

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 AUGUST 2019

PLANNING APPLICATION - 58 PRIORY CRESCENT ARBROATH DD11 1TJ

GRID REF: 364383: 742066

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report relates to planning application No: 19/00427/FULL for alteration and extension of a ground floor flat and alteration of an upper floor flat for Angus Council at 58 Priory Crescent, Arbroath. This application is recommended for approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason 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 applicant seeks full planning permission for the erection of a single storey extension to a flat at 58 Priory Crescent, Arbroath. The site is bound to the east and west by residential development. The Saltire Sports Centre lies to the north beyond the mutual garden area of the property. A communal parking area lies to the south beyond the public road. A plan showing the location of the site is provided at Appendix 1.

3.2 The proposed development would consist of the erection of a single storey extension on the west elevation of a three bedroom ground floor flat in a terraced block of similar properties. The extension would have a mono pitch roof that would tie into the roofline of the existing property. The extension would contain a new bathroom and an entrance vestibule and would enable the current plan of the property to be reconfigured to facilitate the formation of a fourth bedroom and a wet room. The extension would necessitate the relocation of the upper hall window in the flat above which would be replaced by a roof window set within the roof of the extension. The upper property is also within the control of the applicant. These alterations would also require the blocking up of a single bathroom window and the formation of a new bedroom window in the rear elevation of the ground floor property.

3.3 The existing flat has a floor area of around 95sqm and the extension would increase the floor area by around 14.sqm. The extension would extend westwards from the existing building by 2.85m and would be 4.93m in length. A stand off from the mutual boundary to the west of approximately 1.74m would be maintained which would facilitate continued mutual access to the rear of the property.

3.4 This application requires to be determined by Committee because it is recommended for approval in circumstances where the council has a financial interest and there are third party objections.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history.

5. APPLICANT'S CASE

The applicant indicates that the alterations are proposed to accommodate the particular needs of a tenant.

6. CONSULTATIONS

6.1 **Community Council** – No response.

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

6.3 **Scottish Water** - Offered no objections.

7. REPRESENTATIONS

Two letters of representation has been received in objection to the proposal. The letters 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 issues raised relate to:

- **Inconvenience/ disruption during construction** - Inconvenience caused by construction works is not a material planning consideration. The extension of the building would generate some noise but the works would be relatively minor and of a nature that is typically undertaken in residential areas without significant adverse impact upon amenity. Scottish Government guidance (PAN 1/2011) indicates that noise from temporary construction sites, is most effectively controlled through the Control of Pollution Act 1974 and the Pollution and Prevention Control Act 1999.
- **Disruption to access to mutual amenity space-** The mutual path to the west of the property would be realigned around the extension and mutual access would be maintained.

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](#) (ALDP) (Adopted 2016)

8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The Angus Local Development Plan forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 2.

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 considerations 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 relationship of the proposed side extension with the adjacent property has been assessed and the development would not cause any unacceptable amenity issues. The neighbouring properties to the west present a primarily blank gable towards the site, save for a ground floor entrance door and an upper hall window. A distance of around six metres would be maintained from these features. As the property is oriented on an east-west orientation, and the extension would not break the building line, any impacts on available sunlight and daylight between the properties would be negligible. The extension to the ground floor flat would necessitate some alteration to the upper floor flat, including the blocking-up of a hallway window. The consequential alterations to the upper floor flat would not significantly affect the amenity of the occupants of that property.
- 8.7 The proposed design would replicate the style of the original property to a satisfactory degree, utilising the same material palette and tying into the existing roof line. Overall, the design, form, scale and position of the extension would not have a significant adverse impact on the character and appearance of the application property or dwelling or the wider area. The development would not result in overdevelopment of the plot. As the extension would take place on the side access to the property, the mutual rear garden would remain unaltered. Mutual access to this area would however be maintained by a realigned path. The proposal is compatible with relevant council guidance as set out in the Householder Development Planning Advice Note. As the property does not have any dedicated parking area, there would be no impact on parking provision. The site is located adjacent to a communal parking area. The Roads Service has assessed the proposal in terms of its impact on local parking provision and road safety and offers no objection.
- 8.8 In terms of material considerations, letters of objection have been received from the occupant of a neighbouring property. The matters raised in the letters have been discussed at Section 7 above and do not raise any material planning issues that justify refusal or amendment of the proposal or that require planning conditions to be attached.
- 8.9 It is also relevant to note that the council enjoys reasonably extensive permitted development rights under the terms of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992. Those permitted development rights would allow for extension and alteration of the building in a manner that would give rise to similar impacts as the current proposal without the need for submission of a planning application.
- 8.10 In conclusion the proposal does not give rise to any unacceptable amenity impacts and it is consistent with relevant council guidance contained in published planning advice notes. The matters raised in the letters of representation have been taken into account and are addressed in this report. The proposal is compatible with development plan policy and 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 proposed development complies with relevant policies of the Angus Local Development Plan and the council's Householder Development Planning Advice Note. 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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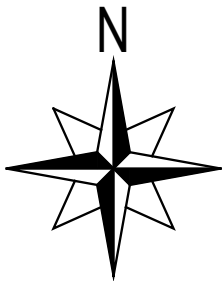
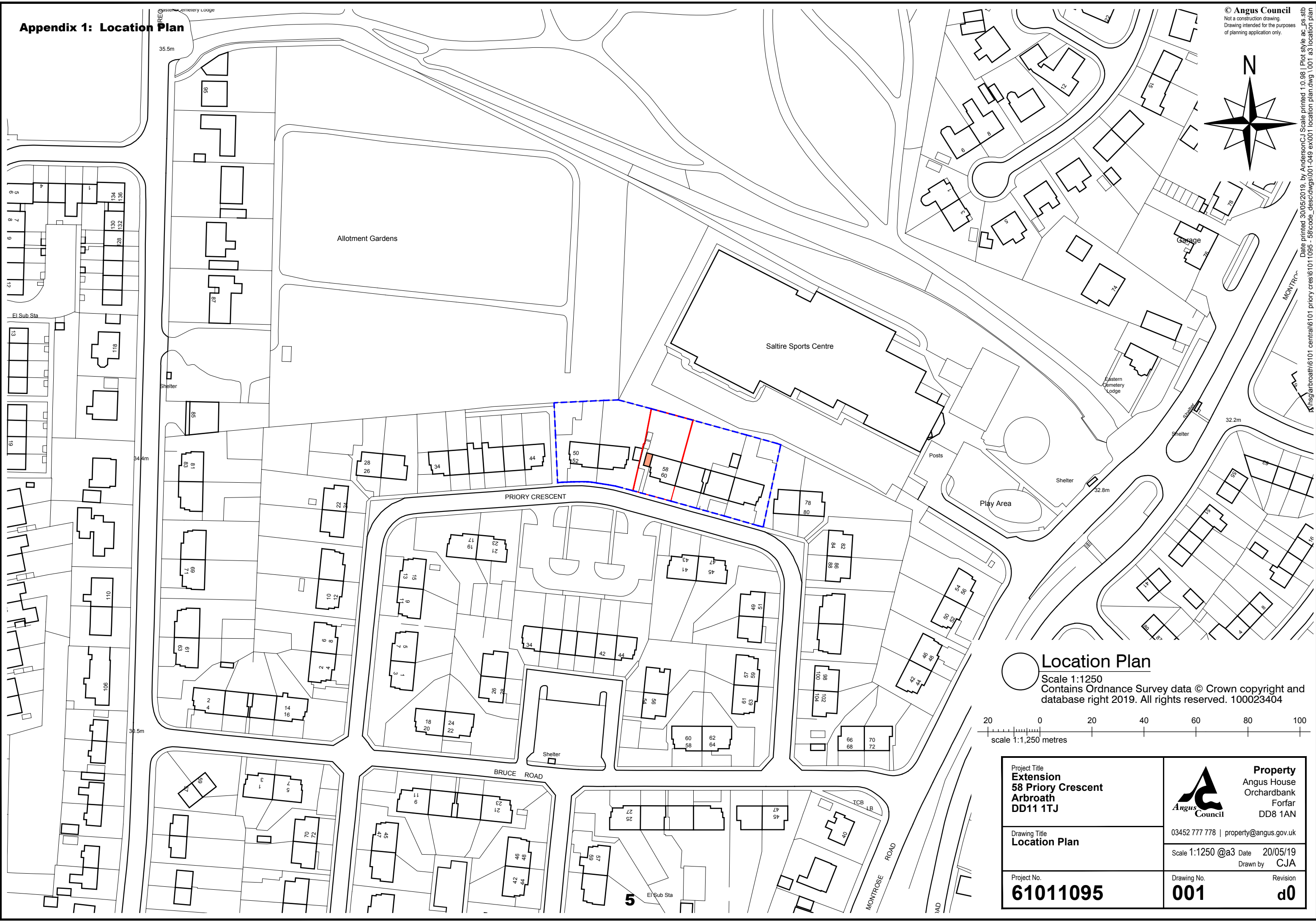
DATE: 26 July 2019

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES

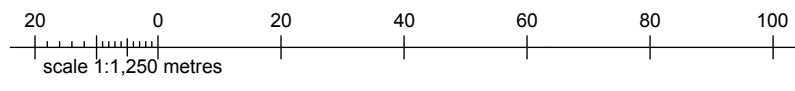
Appendix 1: Location Plan

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Not a construction drawing.
Drawing intended for the purposes
of planning application only.



Location Plan

Scale 1:1250
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<p>Project Title Extension 58 Priory Crescent Arbroath DD11 1TJ</p>	<p>Property Angus House Orchardbank Forfar DD8 1AN</p>
<p>Drawing Title Location Plan</p>	<p>03452 777 778 property@angus.gov.uk Scale 1:1250 @a3 Date 20/05/19 Drawn by CJA</p>
<p>Project No. 61011095</p>	<p>Drawing No. 001 Revision d0</p>

Date printed 30/05/2019, by Anderson.CJ Scale printed 1:0.98 | Plot style ac_ps.stb
Drawing intended for the purposes of planning application only.
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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](#)