic, or the access onto Obsdale Road, a main thoroughfare, to be a problem. On the busy Obsdale Road, close to the town centre this level of activity is to be expected.

6. With regard to other matters raised Scottish Water do not object to the drainage proposals, the effect on existing property values is not a planning issue, and the protection of existing trees and the mitigation of construction noise can be controlled by planning conditions.

7. In conclusion whilst the proposed development will change the character and appearance of the area I have not identified significant harm arising from this change which would be contrary to the policies of the structure or local plan referred to above. I have taken into account all other representations made but find that none carry sufficient weight to refuse the grant of planning permission.

Don Rankin

Reporter

Conditions

- 1 The materials to be used in the development hereby approved shall be as specified on the approved plans unless the prior written approval of the planning authority is obtained for any change. For the avoidance of doubt the roof shall be finished in natural blue/black slate and the walls finished in a white or off-white wet render. External stairs shall be supported by pillars rendered to match the main buildings and not structural steelwork. (Reason: to safeguard the character and appearance of the area)
- 2 A detailed landscape plan and maintenance programme shall be submitted to and approved in writing by the planning authority prior to commencement of any work on site. A suitably qualified consultant shall be employed to ensure the landscape plan is implemented to the approved standard. Stages requiring supervision shall be agreed in writing with the planning authority prior to any work commencing on site. Completion certificates for each stage shall be submitted to and agreed in writing by the planning authority. All landscape works shall be carried out in accordance with the approved scheme prior to first occupation of any part of the development. (Reason: to safeguard the character and appearance of the area)
- 3 Details of a factoring agreement to secure the future maintenance of the landscaped areas shall be submitted to and approved in writing by the planning authority prior to occupation of any part of the development. Such factoring agreement shall thereafter be written into the title deeds of each property. (Reason: to safeguard the character and appearance of the area)
- 4 Prior to work commencing on the site the copper beech tree in the neighbouring property of 39-41 Obsdale Road shall be protected against construction damage using Herras fencing secured to fixed posts and located beyond the root protection area (in accordance with BS5837:2005 Trees in relation to construction). Fencing shall be inspected and approved in writing by the planning authority prior to any commencement of ground works. (Reason: to ensure the protection of retained trees during construction and thereafter)
- 5 Prior to first occupation of any part of the development the access onto the site from the public road and the parking bays shall be complete, inspected and approved in writing by the highway authority. The parking bays shall be modified to allow for at least one space for disabled drivers. Visibility splays of 2.5m X 30m at the access point onto Obsdale Road shall be provided and maintained thereafter. (Reason: in the interests of road safety)
- 6 Details of a factoring agreement to secure the future maintenance of the access and parking areas shall be submitted to and approved in writing by the planning authority prior to occupation of any part of the development. Such factoring agreement shall thereafter be written into the title deeds of each property. (Reason: in the interests of road safety and to safeguard the character and appearance of the area)

- 7 All flats within the development hereby approved shall have access to a communal satellite dish system fitted at the developer's expense unless otherwise agreed in writing by the planning authority. (Reason: to negate the need for multiple satellite dishes in order to safeguard the character and appearance of the area)
- 8 Construction work on site which creates noise audible at the site boundary shall be restricted to the hours of 0800 – 1800 Mondays to Fridays; 0800 – 1300 Saturdays and not at all on Sundays or public holidays. (Reason: to protect nearby residents from noise and disturbance)
- 9 No development shall commence on site until full details of all surface water drainage provision within the development site, to be SUDS-compliant and designed to Scottish Water's adoptive standards (where necessary), have been submitted to and approved in writing by the planning authority. Thereafter the development shall progress in accordance with these approved details, unless otherwise agreed in writing with the planning authority. (Reason: to ensure the acceptable Sustainable Urban Drainage System infrastructure is provided on site)

Advisory notes

1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)