

**Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 21/01014/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mrs Morag Shaw  
**Proposal:** Alterations to Front Elevation of Dwellinghouse; Demolition of Greenhouse and Shed; and Erection of New Timber Shed and Garage  
**Site Address:** 9 Craignethan, Rothesay, Isle of Bute

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Conversion of window opening to door opening on front elevation
- Installation of external spiral staircase on front elevation
- Erection of timber shed and garage

**(ii) Other specified operations**

- Demolition of greenhouse and shed
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**(B) RECOMMENDATION:**

It is recommended that Planning Permission be **granted** subject to the conditions, reasons at the end of this report.

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**(C) CONSULTATIONS:**

**Area Roads Engineer** (report dated 30<sup>th</sup> August 2021)

No objections.

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**(D) HISTORY:**

Planning Permission (ref: 01/00264/DET) granted on 12<sup>th</sup> June 2001 for the demolition of a cottage and outbuildings and the erection of 6 dwellinghouses and 16 flats at Craignethan.

Conservation Area Consent (ref: 01/00267/CONAC) granted on 4<sup>th</sup> July 2001 for the demolition of a cottage and outbuildings at Craignethan.

Planning Permission (ref: 07/01600/DET) granted on 17<sup>th</sup> October 2007 for the erection of a conservatory on the rear elevation of the dwellinghouse that is the subject of the current application.

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**(E) PUBLICITY:**

Neighbour Notification (closing date 14<sup>th</sup> September 2021) and Conservation Area Advert (closing date: 1<sup>st</sup> October 2021).

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**(F) REPRESENTATIONS:**

Objections have been received from the following 13 sources:

Alan Tiltman, No Address Given (E-mail dated 16<sup>th</sup> September 2021)  
Steven Smith, 2 Craignethan, Rothesay (received 16<sup>th</sup> September 2021)  
Matthew Williamson, 5 Craignethan, Rothesay (received 17<sup>th</sup> September 2021)  
David Dick, 13 Craignethan, Rothesay (received 17<sup>th</sup> September 2021)  
Gordon Ewing, 6 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
John Jones, 12 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
Helen Jones, 12 Craignethan, Rothesay (received 20<sup>th</sup> September 2021)  
Andrew Kelly, 19 Craignethan, Rothesay (received 30<sup>th</sup> September 2021)  
Frances Kelly, 19 Craignethan, Rothesay (received 30<sup>th</sup> September 2021)  
John Blue, 8 Craignethan, Rothesay (received 3<sup>rd</sup> October 2021)  
Janet Ganderton, 4 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)  
Iain Rothney, 14 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)  
Pamela Tiltman, 10 Craignethan, Rothesay (received 4<sup>th</sup> October 2021)

The points raised can be summarised as follows:

- i. Given that there are already three possible entrance doors into the subject dwellinghouse, it is questioned whether there is a need for a new front door. Concern is expressed that both the proposed front door and spiral staircase are in association with the subdivision of the property for holiday letting purposes.

**Comment:** The applicant (in a letter dated 6<sup>th</sup> October 2021) has explained that the dwellinghouse at number 9 is almost identical in layout and orientation to number 1 and number 8, both of which incorporate an integral garage and front door facing the internal access road and balconies on the reverse elevation looking across Mountstuart Road towards the water.

Her balcony also faces in the direction of the water, which makes the dwellinghouse back to front in relation to the internal access road. This means that she has no access to an integral garage and the formal entrance is at

the rear. The proposed door on the front elevation is to create a more obvious and attractive entrance into the dwellinghouse for friends and visitors.

In terms of the subdivision of the property, it has been inspected internally by the Planning Officer and it is confirmed that the building has not been physically split into two separate residential units.

As regards the use for holiday letting purposes, the applicant has confirmed that, if this was her intention, it would have been included in the application. She explains in her letter that, in the past, two of the four bedrooms within the dwellinghouse have been let on a very occasional basis with the last paying guests staying in late 2019. She understands that this does not require planning permission under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

In view of the above, it is confirmed that the development that has been applied for, and to which the assessment relates, is confined to the conversion of a window opening to a door opening on the front elevation; the installation of the external spiral staircase on the front elevation; and the erection of the timber shed and garage.

- ii. The subdivision and/or use of the dwellinghouse for holiday letting would constitute a change of use to commercial and this is prohibited by the title deeds of the properties at Craignethan.

**Comment:** Any potential breach of title deeds is a legal matter and does not have a material bearing upon the Planning aspects of this case.

- iii. Concern is expressed that the proposed introduction of holiday letting at the subject dwellinghouse would give rise to an unacceptable increase in vehicular movements and on-street parking.

**Comment:** As explained in the '*Comment*' section of (i) above, the property is a dwellinghouse as defined under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and there is no proposal to change this use. As confirmed by the Area Roads Engineer, there is no objection in road safety terms to the proposed front door, external staircase, garage or shed.

- iv. It is contended that the Craignethan development was originally designed with an architectural coherence and is located within the Rothesay Conservation Area. Concern is expressed that the proposed staircase, given its position on the front elevation and its design and finish, would be out of character and not in keeping with the general style of the wider development.

**Comment:** This issue will be addressed in Section (C) of Appendix A later in this report.

- v. Concern is expressed that the proposed staircase would represent a noise nuisance to neighbouring residents as the guests associated with the holiday letting would use it at all hours of the day and night.

**Comment:** As explained in the '*Comment*' section of (i) above, the property is a dwellinghouse as defined under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and there is no

proposal to change this use. It is considered that there would be no justifiable Planning reasons to object to the use of an external staircase at a detached dwellinghouse on the grounds of noise nuisance.

- vi. The owners of 12 Craignethan have expressed concern that their lounge and bedroom overlook the proposed staircase and they contend that the noise of the staircase being used night and day by visitors would be untenable.

**Comment:** Please see the '*Comment*' sections of (i) and (v) above.

- vii. It is contended that there would be issues of safety, structural stability and damage to the property in the event of the overloading of the staircase.

**Comment:** These issues would more appropriately be addressed at the Building Warrant stage.

- viii. Concern is expressed that the view from the proposed front door would be of the staircase and there would be no room to move around given the close proximity of these two features.

**Comment:** The issue of the potential view from the front door does not have a material bearing upon the Planning aspects of the case. Based upon the drawings, there would appear to be sufficient space between the proposed front door and staircase.

- ix. Concern is expressed that the external timber finish of the proposed garage and shed would not reflect the white and beige render that are used for the buildings at Craignethan.

**Comment:** This issue will be addressed in Section (C) of Appendix A later in this report.

- x. The owner of 13 Craignethan has expressed concern that the proposed garage would block the wind and light from entering the neighbouring drying green.

**Comment:** As mentioned by the applicant in her letter dated 6<sup>th</sup> October 2021, the proposed garage would be lower, and would not project further, than the fence and shrubbery that are already present on the boundary and, as such, it would not alter the existing situation in terms of either wind or daylight passing into the neighbouring drying green.

- xi. By approving this application, concern is expressed that an undesirable precedent would be set for other owners within the Craignethan development to apply for garages, stairs and other outbuildings.

**Comment:** In general, each application for Planning Permission is assessed on its own merits and, given the particular location, siting and design of 9 Craignethan, it is not considered that the approval of the present proposal would set an undesirable precedent.

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## (G) SUPPORTING INFORMATION

**Has the application been the subject of:**

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|-------|--|----|
| (i)   | Environmental Statement:   | No |
| (ii)  | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:  | No |
| (iii) | A design or design/access statement:   | No |
| (iv)  | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

**(H) PLANNING OBLIGATIONS**

Is a Section 75 obligation required: No

**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP STRAT 1 – Sustainable Development  
 LDP DM 1 – Development within the Development Management Zones  
 LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
 LDP 9 – Development Setting, Layout and Design

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)  
 SG LDP Sustainable Siting and Design Principles

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

Scottish Planning Policy (2014)  
 Historic Environment Policy for Scotland (2019 )  
 Historic Environment Scotland '*Managing Change in the Historic Environment* Series  
 Planning History

## Third Party Contributions

### Argyll and Bute Proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within PLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the PLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. There are no provisions in PLDP2 that may be afforded significant weighting in the determination of this particular application.

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing: No**

There is a total of 13 no. objections to the proposed development. However, the land-use planning related issues raised are not considered to be unduly complex, and as such it is considered that a fully informed assessment and determination can be made with reference to this report.

It is also considered that the proposed development is consistent with the relevant provisions of the Local Development Plan. It is considered that there is no policy conflict with the recommendation.

The recommendation is also consistent with the consultation response from the Area Roads Engineer.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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**(P) Assessment and summary of determining issues and material considerations**

Planning Permission is sought for alterations to the front elevation of the dwellinghouse at 9 Craignethan in Rothesay together with the demolition of an existing greenhouse and shed and the erection of a new timber shed and garage within the curtilage of the property.

The Craignethan development was built in 2002 and is one of the largest residential developments that has been constructed in the Rothesay Conservation Area in recent years. The key assessment is whether the proposals would preserve and/or enhance the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area.

In terms of the works on the front elevation, the conversion of the window opening to a door opening would represent a relatively minimal intervention whilst the spiral staircase would continue the use of ironwork that features on a relatively extensive basis in the balconies and verandahs on the front elevation of virtually all of the buildings at Craignethan. Furthermore, the staircase at its widest point would represent only 10% of the dwellinghouse's front façade, which is set back from the internal access road by 25 metres.

Both the proposed garage and shed would represent outbuildings that would be subsidiary in scale to the main dwellinghouse and would be located in the rear corners of its curtilage. These factors, together with the use of a timber external wall finish that would blend with the rising backdrop of plants and shrubbery, would ensure that the proposed garage and shed would not detract from the setting of either the main dwellinghouse or the wider streetscape.

On the basis of the foregoing, it is considered that the proposed works would have a '*neutral*' effect thereby preserving the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area.

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**(Q) Is the proposal consistent with the Development Plan:** Yes

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance. There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

Not applicable.

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No.

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**Author of Report:** Steven Gove

**Date:** 25<sup>th</sup> October 2021

**Reviewing Officer:** Howard Young

**Date:** 25<sup>th</sup> October 2021

**Fergus Murray**

## **Head of Development and Economic Growth**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01014/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 11<sup>th</sup> May 2021; supporting information; and the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
<b>Location Plan</b>	<b>1 of 7</b>		<b>12.05.2021</b>
<b>Existing &amp; Proposed Site Plans</b>	<b>2 of 7</b>		<b>26.07.2021</b>
<b>Partial Ground Floor Plans &amp; Elevation</b>	<b>3 of 7</b>		<b>30.06.2021</b>
<b>Existing &amp; Proposed Front Elevation</b>	<b>4 of 7</b>		<b>30.06.2021</b>
<b>Existing &amp; Proposed Side Elevations</b>	<b>5 of 7</b>		<b>30.06.2021</b>
<b>Proposed Garage</b>	<b>6 of 7</b>		<b>30.06.2021</b>
<b>Proposed Shed</b>	<b>7 of 7</b>		<b>30.06.2021</b>

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

## NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for 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).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01014/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site comprises an existing dwellinghouse and garden located within the 'Main Town' settlement of Rothesay as identified in the Argyll and Bute Local Development Plan (LDP) 2015. Within this type of settlement, Policy LDP DM 1 encourages sustainable forms of a variety of scales of development on appropriate sites subject to assessment against all other material policy considerations. The proposal is considered to comply with the Settlement Strategy.

#### B. Location, Nature and Design of Proposed Development

Craignethan is a residential development in Rothesay on the Isle of Bute that was constructed in 2002 and which comprises 6 detached dwellinghouses and 16 flatted properties contained within three separate blocks. The development is bounded to the north by Mountstuart Road; to the east by No. 62 Mountstuart Road and its curtilage; to the south by the dwellinghouse known as 'Eilean Failte' and its curtilage; and to the west by Albany Road.

Other than the easternmost detached dwellinghouse, which has its own vehicle access directly from Mountstuart Road, the development is accessed by a road that enters from Albany Road. 5 of the dwellinghouses and a two-storey block containing 4 flats are located to the north of the internal road whilst 1 dwellinghouse and 2 three-storey blocks each containing 6 flats are positioned to the south of the internal road.

The current application relates to No. 9, which is the dwellinghouse located to the south of the access road. It is a relatively substantial building that contains two floors of accommodation and is set within a sizeable plot of approximately 860 square metres. There is a driveway from Craignethan's internal access road that leads to a surfaced parking area for at least four cars within the curtilage of the dwellinghouse.

The proposal involves the following works:

- The conversion of one of the ground floor window openings on the front elevation to a door opening
- The installation of a metal external spiral staircase on the front elevation
- The removal of a shed adjacent to the east-facing side elevation of the dwellinghouse and the erection of a larger garage as a replacement. This would have dimensions of 7.2 metres in length by 3.3 metres in width by 3.45 metres in height to the roof ridge. The external finish would be vertical timber cladding that would be stained dark brown and the roof would be a grey-coloured mineral felt
- The removal of a greenhouse adjacent to the west-facing side elevation of the dwellinghouse and the erection of a larger shed as a replacement. This would have dimensions of 7.2 metres in length by 2.4 metres in width by 2.4 metres in height to the roof. The external finish would be vertical timber cladding that would be stained dark brown and the roof would be a grey-coloured mineral felt

## C. Impact upon Built Environment

Craignethan is located within the Rothesay Conservation Area and the relevant legislation requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” in assessing applications for Planning Permission.

Given its relative size and its year of construction in 2002, Craignethan is one of the largest of the more recent new developments within the Rothesay Conservation Area. It can be argued that the five detached dwellinghouses and the block of four flats within the northern half of the site are part of the coastal development that incorporates the older seafront properties fronting onto Mountstuart Road. The rear elevations of these six buildings together with the southern half of the development, whilst visible from Albany Road, have their own character that is principally experienced from within the interior of Craignethan and based around the internal access road and communal parking areas.

As part of the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) Urban Survey Programme, the Rothesay Urban Survey Project was carried out in 2010. This project identified a number of ‘*Areas of Townscape Character*’ (ATC) and Craignethan falls within the Craigmores ATC. It is specifically mentioned in the text, as follows:

*“Overall, Craigmores has retained its original layout, with little infilling until the late 20th/early 21st century. As such, it retains the feel of an affluent suburb to the main town. The mixed development of detached villas and flats at Nos 1-22 Craignethan just off (Mountstuart) Road and Albany Road incorporate some features which mimic their much earlier neighbours, with deep eaves below shallow-pitched roofs, large bow-fronted bay windows, the use of ironwork to create balconies and verandahs (albeit plain rather than decorative) and all set within fairly large plots.”*

The following provides an assessment of each component of the proposed development:

- It is considered that the conversion of the window opening to a door opening would represent a relatively minimal intervention on the front elevation
- As mentioned in the quote above from the Rothesay Urban Survey Project, ‘*plain*’ ironwork has been used on a relatively extensive basis for the creation of balconies and verandahs on the front elevation of virtually all of the buildings at Craignethan. The proposed spiral staircase at Number 9 would continue this use of ironwork, albeit in a less ‘*plain*’ fashion. In a dwellinghouse with a frontage of approximately 15.3 metres, the proposed staircase at its widest point would represent only 10% of this façade.

In addition, Number 9 is set back approximately 25 metres from the internal access road unlike, for instance, the two three-storey flatted blocks to the east whose front facades are approximately 3 metres from their associated communal parking.

In these circumstances, it is not considered that this part of the proposed development would represent an unduly incongruous or visually dominant feature either on the building or the wider streetscape.

- Both the proposed garage and shed would represent outbuildings that would be subsidiary in scale to the main dwellinghouse. The garage would be located 6.5 metres back from the front façade of the main dwellinghouse whilst the shed would be effectively hidden behind the large bow-fronted bay window on the north-western corner of the dwellinghouse. The garage would have a backdrop of rising ground containing plants and shrubbery when viewed from both Albany Road and the internal Craignethan access road into which its dark-stained timber external wall finish would successfully blend

In taking all of the above factors into account, it is considered that the proposed works would have a '*neutral*' effect thereby preserving the character and appearance of both the subject dwellinghouse and the wider Rothesay Conservation Area in accordance with the relevant national and local planning policy and supplementary guidance.