



Decision by Sue Bell, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2164
- Site address: Land between the manse and old Church Court, Innes Street, Plockton
- Appeal by Ms Jill Malvenan against the decision by Highland Council
- Application for planning permission dated 6 July 2016 refused by notice dated 18 October 2016
- The development proposed: Erection of house on land between the manse and Old Church Court, Innes Street, Plockton
- Date of site visit by Reporter: 17 March 2017

Date of appeal decision: 7 April 2017

Decision

I dismiss the appeal and refuse planning permission.

Preamble

There is a separate but related appeal (LBA-270-2005) against refusal of listed building consent for works to walls surrounding the appeal site.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan for the site is comprised of the Highland-wide Local Development Plan, West Highland and Islands Local Plan and supplementary guidance associated with these plans, including the Highland Historic Environment Strategy. Most of the policies of relevance to the consideration of this appeal are contained in the Highland-wide plan.

2. As the proposal involves a listed building, I am also required by s59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (LBCA) to have special regard to the desirability of preserving the listed building or its setting and any special features of historic or architectural interest which it possesses. In addition, as the proposal lies within a conservation area, I am required by s64 of the LBCA to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

3. Having regard to the provisions of the development plan and the LBCA, the main issues in this appeal are (a) the effects of the proposal, particularly its contemporary design,



on the character, appearance and heritage resources of the Plockton conservation area; (b) the effects of the proposal on listed buildings and their setting; (c) the effects of the proposal on the amenity of neighbouring properties, particularly in relation to overshadowing and overlooking; (d) the effects of the proposal on trees; and (e) other material considerations raised in representations. I consider each of these issues in turn.

(a) Effects of the proposal, particularly its contemporary design, on the character, appearance and heritage resources of the Plockton conservation area

4. A number of policies within the Highland-wide local development plan (HWLDP) define criteria for new development. Policy 28 (sustainable design) provides support for development which promotes and enhances the social, economic and environmental wellbeing of the people of Highland. Developments are required to demonstrate sensitive siting and high quality design in keeping with local character and the historic environment. Policy 57 (natural, built and cultural heritage) includes criteria for assessing the effects of developments on the natural, built and cultural heritage. Developments affecting features of local/ regional importance are permissible if it can be satisfactorily demonstrated that they will not have an unacceptable impact on those heritage resources. Further supplementary guidance on the implementation of this policy is provided in the '*Highland Historic Environment Strategy*.' Policy 34 (settlement development areas) identifies areas where development will be permitted, provided it meets the requirements of policy 28. Proposals will also be assessed in terms of how compatible they are with the existing pattern of development and landscape character, and the effect on any cultural heritage features. Developments which are judged to be significantly detrimental in terms of these criteria will not be supported unless there are clear material considerations which would justify permission being granted.

5. Plockton is a settlement area identified in policy 34 of the HWLDP. The appeal site is located between Innes Street, which forms the main approach to the village, and Bank Street, which is a narrow lane providing access to properties close to the shore. It lies within the Plockton conservation area, which is considered to be a feature of local/ regional importance within the HWLDP. As there is no conservation statement to describe the special features of the conservation area, the appellant has provided their own assessment of the key characteristics. They describe four distinct townscape areas.

6. During my site inspection, I observed variation in the character and appearance of different parts of the conservation area.

7. Innes Street is bordered by a mixture of domestic dwellings and public buildings including a school and church. These illustrate a variety of building styles, of different ages, finishes and heights, ranging from single to 2 ½ storey. The proposed development would be set back from the boundary, behind stone walls. This would be consistent with the current situation, where I observed several buildings separated from the road by stone walls approximately 1.5 m high.

8. The proposed development has been designed with the gable end facing, but set back from, Innes Street. Although the Historic Environment Team of the local authority do not consider gable end buildings to be a feature of the conservation area, I identified a number of other buildings whose gable ends face Innes Street during my site inspection. I

also noted that buildings do not follow a single building line in relation to Innes Street. This is in contrast to the dwellings that fringe the waterfront along Harbour Street in the conservation area, which follow a defined building line, are of a similar height and finish and all face the water. Consequently, I do not agree with the Historic Environment Team's assessment that the development would break from the established form and character of its immediate setting within the conservation area.

9. The proposed building has a narrow gable width and steep roof pitches, which would be in keeping with the surrounding buildings. However, it also includes proposals for a balcony, which is not a feature within the conservation area. The building would be finished in a variety of contemporary materials including oiled timber cladding on the walls and sinusoidal roofing. The appellant has provided examples of use of similar materials elsewhere in the conservation area and I viewed some of these during the site inspection. The Historic Environment Team officer considered that the use of modern materials was "broadly acceptable" and "avoided pastiche".

10. Whilst modern materials can be acceptable within a conservation area, they need to be considered in relation to their immediate context as well as the wider conservation area. The buildings located immediately either side of the proposed development have been painted white, and other buildings in Innes Street comprise unpainted dressed stone. The majority of buildings within the immediate vicinity and the wider conservation area have slate roofs. Whilst the neighbouring buildings have both been adapted to include contemporary materials, these have been selected to blend in with the conservation area. The proposed building would be significantly different in appearance and style to those in the immediate surroundings. I consider that the proposed design is unsympathetic to the historical linkage between the buildings either side of the appeal site (see (b) below) and hence is detrimental to the character of this part of the conservation area. Consequently, it does not meet the requirements of strategic aim 30 of the *Highland Historic Environment Strategy*, which requires that new development is sensitive to the historic environment and responds to and reflects the established qualities of the surroundings.

11. The proposed development site is visible from various parts of the conservation area, notably from along the waterfront and from the causeway to the north of the site. The set-back position of the proposed building within the plot means that the main element that would be visible from these viewpoints, would be the roof, which would project above the height of the old church. The sinusoidal roofing would provide an incongruous feature against the backdrop and context of slate roofs, which would alter the character and appearance of this part of the conservation area.

12. In conclusion, I consider the orientation of the building is acceptable, given the local context of other gable-fronted buildings facing Innes Street. However, the use of contemporary materials, particularly sinusoidal roofing would be detrimental to the local character and appearance of the conservation area. Consequently, it would fail to meet the requirements of policies 28 and 57 of the HWLDP or s64 of the LBCA.

(b) Effects of the proposal on listed buildings and their setting

13. The proposed development site lies between two category B listed buildings, and the walls which surround the site form part of one of these listings ("Innes Street Plockton Free

Church and churchyard walls”). Category B listed buildings are considered to be features of local/ regional importance within the HWLDP.

14. Several representations have described the historical relationship between the old church, the old Manse, and the glebe land, which lies between them. Concerns have been raised about the effect of development on the interpretation of this historic relationship. A previous application for development was refused, partially, on these grounds.

15. Since the listing for the old church and walls was drawn up in 1971, there have been changes to their use and setting. The church has ceased to be used for ecclesiastical purposes, and has been converted for domestic use. I understand that there have also been changes to the location of one of the stone walls and the old church is separated from the appeal site by a stone wall. The old Manse has been extended parallel to its boundary with the appeal site and planning permission has been granted to sub-divide the property into two dwellings. There are no obvious visual signs of the historical functional linkage between the old Manse and the old church. Thus, whilst the historical relationship of the land to the old church and old Manse remains unchanged, this relationship may not be immediately obvious to the casual viewer.

16. The proposed building would be set back from Innes Street. An open area would be retained between the gable of the old church and the old Manse allowing views of the gable ends of these listed buildings, both from Innes Street, but also from the village along the waterfront and from across the bay from the causeway. In this respect, I do not consider that the historic relationship between the buildings and the intervening land would be adversely affected.

17. Alterations to the stone walls, which form part of the Free Church listed building, are included in the proposal. These would involve creation of a pedestrian opening in the north-east corner of the wall facing Innes Street, and widening of an existing opening on Bank Street. The effects of these changes on the listed building and its setting have been assessed as part of the separate listed building appeal (LBA-270-2005).

18. The layout and orientation of the walls would remain unchanged, as would their relationship to the church. Their historic functional role in defining the boundary of the plot of land would remain clear. Their height, materials and method of construction would remain unchanged. Consequently, the proposed works to the walls would not undermine the objective of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Nor would they result in a change in the character or appearance of the conservation area.

19. The proposed dwelling entails two principal elements: a main building, comprising one and a half storeys, which would lie roughly parallel to and face the gable end of the old church and the rear extensions to the old Manse; and a two storey workshop/ office wing, which would be located on the eastern (old church) side of the main building, towards its southern end. The eastern boundary of the workshop would lie in the order of 1.1 m from the boundary wall, and the old church lies within 4 m of the other side of the boundary wall. The ridgeline of the proposed workshop/ office would extend above the height of the ridgeline of the old church. Consequently, I consider that the proposed height and proximity of the workshop/ office to the old church would result in overbearing of the listed building.

20. As noted under (a), the proposed development would use contemporary finishes, which are significantly different in style to the neighbouring listed buildings. I conclude that these materials would have an adverse effect on the setting of the listed buildings (Plockton Church and the old Manse), contrary to policy 57 of the HWLDP and s59 of the LBCA.

(c) The effects of the proposal on the amenity of neighbouring properties

21. Policy 28 of the HWLDP indicates that proposals judged to be significantly detrimental in terms of their effects on individual and community residential amenity will not accord with the local development plan. Representations have been received from neighbouring dwellings concerning the effects of the proposed development on overshadowing and light levels on the western end of the old church; overlooking and privacy of rooms in the western end of the old church; and overlooking and privacy of rooms on the eastern side of the old Manse.

22. The appellant and the residents of the neighbouring property in the old church have provided their assessments of the effects of the proposed building on light levels and shading. The main part of the proposed building is set back from the windows in the gable end of the church. The appellant has provided a drawing which shows that the ridgeline of the proposed house lies below a line drawn at 25° from the horizontal. This is usually accepted as a test to determine whether there is unlikely to be a substantial effect on daylight and sunlight (*Planning Guidance: House Extensions and Other Residential Alterations*, Highland Council, 2015). In addition, the main living room of the unit at the western end of the old church has more than one window, and is not solely dependent on light from the window in the gable end. Consequently, I conclude that the main part of the proposed building would not have an unacceptable effect on light levels in the western part of the old church.

23. During the site inspection I noted a tree growing close to the western wall of the old church, which is likely to influence light levels. This would be removed as part of the proposed development, and so counteract the shading effect of the new building to some extent.

24. The workshop/ office would not lie adjacent to the old church, but would be located to the south-west. Shadow diagrams provided by the appellant show the degree to which this would create shading between mid-March to mid-September. These appear to show that there would be some increase in shading of the southern corner of the old church, and associated garden area. This part of the property comprises a bedroom at ground floor level and a living room at first floor level. Based on the projections provided by the appellant and photographs provided by the neighbour, I do not anticipate that this would result in a reduction in light sufficient to harm the amenity of the occupants, particularly as there is more than one window servicing the main living area. It is noted that the expectation for light in bedrooms is lower than for living areas.

25. For the reasons set out above, I do not consider that the effects of the proposal on light and overshadowing would have an unacceptable adverse effect on residential amenity.

26. I have considered the potential for overlooking of neighbouring properties from windows in the proposed development. The window in the eastern elevation of the workshop would be at an oblique angle to the windows in the gable end of the church and the living room window on the south-eastern side of the church. Consequently I conclude that there is limited scope for overlooking into rooms.

27. It would be possible to overlook the proposed property from the windows in the gable end of the old church. However, the views would be of garden areas, and as there are other areas of external amenity space, I consider the level of overlooking to be acceptable.

28. The proposed building would have a number of windows at ground level, which would face windows in the old Manse. Given the relatively small separation between the two buildings there would be scope for mutual overlooking. The proposals include details of soft landscaping and boundary treatments to address this issue, which could be secured by condition to any permission that were granted.

29. The proposed development would also include a balcony at the southern end. The neighbour considers that this would allow overlooking of private amenity space directly adjacent to the old Manse. The proposed balcony lies slightly to the south-east of the old Manse, which means that the views would be restricted to the rear of the garden.

30. I conclude that, on balance, there would not be unacceptable effects on individual amenity resulting from overlooking from the proposed development, and so the proposal accords with policy 28 of the HWLDP.

(d) The effects of the proposals on trees

31. Details of the trees present on the site and how these would be affected as part of the development were provided with the application, together with an arboricultural assessment. The proposed development would result in the loss of one tree. I observed that this tree has been subject to previous management and is located close to the gable windows in the western end of the old church. The plans include proposals for a replacement tree, which could be subject to condition of any planning permission granted. Consequently, I am satisfied that the proposals are consistent with policies 28, 51 and 57 of the HWLDP and the requirements of Highland Council's '*Supplementary Guidance on Trees, Woodland and Development*'.

(e) Other material considerations raised in representations

32. Traffic: Representations have been received about the effect of the proposed development on traffic within Plockton, and on Bank Street in particular and availability of parking. Bank Street is narrow, with restricted views, which means that cars are unable to travel at significant speeds along it. It is not anticipated that a single dwelling, with parking spaces for two cars, would lead to a significant increase in traffic or risks to pedestrian safety. I note that the development meets Highland Council's parking standards.

33. Planning history: The previous planning history of the site was treated as a material consideration in the Area Planning Manager's report. They considered that the proposed design represented an improvement on previous applications. Sufficient weight was

afforded to this history to outweigh the recommendation to refuse the application made by the Historic Environment Team. My assessment has focussed on the merits of the appealed scheme. The test is whether the proposed scheme meets the policy requirements set out in the HWLDP and other relevant documents, not whether it is 'better' than previous applications. Consequently, I have not given any great weight to the amendments to the proposals as a result of previous, failed, applications.

34. Landscape and visual effects: The site lies within the Kyle-Plockton Special Landscape Area and consequently is considered a feature of local/ regional importance. I do not consider that the introduction of a dwelling within the built-up area of Plockton, would have an adverse effect on the landscape character of the area.

35. I have also considered the effects of the proposed development on views within Plockton. During my site inspection I noted that views of the site on the approach into the village are obscured by buildings fronting Innes Street. The orientation of Innes Street means that the eye is naturally drawn along the length of the road towards the sea and Harbour Street, rather than sideways into the site.

36. Views into and beyond the site are only possible for a short distance roughly opposite the site, and these views are restricted by the height of the stone walls. Glimpses of the surrounding hills on the other side of the bay are limited by trees growing between the site and the shore. As the proposed building would not occupy the full width of the plot, some glimpses of the distant shore would remain.

37. The old church and the old Manse are in a fairly prominent position, when viewed from the causeway and along the waterfront. The proposed location of the development, which is set back from Innes Street, means that these views would be largely unaltered. The roof of the workshop would be visible above the ridgeline of the old church. As noted under (a) above, the use of sinusoidal roofing is not considered to be sympathetic to the character or appearance of the conservation area.

38. A number of representations have been received from neighbouring properties about the effects of the proposed development on views from their properties. However, there is no right to a view in Scottish planning law.

Conclusions

39. On balance I conclude for the reasons set out above that the proposal fails to meet the requirements of policies 28 and 57 of the HWLDP in relation to effects upon the character and appearance of the conservation area and would have an adverse effect on the setting of the listed buildings. For these reasons the proposal is also contrary to the requirements of s59 and 64 of the LBCA. There are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Sue Bell
Reporter

