

Agenda Item	<b>6.13</b>
Report No	<b>PLN/097/19</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 26 November 2019

19/04045/FUL : Mr Mark Boyd

**Report Title:** 14 Shore Street, Thurso

**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

- 1.1 **Description:** Erection of summerhouse
- Ward:** 2 - Thurso and North West Caithness
- 1.2 **Development category:** Householder development
- Reason referred to Committee:** 6 Objections received

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.

### 2. Recommendations

- 2.1 Members are asked to agree the recommendation to grant planning permission as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The proposal is for the erection of a summerhouse in the garden of 14 Shore Street, Thurso. The summerhouse is to be located to the north of the house towards the bottom of the rear garden with the principal elevation in line with the neighbouring properties to the east, fronting onto Marine Terrace. The building includes patio doors on the north elevation looking out over Marine Terrace towards the sea and a single access glazed door on the east elevation. There is a high level window on the south elevation. The summerhouse is to be clad in timber with a metal sheeting roof and decking laid to the east. The windows and doors are to be timber framed with the. The building has a rectangular footprint measuring 6m x 3m with a mono-pitch roof and is 2.8m tall at its highest point.
- 3.2 Variations: Omission of decking to the north, re-positioning of summerhouse to same building line as properties to the east, replacement of windows on east elevation with a glazed access door and patio doors on the north elevation.

### **SITE DESCRIPTION**

4. The site lies within the Thurso Conservation area and is the second property in a terrace of houses. The house is a one and a half storey building with concrete roof tiles and finished with a dry dash render. The rear garden is laid to grass with a 2m high block wall to the west, a 1m dry stone dyke on the north boundary and 1m flag wall to the east.

### **4.2 PLANNING HISTORY**

5. 12/00695/FUL - Erection of house with mono pitch roof.

Application refused 12<sup>th</sup> October 2012

### **5.2 PUBLIC PARTICIPATION**

Advertised: Development affecting the setting of a Conservation Area

6. Date Advertised: 4<sup>th</sup> October 2019

Representation deadline: 9<sup>th</sup> October 2019, 20<sup>th</sup> October 2019

- 6.1 Timeous representations: 6 representations from 6 households

Late representations: None

Material considerations raised are summarised as follows:

1. The building would be out of character with its modern appearance in a conservation area.
2. Close to neighbouring boundary wall, daylight and sunlight would be reduced
3. Infringe on neighbours privacy
4. Construction work noise
5. It would be used as overnight accommodation

6. The building is too large
7. If approved it is requested that its use is restricted to ensure no activity after 9pm.

Non-material considerations raised are as follows:

1. Loss of view.

- 6.2 a) 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).

## **7. CONSULTATIONS**

- 7.1 Historic Environment Team: No objections. In conservation terms, HET are generally supportive of good quality modern design that compliments rather copies the existing historic context. In this case the proposal is for a small building of simple modern design that utilises a traditional timber clad finish. It has been sited so the glazed gable fronts Marine Terrace.

## **7.4 DEVELOPMENT PLAN POLICY**

### **8. The following policies are relevant to the assessment of the application**

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

- 8.1 28 - Sustainable Design  
29 - Design Quality and Place-making  
34 – Settlement Development Areas  
57 – Natural Built and Cultural Heritage

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

- 8.2 No specific policies apply

### **8.3 Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

## **9. Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (2014)

## **10.0 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 Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas “are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

## **Determining Issues**

- 10.3 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.
- 10.4 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
  - b) impact on the Conservation Area
  - c) any other material considerations

### **Development plan/other planning policy**

- 10.5 Policy 28 of the Highland Wide Local Development Plan (HwLDP) states that all development proposals must demonstrate that they conserve and enhance the character of the Highland area. Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas “are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

The proposed building has a simple rectangular form with a mono-pitch roof. It is to be sited in line with the building line established by the semi-detached houses to the east and is modest (6m x 3m with a mono-pitch roof; 2.8m high at its highest point) in terms of its scale and design.

The siting and design have been amended in order to minimise impacts on the amenity of neighbouring properties by repositioning the building on the same building line as the properties to the east and repositioning the main window to the gable facing out onto the public path at Marine Terrace and the sea beyond. A high level window on the south elevation faces towards the applicant’s property and a glazed door on the east elevation faces towards the applicant’s garden. A condition is recommended requiring the glazing of the door to be obscured to safeguard the privacy of the neighbouring properties to the east.

Due to its siting, scale and design, as now amended following negotiations, the building is not considered to cause any significant adverse impacts to other properties in terms of loss of privacy, sunlight or daylight. It should be noted that the building will only project approximately 0.8m above the wall to the west.

The Historic Environment Team advise that in conservation terms, they are generally supportive of good quality modern design that complements rather copies the existing historic context. In this case they have no objection to the proposed modest building of simple modern design that utilises a traditional timber clad finish.

It is therefore considered that the erection of the proposed summerhouse in would not have any significant adverse impact upon neighbouring residents or the character or appearance of the Conservation Area.

As the structure is intended for incidental use linked to the main house a condition to restrict the hours of its use would not be appropriate.

## **Conclusion**

**11** The erection of the proposed summerhouse in the rear garden of the terraced house within Thurso Conservation area is considered to be acceptable. The proposed house is of a scale and type commonly found within domestic gardens. It has a simple and modest form and appearance. Its siting and design respect the established development pattern and character of the area. The window and door configuration ensure there are no overlooking issues. The building will not cause an unacceptable level of overshadowing.

11.1 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.

## **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. IMPLICATIONS**

### **Action required before decision issued N**

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

### **Conditions and Reasons**

1. The summerhouse shall be used solely for domestic purposes incidental to the use of the house.

**Reason:** In the interests of residential amenity.

2. No development or work shall commence until a detailed specification for the external finishing materials, including: roof material and colour; details of any colour to be applied to the external timber walls; and details of any colour to be applied to the timber framed glazing and door, have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. For the avoidance of doubt the roof shall be finished in a dark grey/black colour.

**Reason:** In the interests of visual amenity and to safeguard the character and appearance of the conservation area.

3. The door on the East elevation shall be fitted with obscured glazing which shall be maintained as such in perpetuity.

**Reason:** In the interests of residential amenity and privacy.

- 4 The building shall be sited as detailed on the approved “summerhouse Rev A plan” and shall not project beyond the front building line of 6 Marine Terrace.

**Reason** In the interests of visual amenity and to safeguard the character and appearance of the conservation area.

## **REASON FOR DECISION**

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

## **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 and 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

**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.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management – Highland  
Author: Jane Gunn  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 000002 Location Plan  
Plan 2 - 000003 REV A Floor/Elevation Plan  
Plan 3 - 000004 REV A Site layout plan

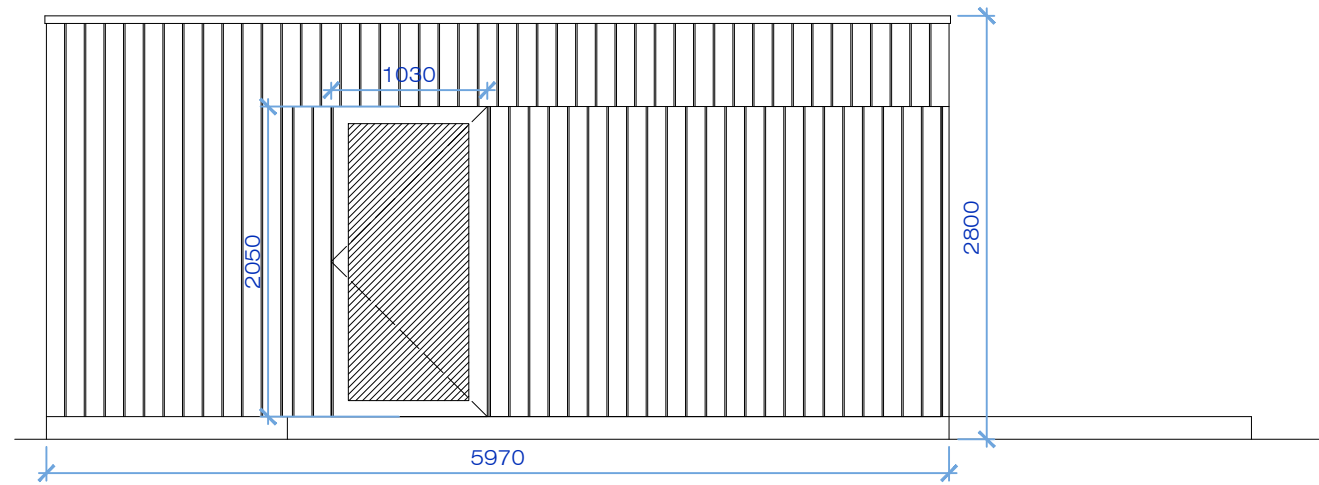




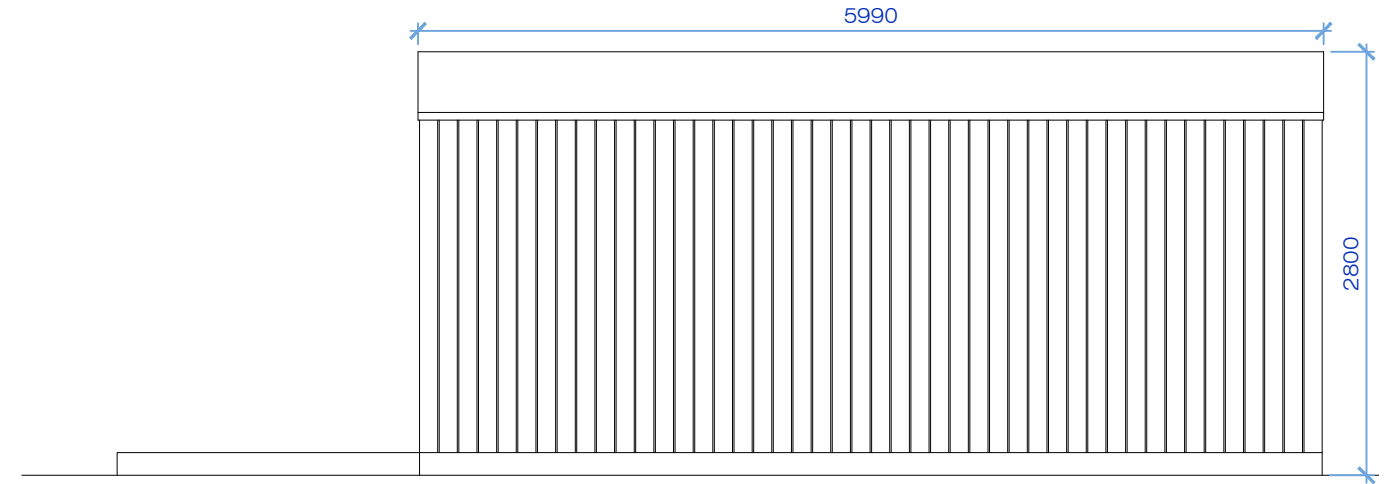


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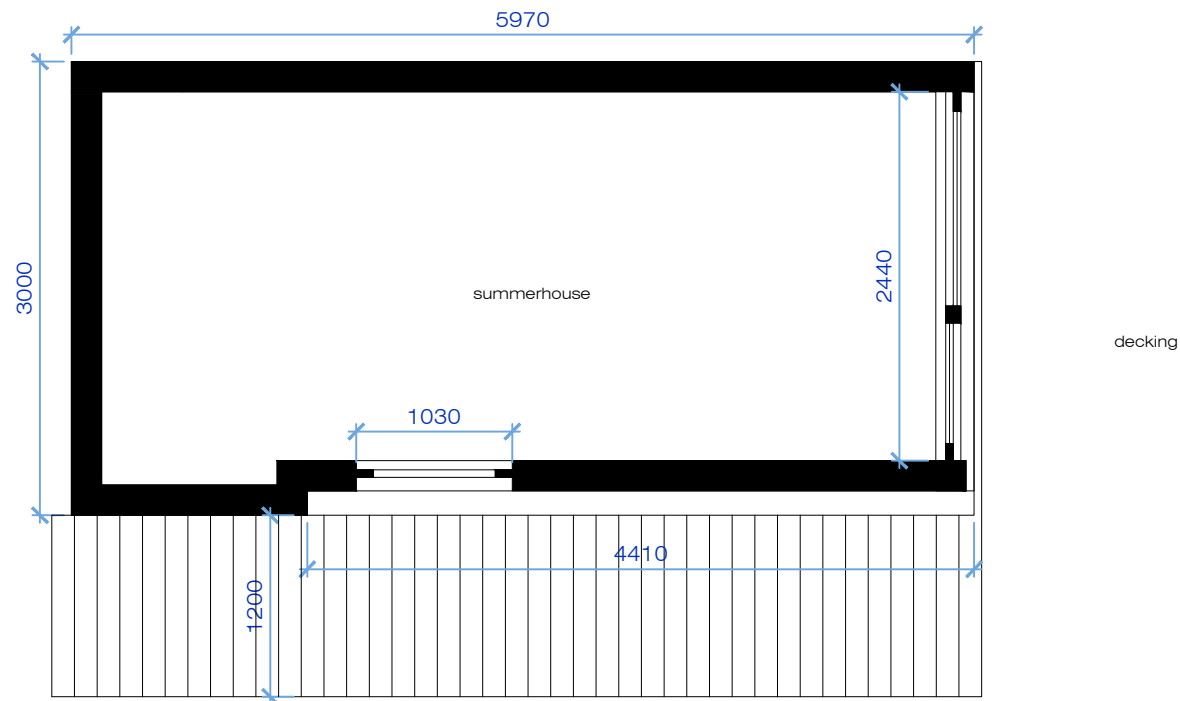


EAST ELEVATION

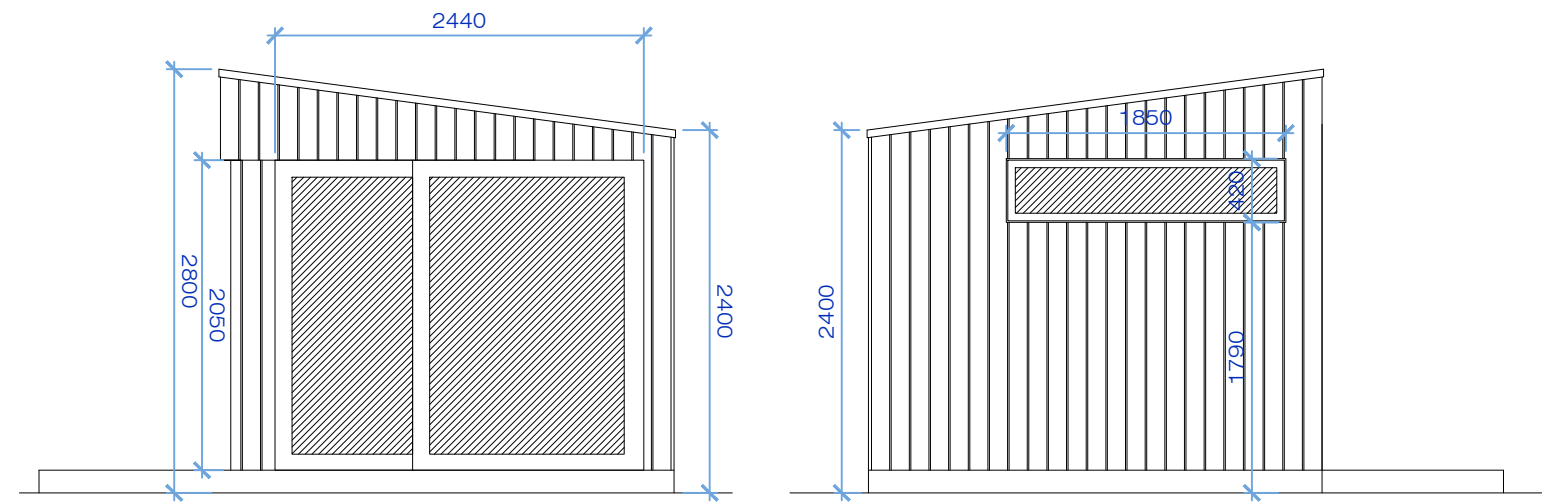


WEST ELEVATION

Timber framed summerhouse.  
 Timber cladding to exterior with metal roof.  
 Timber framed glazing and doors.  
 Timber decking to east and north elevations.



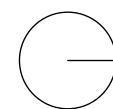
FLOORPLAN



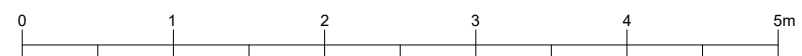
NORTH ELEVATION

SOUTH ELEVATION

Revision A - Glazing removed from east elevation to avoid overlooking of neighbour. Glazing focused on north elevation.

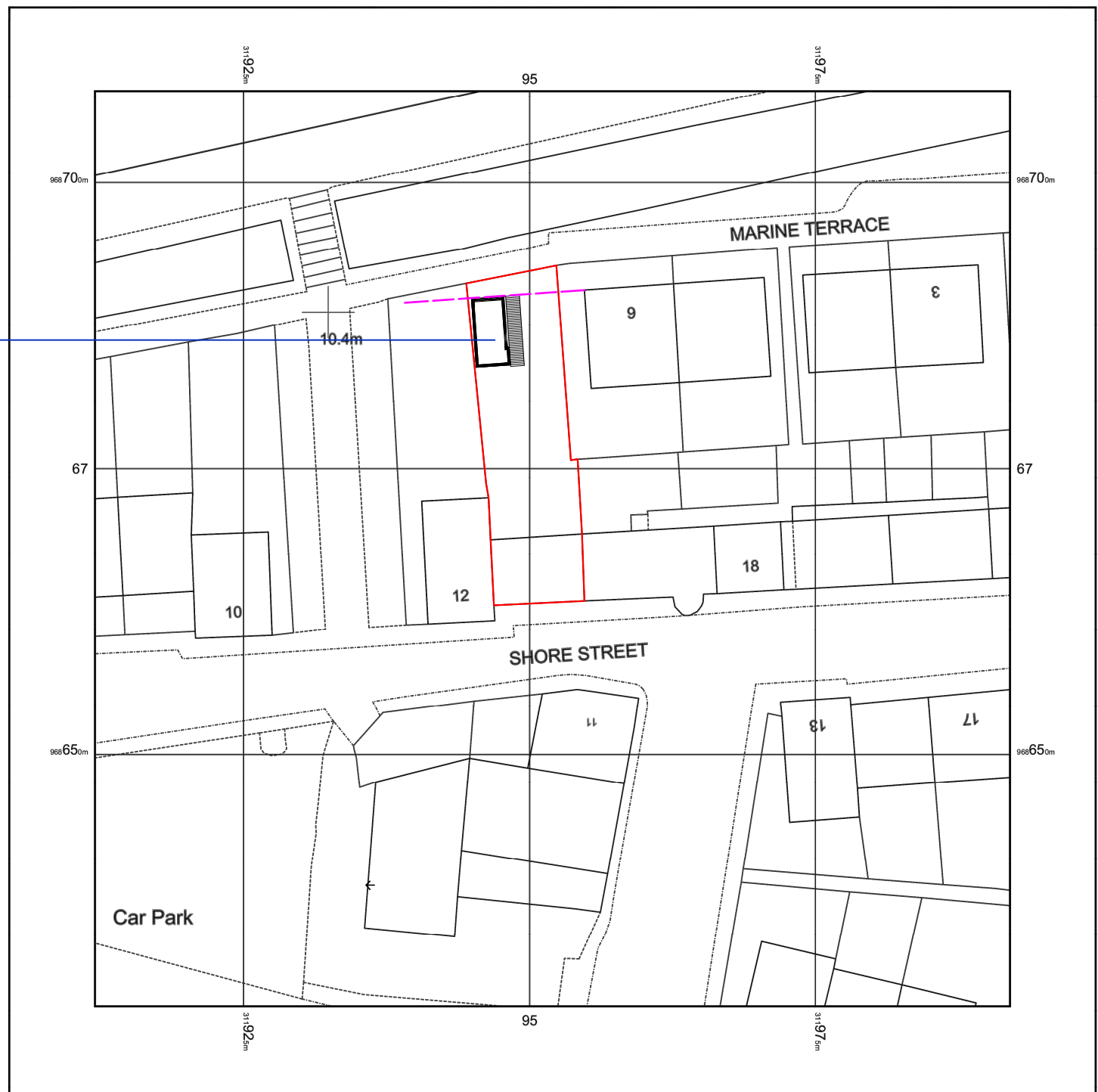
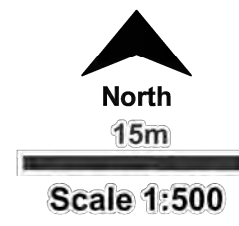


STATUS - This drawing has been prepared for **PLANNING PERMISSION ONLY**.



MARK BOYD  
 SUMMERHOUSE - REV A

1:50 @A3



location of proposed summerhouse

- Summerhouse repositioned to be behind line of neighbouring property to the east. Summerhouse also redesigned to remove glazing facing east [except for access door] refer to plan and elevations for detail.

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SITE PLAN  
 MARK BOYD  
 SUMMERHOUSE - REV A  
 1:500 @A3

MARKBOYDASHORESTREET

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