

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
28 June 2016**

Agenda Item	6.4
Report No	PLS 043/16

**16/02066/FUL: Mr Sean McLoughlin
Duart Cottage, 32 Culcabock Ave, Inverness, IV2 3RG**

Report by Area Planning Manager- South/Major Developments

SUMMARY

Description: Alterations and change of use from garage to house annex

Recommendation - GRANT

Ward: 17, Inverness Millburn

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: 6 objections received.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to use the detached garage within the garden grounds as a self contained residential annex. This involves re-roofing with a pitched roof, formation of a new window in the front elevation , window and entrance door in the side, and window in the rear. It will accommodate a living room/kitchen/dining room in the front, a bedroom and a shower room in the rear, and will be occupied by the applicant's daughter.
- 1.2 Parking will be provided via the existing house driveway within the rear garden grounds.
- 1.3 The formation of a pitched roof requires guttering along both side elevations. Since the garage is built along the boundary, the guttering will overhang the neighbouring garden at No 34 Culcabock Ave. Accordingly, Notice has now been served on the owner of No 34.
- 1.4 The applicant sought pre-application advise (16/00277/PREAPP and 16/01625/PREAPP) for an upper floor to the garage and its conversion to an annex. They were advised that a single storey conversion of the existing garage may be supportable, but an extension to create an upper floor would adversely impact upon the amenity of neighbouring houses.

1.4 The applicant has submitted a copy of his title deeds to demonstrate that the existing garage is within his garden grounds and does not encroach into the neighbouring garden.

1.5 **Variations:** the red edge denoting the application site boundary has been revised to include the whole planning unit (ie existing house and garden grounds, including the garage) instead of just the garage and parking area.

2. SITE DESCRIPTION

2.1 The site lies within a residential area, and is an extended traditional stone semi-detached cottage, with driveway running along the side boundary to access an existing garage in the bottom corner of the garden. The side elevation of the garage also acts as the side boundary wall separating the application site from No 34 Culcabock Ave.

2.2 The rear garden adjoins the rear garden of No 44a Culcabock Ave, which is at a higher level. There is an existing wall along this boundary. A timber screen fence runs along the side boundary with No 30 Culcabock Ave.

2.2 The existing garage roof is nearly flat, sloping from 2.8m high adjacent to the boundary down to 2.6m.

3. PLANNING HISTORY

3.1 04/00337/FULIN – Extension to dwelling. Approved 30/07/04.

4. PUBLIC PARTICIPATION

4.1 Advertised : not required.

Representation deadline : 27th May 2016

Representations : Objections received from 6 neighbouring households,
and comments received from one further household.

4.2 Considerations raised are summarised as follows:

- Loss of privacy
- Plot too small to accommodate another dwelling
- Will exacerbate existing traffic congestion issues
- Existing garage protrudes onto neighbouring property
- Will exacerbate drainage problem
- Additional bins from an extra house will block the pavement further
- Loss of light / overshadowing of house to rear
- Drainage pipes run through the garden and may be damaged during the proposed works
- House could be used for rental, adding to the parking problems
- Right of access for bins, etc, granted to neighbouring property
- Permission previously refused for art studio
- There are already enough houses on the road

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 None

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
29	Design Quality and Place-making
34	Settlement Development Areas
65	Waste Water Treatment
66	Surfact Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

Within Settlement Development Area; no site specific policies apply.

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

Scottish Planning Policy para 36 : 'the outcome should be sustainable, well-designed places and homes which met people's needs'.

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 (Sustainable Design) of the Highland-wide Local Development Plan supports developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. This will be assessed according to a number of specified factors, which includes the impact on individual and community amenity; and the need to demonstrate sensitive siting and high quality design in keeping with the local character.

- 8.3.1 The side elevation of the garage along the boundary with No 34 Culcabock Ave will remain blank, and will remain the same height as existing. Therefore, no direct overlooking of the rear garden will occur. The roof of the garage will be amended to a pitched roof which will slope up from the boundary. However, the garage lies along the north boundary, and there should be no material additional loss of light from the alteration to the roof.
- 8.3.2 A window will be formed in the front elevation of the garage (to replace the existing garage door). Oblique views will be possible from here towards the rear of No 34. However, an existing boundary wall with vegetation above (within the garden of No 34) largely obscures views.
- 8.3.3 A window will also be formed in the rear elevation of the garage. This will be approximately 0.9m from the rear boundary wall, which separates the site from No 44a Culcabock Ave to the rear. The existing wall is damaged in part, and this section will be repaired to ensure that the whole wall is above the height of the window and thus guard against overlooking of No 44a.
- 8.3.4 The rear elevation of No 44a currently looks onto the gable of the garage, and is located approx. 6m from the boundary (7m from the garage). The application site is at a lower level than No 44a, and thus the boundary wall obscures most of the existing garage except the fascia and roof. The amendment to a pitched roof therefore will result in the gable being visible. The difference in levels should prevent a feeling of undue massing from the garage since most of it will be obscured by the existing boundary wall. Furthermore, this difference in levels will minimise the loss of light to the garden and rear of No 44a and should not result in a significant loss of amenity in this respect.
- 8.3.5 There is an existing timber screen fence along the boundary with No 30 Culcabock Ave. The proposed entrance door and shower room window will look towards this fence. The intervening garden grounds will be utilised for parking. Therefore, there should be no loss of amenity to No 30 by virtue of loss of light or loss of privacy. There could, however, be slight disturbance due to vehicles parking and manoeuvring within the rear garden grounds.
- 8.3.6 Policy 29, Design Quality and Place-making, requires new development to be designed to make a positive contribution to its location, and to have regard to the historic pattern of development and be an integral part of the settlement.

- 8.3.7 The proposed annex is small scale and will be seen as ancillary to the parent house, which is appropriate for this location. The amendment to a pitched roof is attractive and also appropriate to this location. The annex is for the applicant's daughter to live in, and will therefore remain linked to the parent house, and not occupied as a stand-alone dwelling.
- 8.3.8 The plot is insufficiently proportioned to accommodate a free standing house unrelated to the parent house. There is no private garden ground for either property, and the annex is accessed through past the rear of the parent house, which will reduce privacy. Furthermore, the use of the rear garden grounds for parking for both the parent house and the annex will result in a additional activity which would be detrimental to amenity if they were not linked. Conditions will therefore be required to ensure the annex remains ancillary to the parent house.

8.4 **Material Considerations**

Culcabock Ave is already congested, and experiences a large amount of on-street parking. The application includes adequate parking within the curtilage and thus will not add to the parking issues.

- 8.4.1 The annex will be ancillary to the parent house, and is intended for occupation by the applicant's daughter. The annex is also minimally proportioned and suitable for occupation by either a single person or a couple only. This again will limit the amount of traffic generated. Furthermore, this will not materially increase the amount of traffic on Culcabock Ave.

8.5 **Other Considerations – not material**

The applicant has forwarded a copy of his title deeds which shows the boundary with No 34 Culcabock Ave following the line of the existing garage and boundary wall. The guttering will, however, project beyond the line of the existing garage and overhang the neighbouring garden. The applicant has served Notice on the owner, and thus complies with Planning legislation. This does not, however, bypass any requirement for separate consent from the landowner or any dispute over the boundary location which remains a private legal issue.

- 8.5.1 There is adequate space available within the application site for bin storage. The need to place bins on the pavements on bin collection day is not a matter for the Planning Authority.
- 8.5.2 Any rights of access over the application site granted to the neighbouring property are a private matter and outwith the remit of the Planning Authority.
- 8.5.3 The Planning Authority's role is to assess whether the proposal is acceptable, and not whether the development is required.
- 8.5.4 A previous application, 04/00337/FULIN, was amended to omit the formation of a mansard roof on the garage to create an upper floor to be used as an art studio.
- 8.5.5 It is the applicant's responsibility to ensure that any services within the site are adequately protected or re-routed to accommodate the proposal.

8.5.6 The connection into the existing sewer system is a matter for the applicant to agree with Scottish Water. Any granting of planning permission does not guarantee a connection to Scottish Water's infrastructure.

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 None

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

1. The residential unit hereby approved shall remain as ancillary accommodation to the parent house, currently known as 'Duart', 32 Culcabock Ave, Inverness. For the avoidance of doubt, the self contained unit shall not be separated from the parent house unless the prior formal approval of the Planning Authority is obtained.

Reason : To ensure that the residential unit remains ancillary to the parent house, currently known as 'Duart', 32 Culcabock Ave, Inverness, in the interests of amenity, since the siting, access / parking, absence of any curtilage associated with the unit, positioning of windows, and general relationship with the parent house would make the unit unsuitable for occupation as a stand alone dwelling unconnected to the parent house.

2. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. Sheet #1 shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason : In order to ensure that the level of off-street parking is adequate.

3. Prior to the first occupation of the development hereby approved, the rear boundary wall shall be repaired to achieve a height of 1.7m above the existing ground level adjacent to the wall over the full length of the boundary between 44a Culcabock Ave and the application site. Thereafter, the wall shall be maintained at this height in perpetuity.

Reason : In order to preserve privacy and guard against overlooking, in the interests of residential amenity,

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

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.198), 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.

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.

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

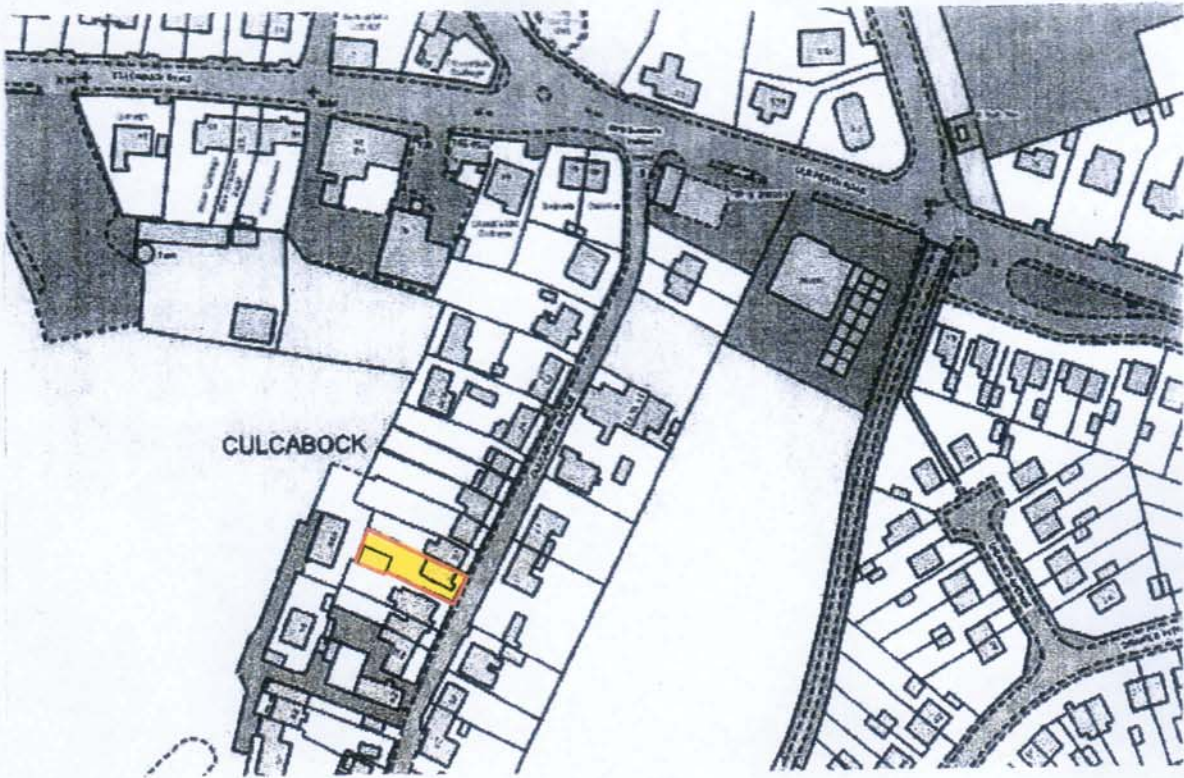
Construction Hours and Noise-Generating Activities

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).

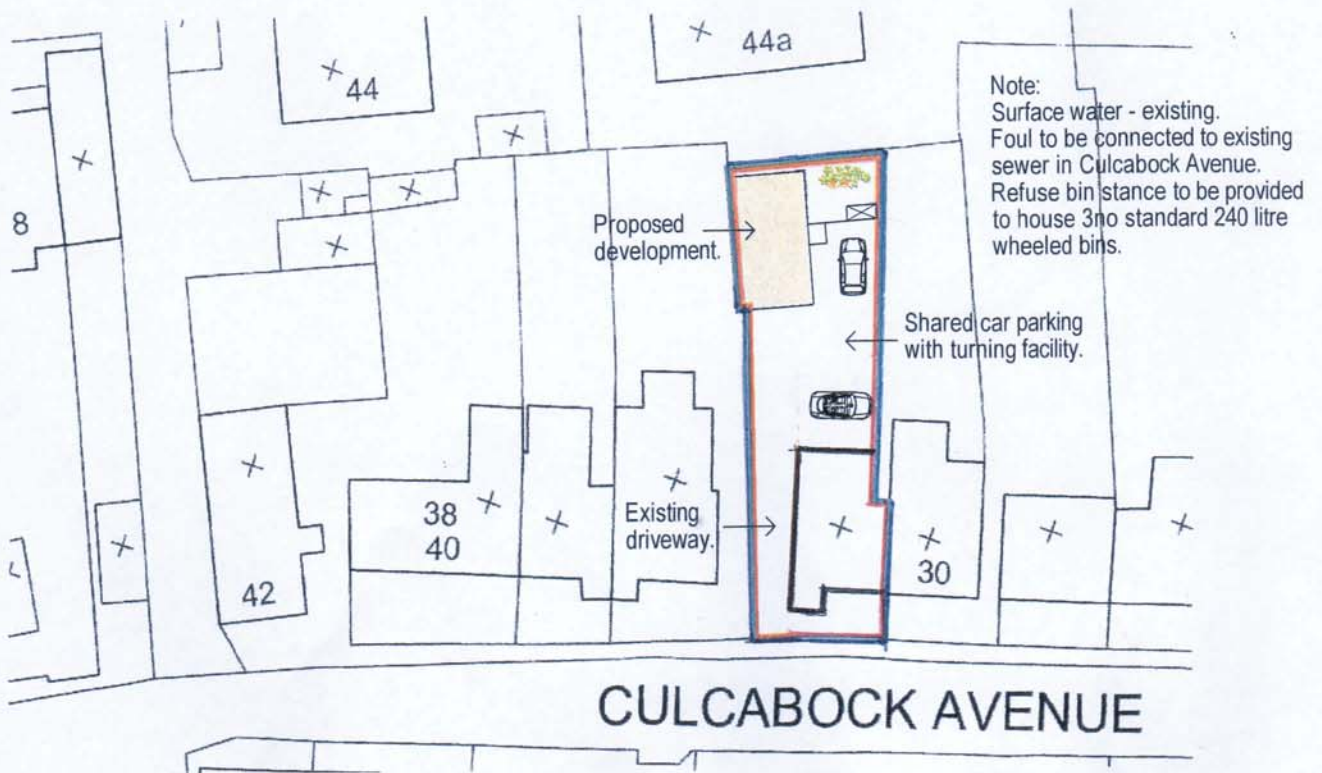
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

Signature: Nicola Drummond
Designation: Area Planning Manager South/Major Developments
Author: Susan Hadfield
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – location plan
Plan 2 – site layout plan
Plan 3 – floor plan
Plan 4 - elevations



LOCATION PLAN 1.1250



SITE PLAN 1.500

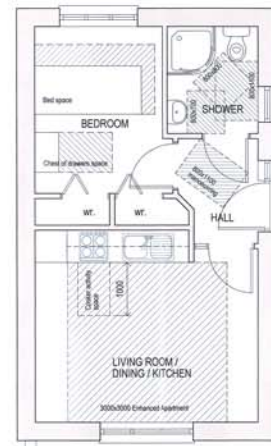
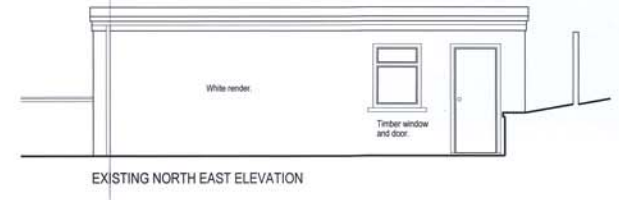
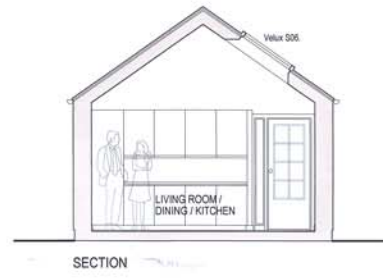
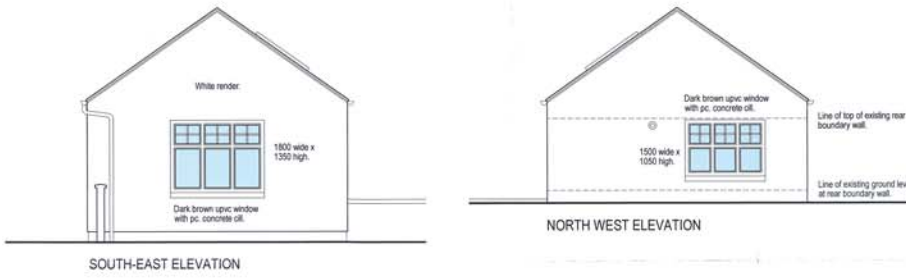
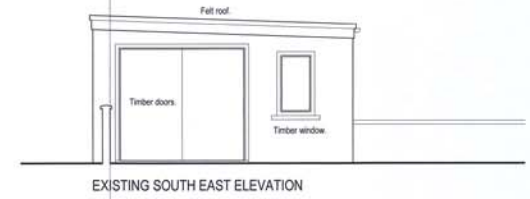
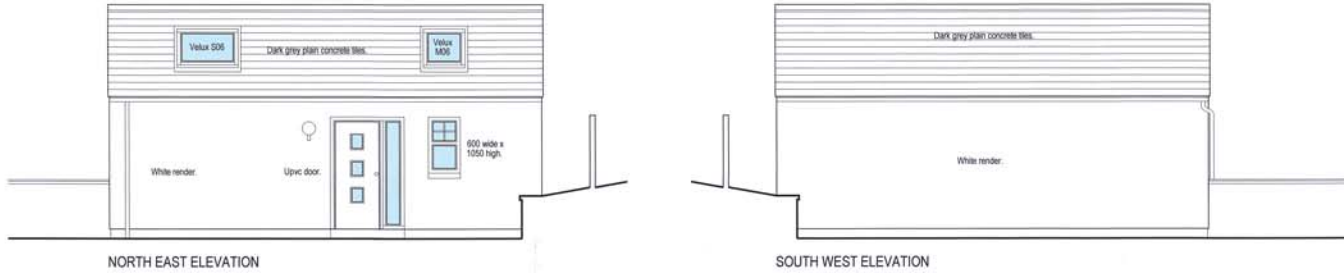
TITLE
ALTERATIONS AND CHANGE OF USE FROM GARAGE TO HOUSE ANNEX,
32 CULCABOCK AVENUE, INVERNESS IV2 3RG

TITLE
SITE AND LOCATION PLANS

SCALE: AS SHOWN

DATE: 04.2016

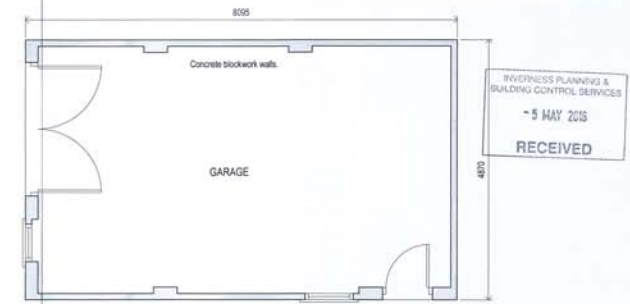
SHEET # 1



FLOOR PLAN
PROPOSED ALTERATIONS

DIMENSIONED FLOOR PLAN

ACTIVITY / MANOEUVRING SPACE PLAN



EXISTING FLOOR PLAN

EXISTING BUILDING

INVERNESS PLANNING & BUILDING CONTROL SERVICES
- 5 MAY 2016
RECEIVED

The Highland Council
eProcessing Centre
Date Received:
6 MAY 2016