

Agenda Item	7.7
Report No	PLS/060/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 8 August 2018

Report Title: 17/01255/FUL: Mr Timothy Allan
4 Mill View, Tomatin, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Garden shed

Ward: 19 – Inverness South

Development category: Local

Reason referred to Committee: 5 or more objections

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.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought in retrospect for the erection of a garden shed located to the side of an existing house within a small residential development at Tomatin which is accessed directly of the C1121 public road.
- 1.2 Pre Application Consultation: Not required.
- 1.3 Supporting Information: Photographs have been submitted in support of the application.
- 1.4 Variations: The garage roof has been altered from a mono pitch to a shallow dual pitch.

2. SITE DESCRIPTION

- 2.1 The site is the curtilage of an existing two storey house located towards the end of a short cul-de-sac providing access to eight houses. The eight houses were developed on ground formerly occupied by the Tomatin Inn but has yet to be fully completed. The side curtilage of the house where the shed is located is bounded by a turning head. The shed has been erected on a small sloping piece of grass that is located between the driveway of the house and the turning head.

3. PLANNING HISTORY

- 3.1 There is no planning history relevant to this development.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Not applicable
- Representation deadline: 19.05.2017
- Timeous representations: 25 representations from 25 households (8 objectors and 17 supporters)
- Late representations: None.
- 4.2 Material considerations raised are summarised as follows:

Objectors:

- location of shed within curtilage restricts applicant's access to his driveway;
- location of shed restricts visibility to and from the turning head and for adjoining neighbours entering and existing their driveways;
- shed is too large and the design is out of keeping with area.

Supporters:

- location of the shed does not exclude use of the applicant's driveway;
- location of the shed does not affect visibility to and from the turning head or for adjoining neighbours entering and existing their driveways;
- scale, mass and design of the shed is entirely in keeping with the 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.

5. CONSULTATIONS

5.1 No consultations were carried out in connection with this application.

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 & Place-making

6.2 Inner Moray Firth Local Development Plan 2015:

No specific policies apply.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not Applicable.

7.2 Scottish Government Planning Policy and Guidance

Not Applicable.

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) whether the scale, massing, design and siting of the shed is acceptable;
- c) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the settlement boundary of Tomatin where there is a general presumption in favour of proposals that comply with relevant policies of the

Highland-wide Local Development Plan (LDP) as well as other relevant policies.

- 8.5 Policy 28 (Sustainable Design) of the LDP is supportive of proposals where they do not negatively impact on individual or community residential amenity and can demonstrate sensitive siting and design.
- 8.6 Subject to the proposal having no significant detrimental impact on individual or community residential amenity, or potentially adversely affecting public safety in terms of constituting a hazard to road users, the proposal would comply with the development plan.

Scale, massing, design and siting

- 8.7 The shed is constructed of timber with horizontal boarding and was originally constructed with a mono-pitched roof, the highest part of which ran parallel with the gable of the house.
- 8.8 The shed is 4.2 metres long and 3 metres wide. As originally constructed the height to eaves at the lowest point of the roof measured 2.4 metres and, at its highest part, 3.2 metres.
- 8.9 The shed is located on a small area of sloping ground that rises up to the level of the adjoining turning area. As the shed is sited on the far side of the driveway on the boundary of the curtilage, its location is visually very prominent. It is not considered to be excessive in terms of the size of the footprint, however the design of the roof, as originally constructed, resulted in the side elevation of the shed appearing unduly dominant and resulted in an incongruous feature within the streetscape. This was further accentuated due to the small section of underbuilding compensating for the rising ground.
- 8.10 The applicant was asked to consider amending the design of the roof by changing it from a mono-pitch to a pitched roof. The applicant subsequently agreed to this and the works were recently completed. The result is that the side elevation adjacent to the house has had the massing reduced by approximately 0.5 metres, significantly improving the appearance of the shed.
- 8.11 The siting of the shed does result in an element of overhanging of part of the existing driveway, however this does not significantly affect the use of the driveway.
- 8.12 It is not considered that the siting of the shed has any demonstrable impact on public safety in terms of anyone using the adjacent turning head, access and egress from adjacent neighbouring driveways or creating conflict with users of the shared surface access road.

Other material considerations

- 8.13 There are no other material considerations.

Non-material considerations

- 8.14 There are no non-material considerations.

Matters to be secured by Section 75 Agreement

8.15 None.

9. CONCLUSION

9.1 Planning permission in retrospect is sought for the erection of a garden shed within the side curtilage of a modern two-storey semi-detached house. The shed is relatively large, but is smaller than the size of a conventional small timber garage and, within that context, is considered acceptable development within the curtilage of a house. The design has been amended to remove the incongruous mono-pitched roof that looked out of place within the streetscape and has been replaced with a more conventional apex design.

9.2 The siting has enabled the applicant to maximise the usability of the curtilage without detrimental impact on individual or community residential amenity or public safety in terms of users of the adjacent shared surface access road and turning area.

9.3 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. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

None.

REASON FOR DECISION

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.

TIME 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.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Plan
Plan 3 - Front Elevation (original)
Plan 4 - Front Elevation (as amended)
Plan 5 - Side Elevation

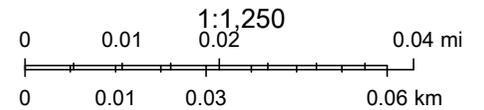
4 Mill View Tomatin



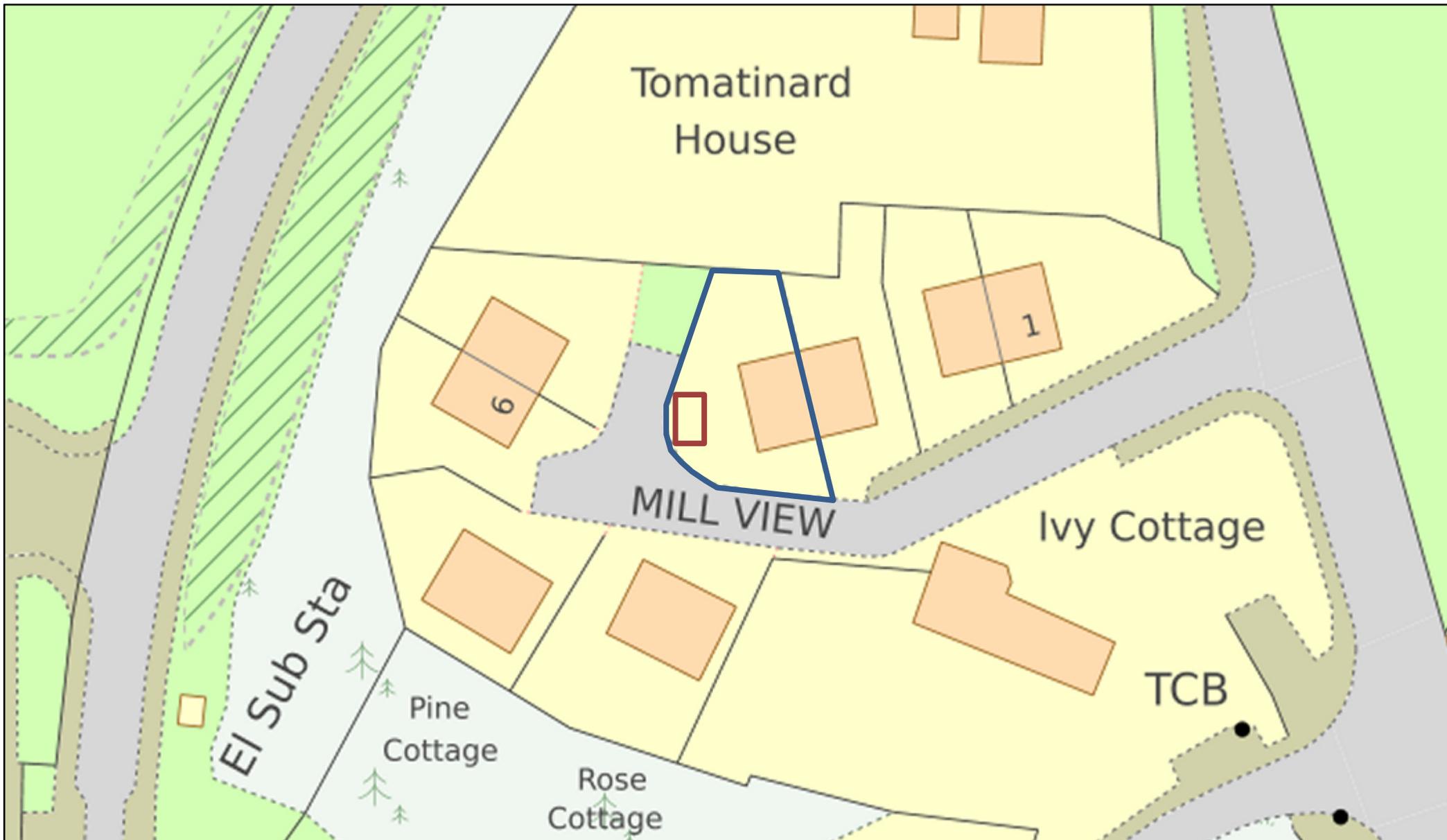
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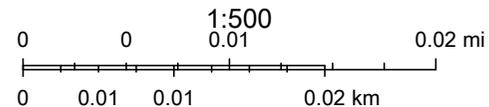
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 Override 1





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