

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
10 June 2014**

Agenda Item	6.3
Report No	PLN/040/14

**14/00900/FUL : Mr.A. McNab
4 Langley Park, Wick, KW1 5LD**

Report by Area Planning Manager

SUMMARY

Description : Extension of existing office-annexe to form detached 'granny-flat'.

Recommendation - GRANT

Ward : 03 WICK

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : number of representations.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to extend the existing detached building (used as an office annexe) into a 'granny-flat' for the owner's parents. This will measure 12.9x6.2m which results in an increase in footprint from 29.25m² to 80.07m²; the eaves height of 2.56m is an increase of approximately 250mm over the existing, with the ridge height increasing from approximately 4.4m to 5.08m. The materials (red concrete roof-tiles, pale-yellow dry-dash harling and 'timber-look/golden oak' upvc windows and doors) are to match the existing house. The extended building would be approximately 3.5m from the existing house at the closest point.
- 1.2 Pre-app. was sought by the Applicants under 13/03757/PREAPP, which concluded: the proposal falls within the settlement development area and is based on the needs of a local family. In principle, it is considered likely to receive officer support. Care should be taken to ensure that the privacy afforded to the existing neighbouring properties is not adversely affected by the proposal.
- 1.3 The proposal will link to the mains sewer; water and electric are on site.
- 1.4 The Applicant's have submitted a number of statements declaring the need for parental accommodation for care purposes.

- 1.5 **Variations:** During the course of the application the Applicant has amended the drawing to shift the proposal a minimum 1.2m off the boundary with No.3 Langley Park, as the original position on the boundary was not considered to be acceptable. The existing shed in the SE corner of the garden was also added to the site plan.

2. SITE DESCRIPTION

- 2.1 No.4 is one of 6 large bungalows arranged within the Langley Park cul-de-sac, all of which are set in very generous garden space (mainly laid to lawn) with no dividing boundaries between properties; the latter element lends an air of considerable spaciousness to the entire development that is unusual within the Wick urban area. The site of the proposed building is currently occupied by an existing office-annexe (measuring 6.03x4.85m) which will be extended in similar design/materials to form the new 'granny-flat'. The annexe is approximately 6m from the existing house.

3. PLANNING HISTORY

- 3.1 14/00863/FUL was withdrawn and re-submitted as this application.
03/00407/FULCA was granted on 17.10.2003 for the erection of dwelling-house and integral garage at No.4 Langley Park.

4. PUBLIC PARTICIPATION

- 4.1 Neighbour consultations : 06.03.2014, 08.04.2014
Representation deadline : 01.05.2014
Timeous representations : 5
Late representations : 1 (additional comments from a Timeous rep.)
- 4.2 Material considerations raised are summarised as follows:
Neighbours: 5 Objections. 4 Neighbours (No.s 1,2,3 + 5 Langley Park) and the original land-owner/developer (Ash Villa, George Street) have all objected on the grounds of:
- The adverse impact on the nature and character of the existing Langley Park development. This was originally designed to be a low-density scheme with large open areas between the houses, open-plan in layout and 'uncluttered' by buildings. The introduction of another house will be disruptive to the layout and impact negatively on the character.
 - The scale of the house is an excessive extension of the existing building.
 - The '5th-house rule' regarding the existing access road not being of a suitable standard to accept the extra traffic from a 5th 'house', and the requirement to improve it to 'adoptable' standard. The development was deliberately planned to have direct vehicular access to No.s 1 and 6 Langley Park from Langley Lane, and the remaining four houses (No.s 2,3,4+5) would be accessed from a private roadway.

- The immediate impact on the amenity of No.3 relative to the proximity of the development to their boundary. The proposal is shown hard onto the boundary which means it cannot be built/maintained without access from No.3, the eaves and foundations will oversail/project-into No.3's garden, and there is a window on the boundary elevation which is not permissible.
- The shed on the SE corner of No.4's garden is not shown on the site plan; does this and the existing 'annexe' require consent?

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Area Roads Engineer** : No Objection, but request a Condition tying proposal to No.4 Langley Park.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality & Place-making

Policy 34 Settlement Development Areas

6.2 Caithness Local Plan 2002

Policy PP1 General policy

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

n/a, pre-consultation

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

PAN 67 Housing Quality

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 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.

8.3 **Development Plan Policy Assessment**

The principle of this proposal raises no direct conflict with development plan policy, as the building is for ancillary use to the existing dwelling-house at No.4 Langley Park; the property sits within a large area of garden curtilage, within the Wick settlement development area. The proposal is therefore considered to be generally compliant with the Development Plan policy specifically the requirements of policy 28 and 29 in regards to design and respecting amenity of existing properties.

8.4 **Material Considerations**

The main planning issues that relate to this proposal are: 1) the impact on neighbouring amenity; 2) design, scale and materials; 3) the impact on the layout and character of the existing development; 4) any issues relating to transport, access and servicing; 5) the implications for the long-term use of the building as being ancillary to the main house.

1) The very open layout of the existing development has created large areas of garden space around each of the properties, with the spaciousness enhanced by the fact that none of the properties have garden boundaries. The existing annexe building sits at the eastern end of the overall development, 2.2m from the eastern boundary, with its western gable forming the only visible element to all residents apart from No.3 Langley Park. In this view the existing building appears subservient to the much larger bulk of the existing house at No.4. The proposed building will have a similar visibility/impact onto Langley Park, with the gable being enlarged by only 1.35m in width and approximately 0.7m in height. The view from No.3 will be of the side aspect, which is doubling in length; the additional length will be viewed against the backdrop of the existing house (at No.4) and the orientation of No.3 is angled away from the proposal so the new building would be viewed obliquely from its windows; we would note that the closest part of the house at No.3 to the proposal is actually a large double-garage, which further reduces any impacts on the amenity of the house.

The original submission plan showed the proposed building hard onto the boundary with No.3 Langley Park, which was not acceptable in principle, especially as it included a window to the bathroom. The Applicant subsequently agreed to move the proposed building 1.2m off the boundary, in line with the existing annexe, which will allow for construction and maintenance to take place fully within the proposal site. Given the very large garden that surrounds No.3 Langley Park, the proposed building is not considered to negatively impact upon it in terms of loss of daylight/sunlight or from being overbearing. The only remaining aspect that could affect neighbouring amenity would be over-looking from the new window; this will be conditioned to have restricted opening and a translucent/opaque finish to the glazing.

2) The design, scale and materials will be key factors to help integrate this proposal within its context. The design of the building is simple in form, with a dual-pitch roof and the gable facing towards the access roadway, which lessens its general visibility. The materials and detailing are to match the existing house, so the proposal will appear consistent with its immediate context.

3) The impact on the layout and character of the existing development will be relatively minimal. There is so much open space surrounding the 6 houses that the introduction of this extended building to No.4 will have little impact upon the overall layout, with a minimal reduction in the overall garden area. The increased scale of the building will have some impact on the aspect and sense of enclosure to No.3 adjacent, but this is one small part of their considerable boundary and is not considered to be significant or particularly adverse in its impact.

4) The issues relating to transport, access and servicing have been considered by the Area Roads Engineer, who has no objections (subject to the proposed building not becoming a stand-alone house in the future). They note that the additional traffic is unlikely to cause the private road to fail and there appears to be sufficient parking/turning within the curtilage of the existing house.

5) Along with the scale and design, the use of the building as being ancillary to the main house is the most significant planning issue relating to this application. When the time comes that the use of the building as a 'granny flat' may no longer be required by the property owners, an alternative use for the property will likely be sought. This application is being considered purely on the basis that the new building will be an ancillary use to the main house. The new building, in terms of its location, positioning and close proximity to the main house, does not lend itself naturally to being used/sold (in the future) as a stand-alone house with its own amenity space and parking/access. Regardless of this, a condition shall be applied to this consent that limits the use of the building to being ancillary to the main house in perpetuity, as this proposal would not be considered acceptable otherwise.

8.5 **Other Considerations – not material**

Relative to the neighbour objections that have been received, and noted below, we consider that none of the issues are material planning grounds that cannot be overcome by conditions and/or amendments:

a) The issue of whether or not this proposal will set a precedent for all the houses within Langley Park to develop similar buildings is unfounded, as each future case would be judged on its own individual merits.

b) The 5th house rule is not a material consideration to this case, where the proposed building is ancillary to No.4 Langley Park (and shall be conditioned to remain so). See Area Roads Engineer comments in point 4 above.

- c) The issue of the neighbour consultation not being adequate is incorrect. The standard notification process extends a 20 metre line around the development site and consults any neighbour that is included within this (which were No.3 Langley Park and No.s 2 and 4 Gowrie Place, consulted on 06.03.2014). Due to the nature of this application and neighbour interest, additional consultation was carried-out (on 08.04.2014) to No.s 2 and 5 Langley Park in the interests of good, open and inclusive planning.
- d) The shed on the SE corner of No.4's garden is not shown on the site plan; this and the existing 'annexe' require consent. The site plan was amended to also show the SE shed. Both buildings are just within the height limits for permitted development, and take up a very small proportion of the garden area.
- e) The Feu Dispositions restrict the development potential of each plot at Langley Park to one house only. This would be a private civil matter.
- f) The drawings were altered but no re-consultation was carried-out. The addition of the SE shed is a minor issue; the addition of dimensions to show the proposal being offset from the two boundaries, was considered to be an improvement on the initial positioning that therefore did not require re-consultation.
- g) The revised drawings refer to previous versions that had 2-storey/2 bedrooms. All the submitted application drawings clearly show the proposal being one-storey with one bedroom.

8.6 Matters to be secured by Section 75 Agreement

n/a

9. CONCLUSION

- 9.1 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. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions:

1. The extension to the existing annexe hereby approved shall not be occupied at any time other than for domestic purposes relating to the ancillary enjoyment and use of the existing house at No.4 Langley Park and shall not be disposed of separately from No.4 at any point in the future.

Reason : In recognition of the character and density of the existing development, in order to ensure that the extension remains part of No.4 Langley Park and is not physically or otherwise segregated therefrom.

2. Any window on the northern wall of the proposed building, facing towards the garden of No.3 Langley Park, shall be obscured with patterned/translucent glass and shall have an opening-restrictor fitted. Any window on the eastern wall of the proposed building, facing towards the garden of No.2 or 4 Gowrie Place, shall be obscured with patterned/translucent glass

Reason : In order to safeguard the amenity and privacy of neighbouring properties and occupants.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

FOOTNOTE TO APPLICANT

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.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 (p.198), 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

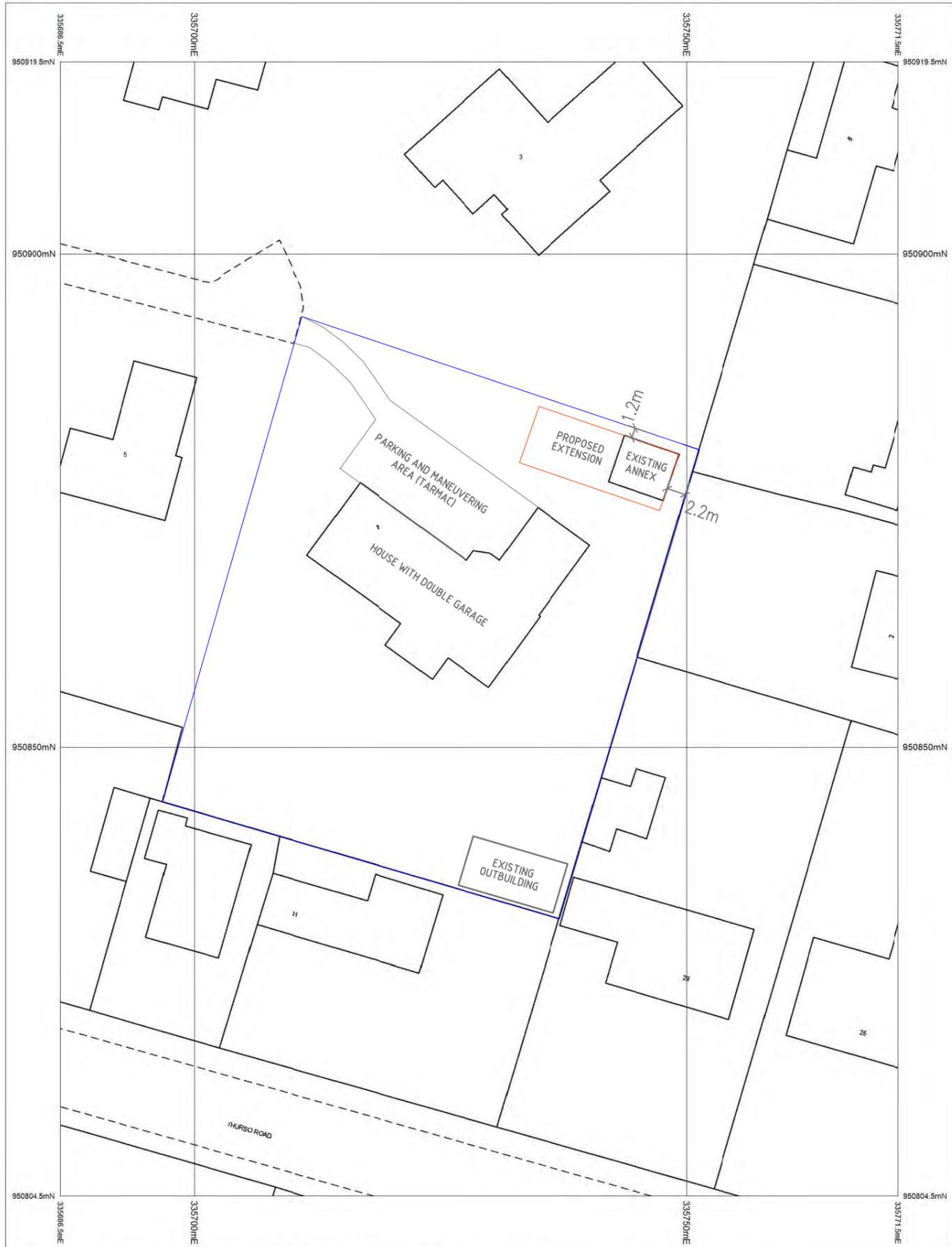
Mud & Debris on Road

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.

Signature: Dafydd Jones
Designation: North Area Planning Manager
Author: Norman Brockie
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – location plan
Plan 2 – floor plan
Plan 3 – elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr+Mrs Richard-Jones	1 Langley Park, Wick	28.03.2014	Against
Mr.E. Sutherland	2 Langley Park, Wick	03.04.2014	Against
Mr+Mrs McKiddie	3 Langley Park, Wick	14.03.2014	Against
Mr.D. Renwick	5 Langley Park, Wick	21.03.2014 16.05.2014	Against
Mr.D. Sutherland	Ash Villa, George Street, Wick	28.03.2014	Against



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The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

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Scale: 1:500

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ORIGINAL SCALE 1:2500

LOCATION PLAN
SCALE 1:2500

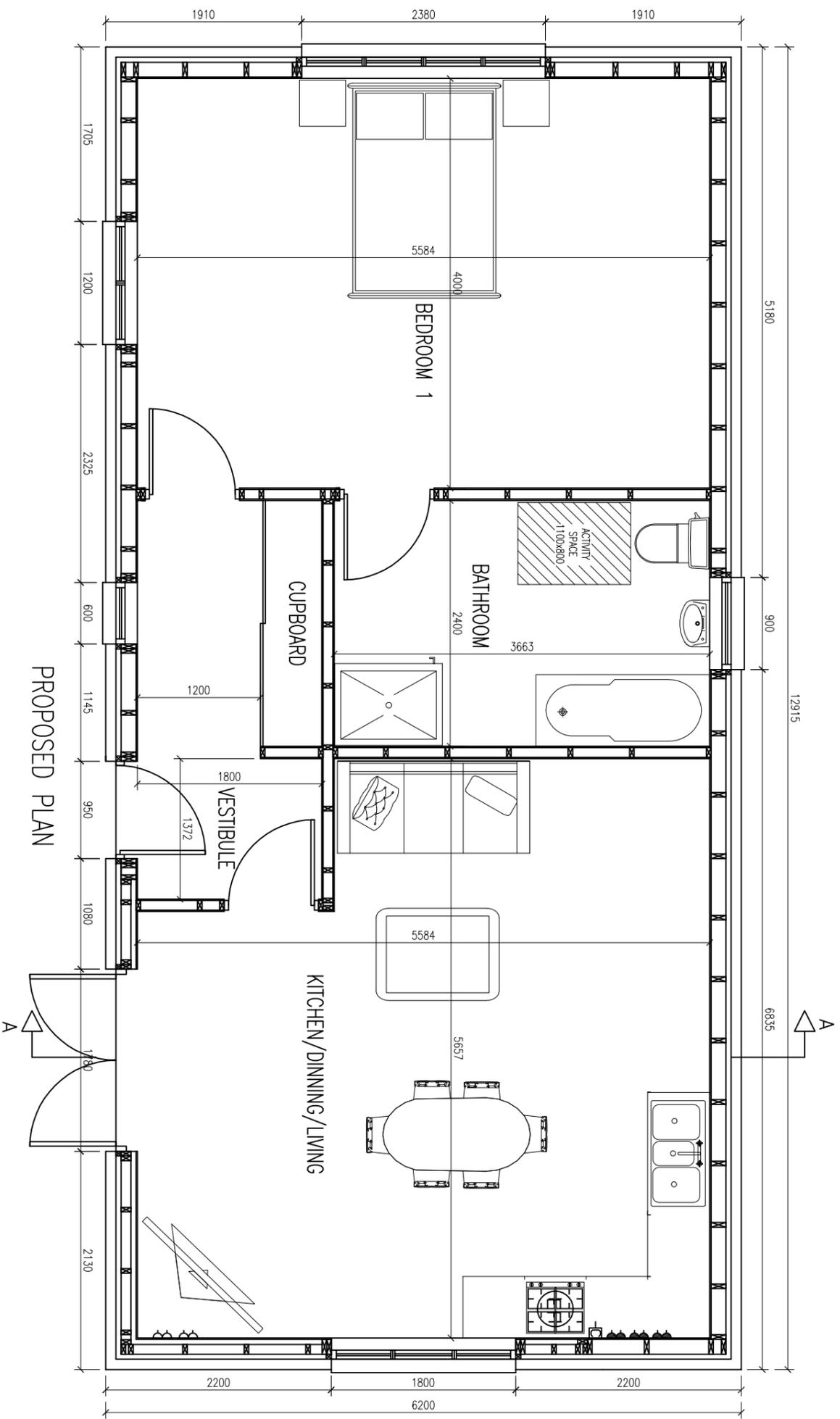
REVISION NOTES		
Rev	Description	Date
A	First issue.	15/12/13
B	Position of proposed extension amended.	22/04/14
C	Outbuilding in south-east corner added.	25/04/14

PROJECT: K & A MacNab
4 Langley Lane, Wick, KW1 5LD

TIMBER-TEC
39 GIRNIGOE STREET
WICK, CAITHNESS, KW1 4HP
TEL./FAX.: 01955 604983

DRAWING NAME:
**LOCATION PLAN
BLOCK PLAN**

SCALE	DATE	DRAWN BY:	CHECKED
1:2500, 1:500	01.13	MW	
DRAWING NUMBER		011113 - 01 rev.C	
DRAWING NUMBER		FORMAL	



PROPOSED PLAN

REVISION NOTES

Rev	Description	Date
C	Bedroom 2 removed.	11.02.14
A	First issue.	16.12.13
B	Redesigned to 1 storey.	17.01.14

DRAWING NAME:

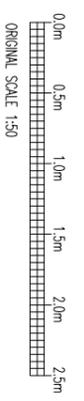
PROPOSED PLAN

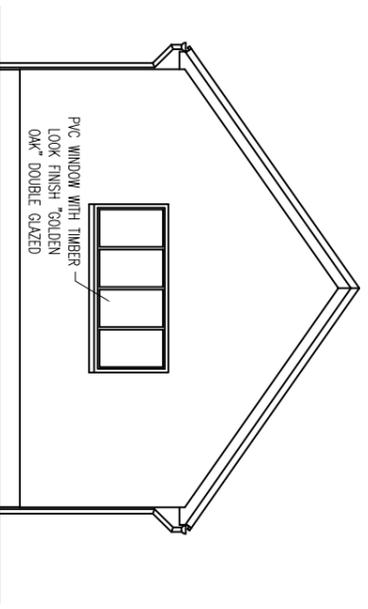
PROJECT: K & A MacNab
4 Langley Lane, Wick, KW1 5LD



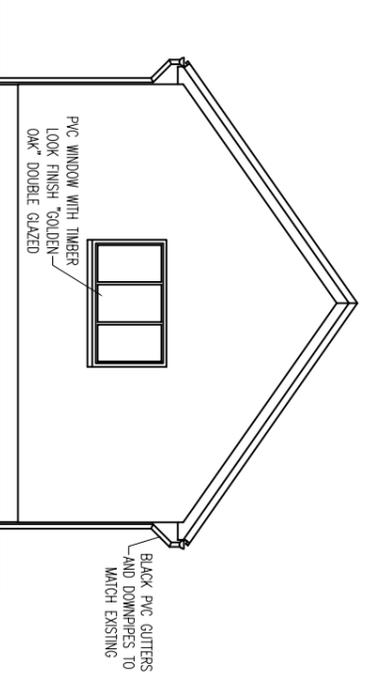
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DRAWING NUMBER	011113 - 03 rev.C		
DRAWING STATUS	FORMAL		

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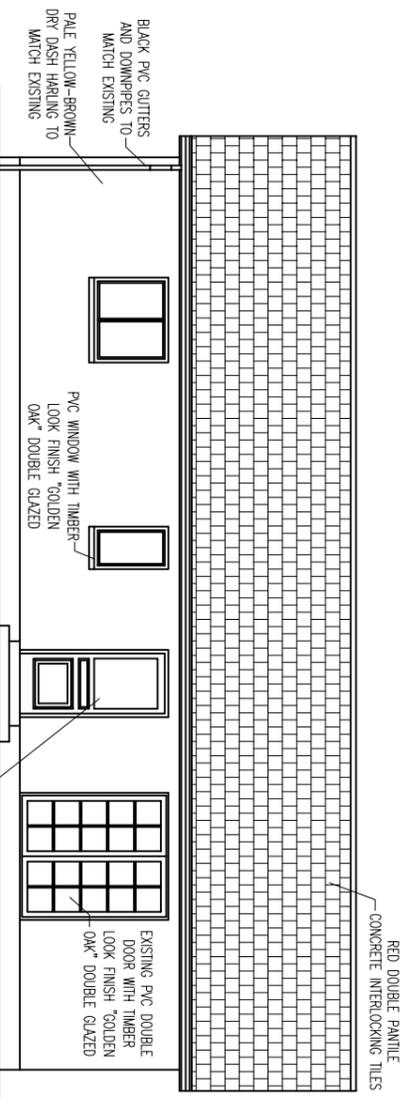




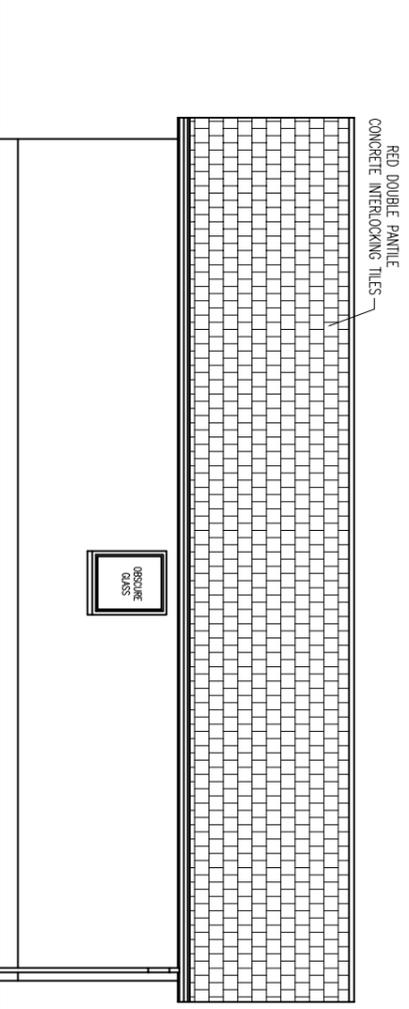
WEST ELEVATION



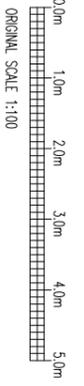
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



REVISION NOTES		
Rev	Description	Date
A	First issue.	16.12.13
B	Redesigned to 1 storey.	17.01.14
C	Elevation changed due to bedroom removal.	11.02.14

DRAWING NAME:
PROPOSED EXTENSION ELEVATIONS

PROJECT: **K & A MacNab**
4 Langley Lane, Wick, KW1 5LD

TIMBER-TEC
39 GIRNIGOE STREET
WICK, CATHNESS, KW1 4HP
TEL./FAX.: 01955 604983

SCALE 1:100 DATE 11.12 DRAWN BY: MW CHECKED
DRAWING NUMBER 011113 - 06 rev.C
DRAWING STATUS: FORMAL

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