

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 1996

**SUBJECT: ENFORCEMENT ACTION - LODGE COTTAGE, GLENISLA HOUSE,
GLENISLA**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the circumstances relative to a breach of planning consent in respect of a rear extension at Lodge Cottage, Glenisla House, Glenisla, and recommends that no enforcement action be taken.

1 RECOMMENDATION

It is recommended that the Committee agrees not to take enforcement action in respect of a rear extension at Lodge Cottage, Glenisla House, Glenisla.

2 INTRODUCTION

2.1 Planning application 01/96/1193 for an extension at Lodge Cottage, Glenisla House, Glenisla for Major Gibb was granted planning consent on 1 July 1996. The proposal was to form a kitchen to the rear of the property which is a single storey stone cottage with slate roof. The proposed extension was to be finished in wet dash roughcast and have a slate roof which would meet the roof of the original dwelling 0.5 meters below the existing ridge line. Condition 3 of the planning consent requires that no alterations be made to the proposal without the written agreement of the planning authority.

3 CASE HISTORY

3.1 During a site inspection it was noted that the pitched roof of the extension exceeded the height of the existing dwellinghouse and an additional window had been installed on the north elevation. It was also noted that on the east elevations the windows did not accord with the approved plans in that they did not include transoms and mullions.

3.2 The applicant's agent was advised of this matter and has indicated that the joiner measured the roof height incorrectly and, based on these measurements, manufactured trusses were obtained. It was subsequently not possible to adjust the trusses and the applicant has accepted that a genuine mistake was made and has come to terms with the appearance of the building.

4 PLANNING CONSIDERATIONS

- 4.1 The projection of the extension beyond the ridge line of the original dwellinghouse does not comply with the Council's Advice Note 3 on roof space extensions. Accordingly, had this design formed part of the original planning application it would have been recommended for refusal. The window amendments that have been undertaken are comparatively minor and I have no objection in terms of their design.
- 4.2 I am unable to support the breach of the existing ridge line. However, I do accept that a genuine mistake has been made by the applicant's joiner. To rectify this mistake would require the removal of the roof and the manufacture of new trusses. The roof extension is conspicuous from the main road but only when viewed from directly in front of the property or when approaching it from the south. When approaching from the south it is only visible for a distance of approximately 150 metres because of the road alignment and proximity of nearby buildings. In these circumstances I do not recommend that enforcement action be undertaken.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications.

6 CONCLUSION

- 6.1 To invite a fresh planning application to rectify the breach of consent would be inappropriate. Such a course of action may give the wrong indication to applicants who may feel that they can simply implement proposals as they see fit and ignore this Council's design policies. However, I do accept that a genuine mistake has been made and, given that the extension is only conspicuous from limited views, I would recommend that enforcement action not be taken. In these circumstances I do not consider that this course of action will prejudice the Council's future position or send the wrong message to applicants in general.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/IM/MR
25 November 1996

Alex Anderson
Director of Planning, Transport & Economic Development