



Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2178
- Site address: 8 Dalneigh Road, Inverness, IV3 5AH
- Appeal by Mr. G MacBeath against the decision by Highland Council
- Application for planning permission in principle 17/02617/PIP dated 2 June 2017 refused by notice dated 15 August 2017
- The development proposed: Erection of dwelling
- Date of site visit by Reporter: 22 November 2017

Date of appeal decision: 24 January 2018

Decision

I dismiss the appeal and refuse planning permission in principle.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, the Inner Moray Firth Local Development Plan 2015 and the Highland-wide Local Development Plan 2012, unless material considerations indicate otherwise.

2. Having regard to the provisions of the development plan the main issues in this appeal are, firstly, whether the proposed dwelling comprises sustainable design, particularly in respect of community and residential amenity, local character and road safety. The second main issue is whether the proposal makes a positive contribution to the architectural and visual quality of the place in which it is located.

The development plan

3. Dalneigh Road is within the established settlement development area of West Inverness, as defined in the Inner Moray Firth Local Development Plan, but no policies in that plan have been brought to my attention in the determination of this appeal.

4. The relevant policies in the determination of this appeal are therefore those in the Highland-wide Local Development Plan (HwLDP). Policy 34 supports proposals within settlement development areas if they meet the requirements of policies 28 and 29 and all other relevant policies of the HwLDP. In turn, policy 28 'Sustainable Design' sets out, amongst other things, the site-specific criteria against which proposals are to be assessed.



Policy 29 'Design Quality and Place-making' seeks a high quality of design, requiring new development to be designed in a way that it makes a positive contribution to the architectural and visual quality of the place where it is located. Policy 66 requires developments to be satisfactorily drained.

Sustainable design

5. To comply with policy 28 of the HwLDP, proposed developments will be supported if they promote and enhance the social, residential and environmental wellbeing of the people in Highland. In the context of policy 28 I find that the principal considerations for the determination of this appeal are the impact of the proposal on individual and community residential amenity, the need for high quality design in keeping with local character and the proposal's compatibility with public service provision, and in particular road safety.

6. The appeal seeks planning permission in principle and the detailed design of the building would be subject to a separate application for the subsequent approval of the council. An illustrative layout in support of the appeal, revised as a consequence of my request for further evidence, shows how the appellant has sought to respect the existing building line of the two adjacent properties. Here, the 1.75 storey house would be constructed in a position that is coincident with the building lines of the adjoining houses at 8 Dalneigh Road and 79 Columba Road. This would ensure that the new dwelling would not protrude beyond the frontage of both houses which form a prominent part of the established street pattern.

7. The 330-square metre appeal site comprises a level, grassed area which forms an extended curtilage to 8 Dalneigh Road and adjoins Columba Road, from where access to the driveway, turning area and two parking spaces would be taken. There are no trees on the site, which is in a commanding location in the central part of Dalneigh Road and is seen from much of the adjacent residential area. Set against the backcloth of attractive two-storey houses to the north and the single storey houses on the southern side of the road, the site's open character is a significant feature in this well designed and planned street scene.

8. As a consequence of the positioning of the house to respect the established building lines of Dalneigh Road and Columba Road it would be sited asymmetrically within the plot, contrary to the established pattern of development in the area around Dalneigh Road. I am satisfied that the proposal would not adversely affect residential amenity by reducing daylighting and sunlighting to any adjoining property to an unacceptable degree. However, resultant from this positioning, the dwelling would be located some 5 metres from the mutual boundary with 79 Columba Road and around 1.4 metres from the mutual boundary with 8 Dalneigh Road. Taking into account the location of the proposed driveway, turning area and two parking spaces, and by respecting the established building line, I find that the positioning of the house would result in little or no usable private garden ground being available for the future residents of the property.

9. Policy 28 of the HwLDP requires, amongst other things, that proposals will be assessed on the extent they impact on residential amenity. Whilst principal windows on the house would face south and west, and thus avoid any conflict with the privacy of the occupiers of adjacent houses, the only garden ground that would be available for future residents

would be the front garden areas adjacent to Dalneigh Road and Columba Road. As such I am of the view that the proposal would not provide a satisfactory standard of residential amenity, and consequently the proposal is in this respect contrary to policy 28 of the HwLDP.

10. Policy 28 also requires that proposals demonstrate sensitive siting and high-quality design. The proposed finishing materials would be in keeping with those used on neighbouring properties. The height of the proposed house would be aligned to the adjoining properties and be broadly in common with the ridge levels of the majority of properties on the north side of the street.

11. Notwithstanding these positive considerations however, I consider that because of the asymmetrical location of the proposed detached house within the site, necessitated to respect the established building line, it would appear discordant and not in keeping with the character of the street scene. If the appellant was to reposition the house on the appeal site to address the residential amenity issue the intrusive nature of the proposed house, by it then disrespecting the building line, would be exacerbated.

12. Policy 28 also requires developments to be assessed on the extent to which they are compatible with public service provision, including roads. No objection from any public service provider has been brought to my attention, although the application was refused, in part, in the interests of road safety.

13. In its response to my request for further information the council's Transport Planning Team has provided me with a detailed response to the proposal. The response refers to the council's published guidance on Access to Single Houses and Small Housing Developments, which forms appendix 10 to the council's 'Roads and Transport Guidance for New Developments'. The Transport Planning Team conclude that if the appeal were to be allowed planning conditions and an informative ought to be provided addressing the positioning of the private access driveway, visibility splays, the provision of two off-street car parking spaces and a turning facility in the curtilage of the house and the protection of the adjoining public footway respectively. The amended illustrative plan submitted by the appellant seeks to accommodate these requirements.

14. A representation from an adjoining householder raises road safety concerns and in particular questions the impact that the proposal would have on existing on-street car parking provision. At the time of my site inspection I did not observe a level of on-street parking in the locality that could be prejudiced, to an unacceptable degree, if the development were to proceed, as is suggested in the representation. Subject to the detailed approval of the design and layout of the proposal and adherence to the council's road safety conditions I am satisfied that the road safety aspects of policy 28 of the HwLDP could be met.

15. Nevertheless, because of the positioning of the house to respect the established building line of the street scene the proposal would not provide a satisfactory standard of residential amenity for future residents. Consequently, I find the proposal to be contrary to policy 28 'Sustainable Design' of the HwLDP.

Design quality and placemaking

16. Policy 29 'Design Quality and Place-making' seeks high quality design and responds to the Scottish Government's place-making agenda by emphasising the importance of the architectural and visual quality of place in which the proposal is located. Accordingly, new development should be designed to make a positive contribution to the place where it is located. Sensitivity and respect are called for, having regard to the historic pattern of development in the locality.

17. Following my site inspection I find that Dalneigh Road and the surrounding area is located in an attractive post-war residential area in western Inverness. Characterised by a mix of single and two-storey houses, albeit with an absence of detached houses, its open, well planned and geometric layout provides a pleasing and high quality residential environment. The well-designed dwellings in the area are often interspersed by houses with extensive gardens and by well-maintained areas of openspace. There is little, if any, evidence of any recent development altering the established character of this mature street-scene, a quality augmented by the generous curtilage of several houses, including that of the appeal site.

18. Overall, I find that the area around Dalneigh Road has notable architectural and visual quality. The prominent location of the appeal site is a pronounced focal point in the otherwise well-planned layout around Dalneigh Road. The detached design of the dwelling would otherwise be unique in the street scene. The resultant footprint and proportions would be an incongruous feature when seen against the existing architectural styles of houses elsewhere in the local area. The detached design would be insensitive towards the local distinctiveness of the architecture, design and layout of the established street scene. This impact would be accentuated by the loss of the appeal site's attractive open area of ground that acts as a focal point from elsewhere in Dalneigh Road. Overall, I consider the proposal to be contrary to policy 29 of the HwLDP.

Other material considerations

19. Although raised by the adjoining householder, there is no evidence before me that the property is intended to be used as a house in multiple occupation. In any event Class 9(a)(ii) of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 sets out a threshold of five residents beyond which planning permission would be required for that use. While the council has referred to policy 66 'Surface Water Drainage' of the HwLDP, and the illustrative plan shows the presence of a sewer that crosses the northern part of the site, no evidence has been provided to support a view that the proposal will adversely affect surface water drainage.

Conclusion

20. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman
Reporter

