



Decision by Christopher Warren, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2206
- Site address: Land on Telford Road to rear of Rockburn Cottage, 58 Lochalsh Road, Inverness, IV3 8HW
- Appeal by Highland Housers Ltd against the decision by Highland Council
- Application for planning permission 18/04143/FUL dated 05 November 2018 refused by notice dated 10 December 2018
- The development proposed: Erection of 2 semi-detached houses
- Date of site visit by Reporter: 03 April 2019

Date of appeal decision: 24 April 2019

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are the appropriateness of the proposed development, including siting and design considerations, the adequacy of car parking provision, and effects upon neighbouring residential amenity.
2. The adopted development plan is comprised of the Highland-wide Local Development Plan 2012 (HwLDP), and the Inner Moray Firth Local Development Plan 2015 (IMFLDP).
3. HwLDP policy 34 supports proposals in 'settlement development areas', where they meet the requirements of policy 28 'Sustainable design' and all other relevant policies. The IMFLDP confirms that the appeal site is within Inverness city's settlement development area. Policy 34 also requires proposals to be assessed in regard to compatibility with various considerations, including how they conform with adjacent land uses. The policy presumes against development which would be significantly detrimental in terms of the criteria it identifies.
4. HwLDP policy 28 establishes wide-ranging considerations against which proposed developments are to be assessed, with the overall aim of enhancing social, economic and environmental wellbeing. Amongst the numerous considerations it identifies, the impact on



local and community residential amenity, and the need for sensitive siting and high quality design, are referred to.

5. The appeal site is currently vacant, with the exception of two timber, domestic-type sheds. The two proposed semi-detached dwellings would front onto Telford Road. The building would be of a relatively conventional design, 1.5 storeys in height, with the first floor accommodation utilising dormer windows to the front, and rooflights to the rear.

6. A less conventional aspect of the design is the utilisation of corner overhangs, where the ground floor plan is recessed on all four corners of the building, in order to provide a car parking space for each dwelling at the front, and a small garden/yard to the rear. I do not consider this aspect of the design, whilst unusual, would notably detract from the building's otherwise traditional form, and overall I find the proposal would adopt a relatively unremarkable but satisfactory external appearance in the wider street scene.

7. This particular design approach is a consequence of the limited size of the site, and the aim to accommodate two dwellings of the size proposed. Beyond the overall footprint of the building, the extent of the curtilage would be a relatively narrow strip of land on all sides, unusable for parking and/or garden ground without the additional outside space provided by the recessed corners of the ground floor.

8. Even with the additional external space this design provides, neither house would in my view have sufficient garden ground to provide a good standard of amenity for occupiers, particularly as a substantial proportion of the outside space to the rear would be overhung by the first floor of the building, considerably reducing available daylight. The overhangs would also significantly reduce natural light entering the ground floor of the property, and the open plan living space would be likely to be reliant on artificial light even during the day.

9. To the front, the recessed corners are intended to enable provision of a single car parking space for each property. The council has referred to the insufficiency of off-street parking in its reason for refusal, and has referred me to its non-statutory guidance document 'Access to single houses and small developments guidance' (2011), and the parking standards it recommends. Whilst this document does not form part of the development plan, it is a relevant material consideration which I consider to be of assistance to assessing this aspect of the proposal.

10. This guidance indicates in paragraph 5.5.1 that single houses are normally expected to be served by two car parking spaces. It also stipulates a minimum area required for each space as 6 metres long by 3 metres wide per vehicle. Both of the single spaces for each property would fall short of this minimum size, at 5 metres by 2.5 metres. The limited width of the proposed spaces in particular, positioned between the house and side boundaries, would prevent car doors from being opened fully. The car parking spaces would therefore be difficult to use, particularly for users with restricted mobility, or for families with young children.

11. I am concerned that the inadequate size of the car parking spaces could lead to vehicles being parked where they would cause an obstruction to pedestrians using the pavement. It may also lead to greater reliance on on-street parking, because of the difficulties presented by using a small parking space. In this relatively central location, and

noting the availability of some on-street parking, I can see some justification for potentially applying flexibility to the requirement for two car parking spaces per dwelling. However, I have noted the concerns raised in representations that on-street parking is, at certain times, already challenging for those existing residents of Telford Road who are reliant upon it. Even if a single private parking space for each proposed house was to be accepted in this instance, the size of the spaces would be inadequate to the extent that they would not, in my view, be fit for purpose.

12. The proposed building would be positioned between a modern flatted development (Telford Court) immediately to the south, and a traditional semi-detached house (71 Telford Road) immediately to the north. Both of these neighbouring buildings have windows in their respective side elevations which face onto the appeal site.

13. The side elevation of 71 Telford Road includes a principal window to the kitchen, with a bedroom window above, both of which are part of a recent extension. I consider that the gable of the proposed development would dominate the outlook from the side kitchen window in particular, and it would also lead to some loss of daylight. Whilst frosted glazing in the proposed first floor gable bedroom window would adequately safeguard against direct overlooking of 71 Telford Road, the lack of any outlook would also be suboptimal for future residents of the proposed development.

14. I am not aware of whether the windows in the side elevation of Telford Court serve habitable and/or principal rooms. The effect of the proposed development upon the outlook from the windows in the side elevation of Telford Court would nevertheless be significant, particularly at ground and first floor levels. The proximity and height of the proposed south gable elevation would also significantly reduce the amount of daylight entering these same windows in Telford Court, as well as the side bedroom window of the proposed development.

15. All told, I find that the various shortcomings of the proposal I have identified above, relating to the lack of useable garden ground, inadequate car parking provision, and impacts upon residential amenity at neighbouring properties, are all symptomatic of overdevelopment of the site. The footprint of the building would be excessive, resulting in an inability to address these issues satisfactorily. For these reasons, I find the development would be contrary to the relevant provisions of HwLDP policies 28 and 34.

16. Concerns over the adequacy of local sewers and drainage have been raised in representations. It would not be for the appellant to resolve any existing issues not caused by the development, and I attach weight to the position of Scottish Water, which has no objection to the proposal.

17. Wider road safety concerns have been raised, regarding the risk to pedestrians from vehicles entering or exiting the proposed parking spaces by crossing the pavement. Aside from the concerns I have outlined above regarding the inadequate size of proposed car parking spaces, the access arrangements would otherwise be typical of where a domestic property benefits from a driveway. In my view, assuming the pavement was not obstructed by vehicles, the pedestrian safety risk would be very low, despite the proximity to a primary school.

18. Concern relating to the potential need to reverse out of the spaces onto Telford Road has also been expressed. Telford Road is straight, and whilst approaching traffic may to some extent be obscured by on-street parking, I observed during my site inspection that visibility was generally good. As the road is one-way, this would also make access and egress easier and safer to negotiate.

19. I have noted the terms of the representations which support the proposed development, but I find the benefits of the development (utilising a vacant infill site to provide additional housing) to be incapable of outweighing the demonstrable adverse effects and deficiencies of the proposal.

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.

Christopher Warren
Reporter