

Stirling Council

Agenda Item No. 7

Planning and Regulation
Panel

Date of
Meeting: 1 May 2018

Not Exempt

Proposed demolition of existing dilapidated garage and erection of dwelling at Land And Building Adjacent And Northwest Of No. 13, Kenilworth Road, Bridge Of Allan - Bobby Halliday Architects - 17/00660/FUL

Purpose & Summary

Full planning permission is sought on land to the north west of 13 Kenilworth Road, Bridge of Allan, for the erection of a single dwelling house on a small narrow section of land, which was once part of 13 Kenilworth Roads garden ground, as evidenced by the small wooden garage that currently occupies the site. The site lies within the Upper Bridge of Allan Conservation Area and is surrounded by a number of listed buildings including the properties either side of the site, which are category C listed. The proposed application site area extends to 157-seven square metres and the proposed drawings show the erection of a two storey, two-bedroom dwelling house, which is to fill virtually the whole site. It is to be built hard up to the boundary walls on both sides and the only amenity space left available at the front of the property is taken up by parking and bin storage. The finishing materials include natural slate on the roof, natural stone for the walls and also render and timber cladding.

The application is before the Planning and Regulation Panel at the request of Councillor Douglas Dodds, who has cited the fact the proposals will enhance the area, compared with a garage which is derelict and the fact the proposed house design and finishing materials proposed will be in keeping with the Conservation Area, as the planning reasons for this request. Councillor Dodds has also requested that this application is determined by means of a Hearing to allow the applicant to present the case for the development.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Recommendations

Panel is asked to:

1. defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel; or
2. refuse the application for the following reasons:
 - 2.1 In the opinion of the Planning Authority, the proposed erection of a house on this site within the Upper Bridge of Allan Conservation Area is considered to be contrary to Policy 7.2 parts a) i) and ii) of The Adopted Stirling Council Local Development Plan as the proposals represent development that will neither preserve or enhance the character of this part of the Conservation Area. As these proposals do not relate well to the density and pattern of the existing development, the scale and the existing landscape, such as walls and trees. The proposals will likely result in the loss of existing natural features, which contribute to the character of the Conservation Area and its setting.
 - 2.2 In the opinion of the Planning Authority, the proposed erection of a house on this site within the Upper Bridge of Allan Conservation Area is considered to be contrary to Policy 7.4 parts a), b) and c) of The Adopted Stirling Council Local Development Plan as the proposals represent development that will neither preserve or enhance the character of this part of the Conservation Area, as these proposals do not relate well to the density and pattern of the existing development, the scale and the existing landscape, such as walls and trees. The size and position of the building is such that it cannot be viewed as a natural outbuilding. The proposals will likely result in the loss of existing natural features, which contribute to the character of the Conservation Area and its setting.
 - 2.3 In the opinion of the Planning Authority, the proposed erection of a house on this site within the Upper Bridge of Allan Conservation Area is considered to be contrary to Policy 7.3 part a) of The Adopted Stirling Council Local Development Plan as the proposals are of a scale and position that will adversely impact upon views through the Conservation Area and towards the listed buildings either side, adversely affecting their setting.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. N/A.

2. Considerations

The Site

- 2.1. The application site is on land to the north west of 13 Kenilworth Road, Bridge of Allan. The land in question is surrounded on three sides by a tall wall, built from sandstone on the original boundary side and brick on the 13 Kenilworth Road side. There are a number of mature trees (protected by the conservation area designation) surrounding the site in neighbouring gardens, with root protection zones that encroach into the application site. The site lies within the Upper Bridge of Allan Conservation Area and was once part of the garden ground of the adjacent property, 13 Kenilworth Road. Historical maps show the land is long established as garden ground and even though it has in recent years been walled off, it still appears as garden ground, which is confirmed by the existence of an old wooden garage, for which there is permission for its demolition Ref 17/00682/CON.

The Proposal

- 2.2. The proposed drawings show the erection of a two storey, two-bedroom dwelling house, which is to fill virtually the whole site hard up to the boundary walls on both sides and the only space left available at the front of the property is taken up by parking and bin storage. The finishing materials include natural slate on the roof, natural stone for the walls and also render and timber cladding. Access to the site is to be taken via the existing access onto Kenilworth Road.

Previous History

- 2.3. 17/00682/CON Conservation Area Consent granted for the demolition of the existing wooden garage, which was deemed to be making a limited contribution towards the character of the Conservation Area.

Consultations

Roads Development Control:

- 2.4 Transport Development has no objection to the proposed development provided the following condition be attached should any consent be minded.
- 2.4.1 Parking Requirements: The proposed car parking spaces shall be dimensioned as 2.4 metres wide by 5.0 metres long.

Service Manager (Environmental Health):

- 2.5 No objection to the proposals subject to the following conditions being attached to any permission granted:
- 2.5.1 Noise: Construction works which are audible outwith the site boundary shall be undertaken during normal working hours: 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible out with the site boundary are permitted on Sundays or Bank Holidays.
- 2.5.2 Asbestos: "All asbestos-containing materials at the development site should be identified and suitably removed and disposed of in accordance with current legislative requirements prior to redevelopment".

Bridge of Allan Community Council:

- 2.6 No response received.

Representations

2.7 Five letters of representation were received setting out the following:

- 2.7.1 Concern raised that the application does not seem to state that the proposals constitute a change of use. The proposed parking is a problem, as reversing a car out of the property or into the property will be hazardous to do, which will likely result in the owner parking on the street and long-term parking on this part of the road will force road users into one lane traffic.

Response: The application is for the erection of a dwelling house within the garden grounds of 13 Kenilworth Road. The erection of a house on this land does not involve a change of use, only a subdivision of land to form the curtilage for the new proposed house. Roads Development Control was consulted on the application and has raised no objections.

- 2.7.2 The drawings suggest that the new dwelling is to be built directly adjacent to the boundary walls. This is contrary to building regulations and the law that requires a certain distance to be kept between a boundary wall and a new dwelling.

Response: The house is to be built very close to the boundary walls. There is no distance requirement in planning for this, other than to ensure that the house is built without impacting upon the integrity of the walls, which is a civil matter.

- 2.7.3 Concerns were raised that the additional traffic/parking generated by the proposed property will create a road safety hazard. Traffic travels very quickly for such a narrow stretch of residential road and the blind bend to the east of 22 Kenilworth Road means west bound traffic can be particularly threatening. The proposed new drive will create three driveways in close proximity. Given the proposed plot is very small, parking space is also small and turning space non-existent, which will result in cars reversing into and out of the drive, causing a hazard or increasing the likelihood of on street parking, a further hazard.

Response: Roads Development Control was consulted on the application and has raised no objections.

- 2.7.4 Concerns were also raised with respect to the building of the house and damage to the neighbouring trees and roots. Digging down to form the foundations for the house and the development site will likely damage the roots of trees in neighbouring gardens that are protected by the conservation area designation. The house is to be built right up against the boundary walls, which is likely to damage the wall.

Response: These are material considerations for this application.

- 2.7.5 Support was expressed for the design and appearance of the house, however concern expressed that this is not what will be built once planning permission is granted. The drawings may be changed for the house to move forward, the house built higher and the design changed.

Response: All material changes to the design of the house, such as moving the house forward, increasing its height and design will require a new planning application with fresh neighbour notification.

- 2.7.6 Concerns raised with respect to a rare Variegated Sycamore Tree in the neighbouring garden (11 Kenilworth Road) that is very close to the shared

boundary with the site and the adverse impact the proposals are likely to have on the protected tree.

Response: The Planning Authority shares these concerns as the trees are protected by the conservation area designation. Adverse impact caused to these trees by the proposals is one of the reasons why the application is being rejected.

Local Development Plan Policy

- 2.8 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.9 Primary Policy One: Placemaking of the Adopted Stirling Council Local Development Plan Sept 2014 states that development of all scales must be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place, urban or rural, where they are located.
- 2.10 Policy 1.1 of the Adopted Stirling Council Local Plan September 2014 states that all new development, including alterations and extensions to existing buildings, are required to contribute, in a positive manner, to quality of the surrounding built and natural environment. All proposals are therefore expected to meet the following criteria (where relevant):
- a) The siting, layout and density of new development should; contribute towards or create a coherent structure of streets, spaces and buildings; respect, complement and connect with its surroundings; be safely accessed; and create a sense of identity within the development.
- 2.11 Primary Policy Seven: The historic environment contributes in a unique way to the character of the Stirling area. It is important in forming the identity of places and providing a cultural, educational, social and economic resource. The historic environment and where appropriate the settings of its component features will therefore be safeguarded, preserved and enhanced. Developments and other proposals that would have a negative impact on these assets will not normally be supported.
- 2.12 Policy 7.2 of the Adopted Stirling Council Local Development Plan September 2014: Development within and outwith Conservation Areas:
- a) Development within a Conservation Area and development outwith, that will impact on the Conservation Area, shall preserve or enhance its character, appearance and setting. All new development should respect the architectural and visual qualities of the area, have regard to the character of the area as identified in the relevant Conservation Area Character Appraisal, and should: -
 - i) Relate well to the density and pattern of existing development; the design, massing, scale and materials used in surrounding buildings; means of access and boundary and landscape treatments such as walls, railings, trees and hedges. [See Policy 7.4 for the treatment of boundaries/hardstandings in Conservation Areas and Listed Buildings].

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- ii) Retain existing natural and built features which contribute to the character of the Conservation Area and/or its setting.

2.13 Policy 7.4 of the Adopted Stirling Council Local Development Plan September 2014: Development in Garden/Curtilages within Conservation Areas and around Listed Buildings: In the interests of preserving or enhancing the historic, architectural and landscape qualities of Conservation Areas and Listed Buildings and their settings, new development will not generally be supported within the gardens and grounds of existing buildings or if served by rear access lanes. Support may be given to developments which propose: -

- a) The sympathetic conversion, adaptation or extension of existing properties or ancillary buildings of character where the development will preserve the character and appearance of the original building, its setting and the surrounding area;
- b) The erection of small scale ancillary buildings directly associated with the use of the main building and sited and designed to respect the special architectural and visual qualities of the Conservation Area and/or setting and character of the Listed Building; and
- c) The retention of existing boundaries and landscape treatments that contribute to the character of the area/building and proposed new boundaries and landscape treatments of a design, location and material appropriate to the character and appearance of the Conservation Area and setting of the Listed Building.

2.14 Policy 7.3 of the Adopted Stirling Council Local Development Plan September 2014: Development affecting Listed Buildings

- a) The layout, design, materials, scale, siting and use of any development must preserve the character of the Listed Building and its setting. Where this is not proposed, development will be refused. There is a presumption against demolition or other works that adversely affect the special interest of a building or its setting.

Other Planning Policy

2.15 None.

Assessment

2.16 The determination of this full planning application for a house, as described above and on the site described above shall be based upon whether it is considered it will preserve or enhance the character and setting of the Upper Bridge of Allan Conservation Area. Preservation or enhancement is enshrined in conservation policy (see the development plan policy section) and is a key requirement for any development to gain support in a Conservation Area. In order to apply this test, it is first of all important to establish what the character of this part of the Conservation Area is, in order to determine whether the proposals will fit with that character. Furthermore, it is important to determine the nature of the site, whether it is infill or garden grounds for example, to establish how best to apply the policies set out above. The following paragraphs clearly set out the established character of this part of the Conservation Area, as described within the Bridge of Allan Conservation Area Character Appraisal, the nature of the site, the applicant's arguments for the proposals being in character and then concludes by setting out the reasons why the proposals are not considered to comply with Stirling Council's adopted Development Plan policies. Setting out clearly why it is not considered to preserve or enhance the character and appearance of the Conservation Area.

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- 2.17 The application site, where it meets the road, is level with the road, then rises up towards its rear before levelling off again. Its south western side faces onto Kenilworth Road and it is from here access to the house is to be taken. Upon the site there is an existing timber garage for which permission exists for its removal, as set out in the history section of this report. The appearance of the site is garden ground formally associated with No. 13 Kenilworth Road. This is clear from looking at historic maps, which show this to be the case. The proposed housing site, up until recent years was within the garden grounds of this property and in more recent times the land has been separated off by the means of the boundary wall and ultimately sold separately as a potential development site. It still strongly appears as garden grounds and the existence of the garage only aids this conclusion.
- 2.18 This Conservation Area was the subject of a recent Conservation Area Character Appraisal, concluded in August 2014. For the upper part of the Bridge of Allan Conservation Area it identifies its key characteristics as: “long sweeping views, with properties often hidden from view behind mature trees, planting and hedging. The plots are large and spacious with houses set back from the road and stone boundary walls, gate piers and hedging forming important elements in defining the street line.” Kenilworth Road has a strong overall coherence: through plot sizes, buildings scale, traditional materials and enclosing garden grounds and boundary walls. Ancillary buildings are substantially subordinate to the large villas and not normally sited within the principle garden areas, such as at the front of the house. One of the main risks to its character and setting is inappropriate development within the gardens and grounds of properties within this part of the Conservation Area.
- 2.19 The applicants as part of this application submitted a design statement which argues that the proposals have considered the established character of this part of the Conservation Area and it will complement the character described above. The statement sets out that the land in question is not garden ground, nor does the proposals represent the subdivision of an existing building curtilage. It is argued that the proposals show an outbuilding style development, which follows the existing character and relationship of outbuilding to dwelling that exists within the street. In support of this the statement is included a very crude indicative plan to show this character. This plan is not considered to be an accurate plan. It is the applicant’s opinion that the proposals show a building design which is seen as subservient to the large villas surrounding the site, more in keeping with their outbuildings and garages.
- 2.20 For the reasons set out below the applicants’ design statement is not concurred with and it is considered that this full application for a house is contrary to the approved Development Plan policies set out above, as the development is considered to neither preserve or enhance the character and appearance of this part of the Conservation Area for the following reasons:
- 2.20.1 The main part of the Upper Bridge of Allan Conservation Area is characterised by large spacious plots with houses set back from the road and stone boundary walls, gate piers and hedging forming important elements in defining the street line.” Kenilworth Road has a strong overall coherence: through plot sizes, buildings scale, traditional materials and enclosing garden grounds and boundary walls. Ancillary buildings are substantially subordinate to the large villas and not normally sited within the principle garden areas, such as at the front of the house. It is concluded that this proposal will contrast sharply with this character adversely affecting the character and appearance of the Conservation Area. The proposals represent a density of development alien to the predominant

character, resulting in a house which will have the appearance of being “shoe horned” into the site. The scale and siting of the proposals are such that it cannot be viewed as ancillary building to any adjacent property and the size of building proposed forward of the two neighbouring properties principal elevations is considered to be harmful to the Conservation Area’s character. As a result, the proposals are considered to be contrary to Primary Policy seven, Policy 7.2 ii) and Policy 7.4.

2.20.2 The proposed development will appear as a separate entity from the established character and a house on this land will remove the garden ground context, which in turn would adversely alter views through this part of the Conservation Area fundamentally undermining the special character of this land within the Conservation Area. The application would neither preserve nor enhance the Conservation Area as required by planning policy and in view of the above will also be contrary to Policy 7.2 of the Adopted Stirling Council Local Development Plan.

2.20.3 Furthermore, it proposes development which will highly likely result in the loss of a tree, a Variegated Sycamore within the neighbouring properties garden, No. 11 Kenilworth Road. This tree is considered to make a positive contribution to the character and appearance of the Conservation Area and its loss is to the detriment of that character. The applicants have submitted a statement from a recognised tree surgeon that sets out this tree can be saved as part of the works, by claiming that its tree roots will not be within the development site. However, no investigative work has been carried out to prove this and even despite this, it is the intention of the applicant to remove the tree as it overhangs the site, impacting upon the developable area. There are a number of mature trees adjacent to the site and the agent requested a delay to the determination of this application to allow for a tree survey to be submitted and the delay was granted. The tree information submitted weeks later, falls well short of a survey and does not clearly set out how the neighbouring trees can be protected and retained as part of the proposals, instead it is a written statement on the Sycamore only and makes broad assumptions that its tree roots will not go beyond the boundary wall, seeking to establish the removal of this Sycamore to make way for the development. In conclusion it is considered that the proposals due to this are contrary to Policy 7.2 ii) as the proposals will not retain natural features which positively contribute to the character of the Conservation Area.

2.21 To conclude, the above paragraphs clearly set out the established character of this part of the Conservation Area, as described within the Bridge of Allan Conservation Area Character Appraisal, the nature of the site, the applicant’s arguments for the proposals being in character and then concludes by setting out the reasons why the proposals are not considered to comply with Stirling Council’s adopted Development Plan policies. Setting out clearly why it is not considered to preserve or enhance the character and appearance of the Conservation Area.

3 Implications

Equalities Impact

- 3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Considerations/Assessment section of this report.

Sustainability and Environmental

- 3.2 An Environmental Impact Assessment is not required.

Other Policy Implications

- 3.3 All relevant policies have been set out in section 2.

Consultations

- 3.4 As set out in section 2.

4 Background Papers

- 4.1 Planning Application file 17/00660/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OV1DHCPILF300>

- 4.2 List of Determining Plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	LP - 001
03	Floor Plans	PL - 002
04	Elevations	PL - 003

5 Appendices

- 5.1 None.

Author of Report:

Peter McKechnie
Planning Officer

Contact Details:

01786 233679,
mckechnie@stirling.gov.uk

Approved by:

Brian Roberts
Senior Manager Infrastructure

Signature:



Date:

19 April 2018

Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report:

N/A

Wards affected:

Ward 3 Dunblane & Bridge Of Allan

Key Priorities: N/A

N/A

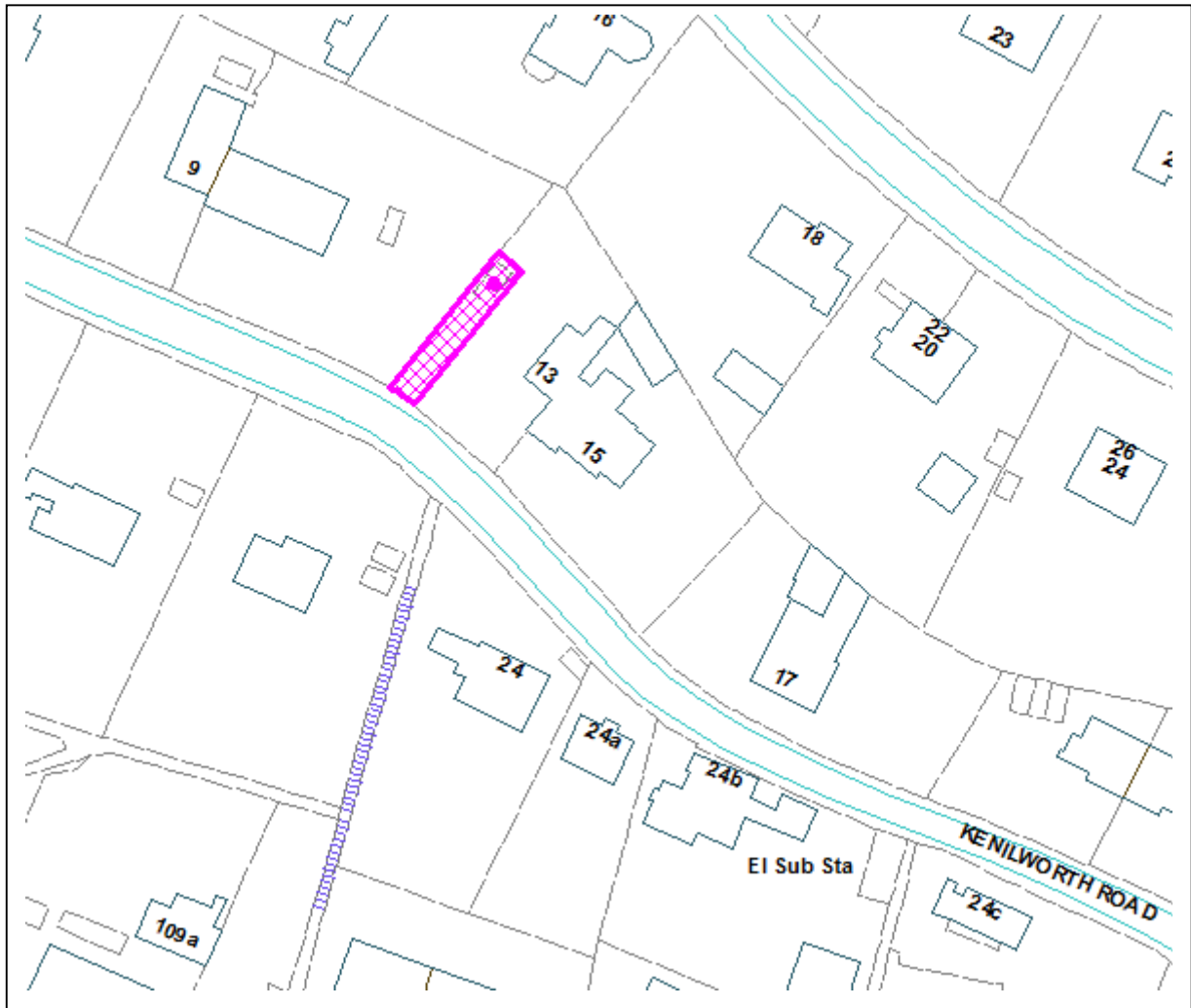
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

Location of Development



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