

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

PLANNING APPLICATION – PLOT 11, PEEBLES, LETHAM GRANGE, ARBROATH

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report deals with planning application No. 01/00730/OUT for the subdivision of Plot 11 and erection of two dwellings for A. & G. Properties at Plot 11, Peebles, Letham Grange, Arbroath. This application is recommended for approval.

1 INTRODUCTION

- 1.1 This outline application proposes the subdivision of Plot 11, Peebles into two plots and the erection of two dwellings. An indicative layout plan shows the siting of two bungalows, 1 x 4 bedroom and 1 x 3 bedroom, each with an integral double garage. The site is elevated and roughly upturned bowl shaped with a difference in ground levels of 7.2 metres from road level (i.e. where the existing road turning head meets the mutual driveway serving the site) to the top of the hill. The submitted plan shows a reduction in height of the top of the hill and re-grading of the ground levels resulting in an overall reduction by two metres. The indicative finished floor levels of the two dwellings is 0.3 metres above the re-graded ground level.
- 1.2 A mutual driveway situated between Plots 9 and 12a serves the two dwellings via an existing turning head. Plot 11 covers an area of approximately 2800 square metres. The subdivision proposes two plots measuring 1144 square metres (Plot 11) and 1366 square metres (Plot 11A), in addition to the mutual access drive.

2 APPLICANT'S CASE

- 2.1 The agent submitted supporting information which includes the following. The proposal is to split Plot 11 which measures some 2800 square metres into two plots. A precedent was set some time ago by Scottish Office decisions which upheld an appeal to subdivide Plots 12 and 13 adjacent to the site. The orientation of houses on the proposed plots would be to the north-west towards the golf course and fairways. The proposed houses will have their principal windows and outlook over the golf course to the north. There is no risk to the site due to golf play towards the greens, Plots 12a and 12b being at more risk. We have suggested screen planting to the south/east boundary which will help maintain privacy in this direction.
- 2.2 The agent writes that the site is generally mounded on top and sweeping off to all sides. The excavation is necessary to provide a level area for house building whether one or two houses are proposed. The excavated material is sustainable being of an "as dug" nature and will be used to upfill for house foundations, access roads at this site and our client's other plots nearby behind Plots 5 and 7. The indicative house type shown is a bungalow but there is no reason why attic rooms could not be introduced. We believe the layout does not compromise the amenity and privacy of adjoining houses, the nearest point being 26 metres apart. The Scottish Office upheld the subdivision of plots in this area in recent years and the size of the plots

shown are larger than the appeal subjects. With regard to the access road, this is currently part made up and obviously suitable for one house since the site already has a consent. Once at the site the levels ease off and we have split the levels at the garages to assist with access.

3 CONSULTATIONS

3.1 No adverse comments have been received from statutory consultees.

4 LETTERS OF REPRESENTATION

4.1 Fifteen letters have been received and are copied at the end of this report. In summary, the objections concern:-

- over development;
- subdivision detracts from the character of the estate and is against the original planning concept which was for larger houses on larger plots:
- prominent site;
- impact on landscape by earthworks;
- development will set a precedent and make it difficult to refuse further applications;
- difficult construction of foundations and access;
- loss of privacy;
- increased traffic;
- possible impact on stability of adjacent house foundations; embankment and bridge foundation;
- proposed driveway to Plot 11A will be too close to adjacent property;
- private driveway is unsuitable to serve two dwellings and has no passing places;
- houses would be unacceptably close to an impact on the amenity of adjoining houses;
- public road from Cottons Corner to Peebles is a dangerous, single track with passing places;
- disruption to golfers;
- the proposed houses would be very close to the 16th and 17th greens. This will be the only location on the golf course where golfers will be playing directly towards habitable properties and is undesirable;

- incapacity of existing sewerage treatment plant.

4.2 The above issues are addressed in Section 5 below.

5 PLANNING CONSIDERATIONS

5.1 The determining issues to be considered are whether the proposal:-

- is consistent with Structure Plan and Local Plan policy;
- would have a detrimental impact on the character and amenity of the area;
- would be detrimental to highway safety.

5.2 The proposal lies outwith the scope of the Tayside Structure Plan.

5.3 Policy H5 : Small Housing Sites of the Angus Local Plan is of relevance and states:-

“Development proposals for residential development on small infill, backland or redevelopment sites will be assessed on their individual merits taking into account:-

- (a) compatibility with surrounding land uses;
- (b) provision of a satisfactory residential amenity;
- (c) plot size should be compatible with those in the general area with a minimum plot size of 400m²;
- (d) provision of at least 100m² private garden ground;
- (e) provision of satisfactory and safe access and parking arrangements;
- (f) maintain residential amenity and privacy of adjoining housing;
- (g) development designed to respect the scale, form and use of materials of adjacent housing;
- (h) provision of acceptable means of foul effluent and surface water disposal.”

5.4 The principle of residential development on the site has previously been established with the previous granting of planning permission (01/91/0799 for 12 plots at Peebles). The issues surrounding the subdivision of the plot together with the indicative siting of the two houses ought to be considered. In this regard it is important to refer to other similar appeals at Letham Grange for subdivision of plots.

- Planning application 01/98/0276 related to Plots 5 and 7 at Peebles and proposed the redefinition of the two plots to create three. The appeal against refusal was dismissed. The plots sizes were:-

Plot 5 A – 1353 square metres;
Plot 5B – 918 square metres;
Plot 7 – 812 square metres.

- Planning application 01/98/0275 related to Plots 12 and 13 at Peebles. The appeal was allowed. The plots sizes were:-

Plot 12A – 1431 square metres;
Plot 12B – 1316 square metres;
Plot 13 – 1519 square metres.

- 5.5 In considering both appeals the Reporter noted that the Peebles area has been and is being developed with relatively large houses on relatively large plots and this has given and will give its particular character. On dismissing the appeal on application 01/98/0276 the Reporter stated:-

“.....There is no dispute that it would be physically possible to build reasonably sized houses on the three plots proposed, but there would be a corresponding reduction in the size of gardens and in the amount of space around the houses, leading to a general impression of a loss of openness as compared with the position elsewhere in the Peebles area. In particular the width of Plot 7 would be reduced by three metres, and Plot 5B would become the smallest in the area; people living in a house on that plot would suffer from the privacy and amenity problems caused by having a house on Plot 5A (which would be unlikely to have its rear facing Plot 5B), with vehicles and pedestrians taking access to Plot 5A alongside Plot 5B. A house on Plot 5B would represent a form of backland development which it is frequently difficult to make environmentally satisfactory.....”

- 5.6 On allowing the appeal for application 01/98/0275, the Reporter stated:-

“..... Plots 12 and 13 are of a generous size, depth and width. In my view the erection of a house on the northern part of Plots 13 has helped to show it is possible to locate three rather than two reasonably sized houses on the land comprising Plots 12 and 13 without them appearing uncharacteristically cramped and without the general impression of openness being sacrificed. Of course much will depend on the size of houses constructed on the remaining land, but the plots are deep and I do not believe that the character and environmental quality of the Peebles area would suffer from having three houses rather than two between Plots 9 and 14 on the west side of the road.....”

- 5.7 Two main differences between the two appeals are:-

- Plots 12A, 12B and 13 all have road frontages, whereas Plot 5A did not and was referred to by the Reporter as an acceptable form of backland development.
- The plots sizes of Plots 12A, 12B and 13 ranged from 1316 square metres to 1519 square metres, this significantly exceeds the sizes of Plots 5B and 7 which were 981 square metres and 812 square metres respectively.

- 5.8 On comparing the current proposal to the above appeal decisions it is important to draw attention to the following:-

- The approved plot position for Plot 11 already forms a form of backland position having its access off the existing turning head and running between Plots 9 and 12. Plot 11 adjoins the boundaries of Plots 10, 9 and 12.
- The proposed plot sizes of Plots 11 and 11A are 1144 square metres and 1366 square metres respectively. These site areas are more comparable with Plots 12A, 12B and 13 which were allowed on appeal than with Plots 5B and 7 which were dismissed on appeal.

- 5.9 In respect of the principle of subdivision of Plot 11 I would raise no objections given that the site areas are similar to those previously allowed on appeal the decision having established a clear precedent. It is important however to consider the topography of the site and the relationship of the proposed dwellings and the existing.
- 5.10 With regard to the topography of the site, the impact of the previously approved development for one house ought to be compared with the proposal for the erection of two dwellings on the site. The erection of one dwelling on the plot, if centrally located would have been sited on top of the hill in a very prominent position. This current proposal involves the reduction in height of the top of the hill and the erection of two houses at a lower level. In respect of the prominence of the development, it is debatable whether the erection of two dwellings would be any more visually prominent given the earthworks and positions of the two dwellings than the erection of the one house granted outline permission.
- 5.11 In respect of the distances between the proposed (indicative) positions of the two dwellings and the adjacent dwellings, the distances are as follows:-
- proposed house on Plot 11 to No. 10 Peebles – 21 metres;
 - proposed house on Plot 11 to No. 12A Peebles – 35 metres;
 - proposed house on Plot 11A to No. 10 Peebles – 25 metres.
- The above distances are generally considered acceptable and exceed the minimum requirements outlined in the Council's Advice Note 14 : Single Plot Residential Development. With the distances involved, it would be difficult to argue that "the openness" mentioned in the appeal Reporter's statement would be jeopardised.
- 5.12 Given the above I would conclude that the proposed erection of two dwellings is unlikely to have an increased impact on residential amenity and the visual amenity of the area than the impact of one dwelling. On comparing with the previous appeal decisions the plot sizes are comparable with the allowed appeal. I do not consider that traffic for two dwellings would have a significant impact on adjacent dwellings by the use of the proposed mutual driveway than one dwelling.
- 5.13 In respect of neighbour concerns regarding problems with the existing sewage works, I understand that the existing sewage system was designed for 140 dwellings and a planning commitment to that number has been made. The approved developments to date, together with the proposed additional plot, fall within this number.
- 5.14 I do not consider that this development would set a precedent for future approvals as each case would be considered on its own merits. However, the above-mentioned appeal decisions would have to be used as a guide.
- 5.15 Given the distances between the dwellings I do not consider privacy to be an issue. They are all well within the Council's required standards.
- 5.16 With regard to neighbour concerns regarding increased traffic and disruption to golfers I do not consider this to be an issue and no objection has been raised by the Director of Roads.

- 5.17 With regard to the neighbour concerns regarding the possible impact on the stability of the adjacent house foundations and the foundations of the embankment and bridge it would be the developer's responsibility to ensure that no damage occurs during construction works or that the development does not cause any threat to adjacent structures. It is not a planning matter to ensure such occurrences do not happen but should it do so, affected proprietors would have recourse to the law.
- 5.18 In respect of the close proximity of the dwellings to the golf course, in particular the 17th and 18th greens, I do not consider the risk to be any greater than for a single dwelling or for other houses nearby that already have the benefit of planning consent.
- 5.19 In my view the proposed development complies with Policy H5 of the Angus Local Plan, is within the plot numbers agreed for Letham Grange, is very similar to a sustained previous appeal decision, leaving no justifiable grounds for refusal, and is considered acceptable.

6 HUMAN RIGHTS IMPLICATIONS

- 6.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any actual or alleged infringement of neighbours' rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from grant of this application is in accordance with the Council's legal duties under the Planning Acts to determine planning applications such as the present one and the grant of planning permission is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the applicant's freedom to carry out reasonable development and/or activities over his property as supported by the Development Plan, and other material considerations which, as referred to in the report, are supportive of the proposed development. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

7 RECOMMENDATION

- 7.1 It is recommended that the application be approved with conditions.
1. That the crossing(s) over the footpath and/or verge be constructed in accordance with the standards required by the Director of Roads to the satisfaction of the planning authority.
 2. That provision be made within the site for the parking of two private cars per dwelling.
 3. That a vehicular turning space be provided within the site to allow vehicles to enter and leave the site in a forward gear.

4. That the rainwater run-off from the dwellings be directed to a soakaway system to the satisfaction of the building control authority.

Reasons:

1. In the interests of road traffic and/or pedestrian safety.
2. In order that adequate parking provision is made in the interests of road safety and convenience.
3. In the interests of road traffic and/or pedestrian safety.
4. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.

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/JF/IAL
10 October 2001

Alex Anderson
Director of Planning and Transport