

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 1 NOVEMBER 2016

PLANNING APPLICATION - 16 BEAREHILL LOAN BRECHIN DD9 6XG

GRID REF: 359232 : 760266

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 16/00754/FULL for the erection of a garage in the garden ground for Mr John Clark at 16 Bearehill Loan in Brechin. This application is recommended for approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason given at Section 10 in 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 Full planning permission is sought for the erection of a garage in the garden ground at 16 Bearehill Loan, Brechin.

3.2 The application site is located in the west of Brechin, where it neighbours similar properties and forms part of a recent residential development at Bearehill. The property comprises a single storey house with an integral single garage and is located centrally on the plot with garden ground to the rear; the main elevation faces west.

3.3 The proposal is for the erection of a detached garage in the rear garden ground of the property. The drawings indicate this would be located at the rear of the garden on the south-east corner of the plot with the access doors on the west elevation. The proposed garage would have a footprint of 54sqm and a pitched roof which would sit below the ridge line of the dwelling. The garage would be finished in roughcast and tiles to match the house.

3.4 The application has been varied to include a proposed vehicular access along the south boundary of the plot.

3.5 The application was subject to normal neighbour notification procedures. The nature of the proposal did not require that the application be the subject of press advertisement.

4. RELEVANT PLANNING HISTORY

There is no recent planning history that is relevant to determination of this application.

5. APPLICANT'S CASE

The applicant's agent submitted a statement in support of the application which indicates that:

- The proposed building is to be used as a domestic garage only and it is not a workshop of any kind - private or commercial. There is an existing garage integral to the house, but this is only a single garage and is too small.
- The applicant is retired and occasionally does some DIY work on his property. This is a hobby and the items he works on are for his own garden. These have included a lamp post and a garden bench.
- The applicant has confirmed that any hobby work would be carried out between the hours of 9am and 5pm so as to not disturb his neighbours.
- A new access will be formed into the site, in accordance with amended plans.

6. CONSULTATIONS

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

6.2 **Angus Council - Roads** - Offer no objection to the proposal.

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

7. REPRESENTATIONS

7.1 8 letters of representation have been received. 7 offer objection to the application and 1 offers support. 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 relate to:-

7.2 The letters of objection have indicated the following:-

- The outbuilding is intended for commercial use rather than domestic and it would adversely affect the amenity of the area – the application is for a domestic garage and the applicant has indicated that the garage would be used for domestic purposes only. Amenity issues are considered further under Planning Considerations.
- Water drainage arrangements are not suitable and the proposal would increase surface water flooding – it is indicated that surface water from the development would be directed to a soakaway. Building Standards colleagues have confirmed that ground conditions in the area are suitable for a soakaway.
- Bats are known to be present in the area – there may be bats in the area but the erection of a new garage is unlikely to have any significant impact on them.
- Using the proposed driveway would damage neighbouring fences – the proposed access arrangement is not untypical in a residential area. Any damage caused to neighbouring property would be a civil matter.

7.3 The letter of support indicates no objection to the proposed garage.

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 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (Adopted 2016)
- 8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The policies of the Angus Local Development Plan (ALDP) form the basis for the consideration of the proposal. The relevant ALDP policies are reproduced at Appendix 2.
- 8.4 Policy TC4 of the ALDP relates to proposals for householder developments and supports development where the proposal does not adversely affect the residential amenity enjoyed by surrounding properties; does not detrimentally affect the character and appearance of the building, site or surrounding area; and does not result in overdevelopment of the plot or loss of garden ground, parking or bin storage. Policy DS4 relating to amenity supports development where there are no unacceptable adverse impact on the amenity of neighbouring properties.
- 8.5 In considering the impacts of the proposal on the amenity enjoyed by neighbouring properties, the garage would be located close to the eastern and southern boundaries of the plot. However, it would be approximately 10 metres from neighbouring houses and measure in the region of 5 metres in height. The proposal would not significantly affect the amount of daylight or sunlight enjoyed by neighbouring properties. This conclusion is based on assessments against the 45° Method for Calculating Levels of Sunlight and the 25° Method for Calculating Levels of Daylight. A new driveway would be formed along the southern boundary of the site and this would have some impact on the neighbouring property. However, such an arrangement is not unusual in order to allow access to a private domestic garage in a rear garden area. The concerns raised by third parties regarding the use of the garage are noted but the applicant has confirmed that the garage would be used for domestic purposes only and a grant of this planning permission would not allow for the use of the garage for any purpose other than domestic use. There is no reason to consider that a domestic garage would cause unacceptable amenity concerns in terms of noise levels, fumes, light pollution or increased traffic.
- 8.6 In relation to design and impact of the proposal on the character and appearance of the existing dwelling and wider area, the proposed garage would be single storey in height. It would sit to the rear of the house and the height of the ridge would not rise above the main house and the proposal would be subordinate in scale and floor area to the existing house. By following the form and pitch of the existing roof and using finishing materials to match the house, the garage would respect the design and appearance of the main dwelling and wider area. Overall the proposal is not considered to adversely impact on the character of the application property or wider residential area.
- 8.7 The proposal would form a new vehicular access to the south of the property leading to the garage. The Roads Service has confirmed no objections and thus the parking and access arrangements are considered acceptable. Sufficient usable garden ground would remain available. The bin storage arrangement would remain acceptable.
- 8.8 The representations received in respect of the application have been considered above. The concerns raised regarding the use of the building are noted but this application seeks permission for a domestic garage; the applicant has indicated the garage is to be used for domestic purposes; and the proposal must be considered on that basis. A domestic garage in a domestic rear garden setting is not unusual and there is no reason to consider that it would significantly adversely affect amenity of occupants of neighbouring property. Whilst there may be bats in the surrounding area, the proposed garage is located within a modern housing development where construction activity has been ongoing for some time. There is no reason to consider that the erection of a domestic garage would adversely impact any bats. The applicant has indicated that surface water would be directed to a soakaway system and this is an acceptable arrangement within the area. Concern regarding possible damage to neighbouring property is noted but this is a civil matter and not a material planning consideration.

- 8.9 In conclusion the proposed alterations would not adversely affect the appearance and character of the dwelling and surrounding area or have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households. The proposal complies with the relevant policies of the development plan. There are no material considerations which would justify the refusal of planning permission.

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:

The proposed development complies with the relevant policies of the development plan. There are no material considerations justifying 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.

REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE
EMAIL: PLANNING@angus.gov.uk

DATE: 21 OCTOBER 2016

Appendix 1 – Location Plan
Appendix 2 – Relevant Development Plan Policies

Appendix 2 – Relevant Development Plan Policies

Angus Local Development Plan 2016

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.