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Ms G Webster
Highland Council
Sent By E-mail

Our ref: PPA-270-2188
Planning Authority ref:17/04049/FUL

10 May 2018

Dear Ms Webster

PLANNING PERMISSION APPEAL: BLAVEN 3 ESTHER PLACE TAIN IV19 1HN

Please find attached a copy of the decision on this appeal.

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Cherie Chrystal

CHERIE CHRYSTAL
Case Officer
Planning and Environmental Appeals Division



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Decision by Elspeth Cook, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2188
- Site address: Blaven, 3 Esther Place, Tain, IV19 1HN
- Appeal by Mr Rob Parkes against the decision by Highland Council
- Application for planning permission 17/04049/FUL dated 31 August 2017 refused by notice dated 4 December 2017.
- The development proposed: Alterations to existing house, erection of extension, formation of parking area and erection of fence (in retrospect); erection of shed.
- Application drawings: 1:1250 Location Plan (fence and driveway); 1:1250 Location Plan (shed & oil tank); No 1 Ground Floor Plan (18.9.17); No 2 Sections (18.9.17); No 3 Rear Elevation (18.9.17); No 4 Front Elevation (18.9.17); First Floor Plan (undated); Second Floor Plan (undated); Elevations and plan of shed (undated)
- Date of site visit by Reporter: 17 April 2018

Date of appeal decision: 10 May 2018

Decision

I allow the appeal and grant planning permission subject to the condition listed at the end of the decision notice. Attention is also drawn to the advisory note at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan consists of the Highland-wide Local Development Plan 2012, the Inner Moray Firth Local Development Plan 2015 and the statutory Supplementary Guidance Highland Historic Environment Strategy 2013. In accordance with section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 I must also pay special attention to the desirability of preserving or enhancing the character or appearance of the Tain Conservation Area.

2. Having regard to the provisions of the development plan, the main issues in this appeal are:-

- the impact on the Tain Conservation Area and;
- residential amenity.



The impact on the Tain Conservation Area

3. I find the appeal site to be located in a part of the conservation area that is characterised by the stone and render vernacular buildings that align the main streets. The partial views of the lanes that sit behind, or perpendicular to, those streets add to the interest. I was, however, conscious of the non-traditional replacement windows, including white uPVC, that are prevalent throughout the area.

4. The front elevation of the appellant's property faces the private access lane from Hill Street (Esther Place) and its much plainer rear elevation looks onto a shared access lane from Academy Street. Neither elevation is directly viewed from a public place. The front is partially visible, at an angle, from Hill Street and the upper floors of the rear are visible through gaps in Academy Street. I find these gaps offer a limited view and only in the context of other altered rear elevations. Indeed the ground floor is obscured from view entirely due to a change in level between the site and Academy Street. I do not therefore consider the appeal site to be prominently sited within the conservation area.

5. Photographic evidence of the front elevation prior to development taking place is available and I find that the reinstatement of the previously enlarged ground floor windows using natural stone and the lime-based repointing of the stonework has improved the appearance of the building considerably.

6. The new windows and door are not historically accurate (the uPVC windows have applied astragals, horns and trickle vents and the new front door has an integral fanlight). However, I find each house in the terrace is different and uPVC non-traditional windows already exist at No 4. No 1 Esther Place also has a similar dormer window configuration to the appeal site. I consider the overall proportions of the new uPVC windows and the method of opening are sympathetic to this traditional building, as is the new front door.

7. I do not find that the fence, oil storage tank and proposed shed within the separate front garden lying to the south of Esther Place would be particularly prominent within the conservation area or unsympathetic to the appearance of the row of front gardens. Especially as these gardens are screened from Hill Street by a stone boundary wall.

8. The character of the rear of the appellant's property, and the lane that it faces, is significantly different from Esther Place. This lane provides access to the rear of a number of dwellinghouses and the style of extensions and outbuildings reflects the functional nature of this area. There is evidence of timber and metal cladding, uPVC windows and gravel driveways. I consider the appellant's simple timber, lean to extension with its shallow pitched roof reflects the character of this area. The other properties in the terrace have also been altered and extended to the rear (including works that obscure or adjust the stairwell window). I do not therefore consider that the alterations to the stairwell window have a detrimental effect on the appearance of the building or the terrace. Overall I find the alterations to the rear of the building, including the extension and the gravel parking area to reflect the character and appearance of this area.

9. The council is concerned that the new rooflights are not "conservation style". The rooflights however are small, similar in size to traditional rooflights and are located

symmetrically on the rear roof slope. I do not consider a vertical glazing bar to be essential, in these circumstances, to make the rooflights compatible with their conservation area location.

10. On this basis, and in the context of the character of the conservation area set out in paragraph 3 above, I find the works carried out at the appeal site preserve the character and appearance of this terrace and the wider conservation area.

11. The Inner Moray Firth Local Development Plan identifies Tain as a settlement where policies 28 (Sustainable Design) and 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan apply. These policies seek to protect conservation areas and ensure development is in keeping with the local character, making reference to the use of appropriate materials. The associated statutory guidance, promotes the use of “traditional local materials” or “appropriate alternatives” (Aims 23 and 24) and seeks to ensure “new development is sensitive to the historic environment and responds to and reflects the established qualities of the surroundings” (Aim 31). I find that the development plan policies do not expressly resist the use of uPVC. Whilst it is not a traditional local material it is prevalent within the surrounding conservation area. For the reasons set out above I find that the development, including its uPVC windows, rooflights and extension reflect the “local character” and “the established qualities of the surroundings” and comply overall with the terms of the development plan.

12. I have also considered the council’s non-statutory guidance, Historic Windows and Doors 2017, which generally resists the use of uPVC windows but sets out the situations where uPVC may be acceptable in unlisted buildings in conservation areas. I consider the 4 pane sliding sash and case windows (even with applied astragals) and the 4 pane dormer windows to be “sensitively designed” and find that they “face a private courtyard or garden” as set out by the guidance. I therefore consider these windows meet the terms of the guidance.

13. I have considered the terms of Historic Environment Scotland’s documents Managing Change in the Historic Environment: Windows (2018) and Extensions (2010). In the particular circumstances indicated above, and bearing in mind this is not a listed building, I find the development, even with its uPVC windows, complies with the principles established by these documents. I have also considered Historic Environment Scotland Policy Statement 2016 and the Scottish Planning Policy 2014 and find they do not provide detailed guidance on individual application proposals but reinforce the importance of the statutory test set out in paragraph 1 above.

Residential Amenity

14 I have considered the relationship of the rear extension to the neighbouring properties (including its junction with the boundary wall with 2 Esther Place) and the location and size of the new rooflights. I find there is no reduction in the current level of privacy enjoyed by the neighbouring properties and the development therefore complies with the Highland-wide Local development Plan Policy 28, Sustainable Design, in terms of residential amenity. Any property ownership issue associated with the boundary wall is outwith the remit of this appeal decision.

Other Matters

15. I have considered the terms of the council's guidance House Extensions and Other Residential Alterations 2015. I find the development meets the requirements of this guidance with two exceptions. The roof pitch of the rear extension does not match the main building however I consider this is still acceptable as it has minimised the impact on the first floor windows and ensured the extension is not visible outwith the environs of the lane. The guidance normally resists new structures in front gardens, however I find it would not apply directly to this situation where the front garden is enclosed and screened from public view.

16. The representations raise concerns regarding the increased vehicular use of both lanes providing access to this property. Esther Lane is an existing vehicular access serving the appeal site and planning permission is not required to take access from the lane from Academy Street. As such I am satisfied that this is not a matter for this appeal.

17. The council has requested a condition be applied seeking details of the proposed shed. As I have a scaled drawing of the shed and a location plan, the only matter that remains outstanding would be the colour of the timber cladding. I have therefore restricted the terms of the condition to this matter.

Conclusions

18. I find the development, whilst not enhancing, would preserve the character and appearance of the Tain Conservation Area. I also conclude, for the reasons set out above, that the development accords overall with the relevant provisions of the development plan. In addition I find the use of sensitively designed uPVC windows are supported by the council's non-statutory guidance where the building faces onto a private place as is the case here. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Elspeth Cook

Reporter

Condition

1. Before any works commence of the construction of the shed, details of the exterior colour of the shed shall be submitted for the written approval of the planning authority and thereafter the shed shall be constructed in accordance with those details as approved.

Reason To ensure the external finishes of the outbuilding are in keeping with its location.

Advisory note

1. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).