

Agenda Item	7.2
Report No	PLS-37-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 June 2023
Report Title: 22/06147/FUL: Mr and Mrs M MacDonald
6 High Street, Lochaline, Oban, PA80 5XR
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Demolition and erection of extension

Ward: 21 – Fort William and Ardnamurchan

Development category: Local

Reason referred to Committee: Community Council objection

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 Planning permission is sought to demolish a single storey lean-to rear extension and construct a two-storey rear extension on the north elevation of a terraced cottage. The property is adjacent and attached to a larger listed building on the SW side, and a property that is similar to the application property (no.7) on the NE side. A separate application for Listed Building Consent is considered in parallel with this application (22/06150/LBC).
- 1.2 The property is a two up and two down dwelling house, with a rear lean-to offshoot. The existing extension provides a kitchen, a store and a bathroom divided by a central back door and lobby. It projects approx. 2.2m from the original back wall of the property. The existing materials are white render finish to the rear wall and corrugated metal sheeting for the lean-to roof. The main roof is natural slate.
- 1.3 The proposed extension would provide a kitchen, dining, utility room and a shower room on the ground floor and 2 ensuite bathrooms serving each of the two bedrooms on the first floor. The proposed extension would project approx. 2.4m from the original back wall, and it would project approx. 0.3m beyond the rear wall of the larger listed property (No.5) adjacent. At present the rear extension runs through, flush with the back of No.5, although there is a wall to eaves height (of the existing extension) which divides the rear yards to nos. 5 and 6. There is a narrow yard at the back of each of the properties in the terrace, and then a single storey outbuilding with a monopitch roof running the length of the terrace. This appears to have been built off a high retaining wall which runs along the rear of the terrace.
- 1.4 No.7 adjacent has a lean-to sun lounge/conservatory running across the rear elevation, and there is a wall dividing the rear yards of nos. 6 and 7 – similar to that separating nos. 5 and 6.
- 1.5 The land rises to the rear (north) and there are steps leading down alongside the outbuilding from a back lane into the rear yard of No.6.
- 1.6 The roof of the proposed extension would be a pitched roof, mirroring but slightly lower (0.3m lower) than the main roof of the application property, and running parallel to it, with a valley gutter in between. This roof would tie into the gable of no.5, the listed property adjacent, and project slightly forward of the rear elevation of that property. There would be 3 pairs of rooflights in the rear roof plane, serving the two ensembles and the landing area between them. The ground floor would have a pair of windows serving the kitchen, 2 single windows serving the utility and the shower room and a sliding patio door serving the dining area, opening onto the rear yard.
- 1.7 Pre Application Consultation: None
- 1.8 Supporting Information: None
- 1.9 Variations: None

2. SITE DESCRIPTION

- 2.1 The property is the second from the far end of a terrace. Nos. 1-5 are listed category B, and there is a non-listed building, the Old Fire Station, now a dwelling, on the SW end of the terrace, nearest the main road. Beyond no.7, there is one more property (no.8) which is detached. The Old Fire Station and nos. 1 to 5 are larger, two storey, white painted properties, nos. 6, the subject property, is lower with dormer windows on the front (south elevation) and a grey render at the front, no.7 appears to be stone, and no. 8 is a white painted single storey property with a slate roof. The existing rear roof plane of the application property has no dormers or rooflights; there is one small centrally placed window on the rear elevation towards the top of the wall hear serving the stairway at the mid-way point where the stairs turn a corner.
- 2.2 There is no parking within the curtilages of any of the properties in the terrace. There is a lane running along the front of the terrace, and these houses each have small front gardens enclosed by iron railings. There is also a lane along the back of the terrace, beyond the rear gardens, which extend behind the rear outbuilding.
- 2.3 The property is within Lochaline, and the terrace is perpendicular to, and on the east side of the A884 on the northern approach into the village. Lochaline is approx. 20 miles south of Strontian and 30 miles from Ardgour. It is at the southern point of Morvern peninsula, and it is the ferry port to Fishnish on Mull. Lochaline has a shop, a hotel and it is a local service centre.

3. PLANNING HISTORY

- 3.1 23.09.22 22/02765/FUL Demolish existing extension and Application erection of replacement extension, 6 High Street, Lochaline Withdrawn

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Development affecting the setting of a listed building

Date Advertised: 19.01.23

Representation deadline: 09.02.23

Timeous representations: 4 (3 neighbours and Morvern Community Council)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) The valley gutter design will be problematical for future maintenance and water will pond against the gable of the adjacent property.
- b) Overshadowing and loss of light to rooms in the rear of both of the neighbouring properties; affecting the neighbouring houses, back yards and gardens due to the extent to which it will project – it will overlap the existing rear elevation of no.5 by 0.5m
- c) Support is given to doing the house up but within the character and size of the existing – the proposal will detract from its existing character
- d) Construction access for vehicles and materials – impact on the private lane

- e) Inappropriate size, design and materials - unclear whether the new roof will be tiled or natural slate to match the existing; design does not support attention to local architectural styles and would impact on the conservation area
- f) The 275 year old building is one of the oldest buildings in Lochaline and the proposal is not sympathetic to the building's history.

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 **Morvern Community Council** – objections listed in 4.2 above.

5.2 **Historic Environment Team:** The building is adjacent to a terrace of 5 B-listed buildings and is proposing the demolition of an existing single storey rear-extension, and its replacement with a 2 storey rear extension, with a deeper footprint, which extends beyond the rear building line of the listed terrace. At ground level the increased depth is not problematic, but the upper level is openly visible from the A884; in this SW view, protruding beyond the rear wall of the listed terrace, it is somewhat disruptive to the heritage group. It is however much lower with the proposed eaves being below the upper window-sill level on the listed buildings. This height difference alone makes the proposal acceptable (on balance) as it allows the listed terrace to retain its visual /physical prominence in the rear/SW viewpoint. We therefore have no objection to the proposal, but neither do we fully support it; the design and layout are somewhat challenging, but the impacts upon the listed terrace are neither significant nor unacceptably adverse.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the West Highland wide Local Development Plan, 2019 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application.

6.3 **National Planning Framework 4 (2023)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 7 - Historic Assets and Places

Policy 14 - Design Quality and Place

Policy 16 – Quality Homes

6.4 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality and Place-making

34 - Settlement Development Areas

57 - Natural, Built and Cultural Heritage

58 - Protected Species

6.5 **West Highlands and Island Local Development Plan 2019**

No specific Policies apply

6.6 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

House Extensions and other residential alterations (May 2015) – non statutory guidance

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Historic Environment Policy for Scotland May 2009

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) scale and design
- c) impact on neighbours' amenity
- d) impact on adjacent listed building
- e) Impact on infrastructure and services and proposed mitigation (developer contributions)
- f) any other material considerations

Development plan/other planning policy

8.4 NPF4 policy 16 supports householder development proposals where it does not have a detrimental impact on the character or environmental quality of the property and/or its surroundings both in terms of physical relationship and amenity. NPF4 policy 7 requires proposals for the extension or alteration of listed buildings to preserve the character, special architectural or historic interest and setting of the property. These

aspects are consistent with the requirements of policies 28 and 57 of the Highland wide Local Development Plan.

- 8.5 Subject to the proposals being appropriately designed to respect the character of the property itself and to preserve the character, special architectural or historic interest of the adjacent property and its surroundings more generally while having no significant detrimental impact on the amenity of neighbouring properties, the proposals would comply with the Development Plan.

Scale and design

- 8.6 The proposed extension is situated on the rear, north elevation of a terraced property. It is the replacement of a single storey lean-to with an extension that has a slightly larger footprint, and which is two storey in height, necessitating a significant alteration to the rear roof plane. The main issues are its design and impact on neighbouring properties on each side.
- 8.7 The proposed extension is subordinate to the existing house and being located across the rear it would fit with the general pattern of the previous extension. The main difference is that it projects slightly further to the rear, and it would extend up higher than the previous lean-to, and this has significant implications for the roof.
- 8.8 The small projection of the footprint, by less than 0.5m beyond the rear elevation of No.5 will not have a significant impact on the character of the subject building or the neighbouring listed building at ground floor level. It will be more prominent and have more of an impact at first floor level of the properties on either side due to the massing of the extension and its effect on the roof. In terms of the impact on No.5, the listed property, it will have less of an impact because the extension will tie into a blank gable, with less than 0.5m projecting beyond the rear wall of that property. The upper part of the extension will have more of an impact on No.7 because that property is essentially the same form as the subject property and so there will be more of an offset between their rear wall and the proposed extension.
- 8.9 The views to the rear of these properties are pretty limited. They can be viewed from the private rear lane which runs beyond the rear gardens; the outbuilding across the rear of nos. 5 and 6 further limits views of the ground floors of these 2 properties. There is a smaller shed in the rear garden on no.7 which limits the view of the rear of that property – this is at a higher level than the rear yard; it is in the rear garden. No.6 is barely visible from the A884 because the property is set down with rising land behind it, and the fact that it is a lower property than no.5 adjacent. Only the roof is seen, and the proposed extension to the roof will not be prominent due to it tying in with the gable of no.5. Where the eaves project forward of the rear building line of no.5 will barely be visible from the public road. The rooflights will be visible – these are however pairs of small conservation style rooflights, which would normally be acceptable on a traditional building. There are existing rooflights on the rear roof plane of No1.
- 8.10 Overall the design is acceptable. A condition is recommended to ensure the materials proposed are appropriate i.e. natural slate for the roof, and white painted wet dash render for the walls, and conservation style rooflights are used.

Impact on neighbours' amenity

- 8.11 The impact of the extension on the amenity of the residents of no.5, due to it projecting by less than 0.5m in relation to no.5, will be minimal due to the existing high wall separating the rear yards, and the height of No.5 relative to no.6. There will be virtually no additional impact on the ground floor of that property, and the first floor windows of no.5 would be above the level of the proposed extension.
- 8.12 The high wall separating the rear yards of nos. 6 and 7 already impacts the rear of no.7 with respect to the ground floor. The proposed extension will have virtually no additional impact on their ground floor. The upper part and roof will have a small additional impact on the rear of no.7. However, the rear yard is already significantly shaded by the high dividing wall and being set down with the land rising behind. The one window in the upper part of their rear wall is centrally placed, matching the stair window in the application property. This may lose a small amount of direct sunlight. However due to its central position, and the relative position of the existing outbuildings (both to no.5 and no.6's shed), any loss will be minimal and only likely at the height of summer in the late evening, when the sun comes round this far.
- 8.13 The impact on the neighbours on either side is considered to be acceptable.

Impact on adjacent listed building

- 8.14 The proposed extension would project slightly forward of the existing rear elevation of no.5, the listed building adjacent. Nos.1 – 5 inclusive are listed buildings, category B, because of their construction being an early use of mass concrete. The terrace dates from 1890. The features noted in the list description, besides the use of concrete, are the mostly surviving 12 pane glazed windows, the very bold coped end and ridge stacks, and deeply overhanging slate roofs. (A date isn't given in the list description for nos. 6 and 7, but it can be assumed the 2 cottages on the end must have been added later, or at least they do not pre-date the listed terrace. They are most likely about 130 years old).
- 8.15 The proposed extension to no.6 would not detract from, or have a significant impact on, the special features of no.5. Whilst it might be preferable to limit any extension at first floor level to no.6 to a couple of traditional dormer windows only, the proposed extension involving a parallel pitched roof with valley gutter would appear to be the least impactful means of achieving any meaningful extension to the first floor of this relatively small property. On balance, the design is considered acceptable, and it would not detract from the character, special architectural or historic interest and setting of the listed terrace in general or no.5 in particular. There is no conflict with policy 7 of NPF4 or policy 57 of the HwLDP.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.16 The proposed extension would not displace any existing parking. Services would be as existing. The impact of construction traffic, deliveries and disturbance would be temporary, and it is an inevitable consequence of any development. It is the

responsibility of the developer to ensure the management of building work on the site is undertaken properly.

Other material considerations

- 8.17 The technicalities of tying the proposed extension into the neighbouring properties will require the co-operation of the neighbours where a party wall is affected.
- 8.18 Future maintenance of the valley gutter will be the responsibility of the householder and any other parties with a legal interest.
- 8.19 A separate application for LBC is required purely because of the element whereby the proposed extension would tie into the gable of No.5, thereby directly affecting the fabric of a listed building.

9. CONCLUSION

- 9.1 The proposed extension is, on balance, considered acceptable in respect of its size and design. Its impact on neighbours' amenity is assessed to be minimal. In public views the extension would not be prominent. The impact on the neighbouring listed property would be small and it would not detract from the character, special architectural or historic interest and setting of the listed terrace in general or no.5 in particular.
- 9.2 The development would accord with policies 7 and 16 of NPF4, and policies 28, 29, 34 and 57 of the HwLDP.
- 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

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 actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work shall commence until full details of all proposed external materials and finishes (including full details of the rooflights) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to retain and/or protect important elements of the existing character and amenity of the site, in accordance with policy 7 of NPF4 and policies 28, 29, 24 and 57 of the Highland wide Local Development Plan.

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.

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.

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

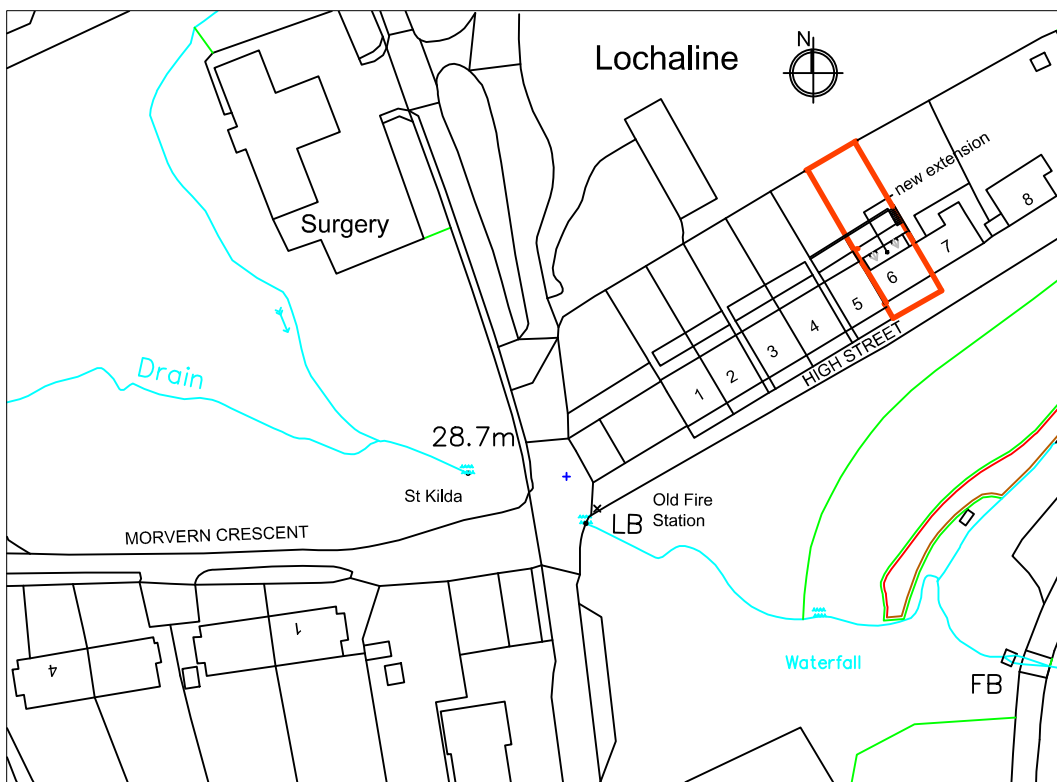
Protected Species – Halting of Work

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>

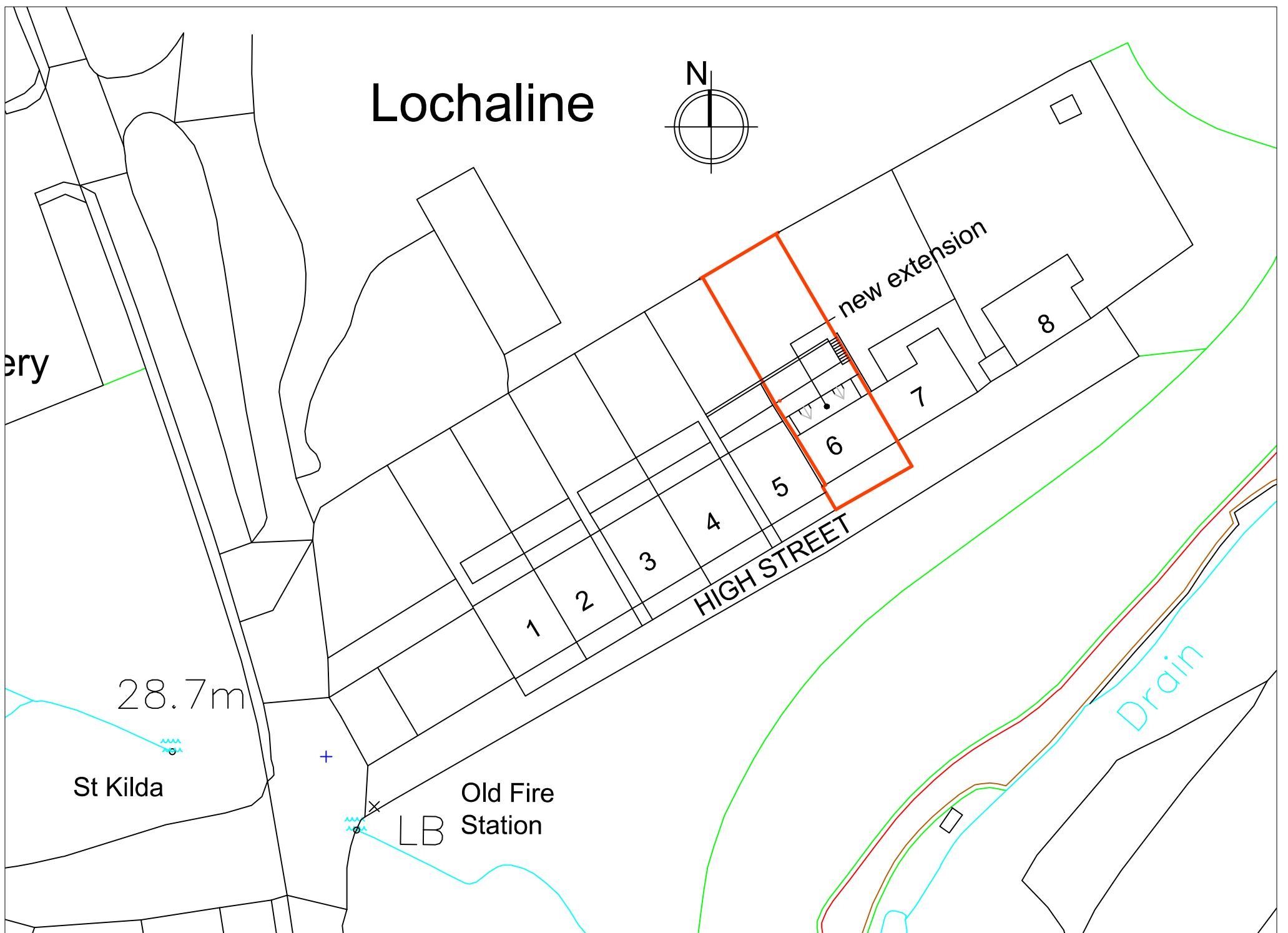
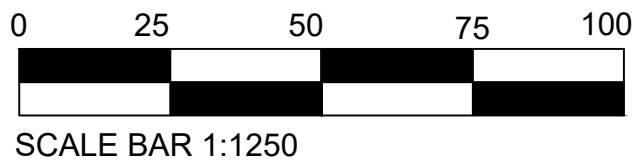
Signature: David Mudie
Designation: Area Planning Manager - South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location/Site Layout Plan 001

Plan 2 - Existing Floor/Elevation Plan 002

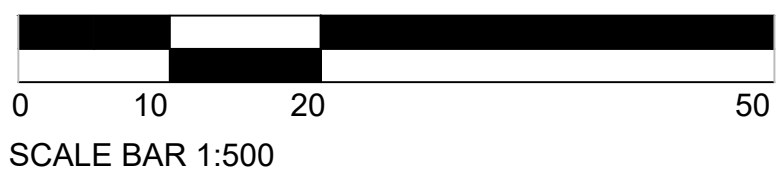
Plan 3 - Proposed Floor/Elevation Plan 003



Location Plan
Scale 1:1250



Site Plan
Scale 1:500



<p>Unit 21, Ben Nevis Industrial Estate, Fort William PH33 6PR Email: info@ijarchitect.co.uk Tel: 01397 708567</p>	project Alterations & Extension to 6 High Street, Lochaline, PA80 5XR			
	client Mr & Mrs MacDonald			
	detail Location and Site Plan			dwg no. 001
	scale as noted	date June 22	job no. 0622	drawn IJM

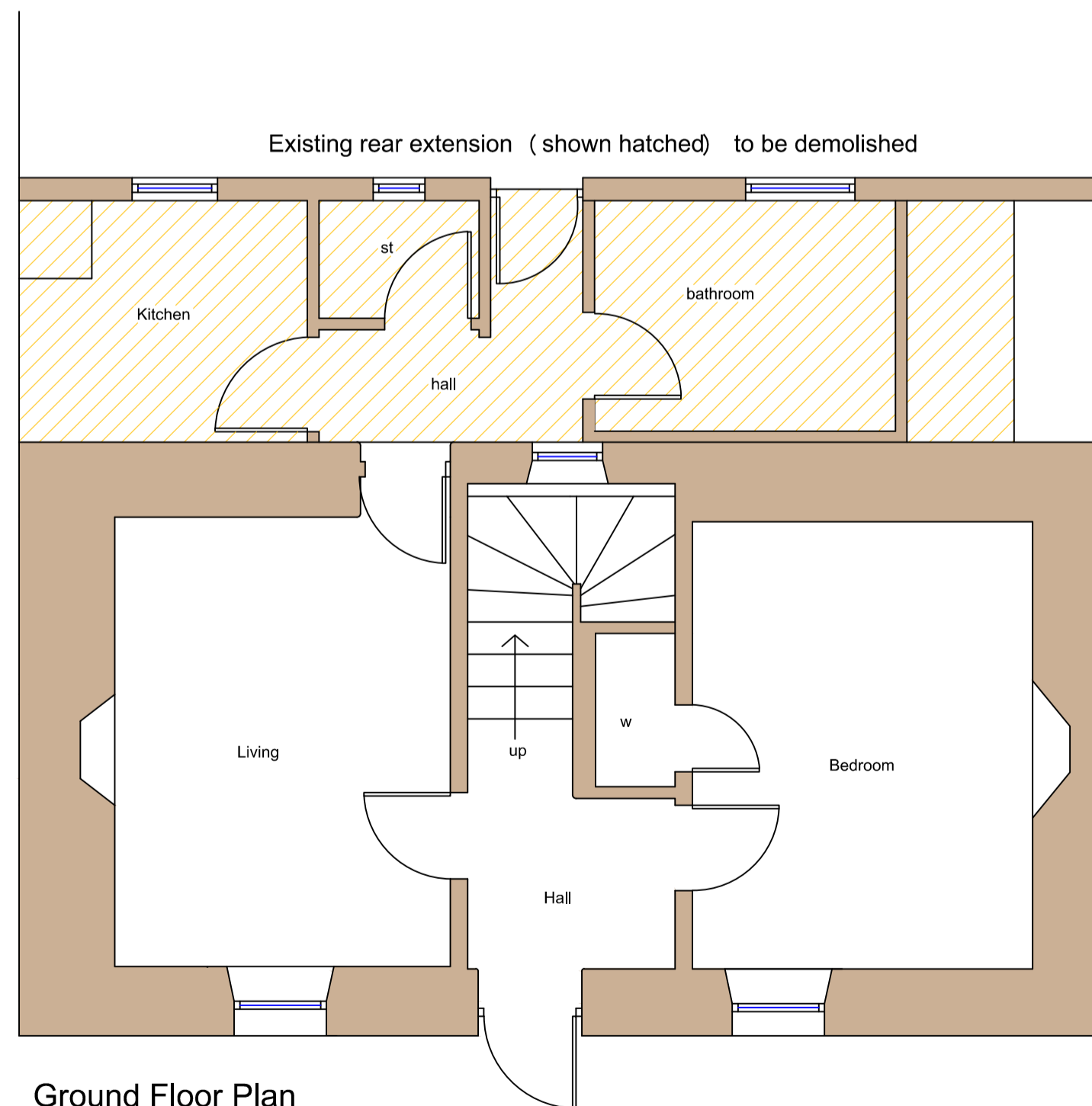
NOTES
 The contractor will be held to have checked all dimensions before commencing with any works and in the event of any discrepancies is to refer them directly to the Architect prior to commencement of works.
 Written dimensions are to be taken at all times. Drawings should not be scaled. In case of doubt refer to Architect.
 The contractor will ensure that all materials conform to the British Standards relating to them and/or certificates issued by the British Board of Agreement and that they are fixed, mounted or installed strictly in accordance with the B.S Code of practice relative to them or the Manufacturer's printed instructions. British Standards & Codes of Practice will include amendments made on or before date of tender.
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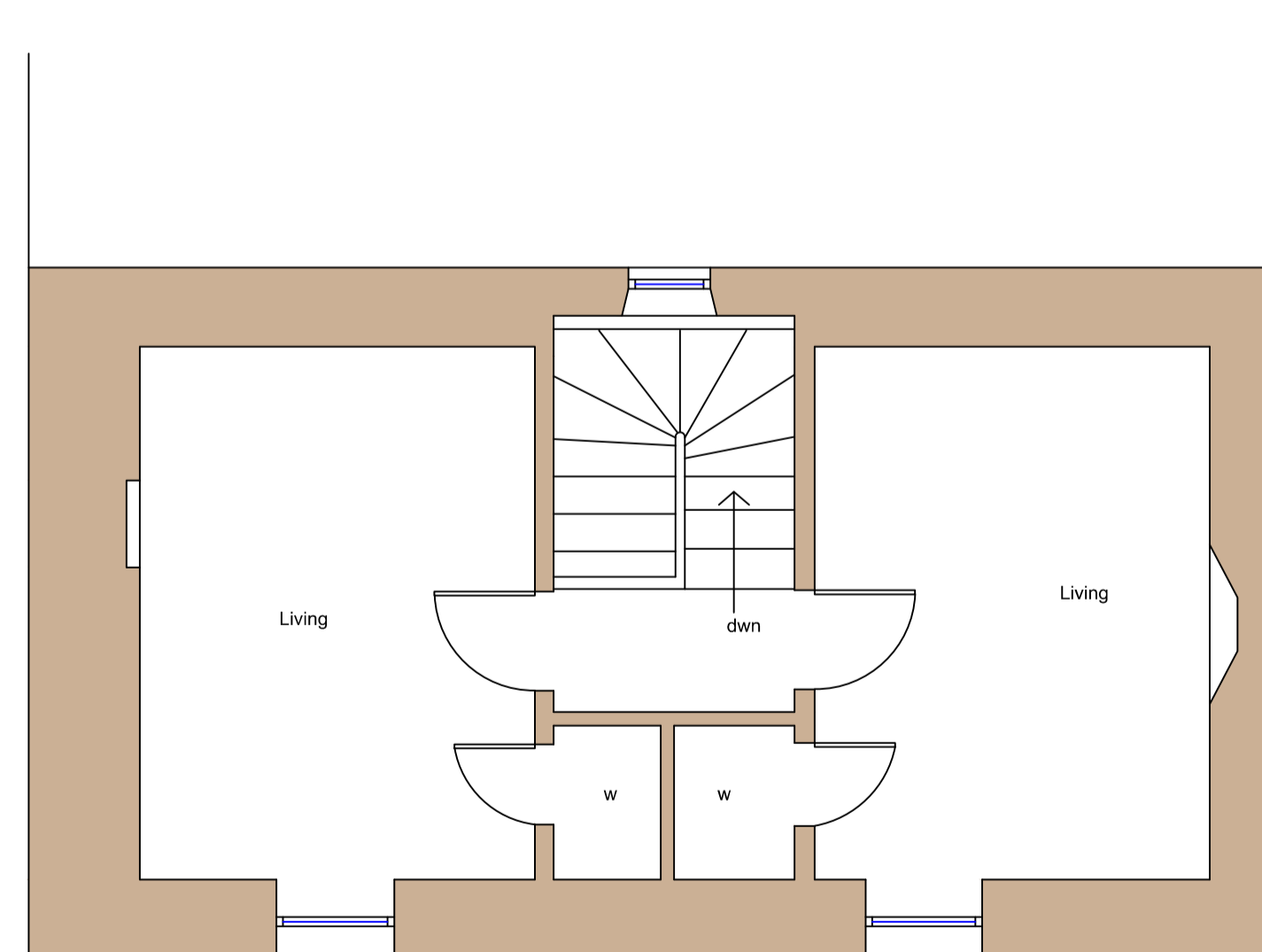
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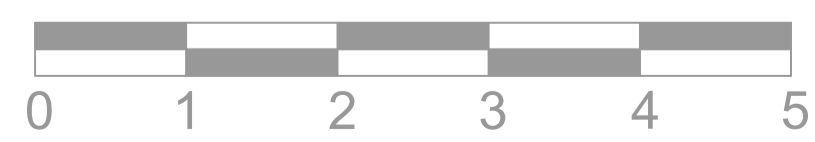
North Elevation
 Scale 1:50



Ground Floor Plan
 Scale 1:50



First Floor Plan
 Scale 1:50



SCALE BAR 1:50

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 ARCHITECT

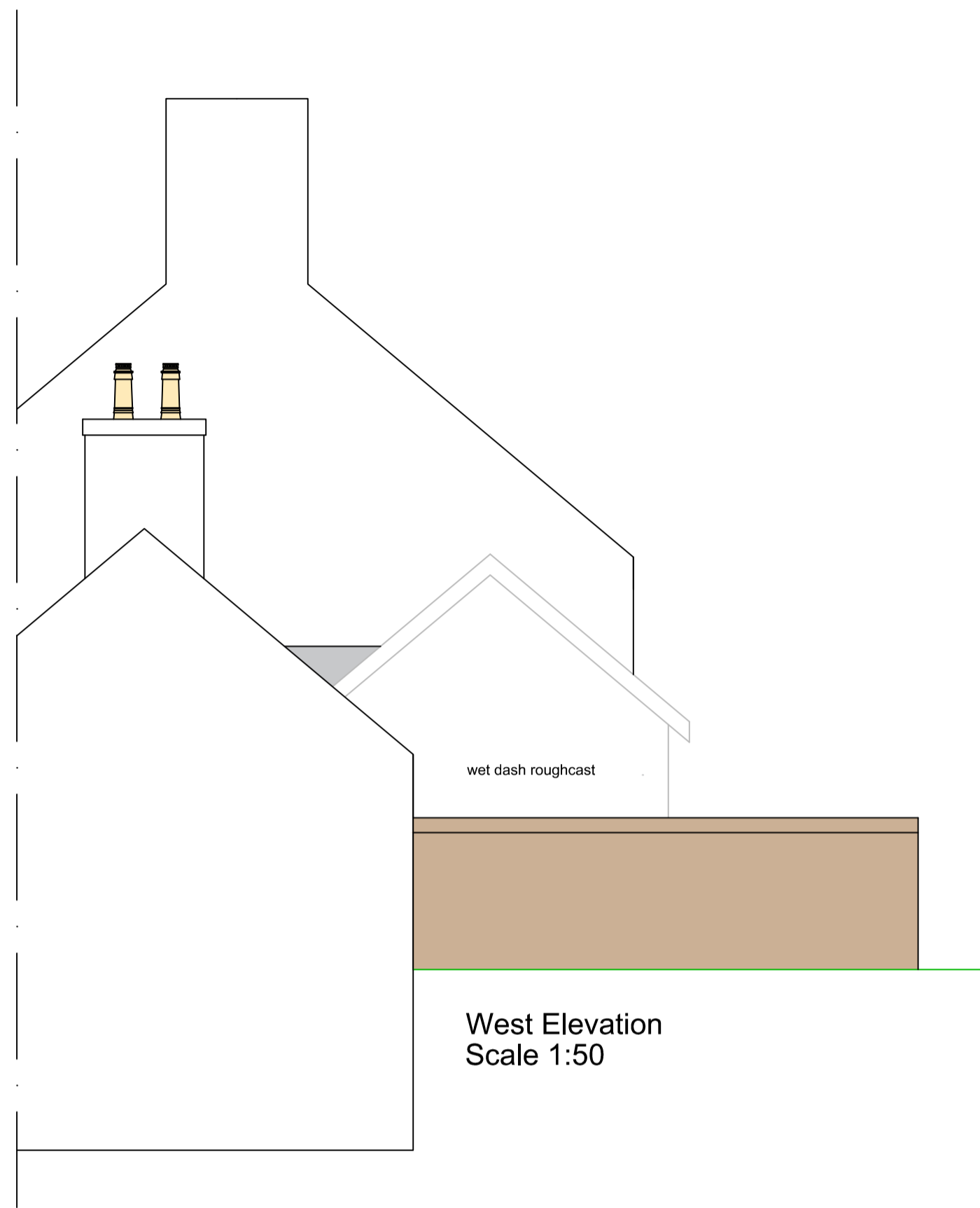
Unit 21, Ben Nevis Industrial Estate, Fort William PH33 6PR
 Tel: 01397 708567

project
**Alts & Extension to 6 High Street Lochaline
 PA80 5XR**

client
Mr & Mrs MacDonald

detail
As Existing Ground Floor Plan & Elevations

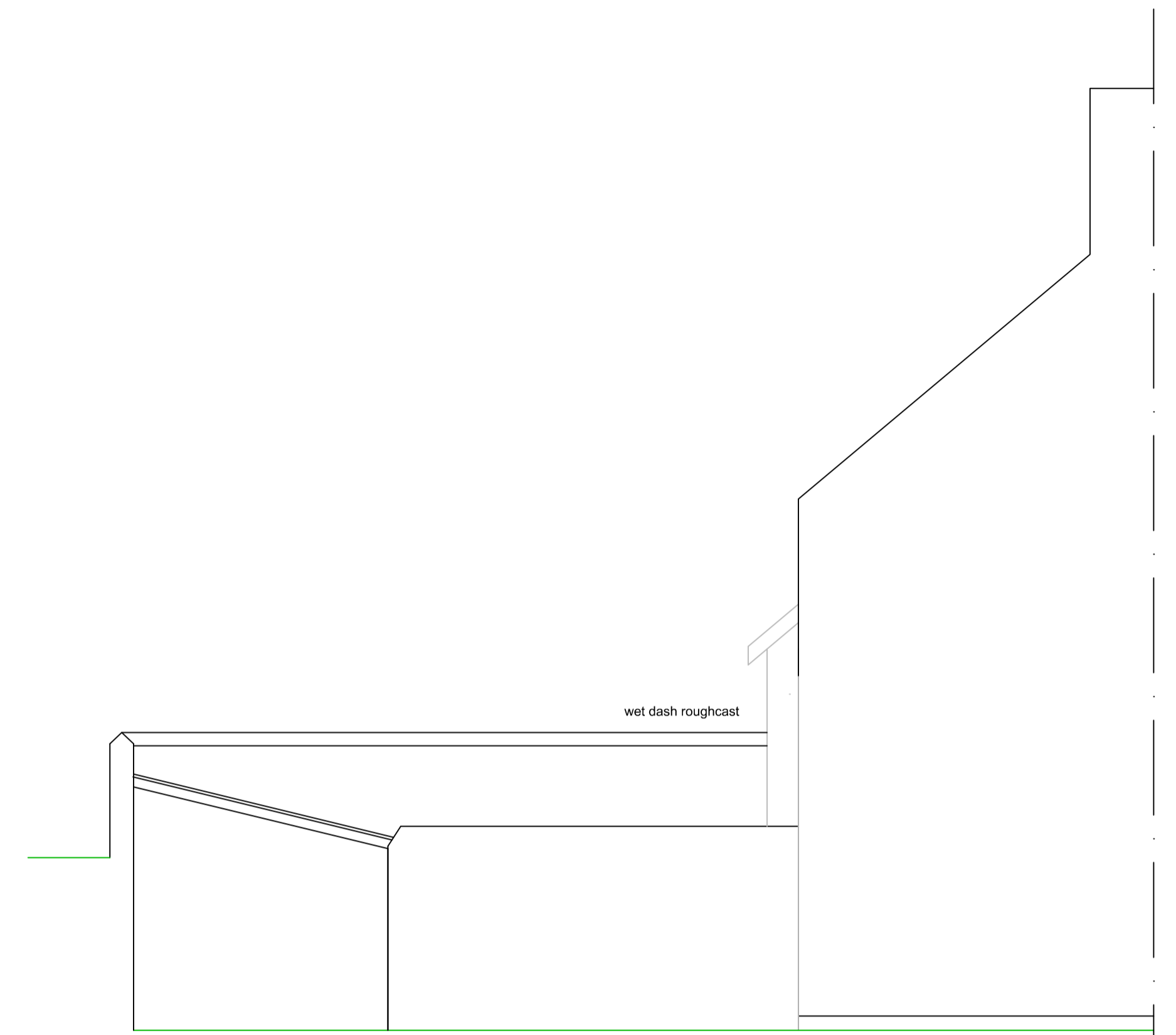
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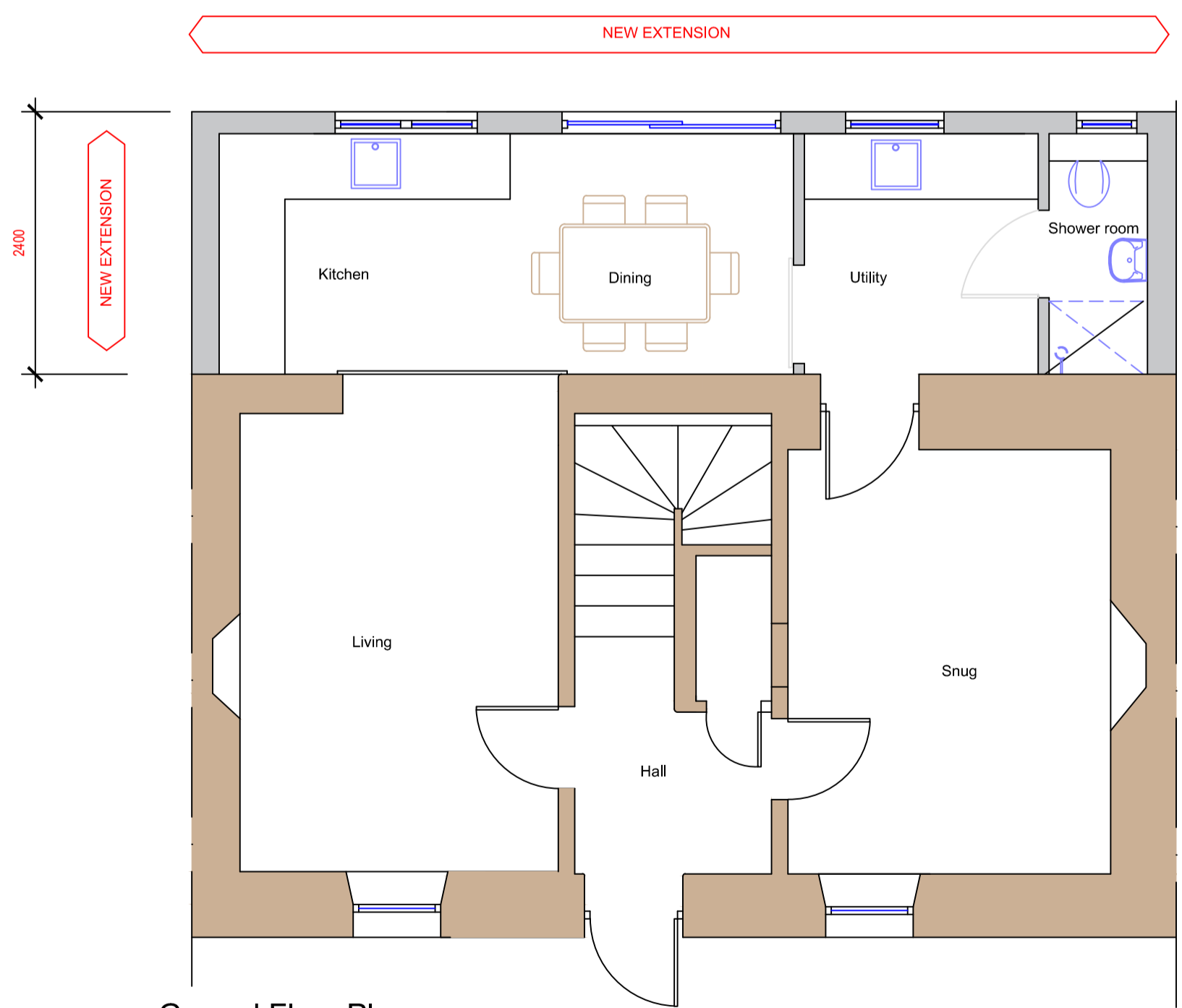
West Elevation
Scale 1:50



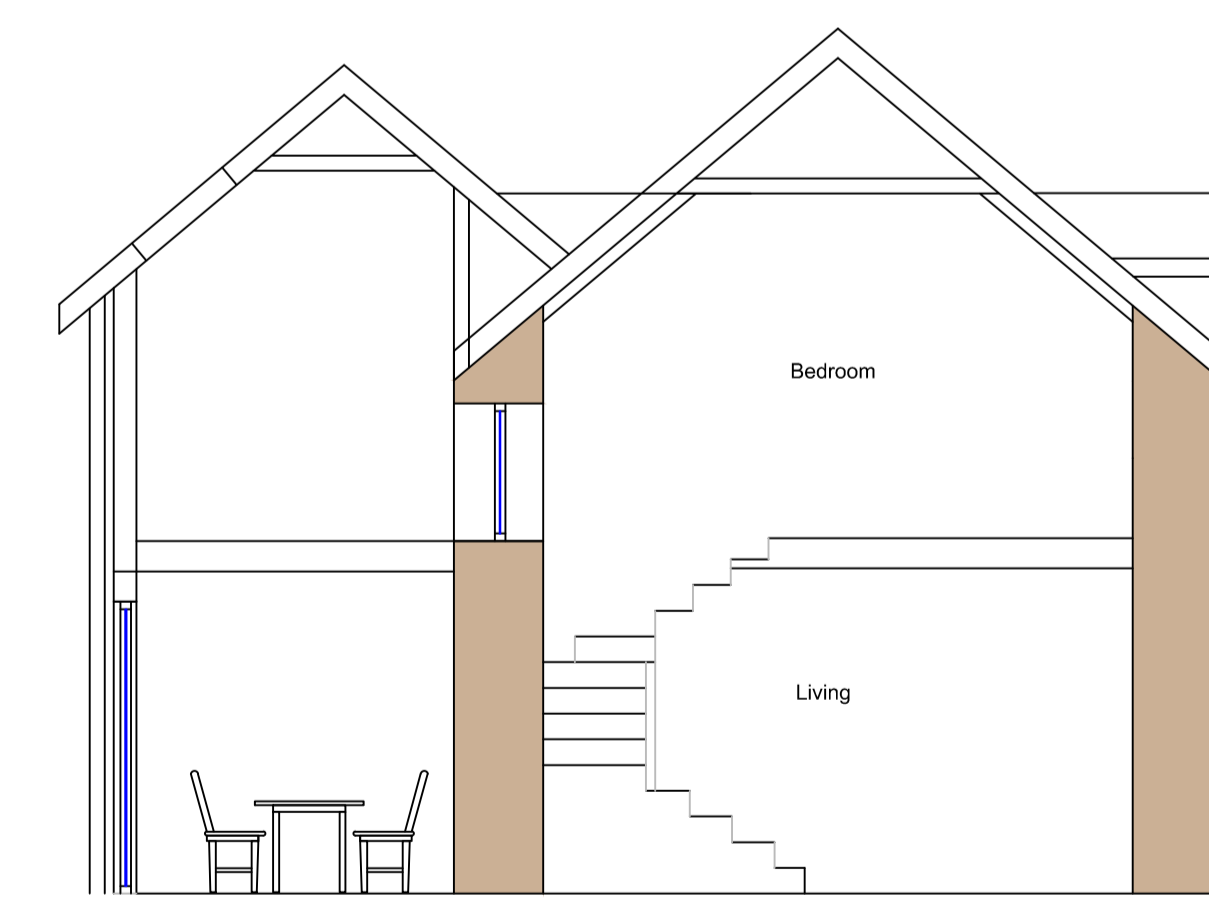
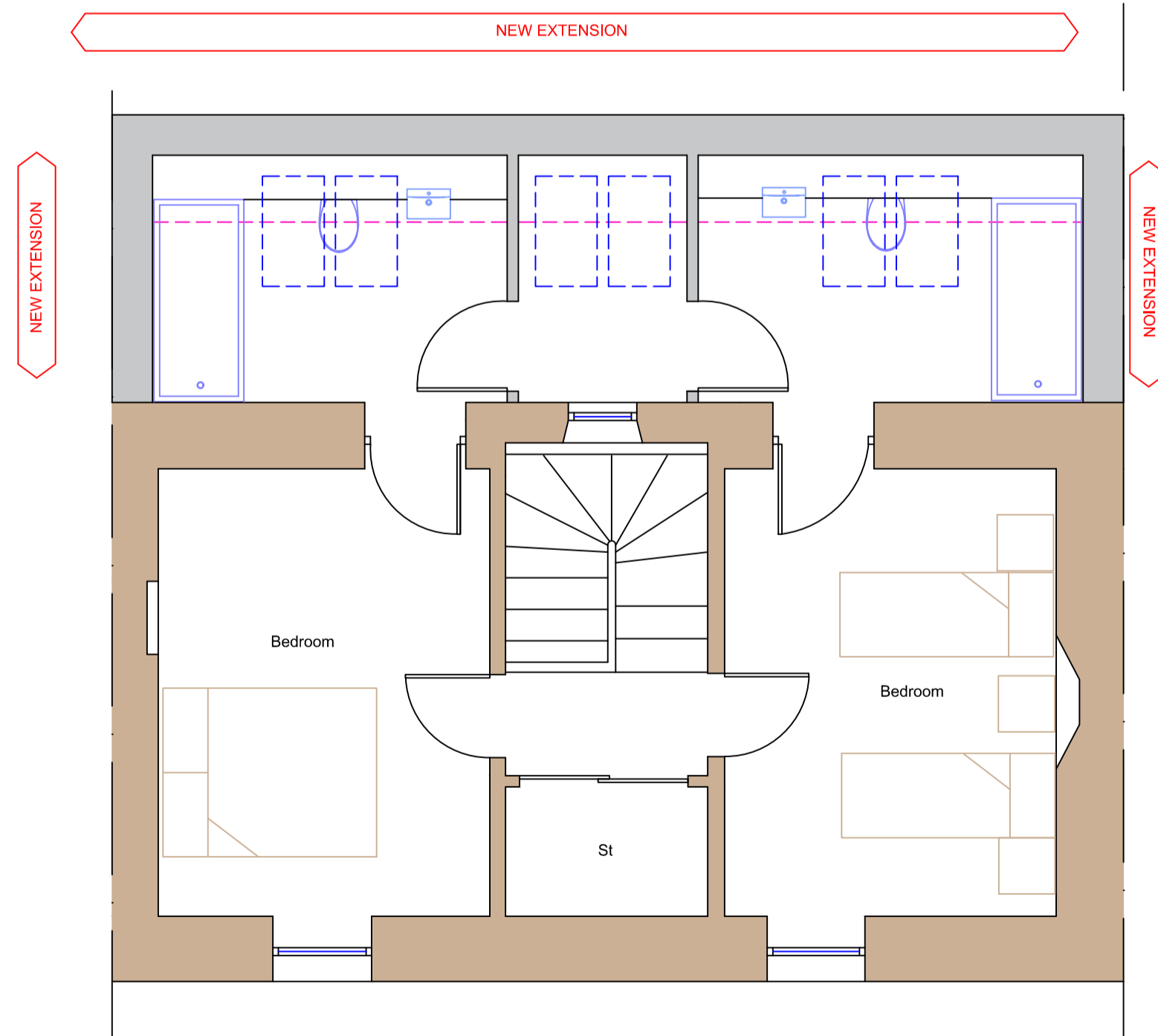
North Elevation
Scale 1:50



East Elevation
Scale 1:50



Ground Floor Plan
Scale 1:50



Cross Section
Scale 1:50



SCALE BAR 1:50

NOTES
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Written dimensions are to be taken at all times. Drawings should not be scaled. In case of doubt refer to Architect.
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Architect

Unit 21, Ben Nevis Industrial Estate, Fort William PH33 6PR
Tel: 01397 708567

project
**Alts & Extension to 6 High Street Lochaline
PA80 5XR**

client
Mr & Mrs MacDonald

detail
Proposed Floor Plans Cross Section & Elevations

scale 1:50	date Dec 22	drawn IJM
job no. 0622	dwg no. 003	checked X