

Angus Council



ADVICE NOTE 6

**BACKLAND
HOUSING
DEVELOPMENT**

For further information and advice contact:

Planning & Transport
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

INTRODUCTION

For some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area. Nevertheless, opportunities do exist in areas of low or medium density housing, where backland development could be accommodated without undue visual intrusion and where residential standards of space and privacy could be maintained at an acceptable level.

While the principle of protecting the amenity of existing residents remains a prime concern, it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites. By operating within defined criteria these benefits can be realised without imposing unreasonably on the space standards and privacy of existing residents.

COUNCIL POLICY

Planning applications for the development of single (exceptionally two) houses on a backland site will normally be approved where they meet the following criteria. For the purposes of development control a backland site will be defined broadly as "a small area of land to the rear of existing buildings which at no point, except for land reserved for the purposes of an access, adjoins a public road". Normally a backland site will be located within the curtilage of an existing house and will therefore be confined in area by the limits of the curtilage but, irrespective of the area of the site, the principles of control in respect of protecting the privacy and space standards of existing residents remain the same.

THE PRINCIPLE OF CONTROL

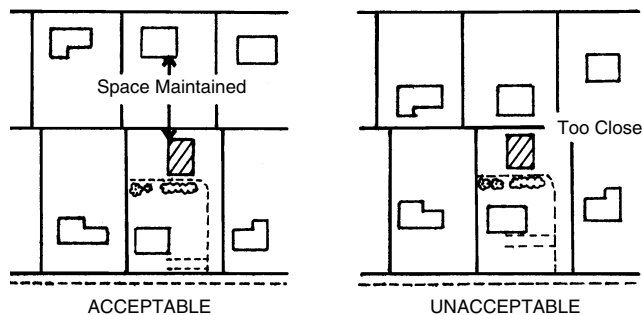
In the majority of backland development situations, adjacent properties will have enjoyed an open aspect knowing that, as a normal highway access would be impossible or unlikely, the aspect will remain more or less intact. In these circumstances, the erection of a house or houses in the previously open garden area can be particularly disconcerting. Accordingly it is right and proper that these residents are allowed to enjoy at least the normal privacy and openness associated with a traditional estate development and arguably the standard should be slightly higher. Criteria 1 to 4 are designed to achieve this.

CRITERIA TO BE MET

1. To attract a planning approval, a backland plot will normally require a minimum area of 400 square metres excluding any access strip. In certain exceptional circumstances, this may be relaxed, e.g., where all surrounding gardens are particularly extensive, although this exemption is only rarely likely to be applicable. If the site lies within an existing house curtilage, the original house must also retain at least 400 square metres.

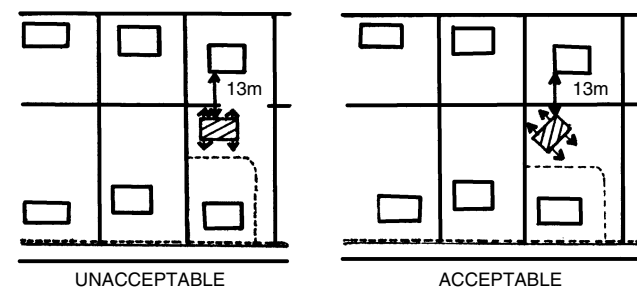
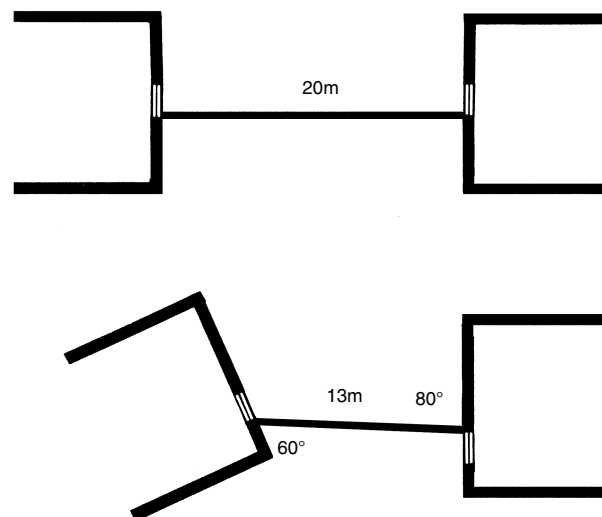
2. Development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents. A reasonable degree of space must be maintained around and between the new house and those existing.

For Example:-



3. Windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20 metres between the windows of both dwellings. Where the respective buildings are inclined at an angle to one another, the distance required between windows will be less.

For Example:-



4. Dwellings of more than one and a half storeys will not normally be permitted on backland sites unless it can be demonstrated by the applicant or his/her agent, that such development can be accommodated with the minimum loss of privacy to adjoining resident. Often consent will be limited to single storey bungalows.

5. A suitably safe access must be provided to the satisfaction of both the roads and planning authorities.

6. Any proposal and ultimately the detailed design must be sympathetic to the character of the area, for example, the pattern of a linear village with only frontage development should be respected. In designated Conservation Areas a high level of sensitivity in design and use of materials will be required.

7. The proposal must not jeopardise the overall planning of an area when better solutions can reasonably be anticipated in the foreseeable future, for example, where there is a local plan proposal for the area.

8. The granting of planning consent to develop a backland site will not be regarded as setting a precedent for subsequent similar applications within the same locality.

DEVELOPMENT CONTROL PRACTICE

As standard practice, the Council will require that outline planning applications for backland development should contain details relating to the siting, aspect and height of the proposed dwelling(s) as well as indicating where an access will be formed.

Development of backland sites can normally only be regarded as detrimental to existing adjacent householders and where genuine and reasonable objections are received from this source, they will be regarded as a major input into the planning application consideration.