

Agenda Item	7.4
Report No	PLS 047/17

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 08 August 2017  
**Report Title:** 17/02617/PIP: Mr G MacBeath  
Land 15m west of 8 Dalneigh Road, Inverness  
**Report By:** Area Planning Manager – South/Major Developments

### Purpose/Executive Summary

**Description:** Erection of dwelling

**Ward:** 13: Inverness West

**Development category:** Local

**Reason referred to Committee:** Member referral

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.

### Recommendation

Members are asked to agree the recommendation to **REFUSE** planning permission as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The application is for permission in principle for the erection of a house. A sketch layout has been submitted showing a house footprint of approx. 7.5m x 8m, an access driveway formed off Columba Road leading to a garage, and a turning space. The applicant has indicated that the proposed house will be 1 ¾ storey in height.
- 1.2 No pre-application consultation took place.
- 1.3 The site is on the corner of Dalneigh Road and Columba Road. There is currently no vehicular access into the site.
- 1.4 An indicative site layout plan has been submitted, along with a design statement and a private access checklist.
- 1.5 **Variations:** None.

## **2. SITE DESCRIPTION**

- 2.1 The site occupies the corner between Dalneigh Road and Columba Road, and is flat, grassed garden ground. The adjacent houses on Dalneigh Road and Columba Road are 1 ¾ storey semi-detached properties.

## **3. PLANNING HISTORY**

- 3.1 None.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Not required.

Representation deadline: 02 July 2017

Timeous representations: 1

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Access close to junction
- Will exacerbate existing problems of on street parking
- Will adversely impact on existing residents parking on the road.
- There is an existing dropped kerb on Dalneigh Road.
- Proposed house could be used as an HMO

- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

5.1 No consultations undertaken.

## **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

Policy 29 - Design Quality & Place-making

Policy 34 - Settlement Development Areas

Policy 66 - Surface Water Drainage

### **6.2 Inner Moray Firth Local Development Plan 2015**

No specific policies apply

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

Not applicable

### **7.2 Scottish Government Planning Policy and Guidance**

SPP

## **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.

### Determining Issues

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.

### Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) design, layout and compatibility with the character of the locality;

- c) access and parking;
- d) any other material considerations.

#### Development plan/other planning policy

- 8.4 Policy 34, Settlement Development Areas, supports proposals if they meet the requirements of Policy 28 (Sustainable Design) and all other relevant policies of the plan. Proposals will also be judged (amongst other factors) in terms of how compatible they are with the existing pattern of development, and conformity with existing and approved adjacent land uses.
- 8.5 Policy 28, Sustainable Design, also assesses proposals according to a number of factors, including the impact on individual and community residential amenity, compatibility with service provision (including roads), and sensitive siting and high quality design in keeping with the local character.
- 8.6 Similarly, Policy 29 requires new development to make a positive contribution to the place in which it is located, demonstrating sensitivity and respect towards the pattern of development and landscape in the locality.
- 8.7 The site lies within the established settlement development area of Inverness where housing development proposals are acceptable in principle. Subject to the proposal having no significant detrimental impact on individual and community residential amenity and that it demonstrates sensitive siting and high quality design in keeping with the local character, the proposal would comply with the development plan.

#### Design, layout and compatibility with the character of the locality

- 8.8 The site is currently a corner garden plot between two 1 ¾ storey houses. As such, it is in a visually prominent location. The proposal is submitted as an application for planning permission in principle, therefore full details of development have not been submitted. However, the illustrative layout provided indicates the formation of an access driveway on Columba Road, leading to a detached garage alongside No 79 Columba Road. The proposed house is to be sited within the plot roughly in line with the front of the houses at 8 Dalneigh Road and 79 Columba Road.
- 8.9 The proposed siting of the house therefore roughly lines up with the front build line of the adjacent houses and does not intrude inappropriately forwards from the existing housing or impact upon the visibility available from the junction.
- 8.10 However, the siting within the plot would result in a development which is approximately 5m away from the boundary with 79 Columba Road, and only approximately 1.4m away from the boundary with 8 Dalneigh Road. The proposed driveway and garage lies with the 5m space from the boundary with 79 Columba Road, making this area un-available to use as private garden grounds. The 1.4m gap from the boundary with 8 Dalneigh Road is insufficient to form useable private garden grounds. The only useable garden area will be the front garden areas alongside Dalneigh Road and Columba Road. Having said that, part of this is required to form within curtilage turning to enable vehicles to enter and leave in a

forward gear. This results in no available private garden grounds for the proposed house.

- 8.11 The repositioning of the proposed house within the plot in order to provide an area of private garden grounds would result in it projecting significantly forward of the existing development, and thus being viewed as unduly prominent in the street scene.

#### Access and parking

- 8.12 The driveway for the proposed house would be approximately 10.2m long from the boundary with the pavement and the front of the proposed garage. Council standards require a minimum space for car parking of 6m x 3m per car on a driveway, in addition to any garage which may be provided. The minimum parking provision for a single house should be 2 vehicles spaces (12m x 3m). The length of 10.2m is therefore insufficient to accommodate the required 2 vehicles
- 8.13 In addition, the turning area is shown as located to the side of the driveway. Although it will function as a turning space for any vehicles parked within the garage, its location alongside the driveway will make it incapable of use for the turning of vehicles parked within the drive.
- 8.14 Although the indicative site layout labels a 6m x 3m garage, it is actually drawn as 6m x 2.5m. There is an existing sewer which crosses the site, and a 3m wide garage could not be accommodated without adversely impacting the sewer. A 2.5m wide garage will not be wide enough to facilitate entry to or exit from a car.
- 8.15 One neighbour is concerned that the proposal will add to the amount of on-street parking currently experienced in the area, and would also adversely impact on the amount of on street parking available for existing households. The proposal would result in inadequate off street parking for the proposed house, and is therefore liable to add to the existing demand for on street parking, to the detriment of road safety interests.
- 8.16 Although the proposed access driveway will be close to the junction with Columba Road and Dalneigh Road, there will be approximately 20m between the centre of the driveway and the road junction. Council standards require a minimum of 15m between a driveway and a junction with minor residential roads, and 25m between a driveway and a more major junction with residential roads. The junction of Columba Road and Dalneigh Road is a minor road junction, and the proposed driveway is therefore sufficiently distant from the junction to meet Council standards.

#### Other material considerations

- 8.17 There are no other material considerations.

#### Non-material considerations

- 8.18 A neighbour has expressed concern that the proposed house could be used as an HMO. For Planning purposes, 6 or more people need to be sharing a house and not living together as a single household, in order for it to be classed as an HMO. If

this were to occur, planning permission would be required for a change of use, and this would be assessed separately in that context.

- 8.19 The existence of an existing dropped kerb on Dalneigh Road is not a material planning consideration. The formation of a new access off Columba Road will require a Road Opening Permit, which is separate from the planning process.

Matters to be secured by Section 75 Agreement

- 8.20 None.

**9. CONCLUSION**

- 9.1 The proposal constitutes overdevelopment of this restricted site, in that the plot is insufficiently dimensioned to accommodate a house with the required within curtilage parking and turning areas for 2 vehicles. Furthermore, the size of plot is insufficient to provide any private garden grounds for the future residents of the house. This is both detrimental to road safety and to residential amenity.
- 9.2 Policy 28 requires that development is not contrary to the interests of residential amenity, and demonstrates sensitive siting in keeping with the local character. Policy 29 requires development to demonstrate sensitivity towards the existing pattern of development. The plot is insufficiently proportioned to accommodate a house in keeping with the existing pattern of development, at the same time as providing adequate parking and turning for at least 2 vehicles and appropriate private garden space. The proposal is therefore contrary to the provisions of Policy 28 and Policy 29, in that it results in the overdevelopment of this restricted plot since it adversely impacts on residential amenity, and fails to achieve a satisfactory site layout with adequate parking and turning provision.
- 9.3 Since Policy 34 requires that proposals meet the requirements of Policy 28 and all other relevant policies, the proposal is also contrary to Policy 34.
- 9.4 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.

**10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

**Action required before decision issued**      No

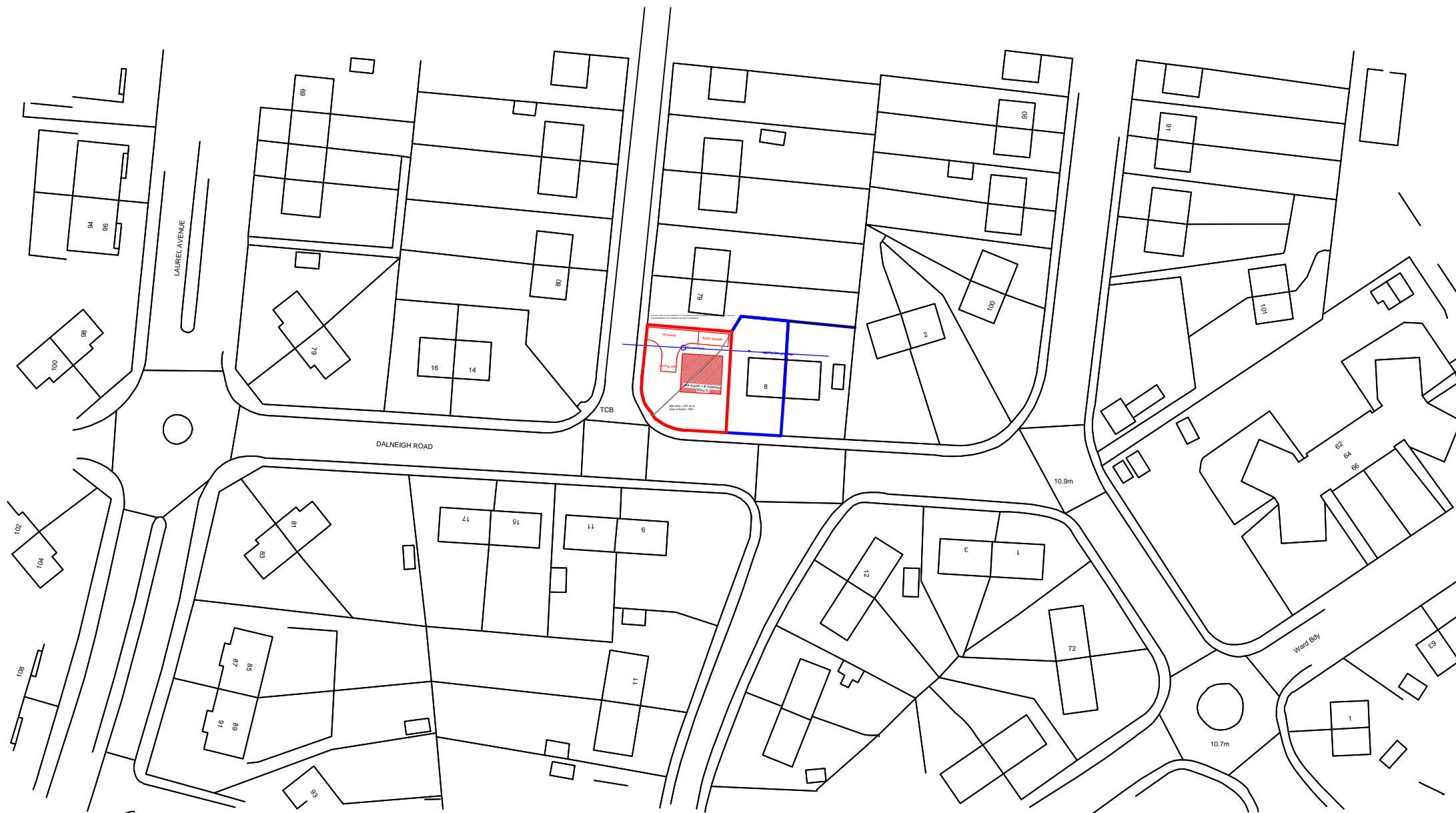
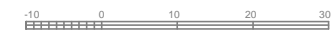
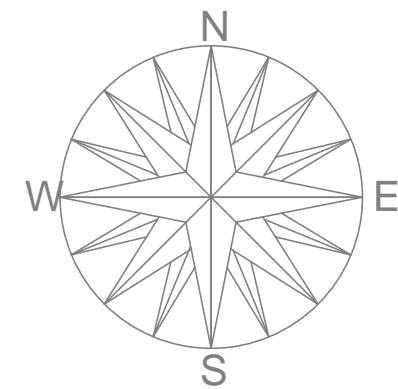
**Subject to the above**, it is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal is contrary to the provisions of Policy 28, Policy 29, and Policy 34 of the Highland-wide Local Development Plan in that it :
  - fails to demonstrate sensitive development and an appropriate layout in keeping with the local area, but instead constitutes overdevelopment of this site;
  - is insufficiently proportioned to accommodate a house in keeping with the existing pattern of development, along with adequate parking and turning for at least 2 cars, and the provision of private garden grounds;
  - adversely impacts on residential amenity for future residents of the plot, and is contrary to the interests of road safety and thus fails to be compatible with public service provision.

### REASON FOR DECISION

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant grant/approval of the application.

Signature:                      Nicola Drummond  
Designation:                  Area Planning Manager – South/Major Developments  
Author:                          Susan Hadfield (01463 255197)  
Background Papers:        Documents referred to in report and in case file.  
Relevant Plans:                Site Location Plan; Site Layout Plan



Planning Reference  
Building Control Reference

WA MacDonald MCIAT  
Architectural Technologist &  
Building Design Consultant  
Unit 16  
Dalcross Industrial Estate  
Inverness  
IV2 7XB  
01867 461111  
07989 722463 (mob)  
www.wamacdonald.co.uk  
e mail bill@wamacdonald.co.uk



**Mr G MacBeath**

project  
**Erection of dwelling at  
land adjacent to  
8 Dalneigh Road  
Inverness**

Location plan

date  
25.5.2017

scale  
1:1000

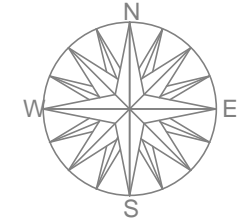
drawn  
wa macdonald

0517.2280.02

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



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

driveway

6x3m garage

ex manhole

approx line of sewer

turning area

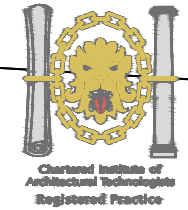
principal windows on this elevation

new house 1 & 3/4storey  
60sq m

principal windows on this elevation

Site area = 331 sq m  
Area of build = 18%

8



Planning Reference  
Building Control Reference

WA MacDonald MCIAT  
Architectural Technologist &  
Building Design Consultant  
Unit 16  
Dalross Industrial Estate  
Inverness  
IV2 7XB  
01857 481111  
07888 722463 (mob)  
w.m@macdonaldmciat.com

client  
**Mr G MacBeath**

project  
**Erection of dwelling at  
land adjacent to  
8 Dalneigh Road  
Inverness**

Site plan

date  
25.5.2017

scale  
1:100

drawn  
wa macdonald

0517.2280.01

MacDonalds is to be applied retrospectively  
Contractor to check all sizes on site