

02/01079/FUL  
11th June 2002

**Proposed new dwellinghouse on Ground To Rear Of West Acre  
Main Street Tomintoul Ballindalloch Banffshire for Mr And  
Mrs Ronald Smith**

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**Comments:**

- This application is being referred to Committee because the Local Member is on holiday.
- Advertised as a departure from the development plan.
- No objections/representations received.

**Procedure:**

None.

**Recommendation:      Refuse - For The Following Reason(s):-**

1. The proposals are contrary to Moray Structure Plan policies S/ENV1 Approach to the Environment, S/H3 New Housing in Built-up Areas, and S/IMP1 Development Siting, Layout and Design and Moray Local Plan 2000 policies L/IMP1 Development in Built-up Areas, L/H5 Sub-division for House Plots and L/IMP3 New Building Design.
2. The proposal is contrary to policy L/H5 because the existing West Acre plot will be subdivided by more than 50%, the kitchen window (south-east elevation) is within 4 m of the boundary it faces and the proposed built-up area of the site will exceed one-third of the site area.
3. The proposed house and garage would have an unduly cramped appearance, by reason of their scale and bulk and would have a limited usable garden area. As such the proposals would result in an over-development of the site which would be out of scale with neighbouring properties and detract from the character of the area as a whole.

**PLANNING APPLICATION: 02/01079/FUL**

***In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications***

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## **The Proposal**

- New dwellinghouse (including 'annex' with separate (self-contained) accommodation) and detached garage on ground to rear of West Acre.
- Public water and drainage proposed.
- Access taken off existing lane.
- Dwellinghouse would be single-storey providing four bedrooms, study, two kitchens, sitting room, lounge, various WC/bathroom facilities and integral garaging for two vehicles.
- Detached garage would be single-storey providing parking for one vehicle and two storerooms with loft space.
- External material finishes would be dry dash (Redland red chips on cement grey backing), timber linings under welsh slate roofs.

## **The Site**

- Extends to approximately 590 sqm.
- Located to the west of Main Street, on the eastern side of Cults Drive approximately 60m north of the former Tomintoul Secondary School buildings.
- Currently used for storage of building materials and includes part of garden of adjacent cottage also in applicant's ownership.

## **Policy / Objections-Representations / Consultations - See Appendix**

## **History**

None.

## **Advertisement**

Advertised as departure from the development plan.

## **Observations**

The main planning issues are :

### **Impact of Development on Built-up Area (S/ENV1, S/H3, L/H5, S/IMP1, L/IMP1 and L/IMP3)**

The proposal involves sub-division for a house plot. However, it fails policy L/H5 in that the existing plot will be sub-divided by more than 50% to provide the proposed plot and the kitchen window (south-east elevation) is within 4 m of the boundary it faces and with the existing low fence boundary it will overlook and result in a loss of privacy to the adjoining land. In addition, the built-up area of the site will exceed one-third of the site area.

In this regard, the proposed dwellinghouse would have an H-shaped floorplan measuring 23 metres in length and 17m in width. It would be positioned within one metre of the northern and southern site boundaries and extend across virtually the entire width of the site and much of its

length. The garage, measuring 8 m by 6m, would be positioned on the eastern boundary, which is shared with a cottage to the northeast. The proposed dwelling including the garage would have a total floor area of approximately 335sqm and cover over half of the site with a built form leaving limited remaining garden space for future occupiers. Its position in close proximity to three boundaries would also necessitate the removal of established hedge planting.

Given these factors, it is considered that the proposed house and garage would have an unduly cramped appearance, by reason of its scale and bulk and would be served by a limited usable garden area. As such the proposals would result in an over-development of the site that would be out of scale with neighbouring properties and would detract from the character of plot development within the area.

**Recommendation**

Refusal is recommended.

**Author/Contact Officer:** Richard Smith  
Planning Officer

**Ext:** 01343 563256

*Signature* ..... (*Joe Geoghegan, Development Control Manager*)

***R A STEWART***  
***DIRECTOR OF ENVIRONMENTAL SERVICES***

## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan and/or Moray Local Plan 2000**

##### **Policy S/ENV1: Approach to the Environment**

The approach to Environmental Policy is to conserve and enhance Moray's environmental assets, and require that new development is sensitive to siting, location, and design considerations, whether in town or country.

##### **Policy S/H3: New Housing in Built-up Areas**

New housing will generally be directed to the settlements. Housing fitted in to built-up areas must be acceptable in terms of impact on infrastructure, open space and community facilities, as well as its impact on the surrounding built environment.

New housing developments in built-up areas must take account of flood management issues (Policy S/ENV9), sustainable urban drainage systems and energy conservation principles.

In order to encourage new housing development in built-up areas, 'brownfield' development will not be constrained by Structure Plan allowances.

##### **Policy L/H5: Sub-Division for House Plots**

A new house should be a suitable distance away from the nearest building, to allow it to fit comfortably with the character of the area. Plots must not be subdivided by more than 50% and must provide for a site of, at minimum, 400 sq. m, excluding access. (In certain circumstances such as for example, a proposal to extend a terrace or where an existing house is to be subdivided internally, this may be relaxed). The built-up area of the application site should not exceed one third of the total area of the plot and, to avoid overlooking and to maintain privacy, main windows (i.e. kitchen, living room, bedroom) must be at least 4m from the boundary they face, unless that boundary fronts onto a road or public pavement or follows an established building line. The house style must complement both the character of the area, and the scale and architecture of the parent property.

The Council will not normally approve applications for backland sites (e.g. those in back gardens which do not have a road frontage) on the grounds of character and amenity.

This policy is subservient to a number of settlement specific policies dealing with localised sub-division and backland development issues, contained in the village statements for Craigellachie, Dallas, Kingston, Newmill, Tomintoul and Urquhart.

##### **Policy L/T4: Provision of Road Access**

The Council will require that a suitable and safe access from the public highway is provided.

## **Policy L/T7: Parking Standards**

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

## **Policy S/IMP1: Development Siting, Layout and Design**

New development will require to be sensitively sited, designed and serviced. It should meet the following criteria:-

- i) its, scale, density and character is appropriate to the surrounding area;
- ii) it can be successfully integrated into the surrounding landscape;
- iii) it meets wider transportation and local site energy efficiency objectives;
- iv) adequate infrastructure is available or could be made available in conjunction with the development;
- v) consideration is given to the provision of infrastructure which meets sustainable urban drainage principles using appropriate Sustainable Urban Drainage Systems;
- vi) adequate social and community facilities are available or could be provided in conjunction with the development;
- vii) it does not adversely affect nature, urban or historic conservation resources;
- viii) it seeks to manage flood related issues;
- ix) pollution is avoided, including pollution of ground water.

## **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

## **Policy L/IMP3: New Building Design**

**(i) Design Principles**

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc).

**(iv) Materials**

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

**Policy L/IMP7: Drainage Impact**

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

**R2 Backland Development Areas**

Single plot or small scale housing developments will be permitted on the basis that they are within the settlement boundary, and can relate positively to the layout and character of the village. If

more than four contiguous house plots are proposed for any of these sites, Tomnabat or Conglass Lanes will require to be widened to a 5.5m wide carriageway, with a footway for the whole length between adjacent lane accesses through to Main Street. Wastewater sewers are available.

### **OBJECTIONS-REPRESENTATIONS**

None received.

### **CONSULTATIONS**

**Environmental Protection, Direct Services** - No comments.

**Environmental Health, Development Services** - No objections.

**Building Control Manager** - Building warrant required.

**Transportation, Direct Services** - Approve subject to standard conditions re access, parking, adequate turning area.

**Scottish Water** - No objections subject to compliance with conditions.