
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

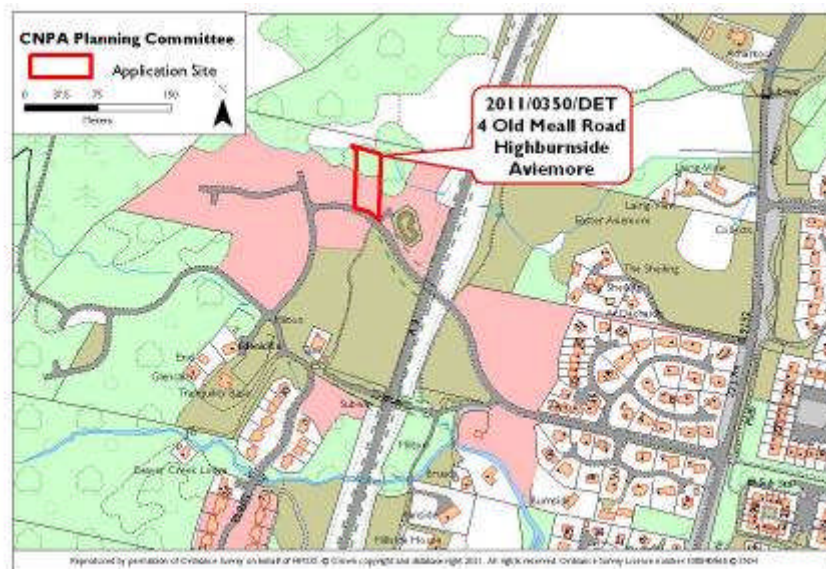
DEVELOPMENT PROPOSED: CONVERT EXISTING GARAGE TO FORM GAMES ROOM WITH WC; CHANGE OF USE OF OPEN SPACE AT NORTH AND EAST TO RESIDENTIAL GARDEN AREA, AT 4 OLD MEALL ROAD, HIGHBURNSIDE, AVIEMORE

REFERENCE: 2011/0350/DET

**APPLICANT: MR. DAVID SUTHERLAND
C/O BRACEWELL STIRLING CONSULTING, 5 NESS BANK, INVERNESS**

DATE CALLED-IN: 28 OCTOBER 2011

RECOMMENDATION : REFUSE



Grid reference : 289329 814165 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The subject site is located at Old Meall Road, in the Highburnside housing development in Aviemore. Planning permission is sought at a recently constructed dwelling house for the conversion of a detached garage to form a games room, with a wc, and also to change the use of open space to the east and north of the site to residential garden area. The dwelling house on the site is a one and three quarter storey detached design, known as the 'Lochnagar' house type. The subject site is the first plot on the northern side of the access road into the site and is the first property encountered when approaching from the new A9 underpass.

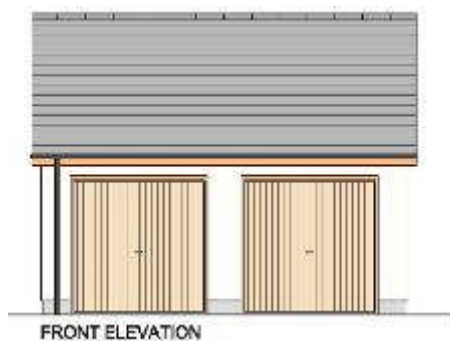


Fig. 2 : 'Lochnagar' house type, with 'garage' to the left

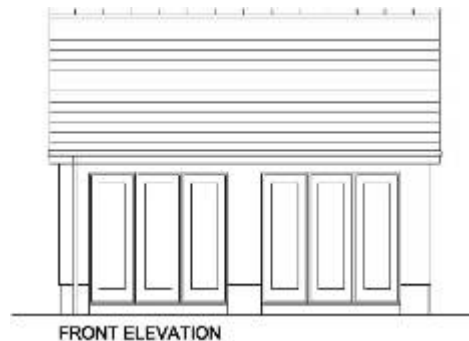
- Proposed change of use of garage*
2. The structure which is the subject of the current proposal for conversion from a garage to games room is a detached, single storey structure, positioned to the east of the dwelling. The structure was permitted as a double garage to serve the dwelling house, but is currently being utilised as a sales area for the housing development. The house on the site currently serves as one of the showhouses for the development.
 3. The garage structure originally permitted on the plot¹ included double garage doors in the front elevation, as shown in figure 3, with a vertical timber finish. However, in temporarily utilising the structure as part of the sale facilities at the development site, white PVC pedestrian entry doors and windows were instead installed. The current proposal to convert the garage to a games room includes proposals for changes to the treatment of the existing openings. Triple bi fold doors (timber) are proposed in each of the openings in the front

¹ CNPA ref. no. 07/024/CP refers – approval of reserved matters for the erection of 46 houses and ancillary works at plots 1-10, 21-26 and 46-75.

of the structure.. As part of the games room proposal, the floor plan also includes a proposal for the provision of toilet facilities within the structure.



**Fig. 3 : Approved garage
(front elevation)**



**Fig. 4 : Proposed games room
(front elevation)**



**Fig. 5 : Existing front elevation
(temporarily in use as part of sales activity at the housing site)**

- Proposed change of use of open space to garden ground*
4. The second element of the current application is a proposal to change the use of open space adjacent to the east and north of the plot to residential garden area. Fig. 6 identifies the extent of the proposed change of use (shaded orange), which would effectively increase the width of the plot and result in a rectangular shaped rear garden, rather than the current plot definition in which the rear garden boundary runs diagonally from south east to north west. The existing front garden ground is open plan, with the private garden space merging with the adjacent communal open space. A wire fence demarcates the side boundary along the side elevation of the dwelling house. The side boundary of the rear garden consists of vertical timber boarding, with the rear boundary being formed by a wire mesh fence.
 5. A 5 metre strip of land on the eastern side of the existing plot is proposed to be incorporated into the site boundaries. The area is currently part of the lawned and landscaped communal open space. The land to the rear of the site which is proposed to be changed to garden ground is part of the wider woodland area. The existing rear garden has been laid to lawn and includes a timber deck and some areas of planting. A small number of trees have also been retained within the existing garden ground. The adjacent area of woodland which is proposed to be incorporated into the garden ground would

result in a 'squaring off' of the rear garden, from its current irregular configuration, as well as significantly increasing the garden size.



Fig. 6 : shaded area identifies the extent of proposed change of use to garden ground



Fig. 7 : Existing rear garden



Fig. 8 : Proposed garden ground extension

DEVELOPMENT PLAN CONTEXT

National policy

6. **Scottish Planning Policy² (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:

- The constraints and requirements that planning imposes should be necessary and proportionate;

² February 2010

- The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.” As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development.
9. *Landscape and natural heritage* : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
10. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

Strategic Policies

Cairngorms National Park Plan (2007)

11. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include

maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

12. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them.

Structure Plan Policy

Highland Council Structure Plan (2001)

13. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
14. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
15. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for

development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:

- Chapter 3 - Conserving and Enhancing the Park;
- Chapter 4 - Living and Working in the Park;
- Chapter 5 - Enjoying and Understanding the Park.

18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
20. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

CONSULTATIONS

21. **Aviemore and Vicinity Community Council** object to the proposal and have raised a number of points in their response, including
- The design of the front of the games room is a marked departure from the designs elsewhere in Highburnside and will be out of place;
 - The granting of permission would set a precedent;

- The proposed change of use of the games room would reduce the parking opportunities at the property and could lead to overspill parking;
 - The proposed increase in the garden area is not justified and will add to garden sprawl;
 - It is suggested that the increase in the garden area may be to facilitate a road / driveway to the rear garden, with the potential for a future application for a garage in the rear garden; and
 - It is suggested in the event of planning permission being granted that it should include a condition prohibiting the removal of trees. Reference is made to the past history of removal of trees on the Highburnside site. An extract from the design statement originally submitted in connection with the housing development is quoted – “existing trees within the plots are to be retained where possible to provide a mature setting for the development.”
22. The response from the **CNPA Landscape Officer** highlights the problems generally associated with encroachment of garden ground into woodland, particularly where it is accessible communal open space, as it generally results in a loss or reduction of trees from the landscape setting, as well as limiting other people’s enjoyment of the area. The incorporation of ground containing trees into a private garden area also raises issues in terms of the potential for tree retention or whether or not in managing the trees for safety and amenity reasons, it could result in a reduction or loss of such trees over time.
23. Despite the concerns generally expressed about garden ground encroaching into a communal woodland area, it is acknowledged that in this particular case the existing garden area is an unusual shape. While the proposal is not considered a ‘good idea’ the Landscape Officer does not object.

REPRESENTATIONS

24. Two representations have been received, both objecting to the development proposal. Copies of the original correspondence is attached to the rear of the report. A variety of concerns have been raised including :
- The potential use of the proposed games room late at night and associated disturbance issues;
 - The proposed bi-fold doors in the garage structure would be out of keeping with the Highburnside development;
 - The reduction in car parking space (arising from the proposed change of use of the garage) could result in overspill car parking on the road and pavement. Safety concerns are expressed about this aspect;
 - There is no objection to the proposed extension of the garden boundary, but reference is made to retaining all of the existing trees;
 - It is requested that the garden ground would not be the subject of any future building applications;
 - Concerns regarding noise issues in the proposed games room; and
 - Potential increases in similar applications if this is granted.

APPRAISAL

Proposed garage conversion

25. The changes proposed in this application are at a recently developed property, which is part of a larger residential development. The 'Lochnagar' house type on the plot is one of a number of similar properties within the development, all of which include a detached double garage within their plots. The current proposal seeks changes to the frontage of the permitted double garage – introducing triple bi folding glazed doors in place of the permitted timber clad garage doors, and the associated change of use of the structure to a games room instead of its specific permitted purpose as a garage. The inclusion of a domestic garage within a residential housing plot clearly delivers a number of benefits to potential occupiers of a dwelling, including serving as additional vehicle parking and also providing storage facilities. The granting of planning permission for a domestic garage would not however preclude the occupier from utilising the structure for other functions ancillary to the dwelling house, including as a games room. The principle of using the structure for a function ancillary to the enjoyment of the dwelling house, even where that diminishes the potential to use it for parking provision, is therefore generally acceptable.

Design issues

26. The more concerning aspect of the proposed change of use of the garage is the associated design changes. The proposed treatment of the front elevation is a significant departure from the approved domestic garage design and the replacement of the permitted garage doors with extensive glazing in the bi fold door systems, would result in the garage potentially having the appearance of an additional residential structure on the plot. From a visual perspective, the proposed treatment of the front elevation would introduce a feature which would compete with and detract from the aesthetics of the dwelling house. This could also potentially give rise to an appearance of overdevelopment on the plot. The granting of planning permission for the proposed changes to the garage would also set a precedent for further development of this nature elsewhere within the housing development as many of the plots benefit from garage structures, in accordance with the original planning permission.

Change of use to garden ground

27. In considering the second element of the proposal – the change of use of open space at the north and east (side and rear) of the plot and its incorporation into the garden area – the main factors to consider are the landscape and visual impact, the impact on the integrity of the wider woodland area and the precedent that may be set for similar garden extensions in other areas of the Highburnside housing development.
28. The woodland surrounding the developed areas of the housing development is a key feature of the overall site. The significance of the woodland character and the necessity to protect and enhance it has been clearly acknowledged and highlighted in the course of previous planning applications on the Highburnside site. The Design Statement which was submitted in conjunction with the application for Approval of Reserved Matters for the masterplan for 75 houses

and associated infrastructure in 2005³ displayed a recognition of the need to minimise the impact of the development of the woodland character of the area, stating for example that “existing trees within the plots are to be retained where possible to provide a mature setting for the development.” The site layout included proposals for significant areas of communal ground to be retained in their woodland state. The site which is the subject of the current planning application included the existing irregular plot configuration. Given its position on the periphery of the wider woodland area, the non symmetrical rear garden configuration was consistent with commitments expressed in the 2005 planning application to retain significant woodland, particularly along the northern boundary of the overall site. The same plot shape was permitted through the subsequent detailed permission for development of 46 of the 75 housing plots within the development in 2007.⁴

29. The area which is proposed to be incorporated into the rear garden is currently part of the surrounding communal woodland and accommodates relatively dense tree cover. The site layout plan provided in support of the proposal identifies the position of trees and illustrates the extensive nature of woodland within this area. No details have been provided on the intended treatment of the land if incorporated into the garden.



Fig. 9 : existing communal open space

30. Given the landscape importance of the wider woodland area to the overall setting of the Highburnside housing development, it is essential that adequate measures remain in place to protect all elements of woodland. Whilst it would be possible to apply a condition in the event of the granting of planning permission, requiring the retention of all existing trees within the proposed garden extension, in practical terms, this would be extremely difficult to enforce and would necessitate consistent monitoring. The benefits to the

³ CNPA planning ref. no. 05/177/CP refers.

⁴ CNPA planning ref. no. 07/024/CP refers.

owners / occupiers of the property in extending the garden into the woodland would also appear to be of limited value. The required retention of the trees would preclude the creation of a further area of lawn and would also preclude the development of other garden paraphernalia, including decking, play apparatus etc.. The practical use of the space by the prospective householder would therefore appear limited. Similarly, the incorporation into the garden ground of the 5 metre wide strip of land adjacent to the eastern boundary of the existing plot would appear to be of limited benefit. No details have been provided in the application documentation to explain the purpose or requirement of this additional strip of land. The segregation of this land from its existing function as part of the landscaped communal area. Given that this is the first of such areas in view upon entering the development from the underpass, it would erode the extent of the landscaped area and would compromise the visual qualities of this area.

31. In the course of the two earlier planning permissions granted on the site, the less than symmetrical configuration of the rear garden of the existing plot was not considered to present any difficulty or to be of an inadequate size to serve the associated dwelling house. Whilst it is acknowledged that adjacent properties to the west of the plot have the benefit of more symmetrical gardens with an associated greater garden depth, the fact nonetheless remains that the existing rear garden is approximately 226 square metres. As such the garden is similar in size to, and indeed larger than, many others within the housing development. The non symmetrical configuration is also not unique to this plot and there are examples of a number of other plots within the development in which garden boundaries have been defined in a similar way in order to avoid and protect various natural features.
32. The overall benefits of retaining the site boundaries in their existing configuration far outweigh any personal benefits to the owner / occupier arising from the proposed change of use of the ground at either the side or rear of the site. The retention of the existing plot boundaries would protect the aesthetic value of the woodland at the rear and the communal landscaped area at the side of the plot, would continue to provide opportunities for informal access (in an area where there is already evidence of walkers desire lines through this ground) and would assist in preserving the integrity of the natural heritage of the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The proposed extension of the garden ground to incorporate an adjacent area of communal open space, much of which is wooded, would set a precedent for the domestication of the some of the woodland area. The proposed development could also result in the loss of some of the existing tree cover. As such the proposal fails to conserve or enhance the natural heritage of the area.

Promote Sustainable Use of Natural Resources

34. The development does make any contribution to this aim.

Promote Understanding and Enjoyment of the Area

35. The extension of the garden ground to incorporate areas of existing communal open space, including an area of woodland at the rear of the site and a lawned and landscaped area at the side of the site, would not assist the general public's enjoyment of the area. In addition, the proposed alterations to the front elevation of the garage as part of the proposed change of use, would introduce design features which are discordant with the features and finishes throughout the rest of the development. It therefore has the potential to detract from the general public's enjoyment of the aesthetics of the area.

Promote Sustainable Economic and Social Development of the Area

36. The proposal would be of sole benefit to owners / occupiers of the residential property on the subject site and does not make any contribution to this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE planning permission for to convert the existing garage to form a games room with WC; and the change of use of open space at the north and east to residential garden area at 4 Old Meall Road, Highburnside, Aviemore, for the following reasons :

1. The design of the proposed garage conversion is unsympathetic to the design features of properties within the Highburnside housing development. The proposed changes to the front elevation would result in the existing domestic garage structure taking on a residential appearance, and may contribute to the appearance of visual clutter on this plot. The proposed garage conversion and the associated design amendments would fail to reflect and reinforce the pattern and character of the surrounding development and as such fails to comply with Policy 16 (Design Standards for Development) of the Cairngorms National Park Local Plan 2010. The proposed conversion and associated design amendments would also set an unacceptable precedent for similar development within the wider housing development.
2. The proposed change of use of areas of open space and its incorporation into private garden ground, would compromise the integrity of a significant tract of woodland which is an important part of the woodland setting of the Highburnside housing and would also result in a reduction in the extent of the area of communal landscaping which forms a key feature on the entrance approach to the housing development. The development would fail to complement or enhance the landscape character of the setting of the development and therefore fails to comply with Policy 6 (Landscape) of the Cairngorms National Park Local Plan 2010. The development would also be inconsistent with the strategic objectives for landscape, built and historic environment as expressed in the Cairngorms National Park Plan. In addition, the proposed development would also set an unacceptable precedent for the

incorporation of such areas elsewhere within the wider housing development.

Mary Grier

planning@cairngorms.co.uk

20 December 2011

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.