

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
12 April 2016

16/00222/FUL: Mr and Mrs O'May
15 Croft Road, Inverness, IV3 8RS

Agenda Item	6.9
Report No	PLS 029/16

Report by Area Planning Manager – South

SUMMARY

Description: Demolish garage & erection of granny flat

Recommendation: REFUSE

Ward: 14 - Inverness West

Development category: Local

Pre-determination hearing: Not applicable

Reason referred to Committee: Delegated Refusal called in by Elected Members

1. PROPOSAL

- 1.1 The proposal is for the replacement of the existing garage with a two storey "granny flat".
- 1.2 15/04136/PREAPP Demolish existing large garage and erect a 'granny flat" on same site 18.11.2015.
- 1.3 Access is via Croft Road with off street parking provided.
- 1.4 **Variations:** None

2. SITE DESCRIPTION

- 2.1 Semi-detached modern property within a residential cul de sac. The garage is located in the rear garden adjacent to the western boundary. There are residential properties on either side of the site.

3. PLANNING HISTORY

- 3.1 None applicable

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 26.02.2016
Representation deadline : 26.02.2016

Timeous representations : None

Late representations : None

5. CONSULTATIONS

5.1 None

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application:

6.1 Highland-wide Local Development Plan (April 2012)

28 Sustainable Design

29 Design Quality and Place-Making

6.2 Inner Moray Firth Local Development Plan (June 2015)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

House Extensions and Other Residential Alterations (May 2015)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

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 Highland-wide Local Development Plan Policies 28 and 29 look for new development to make a positive contribution to the architectural and visual quality of the area.

Policy 28 of the Highland-wide Local Development Plan states that proposed developments will be assessed on the extent to which they:

- Impact on individual and community residential amenity.
- Demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment.

Policy 29 of the Highland-wide Local Development Plan states that “New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located...”.

The proposal is detrimental to the surrounding and adjoining spaces due to its design and scale and is not sensitive to the impact on those areas affected.

8.4 **Material Considerations**

The proposed “granny flat” would utilise the approximate footprint of the existing garage which measures 9m by 4.7m with a height of 2m. The 2 storey proposal significantly increases the height of the building and would measure 9m by 5.5m with a height of 3m to the eaves and 6.2m to the ridge. The substantial increase in height is required to accommodate a ground floor lounge along with 2 first floor bedrooms and shower room. It is unusual for a “granny flat” to require all these facilities. No further supporting information was provided outlining why the first floor was required.

Whilst the extension is set back 1m from the boundary and the rear curtilage is considered capable of accommodating the proposed footprint, the height, massing and overall scale of the proposal is considered to impact significantly on the house and curtilage immediately to the west of the site (17 Croft Road). Due to the proximity of the adjoining property’s rear garden the proposal is considered to unacceptably impact on the reasonable residential amenity the neighbour can expect to enjoy. As a consequence, the proposal is not considered to comply with development plan policy.

A daylighting calculation has been carried out referencing BRE’s *Site Layout Planning for Daylight and Sunlight*. The extension as currently submitted would have an adverse impact on the provision of daylight to the rear garden of 17 Croft Road. As a consequence, the proposal is not considered to comply with development plan policy.

The agent was made aware the proposal was unacceptable following pre-application advice (15/04136/PREAPP). The agent was asked to consider alternative solutions for the current proposal including a single storey, smaller scale granny flat to alleviate the detrimental impact on the neighbouring property and curtilage. No amendments have been received.

House Extensions and other Residential Alterations

The above Supplementary Guidance is a material consideration. The Guidance states that buildings within a residential curtilage should be subordinate in scale and floor area to the main property. The Council expects proposals to:

- *Be compatible with the character of the surrounding area; and*
- *Respect the privacy and amenity of neighbours.*

The proposal as submitted does not meet the above criteria. The scale and mass of the granny flat dominates and does not respect the amenity of the adjacent neighbour west of the site. The height and close proximity of the proposed extension would cause loss of daylight. In addition, the applicant has failed to provide a daylight analysis demonstrating the extent of the impact the development will have.

8.5 **Other Considerations – not material**

None

8.6 **Matters to be secured by Planning Obligation**

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 the application be refused.

10. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	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 **REFUSED** for the following reasons:

1. The proposal as submitted to demolish the existing garage and erect a granny flat, by reason of its design, scale and location will have a significantly detrimental impact on the amenity of the adjoining neighbour located on the western boundary of the site due to the loss of daylight/sunlight to the rear garden. The proposal is therefore contrary to Policy 28 of the Highland-wide Local Development Plan.
2. The proposal is contrary to Policy 29 of the Highland-wide Local Development Plan in that it would not make a positive contribution to the architectural and visual quality of the place in which it is located.

Signature: Allan J Todd

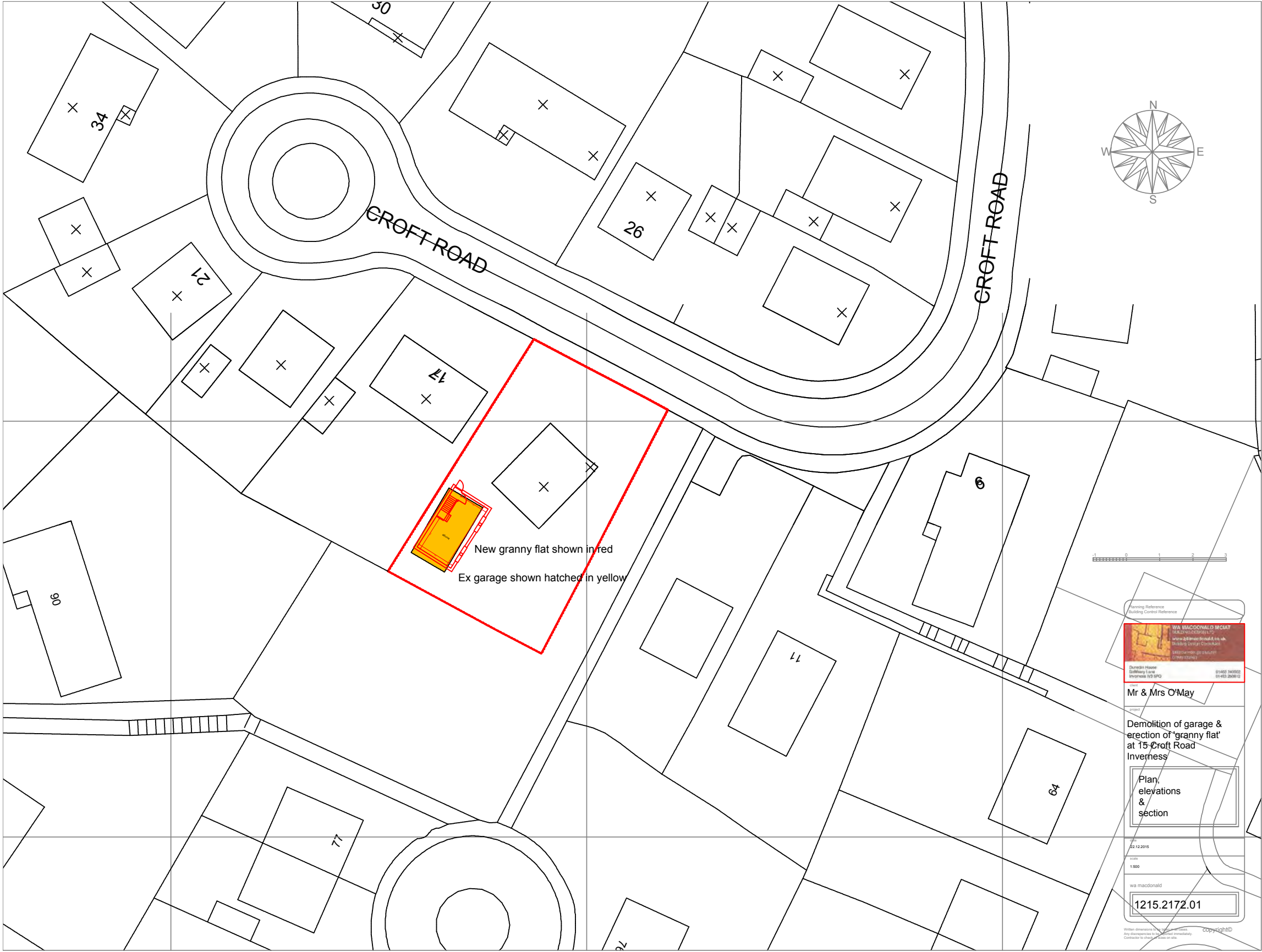
Designation: Area Planning Manager – South

Author: Roddy Dowell

Background Papers: Documents referred to in report and in case file.

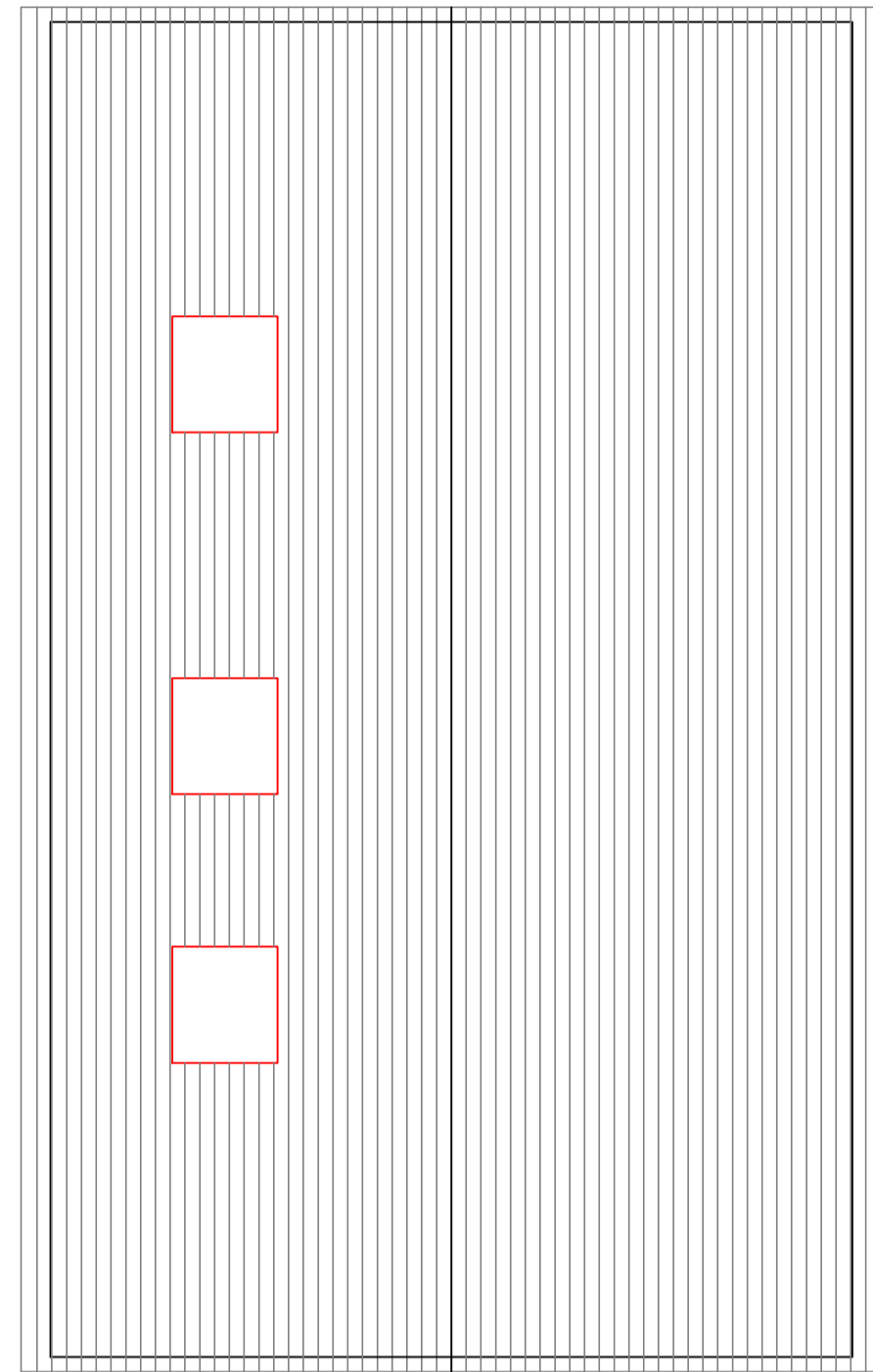
Relevant Plans: Plan 1 – Site Layout Plan

Plan 2 – General Plan

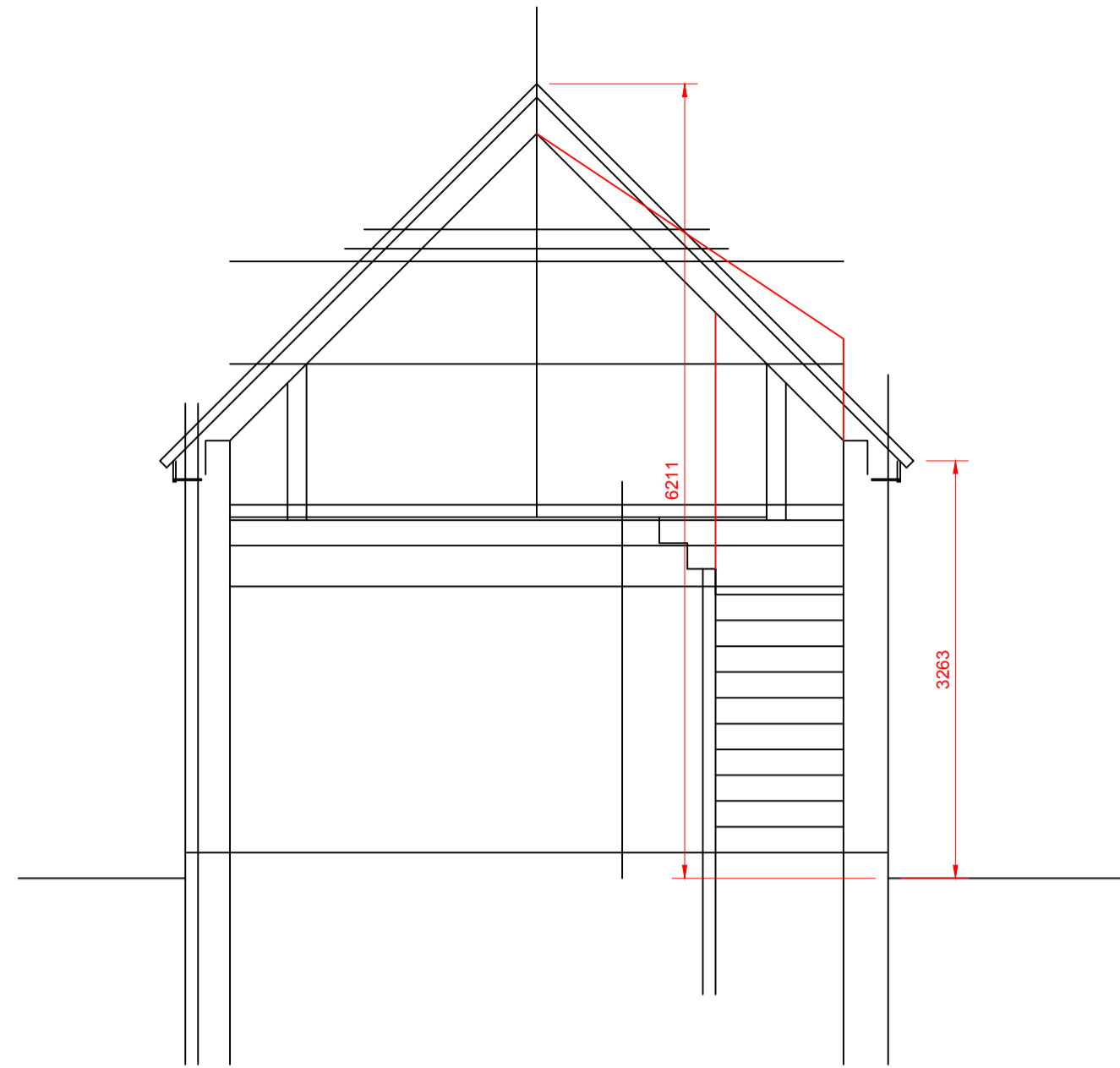


NO VARIATION TO ANY ELEMENT OF THE SPECIFICATION OR DESIGN TO BE CARRIED OUT WITHOUT THE AGREEMENT OF PLANNING & BUILDING STANDARDS

Roof tile - To match house

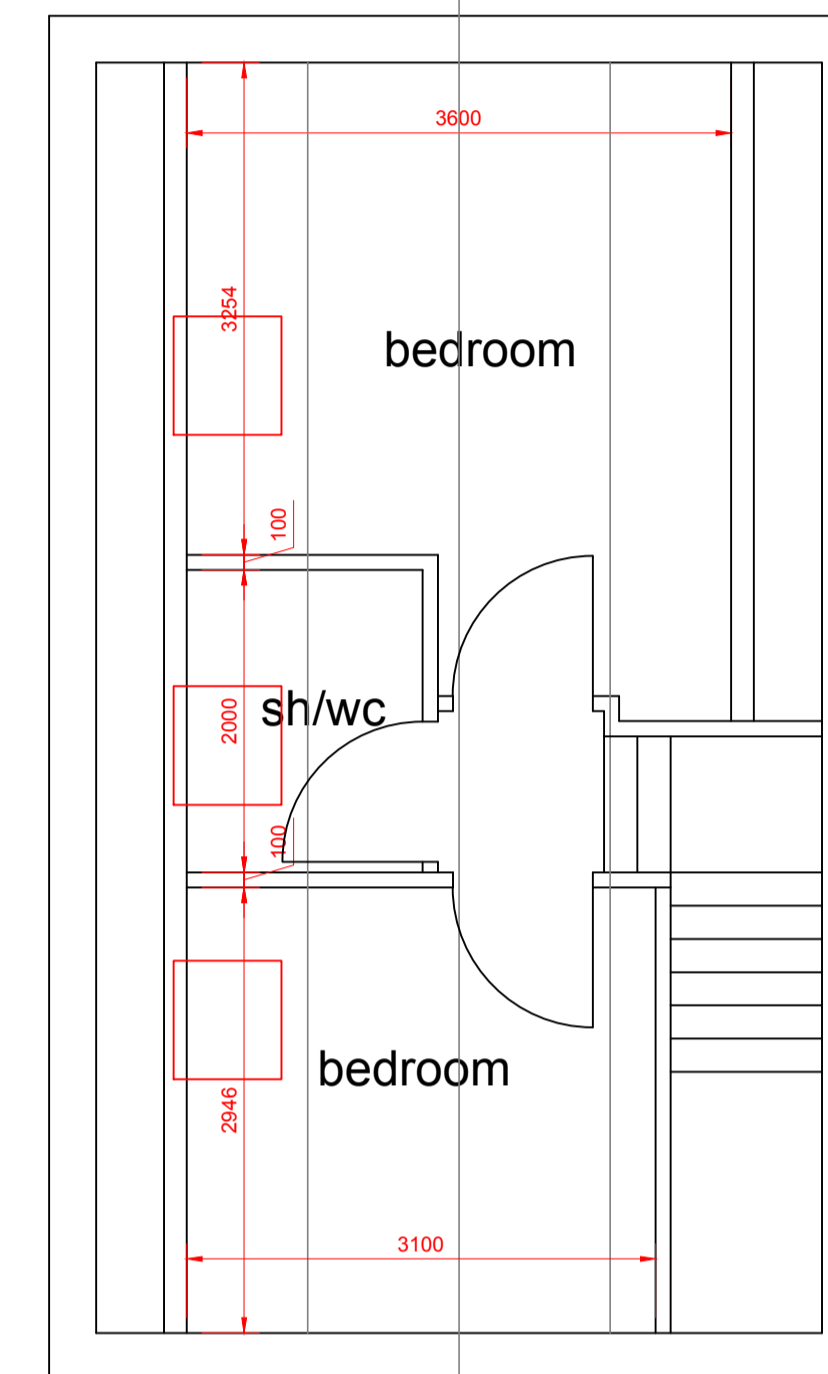


Roof plan

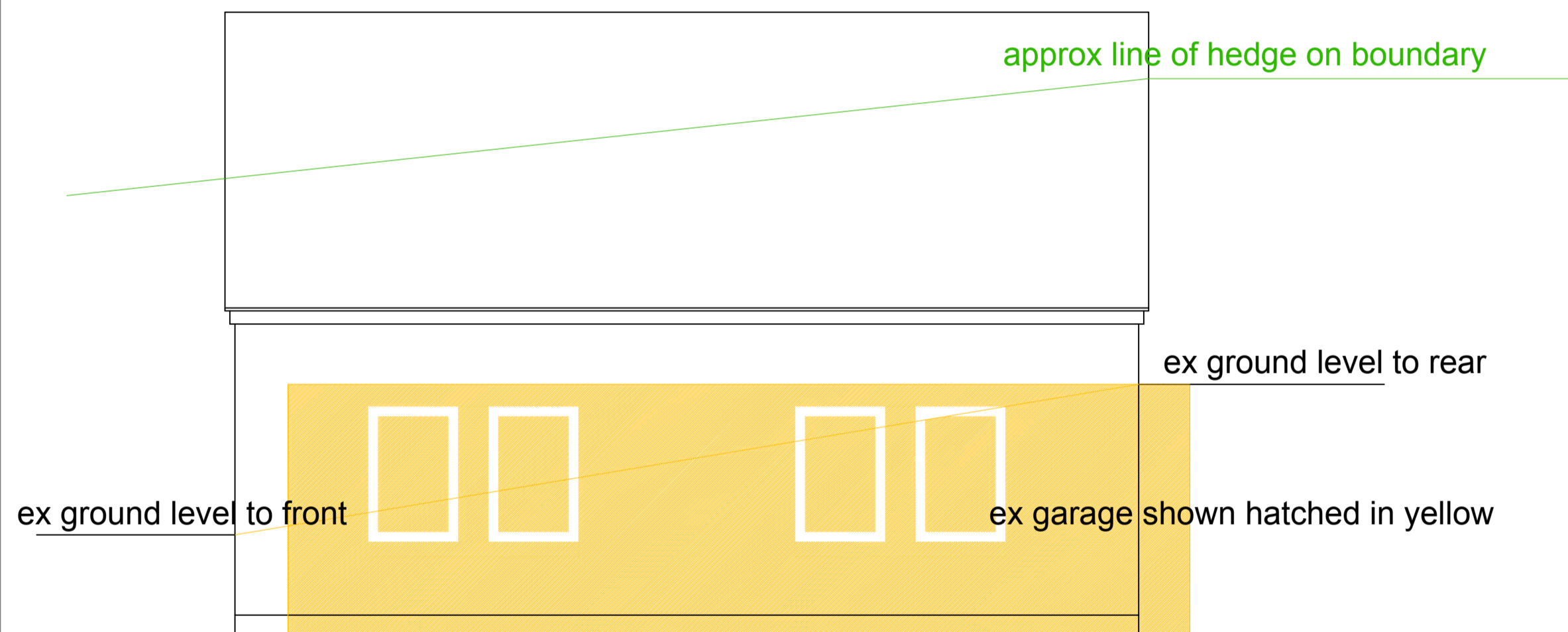


Section

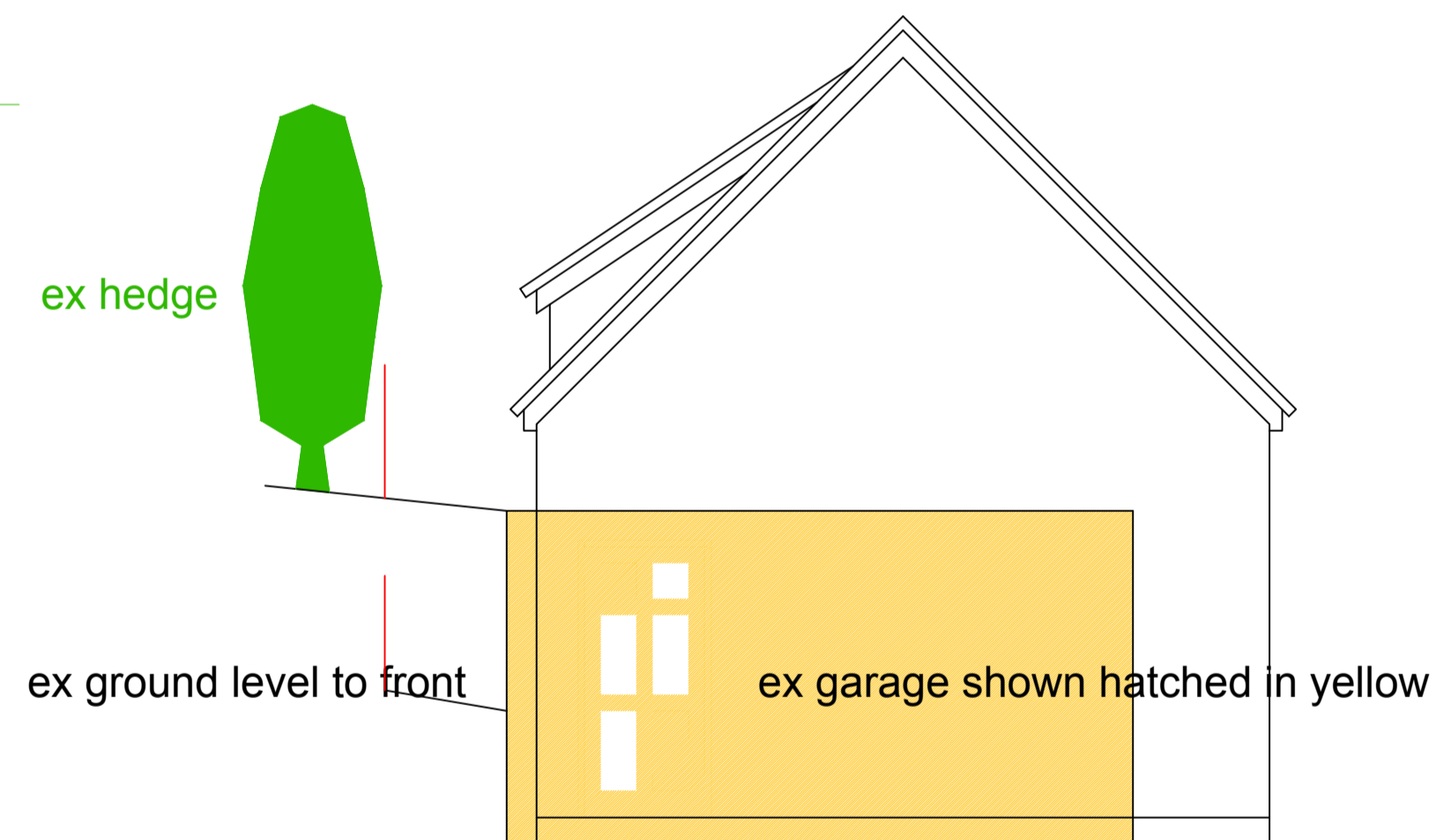
FINISHES SCHEDULE	
Roof	To match house
Walls	To match house
Windows	Timber
Fascia's & soffits	Timber
Rainwater goods	Upvc - black



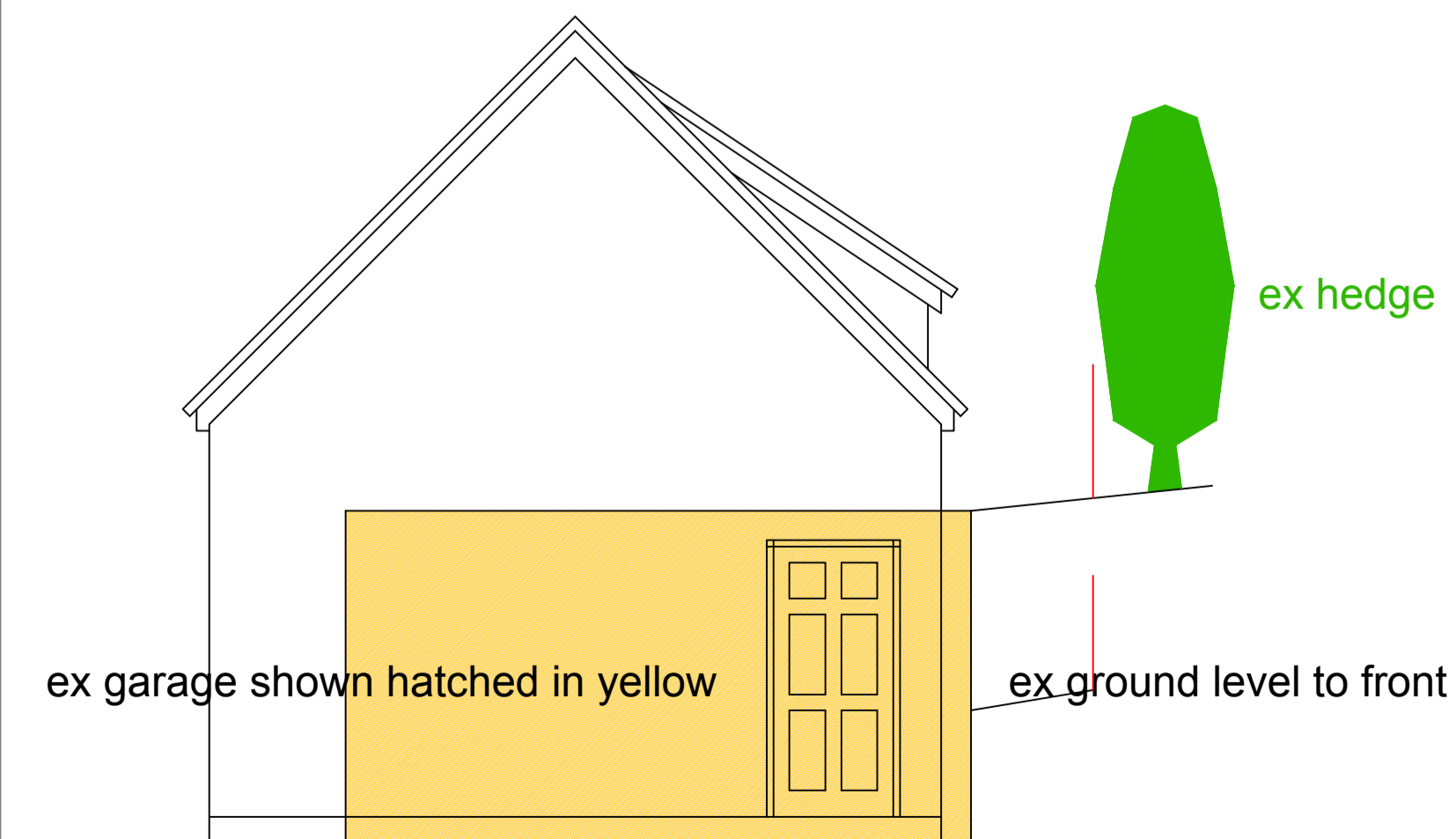
First floor



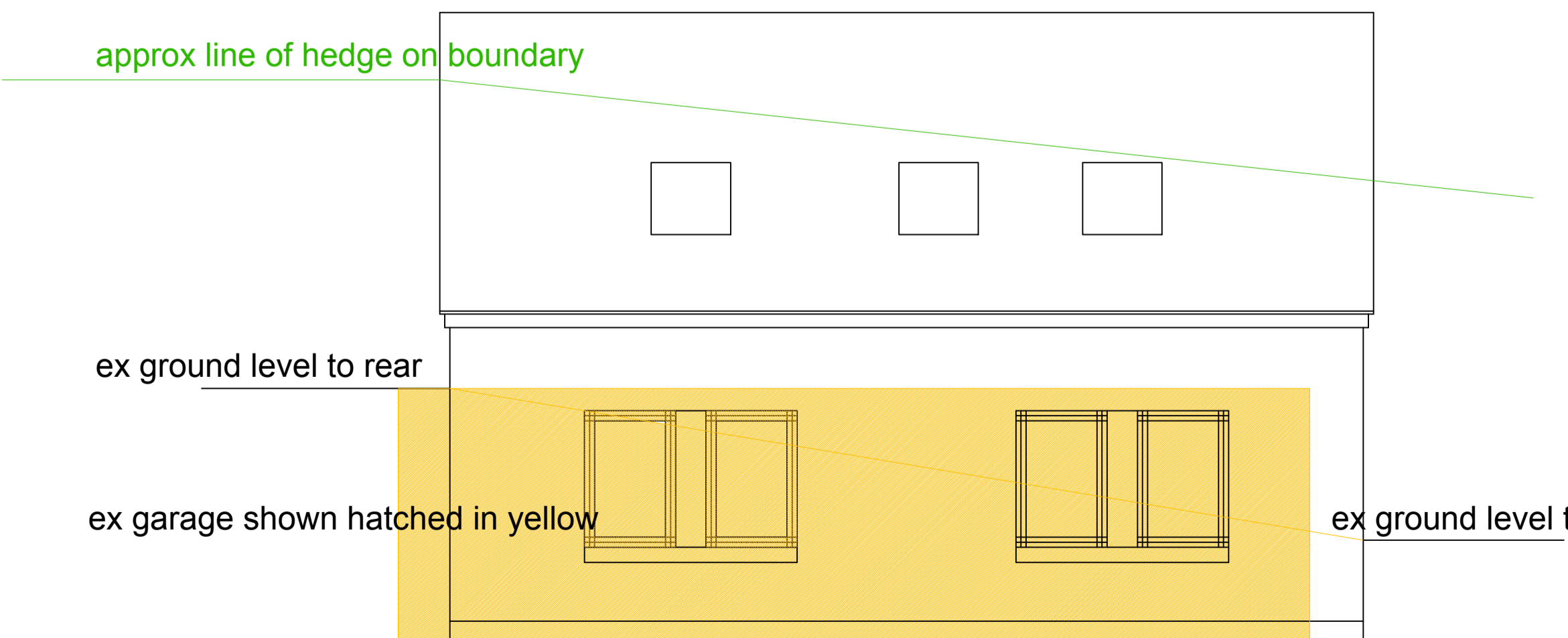
Elevation from boundary



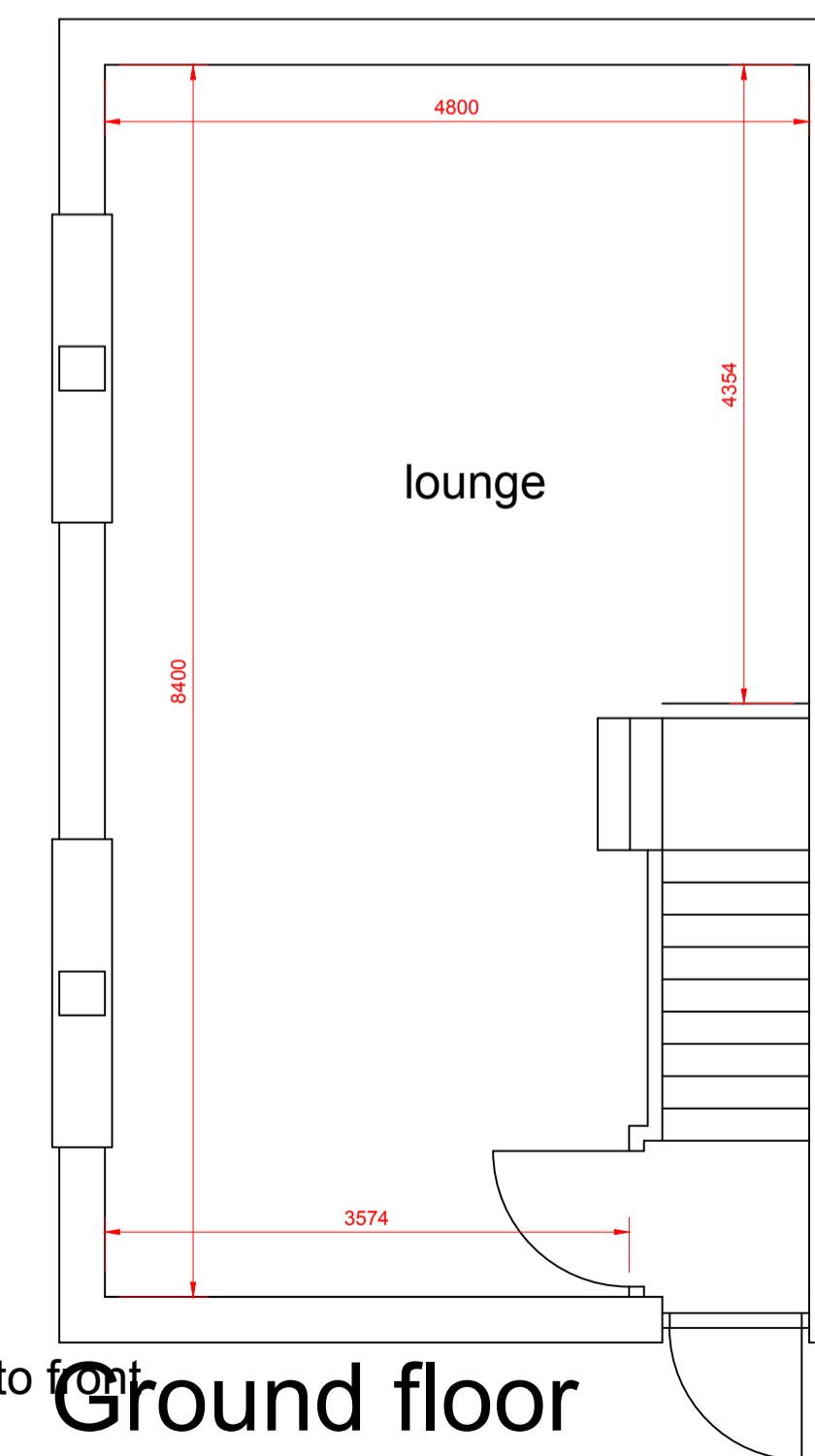
Elevation from rear



Elevation from road



Elevation from garden (south east)



Ground floor



Rev A 28/12/2016 Drawing updated

Planning Reference: 16/00222/FUL
Building Control Reference:

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client
Mr & Mrs O'May

project

Demolition of garage & erection of 'granny flat' at 15 Croft Road Inverness

Plan, elevations & section

date
22.12.2015

scale
1:100

drawn
wa macdonald

1215.2172.02A

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Written dimensions to be taken in all cases. Any discrepancies to be reported immediately. Contractor to check all sizes on site.