

Agenda Item	5.8
Report No	PLN/009/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 22 January 2019
Report Title: 18/04991/FUL
Shaltigoe, 5 John Horne Drive, Wick, KW1 4PP
Report By: Area Planning Manager – North

Purpose/Executive Summary

Applicant: Mr Euan Jappy
Description: Erection of garage extension
Ward: 03 – Wick and East Caithness

Development category: Local Application

Reason referred to Committee: Local 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 a single storey garage extension to the side of a semi-detached property within a modern housing estate located to the east of Hillhead Primary School, Wick. The property occupies a corner plot with a dual street frontage with the proposed extension occupying an existing driveway.
- 1.2 The proposed garage would measure around 6m in width, 8m in depth and have a ridge height of 5m with a pitched roof. Materials and finishes are proposed to match / be in keeping with the existing property. The development involves the relocation of the main entrance door to the house from the southern to the eastern elevation to sit alongside the main garage door. The southern elevation of the extension would be void of any architectural detail and have no windows or door openings fronting the street with the western elevation having a secondary garage door and window overlooking the rear garden ground and neighbouring property's driveway and front garden.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Site photographs (November 2018) and a Proposed Site Plan – Sight Lines, Ref EJ/1c.
- 1.5 Variations: Revised drawings detailing a reconfigured layout and garage footprint to:
- enable garage access in a forward motion with a relocated garage door from the southern to the eastern elevation;
 - provide sufficient space for 2 cars to be parked on site; and
 - provide sufficient clearance from the pavement to enable construction.

2. SITE DESCRIPTION

- 2.1 The proposal is situated within an emerging modern housing estate where permitted development rights for boundary fences, gates or walls forward of the property building line which fronts a street have been removed; refer to Condition 7 of Planning Permission 14/00476/FUL. This semi-detached property has a dual frontage to 2 streets with the eastern elevation being the principal frontage and the south elevation being the secondary frontage with this street serving the neighbouring houses which are configured in a cul-de-sac arrangement.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------|
| 3.1 | 03/04/2014 | 14/00476/FUL - Erect No 2 Semi detached houses. | Approved. |
| | 16/04/2013 | 13/00773/FUL - Erection of 4 bedroom house and garage. | Approved. |
| | 09/06/2011 | 11/00433/FUL - Erection of four blocks of semi detached houses (8 houses) Roads and Services | Approved. |

4. PUBLIC PARTICIPATION

4.1 Advertised: No

Date Advertised: N/A

Representation deadline: 22/11/2018

Timeous representations: 1 against (1 household)

Late representations: N/A

4.2 Material considerations raised are summarised as follows:

- a) **Road safety**, particularly for pedestrians and children with insufficient visibility for road users.
- b) **Impact on the character of the area** and street scene with the proposal not respecting the existing building lines along both street frontages and creating an overbearing presence in the context of the open plan surroundings. Suggests relocating garage to the rear garden ground.
- c) **Shared access** arrangements for the neighbouring homes 6, 7, 8 and 9 would be affected with this property requiring to use this private access.

4.3 Non-material considerations raised are summarised as follows:

- a) non-compliance with title deed restrictions relation to *“No buildings, erections or plantations shall be situated in front of the front wall of any house”* – any such restrictions are a civil matter between the developer and the proprietor.

4.4 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.

5. CONSULTATIONS

5.1 **Transport Planning Team** objects to the proposal on grounds of road safety. They consider that as a result of the development the neighbour’s visibility from their driveway will be overly compromised which could result in a collision. In addition, concerns are raised with the potential for parking on the application site to the rear western elevation of the garage.

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 and Place-making

34 - Settlement Development Areas

56 – Travel

6.2 **Caithness and Sutherland Local Development Plan 2018**

No specific policies apply, however, the site forms part of wider housing allocation WK04: North of Coghill Street which has an indicative capacity for 48 homes and requires open space provision within the east of the site allocation.

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

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

The Highland Council's Planning Guidance: House Extensions and Other Residential Alterations, May 2015

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) Layout and design
- c) Access and road safety

Development plan/other planning policy

8.4 The proposal is located within a wider housing allocation WK04 and is situated within the Settlement Development Area for Wick where development is supported under Highland wide Local Development Plan (HwLDP) Policy 34, subject to being compatible with the existing pattern of development in the locality and conformity with adjacent land use as well as other HwLDP Policies. In general terms, the principle of an extension to a property in an existing settlement can therefore usually be supported.

Layout and design

8.5 In this instance however, the design and layout of the proposed extension is not considered to be acceptable. The proposal involves the creation of a garage which would protrude over 6m beyond the exiting building's southern building line with the footprint of the garage being 0.3m from the street frontage at a height of around

5m. Although the extension is setback by around 5m from the property's principal eastern elevation, given the dual frontage of this corner property it is important to consider both the eastern and southern elevations and associated relationship with both street frontages.

- 8.6 In this case, the garage extension does not reflect the context of the open plan surroundings with all other properties being suitably set back to allow for in-curtilage parking and provision of front garden amenity ground. The absence of perimeter boundaries or structures in the front gardens within this estate, the extension does not preserve the open character of this area, as intended by Condition 7 of the property's original planning permission 14/00476/FUL.
- 8.7 Whilst this condition does not preclude a planning application being submitted, it does make clear the importance of preserving the open character of this emerging estate and not breaking established building lines. In reviewing all of the neighbouring properties in this estate it is apparent that all properties have been suitably set back from all roads.
- 8.8 Section 4, Para 4.1 of The Highland Council's Planning Guidance: House Extensions and Other Residential Alterations, May 2015, also explains that that the impact on existing property and neighbouring dwellings should be the principal consideration when determining the depth of an extension, however the following should be used as a general guide: - Final bullet point:
- “Corner plots can present a particular problem where the majority of the house's garden space is in front of the building lines. Where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground.”*
- 8.9 In this case the proposed garage would extend well beyond the existing building line and when looking west along John Horne Drive, the extension significantly impact upon the open character of the street and views towards neighbouring properties located within the cul-de-sac. The applicant has intimated that the only way in which to avoid this scenario would be to develop the garage within the rear garden of the property and is reluctant to do so as this would overly compromise the amount of secure garden play space which is considered to be lacking in the vicinity. Whilst one can sympathise with this, it is notable that this estate is not fully developed and later phases are required by the site's allocation to provide further open space.
- 8.10 In summary, the plot has a designated driveway space which is unsuitable for conversion to form a garage and the applicant may wish to consider the necessity for a garage elsewhere or alternative storage arrangements for this property. The siting of the proposal does not contribute positively to the character of the surroundings area and has an adverse impact on visual quality of place. As such, the proposals are contrary to HwLDP Policies 28, 29 and 34.

Access and Road Safety

- 8.11 The Council's Transport Planning Team have objected and consider the proposal unacceptable from a road safety perspective. Whilst the development has been amended to improve the safety of the proposed access and parking arrangements,

the 6m extension beyond the existing building line overly compromises visibility for vehicles using the neighbouring driveway located circa 6.5m west of the proposed garage wall. Similarly, the Transport Planning Team also remain concerned with the prospect of any on site parking within this setback to the rear of the garage by the applicants or any subsequent occupiers of the property.

- 8.12 The proposed siting of the garage would mean that if the neighbour reversed out of their driveway, visibility of the footpath and road to the east would be unacceptably restricted by the proposed garage. Similarly, if the applicant opted to park to the rear western side of their garage, the driver's visibility to the east would also be severely restricted by the garage, giving the driver very little time to react to any passing children, pedestrians, cyclists or other road users which may be unaware of the hidden vehicle exiting from behind the garage. As such, the proposed design fails to be compatible with HwLDP Policies 28 and 56 on road safety grounds.

Other material considerations

- 8.13 There are no other material considerations.

9. CONCLUSION

- 9.1 The application did not benefit from obtaining formal pre-application advice from the Planning Service. The initial configuration of the proposed extension at the application submission stage raised significant issues in terms of design and road safety. Whilst the amended proposals improve the safety for the occupiers, road safety concerns remain and the design of the proposal does not respect the open character of this emerging housing estate.
- 9.2 In summary, there is restricted development potential for modern corner house plots, particularly those such as this with limited garden ground. The level of development proposed would have an overbearing impact on surrounding visual amenity, compromises road safety and is therefore not in overall accordance with the development plan. We are not aware of any overriding need for this garage extension and there is likely to be suitable existing or emerging alternative properties in the locality which may have a garage / be more suitable for family accommodation. There are no other material considerations which outweigh this position.
- 9.3 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 **N**

It is recommended that planning permission be **Refused** for the following reasons:

1. The proposals are not in overall accordance with the development plan. Specifically the development is contrary to HwLDP Policies 28, 29 and 34 as it has not been demonstrated that the extension complements the open character of the area and makes positive impact in terms of neighbouring visual amenity.
2. The proposals fail to accord with HwLDP Policies 28 and 54 as it has not been demonstrated that the safety of other road uses can be safeguarded.

Signature: Dafydd Jones

Designation: Acting Head of Development
Management - Highland

Author: Peter Wheelan

Background Papers: Documents referred to in report and in case file.

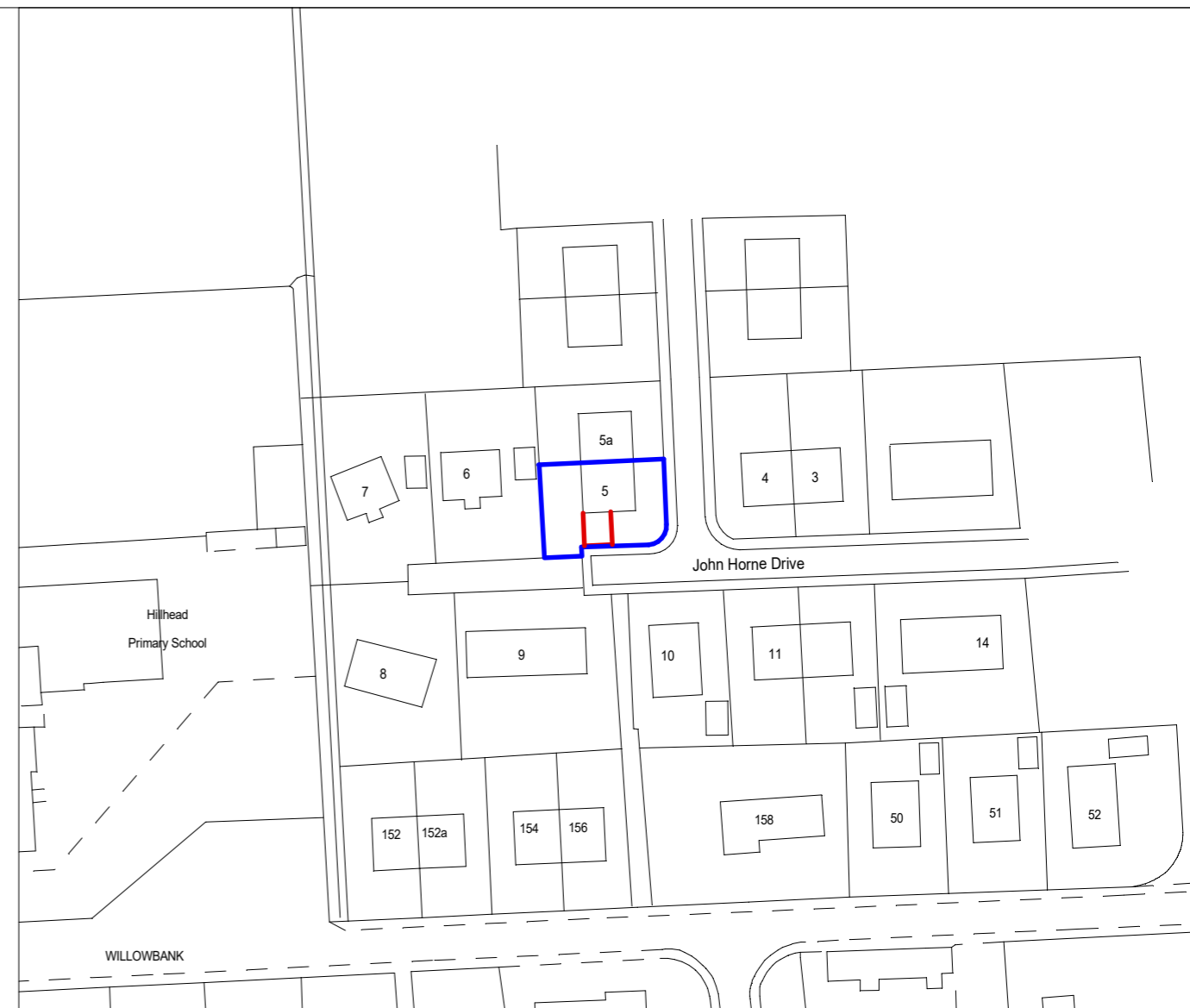
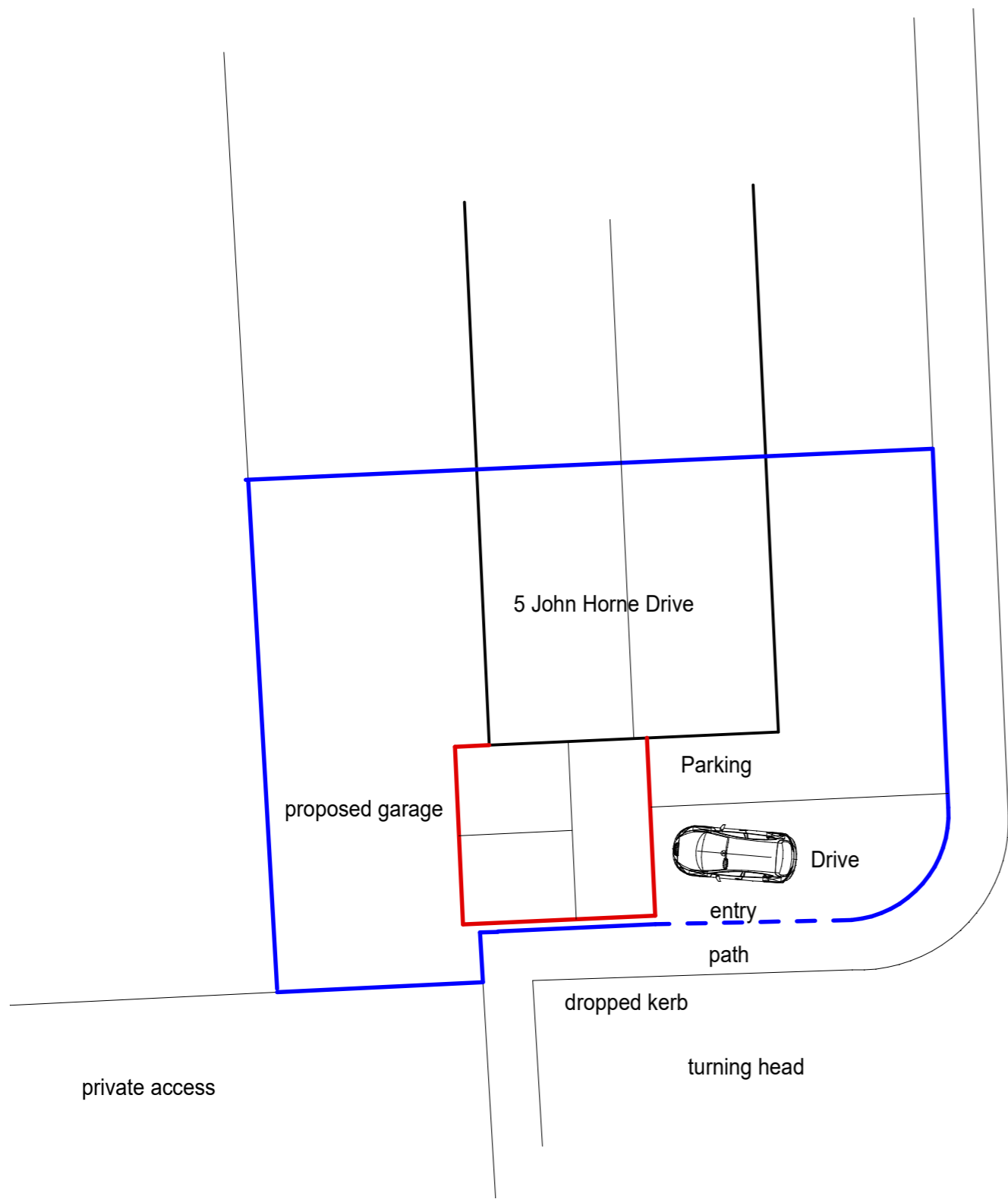
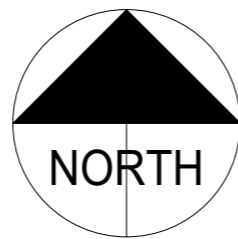
Relevant Plans: Plan 1 - Committee Presentation Site Location Plan
Plan 2 - EJ/1b - Site Plan
Plan 3 - EJ/2 - Floor Plan
Plan 4 - EJ/3 - Elevations



Site



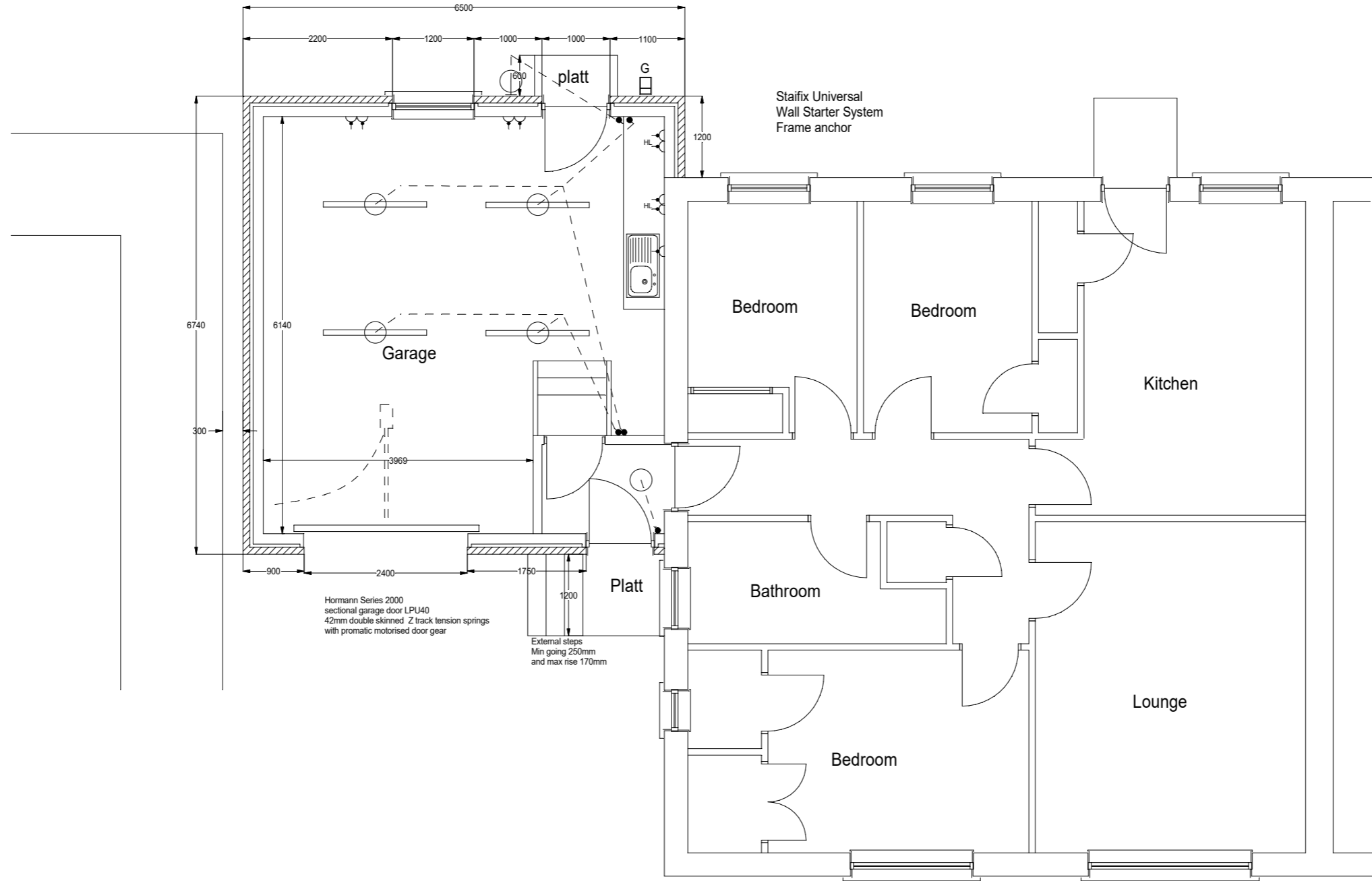
Plan 1 Committee Presentation Site Location Plan



DATE	Sept 2018	SCALE	1/200
Euan Jappy 5 John Horne Drive Wick KW1 4PP			
TITLE	Proposed Garage 5 John Horne Drive Site Plan		
REV. /		DRW.NO.	EJ/1b
DATE /			

Surface Water
 110mm UPVC solid drain connecting to main drain
 system to comply with BS EN 12056-3 2000.
 Rainwater downpipes discharging into gully traps

All sanitary fittings to comply with
 standard 3.27.2 Water efficient fittings
 Internal Sanitary Drainage
 All to comply with BS EN 12056-3 2000



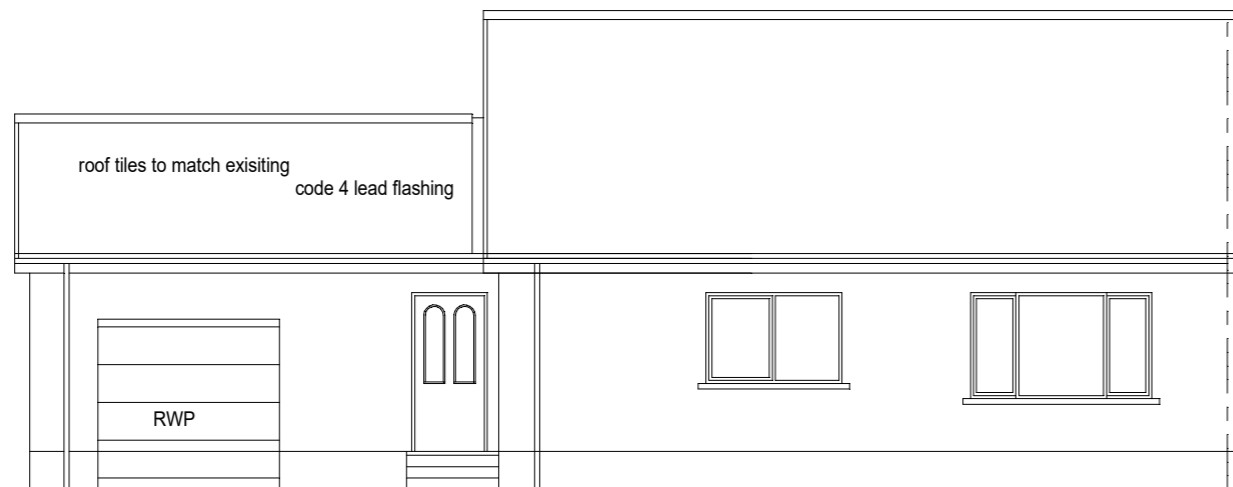
Electric

Garage to be wired to 17 edition IEE regulations
 and designed, constructed, installed and
 tested such that it is in accordance with the recommendations of
 BS 7671: 2008.
 Supplied from house in 2.5 three core armour clad cable laid in duct
 Power supply 2.5mm T&E
 Light Circuit 1.5mm T&E
 Cables to be protected where required

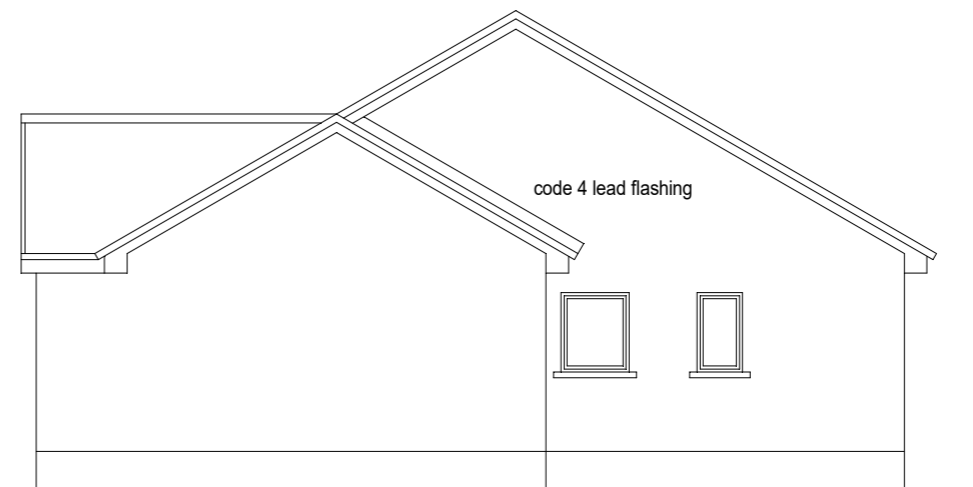
Outlets and controls of electrical fixtures and systems
 should be positioned atleast 350 mm from any internal corner

light switches should be positioned at a height of between
 900 mm and 1.1 m above floor level.

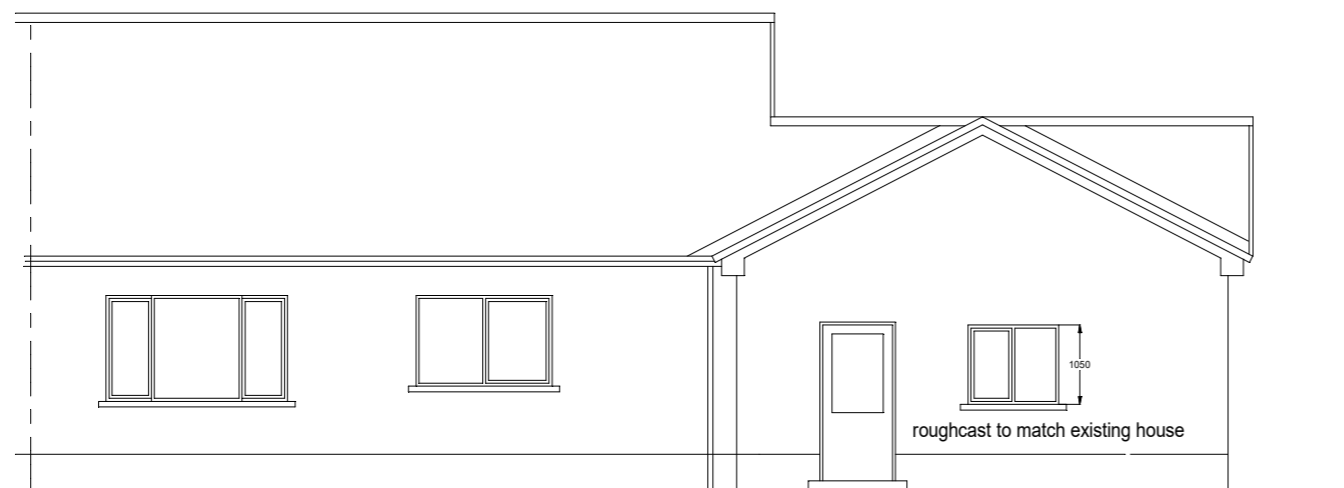
DATE	Oct 2018	SCALE	1/75
Euan Jappy 5 John Horne Drive Wick KW1 4PP			
TITLE Proposed Garage 5 John Horne Drive Floor Plan			
REV. /		DRW.NO.	EJ/2
DATE /			



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Windows PVCu double glazed to match existing
1.2 max U Value
all windows to be fitted with
trickle vents with area of 11000mm²
per apartment at least 1.75m above ffl

All window glazing below 800mm above
FFL to be toughened
All other Glazing below 1500mm above
FFL to be toughened
Doors and Windows to comply with
BS PAS 24: 2007 for doorsets
or BS 7950: 1997 for windows and in addition
material used should meet product standard
of BS 7412: 2007, for PVCu units
Windows fitted with restricted to prevent collision
max 100mm into areas of circulation
All doors and windows secured by design
A Manual controls to windows to be no higher than
1.7m above FFL
All windows and doors secured by design

Rainwater goods UPVC to match existing
All rainwater good to be constructed and installed
in accordance with BS-EN-12056-3:2000



SCALE

	DATE Sept 2018	SCALE 1/100	
Euan Jappy 5 John Horne Drive Wick KW1 4PP			
TITLE Proposed Garage 5 John Horne Drive Elevations			
REV. /		DRW.NO.	EJ/3
DATE /			