

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 11 DECEMBER 2018**

**PLANNING APPLICATION - 10 SEABRAE CARNOUSTIE DD7 6AY**

**GRID REF: 357015 : 734554**

**REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No 18/00869/FULL for the alteration and extension of an existing Dwellinghouse for Mr and Mrs Hunter at 10 Seabrae, Carnoustie. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 The applicants seek full planning permission for the alteration and extension of an existing dwellinghouse at 10 Seabrae, Carnoustie. The existing dwelling sits on a site measuring around 400 sq m that gently slopes in a north to south direction in line with the gradient of the street. The dwelling is a two bedroomed single storey bungalow that has been built within the sub divided curtilage of a traditional late Victorian/ early Edwardian villa property.

3.2 Seabrae is an unmade street that runs between Tayside Street and the foreshore between Westhaven Beach and Carnoustie Beach. The site is contained by a traditional stone wall of variable height on its west and south boundaries. The west boundary is contiguous with Seabrae and the existing site access is taken from the street. Number 3 Seabrae lies to the west of the street. Similar to the application property, 3 Seabrae is a modern bungalow that has been inserted into a sub divided former curtilage of a traditional property to the north. The south boundary of the site is contiguous with a public open space that is located on the foreshore. A tarmac access track lies beyond a verge at the foot of the boundary wall and a grassed open space lies beyond the track. The south boundary of the site sits around 45 metres back from the beach head.

3.3 The north boundary of the site is contained by a sectional ship lap fence at around 1.8 m in height beyond which lies the curtilage and private garden area of 6 Seabrae which is a two storey traditional semi-detached dwelling with a modern extension that is most likely a property formed through the sub division of a larger villa. The east boundary is contained by a sectional ship lap

fence at around 1 metre in height with a roughly 300mm trellis running along its top. The southern extent of this boundary is also contained by mature vegetation. This boundary runs contiguous with the access and garden area of 8 Seabrae which is similar to Number 6 most likely part of a sub division of the original villa property, the curtilage of which has subsequently been sub divided to enable 10 Seabrae to be formed.

- 3.4 The proposal would entail the extension of the dwelling to the north into the existing access area to form a single storey integral garage. A ground floor bedroom would be added to the east. The south facing gable would be opened to facilitate the formation of an open plan kitchen/dining/living area with a further sun lounge area located within a lower south facing glazed section. A stair would be added within the existing house and an upper storey would be opened within the roof space of the existing house and the main extension areas. This would facilitate the formation of three further bedrooms. The resulting dwelling would be roughly 'T' shaped although the composition would be asymmetrical. The dwelling would have a south facing emphasis accentuated by a double height glazed gable serving the ground floor sun room and the master bedroom. This feature would be built down into the gradient of the site.
- 3.5 The application has not been subject of variation. The nature of the proposal did not require that the application be the subject of press advertisement.

#### **4. RELEVANT PLANNING HISTORY**

18/00484/FULL for Alterations and Extension to Existing Dwellinghouse was withdrawn on 7 August 2018.

18/00714/FULL for Alterations and Extension to Existing Dwelling (Re-Application) was withdrawn on 26 October 2018.

#### **5. APPLICANT'S CASE**

The applicants' agent has produced a shadow analysis in support of the application. The analysis shows the throw of shadow from the dwelling as existing and as proposed during the spring, and autumn equinox and the summer and winter solstice.

The supporting information is available to view on the Council's [Public Access](#) system.

#### **6. CONSULTATIONS**

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

**Angus Council – Roads (Traffic and Flood Prevention)** - No objection in respect of road and traffic safety. In respect of flooding and drainage it is highlighted that the site is in the vicinity of the high probability coastal flooding extent as indicated on SEPA's flood maps and as such, the applicant should consider the utilisation of flood resilience measures in the construction of the proposed extension. It is further highlighted that as the application does not contain any detail in relation to surface water drainage; if alterations to the existing drainage system are proposed, then the developer should be required to submit details of surface water proposals for further written agreement prior to the commencement of development.

**Scottish Water** - There is sufficient capacity in the water supply and waste water treatment systems to accommodate the development. Surface water should be directed away from the combined sewer system unless exceptional circumstances dictate otherwise.

#### **7. REPRESENTATIONS**

12 letters of representation from 11 properties were received in objection to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view on the council's [Public Access](#) website.

The main points of concern were as follows:

- **Loss of privacy/overlooking**- This matter is discussed further at Section 8 below.
- **Loss of view**- Loss of view is not a relevant planning consideration.
- **Overshadowing**- This matter is discussed further at Section 8 below.
- **Impacts on the road surface of Seabrae from use of vehicular access**- This matter is discussed further at Section 8 below.
- **Road safety**- This matter is discussed further at Section 8 below.
- **Overdevelopment of the area**- This matter is discussed further at Section 8 below.
- **Development out of character with the area**- This matter is discussed further at Section 8 below.

## 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 2017)
- Angus Local Development Plan (Adopted 2016)

8.3 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 (ALDP) form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.

8.4 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.

8.5 Policy DS4 relates to 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.

8.6 The site lies within the context of the existing urban area of Carnoustie. The existing house is located within a medium density predominantly residential area where there is a wide variety of properties of differing styles and vintages. The proposal seeks to extend an existing dwelling from a two bedroom property to a four bedroom property with an integral garage and two lounges and in this respect the extent of the proposed extension is fairly significant. The proposal would undoubtedly result in a radical change in the style of the property. It does not however naturally follow that radical change is equal to negative change and on that basis the proposal needs to be considered on its own merits in terms of the policy context referred to above and in terms of the Council's published guidance on householder development.

8.7 Test 1 of Policy TC4 relates to impacts on amenity enjoyed by the house or surrounding domestic

properties. The existing property; whilst fairly small is detached and is prominently sited on a plot that has been formed from what appears to be the former curtilage of a late Victorian or early Edwardian Villa (Crianville House; now sub-divided). The proposal seeks to introduce upper storey accommodation to a single storey property and as such consideration needs to be given to the potential for loss of privacy and amenity to be introduced through the overlooking of neighbouring property or through overshadowing or loss of sunlight and daylight resulting from physical increases in the size of the property.

- 8.8 In terms of overlooking and privacy impacts, the extension has been orientated in order that all new windows would be facing directly south towards the open space beyond the curtilage of the dwelling and the estuary beyond that. The only exception to this would be a row of high level windows serving the kitchen space. These windows would be a secondary light source to the main south facing window and would not represent an unacceptable or significant degree of overlooking towards the neighbouring property to the west. It is noted that a glazed porch and bathroom window are already located on the west elevation of the property and the introduction of a clearstorey would be negligible in terms of its additional impact. The development would generally be in accordance with the Councils published guidance on window distances and distances between windows and blank walls. The exception to this would be the proposed west extension that would reduce window to wall distances between the application property and the property to the immediate west to a distance of around 8 metres from the original distance of 10 metres. Angus Councils published guidance on householder development states that main habitable room distances to blank walls should be in the region of 12 metres. There are two living room windows on the east facing elevation of the neighbouring property to the west. These are however secondary windows and the living space is also served by a large south facing bay window. Furthermore the guidance states that the characteristics of the existing area are relevant. It is noted that the proposed development would result in a relationship between properties that is entirely consistent with the established form of development to the north of Seabrae. Taking account of the character of the existing area and the nature of the impact on secondary windows, it is considered that the development would not result in an unacceptable impact on neighbouring property in terms of overlooking or loss of privacy.
- 8.9 In terms of sunlight and daylight impacts the main roof ridge of the dwelling runs north to south. The proposal would see this ridge extended southwards for a distance of 4 metres on a line consistent with the height of the existing ridge. Increased levels within the dwelling would be accommodated by building down into the gradient of the site. Whilst perpendicular ridges would be introduced running to the east and west of the existing footprint, their impacts would not be significant or unacceptable in terms of the additional impact on surrounding properties. Taking account of the existing impacts from the dwelling, surrounding properties and their boundary treatments, the proposal would represent marginal increases in terms of shadow throw as demonstrated by the submitted shadow study. The proposal has been assessed taking account of the characteristics of the site and its surroundings along with the councils published standards in respect of amenity impacts arising from householder development. There are no unacceptable impacts arising from the development when considered against test 1 of Policy TC4 or the amenity considerations of Policy DS4.
- 8.10 In terms of test 2 of Policy TC4 which relate to the character and appearance of the dwelling and the surrounding area, the proposed extension would be fairly sizeable and would increase the footprint of the dwelling from around 70 sq m to 178 sq m (including a 30 sq m garage). There is no doubt that the proposal would completely alter the character and appearance of the dwelling. The existing dwelling is fairly small and occupies a plot that is around the size of a building plot that would be within acceptable limits for a family home within development boundaries. The existing dwelling is of modern standard appearance and does not contribute in any significant way to the character or appearance of the area. The resulting dwelling would utilise established traditional forms such as rectilinear plan forms and pitched roofs. There would be two minor flat roof sections but these would sit within nodes formed by the main plan form of the dwelling. The garage would also have a flat roof in order to reduce the likelihood of overbearing impacts in the garden area to the north. Overall, the resulting dwelling would respond well to its surroundings and would be orientated and emphasised to capitalise on the unbroken sea views to the south. This is a consistent feature with many properties in the area some of which have been reoriented

to a south facing emphasis which is understandable given the nature of the southerly aspect in the area, the views it offers as well as the opportunity to capitalise on solar gain. The resulting composition would not have an unacceptable impact on the character or appearance of the area. The existing house sits on a frontage site and there is therefore no imperative reason why development should be restricted to single storey notwithstanding assertions made in letters of representation. The properties located closest to the foreshore in Carnoustie are varied in size and type and as previously mentioned, increasingly have been significantly altered to reorient them to a south facing outlook unless they have originally been designed in that manner in the first instance. In terms of impacts on the character and appearance of the existing dwelling, the extension would be transformational however there is no significant merit in the original dwelling and its substantive alteration would therefore positively impact on the wider area.

- 8.11 The final test of Policy TC4 is that development does not result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage. As previously stated the site measures around 400 sq m. The resulting development would maintain current levels of off street parking and there would be ample space remaining for bin storage within the curtilage. A useable garden area of around 130 sq m would remain plus an area of around 15 sq m to the rear of the proposed garage. The level of development is consistent with modern plot ratios for new build houses within development boundaries and would not be at odds with the varied nature of plot ratios both on Seabrae and in the wider area. Overall, the proposal complies with Policy TC4 and DS4 and the Householder Development Planning Advice Note.
- 8.12 As stated at 8.1 above, planning decisions need to be made in accordance with the development plan unless material considerations indicate otherwise. In this case there have been eight objections received in relation to the development proposal. Most of the points of objection raised have been addressed in the foregoing discussion. The matters of road safety and impacts on the unmade surface of Seabrae resulting from use by vehicles accessing the site have not been discussed however. In terms of road safety, Seabrae is an unmade and unadopted track that serves 6 properties directly, including the application dwelling. The application dwelling has a direct vehicular access onto Seabrae which is understood to have been formed by the occupants. The formation of such an access onto an unadopted track is not subject of planning control and is considered to represent no more of a hazard to road safety or a burden in terms of its impact on the road surface than any of the other vehicular accesses on the street. The street is such that high vehicular speeds are unlikely to occur. The application has been reviewed by Angus Council Roads (Traffic) who raise no objection to the proposal in terms of parking standards or road and pedestrian safety. In addition, whilst the impacts of the development on neighbouring residential amenity have been duly assessed, the resulting dwelling could be altered under permitted development rights at some point in the future in a manner that could potentially result in upper storey overlooking of neighbouring dwellings and their curtilage. In order to safeguard against that possibility, a condition has been attached at Section 10 below which removes permitted development rights to alter the roof of the resulting dwelling or to form new openings or undertake any other alterations that are not an enlargement.
- 8.13 Consultation responses received in respect of the proposal are also material considerations. The comments in respect of surface water drainage received from Angus Council Roads (Flood Prevention) and Scottish Water in terms of surface water drainage as detailed at Section 6 are noted. This matter can be addressed by means of a planning condition requiring surface water drainage details to be further agreed in writing prior to the commencement of development. An appropriate condition is detailed at Section 10 below.
- 8.14 In conclusion the proposed alterations and extension would not result in an unacceptable impact on the dwelling and the surrounding area. The development would not have an unacceptable effect on amenity and would not affect parking, road safety or result in an unacceptable loss of garden ground. The proposal complies with policies DS4, TC4, of the Angus Local Development Plan (2016) and Angus Council's Householder Development Planning Advice Note. There are no material considerations that justify refusal of the application.

## 9. OTHER MATTERS

### HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, 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. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### 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 reasons, and subject to the following condition(s):

### Reason(s) for Approval:

The proposed alterations and extension would not result in an unacceptable impact on the dwelling and the surrounding area. The development would not have an unacceptable effect on amenity and would not affect parking, road safety or result in an unacceptable loss of garden ground. The proposal complies with policies DS4, TC4, of the Angus Local Development Plan (2016) and Angus Council's Householder Development Planning Advice Note. There are no material considerations that justify refusal of the application.

### Conditions:

1. That no development in connection with the planning permission hereby granted shall take place unless full details of the proposed means of surface water drainage from the development have been submitted to and approved in writing by the planning authority. The surface water from the development shall thereafter be disposed of in full accordance with the approved details.  
Reason: To ensure the provision of an acceptable form of surface water disposal from the development in the interests of the amenity of the area.
2. That notwithstanding the provisions of Schedule 1, Part 1, Classes 1D and 2B to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, once the development hereby approved has been completed, the upper storey of the dwelling shall not be altered by means of the insertion of any additional openings or extensions to the resulting roof without a further grant of planning permission from the planning authority.  
Reason: In order to ensure that additional openings and roof alterations cannot be undertaken unless they have been fully considered in terms of their potential impacts on the residential amenity of adjacent and nearby properties.

**KATE COWEY**  
**SERVICE LEADER - PLANNING & COMMUNITIES**

**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: KATE COWEY**

**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 4 December 2018**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES





## **Appendix 2**

### **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.