

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 FEBRUARY 2021

PLANNING APPLICATION – 16A SEAGATE ARBROATH DD11 1BJ

GRID REF: 364512 : 740700

REPORT BY SERVICE LEADER-PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No. [20/00773/FULL](#) for the formation of rooflights on the front roof plane and attic conversion to form habitable space at 16A Seagate, Arbroath for Mr Larry Whyte. 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 COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community 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 Full planning permission is sought for the formation of a replacement rooflight and an additional larger double rooflight on the front roof plane of a first-floor flatted property at 16A Seagate Arbroath. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application property forms part of a modern building that is split into four flatted dwellings. The building currently has accommodation over 2-storeys consisting of two flats on the ground floor and two on the first floor. The property subject of this application comprises one of the upper floor dwellings and its associated roof space. There is an 18sqm parking area associated with the flat that is located to the rear. The property is unlisted and is located within in the Abbey to Harbour Conservation Area.
- 3.3 The proposal involves the installation of two rooflights in the south facing roof plane of the building. The two rooflights would be different sizes and would provide windows to serve additional accommodation that would be formed in the attic space of the building. The internal works within the attic space do not require planning permission. It is indicated that the rooflights would be grey in colour.

- 3.4 The application has not been subject of variation. However, updated drawings have been provided to show the method of opening of the rooflights and that the bottom section of the double roof light would be fixed.
- 3.5 The application has been subject of statutory publicity and consultation, including neighbour notification, press advertisement and display of a site notice.

4. RELEVANT PLANNING HISTORY

There is no planning history that is directly relevant to the determination of this application. However, there is an existing rooflight in the property and that appears to have been formed without the benefit of planning permission. This application provides for the replacement of that rooflight.

5. APPLICANT'S CASE

A design and supporting statement has been submitted and that can be viewed on the council's [Public Access](#) website. The document responds to objections received and provides photographs from the existing rooflight. It suggests that the property is modern and is of little historical merit. It confirms that the applicant owns the roof space and the adjoining neighbours have not disputed this. It explains the position of the rooflights and how they will open. It further highlights the layout of the narrow street and that there is existing overlooking between properties but that the rooflights are set back from neighbouring windows. An additional cross section drawing has been supplied to show sightlines from the rooflights towards neighbouring property on the south side of Seagate.

6. CONSULTATIONS

- 6.1 **Community Council** - No response received from this consultee.
- 6.2 **Angus Council - Roads** – Offered no objection to the proposal.
- 6.3 **Scottish Water** - There was no response from this consultee.
- 6.4 **Aberdeenshire Council Archaeology Service**- No mitigation is required.

7. REPRESENTATIONS

- 7.1 Six letters of representation have been received in objection to the proposal. The letters of representation are attached as Appendix 2 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised in objection and are discussed under the Planning Considerations section of this report:
- Adverse impact on privacy of neighbouring property
 - Contrary to planning policy, including the council's householder advice note
 - Out of character with surrounding property and conservation area
- 7.3 In addition, the following matters have been raised and addressed forthwith: -
- **Existing rooflight not included in plans and has been formed without necessary permissions** – revised drawings have been provided that show the existing rooflight. Whether it was formed with or without planning permission or building warrant approval is not material to the determination of this application. The

current proposal provides for its replacement and the relevant issue is whether the rooflights as proposed are acceptable.

- **Roof structure not owned by applicant but in shared ownership with neighbours** – land ownership is not a material planning consideration, but a land ownership certificate has been provided indicating that the applicant owns the roof space and the roof.
- **Work has commenced within the attic** – internal works that do not affect the exterior of the building do not require planning permission. The applicant's agent has indicated that works have not commenced.
- **The drawings do not represent the layout of the property** – as indicated above internal alterations to the building do not require planning permission and the existing internal configuration of the building is not directly relevant to the determination of this application.
- **Precedent for other property to replicate this proposal** – There is no concept of binding precedent in planning in planning law and each case must be considered on its own merits. A grant of planning permission in this case would not establish an irresistible precedent for similar development in materially different circumstances elsewhere.

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 2017)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.4 The application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 3 and have been considered in the preparation of this report.
- 8.5 The key issues in relation to this proposal having regard to development plan policy are the impact of the proposed development on the amenity of occupants of neighbouring property, and the acceptability of the proposed rooflights in the context of the character and appearance of the conservation area.
- 8.6 Seagate is a relatively narrow street and buildings on either side of it are separated by a distance of between 8 and 9 metres. Existing buildings on Seagate, and in the wider area, typically have windows that face each other at those distances. The building subject of the application has accommodation over 2-storeys and it has windows at first floor level that directly face dormer windows in the building to the south of the public road. That is the existing situation, it is a situation that is common in the area, and it is

the baseline against which this proposal must be assessed. The proposed rooflights would face the dormer windows in the building to the south but they would be at an elevated level in comparison to those windows and they would be formed in the sloping roof plane. In addition, they would be at slightly greater distance than the existing windows in the building that directly face the dormers. The resultant situation would not materially alter the privacy of properties to the south and would not be unlike the situation that is commonly found in the area. In these circumstances impacts on privacy are not considered unacceptable. The proposed rooflights do not give rise to any other significant impacts on the amenity of occupants of neighbouring property.

- 8.7 The existing building is reasonably modern and its design departs from the appearance of older property found in the surrounding area. Its windows are of horizontal proportion and it has a reasonably shallow roof pitch. Given its height, the pitch of the roof and the narrow width of the street, the roof slope facing Seagate is not readily visible from street level. The proposed rooflights would not be a prominent feature when viewed from street level and they would have little impact on the street scene. The provision of rooflights of unequal size is not entirely consistent with the council's published guidance on rooflights but they would be a reasonable distance from the roof margins. In circumstances where the rooflights would have limited visibility from public areas a difference in size is not considered unacceptable. The rooflights would not adversely affect the appearance of what is a modern property and given their limited visibility they would have little impact on the character and appearance of the conservation area.
- 8.8 The introduction of rooflights in the building does not give rise to any other significant issues in terms of development plan policy. The proposal is compatible with development plan policy.
- 8.9 In relation to other considerations it is relevant to have regard to the letters of objection in so far as they relate to relevant planning matters. As discussed above, the proposed rooflights are no closer to windows in neighbouring property to the south than existing windows in the building. The rooflights would not materially affect the level of privacy for occupants of neighbouring property and the resultant situation would not be untypical of that found in the area. The proposed rooflights would not have any significant impact on the character or appearance of the conservation area as they would not be readily visible from public areas. While they might be visible at distance they would not look out of place on a modern building and rooflights and other features in the roofs such as dormer windows are not an uncommon feature in the roofscape of the town.
- 8.10 In conclusion the proposed development would not give rise to unacceptable impacts on the amenity of occupants of neighbouring property and it would not adversely affect the character and appearance of the building or the conservation area. The proposal is acceptable in the context of the relevant policies of the development plan and associated guidance. The letters of objection have been considered in the preparation of this report but they do not raise material matters that justify refusal of planning permission in circumstances where the proposal is otherwise compatible with development plan policy.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission 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 recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

10. CONCLUSION

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

Reason(s) for Approval:

The proposal is in accordance with the development plan as it does not give rise to unacceptable impacts on amenity, or on the character and appearance of the dwelling or wider area. It does not adversely affect the character or appearance of the conservation area. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

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: 29 JANUARY 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: LETTERS OF REPRESENTATION

APPENDIX 3: RELEVANT DEVELOPMENT PLAN POLICIES

APPENDIX 4: PLANNING SERVICE PRESENTATION