

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
10 November 2015

Agenda Item	7.2
Report No	PLS/078/15

15/02964/FUL: Mr D MacKellaig
Gealach Mor, Morar

Report by Area Planning Manager - South

SUMMARY

Description: Conversion and extension of garage to form a residential/holiday letting cottage (amended design to 15/00660/FUL)

Recommendation: GRANT

Ward: 12 - Caol and Mallaig

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: 5 or more timeous objections received

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought to convert and extend an existing detached garage building adjacent to a substantial detached house to form a self contained 2 bedroomed annex for use as holiday letting accommodation. The property is within Morar between the village road and the A830 trunk road.
- 1.2 An informal pre-application enquiry was submitted in July 2015 following the withdrawal of previous application 15/00660/FUL (see Planning History).
- 1.3 The property has a short private driveway off the road through Morar leading down to a large area of hard standing in front of the house and garage. The property has mains services. The main garden area extends to the west of the house and garage.
- 1.4 No supporting documents submitted. A mock up of the proposed extension with timber batons was put up on site to show a revised lower height of the roof ridge as part of the pre-application enquiry in July.
- 1.5 **Variations:** Not to this application.

2. SITE DESCRIPTION

- 2.1 Within residential curtilage of substantial detached house, set at a lower level than the adjacent house Golden Sands, which is offset to the south, and closer to the road through Morar. There is a retaining wall topped by a fence bounding the east side of the property, between the hard standing and the field which is in separate ownership that separates the house from the road through the village. No trees affected. The proposed extension to the garage would be on an existing area of hard standing on the west side of the existing garage.

3. PLANNING HISTORY

- 3.1 08/00273/OUTLO : Erection of house - granted March 2009
09/00426/FULLO : Erection of house and garage - refused Feb 2010; subsequent appeal dismissed Aug 2010 (DPEA ref. PPA-270-2030; Reporter Janet McNair)
10/03770/FUL : Erection of house and garage - granted permission Jan 2011
ENFORCEMENT Notice served Oct 2011 against non-compliance with approved plans in respect of height of the garage - built 310mm too high (net increase - because although the garage was built 0.71m higher than approved, the ground on which it stands was excavated to a lower level than approved) - subsequent appeal dismissed Dec 2011 (DPEA ref. ENA-270-2002; Reporter Richard Dent); enforcement action suspended whilst subsequent retrospective application under consideration by the Council
12/00519/FUL : Erection of garage - amended design to that built (relating to planning permission 10/03770/FUL); proposed to raise internal floor level by about 0.3m, and flatten the apex of the roof, reducing the overall height of the garage by just under 0.5m; the gable roof pitch slopes would remain resulting in an increased height of 0.15m compared with the scheme approved under 10/03770/FUL - application refused May 2012 for the following reason: "The development would encroach into the public views across the site resulting in an adverse impact upon the landscape and scenery, contrary to the provisions of Policy 28 of the Highland wide Local Development Plan, April 2012; appeal lodged
12/00023/REFLO (DPEA ref. PPA-270-2079; Reporter Richard Hickman) : appeal against above refusal - dismissed Sept 2012
Garage subsequently altered to effectively comply with 2010 permission in terms of the ridge height. The roof was removed, wall heads lowered and the roof replaced resulting in a lowering of the structure.
15/00660/FUL : Conversion and extension of garage to form a residential/holiday letting cottage - (larger than current application proposal - proposed roof ridge of extension to be continued in a westerly direction at the same level as the existing garage roof) application submitted Feb 2015, withdrawn May 2015

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Representation deadline: 28.08.2015
Timeous representations: 11 (7 against, 4 in support)
Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Loss of an exceptional view from the public highway
- Property will be a letting unit - a commercial business - in an otherwise residential area - Morar is full of letting properties
- Likelihood of further application for another garage to replace this
- Incremental development/over-development of this site detrimental to the quality of the area
- The development will add to the range of tourist accommodation on offer
- The proposal will offer accommodation that is suitable for disabled persons - there is a lack of provision of such facilities in the area
- Lack of detail regarding the height, which was a key consideration at 3 previous appeals, and including enforcement action involving the site - the heights were carefully controlled to protect at least partially the outstanding views across the site
- A previous reported (Mr Dent) stated in his appeal decision:

'Once the approved house is completed, the view from the road will become more focussed on the remaining open area between the upper part of the new building to the north and Golden Sands to the south. I believe even a relatively limited intrusion into this view would be significant. The upper part of the garage as built can be seen clearly from the nearby public road and, significantly, the ridge breaks the line between the land and the sea. In my opinion, this adds to the adverse impact. The impact is exacerbated when the structure is viewed obliquely as both the gable and much of the upper part of the roof itself are clearly visible. As in the case of the 2010 appeal, I conclude that the development, as constructed, is contrary to structure plan Policy G2 insofar as it has a significantly detrimental impact on landscape and scenery. The reduction of the height of the garage to the approved height is therefore required to remedy the breach of planning control and the injury to amenity caused by the breach. Accordingly, the appeal under ground (f) fails.'

- This would in effect constitute a second dwelling house on the site, whereas the original proposal was for a single dwelling only
- The fence recently erected at the property encroaches into the landscape and scenery, and it is an attempt to hide the present garage roof ridge

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 Scotland** : No objections.

5.2 **Lochaber Access Panel**: Supports the application and commends the applicant for complying with previous advice regarding accessibility.

5.3 **Morar Community Council** : The two members living nearest the site (one the Chair and the other, though absent, having submitted comments prior to the meeting) failed to see, given the angle of vision from the road, how a seaward extension wouldn't impinge further on the outlook, significantly breaking the line between land and sea - even with a 600mm drop in ridge height. Proof to the contrary was needed, they thought.

Another member said she had recently witnessed the enduring appeal of the existing view, seeing a group of visitors linger there for quite some time and take photos.

The remaining four members, however, were willing to take it on trust that enough had been done to ensure the specified line would not be breached and finally a consensus was reached with all members present agreeing not to object provided Planning would ensure (and continue to check during the building process) that no significant breach of the line between land and sea occurred when viewed from the road.

Assurance is requested that no further development should take place on this site in future. (It was not established how many of those present were in full consensus with this request).

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
34	Settlement Development Areas
57	Natural, Built and Cultural Heritage
61	Landscape

6.2 **West Highland and Islands Local Plan - as continued in force**

6.3 **Highland Council Supplementary Guidance**

Sustainable Design Guide Jan 2013

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

West Highland and Islands Local Development Plan

7.2 **Scottish Government Planning Policy and Guidance**

Not applicable

7.3 Other

Access to single houses and small housing developments

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

Principle

Development Plan policy is generally supportive of development in Settlement Development Areas if it is compatible with existing patterns of development and landscape character, and judged against how it conforms with adjacent land uses and the effect on any natural, built and cultural heritage features. The site was previously identified for two houses in the old Lochaber Local Plan, now superseded, and it is within the SDA for Morar in the WHILP, elements of which are continued in force and to be read in conjunction with the HwLDP. The principle of accepting the conversion and extension of the garage to form an annex to be used for holiday accommodation or other ancillary purposes to Gealach Mor would therefore be considered acceptable in principle provided the annex would meet these site specific criteria. The proposal would be particularly suitable for disabled persons in providing accommodation on one level. This is welcome; it is not however a determinative issue in this case. If granted, a condition would be appropriate to tie the occupancy of the annex to the main house, given the layout of the premises, with this unit subordinate in positioning and scale in relation to the main house, and with a shared driveway, parking and residential curtilage.

If a future application came forward for another garage on the site, then that would need to be assessed on its merits at that time. It is not reasonable to reject this application on that basis.

Siting and design

The main issue in the consideration of the house and garage to date has been the size and height of the buildings because of their impact on the view from the road through the village to the coast and Small Isles beyond. This has been the subject of careful and detailed consideration in three separate appeals relating to the whole development, and specifically the garage. The garage was ultimately reduced in height following service of an Enforcement Notice and an appeal against the Notice, and the garage now accords with the level set out in the 2011 permission in respect of the ridge height (ref. 10/03770/FUL). As the garage was first built 310mm higher than originally approved, this increased the intrusion into the view. This was considered to have an adverse impact which was exacerbated when the structure was viewed obliquely. This was considered significantly detrimental to the landscape and scenery.

It is not the purpose of the planning system to protect private views, however it was considered reasonable for the Planning Authority to seek to maintain as far as practicable the views through this gap from the road through the village across Morar Bay to the Small Isles (which are designated as a National Scenic Area).

It is reasonable to expect therefore that the current development will not exacerbate the loss of this remaining view. The current proposal has reduced the height of the ridge of the proposed extension from that submitted earlier this year (ref.15/00660/FUL - which was to continue the ridge along at the same level), to an extent that it would not be visible when viewed from the road through the village. It would be 0.6m lower than the existing ridge of the garage roof. Because the extension is on the west, seaward side of the building, even if kept at the same height as the garage as finally constructed, as proposed in application 15/00660/FUL, it would intrude into the views more when viewed from the road. This application reduces the height of the extension from that previously submitted in application 15/00660/FUL to a point where it will not be seen above or beyond the existing roof ridge when viewed from the road. A small porch is also proposed 2.75m by 2.25m by 3.58m high on the north elevation of the existing garage.

The additional length of the proposed extension and the proposed porch would be seen in very oblique views, however these would be from private property, and not prominent, if visible at all, from public views. The increase in the size of the building and its proposed change from a garage to a holiday annex would not significantly affect the amenity of neighbouring residents. Golden Sands is sufficiently distant and at a higher level than the application site, and the views from Invermorar House cannot be specifically protected by the planning system. The amenity of the occupants would not be significantly affected by the proposed development.

Access and Parking

There would be a small increase in the amount of traffic with the holiday let, however this would not be disproportionate given the size of the property overall, and the adequacy of the access, driveway and parking. There is ample parking on the large hard standing in front of the house and garage/annex.

8.4 Other Considerations – material

The Community Council request an assurance that no further development should take place on this site in future. It is not possible to fetter an individual's right to submit a further application for future development proposals on the site as part of the planning process. Any future applications would be considered on their merits against the policies and circumstances at the time.

8.5 Other Considerations – not material

The fence along the eastern boundary of the site is not part of this application. It is in any event "permitted development" - and controlled by a planning condition attached to the original permission for the development.

8.6 Matters to be secured by Section 75 Agreement

None

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 and reasons:

1. The development hereby approved shall be used either as :

(a) holiday accommodation, operated by the occupiers of the adjacent dwelling house known as "Gealach Mor, Morar, Mallaig, PH40 4PA", and shall not be occupied by any one family, individual or group for more than three months in any one calendar year; OR

(b) ancillary accommodation incidental to the enjoyment of the adjacent dwelling house known as " Gealach Mor, Morar, Mallaig, PH40 4PA ".

For the avoidance of doubt the accommodation shall not be used as a permanent dwelling house.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for, in accordance with policy 28 of the Highland wide Local Development Plan.

2. The finished ridge height of the extension hereby approved shall be no higher than 0.6m below the existing ridge height of the garage.

Reason: To maintain the remaining view and avoid further detrimental impact on the landscape and scenery of the Morar coast and Small Isles, in accordance with Policies 28 and 29 of the Highland-wide Local Development Plan.

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

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Proposed Site Layout
Plan 3 - Existing General Arrangement
Plan 4 - Proposed General Arrangement

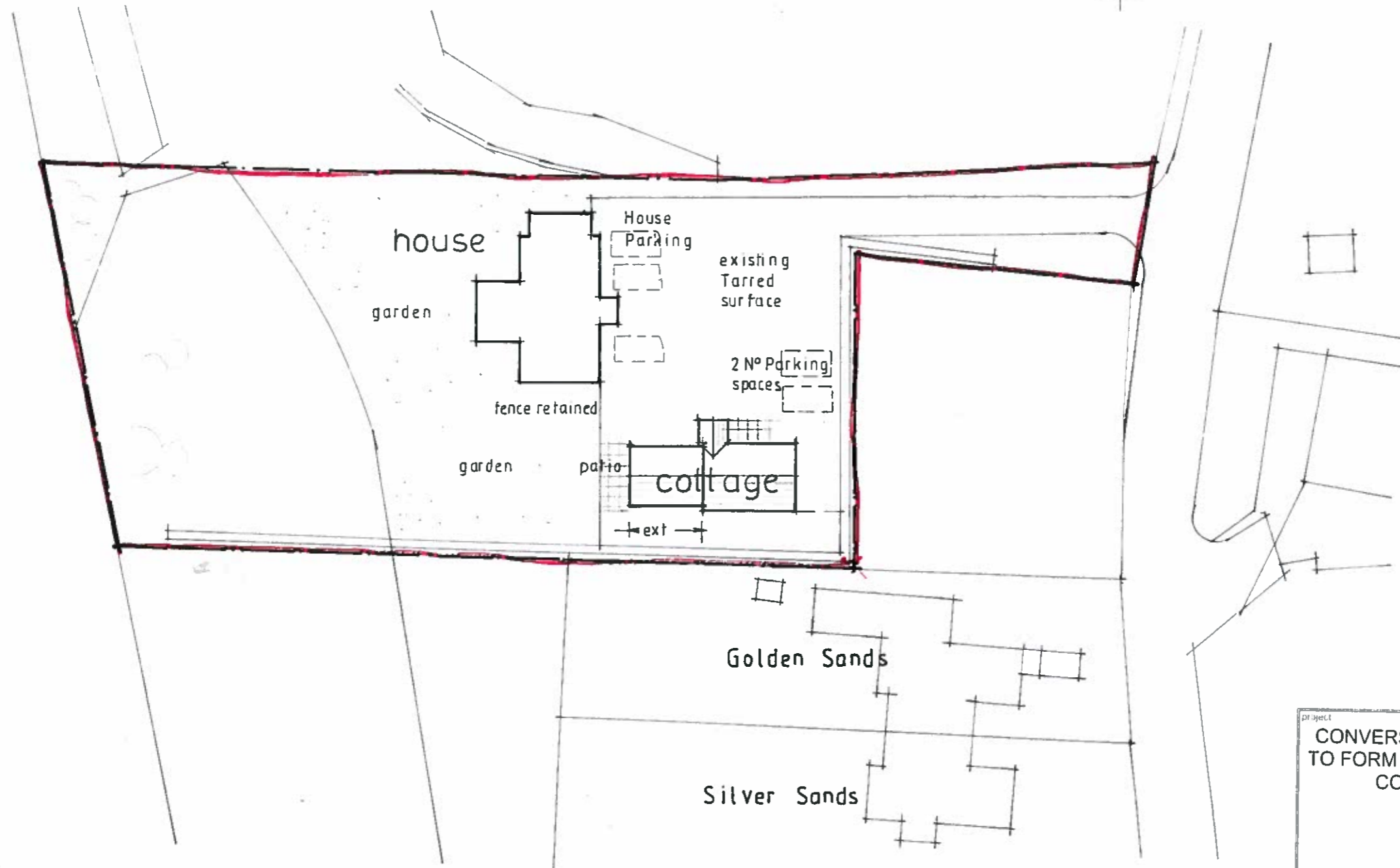
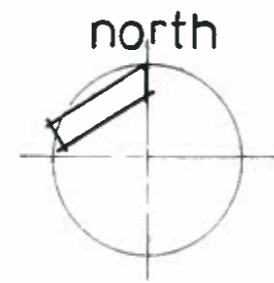
PROPOSALS AT GEALACH MOR, MORAR



Ordnance Survey © Crown Copyright 2015. All rights reserved.
Licence number 100022437. Plot No Scale = 1:1250



LOCATION PLAN - DRWGN 01

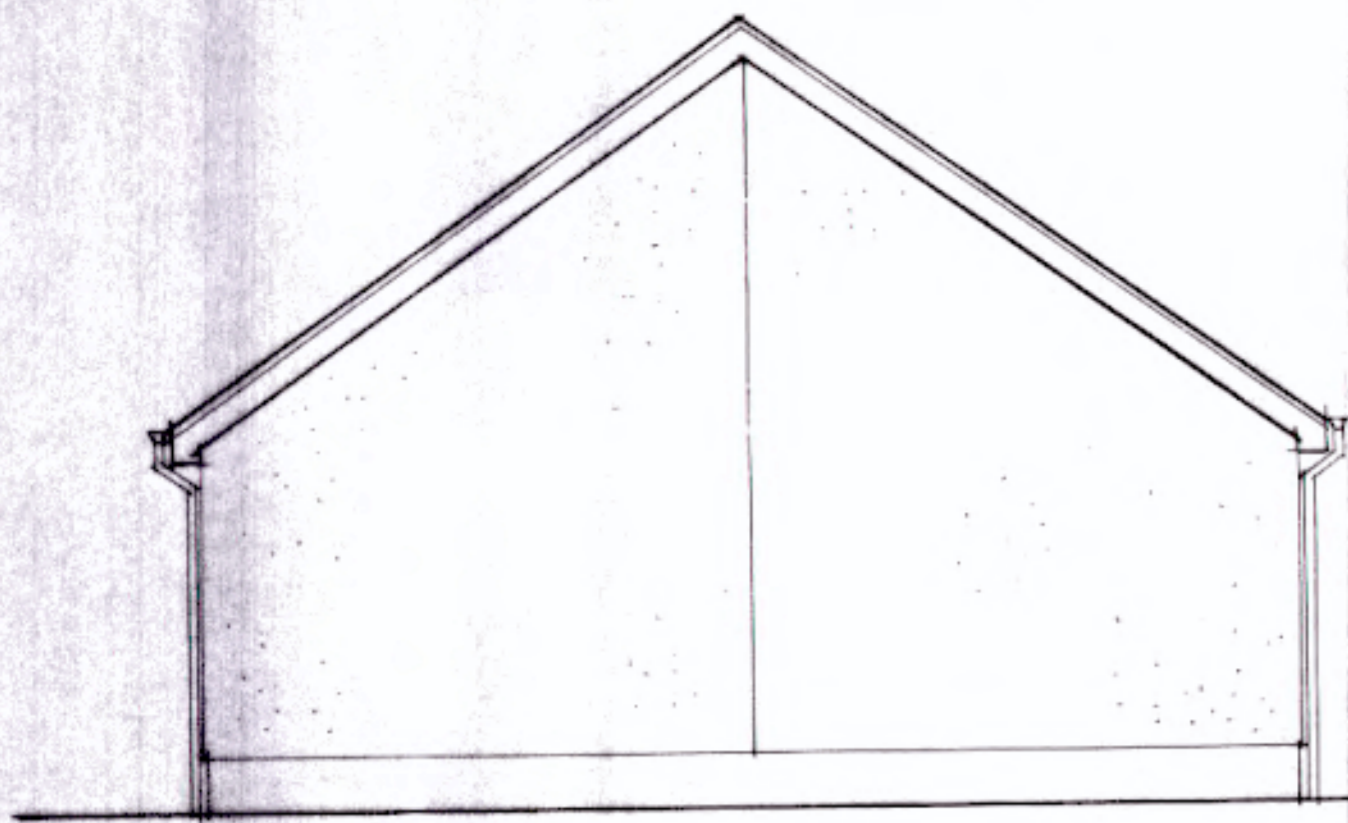


Proposed Site plan

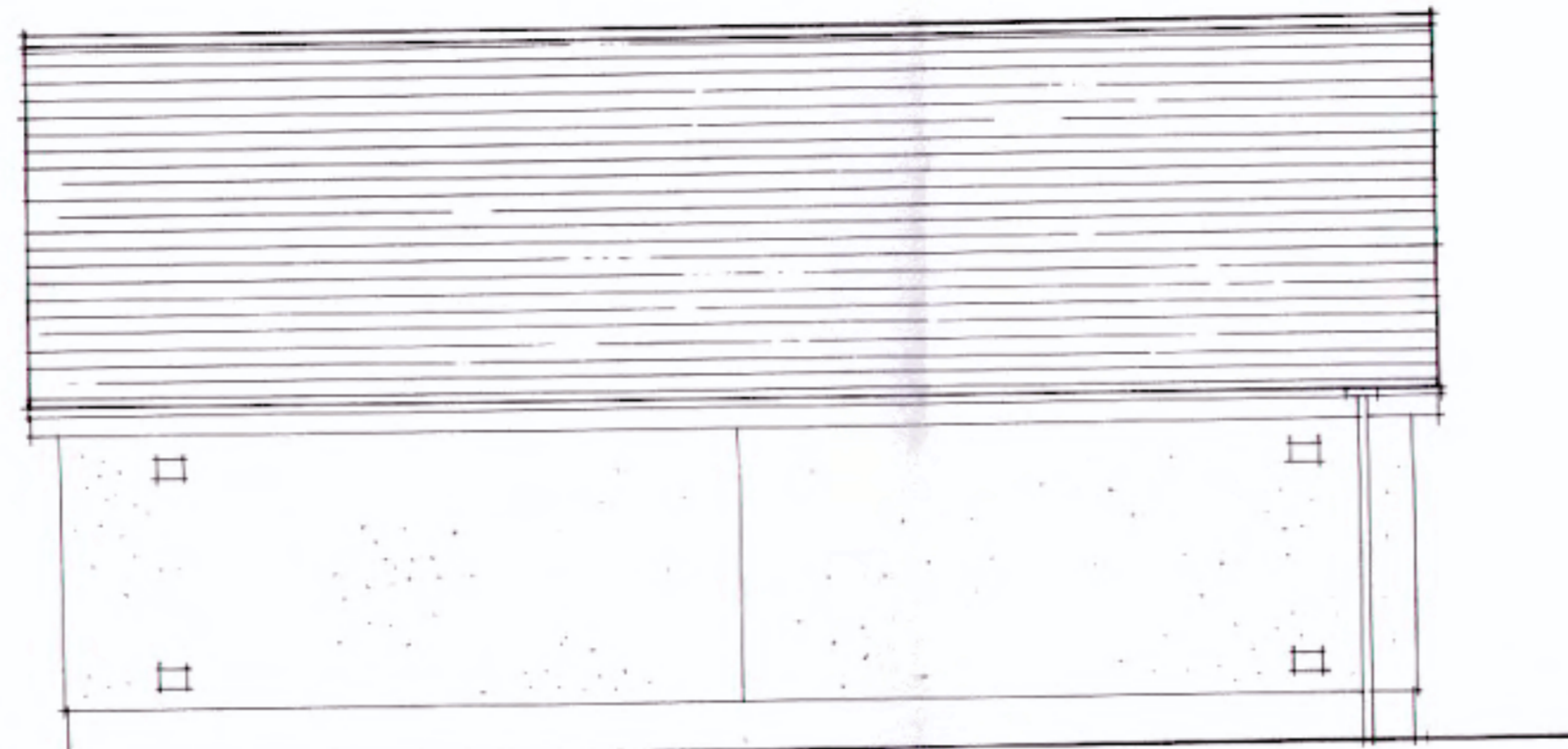
project			
CONVERSION AND EXTENSION OF GARAGE TO FORM A RESIDENTIAL / HOLIDAY LETTING COTTAGE (AMENDED DESIGN),			
GEALACH MOR, MORAR.			
client			
Mr and Mrs D MACKELLAIG			
dwgn			
PROPOSED SITE LAYOUT			
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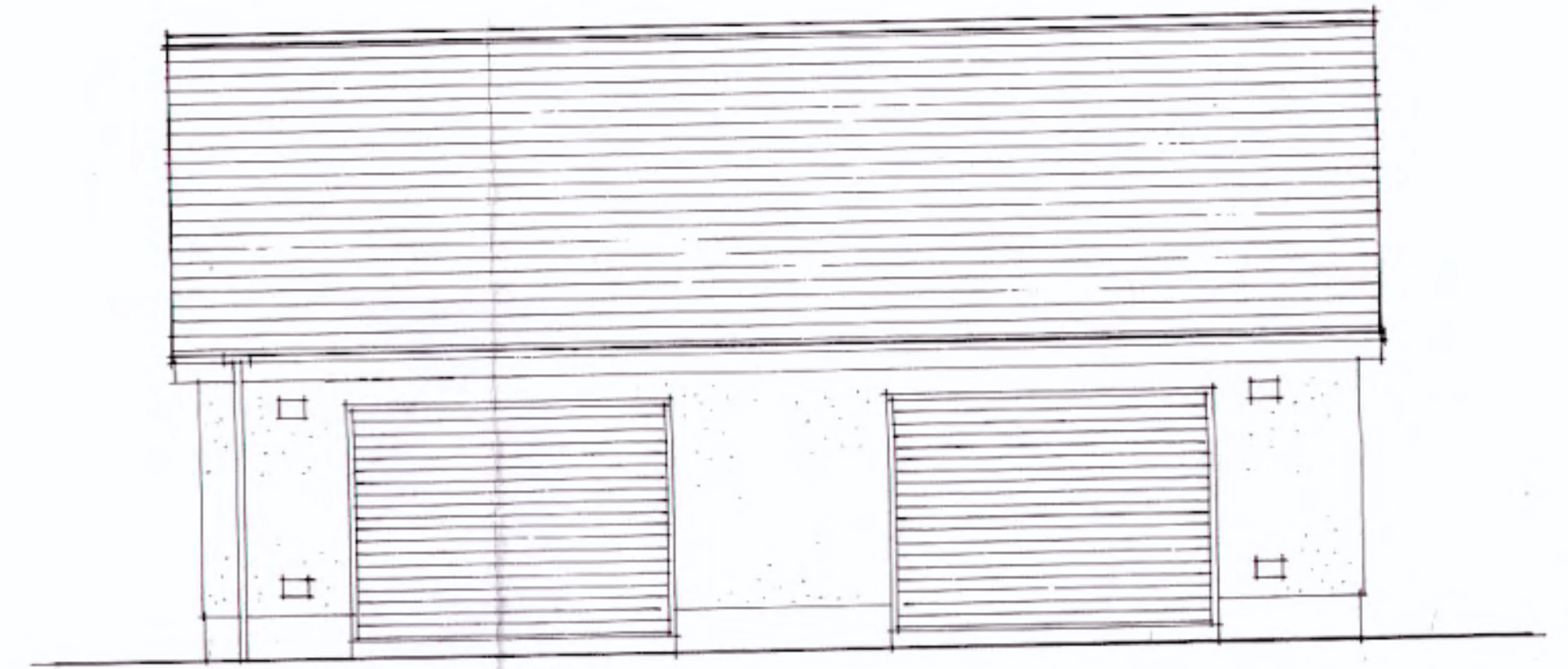
Samuel & Partners
44 High Street, Fort William, PH33 6AH
Tel: 01397 702686



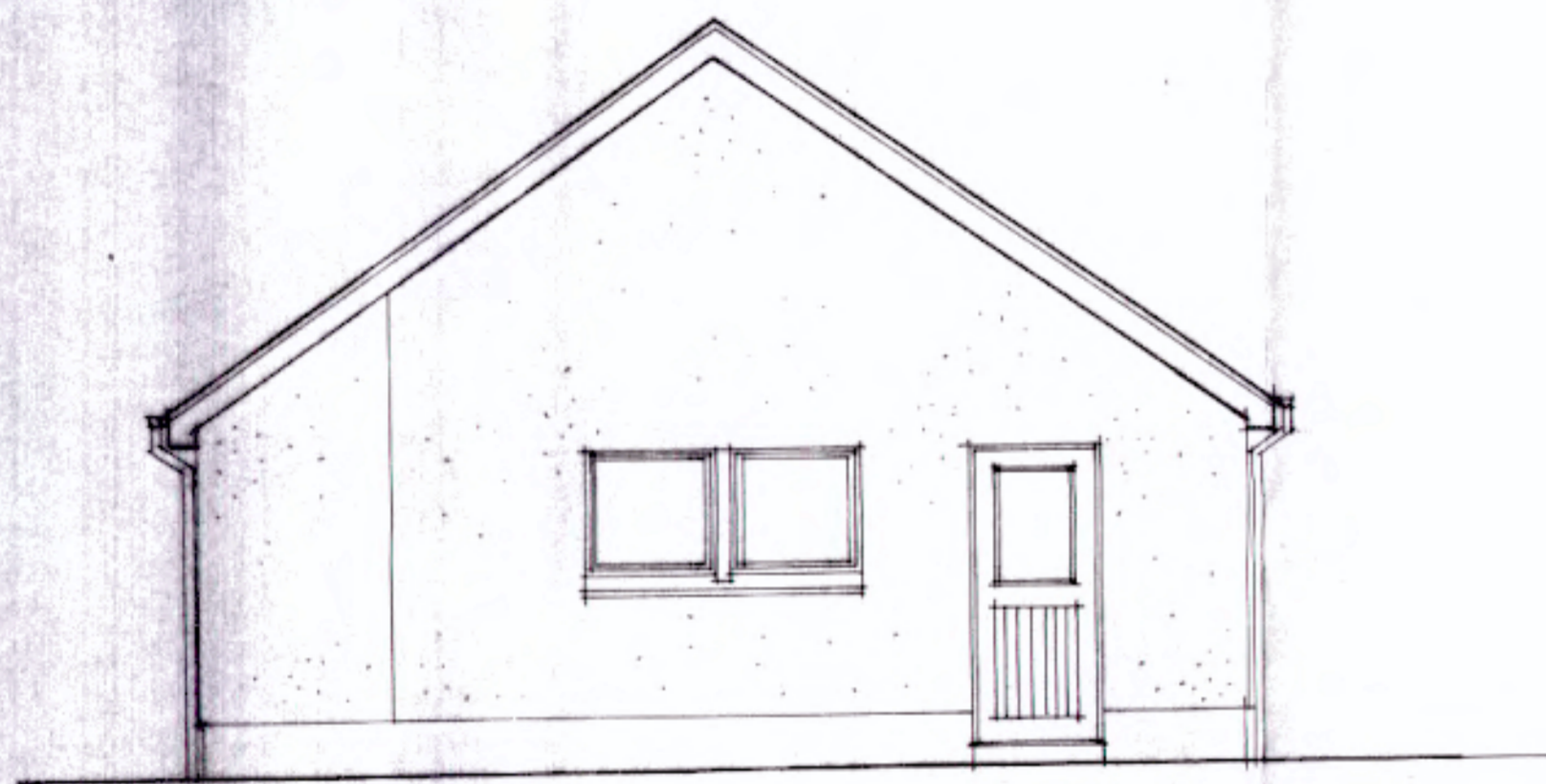
Side elevation



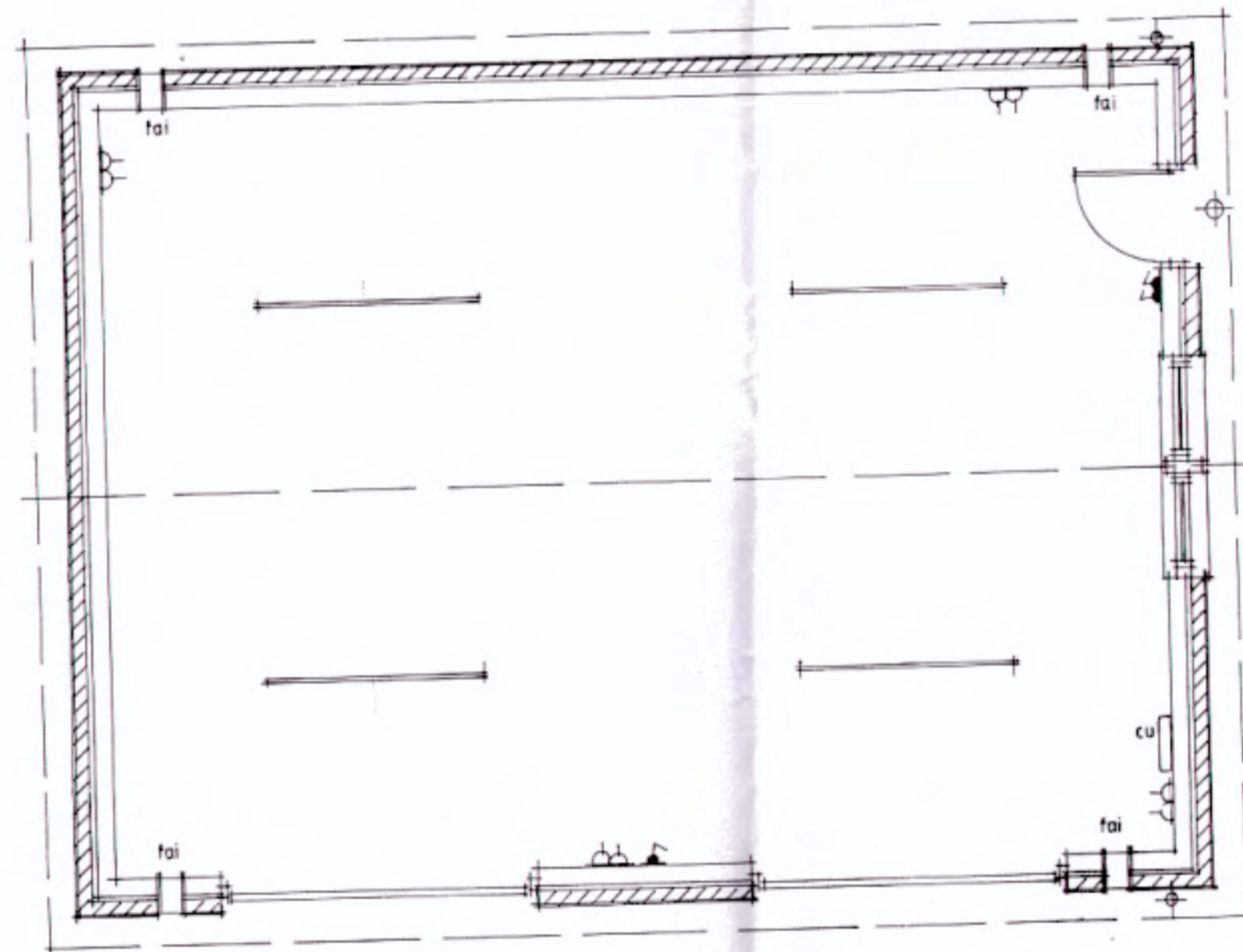
Rear elevation



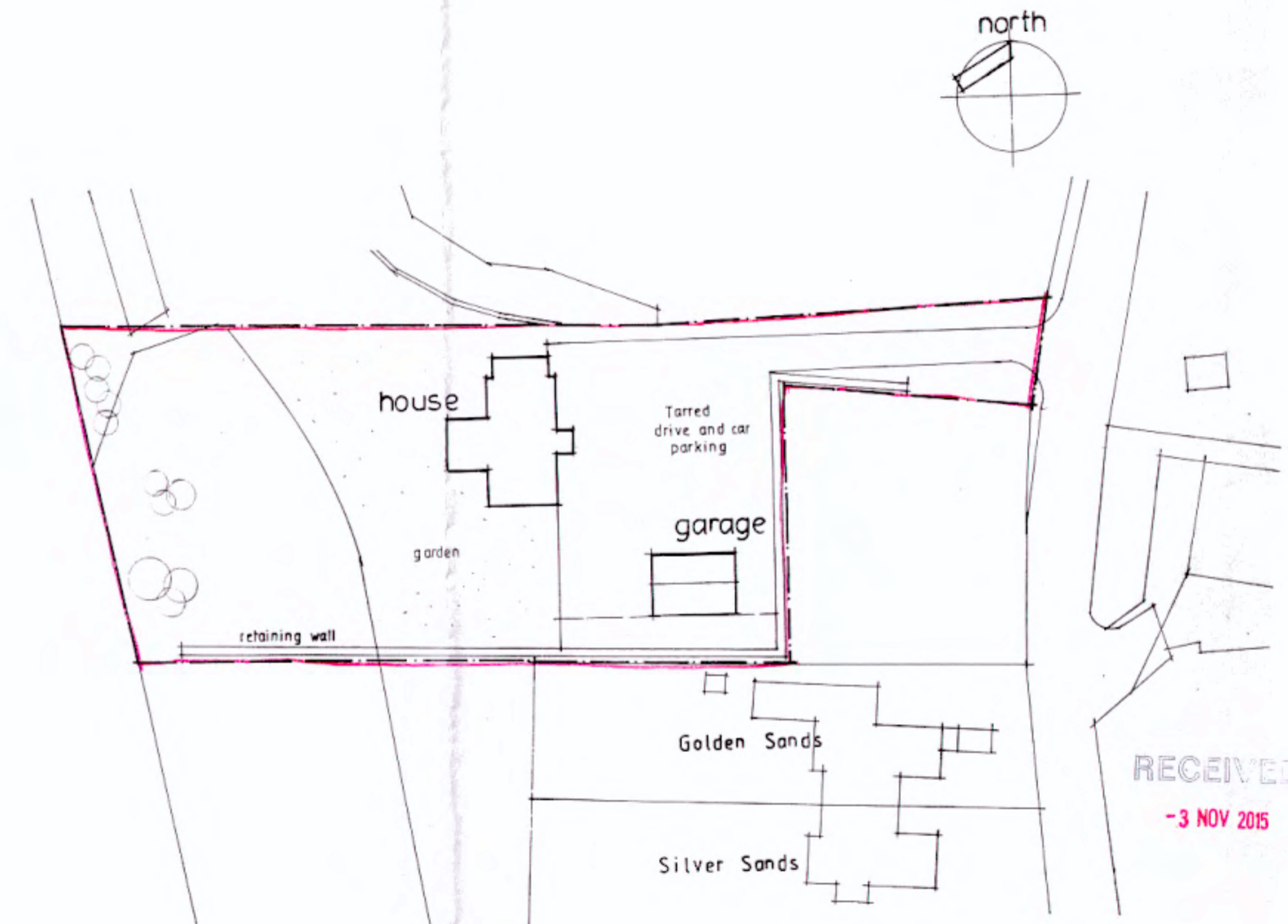
Front elevation



Side elevation



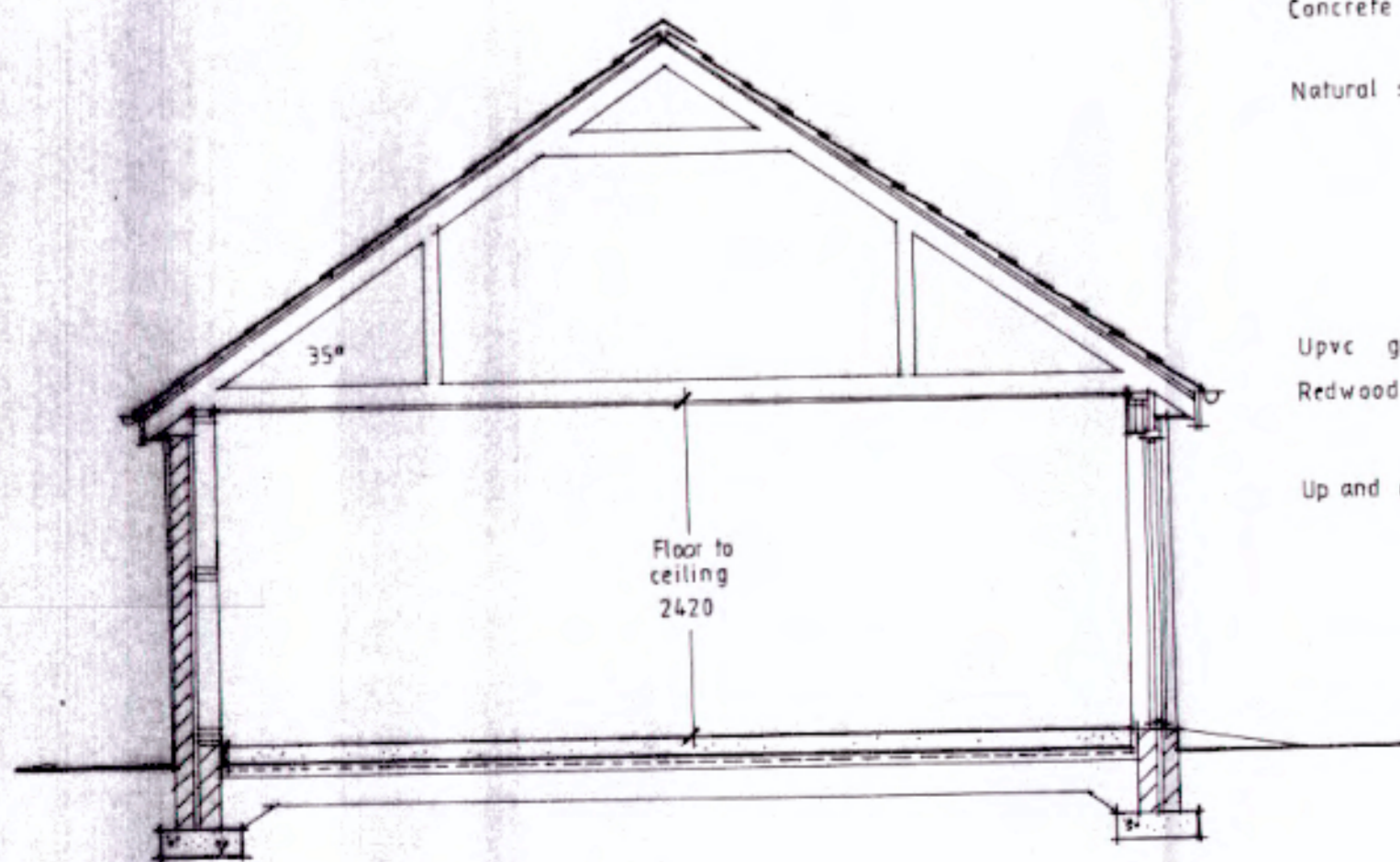
Ground floor layout



Site plan

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-3 NOV 2015



Cross section

Concrete ridge tiles

Natural slate

Upvc gutters

Redwood fascia

Up and over garage door

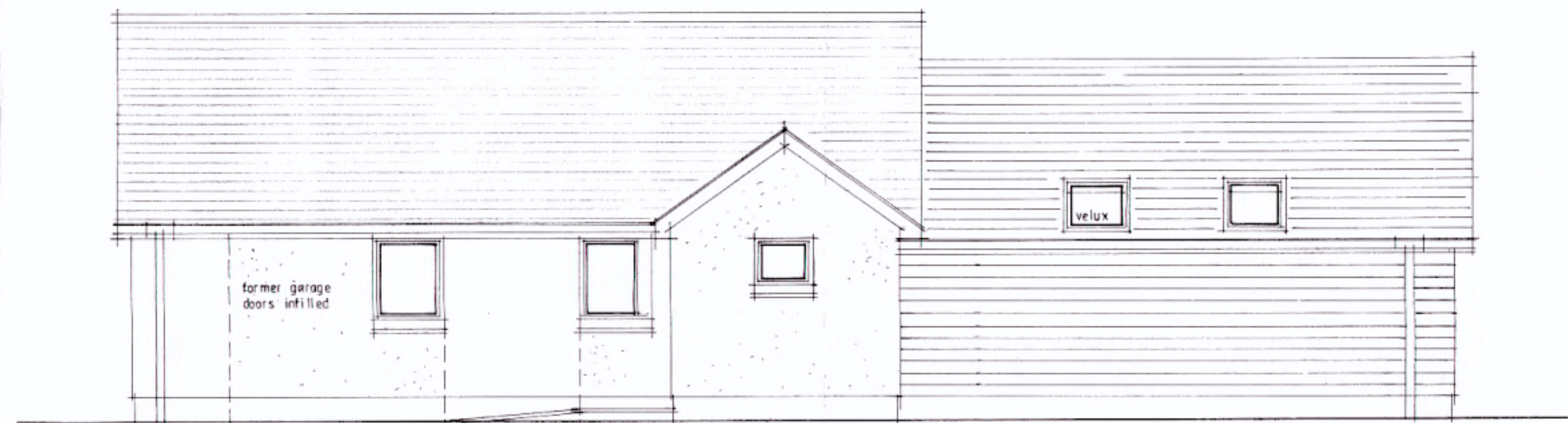
Floor to ceiling
2420

project			
PROPOSED CONVERSION AND EXTENSION OF GARAGE TO FORM RESIDENTIAL/HOLIDAY LETTING COTTAGE.			
GEALACH MOR, MORAR.			
client			
MR AND MRS D MACKELLAIG			
design			
EXISTING GENERAL ARRANGEMENT			
scale	date	design no.	rev
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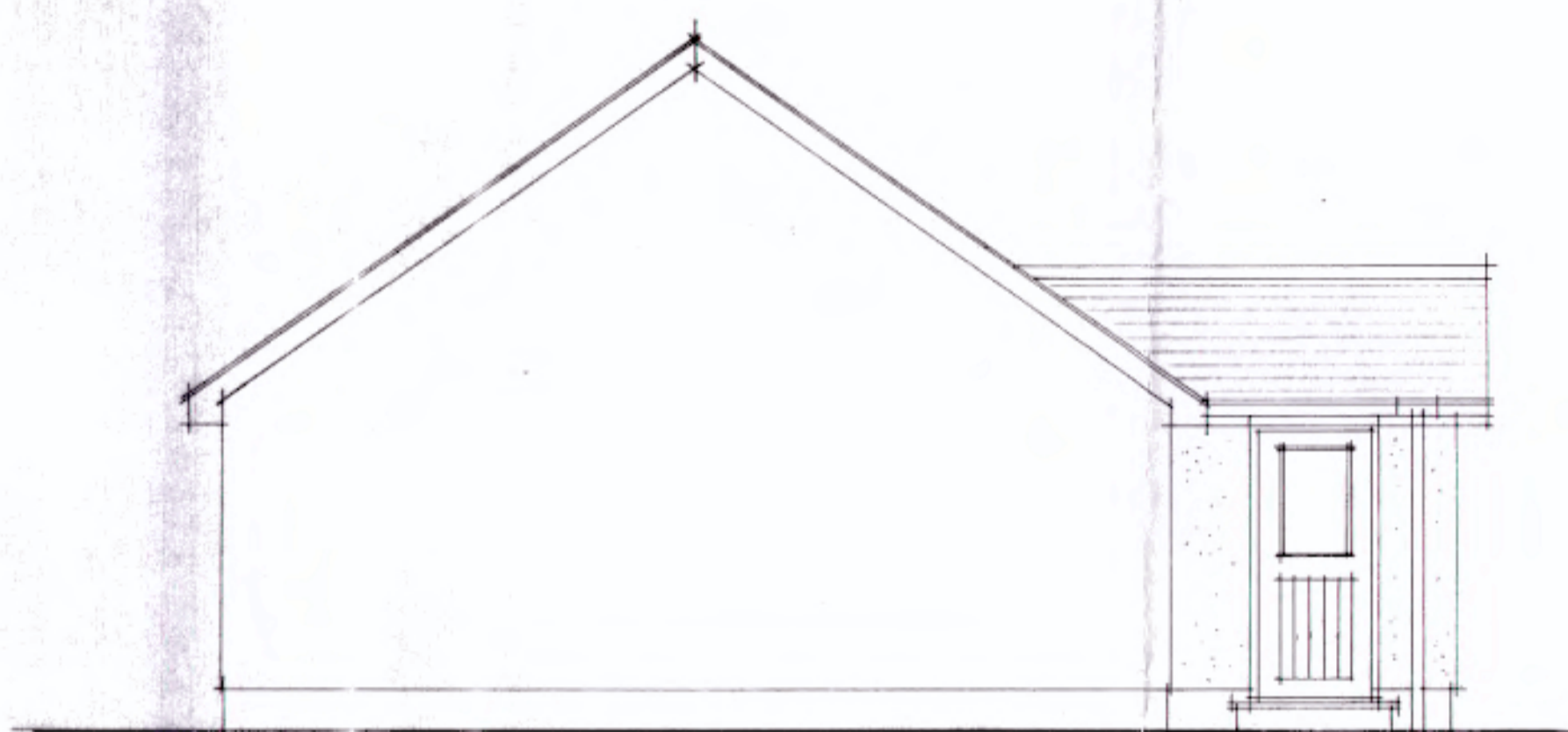
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Samuel & Partners
44 High Street, Fort William, PH33 6AH
Tel: 01397 702686



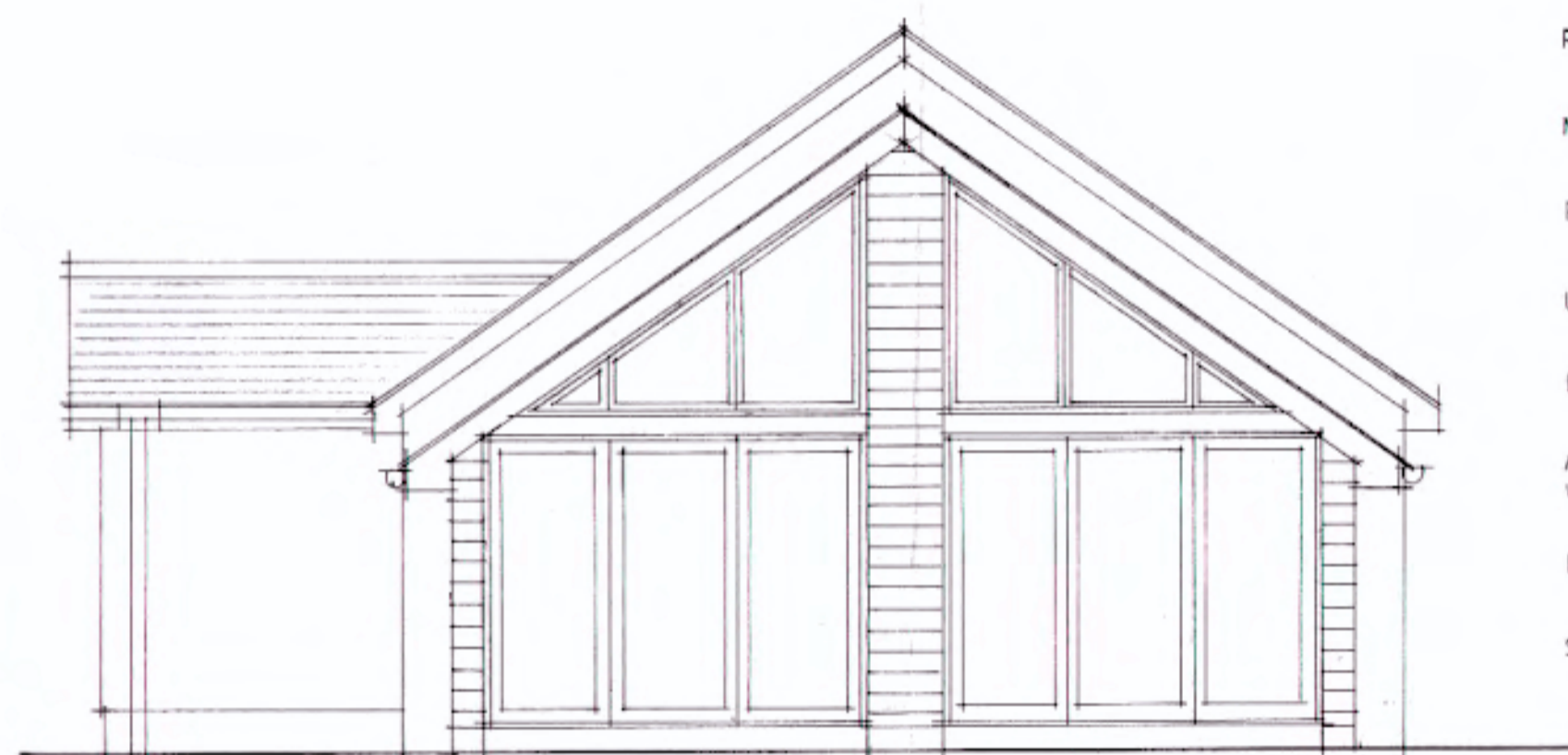
Rear elevation (South facing)



Front elevation (North facing)

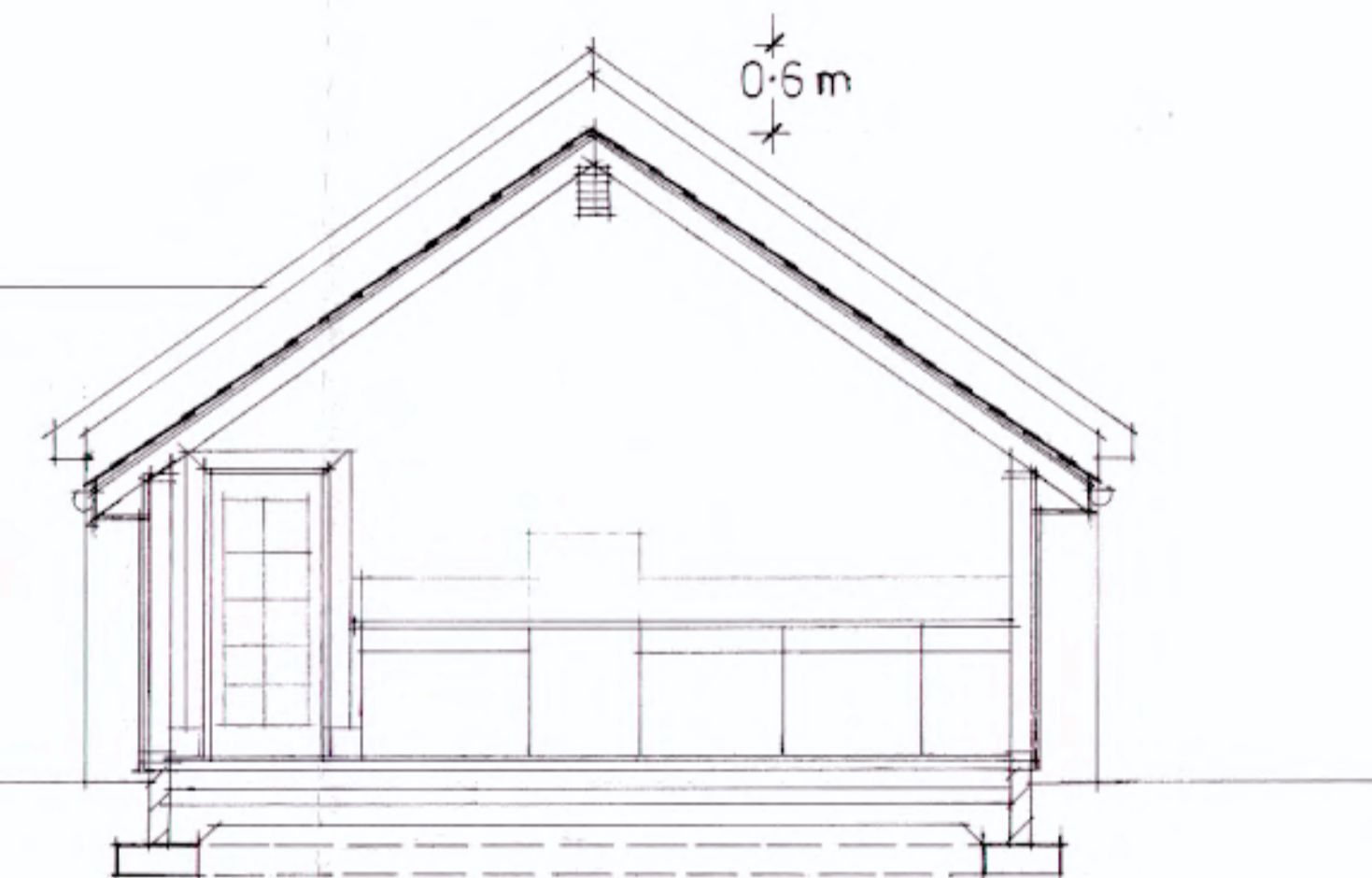


Side elevation (East facing)

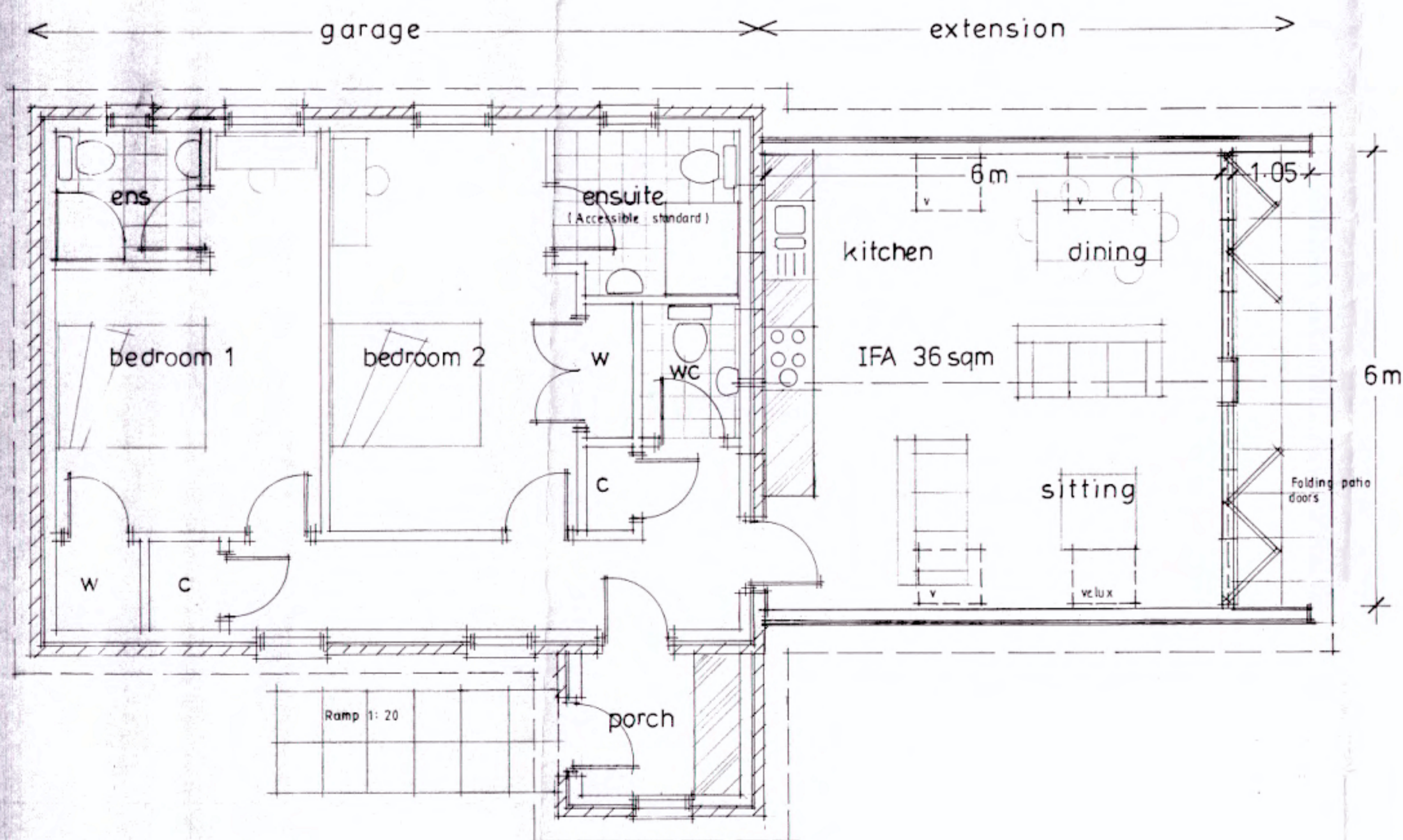


Side elevation (West facing)

- Ridge tiles to match
- Natural slates to match
- RP Barge and fascias to match
- Upvc gutters and downpipes
- Horizontal cedar boards
- Aluminum clad doors and windows finished to match house
- Horizontal Cedar boarding
- Smooth render base course



Cross section thro extension



Floor layout

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- 3 NOV 2015

project CONVERSION AND EXTENSION OF GARAGE TO FORM A RESIDENTIAL / HOLIDAY LETTING COTTAGE (AMENDED DESIGN), GEALACH MOR, MORAR.			
client Mr and Mrs D MACKELLAIG			
drwgn PROPOSED GENERAL ARRANGEMENT			
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