

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
29 April 2014**

Agenda Item	5.1
Report No	PLN/031/14

**13/04498/FUL: Mr Denis Overton  
Land 75m West of Braefoot, Dingwall  
Supplementary Report No.1**

**Report by Area Planning Manager**

**SUMMARY**

**Description:** Erection of house.

**Recommendation - REFUSE**

**Ward:** 9, Dingwall and Seaforth

**Development category:** Local

**Pre-determination hearing:** No hearing required

**Reason referred to Committee:** Supplementary report to Committee – continued item.

**1. INTRODUCTION**

1.1 Members will recall this application was previously considered at Committee in March 2014. At that meeting Members agreed that they were content with the proposed house design, but wished to defer consideration to allow the applicant the opportunity of repositioning the house further west within the plot.

**2. UPDATE**

2.1 Amended plans have now been received. These show the proposed house relocated approximately 7.5m further west of its former position, and moved slightly further south (towards the access road) whilst still being positioned outwith the water main safeguarding zone.

2.2 Members indicated that they would like to see the proposed house located more centrally between Braefoot and the west boundary. Although the revised location increases the visual separation between the proposed house and Braefoot, it results in the house being sited closer to Braefoot than the west boundary and not centrally within this area. Members should note that the applicant has repositioned the eastern site boundary from 5m west of the gable end of Braefoot, as shown by the broken line on the amended plan, to approx. 13m, as shown by the solid red line, which reflects the existing garden area associated with Braefoot.

- 2.3 The applicant wishes Members to be made aware of an overhead power line which crosses the site, and which it is proposed to underground. This, once undergrounded, has a 4m safeguarding distance to both sides which further restricts the developable area of the plot. This has now been indicated on the amended plans.
- 2.4 The applicant would also like to stress that it is important to minimise the distance between Braefoot and the proposed house to facilitate ease of movement between them. It is proposed to use Braefoot to house elderly relatives, and to also provide accommodation for people visiting Scotland in relation to Mr Overton's business operations. Mr and Mrs Overton plan to reside in the proposed house, and wish the two houses to be closely linked to facilitate independent living whilst being on hand to care for relatives/visitors. The applicant therefore considers it to be crucial that the link between the two buildings remains strong to enable them to function as intended.
- 2.5 The applicant does not wish to move the house further west than now indicated since it will adversely impact upon the intended inter-relationship between the two properties and would require the relocation of the overhead line which would have significant cost implications. Furthermore, they point out that Fodderty House is a care home and therefore illuminated through the night, causing light pollution which will adversely impact upon the amenity of the proposed house if it is moved further to the west.
- 2.6 The applicant points out that there are strong precedents of pairs of houses within Fodderty, and considers that the revised location will enable the proposed house and Braefoot to be viewed as a pair. Although there are examples of pairs of houses within Fodderty, these all lie to the south of the access road. Property on the north side is all contained within shallow plots close to the road edge. They are viewed principally as individual houses at the foot of the Strath which relate visually to the road edge. Although the applicant has set the house further down the hillside and nearer to the access road, the water main safeguarding distance has prevented the house from being located any closer to the road edge and has resulted in its elevated location within the field. This is still considered to be contrary to Policy 28 and 29, for the reasons set out in Section 8.3 of the previous report to Committee.
- 2.7 The revised plans also include a 6m wide landscaped strip along the west boundary. Over time, the trees will effectively reduce the area between the west boundary and Braefoot, and result in the house visually appearing more central within this space. This will also help to integrate the proposed house into its setting and help reinforce the pockets of woodland which are one of the characteristics of this area.

### **3. CONCLUSION**

- 3.1 The applicant has sought a compromise where the house is repositioned further west within the plot and brought slightly down the slope towards the access road, but is still sited in close proximity to Braefoot. A more central location between Braefoot and the west boundary would result in a better visual integration into the local area and better reflect the pattern of development in the locality. However, this does not meet the applicant's requirements.

3.2 Although it is disappointing that the revised plans do not result in a larger distance between Braefoot and the proposed house, the location lower down the field and nearer to the access road is welcomed, and the landscaping along the west boundary will enhance the setting and help to provide a visual balance in the landscape.

#### 4. RECOMMENDATION

4.1 Members are asked to note the points outlined above. Improvements to the siting of the house along the lines requested by Members have been achieved.

4.2 However, the issues previously outlined in relation to the integration into the local area and housing group of Fodderty remain. Given the Members acceptance of the proposed house design, the reasons for refusal have been amended to reflect this point. Accordingly, it is recommended that permission is **REFUSED** for the following reasons:

1. The proposal is contrary to Policies 28 and 35 of the Highland wide Local Development Plan, and fails to comply with the Council's adopted Supplementary Guidance for Housing in the Countryside and siting and design; in that it does not meet the criteria for infill or rounding off development within a housing group. The proposal does not reflect and respect the character, cohesiveness, spacing and amenity of the existing group as the proposed house is substantially set back within the plot, elevated from, and with the site curtilage wrapping around, the adjoining property of 'Braefoot'; in variance to the greater separation, direct roadside frontage and shallow plots of established adjoining houses.
2. The proposal is contrary to the aims of Scottish Planning Policy (Paragraph 95) and to Policies 28 and 29 of the Highland wide Local Development Plan, in that the siting is out of keeping with local character and which does not demonstrate sensitivity towards the local distinctiveness of the landscape.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Susan Hadfield

Relevant Plans: Plan 1 – Location Plan

Plan 2 - Amended Layout Plan

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE  
25 MARCH 2014**

Agenda Item	
Report No	

**13/04498/FUL: Mr Dennis Overton**  
Land 75m West of Braefoot, Dingwall

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of house

**Recommendation - REFUSE**

**Ward :** 09, Dingwall and Seaforth

**Development category :** Local Development

**Reason referred to Committee :** Member request

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to erect a detached house adjacent to the existing house 'Braefoot'. The house has been designed with a square plan, and single storey wallhead, with a central raised two storey element beneath a pyramidal roof. The front (south) elevation is primarily glazed panels to maximise solar gain and views.
- 1.2 The site lies within part of an existing field, between the west field boundary and Braefoot, and also wraps around the rear of 'Braefoot'. The proposed house will be set back within the site, adjacent to the side boundary with 'Braefoot', and with its frontage behind 'Braefoot'.
- 1.3 There is an existing water main which runs across the site from the west (side) boundary to the rear of 'Braefoot'.
- 1.4 A new access will be formed into the site from the existing access road which runs along the site frontage.
- 1.5 The applicant has submitted a design statement, a private access checklist, photographs showing other houses in the vicinity, an aerial photograph showing housing in the area with hipped or pyramid roofs, and has made a written submission to explain and justify the choice of design solution.
- 1.6 **Variations:** The rear site boundary has been revised to reduce the extent of the intrusion into the field.

## **2. SITE DESCRIPTION**

- 2.1 The site is currently part of a grass field which slopes up from the access road along the front to the rear (north) boundary. An existing stand alone house, Braefoot, lies within this field adjacent to the access road. A burn flows along the west side boundary, and there are a number of trees along this boundary.

## **3. PLANNING HISTORY**

- 3.1 12/04414/PIP –Erection of a house - permission in principle – refused under the Council’s scheme of delegation, but subsequently approved following a review (25.04.13) (13/00006/BREF) subject to conditions.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Potential departure, and unknown neighbour adverts.  
Representation deadline : 10<sup>th</sup> January 2014  
Timeous representations : 0  
Late representations : 0

## **5. CONSULTATIONS**

- 5.1 **Scottish Water** : No objections.

## **6. DEVELOPMENT PLAN**

The following policies are relevant to the assessment of the application

### **6.1 Highland-Wide Local Development Plan 2012**

- 28 Sustainable design  
29 Design quality and place making  
35 Housing in the countryside (hinterland areas)

### **6.2 Ross and Cromarty East Local Plan (as continued in force April 2012)**

Outwith settlement boundary; within Hinterland; no site specific policies.

### **6.3 Inner Moray Firth Proposed Local Development Plan (2013)**

Outwith settlement boundary; within Hinterland; no site specific policies.

## **7. OTHER MATERIAL CONSIDERATIONS**

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

Housing in the Countryside and Siting and Design.

## 7.2 **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**

The principle of erecting a house within land to the west of Braefoot has already been established through the granting of permission in principle by the Review Body (12/04414/PIP) (13/00006/BREF). This application therefore falls to be determined in relation to policies relating to the details of this proposal.

Policy 28, sustainable design, seeks development which, amongst other factors, demonstrates sensitive siting and high quality design in keeping with local character and historic and natural environment.

Policy 29, design quality and place making, looks for new development to make a positive contribution to the architectural and visual quality of the place in which it is located. The development should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts. Proposals should have regard to the historic pattern of development and landscape in the locality and should be an integral part of the settlement.

The proposed house design is alien to those in the immediate locality. In particular, the house is located in close proximity to Braefoot, and will be seen in the same visual envelope. Braefoot is single storey, of primarily rectangular plan, with a 1 ¾ storey annexe on the west gable. In contrast, the proposed house utilises a square plan, with single storey wallhead and a raised two storey central section with a pyramidal roof design. The juxtaposition of these two properties and absence of visual separation between them will accentuate the lack of unifying features and present a visual conflict in design.

Whereas houses (including Braefoot) on the north side of the access track are typically located close to the road edge with a small front garden (Braefoot is approximately 5m off the road edge), the proposed house is located approximately 28m from the road edge. This fails to reflect the prevailing layout and pattern encountered within this group of buildings, and, combined with the inappropriate design, fails to integrate with the established settlement pattern.

There is an existing water main which runs across the site frontage, and it is understood that the cost of relocation would be prohibitively expensive. Unless it is relocated, the options for the siting of the house within the plot are limited. However, it would be possible to relocate the proposed house further west within the plot, and this would also enable it to be brought forwards slightly. Although less than ideal, this would improve the street scene over that currently proposed.

The 'permission in principle' was granted by the Review Body subject to a number of conditions, including that the proposed house should be single or 1 ½ storeys in height, include a roof symmetrically pitched of between 35 and 45 degrees, predominantly rectangular in shape with traditional gable ends, and positioned in close proximity to the public road, with eaves/ridge running parallel to the public road. At this time, there was no reference to the presence of the water main.

The site boundaries for the 'permission in principle' and for the current application vary, in that the proposed residential curtilage has now been extended into the field area to the rear of Braefoot, to wrap around the rear of the existing house. This further encroaches into the field, reducing the land available for agriculture, and is also at odds with the pattern of development whereby the houses on the north side of the access road typically have shallow garden plots which minimise intrusion into the adjacent fields.

The choice of design and siting within the plot is clearly at odds with the terms of the permission in principle. Furthermore, the design and siting within the plot is at odds with other properties within this group of buildings focused around Fodderty House. This is contrary to Policy 28 in that the proposal fails to demonstrate sensitive siting and design in keeping with the local character, and contrary to Policy 29, in that the proposal fails to demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design, and layout typically found within the surrounding group of buildings at Fodderty. Furthermore, the proposal fails to have regard to the historic pattern of development in the locality but introduces both a design and a location within the plot at odds with character of the surrounding area, and as such will fail to integrate into the street scene.

The Planning Authority concurs with the applicant's view that the existing trees along the burn to the west boundary are an important feature of the landscape, and offer a sense of containment. The proposal to retain these trees is therefore welcomed, as is the applicant's plan to plant additional trees within the plot. The plot is, however, sufficiently dimensioned to accommodate a house which is positioned centrally between Braefoot and the west boundary, without adversely impacting upon these trees. Such a siting would better reflect the surrounding pattern of development.

#### **8.4 Material Considerations**

The applicant currently resides at Braefoot, adjacent to the application site. The agent has stated that the relationship between the existing and proposed house has been designed to meet the client's needs for both houses and garden to form an integral part of their future business and family life. A rectangular plan house with traditional gables would result in a long and inefficient layout which does not meet the client's requirements. The square plan chosen maximises the amount of space and light available and minimises the amount of corridor space. The living spaces are located on the south facing façade, making use of passive solar gain and taking advantage of the scenery.

The agent points out that a water main crosses the site, and moving it would prove prohibitively expensive. This would require to be relocated if the proposed house were to occupy a similar position and set back within the plot to that of other houses in the vicinity.

The agent has submitted some photographs of houses locally with hipped roofs; however, these show the hipped section on annexes and not on the main house roof, and are therefore seen as ancillary to the main property, and not dominating the design. The agent has also submitted photographs of houses in the Blairninich and Strathpeffer areas which do not have gable roofs. These are, however, seen in a different visual context to that in which this proposed house is sited.

The agent also refers to the rich mix of building types, forms, age and appearance in the Fodderty area, and considers that the chosen design will develop and enhance the character of Fodderty as a housing group through introducing diversity.

The location within the plot and house design could lead to the feeling of loss of privacy and overlooking, since the main windows on the front of the proposed house will be looking towards the windows on the rear of the existing house, 'Braefoot'. This will also be exacerbated through the rising ground levels, which will result in the proposed house being sited at a higher level than 'Braefoot'. However, the proposed house is proposed by the current owners and occupiers of 'Braefoot' and will be stepped slightly to the side of 'Braefoot', leading to angled views rather than direct views. These could be lessened further through appropriate boundary treatment and screen planting, which could be covered by an appropriately worded condition.

Although it is accepted that there are mixed house designs at Fodderty, they are predominantly single or 1 ½ storey in height, with gables, and rectangular in plan. Furthermore, those on the north side of the access road are all sited in close proximity to the road edge with shallow plot curtilages as set out in section 8.3 above.

#### **8.5 Other Considerations – not material**

Not applicable

#### **8.6 Matters to be secured by Section 75 Agreement**

Not applicable

### **9. CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission be refused.

### **10. RECOMMENDATION**

#### **Action required before decision issued**

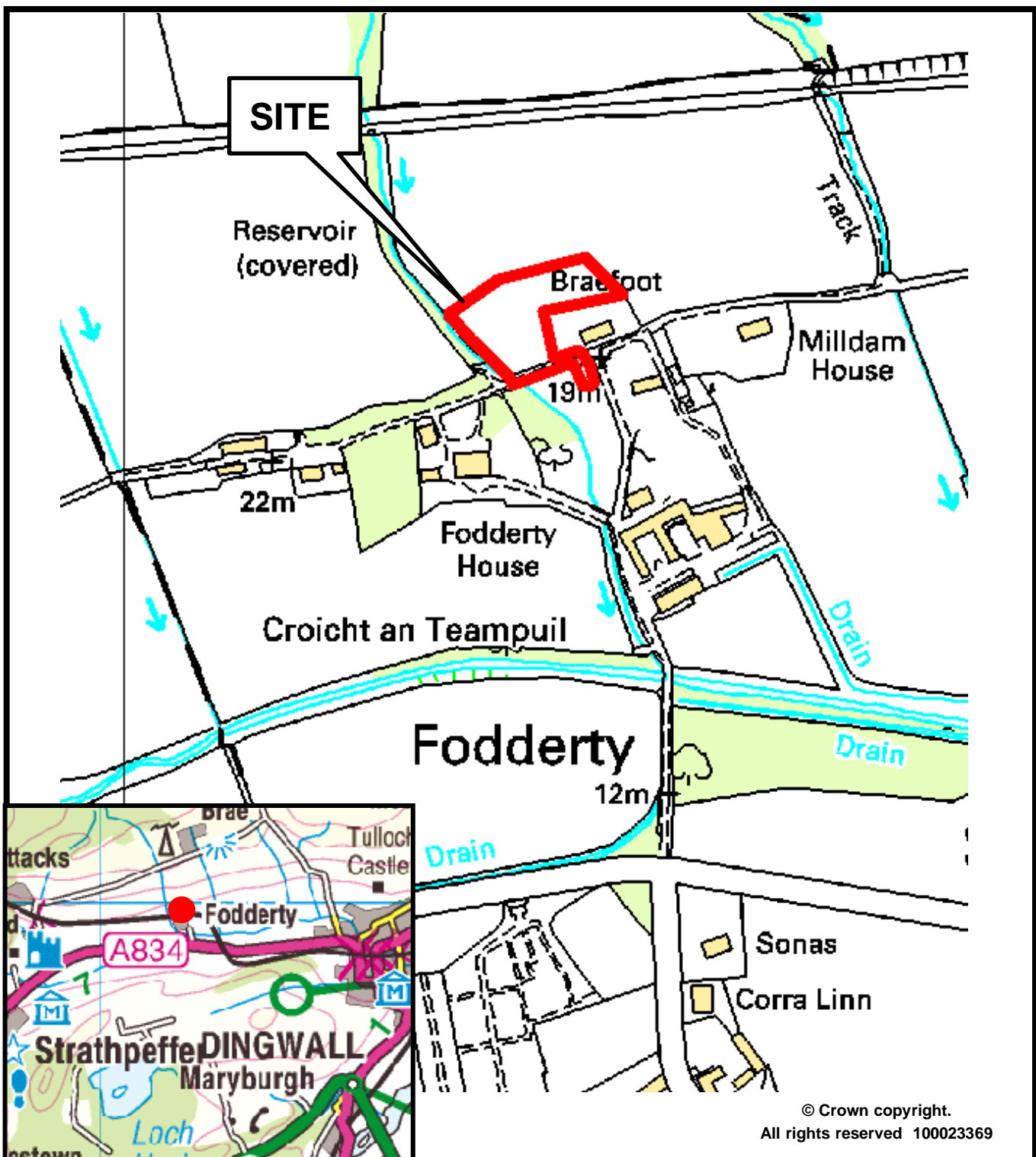
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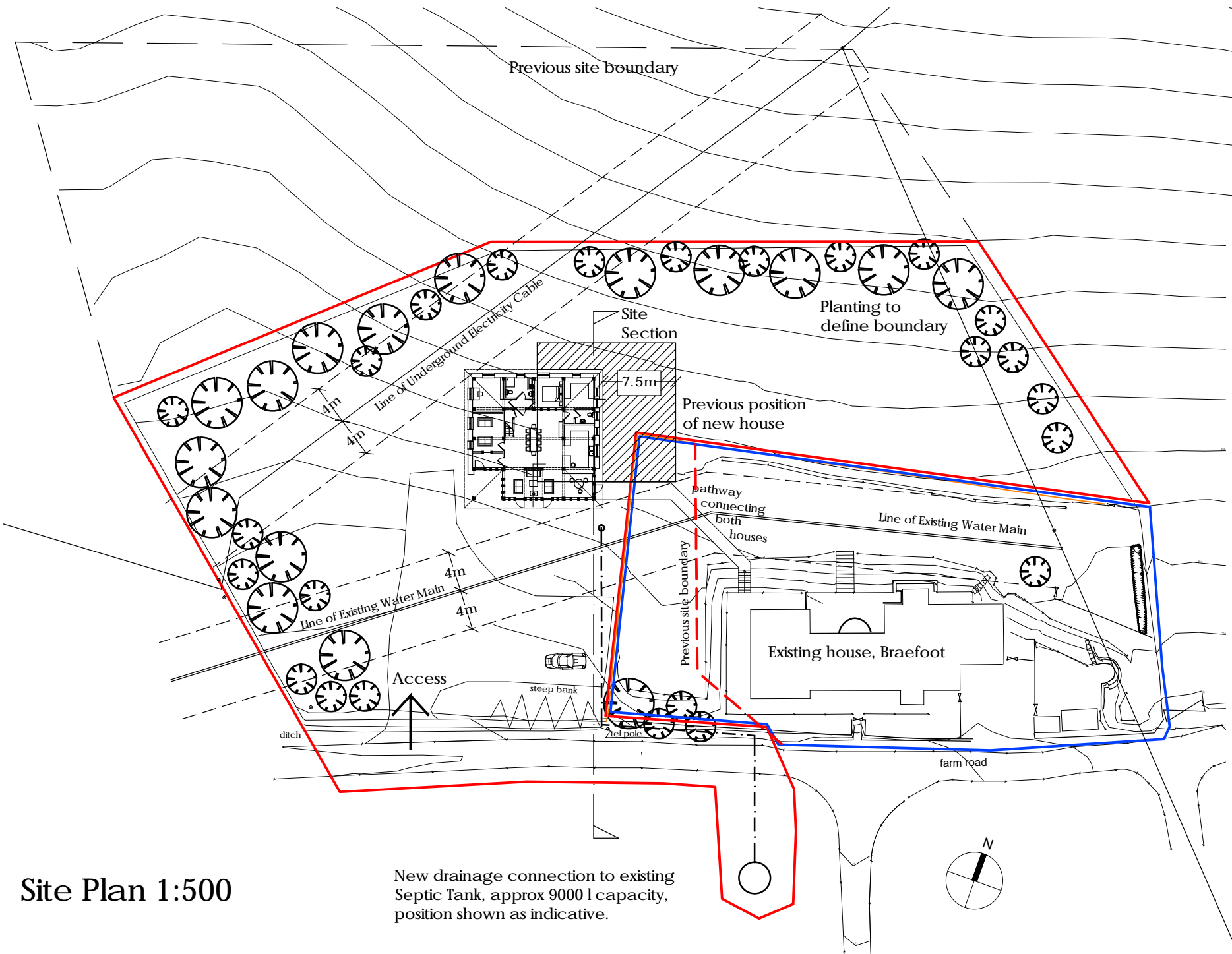


**Subject to the above**, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal is contrary to Policies 28 and 35 of the Highland wide Local Development Plan, and fails to comply with the Council's adopted Supplementary Guidance for Housing in the Countryside and siting and design; in that it does not meet the criteria for infill or rounding off development within a housing group. The proposal does not reflect and respect the character, cohesiveness, spacing and amenity of the existing group as the proposed house is substantially set back within the plot elevated from, and with the site curtilage wrapping around, the adjoining property of 'Braefoot'; in variance to the greater separation, direct roadside frontage and shallow plots of established adjoining houses.
2. The proposal is contrary to the aims of Scottish Planning Policy (Paragraph 95) and to Policies 28 and 29 of the Highland wide Local Development Plan, in that it proposes a development, the design and siting of which is out of keeping with local character and which does not demonstrate sensitivity towards the local distinctiveness of the landscape and architectural style. The proposal introduces a square plan design with central raised two storey pyramidal element, in contrast to traditional housing in the locality which is primarily rectangular in plan with simple fenestration and symmetrical gabled roofs. The juxtaposition, proximity and elevation of the proposed house in relation to the adjacent property of 'Braefoot', will serve to emphasise the contrast in design between these two houses which will reinforce the insensitivity of the new development in relation to its setting in the landscape.

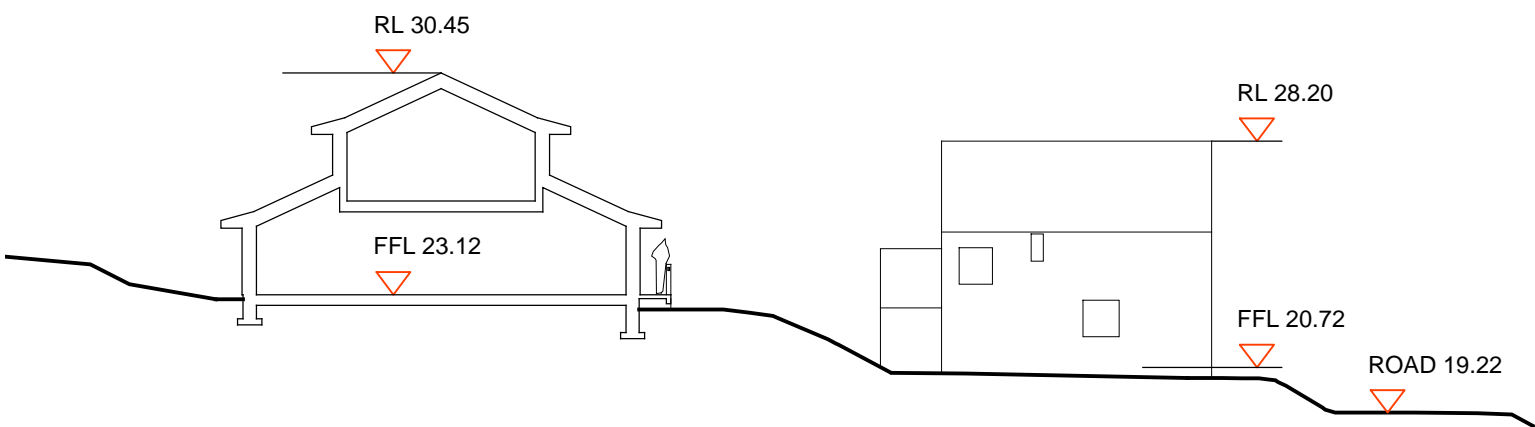
Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Susan Hadfield  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – location plan  
Plan 2 – site layout plan  
Plan 3 – elevations  
Plan 4 – site section  
Plan 5 – floor plans





Site Plan 1:500

New drainage connection to existing Septic Tank, approx 9000 l capacity, position shown as indicative.



Site Section 1:250

Notes:

1. Do not scale from drawings. All dimensions to be confirmed on site prior to construction. Roderick James Architects LLP to be notified of any discrepancies before construction continues.
2. These drawings are the copyright property of Roderick James Architects LLP.
3. All Roderick James Architects LLP drawings to be read in conjunction with the proposed building notes, oak framing drawings and the structural engineers drawings and specification.
4. All external works shown are indicative. Design and extent is to be provided by others.

Revision F: April 2014:  
Updated in line with requests from Planning

drawing status

Planning

project New House at Braefoot, Fodderty		drawing Site Plan & Section	
client Julia & Dennis Overton	drawing number Overton_1_002	revision F	
scale 1:500	date Feb 2012		



Roderick James Architects LLP

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