

Agenda Item	6.5
Report No	PLS-20-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 22 March 2022
Report Title: 21/05313/FUL: Mrs Maryjane Mackay
46 Kenneth Street Inverness IV3 5DH
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erect extension
Ward: 13 – Inverness West
Development category: Local

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of an extension to the rear of the semi-detached house.
- 1.2 There is no known infrastructure on the site.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: None.
- 1.5 Variations: Updated plan details

2. SITE DESCRIPTION

- 2.1 The house is located on the east side of Kenneth Street in the central part of Inverness. The house is a semi-detached stone building. The house is placed in the middle of the block of housing between Greig Street to the north and Duncraig Street to the south. To the east of the back garden is a parking area associated with the small modern terrace of Duncraig Court.
- 2.2 The house is 1¾ storeys with a slate covered traditional pitched roof. The building has a T-plan form, with a projection to the rear gardens of both No.46 and 44.
- 2.3 The original stone building has a modern single storey rear extension onto this T-plan at No.44 which projects out approximately 5.1m from the original house gable into its garden. This has a harled wall with a hipped concrete tile roof.
- 2.4 The application site, No.46, has a small and much older 'extension' onto this T-plan, measuring 1.9m deep x 4.2m wide across the kitchen. It is unclear whether this was part of the original building, perhaps being a store/coal shed or toilet when originally built. It has a monopitch slate roof and is currently a utility room.
- 2.5 The rear garden of the house varies in length between approximately 10.5m and 15.5m, with a width of between 3.5m and 8m. The garden can be accessed direct from Kenneth Street. There is an existing small domestic shed in the northern corner of the garden.
- 2.6 The garden is enclosed by a mix of original stone walls and modern fencing which vary in heights of between approximately 1.5m to 2m.
- 2.7 The neighbouring house to the north, No.48, is also 1¾ storeys, although does not have the same T-plan projection as No.46. However, it has been extended into the rear garden with a modern single storey extension across the full rear elevation.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised: No

Date Advertised:

Representation deadline: 06.01.2022

Timeous representations: 6

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Design and over-development of site
- Loss of amenity and privacy

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.

5. CONSULTATIONS

5.1 None

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

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

No specific policies apply.

6.3 **Highland Council Supplementary Planning Policy Guidance**

House Extensions and Other Residential Alterations 2015

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (as amended December 2020)

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) design and over-development of site
 - c) loss of amenity and privacy
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The site is located within the Settlement Development Area of Inverness in an established residential area, with Kenneth Street (the A82) providing one of the main routes around the western side of the city. The house faces onto this busy route, while the rear garden, within which the extension is proposed, is a private enclosed space, similar to those of the neighbouring housing to the northwest, southeast and east.
- 8.5 The Inner Moray Firth Local Development Plan has no specific policies that are relevant to the application site.
- 8.6 Policy 28 Sustainable Design of the Highland-wide Local Development Plan assesses proposals on the extent to which they impact on individual and community residential amenity; and demonstrate sensitive siting and high quality design in keeping with local character, and in making use of appropriate materials; and do not have a significantly detrimental impact on individual and community residential amenity.
- 8.7 Policy 29 of the Highland-wide Local Development Plan seeks to ensure that development is designed to make a positive contribution to the architectural and visual quality of place.
- 8.8 The development is for a single storey projecting sun lounge to the northeast (rear garden) elevation of the semi-detached house.
- 8.9 Providing that the design of extension is compatible with the character of the building and appropriate to the location and that the use would not be significantly detrimental to amenity, the proposal would comply with the Development Plan.

Design and over-development of site

- 8.10 The extension design has a simple rectangular plan form, with a square-gabled pitched roof. This projects from the rear of the main house, off a small utility room. It would be separated from the modern extension on the rear of No.44 (the other

half of the building) to the south east by a gap of approximately 1m of garden. There would be a separation of around 2.5m from No.48 to the northwest.

- 8.11 The scale of the extension has a relatively modest footprint of 5.3m x 4.6m and is 4.6m high. The proposed external finishes include slate to match the roof of the house, an off-white wet dash to the walls, and grey uPVC windows. The extension has windows/glazed doors to the northwest and northeast elevations, with a solid wall to the southeast. The design and proposed external finishes are considered to be complimentary to the existing building.
- 8.12 The overall plot has an area of approximately 226sqm. The existing house has a footprint of 89sqm, and the proposal is 24sqm, giving a resultant building footprint of 113sqm. Accordingly, around 50% of the plot would be built on. This would leave a modest, but useable, outdoor garden space.
- 8.13 The other part of the building at No.44, which has also been extended, has a footprint of 116sqm, and a garden of 220sqm. Accordingly, around 52% of its plot has been built on.
- 8.14 Therefore, the proposed extension at No.46 would give a building footprint to plot ratio of very nearly the same as that existing at No.44 adjacent. These are close to the maximum plot ratio identified by the House Extensions and Other Residential Alterations 2015 Supplementary Guidance.
- 8.15 The house to the northwest at No.46 has also been extended, resulting in around 37% of its plot having been built on.
- 8.16 In this context, it is not considered that the plot will be over-developed.

Loss of amenity and privacy

- 8.17 The rear garden is enclosed by a mixture of modern fencing, stone walls, and the walls of the extension at No.44. This provides privacy and amenity to both the application site and the neighbouring houses at No.44 and No.48.
- 8.18 The extension of the house will introduce a new feature to the rear garden. This is part-glazed facing towards the 1.8m high boundary fence with No.44 to the northwest. However, the height of this fence is such that direct intervisibility between the gardens, or between the proposed extension and the garden of No.44, cannot be achieved. While there will be some impact on the individual amenity of No.44, particularly during any construction period, it is not considered that there will be a significantly detrimental residential amenity impact, either during construction, or longer term, post-construction.
- 8.19 The proposed extension is considered to have a relatively minimal impact on the amenity or privacy of No.48 to the southeast, due to the size and scale of its own rear extension, whose wall and fencing form part of the boundary between the two houses.

Other material considerations

8.20 None

Non-material considerations

8.21 None

Matters to be secured by Section 75 Agreement

8.22 None

9. CONCLUSION

9.1 The proposal is to erect a single storey extension within the rear garden area of a semi-detached house.

9.2 The extension design and use of materials are considered to be complementary and subservient to the existing house. Within the context of the overall building (No.s 44 and 46), the extension is not considered to represent an over-development of the plot, and it is noted that the resultant overall land take is similar between the two plots.

9.3 The application garden, and the adjacent gardens, are relatively well screened by existing walling and fences, and it is not considered that this screening would be significantly altered or changed as a result of the proposal. Accordingly, the established amenity and privacy afforded to neighbouring properties is not considered to be significantly impacted by the development.

9.4 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

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application.

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.

INFORMATIVES

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.

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.

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.

Flood Risk

It is important to note that the grant 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.

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_f_or_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 for more information.

Environmental Health

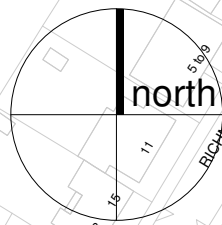
The development must comply with the Food Safety (Scotland) Regulations 2006 and the Health and Safety at Work etc. Act 1976. For advice on the above regulations please contact Environmental Health Service email: envhealth@highland.gov.uk.

Protected Species – Halting of Work

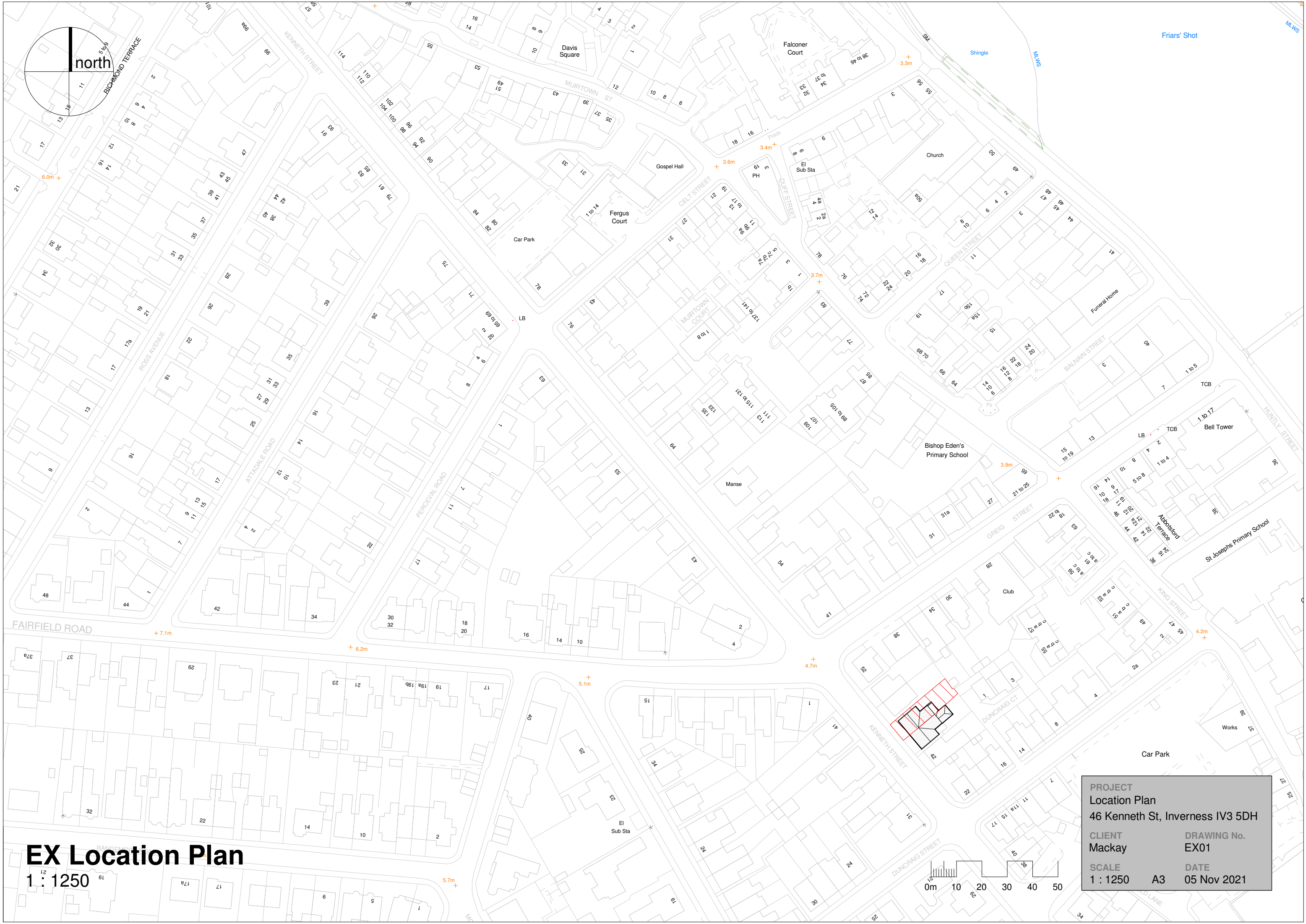
You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>.

Signature: David Mudie
Designation: Area Planning Manager - South
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location plan EX01
Plan 2 – Proposed site layout plan PL02
Plan 3 – Proposed floor elevation plan PL03
Plan 4 – Existing site plan EX01
Plan 5 – Existing floor/elevation plan



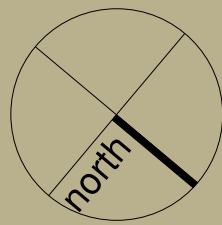
Friars' Shot



EX Location Plan

1 : 1250

PROJECT	
Location Plan	
46 Kenneth St, Inverness IV3 5DH	
CLIENT	DRAWING No.
Mackay	EX01
SCALE	DATE
1 : 1250	A3 05 Nov 2021



31

33

35

37

39

41

KENNETH STREET

8.1 m or thereby

42

44

46

48

50

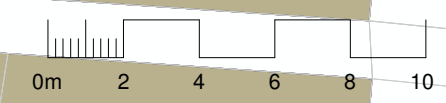
52

28.2 m or thereby

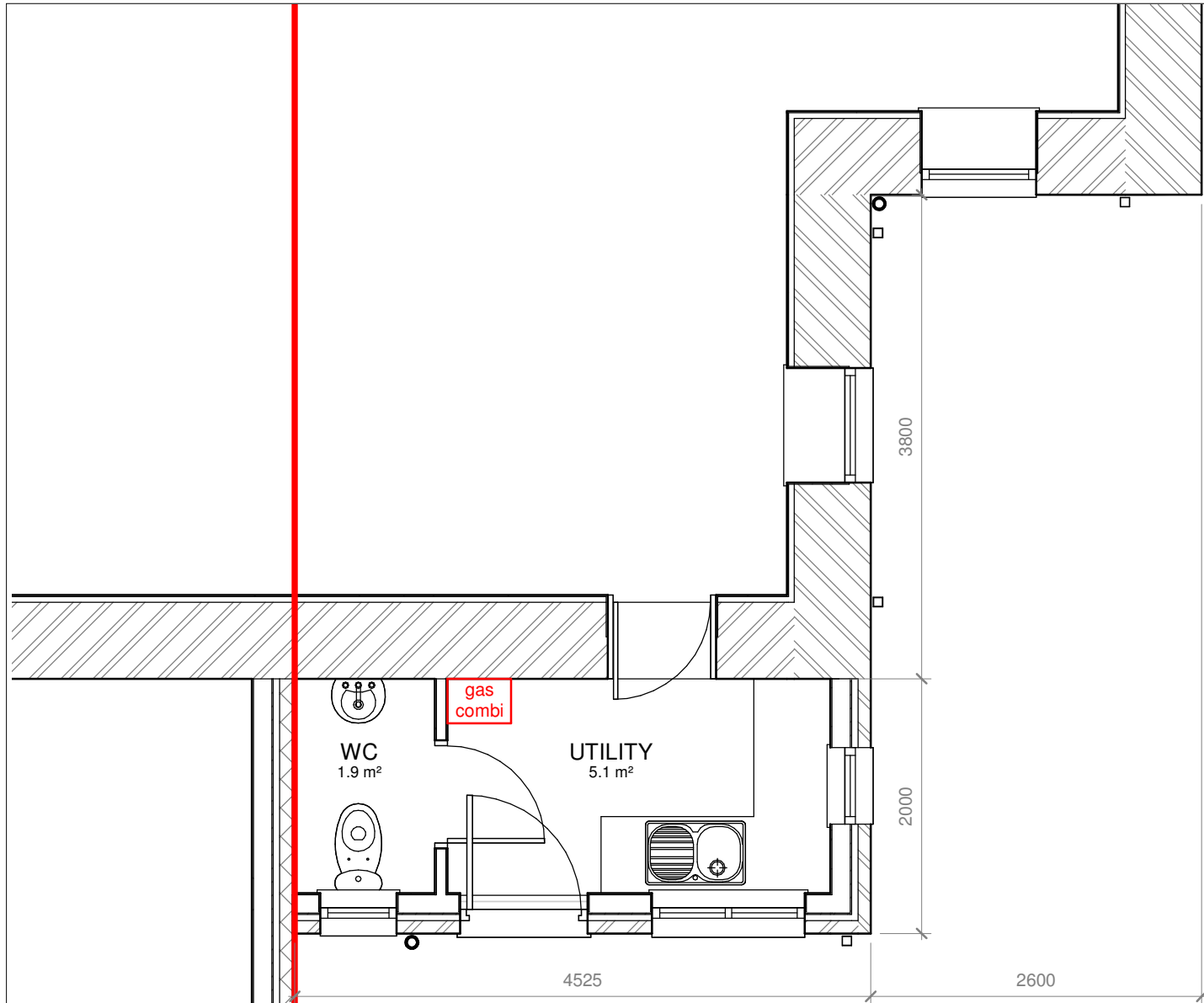
GREIG STREET

EX Site Plan

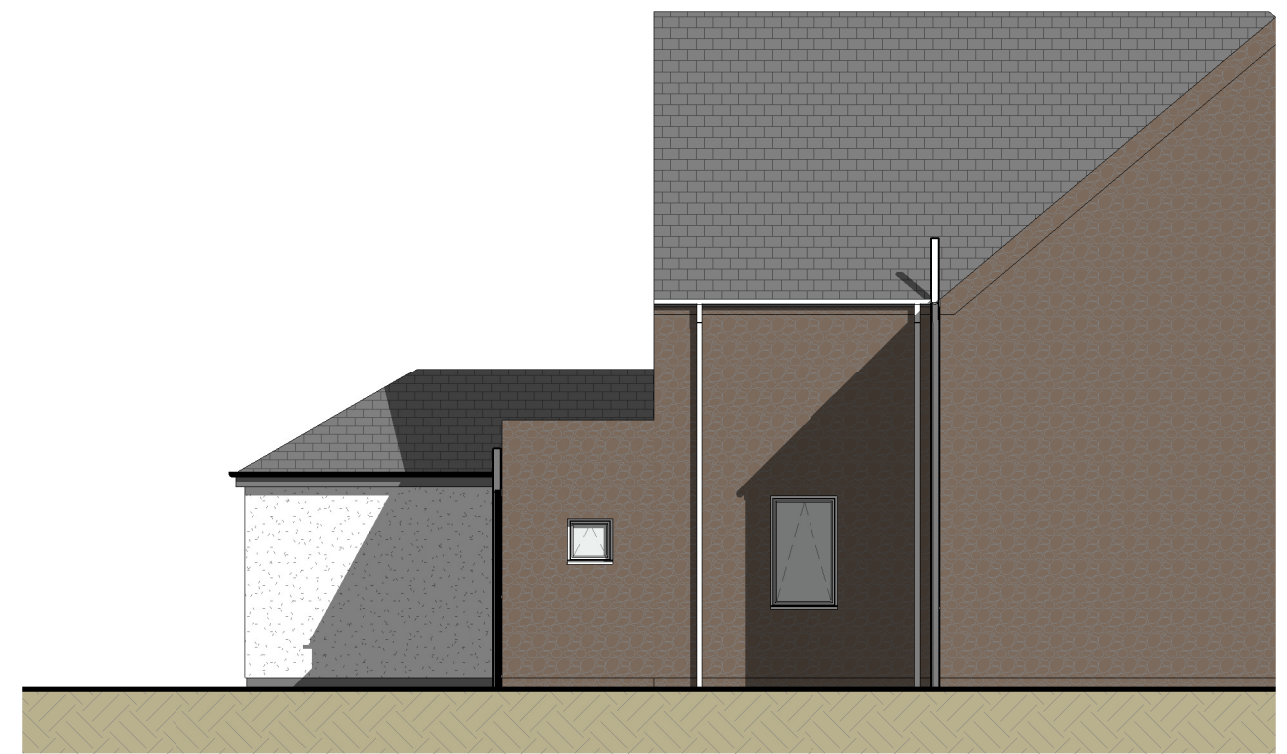
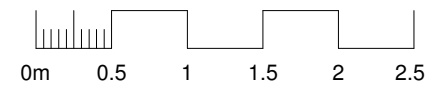
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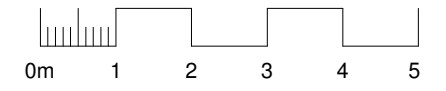
PROJECT	
Site Plan	
46 Kenneth St, Inverness IV3 5DH	
CLIENT	DRAWING No.
Mackay	EX02
SCALE	DATE
1 : 200	A3 05 Nov 2021



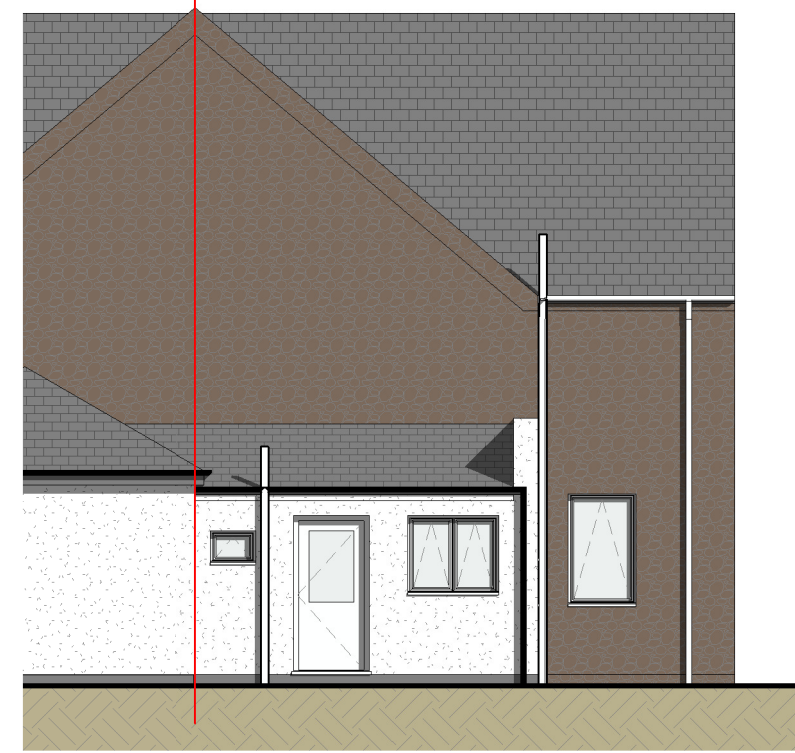
EX Ground Floor Plan
1 : 50



EX NE Elevation
1 : 100

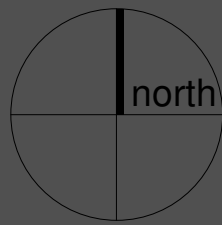


existing finishes
 roof | slate @ 40°
 fascia & soffits | none
 doors & windows | white timber
 walls | stone



EX NW Elevation
1 : 100

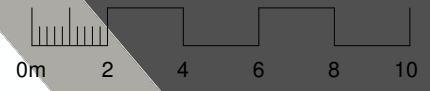
PROJECT	
Elevations & Plan	
46 Kenneth St, Inverness IV3 5DH	
CLIENT	DRAWING No.
Mackay	EX03
SCALE	DATE
As indicated A3	05 Nov 2021

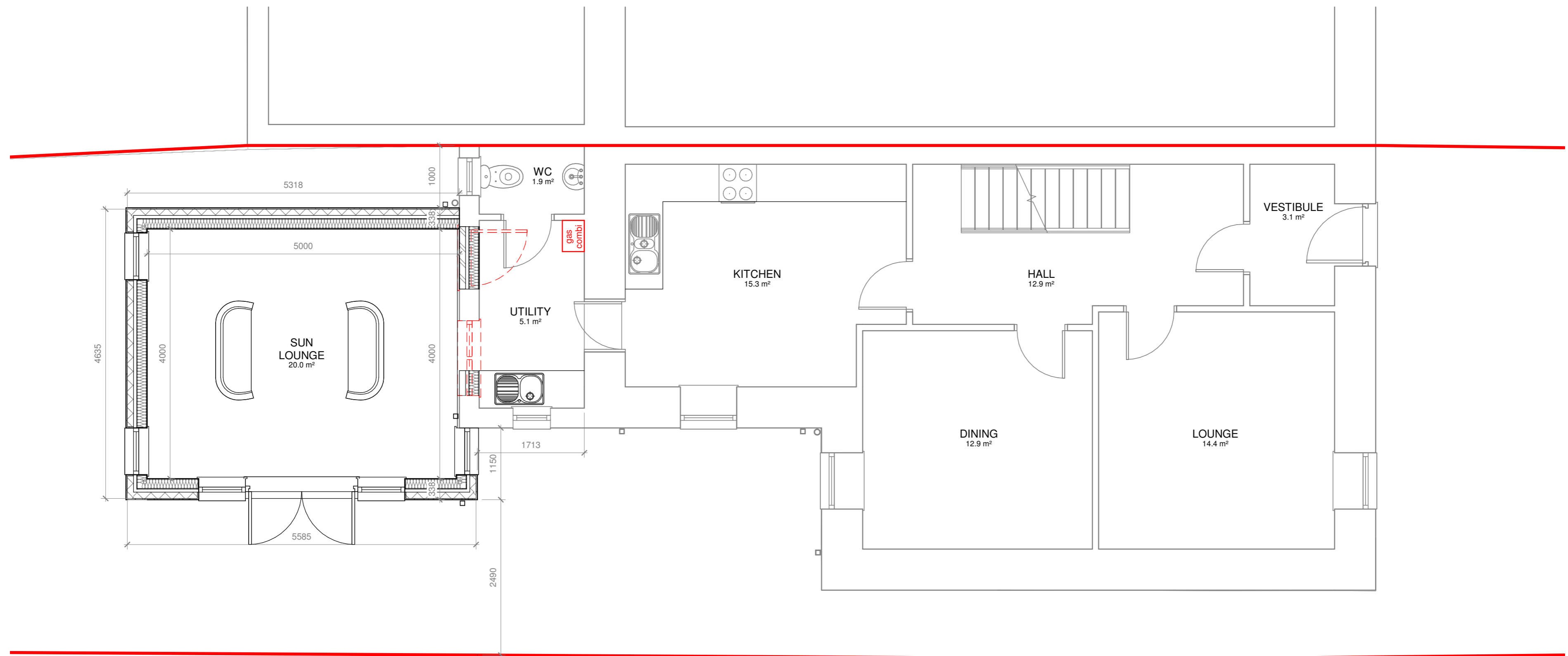


PL Site Plan

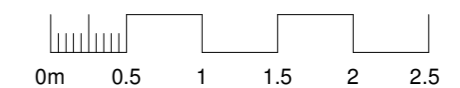
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PROJECT	
Site Plan	
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CLIENT	DRAWING No.
Mackay	PL02
SCALE	DATE
1 : 200	A3 05 Nov 2021

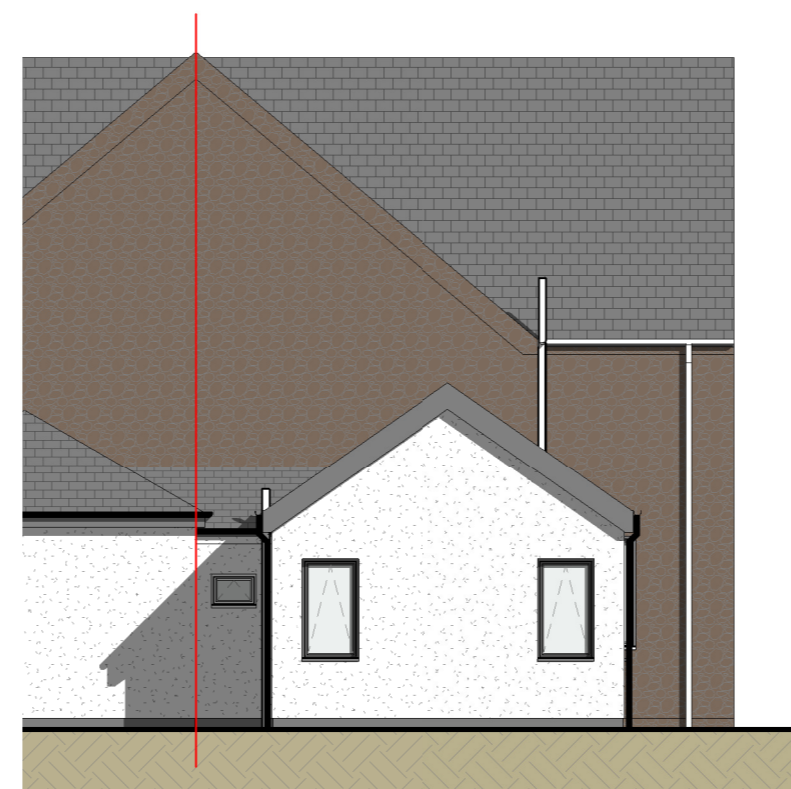
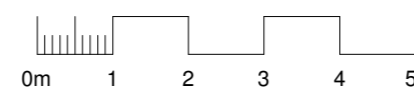




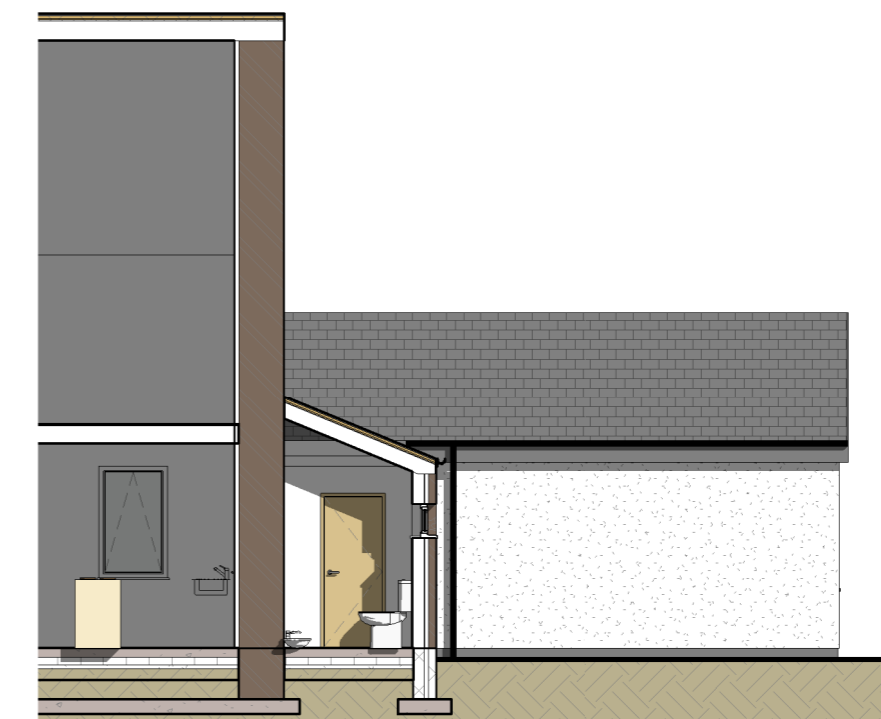
PL Ground Floor Plan
1 : 50



PL NE Elevation
1 : 100



PL NW Elevation
1 : 100



PL SE Elevation
1 : 100

proposed finishes
 roof | slate @ 35°
 fascia & soffits | grey uPVC
 doors & windows | grey uPVC
 walls | off-white wet dash

PROJECT	
Elevations & Plan	
46 Kenneth St, Inverness IV3 5DH	
CLIENT	DRAWING No.
Mackay	PL03
SCALE	DATE
As indicated	A2 05 Nov 2021