

ITEM No. 4 (a)

Report No 720/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 SEPTEMBER 1996

SUBJECT: PLANNING APPEAL DECISION
LISDEN HOUSE, BRECHIN ROAD, KIRRIEMUIR

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 consent for an extension to Lisdén Nursing Home, Kirriemuir.

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 66/96 the Planning and Development Committee at their meeting of 22 January 1996 refused Planning and Listed Building Consent for the erection of an extension at Lisdén Nursing Home, Brechin Road, Kirriemuir (application Nos. 01/95/1681 and 02/95/1062).
- 2.2 The applicants, Mr. and Mrs. T. Banks, appealed against the refusals and the Inquiry Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 No development plan policies have been drawn to my attention in connection with this appeal. Section 54(3) of the Town and Country Planning (Scotland) Act 1972 requires that in considering whether to grant Planning Permission for a development which affects a listed building or its setting, and Listed Building Consent for any works, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in these appeals are whether the proposed extension would have an adverse effect on the character or setting of the listed building; and whether the proposal would be detrimental to residential or visual amenity.

- 3.2 It is evident that the listed building and its setting have already been substantially altered by recent developments, and that the setting of Lisdén House will be further affected by the approved sheltered housing development to the north west. The proposed extension is skilfully designed, utilising matching materials and varied rooflines. However, I consider that the scale and bulk of the proposed development, in combination with the existing extension, would detract from the integrity of the original villa, which would be visually overwhelmed by the accumulation of extensions to the east. In particular, the south elevation of the listed building, one of its principal facades, would be unbalanced by the extent of the new building which would project close to boundary of the site. In this context, I would regard the loss of a number of the boundary trees to be regrettable. These trees make an important contribution to the landscaped setting of the listed building, and provide a screen along the boundary with the neighbouring property to the east. If the extension was built in this position, I doubt whether the tree screen could be reinstated, for the reasons given.
- 3.3 I do not consider that the residential amenity of the houses in Lisdén Gardens would be adversely affected to a significant degree by the proposed development, which would be a considerable distance away, and would be largely screened from this direction by existing vegetation. However, I find that the extension would have a pronounced impact on the outlook from the bungalow to the north which, although at a higher level, would directly overlook the new two storey building from a short range. Consequently, I conclude that the appeal proposal would be detrimental to the residential amenity of that property.
- 3.4 In summary, I consider that the proposed extension would materially detract from the character and visual attractiveness of the listed building and its setting, and that the proposed development would be detrimental to residential amenity. I have taken account of all the other matters raised, including the appellants' desire to maintain and improve the quality of facilities at the nursing home, but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss the appeals, and refuse to grant Planning Permission and Listed Building Consent for the applications dated 16 October 1995.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, 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/KW
28 August 1996

Alex Anderson
Director of Planning, Transport & Economic Development

