

**ANGUS COUNCIL****DEVELOPMENT CONTROL COMMITTEE****17 JULY 1997****SUBJECT: BLACKFRIARS STREET/WESTERN ROAD, 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 of Angus Council to grant consent for a housing development at Blackfriars Street/Western Road, Montrose.

**1 RECOMMENDATION**

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

**2 INTRODUCTION**

- 2.1 The Development Control Committee at the meeting on 13 March 1997 refused planning permission for the erection of nine dwellinghouses and parking on land at Blackfriars Street/Western Road, Montrose (01/96/1776).
- 2.2 The applicant, Webster Homes Ltd., appealed against the refusal and the Reporter's conclusion and decision are presented below.

**3 REPORTER'S DECISION**

- 3.1 Section 18A of the Act requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. No statutory development plan policies have been drawn to my attention. On the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposals will produce a satisfactory design solution in terms of the townscape character of the area and the residential environment within the development, and if not, whether there are any overriding considerations which would justify a grant of planning permission.
- 3.2 The Council has failed to provide guidance in a local context in the form of a statutory development plan. The District Wide Development Plan, described as "ongoing" is not specifically quoted and its status is uncertain. The Council relies upon national policy guidance, and its Advice Note 14 which is directed towards the development of single plots, although the Council considers that its spirit is material to your appeal. The "hypothetical design brief" does not exist as an instrument of Council policy.

- 3.3 NPPG3, which sets out the government's objectives for the provision of new housing, in paragraph 17 requires planning authorities "to provide for a good quality residential environment in terms of the scale, density, layout, landscaping and facilities required". The objectives for the development of the appeal site, as enunciated by the Council, also have value. I particularly agree with the Council with regard to the desirability of strengthening the design of the corner of Blackfriars Street and Western Road. This could be accomplished by linking block 1 and block 3, a device which has been utilised in the residential development to the east. The overall urban design form would also be improved, in my opinion, by the narrowing of the gap between the southern gable of block 3 and the northern gable of no. 7 Western Road.
- 3.4 The Council has not drawn any attention to any specific standards on privacy and overlooking and appears to rely upon garden area as set out in its Advice Note 14. The overlooking of neighbours' garden areas is almost inevitable in developments of the type proposed and indeed in the surrounding residential area, but the amount of overlooking afforded by the proposed layout appears to be excessive. I am also concerned in this case, about the potential for the invasion of the privacy of residents within their homes, which the design of the building layout would allow. Particularly, the distances of about 9.8 metres between the opposing windows of habitable rooms in the southern house in block 3 and the northern house in block 2, appears to me to be inadequate, especially in the circumstances of new development in a suburban situation. These factors lead me to conclude that your proposal represents over-development of the site. I do not consider that the criticisms which I have made are inimical to the housing market sector for which you aim to provide.
- 3.5 With regard to the loss of the existing stone built office building, which presently occupies part of the site, I agree with you that, because of the depth of the plan, the building is unsuitable for refurbishment as housing. It could serve some other purpose, including its authorised use. Although of some architectural interest, it enjoys no protection either as a result of listing or lying within a conservation area, and I do not consider it appropriate to suggest that it be retained.
- 3.6 Drawing these conclusions together, and having regard to all of the matters covered in the written submission and observed at the site inspection, I conclude, on balance, that your proposal is out of character with the surrounding area in terms of massing and layout, and that in relation to privacy it would result in a sub-standard residential environment. I have been made aware of no considerations which would lead me to alter my decision. Accordingly, in exercise of the powers delegated to me, I hereby dismiss your appeal.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications.

**5 CONSULTATION**

- 5.1 The Chief Executive, Director of Law & 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/IAL  
19 July 1997

Alex Anderson  
Director of Planning, Transport & Economic Development

