

ITEM No. 8 (h)

Report No 587/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15 AUGUST 1996

SUBJECT: PLANNING APPEAL DECISION - LAMONDFALD ROAD, HILLSIDE,
MONTROSE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal by Angus District Council to grant planning consent for the erection of a house at Lamondfauld Road, Hillside.

1 RECOMMENDATION

It is recommended that the Committee note the successful outcome of the above appeal.

2 INTRODUCTION

- 2.1 With reference to Angus District Council minute 798(1)/95 the Planning and Development Committee at their meeting of 16 October 1995 refused consent of the erection of a house at a plot of land on Landfauld Road, Hillside, Montrose (01/95/1558).
- 2.2 The applicants Messrs Morrison and Pittendreigh appealed against the refusal and the Inquiry Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 In determining any planning application or appeal, regard should be had to relevant provisions of the development plan, and to other material considerations. In this case, there is no adopted local plan, and none of the parties have suggested that the proposal either accords or does not accord with any of the policies of the structure plan. Confusingly, the site lies within the area of two separate local plans, which were prepared in 1981 and 1991 respectively. Although neither of these has been adopted or is to be progressed further, I consider nevertheless that some weight should be accorded to their provisions.
- 3.2 On the basis of the written submissions and the site inspection, I therefore consider that the determining issues in this appeal are:
 - Whether the proposed development would accord with the provisions of the unadopted Montrose Local Plan and of the unadopted Rural Angus Local Plan; and

- Whether the proposed development would have an adverse impact on the amenity of neighbouring residents or create an over-intensification of residential development at this location.
- 3.3 On the proposals map of the Montrose Local Plan, the houses in the vicinity of the appeal site, along with the strip of agricultural land to the north, are clearly shown as being covered by Policy 13.4.18. The wording of the policy is ambiguous, and could be interpreted as indicating simply that there is to be no development within the strip of agricultural land. On the other hand the text of the local plan suggests that it seeks to maintain the loose-knit character of the area.
- 3.4 The proposed house would not in itself threaten the separation of Hillside from the houses on Dubton Road. However, the site was formerly part of the agricultural land and, given the relatively narrow frontage of the plot onto Lamondfauld Road, I consider that the proposed development would create a sense of encroachment as the building would stand close to the boundary. I accept that the plot is physically large enough to accommodate a house. However I consider that it would give the appearance of being squeezed in between the existing houses and the agricultural land and, therefore, it would not respect or maintain the loose-knit character of the area. Accordingly I find that the proposed development would be contrary to the intentions of Policy 13.4.18 of the Montrose Local Plan.
- 3.5 I turn now to policy H1 of the Rural Angus Local Plan. I do not consider that the appeal proposal represents an infill development or a gap site. However, in that it would result in a fourth house on a plot which could be regarded as consolidating the existing group of houses, I accept that the proposal would broadly accord with the second criteria of the policy.
- 3.6 However, this is a semi-rural location, and I consider that the development of this narrow plot would lead to an over-intensification of development. It would have an adverse impact on the outlook from both the former farmhouse and the modern house immediately to its north, and would create a density of development normally associated with more urban locations.
- 3.7 I therefore conclude that, although it would broadly accord with Policy H1 of the unadopted Rural Angus Local Plan, the proposed development would be contrary to Policy 13.4.18 of the unadopted Montrose Local Plan; it would have an adverse impact on the amenity of neighbouring residents; and it would create an over-intensification of residential development at this semi-rural location.
- 3.8 I have considered the other matters raised in the written submissions but they do not lead me to alter my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to grant outline planning permission.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Director of Law and Administration and Director of Finance have been consulted in the preparation of this report

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/JJ/MR
6 August 1996

Alex Anderson
Director of Planning, Transport & Economic Development

