

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
16 August 2016**

Agenda Item	6.3
Report No	PLS 049/16

**16/01990/PIP: Mr Alistair Cameron
Ben Nevis Cottage, 66 Ballifeary Road, Inverness**

Report by Area Planning Manager - South / Major Developments

SUMMARY

Description : Erection of dwelling

Recommendation : REFUSE

Ward : 14 – Inverness West

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Requested by a majority of local Ward Members.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a detached house in the rear garden ground of 66 Ballifeary Road. The proposal is in principle only.
- 1.2 Pre-application advice was given in 2014. The applicant was advised that it was unlikely that an application could be supported.
- 1.3 The site would be accessed from Ballifeary Road and would share an access with the existing house. All drainage would be to the public systems.

2. SITE DESCRIPTION

- 2.1 The site is the garden ground of an existing detached traditional 1¾ storey house. The house has been significantly extended to the rear with a 1½ storey extension full width extension and a further single storey rear extension. A parking area and patio has also been created to the side and rear of the property. Ballifeary Road is a well established residential street with mainly traditional properties fronting the road, often with long rear gardens. This has led to the splitting of a number of gardens over the years in order to create additional house plots. The rear garden of 66 Ballifeary Road is bordered by mature hedging to the northeast and northwest and mature trees to the southwest.

3. PLANNING HISTORY

- 3.1 19.05.2010 - Planning permission granted for extensions (10/01701/FUL)
- 3.2 13.08.2014 - Pre-application advice given on erection of house in garden ground in which applicant advised that an application would be unlikely to be supported (14/02673/PREAPP)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour (27.05.16)

Representation deadline : 28.05.16

Timeous representations : 1

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- House already substantially extended, very close to boundary;
- Flats being built at rear of garden, do not want to become enclosed by housing
- Privacy concerns (bedroom window would look directly at proposed house)
- Parking and manoeuvring already difficult in this part of Ballifeary Road (narrow)

- 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 **Forestry Officer:** Does not object but is concerned that the development would have a detrimental impact on the existing trees within the site and on the neighbour's trees to the south west.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **Highland Wide Local Development Plan 2012**

Policy 28 Sustainable Design

- 6.2 **Inner Moray Firth Local Development Plan (June 2015)**

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

n/a

7.2 Highland Council Supplementary Planning Policy Guidance

n/a

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

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

8.3.1 Policy 28 of the Highland wide Local Development Plan is the key policy in determining this application. It states that proposals will be assessed on the basis of the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment”.

8.3.2 In order to assess the proposal against Policy 28, the material considerations the Committee must consider relate to protection of amenity for both the existing and proposed occupant and the neighbouring community, taking into account the layout of the site including the impact on established trees.

8.4 Material Considerations

Impact on amenity/privacy

8.4.1 It is accepted that there is a historic precedent for backland housing development in the Ballifeary Road / Glenurquhart Road area, and over the years a number of the long rear gardens associated with these houses have been split to provide further house plots to the rear. This has resulted in a demonstrable change in the settlement pattern of the area which would originally have been characterised by houses facing onto the road and separated from each other by long private rear gardens.

8.4.2 This is particularly apparent in the immediate vicinity of the application site where development at the rear of 79a Glenurquhart Road, 69b Glenurquhart Road, 60a

Ballifeary Road and 72a Ballifeary Road has already created a cluster of 'backland' development which is at odds with the traditional settlement pattern of the area. Furthermore, 2 blocks of flats are currently under construction on the site to the north of the application site at 77 Glenurquhart Road.

- 8.4.3 This has implications for the amenity and privacy of the proposed house. Any new house in this location would be directly overlooked by the upper floor windows of 66 Ballifeary Road from the southeast and indirectly overlooked from the new flats to the north and from No. 64 Ballifeary Road to the southeast. Unless restricted to single storey, any new house would raise similar overlooking issues for the existing houses.
- 8.4.4 The existing house was significantly extended under planning reference 10/01701/FUL with a 1½ storey rear extension which covers the full width of the house and a further single storey sun lounge extension (equating to a depth of around 9m in addition to the original house). This has resulted in a large, detached 5 bedroomed house. The sunroom includes a large amount of glazing which would face directly onto the proposed site.
- 8.4.5 The garden is undoubtedly large, and had the original house not been extended to such an extent it may have been possible for a further house to be constructed in the rear garden while allowing for adequate private garden ground and parking/turning space for 2 cars for each house. The applicant has submitted an indicative site plan to demonstrate that the new house and associated parking can be accommodated within the site. While this shows that it may be technically possible, it would result in the loss of almost all of the garden ground in order to provide the access, parking/turning and hardstanding required to service both properties. The result would be detrimental to the amenity and setting of both properties, particularly to the existing house, which given its large size would be expected to have a proportionately sized private garden.

Impact on trees

- 8.4.6 The existing garden is mature and contains a number of trees, some large and others ornamental. There are also a large number of trees along the western and northern boundaries. The Forestry Officer has stated that the house could be sited outwith the crown spread of the boundary trees, but has raised concerns that the proposal would result in the loss of all of the trees within the site and that the construction of the access/parking area may impact upon the trees within the neighbouring gardens (although it is possible that this could be overcome through the use of 'no-dig' construction techniques).

Third Party Comment

- 8.4.7 One objection was received from the neighbour at 66 Ballifeary Road which raises concerns of over development/overcrowding, loss of privacy and poor existing parking in the area. The issues of overdevelopment/loss of amenity have been discussed elsewhere in this report and the applicant has demonstrated that parking could be accommodated within the curtilage of the site, albeit at the expense of garden and amenity space.

8.5 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

- 9.1 The existing house has already been substantially extended to the rear which has considerably reduced the potential for any further residential development within the site. It is not considered that reasonable levels of privacy and amenity can be ensured for a new house. The proposal would adversely affect the residential amenity of the adjacent properties, and would further contribute to the erosion of the traditional settlement pattern in the area; both contrary to Policy 28 of the Highland wide Local Development Plan.
- 9.2 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 therefore recommended that the application be refused.

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

It is recommended the application be **REFUSED** subject to the following reasons:

1. The proposal is contrary to Policy 28 of the Highland wider Local Development Plan due to its impact on individual and community residential amenity (both the adjacent properties and the new house itself); and its failure to represent sensitive siting in keeping with the local character and traditional settlement pattern.

Signature: Nicola Drummond

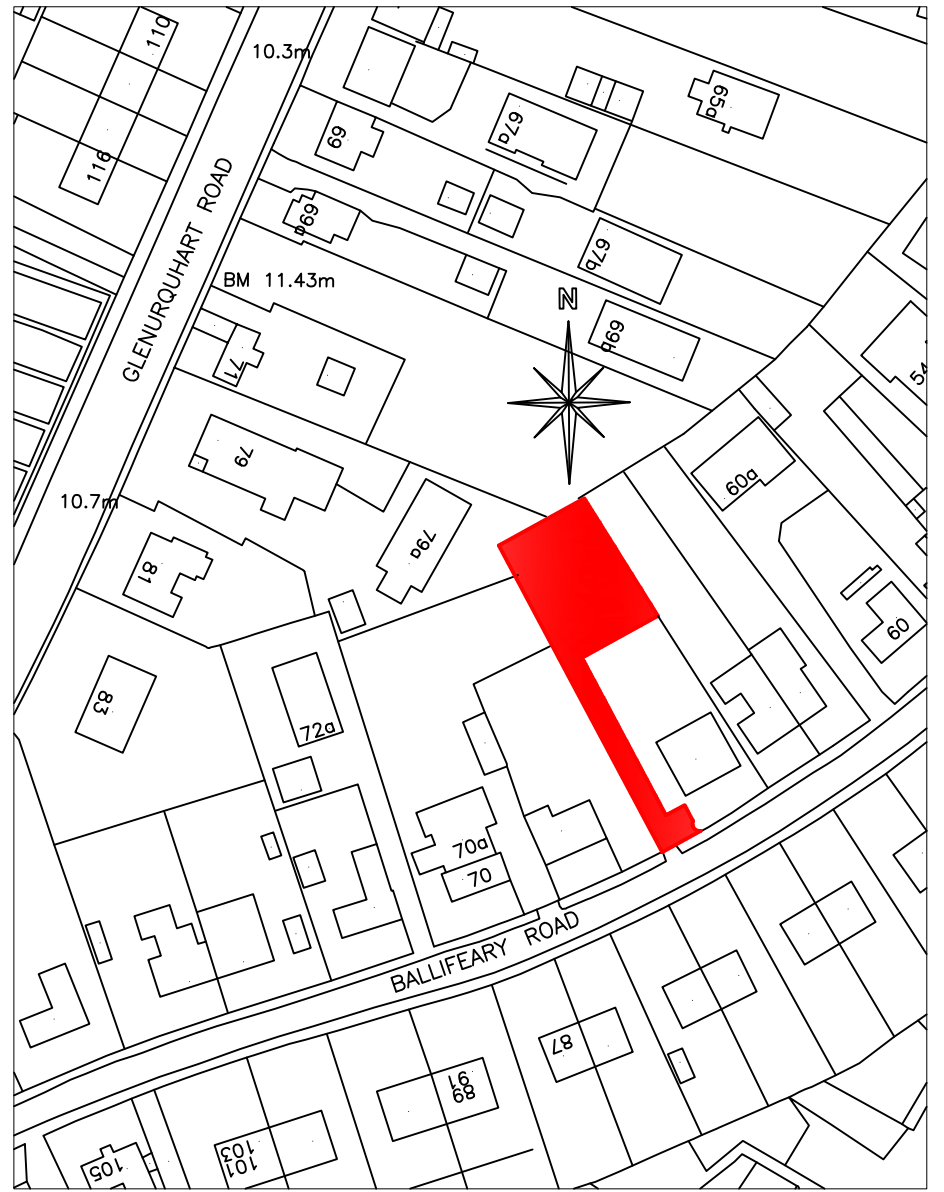
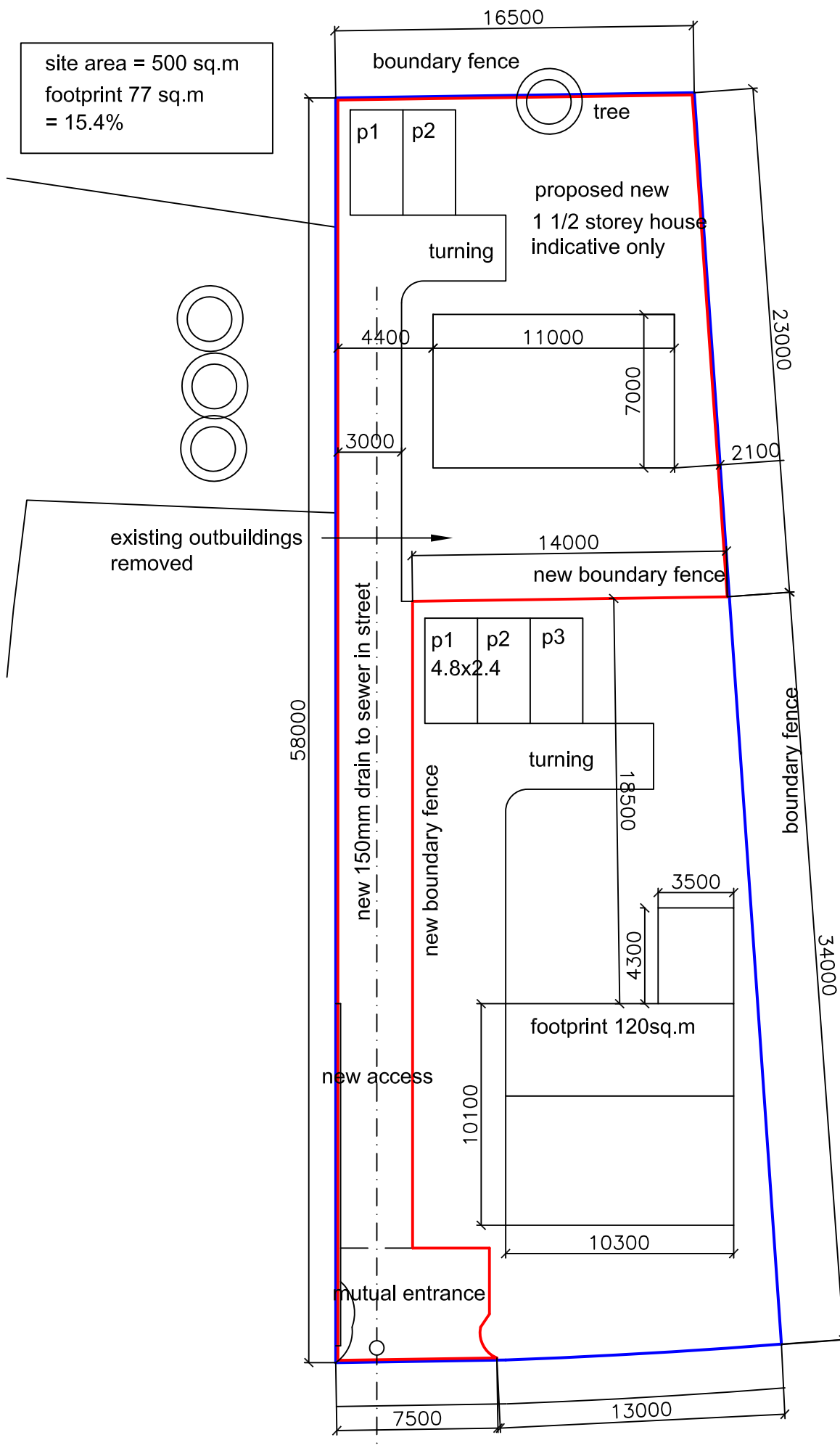
Designation: Area Planning Manager – South / Major Developments

Author: Christine Macleod

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

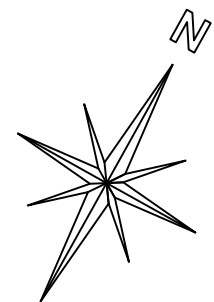
Relevant Plans: Plan 1 – 01 P (Location and Site Plan)

site area = 500 sq.m
 footprint 77 sq.m
 = 15.4%




LOCATION PLAN 1:1250

site area = 530 sq.m
 footprint 120sq.m
 = 22%



BALLIFEARY ROAD

client	MR AND MRS A CAMERON	drawing	SITE PLAN	drawn	AJB	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	
project	PROPOSED HOUSE PLOT 66 BALLIFEARY ROAD INVERNESS	drawing no.	01P	date	MARCH 16		
				scale	1:500		