



Decision by Alison Kirkwood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2380
- Site address: Castleton Guest House, 3 - 4 Castleton Terrace, Braemar, AB35 5ZR
- Appeal by Mr Glenn Perkins against the decision by Aberdeenshire Council
- Application for planning permission APP/2019/0676 dated 26 March 2019 refused by notice dated 20 June 2019
- The development proposed: erection of dwellinghouse (for use as short-term holiday lets) and erection of boundary fence and gate
- Application drawings 2019-018_P03 and 2019-018_P01G
- Date of site visit by Reporter: 19 November 2019

Date of appeal decision: 27 November 2019

Decision

I allow the appeal and grant planning permission subject to the five conditions listed at the end of the decision notice. Attention is also drawn to the three advisory notes at the end of the notice.

Preliminary

The appellant has submitted a claim for expenses. I have issued a separate decision on this claim.

I note that the appellant has indicated that the stamped 'site plan and elevations' drawing was not the most up-to-date version. It is stated that an amended version, which removed a proposed internal boundary fence, was submitted and accepted by the council during the application process.

My remit in determining this appeal is to consider the application refused by the council. I have therefore based my determination on the stamped drawing (2019-018_P01G).

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.

2. The site lies within the Braemar conservation area. In accordance with section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, I must



therefore also pay special attention to the desirability of preserving or enhancing its character or appearance.

3. Having regard to the provisions of the development plan, the main issues in this appeal are the principle of development; access and parking; the impact on the conservation area; and residential amenity. The development plan in this case comprises the Cairngorms National Park Local Development Plan (LDP) 2015. Material considerations include the previous appeal decision from January 2019 (reference PPA-110-2366) and matters raised in representations.

4. The appellant and some other parties have mentioned the proposed Cairngorms LDP, which I am aware has now been submitted for examination. However, the council has not referred to the proposed LDP in its determination of the application or appeal statement. Whilst an emerging development plan can be a material consideration in the determination of an appeal, in this instance I have given negligible weight to it. The adopted 2015 LDP, against which the proposal must be assessed, contains provisions relating to all of the relevant matters in this appeal.

Principle of development

5. The appeal site lies within the Braemar settlement boundary and incorporates the former guest house at 3 – 4 Castleton Terrace, a bothy on School Road and a L-shaped garden. The site forms part of a row of traditional residential properties along Castleton Terrace with long narrow gardens, many of which include outbuildings. The site is bound to the north and south by narrow lanes running from School Road to Castleton Terrace.

6. The proposed single storey, one bedroom dwellinghouse (referred to as a pod by the appellant) would be used for short term holiday lets only. The existing bothy building on School Road, which was to be converted to holiday accommodation in the previous proposal, would remain in storage use.

7. The proposal would provide additional tourist accommodation in Braemar which, in principle, complies with LDP policy 2 part 2. Located in the heart of the village close to local facilities, the dwelling would enhance the range of tourist accommodation available in Braemar and has the potential to be used all year round.

8. I conclude that the proposal accords in principle with LDP policy 2. This policy also requires me to consider the environmental impact of the proposal on the site and neighbouring area. My findings on relevant environmental matters are set out in the sections below.

Access and parking

9. LDP policy 3 part 1 j) requires proposals to include an appropriate means of access and egress and space for off-street parking. The proposal includes two parking spaces and a turning area which would allow guests to drive forward in and out of the property via an access lane from School Road.

10. Local residents have indicated that guests may find it difficult to turn into the narrow access lane from School Road, which is in itself narrow and is used for on-street parking. Concerns have been expressed regarding potential damage to vehicles and the buildings on either side of the lane and guests choosing to park on the road instead which would add to the pressure for on-street parking spaces. Concerns have also been raised about potential collisions with pedestrians using the lane.

11. I note that the roads authority had no objection to the application and I attach weight to this. However, one of the reasons for refusal was that the proposed off-street parking could not be adequately accessed due to the narrowness of the access lane.

12. During my site inspection, I measured the width of the lane between the two buildings to be just less than 3.0 metres. I note that the access already serves 4 School Road and during my site inspection, the occupier of this property demonstrated that it was possible to drive into the lane, albeit taking a slow and careful approach. Whilst there is no formal turning area within the garden ground at 4 School Road, I observed that a flat paved area provided space to turn a vehicle to enable forward access and egress from this property.

13. I note that the occupiers of 4 School Road have indicated that, due to the narrow access, they tend to park on the street, if there is a space available. However, I also note the photographic evidence submitted by the appellant showing a large white van parked within the garden area at 4 School Road.

14. In the previous appeal, the reporter concluded that the proposed off-street parking could be adequately accessed but was concerned that there could be insufficient spaces for occupiers of both the converted bothy and the proposed dwelling. This would have forced visitors to park on School Road which would have a detrimental effect on existing street parking.

15. The proposal before me provides two parking spaces for the one bedroom dwelling. This means that, even in the unlikely event that visitors bring two cars, the turning area would be available to allow forward access and egress. I agree with the previous reporter that, whilst the access to the off-street parking area is narrow, it is adequate. Due to the geometry of the access, drivers would have to move slowly and I find that the risk of any conflict with pedestrians would therefore be negligible.

16. I conclude that the proposal includes an appropriate means of access and egress and space for off-street parking in accordance with LDP policy 3.

Impact on the conservation area

17. The proposal is for a single storey building measuring 9.6 metres by 3.6 metres with a ridge height of 4.5 metres. It would be of traditional vernacular proportions, clad in vertical timber with timber doors and windows and a red corrugated metal roof. The proposal would provide an area of private garden, including timber decking, to the south of the building and new timber fencing next to the garden and along the lane.

18. The dwelling would bisect the existing garden ground and be positioned parallel to the properties at 3 – 4 Castleton Terrace and the bothy on School Road. It would sit on the opposite side of the lane from a timber shed in the garden of 4 School Road.

19. LDP policy 9 part 2 requires development in a conservation area to enhance its character and to use design, materials, scale, layout and siting appropriate to the site and its setting. LDP policy 3 part 1 b) also refers to the need for development to be sympathetic to the traditional pattern and character of the area, local vernacular and local distinctiveness. The LDP Braemar settlement statement seeks to protect those parts of the village that are important to its character and setting and to ensure Braemar's built heritage is preserved and enhanced.

20. In the absence of a Braemar conservation area appraisal or management plan, I note that the LDP Braemar settlement statement includes a section on cultural heritage. This highlights the importance of protecting the Victorian character of the village. It also indicates that there is a tradition of backhouses which are ancillary to the primary dwelling and that it is important that this tradition is not lost or adversely affected.

21. The council's committee report dated 28 May 2019 provides information on the extent and use of backhouses and ancillary buildings at 1 Castleton Terrace / 2 School Road and 4 School Road. During my site inspection, I observed a single storey timber clad property bisecting the garden ground between 1 Castleton Terrace and 2 School Road and a green timber shed at 4 School Road, adjacent to the site of the proposed dwelling. I also note, from the historic map and aerial photograph submitted by the appellant, that a cottage and outbuilding were previously positioned within the existing garden ground at 3 - 4 Castleton Terrace.

22. I find that buildings of a subservient scale and design located to the rear of the properties along Castleton Terraces were characteristic of the historic urban pattern and that buildings and structures currently exist within the garden ground of neighbouring properties.

23. The appellant has referred me to Scottish Government's Planning Advice Note 72 which provides advice on the design of rural housing. I find that the development would have a vernacular style and, in terms of its scale, design and materials, would be similar to the new visitor accommodation located next to Braemar Mountain Sports on Invercauld Road. From my site inspection, I observed other examples of timber clad buildings and the use of grey and red corrugated roofing within the Braemar conservation area.

24. From my site inspection, I note that the proposed development would not be visible from the main A93 road or the village centre. The scale, design and location of the dwelling would reflect the tradition of backhouses and the resulting development would be subservient to the main properties at 3 - 4 Castleton Terrace. I do not consider that the proposal would represent over development, but would be compatible with the character of the surrounding area and complement other recent developments in the village.

25. I find that the development would be sympathetic to the traditional pattern of development in its immediate environment and have a neutral effect on the character of the conservation area as a whole. The siting, design, materials and scale are appropriate to

the site and its setting. I conclude that the proposal accords with the relevant parts of LDP policies 3 and 9.

Residential amenity

26. LDP policy 3 part 1 i) seeks to protect the amenity enjoyed by neighbours of a development site. Amenity concerns raised in representations include access to the site, which I have already addressed, overshadowing and privacy.

27. I note the results of the shadow impact study submitted by the appellant. This shows that there would be little or no overshadowing impact on the garden ground of neighbouring properties at any time of the year. I consider the overshadowing impact of the proposal to be acceptable.

28. In terms of privacy, the use of roof lights means that only the south elevation would have windows. There would be no impact in terms of window to window privacy for any neighbouring property. The timber decking and garden area would be adjacent to a blank elevation and stone wall at 8 School Road and as such there would be no privacy impact.

29. The removal of the existing conifers along the northern boundary would increase views into and from the site. However at my site inspection, I observed that the existing shed, fence and gate at 4 School Road and the fence at 2 Castleton Terrace would mitigate any potential privacy impacts caused by guests moving between the front door of the dwelling and the parking area.

30. I conclude that the proposal accords with LDP policy 3 part 1 i), as it would not have an unacceptable impact on the amenity enjoyed by neighbours.

Other matters

31. Subject to appropriate conditions, the proposal accords with LDP policy 10 in terms of water supplies and connection to sewerage.

32. I note that the adjacent properties at 6 and 7 Castleton Terrace, the observatory in front of 2 Castleton Terrace and St Margaret's Church are all listed buildings. I do not consider that the proposals would harm the setting of any of these buildings. I also find that there would be no impact on wildlife, including bats. Land ownership and rights of access across the lane are not material planning considerations and concerns regarding construction traffic relating to a single dwelling would not justify the refusal of planning permission.

33. I do not consider that the proposal would set a precedent for allowing holiday accommodation in back gardens. I have assessed the proposal before me on its individual merits in accordance with development plan and other relevant material considerations.

34. The council has requested that a condition be attached to restrict the use of the unit to holiday letting. I agree that this is necessary as permanent occupation of the dwelling may present different planning issues and such a condition would ensure that any change of use from holiday letting purposes would require planning permission. The reason for the

condition given by the council stated that a house for permanent occupation in this area would not comply with the LDP. I find no reason why the principle of residential development in this part of the village could not be supported. I have therefore amended the stated reason for this condition to reflect that the development assessed was a holiday let as proposed.

Conclusion

35. I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

Alison Kirkwood

Reporter

Conditions

1. The dwelling shall be used solely as temporary holiday letting accommodation and for no other purposes, including use as a permanent residential unit. The dwelling shall not be occupied as a person's sole or main residence and the owner of the holiday let shall maintain an up-to-date register of the name of each occupier of the holiday lets on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The development has been assessed as a holiday let, as proposed. Other uses of the dwelling including its use as a permanent residential unit could raise different planning considerations which would require to be separately assessed.

2. The dwelling shall not be occupied unless its turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the parking area to an adequate standard in the interests of road safety.

3. No works in connection with the development shall commence unless a sample/details of all the materials/roof/wall/windows/doors/rooflights and rainwater goods to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

4. The dwelling shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and surface

water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

5. The development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).