

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
28 June 2016**

Agenda Item	5.1
Report No	PLS/038/16

**16/01007/FUL: Lord and Lady Peter Lovelace  
Ralia, 8 Aultnaskiach, Inverness, IV2 4BB**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** Erection of extension to house.

**Recommendation - GRANT**

**Ward:** 15 Inverness Central

**Development category:** Local Development

**Reason referred to Committee:** 5 or more unresolved objections from members of the public.

**1. PROPOSED DEVELOPMENT**

1.1 The proposal involves the erection of a single storey extension and sunroom to the rear of the house, alterations to the existing three dormers and provision of a balcony area together with the formation of living accommodation above the existing single storey garages to the front of the property at Ralia, Aultnaskiach. All materials are to match the existing and timber windows will be installed.

1.2 The proposed rear extension will project approximately 2 metres from the rear elevation while the alterations to the existing 3 dormer windows at first floor level will provide access to the proposed balcony by way of French doors. An opaque glass screen, approximately 1.1m in height is proposed at either end of the balcony to provide screening and limit potential overlooking.

The existing flat roof sunroom extension to the rear is to be demolished and replaced with a larger sunroom extension with a pitched roof. The proposed sunroom will be approximately 5.5 metres high and project approximately 5.2 metres from the rear elevation.

The existing detached flat roof single storey garages to the front of the property are to be extended upwards to provide additional living accommodation in the form of a bedroom, lounge and shower room with an integral link to the existing property and includes 3 rooflight windows on the western elevation which overlooks the front curtilage of the property.

1.3 **Variations:** None

## 2. **SITE DESCRIPTION**

2.1 Ralia is a detached residential property set within a large garden with access via a private road leading off Culduthel Road and close to Inverness City Centre. The style and size of properties in Aulnaskiach is mixed ranging from single storey to 2 and 3 storeys and includes Aulnaskiach House which has been converted to flats. The majority of the properties in Aulnaskiach are detached with the exception of numbers 2 and 4, and each of the properties sit on relatively large, secluded plots of land.

## 3. **PLANNING HISTORY**

3.1 15/04702/FUL Alterations and extension to dwelling and accommodation above existing garage – Refused 05.02.2016

## 4. **PUBLIC PARTICIPATION**

4.1 Advertised : N/A

Representation deadline : 30/03/2016

Timeous representations : 9

Late representations : 1

4.2 Material considerations raised are summarised as follows:

- Adverse visual impact
- Loss of light and overshadowing
- Extension is not subordinate in scale and projects beyond the front line of the property
- Extension is out of keeping with the area
- Proposal does not comply with The Highland Council's House Extensions Guidance
- Overlooking caused by proposed balcony and alterations to rear dormers
- Damage/felling of existing trees within the site
- Proposal is excessive for the site and area

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. **CONSULTATIONS**

5.1 None required.

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

## 6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

29 Design Quality and Place-Making

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Draft Development Plan

Not applicable

### 7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

### 7.3 Scottish Government Planning Policy and Guidance

Not applicable

### 7.4 Other

Development Advice Note: House Extensions & Other Residential Alterations

## 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 application involves the erection of a single storey extension and sunroom to the rear and formation of living accommodation above the existing single storey garages to the front of the property.

General policies 28 and 29 of the Highland-wide Local Development Plan apply.

Policy 28 states that developments will be assessed on the extent to which *they impact on individual and community residential amenity and demonstrate sensitive siting and high quality design in keeping with local character.*

Policy 29 states that new developments should *demonstrate sensitivity and respect toward the local distinctiveness of the landscape, architecture, design and layouts in their proposals and have regard to the historic pattern of development and landscape in the locality.*

The Highland Council's Planning Guidance: House Extensions and Other Residential Alterations states that although balconies at first floor level are likely to overlook the gardens of neighbouring properties, such balconies may be acceptable where privacy issues can be overcome by screening, for instance with frosted glazing. The submitted plans show that an obscured glass screen will be

installed on the eastern and western elevations of the balcony and the length of the balcony has been reduced.

#### **8.4 Material Considerations**

The application has attracted 10 letters of representation which raise a number of concerns about loss of light, height of the proposed extensions, overlooking, visual amenity and damage/loss of trees within the site.

A previous application for this development (15/04702/FUL) was refused under delegated powers due to the lack of accurate and competent plans being submitted for assessment. The proposal in its current form takes into account concerns raised by the case officer during the assessment of the previous application (15/04702/FUL) and seeks to upgrade an existing property by replacing existing extensions and creating additional accommodation predominantly at ground floor level. The alterations to the external detailing of the three dormer windows are acceptable and do not alter the amenity or privacy of adjacent residents in any way given that the window openings and extent of glazing remains unaltered.

The height of the proposed extension above the existing garage has been reduced to ensure that it is below the ridge level of the existing house and in that way, the extension is subordinate to the main dwelling. In addition, any potential loss of light and overshadowing of the neighbouring property at Duart Lodge, 6 Aulnaskiach has been reduced.

Concerns raised regarding potential overlooking from the proposed balcony to the rear have been addressed by reducing the length of the balcony which, as originally proposed, ran the full length of the rear elevation. As currently proposed, it will only serve the area immediately in front of the proposed french doors and will also include opaque glass screens located at either end elevation. Adjacent properties to the west and east of the site are each located at some distance from the proposed balcony with the property to the west, Memphorvegis, 10 Aulnaskiach, being approximately 32 metres from the boundary of the application site. It is considered the provision of the opaque screen together with the fact that the length of balcony has been reduced, that there will be no adverse impact on the adjacent residents, particularly as there is some distance separating each of the properties. The other alterations essentially replace existing extensions and seek to upgrade the existing property and are considered acceptable in the context of relevant policy considerations. The applicant has taken on board the concerns identified in the previous proposal which was refused planning permission, and the scale of development now proposed is considered acceptable and addresses the planning issues raised associated with the original proposal.

A number of mature trees line the eastern boundary of the site to the rear of the existing garages, however as the footprint of the garages is not being increased the proposal is not considered to have a detrimental impact on the trees in this area. The applicant has advised that there will be no felling of any trees within the application site.

#### **8.5 Other Considerations – not material**

Concerns were raised in the letters of representation regarding potential damage to the private access road which is shared and maintained by the 15 properties that

take access from Culduthel Road. The applicant acknowledges that they are responsible for any repairs required should there be any damage caused which is directly related to the development. As this is a private access road this would be considered to be a civil matter and outwith the control of the Planning Authority.

## 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

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

**Subject to the above**, it is recommended the application be **granted** subject to the following conditions and reasons / notes to applicant:

1. The opaque screens proposed for the west and east ends of the balcony shall be installed before the use of the balcony is implemented and shall be retained as opaque in perpetuity to the satisfaction of the planning authority.

**Reason** : in the interests of residential amenity.

## 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

### LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

**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](mailto:env.health@highland.gov.uk) for more information.

Signature: Malcolm MacLeod  
Designation: Head of Planning and Building Standards  
Author: Jenna Baldie  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – location plan  
Plan 2 – elevations  
Plan 3 – block plan

## **Planning Applications Site Visit Procedure**

When a Planning Applications Committee (PAC) or the Planning Environment and Development Committee (PED) or the Council agree that a site visit is appropriate prior to determining a planning application, these procedures shall be followed:

1. The **Planning & Development Service** will write out to parties (applicant, consultees and those parties lodging representations in support of/in objection to the application) advising that an accompanied site visit will take place and inviting parties to attend. The letter will identify an unambiguous meeting point and indicate the time when parties are to meet. If known, the date, time and place of the meeting at which the planning application will be determined will be included in this letter.
2. If the PAC/PED/Council has any requirements related to the site visit (e.g. that the footprint of a proposed building be pegged out), these requirements must be intimated to the applicant in advance of the site visit.
3. In some cases a bus will be arranged in order that the PAC/PED/Council members can arrive at the site together. Travel arrangements will be intimated by **Democratic Services** to PAC/PED/Council members in advance of the site visit. In cases where a bus is arranged for members, any spare seats on the bus may accommodate representatives of the applicant/consultees/supporters/objectors. If there are insufficient seats for at least one representative of each of the abovementioned groups to travel by bus, only PAC/PED/Council members will travel by bus and those wishing to attend the site visit may follow the bus using their own transport. If this happens, in the interests of transparency and openness, the planning application will not be discussed on the bus. Instead, the application will be discussed once the PAC/PED/Council members reach the site and disembark.
4. **Members** of the PAC/PED/Council shall arrive at the meeting point at or just before the appointed time. **Members** of the PAC/PED/Council must not enter into discussion with any party already on site (other than introductions) to avoid the perception of support for one party over another. If one or more of the expected participants is not present on time, any delay to the start of the site visit will be at the **Chair's** discretion.
5. The site visit will start at the appointed time (with the exception of the circumstances referred to above). The **Clerk** will note the names of those members of the PAC/PED/Council present at the site visit as only those members will be able to take part in the determination of the planning application. The **Chair** will introduce him/herself and ask the PAC/PED/Council members to introduce themselves to those parties present. **Officers** and **parties present** will also introduce themselves. The **Chair** will indicate to those present the purpose of the site visit (namely, to point out the location of the proposed development and physical features referred to in either the planning application or in representations lodged in support of/in opposition to the application). The **Chair** will remind those present that the site visit is not an opportunity for parties to engage in discussion about the merits of the application. The **Chair** will ask the **Planning Officer** to introduce the application to members of the PAC/PED/Council and answer any questions they may have (NB this is not an opportunity for members to discuss the merits or otherwise of the planning application). The **Chair** will then ask the applicant (or applicant's agent) and those supporters/objectors present whether they wish to point out any physical features not already covered by the Planning Officer in his/her presentation. The **Chair** will officiate at the site visit and officers present will assist in this process.



6. Those in attendance are entitled to accompany the PAC/PED/Council as the site visit takes place. When pointing out the location of the proposed development/physical features on site, **participants** must address the PAC/PED/Council as a group (not as individual members) through the Chair. **Members** of the PAC/PED are not permitted to engage in any discussion on the merits of the case with any person approaching them.

7. If any participant (applicant, consultee, objector or supporter) arrives very late, but before the PAC/PED leaves the site, the **Chair** will explain, in the presence of the other parties, what the PAC/PED has done and where the PAC/PED has been. The participant will be asked if there is anything (not already seen) that he/she wishes to point out.

8. If any PAC/PED/Council member arrives late, the Chair/Convener will decide whether the site visit can be recommenced and the information presented repeated for the benefit of that member. If the Chair/Convener decides that this is not feasible, or that there is insufficient time available, to recommence the site visit, the member who has arrived late at the site visit will be excluded from participation in the subsequent determination of the planning application.

9. On conclusion of the site visit, the **Chair** will thank everyone for their attendance and advise parties of the place/time of the meeting when the PAC/PED/Council will determine the application (if known) or will indicate that these details will be sent to parties (if not yet known). The **Chair** will then indicate that the site visit has concluded.

Legal Service/Planning and Development Service  
August 2012