Agenda Item	6.2
Report No	PLS-017-21

HIGHLAND COUNCIL

committee: South Planning Applications Committee

Date: 09 March 2021

Report Title: 20/04500/FUL: M Pratt

Balnacruie, Boat of Garten, PH24 3BX

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of extensions to house

Ward: 20 – Badenoch and Strathspey

Development category: Householder Development

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 The application seeks planning permission for the erection of an extension to a small house, 'Balnacruie', located on the north side of the A95 Trunk Road between Boat of Garten and Dulnain Bridge. The Heather Centre, Skye of Curr and Broomhill railway are nearby to the east and south east of the site. Much of the wider area is surrounded by forestry plantation and open countryside.
- 1.2 There is an existing access to the house from the A95(T), shared with neighbouring properties, with the site having its own car parking area. An existing septic tank and soakaway are located to the east of the house
- 1.3 Pre-Application Consultation: None.
- 1.4 Supporting Information: 3D Photo/Visuals
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The application site is the single storey house, 'Balnacruie' which has a footprint of approximately 9m x 8.5m. The house is finished in a dry dash render, with concrete roof tiles and uPVC windows, doors and downpipes. It has a shallow pitched roof and wide gable ends. There is one neighbouring property to the west 'Edoras' which shares a post and wire fence boundary with Balnacruie. There is a change in level of approximately 0.5m between the two properties which appears to have been cut in order to provide a level site for Edoras which also has a low retaining wall. The west elevation of Balnacruie is located around 9.5m from the boundary and 14m from the east elevation of Edoras. The curtilage of the property is laid to grass with space for parking to the front of the house.
- 2.2 An existing garage is located to the east elevation of the house, and there is a large open field to the rear (north) of the house. This is subject to a separate planning application (20/04503/FUL) for the erection of a dwelling house.

3. PLANNING HISTORY

3.1	19 August2003	02/00239/OUTBS - (outline)	Erection of	dwelling	Planning Permission Granted
3.2	21 August 2003	02/00240/OUTBS – (outline)	Erection of	dwelling	Planning Permission Granted
3.3	15 April 2004	04/00013/REMBS – Erection of dwelling and garage (approval of reserved matters)		Planning Permission Granted	

- 3.40904/00296/REMBS Erection of dwelling and Planning
December2004Planning
Permission
Granted
- 3.5Pending
Consideration20/04503/FUL Erection of house (to the north
of the site)Pending
Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: None

Representation deadline: 12.12.2020

Timeous representations: 5

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - a) Siting and Design: Proposal not in keeping with surrounding development and restrictions which were previously placed on other consents in the vicinity of the site
 - b) Development disproportionate to the site and does not complement or enhance existing houses, it will be overbearing being of a large scale and doubling the footprint of the house
 - c) Would be the only property with more than one storey raised several metres above the access road and adjacent houses
 - d) Consider the design does not comply with relevant policy of the development in that it does not connect to, reinforce and enhance the character of the group, integrate into the existing built form and pattern of development
 - e) Contrary to s1.2 of the Local Development Plan
 - f) Planting to boundary could impact on damage to a retaining wall, preference for screen fencing if plans approved
 - g) Request extension sited on the opposing east gable and the car port sited to the west.
 - h) Access and servicing: Increase in residents could impact on electricity and overloading supply and impact water and waste treatment capacity
 - i) Increase in population and traffic not considered to be organic rural growth on small rural cluster
 - j) Traffic increase could lead to accidents and near misses, visibility is poor as on a bend and there are no public transport options.
 - k) Previous development has had to be sited to the front of the plots due to overhead powerlines
 - Impact on neighbouring residential amenity, note that Permitted Development requires extensions to be 10m distance from the boundary. Increased height will impact on amenity.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

5. CONSULTATIONS

- 5.1 **Cairngorms National Park Authority:** Application does not raise any planning issue of general significance to the Park aims, no call in necessary.
- 5.2 **SSE:** No response received
- 5.3 **Transport Scotland:** No objection
- 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (2015):**

3 - Sustainable Design

- 6.2 **Proposed Cairngorms National Park Local Development Plan (2020)**
 - 3 Design and Placemaking
- 6.3 Cairngorm National Park Planning Guidance

Sustainable Design Non-Statutory Guidance

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014 (revised Dec 2020)

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) siting and design
 - c) access and servicing
 - d) residential amenity
 - e) any other material considerations.

Development plan and other planning policy

- 8.4 The application seeks planning permission for the erection of an extension to 'Balnacruie'. As this is not a new house the main policy of relevance in assessing the proposals is Policy 3 Sustainable Design of the CNPA Local Development Plan. Policy 3.4 'alterations to the existing building stock' identifies that alterations will be considered favourably where they:
 - respect the design, massing, proportions, materials and general visual appearance of the area; and
 - maintain an appropriate level of private ground, including space for off-street parking
- 8.5 The CNPA Sustainable Design non statutory Guidance requires that development should reflect traditional materials and take on board innovation, contemporary design and methods of construction. It is stated that whilst new developments do not need to copy past styles, the imposition of standard off the shelf designs will erode the characterises for which the National Park is renowned.
- 8.6 Where amenity is concerned the Sustainable Design non statutory Guidance advises that new development should be compatible with the existing uses on and adjacent to the proposed development site. Consideration must be given to the impact of the proposal on existing and surrounding properties. It is noted that the majority of residential properties are overlooked to a certain degree and that to enable a reasonable level of privacy and amenity the development should be located within a reasonable distance of the existing properties. In the case of residential development an 18m privacy zone between windows is recommended when they are directly opposite one another. The distance can be reduced when the windows are at an angle, or screening can be provided to separate properties.
- 8.7 Development should not result in overshadowing or a significant loss of sunlight to existing buildings at any time.

Siting and Design

- 8.8 The application seeks planning permission for the erection of an extension to the existing 2-bedroom bungalow known as Balnacruie. The site sits on the north side of the A95 and is located within what is considered to be a housing group and currently has 5 neighbouring properties. It is submitted that Balnacruie is the original house within the group, with the surrounding land having been developed more recently. It is proposed to extend the house on the west elevation. This will comprise a timber clad projecting glazed gable feature which shall overlook the A95 and beyond.
- 8.9 The extension shall extend the length of the bungalow by 5.5m and will have a width of 12m. The projection off the principle elevation will measure approximately 3.2m from the current frontage. The extension shall allow for the upgrade of the existing cottage to provide 4 bedrooms to the ground floor and an open plan living/kitchen dining area with vaulted ceiling accommodated within the extension. The remainder of the upper level of the extension is to accommodate a possible additional bedroom/living room area. A carport is to be sited on the east elevation. The

proposed extension would result in a considerable extension to, and the remodelling of the existing modest house, forming a larger 4-bedroom house, over 2 floors.

- 8.10 The proposed extension is to be finished in vertical natural timber cladding and blue/grey concrete tiles are proposed to the roof which shall match the existing house. Use of natural stone is to be applied to the existing cottage to the basecourse, natural stone feature corner and to a new chimney.
- 8.11 Window openings are to be enlarged and altered to the existing elevations of the house which does not raise any concerns with regards to amenity and potential overlooking of neighbouring properties issue. The use of sustainable, natural materials is supported and is in keeping with contemporary houses which have been constructed nearby in the area. While it can be considered that the design of the extension differs from the neighbouring properties which are adjacent to the site, it should be noted that house design has moved on significantly in the last 10 15 years. There has been a shift from similar bungalow style properties such as the neighbouring Edoras to new rural house designs and extensions which are similar to what is proposed in this application. The existing bungalow is being retained on site, it is therefore not considered that, overall, the design of the resultant extended house would be out of keeping with neighbouring properties.
- 8.12 The CNPA sustainable design Guidance indicates that it is not necessary to replicate past styles of building and contemporary design utilising appropriate natural and sustainable materials are supported. The design is considered to be acceptable and brings about an improvement to an otherwise architecturally uninspiring two-bedroom bungalow.
- 8.13 Concern has been raised with regard to the scale of the development, including that it sits at a higher elevation than neighbouring properties, and that it may over dominate the surrounding houses in terms of its height. It is also suggested noted that there have previously been conditions attached to older planning permissions which restricted their building scale and therefore height to single storey. This related to a previous decision on adjacent house plots and is not a restriction which is attached in any way to this existing house.
- It is acknowledged that when the neighbouring property was constructed the ground 8.14 level was lowered to provide a level site for the property. With regard to the current proposal a 'streetscape' section was requested in order to assess the overall impact and change in scale when reading the extended house in relation to the neighbour. This shows that the ground level on the adjacent site has been dug approximately 0.5m below the surrounding ground level at Balnacruie. The ridge height of the existing house sits 450mm above the ridge of Edoras at present. The introduction of the extension introduces a ridge height which would be 1.1m above that of the existing ridge. The extent of this is not considered to be significant or overbearing on the surrounding properties given the scale of these in comparison to the current scale and mass of Balnacruie at present. Properties located to the north and east of the site are at a higher elevation and sit at a higher level than Balnacruie due to the land sloping from north to south It is therefore not considered that the resultant extension will be overbearing or out of keeping in respect of its height relative to neighbouring houses to such an extent that it would appear incongruous.

- 8.15 The footprints of the existing houses have also been assessed in considering the scale of the proposed extension of Balnacruie. As stated, it is submitted that Balnacruie was the first house in this group. Over time additional properties have been constructed while Balnacruie has not benefitted from any upgrade or intervention to bring it up to a standard which may be expected in a modern house. In order to further assess the scale of development in relation to neighbours, the *approximate* footprint of neighbouring properties as measured from OS mapping is tabled below for comparison:
 - Edoras 242sqm
 - Mountain Shadows 187sqm
 - Cairnview 164sqm
 - Easter Balnacruie 188sqm
 - Balnacruie existing 85sqm proposed 161sqm
- 8.16 It is clear from this that Balnacruie is currently significantly smaller than the newer properties which have followed; this further demonstrates that the scale of the resultant extended house at Balnacruie (161 sqm) development is not out of keeping with the scale of the surrounding properties.
- 8.17 The scale and design of the extensions are supported despite previous restrictions which may have been placed on historic planning decisions on newer built houses to limit their height to single storey.

Residential Amenity

- 8.18 One of the representations requests that the extension be oriented on the opposing gable of the house and raises concern over the proximity of the proposal to the boundary with Edoras. It should be noted that Edoras has been constructed with its east elevation only 4.1m away from the shared boundary with Balnacruie with a large garden area to the west. The gable of Balnacruie is currently approximately 9.7m away from the boundary. It is suggested that the extension is too close to Edoras.
- 8.19 The west elevation of the extension to Balnacruie would be located 4.2m away from the shared boundary, similar to the distance to the boundary from Edoras. It could be argued that when Edoras was constructed it has been sited close to the curtilage of Balnacruie and has in effect 'borrowed' some amenity from the application site. As the same separation distance from the boundaries are maintained on either side, and that any overlooking between the two properties can be mitigated, it is not considered that there is any material planning reason to relocated the proposed extension, its position, orientation and separation from Edoras is considered to be acceptable.
- 8.20 Representations refer to the proposal not meeting permitted distances for extensions from shared boundaries. It should be noted that this is a reference to Permitted Development parameters; the proposal is not Permitted Development and requires a Planning Application, with that being assessed on its merits and against Policy and Design Guidance in relation to extensions.

- 8.21 In order to further consider whether proximity of the extension to the neighbour would impact on amenity, a daylighting assessment was submitted. This demonstrates that Edoras has more of an impact on the neighbouring curtilage than that which would arise from the house extension. There are not considered to be any issues with regard to impact on daylight or overshadowing.
- 8.22 In respect of any potential impact on amenity due to overlooking it is noted that Edoras has a relatively blank facing gable with only one window on the east gable. There are windows to the west elevation of the proposed house extension and a decking area to the front and side of the property. The placement of the views from windows and the decking area are not considered to be significantly detrimental over what would be experienced from the house or garden at present. This is by virtue of the current relationship between the two buildings which is open with only a post and wire fence between them. In order to screen the two properties and provide more privacy to both houses, planting is proposed to the boundary.
- 8.23 Representations note a preference for a screen timber fence to the boundary due to the potential for planting to impact on the retaining wall. The applicant wishes to advance planting, however a 2m high close boarded fence will be conditioned to secure in order to ensure that a more permanent feature separates the two sites in the interest of amenity. There would be nothing to preclude the applicant from planting on the inside of their boundary in future.

Access and Servicing

- 8.24 The house is currently served by an existing access serving the rest of the housing group off the A95(T). The extension would provide an additional two bedrooms over and above what is currently accommodated on site. This is unlikely to result in a significant increase in residents as suggested by representations, subsequently this is not considered to raise any significant concern. Transport Scotland are not routinely consulted on householder developments however have commented that they do not object to proposals.
- 8.25 Representations suggest that there are could be issues around capacity in terms of electricity supply and water. It is considered that the house is extension is unlikely to have a significantly detrimental impact on the provision of services over and above the current requirements of the existing house which already benefits from all services. Notwithstanding this, it should be noted that it is the responsibility of the developer to secure appropriate servicing of the site with the suppliers direct.
- 8.26 There are overhead power lines to the north of the site; SSE have been consulted and have no objections to the proposals. There are therefore no issues in this regard.

Other material considerations

8.27 There are no other material considerations.

Non-material considerations

8.28 The application is for the extension of an existing house, not for a new house, and the proposal is assessed against the relevant Development Plan policies and

guidance for extensions, not new housing. Accordingly, matters relating to the use of the resultant extended house for holiday letting, or its future availability to the local housing market, or anti-social behaviour from the house, are issues over which the Planning Authority does not have control over. Matters relating to access to the adjacent croft are for those parties requiring access to agree legally with the developer.

Matters to be secured by Section 75 Agreement

8.29 None

9. CONCLUSION

- 9.1 The application is for the erection of an extension to an existing house. The property was on site prior to adjacent development and unlike neighbouring properties which have been constructed to a scale commensurate with modern living; this property has not benefitted from any intervention. The scale and mass of the house once extended is considered to be in keeping with neighbours, being 1.1m higher than the existing ridge height. The overall footprint of the house, even following the extension, would still be of a smaller footprint than that of the more recent properties within the group. It is considered that the design of the extension and alterations to the existing bungalow represent a contemporary high-quality design which utilises appropriate materials and improvement to an otherwise architecturally uninspiring two-bedroom bungalow.
- 9.2 The proposals are considered to comply with the relevant policies of the Development Plan and its associated Design Guidance and there are no technical issues identified by consultees. It is not considered that the proposal would be significantly detrimental to amenity and it is recommended that planning permission is granted.
- 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	
Notification to Scottish Ministers	Ν
Conclusion of Section 75 Obligation	Ν
Revocation of previous permission	Ν

Subject to the above, it is recommended that planning permission be GRANTED

Conditions and Reasons

1. No development shall commence until the developer shall have submitted written and plan details of a 2m high close boarded fence on the western boundary of the site. The approved fence shall be erected within 3 months from the completion of the extension to the satisfaction of the Planning Authority.

Reason: In the interest of residential amenity in order to minimise any overlooking to the neighbouring property.

REASON FOR DECISION

The application is for the erection of an extension to an existing house. The scale and mass of the extended house is considered to be in keeping with surrounding housing, with an overall footprint which would be smaller than other houses in the group. The design of the extension and alterations to the existing bungalow represent a contemporary high-quality design which utilises appropriate materials and improves an architecturally uninspiring two-bedroom bungalow. The proposals are considered to comply with the relevant policies of the Development Plan and its associated Design Guidance, and there are no technical issues.

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.

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Transport Scotland

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact: - Area Manager (A95)

0141272 7100

Buchanan House, 58 Port Dundas Road, Glasgow, G4 OHF

Operating Company: - NORTH EAST

Address: - Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW

Telephone Number: - 01738448600

e-mail address: - <u>NEplanningapplications@bearscotland.co.uk</u>

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Overhead lines

Overhead lines are close to/cross the site and you should contact SSE to discuss appropriate safeguarding measures/re-routing.

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 <u>env.health@highland.gov.uk</u> for more information.

Protected Species – Halting of Work

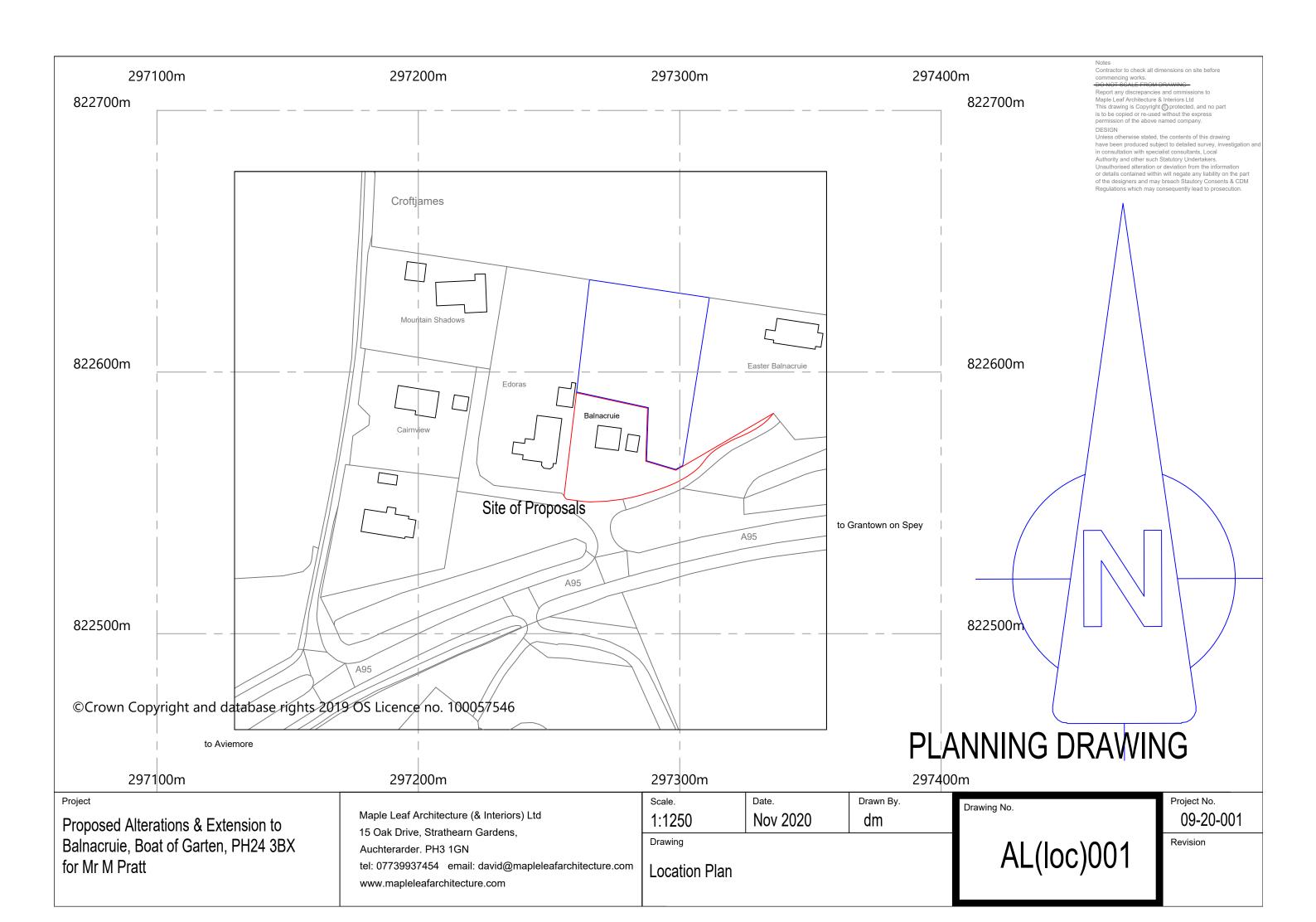
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature:

Designation:	Area Planning Manager – South
Author:	Laura Stewart
Background Papers:	Documents referred to in report and in case file.

Relevant Plans:

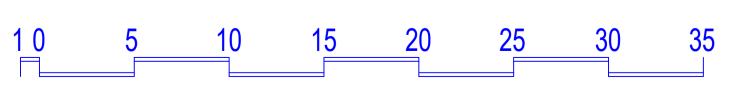
- Plan 1 Location Plan AL(LOC)001
- Plan 2 -Site Layout Plan AL(SITE)001 REV A
- Plan 3 Elevation Plan AL(0-)001 existing
- Plan 4 Elevation Plan AL(SK)002 proposed
- Plan 5 Elevation Plan AL(SK)001 proposed
- Plan 6 Streetscape Elevation AL(STREET)001





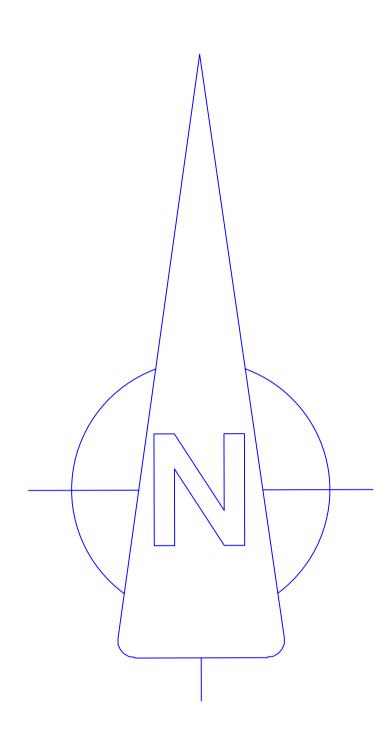
Site Plan as Existing & Proposed 1:200

Balnacruie, Boat of Garten



Scale in Metres 1:200

Notes Contractor to check all dimensions on site before



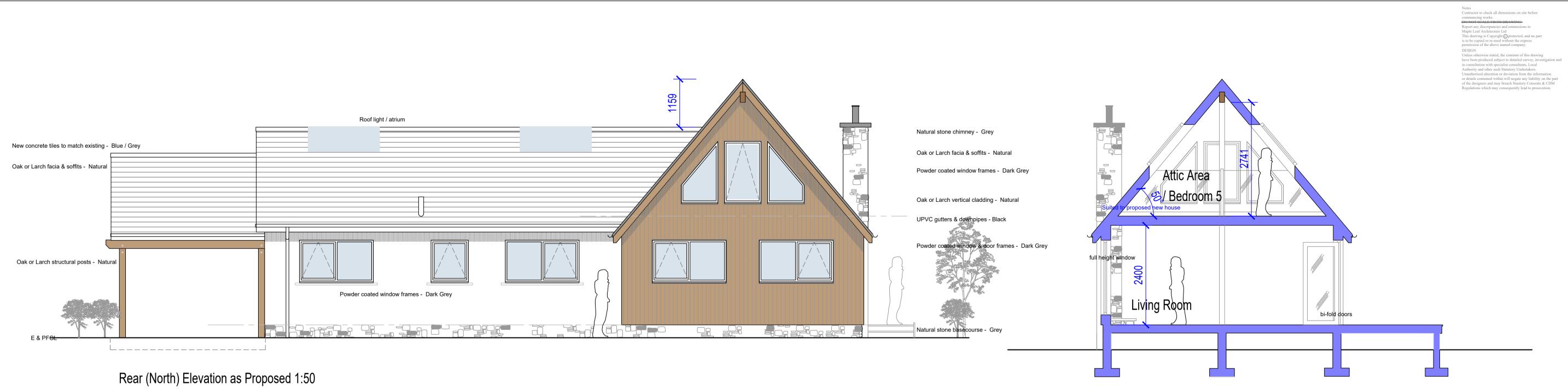
Revisions a - 14/1/21

i) Screen planting notes clarified / extended.

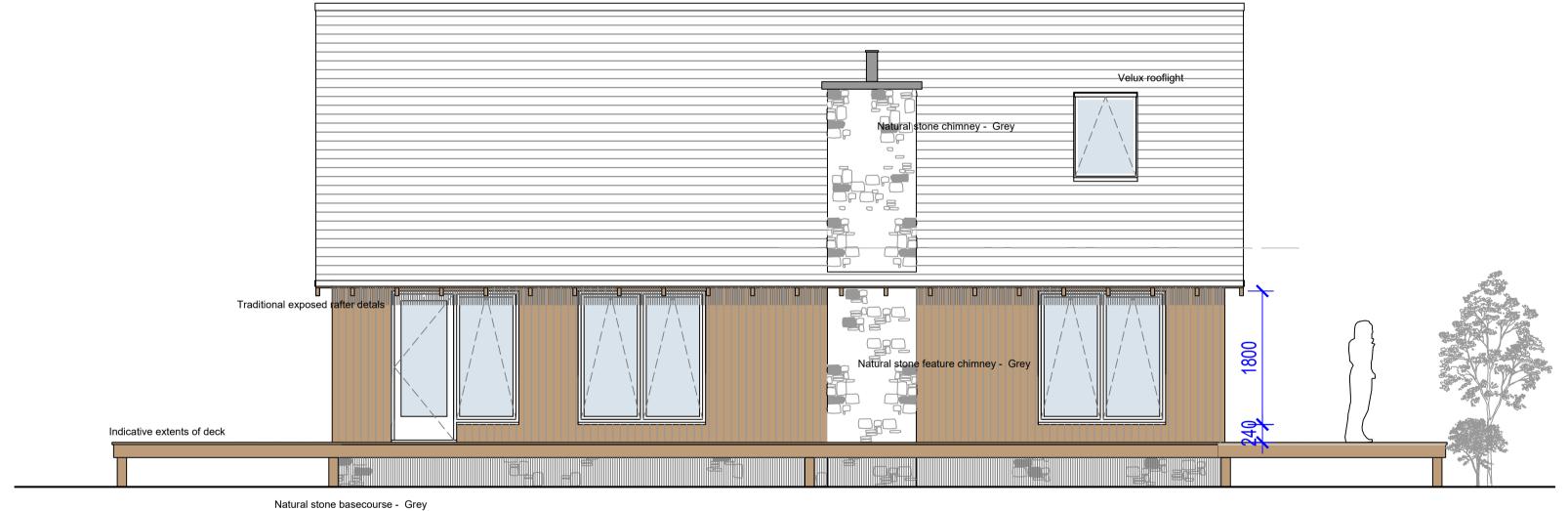
Maple Leaf Architecture (& Interiors) Ltd 15 Oak Drive, Strathearn Gardens, Auchterarder. PH3 1GN tel: 07739937454 email: david@mapleleafarchitecture.com www.mapleleafarchitecture.com				
Project Proposed Alterations & Extension to Balnacruie, Boat of Garten, PH24 3BX for Mr M Pratt & Ms S Cobbett				
Drawing				
Site Plan as Existing & Proposed				
Drawing No.		Project No.		
		09-20-001		
AL(site)001		Revision.		
		а		
Scale. 1:200	^{Date.} Nov 2020	Drawn By. dm		

PLANNING DRAWING





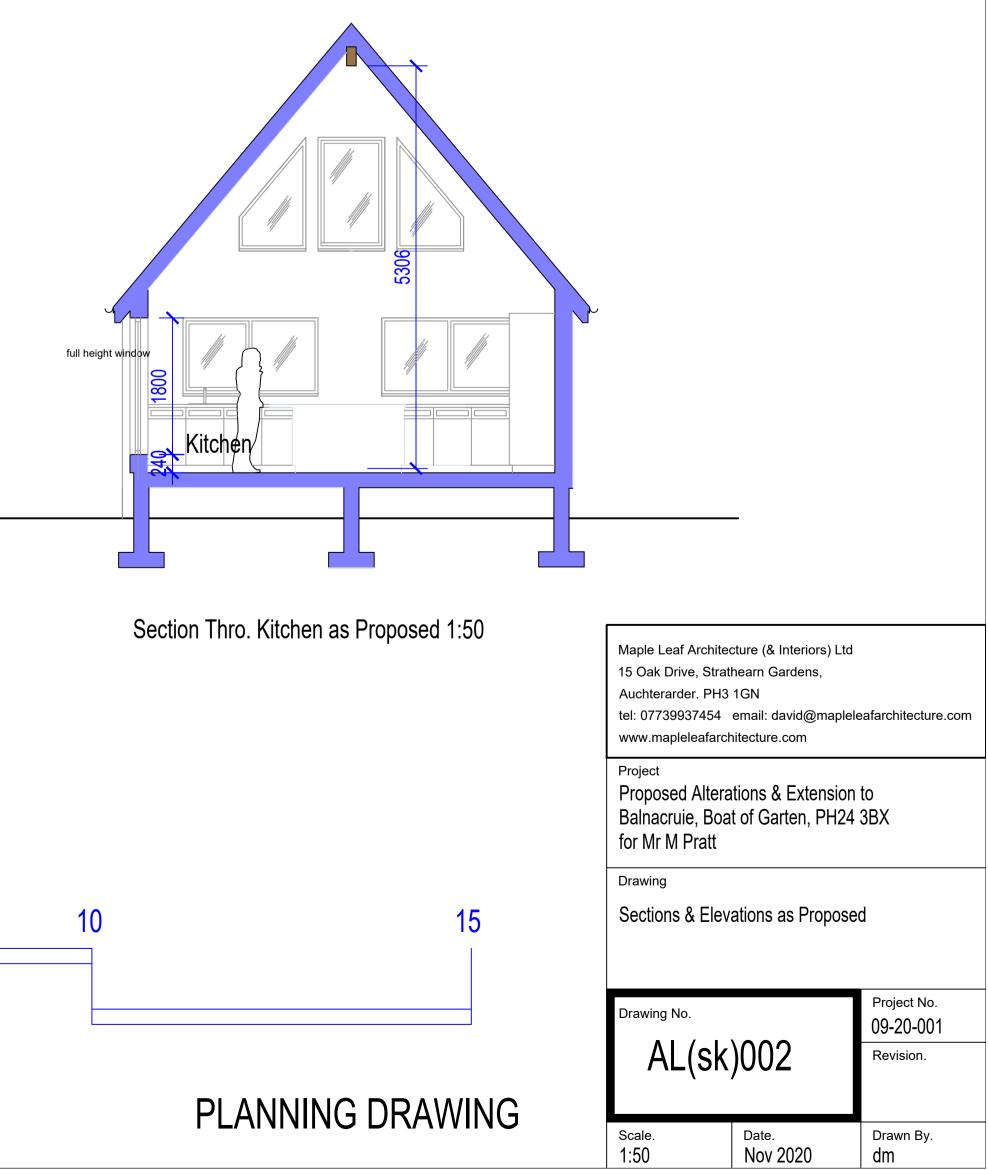


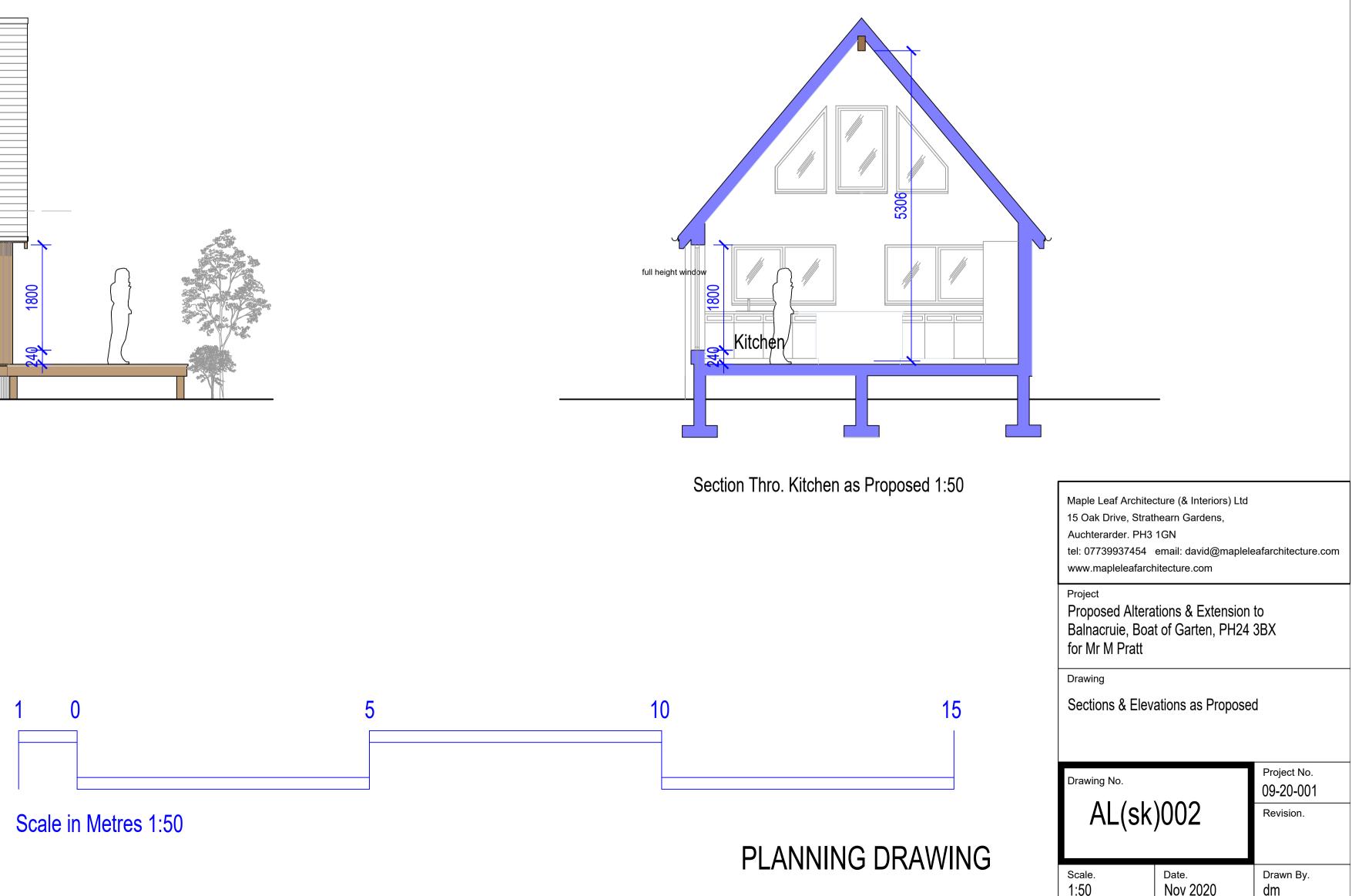


Side (West) Elevation as Proposed 1:50

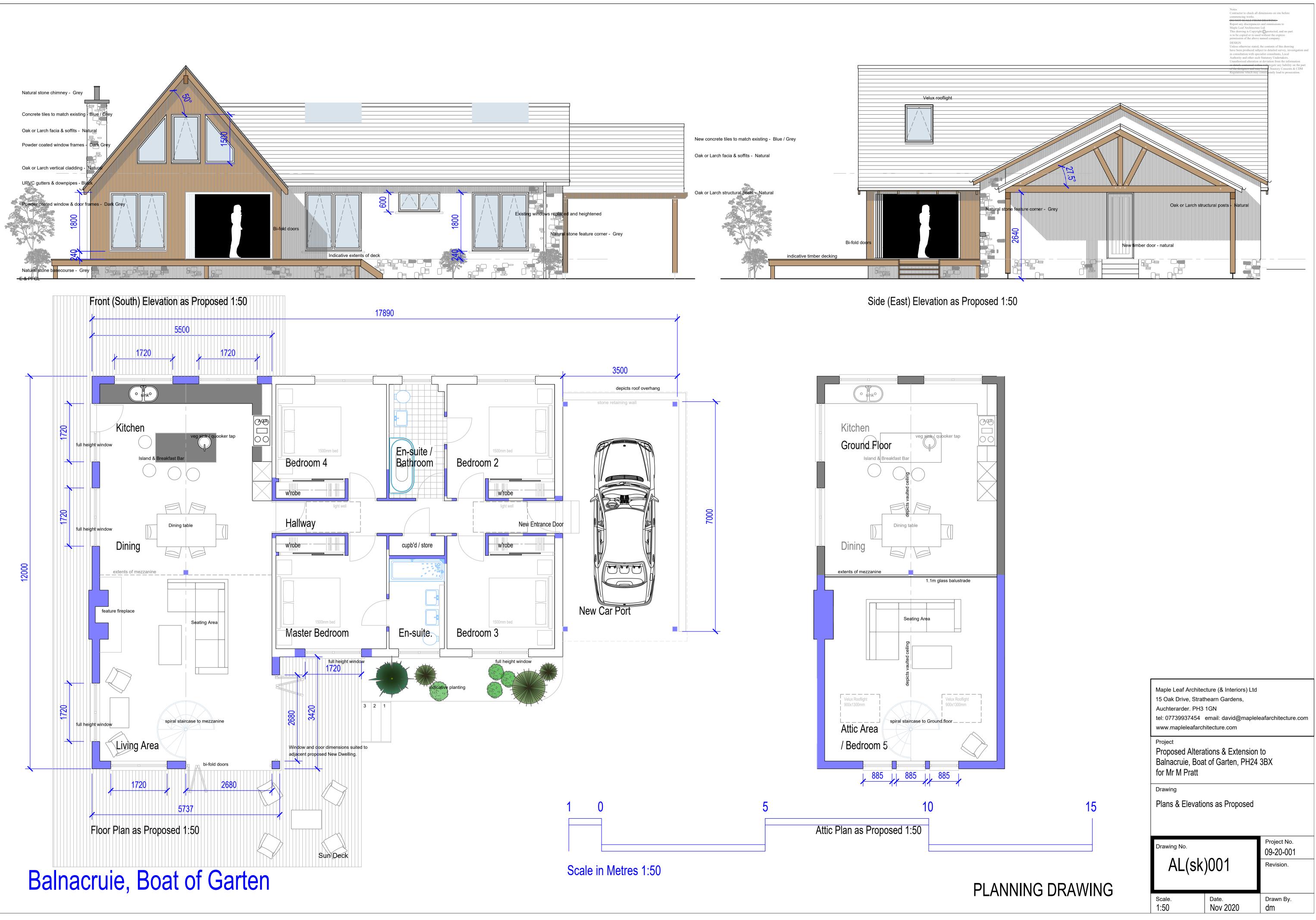
Balnacruie, Boat of Garten

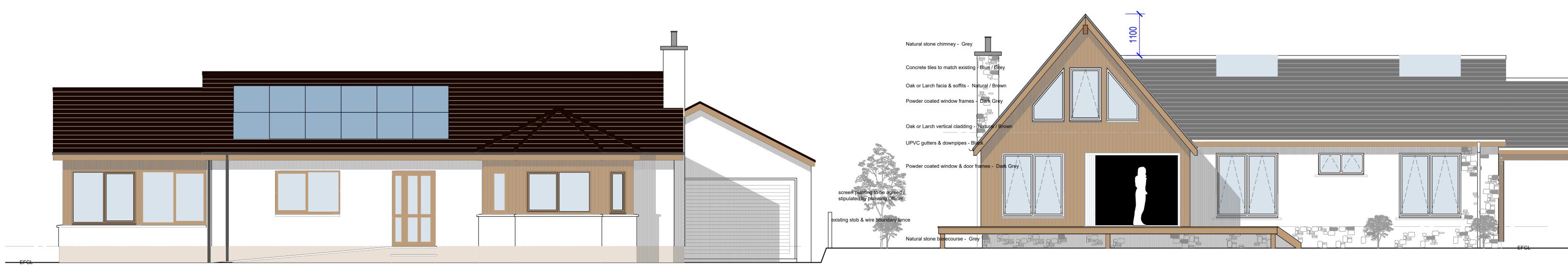




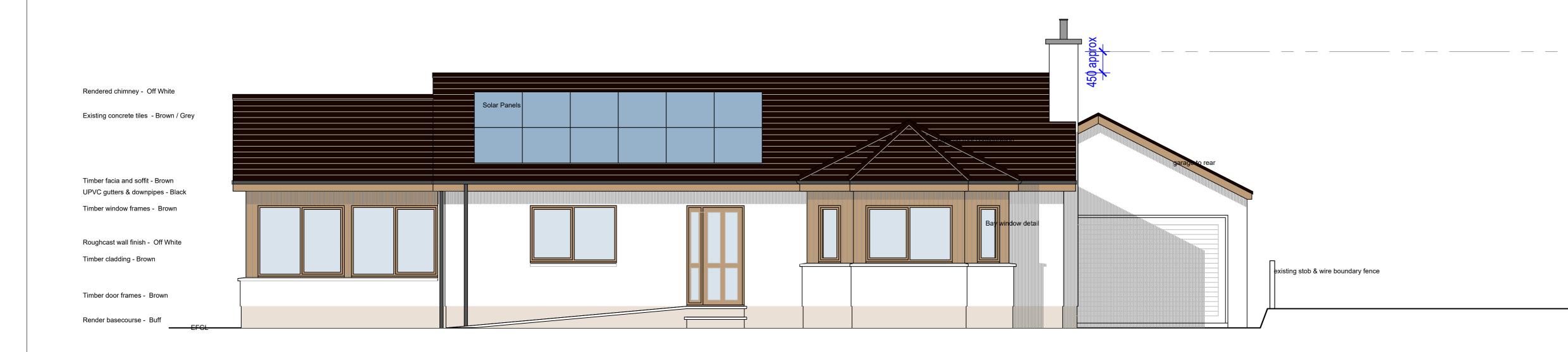


Section Thro. Living Room & Mezzanine as Proposed 1:50



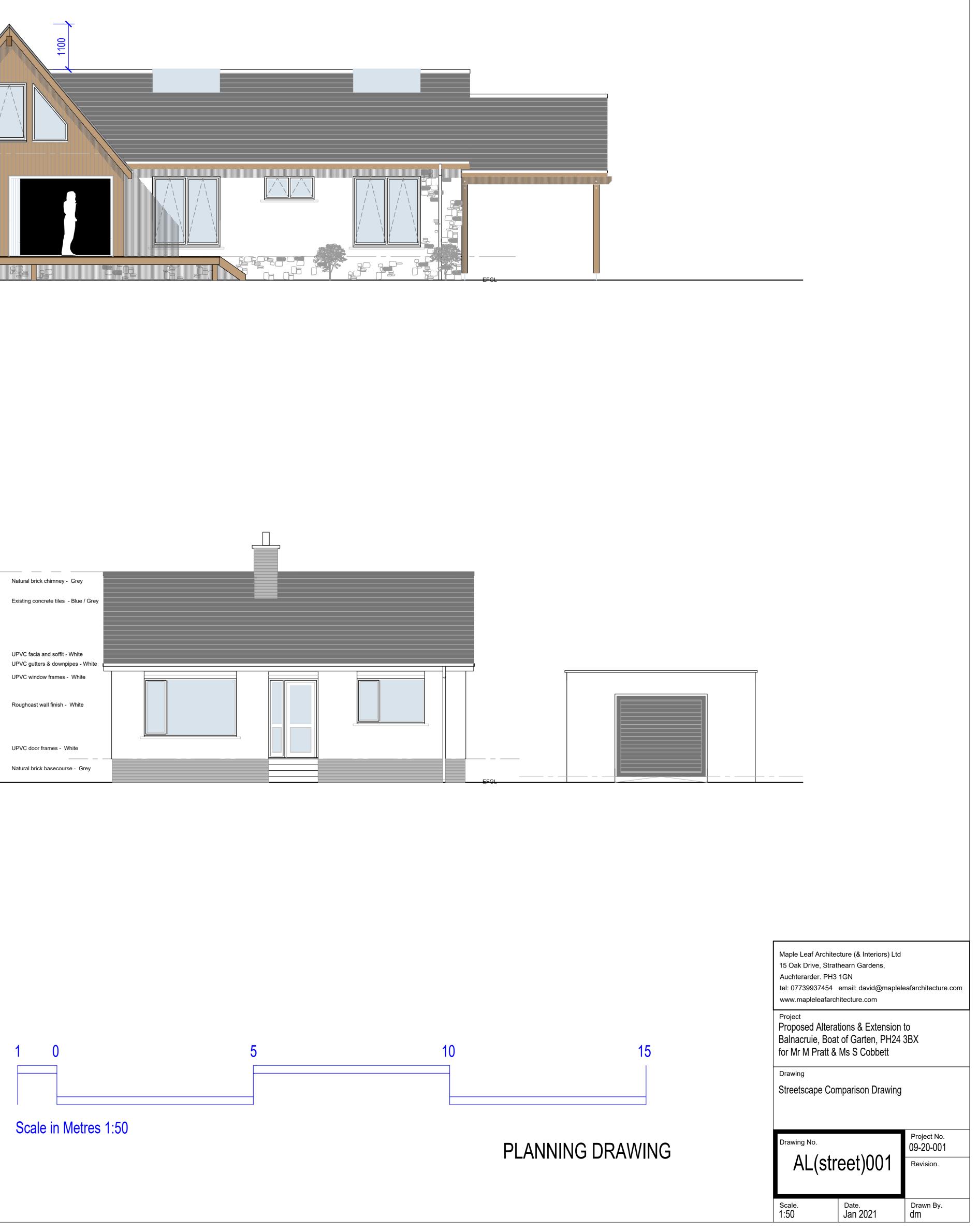


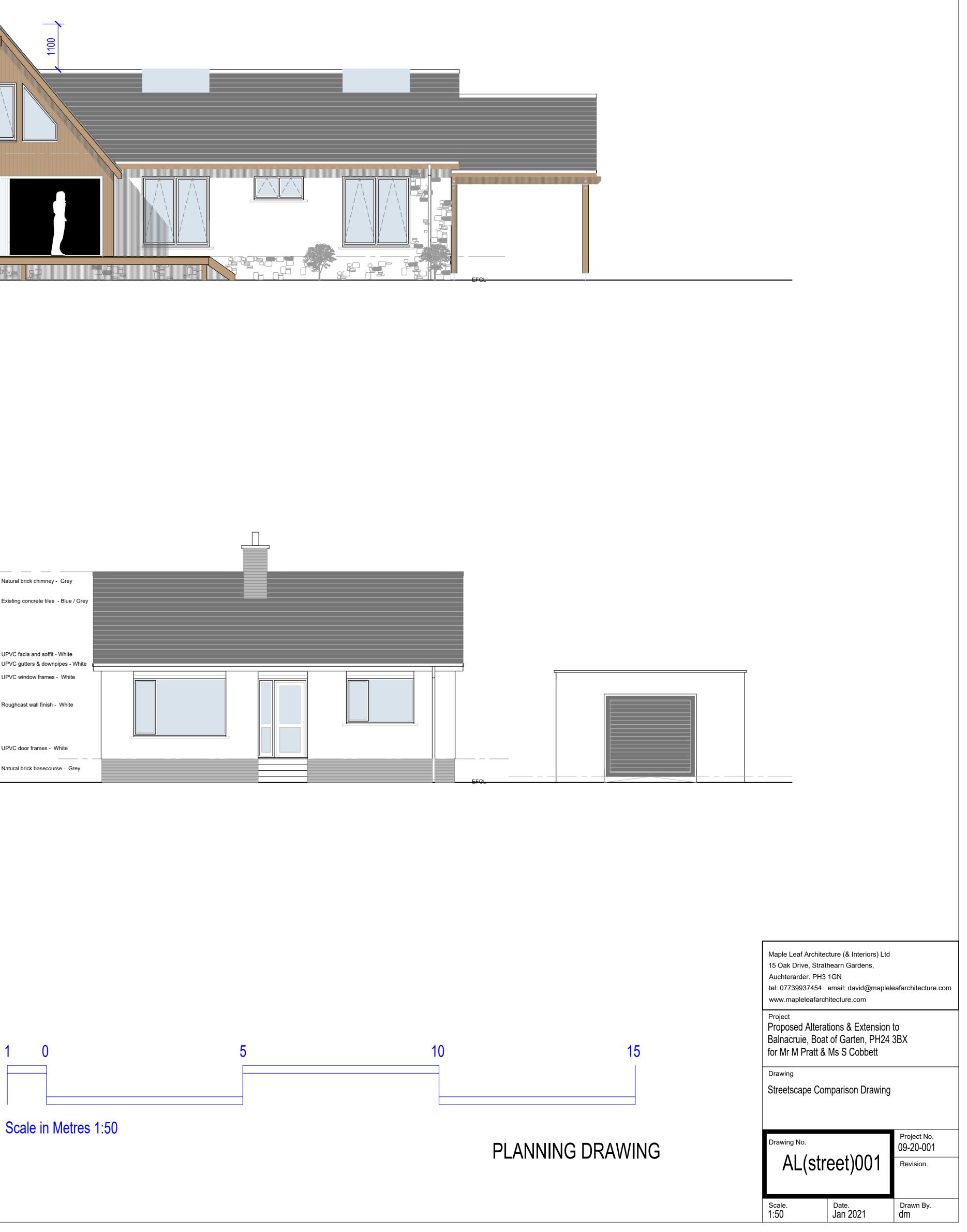
Front (South) Streetscape Elevation as Proposed 1:50



Front (South) Streetscape Elevation as Existing 1:50

Balnacruie, Boat of Garten





Notes Contractor to check all dimensions on site before commencing works. DO NOT SCALE FROM DRAWING Report any discrepancies and ommissions to Maple Leaf Architecture & Development Ltd This drawing is Copyright ⓒ protected, and no part is to be copied or re-used without the express permission of the above named company. DESIGN Unless otherwise stated, the contents of this drawing have been produced subject to detailed survey, investigation and in consultation with specialist consultants, Local Authority and other such Statutory Undertakers. Unauthorised alteration or deviation from the information or details contained within will negate any liability on the part of the designers and may breach Stautory Consents & CDM Regulations which may consequently lead to prosecution.