

Agenda item	6.3
Report no	PLN/050/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 1 August 2018

Report Title: 18/01441/FUL Hillside, South Obbe, Kyleakin, Isle Of Skye

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Applicant: Mr R Wilkie

Proposal: Demolition of garage and erection of ancillary accommodation

Ward: 10 - Eilean A' Cheò

Category: N01 - Householder Developments

Reason referred to Committee: Application called in by local members

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

2.2 Members are asked to agree the recommendation to refuse as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 The application is for the demolition of a flat roofed corrugated iron clad garage and the erection of an ancillary one bedroomed accommodation unit. The new single storey building will measure 9.5m x 5.5m with a ridge height of 6.336m. The building will have white render walls and a slate roof to match the existing dwelling.

3.2 **Pre Application Consultation:** None

3.3 The site is currently served by two accesses. One which serves the garage and the other an area of hardstanding which is able to accommodate a single parking space.

3.4 **Supporting Information:** None

3.5 **Variations:** None

4. SITE DESCRIPTION

4.1 The site consists of an irregular shaped portion of land which lies immediately adjacent to the house known as Hillside. It extends to 120m² and consists of an area of hardstanding which accommodates a single vehicle and a garage/outbuilding in front of which there is room to parking a second vehicle. The site is bounded to the NE by the gable end elevation of Hillside and its garden wall. The wall continues to the NW round the back of the garage. On the other side of the wall behind the garage is the foreshore. There is no boundary treatment above ground level between the land in question and the public road which forms the southern boundary. Given the change in levels there is a small retaining wall projecting from the corner of the house in a southerly direction, on top of which is the road verge.

4.2 Hillside, is a four bedroomed detached house. Three of the rooms have until recently been let as bed and breakfast accommodation. It is understood that this has been reduced to two since the submission of this application. It is located to the northern seaward side of the narrow single tracked South Obbe Road. There is no pedestrian footpath along this road. The road serves a further four houses, a slipway used by fishing boats and the public access to Castle Moil. The nearest neighbouring properties to the proposed ancillary accommodation unit are located approx. 13m to the west, approx. 30m to the south east and approx. 23m to the south west.

5. PLANNING HISTORY

5.1 None

6. PUBLIC PARTICIPATION

6.1 Advertised : No

Representation deadline : 29th April 2018

Timeous representations : 2 Objections from 2 households

3 Supporting comments from 3 households

Late representations : None

6.2 Material considerations raised are summarised as follows:

- Road safety
- Lack of visibility

- Use of the property as a Guest House
- Overlooking

6.3 All letters of representation are available for inspection via the Council's eplanning portal and can be accessed via the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Transport Planning** - Objection

7.2 **Flood management team** – No Objection(Condition requested for site levels)

7.3 **SEPA** – No Objection

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 34 - Settlement Development Areas
- 44 – Tourist Accommodation
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

8.2 West Highland and Island Local Plan 2012 (as continued in force)

No specific policies apply

8.3 West Highland and Island Local Development Plan (Proposed Plan May 2017)

No specific policies apply

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Sustainable Design Guide (Jan 2013)

9.2 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Promoting Rural Development

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.

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 property falls within the Settlement Development Area for Kyleakin and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

- 10.4 Policy 28 requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. Developments require to be assessed on the extent they are compatible with service provision, as well as individual and community residential amenity.
- 10.5 Policy 44 states that proposals for tourist accommodation within settlement boundaries will be supported if the Council is satisfied that it can be accommodated without adverse impacts upon neighbouring uses, complies with Policy 28: Sustainable Design and will not prejudice the residential housing land supply.
- 10.6 Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

10.7 **Material Considerations**

Siting, design and landscape Impact.

The erection of this small building in this location will read as an additional dwelling house within the street scene. The scale, design and massing of the building contain the elements of a small traditional house and this will assist its assimilation into the streetscape and help to reduce the overall visual impact.

However, the overall dimensions of the proposed unit is greater than the existing garage which it would replace. Given the larger footprint of the building, the development will encroach into the already constrained parking area and this results in an unachievable and impractical parking layout – see 10.9 below. As such the proposals are considered to be overdevelopment of the site.

10.8 **Residential Impact**

The proposed building is located adjacent to the rear garden area of the neighbouring property - Covesea Cottage. The boundary between the two properties is defined by mature trees and shrubs, some of which have been removed. The site sits at a higher ground level than the neighbouring property. The rear elevation of the proposed unit includes three bedroom windows positioned 2.6m above ground level which will over look the neighbouring private garden ground particularly during the months of the year when there is no foliage on the remaining vegetation. It is considered that the development will have an unacceptable impact on the privacy and amenity of the neighbouring property and so fails to meet the requirements of Policies 28 and 44.

10.9 Access and Parking

There are two separate accesses into the site. One to the west and one to the south of the existing garage. As it climbs from the shoreline past the site toward the pier the road is narrow with sharp turns with visibility obstructed by houses sitting close to the road frontage. The current access and parking arrangements are substandard due to vehicles having to reverse on to the public road or stop on the public highway and reverse into the site. There is insufficient manoeuvring space within the site to allow vehicles to turn and join the public road in a forward gear. The negative road safety implications of this situation is exacerbated by the restricted visibility and narrowness of the road within which these manoeuvres must take place. Notwithstanding slow traffic speeds the visibility from both of the access points is considerably below current guideline standards due to the geometry of the single track road and the position of Hillside. The representations received refer to previous accidents on this stretch of road due to the blind corner caused in this location.

Current guidelines standards indicate that the existing house should be served by two parking spaces with in-curtilage turning space to allow vehicles to enter and leave the site in a forward gear.

Comment has been made by a number of third parties that the house is currently ran as a guest house and that this results in cars parking on the public road due to a lack of in curtilage parking at Hillside. Following on from discussions with the agent the applicant has reduced the number of letting bedrooms and is advertising two rooms only. The letting of two bedrooms in a four bedroomed house falls within the "permitted development rights" for a dwellinghouse. Should the number of letting rooms within the house increase a formal application for planning permission for a change of use to a guest house would be required.

In line with current road guideline standards an additional one space and turning area is required in connection with the proposed self contained accommodation unit. Given that the proposed new building has a larger footprint than the existing garage there is even less land available for this parking requirement to be achieved. The initial site layout plan submitted indicated parking for three vehicles. When consulted, the Transport Planning Team submitted an objection to the proposals due to the restricted nature of the parking resulting from the constrained nature of the site and the road safety implications this had. The land available is unable to accommodate parking spaces that meet the minimum guideline requirements of 3m x 2.5m. Following on from concerns raised by the case officer and objections from the transport planning team, a revised site layout plan was submitted. To achieve the revised parking layout the existing retaining wall adjacent to the road would have to be realigned closer to the public road. As a matter of principle the Council as Roads Authority would not support the realignment of this wall as moving it closer to the road would interfere with a structure which is presently retaining the public road.

The lack of space for parking would result in vehicles having to manoeuvre, park and stop on the public road in order to allow another vehicle to either enter or leave the site. Such manoeuvres are a significant risk to road safety. It is considered that the land available is of insufficient size to accommodate three usable parking spaces and this, coupled with the lack of in-curtilage turning, indicates that the proposals represent overdevelopment of the site and a significant risk to road safety.

10.11 Other Considerations – not material

None

11. CONCLUSION

11.1 It is recognised that the applicant is seeking to provide additional accommodation for visitors to his existing four bedroom dwelling house. In assessing the proposal the site is already constrained by the existing development on the site and by its location on a small irregular shaped corner plot on a busy single track road.

It is concluded that the proposed erection of an ancillary accommodation building will result in overdevelopment of the already constrained and limited site. There would be insufficient space to provide an acceptable level of parking provision with no availability to provide in-curtilage turning. If approved the development would have a significant impact on road safety.

The proposed layout is considered to be unachievable and relocation of the existing garden wall closer to the existing highway will not only encroach further into the road verge but will also have an unacceptable and detrimental effect on the integrity of the structure of the road.

It is considered that there may be scope for an alternative design solution which may not give rise to the same concerns but this would represent a fresh application.

It is concluded that the proposed development does not demonstrate sensitive siting which respects the residential amenity of the existing property Covesea Cottage. Given the location of the proposed development and the level differences between the site and Covesea Cottage the whole of the garden ground of the neighbouring property would be overlooked from the windows of the proposed building. As a result of the siting of the development there would be no privacy for the residents of the neighbouring house Covesea Cottage in the domestic curtilage of the property.

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 N

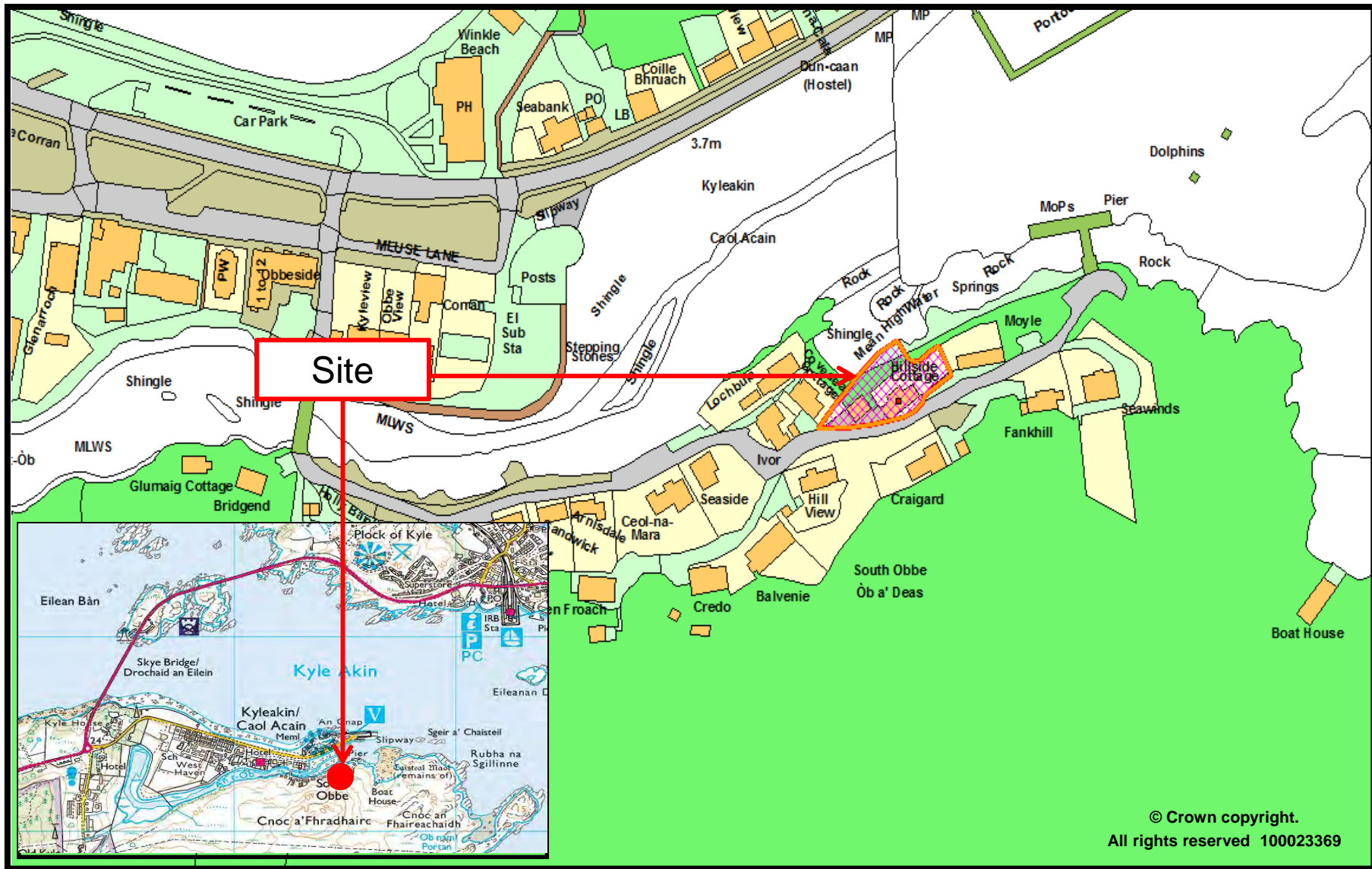
Notification to Scottish Ministers N

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** subject to the following reasons for refusal:

1.	The proposed development is contrary to Policy 28 and Policy 29 of the Highland Wide Local Development Plan by virtue of its overdevelopment of the site with a design and site layout resulting in a lack of adequate on-site turning and parking areas creating an unacceptable and negative impact on road safety.
2.	The proposed development is contrary to Policy 28 of the Highland Wide Local Development Plan by virtue of its substandard access onto the public road which, by virtue of limited available visibility, coupled with increased traffic movements within the site will result in a deterioration of the already sub-standard situation to create a significant and unacceptable hazard to road safety.
3.	The proposed relocation of the garden wall is contrary to Policy 28 of the Highland Wide Local Development Plan by virtue of its proximity to the public road will have a detrimental and unacceptable negative impact on the structural integrity of the stability of the public road.
4.	The proposed development is contrary to Policy 28, Policy 29 and Policy 34 of the Highland Wide Local Development Plan by virtue of its location overlooking the rear amenity ground of Covesea Cottage which would have an unacceptable level of adverse impact on the amenity of Covesea Cottage and its domestic curtilage.

Designation: Area Planning Manager - North
 Author: Chris Hallas
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans: Plan 1 - Location Plan ref 000001
 Plan 2 - Site Layout Plan ref 01 Rev a
 Plan 3 - Proposed Floor/Elevation plan ref 02
 Plan 4 - Proposed Elevations ref 03
 Plan 5 - Proposed Elevations ref 04



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

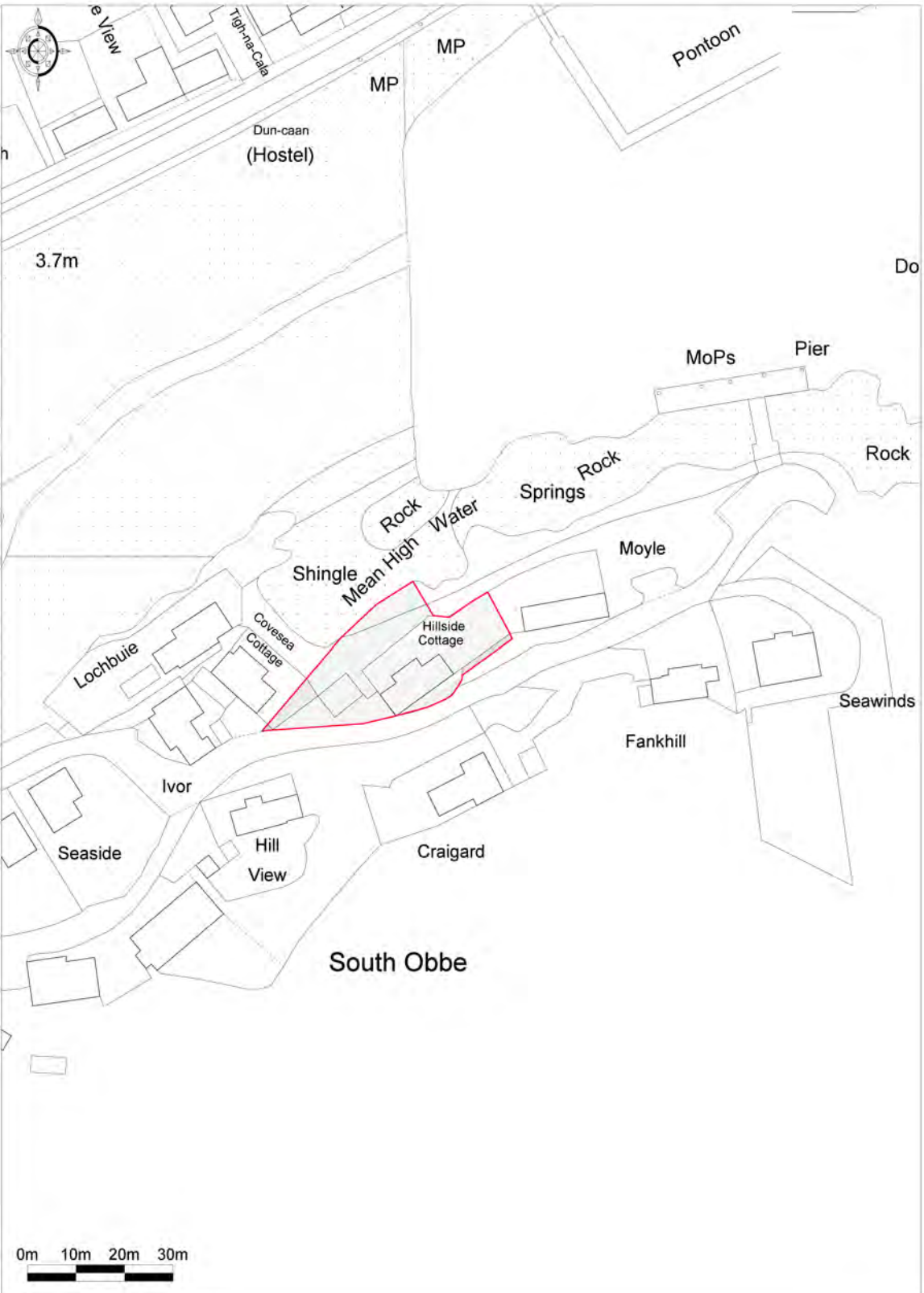
Location Plan
18/01441/FUL

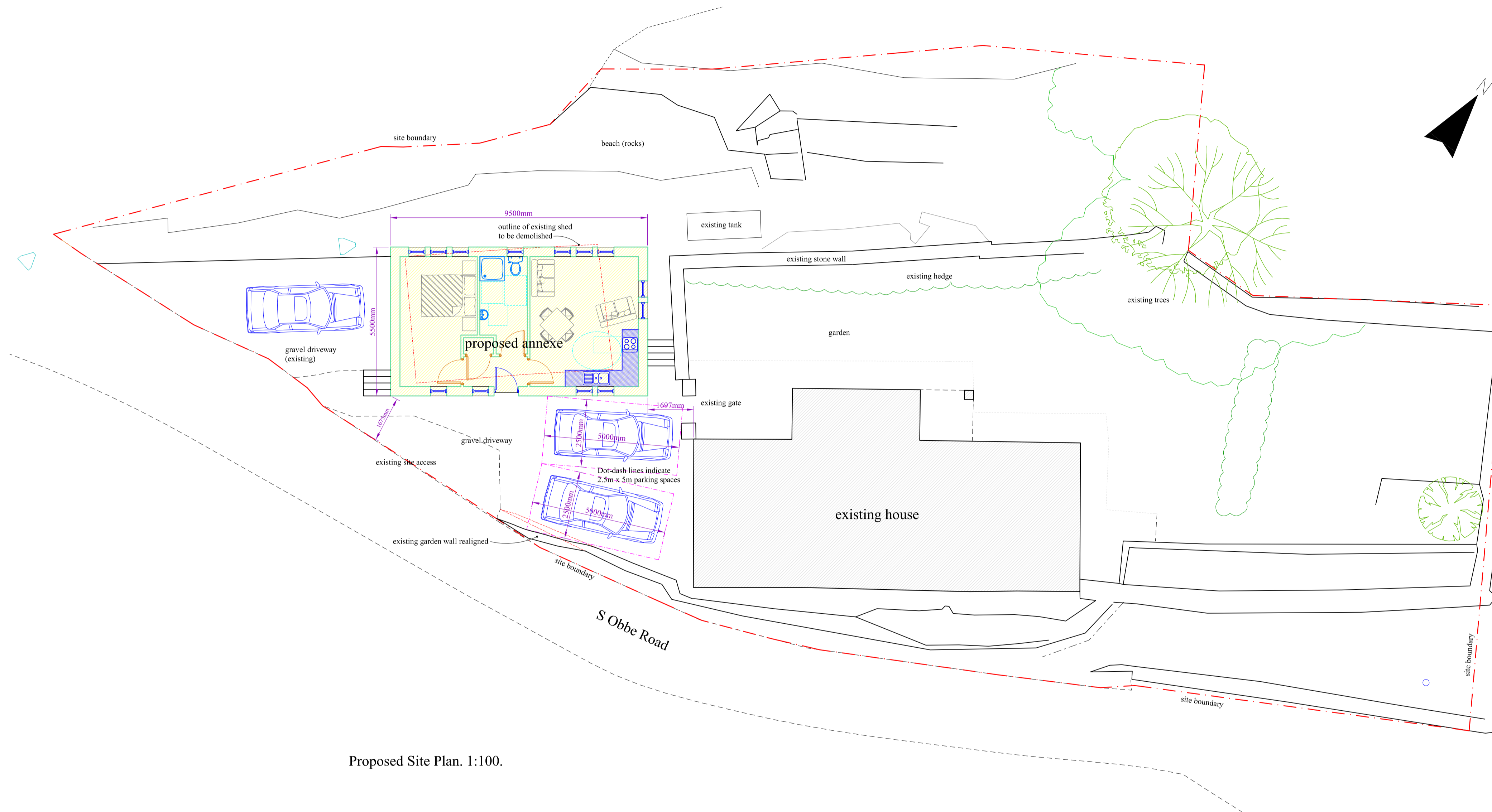
Demolition of garage & erection of ancillary accommodation

August 2018

Scale:

HILLSIDE
SOUTH OBBE
KYLEAKIN, ISLE OF SKYE





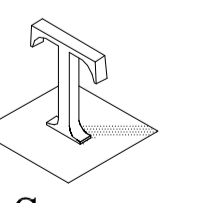
Proposed Site Plan. 1:100.

Rev A: Parking amended.15/5/18.

Proposed Annexe,
Hillside, Kyleakin,
Skye.
Mr & Mrs R. Wilkie.

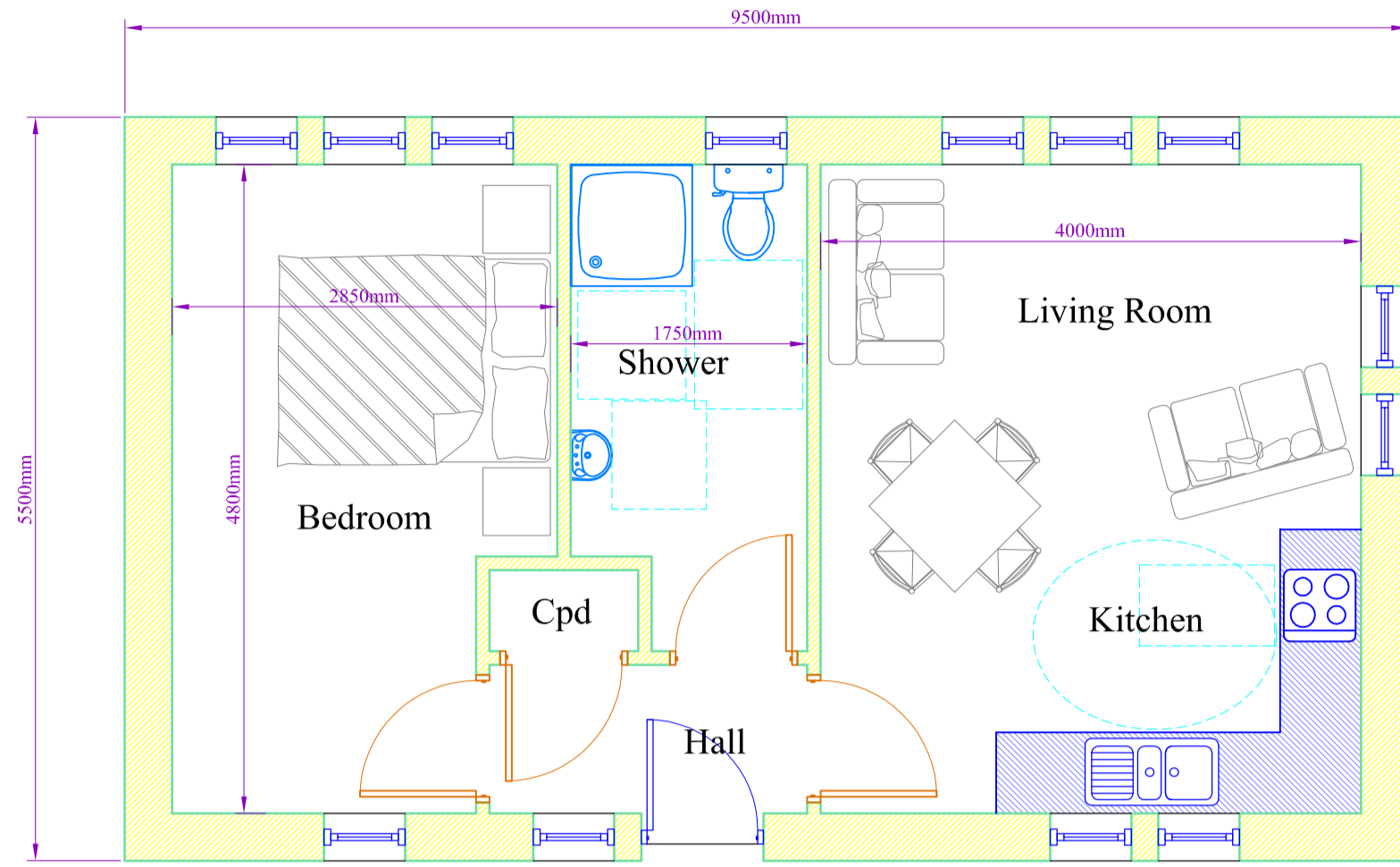
Proposed Site Plan.

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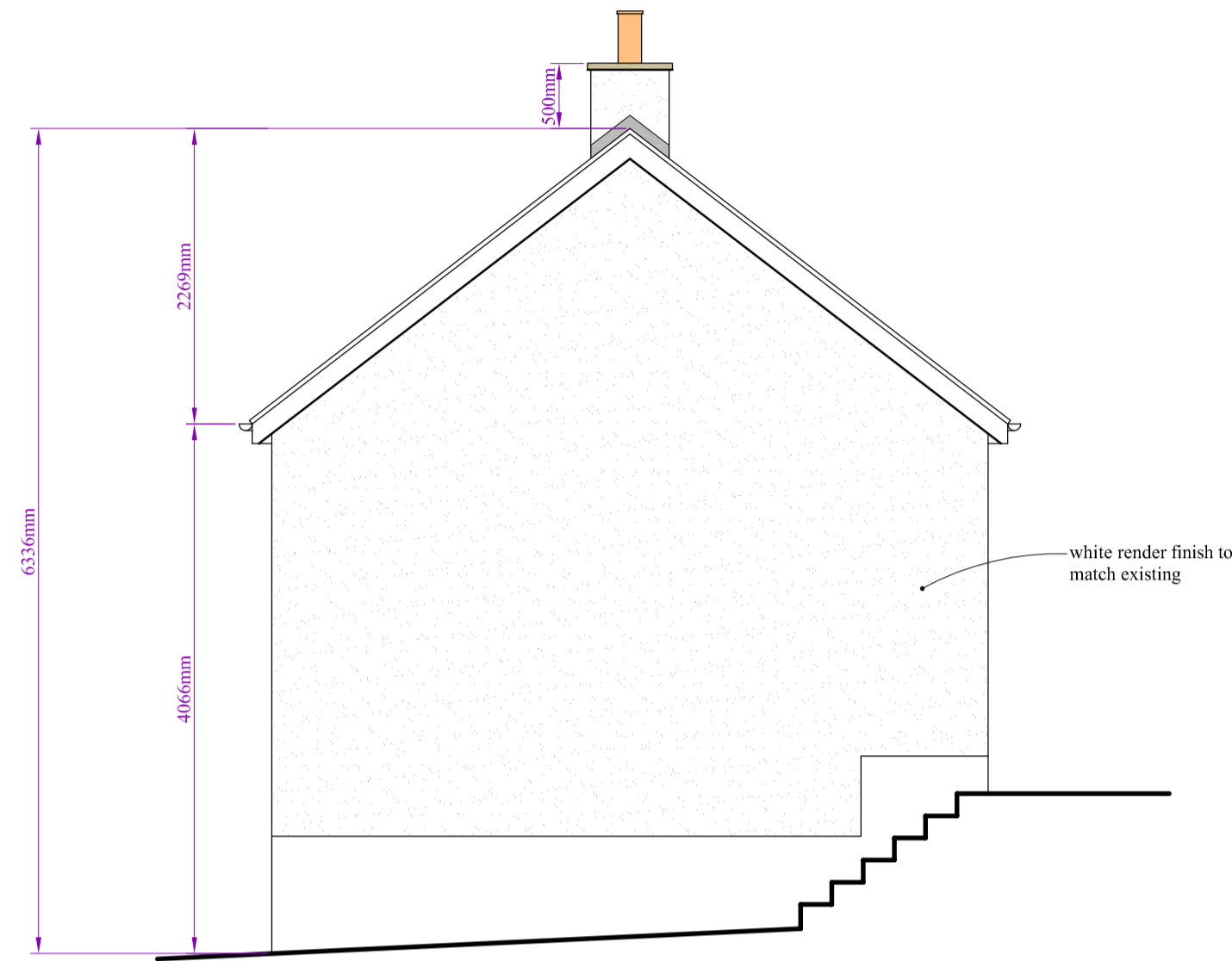


T-Square

78, Bellshorn Avenue,
Linthgow,
West Lothian,
EH49 7LB
tel 01506 844744



Proposed Ground Floor Plan. 1:50.



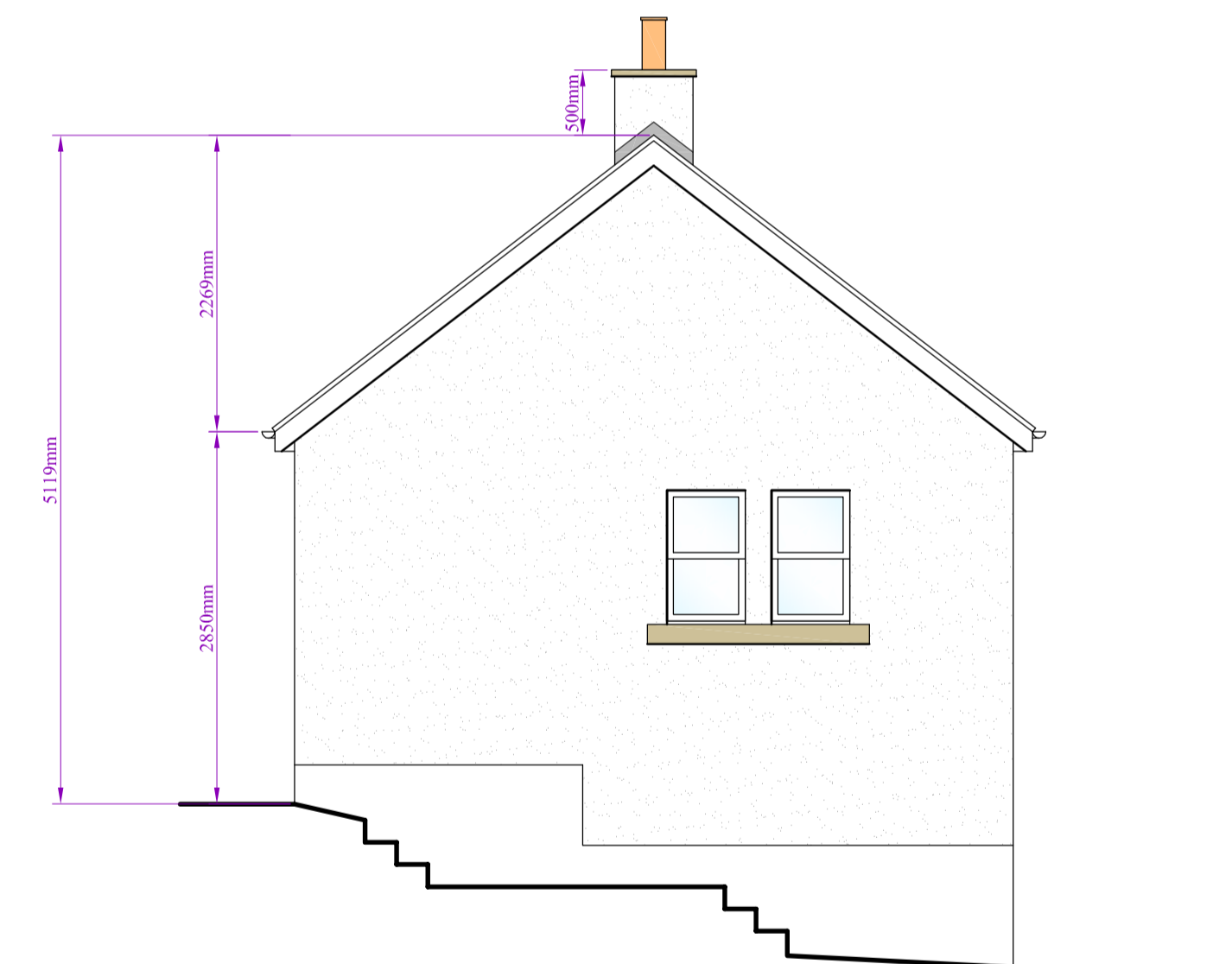
Proposed Side (West) Elevation. 1:50.



Proposed Front (South) Elevation. 1:50.



Proposed Rear (North) Elevation. 1:50.



Proposed Side (East) Elevation. 1:50.

Proposed Annex,
Hillside, Kyleakin,
Skye.
Mr & Mrs R. Wilkie.
Proposed Plan & Elevations.
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Drawing No: 02 Rev:





Proposed Rear (North) Elevation. 1:50.



Proposed Front (South) Elevation. 1:50.

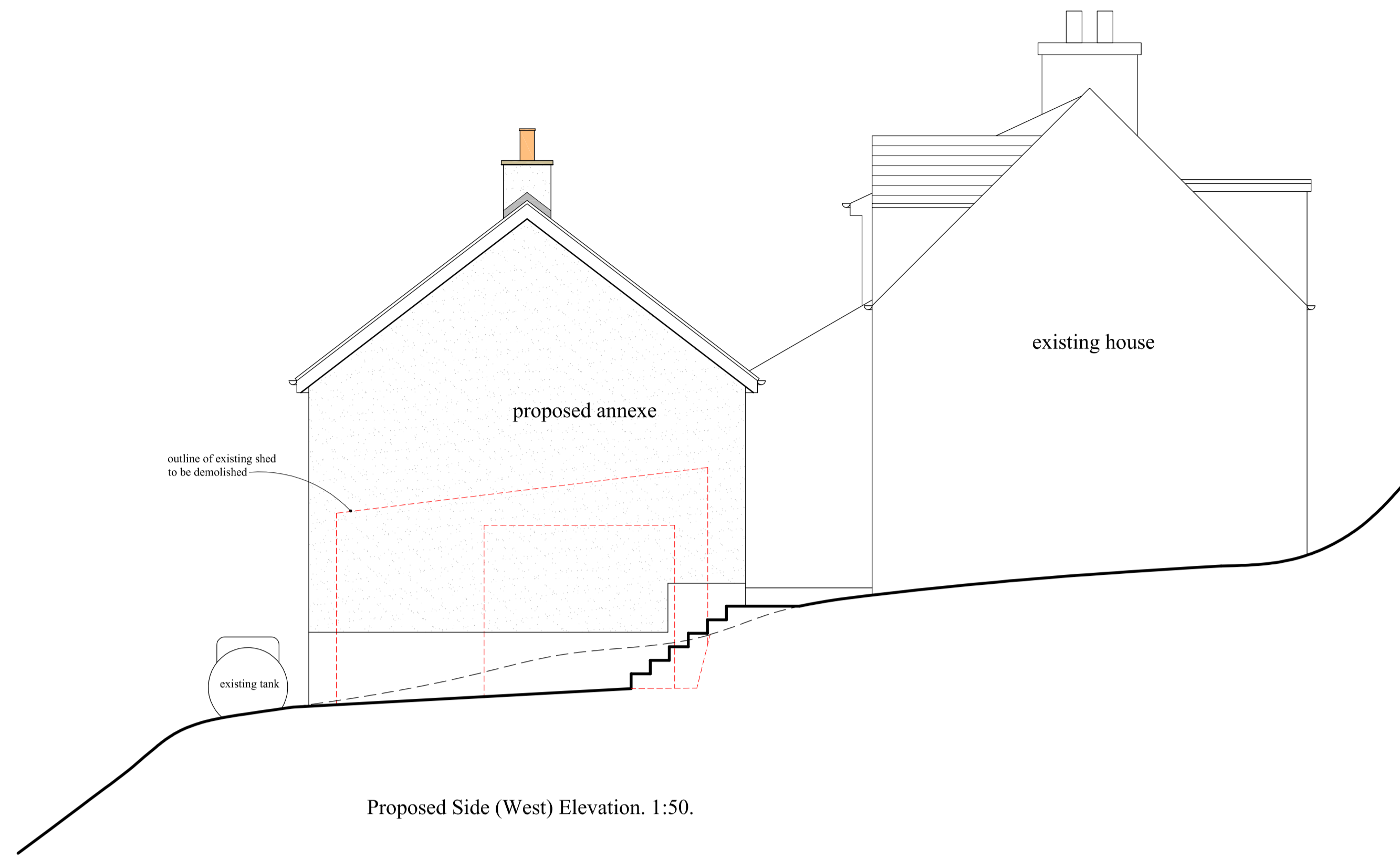
Proposed Annexe,
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Proposed Elevations.

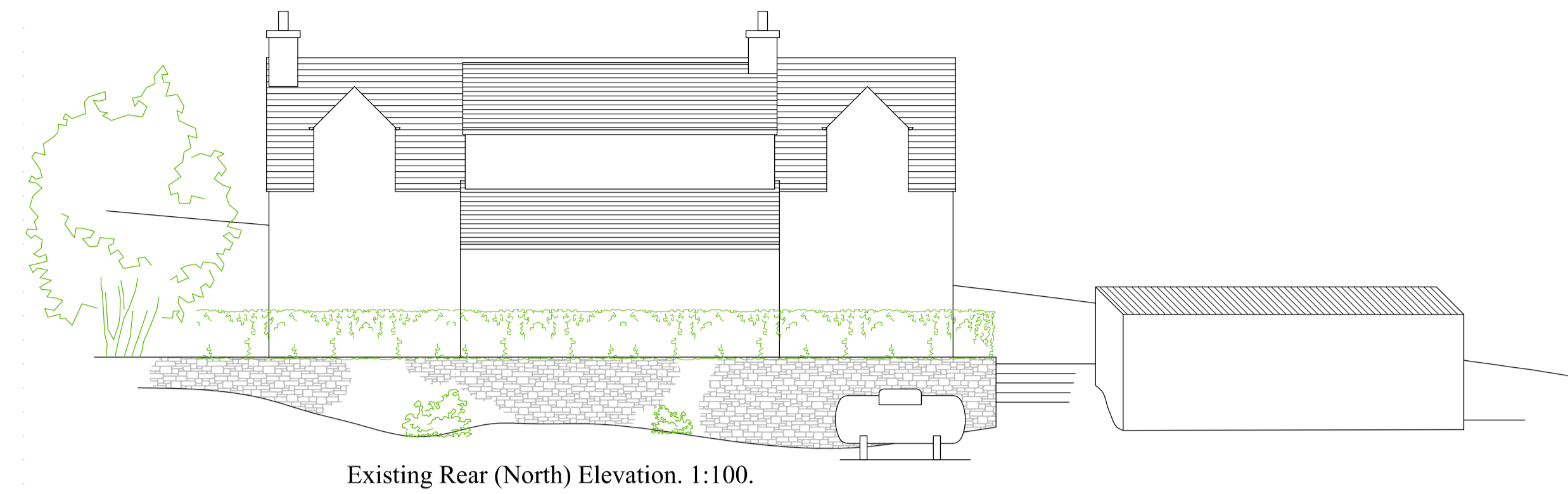
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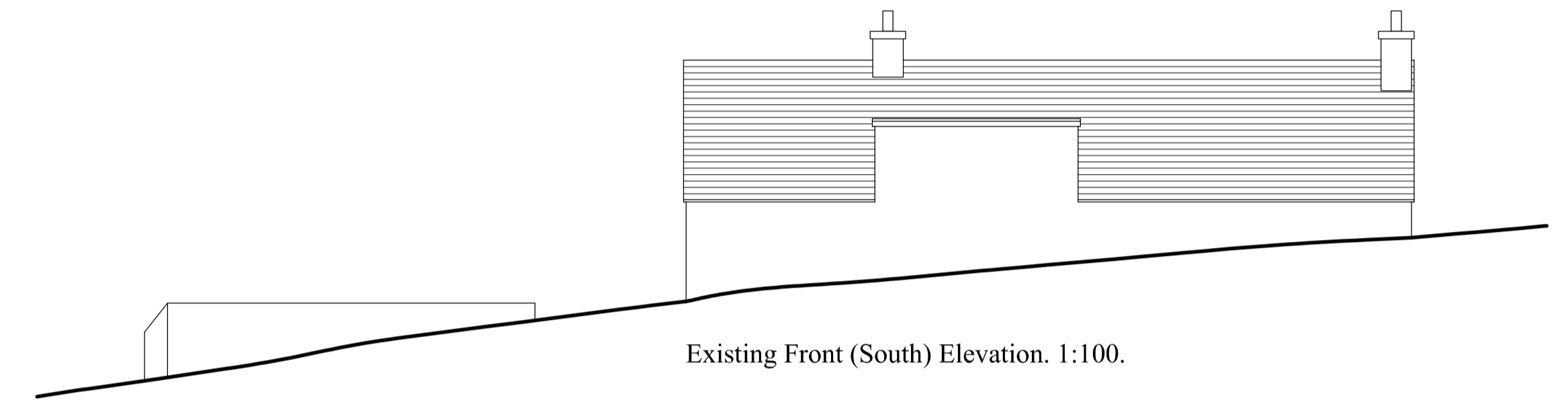
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Proposed Side (West) Elevation. 1:50.



Existing Rear (North) Elevation. 1:100.

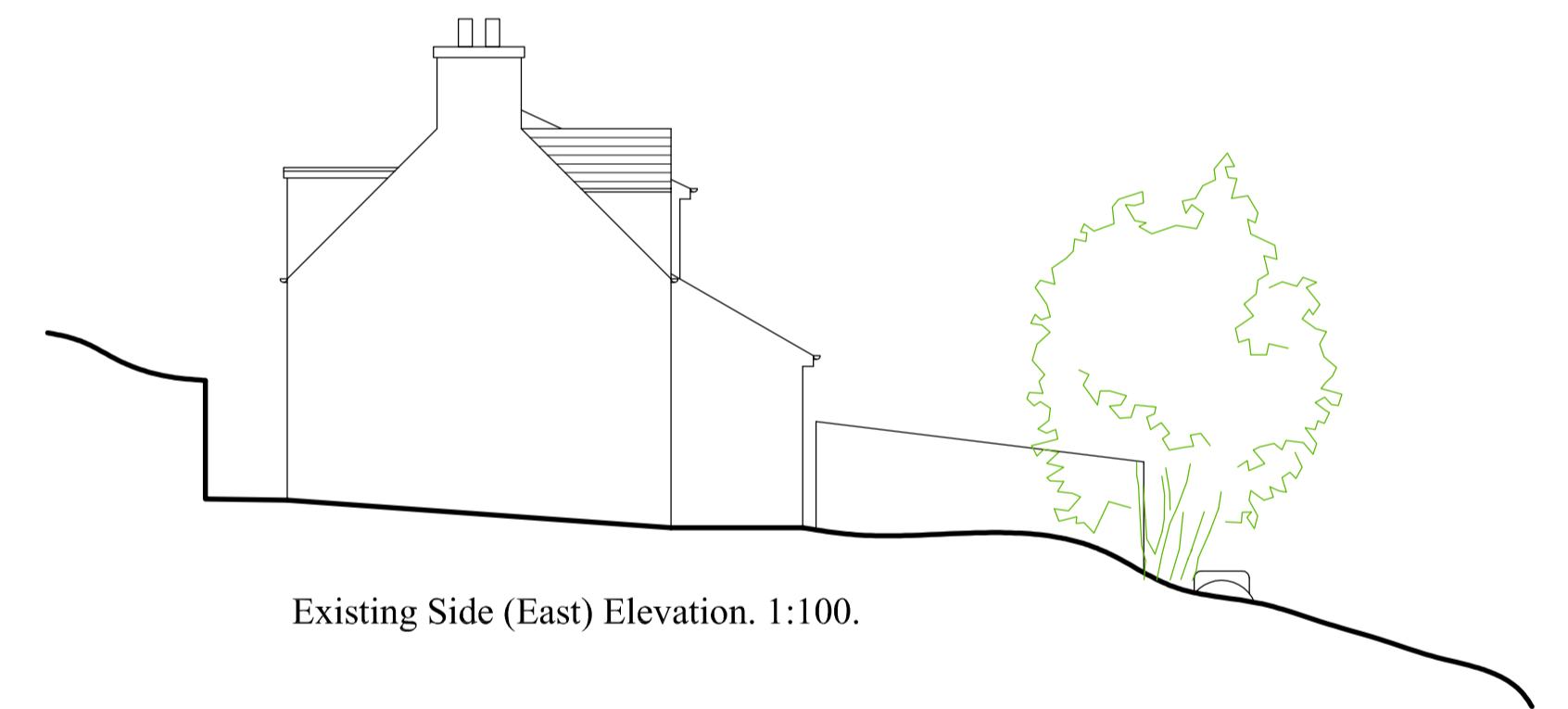


Existing Front (South) Elevation. 1:100.

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Proposed Side (East) Elevation. 1:50.



Existing Side (East) Elevation. 1:100.

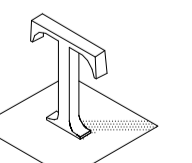


Existing Side (West) Elevation. 1:100.

Proposed Annexe,
Hillside, Kyleakin,
Skye.
Mr & Mrs R. Wilkie.

Proposed Elevations.

Scale: 1:50 @ A1. Date: Mar '18.
Drawing No: 04 Rev:



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