

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
14 December 2015

Agenda Item	6.7
Report No	PLS 093/15

15/04092/FUL: Alexander Beattie
18 Woodlands Way, Westhill, Inverness

Report by Area Planning Manager - South

SUMMARY

Description : Erection of summerhouse (retrospective)

Recommendation - GRANT

Ward : 20 – Inverness South

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : 5 or more objections

1. PROPOSED DEVELOPMENT

- 1.1 The development is for the erection of a summerhouse (in retrospect) which is of timber construction and features a low pitched profiled metal sheet roof. The summerhouse has been erected in the rear garden curtilage of the house.
- 1.2 No informal pre-application advice was sought in connection with the proposal.
- 1.3 No supporting documentation has been submitted with the application.
- 1.4 **Variations:** None.

2. SITE DESCRIPTION

- 2.1 The site consists of a modern two storey detached house within an established residential area of Westhill and is located at the end of a cul-de-sac. A separate residential development is located immediately to the west of the application site. There are a number of residential houses to the rear of the site which also form part of the same residential development however due to the topography of the area these houses sit at a substantially lower level from the application site. The lower sitting houses directly behind the application site have a retaining wall which is 1.35 metres in height separating them from the upper development. Above the retaining wall an additional 1.8 metre high boundary fence completes the boundary treatment.

The application site is generally level, however where the rear garden area meets the rear boundary the ground slopes sharply down to the top of the retaining wall.

The applicant has positioned the summerhouse close to the rear boundary which due to the sloping nature of the ground at this point has necessitated the construction of a supporting timber sub-structure. The effect of this is that the structure is significantly higher than the top of the boundary fence.

3. PLANNING HISTORY

3.1 There is no planning history associated with this site.

4. PUBLIC PARTICIPATION

4.1 Advertised : Not applicable.

Representation deadline : 26/11/15

Timeous representations : 7 representations from 5 households

Late representations : None

4.2 Material considerations raised are summarised as follows:

- Adverse impact on amenity;
- Development is out of character with area.

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 Not applicable.

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

6.2 Inner Moray Firth Local Development Plan 2015

Not applicable.

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 (HwLDP) 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 summerhouse is approximately 19 square metres in size. It is 2.9 metres in height when measured from the front. At the rear and as a result of the supporting underbuilding, the summerhouse measures approximately 3.7 metres in height. The summerhouse is of a modest size and certainly not untypical of the type of garden structure one could expect to see in the rear garden of a house.

Due to the sloping nature of the rear curtilage, the applicant has tried to maximise the space available by erecting the summerhouse in the corner of the garden with underbuilding to compensate for the sharp decrease in levels. This, coupled with the fact that the 1.8 metre high rear boundary fence is also located further down the slope, means that when the summerhouse is viewed from the garden areas of the properties below, it appears significantly higher than the rear fence.

Locating the summerhouse towards the rear of the garden required additional construction supports to ensure it would have a level base. The only other alternative would have been to carry out major engineering works within the plot to create a level surface. It is not considered that this would have been a particularly viable alternative given that it would have likely been cost prohibitive, necessitating the construction of retaining walls, all for the sake of building a common garden structure.

The summerhouse does have a large side window although this does not directly overlook any of the neighbouring properties. Whilst there is no doubt that the summerhouse does have an impact on the properties below, this impact is not considered to be to such an extent that it adversely affects the amenity of the occupiers of these properties. These occupiers reside in properties that were constructed at a lower level from the neighbouring properties to the south-east and due to the differences in site levels are divided by a boundary retaining wall and fencing with a combined height of 3.15 metres. It is therefore not unreasonable to expect that the provision of garden structures within the rear gardens of these higher level properties will have some degree of impact.

The summerhouse as viewed from the applicant's property has not been constructed excessively high and it is reasonable to expect the householder when dealing with a sloping garden to take measures to maximise the opportunity to retain useable garden space.

In this case although the summerhouse does appear high when viewed from the lower gardens there is no evidence of demonstrable harm being caused to the occupiers of the lower houses in terms of impact on privacy. Any impact in visual amenity terms is considered on balance to be acceptable given the constraints of the application site.

8.5 Other Considerations – not material

A number of matters have been raised by third parties that are not regarded as material considerations. These are discussed below.

Development is in breach of regulations

The permitted development regulations state what development can be carried out without the need to apply for planning permission. They do not provide an absolute limit on the extent of development that can be carried out. They simply indicate that where the relevant limits are exceeded (for example in relation to height, location etc) formal planning permission is required.

Drainage issues

It has been alleged that the erection of the summerhouse has resulted in a loss of sunlight provision to rear gardens with the effect that the gardens remain wet. This issue is clearly indicative of poor drainage and cannot be considered to be directly related to the construction of the summerhouse.

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 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** unconditionally.

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.

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: Supporting information – Front view and side view photos



