



Appeal Decision Notice

Decision by Martin H Seddon, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2269
- Site address: Blairlomond, 11 Drummond Crescent, Inverness, IV2 4QW
- Appeal by Mr Brian Rizza against the decision by The Highland Council
- Application for planning permission 21/00769/FUL dated 10 September 2020 refused by notice dated 5 May 2022
- The development proposed: erection of extension to garage within curtilage of listed building
- Date of site visit by Reporter: 14 September 2022

Date of appeal decision: 26 October 2022

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 is the Highland Wide Local Development Plan (2012). The relevant development plan policies are policy 28: Sustainable Design, policy 29 : Design Quality and Place-making, policy 34: Settlement Development Areas and policy 57: Natural, Built and Cultural Heritage. The council has also referred to its non-statutory planning guidance on House Extensions and Other Residential Alterations (2015).
2. The main issues in this appeal are the effect of the proposal on the setting of the Category B listed residential villa of Blairlomond, including the siting and design of the proposed extension, impact on the character and appearance of the Inverness (Riverside) Conservation Area and on the residential amenity of neighbours at Drummond Circus.
3. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that In considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions under the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Impact on the listed building, siting and design of the extension

5. Blairlomond (No.11 Drummond Crescent) is a category B listed building, built in ashlar stone around 1850. The description of the building in the listed building record is that it has two storeys, a 3-bay front, centre porch with balustrade; left hand bay advanced and gabled with bay window at ground floor. Venetian window at first floor, right hand canted bay window with balustrade at ground floor, bipartite window with gabled dormer-head at first floor and broad eaves. The house has a later extension.
6. Guidance on the setting of historic assets is contained in the Historic Environment Scotland publication: *Managing Change in the Historic Environment – Settings* (2010). The building is set within substantive gardens and woodland comprising over 9000 square metres. Access is via a driveway from Drummond Crescent. The house has an existing detached garage, set back to the rear of Blairlomond, which was granted planning permission in 2001. The boundaries to the land are mostly undeveloped, with the exception of the existing garage. Immediately to the north of the garage is residential development at Drummond Circus. The setting includes open lawned areas, low trimmed hedges and the long driveway which enable views of the house and its architecture.
7. The existing garage has sandstone walls, and is part rendered with a slate roof. It has a length of around 15.30 metres and a width of approximately 7.37 metres at its widest point. The garage is symmetrical in design with a central gabled element. This central section has a garage door and projects slightly forward of the side parts of the building, which each have garage doors. At the time of my site inspection the central part of the building housed a car with the parts of the building at either side used for storage of equipment and machinery. The appellant states that the extension to the garage is required to store machinery and materials for the upkeep of the gardens associated with the listed building and the building itself.
8. The proposed extension to the garage would be built in matching materials and would have a gabled frontage to match the existing central gable, although its roof ridge would be set down from that of the existing building by around 0.90 metres to make it appear subservient. It would be around 8.0 metres in length by approximately 7.37 metres in depth at its widest point. The gable end wall of the existing garage may be seen in conjunction with the flank wall and front elevation of the listed building when approached near the end of the driveway. There is some screening from trees, but the proposed extension would also be seen in conjunction with the front elevation of the building when viewed from the driveway. The garage extension would be visible from parts of the garden area, introducing additional built form and detracting from the setting of the listed building.
9. Although the garage extension would respect the high quality of the existing garage in terms of its proposed materials and detailing, I consider that the extension would not make a positive contribution to the site's immediate/wider context or minimise the effect on the wider landscape, as contended by the appellant, and would appear as inappropriate development. This is because of the erosion of the attractive symmetrical design of the existing garage building and undue increase in its length and scale which would result from the extension. The extension would add development at the boundary of the site. It would also reduce the separation distance between the garage and the north-east of the rear section of Blairlomond to around 8.0 metres, as estimated by the appellant.
10. The appellant has provided examples of other developments in the area in terms of linear construction and percentage build areas for other garages and outbuildings within the conservation area as a means of demonstrating that the garage 'complex' would be in

keeping in its scale, area, and length with other buildings in the area. Nevertheless, the circumstances of the examples differ from those of the proposal and appeal site and provide insufficient justification to allow the proposal.

11. Therefore, I find that the proposed extension would fail to preserve the setting of the listed building in conflict with policy 57 of the Highland-wide Local Development Plan which seeks to protect heritage resources. The proposed extension would conflict with policy 28 of the Highland-wide Local Development Plan because it would not demonstrate sensitive siting in keeping with the historic environment. It would conflict with policy 29 of the Highland-wide Local Development Plan because it would fail to make a positive contribution to the architectural and visual quality of the place in which it would be located. There would also be conflict with policy 34 of the Highland-wide Local Development Plan which requires proposals to meet the requirements of policy 28 and all other relevant policies in the plan.

Riverside Conservation Area

12. The Riverside Conservation Area includes properties alongside the River Ness corridor stretching from the city centre to Lower Drummond. In terms of its character and appearance it includes detached houses and villas in spacious gardens and linear woodlands, as well as more closely packed infill residential development. Much of the appeal site is screened from public views within the conservation area because of tree cover within the grounds and adjacent dwellings. However, there would be some limited public views towards the extension against the backdrop of trees from Drummond Circus near No.24 and from near its southern junction with Drummond Crescent. There would be a direct view of the rear elevation of the extension from the rear garden of No.24 Drummond Circus and an angled view from the rear garden of No.22 Drummond Circus.

13. The Inverness Conservation Area Character Appraisal (2004) advised that the Victorian Riverside and Victorian suburbs are defined by the quality of the Victorian development in its landscape and riverside setting. It considered that the key strategy in these areas was one of control and this should involve attention to historic detail by ensuring "strict polices to prevent inappropriate infill to or development within gardens". I have found above that the form and scale of the proposed extension would represent inappropriate development within the garden of Blairlmond. Therefore I find that the proposed extension would fail to preserve the character and appearance of the Riverside Conservation Area. Consequently, the proposal would conflict with policy 28 of the Highland-wide Local Development Plan because it would have an unacceptable impact on the Inverness Riverside Conservation Area as a heritage resource.

Living conditions

14. The garage extension would be sited on land which was previously occupied by a row of tall coniferous trees around 15-22 metres in height. These trees were felled and removed by the appellant following an unsuccessful appeal by the appellant against a High Hedge Notice served by the council, and a subsequent decision in the Court of Session following a judicial review on a point of law. A timber fence, described as temporary by the appellant, has been erected by the appellant between the appeal site and No.24 Drummond Circus. No.24 is a bungalow with a relatively small rear garden. I am advised by the appellant that the owners had removed a low wall at the rear of the garden and near the garage extension site after the planning application had been submitted.

15. The appellant has advised that the proposed extension would be sited around 800 mm from the boundary with No.24 Drummond Circus. The actual line of the boundary is in

dispute between the two parties. The owners of No.24 Drummond Circus have also questioned whether adequate foundations may be constructed for the extension and whether there would be sufficient space for maintenance of the building. However, these are matters for resolution between the parties and not for my determination in this appeal.

16. At my accompanied site inspection, I viewed the site for the proposed garage extension from the rear gardens of Nos.24 and 22 Drummond Circus. The site for the extension in the grounds of Blairlomond would be at a slightly higher level than the rear garden of No.24. A small part of the existing garage is next to the rear garden boundary of No.24. The proposal would extend the development for around a further 8 metres alongside the rear garden of No.24.

17. The appellant has advised that the ridgeline of the extension would be at a height of around 2.475 metres from the land at Blairlomond and 6.370 metres from the neighbouring property's land at Drummond Circus. The appellant has demonstrated that the ridgeline of the extension would be below a 25-degree line drawn from the midpoint of the nearest and lowest facing habitable window in the rear elevation of No.24. Therefore, in this respect the proposal would just meet the council's natural daylighting recommendations in the Highland Council Planning Guidance: House Extensions and Other Residential Alterations. Despite this, the rear elevation of No.24 and its rear garden is located almost to the north of the proposed site for the garage extension. The proposed extension would therefore result in the loss of a significant amount of sunlight to part of the rear garden of No.24 throughout most of the day. In this respect the owners of No.24 commissioned their own daylighting assessment which mentioned the additional effect on loss of sunlight from trees in the grounds of Blairlomond near the boundary, and which included the statement that "the development proposal would in fact prevent any sunlight reaching the reference point in the centre of the garden between 8 am and 4 pm at any time of the year", also that "the effect will be exceeded by a couple of hours when surrounding Tree Preservation Orders are taken into account".

18. The council's report to the South Planning Applications Committee dated 28 April 2022 concluded that "the over-bearing and oppressive nature of the proposal is considered to significantly and adversely impact upon the amenity of No.24 Drummond Circus". At my site inspection it was apparent that the proposed garage extension would have a significant detrimental impact on the outlook from the garden and facing kitchen and living room windows in the rear elevation of the bungalow because of its proposed location, height, and proximity. There would be some increase in privacy from the proposed extension for the occupiers of No.24 by partially restricting potential overlooking from the grounds of Blairlomond. However, the resultant benefit would fail to outweigh the harm from the increased loss of sunlight and outlook for the occupiers of No.24.

19. I therefore find that the proposed garage extension would have a detrimental effect on the residential amenity of the occupiers of No.24 Drummond Circus in respect of increased loss of sunlight and increased loss of outlook. Therefore, it would conflict with policy 28 of the Highland-wide Local Development Plan in view of the adverse impact on residential amenity.

Other Matters

20. The council has suggested that it may have been possible to build to the east of, or opposite, the existing garage subject to ground conditions /slopes and mature trees being protected. In relation to alternatives, the appellant contends that there is nowhere on his land that is easily accessible by vehicles etc, which will not detract from the siting of the

listed building or the mature trees (subject to Tree Preservation Order HRC15) existing on site. However, I have no detailed assessment before me to substantiate these views and have determined this appeal based on the plans and proposal refused by the council.

21. The appellant advises that the proposal would use cleared land where trees had been felled, but that would be insufficient reason to overcome the overall harm which I have identified. The appellant also contends that the proposal would help in the ongoing maintenance of the listed building by providing storage for machinery and materials. However, I consider that the proposal would not be the only potential means of achieving such an outcome.

Conclusions

22. I have found above that the proposed garage extension would fail to preserve the setting of the listed building of Blairlmond, would fail to preserve or enhance the character and appearance of the Inverness Riverside Conservation Area and would have a detrimental effect on the residential amenity of the occupiers of No.24 Drummond Circus in respect of increased loss of sunlight and increased loss of outlook.

23. I therefore 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 which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Martin H Seddon

Reporter