

Item: 5.1

Planning Committee: 20 May 2020.

Erect Detached Garage at Aurora, Burray.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to erect a freestanding garage within garden ground of the house known as Aurora within Burray village. One objection has been received citing the scale of the proposed garage and that it would be out-of-keeping with that part of the village. The objection is considered of insufficient weight to merit refusal. The application is acceptable in both principle and detail, subject to appropriate planning conditions and accords with Policies 1, 2, 3, 13 and 14 of the Orkney Local Development Plan 2017 and Planning Policy Advice 'Development Quality Within Settlements' (March 2012). Accordingly, the application is recommended for approval.

| | |
|---------------------|-----------------------------------------------------|
| Application Number: | 20/027/HH. |
| Application Type: | Planning Permission (householder). |
| Proposal: | Erect a detached garage |
| Applicant: | Mr Paul Hourston, Aurora, Burray, KW17 2SS. |
| Agent: | Mr John Winstanley, West Manse, Deerness, KW17 2QH. |

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
(then enter the application number given above).

2. Consultations

Consultees have not objected, and no issues are raised that cannot be addressed by planning conditions. Scottish Water indicated that a surface water sewer runs through the site and that development in conflict with Scottish Water assets may be subject to restrictions on proximity of construction; this can be addressed by planning informative.

3. Representations

3.1.

One objection has been received from:

- Mrs Mary Laird, Yeldabrek, Burray, KW17 2SS.

3.2.

The objection is on the grounds of inappropriate size and scale in the context of neighbouring properties and the surrounding neighbourhood.

3.3.

The issue of available maintenance space between the boundary fence and the proposed garage has been raised by the objector, and was addressed by the applicant in the course of consideration of the application by a reduction in the size of the garage, reducing the width by 0.5 metre to ensure a 1 metre separation from the boundary fence. This matches the indicated preference of the objector for the distance between fence and garage. This would be secured by planning condition for the avoidance of doubt.

4. Relevant Planning History

| Reference. | Proposal. | Location. | Decision. | Date. |
|-------------|-------------------------------------|-------------------------------|-----------|-----------|
| 08/135/PPF. | Erect a house with integral garage. | Clairlea (land near), Burray. | Approved. | 25.04.08. |

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 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 3 – Settlements, Town Centres & Primary Retail Frontages.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel & Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan..."

6.2.

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.

6.3.

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

7. Assessment

7.1. Location and Site

Aurora sits within a sizeable plot, accessed between the properties 'Clairlea' and 'Ankarsted', as indicated on the site plan attached as Appendix 1. The proposed detached garage is located perpendicular to and to the south of Aurora in the south-west corner of the garden. Aurora is a modern bungalow, largely T-plan in form with a small sun lounge extending from the south elevation, and an integral garage. Houses and ancillary structures within this part of Burray are a mixture of styles, scale and materials.

7.2. Proposal

It is proposed to erect a detached domestic garage, in addition to the existing integral garage. The garage would be of single storey, with gable ended form with a length of 14.4 metres, width of 6.7 metres, height to eaves of 3.5 metres and a height to ridge of 4.8 metres with a 22.5° roof pitch. This was amended from the detail as originally submitted, increasing the distance from the boundary fence to the east from 0.5 metre to 1 metre, and reducing the height of the ridge by 0.2 metre. The garage would have corrugated sheet roof, the colour of which would be controlled by condition, walls rendered to match the house and windows and doors finished in white. Rainwater goods are unspecified.

7.3. Principle

Orkney Local Development Plan 2017 Policy 5A 'Housing in Settlements' provides a general presumption in favour of residential development within the settlement boundaries, provided that the proposed development also meets other policies of the Plan and any other material planning considerations. The development comprises a building ancillary to the use and enjoyment of an existing house. As such, this is a householder development. The development of a domestic garage within the curtilage of a house for ancillary and incidental use is acceptable in principle.

7.4. Design and Appearance

7.4.1.

The design and appearance of the garage, subject to suitable external material finishes, is consistent with other similar structures in the local area. Wall, door and windows would match the host property. The placement of the garage to the rear of the property is similarly acceptable in context. A key issue, as raised within the objection, is the scale of the garage. The objector cites comparison with their property and other unspecified properties in the village, with concerns raised that the proposed structure could appear overly large within the domestic setting and compared to their property neighbouring the site. It is acknowledged that the proposed garage is relatively large, but not so out of scale to make it unacceptable. The height and scale would not dominate the host property. The avoidance of any land-raising or underbuilding would ensure no additional impact, and this would be secured by planning condition. The garage would be viewed from the public road in the general context of off-street buildings, acknowledging this view of the garage would differ significantly from that of the immediate neighbour.

7.4.2.

The separation distance to the neighbour's boundary fence was raised in the objection. As stated above, this distance has been increased to 1 metre. The reduction in width resulted in a lowering of the proposed ridge height by 200 millimetres. The proposed garage is not considered overbearing in its context, and an appropriate recessive, matt finish to the roof could be secured by planning condition.

7.5. Residential Amenity

7.5.1.

Planning Policy Advice 'Development Quality Within Settlements' (March 2012), states that: "It is important within built up areas to ensure that an appropriate level of amenity is maintained for existing residents". The proposed development is a single storey garage which is considered would have no significant negative impact on residential amenity from impacts on privacy, overlooking, loss of daylight or over shadowing. A degree of shadowing for part of the day to part of the neighbouring garden immediately adjoining the site may be expected; however, the direction and distance of the proposed building from the neighbouring house are such that overshadowing impacts would not be justification for refusal.

7.5.2.

The use of the garage is limited by the nature of the application as a householder development. As such the garage is only considered for uses ancillary to the use and enjoyment of the host house, and no other use or purpose. An appropriate planning condition would be attached to secure such use.

7.6. Access and Parking

No alteration to the access or parking arrangements for the current house are proposed, as approved under application 08/135/PPF. No other alterations which could impact available manoeuvring or parking space are submitted. Roads Services has no objection, and the application is considered to accord with Policy 1 'Criteria for All Development' part (vi) and Policy 14C 'Road Network Infrastructure'.

7.7. Sewerage and Drainage

The proposed development does not include any indication of foul sewerage requirements. Surface water drainage is required to be compliant with Sustainable Drainage Systems practice. The development would be required to incorporate adequate surface water management, which would maintain or improve the current flow of surface water on the site.

8. Conclusion and Recommendation

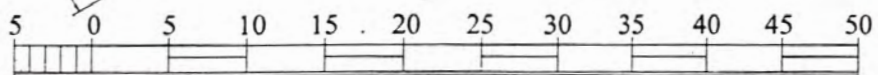
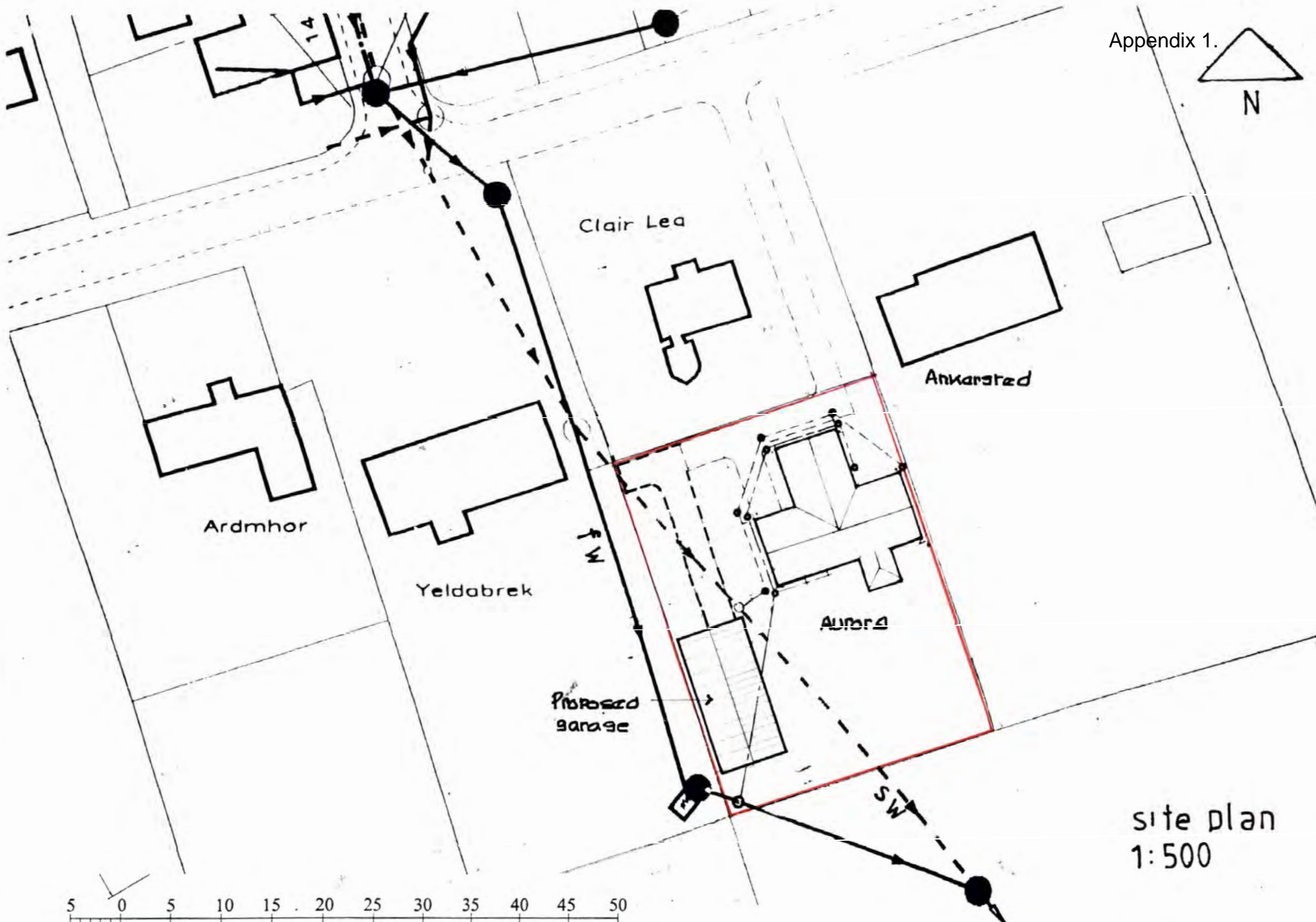
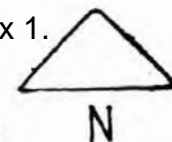
Both the principle and detail of the proposed garage is considered as acceptable subject to appropriate planning conditions. The siting is appropriate and would not result in any unacceptable impact on residential amenity nor impact on the wider streetscape of Burray village. The issue raised by the objector in relation to maintenance space has been addressed by the applicant in the course of consideration of the application. The objection is not of sufficient weight to merit refusal. The proposed development is considered to accord with Policies 1, 2, 3, 13 and 14 of the Orkney Local Development Plan 2017 and Planning Policy Advice 'Development Quality Within Settlements' (March 2012). Accordingly, the application is **recommended for approval**, subject to conditions, attached as Appendix 2 to this report.

9. Contact Officer

Jamie Macvie, Planning Manager, extension 2529, Email jamie.macvie@orkney.gov.uk

10. Appendices

- Appendix 1: Site Plan.
- Appendix 2: Planning Conditions.



Metres All sizes are or thereby Scale- 1:500

site plan
1:500

Appendix 2.

01. No development shall commence until a detailed specification for the proposed roofing material for the development (including samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be carried out in accordance with these approved details. For the avoidance of doubt the roof finish shall be in a recessive matt colour.

Reason: To ensure that the development is sensitive to, and compatible with, its context and for the avoidance of doubt.

02. The external finish materials used in the development, excepting roof finish materials as considered by condition 01, shall match those of the existing host property.

Reason: To ensure that the development is sensitive to, and compatible with, its context.

03. The garage hereby approved shall not be constructed on land raised above its existing level, and all foundations shall be excavated into, and not built on top of, any slope. No underbuilding to compensate for any gradient is permitted.

Reason: To ensure that underbuilding is kept to a minimum and that the development is sensitive to, and compatible with, its immediate and wider context in interests of visual and residential amenity.

04. The garage hereby approved shall be situated no less than 1 metre from the east boundary of the property, as stated in drawing reference OIC-02(2).

Reason: In order to ensure that the development is built in accordance with written detail on approved plans and for the avoidance of doubt.

05. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy – Managing Flood Risk and Drainage.

06. Hours of work during the construction of the development hereby approved, 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 be restricted to 07:30 to 18:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.