

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE  
07 June 2016**

Agenda Item	6.3
Report No	PLN/031/16

**16/00519/FUL : Mr and Mrs R Matheson  
Land 100M NE Of Kielburn  
Kishorn**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of house

**Recommendation - REFUSE**

**Ward :** 06 - Wester Ross, Strathpeffer And Lochalsh

**Development category :** Local Development

**Pre-determination hearing :** n/a

**Reason referred to Committee :** At the request of Ward Members.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application seeks full planning permission for the erection of a single storey, three bedroom dwelling house with an integrated single garage.
- 1.2 No pre-application discussions took place, and there was no request for pre-application advice.
- 1.3 The site would be accessed by means of an extension to an existing road a short distance to the west.
- 1.4 A supporting statement and photomontages of the proposed development have been submitted.
- 1.5 **Variations:** Amended drawings, showing a revision to the design of the house to incorporate an integral garage, a new sectional drawing and revised photomontages were received on 04.04.2016, drawing nos:  
PL001 Rev A Revised Location Plan  
PL003 Rev A Revised Floorplan  
PL004 Revised Elevations  
PL005 Site Section

A revised site layout plan consistent with the elevational and floorplan amendments was received on 21.04.2016, drawing no:  
PL002 Rev B Revised Site Layout Plan

## **2. SITE DESCRIPTION**

- 2.1 The site comprises an area of generally flat, open grassland immediately to the south east of the Kishorn waste water treatment works (WWTW). The land sits higher than the WWTW. A new dwelling house and separate garage (granted consent by application 11/03163/FUL, as listed below) are nearing completion immediately to the south west of the site.

## **3. PLANNING HISTORY**

- 3.1 15/00678/FUL - Erection of house with integral garage - Refused - 20.05.2015. This was on the same site as the current proposal, but involved a different design of house featuring four bedrooms arranged over one and a half storeys.  
Adjacent site to south west:  
11/03163/FUL - Erection of house and garage - Granted 02.05.2012. This development is currently being built. It is a four bedroom, one a half storey dwelling house with separate garage.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown Neighbour -14 Days  
Representation deadline : 18.03.2016  
Timeous representations : 6 objections from 4 separate households  
Late representations : 3 objections from one household  
4 support comments and two neutral comments from 6 separate households
- 4.2 Material considerations raised are summarised as follows:
- Dispute agent's claims in relation to impact on lines of sight from nearby properties.
  - White walls would have unduly imposing, intrusive effect.
  - Adverse landscape impact and adverse impact on views from scenic route.
  - Dispute accuracy of agent's initial and amended photomontages and the claim that ridge height of new house would be only marginally higher than that of adjacent house currently under construction. Assert proposed house would exceed both the width and height of the adjacent house currently under construction and would be seen in its entirety. State trees have been added to photomontage which do not exist and that photomontage excludes the key landscape feature of the Cuillins.
  - Dispute agent's claim that new house would be at the edge of the field; it would be in the middle.

- The proposal would overlook an existing house, resulting in loss of privacy.
- Dispute claim that an existing stone wall would partially obscure the proposal – this low wall has largely fallen down.
- Loss of grazing land and wildlife habitat.
- Siting identical to previously refused application.
- The loss of a private view should not justify refusal of the application.
- There is a shortage of affordable housing in the area.
- House to the west currently under construction respects the local vernacular and is appropriate in terms of its siting.

## **5. CONSULTATIONS**

5.1 **Scottish Water** : No response

## **6. DEVELOPMENT PLAN**

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 and Place-making

Policy 36      Development in the Wider Countryside

### **6.2 Wester Ross Local Plan 2006 (as continued in force 2012)**

No relevant policies

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (adopted Jan 2013)

Housing in the Countryside Siting and Design (adopted Mar 2013)

Access to Single Houses and Small Housing Developments (adopted May 2011)

### **7.2 Scottish Government Planning Policy and Guidance**

Paras 74 to 83

## **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**

#### **Planning Policies**

8.4 In this case the Development Plan is comprised solely of the Highland-wide Local Development Plan, the relevant policies of which are considered below.

The site lies outwith any defined Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas.

Policy 28 requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity.

Policy 29 repeats this emphasis on good design in terms of compatibility with the local landscape setting.

#### **Appearance and Landscape Impact**

8.5 The design of the proposed building respects the local vernacular due to its primarily rectangular floorplan, narrow gable width, single storey height and finishing materials of natural slate, white or off-white render and natural timber boarding.

8.6 Within Achintraid development is mainly low lying, single tier and close to the road network following. As noted above, a dwelling house is currently under construction a short distance to the south west of the site. This building is at a lower level than the proposed development and relates to the existing settlement pattern comprising scattered housing and the water treatment works along the Achintraid minor public road to the south west. The siting of the proposal at a higher level relative to this new building and further away from the Achintraid minor road means that it does not relate to the existing linear pattern of development along this road

and will create a second tier of development at odds with the prevailing settlement pattern. The proposed building would break the skyline when seen from both the A896 and from the Achintraid minor road. As such, the siting of the building would appear isolated and prominent within an area of open countryside and would therefore not be sympathetic to the existing pattern of development.

- 8.7 In response to objections the agent has submitted a sectional drawing and amended photomontages which show that the ridge of the new house would be some 1.3m above the ridge of the new house to the south west in relation to the excavated ground level of the site. The agent also comments on objectors' claims that the proposal would be significantly higher than the house currently being built relating to the impression gained from an objector's photographs which involve camera distortion of perspective. Irrespective of such technical debates however, the proposal would be seen in its entirety within a particularly sensitive area of open, undeveloped countryside which provides an impressive vista across Loch Kishorn to the Cuillin mountains on Skye. Comparisons with the height of the building currently under construction are noted but the key issues are the compatibility of the proposed house with the character and capacity of the landscape and the existing pattern of development.
- 8.8 The proposed building, when seen from the A896 to the north east of the site, which is considered to be a significant public receptor of the impressive views to the west, would be seen as a stand-alone building in an open and level field, divorced from the existing pattern of development. As such, the proposal would be unduly imposing and intrusive in the landscape setting. This encroachment at a more elevated level will significantly detract from the landscape setting of Achintraid to its detriment and create a precedent for further development pressure. It must be noted that the photomontage illustrating the effect of the proposal on the view to the west does not provide a true illustration of the local landscape character in that the Cuillin mountains are obscured by cloud. It also includes trees which are not present on site. As such, this photomontage significantly understates the visual and landscape impacts of the proposal.
- 8.9 The agent seeks to differentiate the proposal from the recently refused application (15/00678/FUL) as listed above, on the basis that its lower ridge height of 5.2m compared to the 8m of the refused scheme (-2.8m) would result in a reduced and therefore acceptable visual impact. However, the fact that the height of the current proposal is less than that of the recently refused scheme does not mean that it would therefore avoid adverse visual, landscape and public amenity impacts. The current proposal still has the same adverse impacts as the previously refused scheme, in that it does not relate to the pattern of existing development along the Achintraid minor road, and the entirety of the building would be seen within a sensitive area of open countryside.

### **Fragile Area Status**

- 8.10 It is acknowledged that the Sannachan settlement is designated as a fragile area for the purposes of HwLDP Policy 36, and that the provision of a new dwelling house could help to support the community. However, this factor must be weighed against the conflict with other parts of Policy 36 and Policies 28 and 29, namely the

adverse impact of the proposed siting on landscape character and capacity and conflict with the local pattern of development It is considered that these conflicts outweigh the benefit which a new house might provide to the local economy

### **Neighbour Amenity**

- 8.11 The proposed building would be some 100m distant from the nearest existing house. This degree of separation is more than sufficient to protect existing neighbour amenity. The separation distance from the house currently being constructed to the west is some 30m, and again this is considered sufficient to safeguard the privacy of this building.

8.12 **Other Considerations – not material**

It is stated in the objections received that a view is held that the new house currently being built under consent 11/03163/FUL is higher than was allowed for or expected in relation to conditions applied, and that if this is the case then granting the current application would compound this exception as it uses this new house as a justification. As noted above, it is considered that comparisons with the house currently under construction are not relevant, on the basis that it relates well to the existing pattern of development and is not seen in its entirety within an open area of sensitive landscape. It should also be noted that the house currently under construction does not exceed the height permitted under conditions imposed on the relevant planning permission, and that it is being built in accordance with the terms of its planning permission.

Other comments received refer to the large number of holiday homes and older residents in the area. The planning system cannot prevent a house being used as a holiday home, and has no control over the age of occupants. Some comments state that the objectors are not representative of the whole community, but this is not a planning consideration.

8.13 **Matters to be secured by Section 75 Agreement**

None

## **9. CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission be refused.

## 10. RECOMMENDATION

**Subject to the above**, it is recommended the application be **REFUSED** subject to the following reason for refusal:

1. The proposal is contrary to Policies 28, 29 and 36 of the adopted Highland-wide Local Development Plan. The siting of the building is overly prominent, unduly imposing and intrusive within a sensitive area of open countryside, intruding upon impressive open public views to the west from the A896 public road, it fails to respect the pattern of local development, and is incompatible with the local landscape character and capacity to its detriment.

Signature: Dafydd Jones

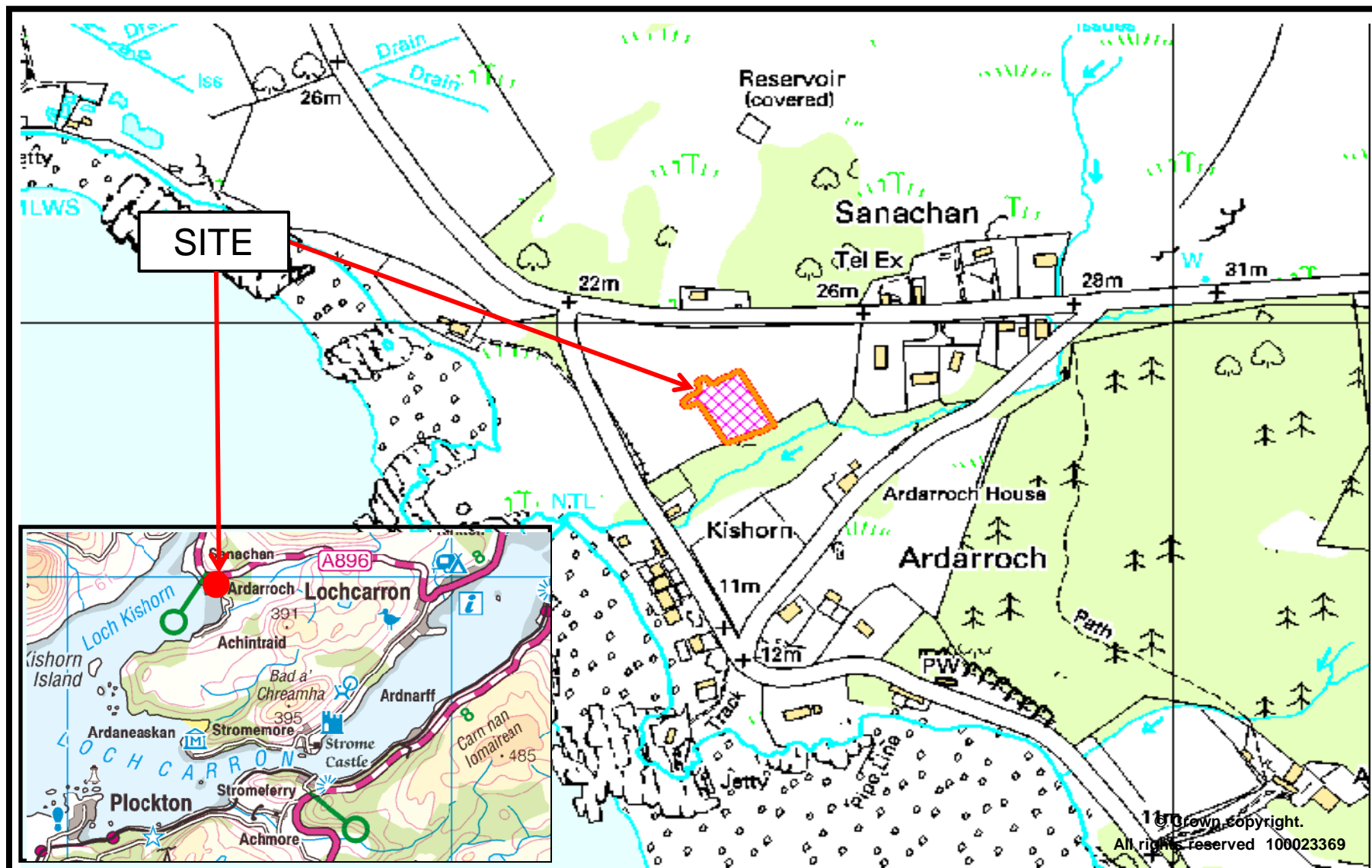
Designation: Area Planning Manager North

Author: Graham Sharp

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

Relevant Plans:

- Plan 1 – Committee Location Plan
- Plan 2 – PL001 Rev A Revised Location Plan
- Plan 3 – PL002 Rev B Revised Site Layout Plan
- Plan 4 - PL003 Rev A Revised Floorplan
- Plan 5 - PL004 Revised Elevations
- Plan 6 – PL005 Site Section



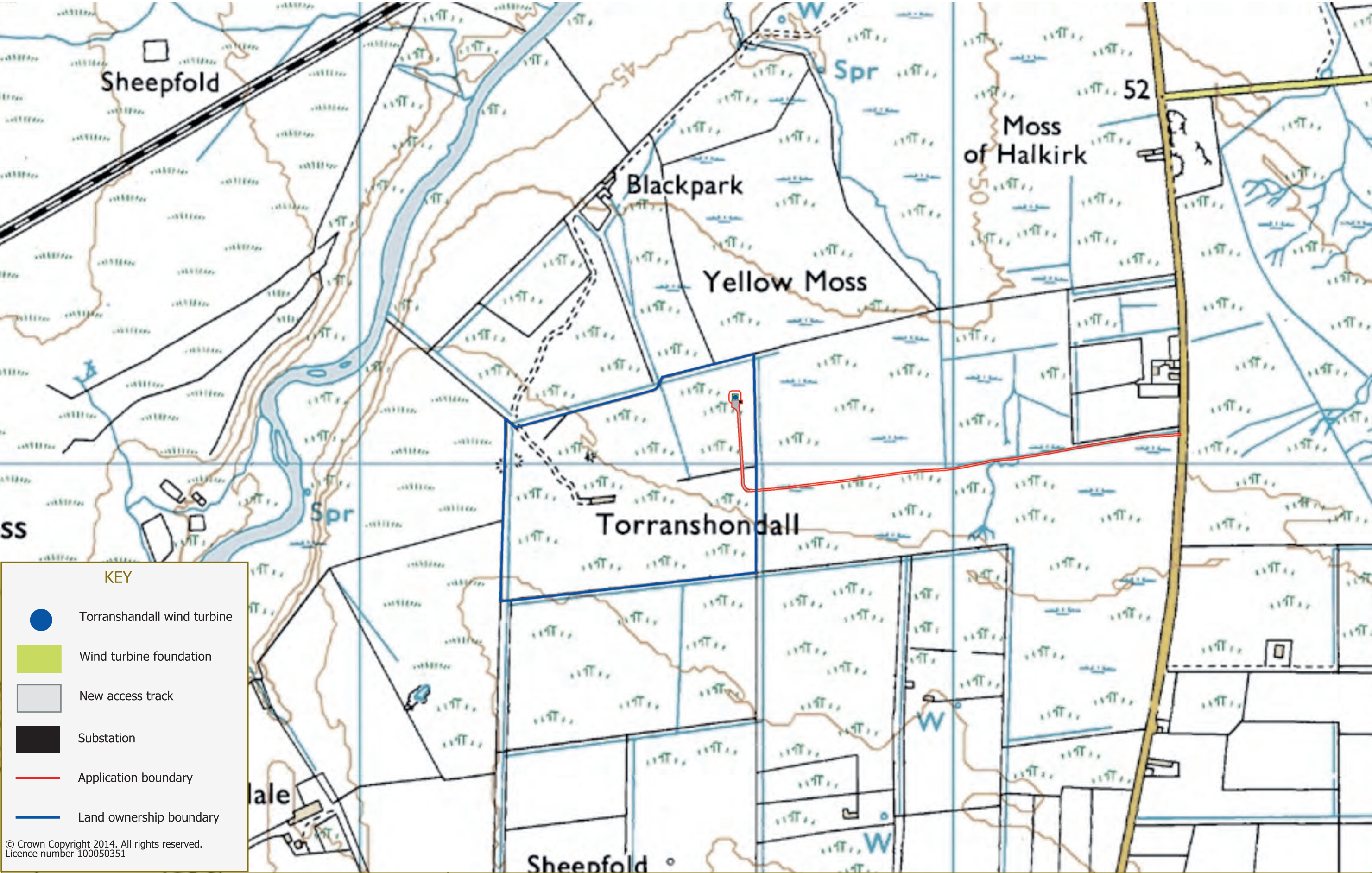
Planning and  
Development Service

Location Plan  
16/00519/FUL  
Erection of house

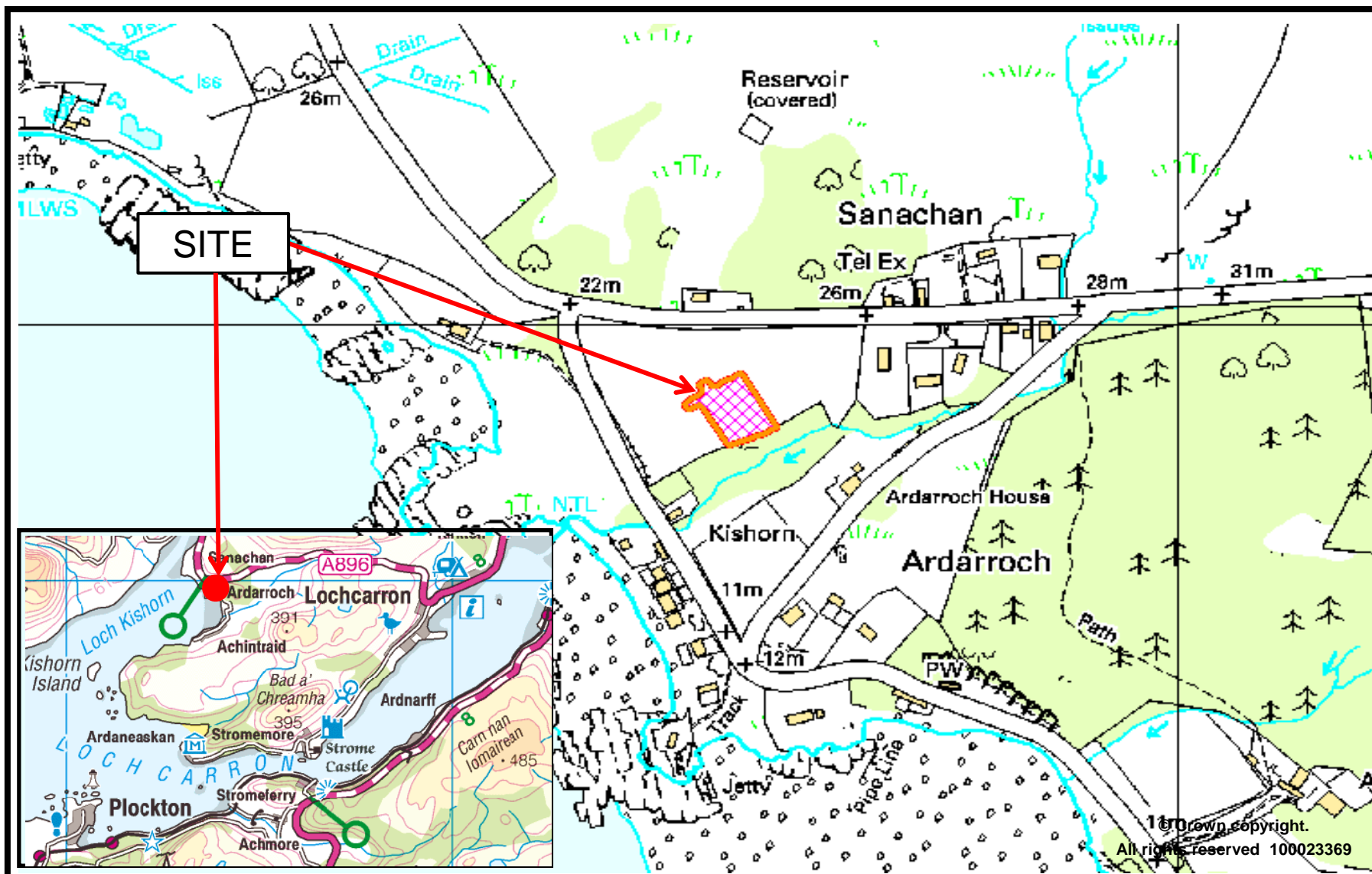
7<sup>th</sup> June 2016

Scale:









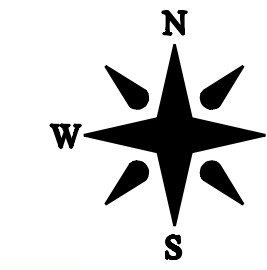
Planning and  
Development Service

Location Plan  
16/00519/FUL  
Erection of house

7<sup>th</sup> June 2016

Scale:





0 10 Millimetres 100

**DO NOT SCALE, IF IN DOUBT PLEASE ASK**  
All setting out must be checked on site prior to commencement. Any discrepancy must be reported to  
**G. H. JOHNSTON Building Consultants Ltd**

## REVISIONS

rev.	description	date
A	Alts to site boundary	02.16

**Client**  
**R Matheson**

**Project**  
**Serviced plot for a single storey dwelling house at Kishorn**

## Drawing Location Plan

Scale 1:5000@a1	Date 02.16	Drawn by ca/cm
Project no 2339	Dwg no PL001	Rev A

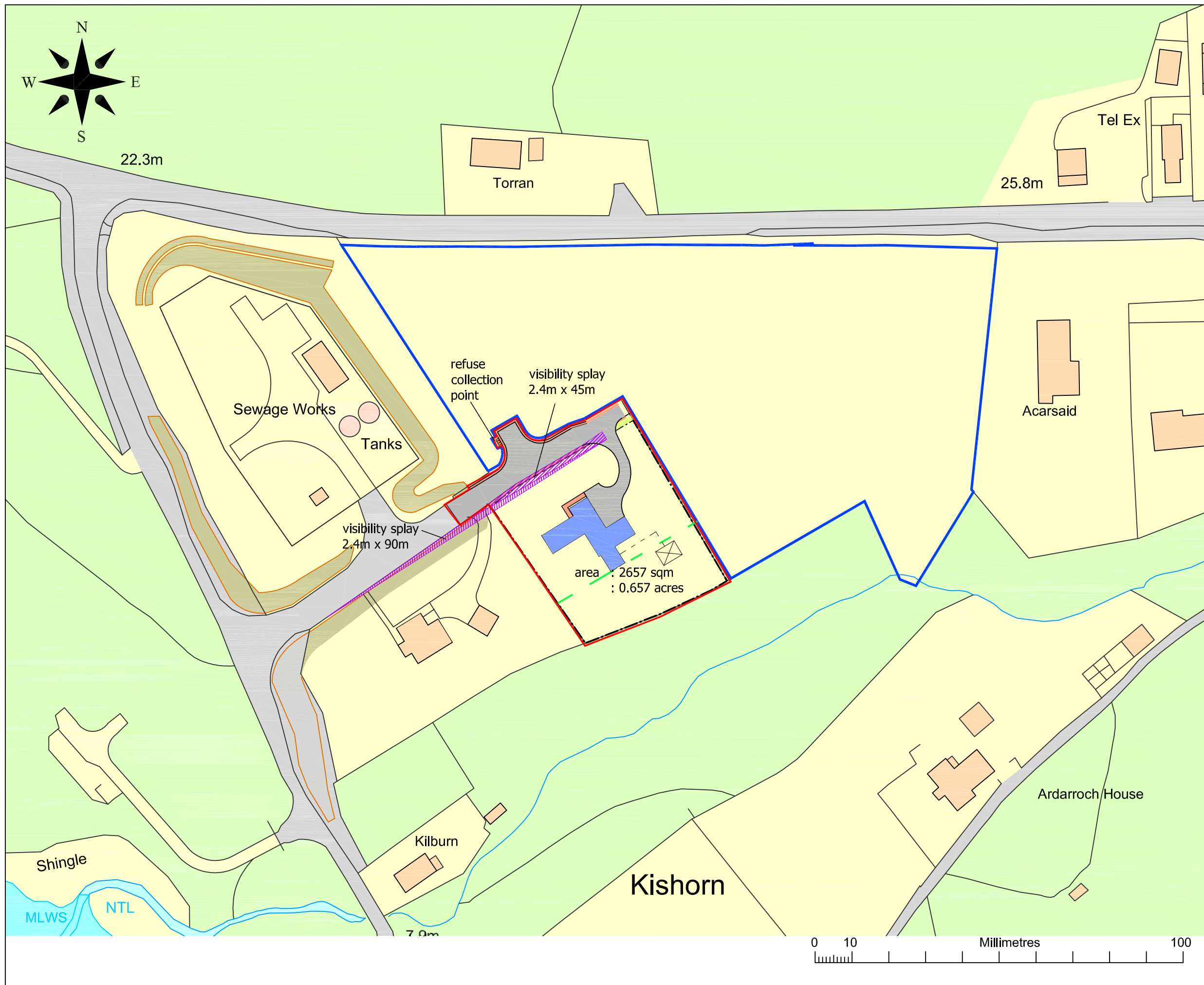
**G.H.JOHNSTON**  
BUILDING CONSULTANTS LTD



**WILLOW HOUSE**  
STONEFIELD BUSINESS PARK  
INVERNESS IV2 7PA  
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FAX (01463) 243258





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**Development**

- proposed house plot
- house / garage
- existing buildings

**Services**

- private access
- bin storage
- surface water soakaway

**Amenity**

- open ground / existing use
- 20m tree safeguard

REVISIONS		
rev.	description	date
A	Alts to site boundary	02.16

Client  
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Project  
**Serviced plot for a single storey dwelling house at Kishorn**

Drawing  
**Site Plan**

Scale <b>1:1000@A3</b>	Date <b>02.16</b>	Drawn by <b>ca/cm</b>
Project no <b>2339</b>	Dwg no <b>PL002</b>	Rev <b>B</b>

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FLOOR PLAN 1:100



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NOTE :

House type is indicative only

## PLANNING APPLICATION

### REVISIONS

rev.	description	date
A	garage attached to house	mar 16

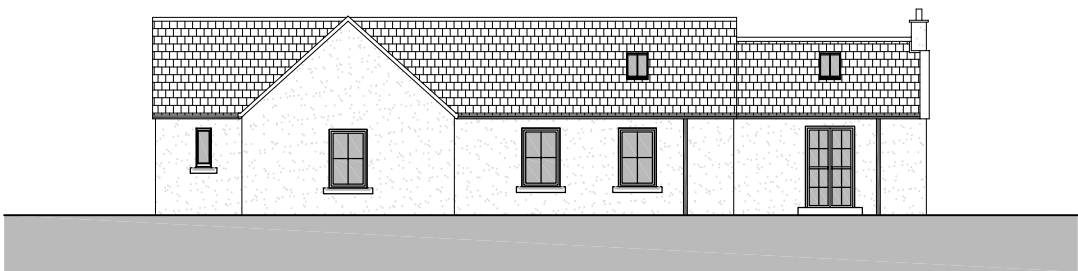
Client  
**R Matheson**

Project  
**Serviced plot for single dwelling house at Kishorn**

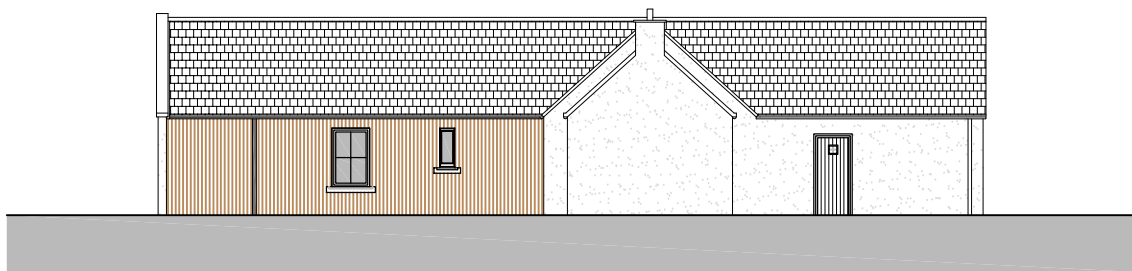
Drawing  
**Floor Plan**

Scale <b>1:100@A3</b>	Date <b>Mar 2016</b>	Drawn by <b>PM</b>
Project no <b>2339</b>	Dwg no <b>PL003</b>	Rev <b>A</b>

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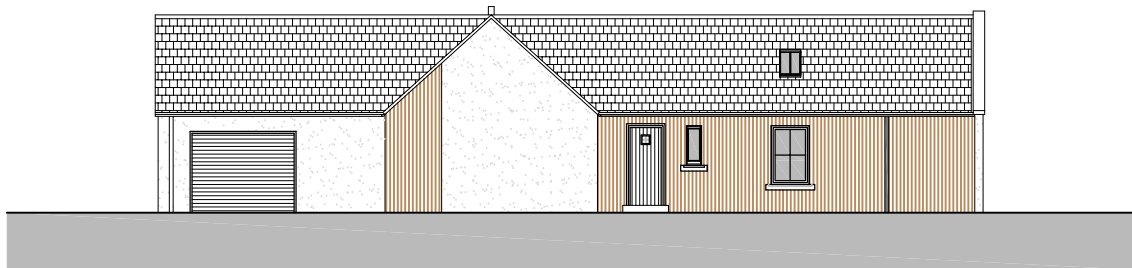
SOUTH WEST ELEVATION  
1:200



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



NORTH WEST ELEVATION



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- Key
- 1. White/Off White Wet Dash
  - 2. Slate Roof
  - 3. Timber Cladding
  - 4. Conservation Roof light

All down pipes and gutters to be metal.  
Windows to be painted white. The only colour to be used is on the door(s).  
The ridge is to be lead or fireclay

PLANNING  
APPLICATION

REVISIONS

rev.	description	date

Client  
R Matheson

Project  
Serviced plot for single dwelling house at Kishorn

Drawing  
Elevations

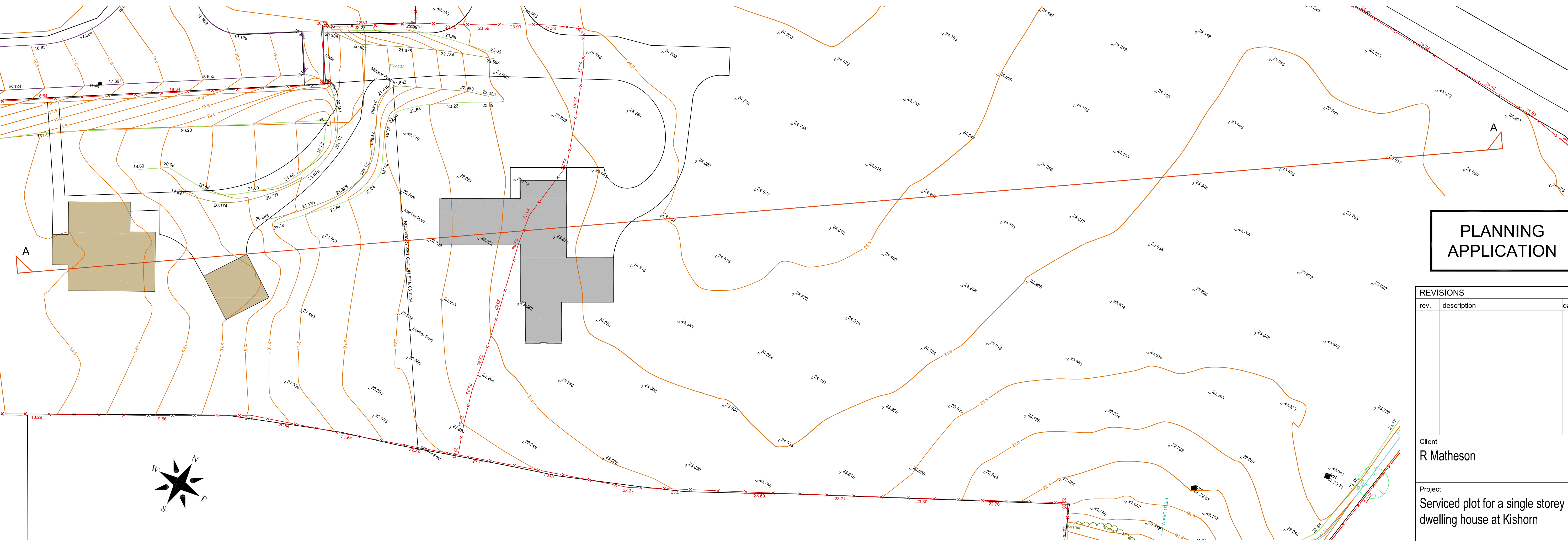
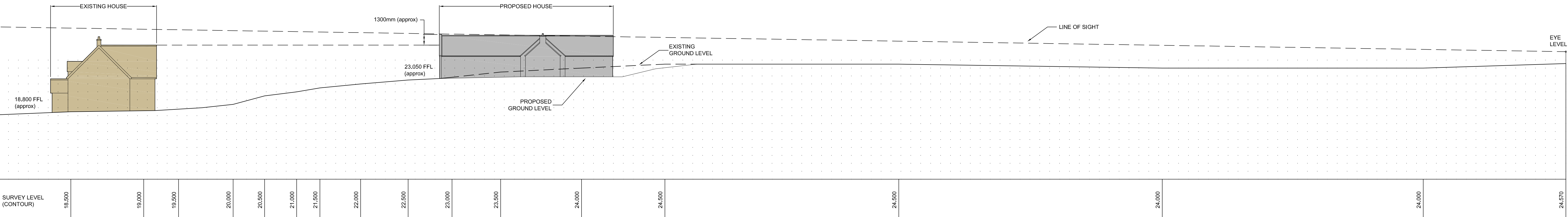
Scale 1:200@A3	Date Mar 2016	Drawn by PM
Project no 2339	Dwg no PL004	Rev

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## PLANNING APPLICATION

### REVISIONS

rev.	description	date

Client  
**R Matheson**

Project  
**Serviced plot for a single storey dwelling house at Kishorn**

Drawing  
**Site Section**

Scale <b>1:250@A1</b>	Date <b>Mar 2016</b>	Drawn by
Project no <b>2339</b>	Dwg no <b>PL005</b>	Rev

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