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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

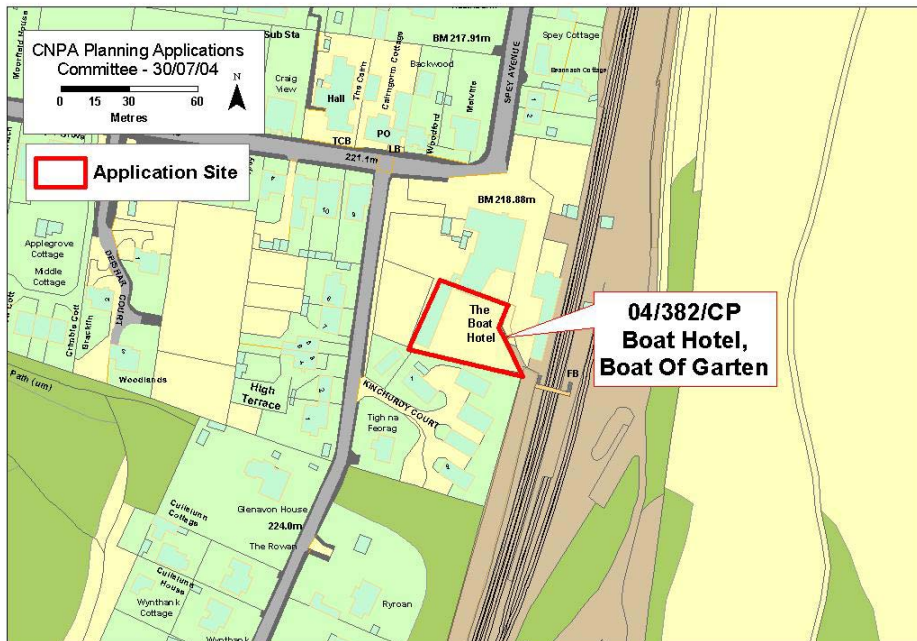
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**DEVELOPMENT PROPOSED:** DEMOLITION OF BEDROOM WING AND ERECTION OF FOUR DWELLING UNITS TO BE USED FOR HOLIDAY ACCOMMODATION, BOAT HOTEL, BOAT OF GARTEN

**REFERENCE:** 04/382/CP

**APPLICANT:** MR & MRS I TATCHELL

**DATE CALLED-IN:** 30 July 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site for this development is to the rear of the Boat of Garten Hotel and is formed partly by the hotel gardens which contain several mature trees and an existing single storey extension which is used to accommodate staff and occasionally guests. **The Planning Committee will note that this application was deferred at the previous planning meeting in Grantown as the Boat of Garten Community Council received late notification that the proposal was being heard and wished to attend the meeting but were not able to at late notice. The Committee decided to defer the application so that the Community Council could be afforded to opportunity to attend at a subsequent meeting. The Community Council have confirmed that they will attend the meeting that this item is re-scheduled for. This is basically the same report that was presented at the previous meeting with minor changes in bold.**
2. The rear garden boundary is surrounded by housing on two sides (west and south) divided by a two metre high fence and bordered by the Strathspey Railway car park and line to the east, the north boundary of the site is formed by the rear elevation of the hotel itself (see layout plans at back of report).
3. The plan is to demolish the existing single storey extension which is currently 1.5 metres from the boundary of recently constructed houses to the west. This would be replaced by two one and a half storey structures with each one having two, two-bedroom holiday units. Living/kitchen facilities would be on the ground floor with the two bedrooms contained within the roofspace. Each block measures 13 by 13 metres and is approximately 8 metres in height to the ridge and 4.5 metres to the eaves. The existing single storey extension is 4.5 metres high to the ridge and 2.5 metres to the eaves. The units have been described as dwellings. However, it is clear that they are intended for self-catering holiday accommodation to help diversify the Hotel's business. The height of the new units would be 7 metres above the finished floor level of the existing extension.



**Fig 2 shows relationship between hotel extension to be demolished (centre) and new houses (right) to the west of the site.**

4. Concerns have been expressed to the applicant regarding the general impact of parts of the development upon neighbouring properties. As a result of this a revised position for the units has been negotiated joining the two pairs of units together in a staggered layout, which resolves some of the amenity concerns I had regarding the original layout. However, the latest scheme still results in continued concern in my mind regarding the relationship between Unit A on the new plan and a neighbour (marked 1 on amended layout plan at back of report) immediately to the west. A dormer window on the proposed rear elevation of unit A has been removed to avoid overlooking.
5. Materials for the units include natural slate roof with smooth render walls. All doors and window frames would be in timber and each unit would have a solid fuel stove.

## **DEVELOPMENT PLAN CONTEXT**

6. **Policy G2 (Design for Sustainability) of the Highland Structure Plan** states that developments will be assessed on the extent to which they, amongst other things, impact on resources such as habitats, species, landscape, scenery and are in keeping with the local character and the historic and natural environment and their impact on individual and community residential amenity **Policy L4 (Landscape Character) of the Highland Structure Plan** indicates that the Council will have regard to

the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

7. **Policy T2 (Tourism Developments)** states that the Council will support high quality tourism development proposals, particularly those which extend the tourism season, provide wet weather opportunities, spread economic benefits more widely, are accessible by means other than private vehicles and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
8. **Policy T3 (Self Catering Tourist Accommodation)** states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition.
9. **Policy 2.2.10 of the Badenoch and Strathspey Local Plan** considers that the council will encourage the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities. In the wider countryside priority will be given to the expansion of existing facilities.
10. The site is allocated on the proposals map of the **Badenoch and Strathspey Local Plan as Commerce and Tourism**. **Policy 5.7.1** of the written statement considers that potential exists for the extension of the Boat Hotel to provide a swimming pool and additional leisure facilities.
11. For information the **Cairngorms National Park Local Plan** does not specifically allocate this site. However, page 66 of the Plan recognises that tourism and recreation are important to this community area, with some excellent hotels and other tourist accommodation which is used as a base to explore the surrounding countryside; further facilities for visitors should be developed, enhanced and maintained within the community

## CONSULTATIONS

12. **Highland Council Planning** comments that from pre-application discussions with the applicant it was understood that the applicant wished the development to be described in the application as the erection of dwellings in order to allow the development to be financed with a mortgage. However, it is understood that the intention is to let the units as self catering holiday accommodation as a means of diversifying the hotels business. It is noted that although the proposals comply with building regulations the arrangement of the spaces inside the dwellings does not seem suitable for permanently habitable dwellings. The Jacuzzi on the terrace and the lack of a defined curtilage and the use of off-site

parking are all features not associated with permanently occupied dwellings in Boat of Garten and also hint at a holiday use.

13. Off-site parking for the dwellings needs to be secured by a Section 75 Planning Agreement.
14. Some concern is raised regarding the siting of the blocks. Certainly a terrace of four units situated in line with the existing extension would maximise outlook and amenity for the new properties. However, that would be a matter of concern to householders in the two new houses to the west of the site which front onto Kinchurdy Road.
15. **Area Roads and Community Works Manager** recommends that 6 of the car parking spaces in the upper car park should be designated for use by the proposed 4 units. It is emphasised that the spaces would have to be reserved for the sole use of these units and that if ownership of the dwellings was not retained by the Hotel a registered Section 75 Agreement to confirm the position in respect of continued availability of parking would be required.

## REPRESENTATIONS

16. **Boat of Garten Community Council** wish to object to the amended plans on the following basis:-
  - 1) There is very little alteration to the plan submitted to Highland Council ( Ref.04/00258/FULBS ) so our objection to that stands. The fact that the two blocks are now joined does not improve matters.
  - 2) It is considered that the buildings are still too close to the boundary. While this allows much of the Hotel Garden to be retained, it is felt that it will affect the amenity of the neighbouring properties. It is noted that one dormer window has been removed from the amended plan.
  - 3) The height of the buildings also gives concern. There appears to be an unnecessary amount of height in the attic space. This seems to be the opportunity to lower the roof level without reducing the overall living space.Until these concerns are solved, the objection stands.
17. A letter from the Strathspey Railway Company has been received making general comments about the application and area. More detailed points are made that steam from locomotives may drift towards the dwellings and comment is also made regarding access rights on the station side of the hotel.
18. A number of individual letters from neighbours were submitted on the original scheme raising concerns regarding the height of the buildings, materials to be used and what the intended use of the units is, general

concern is also raised that more disturbance would be caused to surrounding properties. Concern was also raised about parking, disabled access and landscaping being disrupted. The applicant's provided a reply to these points (Copies of all original representations have been reproduced at the back of the report).

19. The revised proposals have only drawn one letter of objection from one of the new houses to the west of the site (Am Freagairt) which is attached at the back of the report. A further letter from the Railway Company reiterates earlier points made and draws attention to a tree within the site raising cause for concern. **An additional letter of support has been received from the owner of 2 Kinchurdy Court and is attached at the back of the report.**

## APPRAISAL

20. The key issues with regard to this application are the principle of the development in planning policy terms, the detailed design of the buildings and in particular their effect upon nearby neighbouring houses.
21. In policy terms, the site is within the village, allocated for commerce and tourism in the local plan and the text to the plan mentions the possibility of extending the hotel to incorporate a swimming pool. The plan dates from 1997 and no proposals since this time have come forward for a swimming pool. Given that this is the rear garden area of the hotel that is allocated for a tourism/commercial use what is being put forward can be considered to be appropriate in principle. All of the policies in the development plan context section of the report are supportive of the development of tourism businesses in principle and it must be recognised that the existing single storey extension on the site is part of the business, providing accommodation for staff and occasionally for guests. The plan to house staff should the proposal be permitted involves utilising the smaller bedrooms within the hotel itself. The application originally described the units as dwellings, which is partly why the application was called-in **(as it appeared not to accord with the policy designation for commerce/tourism in the local plan)**. The applicant wanted them to be described as such for mortgage purposes. However, it is clear from the siting of the buildings and the nature of the units and their layout that they are for tourist accommodation and this has been confirmed by the applicant. In principle, the application accords with the tourism policies of the Highland Structure Plan and Badenoch and Strathspey Local Plan. Parking has been identified in the hotel upper car park in line with the comments of the Area Roads Manager.
22. In terms of design the hotel itself is largely a traditional granite building with an attractive frontage. The rear garden site for the proposal has a long single storey extension projecting back into the garden which is generally used for staff accommodation. The extension is of a

contemporary design which does little to complement the traditional nature of the main hotel building and in terms of design and visual amenity the rear of the hotel would clearly benefit from its removal.

23. The four accommodation units proposed by the amended plan now resemble a staggered terrace. The footprint is partly on the site of the extension and partly on a lawned area. The buildings are sited so that no significant trees in the garden of the hotel would need to be removed. This results in the units being close to the boundary of the site. I had raised particular concern regarding this and several minor amendments have been made to the scheme during its long life with the buildings being set lower down and minor changes to the siting being made.
24. The front elevations of the building have French doors with timber dormers in a slate roof in positions that echo part of the existing rear elevation of the hotel. The materials are of a good quality with natural slate, timber windows and smooth render walls. The new buildings would compliment the rear of the hotel to a much greater extent than the existing extension. I have some reservations regarding the development being a little cramped given the positioning of the buildings on one part of the garden. However, given that they are partly on the footprint of the existing extension, and also that as a whole they would be screened from most public views by the hotel itself I have no particular objection to the proposal on design grounds. The Community Council raise concerns regarding the blocks being joined together and not separated. However, given that the buildings would not be clearly seen as a whole from any public view I have no particular concerns regarding this issue.
25. All applications must be assessed for their basic effects upon residential amenity in terms of overlooking, overshadowing and the basic impact that they have upon visual amenity for neighbours.
26. There are no specific policies in the Highland area regarding specified distances of buildings/windows in buildings from neighbouring boundaries, and the fact that the existing extension is approximately 1.5 metres from the western boundary of the site must also be taken into account and that the houses abutting this boundary are of relatively recent construction.
27. Initially, I had concerns regarding the impact of the scheme on neighbouring properties 3 and 4 as shown on the applicants original plan (**see layout plans at back of report**). These are two houses located to the south of the site. The corner of one of the proposed units was right on the boundary with this property and had a ground floor living room window facing onto the rear elevation of neighbour 4. In my view this arrangement would have clearly resulted in unacceptable levels of overlooking and be visually dominating to neighbour 4. The buildings were re-orientated and re-sited and the latest scheme has a gable section facing neighbour 4 and the building is sited so that the gable of unit D faces the gap between neighbours 3 and 4. The front elevation of

units C and D looks onto the hotel garden. The rear elevation looks towards the rear elevation of neighbour 1A on the plan, but the windows are 15 metres away from those of neighbour 1A. Because of this I am content with the sitings of units C and D. The rearranged layout forces units A and B to be positioned nearer to neighbours 1 and 1a. The windows on unit B are 10 metres from those of neighbour 1a. I would prefer a greater distance from the privacy point of view. However, it must be recognised that the existing single storey extension has windows looking onto this property at a distance of 1.5 metres from the boundary (6 metres window to window, although separated by a 2 metre high fence). I am therefore, of the view that the overall change in overlooking to neighbour 1a is a slight improvement so am prepared to accept this part of the scheme. The rear elevation of neighbour 1a may lose some sunlight on winter mornings, but would gain sunlight earlier in the day than currently. I am of the view that there is little effective change here. The existing ridge height of the single storey extension is 4.5 metres above finished floor level. The new buildings are sunk partly into the ground to result in a total of 7 metres in height based on the floor level of the existing single storey wing. This results in a 2.5 metres increase in ridge height, but Unit B on the plan is set back between 5 and 7 metres away at an angle from the boundary with neighbour 1a. I consider that this relationship is acceptable and will again result in little change in light conditions from the current situation.

28. The above analysis indicates that Units B, C and D on the plan could prove to be acceptable. However, I still have reservations regarding the impact of Unit A on neighbour 1 as shown on the amended layout. The centre of the rear elevation of Unit A is within 3 metres of the boundary of neighbour 1. Neighbour 1's boundary with the site is just 4 metres away from the house. This results in a total distance of just 7 metres between the rear face of neighbour 1's house and the centre of the rear elevation of Unit A. The upper floor window on Unit A is shown as removed, this helps in terms of overlooking and I would again recognise that with regard to ground floor windows overlooking can occur from the existing building and the ground floor windows can be effectively screened from the neighbour by a 2 metre high fence such as the one that currently exists. However, the rear elevation of neighbour 1's property would be faced by a one and a half storey block which would dominate the outlook from the rear of that property considerably and in my view unacceptably. Planning policy dictates that I must endeavour to make sure that buildings are sited appropriately to their neighbours as referenced by **Policy G2 of the Highland Structure Plan "Design for Sustainability"**. The applicant has provided an earlier photograph showing the neighbouring site before it was developed for the housing that now borders the site to the south and west. This shows that the hotel was there before the residential development surrounding and shows that account should be taken of the fact that the neighbours have moved to their houses in the full knowledge that there was a hotel use next door. While I have sympathy with these points and note that the houses have been built in very close proximity to the hotel's boundary



the issues raised by the application can only be assessed from what is evident on the ground now. While I can be supportive of 3 units I cannot lend my support to all four.

29. Overall, I think this is a good scheme in principle to diversify the business of the hotel and contributes in general terms to the aims of the Park. However, I am of the view that just a bit too much development is being sought and that the amenity of the rear of the hotel is being protected at the expense of the neighbouring houses. However, I would be prepared to recommend approval of three units in a terraced arrangement with unit B being drawn back in line with C and D. However, the applicant's consider that four 4 units are required to make the project worthwhile.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

30. The proposed removal of the single storey extension would be of benefit to the built heritage and cultural value of the traditional hotel and I am of the view that the new buildings are of a significantly higher general design standard than those to be removed. The siting of the blocks ensures that no trees within the garden of the hotel would need to be removed.

### **Promote Sustainable Use of Natural Resources**

31. There is little information regarding the source of the materials for the development.

### **Promote Understanding and Enjoyment of the Area**

32. Additional accommodation in this area would in general terms promote the enjoyment of the Park. This may in turn lead to a greater understanding of the area on the part of visitors.

### **Promote Sustainable Economic and Social Development of the Area**

33. The proposal would help to further develop the tourism business at the hotel and provide higher quality accommodation. The accommodation would help to attract more visitors and help to further boost the economy of the area in terms of visitor spend and potentially employment. However, the proposal represents a level of development at the site that would prejudice neighbouring residential amenity.

## RECOMMENDATION

34. That Members of the Committee support a recommendation to: **REFUSE** Full Planning Permission for four dwellings to be used as holiday accommodation at the Boat Hotel, Boat of Garten for the following reason:

- I. The proposal represents an over development of the site that would be detrimental to neighbouring residential amenity in terms of overshadowing and visual domination and as such the proposal is contrary to Policy G2 Design for Sustainability of the Highland Structure Plan 2003 and to the principles of good planning between neighbouring developments.

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15 February 2006

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.