

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
29 September 2015

Agenda Item	7.3
Report No	PLS/071/15

15/02832/FUL: Mr Ken Meldrum
7 Broadstone Avenue, Inverness, IV2 3LE

Report by Area Planning Manager - South

SUMMARY

Description: Alterations and extensions to create owner's accommodation and retrospective permission for shed

Recommendation: GRANT

Ward: 17 – Inverness Millburn

Development category: Local

Pre-determination hearing: None

Reason referred to Committee: 5 objections

1. PROPOSED DEVELOPMENT

- 1.1 The application is to extend the house to the side to provide additional accommodation for the owner and also seeks retrospective planning permission for a shed to the rear.
- 1.2 **Variations:** Changes have been made to the design of the extension to reduce its size and appearance of the elevations.

2. SITE DESCRIPTION

- 2.1 The original house is a 1½ storey property that operates as a guest house. It is a relatively modern house that has previously been extended to the rear at the right hand side and a new shed has been installed to the rear. The proposed extension will replace the existing garage.

3. PLANNING HISTORY

- 3.1 07/00795/FULIN – Change of use to Bed and Breakfast granted 18.09.07
14/01294/FUL – Extension to house withdrawn 16.06.14.

4. PUBLIC PARTICIPATION

4.1 Advertised: S65 affecting Conservation Area

Representation deadline: 21.08.15

Timeous representations: 5

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Size of extension and overdevelopment of the plot;
- Conservation directive which identifies that small changes can erode the nature of the area – if this is the case for doors and windows, what about extensions?
- Privacy to surrounding properties and loss of light;
- Drainage and sewerage on the road;
- Parking;
- Proximity of shed to house and its size.

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 **Transport Planning:** No objection.

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

57 Natural, Built and Cultural Heritage

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Other**

Guidance on House Extensions and Other Residential Alterations

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**

Policy 28 of the Highland-wide Local Development Plan requires that “proposed developments will be assessed on the extent to which they...impact on community and residential amenity...”. This extension will replace the existing garage at the side of the house and will have no windows on the elevation adjacent to the neighbouring property. Where the proposal extends beyond the rear of the house, it is single storey. There are no windows on the neighbouring elevation closest to the property. Although the proposed extension will be very close to the boundary, given the orientation of the houses on Broadstone Avenue, it is not considered that the neighbouring property will suffer significant loss of sunlight.

This policy also requires that the proposal be assessed on “the extent to which the proposal demonstrates sensitive siting and high quality design in keeping with local character and historic and natural environment...”. This is a relatively modern house compared to the traditional stone properties in the immediate vicinity. The extension is lower than the existing house and set back from the front elevation and will use materials to match. This is considered appropriate and acceptable.

Taking these matters into account, it is considered that this proposal can be supported under Policy 28.

Given the property lies within the Crown Conservation Area, it is appropriate to assess the application under Policy 57. As a Conservation Area, it is a “feature of local/regional importance” and as such “we will allow developments if it can be demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.” This is an extension that fits with the Council’s Planning Guidance on House Extensions on a relatively modern house. Further, the shed to the rear has been reduced in size and is some 17.5 metres from the rear of the nearest neighbouring property. It is not considered that either of these developments will have an unacceptable impact on the heritage resource, and it is therefore considered that the proposal can be supported under Policy 57.

8.4 **Material Considerations**

Size of extension and shed and overdevelopment of the plot

While the extension is larger than the existing garage, the applicant has reduced the size of the extension from the previously submitted application taking account of the advice given by the case officer. The accommodation provides one bedroom, a small kitchenette and dining area, with a small lounge in the roof space upstairs. The property is a well used guesthouse and while the proposal reduces the amount of amenity space to the rear, it is considered that the relatively modest extension to provide on-site, semi-private accommodation for the owner is acceptable.

Equally, the shed, which is a non-permanent structure, has been reduced by a third in size. It is to the rear of the property and some 17.5 metres to the rear of the nearest property. There are a number of sheds and outbuildings to the rear of properties along Broadstone Avenue and Broadstone Park, and in this context, the proposed, as amended, shed is considered acceptable.

Conservation Area

Response to the concerns in relation to the historic environment is addressed in the policy assessment at 8.3 above.

Privacy to surrounding properties and light

Response to the concerns in relation to privacy and light is addressed in the policy assessment at 8.3 above.

Drainage and sewerage on the road

Objectors raised concerns regarding discharge of drainage and sewerage onto the road which it is stated comes from Kingsmills Nursing Home. While drainage is a material planning consideration, this matter is not related to the current proposal which will not affect or worsen this existing problem and is a situation which will require separate investigation unrelated to this proposal.

Parking

Transport Planning were consulted on this application and advised that they have no objection. They advised that there is concern that the junction of Broadstone Avenue and Kingsmills Road is below that recommended in the Council guidelines, but "Given that there will not be any increase in guest accommodation from this development and following confirmation that the owner already travels into and out of Broadstone Avenue every day to work at the property, there is no evidence that this development will increase vehicle trips through the junction of Broadstone Avenue with Kingsmills Road." Following clarification from the applicant regarding the number of parking permits held together with the intention to retain a parking space within the boundary of the property and on the understanding that a condition would be placed on any consent restricting use of the extension to owner's accommodation only, Transport Planning has confirmed that they are satisfied that parking is not an issue for consideration in this application.

8.5 Other Considerations – not material

Third parties also raised a number of other issues and concerns, including the need for additional owner's accommodation, the requirement for an additional kitchen, and the requirement to build a wall to at least the same height as the existing fence between 5 and 7 Broadstone Avenue. Other concerns include the lack of fire escapes and a concern that the application will result in use as an HMO. These are not material planning considerations and cannot be taken into consideration in the determination of this application. The proposal is for an extension and retrospective consent for a shed and must be considered on that basis. There is no evidence to suggest that the property will be used as an HMO, which would, in any event, require a further permission.

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 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 **GRANTED** subject to the following conditions:

1. The accommodation hereby granted permission shall not be used for any purpose other than as accommodation for use by the owner only. For the avoidance of doubt, it shall not be used as guest house accommodation.

Reason: In order to ensure that the development does not result in road capacities being exceeded.

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

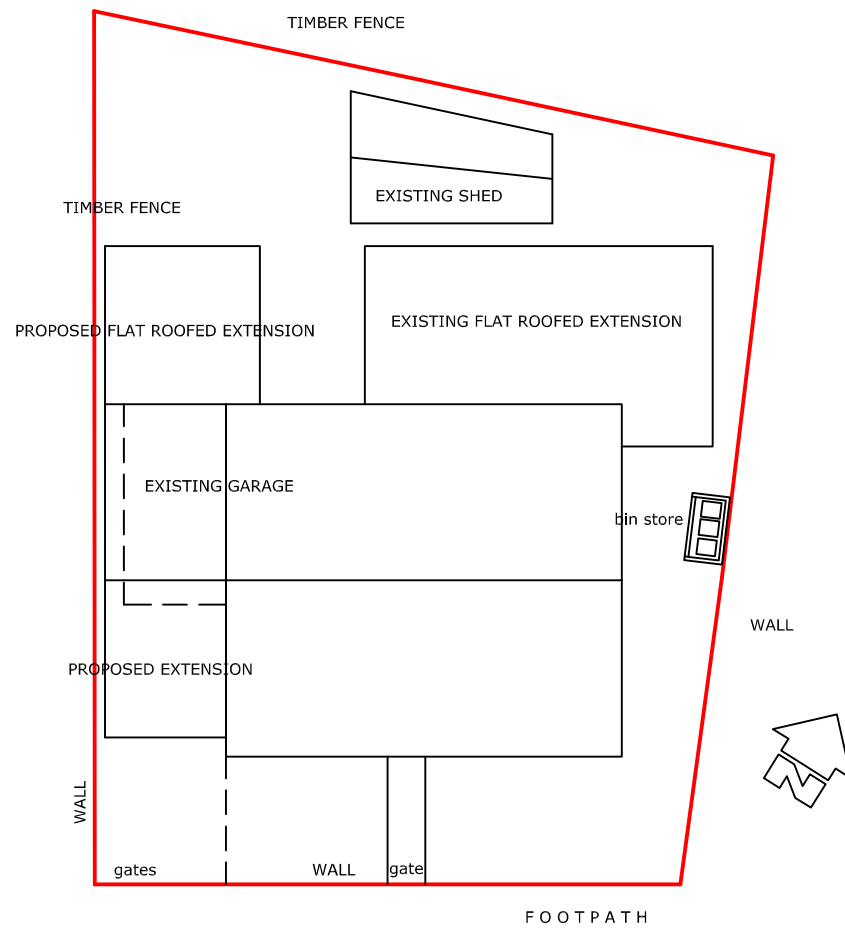
Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take 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.

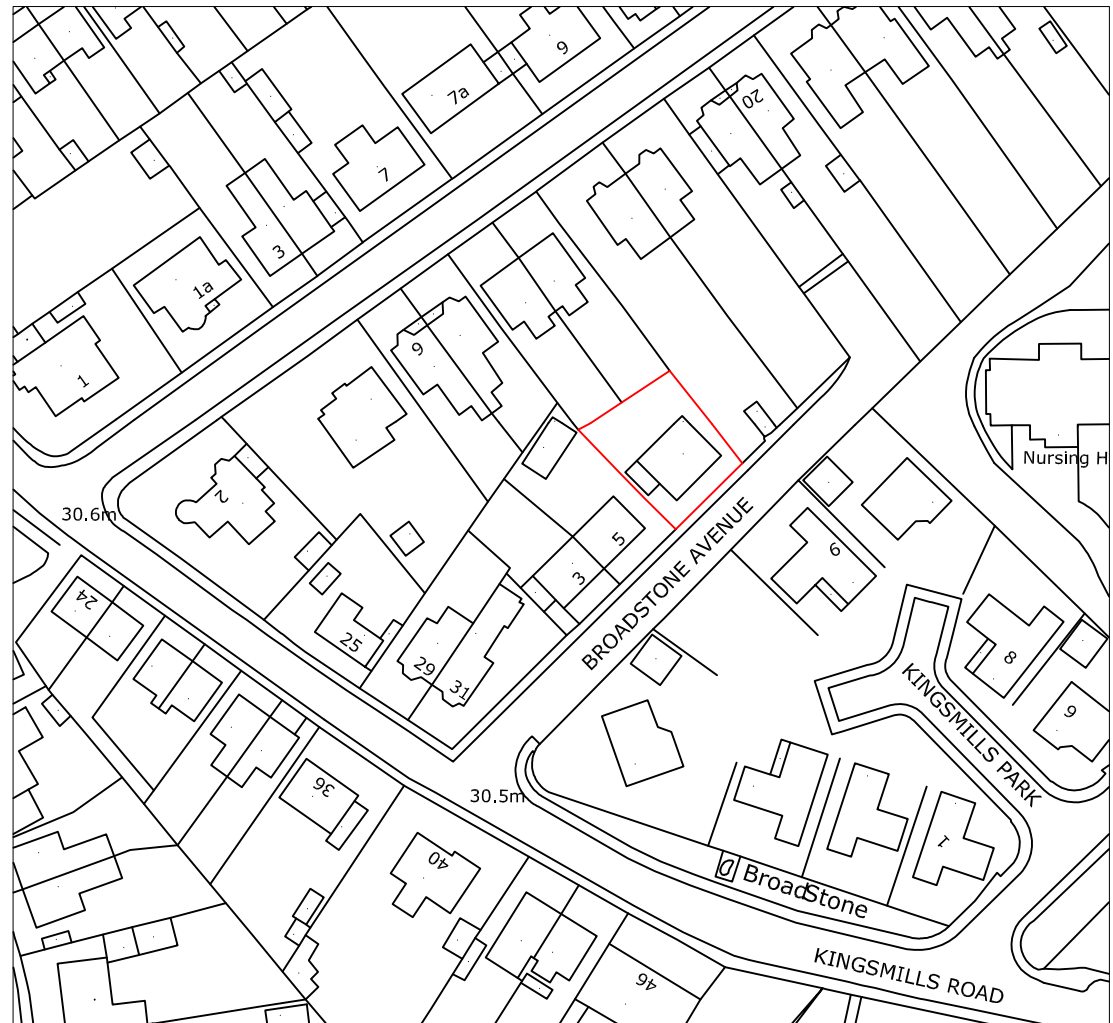
Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. 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: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Site Plan and Location Plan
Plan 2 – Elevations
Plan 3 – Floor Plan (Ground Floor)
Plan 4 – Floor Plan (First Floor)




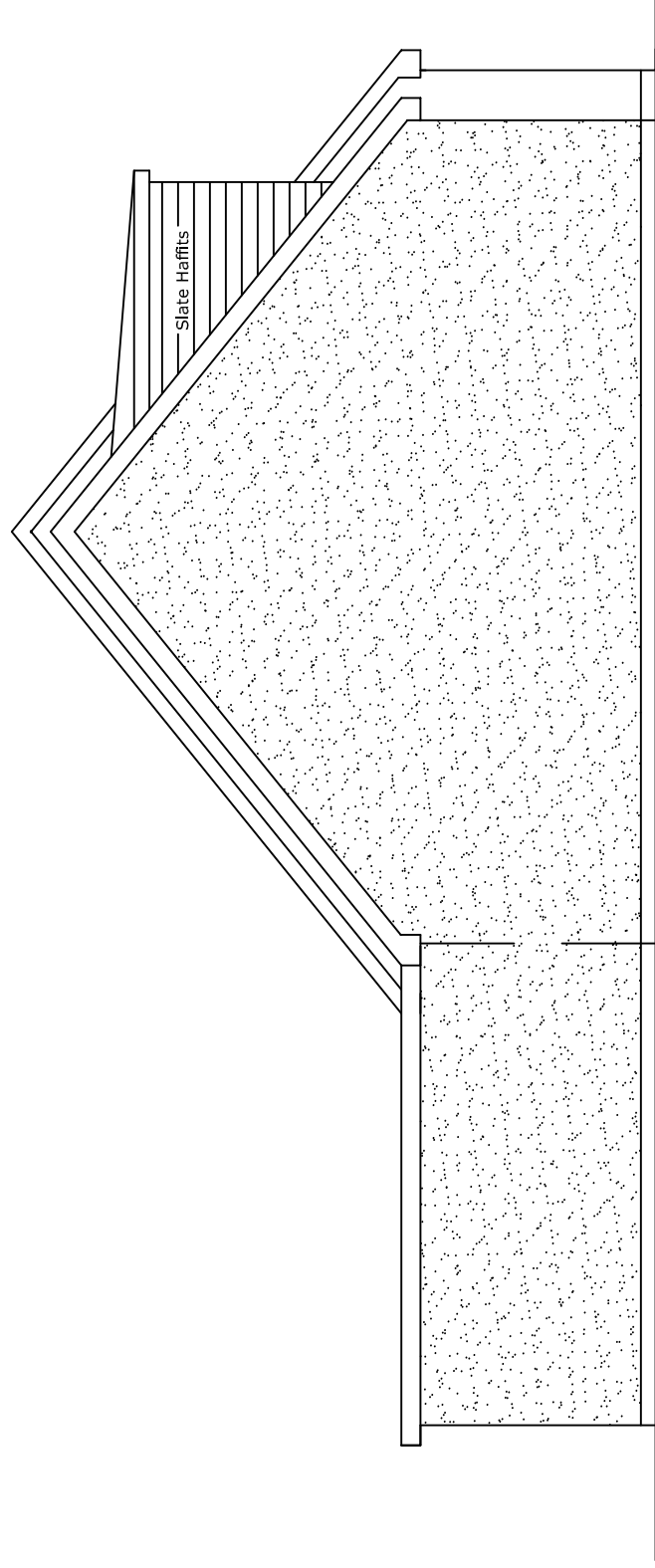
BROADSTONE AVENUE

SITE PLAN 1:200

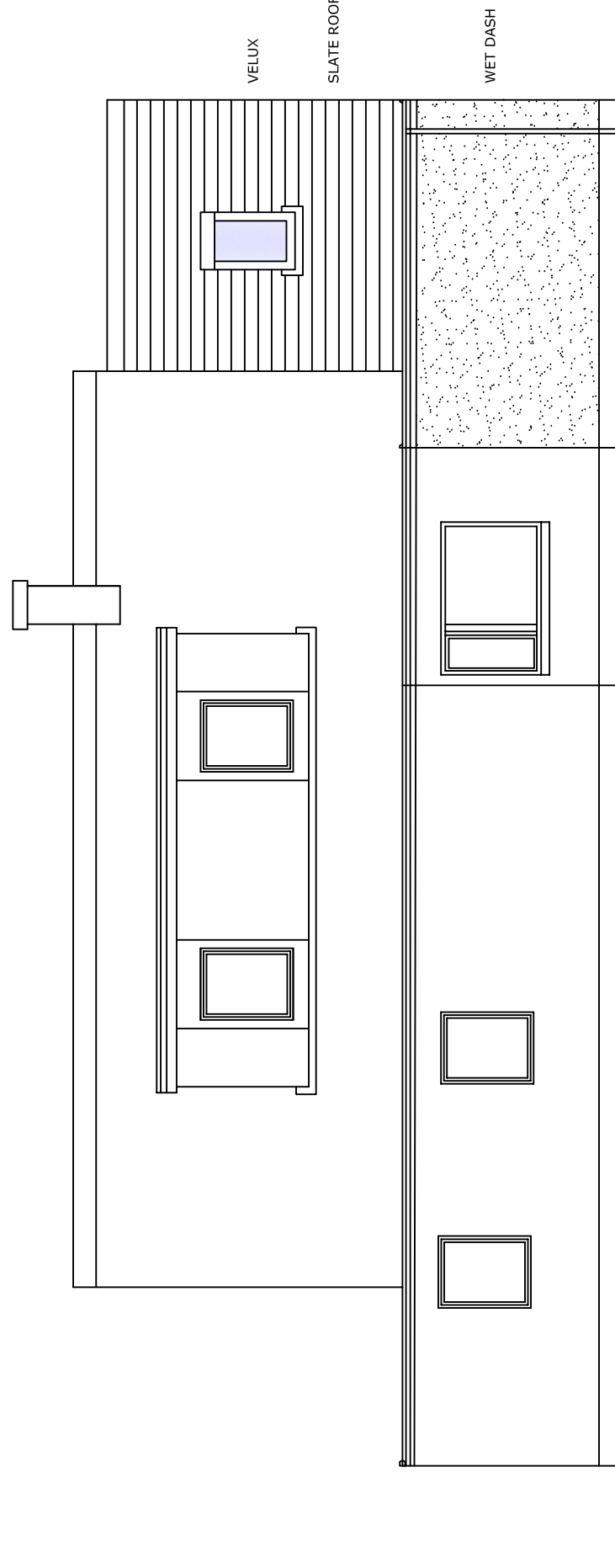


LOCATION PLAN 1:1250

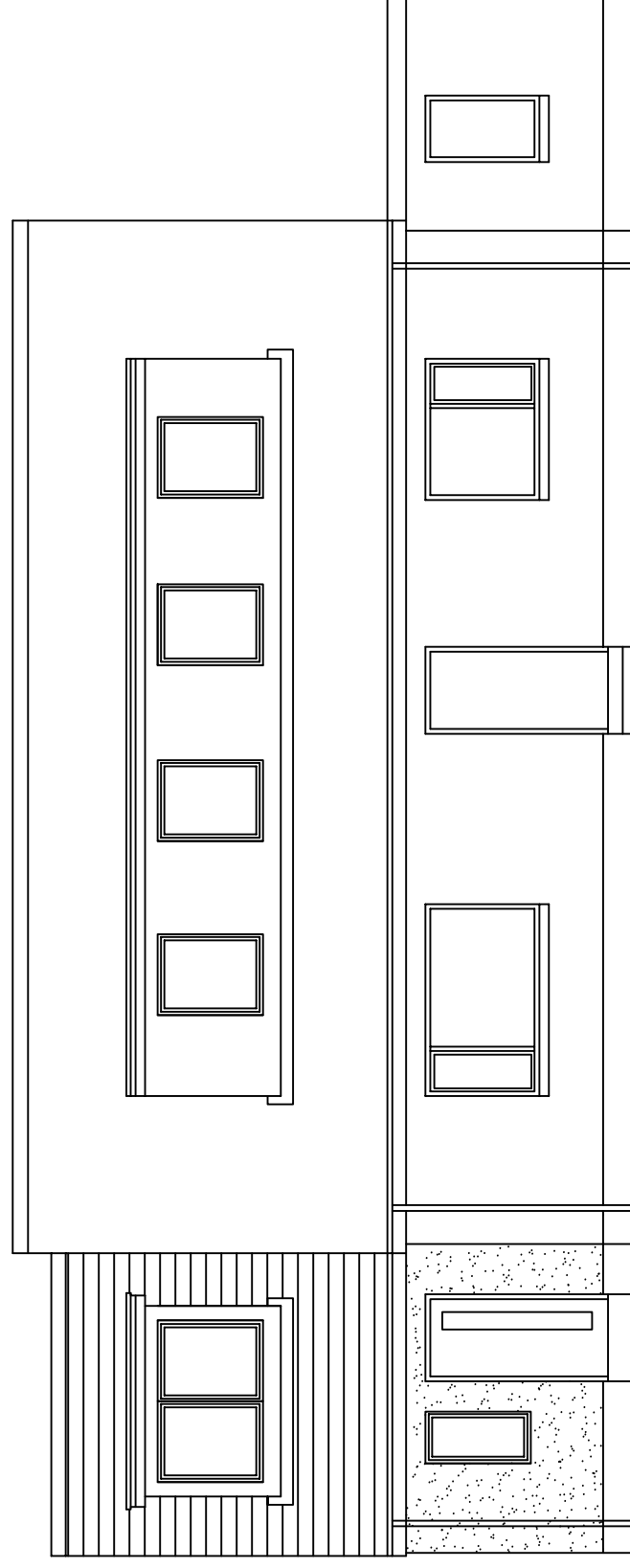
client	MR K MELDRUM		drawing	SITE PLANS		drawn	AJB	
project	PROPOSED ALTERATIONS 7 BROADSTONE AVENUE INVERNESS		drawing no.	01	revision	date	JULY 15	
						scale	1:200 1:1250	
							A.J. BLACK MCIAT CHARTERED ARCHITECTURAL TECHNOLOGIST AND BUILDING DESIGN CONSULTANT 51 CHARLES STREET INVERNESS IV2 3AH Tel 01463 224026 e-mail : blacksonthehill@aol.com	
								



Rear Elevation



Rear Elevation



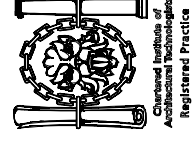
Front Elevation

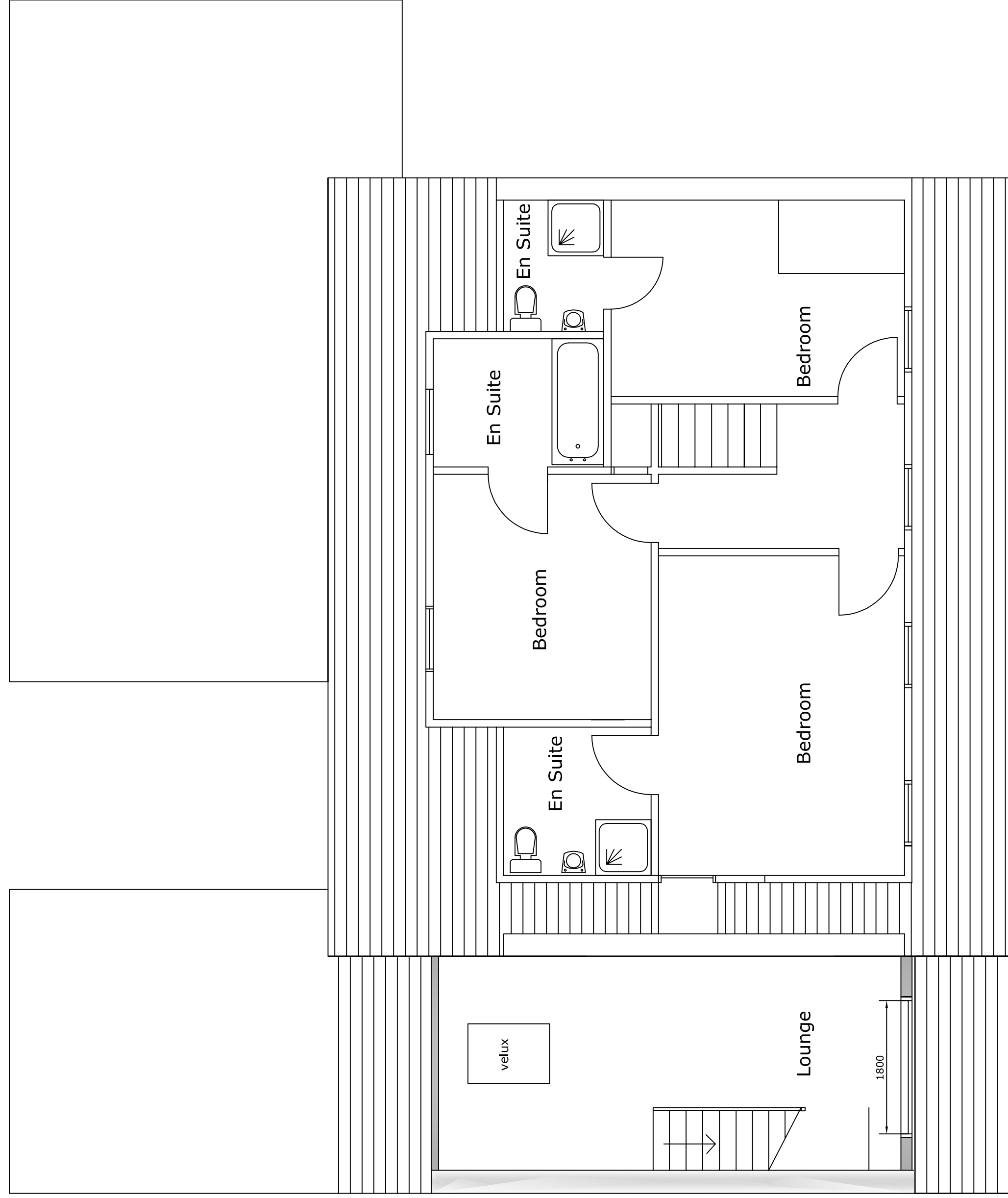
client
 MR K MELDRUM
 project PROPOSED ALTERATIONS
 7 BROADSTONE AVENUE
 INVERNESS

drawing
 ELEVATIONS
 drawing no. 04
 revision A

drawn
 AJB
 date
 JULY 15
 scale
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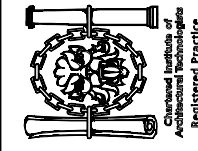
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 Tel 01463 224026
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First Floor Plan

client	MR K MELDRUM	drawing	FIRST FLOOR PLAN	drawn	AJB
	PROPOSED ALTERATIONS 7 BROADSTONE AVENUE INVERNESS	drawing no.	03	date	JULY 15
project				scale	1:50
				revision	A



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 AND BUILDING DESIGN CONSULTANT
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 INVERNESS IV2 3AH
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 e-mail : blacksonthehill@aol.com