



Decision by Robert Seaton, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2210
- Site address: Shaltigoe, 5 John Horne Drive, Wick, KW1 4PP
- Appeal by Mr Euan Jappy against the decision by the Highland Council
- Application for planning permission 18/04991/FUL dated 27 October 2018 refused by notice dated 29 January 2019
- The development proposed: erection of garage extension
- Date of site visit by Reporter: 13 May 2019

Date of appeal decision: 28 May 2019

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Highland-wide Local Development Plan (2012) (“the HWLDP”) and the Caithness and Sutherland Local Development Plan (2018).
2. Having regard to the provisions of the development plan, the main issues in this appeal are the effects of the proposed development on the streetscape and on road safety.
3. The key development plan policies relevant to the determination of the appeal are HWLDP policies 28 (on sustainable design) and policy 29 (on placemaking). I consider that any effect the proposed development’s siting and design might have on road safety is dealt with in policy 28. Although policies 34 and 56 (or rather, by apparent error, 54) are also referred to in the council’s reasons for refusal, I do not find them to have any great relevance to a development of the scale and type proposed.
4. Policy 28 is written in broad terms, open to relatively wide interpretation. Although the council’s Planning Guidance: House Extensions and Other Residential Alterations is not part of the development plan, it is a material planning consideration. It helps in understanding what is required by policy 28, at least in the council’s view.
5. The appellant proposes extending a house in a small, recently built housing estate to provide a garage. The estate is not a conservation area or designated for its architectural



merit in any other way. The houses are of a modest type not unusual in suburban estates in Scotland.

6. However, it is clearly an element of the estate's design that the fronts of the properties have been kept free of walls, fences or other structures (with the exception of low walls bounding the garden of a property at the east end of John Horne Drive). The council states that the planning permission under which the estate was built removed the permitted development rights that would otherwise have permitted such structures without any further planning permission being needed. The council says that the purpose of this condition was to preserve the open character of the estate.

7. The proposed garage would extend from the existing house across the garden at the house's southern front almost to the footway. The garage would then stand out, when looking along the street, as an obvious departure from the street's overall design. It would not be in character with the street, and it would detract from its character.

8. The planning guidance's paragraph 3.1 requires a house extension to respect the form of surrounding developments, including the building lines and building patterns. Paragraph 4.1 states that extensions that project beyond the front building line are not generally to be allowed unless they fit with the local character of the street. Although this is just guidance, I consider that the proposed development would depart from it.

9. As a consequence, I find that the proposed development would not demonstrate sensitive siting or high quality design and would not make a positive contribution to the architectural or visual quality of the street. I consider, therefore, that it would be contrary to HWLDP policies 28 and 29.

10. The appellant has argued that there is already a precedent for development in front of the building line. He has pointed out that there is a garage at 5 Coghill Street that extends beyond the building line. While this is so, the garage only projects slightly in front of the building line (taking into account the buildings on either side), there is a broad space between it and the footway, and it is set in a different context from that of the proposed development in John Horne Drive. The space in front of the buildings in Coghill Street is not clear of structures in the way that John Horne Drive is. The garage is within a garden surrounded by a wall. Coghill Street is also an older development than John Horne Drive. It may be that the garage pre-dates the current policy.

11. The appellant has also referred to the personal circumstances of his family, particularly that he would wish to have a safe space for children to play behind the house – a location where a garage might otherwise have been put. Because planning decisions are about land use, rather than the user of land, the law is that, generally, personal circumstances are not a material consideration in the decision. Personal circumstances may be taken into account in certain limited circumstances, such as where refusal of permission might cause great hardship. I do not find that the appellant's having a young family is a matter I can take into account.

12. Unless there is a specific reason to set aside a design rule, such as that against development in front of the building line, granting permission for such development can make it difficult for the planning authority to resist granting permission for other similar

development elsewhere. In my view, that would be the case in this appeal. I consider that a grant of permission for the proposed development would cause an undesirable precedent for development in front of the building line in John Horne Drive, and possibly also for allowing similar development elsewhere in the Highland Council area where a similar street-design approach has been taken.

13. The council refused the proposed development also on the basis that it would have an adverse impact upon road safety. The council considered the extension would restrict drivers' view when reversing out of the neighbouring driveway to the west. This may well be so. I have noted that the extension's western wall would be at least a metre further west than is shown in the appellant's drawing depicting sightlines. However, I do not find that the evidence is sufficient for me to make any clear finding on the degree of risk involved. I doubt that the risk would be very great. Therefore, although the proposed development is likely to be contrary to HWLDP policy 28 also on the basis of its effect on road safety, I give this consideration limited weight in my decision.

14. Nonetheless, I conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations that would still justify granting planning permission.

Robert Seaton

Reporter