

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 5 September 2012

DC12/105 **Erection of two storey detached dwellinghouse and detached double garage and the formation of a new vehicular access at Milton House, Milton Brae, Milton by Mr & Mrs Villiers.**

DC12/108 **Alterations to boundary wall to form a new vehicular access at Milton House, Milton Brae, Milton by Mr & Mrs Villiers.**

1. REASON FOR REPORT

- 1.1** Planning application DC12/105 has been subject to a significant body of objection, including Bowling and Milton Community Council and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee. Listed building consent application DC12/108 has not been subject to objections, but some of the objections to the planning application relate to it.

2. RECOMMENDATION

- 2.1** **Refuse** full planning permission for **DC12/105** for the erection of a two storey detached dwellinghouse and detached double garage and the formation of a new vehicular access for the reasons set out in Section 9.
- 2.2** **Refuse** listed building consent for **DC12/108** for alterations to a boundary wall, including the formation of a new vehicular access for the reason set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** Both applications relate to the grounds of Milton House which is a B-listed property dating from the late 18th Century. The property is located on Milton Brae and has extensive grounds. The application site is located approximately 70m to the north of Milton House and is currently used as garden ground and includes a greenhouse and garage. The site is bounded by a private access to the north, Milton Brae to the east, a residential property to the west and the grounds of Milton House to the south. On the opposite side of Milton Brae to the east is farmland. In total, the site extends to 1020m² with a slight change in levels across the site falling from north to south. There is an embankment and stone wall running the length of the site adjacent to Milton Brae as well as significant tree coverage which screens the site.
- 3.2** Application DC12/105 seeks full planning permission to erect a two storey detached dwellinghouse, a detached garage and form a new vehicular access

onto Milton Brae. The proposed house would be located close to the centre of the plot and would be 10m in height. It would be finished in cream coloured wetcast render with a hipped slate roof. Around the windows, sandstone lintels and sills would be installed. The double garage would use the same palette of materials as the house. The main entrance to the house would be on the northern elevation which overlooks the courtyard and there would be a sun lounge on the southern elevation overlooking the garden. Internally, the property would provide five bedrooms on the upper floor. Parking would be provided in the double garage or on the courtyard.

3.3 In order to provide an entrance to the site, a new vehicular access would have to be formed leading directly onto Milton Brae. In order to form this access, an area of embankment would have to be excavated and part of the stone boundary wall removed. The new access would include the reconstruction of a 10m stretch of the stone wall in an arc to provide a safe access point onto Milton Brae. The result would be a 4m wide access point, controlled by automatic gates. In order to form the new entrance, three trees would have to be removed from the boundary area, including a large well established sycamore tree. As well as the new vehicular access, the application proposes to reconstruct a 3.5m wide section of the wall adjacent to Milton Brae which is currently fenced off. The southern boundary of the site would be marked by a 2.1m high wall to separate the application site from the grounds of Milton House.

3.4 Application DC12/108 is for listed building consent and solely relates to the proposed alterations to the stone boundary wall as described above.

4. CONSULTATIONS

4.1 Historic Scotland has no objection to the proposal although they have asked for justification of why the existing access to the site cannot be used rather than forming a new access onto Milton Brae.

4.2 West Dunbartonshire Council Environmental Health and Roads Services each have no objection to the proposal.

4.3 Scottish Natural Heritage has raised no objection to the proposal or any issues with the bat survey that was undertaken.

5. REPRESENTATIONS

5.1 Representations have been received in relation to application DC12/105, from Bowling and Milton Community Council, 32 households or individuals and one agent acting on behalf of some of the objectors. Fifteen of the individual representations are from residents of Milton and the balance are from further afield or from unknown addresses. These all object to the proposal for the following reasons:

- The proposal is contrary to policies H5, H4, R5 and E4 of the local plan since the plot is too small to be in keeping with the plot sizes of adjacent properties, and the proposal would detract from the appearance character of the area;
- The proposed design and materials are not appropriate for the location;
- The house would be too close to the neighbouring property;
- The proposed house and garden would impact on privacy and lead to overlooking of neighbouring properties;
- The house would be closer to Milton Brae than other houses in the vicinity, and unduly prominent;
- The new house would cast a shadow over Milton Brae;
- The proposal would result in overdevelopment of the site and would not provide an adequate amount of garden space;
- Tree and bat surveys should be carried out;
- The proposal would result in the loss of trees which are protected by a tree preservation order, particularly a large sycamore tree located adjacent to Milton Brae;
- The position of the proposed house would impact on a yew tree in the garden which is intended to be retained;
- The development would lead to a loss of biodiversity at the site;
- The proposed new access would lead to the removal of part of the existing stone boundary wall which adds to the character of the area;
- The existing access nearby should be used instead of creating a new access;
- The proposed new access would impact on road safety on a road which is a core path and is regularly used by pedestrians;
- The development would set a precedent and may lead to further housing being constructed on Milton Brae;
- Construction activity at the site could restrict access for residents and emergency vehicles; and
- The plans submitted make the site appear larger than it actually is.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site lies within an Existing Residential Area, where Policy H5 seeks to ensure that the character of these areas is protected and that all development proposals maintain or enhance their amenity. In particular, it states that where the sub division of the curtilage of a dwelling is proposed for a new house, it should be of an adequate size, reflect the character of the surrounding area, allow sufficient garden ground to be retained for the existing house, provide a separate access and not adversely affect any neighbouring properties.
- 6.2** The site is part of the grounds of a listed building, and the proposed alterations to the boundary wall require listed building consent. Policy BE2 states that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting is not adversely affected.

- 6.3** Policy E5 seeks to protect trees for amenity reasons and indicates that new development proposed on sites with, or adjacent to existing trees, should be assessed carefully. If an application is to be approved, conditions should be attached to safeguard trees where necessary and/or plant new trees if appropriate.
- 6.4** The proposal is assessed against the criteria contained in the above policies in Section 7 below. It is considered that the development does not comply with the policies of the adopted local plan.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan – Main Issues Report

- 7.1** The application site and surrounding area has been identified in the Main Issues Report for the forthcoming West Dunbartonshire Local Development Plan (LDP) as a location which may be suitable for redesignation as Green Belt. The present boundary between the settlement and the Green Belt around northwest Milton is not particularly obvious on the ground, and since the area around the application site does not have a strong urban character, a Green Belt designation might be more appropriate. However, at the moment the LDP is at an early stage and may be subject to change, so it currently carries little weight as a material planning consideration.

Site History

- 7.2** Milton House is a large traditional property which dates from the late 18th Century. The property sat in large grounds which included a formal garden area and a fish pond. Gradually the area has been developed over time, with the nearby Milton Burn having been used as a source of energy to turn water wheels for mills downstream in Milton. The area to the north of Milton House was also altered over time, with land being sold off to allow the construction of three houses in the 1960s. The properties all have large grounds which were identified by natural boundary features. One property has been constructed on the former fish pond, another has been constructed in the formal garden area and the third property has ground which is partially defined by the formal garden boundary. As a result of the boundaries following the natural divisions on site, these three properties sit in large plots which do not have a formal layout or front directly onto Milton Brae.

Plot Size

- 7.3** The proposed plot is to the north of Milton House, within a wedge of garden between Milton Brae and one of the three neighbouring houses ('Westwind'). The size and shape of the plot are defined by established boundaries on site. To the north is the existing private access serving two houses, to the east is Milton Brae, and to the west is 'Westwind'. The southern boundary has been chosen at a point where there is a 2 metre drop in ground levels. The plot extends to 1,020m², which is a relatively large plot by modern suburban standards but is very much smaller than those of the neighbouring properties. The size of the plot therefore does not reflect the established pattern or density of development in the vicinity of the site.

Design and Appearance

- 7.4** The proposed house would be a large detached property of relatively traditional appearance in terms of its proportions and detailing. It would be finished in traditional materials consisting of wetcast render painted cream, sandstone detailing and a natural slate roof. The main entrance would be on the north elevation of the house, overlooking a small courtyard area enclosed by the boundary walls and proposed garage. The property would be closer to Milton Brae than most other nearby properties, with the exception of 'Lon Eisg'. The latter is a large two storey property directly to the north of the site, but due to its large plot and driveway entrance well removed from the house, views of the house are through a line of trees and it is less prominent than would be the application property. The proposed design of the building and its intended finishing materials are considered to be appropriate for the location, but this would not address the fact that the house would be much more prominent from Milton Brae than other existing houses.

Privacy and Amenity

- 7.5** The closest existing property to the application site is 'Westwind' which is due west of the application site. The proposed house would be a minimum of 1.8m from the boundary and Westwind is over 20m from the existing boundary. Due to the distance between the properties, it is not considered that any unacceptable overlooking or overshadowing would occur. Furthermore, the new house has been designed to ensure that the only window on the upper floor facing Westwind would be an en suite bathroom. On the ground floor there would be two small lounge windows and a dining room window. There is also significant foliage along this boundary to ensure that any impact is further reduced. The proposed house would also be well separated from other adjacent houses 'Lon Eisg' and Milton House itself. Consequently it is considered that there would be no significant issues relating to overlooking, privacy or overshadowing as a result of the new house.

Access and Road Safety

- 7.6** At present, the application site contains a vehicular access from the private access road directly to the north of the site. A number of objectors have suggested that this access should be re-used instead of forming a new access directly onto Milton Brae. The applicants did originally intend to use the existing access and a previous application (DC11/259) was submitted on that basis, but it was subsequently withdrawn when it was brought to the applicants' attention that they did not own all of the land forming the access and only had a legal right of occasional access over this land. It is understood that the land in question is owned by an objector who is not prepared to allow its use for access to a new house. The applicants therefore withdrew the original application and submitted the current revised proposal with access to be taken directly from Milton Brae.
- 7.7** The proposed access would be 6.8m to the south of an existing private access. To form the new access, a 10m stretch of the stone boundary wall would have to be removed and the embankment behind the wall lowered to

the road level. In addition to the removal of the wall and embankment, three trees and some shrubbery would have to be removed. The trees are protected by a Tree Preservation Order and include a large, mature sycamore tree which is a prominent feature adjacent to Milton Brae. The new access would be set back 2.5m from the road's edge and would see a 4m wide opening being formed. On either side of the access, the wall would be rebuilt at a lower height (1m) to provide visibility splays. To the south of the proposed vehicular access, there is currently a 3.5m long section of the wall which is missing and fenced off, and the proposal would reinstate this part of the stone wall using dismantled stone from the new access. Sufficient car parking would be provided within the development and access to the site is acceptable to the Roads Service. Whilst there may be some degree of short term disruption on Milton Brae during construction work, this is unlikely to be significant or prolonged.

- 7.8** It would have been preferable to employ the existing access as originally intended as this would have significantly reduced the prominence of the new house, allowed the stone wall to remain unaltered and had less of an impact on trees. However, this option has been explored and is not possible for private legal reasons. Although the proposed new access would be acceptable in terms of road safety and the demolition of part of the existing boundary wall would be partly offset by the rebuilding of the missing section of wall, it is nonetheless considered that the alterations to the stone wall would have a significant visual impact on Milton Brae and would have a detrimental impact on the amenity of the listed building and the surrounding area.

Trees and Wildlife

- 7.9** Information has been submitted in relation to the existing trees on site and the impact of the proposed development upon them. The main impact on trees would arise as a result of the new access which would require removal of a section of the low embankment on which there are currently three trees. The most significant of these three trees is a large sycamore tree which is estimated to be in the region of 75 years of age and approximately 12m in height. The other two trees are holly trees around 15 years of age and approximately 4-5m in height. Whilst there has been no suggestion of immediate danger from any of these trees, the applicant's tree surgeon has stated that the sycamore tree is top heavy and could in stormy weather shed upper limbs onto Milton Brae. It was also stated that since it is a self-seeded tree on an embankment, the strength of its root structure could not be determined and it could cause potential damage to the stone boundary wall. Whilst sycamore trees are not native to Scotland, there are reportedly more than ten similar specimens within the grounds of Milton House. The three trees contribute to the wooded character of the area and whilst they are not individually important, it is considered that their removal would detract from the appearance of the area.
- 7.10** There is a large yew tree located within the garden which would be in close proximity to the proposed house. It is proposed that the yew tree is retained. The yew tree has been clipped in the past to allow light into the garden which can assist in restricting root growth and this type of tree is suitable to being

shaped and trimmed. It is considered that subject to suitable protection during construction the yew tree could be retained, although it would be quite close to the house and this is likely to give rise to requests to remove it in the future. Overall, it is not ideal for trees or shrubs to be removed to permit development and it is considered in this instance that the removal of the trees concerned would have a detrimental impact on the visual amenity of the area.

- 7.11** A bat survey was undertaken of the large sycamore tree and existing garage which are both proposed to be removed. The survey did not observe any bats emerging from the sycamore tree whilst no bats were observed emerging or heard which would suggest any occupancy of the garage by bats. There are apparently bat roosts elsewhere within the grounds of Milton House and a significant number of alternative sites which would be more suitable roost locations. It is therefore considered that the proposal would not have any significant impact upon bats.

8. CONCLUSION

- 8.1** The grounds of Milton House have altered considerably since they were originally laid out. However, the addition of a further detached dwellinghouse in the location proposed is not considered to be acceptable as it would not be in accordance with the established pattern of development in the area. It would have a detrimental impact on the amenity of the surrounding area due to the loss of three trees, alterations to the stone boundary wall and have a plot size which does not sufficiently reflect the character of the surrounding area. The proposed dwellinghouse would also be unduly prominent on Milton Brae which would have an adverse impact on the local area. It is therefore considered that the proposal is unacceptable as it does not comply with the policies contained in the adopted local plan.

9. Reasons

DC12/105

- 1. The proposal is contrary to policy H5 of the West Dunbartonshire Local Plan 2010 as it would detract from the appearance and character of the area, in that it would involve the erection of a prominent dwellinghouse on a plot of land which does not reflect the established pattern of development within a rural location which is characterised by very large plots and houses which are well screened from Milton Brae.**
- 2. The proposal is contrary to policy E5 of the West Dunbartonshire Local Plan 2010 as it would result in the loss of existing mature trees and shrubs which contribute to the appearance and character of the area.**
- 3. The proposal is contrary to policy BE2 of the West Dunbartonshire Local Plan 2010 as it would result in alterations to a stone boundary wall which would detract from the appearance**

of the wall and would have a detrimental impact on the appearance and character of the area surrounding the listed building.

DC12/108

1. The proposal is contrary to policy BE2 of the West Dunbartonshire Local Plan 2010 as it would result in alterations to a stone boundary wall which would detract from the appearance of the wall and would have a detrimental impact on the appearance and character of the area surrounding the listed building.

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Date: 21 August 2012

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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Consultation responses;
3. Letters of representation;
4. West Dunbartonshire Local Plan 2010;
5. Local Development Plan Main Issues Report.

Wards affected: 3 (Dumbarton)