

Agenda Item	6.10
Report No	PLS-61-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 01 October 2024
Report Title: 24/01992/FUL: Ms Sue Craigen
53 Harbour Street, Nairn IV12 4NX
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Alteration and extension to house
Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: Objection from Community Council as a Statutory Consultee

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 application is for the alteration and extension to an existing terraced property at 53 Harbour Street, Nairn.
- 1.2 There is extant permission for alterations and extension to the property (19/00232/FUL) comprising a rear extension (to replace an existing single storey extension) measuring approximately 5.7m x 3.7m and 6.5m high, decking and a timber storage shed (full details set out at paragraph 8.6). This planning permission has been implemented by the building of the storage shed, albeit not completed, with no work started on the extension or decking.
- 1.3 This proposal is for an adjustment to the extant planning permission (19/00232/FUL) for alteration and extension to the house. The nature of the changes being proposed (detail at paragraph 1.4) are such that they are not considered to be a Variation to that permission, as such a new planning application was submitted.
- 1.4 The proposal under this planning application (24/01992/FUL) is to phase the works to the house as follows:
 - Retention of existing single-storey rear extension as kitchen
 - Breaking through for the proposed rear extension but only extending at roof level with the accommodation contained within the footprint.
 - Dormer extension to be slated and clad on gable with timber boarding
 - Timber frame construction which can be removed for the future extension build.
- 1.5 The existing single storey extension will remain as part of the initial phase but will be replaced in the future as per the extant permission (19/00232/FUL). The depth of the future extension which was to protrude approximately 3.7m from the existing original masonry rear wall will continue but at this stage the existing single storey extension will remain and the extension at roof level will be vertical from the existing wallhead.
- 1.6 Pre-Application Consultation: Advised a new application was required as the proposals at 1.2 are not considered to be a non-material variation.
- 1.7 Supporting Information: Supporting Statement.
- 1.8 Variations: None

2. SITE DESCRIPTION

- 2.1 The property is situated in a central terrace cottage on Harbour Street, within the Nairn Fishertown Conservation Area. The property is 1½ storey with a single storey flat roofed extension to the rear. There are a variety of single storey, predominately flat roofed extensions to the rear of the terrace similar in scale and form to the existing extension on 53 Harbour Street. The terrace itself backs directly onto the River Nairn.

3. PLANNING HISTORY

3.1 03.04.2019 19/00232/FUL – Alterations and extension Planning
Permission
Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 65 – Conservation Area

Date Advertised: 18.06.2024

Representation deadline: 09.07.2024

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Nairn River Community Council:** Object. “This part of Harbour Street is a traditional distinctive row of one level terraced cottages in a Conservation Area. The proposed roof line is not compatible with the neighbouring properties and may rise far above the original fisherman’s cottage. It is very important that the Fishertown Conservation Area is preserved and the Community Council believes this alteration is harmful to the heritage of the area. The Community Council requested to be a statutory consultee on this application.”

5.2 **Historic Environment Team:** No objection. The Historic Environment Team consider that the reduced scale is an enhancement over the larger proposal granted under 19/00232/FUL. This smaller gabled extension will be physically and visually less obtrusive to the rear of this terrace, with much less impact upon the character and appearance of the Conservation Area context. The design is simpler which is more suitable for a basic building and the timber-clad gabled-element is contextual to other Fishertown extensions.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 7 - Historic Assets and Places

Policy 14 - Design Quality and Place

Policy 16 - Quality Homes

6.2 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design

29 - Design Quality and Place-making

57 - Natural, Built and Cultural Heritage

6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

The site sits within the Settlement Development Area for Nairn. No specific policies apply.

6.4 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 House Extensions and other Residential Alterations (THC Planning Guidance) (May 2015)

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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Determining Issues

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) planning history
- b) compliance with the development plan and other planning policy
- c) siting and design
- d) effect on the historic environment

Planning History

8.5 Planning permission was granted on 03 April 2019 for alterations and extension at 53 Harbour Street, Nairn. Work commenced on the site with the building of a black shed in the southeastern corner as agreed under planning permission 19/00232/FUL. A Notice of Initiation of Development was submitted on 22 February 2022. Accordingly, the planning permission has been implemented, albeit not completed. This is therefore a material consideration in the determination of the proposal under consideration.

8.6 Under planning permission 19/00232/FUL the following was granted:

- Rear extension measuring approximately 6.5m in height with a 45-degree pitched roof with the eaves height of around 4m. The width of the extension was approximately 5.7m to match that of the existing extension and to adjoin the other existing flat roofed single storey extensions either side. The depth of the proposed extension was approximately 3.7m, 1m beyond the rear building line of the existing. The existing single storey flat roofed extension to be demolished to make way for the new enlarged extension.
- The materials comprised traditional wet dash harl painted sand yellow (RAL 1002), a natural slate roof, aluminium conservation grade painted dark grey rainwater goods, timber slim profile painted dark grey windows, conservation style recessed roof lights with a central vertical glazing bar and stove flue.
- An area of decking approximately 2m in depth x 4.5m in width, raised up to 1.5m above the rear garden ground level in order to tie in with the ground floor level of the proposed extension's rear kitchen double doors. The decking would incorporate a circa 1m high timber balustrading to the sides and glazing to the riverfront. A 1.8m x 1.5m timber trellis along its southeastern boundary was proposed. The decking would be setback from the property's boundary by around 0.6m on both sides to allow for an element of planting.
- A black timber storage shed of approximately 0.8m(w) x 1.5m(d) x 2m(h) with a moss roof towards the southeastern corner of the garden. A replacement like for like rear concrete boundary wall with a replacement black painted timber rear gate.

8.7 The following Non-Material Variations were accepted on 10 May 2022:

- Omission of two windows on the first floor on riverside gable, glazed doors on first level to be same width as ground floor ones below.
- Relocation of stove and flue to south-west elevation.
- Additional rooflight to north-east elevation.
- Position of external deck stairs handed.
- Insertion of larger gates at access to rear wall.

Development plan/other planning policy

8.8 The statutory development plan comprises NPF4, the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan 2 (IMFLDP2). Where there is conflict between the provisions of them, the most recent of the documents shall generally take precedence.

8.9 NPF4 Policies 1-3 apply to all development proposals. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. The emerging Inner Moray Firth Local Plan reflects this policy shift.

- 8.10 The key NPF4 policies in the assessment of house extensions are Policy 14 (Design, quality and place) and Policy 16 (Quality Homes). Policy 14 supports development proposals which are consistent with the 6 qualities of successful places – healthy, pleasant, connected, sustainable and adaptable, and does not support development proposals which are poorly designed or detrimental to the amenity of the surrounding area. Policy 16 supports householder developments where they do not have a detrimental impact on the character or environmental quality of the home or surrounding area in terms of size, design and materials, or the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 8.11 These policy aspects are already reflected within the Highland wide Local Development Plan, notably Policy 28 (Sustainable Design) which assesses proposals against a number of criteria, including their compatibility with public service provision; transport; impact on individual and community residential amenity; demonstration of sensitive siting and high quality design in keeping with local character; and contribution to the economic and social development of the community and Policy 29 (Design Quality and Placemaking), which requires any application to make a positive, net contribution to the architectural and visual quality of the place within which it is proposed.
- 8.12 Of particular importance, given that the site lies within the Fishertown Conservation Area, is the need to ensure that the character or appearance of the Conservation Area is preserved or enhanced, with development plan policy only supporting development where this is the case.
- 8.13 Subject to ensuring that the proposal is appropriately sited and designed so as not to have adverse impacts on individual and community residential amenity and/or the character and appearance of the Conservation Area the proposal could be said to comply with the Development Plan.

Siting and design

- 8.14 The existing single storey extension shall remain as part of this initial phase of development and the extension at roof level will be vertical from the existing wallhead. The roof pitch will be 45 degrees and the ridgeline will be level with the existing house. The width of the extension will be the full length of the property and the depth will both be in line with the existing single-storey extension.
- 8.15 Materials, colour and finishes for the extension are appropriate. These comprise timber vertical boarding on the walls, a natural slate roof, aluminium conservation grade painted dark grey rainwater goods, timber slim profile painted dark grey windows, conservation style recessed roof lights with a central vertical glazing bar. The fenestration of the glazed doors on the proposed extension alongside the timber vertical boarding produce a simple approach to design. It is considered that the development demonstrates sensitive siting and design and therefore accords with Development Plan Policy 28 (Sustainable Design).

Effect on the historic environment

- 8.16 In this case and taking into account the comments from the Historic Environment Team, it is considered that the location of the site, along with the mass, scale, bulk

and design of the proposed extension is such that the proposal would preserve the character and appearance of the Conservation Area.

Other material considerations

8.17 There are no other material considerations.

Non-material considerations

8.18 None

Matters to be secured by Legal Agreement / Upfront Payment

8.19 None

9. CONCLUSION

9.1 The proposal involves the alteration and extension to an existing terraced property at 53 Harbour Street, Nairn.

9.2 Planning permission has previously been granted for alterations and extension. Work has commenced on the site through the erection of a shed, making the permission extant.

9.3 The proposed location of the alterations and extension occupies a smaller footprint than the previously approved layout. However, it is intended that this proposal will be an initial phase in developing the property and that in due course the applicant will fully build out the extension as per the extant permission.

9.4 The proposal is considered to preserve the character of the Nairn Fishertown Conservation Area. The proposal takes full advantage of the riverside outlook and although the design of the proposal will change the character of the existing terraced building, its character is already significantly adversely affected by a series of existing single storey extensions which are of poor design quality and do not compliment the parent buildings.

9.5 The proposal would not result in a net significantly adverse impact on the appearance of the existing building and arguably, the character of the surrounding area and the quality of the built environment along the riverside may improve.

9.6 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).

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. 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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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

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 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>

Building on the Boundary

Building on the Boundary Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property. You must ensure that all development, including foundations, roof overhangs and rainwater goods are contained wholly within your own ground, unless you have the agreement of any neighbouring landowner for any works which encroach on their property.

Signature: David Mudie
Designation: Area Planning Manager – South

Author: Julie-Ann Bain

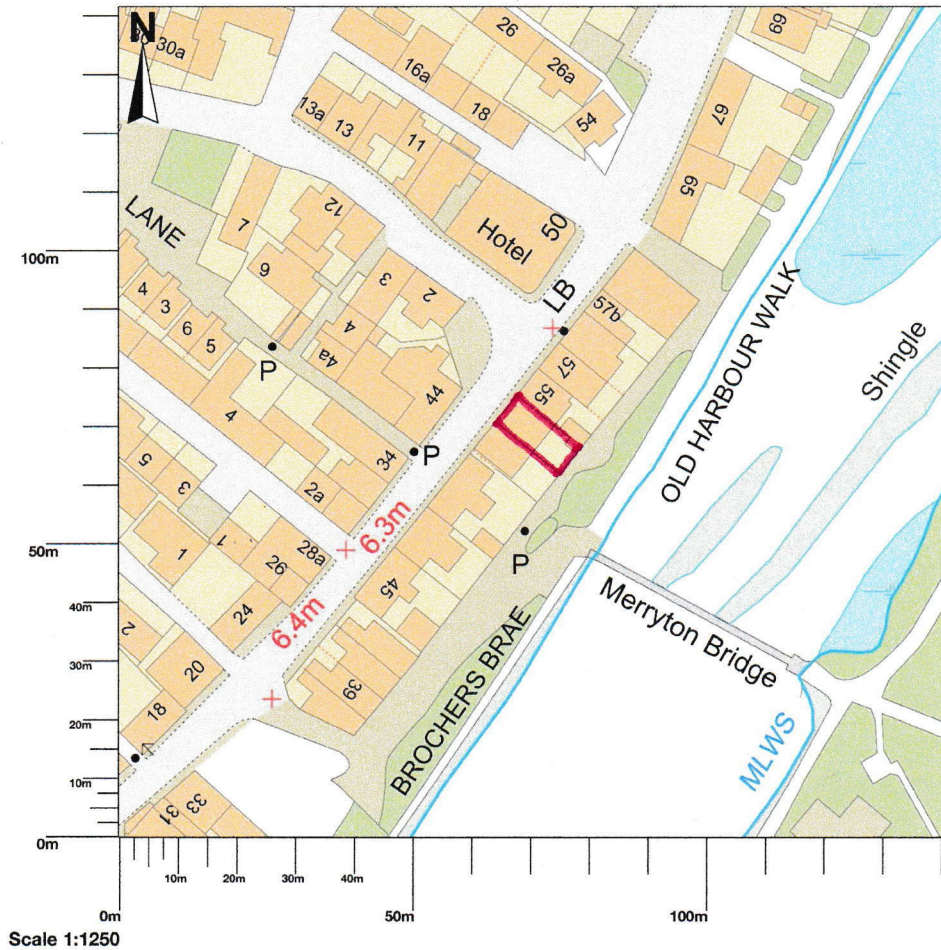
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 000001 REV A Location Plan

Plan 2 - 1910-02E Proposed Floor Plan

Plan 3 - 910-04E Proposed Elevation Plan

53 Harbour Street, Nairn, IV12 4NX



PLANNING NOTES - finishes

Retain existing rear extension.
Extend at roof level for further phase.

roof - natural slate

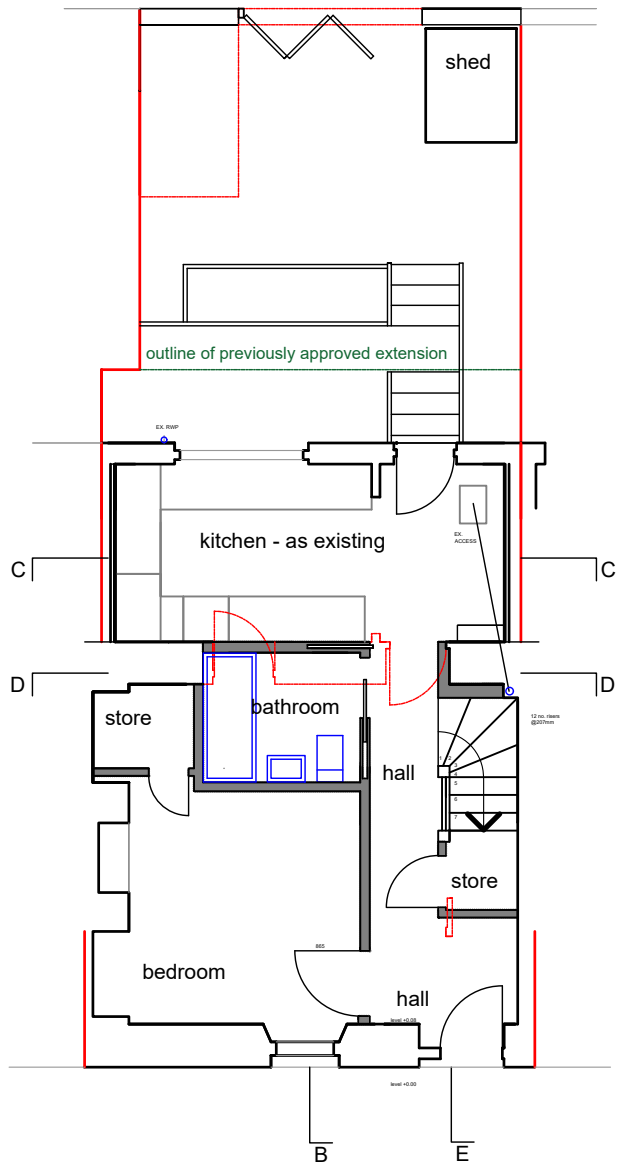
walls - timber vertical boarding onto timber frame walls and stonework, for easier removal for future phase

doors/windows - timber, double glazed, slim profile, painted dark grey

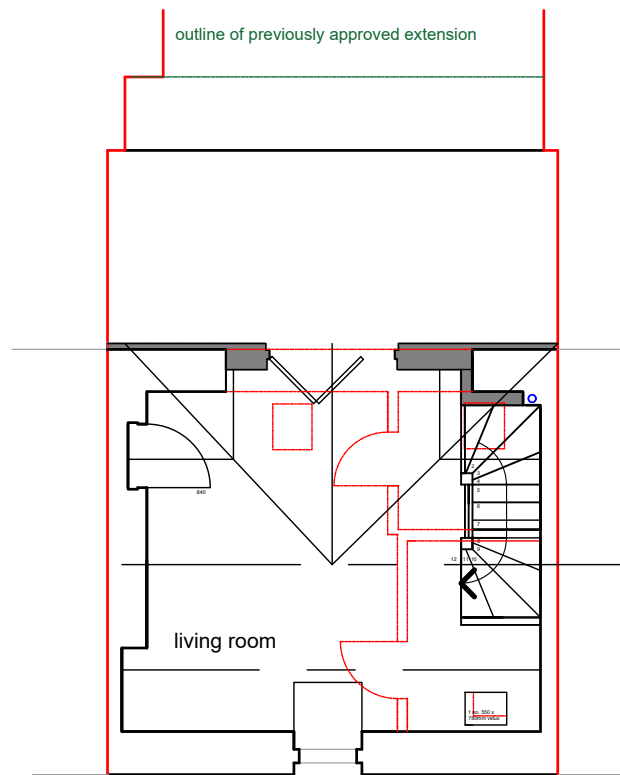
rainwater goods - all to be within the curtilage of the dwellinghouse. To be aluminium, conservation grade, painted dark grey.

rooflights - to be Velux, size 550x980mm, conservation style which sit in the roof slope and include a vertical glazing bar down the middle.

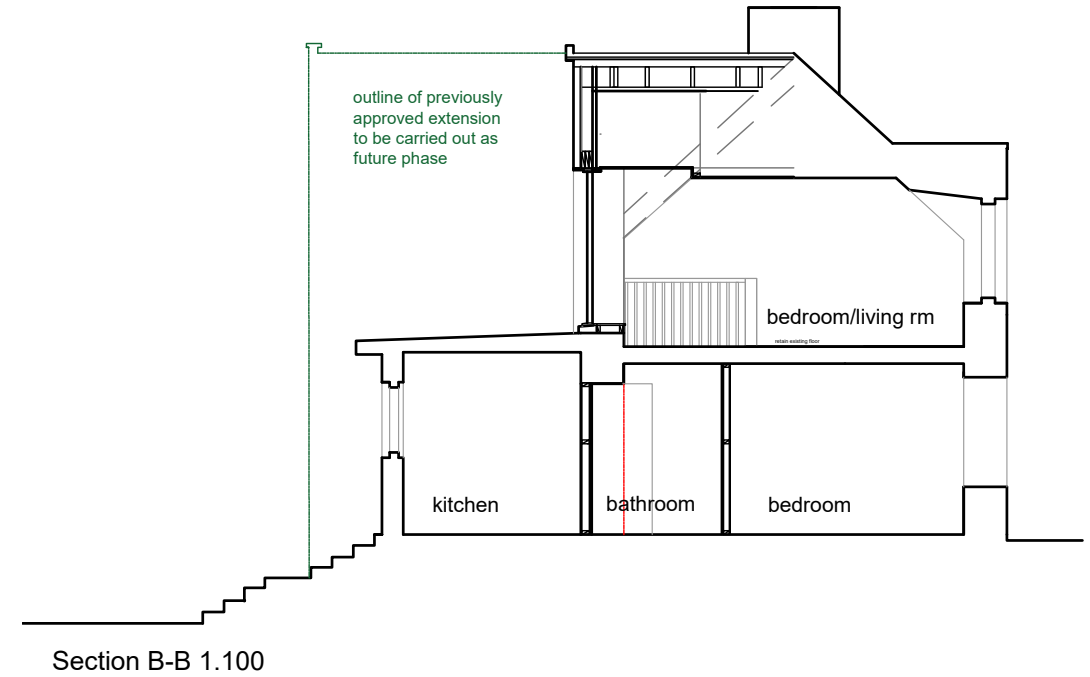
shed - 1500x1200x2000mm high, timber clad, moss & sedum roof.



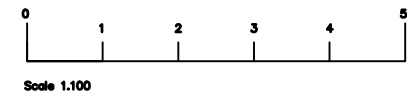
Proposed Ground Floor Plan 1.100



Proposed First Floor Plan 1.100



Section B-B 1.100



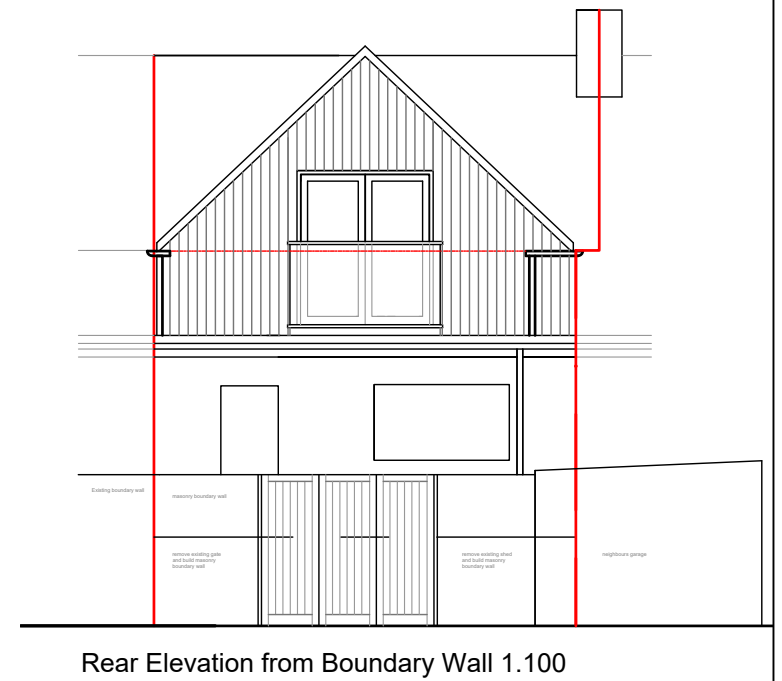
Rev E: 07.05.24 Submitted for planning permission.

Rev D: 28.03.24 Phase 1 works to the house - retention of existing extension to rear, alterations to rear roof forming new gable within existing footprint with extension to be carried out as future phase.

Rev C: 03.02.22 Revisions for planning application variation. Shown as

Rev B: 17.01.22 Revisions & responses to building warrant queries.

Rev A: 22.04.21 Engineers details added.



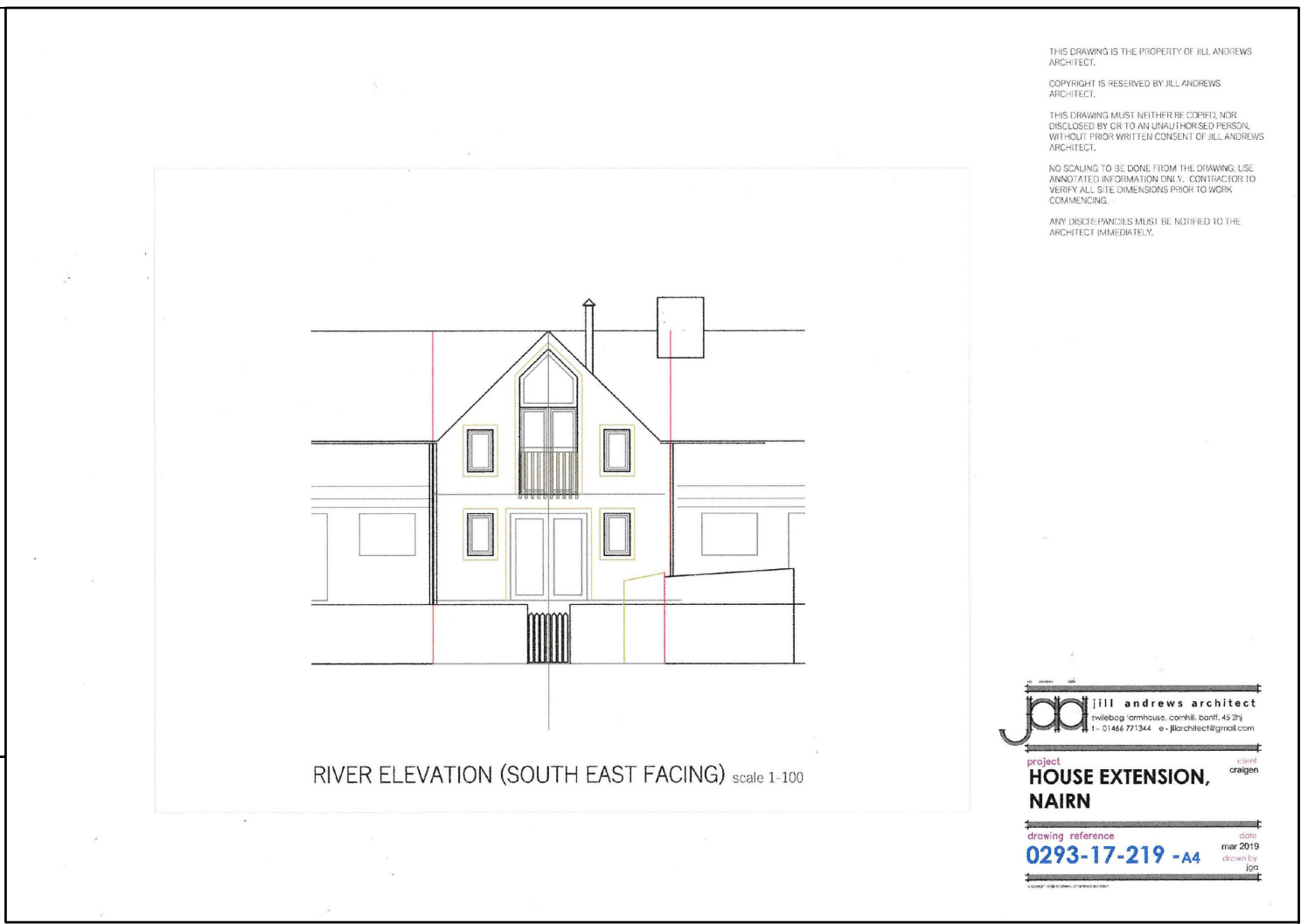
Susan Longmuir Architect	
Drawing no.	1910-02E
Date:	October 2020
Scale:	1.50 @A3
Client:	Sue Craigen
Project name:	53 Harbour Street, Nairn
Status:	Planning - interim phase



Proposed Front Elevation 1.100

Proposed Rear Elevation 1.100

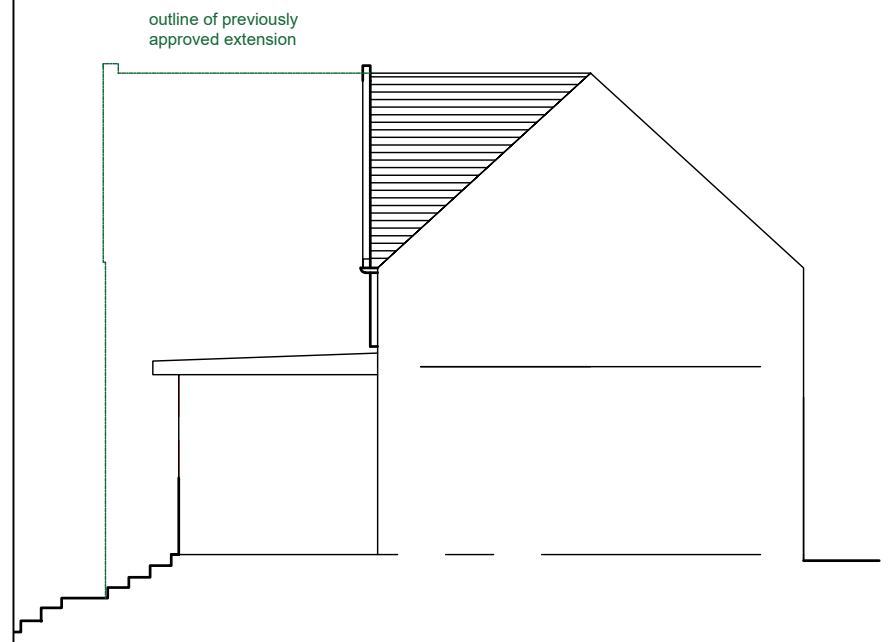
Scanned Copy of Approved Drawing 0293-17-219 of Planning Consent 19/00232/FUL, NTS



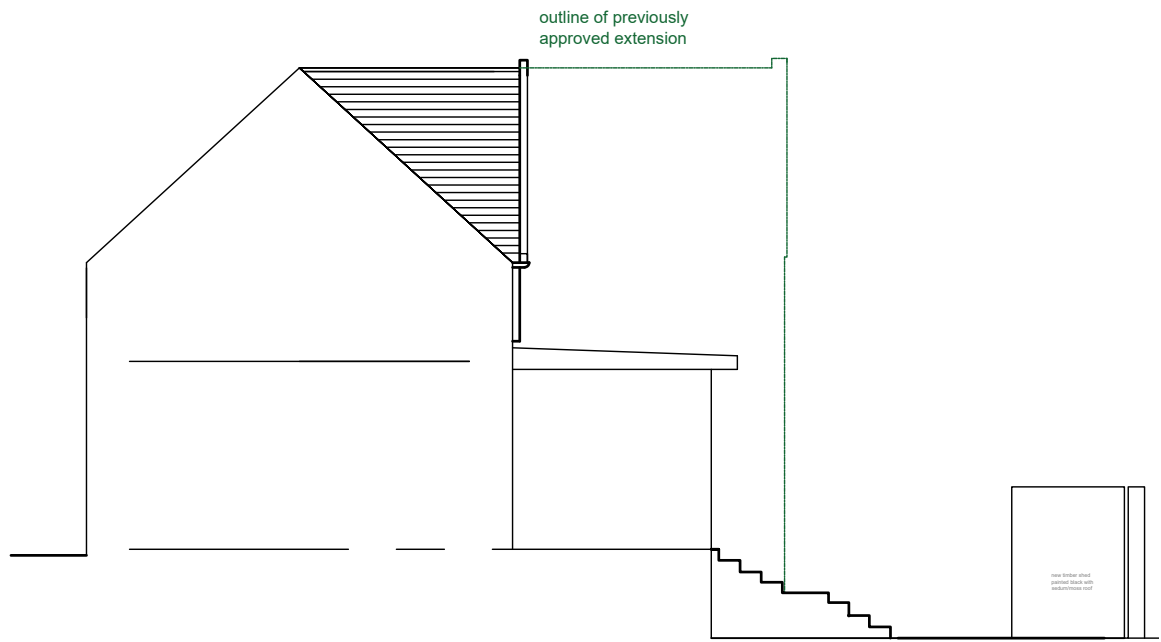
RIVER ELEVATION (SOUTH EAST FACING) scale 1-100

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 project: **HOUSE EXTENSION, NAIRN**
 drawing reference: **0293-17-219 -A4**
 date: mar 2019
 drawn by: jaa



Proposed NE Elevation 1.100



Proposed SW Elevation 1.100

- Rev E: 07.05.24 Submitted for planning permission.
- Rev D: 28.03.24 Phase 1 works to the house - retention of existing extension to rear, alterations to rear roof forming new gable within existing footprint with extension to be carried out as future phase.
- Rev C: 03.02.22 Revisions for planning variation application.
- Rev B: 17.01.22 Revisions & responses to warrant queries added.
- Rev A: 21.04.21 Engineers details added

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