

Agenda Item	6.6
Report No	PLS-34-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 28 April 2022

Report Title: 21/00770/LBC: Brian Rizza
Blairlomond, 11 Drummond Crescent, Inverness IV2 4QW

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of extension to garage

Ward: 15 – Inverness Ness-Side

Development category: Local

Reason referred to Committee: Area Planning Manager's discretion

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

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for an extension to the existing single-storey garage-block that sits to the rear/north-east of the villa known as Blairlomond.
- 1.2 This application deals solely with matters pertaining to the listed building designation of the site. General planning issues, and issues outwith/adjacent to the site, are assessed within the associated planning application - 21/00769/FUL.
- 1.3 Pre-Application Consultation: None.
- 1.4 Supporting Information: Design Statement, site photos, statement on boundary-line.
- 1.5 Variations: infill fence removed from proposal, amended drawing received 05.11.2021.

2. SITE DESCRIPTION

- 2.1 Blairlomond is a large B-listed villa which sits within extensive mature garden grounds, roughly triangular in shape; this is bounded to the west by Drummond Crescent, to the east by Merlewood Road, and backs onto the properties in Drummond Circus to the north. The existing garage-block sits to the rear/north-east of the villa, close to the boundary with the rear gardens of 22 and 24 Drummond Circus (note that No.24 is often mapped as No.23).
- 2.2 The site and adjacent houses are within Inverness Riverside Conservation Area.
- 2.3 Blairlomond is mostly screened from outward visibility by the many mature trees in the garden. The existing garage-block is however visible from within Drummond Circus, as it sits adjacent to the northern boundary and is on an elevated ground-level.
- 2.4 The existing garage building is (approximately) 15.35m wide by 7m deep, 2.6/3.3m to eaves/ridge. The roof has a natural slate finish, with stonework to the frontage and terracotta-pink coloured render to sides and off-white render to rear. The frontage houses three garage doors (yellow) with a central-bay gabled-frontage.
- 2.5 The boundary previously was formed by a blockwork wall (on the neighbour's side) approximately 1m tall. The boundary between the application site and 24 Drummond Circus is currently a matter of contention, with the submitted plans being disputed for their accuracy by No.s 22 and 24. This boundary has previously been the subject of a high hedges dispute; see 3.3 and 8.11.

3. PLANNING HISTORY

- 3.1 27.03.2001 00/01070/FULIN Garage outbuilding Planning Permission Granted
- 3.2 04.12.2018 HHA-270-7 High Hedges (Scotland) Act High Hedge

		Appeal [Highland Council High Hedge Notice 17/00007/HH]	Notice confirmed
3.3	15.01.2021	20/00769/FUL and 20/00770/LBC Extension of garage	Application withdrawn
3.4		21/00769/FUL Erection of extension to garage	Pending consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Listed Building Consent

Date Advertised: 26.03.2021

Representation deadline: 16.04.2021

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) The scale of the proposal is excessive (individually and cumulatively with the existing garage) and is industrial in nature.
- b) The proposal brings the structure too close to the listed building, adversely affecting the setting.
- c) The siting of the proposal does not allow access for maintenance at the rear.

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 Historic Environment Scotland: "We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance."

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 & Place-making

34 - Settlement Development Areas

57 - Natural, Built & Cultural Heritage

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

No site-specific policies, refer to HWLDP

6.3 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Inner Moray Firth 2 Proposed Local Development Plan**

No specific policies apply.

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014, revised 2020)
Historic Environment Policy for Scotland (HEPS) May 2019
Historic Environment Circular 1 (June 2016)
Historic Environment Scotland – Managing Change in the Historic Environment
Guidance Note Series
Inner Moray Firth 2 Proposed Local Development Plan

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.

8.2 Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, "In considering whether to grant listed building consent for any works, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

8.3 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.

Planning Considerations

8.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) the appropriateness of the proposed development within the listed curtilage
- c) the impact upon the setting of the listed house.
- d) The impact upon the curtilage boundary of the listed site.

Development plan/other planning policy

- 8.5 Development Plan Policy 57 notes a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by the HwLDP. As an application relating to a Category B Listed building, Policy 57.1 states that developments are suitable where they can be demonstrated not to have an unacceptable impact on the protected amenity and heritage resource.

Appropriateness of the proposed development within the listed curtilage

- 8.6 While the existing garage-block itself is not considered to be directly curtilage-listed to the main house (as it post-dates 1948) the proposed extension was considered to be of a scale which constituted a level of development (within a listed building's overall curtilage) which would require assessment via Listed Building Consent.
- 8.7 In terms of architectural design, the proposal is consistent with the existing garage, using its forms, materials and detailing as a template. The scale of the proposed extension, and cumulative scale when combined with the existing building, are however failing to be subservient to the main house, and particularly when set so close to the house/its extension (approximately 7.5/18m). The bulk of the proposal is slightly modulated by dropping its height, but the resultant block is still over 23m long and monolithic in nature.
- 8.8 Blairlmond is a house of considerable scale and bulk, which is also set within very large grounds. Such a house, particularly on such an expansive plot, will typically have ranges of outbuildings for uses incidental to the running of the house; these could be garaging, storage, grounds maintenance or other such uses. While the existing garage does have capacity for at least 3 vehicles, the extension introduces another vehicle space, a garden-store and a covered car-port. The uses are consistent with the site, but to conglomerate them into one long extended building is out-of-character for the site. As noted above, the 23m length (x7m deep) and scale of the extended building is considered to be excessive on the site; in comparison, the original house is (approximately) 15m wide by 11m deep.

Impact upon the setting of the listed house

- 8.9 The impact on the setting of the listed house will be notable, as the extended garage will be closer to the original house, as noted above. The garage, existing and extended, sits to the rear of the house and to the northern side of the site; this makes its visibility in the direct setting of the listed building limited to within the house's curtilage, and indeed the direct impact on the house cannot easily be determined from outwith the site. From within the site however, the garage is visible on the approach up the driveway, from the house and from north and eastern garden aspects. The scale and extended form of the proposal will result in an excessive and incongruous element within the direct setting of the listed building, adversely affecting its heritage character and historic context.

Impact upon the curtilage boundary of the listed site

- 8.10 The existing garage forms part of the curtilage-boundary to the listed site, as does any fencing which may fill the remaining gap. The applicant has erected a timber

fence onto the boundary with No.24 Drummond Circus, which varies in height from 2.84m adjacent the existing garage to 2.42m at the western corner; this may actually be on the property of No.24, depending on where the actual boundary line is located. The erection of a rear/side boundary fence over 2m in height, without planning permission, is contrary to legislation. While significantly lower than the proposed extension, this new fence does however indicate how overbearing and obtrusive the proposal extension will be to the neighbouring amenity. It was expected that the fence would be included within this planning application in order that it be brought into planning control but it has been omitted from the proposal drawing 005 Rev.D, so it is no longer clear what the applicant's actual intentions are. This is likely to result in further action. However, it is clear that the design treatment to the curtilage boundary has not been considered as an element of heritage importance; the extension to the garage, with its blank and featureless wall, is a poor contribution to this.

Non-material considerations

- 8.11 The following issues are not a material planning consideration for this Listed Building Consent but have been considered as such under the associated Planning Application (21/00769/FUL).
- a) impact on the residential amenity of No.24 Drummond Circus
 - b) extension is too close to the boundary with No.24, oppressive
 - c) proposal is too large for the site, for a residential area, and is higher than the houses in Drummond Circus
 - d) proposal will incur structural instability on the raised ground at the boundary
 - e) proposal will adversely affect the root area of the adjacent mature trees
 - f) proposal is inappropriate for the Conservation Area
 - g) rainwater run-off from the proposal's roof
 - h) High-Hedge Act appeal result stated a level of 2m height was acceptable, which the proposal exceeds; the re-instated 2m high fence is adequate for the applicant's privacy
 - i) alternative sites are available within the wider garden
 - j) impact on red squirrels
 - k) lack of maintenance access

Matters to be secured by Section 75 Agreement

- 8.12 None

9. CONCLUSION

- 9.1 The proposal is for the extension of the single-storey garage-block, effectively doubling the length of the block to 30m along the northern boundary of the garden with No.23 Drummond Crescent.
- 9.2 The scale, massing, design and placement of the proposed extension, and

cumulative scale, massing, design and placement, when combined with the existing building, are not considered to be subservient to the main house, and particularly when set so close to the house. The scale of the extended building is considered to be excessive on the site; particularly in comparison with the relatively small footprint of the original house.

- 9.3 The proposed extension to the garage is not considered to have special regard to the desirability of preserving the setting of the Category B Listed building [residential villa, Blairlomond, 11 Drummond Crescent] or its setting, as required by s59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, due to its scale, massing, design and placement within the grounds. Similarly, the treatment of the curtilage-boundary has not been adequately considered.
- 9.4 Furthermore, the proposal does not demonstrate that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Inverness Riverside Conservation Area, as required by s64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, due to its scale, massing, design and placement within the grounds.
- 9.5 Accordingly, the proposal is not considered to accord with the Highland Wide Local Development Plan policy 28 Sustainable Design as it does not demonstrate sensitive siting and high-quality design in keeping with local character and historic environment; or policy 57 Natural Built and Cultural Heritage, due to its unacceptable impact on the heritage resource of the area.
- 9.6 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 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	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N

Revocation of previous permission N

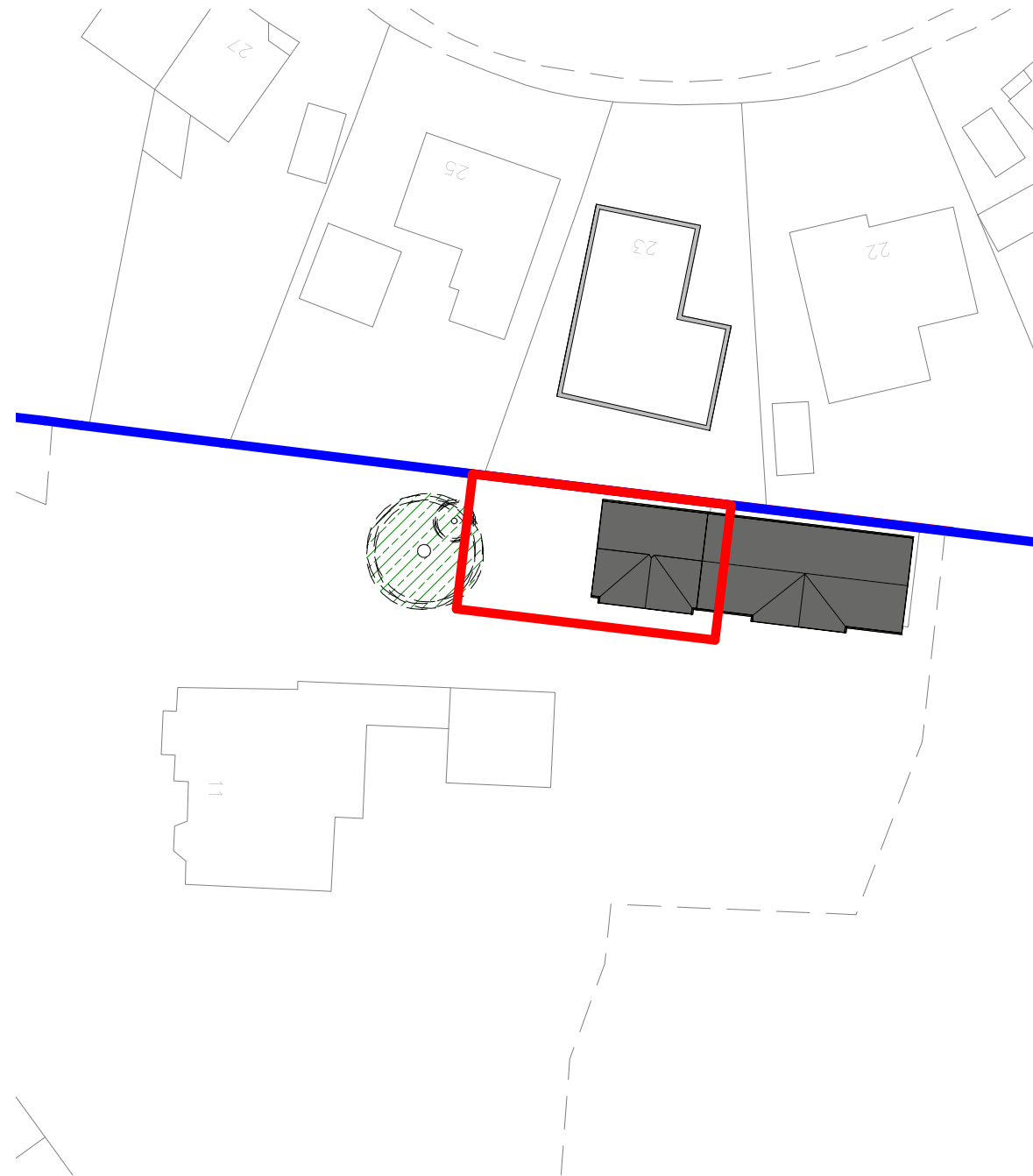
Subject to the above, it is recommended that the application be **REFUSED**, for the reasons set out below.

Reasons for Refusal

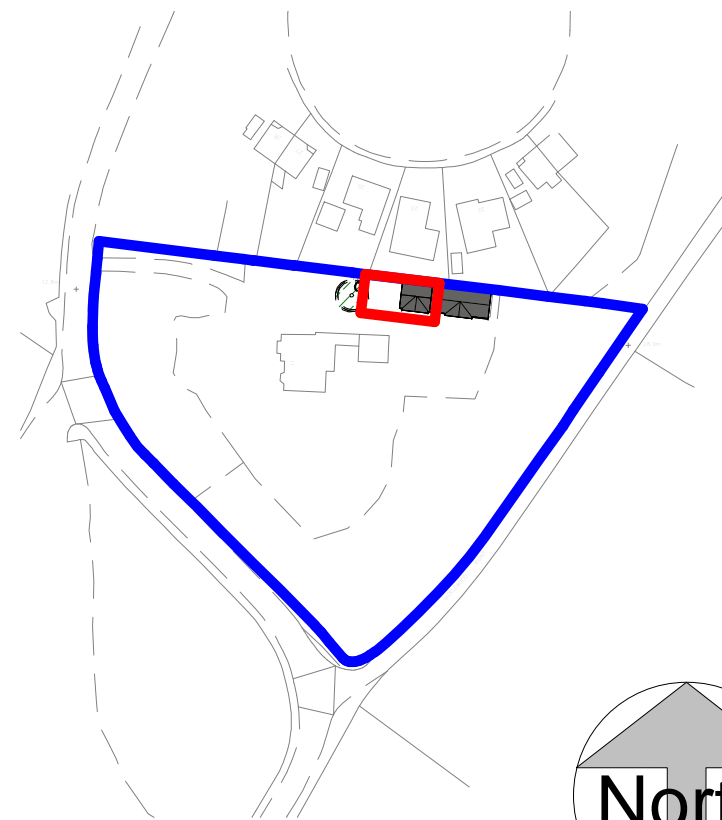
1. The proposal will adversely affect the setting of the Category B Listed residential villa (Blairlomond, 11 Drummond Crescent) and the historic character of the wider curtilage site, with its inappropriate cumulative scale, massing, bulk, design and site placement, as well as its incongruous form and nature, and accordingly does not accord with Policies 28 (Sustainable Design), 29 (Design Quality and Place-making), 34 (Settlement Development Areas) and 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan, 2012.
2. The proposed extension to the garage is not considered to have special regard to the desirability of preserving the setting of the Category B Listed residential villa (Blairlomond, 11 Drummond Crescent) or its setting, as required by s59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, due to its inappropriate cumulative scale, massing, bulk, design and site placement, as well as its incongruous form and nature.
3. The proposal does not demonstrate that it has paid special attention to the desirability of preserving or enhancing the curtilage boundary of the listed building/site, as required by the policies outlined in reasons 1 and 2 above.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Norman Brockie
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 2020 063-000 Location Plan
Plan 2 - 2020 063-001 Plan & Elevations Existing
Plan 3 - 2020 063-005 Rev.D

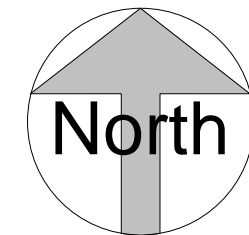
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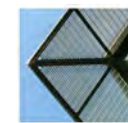
Site
1 : 500



Location
1 : 2000



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No.	Description	Date
A	Extension reduced in length	13.02.21

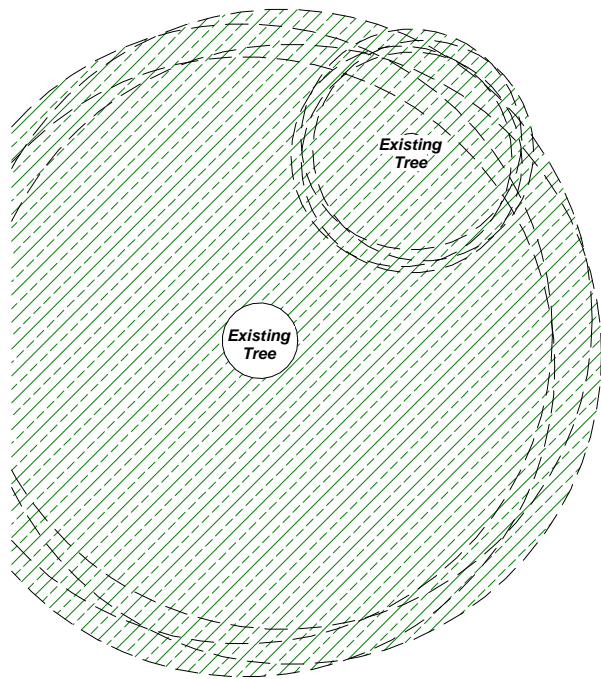
Mr Brian Rizza
 Erection of garage/carport @ 11
 Drummond Crescent, Inverness

Site & Location Plan	
Date	09/09/2020
Drawn by	MB
Scale	As indicated
2020 063 - 000	

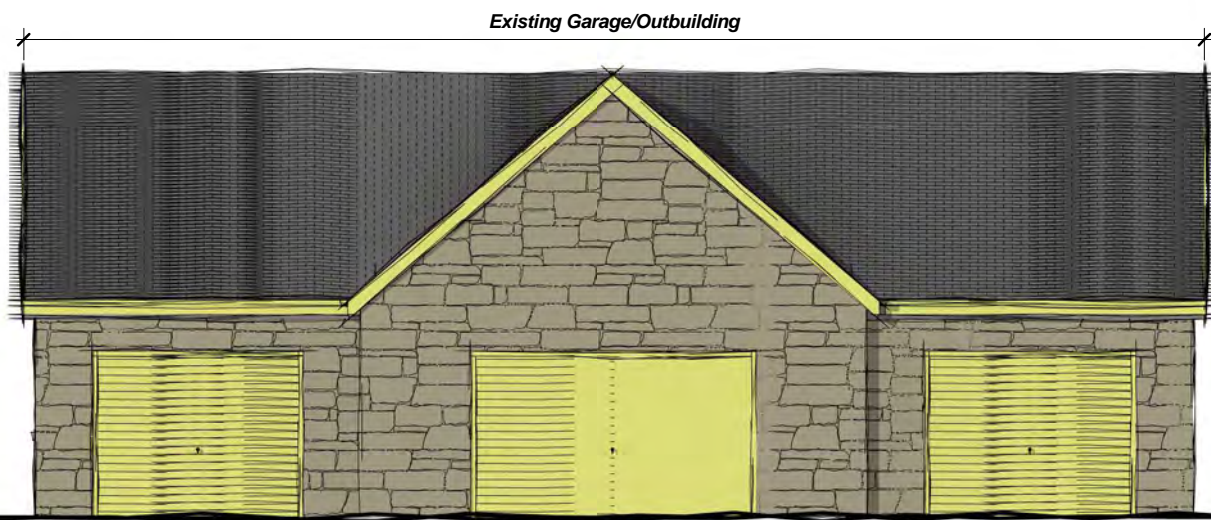
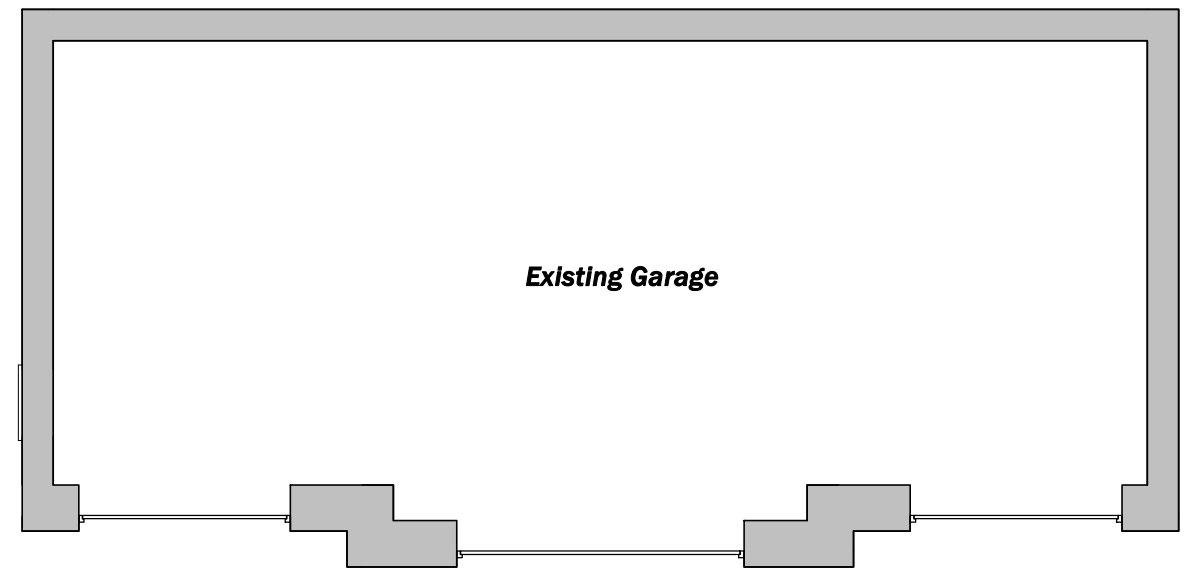
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Ground floor

1 : 100

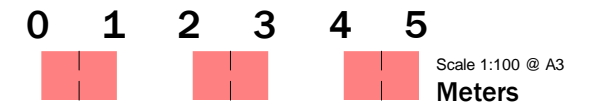


Existing boundary wall Existing boundary wall Existing boundary wall



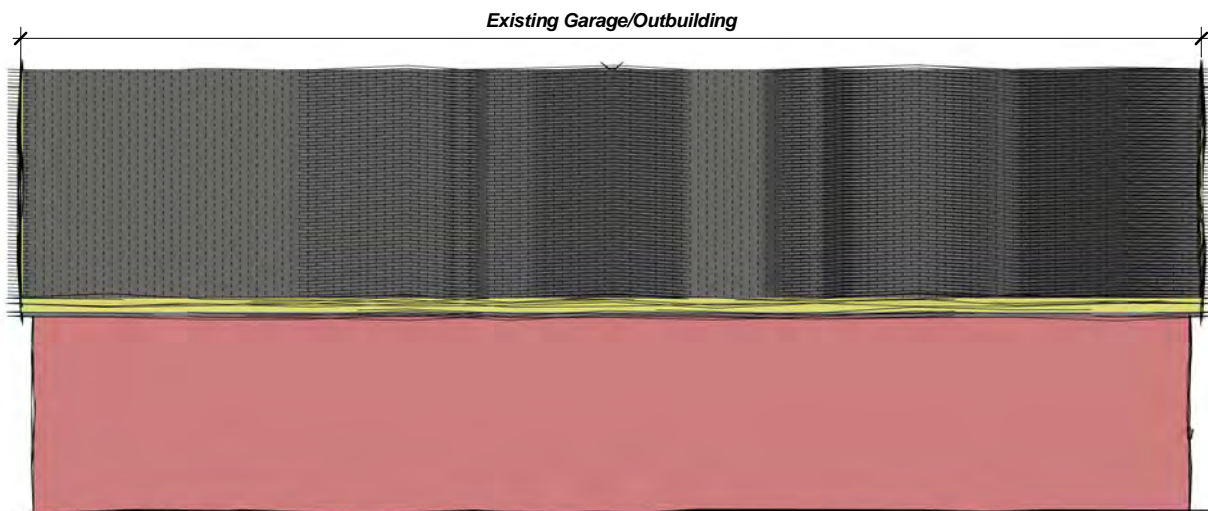
Front

1 : 100



Rear

1 : 100

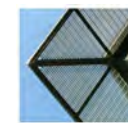


Gable

1 : 100



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No.	Description	Date

Mr Brian Rizza
 Erection of garage/carport @ 11
 Drummond Crescent, Inverness

(existing) GA's

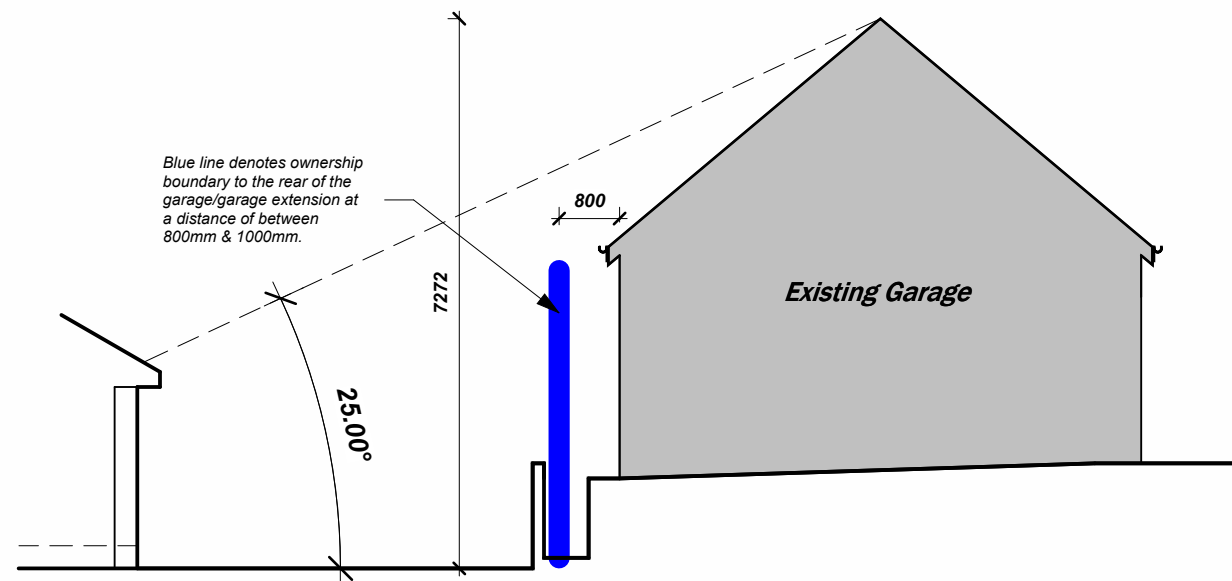
Date	09/09/2020
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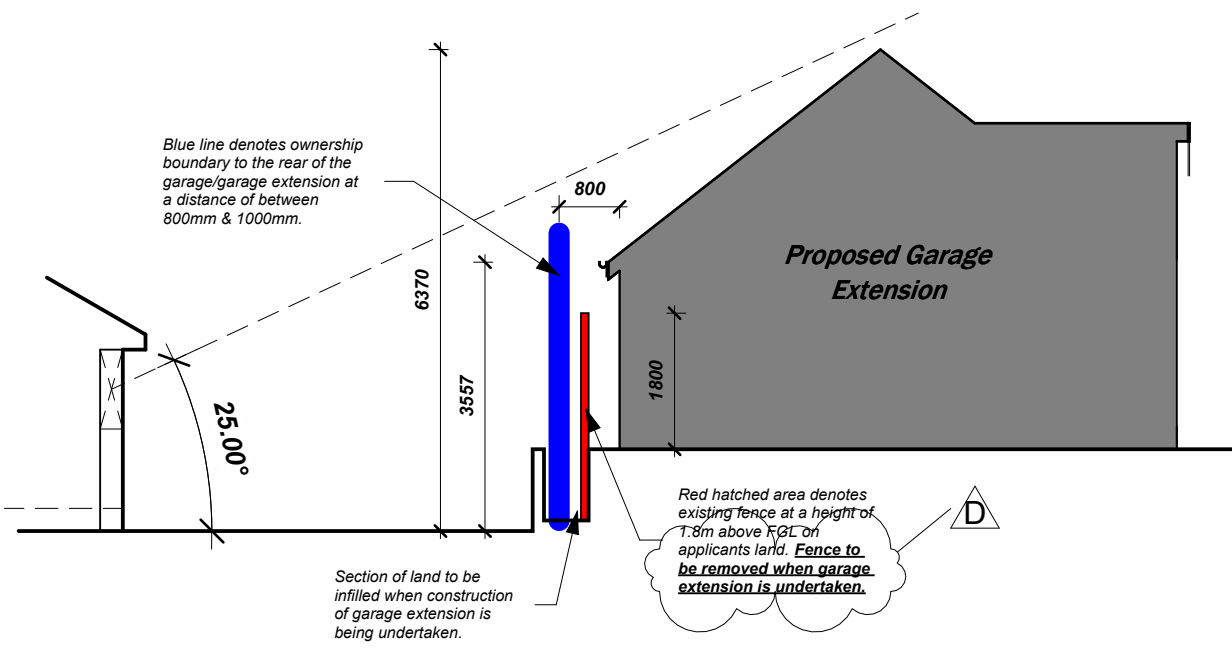
Section Thru Existing

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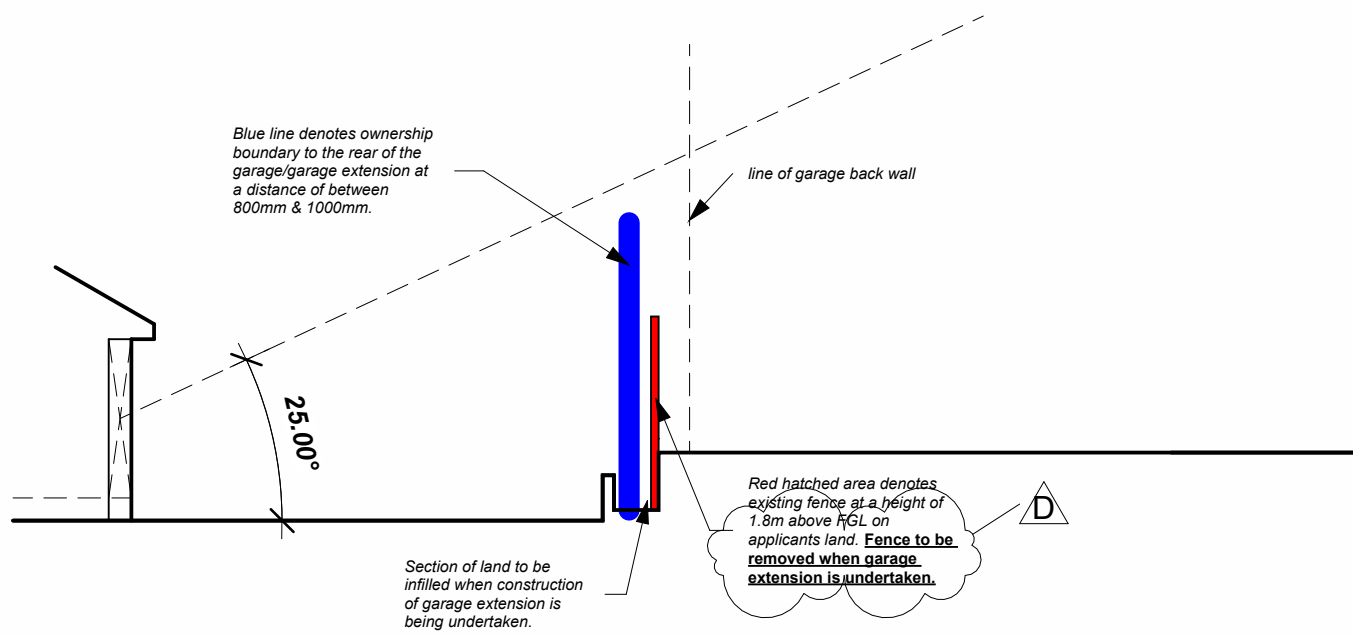
Section Thru Ctr

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Section Thru East

1 : 100



Statement:

Subsequent to the withdrawal of planning references; 20/03470/FUL + 20/03469/LBC, this submission is for a revised design. Alterations as follows;

- (1) - Garage extension reduced in length by half (8m)
- (2) - Garage design to mimic existing garage at a reduced scale with a central gable to the front.

The applicant is seeking this extension to the garage to help house the equipment/machinery required for the upkeep of Blairlmond while also maintaining sufficient space for his vehicles.

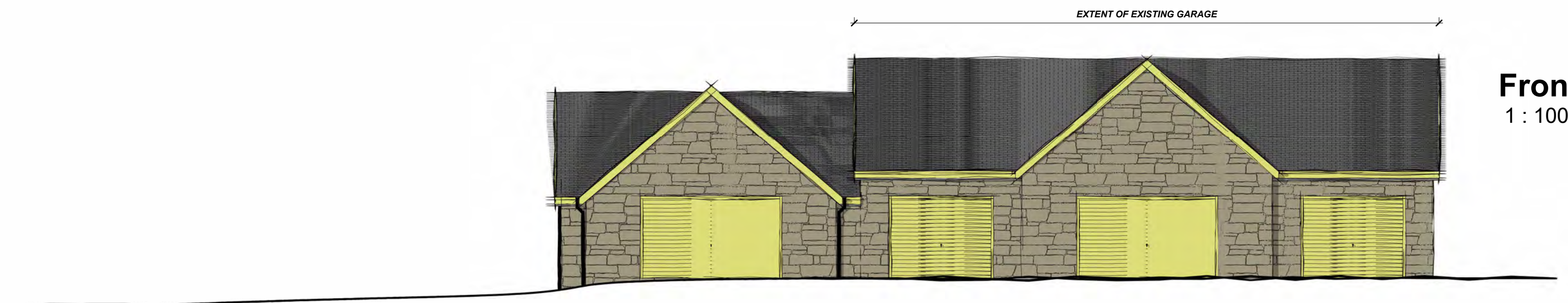
The position of the proposed extension is best suited as shown as there is already the required access to this via the existing driveway. The grounds to Blairlmond are well established and any other location for an outbuilding would have a detrimental impact on both the house and grounds.

The sections provided through the garage demonstrate that the height of the extension complies with the Highland Council guidance on daylighting, where a 25 degree angle is taken from the centre point of the window. (THE HIGHLAND COUNCIL Planning Guidance: House Extensions and Other Residential Alterations - "Reasonable levels of daylight to existing buildings will be maintained where new development is kept below a 25° line from the mid point of an existing window. The centre of the lowest habitable room window is used as a reference point as shown below. If the whole of the development is beneath a line drawn at 25° from the horizontal, then it is unlikely that there will be a significant impact on daylight and sunlight.")

To conclude; the applicant has requirements for additional storage space for equipment used in the upkeep of Blairlmond. Comments regarding scale have been taken into consideration and the extent of the extension has been reduced. The identified best position for any extra outbuilding space is on the existing hardstanding area adjacent to the existing garage, this is to reduce the impact on the established garden grounds and to make use of the existing driveway. It has been demonstrated via the Highland Council's own guidance that the development will not adversely affect the neighbouring properties daylight.

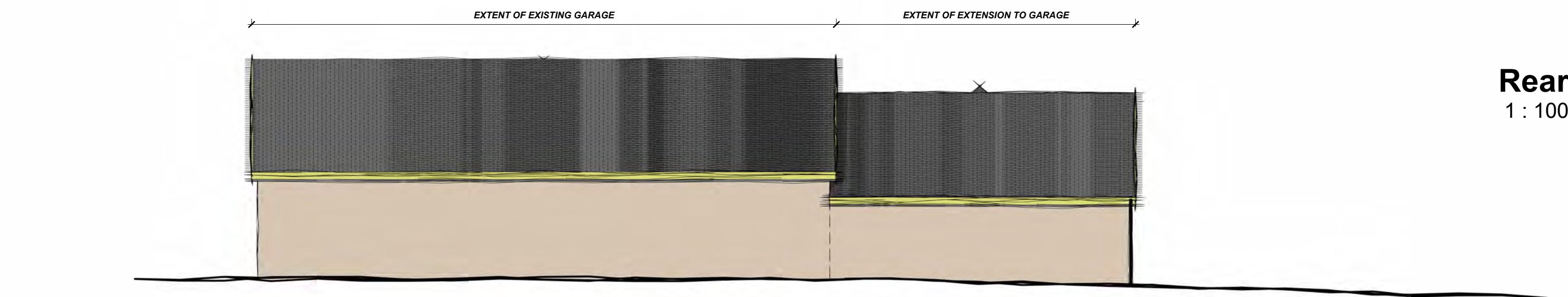
Front

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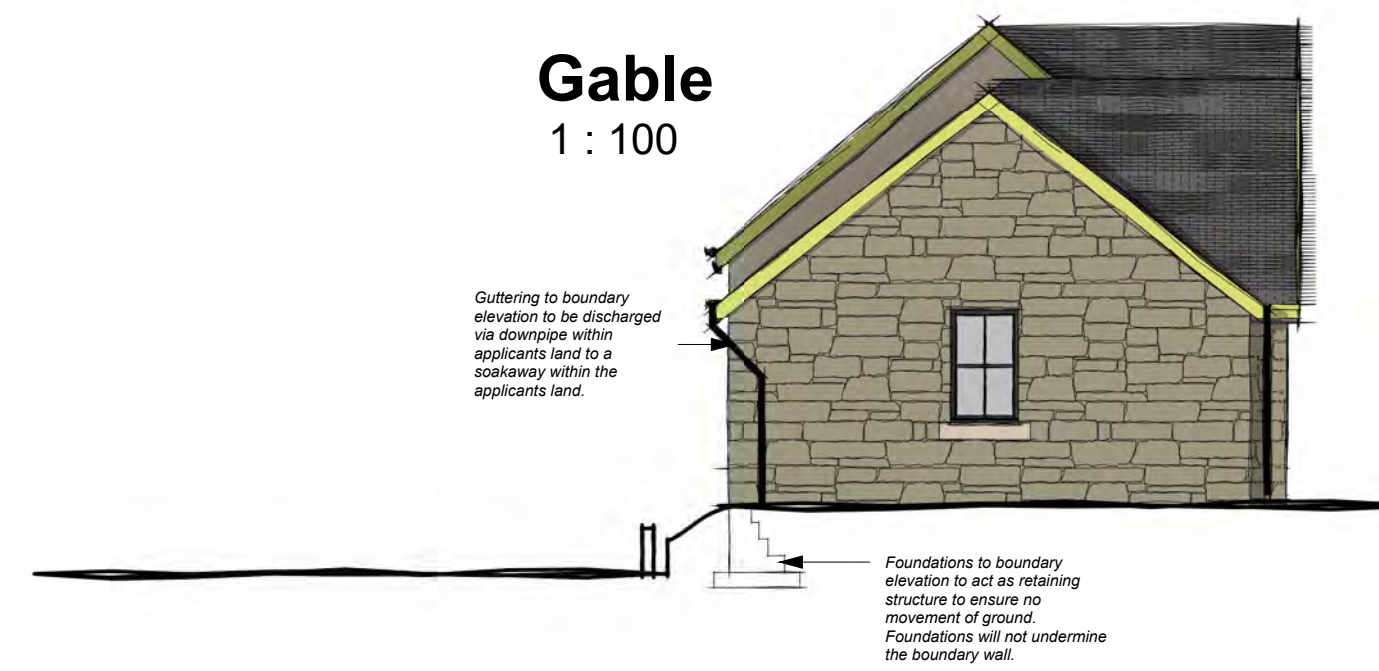
Rear

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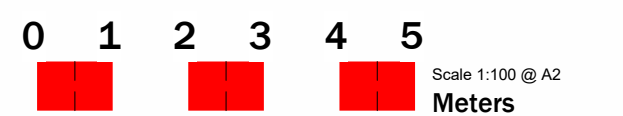


Gable

1 : 100



Material Specification:
 Wall - Vertical timber cladding natural finish.
 - Natural sandstone walls.
 - Wall rendered to match existing.
 Door - Timber door.
 Roof - Grade A slate.
 - Lead ridge and soakers.
 Eaves - Aluminium rainwater goods
 - Painted timber fascia and soffits to match.



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 1 tulloch street, dingwall, IV15 9JY
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No.	Description	Date
A	Height of extension reduced and sections added to demonstrate 25 degree rule complies.	26.10.20
B	Extension reduced in length	13.02.21
C	Notes added per planner comments	23.08.21
D	Fence removed from drawing	04.11.21

Mr Brian Rizza

Erection of garage @ 11 Drummond Crescent, Inverness

(proposed) GA's

Date 09/09/2020

Drawn by MB

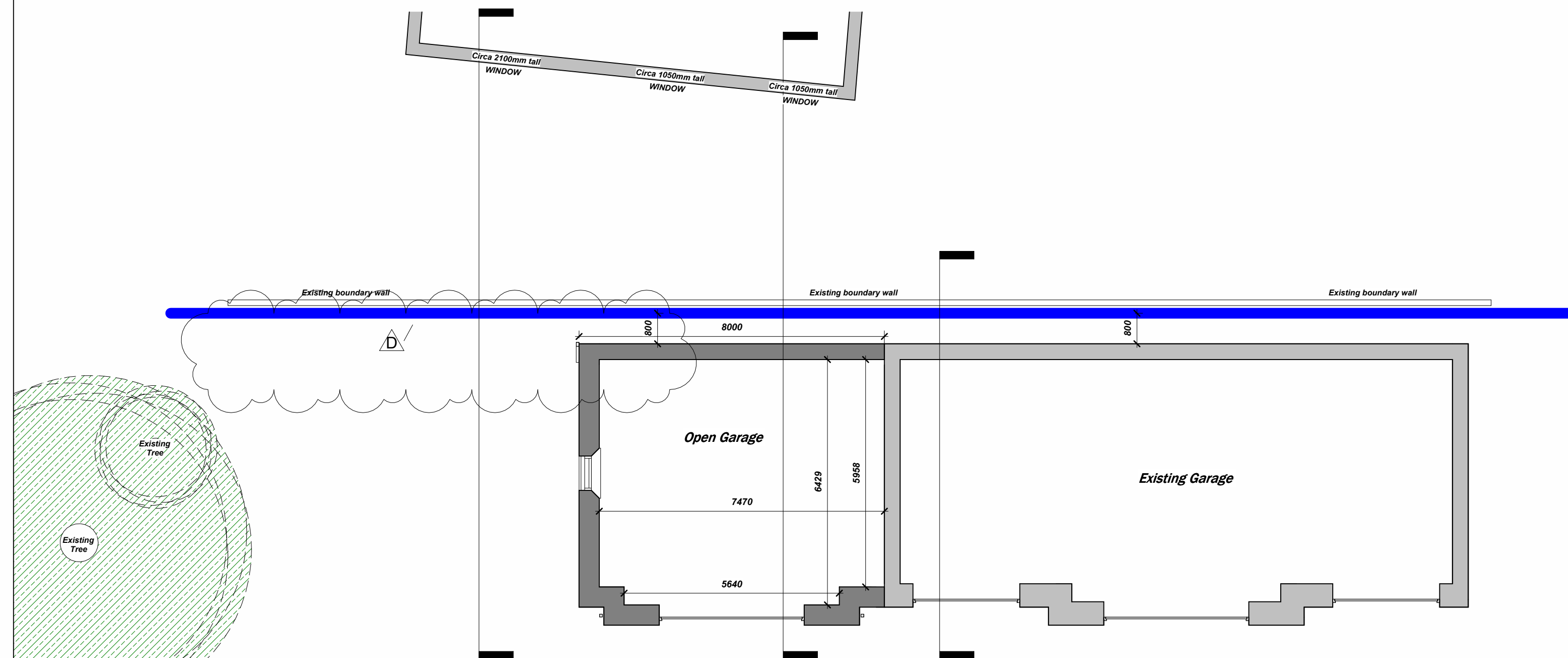
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Ground floor

1 : 100



Title Plan Blair Lomond

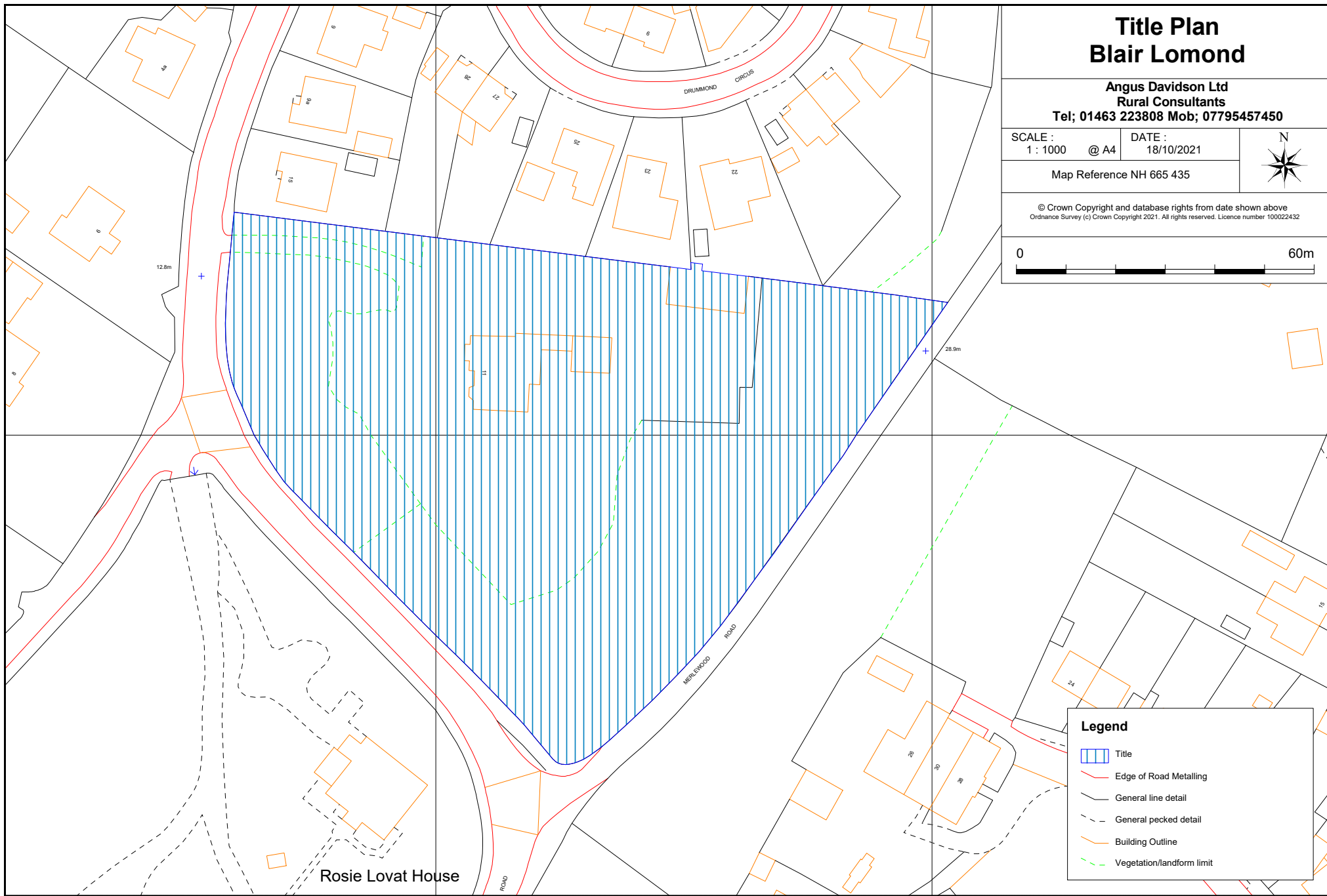
Angus Davidson Ltd
Rural Consultants
Tel; 01463 223808 Mob; 07795457450

SCALE : 1 : 1000 @ A4 DATE : 18/10/2021



Map Reference NH 665 435

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Legend

- Title
- Edge of Road Metalling
- General line detail
- General pecked detail
- Building Outline
- Vegetation/landform limit

Rosie Lovat House