

THE HIGHLAND COUNCIL

**INVERNESS, NAIRN, BADENOCH & STRATHSPEY
PLANNING APPLICATIONS COMMITTEE – June 2009**

Agenda Item	
Report No	

08/00173/FULBS

**Separate living accommodation at 8 Mackay Avenue
Grantown-On-Spey**

Report by Area Planning and Building Standards Manager

SUMMARY

Application for planning permission to build a detached outbuilding providing living accommodation in the rear garden of an ex-Council semi detached house in Grantown-on-Spey. The application requires Committee consideration as there is an objection on behalf of the Community Council

Applicant: J. Szczypior

Recommendation: Refuse Planning Permission

Ward: 21 (Badenoch and Strathspey)

1. PROPOSAL

- 1.1 The development proposed is a single storey detached building measuring 10 metres x 4 metres (measured externally) clad in timber boarding with a pitched roof finished in green plastic coated profiled metal panels. The application was entered in the Register under the description "separate living accommodation" although on the application form it is described as "timber cabin". Planning permission is required because its height exceeds 4 metres but the accommodation provided is also little short of what would amount to a separate house. As drawn the cabin contains a "family room" with a hearth and chimney and hot water tank, a separate room labelled "computer room" but which is large enough to function as a bedroom, and a bathroom. The applicant has said that it is for use by members of his family
- 1.2 The site is the rear garden of an ex Council 2 storey semi detached house in a development of 2 storey houses built about 55-60 years ago. The garden is at a lower level than the rear of the houses and it is submitted that provision of this living space in this detached form is more practical and more neighbourly than if it were provided as an extension to the house.

2. PLANNING HISTORY

2.1 None

3. PUBLIC PARTICIPATION

3.1 The application was neighbour notified. No representations have been received.

4. CONSULTATIONS

4.1 **Community Council:** Object. Site too small to accommodate another house plus drying green, parking etc. If built as an extension attached to the house, the concerns would not be pertinent. However it is a separate building, even if used by the family. Members of the family could use it as a separate dwelling unless there was a s75 which did not allow additional kitchen, bathroom, access and parking to be incorporated now, or added in the future.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G1 Conformity with strategy
- G2 Design for Sustainability

Badenoch and Strathspey Local Plan:

- 3.1.4 Presumption against infill housing/subdivision of plots

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

- SPP1 The Planning System
- SPP3 Planning for Homes

6. SUPPORTING INFORMATION FROM APPLICANT

6.1 See 1.2 above

7. PLANNING APPRAISAL

7.1 **Determining issues** - 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.

7.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy

and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

7.3 Regrettably, there has been undue delay in dealing with this application which is down to a difference of opinion as to the most appropriate way to determine the application, and apologies have been offered to the applicant for this.

7.4 As background, whether there is any relevant Development Plan Policy is very much dependent on the use of the proposed building. Local Plan Policy presumes against infill development unless a series of criteria are satisfied (plot size, building line, access etc). A separate house would fail these tests. On the face of it the application is for ancillary accommodation to the main house although the high degree of self containment, and the possibility of simple kitchen facilities being added as a building operation without the need for planning permission, will have influenced the Community Council's interpretation of the plans. The only Policy guidance on the issue of overdevelopment is contained in the House Extensions Guidance Note. This says that the original house plus extensions plus outbuildings should not exceed 30% of the site area. The proposed outbuilding would result in buildings occupying approximately 33% of the plot area. Given the supplementary nature of the Guidance Note and its recent application to the Badenoch and Strathspey Area this difference is not of major significance.

7.5 Ancillary accommodation can be provided either attached (a house extension) or detached (an outbuilding). The former's physical connection to the main house offers fewer risks of abuse of the terms of a planning permission but particular site constraints or other circumstances may make the detached option more attractive. In this instance a rear extension attached to the house would require underbuilding, would have a greater impact on the amenity of the other half of the semi and would require diversion of a sewer. There is insufficient space at ground floor level to terrace the desired accommodation on to the end of the garage which in any case precludes internal connection of living spaces. Building over the garage at first floor level would be more disruptive than the erection of a timber framed outbuilding.

7.3 The site of the building has a minimal physical impact on privacy and amenity in neighbouring houses. "Activity" impact on neighbours is very much related to the likely use of the building.

7.4 Set against the above, the application was the subject of a draft Report which recommended grant of permission. Without much information relative to the site characteristics, the free-standing nature, size and appearance of the proposed "annex" brought with it concern that it did not meet policy requirements. For this reason, it was not reported to Committee at the time, and the locality was visited to see whether it could be accepted as an

outbuilding over which there would be suitable controls to ensure it did not become a separate dwelling in its own right over a period of time.

7.5 Although the housing development appears relatively low density on the Ordnance Survey, this belies a relative clutter of outbuildings in the area which presents a much more dense development. Moreover, given the nature of the proposal, proportionate to the existing house, it could give an unfortunate precedent for sub-division, contrary to both the aims of Structure Plan Policy G2 and Local Plan Policy 3.1.4. This would be especially the case where there can be demand for tourist development and for accommodation for seasonal employees, particularly in the current economic climate. These concerns are reflected in the objections from the Community Council.

7.6 While a S 75 Agreement can help keep some measure of control over future use, this is reversible, and it is not clear the extent to which it might over-ride some future claim for a Certificate of Lawfulness of Existing Use (possible after 4 years of uncontested residential use) were some further internal alterations (not subject to planning control) made to make it entirely self contained.

8. CONCLUSION

8.1 The difficulties the applicant faces in that extension to the existing house would be difficult are understood. However, in the particular circumstances it is not clear that the policy concerns outlined above can be sufficiently controlled by a S 75 as originally considered, and that the balance must clearly fall in favour of a refusal of permission, the consequences of a grant of planning permission being potentially significant.

RECOMMENDATION

Refuse Planning Permission for the following reasons:

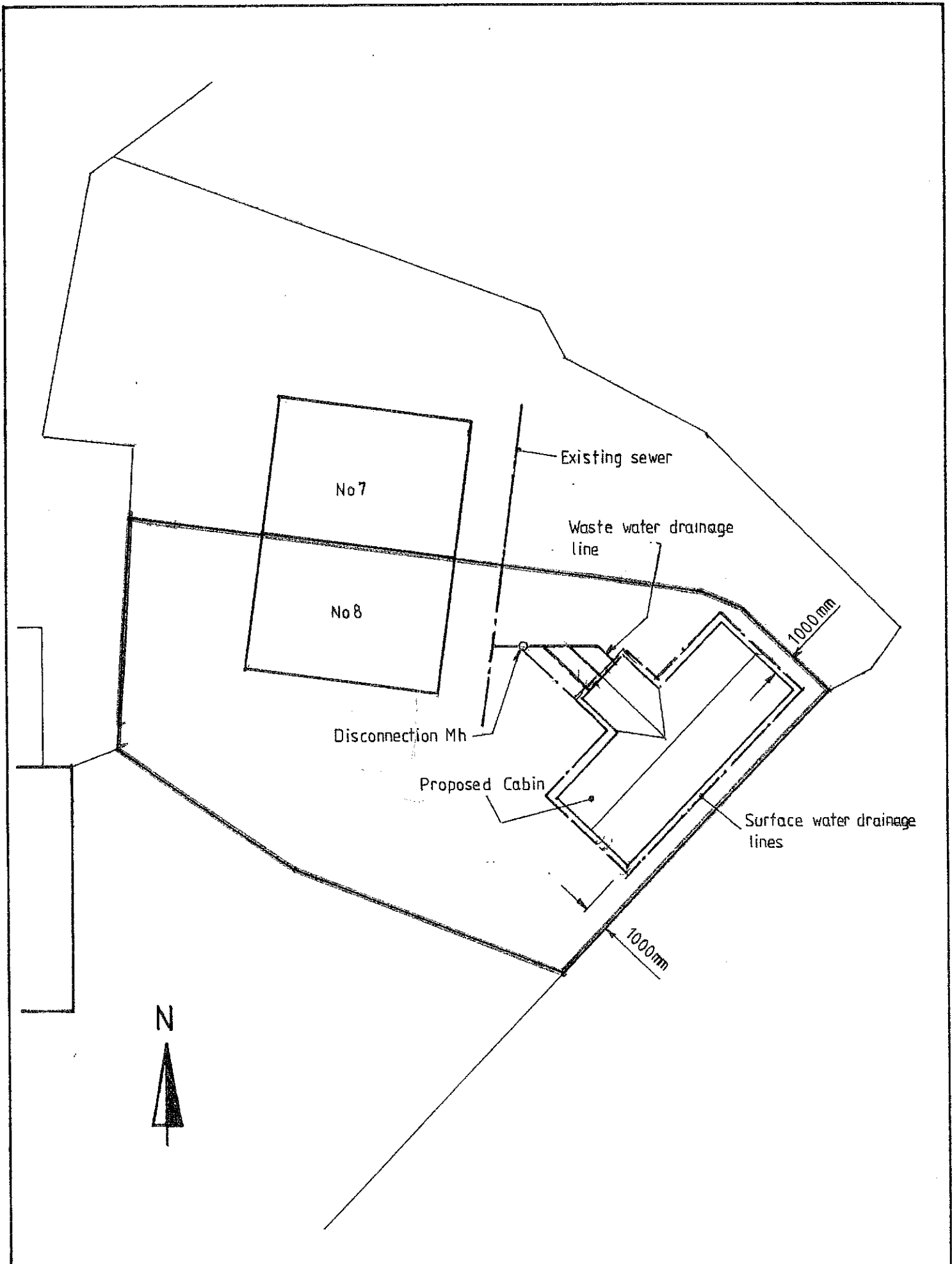
1. The proposal to erect a timber cabin for purposes of providing living accommodation is contrary to Policy G 2 of the Highland Structure Plan March 2001 due to adverse impact on community and residential amenity arising from the resulting density of development and inappropriate siting.
2. The proposal is contrary to Policy 3.1.4 of the Badenoch and Strathspey Local Plan Adopted September 1997 which presumes against infill housing development and subdivision of plots.
3. Approval of a freestanding building of the nature intended, which has been designed externally to mimic a self-contained house, yet operate only for purposes incidental to the enjoyment of the main house by omission of cooking facilities, would set an undesirable precedent for proposals of a similar nature, while either a condition or Section 75 Agreement restricting occupancy and severance from the existing house would be difficult to monitor and enforce and internal alterations (not subject to planning control) to make the cabin fully self contained could be undertaken and become lawful contrary both to policy and to residential amenity.

Signature:

Designation: Area Planning & Building Standards Manager

Author: A. McCracken/David Polson.

Background Papers: Highland Structure Plan
Badenoch and Strathspey Local Plan
Development Advice Note "House Extensions"
Case file correspondence



SITE PLAN SCALE 1:200

MECHANICAL VENTILATION TO BATHROOM TO BE PROVIDED WITH AN EXTRACTION RATE OF 15 L/SECOND & ACHIEVING A MIN. OF THREE AIR CHANGES/HOUR OPERATED INTERMITTENTLY WITH AN OVERRUN PERIOD OF 15 MINS.
FAN TO BE WALL MOUNTED & DUCTED TO DISCHARGE TO OPEN AIR.

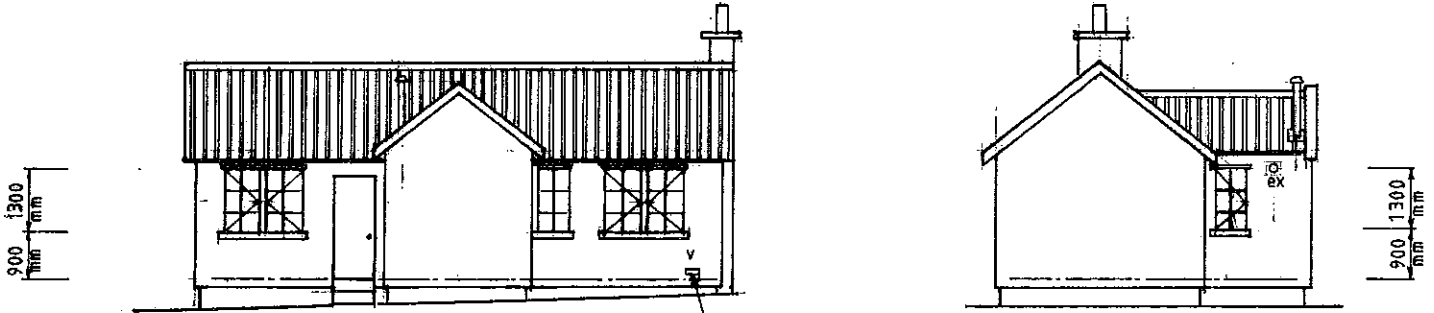
ALL PIPEWORK OUTWITH INSULATION AREAS TO BE COVERED WITH INSULATION MATERIAL EQUIVALENT TO A THICKNESS OF 2 x PIPE Ø. ALL DUCTING TO BE INSULATED WITH GLASS WOOL.

HOT WATER STORAGE TANK TO BE FITTED WITH 100mm THICK INSULATION JACKET.

EXCAVATE & LAY FOUNDATIONS AS SHOWN TO DEPTH OF 450mm MIN./1000mm MAX. OR TO SUIT LOCAL GROUND CONDITIONS, FOUNDATIONS TO BE CAST AS A SINGLE UNIT & NOT IN SECTIONS.

CONSTRUCT WALLING USING 300mm DENSE CONCRETE BLOCKS (TWO COURSES MIN.) & 150mm DENSE CONCRETE BLOCKS AS SHOWN. INCLUDE FOR 150mm x 50mm WALL PLATE & DPC 150mm ABOVE FINISHED GROUND LEVEL.

CONSTRUCT EXTERNAL WALLS WITH 150mm x 25mm T&G BOARDING ON 45mm x 45mm VERTICAL BATTENS AT 400mm CENTRES ON 10mm x 38mm HORIZONTAL COUNTER BATTENS ON TYVEK TIMBER FRAME. BREATHER MEMBRANE ON 12mm PLYWOOD ON 150mm x 50mm FRAMEWORK AT 400mm CTS. INCLUDE FOR DOUBLE RAILS TOP & BOTTOM, MID HEIGHT DWANGS & 150mm FIBREGLASS INSULATION WITH NETLON FIXED TO REAR OF FRAMEWORK. USE 9.5mm PLASTERBOARD INTERNALLY TO COVER FRAMEWORK. INCLUDE FOR VAPOUR BARRIER AT BATHROOM WALLS



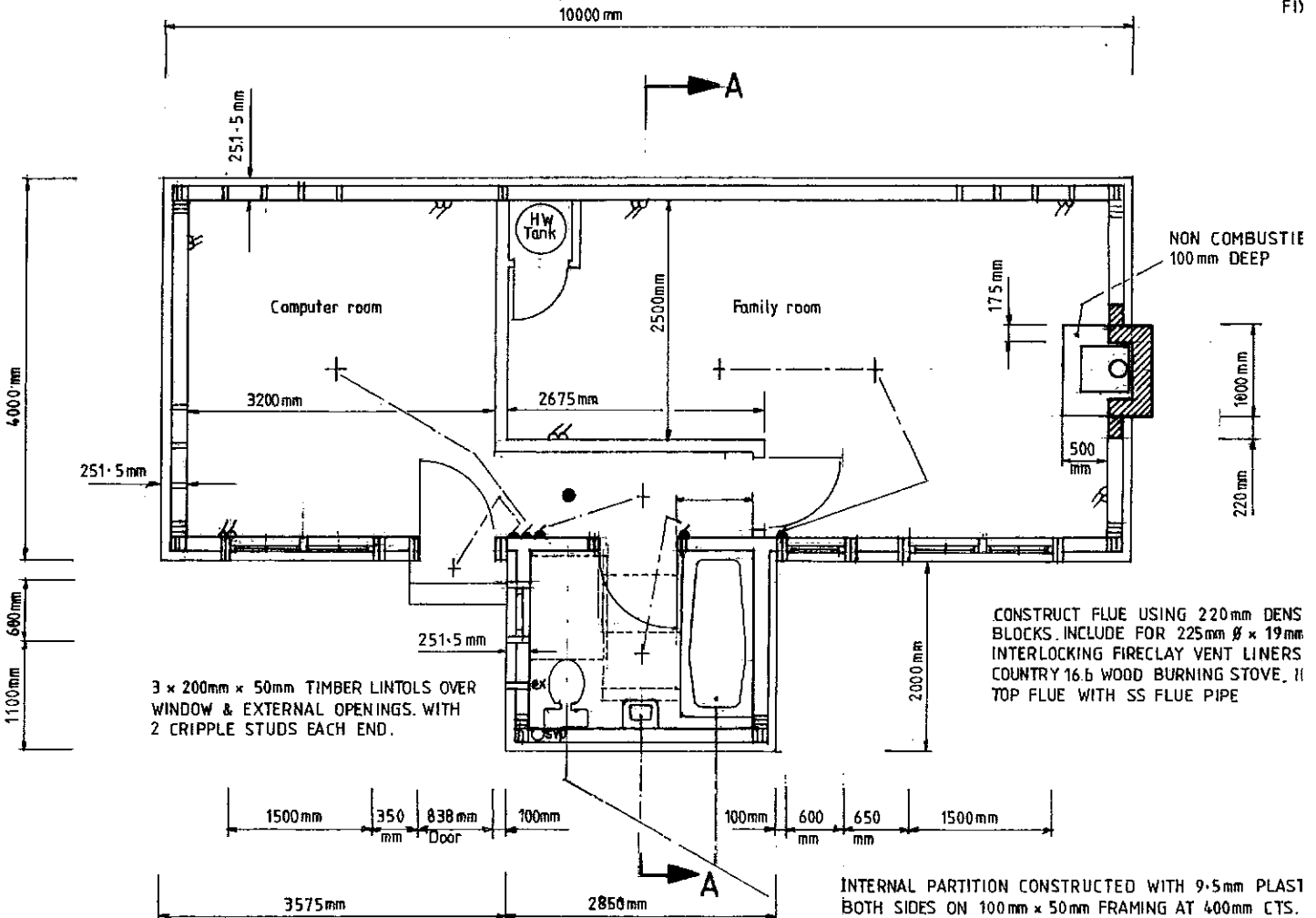
FIT TO WINDOW OPENINGS TIMBER FRAMED DG WINDOW UNITS HAVING 'E' GLASS & 16mm ARGON FILLED GAP & TRICKLE VENTS WITH AN OPENING AREA OF 8000mm². 'U' VALUE OF WINDOWS 1.6W/M²K

VENTS FOR COMBUSTION AIR TO STOVE

NW ELEVATION

NE ELEVATION

1981mm x 838mm DOOR TO BE FULLY INSULATED



3 x 200mm x 50mm TIMBER LINTOLS OVER WINDOW & EXTERNAL OPENINGS. WITH 2 CRIPPLE STUDS EACH END.

CONSTRUCT FLUE USING 220mm DENS BLOCKS. INCLUDE FOR 225mm Ø x 19mm INTERLOCKING FIRECLAY VENT LINERS COUNTRY 16.6 WOOD BURNING STOVE. II TOP FLUE WITH SS FLUE PIPE

INTERNAL PARTITION CONSTRUCTED WITH 9.5mm PLAST BOTH SIDES ON 100mm x 50mm FRAMING AT 400mm CTS. FOR 100mm FIBREGLASS INSULATION & 2 x 100mm x 50mm LINTOLS OVER DOOR OPENING

FLOOR PLAN

WRITTEN INFORMATION TO BE AVAILABLE TO THE OCCUPIERS ON THE OPERATION & MAINTAINANCE OF THE HEATING & HOT WATER SYSTEMS THIS SHOULD BE LOCATED AT THE GAS OR ELECTRICITY CONSUMER UNIT OR WATER STOPCOCK.

INCLUDE ALSO FOR CAVITY BARRIER AT ALL WINDOW & DOORS & AT EACH RETURN.

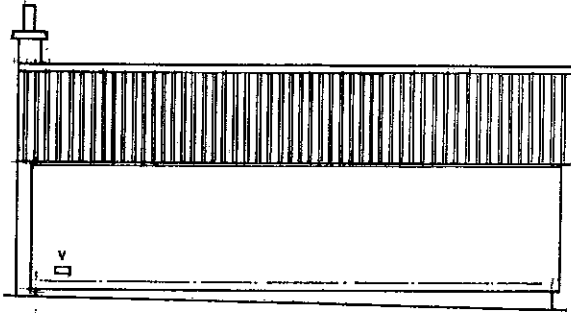
FLOOR CONSTRUCTED WITH 22mm T&G DAMP PROOF CHIPBOARD FLOORING PANELS ON 195mm x 50mm JOISTS AT 400mm CTS. ON 150mm x 50mm WALL PLATE. JOISTS SECURED TO WALL PLATE WITH TRUSS CLIPS FIXED WITH No 9 GAUGE x 32mm LONG SQUARE TWISTED SHERADISED NAILS. WALL PLATE SECURED TO BLOCKWORK WITH 65mm GUN FIRED HILTI NAIL & WASHER. INCLUDE FOR 200mm FIBREGLASS INSULATION SUPPORTED ON NETLON.

ROOF CONSTRUCTED WITH GREEN PLASTIC COATED PROFILED STEEL ROOF PANELS ON 95mm x 45mm PURLINS ON DALTEX ROOFSHIELD BREATHER MEMBRANE ON 12mm PLYWOOD ON ROOF TRUSSES AT 600mm CTS. INCLUDE FOR FASCIA BOARDS & 150mm FIBREGLASS INSULATION BETWEEN TRUSS & 100mm FIBREGLASS INSULATION OVER TRUSS JOISTS. UNDERSIDE OF TRUSS JOISTS TO BE COVERED WITH 9.5mm PLASTERBOARD. INCLUDE FOR VAPOUR

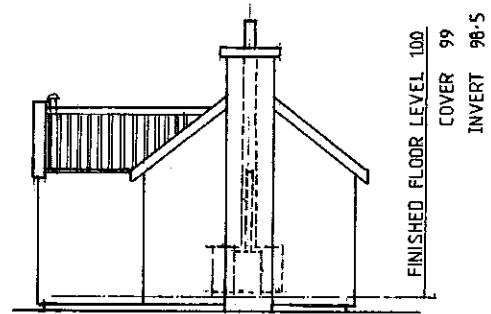
BARRIER OVER BATHROOM.

COLLECT ALL WASTEWATER IN 100mm Ø UPVC DRAINS & CONDUCT TO DISCHARGE INTO EXISTING WASTEWATER DRAINAGE SYSTEM. INCLUDE FOR ALL BENDS, TRAPS, BRANCHES & RODDING EYES. INCLUDE ALSO FOR DISCONNECTION MANHOLE, WHERE PIPEWORK PASSES FOUNDATIONS PIPEWORK TO BE PROTECTED WITH CONCRETE BLOCKS AND/OR CONCRETE SLABS, ALL UNDERGROUND PIPEWORK TO BE BEDDED IN 5-10mm PEA GRAVEL OR GRANULAR MATERIAL & HAVE A GRADIENT NOT LESS THAN 1:80

COLLECT ALL SURFACE WATER IN 100mm Ø UPVC DRAINS & CONDUCT TO DISCHARGE IN TO EXISTING SURFACE WATER DRAINAGE SYSTEM i.e. MAIN SEWER. PIPEWORK BEDDED AS BEFORE, GRADIENT AS BEFORE.



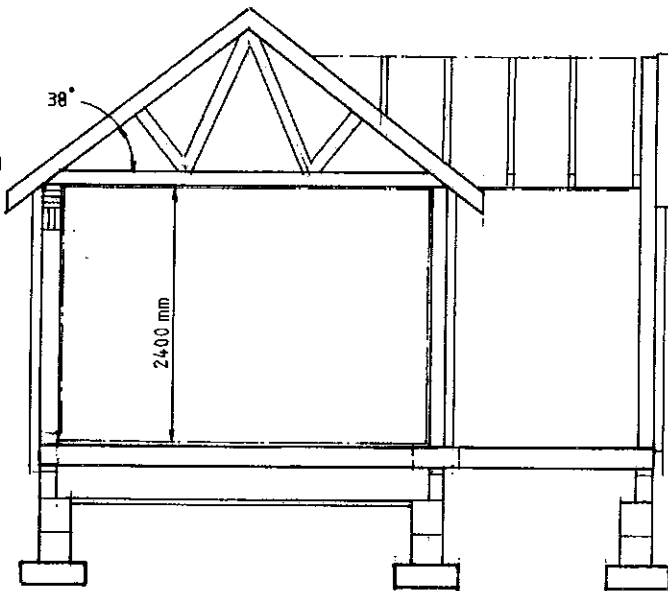
SE ELEVATION



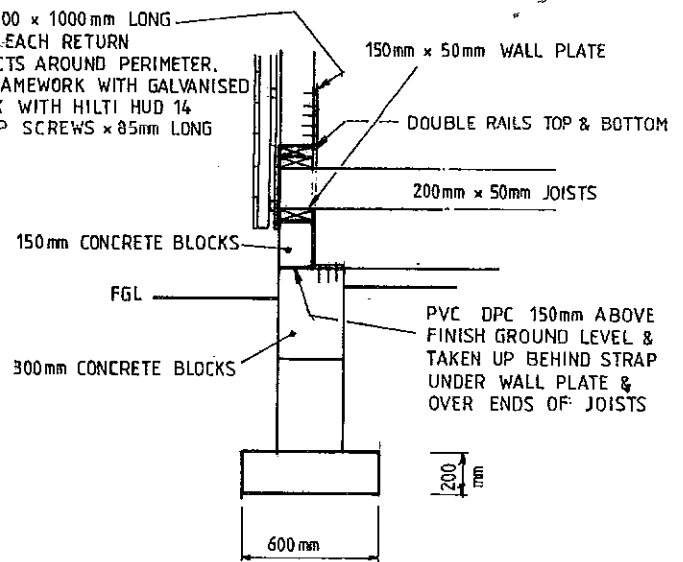
SW ELEVATION

TRUSSES ANCHORED TO FRAMEWORK WITH BAT STRAPS 38mm x 3.00 x 1000mm LONG WITH 90° BEND. TWO AT EACH RETURN OTHERWISE AT 1200mm CTS AROUND PERIMETER. STRAPS SECURED TO FRAMEWORK WITH GALVANISED NAILS & TO BLOCKWORK WITH HILTI HUD 14 ANCHORS WITH 8 Ø BZP SCREWS x 85mm LONG

BAT STRAPS 38mm x 3.00 x 1000mm LONG WITH 90° BEND. TWO AT EACH RETURN OTHERWISE AT 1200mm CTS AROUND PERIMETER. STRAPS SECURED TO FRAMEWORK WITH GALVANISED NAILS & TO BLOCKWORK WITH HILTI HUD 14 ANCHORS WITH 8 Ø BZP SCREWS x 85mm LONG



SECTION A A



ANCHOR STRAP & FOUNDATION DETAILS. SCALE 1:25

SOLUM CONSTRUCTED WITH 50mm DEEP SITE CONCRETE ON 1000 GAUGE DPM ON 50mm SAND ON 150mm MIN. DEEP HARDCORE INFILL. SOLUM LEVEL MUST NOT LOWER THAN EXTERNAL FINISHED GROUND LEVEL.

WHERE BOTH HOT & COLD WATER ARE SUPPLIED TO A FACILITY A THERMOSTATIC MIXING VALVE IS TO BE PROVIDED TO ALLOW FLEXIBILITY IN SETTING A WATER DELIVERY TEMPERATURE TO A MAX. OF 48°C. THE TMV SHOULD BE FITTED AS CLOSE TO THE POINT OF DELIVERY AS IS PRACTICABLE

MAINS WIRED SMOKE ALARM TO BE PROVIDED. ALARM MUST NOT BE WITHIN 300mm OF ANY LIGHT FITTING.

PROPOSED CABIN AT THE REAR OF No 8, MACKAY AVENUE GRANTOWN ON SPEY

PREPARED ON BEHALF OF MR. J. SZCZYPIOR, No.8, MACKAY AVENUE, GRANTOWN ON SPEY.

ELECTRICAL LEGEND

- + LIGHT POINT
- SMOKE ALARM
- ⬇ SWITCH
- ex EXTRACTOR FAN
- ⚡ SWITCHED DOUBLE POWER POINT.

ALL ELECTRICAL CABLE TO BE CARRIED WITHIN CONDUIT
ALL ELECTRICAL INSTALLATION TO BE IN ACCORDANCE WITH THE LATEST IEE REGULATIONS & CURRENT BUILDING STANDARDS.

FIT LOW ENERGY LIGHT FITTINGS & LAMPS THROUGHOUT

TAYLOR DESIGN
BRIDGEND; COTTAGE
BRIDGE OF BROWN TOMINTOUL
BALLINDALLOCH AB37 9HR
Tel. 01807 580415

Drawn *BTaylor* Date 24.04.08