

Agenda Item	6.4
Report No	PLN 070/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 28 November 2017

Report Title: 17/04049/FUL: Mr Rob Parkes
Blaven, 3 Esther Place, Tain, IV19 1HN

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

Applicant: Mr Rob Parkes

Development: Alterations to existing house, erection of extension, formation of parking area and erection of fence (in retrospect). Erection of shed.

Ward: 7 - Tain and Easter Ross

Category: Local Application

Reason Referred to Committee: Ward Member Request

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.

2. Recommendation

Members are asked to agree the recommendation to refuse as set out in section 13 of the report.

3. PROPOSED DEVELOPMENT

3.1 The application seeks retrospective permission for alterations to the property and the erection of an extension to the rear. The alterations are specifically concerned with the following works:

- Installation of uPVC sash and case windows to the ground and first floors;
- Installation of tilt and turn uPVC windows to the attic level dormer windows;
- Installation of new timber panel door with integral fanlight
- Erection of timber clad rear extension with uPVC windows
- Installation of two rooflights to the rear elevation;
- Installation of a uPVC window on rear elevation;
- Formation of gravelled parking area to the rear and erection of wooden boundary fence;
- Erection of a shed (this is only proposal which is not sought in retrospect)

3.2 No pre-application advice was sought in advance of the application. Similarly no advice was sought prior to the undertaking of the above works. The Planning Authority became aware that works were taking place to the house in July 2017. At this point, the works were largely complete; a Section 33A Notice was served on the owners by the Council's Enforcement Team. This requires the submission of a planning application.

3.3 The application is accompanied by a Supporting Statement and photos.

3.4 **Variations:** None

4. SITE DESCRIPTION

4.1 The site concerns an existing property at Esther Place located close to the town centre of Tain which is within the Conservation Area, designated as a feature of local importance in the Highland-wide Local Development Plan. Within Conservation Areas, it is worth noting that no permitted development rights apply therefore no works can be undertaken without planning permission. Where works are allowed in principle, they must be in accordance with planning policy set out at both local and national level.

The house itself is part of a terrace of four substantial late Georgian dwellings dating to the early 19th Century. The property is a stone built two storey house with an additional attic level and dormer windows. There is a wooden clad extension which spans the entire width of the rear elevation, for which consent is now sought. The windows installed in the ground and first floors are uPVC framed. There is a wooden fence around the rear boundary.

5. PLANNING HISTORY

5.1 No recent planning history.

6. PUBLIC PARTICIPATION

6.1 Advertised: Affecting the Setting of a Conservation Area - 27.10.2017

Representation deadline: 17.11.2017

Timeous representations : 3 from 3 households

Late representations : 0

6.2 Material considerations raised are summarised as follows:

- No significant issues with the works themselves however object to the lane being used as the main access to Blaven; this lane was never intended for heavy traffic and it runs past rooms belonging to No.7 Academy Street. The increased traffic has been unwelcome.
- Concerns regarding the impact the recurrent vibrations may have on the structure of No.7 Academy Street; the increased likelihood of the wall being scraped and the lack of accountability from the application in relation to the maintenance of the road;
- Loss of green space following the installation of hardstanding on the garden area; this added to the traditional character of the area;
- No prior notification of works to neighbours;
- Concern regarding the size of the rear extension which has been built right onto the wall of the adjacent property (Dunedin, Esther Place)
- Due to the size of the extension it is very visible from the back garden of Dunedin. It would be preferable for this to be reduced in height and length (this would also negate the need for blocking up a large part of Blaven's long staircase window);
- Privacy concerns due to the installation of two skylight windows into the roof
- Adverse visual impact of the extension ('ugly')
- Private access track unsuitable for oil tankers etc.,;
- Concerns regarding the replacement of an old hedge with a wooden fence of no aesthetic merit;
- The front elevation has been transformed from its former state of neglect and restored sympathetically to a high standard. In particular, the use of lime mortar, replacement dressed sandstone and traditional workmanship is a credit to the present owners and welcome improvement.

7. CONSULTATIONS

7.1 **Tain Community Council:** The Community Council are happy to confirm its support for the works.

7.2 **Historic Environment Team:** The application seeks to regularise unauthorised works undertaken to Blaven, Esther Place, within the Tain conservation area. Blaven is part of a terrace of four substantial late Georgian dwellings dating to the early 19th century (the terrace is depicted on the 1832 map). Whilst there would

have been general support for the scope and scale of work proposed, had an application been received prior to the work being completed an application would not have been supported without first requiring amendments to both design and materials. **The following unauthorised alterations are contrary to national and local policy and cannot be supported:**

- Install uPVC sash and case windows to the ground and first floor – uPVC windows in conservation areas are contrary to policy and therefore cannot be supported. I would further note that window detail is important and we would not have been able to support plant on astragals or sash horns, the latter of which is a historically inaccurate detail in this case (sash horns are only appropriate on buildings post-dating c.1850 and then only where evidence can be provided that supports their use).
- Install tilt and turn uPVC windows to the dormer windows – as above, uPVC windows in conservation areas are contrary to policy and cannot be supported. Detail is equally unacceptable, notably opening method, use of plant on astragals and the prominent trickle vents on the face of the sash.
- New timber panel door with integral fanlight – integral fanlights are not normally supported and a solid 6 panel timber door with appropriate ironmongery would have been required.
- Rear extension – I have no issue in principal with a rear extension where constructed using high quality materials with good design that respects the historic character of the building. The design of the extension with the integral porch would not generally be supported. The impact of the extension on the full length 9x9 stair window is particularly unfortunate and has resulted in the loss of one of the most characterful features of the building. The uPVC windows, which are very poorly designed and detailed and the plastic rainwater goods all detract from the character of the building. Whilst timber cladding in moderation is acceptable in conservation areas, the large expanse of cladding in this case is overbearing and detracts from the character of the conservation area. I am unclear as why it is necessary for the extension to mount and rise above the boundary wall.
- Installation of 2 rooflights to the reverse slope – All rooflights in conservation areas must be conservation style, i.e. recessed into the roof slope with an integral central glazing bar. The rooflights installed are not appropriate and cannot be supported.
- Rear elevation: Install uPVC windows – the loss of the full length stair window would have been strongly resisted and the replacement fixed uPVC window cannot be supported. Likewise the uPVC sash and case window adjacent.

An additional alteration undertaken without consent is the creation of the gravelled parking area to rear. This has required the removal of the rear boundary, and it would also appear the removal of the mature hedge forming the boundary with No.4. Both of these features, along with the rear garden, contributed positively to the character of the conservation area and formation of the parking area cannot be seen to preserve or enhance the conservation area's character or appearance.

I note that it is also proposed to erect a shed (not in retrospect?). Whilst this is unlikely to be problematic I could not see a plan with the precise location.

Whilst some positive work has been carried out (reinstating the original proportions of the window and it is understood the masonry was repointed using lime mortar) the majority of the works undertaken and described in the application are contrary to policy and do not preserve or enhance the character or appearance of the conservation area and as such the application cannot be supported.

8. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

8.1 Highland-Wide Local Development Plan 2012

- 28 Sustainable Design
- 34 Settlement Development Areas
- 57 Natural, Built and Cultural Heritage

8.2 Inner Moray Firth Local Development Plan (2015)

Tain Settlement Development Area

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy

Historic Windows and Doors

House Extensions and Other Residential Alterations (THC, Planning Guidance) (May 2015)

9.2 Scottish Government Planning Policy and Guidance

Scottish Historic Environment Policy (SHEP)

Scottish Planning Policy (SPP)

9.3 Other

Historic Environment Scotland 'Managing Change in the Historic Environment'

10. PLANNING APPRAISAL

- 10.1 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. With regards specifically to Conservation Areas, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

10.2 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.

10.3 **Development Plan Policy Assessment**

The application lies within the Tain Settlement Development Area as identified by the Inner Moray Firth Local Development Plan and is also within Tain's Conservation Area. Section 64 of the Planning (Listed Buildings and Conservation Areas)(S) Act 1997 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. As such the key determining policies are the general policies of the Highland-wide Local Development, principally Policy 57 which is concerned with the natural, built and cultural heritage and its related Supplementary Guidance documents - Highland Historic Environment Strategy and the Highland Historic Windows and Doors.

10.3.1 Replacement Windows and Door

The Council's Strategy outlines that where replacement of existing windows within historic buildings is considered appropriate, it is essential that any new windows and doors are appropriate in their age and detailing for the age and style of building to which they will be fitted. It is noted from the applicant's supporting statement that the previous windows were double glazed aluminium framed which were in poor condition as well as timber framed pivoting casement windows on the ground floor which were rotting. As such, based on the information provided, it is likely that the replacement of these windows would have been considered acceptable *in principle* should an application have been sought in advance of the works being undertaken.

10.3.2 The Council's Historic Environment Strategy, as well as national policy, is clear that uPVC windows are not appropriate within historic buildings by virtue of their profile, bulk, materials and opening mechanisms which is not comparable to historically accurate and appropriate windows. In this instance, the Historic Environment Team (HET) have specifically noted that in addition to the materials, the window detail on the new windows installed in the ground and first floors is not appropriate for the building specifically the use of plant on astragals or sash horns, the latter of which is a historically inaccurate detail in this case. Similarly the detailing of the new windows installed within the dormers is also considered by HET to be inappropriate - notably the opening method, use of plant on astragals and the prominent trickle vents. Thirdly, the two rooflights installed on the rear elevation are also not considered to be appropriate as all rooflights in conservation areas should be conservation style i.e. recessed into the roof slope with an integral central glazing bar.

10.3.3 With regards the replacement door, HET outline that integral fanlights are not normally supported and a solid 6 panel timber with appropriate ironmongery would have been required instead. The replacement door is therefore also considered to be contrary to Policy 57 of the Highland-wide Local Development and related Supplementary Guidance.

Erection of extension

- 10.3.4 In principle, the Planning Authority can be supportive of extensions on historic buildings particularly where these are sited on the rear elevation and make use of high quality materials with a good design that respects the historic character of the building. In this instance, HET outline that the design of the extension with the integral porch is not considered to be appropriate in relation to the main house. HET note that the uPVC windows, which are very poorly designated and detailed, and the plastic rainwater goods all detract from the character of the building. Furthermore, whilst timber cladding in moderation is acceptable in conservation areas, the large expanse of cladding in this case is overbearing and detracts from the character of the conservation area. In addition, the impact of the extension on the full length 9x9 stair window is particularly unfortunate and has resulted in the loss of one of the most characterful features of the building.
- 10.3.5 Furthermore, as highlighted in the public comments, it is not clear why it is necessary for the extension to mount and rise above the boundary wall. As well as being undesirable for the adjacent property, it is also inappropriate in terms of its impact on a historic building. Therefore it can be reasonably concluded that the rear extension fails to preserve or enhance the character or appearance of the Conservation Area.
- 10.3.6 Formation of hardstanding and erection of fence
- In addition to the main works as noted above, a gravelled parking area has also been created to the rear of the house. As the site is within the Conservation Area there are no permitted development rights covering such development. As noted by HET, the creation of this parking area has required the removal of the mature hedge forming the boundary with No.4. As highlighted in the representations, both of these features, along with the rear garden, contributed positively to the character of the conservation area and the formation of the parking area cannot be seen to preserve or enhance the conservation area's character or appearance.
- 10.3.7 It is acknowledged that some positive work has been carried out as part of these overall works, for example use of lime mortar in masonry work. However the majority of the works undertaken and described in the application are contrary to the provisions of the Highland-wide Local Development Policy 57 and its related Supplementary Guidance and do not preserve or enhance the character or appearance of the Conservation Area.
- 10.3.8 Erection of shed
- It is also proposed to erect a shed; the details of which are considered acceptable in terms of its appearance however there is insufficient information to show where the shed would be located therefore a determination can not be made regarding this element of the proposal. Given that support can be offered for the remainder of the works it is considered that the applicant should make a separate application for erection of a shed.

10.3.9 Next Steps

The applicant has been made aware of the Planning Authority's concern regarding the above works and has been asked to consider whether any there is any scope for alterations that would allow the works to better comply with policy. As noted previously, there is support for the principle of the works however these must be subject to modifications - the window finishes and detailing as well as alterations to the rear extension have been highlighted as the main areas of concern. In the first instance the Planning Authority would seek to resolve these issues and in this regard the applicant has indicated a willingness to look again at the rear extension. Should the situation not be resolved through negotiation it will be referred to the Enforcement Team for the matter to be pursued. However in terms of the application, the works presented remain contrary to the development and national policy hence support for this application cannot be provided by the Planning Authority.

10.4 **Other Considerations – not material**

10.4.1 It is noted that vehicular access for the house is now gained via an existing access track that leads to the site from Academy Street and that concerns have been raised regarding use of this access by representors, however use of this access is not a matter which can be considered as part of this application. Planning permission is not required to enable use of this access however it is responsibility of the applicant should ensure a legal right of access is in place.

11. **CONCLUSION**

11.1 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 permission be refused.

12. **IMPLICATIONS**

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. RECOMMENDATION

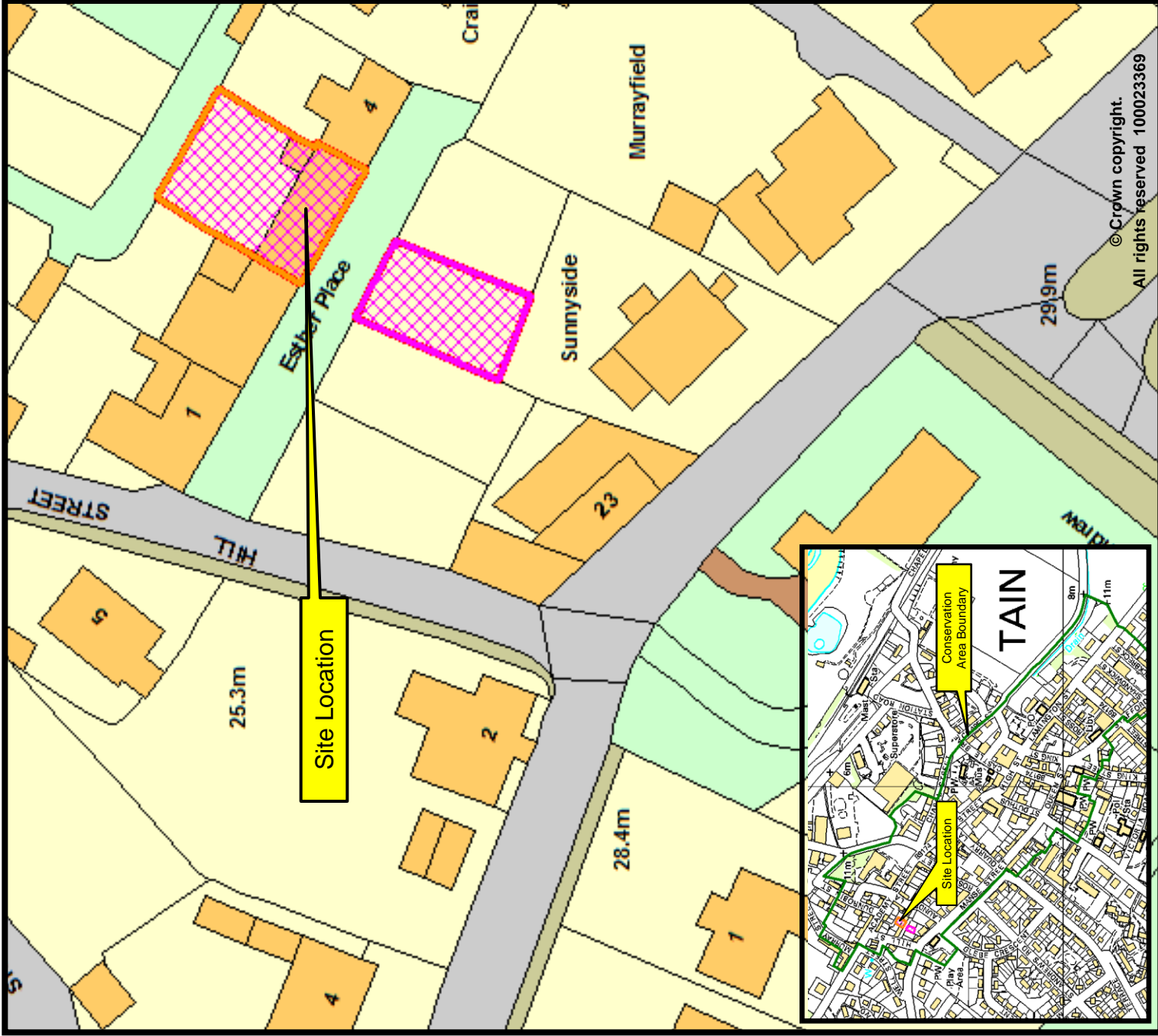
Action required before decision issued

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 application is contrary to the provisions of the Highland-wide Local Development Plan Policy 57 (Natural, Built and Cultural Heritage), Scottish Historic Environment Policy and Scottish Planning Policy with respect to replacement windows and doors as:
 1. the replacement windows on the ground and first floors are inappropriate in terms of their materials (uPVC) and detailing (plant on astragals and sash horns).
 2. the replacement windows to the dormers are unacceptable in terms of their materials (uPVC) and detailing (opening method, plant on astragals and prominent trickle vents on the face of the sash).
 3. the installed rooflights on the rear elevation are inappropriate in terms of their visual appearance as they are not Conservation style.
 4. the integral fanlight contained within the replacement door is considered to be a historically inappropriate detail.As such the proposal fails to preserve or enhance the Conservation Area.
2. The application is contrary to the provisions of the Highland-wide Local Development Policy 57 (Natural, Built and Cultural Heritage), Scottish Historic Environment Policy and Scottish Planning Policy as the extension to the rear of the house is considered inappropriate in terms of its design and materials. In addition the extension has resulted in the loss of the full length 9x9 stair window, one of the most characterful features of the building. As such the proposal fails to preserve or enhance the Conservation Area.
3. The application is contrary to the provisions of the Highland-wide Local Development Policy 57 (Natural, Built and Cultural Heritage), Scottish Historic Environment Policy and Scottish Planning Policy as the formation of a gravelled area and erection of boundary fence which has resulted in the loss of the rear boundary and a mature hedge forming the boundary with No.4 Academy Street. Both of these features contributed positively to the character of the Conservation Area. As such the proposal fails to preserve of enhance the Conservation Area.

Designation: Area Planning Manager - North
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: 000001 Location Plan
000002 Ground Floor Plan
000003 First Floor Plan
000004 Second Floor Plan
000005 Elevation Plan
000006 Elevation Plan
000007 Elevation Plan
000008 Location Plan
000009 Location Plan
000010 Shed Floor Plan/Elevation Plan



17/04049/FUL

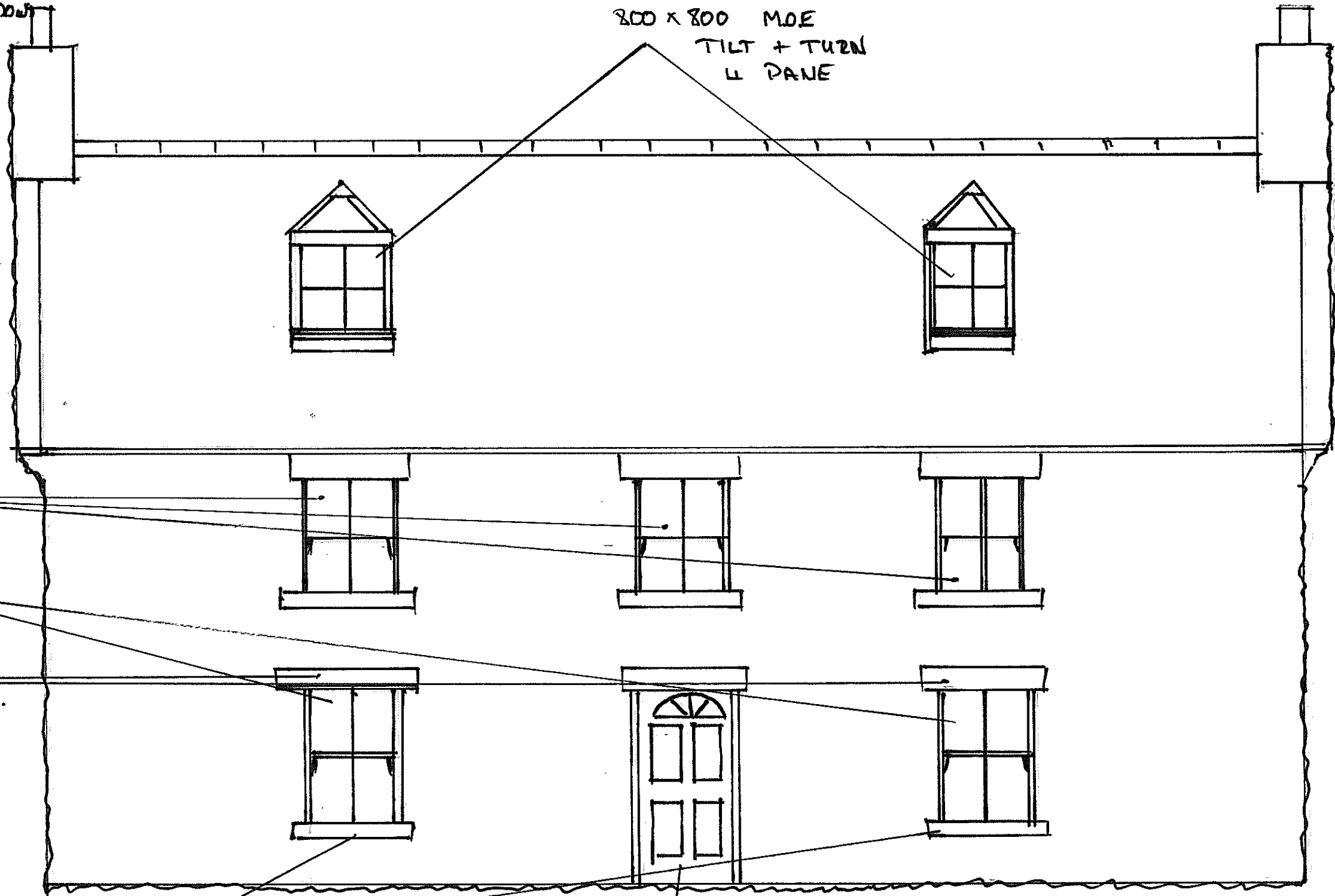
Alterations to existing house, erection of extension,
formation of parking area and erection of fence (in
retrospect). Erection of shed at
Blaven, Esther Place, Tain.

November 2017

FRONT ELEVATION 1:50

ALL WINDOWS REPLACED

2 NO' GROUND FLOOR WINDOW
RESIZED TO ORIGINAL.
MADE GOOD IN MATCHING
STONE WITH NEW, HAND
DRESSED LINTEL + CILLS
TO MATCH THE EXISTING.
UPVC WOODGRAIN EFFECT
4 PANE WITH CENTRE
ASTRAGAL - ALL WHITE.
WALLS REPOINTED WITH
NHC LIME MORTAR.



1550 x 920 mm.
SLIDING SASH
WITH HORNS

1400 x 920
SLIDING SASH.
WITH HORNS

1200 x 200 x 300 mm
SANDSTONE LINTEL.

1200 x 200 x 200
SANDSTONE CILLS.

GEORGIAN STYLE DOOR
TIMBER (HARDWOOD) PAINTED BLACK

AMMENDED DRAWING III - 18-9-17

REAR ELEVATION 1:50

VELUX 720mm X 550mm
CENTRE PIVOT

2100mm X 920mm.
FIXED PANE

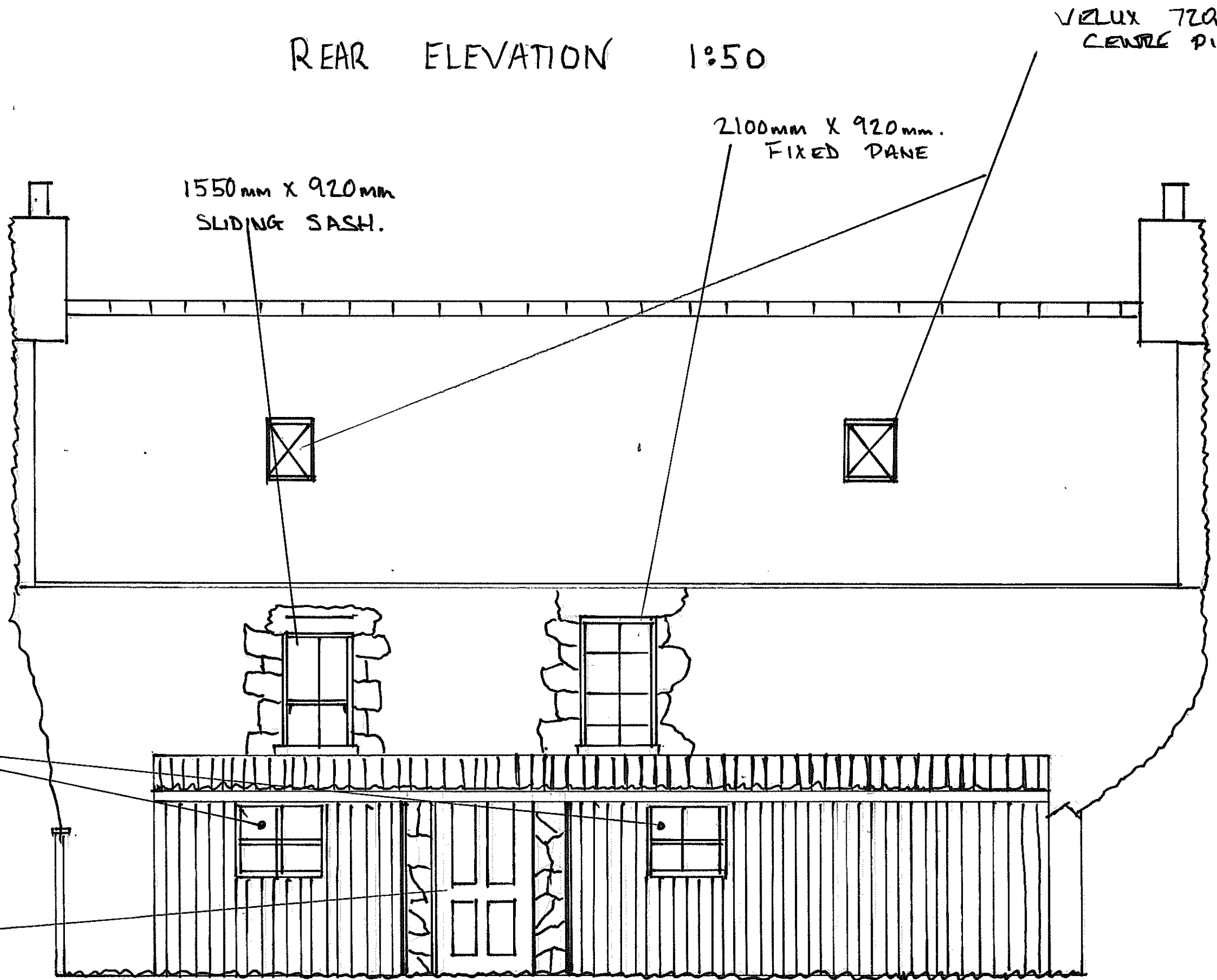
1550mm X 920mm
SLIDING SASH.

Nº 4

Nº 2

900 X 900 mm.
FAN LIGHT

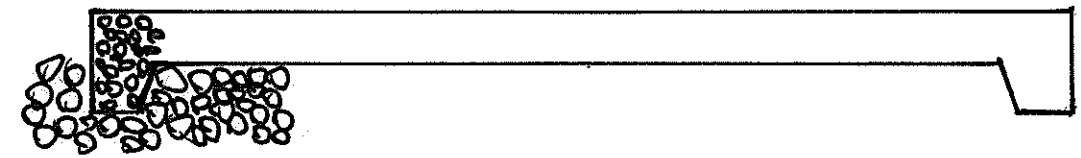
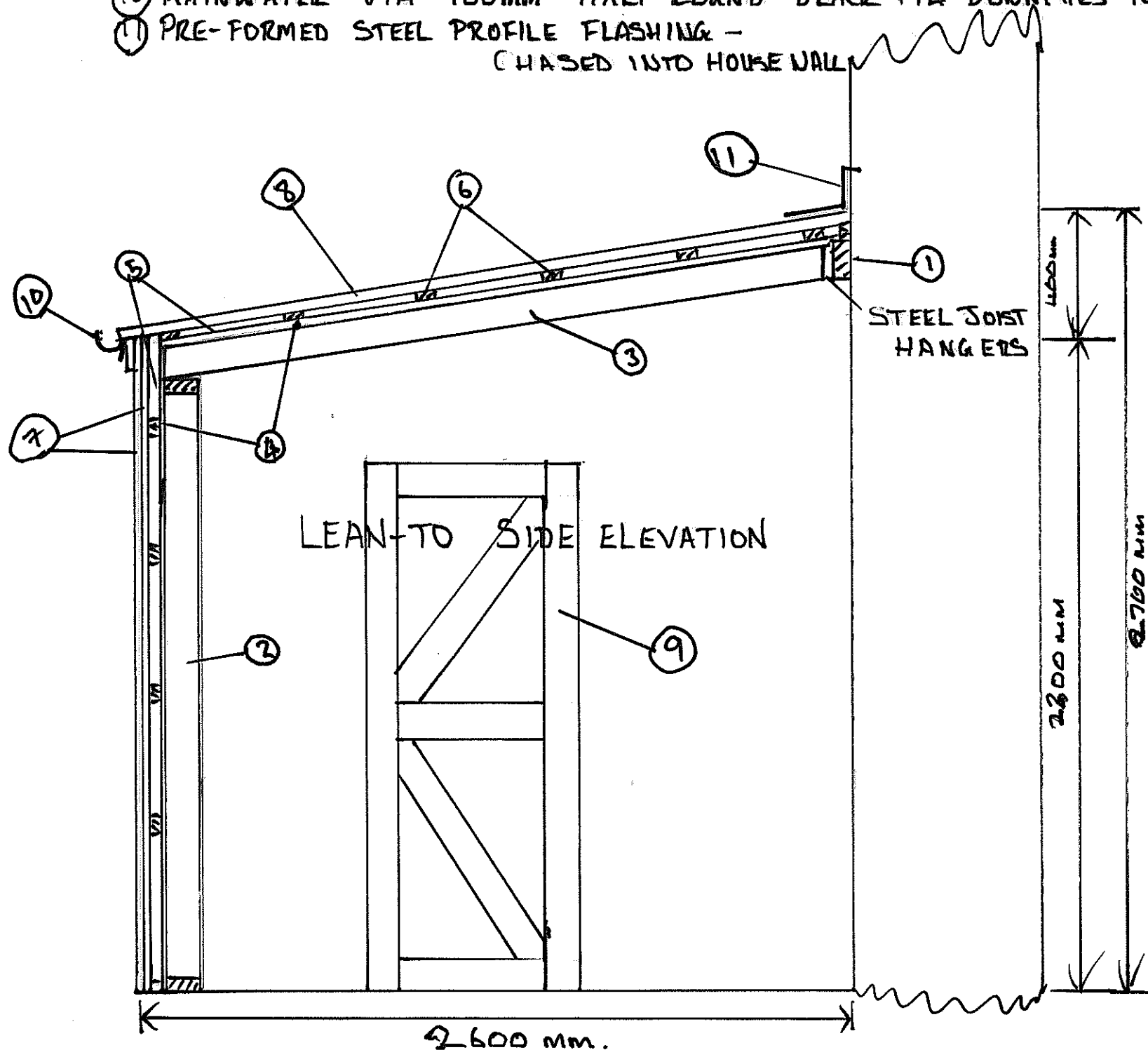
DOOR 2



AMMENDED DRAWING II - INC DIMENSIONS. 18-9-17

- ① WALL PLATE - 150mm x 47mm FIXED @ 500mm CENTRES
- ② FRAME - 125 x 47mm TIMBER @ 400mm CENTRES
- ③ ROOF - 125 x 47mm TIMBER @ 400mm CENTRES
- ④ WHOLE STRUCTURE SHEATHED IN 12MM OSB - 65MM NAILED OVER
- ⑤ WRAPPED IN BREATHER MEMBRANE
- ⑥ L7 x 47 COUNTER BATTENS
- ⑦ WALLS CLADDED WITH 150 x 25 BOARDING - OVERLAPPED
- ⑧ ROOF SHEETING - 0.7MM PROFILE STEEL - FIXED @ 400mm CENTRES
- ⑨ DOORS - TIMBER FLB
- ⑩ WINDOWS - UPVC FOILED - FAN LIGHT (ONE FIXED)
- ⑪ RAINWATER - VIA 100MM HALF ROUND BLACK VIA DOWNPIPES TO SURFACE
- ⑫ PRE-FORMED STEEL PROFILE FLASHING - CHASED INTO HOUSE WALL

SCALE 1:20



FLOOR SPEC - 150mm SLAB THICKENED EDGES TO 220mm OVER COMPACTED CRUSHED STONE/SAND

AMENDED DRAWING 1 18-9-17

DIMENSIONS SHOWN

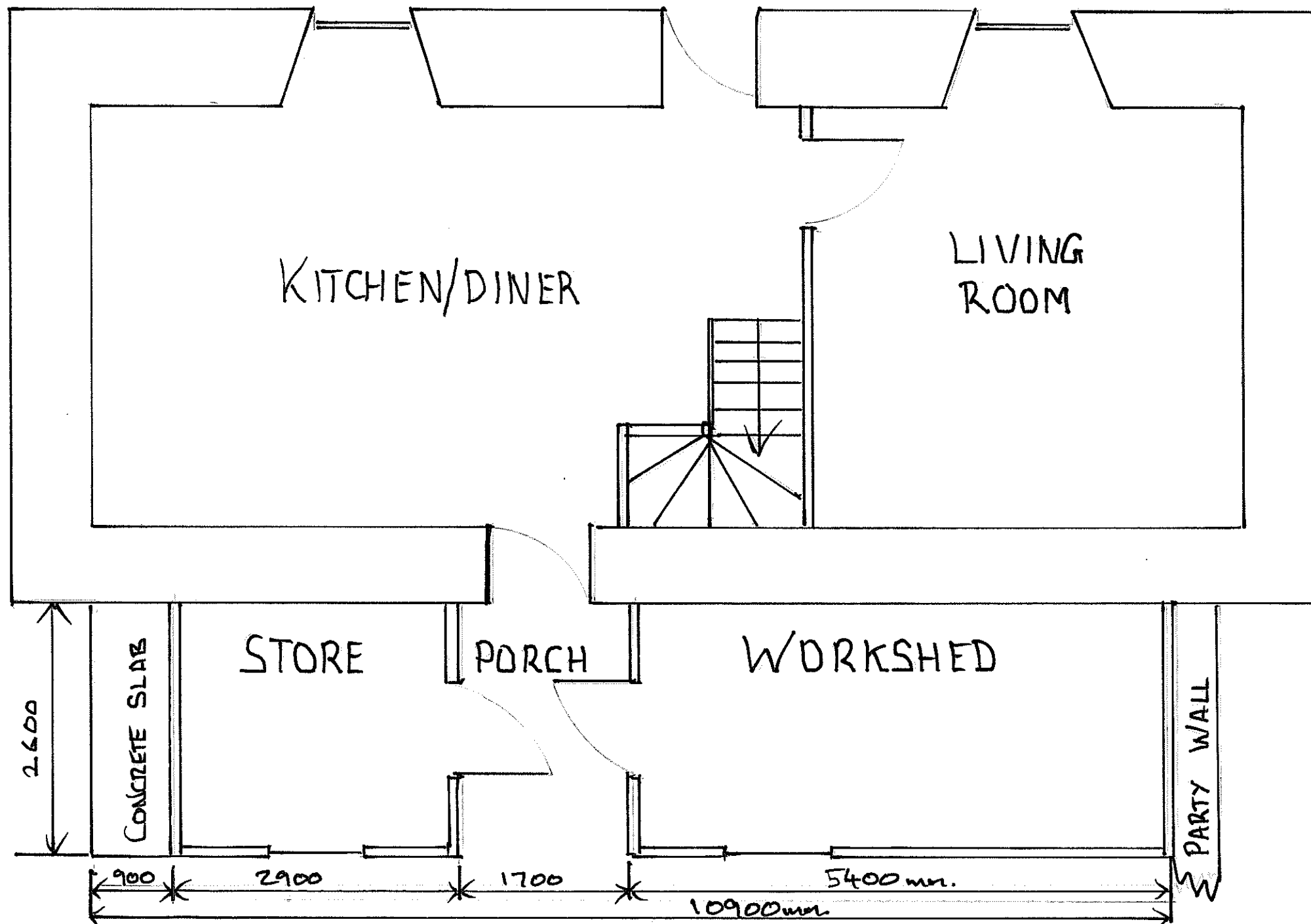
STORE/PORCH/WORKSHED - CONSTRUCTED AS IN DRAWING II

LOCATION PLAN SHOWS AN EXISTING EXTENSION TO THE LEFT OF THE REAR DOOR. FOOTPRINT OF THE BUILDING, SAME AS STORE AND SLAB AREA.

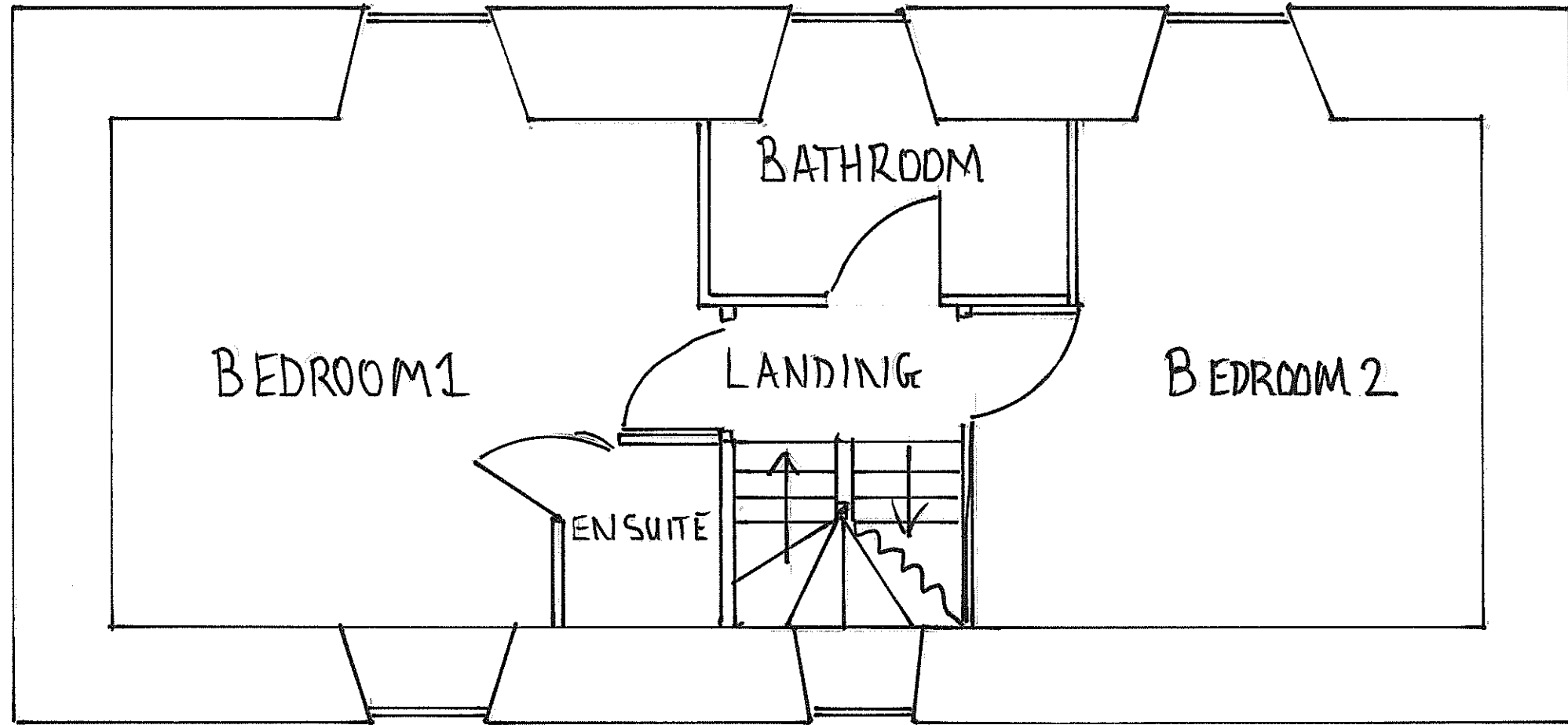
NO BUILDING WAS PRESENT AT TIME OF PURCHASE.

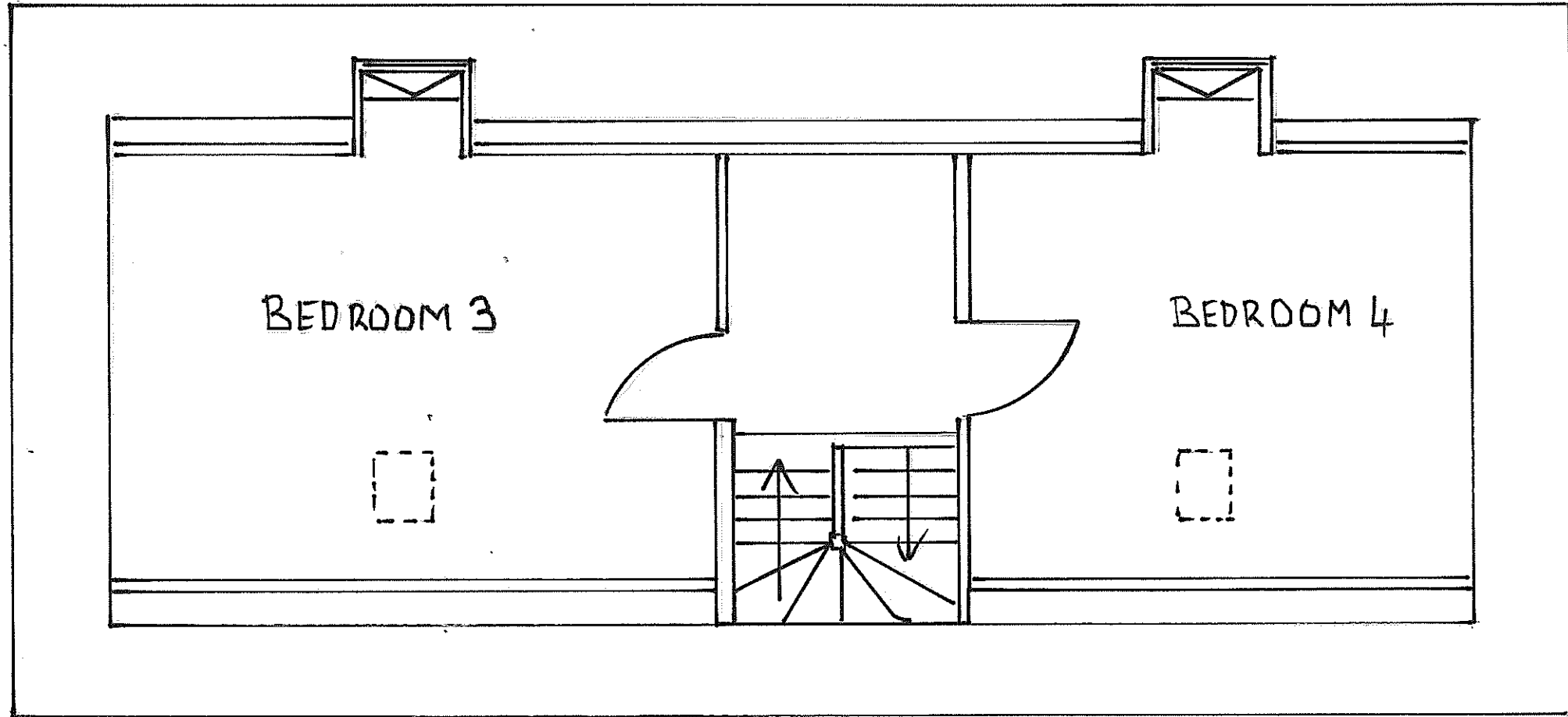
REAR DOOR REPLACED WITH SOFTWOOD TIMBER DOOR WITH TWO UPPER GLAZED PANELS.

G ROUND FLOOR PLAN 1:50 (A3)



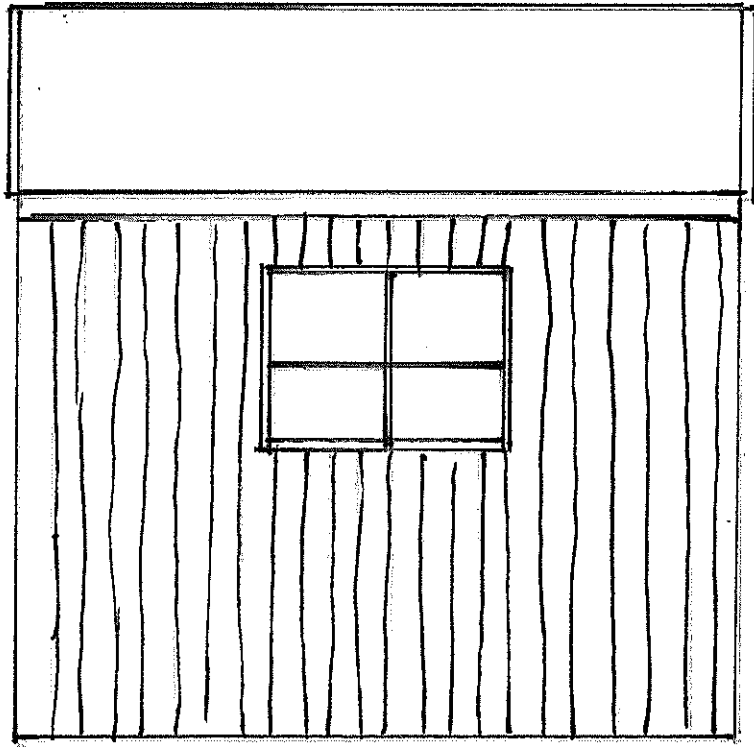
FIRST FLOOR PLAN 1:50





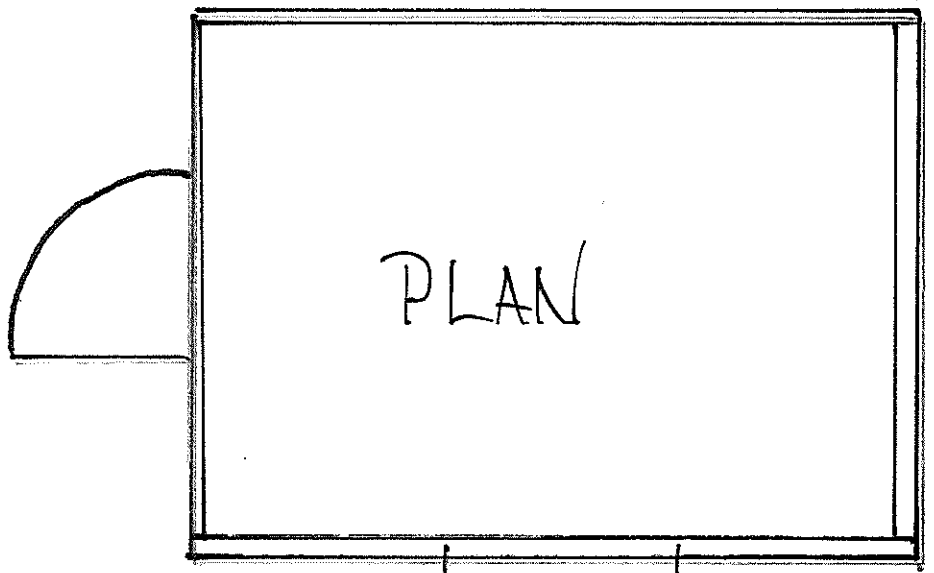
SECOND FLOOR PLAN 1:50

2400mm.



1800mm

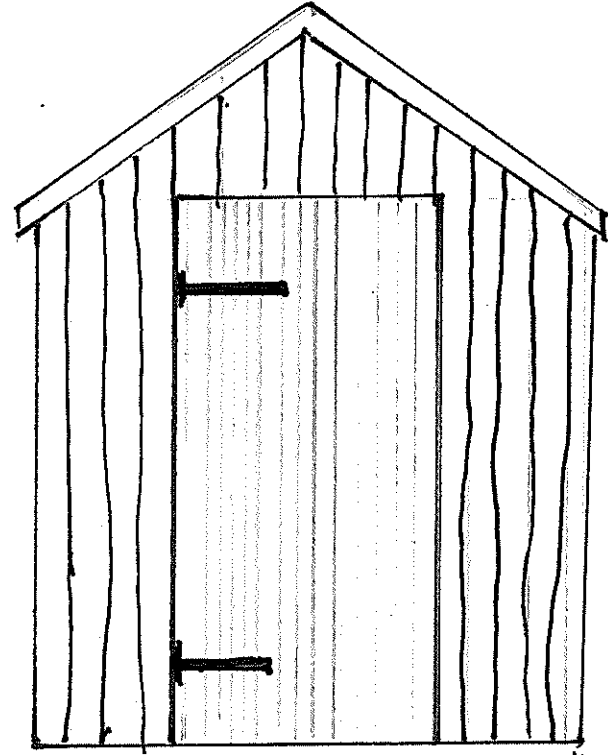
2400mm



PLAN

1800mm.

SIDE ELEVATION



1800mm.

FRAMED USING 75 x 67mm TIMBER @ 600mm ϕ
 SHEATHED USING 12mm OSB
 CLADDED IN 100mm x 25mm SAWN TIMBER
 FLOOR - 12mm PLYWOOD
 ROOF - GREEN MINERAL FELT.

SCALE 1:25 (ALL).