



Decision by Andrew Fleming, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2219
- Site address: 1 Castle Street, Dingwall, IV19 9HU
- Appeal by Mr Mohamed against the decision by The Highland Council
- Application for planning permission 19/01059/FUL dated 6 March 2019 refused by notice dated 16 September 2019
- The development proposed: Alterations and erection of first floor extension to form additional bedrooms
- Application drawings: See schedule at the end of this notice
- Date of site visit by Reporter: 23 January 2020

Date of appeal decision: 10 February 2020

Decision

I allow the appeal and grant planning permission subject to the three conditions listed at the end of the decision notice. Attention is drawn to the four advisory notes at the end of the notice.

Preliminary matters

A detailed planning application (ref: 19/01059/FUL) was submitted to The Highland Council on 6 March 2019 for alterations and the erection of a first floor extension above the single storey section of the existing hotel to form additional bedrooms. The proposals also included the formation of a new vehicular entrance to the site, via Castle Street, and provision of 24 parking spaces within the site. During the consideration of the application by the council, the proposals were amended with the removal of the new vehicular access point and the reduction in proposed parking spaces from 24 to 22. The proposed windows on the north elevation of the first floor extension were also amended.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. As the appeal site is located next to a listed building, I am required to have special regard to the desirability of preserving this building, or its setting, or any features of special architectural or historic interest which it possesses. The site is adjacent Dingwall Conservation Area and I must also have special regard to the preservation or enhancement of the conservation area. Having regard to the provisions of the development plan, the main issues in this appeal are: whether the principle of intensification of the existing use at this location is acceptable; whether the



design and materials are appropriate to the site and its location; the impact on cultural heritage; the impact on residential amenity and access and parking provision.

2. The development plan covering the appeal site comprises the Highland-wide Local Development Plan adopted in April 2012 and the Inner Moray Firth Local Development Plan adopted in July 2015. The council adopted, as supplementary guidance, a sustainable design guide in January 2013 and whilst this is primarily concerned with new residential development, I have considered it alongside relevant local development plan policies.

Principle of intensification of existing use at this location

3. According to the Inner Moray Firth Local Development Plan, the appeal site is located within Dingwall town centre. Policy 1 'Promoting and protecting city and town centres', advises that proposals generating footfall (visits by the general public) will be encouraged in those town centres identified including Dingwall town centre. The policy advises that support will not be given to proposals that would have an adverse impact on the vitality and viability of such centres.

4. The principle of a hotel use at this site was established through the previous planning permission (ref: 12/03939/FUL) granted on appeal. I noted during my site inspection that the site is particularly close to the town's high street and its associated shops and services which visitors/ hotel guests would be expected to use. I also noted that the site is close to bus services and is within comfortable walking distance of Dingwall train station. The proposal would bring more people into the town centre and provide the opportunity for increased trade for the businesses and services located in the town centre. I consider that the intensification of the use by means of providing an additional 8 bedrooms would not negatively impact upon the vitality or viability of the town centre.

Whether the design and materials are appropriate for the site and its location

5. According to Highland-wide Local Development Plan policy 28 'Sustainable design', proposed developments will be assessed, amongst other things, on the extent to which they demonstrate sensitive siting and high quality design in keeping with local character and the historic and natural environment and in making use of appropriate materials.

6. The existing building represents an example of 1960s architecture with its block structure and use of materials. The proposal is a continuation of the design and form of the existing building, extending the existing flat roof form westwards and infilling the gap above the single storey element of the building. It is in keeping with the scale of the original building, does not extend the building footprint and given the relatively large site, provides a design solution which is not overbearing on the site. Consideration has been given to the use of materials and how these relate to the existing building. The timber boarding and window pattern on the main south elevation are to be replicated. Whilst the proposed windows on the north elevation contain a small glazing panel orientated to face west, they are positioned to repeat the rhythm of the windows on the existing upper floor and the use of timber boarding and rendered columns on this elevation help to assimilate this feature with the wider building design. The proposed west elevation contains a single corridor window and the elevation is to be finished in white render to match the existing building.

Impact on cultural heritage

7. According to policy 57 'Natural, built and cultural heritage', all development proposals will be assessed taking into account the level of importance and type of heritage feature, the form and scale of the development, and any impact on the feature and its setting. The policy states that for features of local/ regional importance, the council will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.

8. The site is located adjacent to St Ninians which is a category B listed building. The property which is an early 19th century, 2 storey and attic house has been subdivided into flats and there are modern flat roofed dormers to the front and rear of the building. There is a later first floor door slapped centre on the north gable which is served by a forestair. There is also a small mono-pitch extension which has been added to the rear of the building at ground floor level. The setting of St Ninians has already been altered by the development of the 1960s building to the south. The two storey side elevation of the flat roofed building, positioned at the eastern edge of the rectangular shaped plot, is adjacent to Castle Street. The building, forming part of the streetscene, is viewed in the context of St Ninians which has its principle façade next to and fronting onto Castle Street. Given the position of the existing two storey building adjacent to Castle Street and given that the proposed first floor extension is set back from Castle Street, towards the rear of the plot, I am satisfied that the proposal would not have an adverse impact on this listed building or its setting. There are no other listed buildings in the vicinity of the site.

9. The site is adjacent to the northern boundary of Dingwall conservation area. The character of the area to the north of the site is predominantly that of large period villas set within generous sized gardens. There are also several historic churches and their associated buildings. I noted during my site inspection that there are also examples of more modern residential development along Castle Street which have introduced different architectural styles and materials to the area. The character of the area to the south of the site and falling within the conservation area is more mixed with a variety of architectural styles, densities and uses reflecting its function as part of the town centre. There is the church and associated church hall immediately to the south of the site, with the front entrance of the church facing onto Castle Street. Beyond this is a prominent corner building, containing apartments, at the junction between the High Street and Castle Street. There is the period hotel to the south east of the site although this has been altered somewhat by the addition of a flat roofed single storey extension on its western side. I also noted during my site inspection that directly opposite the site to the east, there are modern flat roofed garages associated with the hotel building to the south.

10. I consider that the character of this northern conservation area boundary has already been altered by the development of the flat roofed two storey former office building which, given its position within its rectangular shaped plot, has presence on Castle Street. As a consequence, this two storey, side elevation is seen in the context of the front entrance to the Church, immediately to the south. Given the prominence of this building next to the church building, I do not consider that the proposed first floor extension towards the back of the site would cause greater harm to the conservation area. I note that the church hall to the south of the site is a relatively modern addition and that beyond it, and also within the conservation area, there are other modern buildings which have introduced various building

styles and materials including a building with a large footprint, built from brick with a mansard style roof. This is in addition to the modern flatted building immediately to the west of the site, beyond which there are further modern developments including a supermarket.

Impact on residential amenity

11. According to policy 28: 'Sustainable design', proposed developments will be assessed on the extent to which, amongst other things, they impact on individual and community residential amenity.

12. The windows proposed on the first floor north elevation are projecting windows with a single obscurely glazed panel, angled westwards and away from the adjacent gardens to the north. I consider that this mitigates against overlooking primarily into the neighbouring gardens to the north as the properties themselves are located further to the east towards Castle Street. However, there is potential for these windows, as proposed, to be opened affording hotel guests, the opportunity to look into the nearest garden to the north. I therefore propose a condition that requires windows on this proposed north elevation to be both non-opening and obscure-glazed and I return to this matter later in my decision notice. The requirement would resolve the issue of overlooking of the garden space of the properties to the north, retaining the privacy of neighbouring properties as a result.

13. The flat roofed single storey extension (approximately 3 metres) is approximately 4 metres from the boundary with the property to the north (St Ninians) which is also set back 4 metres from the shared boundary. The proposed extension is also set back approximately 17 metres from the rear elevation of St Ninians. I visited the rear garden of this property and also entered the kitchen of the ground floor flat which forms a small mono-pitch extension. Whilst the proposed first floor extension would be noticeable from the kitchen of this ground floor property, given its set back, its flat roof design and proposed height, I do not consider that there would be a significant loss of light to or overshadowing of the neighbouring property as a result.

14. I also visited the upper villa (The old house) forming part of St Ninians and looked at the appeal site from the owner's rear kitchen and living room windows. The proposed extension would be visible from both windows although to a lesser extent from the living room window due to the hipped roof garage on the boundary between St Ninians and the appeal site which tends to obscure the appeal site from this viewpoint. Whilst accepting that the owner would be able to see this proposed new extension from their property, I am satisfied that the proposal is sufficiently set back and of a scale that would not impact adversely in respect of daylight or cause overshadowing or result in overlooking.

15. I also observed the appeal site from the front garden area of the property referred to as 'Ben Loyal', situated to the northwest of St Ninians. There is a tall beech hedge which forms the boundary between this property and St Ninians and I consider that the owner of this property would only have limited views of the proposed extension to the hotel due to separation distance between it and his property, due to the flat roofed design and height of the proposed development. I do not consider that the 'Ben Loyal' property would be adversely affected by the proposed development in terms of overshadowing, loss of daylight or overlooking.

16. The two storey modern flats to the western boundary of the site are approximately 17 metres from the existing hotel building. The proposed first floor extension includes for a corridor window on the western elevation facing towards the flats. However, as this proposed window does not serve a bedroom at first floor level and given the separation distance between the flats and the hotel, I am satisfied that the residential amenity of these flats would not be adversely affected as a result. As referred to above, the proposed windows on the north elevation of the first floor extension are projecting windows, angled westwards, although these would be obscurely glazed. As a result, I am satisfied that the flats to the west would not be subject to overlooking as a result of the proposed first floor extension. Parking spaces are currently located along the site's southern boundary including spaces opposite the existing flats. I noted that parking spaces are not particularly clearly marked out and there would be nothing currently to stop vehicles parking in the area where the two additional parking spaces are proposed. The proposed introduction of two additional parking spaces along this boundary would not radically alter the environment here. I am satisfied that this proposed arrangement would not result in a significant adverse impact on the residential amenity of the flatted property.

17. The church to the south of the site has stained glass windows on its northern elevation, facing the site boundary. The proposed south elevation of the first floor extension would look onto the stained glass windows of the church and the roof of the associated church hall. I am satisfied that the proposed southern elevation of the hotel would not have any impact on residential amenity.

18. With regards to the issues of noise and disturbance, I am conscious that the current use as a hotel would generate activity, acceptable in the context of a town centre location. That said, the use and proposed scale of the hotel would not be expected to result in a significant level of intrusive noise or disturbance during anti-social hours i.e. late into the evening or early morning. I noted during my site inspection that there are no outside dining or seating areas associated with the current hotel that would intensify levels of noise or disturbance. I acknowledge that there is concern amongst local residents about lorries/coaches visiting the hotel and parking in the street. A hotel of this size is not required to provide coach parking within its site. Whilst I cannot concern myself with this matter specifically given that parking enforcement is a matter for the council, I am aware that there is an area for coach parking in relatively close proximity and that hotel guests are directed to this facility as appropriate.

Access and parking provision

19. According to policy 28 of the local development plan, proposed developments will be assessed on the extent to which, amongst other things, they are accessible to public transport, cycling and walking as well as car and that they accommodate the needs of all sectors of the community, including people with disabilities. I noted during my site inspection that the site is close to bus services with bus stops located on the corner of High Street and Hill Street, to the south of the site. The site is also within comfortable walking distance of Dingwall train station with access to destinations across the country. The site is accessible by cycling, walking and by car. Site access is achievable via Castle Street and I note that the proposals include for the provision of two disabled parking bays along the southern site boundary, directly opposite the hotel building entrance.

20. I note that the planning permission for the change of use of the building to a guest house, granted on appeal, accepted a shortfall in parking of 4 spaces. The shortfall in parking was justified on the basis that the parking standards are a maximum and the location being within the town centre close to public transport links, including the train station and bus stops.

21. According to the council, there is a shortfall of 5 parking spaces within the site based on the proposal before me for determination. However, the council (transport planning) confirms in its consultation response that the proximity to public transport (bus and train) lessens the necessity of the parking required for this site. In light of the above, I consider that the parking shortfall is not significant. The appellant is not required to provide coach parking within the site and I understand that coaches are directed to park at the main coach park in Dingwall, a short distance from the site. I have no issue with the site layout/ proposed parking arrangements and am reassured in reaching this conclusion given that the council (transport planning) were satisfied with these parking arrangements. I noted during my site inspection that whilst parking bays are marked out, they are not clearly decipherable. I consider that it would prove beneficial for visitors to the hotel if the parking bays were clearly marked out, particularly given the amended arrangements as part of this proposal.

Other Matters

22. I am required to have special regard to the desirability of preserving the listed building, St Ninians, or its setting and any special features of historic or architectural interest which it possesses. For the reasons I set out in paragraph 8 above, I am satisfied that the proposal would not adversely affect this listed building or its setting. I am also required to have special regard to the preservation or enhancement of Dingwall Conservation Area. For the reasons I set out in paragraphs 9 and 10, I am satisfied that the proposal would not harm the character and appearance of this conservation area and hence would preserve its character and appearance.

23. My attention has been drawn to the matter of standing water occurring within the appeal site after heavy rainfall, restricting the area of the car park that can be used by hotel guests for parking their vehicles. During my site inspection, the appellant's agent advised that the drain that had caused this standing water to occur had been unblocked thus resolving this issue. I have nothing before me to contradict this latest position and am satisfied that it would be possible for future hotel guests to use the car park as proposed.

Conclusions

24. The site is located within the town centre and its current use is one that is compatible with this designation. I consider that the intensification of this use will bring more people into the centre, benefitting the local shops and services. In light of this, I am satisfied that the proposal accords with Inner Moray Firth Local Development Plan policy 1: 'Promoting and protecting city and town centres' which seeks to guide developments, that generate footfall, to town centres and to protect the vitality and viability of such centres.

25. The proposal continues the design and form of the existing building, respecting its scale and avoids extending the building's footprint. The proposal replicates the materials and finishes on the existing building. I am therefore satisfied that the proposal is in accordance with Highland-wide Local Development Plan policy 28: 'Sustainable design' in respect of siting, design and use of materials.

26. The setting of St Ninians has already been altered by the development of the 1960s building to the south. Given the position of the existing two storey flat roofed building bordering onto Castle Street and given that the proposed first floor extension is set back from Castle Street, towards the rear of the plot, I am satisfied that the proposal would not have an adverse impact on this listed building or its setting. I am satisfied that the proposal accords with policies 28: 'Sustainable design' and 57: 'Natural, built and cultural heritage' in respect of impacts on listed buildings.

27. I consider that the character of the northern conservation area boundary has already been altered by the development of the former office building which is seen in the context of the church entrance, immediately to the south. Given the prominence of this building next to the church, I do not consider that the proposed first floor extension, towards the back of the site, would cause greater harm to the conservation area, particularly when one considers the variety of modern developments that have taken place within the conservation area boundary to the west and south west of the site. I therefore consider that the proposal would not have an unacceptable impact on the conservation area and that it accords with policies 28: 'Sustainable design' and 57: 'Natural, built and cultural heritage' in this regard.

28. I have included a condition below requiring windows on the proposed north elevation of the proposed extension to be both non-opening and obscure-glazed. I consider that this would avoid overlooking of the garden space of the properties to the north, retaining the privacy of neighbouring properties as a result. The proposed extension is set back from the rear elevation of St Ninians. Whilst the proposed first floor extension would be noticeable from the ground floor property, given its set back, its flat roof design and proposed height, I do not consider that there would be a significant loss of light to or overshadowing of the neighbouring ground floor flat property as a result. Whilst accepting that the owner of the upper villa, 'the old house', at St Ninians would be able to see the proposed extension from their property, I am satisfied that the proposal is sufficiently set back and of a scale that would not impact adversely in respect of daylight or cause overshadowing or result in overlooking.

29. I consider that the owner of 'Ben Loyal' to the north west would only receive limited views of the proposal due to separation distance between the two, and due to the flat roofed design and height of the proposed development. The two storey modern flats to the western boundary of the site are a sufficient distance from the existing hotel building. I am satisfied that the residential amenity of these flats would not be adversely affected as a result of the proposed extension. Parking spaces are currently located along the site's southern boundary including spaces opposite the existing flats. The proposed introduction of two additional parking spaces along this boundary would not radically alter the environment here.

30. The church to the south of the site has stained glass windows on its northern elevation and I am satisfied that the proposed southern elevation of the hotel would not have any impact on residential amenity. With regards to the issues of noise and disturbance, I am conscious that the current use as a hotel would generate activity, acceptable in the context of a town centre location. That said, the proposed scale of the hotel would not be expected to result in a significant level of intrusive noise or disturbance during anti-social hours i.e. late into the evening or early morning. I noted during my site inspection that there are no outside dining or seating areas associated with the current hotel that would intensify levels of noise or disturbance. In light of the above, I am satisfied that the proposed extension would not result in significant adverse impacts on residential amenity and that it accords with policy 28 in this regard.

31. Given the site's town centre location and based on my observations during my site inspection, I am satisfied that it is accessible to public transport (bus and train) and is able to be accessed by cycle, foot and by car. The provision of disabled parking bays in front of the hotel building entrance demonstrates that the needs of people with disabilities have been considered. I therefore consider that the proposal accords with policy 28: 'Sustainable design' in respect of accessibility.

32. The Sustainable design guide: supplementary guidance covers matters of layout, scale, materials, landscaping and other related matters. Given my conclusions in respect of policy 28: 'Sustainable design', I am satisfied that the proposal is in accordance with the supplementary guidance, particularly as this supplementary guidance is primarily concerned with new residential development.

33. The proposal does not prejudice the residential housing land supply and the proposal can be accommodated without adverse impacts upon neighbouring uses in accordance with policy 28. In light of this, I am satisfied that the proposal accords with policy 44 on tourist accommodation. Given that I consider the proposal to accord with the above policies, I also consider the proposal to accord with policy 34 'Settlement development areas' which supports proposals within defined settlements if they meet the requirements of policy 28 'Sustainable design' and all other relevant policies in the plan.

34. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Andrew Fleming

Reporter

Conditions

1. The horizontal timber boarding on the external walls of the extension shall be painted to match the existing boarding.

Reason: In order to retain and/ or protect important elements of the existing character and amenity of the site.

2. The glazing on the north-west side elevation and north-east rear elevation shall be obscured. No development shall commence until the type of obscure glazing is agreed in writing with the Planning Authority. Notwithstanding the annotation on the submitted drawing 2019/WID/10 Rev A regarding windows, the glazing on the north-east rear elevation shall be non-opening as well as obscured. The development shall thereafter proceed in accordance with the agreed details and be maintained as such in perpetuity.

Reason: To protect neighbouring residential uses from overlooking; in the interests of maintaining privacy and amenity.

3. Prior to the commencement of development, the parking spaces shown on approved drawing reference 2019-WID-10 REV A shall be marked out and available for use. Thereafter these spaces shall be maintained for customer parking.

Reason: To ensure that sufficient space is provided within the site for the parking of cars, so they do not have to park within the public road.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

Schedule of application drawings

Location/ site plan	2019/WID/10 Rev A
Existing plans and elevations	2019/WID/11
Proposed ground floor plan	2019/WID/12 Rev A

Proposed first floor plan	2019/WID/13 Rev A
Proposed south and west elevations	2019/WID/14
Proposed north and east elevations	2019/WID/15 Rev A