

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 8th February 2023**

**DC22/184/FUL: Erection of double garage at no. 3 Kirkton Grove,
Dumbarton by Mr J Lafferty****1. REASON FOR REPORT**

- 1.1** An elected member has requested the application to be determined by the Planning Committee and this has been agreed in conjunction with the Convenor of the Committee and the appointed officer. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site comprises a detached dwellinghouse which is located in the area known as Kirktonhill, which is designated as a Conservation Area. The central part of the immediate area surrounding the property is Islay Kerr House. The building historically accommodated some of the boarding pupils of the nearby Keil School, whose founder, William Mackinnon was a friend of Islay Kerr. In the recent past Islay Kerr House was used as a nursing home and was then converted to flats, while the grounds were subdivided to form smaller plots for several new detached dwellinghouses, including the application property. No. 3 Kirkton Grove is a modern residential property with a variety of detached dwellinghouses of a similar design adjacent to the property. The plot is well screened by mature trees and a fence, with additional screening afforded by the adjacent property at no. 2 found north of the application site. The plot benefits from a sizable driveway and grassed areas, with some vegetation and trees present. Within the curtilage to the north-western corner is an existing garage which presently is being converted to ancillary living accommodation/annex to the existing house, previously permitted through planning permission DC20/063. A condition, the wording of which was

adjusted via the granting of a further planning permission (ref: DC21/252/FUL), ensures that this building is occupied in conjunction with the main house, and not as a separate dwellinghouse.

3.2 Planning permission is sought to construct a double garage at the above property.

- The proposed building would have a rectangular footprint of 36sqm within the rear curtilage of 600sqm against 226sqm footprint of the host property and 37.5sqm of the previously approved annex structure. The proposed structure would be used as a garage for two cars and associated storage and it would face onto the existing driveway. A gap of 1m between the rear elevation and the boundary with no. 15a Helenslee Rd to the west would be retained. A gap of 2m between the northern gable elevation and the previously approved ancillary structure would be retained. The garage will have a pitched roof to a height of 4.3 metres and eaves height of 2.2m.
- The principal elevation would feature a single garage door with the remaining elevations kept blank.

4. CONSULTATIONS

None required

5. REPRESENTATIONS

5.1 Three objections have been received from three adjacent residents in response to the application. The detail of each submitted representation is available in the electronic planning file for the application and available for public viewing. However, the concerns raised can be summarised as follows:

- Impact on privacy and overlooking of the adjacent properties.
- Noise during use of the proposed structure.
- Construction noise during development of the proposed structure and the ongoing development of the previously approved ancillary structure.
- Overshadowing impact on the adjacent properties.
- Visual impact of the development and the application site on the character of the Conservation Area.
- Impact on trees.
- Overdevelopment of the plot increasing the density of the locality.
- Concern over possible change of use of the structure and connecting it with the adjacent annex to form a new separate dwelling in the future on the basis of the close proximity between the two structures.

- The current proposal and the relationship with proposals previously granted planning permission are unclear.
- Drainage issues may occur.
- There may be an impact on public greenspace in the area.
- Wildlife may be affected.
- The value of the surrounding properties will be impacted upon.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy GD1 of the Local Plan seeks to ensure that ensure that the value of the historic and natural environment is recognised and not devalued or threatened by the proposal. This policy also seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design is highlighted. Policy H5 advises that the character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced and Policy BE1 seeks to ensure that no works adversely affect the appearance and character of the Conservation Areas.
- 6.2** It is considered that the proposal is of an acceptable design and scale. The development would be of domestic use and would remain ancillary to the existing dwellinghouse. While positioned closely to the north-western corner of the plot and the previously approved living annex, within the wider context of the remaining undeveloped curtilage the development of the overall plot would remain on appropriate levels. The position of the development ensures that its impacts on the amenity of the immediate surroundings and the wider area remains on acceptable levels. The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

National Planning Policy

- 7.1** Revised Draft National Planning Framework (NPF) 4 was approved by the Scottish Parliament on 11th January with Scottish Ministers indicating the intention for NPF4 to be adopted and published on 13th of February 2023. Policy 7 addresses proposals affecting historic assets setting out that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy 14 advises that development proposals will be supported where they are consistent with the six qualities of successful places and specifically sets out that development proposals that are poorly designed, detrimental to the amenity of the

surrounding area or inconsistent with the six qualities of successful places, will not be supported.

- 7.2** It is considered that the proposal meets with the relevant policies of the Revised Draft NPF4 policy. The development would have a limited effect on the Kirktonhill Conservation Area as the overall character and appearance of the Conservation Area and its setting would remain preserved due to the limited and subordinate scale and secluded location within the wider Conservation Area. The proposal is considered to be well designed in a style reflective of the host property and is placed subordinately in relation to it. The domestic character of the proposal and its location within the plot is not considered to be detrimental to the amenity of the surrounding area.

Historic Environment Scotland's Policy and Guidance.

- 7.3** Historic Environment Scotland's Historic Environment Policy for Scotland seeks to ensure that changes to specific assets and their context are managed in a way that protects the historic environment.

- 7.4** Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note series provides advice and guidance to Planning Authorities determining applications which affect the historic environment, including Conservation Areas. The guidance note on 'Setting' advises that setting can be important to the way in which historic structures or places are understood, appreciated and experienced, and provides guidance on factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Overall, it is considered that the principle of the erection of a domestic garage within a rear curtilage does not conflict with the aims of Historic Environment Scotland Policy and Guidance which seek to preserve the historic environment.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.5** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18th December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of these applications is affected by the Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 7.6** Policy CP1 of LDP2 seeks to ensure that all development contributes positively to the historic environment. Policy H4 sets out that that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all time. The Policy goes on to set out a general presumption against outbuildings within the curtilage which would have significant adverse impact upon neighbouring properties,

including but not limited to overshadowing, overlooking, overbearing, insufficient parking and the character and appearance of the area. Policy BE3 advises development that would harm the character or appearance of a Conservation Area will not be permitted. New development within or affecting a Conservation Area should be of a high standard of design and enhance the character of the area, and should have regard to the Conservation Area Appraisal for that area.

- 7.7** It is considered that the proposal meets with the relevant policies of the proposed LDP2. The development is not considered to have a negative effect as the overall character and appearance of the conservation area and its setting would remain preserved due to the limited and subordinate scale and secluded location of the development within the wider Conservation Area. The proposal is considered to be well designed and is in keeping with the design of the host property and the surrounding houses and is placed subordinately in relation to the host property, thus preserving the residential character of the neighbourhood. The proposed garage would not have significant adverse impact upon neighbouring properties, including matters such as overshadowing, overlooking, overbearing, parking or the character and appearance of the area.

Principle of Development

- 7.8** The site is located within a residential area as defined by the adopted Local Plan and proposed Local Development Plan 2. Overall, the area is residential in character with a mix of recent modern and more historic properties. Within the former Islay Kerr House grounds and when compared to some of the nearby plots, no. 3 Kirkton Grove benefits from a sizable curtilage which is well screened. The provision of ancillary buildings within curtilages of dwellinghouses, including in historic areas and those protected through the Conservation Area designation is commonplace. Historically, dwellings in Kirktonhill would benefit from stables, washhouses and other structures ancillary in character. In this instance, it is proposed to provide a garage to serve the existing property. While the site benefits from a driveway located within the front and partially the rear curtilage, it is understandable that weather-tight storage for vehicles and other domestic items may be desired, particularly given the ongoing conversion of the previously erected garage. The placing of the proposed garage next to the existing outbuilding cannot be considered to be a clustering of ancillary structures at this location, as the placing of the proposed garage at the end of the driveway, away from the principal elevation of the host property and near its rear entrance is a logical choice, which is appropriate in the context of the site. In principle, the proposed garage is considered to be acceptable in the context of the wider Kirktonhill Conservation Area.

Design and Appearance

- 7.9** The Kirktonhill Conservation Area Appraisal seeks to ensure that new development accord with the prevailing pattern of development, including scale and massing, the setting of existing buildings is not impinged upon and new development utilises high quality materials. The development, which would consist of detached garage, is of a style similar to that of the host property and would feature a pitched roof, which is considered appropriate. The proposed structure is considered to be of an appropriate scale and massing and remains subordinate to the host property while also replicating the design style of the previously approved annex structure. Whilst external materials are not specified, it is expected that these will complement the existing house and Conservation Area and this matter is addressed by condition to ensure an appropriate finish and palette of materials. Considering the level of development, the combined footprint of the proposed and the existing structures within the rear curtilage amounts to a little over the tenth of the footprint of the rear curtilage and about a third of the footprint of the host property. The proposal itself and the cumulative impact of the development at no. 3 Kirkton Grove cannot be considered to be overdevelopment and is an acceptable addition to the Conservation Area. Overall, it is not considered that the development as proposed and if delivered in finishes and materials reflective of the host property would harm the character or appearance of Kirktonhill Conservation Area.

Impact on Residential Amenity.

- 7.10** Careful consideration requires to be given to a range of matters including the overall impact on residential amenity in relation to privacy, overlooking, overshadowing and overdevelopment. It is not considered the provision of a garage at this location will impact these negatively. The screening of the site and the location of the proposed garage within the plot mean that there would not be any impact on the surrounding properties in relation to privacy and overlooking due to no new windows being created and the intended use of the structure as parking and storage, which would not impact the same way as a main living area or, for example, a patio or decking. Similarly, the screening of the proposed structure along with the location of the plot would mean a very limited visual impact on the character of the immediate vicinity and the wider Conservation Area. In terms of overshadowing, given the massing of the existing house on the plot to the south of the proposed structure and the current presence of mature trees along the northern boundary, it is not considered that the proposed garage would result in an adverse impact in terms of overshadowing to neighbouring properties beyond the established position. There is nothing to suggest that the use of the proposed garage would result in any noise or disturbance beyond that typically expected from a domestic setting. Whilst it is accepted a degree of noise and disturbance may occur during construction, this cannot be a determining factor. Overall, it is considered that the proposal presents

no conflict with Policies GD1 and H5 of the adopted Local Plan and Policies H4 and CP1 of proposed Local Development Plan 2.

Representations Received

- 7.11** Turning to the outstanding points raised in the objections received, a variety of concerns have been raised.

Concern is raised over possible change of use of the structure currently proposed and the possibility of connecting it with the adjacent annex to form a new separate dwelling in the future. This issue has been raised on the basis of the close proximity between the two structures. The application requires to be assessed as submitted and any future proposals would be considered should they be brought forward in a planning application.

Considering the concerns raised that the plans submitted do not reflect the presence of the previously approved ancillary structure, both the submitted location and block plans show the structure in question. The submitted application is also clearly for a new garage and this is clear from both the application form and submitted plans and drawings.

There is nothing to suggest that the development of a domestic garage would adversely impact upon drainage within the wider area. Impact on public greenspace in the area has also been raised in the objections; private gardens and public greenspaces are separate types of space, and it is not considered that the proposal impacts on the former in any way. The application site comprises an existing house and garden and is not located within an area designated as one of additional protections over wildlife or vegetation and in any case the development hereby proposed would be erected over an already developed area of hardstanding rather than a 'greenfield' site. The proposed construction would not result in management or removal of trees within the Tree Preservation Order which applies in this part of Kirktonhill – as such, there is no impact on of natural habitats, tree protection or other environmental matters. Finally, property value is not a planning matter.

8. CONCLUSION

- 8.1** The proposed development will have a limited and managed effect on the residential amenity and character of the neighbourhood and the established Conservation Area while allowing for reasonable development of the domestic curtilage of a dwellinghouse. The proposal is considered acceptable with reference NPF4, the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan 2.

9. CONDITIONS

1. That prior to the commencement of works on site, full details of all proposed external finishing materials, including roofing materials, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise agreed in writing by the Planning Authority.
2. The ancillary structure hereby approved shall be used solely for domestic ancillary purposes as a garage and storage by occupier of 3 Kirkton Place, Dumbaron. For the avoidance of doubt, this domestic ancillary structure may not function, be used or be sold as an entirely separate dwellinghouse or commercial premises.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 8th February 2023

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Location Plan

Background Papers:

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 2 Proposed Plan;
4. Revised Draft National Planning Framework 4
5. Historic Environment Scotland's Historic Environment Policy for Scotland
6. Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Setting
7. Kirktonhill Conservation Area Appraisal
8. Representations.

Wards affected: Ward 3 – Dumbaron