

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**12 JANUARY 2015**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 14/01218/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Alterations and extension to dwellinghouse
<b>SITE:</b>	27 Glen Road, Peebles
<b>APPLICANT:</b>	Mr & Mrs McDonald
<b>AGENT:</b>	Venn Architectural Services Ltd

**SITE DESCRIPTION**

The property is a semi-detached dwellinghouse in Glen Road, Peebles. It has already seen significant alteration and extension including a single storey side extension, wrap around front porch, rear conservatory and areas of decking and other fencing/hardstanding areas. It lies relatively isolated in Glen Road along with its semi-detached neighbour, although is set close to and high above Nos. 1-4 Glensax Avenue which lie below the house to the north-east. The upper floor windows of the Glensax Avenue houses are below the ground floor windows of the application site, indicating the drop in levels between the houses.

**PROPOSED DEVELOPMENT**

Full planning permission is sought for alterations and extensions to the existing house, broadly comprising two main elements: a first floor side extension and a single storey garden room extension to the rear. Alterations to the existing extension to the front of the property are also proposed. The proposals have been revised from an earlier scheme which was refused under delegated powers. The new proposals are to square off the hipped ends of the ground floor extension, place an upper floor full depth extension on top of the single storey extension and replace the rear conservatory with a single storey larger extension. The upper floor extension will be full depth and the ridgeline of the existing house will continue at the same height. A double window will be placed to the front, a single window to the rear and patio doors on the gable towards the roadside edge. It will be finished with render, tiles and window/door materials to match existing. The upper floor extension will accommodate a lounge area.

To the rear, the small conservatory will be removed and replaced with a single storey extension measuring 4m by 3.68m. This will be located within 1m off the boundary with No. 25 Glen Road and 3m off the boundary with the houses in Glensax Avenue. The walls will be rendered and there will be a hipped roof in matching tiles. The walls facing No. 25 and Glensax Avenue will be blank and there will be two rooflights. Patio doors will face south-east.

## **PLANNING HISTORY**

An earlier application seeking permission for extensions (reference 14/00879/FUL) was refused under delegated powers in September 2014 for the following reason:

*The application has failed to demonstrate compliance with Local Plan Policies G1, H2 and the terms of the "Privacy and Sunlight" Supplementary Planning Guidance in that the proposals represent overdevelopment of the site to the detriment of the amenity and privacy of surrounding residential properties and would also result in a design out of character with the property and surrounding area.*

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

None

### **Statutory Consultees**

None

### **Other Consultees**

None

## **REPRESENTATION SUMMARY**

There have been objections received to the proposals from five different households for the following reasons:

- concern over noise and disturbance from potential dog walking/boarding business or bed and breakfast establishment
- overdevelopment
- loss of privacy
- over dominance and proximity
- reduction in daylight
- exacerbation of existing privacy problems
- reduction in property value

## **DEVELOPMENT PLAN POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development  
Policy H2 Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS:**

"Privacy and Sunlight" SPG

## **KEY PLANNING ISSUES:**

The main determining issues with the revised application are whether it demonstrates compliance with Local Plan Policies G1, H2 and the terms of the "Privacy and Sunlight" Supplementary Planning Guidance in how the proposals could affect the

amenity and privacy of surrounding residential properties and whether the design would be in keeping with the character of the property and surrounding area.

## **ASSESSMENT OF APPLICATION:**

### **Planning policy**

Local Plan Policies G1 and H2 allow extensions to dwellinghouses that would conform to the character of the property and that would have no significant adverse effect on the amenity of surrounding residential property. These elements will be considered below and it will be concluded that the revised proposals have satisfactorily addressed them and allow the application to be considered in compliance with the relevant Local Plan Policies and supplementary guidance.

### **Residential Amenity**

In order to fully assess the current revised application and its impacts on residential amenity, it is firstly important to consider the problems exhibited by the previous application for a larger scheme.

The previous application had failed to demonstrate compliance with the "Privacy and Sunlight" SPG and four residents had lodged objections principally to the potential impacts of the proposals on their amenity, daylight, privacy among other matters. Officers concurred with a number of these concerns in reaching a decision to refuse the application. There were several matters in this regard that, when taken together, meant that the proposals were not in compliance and that the scheme could not be supported for those reasons.

Firstly, the rear extension was very close to the objector at No. 25 Glen Road (within 300mm) and projected five metres from the rear face of that house, leading to the neighbouring resident previously describing it like being "walled in". There was no attempt to assess the impact on the 45 degree angles required by the SPG from that property's nearest habitable room window and it was estimated that the horizontal angle was significantly breached and the vertical angle was very close to being breached. Whilst this only measured impact on daylight, the oppressive nature of the wall, due to its proximity, length and 4m height of extension to ridge, would have led to a claustrophobic and oppressive impact on No. 25.

Similarly, due to the drop in ground levels and position of the houses and their windows at Nos. 1-4 Glensax Avenue, the length and breadth of the previous extension, combined with dropping levels and increased height of the structure, resulted in a greater impact on those houses than would normally be the case on a flat site. 25 degree daylighting angles had not been provided from the affected houses lower windows and, although it may be that the existing house ridges already broke that line, it was felt that the dominance and proximity of the extension to those houses affected their residential amenity to an unacceptable degree. Due to the creation of over 35 square metres of floorspace in a very constrained rear garden area, there was also an overwhelming feeling of overdevelopment which would exacerbate the problems of overdominance and oppressive impact on amenity.

Furthermore, whilst the extension was blank towards No. 25, two long high level windows were previously proposed towards 1-4 Glensax Avenue. At eye level, it would still have been possible to look out of the windows from the living area intended and, although slightly further from those houses than the current decking,

would still have introduced a greater privacy intrusion due to the more frequent occupation of a habitable room rather than outdoor decking.

After further discussion with the agent following the refusal of the initial scheme, the rear extension has been significantly changed through a reduction in its size, from 36.2 down to 14.75 square metres. The 300mm separation from the boundary with No. 25 has now become 1000mm and the projection out from the rear wall has dropped from 5m to 4m. It also results in a 3m space to the boundary with the houses in Glensax Avenue and the width of the extension is greatly reduced, from 7.2m to 3.7m. The high level windows have also been removed leaving blank walls facing No. 25 and the houses in Glensax Avenue below. The reduced submission has been backed by daylighting angles and sunpath analysis, demonstrating only limited impacts on No. 25 in the mornings and only impact on the horizontal and not vertical daylighting angles.

Taking into account the significant reductions and additional information submitted, it is no longer considered that the rear extension represents overdevelopment nor that it will have significant impacts on the surrounding neighbouring properties. Although it is noted that the neighbours continue to object to the reduced proposals, the submissions demonstrate a satisfactory response to the previous issues to enable the rear extension to be considered in compliance with the relevant Local Plan Policies and supplementary guidance.

The 45 degree daylighting angles are drawn from incorrect positions on the nearest affected window of No. 25 but, even if they were from the correct positions, the vertical angle would be comfortably cleared and the horizontal angle would be breached to a much lesser degree than with the previous design. Both angles would need to be breached for the scheme not to be considered acceptable under the daylighting advice within the SPG. Similarly, the existing house ridges of Nos. 25 and 27 already breach the 25 degree angle from the houses in Glensax Avenue and the reduced extension will have little additional effect and certainly insufficient to justify refusal of the revised scheme on those grounds.

In terms of overdevelopment, the floor area reduction and increased space to boundaries has eased such concerns. Whilst the extension now proposed would normally qualify as permitted development, it is simply because of the amount of rear garden space currently given over to hard surfacing that the new extension still requires planning permission. Whilst any further additions in the rear garden will, therefore, require planning permission, the insertion of additional windows in the proposed extension would not and it will, therefore, be necessary to remove permitted development rights to control this issue, given the improvements in overlooking demonstrated by the current proposal.

There remain objections raised to the addition of the upper floor extension onto the current side single storey extension in relation to daylighting and privacy intrusion. This is a more difficult objection to concur with, given the extension follows the same rear elevation plane of the house and, whilst adding an additional window to the rear, will be no nearer the houses below than is currently the case. Similarly, any increased impact on the daylight resulting from the upper floor extension will be minimal given that the existing semi-detached housing block currently causes some impact, as do trees across Glen Road behind the house. On the previous application, it was considered that, in daylighting terms (and even though there had been no demonstration of the 25 degree angle in relation to the SPG), the overall impact would be minimal and was not sufficient to justify refusal of the application for that reason. The semi-detached block is relatively isolated and the upper floor extension

does not infill a gap in the sky that may have otherwise existed if it had been a long terraced row of houses. Even though the ridge of the revised extension has increased to meet the current house ridgeline, it not considered that the houses at 1-4 Glensax Avenue depend on this gap for the receipt of daylight and that impacts will be minimal.

Window to window overlooking is increased slightly by the introduction of the rear window but as this is on the same rear plane of the house as other windows, it would not be possible to justify refusal on the basis that the increased overlooking would be significant - especially as the window is an apparently incidental window to the proposed lounge. However, it was felt that on the previous application, the large French Doors, fanlights and Juliet balcony proposed on the new gable were purposefully designed to be looked out of from the upper floor lounge providing a direct view down onto the upper parts of gardens owned by Nos 3 and 4 Glensax Avenue and within very close proximity, thus contravening the SPG. This was a contributory reason to the refusal of the previous scheme.

The revised application has lessened the direct impacts of this overlooking by both reducing the width of the opening through removal of side fanlights but also by repositioning the patio doors towards the roadside corner. Whilst it would still be possible to stand at the doors and overlook the upper gardens of Nos. 3 and 4 Glensax Avenue, this would be at more of an acute angle and of much less frequency given the proximity to the corner and the space for positioning of seating within the room. The whole angle of view has been changed as a result of the door repositioning. The revised plans have resolved this area of concern although the same condition will still apply on removal of permitted development rights to avoid additional windows being installed in the future.

In conclusion, the revisions have satisfactorily addressed the issues over impacts on residential amenity that led to the refusal of the previous scheme and Local Plan Policies G1 and H2 are now considered to be complied with.

## **Design**

Local Plan Policies G1 and H2 require enlargements to a dwellinghouse to be consistent with the character of the house and sympathetic to the visual amenity of the area. There were no concerns over the aesthetic approach of the design in relation to the previous scheme, although the ridgeline of the upper floor extension appeared to have been held lower artificially in an attempt to either limit daylight impact or create a feeling of subservience to the main house. However, the minimal flat-topped roof design was in keeping with the main house and it was felt that the extension should simply follow the current roof ridgelines. This would be better for the character of the house and the overall architectural character of the area.

The revised application has now made this amendment. As the roof and wall materials are noted to match the existing house, it is considered that the design of the rear and side extensions will be sympathetic to the design of the house and the amenity of the area. An additional condition would be recommended, however, to ensure that window and door colours are chosen to match with those existing.

## **Use of property**

There has been comment from objectors regarding the potential use of the existing and enlarged property for a dog walking/boarding or bed and breakfast business. These are not valid reasons to oppose a planning application for house extensions

and they could only be investigated if separate enquiries were raised through the Enforcement Service. Operation of a certain amount of business activity can take place at a person's home without the need for planning permission, and the enlarged property could still legitimately offer one bedroom for bed and breakfast purposes without any change of use occurring.

## CONCLUSION

The revised application now demonstrates compliance with Local Plan Policies G1, H2 and the terms of the "Privacy and Sunlight" Supplementary Planning Guidance in that the proposals represent appropriate and sympathetic enlargement of the property without significant detriment to the amenity and privacy of surrounding residential properties and would also result in a design in keeping with the character of the property and surrounding area.

## RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The external materials to be used on the extension or alteration shall match in all respects those of the existing building, and no other materials shall be used unless the prior written consent of the Local planning Authority is given for any variation thereto.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other openings shall be made in the walls of the extensions hereby approved unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

## DRAWING NUMBERS

Location Plan

Site Layout 047/PL2

Elevations 047/PL3

Elevations 047/PL1

## Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

## Author(s)

Name	Designation
Craig Miller	Principal Planning Officer

