

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 7 MARCH 2017

PLANNING APPLICATION - 19 SEAGATE ARBROATH DD11 1BJ

GRID REF: 364524 : 740670

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 17/00067/FULL for the Alteration and extension of a dwellinghouse (further application) at 19 Seagate, Arbroath for Mr James Stewart. This application is recommended for approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the alteration and extension of a dwellinghouse. The application is a further application as planning permission for the extension has already been granted in July 2014. That planning permission remains extant and capable of being implemented until 21 July 2017.

3.2 The application property is a traditional cottage style dwelling with ground floor and first floor accommodation. The dwelling addresses the street in the traditional manner. The plot lies in the south side of Seagate and measures 166sqm. This is fairly consistent with surrounding plot sizes. The site is located in the 'Fit o the Toon' area of Arbroath which forms part of the Abbey to Harbour Conservation Area. The south/rear elevation faces the foreshore which consists of a pebbled beach beyond which lies the North Sea. The east and west elevations adjoin with residential properties of a similar nature that have been extended and the north/front elevation directly abuts the narrow public footway.

3.3 The proposal relates to the formation of a rear extension on the mid-terraced dwelling. The proposal would involve raising the ridge of the roof by 300mm to a level consistent with two traditional splayed dormers that are located on the front of the dwelling but which unusually sit slightly proud of the main ridge of the dwelling. To the rear of the dwelling, a 70.3sqm flat roof extension would be formed. The extension would offer accommodation on two storeys. The removal of existing outbuildings along the west boundary to the dwelling would be required to facilitate the extension. Proposed materials would be grey fibre cement horizontal cladding, black upvc gutters, slate, dark grey windows/doors, dry dash render and grey single ply membrane roof.

- 3.4 The application has not been subject of variation as it is a further application in relation to a previously approved scheme.
- 3.5 The application was advertised in the Courier and the time period for third party comment has expired. A site notice was also placed at the site as the application site lies within a Conservation Area.
- 3.6 This application requires to be determined by the Development Standards Committee as it is recommendation for approval and is subject to more than five individual objections.

4. RELEVANT PLANNING HISTORY

Application 14/00409/FULL for alterations and extension to the dwellinghouse subject of the current application was approved on 22 July 2014. That planning permission relates to the same proposal as that currently under consideration and it remains extant and implementable until 21 July 2017.

5. APPLICANT'S CASE

No supporting case has been submitted either by or on behalf of the applicant.

6. CONSULTATIONS

Angus Council - Flood Prevention - Offered no objection to the proposal but advised the applicant should be aware that permission will be required from Angus Council before alterations can be made to the sea wall at this location. Routine maintenance is excluded from the requirement for permission.

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - No objection.

Scottish Water - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

- 7.1 37 letters of representation were received. 36 letters objected to the proposal and 1 supported the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised are as follows:

- **That the proposal would be out of character with character of the dwelling and the conservation area;**
- **Unsympathetic to views of the coastline;**
- **Inappropriate design/materials;**
- **Loss of privacy/sunlight/daylight;**
- **Overdevelopment of the plot.**

These matters are discussed at Section 8 below.

In addition the following matters have been raised: -

- **Precedent for similar development** - There is no concept of binding precedent in planning. Each case is considered on its own merits on a case-by-case basis.
- **There is no access or room for waste bins** – The dwelling would retain a rear yard. Waste storage arrangements would be as existing.
- **Potential for damage by the sea** - The proposed extension would replicate similar development in the area that has windows in a similar location in relation to the sea wall.

- **Neighbouring property will not give permission to tie into their wall** - This is a civil matter between relevant parties and does not preclude the granting of planning permission.
- **Loss of view** - This does not represent a valid planning objection.

7.2 The supporting letter indicates that the proposed design is considered to be attractive and the observer is keen to see the development taking place as they were when the original application was submitted.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 As the application for planning permission also relates to subjects within a conservation area, namely the Arbroath Abbey to Harbour Conservation Area, Section 64(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) requires that the planning authority, in assessing planning applications in conservation areas, pays special attention to the desirability of preserving or enhancing the character or appearance of that area.

8.3 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Development Plan (Adopted 2016)

8.4 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Development Plan form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.

8.5 Policy TC4 relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

1. adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
2. detrimentally affect the character and/or appearance of the building, site or surrounding area; and
3. result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

8.6 Policy DS4 deals with amenity and requires all proposed development to have regard to opportunities for maintaining and improving environmental quality. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. The policy identifies matters that will be taken into account and recognises that in some circumstances it will be appropriate to approve proposals that give rise to amenity impacts where they can be mitigated.

8.7 As previously indicated, the application is a further application in relation to a development proposal that benefits from an extant planning permission that endures until 21 July 2017, however the application to renew the extant planning permission has attracted a reasonably significant body of third party objection in the context of the consideration of a householder planning application.

8.8 The property that is subject of the application is an un-listed, mid-terraced property that is fairly typical of the area and which is similar in external appearance to other dwellings on the south side of Seagate. There are however a mix of styles and building types evident in the wider street scene. The proposed extension would form an L shape in the rear courtyard of the dwelling with a first floor bedroom extension that would have a played 'prow' feature.

- 8.9 The first test of Policy TC4 relates to existing residential amenity. Policy DS4 is also relevant in this respect. The extension would introduce a first floor rear outshot between two significantly extended dwellings that both have prominent balconies. The potential for overlooking and loss of amenity has been raised in letters of objection. The extension would eliminate direct overlooking between existing balconies in neighbouring properties and would greatly reduce overlooking from these balconies into the rear garden area of the application site. In terms of the overlooking from the proposed upper splayed windows, the immediate neighbours have expressed concern that gardens would be overlooked as would the kitchen area of No.17 Seagate. A sightline assessment has been undertaken in support of the original application that shows that views out from the upper part of the extension and would be at an acute angle which would provide no clear or unacceptable views. Views into neighbouring properties would be 'forced views' meaning that some effort would need to be made on the part of the observer to obtain them. The resultant degree of overlooking would be far less than the overlooking presently experienced from existing balconies of neighbouring properties into the application site. It is considered that the proposal would not introduce unacceptable overlooking taking account of the nature of development currently in the area and the nature of overlooking that currently exists which would be significantly mitigated by the proposal. The window to window distance is 10.8 metres which is marginally short of the recommended 12 metre distance advocated in the Householder Development Planning Advice Note. However, as previously discussed, views out from the extension would be acute and the minor infringement of this guidance is tolerable in this circumstance. In terms of daylight and sunlight impacts, it is noted that the site and any potentially affected parts of the neighbouring properties face due south and are likely to suffer only negligible impacts in respect of loss of sunlight or daylight. The angled 'prow' effect of the upper part of the extension is deliberately designed to minimise such potential effects. It is considered that there would be no significant or unacceptable issues regarding loss of residential amenity, overlooking or loss of privacy arising and in some respects the proposal would actually reduce neighbouring amenity impacts. The proposal does not present any significant conflict with the amenity provisions of Policies TC4 and DS4.
- 8.10 Policy TC4 also requires that proposals should not have a detrimental effect on the character and appearance of the dwelling or its surroundings. As previously stated the proposed extension would take place within a Conservation Area. Policy PV8 in the ALDP indicates that development proposals that affect local historic environment sites such as conservation areas will only be permitted where supporting information commensurate with the sites status demonstrates that the integrity of the site's historic environment value will not be compromised and the economic and social benefits outweigh sites historic environment value.
- 8.11 The extension would necessitate the removal of two existing courtyard buildings in the form of a mono pitch store that extends along the length of the west boundary and a rear flat roof porch extension. The proposed extension would take place to the rear of the existing dwelling and is designed to take advantage of the vistas towards the foreshore and the sea beyond the boundary. Although the extension is of fairly modern design, it would take place in the context of an area where most of the dwellings and buildings have been extended similarly to varying extents. Despite the views expressed in submitted letters of objection regarding the importance of preserving the current arrangement on the site, it is clear that the proposed site is one of the few remaining dwellings on Seagate that has not been significantly altered to the rear in order to take advantage of views to the south. Several balconies, sea wall windows and significant first floor extensions are evident in the immediate area including the dwellings immediately adjoining the site.
- 8.12 In design terms the modern extension would form a satisfactory juxtaposition with the very traditional frontage of the cottage that fronts onto Seagate. Extending in the manner proposed into the backland area is entirely consistent with the mixed character of the area which has seen the emphasis of the dwellings on Seagate shift from north to south over time. Conservation areas can often consist of varied styles and vintages of buildings and features and Seagate is a good example of this. Whilst most of the frontages remain fairly traditional, the rear areas of a large number of the properties are quite densely developed in order to take full advantage of the open aspect to the south. The important heritage aspect in most cases is the preservation of the public street frontage which would traditionally be the public face of the building.

- 8.13 The proposal would involve a minor increase in ridge height however this would be the only alteration to the front of the house. The Householder Development Planning Advice Note that accompanies the ALDP advises that dormers should be created within the extents of the ridgeline of the house. Nevertheless, in this instance raising the roof would be acceptable as it is noted that the existing front dormers, unusually sit proud of the roof. Account is also taken of the varied ridge height in the street. The front of the property would not be significantly altered by the proposal and this is arguably the elevation that imparts the character of the original dwelling as previously mentioned notwithstanding the later addition of two splayed dormers. The majority of the extension would take place at the ground floor level and would be subservient to the existing building. The upper floor element of the proposal would feature a splayed prow and would be finished in fibreboard cladding which has a timber effect and would create a visual reference to and acknowledgement of the nautical heritage of the area. The palette of materials would be similar to the materials utilised on the recent redevelopment at the site of the former Fishermen's Association site at Marketgate, Arbroath which is considered to be a complementary addition to the wider shore area. On the basis of the foregoing, I find the proposal to be acceptable in terms of its impact on the character and appearance of the area and consider that it is in compliance with policies TC4 and PV8 of the Angus Local Development Plan. The proposal does not give rise to any significant issues in terms of Angus Council's Advice Note 20 and the Householder Development Planning Advice Note. Whilst the design is unusual, it is considered to be sufficiently high quality that it would add a visual interest to the backland area of Seagate where it intersects with the foreshore.
- 8.14 The final consideration of Policy TC4 relates to matters of overdevelopment of the plot or a loss of garden ground, parking or bin storage. The extension would reduce the outdoor space associated with the dwelling. However, the nature of private amenity areas in the vicinity tends to be in the form of small rear courtyard areas. The resulting 30sqm courtyard would not be out of context on that basis. Access arrangements, bin storage and parking area would be unaltered and the Roads Service has indicated no objection to the proposal.
- 8.15 On this basis the proposal is broadly compliant with relevant development plan policy. In relation to other material considerations, the matters raised in the letters of representation are discussed above. The issues raised are not considered to justify refusal of planning permission. As noted above, there is an extant planning permission for an identical extension at this property. That permission can be implemented and could be implemented irrespective of the decision on this planning application. That permission is a significant material consideration.
- 8.16 In conclusion the proposal is considered to be acceptable in the context of the relevant policies of the development plan. The proposed development would not adversely affect the appearance and character of the dwelling and surrounding conservation area or have a significant and unacceptable detrimental effect on the residential amenity enjoyed by neighbouring households. Significantly; it is also relevant to consider that the application is a further application in relation to a previously approved scheme and that the relevant planning permission remains extant and can be lawfully implemented until 21 July 2017. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason.

Reason(s) for Approval:

That the proposal complies with the relevant policies of the development plan. It would not adversely affect the appearance and character of the dwelling and surrounding conservation area or have a significant and unacceptable detrimental effect on the residential amenity enjoyed by neighbouring households. There is an extant planning permission for an identical development at the site that can be lawfully implemented until 21 July 2017. There are no material considerations that justify refusal of the application.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES

Appendix 1 – Location Plan

Appendix 2 - Development Plan Policies

Angus Local Development Plan

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.