

Agenda Item	6.8
Report No	PLR/073/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 18 September 2018  
**Report Title:** 18/00296/FUL: Ms Kim Haywood  
Land 205M NE of Lyne Cottage, Gorthleck  
**Report By:** Area Planning Manager – South/Major Developments

### **Purpose/Executive Summary**

**Description:** Erection of house  
**Ward:** 12 - Aird and Loch Ness  
**Development category:** Local

**Reason referred to Committee:** objections from more than 4 households

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **Recommendation**

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

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal involves the erection of a 1 storey house within an open field set back from the public road on a southeast facing slope and follows the building line of the applicant's house, Purple Lodge. There is an existing vehicular access serving Purple Lodge and the proposed access will take access off the track leading to that property.
- 1.2 The proposed design is a contemporary take on a pavilion building. It will have a flat roof and the finishes of the walls comprise a mixture of cladding; larch, glass and corten/weathering steel sheets. The agent has opted for the house to be built on steel posts so they can work with the existing contours of the site and remove the need for extensive earthworks associated with a "cut and fill " approach. This has the advantage that the house could be removed in the future and have a relatively small impact without the scarring and reshaping required by foundations. The aim is to allow the grassland and wild flower to grow all around and under the building to help integration into the landscape. The sections reveal the extent of the slope, which is not extensive. The photomontages within the Design Statement give an impression of the design and its setting within the site.
- 1.3 The house will discharge foulwater to a septic tank and surface water soakaway to the southeast of the proposed house.
- 1.4 Pre Application Consultation: 14/02674/PREAPP & 16/02523/PREAPP - Scope for a single house and encouraged to locate the house to meet the building line set by Purple Lodge and need to demonstrate the siting of the house is satisfactory within the landscape and that the house is of an appropriate design and scale and makes use of traditional materials.
- 1.5 Supporting Information: Gorthleck Design Statement - Page 5 shows examples of this house design at other locations.  
Ground Assessment & Drainage Report  
Private Access Checklist
- 1.6 Variations: The location of the house site has been moved further to the southeast closer to the road as per drawing 188-P003.

## **2. SITE DESCRIPTION**

- 2.1 The site is an open field and the ground slopes from northwest to the southeast for the main part. The site is visible to a minimal degree from the public road given the topography of the site and the surrounding area. Woodland to the east screens the site to view from vantage points to the east. The site is close to the 30mph sign as you enter Gorthleck from the northeast. The nearest properties to the southwest are Lyne M'hor and Gwel Tek.

### 3. PLANNING HISTORY

3.1	19.08.2008	08/00362/OUTIN - Erect house and stables	Granted
3.2	23.02.2009	08/00363/OUTIN - Erect house (as amended)	Granted
3.3	01.06.2009	09/00324/FULIN - Reserved matters application for house and stables	Granted
3.4	08.09.2011	11/02938/FUL - Erection of house	Granted
3.5	10.02.2012	11/04499/FUL - Erection of house Gwel Tek	Granted
3.6	17.02.2015	15/00042/FUL - Erection of house Lyne M'hor Croft	Granted

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 02.02.2018 and 03.08.2018

Representation deadline: 16.02.2018 and 17.08.2018

Timeous representations: 10 Representations (9 households)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Contrary to IMFLDP as not acceptable in terms of siting and design – It is outwith the boundaries of Gorthleck and Purple Lodge was granted as an isolated development and would stand alone to avoid potential for ribbon or infill development
- b) not sympathetic to existing patterns of development – design not sympathetic to traditional house design within the area (except Purple Lodge) in shape or choice of materials. Tends to be isolated houses dotted across the landscape.
- c) loss of important croft land - Further division of this parcel of and would lose potential to croft this land in the future.
- d) Vehicular access – need for upgrade to meet the standards
- e) Lack of local facilities with nearest shop 4 miles away in Foyers

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).

### 5. CONSULTATIONS

5.1 **Transport Planning:** No objections

5.2 **Scottish Water:** There is potentially sufficient capacity in the Inverness Water Treatment Works to accommodate this house but this will be clarified on submission of an application for connection. There is a public water pipe that runs through the site to the southeast of the proposed house location.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 36 – Wider Countryside
- 47 – Safeguarding Inbye/AppORTioned Land
- 65 - Waste Water Treatment
- 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**

- Access to Single Houses and Small Housing Developments (May 2011)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)

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

Not Applicable

## **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) siting and design
- c) Loss of croft land
- d) Vehicular access

- e) Lack of local facilities
- f) any other material considerations.

8.4 Since the submission of the application discussion took place with the applicant about the most appropriate location of the house. As a result the house site has been located further to the southeast closer to the public road. This has resulted in the re-notification of those parties who made representations and re-advertisement of the application.

#### Development plan/other planning policy

- 8.5 The site lies within the Wider Countryside as defined in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan. HwLDP Policy 36 is relevant here and supports housing in the open countryside provided it meets the relevant criteria mentioned in that policy. Policy 36 links to the Supplementary Guidance on Housing in the Countryside and Siting and Design, which provides further guidance on the criteria and exceptions to this presumption.
- 8.6 Policy 36 of the HwLDP refers to the assessment of proposals on a number of criteria: siting and design; existing patterns of development in the area; compatibility with landscape character and capacity; avoid loss of locally important croft land are the most pertinent matters in this case.
- 8.7 Providing that the proposal can demonstrate appropriate siting and design, in keeping with the landscape character and existing patterns of development in the area; avoid loss of croft land without significant detrimental impact then the proposal would accord with the Development Plan and Supplementary Guidance.

#### Siting and design

- 8.8 The boundary for Gorthleck as a settlement was set in the past by Lyne Cottage but 3 houses have been erected in recent years to extend that boundary: Gwel Tek, Lyne Mhor Croft and Purple Lodge. This house site is located within a field between the land owned by Gwel Tek and Lyne Mhor Croft and the land at Purple Lodge. Following discussion with the applicant, the location of the house has been moved forward of the front elevation of Purple Lodge and more in line with Lyne Mhor and closer to the site for the pre-application advice. Gwel Tek and Lyne Mhor Croft were each built on croft land which has been subdivided. This site can be construed as part of this housing group.
- 8.9 The proposed design is contemporary in approach and marks a departure from the recent houses built at Gwel Tek and Lyne Mhor. The applicant's house, Purple Lodge, is a contemporary design with a mono pitch so it would seem reasonable to consider a contemporary approach on this site as well. The house will have a flat roof and has an elongated structure with a mixture of finishes in terms of larch and glass. There will be a degree of elevation with the steel support structures but the impact can be reduced through replanting under and around the structure to blend it into the landscape. With the sloping site, the site is slightly exposed in a sense which would benefit from a building with a low roof pitch. A more traditional approach would make the house more visually prominent in that sense.

### Loss of croft land

- 8.10 Policy 36 The HwLDP refers to the loss of locally important croft land and to avoid this where possible. The site is not located on land which is a registered croft. Subdivision of croft land to the southwest of this site has taken place to erect the houses at Gwel Tek and Lyne Mhor Croft. Policy 47 of the HwLDP allows for the development on croft land provided it avoids the better part of a croft in terms of agricultural value and does not impede use of the remaining croft. This proposal meets both these tests. Even if it does not meet these criteria an exception can be made where there are other policy considerations and in this case it is in accordance with the settlement pattern. The location of the proposed house is such that it leaves more of the land to the rear in agricultural use as is the case for Lyne Mhor. The amended location of the house site is viewed as reasonable infill in the circumstances so it is difficult to see a valid reason to refuse permission on this basis. It is difficult to anticipate how the loss of land will have a detrimental impact on the use of the remainder of the field.

### Vehicular access

- 8.11 The proposed access will be from the existing access leading to Purple Lodge, which was viewed as acceptable with the permission for that house. As the access is serving 2 properties there is no requirement to seek an upgrade to adoptable standards by the Council. The access is close to the 30mph sign for Gorthleck located further to the southwest. The existing access could benefit from a more formal definition of the service layby with a bitmac surface. Transport Planning is satisfied with this approach.

### Non-material considerations

- 8.12 The issue of lack of local facilities such a shop is not a material planning consideration.

### Matters to be secured by Section 75 Agreement

- 8.13 None

## **9. CONCLUSION**

- 9.1 The proposal is acceptable in principle in terms of policy as there is no presumption against housing. The siting of the house is acceptable as it represents infill development and is not prominent in the landscape. The design is modern and marks a break from traditional housing design in the area but given Purple Lodge is modern in design it seems reasonable to support this design. The height and scale of the house and its location means that it will not be unduly intrusive in the landscape and can be supported in this instance.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other 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** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following:

### Conditions and Reasons

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

3. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any

superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

5. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule SDB1. The house shall not be occupied unless the upgrade is completed.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.



## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there

is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is

audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: Keith Gibson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 188-P001 - Location Plan  
Plan 2 - 188-P003- Site Layout Plan Rev A  
Plan 3 - 188-P004 - Site Plan Rev A  
Plan 4 - 188-P111 – Elevations 01 Rev A  
Plan 5 - 188-P112 – Elevations 02 Rev A  
Plan 6 - 188-P101 - Proposed Floor Plan 01  
Plan 7 - 188-P102 - Proposed Floor Plan 02  
Plan 8 - 188-P121 - Proposed Section Rev A

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Key:

- = Plot outline
- = Plot
- = Clients existing home
- = Clients existing home + surrounding land
- = Indicative location of proposed dwelling

NOTE:

All drawings and information based upon DWG information supplied by Granite City Surveys following measured survey. The Architects assume no responsibility for errors arising from any incorrect or inaccurate measurements.

The client owns surrounding land and existing adjacent house.

REV A      25.06.18

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**Kim Haywood**

Project

**Gorthleck**

Title

**Location plan**

Scale	Date	Drawn	Checked
<b>1:1000</b>	<b>08.12.17</b>	<b>BM</b>	<b>AB</b>

Drg No.	Status
<b>188/p001</b>	<b>planning</b>



Location plan 1:2500



Ariel Photograph  
Not to scale  
Site indicative only





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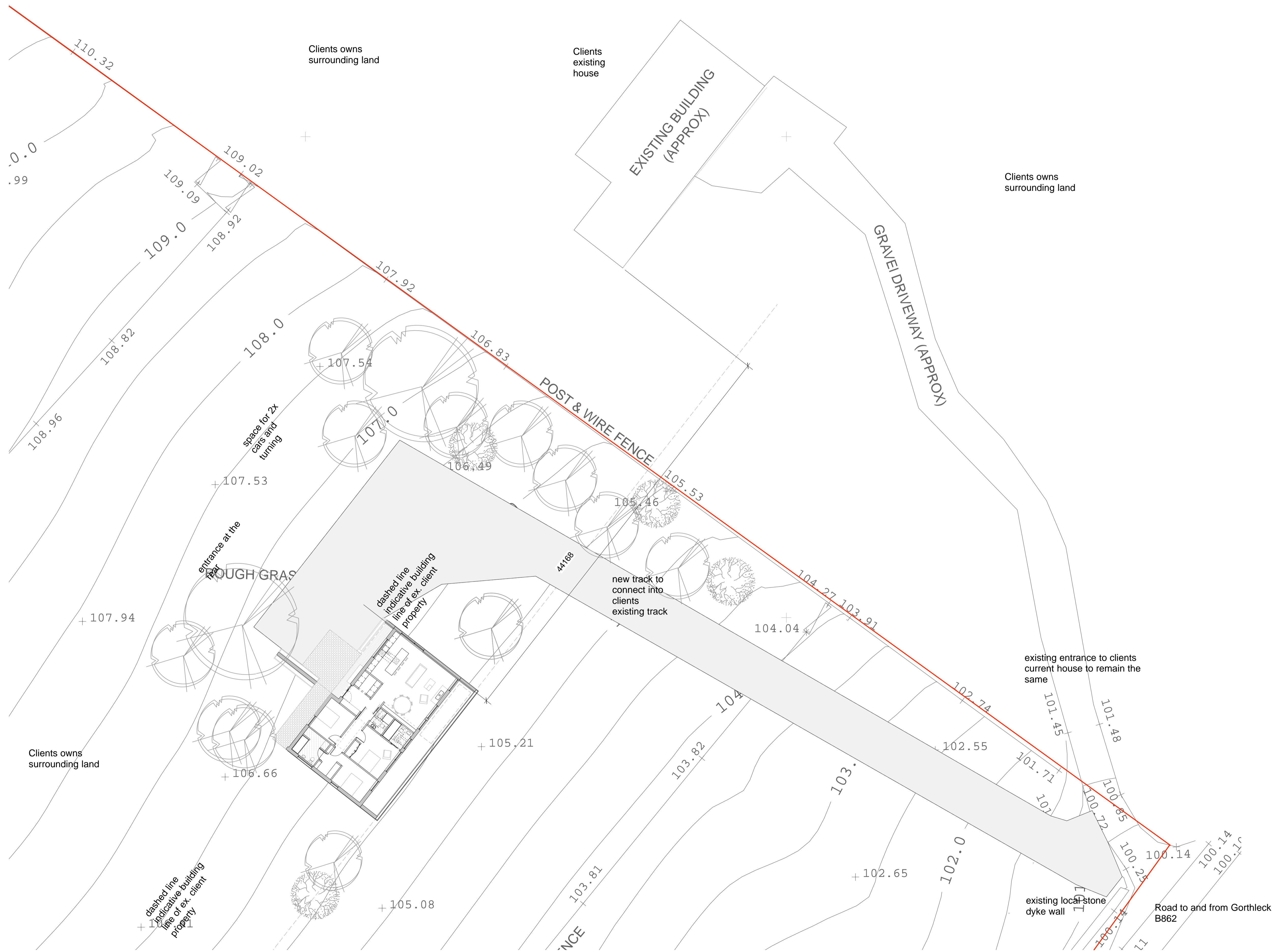
Project  
**Gorthleck**

Title  
**Proposed site plan 01**

Scale	Date	Drawn	Checked
1:500	08.12.17	BM	AB

Dwg No. **188/p003** Status **planning**

Proposed site plan 01 1:500



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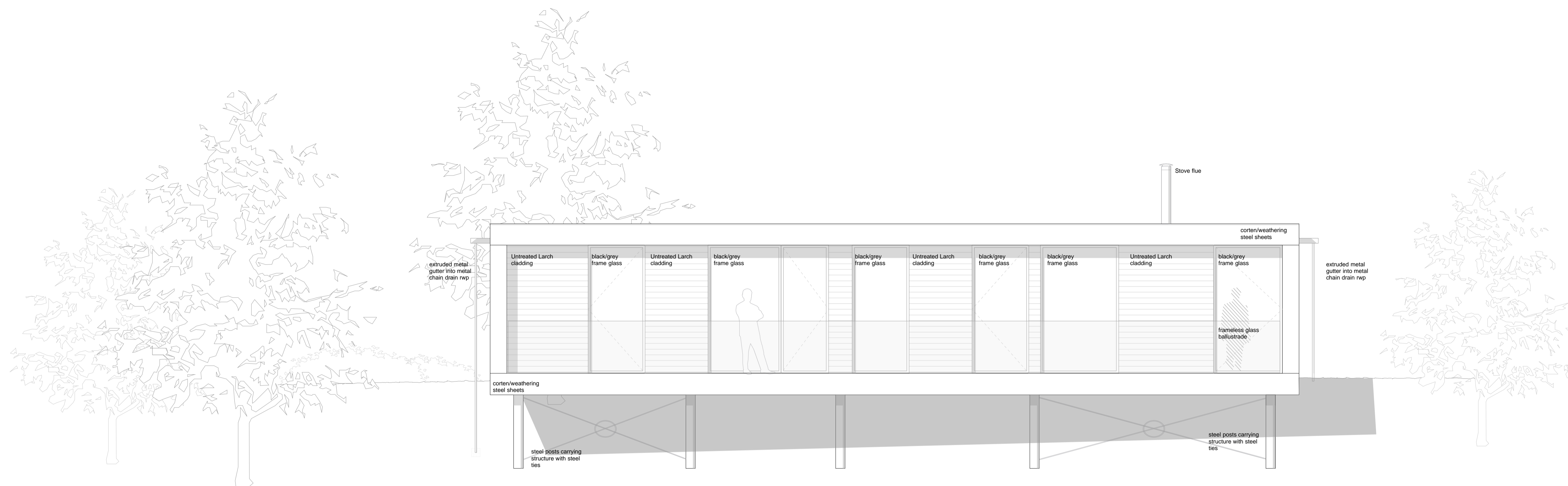
**Gorthleck**

Title

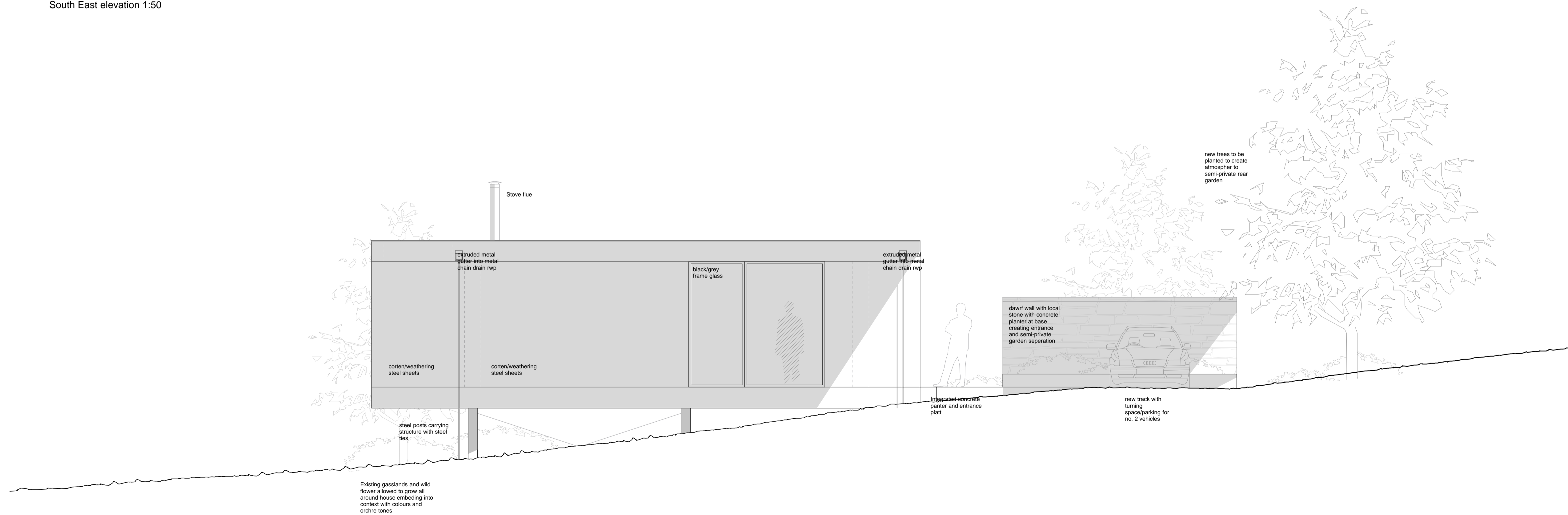
**Proposed site plan 02**

Scale	Date	Drawn	Checked
1:200	08.12.17	BM	AB

Dwg No. **188/p004** Status **planning**



South East elevation 1:50



South North elevation 1:50

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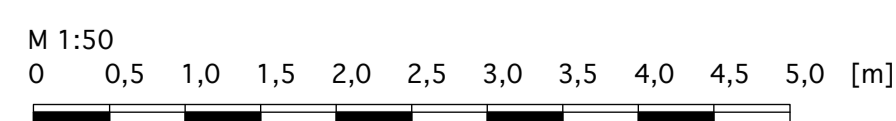
Gorthleck

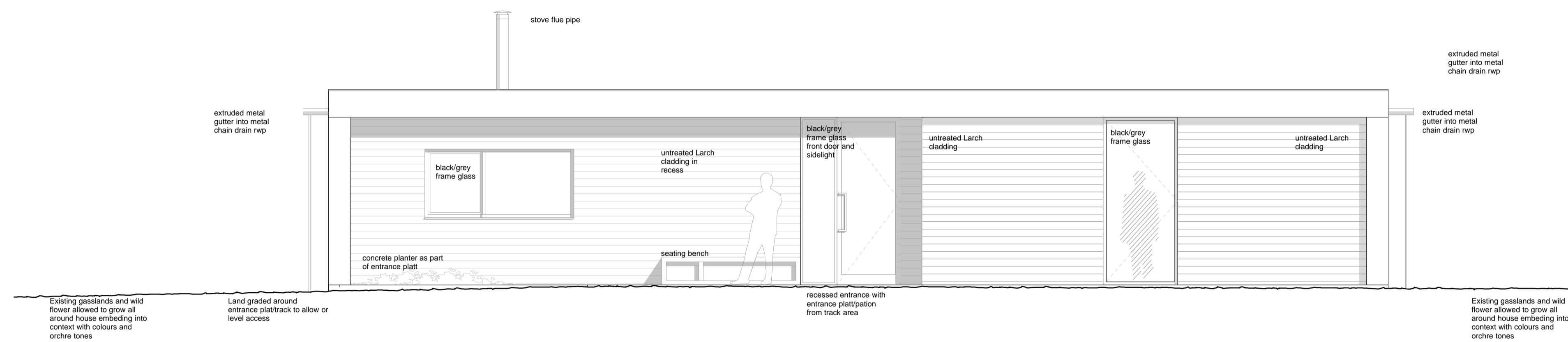
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Proposed Elevations 01

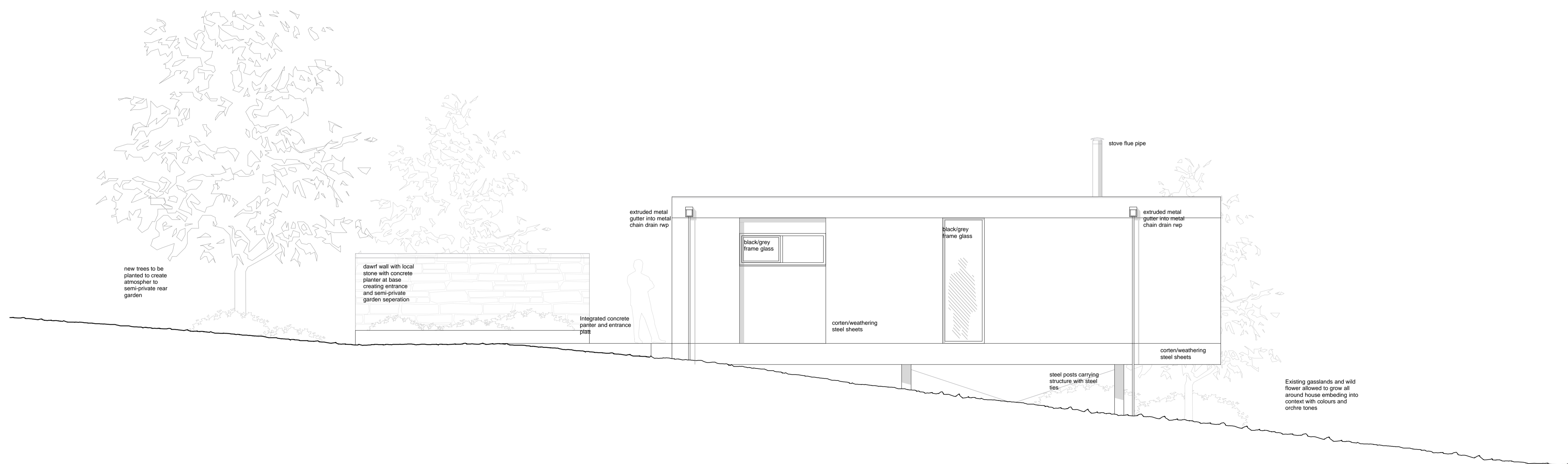
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Dwg No. **188/p111** Status **planning**

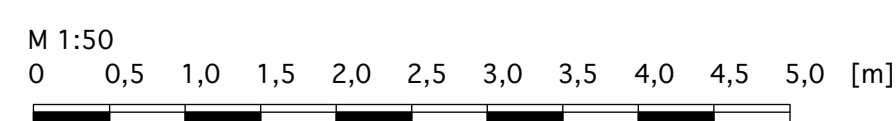




North West elevation 1:50



South West elevation 1:50

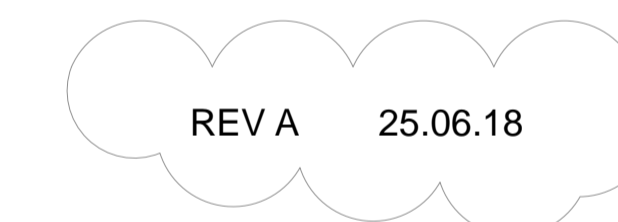


Proposed Elevations 02 1:50

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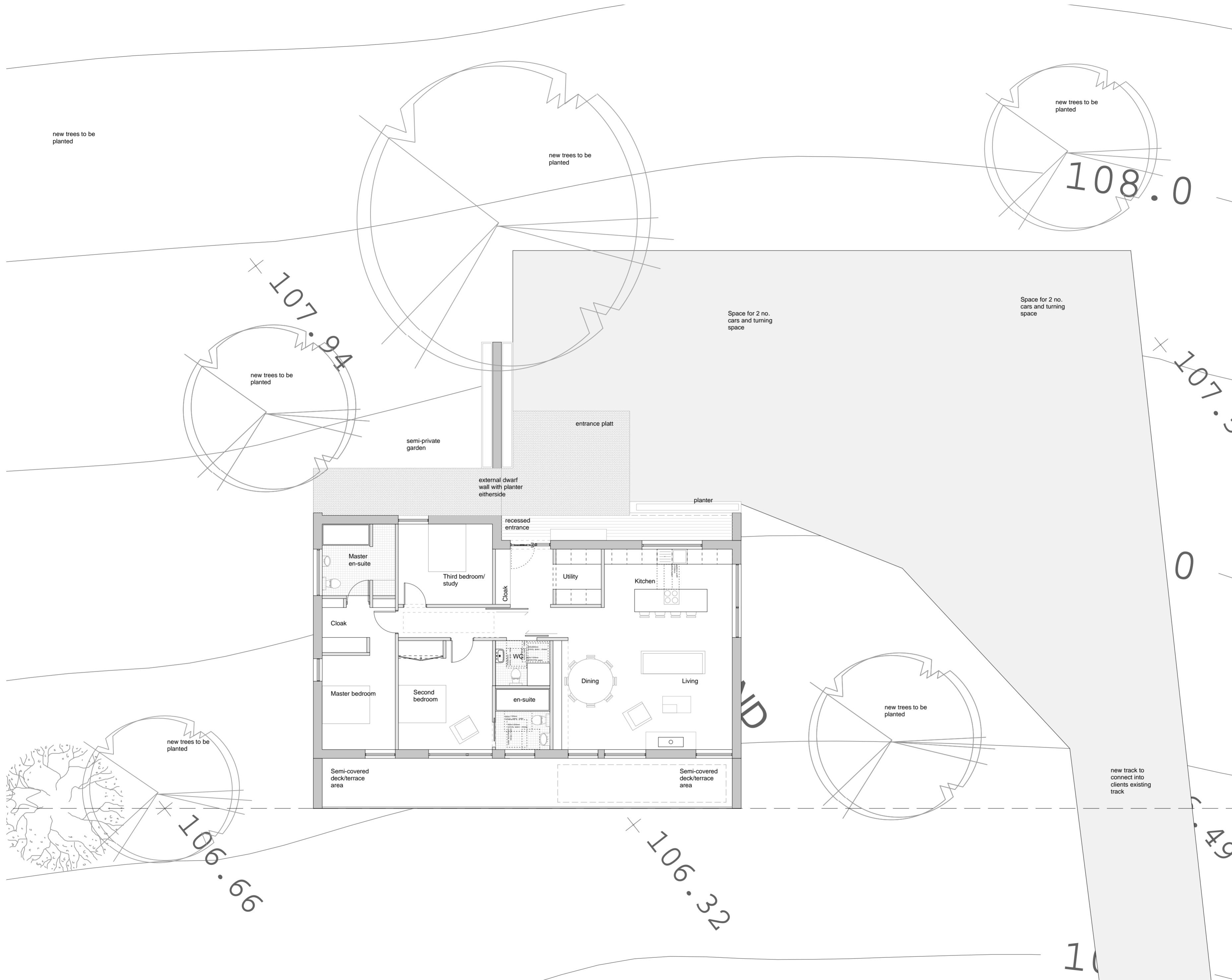
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Proposed Elevations 02

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Drg No. 188/p112 Status: planning





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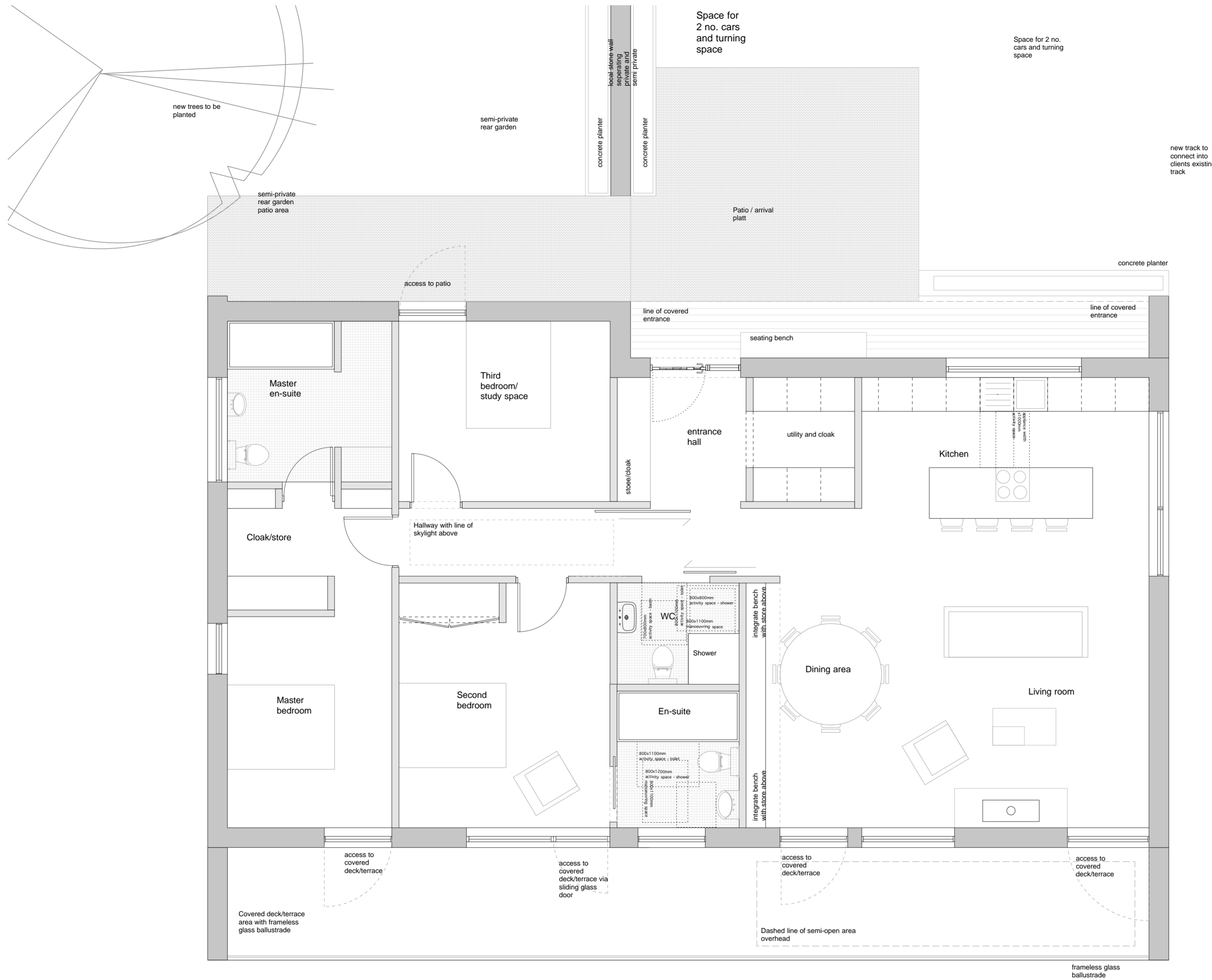
**Gorthleck**

Title

**Proposed House plan 01**

Scale	Date	Drawn	Checked
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Dwg No.	Status
188/p101	planning



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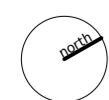
Gorthleck

Title

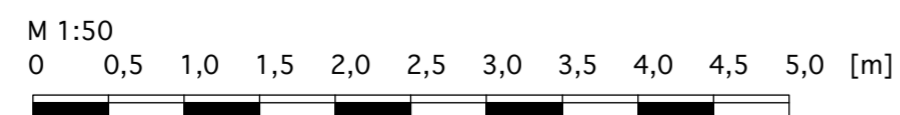
Proposed House plan 02

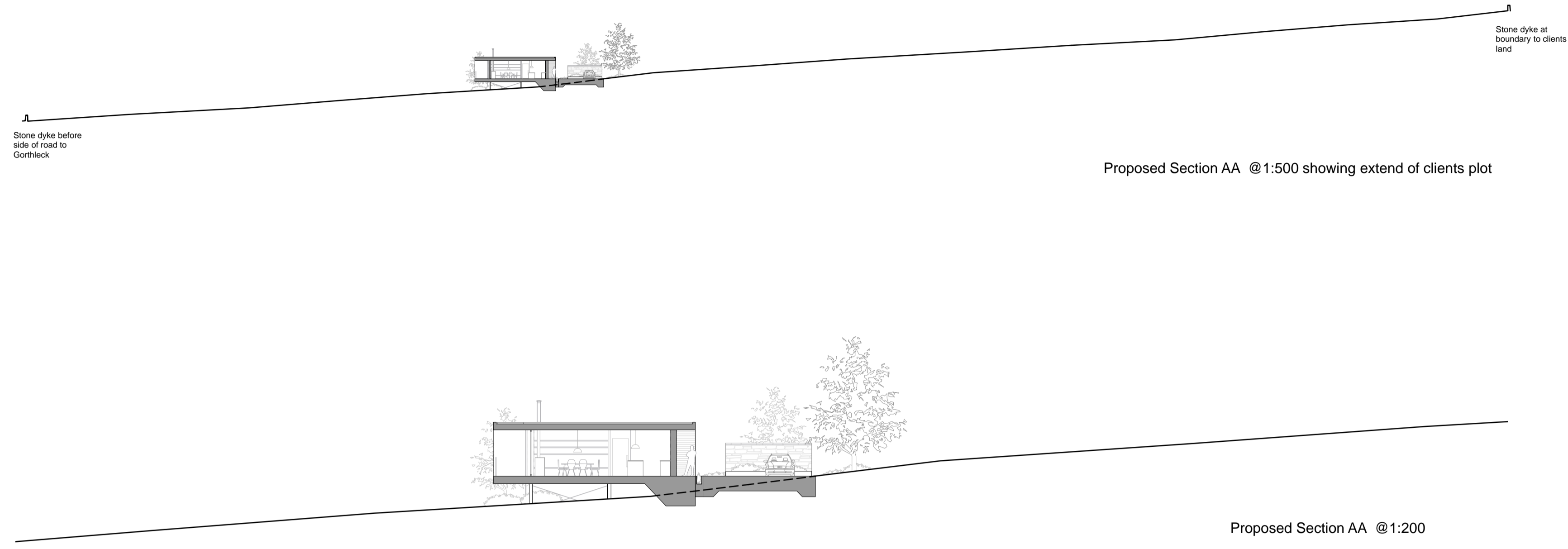
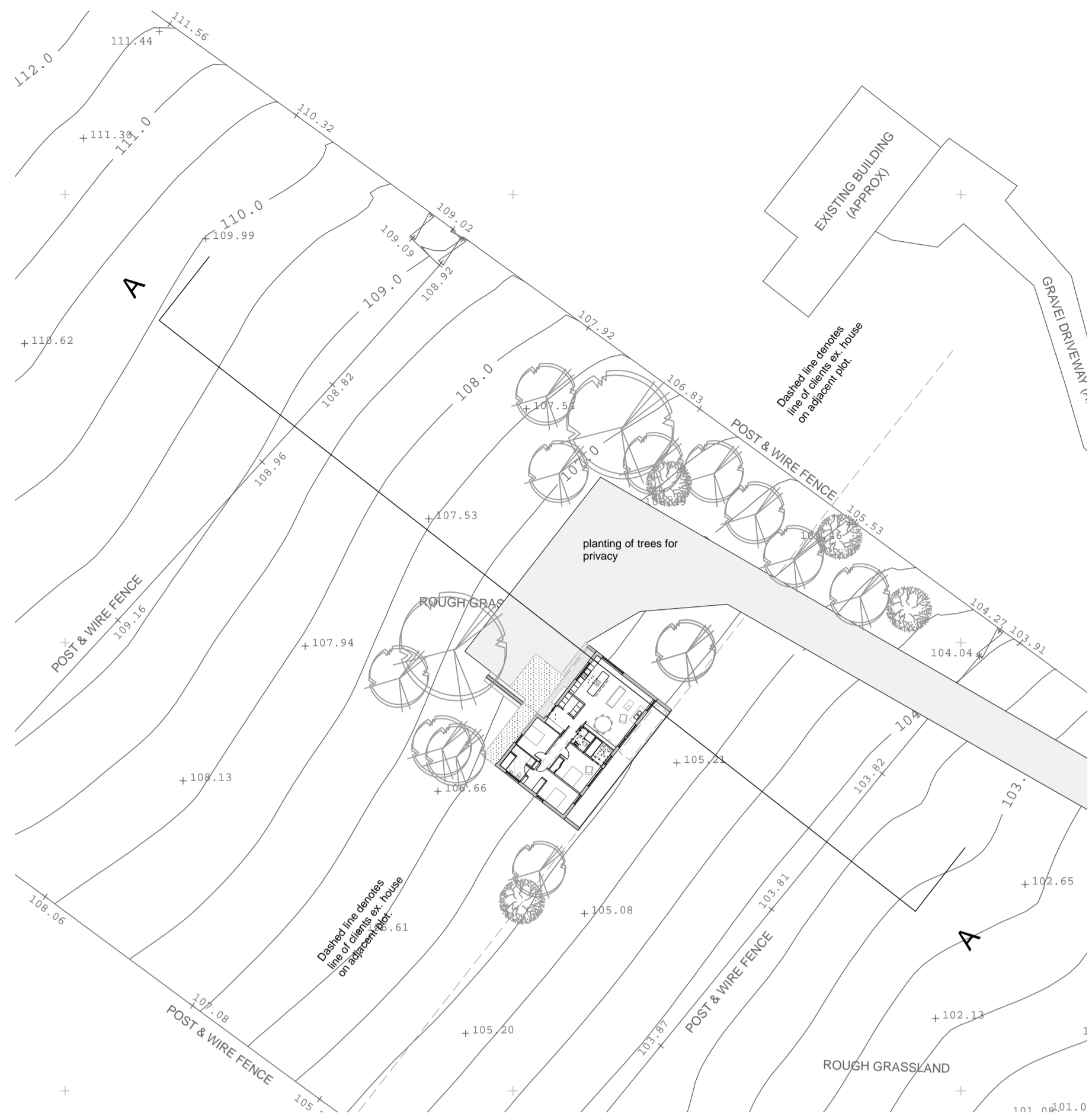
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1:50	11.12.17	BM	AB

Dirg No.	Status
188/p102	planning



Proposed house plan 02 1:50



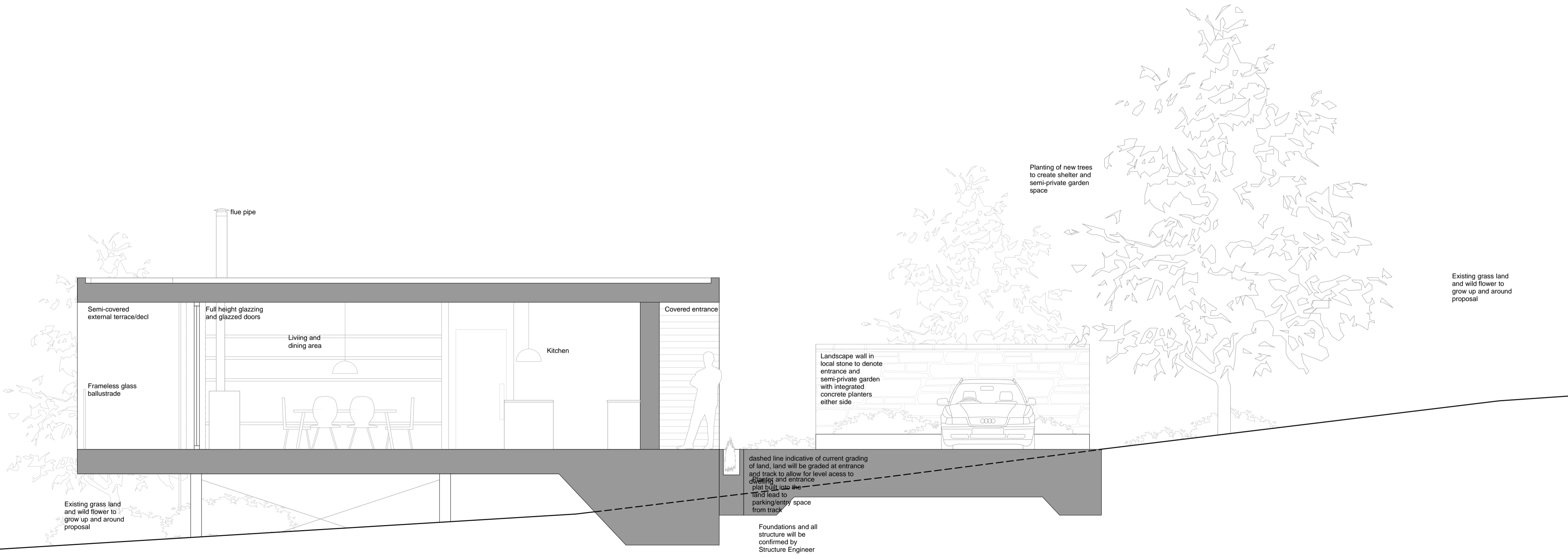


Section key

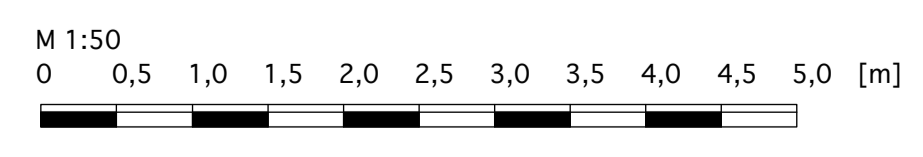
NOTE:  
All drawings and information based upon DWG information supplied by Granite City Surveys following measured survey. The Architects assume no responsibility for errors arising from any incorrect or inaccurate measurements.  
The client owns surrounding land and existing adjacent house.

REV A 25.06.18

do not scale drawing, note dimensions only, if in doubt seek clarification  
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Proposed Section AA 1:50



Client  
**Kim Haywood**  
Project  
**Gorthleck**  
Title  
**Proposed Section AA**  
Scale Date Drawn Checked  
**Various 14.12.17 BM AB**  
Drg No. **188/p121** Status **planning**