

Item: 3.3

Planning Committee: 12 December 2018.

Erect a Detached Garage (Amendment to 18/035/HH) at Glenlee, Corston Road, Harray.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Householder planning permission is sought for the erection of a detached garage at Glenlee, Corston Road, Harray. The application is an amendment to application 18/035/HH, which was for an attached garage and was approved subject to conditions on 23 April 2018. One objection to the application has been received from the tenants of a neighbouring dwelling on grounds of overlooking and privacy. The material planning issues raised by the objectors could be addressed, and conditions would minimise the impact upon residential amenity. It is therefore considered that the proposed development complies with Orkney Local Development Plan 2017 Policies 1, 2, 9G, 13B and 14C, Supplementary Guidance: Settlement Statements 'Madras' (March 2017) and Planning Policy Advice: Development Quality within Settlements (March 2012).

Application Number:	18/391/HH.
Application Type:	Householder.
Proposal:	Erect a detached garage (amendment to 18/035/HH) at Glenlee, Corston Road, Harray.
Applicant:	Mrs Margaret Tomalin, Glenlee, Corston Road, Harray KW17 2LQ.
Agent:	Mr Bashir I Hasham, Tanmaur, Orphir, KW17 2RD.

1.2.

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

http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1.

Roads Services has no objection to the proposal, subject to a standard condition:
"The access with the public road shall be constructed to the Council's Roads Services standard SD-03 Access Over Verge for a Single Dwelling."

2.2.

Scottish Water does not object to the proposal, however advises that the development impacts upon Scottish Water infrastructure which lies within the site.

2.2.1.

The agent was informed of this issue and has since confirmed that, following a site visit by a Scottish Water representative, it was determined that the infrastructure referred to is closer to the house than shown on the Scottish Water drawing. The site of the garage as proposed has been chosen to avoid the infrastructure. It should be noted that any financial implications of mitigation and/or repairs to damage or impact on Scottish Water infrastructure during construction of the development would be at the cost of the developer/applicant and are not planning matters.

3. Representations

3.1.

One letter of objection has been received from:

- Nicola Black and Andrew Macdonald, Durkadale, Harray, KW17 2LQ.

3.2.

The objection is on the grounds of overlooking and privacy, which are material planning considerations.

3.3.

The objector has raised concerns regarding the future intention of the applicant in relation to the garage, but that cannot be taken into consideration in the assessment of the proposal. Construction noise is cited in relation to the objector's work and sleeping pattern. Disruption during construction of development is of a temporary nature to facilitate an approved development and similarly is not normally taken into account, and any concerns would be a matter for Environmental Health.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
18/035/HH.	Extend a house.	Glenlee, Corston Road, Harray.	Grant subject to conditions.	23.04.2018.
04/650/PPF.	Erection of a house.	Madras (land near), Harray Stores, Harray.	Grant subject to conditions.	03.02.2005.

5. Relevant Planning Policy and Guidance

5.1.

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

<http://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 9 – Natural Heritage and Landscape.
- Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Policy 14 – Transport, Travel and Road Network Infrastructure.

5.2.

Supplementary Guidance and Planning Policy Advice:

- Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).
- Supplementary Guidance ‘Settlement Statements: Madras (2017).

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. Site and Location

The site of the proposed garage is located within the residential curtilage of Glenlee, Corston Road, Harray, which is within the settlement boundary of Madras. The garage would be located to the north of the dwelling. Glenlee is one of a group of houses that have been built on land close to the Harray Stores within the settlement boundary. There are short-term allocated housing sites nearby, the closest to Glenlee being M-5 (capacity for four houses) and M-6 (capacity for nine houses).

7.2. Clarification and Background

7.2.1.

The current application is an amendment to application 18/035/HH, which was for an attached garage and was approved subject to conditions on 23 April 2018. The current proposal for a detached garage sited further from the dwelling has been required as a water pipe runs under the location of the previously approved garage.

7.2.2.

During assessment of application 18/035/HH, an objection was received from the landlord of the property at Durkadale, who confirmed no objection to the principle of an extension but expressed concerns regarding potential overlooking from windows to the rear of the extension towards their property. The windows were subsequently omitted from the elevation facing Durkadale and the objection was addressed in full. The objector made no further comment and the proposal was determined under delegated powers.

7.3. Design and Appearance

Planning Policy Advice: Development Quality within Settlements (March 2012), which is a material consideration for development within settlements, states that "... the scale, position and form of extensions should work with and complement the existing building and its surroundings, and materials should be chosen to respect and complement the existing range of materials present in the area." The proposed garage would measure 7.2 metres long by 4.5 metres wide, with an overall height of 4.5 metres. The materials to be used on the exterior walls, windows, door and rainwater goods would match the existing house. The roof would be profiled sheeting in grey and the garage door would be white. The garage would be in keeping with the existing house and other developments in the area and would be acceptable in terms of scale, massing, proportions and materials, in accordance with Policy 2 'Design', and Planning Policy Advice: Development Quality within Settlements (March 2012).

7.4. Residential Amenity

7.4.1.

The objector at Durkadale has raised concerns regarding privacy and overlooking, stating that “The proposed building site would directly overlook the rear of our property, providing the occupiers of Glenlee direct view into our bedrooms which are situated to the rear of the property. They already have a view into our end room, which would be made worse by the comings and goings into the proposed garage..”.

7.4.2.

Planning Policy Advice: Development Quality within Settlements (March 2012), with respect to extensions/development at residential properties, requires “...no significant loss of amenity to occupants of existing neighbouring buildings, such as loss of privacy or daylight as a result of overlooking or overshadowing...” and Policy 1(iv) states that “Development will be supported where...The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.”

7.4.3.

With regard to any perceived overlooking from the garage windows towards third party dwellings, the proposed elevations of the garage are as follows:

- North Elevation, facing Corston and the garden of the adjacent property at The Windings – blank elevation, no windows or doors.
- South Elevation, facing the host property – two windows and a door.
- East Elevation, facing the access to the property and Corston Road – garage door.
- West Elevation, facing Durkadale – blank elevation, no windows or doors.

Therefore, there would be no direct overlooking of any windows of third party dwellings from the proposed garage.

7.4.4.

The proposal is for a single garage of modest scale, with a height not exceeding 4.5 metres and for the domestic use of the occupiers of Glenlee. Due to this and the separation distance from Durkadale, it is considered unlikely that there would be significant impacts on the residential amenity of the objector’s property or any other property by overshadowing. A condition restricting use of the garage to domestic use only would be attached to any approval.

7.4.5.

Taking the above into account, it is considered that the proposed garage would be unlikely to have a significant impact on the residential amenity of neighbouring properties through overlooking, impact upon privacy or overshadowing and therefore would comply with Policy 1(iv) and Planning Policy Advice: Development Quality within Settlements (March 2012).

7.5. Access and Road Safety

Access to the garage would be taken from the existing access off Corston Road into the curtilage of the dwelling. Roads Services requires that the existing access be upgraded to specification SD-03, Access Over Verge for a Single Dwelling. This would be conditioned, and the development complies with Policies 1 'Criteria for All Development' (part vi) and 14C 'Road Network Infrastructure'.

7.6. Landscape, Character of the Area and Visual Amenity

Glenlee is located adjacent to other dwelling plots within the settlement of Madras. The garage would be viewed in context with that dwelling and the wider built development in the area. The development would be in scale with its surroundings and would not have an adverse impact on the wider landscape, visual amenity or the predominantly residential character of the Madras settlement area of Harray, and would therefore comply with Policies 1 'Criteria for All Development' parts (i), (ii), (iii) and 9G 'Landscape'.

8. Conclusion and Recommendation

The proposed design and appearance of the garage is acceptable in terms of its integration with the existing house, other developments in the area and the impact on visual amenity, character of the area and the wider landscape. Due to the small-scale nature of the development, and the separation distance from neighbouring properties, it is considered that the garage would have no significant detrimental impact on the residential amenity of nearby dwellings through impacts on privacy, overlooking or overshadowing. Drainage (SuDS) and access requirements would be conditioned. The objections have been taken into account in the assessment of the proposed development, however it is considered that they are not of sufficient weight to merit a refusal and that the proposed garage development would comply with Orkney Local Plan 2017 Policies 1, 2, 9G, 13B and 14C, Supplementary Guidance 'Settlement Statements: Madras' (2017) and Planning Policy Advice: Development Quality within Settlements (March 2012). Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 1 to this report.

9. Contact Officer

Sue Doyle, Planning Officer, extension 2503, Email sue.doyle@orkney.gov.uk

10. Appendix

Appendix 1: Planning Conditions.

Appendix 1.

01. The materials used on the exterior of the development hereby granted planning permission shall be as stated:

- Roof – Marley eternit fibre cement profile 3 sheeting, colour: Anthracite.
- Walls – To match the existing dwelling in colour and texture.
- Windows and Door – Network Veka, PVCu to match the existing house.
- Garage Door – Hormann, steel, colour: White Aluminium (RAL 9006).
- Rainwater Goods – uPVC, colour: to match the existing dwelling.

Thereafter, only the approved materials shall be used on the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that the external appearance of the development is acceptable.

02. Throughout the lifetime of the development hereby granted planning permission, 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 C697/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.

Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR.

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 and in the interests of road safety.

03. Throughout the lifetime of the development hereby granted, the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse at Glenlee. No commercial activity shall be carried out in, or from, the garage or the garage used for any purpose outwith incidental domestic use to the dwelling at Glenlee unless expressly approved by the Planning Authority.

Reason: In the interests of the protection of the residential amenity of the area and for the avoidance of doubt of the limit of the permission.

04. Access to the public road shall be constructed to the Council's Roads Services standard drawing 'SD-03 Access Over Verge for Single Dwelling', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to first use of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first use of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

05. Throughout the lifetime of the development, there shall be no external lighting to the north east elevation (facing towards Corston and The Windings) or north west elevation (facing Durkadale).

Reason: In the interests of residential amenity.

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 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 demolition and construction of this development.