

Agenda Item	7.7
Report No	PLS/012/20

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 28 January 2020

**Report Title:** 19/01943/FUL: Mr and Mrs A Stevens  
Broadstone Lodge, 1 Broadstone Park, Inverness

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of two-storey side extension to house

**Ward:** 16 – Inverness Millburn

**Development category:** Local Development

**Reason referred to Committee:** 5 or more objections

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 Planning permission is sought for the erection of a two-storey extension on the side elevation of an existing traditionally designed one and three-quarters storey detached villa located within the Crown area of Inverness.
- 1.2 The proposed development will extend out from the northeast gable of the house by approximately 6.6 metres and is approximately 6.3 metres in depth. The ground floor accommodates a double bedroom, shower room and WC with the upper floorspace accommodating a further double bedroom with en-suite facilities comprising a dressing room and shower room.
- 1.3 The extension features a curved external wall in one corner that will accommodate the staircase to the first floor. The design is contemporary featuring a mono pitch roof which forms part of an overhanging timber clad structure positioned over an ashlar stone ground floor structure.
- 1.4 Parking provision consists of two informal spaces adjacent to and accessed directly from Broadstone Park.
- 1.5 Pre-Application Consultation: Not required as proposal is a local development.
- 1.6 Supporting Information: A Design and Planning Statement has been submitted in support of the application.
- 1.7 Variations: None.

## **2. SITE DESCRIPTION**

- 2.1 The land subject of the planning application is a corner site at the junction of Kingsmills Road and Broadstone Park containing a large detached sandstone Victorian villa. The house has its principal elevation facing onto Kingsmills Road and features a projecting gabled extension to the façade, gabled dormer windows, a slate roof, along with other decorative detailing on the building. The site is located within the Inverness (Crown) Conservation Area.
- 2.2 The site is located within the historic Crown area of Inverness the predominant character of which comprises of Victorian sandstone buildings with slate roofs with this street containing both detached and semi-detached properties that form a linear street scene that also includes later 20<sup>th</sup> Century additions.
- 2.3 The site is bounded to the northeast by a 1 ½ storey detached house and the northwest by a 1 ¾ storey detached sandstone villa.

## **3. PLANNING HISTORY**

- |     |            |  |                             |
|-----|------------|--|-----------------------------|
| 3.1 | 07.09.2019 | 18/00/872/FUL: Remove existing extension and erect new extension | Planning Permission Granted |
|-----|------------|--|-----------------------------|

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised: Development in a conservation area

Date Advertised: 17.05.2019

Representation deadline: 07.06.2019

Timeous representations: 9 representations from 8 households, plus additional timeous representation from community council

Late representations: 3 from 3 households

4.2 Material considerations raised are summarised as follows:

- a) Adverse impact on residential amenity;
- b) Design of extension incongruous with established built environment and character of the area and would be disproportionate in size to the existing house;
- c) Proposal would result in overdevelopment of the site;
- d) Adverse impact on existing tree within curtilage of proposal;
- e) Adverse impact on parking in the locality with further expansion of BandB accommodation;
- f) Proposal would not preserve or enhance character of the Conservation Area.

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 **Historic Environment Team:** No objection. The proposal complies with relevant policy and guidance on managing change in the historic environment. It is a positive proposal that introduces a new, innovative and good quality piece of architecture into the Conservation Area.

#### **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

51 - Trees and Development

57 - Natural, Built and Cultural Heritage

6.2 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply

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

Highland Historic Environment Strategy (Jan 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

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

Scottish Planning Policy (June 2014)

### **7.2 Historic Environment Scotland**

Historic Environment Policy for Scotland (May 2019)

Historic Environment Circular 1 (June 2016)

Managing Change in the Historic Environment: Extensions (October 2010)

## **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. In addition, as the proposal falls within a designated Conservation Area. Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.

### **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) the siting and design of the extension, including impact on residential amenity;
- c) potential impact on the existing tree;
- d) whether the proposal preserves or enhances the conservation area; and
- e) any other material considerations.

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

8.4 The site lies within the Settlement Development Area of Inverness Central where the broad principle of development is supported provided it meets the requirements of Policy 28 (Sustainable Design) of the Highland-wide Local development Plan and other relevant policies of the plan.

- 8.5 Policies 28 (Sustainable Design) and 29 (Design Quality and Place-Making) support development where there is no demonstrable impact on individual or community residential amenity, where they demonstrate high quality design and where development makes a positive contribution to the architectural and visual quality of the place where it is located. Policies 51 (Trees and Development) and 57 (Natural, Built and Cultural Heritage) seeks to ensure that proposals will not have an adverse impact on existing trees or locally important built and cultural heritage features respectively.
- 8.6 Subject to the development having no adverse impact on residential amenity or the historic and natural environment, the proposal would comply with the development plan.

### **Siting and Design**

- 8.7 The proposed extension is set back from the building line facing onto Broadstone Park and features a single pitch vertical extension overhanging the main ground floor structure. It appears as a subordinate extension to the main house and the proposed palette of materials complement the existing building with dressed ashlar on the ground floor section, horizontal timber cladding on the upper overhanging section and a standing seam metal roof.
- 8.8 The design is an unashamedly contemporary intervention to the historic building that responds to and respects the architectural quality of the main house.
- 8.9 Concerns have been raised that the location of the extension will have a detrimental affect on the residential amenity of the occupiers of the neighbouring property at 1a Broadstone Park as it will reduce light to their kitchen and the external path leading to the back garden.
- 8.10 The extension is set back approximately 2.6m from the mutual boundary of 1a Broadstone Park and the overall separation distance between the neighbouring house and the extension will be approximately 4.5 metres.
- 8.11 A kitchen is not classed as a habitable room and whilst there may be some reduction in light levels dependent upon the time of day, it is considered that any impact will be minimal. It should be noted that the neighbouring property's kitchen features a corner window part of which faces southwest onto the main street and therefore it is considered that any impact on daylight will be negligible and as the extension will not impact on the adjoining property's habitable rooms, no further assessment in this regard is necessary.

### **Impact on Existing Tree**

- 8.12 There is an existing tree located within the curtilage adjacent to the existing parking spaces and concerns have been raised that the creation of a further space will have an adverse impact on the tree. The existing spaces are not demarcated and simply consist of a gravelled area. It is noted that the existing dropped kerb extends along the frontage of the property adjacent to the tree and that Google Streetview images

from 2011 showed the existing mature tree and three small/medium sized cars on this parking area. It is therefore accepted that this third space, for all intents and purposes, already exists.

- 8.13 The applicant has confirmed that the tree is to be retained and that no works are proposed that would impact upon it. In addition, the tree has protected status by virtue of its location within the Conservation Area.

### **Inverness (Crown) Conservation Area**

- 8.14 As mentioned in paragraph 8.1 above, Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.
- 8.15 The acceptability of the design of the extension has already been considered under paragraphs 8.7 – 8.12 above, however it must also be assessed as to whether the proposed development is of sufficient quality to make a positive contribution to the Conservation Area by preserving or enhancing the character and appearance of the area.
- 8.16 Historic Environment Scotland's guidance note 'Managing Change in the Historic Environment: Extensions' explains how to apply the policies in their Historic Environment Policy for Scotland document as well as SPP 1. Whilst the guidance note is non-statutory, it is a material consideration in the determination of this application.
- 8.17 The guidance note advises that extensions must protect the character and appearance of the building to which it relates; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials.
- 8.18 The proposed extension is subordinate in scale and form and is located on the northeast gable elevation and is of high quality using appropriate materials suitable for its contemporary design. It falls under the category of being in deferential contrast to the main house where the guidance note explains that deferential contrast is "where the new becomes a self-effacing backdrop against the old. Even if it is large, it seeks not to be assertive."
- 8.19 The proposed extension, being set back from the elevation facing onto Broadstone Park, respects the architectural detailing and quality of the existing house and does not seek to compete with or unbalance the existing house. It is self-evidently smaller in scale, mass and form and represents a proportionate increase in size in comparison with the main house. With a footprint of approximately 36 sqm, it represents an increase of approximately 25% of the floor area of the main house.

### **Other material considerations**

- 8.20 There are no other material considerations.

## **Non-material considerations**

- 8.21 The issue of the possible use of the extended house as a bed and breakfast establishment which operated previously, is not a material planning consideration. The supporting statement from the applicant states clearly that the proposal is to provide additional family accommodation. In the event that the property was to revert back to a bed and breakfast, normal planning controls would apply, including the need to secure a separate planning permission dependent upon the number of letting rooms proposed.

## **Matters to be secured by Section 75 Agreement**

- 8.22 None.

## **9. CONCLUSION**

- 9.1 The proposed extension seeks to provide additional family accommodation onto an existing traditional sandstone villa located within the Conservation Area. The scale, mass and form of the extension is subordinate to the main house and is of a high quality contemporary design with a palette of materials appropriate for its setting that will complement the main house to which it relates.
- 9.2 Subject to a condition requiring approval of all external materials, which will enable the Planning Authority to ensure that the finish of the extension is to a high standard, it is considered that the proposal will enhance the conservation area at this location in accordance with the Council's general duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 9.3 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

<b>Action required before decision issued</b>	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. The extension hereby permitted shall be used solely as accommodation ancillary to the main dwellinghouse and at no time shall it be occupied as a separate dwelling.

**Reason:** To ensure that the development does not become used as a separate dwellinghouse in recognition of the lack of private amenity space.

### 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 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

### **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 and 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**

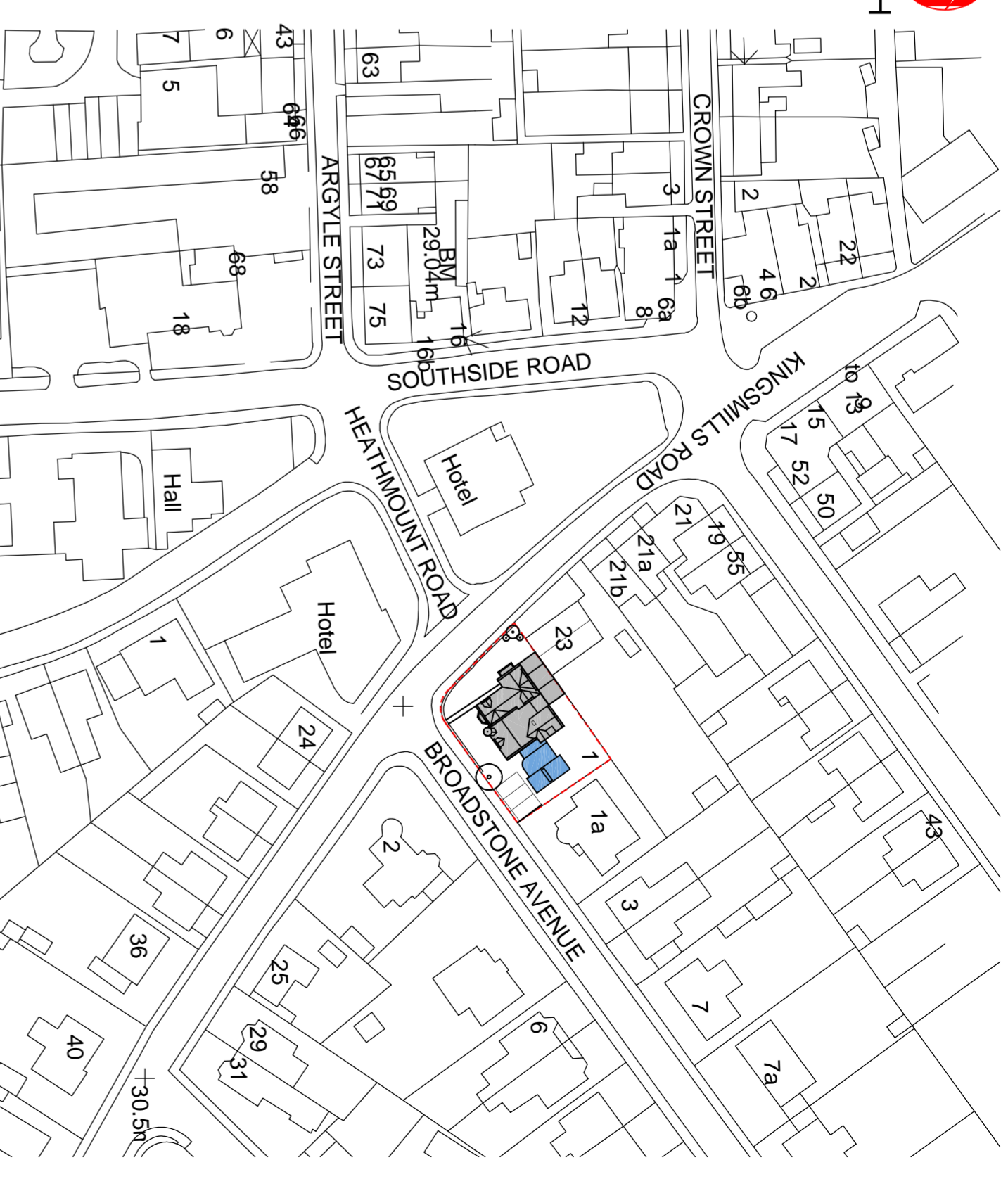
You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday 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.

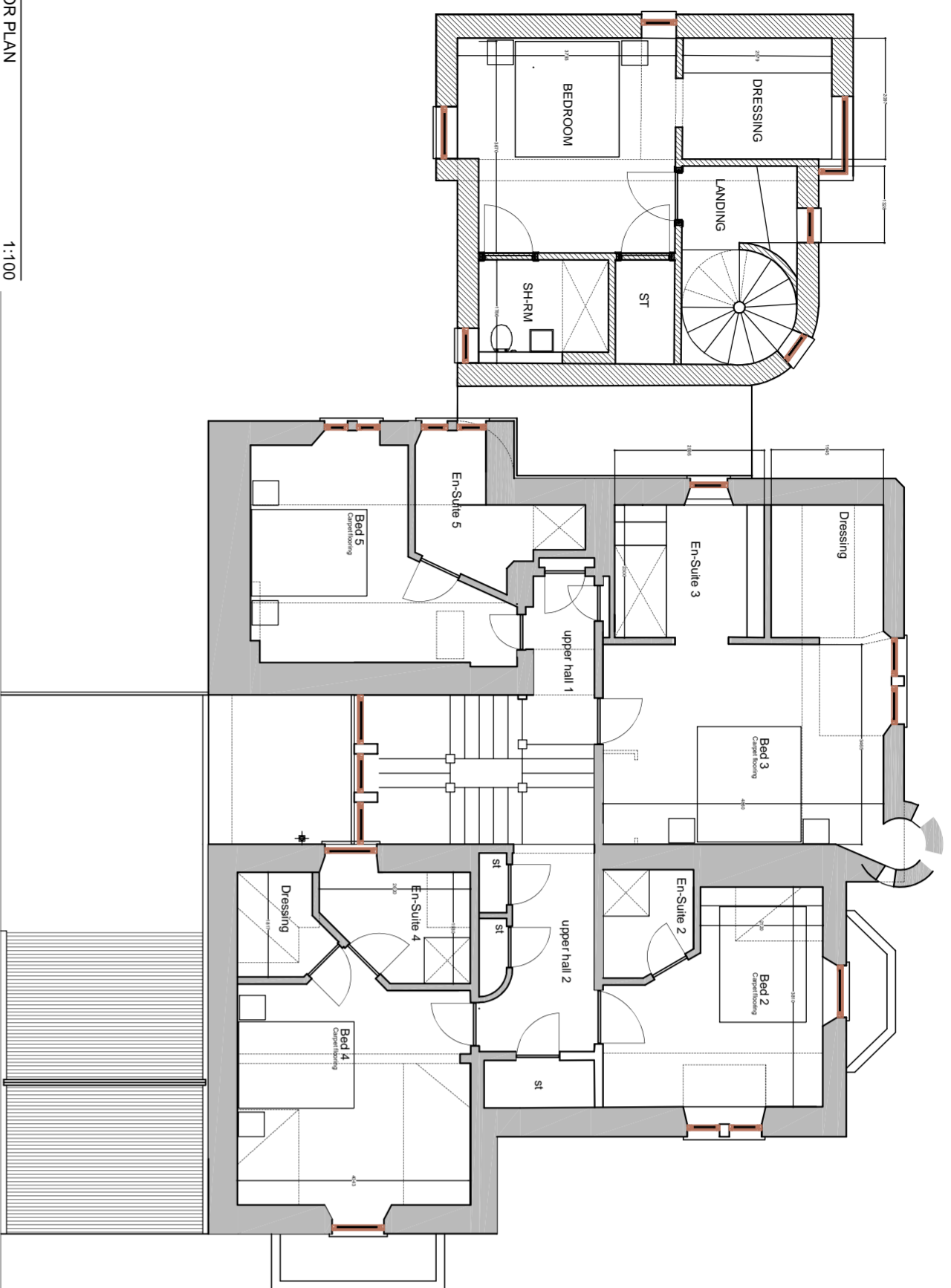
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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.

Designation: Area Planning Manager – South  
Author: John Kelly  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 17-61-MRH-20: Location, Site, and Proposed Floor Plans;  
Plan 2 - 2017-61-MRH-100 Rev A: Proposed Elevations

# BROADSTONE PARK-INVERNESS



05 FIRST FLOOR PLAN 1:100



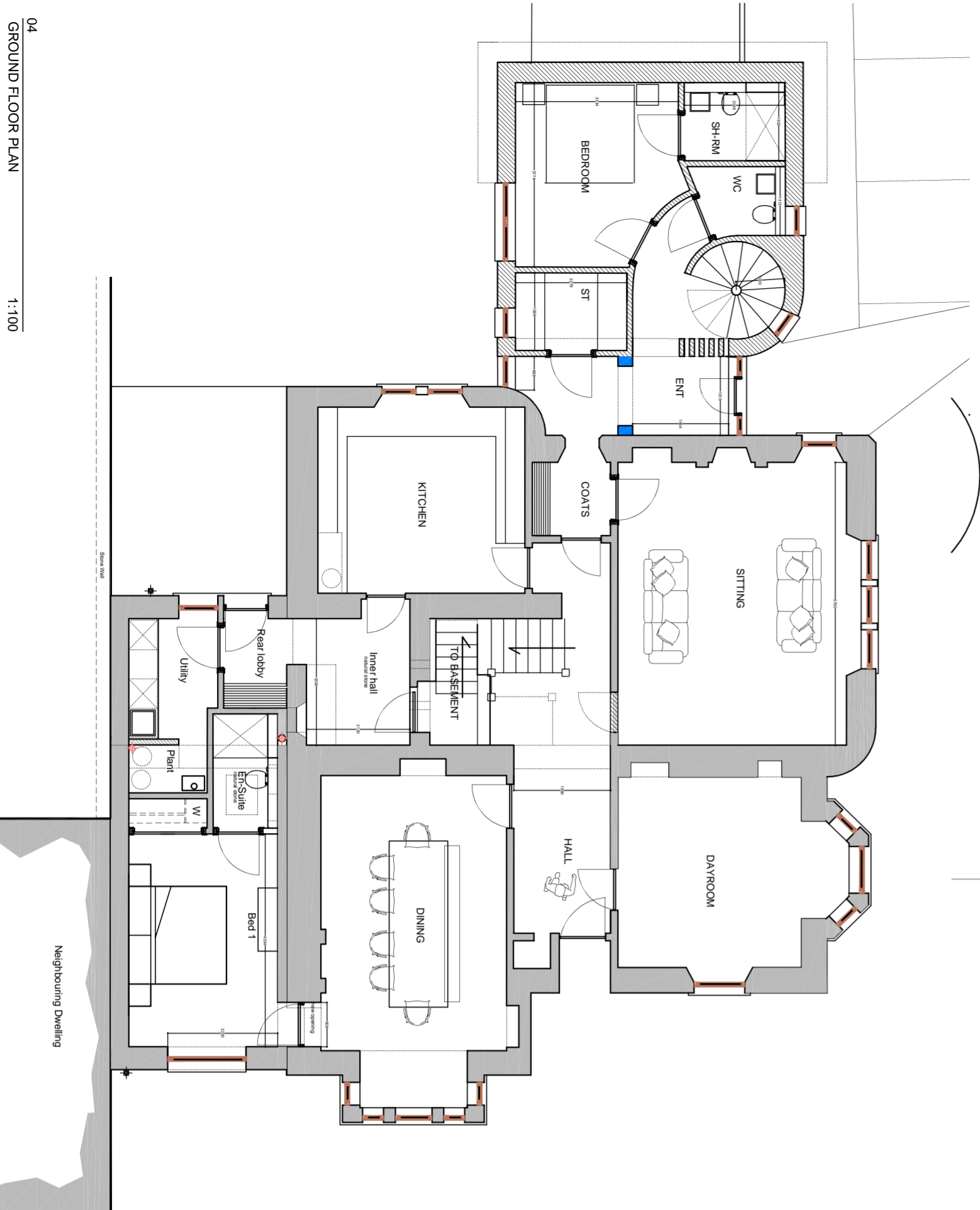
01 GENERAL LOCATION 1:1000

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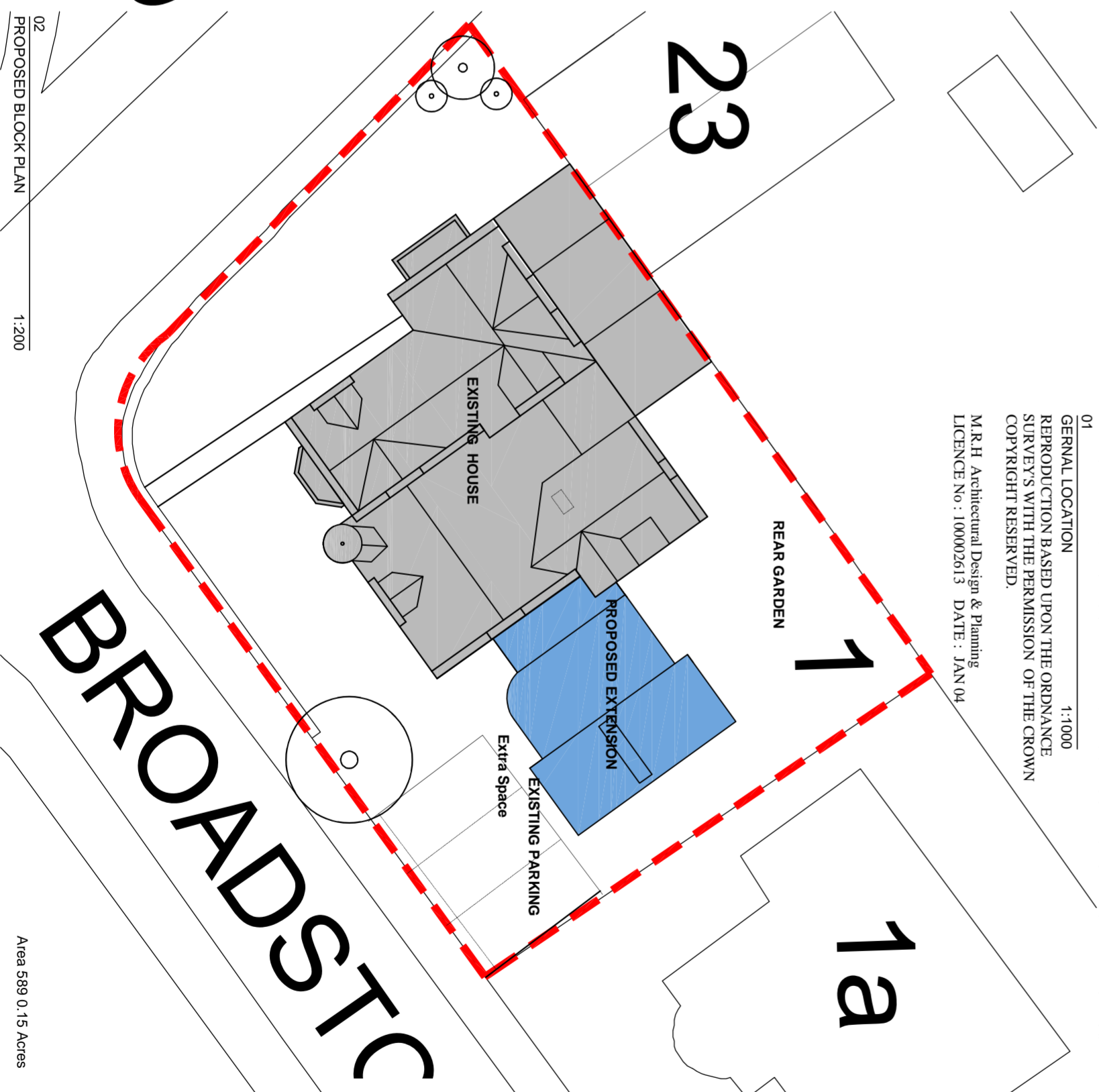
M.R.H. Architectural Design & Planning  
LICENCE No.: 100002613 DATE: JAN 04



04 GROUND FLOOR PLAN 1:100



02 PROPOSED BLOCK PLAN 1:200



Area 589 0.15 Acres

**MRH design**  
ARCHITECTURAL TECHNOLOGY

THE STUDIO  
Inglis of Woodside  
MORRIS WOODSIDE  
MORRIS WOODSIDE

Tel: 01463 79410  
Mobile: 07760 19514  
Email: info@mrhdesign.co.uk  
Web: www.mrhdesign.co.uk

**DO NOT SCALE. IF IN DOUBT PLEASE ASK**

Client: Mr & Mrs A Stevens  
Project: 1 Broadstone Park Inverness IV2 3JZ  
Description: Proposed Extension  
Scale: 1:100 @ A2  
Date: April 2019  
Drawn By: MRH

Project No: 2017-61  
Drawing No: 17-61-MRH-20

# PROPOSED - 1 BROADSTONE PARK



**1** South East Elevation  
1: 100



**2** North West Elevation  
1: 100



**3** North East Elevation  
1: 100



**4** South West Elevation  
1: 100



**MRH design**  
architectural technology

THE STUDIO  
 No 9 Heights of Woodside Westhill Inverness IV2 5TH  
 Tel/Fax: 01463 794410  
 Mobile: 07760 195141  
 Email: info@mrhdesign.co.uk  
 Web: www.mrhdesign.co.uk

**DO NOT SCALE, IF IN DOUBT PLEASE ASK**  
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to client.

Client

**Mr Andrew Stevens**

Project

Side Extension

Address

1 Broadstone Park, Inverness, IV2 3JZ

Scale	1 : 100	Project No.	2017-61
Date	July 2019	Drawing No.	
Drawn by	KH		2017-61-MRH-100

rev. a

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