

## Item: 5.5

**Planning Committee: 3 March 2021.**

**Erect a Domestic Shed at Warrenfield, Bignold Park Road, Kirkwall.**

**Report by Executive Director of Development and Infrastructure.**

### 1. Summary

#### 1.1.

It is proposed to erect a domestic shed in the rear garden of Warrenfield, Bignold Park Road, Kirkwall. One objection has been received on the grounds of scale and impact on the character of the area. The objection is considered of insufficient weight to merit refusal. The development accords with Policies 1, 2, and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	20/427/HH.
Application Type:	Planning Permission.
Proposal:	Erect a domestic shed.
Applicant:	Andrew Hamilton, Warrenfield, Bignold Road, Kirkwall.
Agent:	AC Engineering Ltd, c/o Andrew Cromarty, Klahanie, Springfield Drive, Kirkwall, KW15 1XU.

#### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

[https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm)  
(then enter the application number given above).

### 2. Consultations

Consultation bodies have not objected or raised any issues which cannot be addressed by planning conditions.

### 3. Representations

#### 3.1.

One objection has been received from:

- Dr Walter Cormack, Hestigeo, Kirkwall, KW15 1PY.

### **3.2.**

The objection is based on the grounds of building scale and the effect on the character of the area, which have been considered in the assessment of the proposal.

## **4. Relevant Planning Policy**

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application.

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

## **5. Legal Aspects**

### **5.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

### **5.2.**

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

### **5.3.**

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

## **6. Assessment**

### **6.1. Principle**

The property, Warrenfield, is situated in a prominent roadside location in a residential area of Kirkwall. The shed would be sited in the private rear garden of the property, as indicated on the Site Plan attached as Appendix 1 to this report. The shed would be finished with metal profile sheeting in an olive-green colour. The principle of development is acceptable, as a domestic outbuilding, within the curtilage of a house.

### **6.2. Siting**

#### **6.2.1.**

It is proposed to demolish a greenhouse and shed to create additional parking and improved turning area within the garden, in conjunction with the proposed shed. The combined footprint of the buildings to be demolished is 69 square metres and the footprint of the proposed new shed is 135 square metres. It is considered that the garden is of adequate size to accommodate the proposed development.

#### **6.2.2.**

The proposed shed would not project beyond the front elevation of the neighbouring property, Hestigeo, and to the rear it would not project beyond the neighbour's greenhouse and garden shed, which are situated along the north boundary of the property.

### **6.3. Design, Appearance and Amenity**

#### **6.3.1.**

The proposed shed is relatively large in scale as a domestic outbuilding, being 15 metres in length and 9 metres wide. The roof pitch has been kept low to minimise impact on the visual and residential amenity of the area, with the overall height of the shed being 3.75 metres. The south elevation of the proposed shed, facing the neighbouring property, has no windows and the north elevation of Hestigeo has no windows, so there would be no privacy issues.

#### **6.3.2.**

Existing trees and shrubs along the west boundary of Warrenfield create a largely private garden space to the rear of the property and the shed has been sited so that it would be largely screened from the public domain. The trees would be retained and additional planting is proposed along the south boundary between the proposed shed and the gable of Hestigeo, to further screen the building and protect the amenity of the area.

#### **6.3.3.**

The representation raises concerns on the basis the shed would be imposing, within 1 metre of the boundary. The proposed building is limited to 0.5 metres higher at the eaves than the existing greenhouse; combined with the proposed screening along

the remaining section, it is not anticipated that the proposed shed would have an overly detrimental effect on the amenity of the neighbouring property.

#### **6.3.4.**

The application is considered to comply with Policies 1(iv) and 2(ii) of the OLDP 2017, by ensuring that the amenity of the surrounding area would be preserved with no unacceptable adverse impacts on adjacent and nearby properties, and by ensuring a positive or neutral effect on the amenity of the area.

#### **6.3.5.**

The proposed olive-green box profile sheeting is often used on industrial or agricultural buildings, but it is not uncommon for its use on domestic outbuildings. The olive-green colour has been chosen to help the building blend in with the existing trees and shrubs on the site.

#### **6.3.6.**

The representation also refers to potential for commercial use from the shed. The application is for a domestic outbuilding and, if approved, this would be the limit of lawful use. The applicant has confirmed the function of the shed is for indoor exercise and domestic storage space.

#### **6.3.7.**

In relation to Policy 1, part (i), the development adequately considers the location and wider townscape character. Policy 2 requires that development must reinforce the distinctive identity of Orkney's built environment and be sympathetic to the character of the local area and have a positive or neutral effect on the appearance of the area. On balance, in relation to site layout and the scale, form, massing, proportions and materials, the application is considered to accord with Policy 2.

### **6.4. Parking and Road Safety**

Roads Services requested further information regarding demolition of the building situated directly adjacent to Bignold Park Road. Additional information was submitted and subsequently Roads Services confirmed that the provision of a 1 metre high boundary wall is acceptable and suitably addresses their earlier consultation response. A standard Roads Services informative would be attached to any consent. On this basis, the application is considered to comply with Policy 14C – Road Network Infrastructure.

## **7. Conclusion and Recommendation**

The principle and detail of the development are acceptable. Residential amenity and the safety of road users would be protected. The development accords with Policies 1, 2, and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the following condition:

Hours of construction work on site involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 07:30

and 19:00 Mondays to Fridays, 09:00 to 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

## **8. Contact Officer**

Alison Poke, Graduate Planner, email [alison.poke@orkney.gov.uk](mailto:alison.poke@orkney.gov.uk)

## **9. Appendix**

Appendix 1: Site Plan.

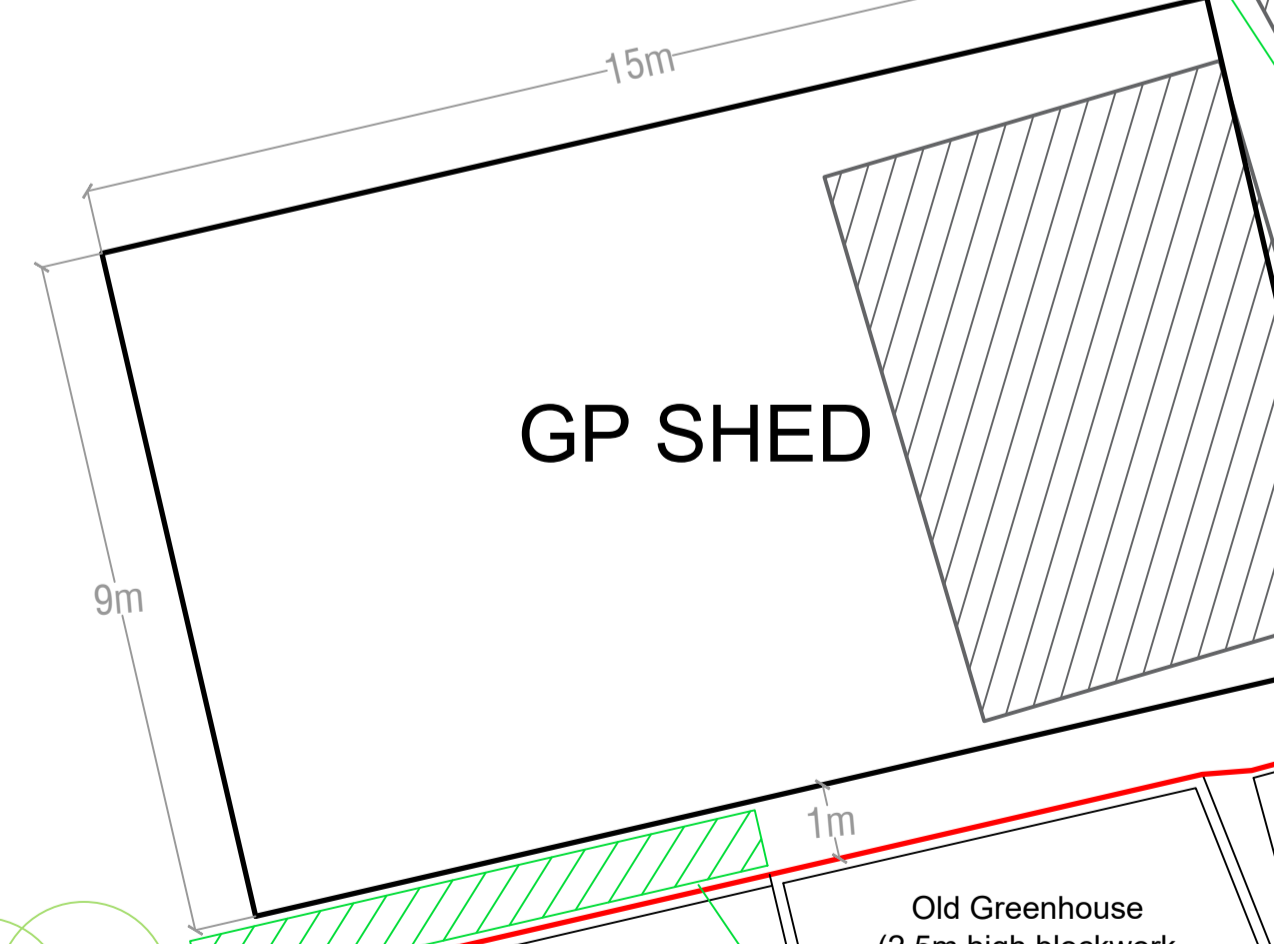
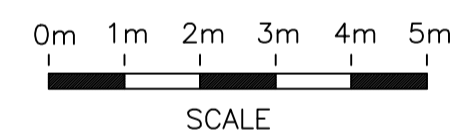


A967

BIGNOLD PARK ROAD

WARRENFIELD HOUSE

Newington



GP SHED

Old greenhouse & outbuildings to be demolished

1m high boundary wall to create segregation from footpath once outbuilding is removed.

Proposed GP Shed position promotes tree conservation and all of the established trees along the West boundary will be protected during construction.

Trees/hedges to be planted along boundary with Hestigeo to provide screening. Between existing trees and the 2.5m high greenhouse wall

Old Greenhouse (2.5m high blockwork wall at boundary)

Shed

Kenmorven

		<b>AC ENGINEERING LTD</b> Engineering Design & Consultancy Services email: andrew@ac-engineering.scot	
PROJECT		PROPOSED GP SHED, WARRENFIELD HOUSE, BIGNOLD PARK ROAD, KIRKWALL	
DRAWING		SITE PLAN	
DRAWING NUMBER	REVISION	1:100	A1
1018-02	04	20 JAN 2021	