

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15 AUGUST 1996

SUBJECT: PLANNING APPEAL DECISION
HATTON MILL, KINNELL, FRIOCKHEIM

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 an appeal against the refusal by Angus District Council to grant consent for the erection of a house at Hatton Mill, Kinnell

1 RECOMMENDATION

It is recommended that the Committee notes the findings of the Secretary of State's Reporter.

2 INTRODUCTION

2.1 With reference to Angus District Council minute 60(1)/96 the Planning and Development Committee at their meeting of 22 January 1996 refused detailed consent for the erection of a house at Hatton Mill, Kinnell, by Friockheim (01/95/1740).

2.2 The applicant, Mr P Arnott, appealed against the refusal and the Inquiry Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

3.1 No development plan policies have been referred to in the written submissions. The Rural Angus Local Plan, although published in 1989, is still only in draft and refers to the council's Advice Note 5. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposal would be in accordance with national planning advice on the siting and design of houses in the countryside; and whether the proposed design would be consistent with the Council's published design advice.

3.2 I consider that the siting and general form of the proposed development would meet the advice of PAN36. The house would be built in essentially the same position as the former house, in accordance with the advice of PAN36, and would be smaller than the building which it would replace. It would be two storey, with a gable facing south, and the wall would be finished mainly with wet harl which PAN36 suggests as a suitable alternative to stone in Angus. I can find no reference to balconies or patio doors in PAN36, and the Planning Advice Note acknowledges the usefulness and potential design contribution of porches. PAN36 notes that windows are traditionally quite small, with a vertical emphasis, and recommends that large horizontal windows be avoided on elevations facing roads or footpaths. However, the PAN recognises

- 3 No development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with any measures for their protection in the course of development.
- 4 All planning, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation.

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/SP

Alex Anderson
Director of Planning, Transport & Economic Development

that the opportunities of taking advantage of good views work against the reintroduction of small, narrow windows, and recommends the use of mullions or other techniques to give a vertical emphasis to windows. In the appeal case the window in the north elevation is to be divided into three vertical panes by timber glazing bars, which would reduce the horizontal emphasis of the opening. On balance, I find that the appeal proposal would comply with the general guidance of PAN36.

- 3.3 PAN36 encourages planning authorities to produce their own design advice, to illustrate examples of good and bad practice, and the Council's Advice Note 5 contains useful advice for potential developers in Angus. I would agree that the window in the north elevation, the open porch, the balcony and the patio doors are strictly contrary to the detailed advice within Advice Note 5, but the design advice is prefaced by the following statements:-

"The extent to which the council will expect the following advice to be heeded will vary according to the prominence of the location and the extent to which the elevations are viewed by the public.

Accordingly there will be a more flexible approach to imposing the advice on sites remote from public view or where well screened by the land form or natural screening".

- 3.4 Views of the appeal site from the access road are restricted by the topography, and the presence of existing trees and the coach house building close to the road frontage. The access road itself is unmetalled and little used by vehicles, albeit that the council states it is popular with walkers. I therefore consider that the architectural features in dispute would not be prominent from any public vantage point, and that the detailed advice in the council's advice note should be applied flexibly in these circumstances. In essence, I conclude that the proposed development complies with the terms of national design advice in PAN36, and that it is acceptable within the element of flexibility recognised in the council's Advice Note 5.

- 3.5 I have taken account of all the other matters raised, but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain the appeal, and grant planning permission for the application dated 2 November 1995, subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Before the development starts, full details and/or samples of the facing materials to be used on the walls and roof of the dwelling house hereby permitted shall be submitted to and approved by the planning authority and shall comprise wet dash render, natural stone and natural slate.

