

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
19 August 2014**

Agenda Item	6.7
Report No	PLS/061/14

**14/01540/FUL: Michael Peteranna
22 Miller Street, Inverness**

Report by Area Planning Manager – South

SUMMARY

Description: Replace timber garage and shed with a blockwork garage

Recommendation – GRANT

Ward : 20 – Inverness South

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee: 5 or more objections from members of the public

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a detached blockwork garage within the garden ground of the existing house. The garage is to be finished in materials to match the house.
- 1.2 The applicant submitted an informal pre-application consultation in February 2014.
- 1.3 Access is via the existing driveway servicing the house. Surface water drainage will tie in with existing arrangements.
- 1.4 No supporting documents have been submitted in connection with the application.
- 1.5 **Variations:** Two – Floor Plan amended to correct error on previous plan in relation to the omission of the garage main door; garage re-designed.

2. SITE DESCRIPTION

- 2.1 The site is a wedge-shaped area of land comprising a semi-detached single storey house with a detached timber garage to the side and a shed to the rear of the garage. The site is part of a group of single storey semi-detached houses set around a cul-de-sac and located within a modern housing estate developed in the 1990's.

3. PLANNING HISTORY

3.1 13/01286/FUL: Erection of garage. Refused in May 2013 on residential amenity grounds due to the proposed plans showing elevations more akin to a residential building and the size of the garage exceeding what was considered acceptable within the site.

14/00577/PREAPP: Incorporate both garages to allow parking a large vehicle and storage. Response issued April 2014.

4. PUBLIC PARTICIPATION

4.1 Advertised : N/A

Representation deadline: 15/05/14 and 06/08/14 (following re-notification of neighbours in response to design changes)

Timeous representations: 5 representations from 5 households. Further 5 representations from the same 5 households following re-notification process.

Late representations: Not applicable.

4.2 Material considerations raised are summarised as follows:

- Proposed use of building;
- Discrepancies in application description and submitted plans;
- Scale of development;
- Impact on amenity.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 No consultations were required in connection with the application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable.

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable.

7.3 **Scottish Government Planning Policy and Guidance**

Not applicable.

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 proposal is supported by Policy 28 of the Highland-wide Local Development Plan providing it can be adequately demonstrated that it will not have a detrimental impact on individual or community residential amenity and demonstrates appropriate design and materials in keeping with local character.

8.4 **Material Considerations**

The garage will be finished in materials to match the existing house. It will feature a pitched roof with an overall height of approximately 4 metres. The design of the garage has been amended from an original 'L' shaped structure with a floor area of 39 square metres, to a more traditional rectangular footprint with a floor area of approximately 36 square metres. It is proposed to be located in the south east corner of the curtilage with vehicular access from the existing driveway.

Concerns have been raised by third parties regarding inaccuracies in the description of the proposal and the submitted plans. A site inspection confirmed that there is an existing timber garage and small shed on the site. The description of the application has now been amended to reflect this. The originally submitted floor plan showed a window on the north elevation instead of a garage door. This has now been amended.

The applicant has confirmed in writing that the garage is to be used for the parking of vehicles and as a store.

The design of the garage has been altered since the previous refusal of planning permission in 2013 and further changes made since submission of this application. The overall length of the garage has been reduced by a metre and the projecting front bay deleted from the proposal. The resultant scale and massing is considered acceptable and more appropriate in the context of a garage for a semi detached property. The end elevation retains a window and door. The proposal therefore has the appearance of a domestic garage.

The scale, design, and intended use of the building as specified by the applicant is considered acceptable and the location of the garage is such that it will not result in the loss of daylight to any neighbouring properties or have any adverse impact on amenity.

8.5 Other Considerations – not material

Additional concerns have been raised by third parties alleging that the existing timber garage has been used as separate accommodation from the main house, resulting in the creation of an additional planning unit with a resultant adverse impact on amenity through increased traffic generation and general noise and disturbance. As a consequence, there are concerns that the replacement garage will be used as independent living accommodation separate from the house.

The application is submitted as a householder development, and as mentioned in section 8.4 above, the applicant has confirmed that the garage will be used for the parking of a vehicle and general storage. As a result, the application has been assessed on its merits.

Whilst the alleged use of the existing garage and concerns as to the future use of the replacement garage are not in themselves material considerations in the determination of this application, in the event that planning permission is granted it is recommended that a condition is imposed restricting the use of the garage for the parking of vehicles and general storage, unless the express consent of the Council is sought and obtained beforehand. This reflects the stated requirements of the applicant and also addresses concerns that the method of construction proposed, in itself not a material planning consideration, is more akin to a small house than a blockwork garage.

It should be noted that if the use of the garage at any time in the future results in a breach of planning control, it will be open to the Council to remedy the breach through normal enforcement channels and in accordance with the Council's Enforcement Charter.

It has been asserted that the proposal involves development of communal land, however no evidence has been submitted to support this. The concern seems to arise from the applicant's delineation of the application site boundary which extends out from the defined curtilage of the house to the centre of the road and turning area. This may simply reflect the land ownership as shown in the relevant title plan as it is not uncommon for ownership titles for residential properties to extend out into the road. In any case, land ownership is not in itself a material planning consideration and regardless of how the application site boundary has been drawn, the proposed location of the garage is clearly within the curtilage of the existing house and the application site boundary has no material impact on the proposed location of the garage within the site.

Finally it has been stated that the proposal will result in the loss of views from neighbouring properties. Loss of view is however not a material planning consideration.

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 accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. The external materials to be used on the development shall match those of the existing house.

Reason : To ensure that the external appearance of the development matches the existing house, in the interests of amenity.

2. The garage hereby granted planning permission shall be used solely for the parking of vehicles and general storage only.

Reason : To clarify the terms of the planning permission and in accordance with the use applied for.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

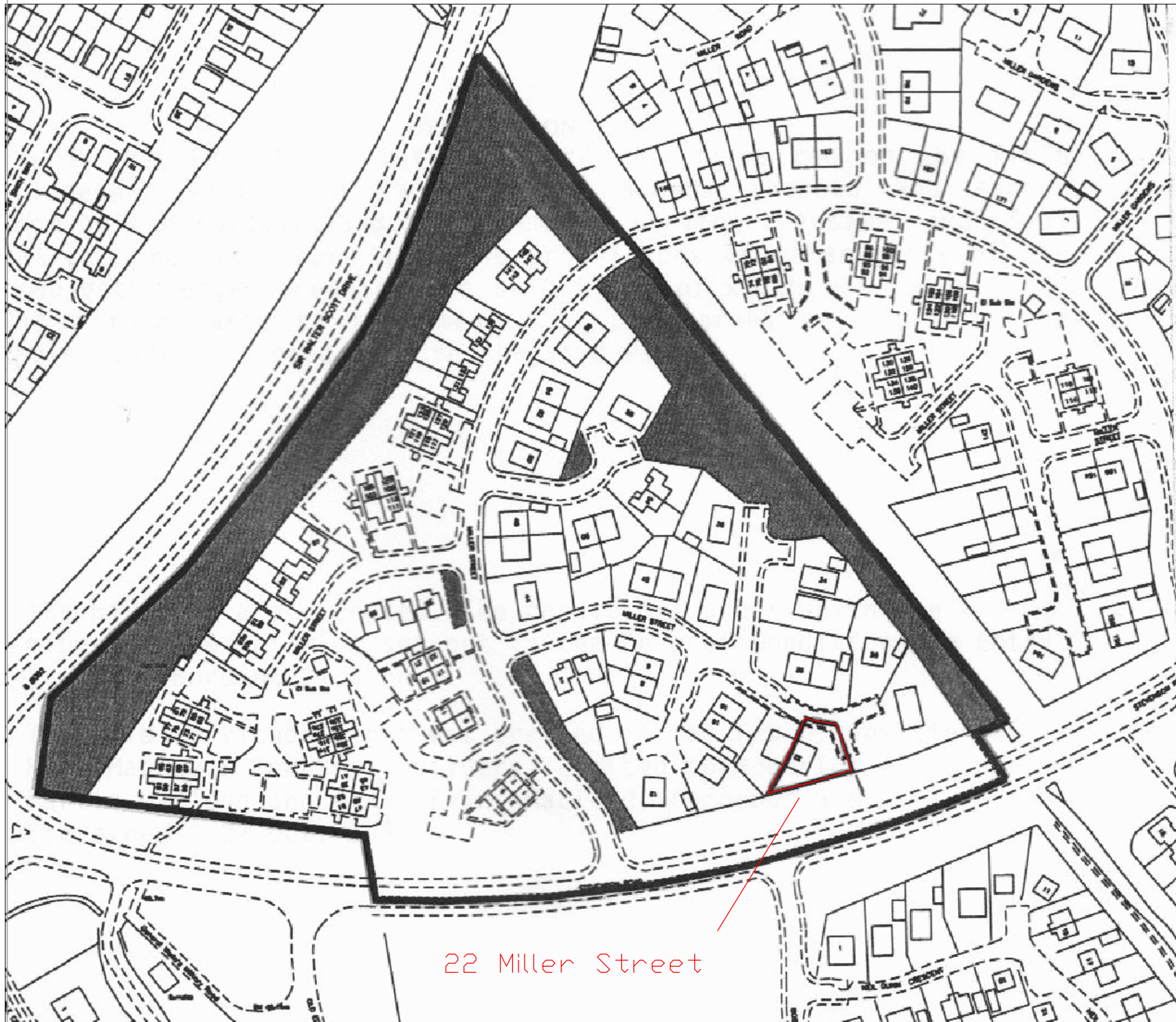
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevations Plan
Plan 4 – Elevations Plan
Plan 5 – Section Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs I A MacRae	26 Miller Street, Inverness	06 May 2014	Against
Mr & Mrs W Pirie	24 Miller Street, Inverness	13 May 2014	Against
Mr G MacRae	Rosebrae, Cuminstown, Turriff	13 May 2014	Against
G MacRae	30 Miller Street, Inverness	14 May 2014	Against
D MacRae	28 Miller Street, Inverness	14 May 2014	Against
Mrs I A MacRae	26 Miller Street, Inverness	23 July 2014	Against
Mr & Mrs W Pirie	24 Miller Street, Inverness	27 July 2014	Against
G MacRae	30 Miller Street, Inverness	29 July 2014	Against
D MacRae	28 Miller Street, Inverness	29 July 2014	Against
G MacRae	Rosebrae, Cuminstown, Turriff	29 July 2014	Against

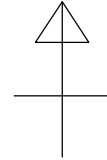


22 Miller Street

NOTES

1. All dimensions in millimetres and all levels in metres unless shown otherwise.

NORTH



CURRENT DRAWING INFORMATION

DO NOT SCALE THIS DRAWING - P IN COURSEWORK

DATE	DRAWN	CHKD	REV'D	ISSUE

PROJECT

New Garage at 22 Miller Street

DRAWING TITLE

Location Plan

CONTRACT NO.

SCALE 1:1250 @ A3

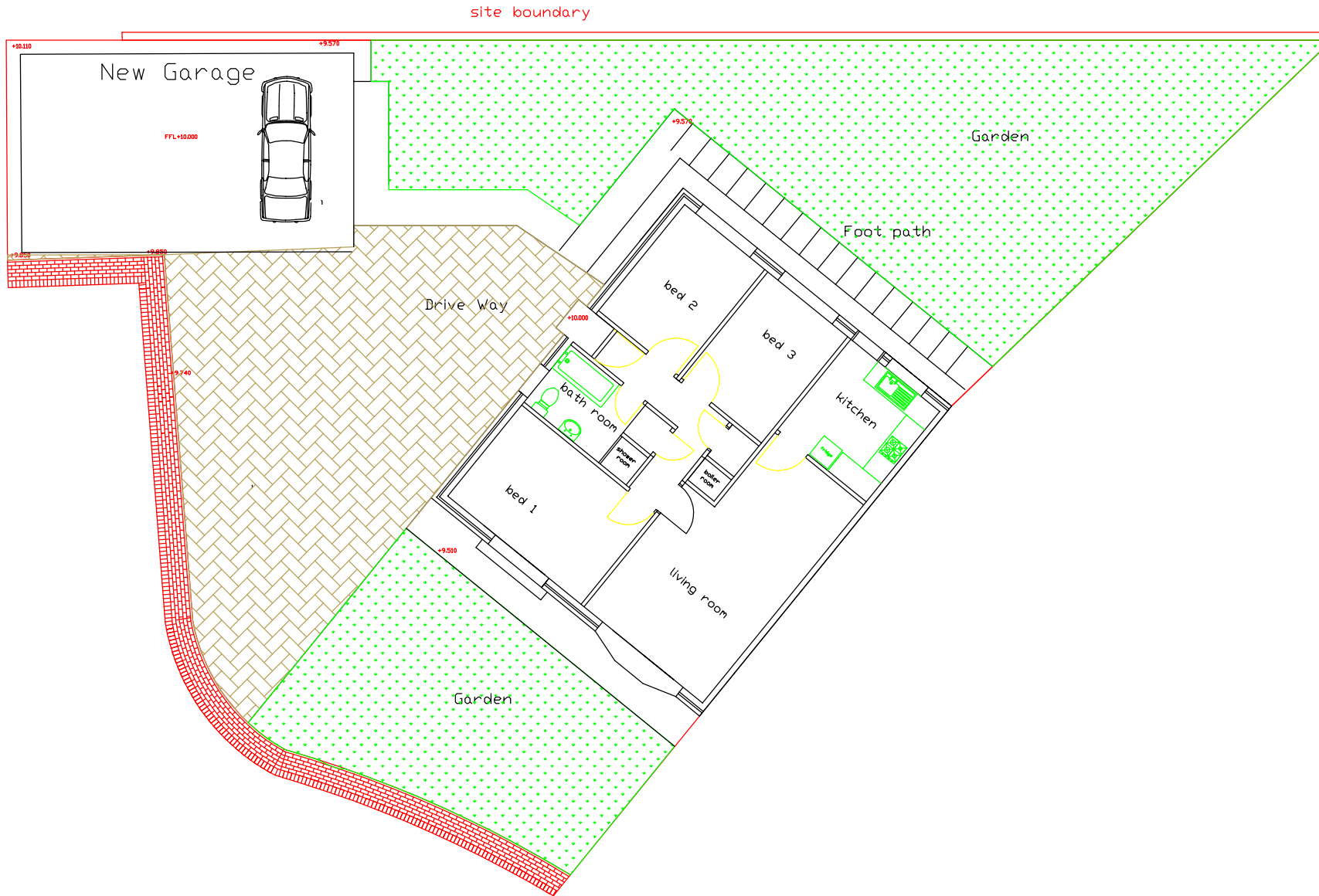
MASTER SIZE A3

DRAWING NO.

MP/22/001

ISSUE

A



NOTES

1. All dimensions in millimetres and all levels in metres unless shown otherwise.

CURRENT DRAWING INFORMATION

DO NOT SCALE THIS DRAWING - IF IN DOUBT ASK

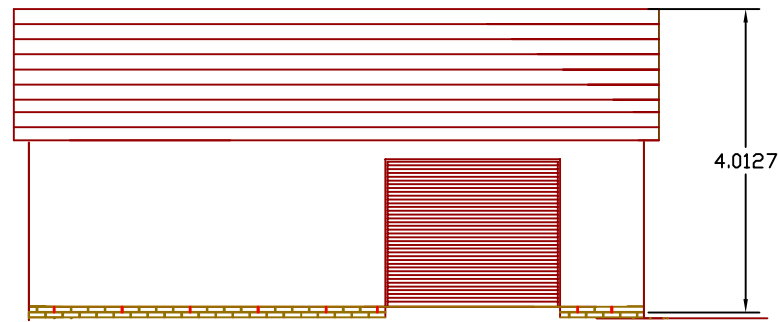
DATE	DRWN	CHKD	REVD	ISSUE

PROJECT
New Garage at 22 Miller Street

Michael Palomera
22 Miller Street
Invermere V2Z 2L2
Tel. 0781946648

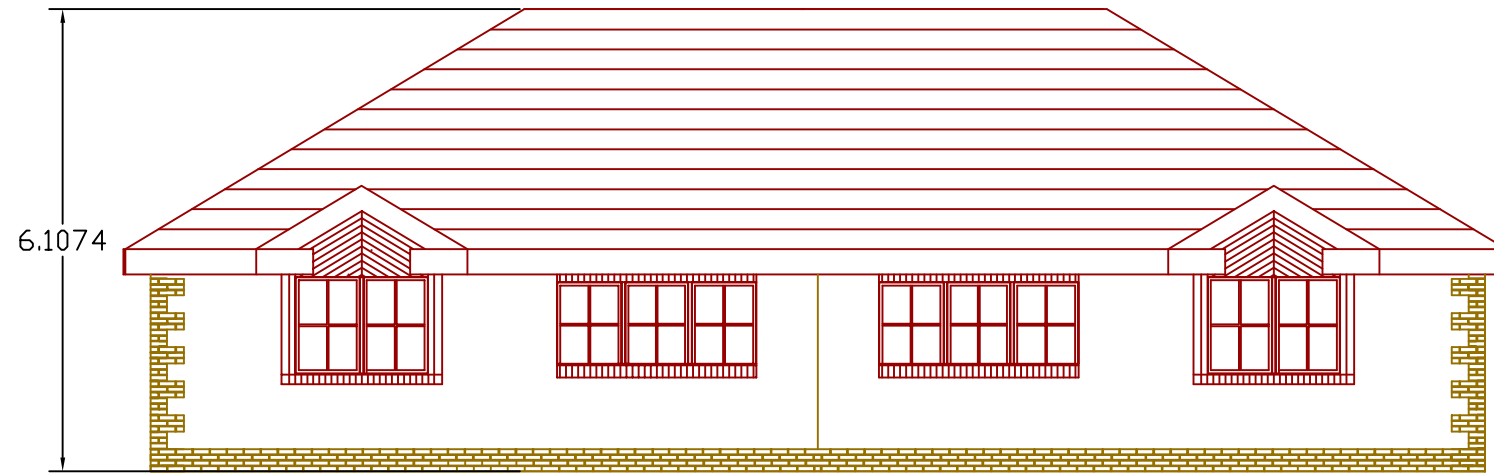
DRAWING TITLE
Location Plan

CONTRACT NO.	SCALE	MASTER SIZE
	1:150 @ A3	A3
DRAWING NO.	ISSUE	
MP/22/001	C	



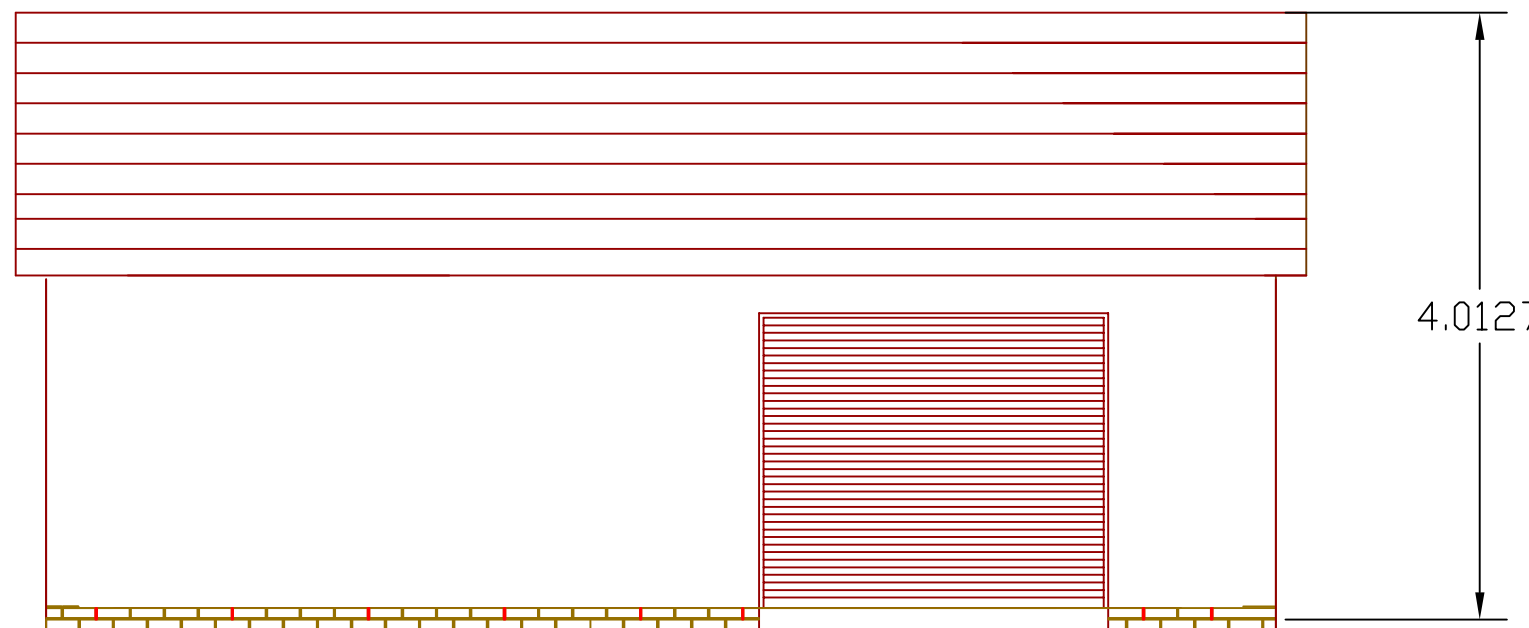
Front Elevation

Scale 1:100



Front Elevation

Scale 1:50



NOTES

1. All dimensions in millimetres and all levels in metres unless shown otherwise.

CURRENT DRAWING INFORMATION

DO NOT SCALE THE DRAWING - IF IN DOUBT ASK

03/05/13 Trim vents added, opening sash added

DATE DRAWN CHKD REVD ISSUE

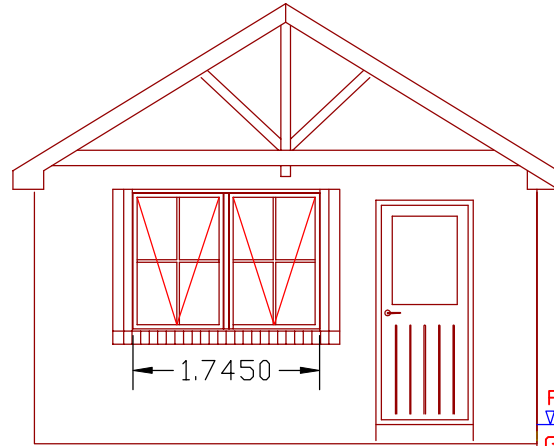
PROJECT
Building Details

Michael Peterarena
22 Miller Street
Inverness IV2 3DL
Tel: 07919485489

DRAWING TITLE
Location Plan

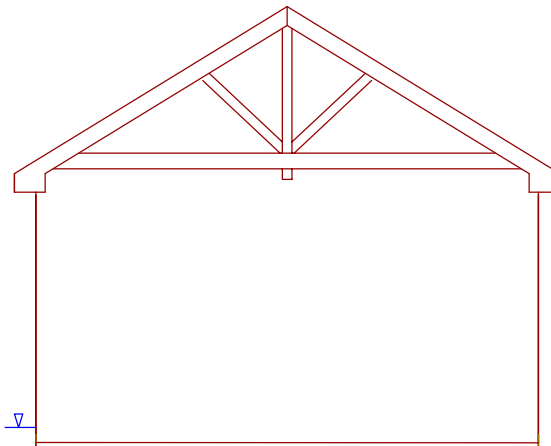
CONTRACT NO. SCALE MASTER SIZE
 100/150 @ A3 A3

DRAWING NO. ISSUE
MP/22/002 A

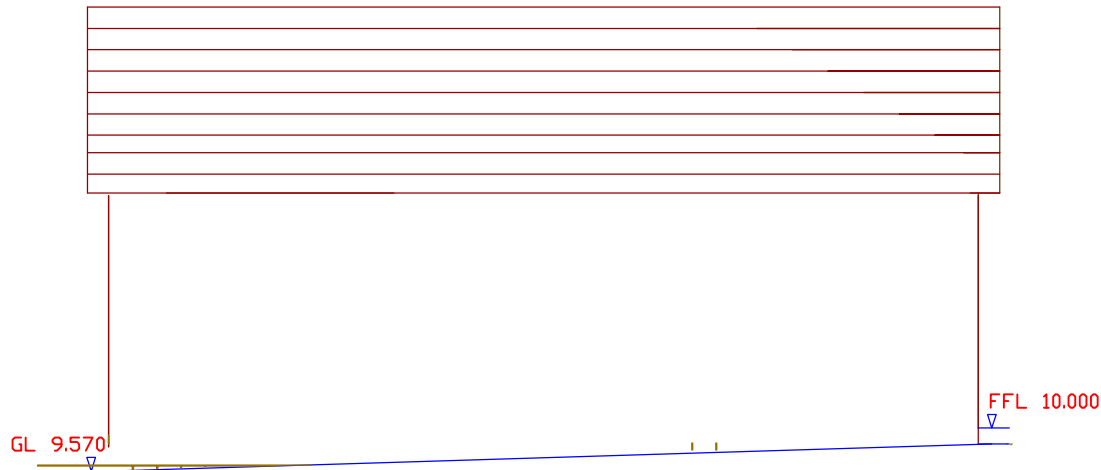


End Elevation

FFL 10.000
 GL 9.570



End Elevation



Rear Elevation

NOTES

1. All dimensions in millimetres and all levels in metres unless shown otherwise.

CURRENT DRAWING INFORMATION

DO NOT SCALE THIS DRAWING - IF IN DOUBT ASK

DATE	DRW	CHKD	REV'D	ISSUE

PROJECT
 New Garage at 22 Miller Street

Michael Palomera
 22 Miller Street
 Invermere V2Z 2L1
 Tel. 0793466489

DRAWING TITLE
 Location Plan

CONTRACT NO.	SCALE 1:50 @ A3	MASTER SIZE A3
DRAWING NO. MP/22/003		ISSUE C