

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC
CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS
on WEDNESDAY, 7 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Luna Martin

Attending: Iain Jackson, Governance, Risk and Safety Manager
Kirsty Sweeney, Area Team Leader – Planning Authority
Emma Jane, Planning Officer – Planning Authority
Gail Crawford, Applicant
Ruari Gardiner, Applicant's Agent
Craig Gray, Applicant's Architect
Julian Morris, Chartered Arborist (On behalf of the Applicant)
Kim de Buitel eir, Design and Conservation Officer - Consultee
Nigel Millar, Helensburgh Community Council - Consultee
Raymond Kane, Traffic and Development Officer – Consultee
John Shelton – Objector
Michael Davis – Objector
David Henderson – Objector
Sally Butt – Objector
Suzanne Hamilton – Objector
Alistair McLuskey - Objector
Liam McKenzie – Chartered Arborist (On behalf of Objector's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Amanda Hampsey, Daniel Hampsey, Paul Kennedy, Dougie Philand and Peter Wallace.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MS GAIL CRAWFORD: ALTERATIONS AND EXTENSIONS: 4 WEST LENNOX DRIVE, HELENSBURGH (REF: 23/00652/PP)

The Chair welcomed everyone to the meeting. He advised that due to a personal commitment he would require to leave the meeting, should it still be in progress, around 1:30pm. Having sought advice from Iain Jackson, Clerk to the Committee, it was agreed that the meeting be adjourned at an appropriate point in proceedings and reconvened at a later time, if required.

For the purposes of the sederunt Mr Jackson, read out the names of the Members of the Committee and asked them to confirm their attendance.

It was noted that, in advance of the meeting, interested parties had confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance. Mr Jackson sought clarity as to whether there was anyone else in attendance that wished to speak. Alastair McLuskey advised that he would like to speak as an objector. Having confirmed that Mr McLuskey was included in the list of objection comments received by the Planning Authority, Mr Jackson advised that Mr McLuskey would be permitted to speak at the relevant time.

The Chair explained the hearing procedure that would be followed and invited the Planning Officer to present the case.

PLANNING

On behalf of the Head of Development and Economic Growth, Emma Jane, Planning Officer, made the following presentation with the aid of power point slides.

SLIDE 1 – Opening slide - Location Plan

Thank you Chair and Good morning, everyone.

Firstly, Chair, prior to presenting, I would like to draw member's attention to the supplementary report that has been provided by officers yesterday. This report was provided to update members on the various matters that have arisen subsequent to the PPSL meeting in October. This report covered the following;

- Firstly to advise members that following the publication of the main report of handling, officers received further representations. Two of these were verbally addressed during the October PPSL presentation. However, we have since received two further objections. This has resulted in a total of 30 representations - (29 objections and 1 representation). Out of the 4 subsequent representations 1 was from a new party and the remaining 3 were from existing objectors. The supplementary report covers the contributors and comments that were not previously addressed within the main report of handling.
- I would also like to advise members that further additional information was submitted by the applicant on the 5th of February. The additional information submitted includes updated plans and elevations to provide clarity on the extent of the proposed development. The only changes to the plans is a change to the yellow hatch which shows the extent of the proposed developments footprint and the updated location and root protection area of the neighbouring copper beech tree, there have been no physical alterations to the design of proposals. Further to this the applicants have also submitted an updated design & access statement and an updated drainage plan. The only change to the design & access statement is that a section has been added to include an analysis of built form to open space on sites within the Hillhouse Conservation Area and also a section including examples of two storey side extensions, the conclusions within this statement have also been updated to reflect this. The drainage drawing has been updated to reflect the root protection area as shown on the tree constrains plan provided within the applicant's arboricultural report so that the proposed drainage alterations are out with this area.

- I would also like to advise members that for clarity during the PPSL presentation in October it was noted by officers that there was an error within the main report of handling in regards to the total built element on the site resulting from the proposals. This has been double checked and the main report of handling as published is correct. For clarity the supplementary report also reiterates these sizes.
- I would like to further update members that the proposed Tree Preservation Order for the copper beech tree within the garden grounds of 2a Upper Colquhoun Street, Helensburgh, which is the neighbouring property to the application site, will be the subject of a provisional tree protection order as of tomorrow.
- Lastly the supplementary report also addresses two tree reports which have been submitted subsequent to the October PPSL meeting, one by the objectors and one by the applicants. The supplementary report also details the officer's response to this additional information and an updated recommendation and conditions based on this. I will go into more detail on this shortly.

SLIDE 2 - Aerial image of site

This slide shows an aerial image of the application site which is bounded by the red dashed line, the yellow dashed line represents the boundary of the Helenburgh Hill House Conservation Area and the green circle represents the approximate location of the neighboring copper beech tree. The existing massing and built development on the site can also be seen on this slide with the existing house sited towards the rear of the plot with a large front garden. The site gently slopes downhill from North to South and is bounded by mature hedges. The site measures approximately 2165sqm and was historically subdivided and a modern dwelling was built within the rear garden grounds. The site is bounded to the West by B listed Whincroft (also known as 2 & 2a Upper Colquhoun Street). Further to this located on the opposite side of the street is A listed Brantwoode and located on the street behind the site is A listed Red Towers (not shown on this plan).

SLIDE 3 – Tree survey objectors

This slide includes an extract from objector's arboricultural report showing the Copper Beech tree's location, canopy spread and root protection area. Within the supplementary report officers go into more detail on the contents of this however to summarise; This report is based on the British Standard in regards to Trees in Relation to Design, Demolition and Construction. The British standard sets out the standard calculation method for determining a tree's root protection area, this method has been used to show the root protection area on this drawing. The diameter of the copper beech tree has been measured as 1.2m which would equate to a circular root protection area of 14.4m centred on the base of the stem as shown. It is confirmed that the root protection area of the neighbouring copper beach tree would include areas within the footprint of the proposed extension and areas where it is proposed to demolish the existing single story element. In theory the root protection area represents a construction exclusion zone which could therefore, effect the ability of the applicants to undertake the proposals.

SLIDE 4 – Tree survey applicants

This slide includes an extract from the applicant's arboricultural report showing the Copper Beech tree's location, canopy spread and alternative root protection area. Again within the supplementary report officers go into more detail on the contents of this however to summarise; This report is in line with the report provided by objectors in terms of the tree's location and size, however, the root protection area varies from the root protection area as shown on the previous slide. This is because the British standard allows an alternative method of illustrating the root protection area where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically and that modifications to the shape of the root protection area should reflect a soundly based arboricultural assessment of likely root distribution. During the survey carried for this report the presence of a small number of roots were discovered in and around the proposed development area. One in particular was noted in a position that suggested its enlargement was being promoted by the presence of water from a leaking or defective drain. This report then noted that in the absence of any development proposals it is recommended that the soil around the existing drainage in this area be excavated and that all roots of any size be cut. It was also noted that as the discovered roots did not exceed 35mm diameter and were generally less the adverse effects on the tree would be minimal. The report also observed that recent works to the tree indicated that's the tree's reliance on the roots in area where crown reduction had occurred will reduce and for these reasons it could be foreseen that any roots within the development area, over 4 metres from the edge of the crown spread, are of secondary importance to the vitality of the tree.

The report then goes on to note that notwithstanding the root protection area that is represented on the tree constraints plan it is the arborists opinion that the roots within the development area can and should be severed without significantly damaging the vitality of the tree. It is also noted that this area is expected to comprise of less than 5% of the root protection area and less than 2% of the total rooting area of the tree and as such, no significant damage to the vitality of the tree can be foreseen. This report then summarises that regardless of the development proposals, it is recommended that all roots in and around and interfering with services in the area adjacent to the existing house be severed. And notes that this can be done using statutory exemptions from conservation area or tree preservation controls.

SLIDE 5 – Tree protection plan

This slide shows an extract from applicant's arboricultural report showing the proposed tree protection plan and an image of the Copper Beech tree. Within the supplementary report officers have provided a detailed response to the findings of the tree surveys and recommendations. However to summarise; It has been confirmed that the proposed development would encroach on the copper beech tree's root protection area as detailed using differing methods within both arboricultural reports. The report provided by the applicants has gone into a more detailed assessment and has identified that roots within the development site are effecting services within the site and that these roots require to be cut back and can be cut back without consent. It is confirmed to members that statutory exemptions do exist that would allow the cutting back of the Copper Beech tree's roots and members should bear in mind that regardless of whether or not the current application is approved the applicant has the ability to undertake tree works to cut back roots that are impacting on their services or buildings without consent. This being said the applicant's arboricultural report has noted that this cutting back of the trees roots to the required areas is expected to comprise of less than 5% of the root protection area and less than 2% of the total rooting area of the tree and as such, no significant damage to the vitality of the tree can be foreseen.

Based on this the authority is satisfied that the copper beech tree will not be adversely effected by the proposals and therefore our recommendation remains one of approval but subject to the amended recommended conditions as appended to the supplementary report which look to refine the tree protection mitigation measures to reflect the more detailed information that has become available.

SLIDE 6 – Site Photos

I will now move onto the main presentation which has been adapted from the previous presentation by officers in October.

This application seeks planning permission for alterations and extensions to an existing property located at; 4 West Lennox Drive, Helensburgh.

The application site is located within the Main Town Settlement Zone of Helensburgh. The existing property is a traditional two storey villa located within the Hill House Conservation Area. The house itself however is not listed. There are various listed properties in the vicinity of the house and it is noted that the design and conservation officer will go into more detail on this within their presentation shortly.

This slide shows the initial site visit photos taken on the 12th June last year. It shows the south elevation which fronts the road and Members can see the existing garage and side extension that are proposed to be demolished. There is also an image of the rear of the property that was taken prior to the unauthorised engineering works which you will have seen today and I will go into more detail on this later within the presentation.

SLIDE 7 - Existing Ground and First Floor Plan

This slide shows the existing ground and first floor plans. Highlighted in red on these plans are the proposed areas for demolition which include; the existing garage, the existing two timber sheds and the existing single story element.

SLIDE 8 – Existing Roof Plan

This slide shows the existing roof plan. It is noted that the original submission included the removal of 3 of the existing chimney stacks as well as the re-configuration of the existing roof to remove the valley section and replace this with a flat roof. The applicants have since revised their proposals to omit the roof re-configuration and proposed flat roof along with revised proposals to remove 1 of the chimneys stacks to the rear and retain the 2 chimneys stacks to the front. The roof alterations now proposed also include replacement of the ridge ties with zinc, lead repairs, slate repairs and the replacement of the existing retained chimney's pots.

SLIDE 9 – Existing South Elevation

The next four slides show the existing elevations, and the proposed alterations to the existing building which include;

- replacing 35 existing windows with double glazed timber sash and case to match the design of the originals
- repairing the existing masonry & render to match the existing
- and repairing & replacing the existing cast iron rainwater goods to match the existing

SLIDE 10 – Existing West Elevation

This slide shows the existing west (side) elevation.

The alterations particular to this elevation include;

- Removal of two first floor windows and openings infilled with reclaimed sandstone
- Removal of the existing ground floor window with the resultant opening utilised to access to the proposed extensions
- And removal of the rear chimney

SLIDE 11 – Existing North Elevation

This slide shows the existing north (rear) elevation.

The alterations particular to this elevation include:

- Full refurbishment of the central stained glass windows
- And removal of a double ground floor window and opening infilled with reclaimed sandstone

SLIDE 12 – Existing East Elevation

This slide shows the existing east (side) elevation.

The alterations particular to this elevation include:

- Removal of the rear chimney
- Full refurbishment of the stained glass windows
- And repairs to the render finish under the first floor bay window to match the existing

In summary in terms of the proposed alterations to the existing building is it regarded that these when considered cumulatively do not have an adverse effect on the character of the existing property nor on the wider conservation area, this again is something that the design and conservation officer will go into more detail on within their presentation.

SLIDE 13 – Proposed Drainage Alterations

This slide shows the proposed updated drainage alterations. It is noted that during the determination process the applicants submitted plans to show a re-routed and repaired surface water drainage scheme for the site. This was submitted as unauthorised drainage works were found to have taken place on the site which required consent. It is noted that consent is not required for the repair of existing drainage but is required if there are alterations to this. Officers have been to site and viewed the issues with the current broken surface water drainage, following the unauthorised engineering works and are content that the proposed alterations to reinstate and alter this are sufficient. It is also noted that as this is a proposed extension and not a new build there is no requirement for the applicants to install a new SUDS system. The submitted drawing shows a new French drain running along the northern boundary of the site (shown in green on the plan) to pick up the broken field drains which were discharging water into the solum of the property and then route the new field drain to the front of the property to tie in with the existing drainage discharge. It is also noted that the applicants have revised their drainage drawing to pick up the root protection area of the Copper Beech tree and have re-routed the drainage to ensure this is out with this area.

SLIDE 14 – Proposed Block Plan

This slide shows the proposed plan form and siting of the proposed extensions to the existing house and the proposed replacement garage/gym. New planting is also shown, principally to the West boundary of the site beside the proposed extension. This drawing has also been updated to show the accurate location of the Copper Beech tree and its root protection area. In terms of the scale of the proposed extensions and replacement garage. The proposed extension has a footprint of 90sqm whereas the original single storey element to be removed had a foot print of 55sqm. The existing garage which is to be removed has a footprint of 30sqm and replacement garage/gym has a footprint of 70sqm. In addition the proposal also seeks to introduce a covered external 'link' canopy between the garage/gym and the new extension, this has a footprint of 25sqm. The existing total built element on site has a foot print of approximately 264sqm which represents 12% of the overall plot. In comparison the proposals would result in a total built element foot print on the site of approximately 346sqm which represents 16% of the overall plot, an increase of 82sqm or 4% to the overall built footprint on the site.

SLIDE 15 – Proposed Ground Floor Plan

This slide shows the proposed ground floor plan as well as the proposed hard and soft landscaping. A retaining wall is also proposed to the rear of the site and beside the proposed garage/gym. It is noted that in regards to the proposed hard and soft landscaping it is advised that submission, assessment and approval of a scheme of hard and soft landscaping be required by planning condition which the council's Local Biodiversity Officer will have opportunity to assess. It is further recommended that this condition requires that any hard landscaping proposed be of permeable materials as to not impact on the surface water drainage for the site.

SLIDE 16 – Proposed First Floor Plan

This slide shows the proposed first floor plan. The foot print of the proposed first floor extension extends to approximately 50sqm. You can also see the proposed first floor terrace which extends to approximately 20sqm. There have been concerns raised over the possible overlooking from this terrace however the first floor terrace that is proposed is minimal in size and is screened by the existing copper beach tree, furthermore, there is an existing level of overlook from the first floor windows in this location – two of which will be removed, therefore, the limited element of overlooking is considered to be within acceptable limits.

SLIDE 17 – Proposed Roof Plan

This slide shows the proposed roof plan. Here you can see the flat roofs of the proposed extension and replacement garage/gym. The relevant policy in terms of flat roofs states that flat roofed extensions will not be permitted where they do not complement the existing house style and design. In this case, the extension is bold and contemporary which some may view at odds with the existing house style but the contrast in design provides a clear and deliberate design delineation between the old and the new and this is welcomed and supported by officers and is considered in this instance to complement the existing house. It is also noted that the flat roof of the proposed two storey extension minimizes the overall massing which is also welcomed.

SLIDE 18 – Proposed South Elevation

This slide shows the proposed South (street facing) elevation. Here you can see the proposed height of the replacement garage/gym as well as the proposed heights of the two storey extension in relation to the existing property. The single storey elements of the proposals have a roof height of 3.2m and the two storey element has a roof height of 6.4m. It is considered that the proposed extensions will not affect daylight into neighboring properties or gardens by way of overshadowing as they are set back far enough from the boundaries that when the 45 degree daylight test is applied the existing hedge screening mitigates any potential impacts including the first floor element.

SLIDE 19 – Proposed East & West Elevations

This slide shows the proposed East & West (side) elevations. Here you can see the extents of the single storey extensions and replacement garage/gym as well as the extent of the first floor extension.

SLIDE 20 – Proposed North Elevation

This slide shows the proposed North (rear) elevation. Here you can see the proposed external link canopy between the proposed extensions and replacement garage/gym.

SLIDE 21 – 3D Visualisation of proposed South Elevation

This slide shows a proposed 3D view of the front of the property. You can see here that the design of the proposed extensions and garage are contemporary in design. They are considered to be subservient to the existing house and do not dominate it, the clear delineation between the old and the new is welcomed and is in line with policy, the proposed materials are high quality and respect the character of the existing property and wider conservation area. You can also see the set back of the proposed first floor extension and the proposed replacement garage/gym.

SLIDE 22 – 3D Visualisation of proposed North Elevation

This slide shows a proposed 3D view of the rear of the property. Here you can see the proposed replacement garage/gym and the proposed external link canopy.

SLIDE 23 – Materiality Images

This slide shows the materials pallet that the applicants are proposing. The proposed external finishes are;

- External walls including retaining walls (ground floor) are to be a muted pink colour render
- External walls (first floor) are to be a perforated 'scaloped' powder coated aluminium sheeting in a muted green colour
- External canopy to be a dark steel finish
- Flat roofs to be finished in dark grey Sarnafil
- Windows to be Polyester powder coated aluminium frames

The proposed 2 storey extension seeks to use the heavier appearing finishes to the ground floor coupled with lightweight materials to the first floor. This is to make the design appear lighter as it increase a storey. This coupled with the reduced footprint of the first floor and the first floor setback allows the proposed first floor extension to appear subservient to the existing property and does not dominate it. It is also noted that there has been concern that the perforated steel cladding to the first floor of the proposed extension could impact on the privacy and amenity of the neighboring property, it is noted

that a safeguarding condition has been recommended that requires samples of this material be approved by the authority and that further a condition has been recommended that requires the glazing behind this screening be of obscure glass to protect the privacy and amenity of adjacent property.

SLIDE 24 – Visual Impact Assessment

This slide shows a selection of street view images that the applicants have provided to show the outline of the proposed extension and replacement garage/gym in red.

SLIDE 25 SUMMARY - 3D views

In terms of Statutory Consultees, there are no objections from Roads, Environmental Health, Historic Environmental Scotland or our Design and Conservation Officer. There is an objection from Helensburgh Community Council who have raised issues with the design, appearance, potential impacts on the surrounding conservation areas and also potential amenity impacts. It is noted that members will hear directly from the community council on these issues shortly.

THIRD PARTY REPRESENTATIONS - no change of slide.

A total of 30 no. representations have been received. 29 of these are objections and one is a representation. We have addressed the comments and concerns raised in these representations in detail within the main report of handling and the subsequent supplementary report, however, the material planning considerations raised are summarised into topics as follows:

- Drainage.
- Impact on the surrounding conservation areas.
- Impact on the setting of surrounding listed buildings.
- Impact on the existing property.
- Impact on residential amenities of surrounding properties.
- Impact on the copper beech tree within the neighbouring garden.
- The proposed materials.
- And the possible overdevelopment of the site.

Again it is noted that members will have the opportunity to hear directly from those parties that have chosen to speak today shortly.

In summary, this development has been assessed against the adopted Local Development Plan and in accordance with all material planning considerations including consultation responses and third party representations. The proposal accords with the policy provisions of NPF 4, the adopted LDP and the proposed LDP 2.

The proposed extensions and replacement garage/gym are not considered to be overdevelopment of the site, the proposed design is considered to be subservient to the donor house as does not dominate it. And even though dramatically different in style the materiality ties in with the existing house – such as the muted pink render to match the existing sandstone. The extension is set back from the front façade and the proportions have a vertical emphasis which ties in with the proportions of the existing house.

The proposed materials are high quality and respect the character of the existing property and wider conservation area, it is not considered that the proposals negatively affect the setting of surrounding listed properties and it is considered that this contemporary

extension to a traditional villa is in keeping with the character of the wider conservation area and the existing building.

Furthermore, the proposals raise no unacceptable issues in relation overlooking, loss of daylight / privacy or amenity to surrounding properties. And that any potential issues can be mitigated using planning conditions which have been recommended within the supplementary report.

It is therefore recommended that planning permission be granted.

APPLICANT

The Applicant's Agent and Architect, Ruari Gardiner and Craig Gray introduced themselves to the Committee and outlined their backgrounds as Directors of G53 Design Limited, with a combined 40 years of architectural experience between them.

Mr Gray advised that the applicant had fallen in love with the property and had invested time and money to future proof, protect and modernise it for generations to come. He advised that as a company, G53 Design Limited take very seriously the role of protecting, preserving and continuing the heritage of real high quality design that Scotland and Helensburgh in particular has to offer.

With the use of a presentation, Mr Gray outlined the proposal as a full internal refurbishment and large contemporary extension to the rear of an unlisted Victorian villa which sits within the Hillhouse Conservation Area. He highlighted a number of successful extensions to Victorian Buildings and outlined the celebration of contrast in style and materiality, moving away from pastiche architecture to allow the historic building to be more prominent. He outlined the use of recessive material which compliments the main building and the use of glazing to help mediate between the old and the new.

Mr Gray outlined a number of issues with the existing house that require to be assessed and resolved with the help of a chartered Structural Engineer, which included rubble masonry movement and loss of integrity; cracking in the envelope, water ingress in Solum and organic growth causing structural damage. He advised that Redholm sits on a long sloping plot, which led the design approach to maximise natural light with large widows creating views from the front living room all the way out to the back garden. Framing the spectacular views to the South and West of the site and using the architecture to celebrate them. He advised that the scheme had created a unique backdrop to the new internal spaces, which were unique to the new home.

Providing contextual analysis, Mr Gray spoke of the development of the Conservation Area over the last 120 years, he advised that there were two distinct phases of development that had contributed to the character of the area, the Victorian villas and the post war infill housing, which was of low architectural quality and had contributed to the dilution of the areas character. He advised that the desire to sell off sections of large gardens over the years had led to a lot of uncontrolled developments in the area.

Mr Gardiner addressed the comments relating to over-development of the site and advised that they had undertaken an analytical analysis to the scale of the plot. He advised they had examined each development plot within the Hillhouse Conservation Area and taken the ratio of house to large garden. He advised that each one is on average 12.78%. He advised that the application site was currently 12%, but increases to 16% with the proposal, but advised that looking at the range within the Conservation Area,

which ranges from 7% to 20%, it still falls within the mean percentage. He advised that this analysis shows that there is no over development as it is in line with what is in the Conservation Area at the moment. Addressing the suggestion that there was a departure from the norm in terms of the proposals to incorporate a flat roof, Mr Gardiner highlighted 2 properties near the development site which demonstrated two storey developments with flat roofs and advised that this suggestion was incorrect.

Mr Gray took the Committee through a number of slides which showed existing floor plans and elevations and a series of diagrams produced to evidence that site lines from public parts of adjacent streets and roads were not adversely affected. He advised that the width, depth and height were not arbitrary but were proposed in context with the existing architecture of the area. He spoke of the colour palette of the materials chosen and advised that these were selected to be ambiguous to blend in with the sky and the existing tree canopy.

Discussing the visual impact assessment, Mr Gray advised that as a consequence of the considered configuration of massing as well as screening provided by existing and proposed foliage and neighbouring structures, the proposed development had a minimal, often non-existent visual impact on the existing character of the area.

Having established that both the Applicant's Agent and Architect had concluded their submission, the Chair invited any other parties on behalf of the Applicant to speak.

Julian Morris, Chartered Arborist introduced himself to the Committee and outlined his qualifications and his in depth local knowledge, particularly in trees within the area. He advised that he had only recently become involved in the case and that he understood that the Committee were willing to recommend approval of this application subject to conditions to safeguard the Copper Beech tree. He advised that although the conditions appeared to be well intended, it would appear that they relied upon a superseded British Standard BS 5837. He advised that he recommended a greater protection to the tree. Mr Morris advised that he was aware that a Tree Preservation Order (TPO) was due to come into effect on 8 February 2024 and on the face of it appeared to thwart the development and as such required to be addressed.

Mr Morris outlined the report provided by the tree owner's Arborist. He advised that he had no difficulty with the dimension, species or heights reported, but rather his difficulty was that British Standard BS 5837 does say that the Root Protection Area (RPA) needs to be calculated initially with reference to the stem diameter when drawing the circle, it then goes on to say that you should modify that circle to any existing conditions. Mr Morris advised that the tree owner's Arborist did not follow the British Standard BS 5837 and that he believed this to be because of the 15 pruning wounds that he counted each measuring a diameter of about 4-5 inches. He advised that a Copper Beech tree of that age was unlikely to regenerate growth.

Going on to discuss the findings of the Engineer report which had shown that an existing field drain was blocked, Mr Morris advised that an engineer had submitted evidence that there was water pooling around the ground floor of the building. He advised that it was not just possible or probable but was inevitable that the field drain was choked with tree roots. He advised that the Engineer had recommended a trench with a perforated pipe to allow the water to be carried away.

Mr Morris advised that it was not against the law to allow roots to go into another property, but if those roots are damaging the property that is negligence. He advised that the

applicant simply wanted the field drains to work so that the water was no longer pooling below the property. He advised that the tree owner could abate that nuisance by cutting back the roots and branches to the boundary of the property. Mr Morris advised that the most recent discussions had indicated that it would be possible to relocate the field drain to beneath the proposed extension. The difference with this option would be 42 square metres of severed roots as opposed to 142 square metres. He advised that he was satisfied that, given the severity of the pruning described earlier, that this option would have a trivial effect on the Copper Beech tree, and that in any case the tree issues should not prevent permission being granted.

The Applicant, Gail Crawford gave the following presentation:

Good Morning.

My name is Gail Crawford, one of the owners of Redholm.

Firstly, I would like to thank the people of Helensburgh for their kind words of support over the last few months and to the majority of the Helensburgh community who have stayed silent.

Raised and schooled in Helensburgh, I had viewed a number of properties in the area before deciding on Redholm, looking to return to my home town to be near my elderly parents.

When buying Redholm I was under no illusion the huge undertaking required to make my home habitable, water tight and future proof thanks to the Home Report and multiple preservation reports carried out.

I was fully prepared for the level of commitment this property needs, what I was not prepared for was the level of intimidation I have received, including certain neighbours impersonating the Council. I was excited about coming home and getting involved in the renovation process, designing my home where I plan to stay for many years to come. Unfortunately, to date, this has not been my experience.

After taking possession of my new home in October 2022 it was noticed a continuous stream was flowing through the house. After many investigative works including the involvement of the Scottish Water Board, it became apparent that the issue was a field drainage problem. This drainage problem has been long standing and ongoing for many years.

During the summer months of 2023, while the weather permitted, I decided to carry out further investigative works to try and find the source of the problem. I could not just sit back and watch the fabric of my home deteriorate further, there is already evidence of subsidence at the front elevation in line with the flowing stream. I expect most home owners would have taken the same course of action.

Over the course of the last 11 months, the time period since submitting the application, my home has deteriorated further. The ceiling above the staircase has collapsed and I have severe water ingress to all main rooms.

What I am hoping from today is that the Councillors follow the recommendations of the professionals, Argyll and Bute Planning Department and Historic Scotland, who have carried out a rigorous process. It is only right we adhere to their recommendations and not undermine their integrity.

Councillors, please note that this planning application does not involve anything that is not already existing in the immediate area. I have applied to carry out extension works that neighbouring properties have already carried out. Nothing more.

I now need to be allowed to move forward and start getting the necessary works started before my home falls further into disrepair.

Please be assured I am taking this application with the upmost respect it deserves and taking every step to reinstate Redholm to its full potential whilst preserving and enhancing the area.

I have no doubt Redholm will prove to be an asset to the area once the works have been completed. As a community we need to be progressive. Let's lead by example and attract positive attention to the town of Helensburgh.

Thank you.

CONSULTEES

Kim de Buitel  r, Design and Conservation Officer

On behalf of the Head of Development and Economic Growth, Kim de Buitel  r, Design and Conservation Officer, gave the following presentation:

SLIDE 1 - INTRODUCTION

Thank you Chair

As Design and Conservation Officer for the Council, my presentation will focus only on aspects related to the design within the conservation area and the setting of listed buildings.

The house is not listed however sits within proximity of a number of A and B listed buildings, therefore listed building policies apply insofar as relevant to setting, but not in terms of the house itself which as stated is not listed. The house sits within Helensburgh Hill House Conservation Area therefore conservation area policies apply, as well as design policies.

SLIDE 2 – THE LEGISLATIVE CONTEXT

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that under section 64, special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

The Development Plan currently comprises the 2015 LDP and the NPF4 with the latter taking precedence due to its later date of adoption. LDP2 is a material consideration. Other material considerations relevant to this application are

- the Argyll and Bute Sustainable Design Guidance (dating from 2006),
- the Helensburgh Conservation Area Appraisal (dating from 2008),
- Managing Change Guidance by Historic Environment Scotland on Setting of listed buildings;

SLIDE 3 – THE POLICY CONTEXT (CONSERVATION AREA)

So, what Members are being asked to consider today in terms of whether the proposal is in accordance with the Development Plan and should be approved, is

- Will the proposal preserve or enhance the character or appearance of the conservation area

NPF4 suggests that the following are considered in this assessment:

- Architectural and historic character of the area
- Existing density, built form and layout
- Context and siting, quality of design and suitable materials

SLIDE 4 – THE POLICY CONTEXT (CONSERVATION AREA & SETTING OF LISTED BUILDINGS)

And in terms of the setting of listed buildings):

- Will the proposal preserve the character, and special architectural or historic interest of the setting of listed buildings

The 2015 LDP and LDP2 policies on conservation areas – LDP SG ENV 17, and Policy 17, are broadly the same as that of NPF4, albeit worded differently. They repeat that the policy test is to preserve or enhance the character or appearance of the conservation area, and they must respect their special architectural qualities.

The 2015 LDP and LDP2 policies on the setting of listed buildings – LDP SG ENV 16(a), and Policy 16, again are broadly the same as that of NPF4 as they require that the setting is preserved.

SLIDE 5 – THE POLICY CONTEXT (DESIGN)

Further Development Plan policies which provide support to meeting the policy requirements that I have just mentioned, are the Design policies. I have shown on the screen some key points from each of these policies but have not included each policy in its entirety.

NPF4 outlines 6 qualities of successful places. As this is a householder application only for an extension, the main quality applicable here is:

- Distinctive – supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

The 2015 LDP Supplementary Guidance has Sustainable Siting and Design Principles, in which sections 8.1 and 8.2 relate to extensions. It requires that the size, scale, proportion or design should not dominate the original building and external materials should be complementary to the existing property.

Policy 10 of the LDP2 requires that proposals:

- Demonstrate an understanding of and appropriate response to the proposed development site and wider context including consideration of character and, where applicable, urban grain

- Steer clear of mimicry and pastiche
- Use appropriate proportions for building elements
- Use materials that are harmonious with the context but embody honesty and legibility of contemporary design.

These policy considerations should essentially be used in this case to answer the question of

- Will the proposal preserve or enhance the character or appearance of the conservation area, as well as the setting of the listed buildings

The material considerations which I mentioned earlier in terms of guidance documents and statutory consultee responses, will be addressed throughout the presentation which sets out to address this policy test.

SLIDE 6 – EXISTING CHARACTER OF CONSERVATION AREAS

However, to consider the answer to these policy tests the first step is to understand the character of the conservation area, and its qualifying qualities.

As Members will have appreciated from their site visit, understanding the overall character and appearance of the conservation area requires to not simply focus on this one building, but to spend time walking through the streets, experiencing the street layout; the plot pattern; trees and planting; and the differing architectural styles, in order to understand the area as a whole, which is essential to answer the question:

- Will the proposal preserve or enhance the character or appearance of the conservation area, as well as the setting of the listed buildings

An extremely useful document that aids in the understanding of this area is the Appraisal of the Conservation Areas in Helensburgh 2008, written by the Helensburgh Conservation Areas Group. Whilst many of the objectors to this application have referred to Hill House Conservation Area as a separate designation, which it is, the Appraisal document does **NOT** separate out the two conservation areas but considers Hill House Conservation Area in conjunction with the much larger Upper Helensburgh Conservation Area.

SLIDE 7 – ARCHITECTURAL STYLES WITHIN THE CONSERVATION AREAS

Section 2.4 of the Appraisal sets out the special architectural interest of the area. It says:

“unlike the earlier, more strictly planned towns such as Inveraray or Port Charlotte (Islay), there is an eclectic mix of styles here”.

Indeed Hill House is a somewhat unique architectural style of its own here.

Whilst one Objector (on 14th August) stated that modern properties which pre-date the designation of the Hill House Conservation Area (in 1971) are irrelevant to the setting and context of the Hill House Conservation in regards to this application, however I would respectfully disagree with this statement and am of the view that a degree of modern development in the area adds to the character of the evolving and eclectic area.

The photos on this slide show a variety of properties both within the Hill House Conservation Area and within its wider setting of Helensburgh Upper Conservation Area. As the Hill House Box is a temporary covering I have included a photo from Historic Environment Scotland's website as Hill House will again in a few years look like without the temporary box.

SLIDE 8 – CONSERVATION AREA APPRAISAL

The Appraisal states

“the Conservation Areas are noted for their aesthetic appeal. Indeed it is the landscape architecture (the geometric structure of the grid contrasted with the freedom of infill) rather than any individual villa that gives rise to the essence of place”

That is not to say that no buildings are of special interest in their own right – but the special interest of many of those is covered by their listed status and protected by a different legislative requirement. The conservation area however, is about the wider appeal.

SLIDE 9 – CONSERVATION AREA APPRAISAL

The Appraisal sets out that there is unity, contrast, dominance and balance in the conservation area.

The unity of the area would be retained in terms of the grid structure, the tree lined streetscape, the positioning of houses to the north of their plots, and the colour palette proposed which ties in with the red sandstone and green grey roofs.

Further contrast would be provided in terms of adding to the eclectic styles and later additions in contrasting architectural styles, and the introduction of new materials.

The dominance (of the linearity and building heights) would not be affected.

And the balance, by way of the scale of buildings and the ratio of house to garden would be retained. Because even with the proposed extension added, this house would not be larger than many others in the area – this map demonstrates the existing plot layout pattern - the extension would be to the side and rear and would not significantly change its relationship to the overall plot.

So, it is on the basis of this character of the area as assessed in the Appraisal, that the policy test must be applied for this proposal:

- Will the proposal preserve or enhance the character or appearance of the conservation area, as well as the setting of the listed buildings within this

There are other conservation areas within Argyll where it would not be the landscape setting, but the buildings themselves that form the majority of the aesthetic appeal, and where there is not such contrast in architectural styles and materials. And in these conservation areas, to meet the policy test, there would be far less scope in terms of the bold design and scale.

However in this particular setting, while there are aspects that must be adhered to, to meet the policy test (these being retaining the grid structure and the tree lined

streetscapes and general urban grain), there is some degree of flexibility for the architecture that sits within this, so long as the overall character or appearance of the area is preserved or enhanced.

SLIDE 10 - LISTED BUILDINGS

Within the conservation area there are a number of listed buildings, shown on Historic Environment Scotland's map here (red are A-listed, blue are B-listed and pink are C-listed). Whilst the wider setting is the overall conservation area, to understand whether this proposal would preserve the character of these settings, the extent and nature of these within the wider conservation area firstly must be assessed and understood.

Historic Environment Scotland were consulted on the application as a statutory consultee, and they are also a key agency. They identified listed buildings whose settings had the potential to be affected by the proposal, but did not think that the setting of any of these listed buildings would be significantly affected by the proposal.

HES has produced Managing Change guidance on setting which sets out that: Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. This includes but is not limited to key views.

That does not mean that new development cannot take place within a setting, whether it is within a key view or not. This means, would the proposal bring about changes so significant that the way the listed building is understood, appreciated and experienced, materially change. Some level of change is acceptable – it comes down to the sensitivity of the asset (or receptor) and its setting to change, and the magnitude of change proposed.

In this case, all the listed buildings potentially affected by the proposal sit within a built environment setting. No new building is proposed within this setting. What is proposed is an extension to an existing building, using contemporary materials to provide clear legibility between old and new.

The overall massing and form would of course change, but the roof form would stay the same, and the existing front elevation would stay the same, but with set back elements added to each side. The colour palette is similar to the red sandstone and green grey slates of the existing building.

There would therefore be no change to the way the overall area (and therefore the general setting of the listed buildings within this) is understood, appreciated or experienced.

However, owners of some of the listed properties objected to the assessment by both Historic Environment Scotland and myself that the setting of each of these would be preserved. Whilst, as I've discussed, the way the overall, wider setting would be understood, appreciated and experienced, would stay the same, site visits to these properties allowed a better assessment of intervisibility and effect on key views.

So myself the Planning Officer and Area Team leader visited A listed Red Towers, B listed Whincroft, and A listed Brantwoode on 3rd October 2023 – these are highlighted on this map. I provided a full visual assessment which is on file dated 4th October 2023 and I will summarise these points along with a few of the photos. An objection received just last

week on 1st February 2024, states that I took photos from “obscure positions” to minimise the impact on nearby properties. I can clarify that this is absolutely not the case and I acted with professional integrity on site, taking photos towards the house from locations that gave the clearest view, and I will clarify these locations as I go through this.

SLIDE 11 – A-LISTED RED TOWERS

Firstly A-listed Red Towers, which sits to the north of Redholm:

In terms of the view to the south, the view is of the Clyde and hills beyond, with housing in the foreground. The housing is of varying architectural styles, colours and periods.

The photos on the slide show the view of Redholm from the front door; from the 1st floor balcony; and from the 2nd floor balcony, as well as an additional photo from the 2nd floor balcony looking east to show the varied built context.

The roof form of Redholm and chimneys are they key features of significance which add to these key views. During the course of the application the agent revised the proposals and the proposal being considered today retains this roof profile as well as 2 chimneys – one to the east side and one to the west.

In terms of the extension it will be visible, particularly the metal clad upper floor, however within the wider view of the varying architectural styles and colours, with the key viewpoint intended to be past these to the Clyde, I would not consider that overall the character of the setting would materially change.

SLIDE 12 – B-LISTED WHINCROFT

Moving on to B-listed Whincroft, which sits directly adjacent to Redholm:

The photos on the screen show how the extension would be visible from the garden grounds and bedroom, and to a very limited extent from the main reception room.

However I would NOT consider any of these to be key views from the property, which as with Red Towers, would be to the south towards the Clyde.

In terms of how the experience of the garden ground would be affected by the introduction of a 2 storey element, I would NOT consider that there would be significant change to the character of the garden – the extension would bring massing and fenestration closer to the garden ground but is already a built up townscape.

SLIDE 13 – A-LISTED BRANTWOODE

And finally A-listed Brantwoode

Although there are gates to the north of the property opposite Redhome, when we visited the property these appeared to be locked so we entered the property from the south, walking past the large front lawn. Whilst the main door is to the north the principle rooms face south. The photos show the view of Redholm from just outside Brantwood’s pedestrian gate; from the driveway; from the main door; and from the first floor hallway window. There was no intention for these photos to include obstructions in the line of sight towards 4 West Lennox – it was simply that, due to the siting of the pedestrian gate relative to the tree opposite; and the height of the rear wall that there is very limited visibility.

I would NOT consider that the limited visibility from the north of Brantwoode would result in its setting being affected.

This assessment of the setting, and the photos I have shown, demonstrates that, despite this proposal being of quite a large scale for an extension, and of contemporary materials, the proposal would preserve the character of the setting of the listed buildings and therefore comply with policy in this regard.

SLIDE 14 – REAR ROOF

Now I will move on to an assessment of the proposal in order to consider whether it has any detrimental effect on the overall character or appearance of the conservation area, or whether it meets the policy test of preserving its.

The initial proposal included the removal of 3 chimneys as well as the reconfiguration of the roof. Cumulatively these proposals would have resulted in quite a significant change to the existing form and character of the building and could not be supported. The current proposal retains the existing roof form and the two front chimneys. It would be preferable to retain all 4 chimneys however I would now consider that a sufficient level of the traditional form is being retained that there is now no significant impact on the existing roofscape when viewed from the north.

SLIDE 15 – PROPOSED MASSING

There has been some concern over the massing. The block plans originally submitted unfortunately did not assist with this concern due to giving as much emphasis to the landscaping as they do to the proposed built form, resulting in drawings where the proposal at first glance appears much larger than it is. These have now been updated and resubmitted with the yellow shaded area showing only the proposed built forms

Similarly, elevations in this case are not a good example to understand the massing because they show the proposal as flat, giving equal prominence to the extension and garage as the main house. However this would not be the case. The ground floor extension is set back some 3 metres, with the upper floor set back a further 2 and a half metres and the garage sitting almost at the rear of the house, far further back than the existing garage currently sits.

The arrangement of the elements can be more clearly seen on the visualisation on screen. Next to this is an aerial photo, from the Savills sales brochure that was submitted by an Objector. This shows an elevated view of the neighbouring property with its 2 storey extension and double garage, which is of a similar scale to this proposal.

Helensburgh Community Council states that 4 West Lennox Drive is a close match to this property and are concerned that the proposal would destroy their architectural design symmetry. However based on what we can see from this photo, not only does the extension at number 2 **not** dominate the existing architecture despite its scale and more relevantly does not detract from the character or appearance of the conservation area, but the two properties would actually resultantly be more similar in scale than they are currently.

An objection dated 22nd September stated I pointed to the proposal as being an overdevelopment of the site. For clarity, I have not said this – in my initial response of 22nd June I stated that the cumulative effect of the height and width of the extension “make it appear too large overall” – this was in relation to the house as a design concern given its positive contribution to the overall area, rather than being in relation to the plot size.

The agent subsequently addressed these concerns by providing an explanation of how the proportions had been developed. Whilst I feel that in order to be more sympathetic to the original house itself, the proposal may benefit by a reduction in scale, I am of the opinion that the existing architecture is still retained, and the overall scale would not affect the overall character of the conservation area of the setting of the listed buildings therein.

SLIDE 16 – PROPOSED DESIGN AND MATERIALS

In terms of the design and materials objectors have raised concerns in terms of the building having an industrial like appearance and many do not like the flat roof. However the colours of these proposed materials would be sympathetic to those of the main house, and a planning condition would ensure that. It should be noted that each photo within the file will show the sandstone and the slates a slightly different shade and tone due to the lighting conditions of each photo – checking samples on site would ensure the colours do actually match well. The flat roof allows a 2 storey extension whilst keeping the massing to a minimum.

On the basis of this I am of the opinion that the design and materials, while not everyone’s preference in terms of design, will integrate with the existing building as they do not compete in terms of form or design elements and aim to use a colour palette that will blend well. The existing architecture is still retained.

They are particularly in accordance with NPF4 Policy 14 by supporting attention to detail of local architectural styles and interpreting these creatively into the design; and policy 10 of LDP2 by using materials that are harmonious with the context but embody honesty and legibility of contemporary design by avoiding pastiche design solutions.

SLIDE 17 – CONCLUSION (1 of 2)

So while Members, like the objectors, may not like this design, that is not the policy test here. What is being asked is:

- Will the proposal preserve or enhance the character or appearance of the conservation area, as well as the setting of the listed buildings within this

SLIDE 18 – CONCLUSION (2 of 2)

And I would return to key points of the Conservation Area Appraisal in relation to that question:

The unity of the area in terms of the grid structure, the tree lined streetscape, the positioning of houses to the north of their plots, and the colour palette..

The contrast in terms of eclectic styles and later additions in contrasting architectural styles, and the introduction of new materials.

The dominance of the linearity and building heights.

And the balance, by way of the scale of buildings and the ratio of house to garden.

On the basis of this, I would consider that the proposal would NOT materially affect the overall character of the conservation area. The proposal would therefore preserve the character or appearance of the conservation area in accordance with NPF4 Policy 7 (d), LDP SG ENV 17 and Policy 17 of the emerging LDP2.

This building is not itself listed. And no designation review has been submitted to list the building. If that were the case Members would be being asked to consider different policy requirements, being in terms of the building itself. However this is not the case.

And I have discussed the setting of 3 listed buildings in the area and how a house extension of this scale relative to the overall plot, and of this muted colour palette (which would be subject to a condition requiring samples) would NOT materially affect the setting of these listed buildings. The settings of each would therefore be preserved in accordance with NPF4 Policy 7 (c), LDP SG ENV 16 (a) and Policy 16 of the emerging LDP2.

Thank You.

The Chair moved and the Committee agreed to adjourn to allow for a short comfort break. On reconvening at 12:15pm, all those present were as per the sederunt.

Nigel Millar on behalf of Helensburgh Community Council

Nigel Millar of Helensburgh Community Council gave a presentation to the Committee. He advised that as Statutory Consultees to all planning applications in the area, Helensburgh Community Council have a responsibility to assess them and decide how best to respond. He advised that as they are in the unique position of having a number of Conservation area's differing in size, the Community Council had taken the decision back in 2015 to set up Architecture and Design Helensburgh, which is Scotland's only design panel. He advised that it was made up of members from the Community Council, Architects and Planners. Mr Millar assured the Committee that when commenting on Planning applications, professional advice was always taken.

Mr Millar advised that as the application fell within the Hillhouse Conservation Area, the Community Council had a responsibility to look at the application very seriously, given that a percentage of properties in this area were listed as being in the top 5% in Scotland. He advised that a balanced approach had been taken when giving consideration to the Redholm application. He took the Committee through a number of slides which contained images showing a heavily wooded area where the Copper Beech tree is the dominant tree inside the area. He advised that consideration was given to the contribution to the overall ambience and beauty of the area and that the Community Council had no objections to buildings within the Conservation Area, nor to them being modern and no objections to taking a small garage and making it larger. He outlined the amenity benefits that come to residents who have taken advantage of Helensburgh's sloping side and outlined recent examples of extensions which were both modern and complimentary to the parent

building. He advised that the view of the Community Council was that the proposals were discordant to the parent building, particularly the garage on the East side of the building and that the prominence and importance of the original building was being compromised by the brutal proposal. He further advised that the focus of the building was moving from the centre of the site to the left hand side making for an unbalanced site.

Mr Millar advised that the Community Council compared applications with design policies produced by Argyll and Bute Council and consider whether they meet with the policies. He advised that to ensure consistency they had developed a design statement, which considers whether an application is distinctive, whether it fits in with the local area and open space and whether it is sustainable. He advised that this particular application was considered on these merits with the conclusion being drawn that unfortunately the proposals at Redholm were not a coherent addition.

Turning to the Applicant, Mr Millar advised that the Community Council supported what she was trying to achieve but they felt that the proposals did not enhance the neighbouring area.

OBJECTORS

With the aid of power point slides and a scale model, the objectors, as listed below, gave the following presentation:

Introduction

John Shelton

SLIDE 1 REDHOLM GENERAL VIEWS

Good morning, my name is John Shelton, I live at Suilven, 3 West Douglas Drive, immediately north of Redholm. On behalf of the objectors to this planning application who are available to attend and speak to today, and the support of those unable to be here, we welcome this opportunity. Whilst we have submitted numerous detailed representations to Argyll and Bute Council, and can't possibly reference everything here, we wish to address the key points and material considerations as to why this application should be refused.

We hope to demonstrate to you the importance of the Hill House Conservation Area, reference the relevant planning policies that we believe indicate this application should be refused, before addressing the shortcomings of this planning application and showing you pictorially, and through a scale model, the impact this proposal would have together with the unacceptable and irreparable damage it would have on an ancient Copper Beech tree. We believe this planning application to be not only misleading and erroneous but wholly inappropriate.

We are very concerned that the planners' recommendation has been made on the basis of misleading and inaccurate drawings, illustrations and information. We also have concerns regarding the Report of Handling in how this application has been assessed and the application of planning policy.

There are 23 houses in the Hill House Conservation Area, 16 of them, over half, are Listed Buildings and of course the eponymous Hill House is one of the jewels in Scotland's architectural crown. Some 29 individuals have made representations to A&B Council Planning to object to this development. The majority are residents in the Hill House Conservation Area and they consider the application to be detrimental to the amenity of

residents. We believe this proposal fails to enhance, preserve or protect the special designated area that is the Hill House Conservation Area.

I will now hand over to Michael Davis. Michael is a leading expert on Scottish architecture and he lectures on architectural conservation with the University of Strathclyde Masters course and with the King's Foundation. He will demonstrate the importance and special characteristics of the Hill House Conservation Area - designated as such to ensure it is protected from inappropriate development - and why this proposed development does not preserve, protect or enhance the conservation area.

The Hill House Conservation Area

Michael Davis

Ladies and Gentlemen,

SLIDE 2 – THE HILL HOUSE CONSERVATION AREA

I realise that Helensburgh will not be home ground for all of you. I am going to look at the conservation area in which Redholm is set and demonstrate its significance and character. Redholm is itself a feature of this area. Understand the conservation area and you understand to a great extent what this proposal is to be assessed against – that will help you decide whether it's a pass or a fail.

Redholm sits in the centre of The Hill House Conservation Area. The clue is of course in the name. The most important feature of the conservation area is *The Hill House*, which according to its owners, The National Trust for Scotland, and according to very many others, is the domestic masterpiece of Scotland's famous designer, Charles Rennie Mackintosh. It has attracted hundreds of thousands of visitors over the last decade. It is internationally famous, and it is featured in numerous books and articles. After the tragic burning down of Charles Rennie Mackintosh's Glasgow School of Art, its importance has further increased. To judge the importance of this building and its setting, bear in mind that the NTS have recently spent £4 million on a utilitarian but temporary shelter simply to allow vital repairs to be painstakingly carried out. This shelter, incidentally, allows as a key feature, views over the rest of the conservation area from walkways.

From the local perspective, The Hill House is a major contributor to tourism visits in Helensburgh and it combines with the John Muir Way to funnel visitors into and through the conservation area. Every visitor increases the potential for spend within Argyll and Bute.

SLIDE 3 - MUCH MORE THAN THE HILL HOUSE

The Hill House conservation area includes a great deal more than The Hill House. It incorporates all the villas and their gardens down to the West Highland railway line, as well as those lining the direct approach from Sinclair Street. This is partly to help protect the views to and from The Hill House – an important issue - but it is also intended to protect the amenity and character of the other properties within The Hill House Conservation area which are themselves of impressive significance.

How significant? Well, for such a relatively small conservation area, it includes 6 A-listed buildings, three A-listed structures and 10 B-listed buildings. Such a concentration is very

unusual and indicates a high architectural quality - and official acknowledgement of that quality by Argyll and Bute and by Historic Environment Scotland!

If we go on to look at The Hill House Conservation area in the context of a conservation area all but surrounded by a further conservation area – The Upper Helensburgh conservation Area – we see in the few streets bordering The Hill House Conservation area a further concentration of really significant buildings in generous gardens. Of the opposite sides of only the streets bordering “our” smaller conservation area, there are 2 A-listed buildings, 4 B-listed buildings and 2 C-listed buildings.

The White House, to choose just one, is designed by Hugh MacKay Baillie Scott (long name – big reputation), an internationally famous designer whose work, like that of Mackintosh, was much written about in his own day, and remains famous/celebrated? today. This is one of only two Baillie Scott houses in the whole of Scotland.

In 2007, The Hill House Conservation Area was actually considered as an element of a World Heritage site. Once the restoration of the Hill House is completed by The National Trust for Scotland, I think we can watch this space again.

SLIDE 4 – DREAM HOUSES

Why is there such an extraordinary concentration of top-quality buildings within The Hill House Conservation area and the adjacent sections of the Upper Helensburgh conservation area? The answer is very simple. Development of villa plots reached above the line of the West Highland railway in the 1890s and continued until the Great War, and at exactly this time Helensburgh had become the commuter town for the wealthy and artistic – at exactly the time when late Victorian and Edwardian architecture was at its most suave, ebullient and stylish. Many of the “art” architects who built these villas had actually moved to Helensburgh themselves, and were part of the Glasgow Boys “set”, the avant garde of the time, many of whom had very clear connections with Helensburgh. I could give you a complete talk on links between Helensburgh and many of the best-loved paintings in Kelvingrove!

The many impressive houses which populate the upper slopes are essentially “dream houses” created for the (architecturally savvy) “smart/ art” money of the time, and they show it. I am showing you here a selection of these houses from within The Hill House conservation area. Houses by William Leiper and by A N Paterson – both were artists in their own right, and today written up in many books, journals and articles. When even estate agents see the name William Leiper as a key selling point, then it is time to take notice. More Others? Are by a really stylish and mysterious architect called Robert Wemyss who did beautiful work, but virtually only in Helensburgh. His Strathmoyne in The Hill House conservation area is superb and B-Listed

SLIDE 5 – CHARACTER OF THE AREA

What then, is the character of The Hill House Conservation area?

The hugely significant presence of the Hill House. This is the reason why these buildings are not simply melded into one Upper Helensburgh conservation area. This is, if you like, the conservation area of conservation areas! The total value of the conservation area, according to Fiona Sinclair who is a significant contributor to the RIAS and Buildings of Scotland studies, puts it on a par with the Park/Park Circus area of Glasgow and the New Town of Edinburgh.

There is a real sense of quality and of carefully designed houses, set in spacious gardens, which commentators noted for their combined visual effect. Smaller villas have smaller gardens; larger villas have larger plots, and so on. Today, the original arrangement of boundaries with walls and hedges, then broad grassed verges outside, survives, giving a very distinct quality to the streets. There are few modern insertions into this landscape, and most if not all appear to date from before the conservation area was set up in 1971.

Perhaps one of the most significant features of the conservation area is the care with which most of the significant buildings are maintained, and the very high level of private investment. A number of A-listed buildings have been subject to high levels of conservation and maintenance, and work done to restore or present the gardens appropriately. The quality of the conservation area and its buildings can be judged by the level of expert recognition. Over the last three or four years, Brantwoode, Lynton and Red Towers have each been the subject of study-visits on several occasions by The King's Foundation (formerly the Prince's Foundation) built-heritage courses, and also in their wake by the Victorian Society and the Charles Rennie Mackintosh Society.

SLIDE 6 - IT CAN BE DONE SYMPATHETICALLY

A very good example of a development in the last ten years which complements and does not clash with the character of the area is found at Lynton where an extension and a major outbuilding work very well, even adjacent to The Hill House. More recently, a similarly well-mannered annex has appeared at Red Towers. The appeal of very special architecture has attracted owners who are enthusiastic about their properties and the conservation area in which they are set. You may not often come across a broad swath of owners who are supportive of the planning system and of their conservation area. Perhaps this is something we all need to support/emulate?

SLIDE 7 - ENHANCE OR DETRACT

Well then... Are the current proposals for Redholm suited to the conservation area? This is not simply subjective. I have laid out important evidence – a framework of acknowledged facts which need to be taken into account along with planning guidelines. The Community Council presentation has explored the design issue, and Helensburgh is fortunate to have a Community Council which applies considered criteria to evaluate cases like this. You yourselves have to evaluate such evidence, to use judgement to decide.

Is the design appropriate to the character of this conservation area? A so-called “contemporary” design is not a magic card which means that anything goes – the real question is how well the design is handled.

Does it enhance or detract from Redholm itself and from the conservation area.

Does it sympathetically blend or does it stridently clash?

Is it respectful, or overwhelming and out of place?

Is the scale too domineering for the building it clutches on three sides, and is this a case of the addition being too large for its setting?

I want to assure you that (as a lecturer in architectural conservation, and as a published architectural writer), I am here because I believe these proposals will have a major, detrimental impact and could also provide an unfortunate precedent for similar development. As an enthusiast for this town and its architecture, and as a personal objector to these proposals, I do hope you will refuse the current application.

I will now hand over to Sally Butt, for a demonstration of a scale model of the proposed changes to Redholm.

Sally Butt

Demonstration of scale model

My name is Sally Butt and I live at 2 West Lennox Drive, the neighboring property to the East of Redholm

Both houses were built 1901-3 - the plots having been purchased from the Colquhouns by Peter McKellar. They are pretty much a matched pair, same roofline and chimneys, same house layout with a single-storey side annex to the west, a feature replicated at numerous villas across Helensburgh.

Redholm is a little fancier though, I'd like to think inspired by the newly finished Leiper A listed Red Towers immediately behind, so it has castellation at the door and a wee turret, which I don't have. Mine has a first storey added to the side annex, which was done in 1934, long before Conservation Areas were a thing.

Looking at the applicant's proposals for Redholm, as John has said in his introduction, we were fairly confused, as it is hard to grasp the scale of both the new garage/gymnasium and the new west extension; the submitted drawings and computer images seem contradictory.

So...a group of neighbours decided to commission a model of Redholm from Abacus Modelmakers, a Glasgow firm of more than 30 years' experience. Dimensions are taken from the applicant's plans as submitted to the council and the model is 1:100 scale. Normally they would have fully contoured the grounds but as we only had 3 weeks' notice of this hearing, the grounds are a rough guide.

As you can see, this is the property as it currently is: main house, side annex, garage and 2 sheds. This is Whincroft immediately to the East, with its grand old copper beech tree. So, what the applicant is proposing is to remove these 2 chimneys, which will make the roof no longer match mine, and will look out of character for its surroundings.

The garage and sheds are to be demolished.

And the original 1904 side annex is to be demolished too.

This is the proposed new garage and gymnasium which is a lot larger than the original, more than twice as big, and this now sits directly on the property boundary, dwarfing my back garden - although the applicant's plans show a massive tree, no such tree exists.

Then this is the proposed extension to the west. This is a 38% increase in the house footprint, dwarfing the rather lovely original house and dominating it, constituting

overdevelopment, particularly given the character within the Conservation area with villas proportional to the site they sit in, as Mike said.

The Planning Officer and Built Heritage and Conservation Officer summarised in their recommendation for approval that 'the proposed extensions and replacement garage are subservient to the existing building and will not dominate it' ...

We disagree - As Mike Davis said, is this a case where the additions are just too large for the setting?

Quoting LDP 3, does this conserve and enhance the established character of the built environment in terms of location, scale, form and design?

It's very visible from the front, the new additions are massive and it is a glass and steel box.

Then there is the copper beech. This model tree is green and not dark red as it should be, but they don't make model copper beech models as big as this, so Abacus went with a green tree.

The applicant states that the green scalloped aluminium sheeting covering the boxy extension will blend with the background foliage. The tree is dark red. The box is green.

Then there is the tree position.

The existing and proposed plans submitted by the applicant have the tree in two different locations - here for the existing block plan, PL 001B, but then in the proposed plan PL010C, as we currently have here, the tree is strangely further away.

Because of these inconsistencies we have commissioned a tree survey - the applicants didn't submit one. Suzanne Hamilton, who lives here, will tell you more about the professional tree survey later, however that report, which you should have, places the tree more like in this position.

Next we are going to hear from David Henderson, joining us online from Dubai, who will speak on planning matters.

David Henderson

Planning Policy, Place and Setting

SLIDE 8 HHCA

My name is David Henderson and I live at A Listed Brantwoode to the south of Redholm.

In this section, before we address the specific issues raised by this application, we wish to highlight the relevant planning policies, which are the material considerations on which this application is assessed and determined. In doing so we will show that this proposal does not satisfy the checks and balances afforded by planning policy.

The Report of Handling identifies the Key Constraints/Designations Affected by the Development as Conservation Areas and Listed Buildings. It references the various planning policies that we are going to review here but there is one glaring omission - The Helensburgh Conservation Areas Appraisal 2008 is not mentioned, and it is a key material consideration.

SLIDE 9 PLANNING POLICES INDICATING REFUSAL 1

The Scottish Government in their document “A Guide to Conservation Areas in Scotland” reinforces the same point that a Conservation Area Appraisal is the correct starting point for any development programme to ensure that it is “comparable with the sensitivities of the historic area and enables a planning authority to fulfil their statutory duty to preserve and enhance conservation areas.”

Yet, the 2008 Helensburgh Conservation Area Appraisal according to the Report of Handling has not been relied upon in these findings – and indeed the Appraisal does not accord with the proposed changes in several important respects that I will come on to cover...

This raises concerns that insufficient attention is being paid to the impact of this application not only on Redholm, but on the conservation area as a whole. Indeed, Redholm has almost been treated in isolation rather than being an intrinsic part of what makes this very small conservation area so special as Mike Davis has already explained.

SLIDE 10 RECOMMENDED PLANNING CONDITIONS

Having considered the application the Planning Officer and Built Heritage and Conservation Officer summarised in their justification of why planning permission should be granted that:

the proposed extensions and replacement garage are not considered to be overdevelopment of the site

the proposed design is considered to be subservient to the donor house as does not dominate it

the clear and deliberate design delineation between the old and the new is welcomed as is in line with policy

the proposed materials are high quality and respect the character of the existing property and wider conservation area

it is not considered that the proposals negatively affect the setting of surrounding listed properties and it is considered that this contemporary extension to a traditional villa is in keeping with the character of the wider conservation area and successfully enhances it.

On every point we will explain why we fundamentally disagree that the proposal is in accordance with the relevant planning policies listed.

We have highlighted most of these policies in our presentation as these are the material considerations on which this planning application can be refused.

We appreciate that planners have to balance a great many policies to reach their conclusion. However, we believe that the missing Conservation Area designation should have taken precedence, per the Scottish Governments direction.

SLIDE 11 PLANNING POLICES INDICATING REFUSAL 2

Whilst Argyll and Bute are currently in the process of adopting the Local Development Plan LDP 2, the first LDP and its Supplementary Guidance is still current.

The adopted LDP states ‘The overall vision for Argyll and Bute is one which enjoys an outstanding natural and historic environment’. KEY OBJECTIVE E is to ensure the

outstanding quality of the natural, historic and cultural environment is protected conserved and enhanced.

Regarding Helensburgh and Lomond, the LDP describes it as 'A place of outstanding natural and built heritage..... and with change in Helensburgh's conservation areas guided by a management plan; The LDP also provides for the continued regeneration of our built heritage in ways that do not compromise the very qualities and attributes it is recognised for.

This latter statement is supported in Policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment which states: A development proposal will not be supported when it:

(C) does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design.

(D) has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites. And

(E) has significant adverse effects, including cumulative effects, on the special qualities or integrity of locally designated natural and built environment sites

Where there is significant uncertainty concerning the potential impact of a proposed development on the built, human or natural environment, LDP 3 also states that consideration must be given to the appropriate application of the precautionary principle. In other words to refuse the proposed development. Thereby allowing the applicants the right of appeal to the DPEA and its team of senior planners to opine.

We are of the view that on the basis of these criteria alone the Redholm application should not be supported or approved.

SLIDE 12 PLANNING POLICES INDICATING REFUSAL 3

Helensburgh's conservation areas contribute significantly to its recognition as one of Scotland's most beautiful small towns – something recently enhanced by the Council's designation of a third town centre conservation area.

The 2008 Conservation Area Appraisal specifically identifies elements that detract from the overall character and appearance of the Hill House and Upper Helensburgh Conservation Areas including:

- new buildings which obscure views of older houses
- removal of chimneys
- modern buildings out of scale with larger buildings
- use of brightly-coloured renderings and paints not in keeping with surrounding natural materials
- dominant horizontal line of modern and landscape windows, out of character with portrait windows of traditional buildings

All of the above are undeniably intrinsic to the Redholm application.

Specifically:

- the proposed development's container block style development, with an emphasis on square vertical and horizontal lines
- external finishes for these extensions and new garage extension,
- specifically muted pink colour external render finish,
- perforated 'scalloped' powder coated aluminium sheets colour muted green,
- dark weathering steel finish,
- flat roofs - dark grey sarnafil,
- windows – framed PPC aluminium,
- first-floor terrace glass balustrade
- single panel glazed and roof flashing to garage
- PPC flashing to colour match external canopy

We would also like to note that whilst the Committee was advised at the October meeting that there were no objections to the colour and materials, in fact a total of 18 objections to them have been submitted.

SLIDE 13 PLANNING POLICES INDICATING REFUSAL 4 NPF4

The over-arching and lead planning policy document to which all LDPs must conform is: National Planning Framework 4, NPF4.

The Ministerial Forward to NPF4 by Tom Arthur MSP says:

'Changes to our places will not always be easy. People care about their neighbourhoods and rightly and reasonably expect that new development should improve their lives, rather than undermining what they value most.'

A key guiding principle and policy objective of NPF4 is that: 'Scotland's rich heritage, culture and outstanding environment are national assets which support our economy, identity, health and wellbeing.'

Of particular relevance is NPF4 Policy 7 Historic Assets and Places, which says:

(c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting (note the word setting).

Comment: while Redholm itself is not listed but it is surrounded by A and B Listed buildings, hence that is quite plainly its setting.

(d) Development proposals in Conservation Areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout: and
- iii. context and siting, quality of design and suitable materials.

Comment: We do not believe this development proposal satisfies any of these considerations.

(e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

Comment: The tree and hedges have already been removed without consent and the original service wing earmarked for demolition is an existing feature along with the chimneys, the removal of which is neither necessary nor valid under item (e).

(f) Demolition of buildings in a conservation area which make a positive contribution to the character will only be supported where it has been demonstrated that:

i. reasonable efforts have been made to retain, repair and reuse the building.

ii. the building is of little townscape value.

iii. the structural condition of the building prevents its retention at a reasonable cost

or

iv. the form or location of the building makes its reuse extremely difficult.

Comment: The original service wing extension to Redholm is characteristic of villas in Helensburgh. This along with the garage could with reasonable investments be retained and reused.

g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

Comment: The design, layout and materials are not acceptable per the stipulations of the Hill House Conservation Area as I have already explained.

The Planning ROH states: 'Whilst the contemporary extension obviously changes the appearance of the house, I believe that it is complimentary and complies in policy terms with NPF4 Policy 7 (d) and LDP2 Policy 16.'

We absolutely disagree for the reasons I have just explained. Indeed, we submit that the proposed development at Redholm fails on every single criterion of the most important applicable policy, NPF4 Policy 7.

SLIDE 14 GROUNDS FOR REFUSAL MATERIAL CONSIDERATIONS

LDP2 Policy 16 Listed Buildings states Development: There is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed conservation area or its setting. New development within these areas and on sites affecting their settings must respect the architectural, historic and other special qualities that give rise to their actual or proposed designation.

Again, we cannot agree with the planner's opinion that this proposal complies in any way shape or form with this policy.

NPF Policy 16 contains the principle of 'Place' and its importance is highlighted in this policy which states that householder developments will only be supported where they 'do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials'.

NPF16 also states:

B) Development proposals will be supported where they are consistent with the six qualities of successful places:

One of these six qualities is 'Distinctive', specifically referenced in the RoH. 'Distinctive' is defined as: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Comment: The Redholm proposal does not support local architectural style and in no way does it reinforce the identity of the area so valued by its resident community.

NPF16(c) states: Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

In summary....

We believe that this proposal does not contribute positively to the Hill House Conservation Area, cherished not just nationally but internationally and that whilst it may be 'distinctive' it does not support 'attention to detail of local architectural styles' and that it is 'detrimental to the amenity of the surrounding area'.

Designation of this part of Helensburgh as a conservation area, since 1971, is a very clear and unequivocal recognition that it is a place of special characteristics that should be protected.

A planning authority has a statutory duty to preserve and enhance conservation areas. We are here today to defend the special character, quality and unique sense of place of the Hill House Conservation Area and we hope that the Committee will agree with us and determine that this proposal is detrimental to the integrity of this special area and therefore refuse planning consent.

I will now hand back to John, who is going to address some of the key factual flaws of this planning application.

An erroneous baseline and inaccuracies in the planning application.

John Shelton

SLIDE 15 HHCA VILLAS

I first wish to comment on the Design & Access statements of 30th March, 24th April, and 22 September 2023 prepared by the architect, Ruari Gardiner of G53 Architects on behalf of the applicant. We have found them to be misleading and disingenuous.

These statements, that seek to justify the proposed development, we feel have provided an erroneous baseline and contain many statements that are simply untrue. They describe the house as 'having lain vacant for a number of years' despite the previous owner having been resident until September 2022. Mention was made of the property suffering from a 'myriad of structural problems, widespread dilapidation, poor condition, deterioration and lack of ongoing maintenance'. This was not the condition and we find it frankly impossible for it to have deteriorated to the condition claimed by the applicant in just 6 months.

Five independent expert reports on the condition of Redholm, commissioned by the vendor clearly confirm the actual condition of the house. These independent specialist reports, which go to the heart of the applicant's arguments for this proposed major

reconfigurations and redesign, have been ignored in the Report of Handling. Given the seriousness of the omission, we do not believe any planning decision on the loss of Redholm's historic architectural features can be made under these circumstances.

Our concerns were submitted in Objectors' detailed submission dated 28 August 2023

This highly pertinent evidence was ignored by the Conservation Officer and not considered or referenced in the Report of Handling. The specialist building reports were described and dismissed as 'historical condition reports'. In effect, it appears that the Conservation Officer just accepts prima facie the Applicant's erroneous claims that would lead to the loss of numerous and significant architectural features. We believe that relevant evidence should not be ignored and disregarded in this way.

SLIDE 16 ARCHITECT DRAWINGS WITH CGI RENDER OF EXTENSIONS ADDED

The second Design and Access Statement, Revision B, dated 22 September 2023, still contains erroneous and inaccurate information. This document sought to refute the issues raised by the Conservation Officer, the same issues about which we are so concerned. Whilst the Officer might have been swayed to change her opinion, until finally reaching the frankly bizarre conclusion this building would enhance the conservation area. The objectors have not been convinced and believe that all of the issues first identified by the Conservation Officer remain valid and grounds for refusal. We believe this extension, as seen in the insets in the above slide on screen, would pose a dramatic change to the design character and original design aesthetic and would be incongruous and out of place in the Hillhouse Conservation Area.

A striking element of the architect's Second Design and Access Statement's response to the Conservation Officer's concerns about the proposal was the constant repetition, 'that poor quality / low architectural merit post war housing have diluted the character and had a significant detrimental effect on the character of the Conservation Area'.

This is not a justification for permitting further incongruous and inappropriate design and development. Moreover, the Conservation Area was created after these newer houses were built, presumably to avoid further erosion of the architectural landscape.

Surely the Conservation Area was designated to prevent further inappropriate buildings.

SLIDE 17 – SCREENS

This is a slide which shows better the type of metal screening that is to be used on the side extension. We say this would be appropriate on a new office block or a commercial building not on the side of Redholm.

SLIDE 18 - PLANS

Turning now to the actual planning application

According to the architect's submissions, the proposed extensions represent a 100 square meter increase in footprint. This is a 38% increase in the footprint of the existing building. The lead planner states that this is acceptable as permitted by policy, but does not take cognisance of the Helensburgh Conservation Areas Appraisal, a material consideration, which comments on the importance of size, scale and maintaining the setting of villas in their plots. Or indeed NPF4 Policy 16 which states that householder developments will only be supported where they 'do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials'.

The slide shows the demolition areas in darker red and the large light red hatch shows the full extent of the footprint of the site works. You can see just how big that will be from the drawing.

Whatever the permitted percentages are, this increase in house size by well over a third is, in our view, disproportionate overdevelopment. We believe it will dominate the original villa and be a dramatic change of its character and original design aesthetic. We also have considerable concerns about the photographs provided by the applicant and Conservation Officer to assess the overall setting of this proposal. They are taken from obscure positions and angles which minimise the actual impact on surrounding properties and the streetscape. We have provided photographs that clearly indicate the visual impact on setting would be highly detrimental to the Area. However, these have been ignored and we would be grateful if the Committee would consider the following more realistic and representative illustrations in reaching your determination.

SLIDE 19 CGI OF SOUTH ELEVATION

You have already seen our accurate model but now let me show you what the applicant has provided.

The scale drawings and Computer-Generated Models or CGIs, one of which is shown here on screen of the south elevation, do not correspond to each other or reflect true scales and mass. Scrutiny of the applicant's drawings clearly indicates the CGI model provided by the applicant is incorrect. We believe that the planners have not identified these discrepancies and have reached a recommendation based on inaccurate and misleading information presented in the planning application.

For example:

1. The ground floor west extension is shown at a scale as if it is flush to the existing building (whereas it extends out slightly northwards from the main building, and so should appear larger in the CGI).
2. The first-floor extension is substantially minimized. The architectural drawings show it is virtually flush with the existing building on the rear elevation, so the CGI should show it to scale with the submitted elevation drawing.
3. The Copper Beech tree at Whincroft has been depicted in the wrong place, metres further away than it actually is. We wonder if it has been moved to give an erroneous impression of the proposal's impact on its survival. We have a lot more to say about the tree in a moment.
4. There is also a tree shown on the drawing that does not even exist.

SLIDE 20 CGI OF NORTH ELEVATION

In this Computer-Generated Image of the north elevation the flattened roof with no chimneys shown in blue on the CGI, which was subsequently redesigned on the advice of the Council to retain the original profile, albeit only two of the four chimneys are to be retained if this application is granted.

Using this CGI to illustrate the point to October PPSLC meeting, the Lead Planner asserted that the CGI image demonstrates that the proposed extensions are 'subservient to the existing building and will not dominate it'.

These inaccurate models have been relied on in the planners' report and in the Lead Planner's remarks as evidence of acceptable scaling. We believe relying on such misleading and inaccurate drawings is a serious error in process and grounds for refusal.

SLIDE 21 OUR CGI

This simple CGI on screen is based on the actual stated dimensions of the drawings. We believe the proposed extension would have a major detrimental impact on the Redholm and its setting. We do not consider this to be subservient to the existing villa or to have no impact on the setting of A listed Red Towers behind or to the conservation area as a whole.

I would now like to turn to another topic if I may, namely that of the unauthorized works that have been undertaken on the Redholm site.

Drainage/Unauthorised Works

SLIDE 23 EXPOSED REDHOLM WITH TREES FELLED AND SAVILLE'S INSET

You may recall I said I resided at Suilven No 3 West Douglas Drive, immediately to the rear of Redholm with which we share a conifer hedge boundary. I wish to raise the concerns of residents about a number of unauthorised works at Redholm undertaken by the applicant without planning consent.

Prior to plans being submitted, a number of trees and shrubs, which provided screening, were removed from the front of the property without consent. All trees in a Conservation Area are covered effectively by a blanket Tree Preservation Order and permission is required to do any works on them.

The planning application states that there are no trees on or close to Redholm. This is untrue, there were plenty of trees before they were cut down without consent. You can clearly see them in the picture at the bottom right.

At the October PPSLC Councillor Irvine commented that he had visited the site and found it looked rather stark and did not resemble the photographs submitted by the applicant or Conservation Officer. In fact the trees that were felled without permission are shown on the applicant's submitted illustrations, there is **no mention** of this inaccuracy in the Report of Handling. These drawings also show trees that don't actually exist, for example in the rear garden of 2 West Lennox Drive, and overall these give an inaccurate impression of the setting of the site and screening of the proposed development.

In the RoH in response to 'Concern that the trees indicated on submitted plans are not correctly shown' the planners' Comment is; I have visited the site and therefore have a good understanding of the existing trees within the site and surrounding the property. Further, in addressing the concerns raised by objectors the ROH states 'Note that trees have been removed within the proposals site without consent. Comment: This is being dealt with as a separate enforcement matter'. There is no indication of enforcement action being taken on the Council planning portal.

We would suggest that the planners do not in fact have a good understanding of the trees within or surrounding the site when the drawings are wrong, trees have been felled, other ones invented and the copper beech tree is shown in the wrong place on the applicant's drawings. We feel these matters should not only be addressed accurately, but they should also have been reported accurately in the RoH.

In addition to trees being felled, the original front hedge of species reflecting the planting in the rest of the Conservation Area was removed. The RoH describes the newly planted replacement hedge as 'native to Scotland'. This is also not true; it is a New Zealand species *Griselinia littoralis*.

I will now turn to the extensive and unauthorised excavations at the rear of the property.

SLIDE 24 UNAUTHORISED EXCAVATIONS 'DRAINS'

In the last week of June 2023, excavation work was begun, without consent, and involved the further removal of trees and soil from a large area of the rear garden. The effect of this was to destroy a field drainage system, giving rise to drainage problems, which have not yet been rectified, and an unsupported embankment.

The slide, top left, shows how the rear garden used to be. The picture, top right, shows how it is today - a large area of flat ground which constantly floods, and an embankment which is unsupported and constantly eroding. Apart from the possibility of collapse of the exposed soil, the erosion and exposure will also be damaging the roots of the screening boundary hedge. Considering there is water ingress into the solum of Redholm identified by one of the specialist reports by Design Engineering Workshop, this large open area of excavation, far more than is necessary to repair drains, is probably just exacerbating the problem.

Objections were raised about these extensive excavations, and concerns about both the flooding and possible damage to a sewer pipe running across the property. This work was subject to a temporary stop notice being issued by the council in June 2023. However, further unauthorised excavation works were then carried out in the July shortly after the temporary stop notice expired. At this time approximately 20 metres of new drainage pipework was installed down the side of the property, bottom right, in the picture, and across the rear of the property, bottom left.

The initial excavation works undertaken in June 2023 are subject to an Enforcement Order issued by the Council for the carrying out of ground engineering operations constituting development. For information this work is referred to as Reference No. 23/000099/ENOTH3, Monday 12 June 23.

The carrying out of ground engineering operations constituting development

4 West Lennox Drive G84 9AD

Ref. No: 23/00099/ENOTH3 | Received: Mon 12 Jun 2023 | Status: DC

Application Submitted

This is noted in the Report of Handling but the later pipe laying work that has already been completed is not mentioned. I have still not received a reply to my last email enquiry of 25 November 2023 about the second unauthorised works.

I have particular concerns about the impact on the drainage from my property, which runs to the main foul water drains through Redholm's grounds. The Council planners have dismissed this as a civil matter and of no concern to them. I find it unacceptable for engineering works, which presumably would be authorised if planning permission is granted, to be permitted when they have adverse and potentially serious effects on surrounding properties.

Whilst the planning system disregards any enforcement actions at a property and considers them as irrelevant to the determination of a planning application, we feel that this cavalier attitude of removing hedges, cutting down trees, the knocking down of a gatepost, and excavating large areas is very concerning. It does not give the neighbours any confidence that, if this planning application were permitted, the works would actually be done in line with any attached planning conditions.

I will now hand over to Suzanne Hamilton who will speak about the Copper Beech tree.

The Copper Beech Tree

Suzanne Hamilton

SLIDE 25 TREE PHOTO

Hello, my name is Suzanne Hamilton and I live directly next door to 4 West Lennox Drive at Whincroft, 2A Upper Colquhoun Street.

Here is a picture of the Copper Beech tree that stands within my garden, which is said to have a further 40 + years' useful lifespan.

A TPO, Helensburgh 01/24 has now been served on this tree dated 24 January 2024.

We were very concerned to see that the tree had not been properly considered in the planners' assessment of this application, and even more so to see it was depicted on the application drawings in the wrong place. Indeed, the position of the tree is inconsistent within the applicant's first drawings PL001 and PL010.

The concerns raised by the objectors about the impact this proposal would have on the Copper Beech are noted in the ROH as 'Concern that the proposed extension and drainage works will affect the roots of an important copper beach tree located within the neighbouring garden.'

The Planners Comment on page 4 of the ROH is: This is noted and I have visited the site to understand where the extension will lay in relation to the tree roots. It is confirmed that the proposed extension is out with this trees canopy. However, a safe-guarding condition will be added to the decision notice requiring that this tree is protected at all times during construction works. It is also noted that a TPO is being sought by the authority to further safeguard this tree.'

As noted, the TPO has now been granted.

At the October PPSLC Councillor Brown queried the plan showing the trees and sought confirmation on the depiction of the canopy and root zone. We were surprised that the lead planner was unable to answer her request for clarification on what was depicted on the drawings until she was advised by a third party and then confirm, incorrectly, to Councillors that the Root Protection Area was not impacted by the proposed the development. The proposed development would in fact have a very severe and adverse impact on the RPA. This once again raises concerns about the scrutiny that has been applied to processing this planning application by Council officers.

As a professional Tree Survey was not submitted as part of the planning application, and the Council did not request one, residents have paid to have their own professional tree survey undertaken. This was submitted to the Council 5 working days before today's

hearing and on receipt of the tree survey two planning officer visited the site on 2 February.

SLIDE 26 APPLICANT'S PLAN AND TREE SURVEY PLAN OF LOCATION - DISCREPANCY

The tree survey was undertaken by Liam MacKenzie, who has all the necessary qualifications and a wealth of experience. The survey drawings are shown here and clearly and unequivocally demonstrate that the proposed extension would severely impact the Root Protection Area of the tree.

I would like to summarise the key findings:

- The root system of the tree would be damaged by this proposed development which would encroach heavily into the root protection area.
- The Proposals as they stand, violate the best practice addressed by British Standard BS5837:2012 Trees in relation to design, demolition and construction, and are incompatible with the wellbeing of the tree.

SLIDE 27 TREE WITH ROOT ZONE AND EXTENSION AND APPLICANT'S ILLUSTRATION OF ROOTS

More specifically the tree survey states:

- According to BS5837:2012, which is the document that defines best practice in these matters, this tree requires a root protection area of 652M2 which means protective fencing as specified in BS5837:2012 Section 6.2 would be erected some 14.4 metres from the centre of the tree. This fencing would be installed before any materials or machinery are brought onto site and before demolition, development or stripping of soil would commence. This creates a construction exclusion zone around the retained tree. This protected area would be treated as sacrosanct with no work taking place therein.
- A tree harmed in such a way is at an increased risk of dysfunction, degeneration and a shortened useful life expectancy, whereby it may become unsafe and need to be removed.

Liam MacKenzie and John Shelton have worked closely on this report and are here today to answer any questions you might have in person.

SLIDE 28 TREES MATERIAL CONSIDERATION

In essence, the decision before Councillors today will be to decide the fate of this mature tree – its stature and contribution to the amenity of my garden and the wider Conservation Area cannot be replaced by new planting in my or my children's lifetimes.

It is a material consideration in determining this planning application and I do not understand why the applicant's submission has not been given more scrutiny as it clearly misrepresents the actual situation on the ground.

The material finish of the second storey of the proposed extension with green tinged perforated metal screens, which the architect claims will blend in with foliage, will show

starkly against the red sandstone and copper beech in near proximity. It is incongruous and alien and we remain unconvinced that it will do anything to blend in to its surroundings.

As the owner of the beech tree, I would like to make a short statement from my insurance company to whom we have provided a copy of the tree survey report.

Our insurers have advised that 'in the event of approval of the application, and works commencing on the west side of 4 West Lennox Drive, where there is any subsequent damage to the beech tree, to property and/or persons, our insurers will want to understand the extent of works within the tree root perimeter, the decision making process leading to such works, and the associated insurance position of the parties impacted in order to help our insurers establish any insurance claim position and final liability'.

Having established that the Objectors who had indicated that they wished to make presentations in advance of the meeting had concluded their submission, and having noted that Alistair McLuskey had intimated at the start of the meeting that he wished to speak against the application, the Chair invited Mr McLuskey to address the Committee.

Alistair McLuskey

Mr McLuskey gave the following presentation:

- In contradiction of the Applicant's claims, and as a relative newcomer to Helensburgh, I have found the Objectors to be some of the most charming and passionate people I have ever met - in addition to the numerous unapproved activities undertaken by the Applicant, they had also had to put up with these works being undertaken up to 10 pm at night.
- Also, an 'avalanche' of new documents had been submitted on the Council planning portal yesterday with Objectors having no chance to review them - no tracked changes for example were provided.
- These documents have been relied on by Planning today and as a result it is not a fair process.
- We had been told by Planning that no further submissions / plans would be accepted and submitted our objections according to the rules.
- It is unfair to Objectors and these documents should not be considered as part of the Application.
- Also, numerous professional reports on the state of Redholm had been ignored by Planning - I had raised these concerns with Mr Fergus Murray of A&B C to no avail.
- I also believe that 999 people out of a 1000 would conclude that this application does dominate Redholm.
- Finally, it was not correct what Mr Morris had said about water ingressions into the solum - we had had a similar problem and this can be dealt without destroying a well-loved tree.
- You can't stop water ingressions once it had made channels for that flow into the solum.

- There were numerous systems available to deal with such problems within the solum.

Having established that all objectors had had an opportunity to speak and having earlier agreed that the meeting be adjourned at an appropriate point in proceedings, the Chair moved and the Committee agreed to adjourn the meeting at this point. The Clerk advised that the re-convened meeting would be called at the earliest opportunity.

The meeting re-convened on Tuesday, 19 March 2024.

Present: Councillor Kieron Green (Chair) Councillor John Armour
Councillor Jan Brown
Councillor Audrey Forrest
Councillor Graham Hardie
Councillor Mark Irvine
Councillor Liz McCabe

Attending: Iain Jackson, Governance, Risk and Safety Manager
Kirsty Sweeney, Area Team Leader – Planning Authority
Emma Jane, Planning Officer – Planning Authority
Gail Crawford, Applicant
Ruari Gardiner, Applicant's Agent
Craig Gray, Applicant's Architect
Julian Morris, Chartered Arborist (On behalf of the Applicant)
Kim de Buitel  ir, Design and Conservation Officer - Consultee
Nigel Millar, Helensburgh Community Council - Consultee
John Shelton – Objector
David Henderson – Objector
Sally Butt – Objector
Suzanne Hamilton – Objector
Alistair McLuskey - Objector
Liam McKenzie – Chartered Arborist (On behalf of Objector's)

The Chair welcomed everyone to the re-convened meeting.

Apologies for absence were intimated on behalf of Councillors John Armour, Andrew Kain and Luna Martin.

For the purposes of the sederunt Mr Jackson, read out the names of the Members of the Committee and asked them to confirm their attendance.

Mr Jackson advised that only those who had made presentations to the Committee at their last meeting would be entitled to speak. He read out the names of those representatives and asked them to confirm their attendance.

There were no declarations of interest intimated.

The Chair explained the hearing procedure that would be followed and invited the Planning Officer to provide a short update in relation to the adoption of the Local Development Plan 2 (LDP2).

Ms Jane advised as follows:-

I would like to give a brief overview of Supplementary Report 2 which was issued last Tuesday, 12 March in preparation for the continuation of the hearing today. This report was provided to update members on the various matters that have arisen subsequent to the hearing in February. This report covered the following;

ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN 2

It is noted that the Argyll and Bute Local Development Plan 2 (LDP2) was adopted on 28 February 2024. As of this date, the 'Development Plan' for Argyll and Bute is National Planning Framework 4 and LDP2 which require to be applied holistically with preference afforded to LDP2. For the avoidance of doubt, it is also confirmed that the Argyll and Bute Local Development Plan 2015 and its associated Supplementary Guidance are now superseded.

Having regard to this, the determination of this application now requires to be undertaken with primary reference to NPF4 and LDP2. It is noted that within the main Report of Handling and Supplementary Report number 1, officers had previously taken into account and applied the relevant policies of LDP2 as this was a significant material consideration at that time. The commentary provided by officers confirms that there is no substantive difference between the relevant provisions of the now superseded LDP 2015 and the recently adopted LDP2 in so far as these are relevant to the current application, with the single exception that the policies of LDP2 are generally more favorable of the proposed contemporary extensions, the supplementary report goes into further details on the specifics of this.

In summary, it is confirmed that the adoption of LDP2 does not give rise to any substantive change to the matters considered within the assessment previously undertaken by officers in respect of this application. Notwithstanding the adoption of LDP2 during the determination process, the proposal continues to be viewed as consistent with the relevant provisions of the Development Plan (NPF 4 and LDP2) and the recommendation of officer's remains that planning permission should be granted subject to the conditions and reasons as included within supplementary report number 1.

ADDITIONAL REPRESENTATIONS:

It is also noted that subsequent to the issuing of supplementary report number 1, which covered any additional representations received after the main report of handling was published, we received further representations. This has resulted in a total of 30 (29 objections and 1 representation). The 2 subsequent representations were both from existing objectors. Details of the comments not addressed within the main report or supplementary report number 1 are covered in supplementary report number 2 furthermore, it is considered that the points that have been made are addressed appropriately within this report and they do not alter our recommendations.

PROPOSED TREE PRESERVATION ORDER:

Lastly, the proposed Tree Preservation Order (TPO) for the copper beech tree within the garden grounds of 2a Upper Colquhoun Street, Helensburgh which PPSL members recommended approval for on the 18 October 2023 is subject of a TPO as of the 24 January 2024. It was previously advised verbally and within supplementary report number 1 that this TPO would come into effect on the 8 February 2024, however, this was an error and this date should have been noted as 24 January 2024. This error occurred as officers mistook the date the TPO would be published, the 8 February, as the date it came into force.

Subsequent to this there have been a few matters which require rectification in relation to the serving of the TPO. The TPO served contained an error in that the subject tree was incorrectly described as a Cedar Beech and not the correct Copper Beech. The TPO order has been re-served to all interested parties on 8 March 2024, with a covering letter pointing out the error. The TPO order will not be modified at this stage and should the order be confirmed in due course, the revised name of the tree species will be confirmed under modification and this error will be rectified at that time.

When asked by the Chair, Members confirmed that they were content that there was no new material or information to consider.

MEMBERS' QUESTIONS

Having noted the differing accounts provided in relation to the RPA from either side, Councillor Brown asked both Arborists to confirm the protected area.

Mr Morris referred to British Standard BS 5837 which states that the RPA should be calculated initially with reference to the stem diameter when drawing the circle, but that the circle could be modified to any shape to fit any existing conditions.

Mr MacKenzie advised that the RPA was 14.4m from the tree in a circle. He then advised that you create a circle to give a volume, and that the shape could be modified to fit any conditions but that the volume of protection could not be modified.

Councillor Irvine enquired as to the potential regrowth of roots if they become damaged or severed.

Mr MacKenzie advised that in most cases a tree will grow new roots. He stressed that the tree in question was an older tree so he considered it to be more vulnerable as the capacity to regrow becomes harder as the tree ages. He advised that the ability of any tree to gain and lose roots each year is contingent upon a good rooting environment.

Mr Morris agreed with Mr MacKenzie, but advised that the resultant removal of large branches from the crown of the tree on his client's side would have an effect on the ability of the tree to regrow roots on the same side. He advised that if the development was to sever roots, it is likely that they would regrow if they had room to do so, however advised that with the branches having already been removed, there would be less of a need for them to do so.

Councillor Irvine asked whether there was a risk that at some point in the future the regrowth of the roots of the tree would impact on the structural integrity of the proposed extension.

Mr MacKenzie advised that there was no risk due to the distance of the tree from the proposed extension, as at that distance, the roots would be smaller. He outlined where direct and indirect damage could occur.

Mr Morris agreed with Mr MacKenzie that the distance was too great for any direct damage. He spoke of soil issues and outlined possible clay shrinkage, but advised that the lack of clay in this area together with the volume of rainfall would negate any possible shrinkage.

The Chair, Councillor Green enquired as to the remaining lifespan of the tree and asked whether it was the opinion of the Arborists' that the removal of some roots would render the tree more vulnerable, ultimately reducing the lifespan as a result of the proposed works.

Mr Morris advised that any roots removed would only affect a small part of the root system and that as roots can develop wounds just as branches do, he didn't anticipate that there would be any noticeable change to the vitality of the tree in the longer term.

Mr MacKenzie advised that he disagreed with Mr Morris' opinion given that the tree as a species is known for being more vulnerable than many other species. He spoke of the age of the tree and advised that just because it had lost branches on one side, it could afford to lose roots on that side also. He further advised that branches had been removed from the tree in 2019 and that new roots had been found to have grown and be functioning.

Councillor Green enquired as to whether both agreed that the reasonable lifespan of the tree was in excess of 40 years and, what reduction if any, could reasonably be expected as a result of the proposed works.

While both Mr Morris and Mr MacKenzie agreed with this figure, Mr MacKenzie stressed that he wouldn't like to put a number on how many years the lifespan of the tree would reduce by as a result of the proposed works. He referred to the minimum RPA as set out in British Standard BS 5837 and advised that some bodies are recommending a minimum RPA of up to eighteen times the stem diameter of the tree.

Referring to previous discussions around the possibility of re-routing service pipes, Councillor Irvine enquired as to how much root severance would require to take place regardless of service pipes or foundations.

The Applicant's Agent, Mr Gardiner advised that this would be less than 5% of the RPA and less than 2% of the total rooting area.

Councillor Irvine asked whether there was an engineering solution that would negate the need for any root severance.

Mr Gardiner advised that there are ways of addressing as part of the technical design further on to ensure minimal damage or impact to the tree.

Councillor Green asked why these measures hadn't been done already.

Mr Gardiner outlined the Building Warrant process and explained how this would be incorporated at a later stage within the Technical Design. He confirmed that the proposed works had taken into account and met British Standard BS 5837.

Councillor Brown enquired as to the use of screws to minimise the damage and sought clarification on the process as a means to understanding why this potential solution hadn't been put forward at this stage.

Mr Gardiner outlined the process from achieving planning consent to undertaking the technical design. He advised that working with the Arborist had ensured that damage to the RPA was less than 5% which complies with the British Standard. He added that this could be further improved upon through the use of ground screws or raft foundations.

Councillor Brown expressed her concern that this information was only coming to light now, she advised that this information could have negated a lot of questions.

Mr Gardiner advised that this had been touched upon in the Design and Planning Statement.

Mr Morris advised that regardless of the outcome of the application, there would still be a need to replace the field drains, which would also result in some root severance.

Councillor Green asked the Planning Authority to confirm whether it was their opinion that the conditions proposed were enough to mitigate against the concerns raised by Members.

The Planning Officer confirmed that it was her belief that the updated conditions provided in Supplementary Report Number 1 would be enough.

Discussion was had on the wording of condition number 8, with Ms Jane advising that this condition sets out the mitigation and control measures that would afford the best level of protection to the tree. She advised that at this stage the applicants, without the need for consent, could sever any tree roots that are interfering with the field drain that runs close to the boundary, regardless of the TPO. She further advised of the works undertaken by the applicant to revise their proposals in respect of the drainage in an attempt to minimise the damage to the tree.

Councillor Irvine asked the Objectors Arborist whether the engineering solutions discussed offered adequate protection to the tree.

Mr MacKenzie advised that in order to provide a response to this question, he would need to see proposals with a lot of detail on how the piles would be sorted, the levels of irrigation, drainage etc. He referred to section 7.5.1 of British Standard BS 5837 and advised that this states that strip foundations should be avoided as they can result in excessive root loss.

SUMMING UP

Planning

The Area Team Leader summed up as follows:-

In reaching a decision on this application, Members are reminded of the requirements placed upon decision makers by Section 25 of the Town and Country Planning (Scotland) Act 1997 to determine all planning applications in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. For clarification, as the Planning Officer explained, the development plan now consists of NPF4 and LDP2. As we have stated there is no substantive difference between the relevant provisions of the previous plan and this recently adopted LDP2.

During the course of the hearing both today and on 7 February 2024, Members have heard arguments seeking both to support and oppose the proposed development, and its expected impacts.

The concerns raised by objectors, which you heard on 7 February 2024, covered a wide range of issues including the impact of the development upon the setting of the neighbouring listed buildings, the direct impacts on the Helensburgh Upper Conservation Area, concerns about the contemporary design in the context of these historic assets, the scale of the development including overdevelopment of the site, the neighbouring Beech tree covered by Tree Preservation Order, the concerns about loss of privacy and overlooking and the concerns about drainage works.

Whilst these are all issues that are relevant to planning and are material considerations, the position detailed by planning officers in the report of handling dated 13 October 2023 and presented at the PPSL committee on 18 October 2023 and the supplementary report as published on 6 February 2024 and the further supplementary report 2 presented today provided members with a detailed position of the planning officers identifying the single fundamental issues which is that the proposal is considered consistent with the policy provisions of NPF 4, the adopted LDP 2.

The key points to note are that:

- Officers do not consider the proposal results in overdevelopment of the site.
- Officers consider the design of the extensions to be contemporary and provide a clear and deliberate design delineation between old and new and are in line with the design policies.
- Officers consider there is no adverse impact on the setting of the neighbouring listed buildings or the wider conservation area
- Officers have considered overlooking, loss of daylight/privacy and amenity of surrounding properties
- Officers have considered the impact on tree roots and the drainage proposals and have concluded that the risk to the trees on the application site and within neighbouring gardens, including the beech tree is minimal and there will be no loss of any trees, compliant with policy.

Design

The case set out by the objectors focus around the interpretation of our design policies and they have reached a different conclusion and consider the design to be contrary to the development plan as the proposals do not complement the existing house style and design and do not give a coherent visual identity and does not blend with the parent house. There has been particular concerns about the scale and footprint. They have explained why they do not believe it to be subservient.

Officers have acknowledged that the design and massing of the extensions represent a departure from the characteristic of the surrounding buildings and extensions present in the locale. However, the extension materiality complements the existing house and surrounding houses and is high quality. The massing and proportions of the extension and it is considered to be subservient to the main house.

Local Development Plan 2 Policy 10 is of particular note as it gives a clear steer away from mimicry and pastiche design and a focus on honesty and legibility in contemporary design. It is noted that in the assessment this was a significant material consideration given the heightened status of the proposed LDP at the time and now this Policy is the adopted policy, strengthening further this point.

Historic Assets

Members are reminded that they have heard a detailed presentation from our Design and Conservation Officer based on a thorough assessment of all the matters relating to the historic assets. The objectors have also set out the importance of the Hill House Conservation Area and explained its significance in Scotland-wide context in terms of the number and density of listed buildings. The Conservation Area Appraisal guidance has been set out in detail by both the Conservation and Design Officer and the objectors and both have set out their points in relation to how they do not consider it to preserve or not preserve the Conservation Area. There was concern particularly noted of the material of the upper floor.

The officers, have clearly explained how the proposal is consistent with the relevant policies of NPF4 and LDP given it is considered the character and appearance of the conservation area and its setting is preserved and enhanced given the context, siting, quality of design, suitability of materials, existing density, built form and layout.

The physical change within conservation area does not necessarily need to replicate its surroundings, with the challenge being to ensure that all new development respects, preserves the conservation area. It is considered the extensions will have a positive impact on the area and are high quality as has been set out clearly by the applicant. The extension represents an improvement over the existing extension to the dwelling house and outbuildings on site, and it is considered the resultant proposal will have a preserve the character, appearance and setting of Conservation Area at this locale.

Tree

There are also significant concerns raised about the impact on the neighbouring tree beech from severing of roots to construct the extension. As explained by the planning officer, evidence has been presented that explains how the tree is causing a nuisance to the drains of the neighbouring property and under the TPO legislation works to abate the nuisance is allowed without the need of consent, if evidence is provided of the nuisance. There was extensive detail about the tree from both the applicant's and objectors tree specialists. The inaccuracies of the plans in relation to the location of the tree which have now been addressed.

Members are however reminded that NPF4 Policy 6 and Policy 77 of the adopted local development plan state that it is only where there a loss of ancient woodlands, ancient and veteran trees or adverse impact on their ecological condition that would justify a refusal. In this instance it is considered that there is no adverse impact on the beech tree or any other trees and the proposal is compliant with the policies. There are a number of conditions that officers are recommending to ensure the preservation of the tree and these can be amended, if Members wish to require agreement of construction methods.

Amenity

In terms of overlooking and privacy, I remind Members that this has been considered in detail and conditions are recommended to ensure the privacy of neighbours.

Conclusion

In conclusion, we have heard differing opinions presented to committee members with the objectors particularly highlighting the proposal is contrary to policies in relation to design and conservation areas. Members have had the opportunity to look at a model of the

proposed extension prepared by objectors. Also we have heard from the applicant who is seeking to protect, future proof and modernise their home.

I conclude by stating that officers are recommending to members that the application is to be approved subject to the conditions and reasons appended to Supplementary Report No. 1.

Applicant

The Applicants Agent took the opportunity to provide context around their company, G53 Design Limited. Mr Gardiner advised that they are one of Scotland's top architectural practices who undertake conservation and preservation on some of Scotland's most sensitive buildings and outlined a number of the buildings they have undertaken work on to date.

Mr Gardiner addressed the discussions that had taken place around the Copper Beech tree and advised that they would be willing to adapt their designs to appease these discussions and that they would be happy for the Planning Authority to impose conditions to ensure that the vitality of the tree is maintained with minimal damage.

He advised that having his professional integrity questioned was upsetting and appealed for context to be afforded to the project. He advised that through the designs they had tried to enhance and improve upon the diversity that was already in place within the area, giving Helensburgh something it could be proud of, while delivering the best.

The Applicant's Arborist spoke of Condition 8 contained within Supplementary Report Number 1. He advised that the applicant wished it to be noted that she was happy to have this condition amended to also say that a detailed Arboricultural Method Statement as approved by the British Standard be approved by the Council and could include high land ground beam and irrigation of the solum if so required to protect the remaining 4% of the RPA.

The Applicant, Gail Crawford took the opportunity to address the volume of objections to her application. She outlined objections that had come from outwith the area and highlighted where there was more than one objection from a household. She advised that other than the two objections from neighbours residing at 2a and 2b West Lennox Drive there had been no objections from any other immediate neighbouring properties.

Ms Crawford spoke of the Copper Beech tree and advised that the concerns raised by the owner of the tree had never been raised until such time as the application for Planning Permission had been lodged. She outlined a number of issues, of the tree owners making, that she believed impacted upon the wellbeing of the tree which included the erection of a large boundary fence, a suspended rope swing and ladders and many years of poor maintenance. She expressed that she believed the concern to be a smoke screen simply to disguise the neighbours' dislike of the proposed extension.

Ms Crawford read out a number of statements that had appeared in the Helensburgh Advertiser in support of her application and suggested that the use of the term "excavation" by the tree owner when trying to garner support for her petition simply highlighted the extreme exaggerations of the tree owner and suggested that the Planning Authority had confirmed this.

Ms Crawford requested that the application be assessed and judged against the necessary Planning Consents and asked for consideration to be given to the fact that all material requests had been addressed as part of the application process.

Consultees

The Design and Conservation Officer summed up as follows:-

First of all I would like to re-address the legislative and policy position as there was an error in the Objectors' presentation at the initial part of this Hearing on 7 February 2024:

The objectors stated that "a planning authority has a statutory duty to preserve and enhance conservation areas". This is incorrect in terms of our duty here. Under section 64 of the Planning (listed buildings and conservation areas) (Scotland) Act 1997, planning authorities are required, in their exercise of planning functions and under the provision of the planning acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

And that is the legal test that is then carried through to Development Plan policy.

Concern was raised by objectors that the CAA (which is a material consideration) hadn't been referred to throughout the process – I can confirm that this was referred to in the third paragraph of my initial response dated 22 June 2023.

I will now move on to particular aspects in terms of the proposal that were raised, then return to development plan policy and the CAA as a material consideration.

There has been some discussion about 4 and 2 West Lennox Drive being "a pair". They are not identical. They share some similarities in terms of scale and architectural design but each have their own identities and therefore any proposal to 4 West Lennox can continue this unique identity.

However the proposal is of a similar scale to that which already exists at neighbouring 2 West Lennox Drive. The proposed extension and garage to number 4 are all set back from the front façade, which will reduce the visual prominence of these new elements and leave the existing house as the visually dominant architectural style. An updated Design Statement submitted by the applicant on 6th February includes an analysis of the developed area to open spaces, and confirms that this will fall within the range found in this area. It would be 16% developed, as opposed to 14% at neighbouring 2 West Lennox, however it would appear that this extra 2% developed area would be as a result of the proposed garage with gym extending towards the back of the site more-so than development at number 2 does.

HCC challenged in their written objection that the proposal is unattractive, however it is not for objectors, the planning authority or Members to assess this application based on whether or not they like the design, but on the basis of Development Plan policy, fairly and objectively assessing whether or not the proposal is suitable for its context. I would draw Members attention again to NPF4 Policy 14, and in particular its requirement for places to be Distinctive by supporting attention to local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. I would again refer to the CAA analysis of the character of the area which discusses the contrast of eclectic styles over various periods. The architect has demonstrated through a comprehensive Design Statement how this contemporary design has interpreted

proportions and the colour palette to develop a design proposal which despite being contemporary, is in harmony with the property and is in alignment with this policy.

Objectors also challenged the assessment of the ratio of developed area to open space, given the large size of the plots, questioned whether this means applicants could build up to 33% of their plot, suggesting “bungalows in the front garden”. I would respectfully disagree with this position, and reiterate the comparative built proportion would increase marginally from 12% to 16% (compared to 14% at number 2), and that the built element would remain at the rear of the plot, with all proposed elements being behind the front façade of the building.

I would refer to a comment made by an objector that “a so-called “contemporary” design is not a magic card which means anything goes” – the planning authority has not simply recommended approval on the basis of this being contemporary design but has assessed this design carefully against policy. It is considered to be appropriate for this context on the basis of the following:

- Being set back from the front façade and lower than the existing house and with no competing or pastiche design details, allowing the existing house to dominate visually
- Design and materials which are contemporary to allow clear legibility between old and new
- Proportions and colours which tie in with the existing to provide cohesion between old and new

On the point of colours, I like to make an observation on the model that was presented by Objectors, and clarify again that a Planning Condition would be included to ensure the colours of the materials work in harmony with the existing building, and this would ensure they would not be the conflicting colours used on that model.

I would finally return to the qualifying qualities that give rise to the character of the area as defined in the Conservation Area Appraisal:

The unity of the area would be retained in terms of the grid structure, the tree lined streetscape, the positioning of houses to the north of their plots, and the colour palette proposed which ties in with the red sandstone and green grey roofs.

Further contrast would be provided in terms of adding to the eclectic styles and later additions in contrasting architectural styles, and the introduction of new materials.

The dominance (of the linearity and building heights) would not be affected.

And the balance, by way of the scale of buildings and the ratio of house to garden would be retained. Because even with the proposed extension added, this house would not be larger than many others in the area - the extension would be to the side and rear and would not significantly change its relationship to the overall plot.

And remind Members of the policy test in this regard:

Will the proposal preserve or enhance the character or appearance of the conservation area?

And additionally the policy test in terms of listed buildings:

Will the proposal preserve the character, and special architectural or historic interest of the setting of listed buildings?

Thank you.

Nigel Millar, Helensburgh Community Council

Mr Millar of Helensburgh Community Council took the opportunity to reiterate the position of Helensburgh Community Council in assessing the application. He advised that they took into consideration the following six characteristics when considering what this application meant for the area:-

1. Was it distinctive as opposed to run of the mill;
2. Is it interesting and creative;
3. How does it fit with the urban landscape of the town;
4. Is it varied;
5. How does it fit in terms of the open spaces surrounding it; and
6. Is it sustainable, not only in relation to net zero, but in safety and are the policies consistent with one another.

He further advised that on taking it a step further they afforded consideration to whether it preserved and enhanced the area. He outlined a number of examples of buildings such as the Helensburgh and Lomond Civic Centre which they considered to be a harmonious example of the old meeting the new. Mr Millar advised that while the Community Council having nothing against modern extensions they felt that this particular design was discordant and it did not fit with other modern designs of the 21st Century and requested that the applicant take into consideration the views expressed in terms of the objections and have a rethink on the design.

Objectors

John Shelton

Ladies and Gentlemen,

During this hearing:

1. We have explained the specific character and architectural importance of the Hill House Conservation Area (HHCA)
2. We have shown you examples from within the HHCA of the type of sensitive and sympathetic architectural development it is possible to achieve while successfully meeting the “preserve and enhance” tests that pertain to conservation areas.
3. We have explained why this application is clearly repudiated by the relevant provisions of the 2008 Conservation Area Appraisal in multiple respects when considering its scale, form, design and materials. Specifically, the architectural conservationist Michael Davis has, for example, highlighted the relationships within the Conservation Area between size of house and size of garden, and the significance to the overall character of the setting of the original concept of houses set amid gardens, with views

of other impressive houses visible in the distance. Building large over-sized block style extensions runs entirely counter to both these key characteristics.

4. We have highlighted that differentiating new architectural work from existing Victorian buildings can favour contemporary-styled extensions, but that this does not mean that "anything goes". Any new development still has to look appropriate, and not stridently different, clashing, over-large and being ill composed with the existing villa. We have made no objection to modernist styling in itself; but we would point out that this has to be appropriate in appearance, scale, relationship and materials. Specifically, any proposal should meet these standards not because we (objectors or Helensburgh Community Council) say so but because these are taken from the explicit guidelines laid out clearly within the relevant Conservation Area Appraisal – The Helensburgh Upper Conservation Area Appraisal (2008).
5. We have provided this hearing with a considerable weight of evidence demonstrating that this application is in direct contradiction of the stated guidance that relevant Planning Policies up to and including NPF4 afford to Conservation Areas in general and to the HHCA in particular, in terms of the design, style, scale and material finishes.
6. We have illustrated through the use of an accurate scale model, the actual size and scale of the applicant's proposal, while noting that this differs substantially from the applicant's CGI renderings – essentially fake misleading images which the planning authority have up until now relied upon in their central conclusion, namely that 'the proposed design is considered to be subservient to the donor house and does not dominate it'. That is frankly just nonsense as the scale model aptly demonstrates.
7. We have referenced the extensive unauthorised engineering works and widespread unauthorised tree and hedge removals that have rendered the entire site and setting barren and barely recognizable from the family home and mature gardens that were passed to the applicant on completion of the sale in late 2022.
8. We have explained through expert analysis, that the ancient Copper beech tree, located in neighbouring Whincroft (and the subject of a specific TPO, granted on 24th January 2024), has a healthy root system that encroaches well into the footprint of the proposed development site and in accordance with BS (5837:2012).
9. We have explained why we believe that the dilapidation claimed by the applicant does not accord with the state of repair at the point of making the application. Such dilapidation in any case, requires specific routine repairs that do not require this type of development. Indeed we note that many "dilapidated" areas the applicant (and planning) has cited are not remotely near the new alterations and proposed development. The state of repair highlighted by the applicant is yet another smokescreen and entirely immaterial to this application.
10. We have highlighted in addition, the many other misleading, inaccurate and erroneous statements, illustrations and information, that the applicant's architect has submitted - falsely minimizing the scale and impact of this application and obfuscating the facts, at times we feel disingenuously - one such glaring example being their incorrect original positioning of the Copper Beech tree on their original plans, several metres away from

its actual location. Also, it is stated by the architects that the grounds are 5 acres in size (in fact the grounds are 0.5 acres, the original plot of land having already been subdivided once prior to the 1971 Conservation Area being established). This is just one of many important errors we have pointed out – acknowledged as false but as yet still uncorrected and remaining in the documentation on which this council are being asked to make a decision.

Clearly, the under resourced and extremely busy planning authority need to rely on the veracity of the applicant's agents to bring forward honest and credible information. Many times through this process the wool has attempted to be pulled over their eyes. Even in these proceedings, the planning officer has shown the CGI images, provided directly by the applicant's architect that purport to show the minimal impact of the development however as we have shown in our submissions, these images and other drawings are not remotely to scale as evidence to support the applicant's case. For example, take another look at the CGI image provided in relation to the actual scale of the building (John presents the photo and explains the CGI layover to show the discrepancy).

Abacus Modelmakers, the firm we commissioned to build the scale model based on the architect's plans are a respected leading architectural model maker of 32 years standing whose business rests on their precision and accuracy. They are happy for us to say that they immediately knew the CGI images were not to scale.

David Henderson

We would direct you to the original legal title deeds and burdens of Redholm which state explicitly with respect to further development that they should retain a space of twenty feet (6.1 metres) open and unbuilt on to each boundary north, south and east and also that any erection of ancillary buildings other than the dwelling house is not to exceed 14 feet (4.26 meters).

On the east side, we note that the existing garage is actually only within 1.5 metres of the boundary with Culverden and after its proposed demolition this is the proposed situation of the vastly enlarged garage and living use complex (currently proposed for use as a gym). We would redirect the councillors to the model in order to see the massive impact this enlarged extension will have and within just 1.5 metres of a perimeter boundary that the deed burden says should remain undeveloped for over 6 meters from the boundary. Additionally this new structure to the east of the plot, will take its height from the apex of the current garage roof (set at 3.2 meters) and then run a flat roof down the perimeter set at this consistent height, creating a substantial structure as the model again demonstrates. It is hard to argue that this structure does not encroach on Culverden, the neighbouring property the east. Again, we submit that it is entirely out of scale with the garden and overall plot.

Furthermore the west side, the ancillary two storey extension is 6.4 meters high (well over 2 metres over the stipulated height of 4.26 metres contained in Burden 1 of the deeds). Moreover, Burden 2 after the subdivision of Redholm in 1962 states expressly that the proprietors shall not be entitled to erect any buildings upon ground other than the dwellinghouse erected.

While we can accept that the application of title deeds might technically be a civil matter, it should be noted that clearly serious thought had been given to the design aesthetic back

when the deeds were drawn up and that this ties back to the dimensions of the house in relation to its garden. Hence, we are not alone in taking this position on massing and scaling. Again, the title deeds support the argument that this proposed development is simply far too large for its plot and this was also clearly the view the planners took in 1962, even as it was then, 9 years before the conservation area designation in 1971 placed an even higher bar in new developments.

We also wish to point out the highly material fact that the proposed elevation of the extension is considerably less than 18 metres from the neighbouring properties both east and west. The significance of the 18 metre rule being enshrined in Scottish Planning Policy and also referenced in the applicants submission as referenced in the original Report of Handling and I here quote directly from the applicant's submission:

“The West and gym (east elevation) is over 18 metres from neighbouring properties and glazing is also proposed to the ground floor. “

Just as was the case with the siting of the Copper Beech tree once again however the applicant has not given factually correct information. Their measurement is yet again out and by substantial margins. The proposed extension is NOT outwith the planning standard of 18m from the wall of the nearest dwelling with windows.

As you will read in our D&A rebuttal, the proposed extension to the west is NOT, as the architects have stated, the planning standard of 18m from the wall of the nearest dwelling with windows of habitable rooms, it is 10.54m or at a maximum 15.2m depending on where you measure. At no point is this 'greater than 18m'. So not only far too high but also far too close to Whincroft and it does not comply with the applicants submission.

It is the same story on the east elevation. Here we have a much larger if slightly lower although also flat roofed extension that comes to within just 11 metres of Culverden and although we concede it is not proposed to be glazed on the east aspect, we do have a serious problem with the scaling and massing so close to the perimeter and neighbouring property.

We have validated these correct distances with reference to the architect's plans, the professional scale model and by physical measurement up unto the applicant's property boundary line - thereafter using the architect's scale drawings. These detailed measurements come nowhere near the 18m stated by the architects and being central Scottish Planning policy, (especially on the west elevation where the ancillary property will be positioned at considerably less than 18 meters distance from Whincroft is proposed be glazed). We believe these points should at the very least have been properly validated by planning officials during the due diligence and consultation phases.

Many of these discrepancies have been established after the planning officers original decision to approve the application and this is of concern to us.

One might reasonably conclude that the architects have really done their homework on measurements and provision of accurate information. But if you dig a bit deeper, when the basic information and measurements are out, not by a small margin and when the scaling and massing are over-sized not just to the naked eye as you can see from the model but

the actual distances are a breach of the title deeds and most importantly, Scottish planning policy (notably this contravenes provisions contained within NPF4 and SG to the LDP) then that has to be a firm reason why this proposal should not be approved.

Throughout this entire process when we have pointed out a discrepancy we have been told the errors are sometimes typos or then again, on other occasions, we were told, the points we are highlighting, are not material. Well, we respectfully submit, some of these points specifically on measurement are highly material as we wish to register that just this aspect alone is a clear breach of Scottish Planning Policy.

A stretched planning team that have possibly not had the time or perhaps resource to properly investigate claims such as the misrepresentations which should have been correct in the first place: we note: the failures in measurement of buildings and distance, the incorrect placements of trees and foliage in drawings, the incorrect placement of the copper beech tree, the lack of correct scale applied in CGI and other drawings, the claims of comparable development within the “nearby area” (none of which are from within the Conservation Area) and so called precedents that all pre-date the 1971 designation of the Conservation Area. A planning authority, this committee and indeed the applicant should expect better. We regretfully feel that we must say, that attention to important details has been absent, in a process that to us has too often appeared to bias expediency over integrity.

Suzanne Hamilton

You will have heard a sense of passion in my voice and in those of my fellow objectors during this hearing. It is a passion that stems not from anger but rather from sadness. That we all need to be here at all today is a matter of great regret. We have been placed in the unfortunate position of playing the last line of defence when it comes to protecting this important area by objectively applying both relevant policy-led principles and observing the requirements of the Conservation Area Appraisal.

I'm going to go off piste a bit now and respond to Gail Crawford's questions implying that the beech tree is somehow a smoke screen to prevent planning permission. These are rough bullet points from memory to cover the ad lib response I gave during the hearing. See the recording for what was actually said.

- In response to Gail's assertion that there exists a silent majority in Helensburgh on her side, I would like to highlight the local support from my petition to protect the beech tree and the TPO. Some 191 signatures were from local postcodes of the total 306 signatures
- Let me remind you of the need to prove legal nuisance of roots and the position of my insurance company. Gail, does your insurance company know of the existence of the tree given you stated in an official document “there are no trees on or close to the boundary”
- The drains at 4 West Lennox Drive were cleared 4 years ago by the previous owner. They have special traps to allow rodding and by a hose to clear them of roots. This issue was thought about and dealt with all those years ago as part of the original house build design and it works without the need to sever roots. In response to the suggestion that the tree has lots of wounds/ occlusions from cutting of branches – this tree is loved and well managed. It has been managed over the years by all previous owners of Whincroft including ourselves A record of all these works is available on the

portal as both myself and previous owners have been granted planning permission to do so. The last arboricultural works took place in 2019 to reduce wind sail factor for the safety of both Whincroft and neighbouring Redholm. Our insurers are fully aware of all works that have been carried out and the tree is assessed by a qualified arboriculturist on an annual basis. The tree has 40+ years useful life.

- What fence are you referring to when you suggest that we have added a fence that would damage the tree roots? We have a chicken wire fence to protect the garden from residents dogs and deer (Deer can cause significant damage and subsequent loss of the 19 young trees we have newly planted and they need this protection to reach full maturity)
- We remain deeply concerned that Argyll and Bute Council do not currently have a tree specialist and feel that Emma Jane is not qualified to oversee any protection works. We further have no confidence in Julian Morris or any other tree specialist appointed by the applicant, who is not impartial.
- The TPO is still wrong. We have told Council Planning and David repeatedly that the tree is owned by 2A Upper Colquhoun Street and not 2 Upper Colquhoun Street. The errors, typos and omissions made at every stage of this process leave us with little confidence in Planning's ability.
- It is simply untrue that we have sought to apply for a Tree Preservation Order merely to thwart the applicant's plans. I am deeply offended by this comment. We bought Whincroft in 2017 and asked Argyll and Bute Council Planning if we could get a formal TPO for the beech tree at this time. We were told that all trees within the Hill House Conservation Area automatically had protection and that it would be only necessary to formalise this in the event of a planning application which might potentially endanger it
- I am appalled at the lack of due diligence afforded by Council Planning in their assessment of the root protection area (RPA) of this tree with no independent tree specialist report forthcoming from the Council other than a rudimentary inspection by Council Planners who have no apparent tree conservation experience. In future, they cannot reasonably rely upon an applicant's submission which may not be impartial or as we have seen in this case, biased.
- Severing Roots. In response to Emma Jane's comments that the applicant is legally entitled to sever roots anywhere on their property I would like to caution that while in theory, as with branches, a landowner has the right to remove roots simply because they are on or in his land, even if they are causing damage, doing so in the absence of any real need could be looked upon negatively if the result is damaging to the tree as a whole.
- There is a greater chance of damage to the tree, when dealing with roots – so it is best to involve an independent professional. Cutting roots may affect the stability of the tree and if it subsequently falls and causes damage, this could result in a claim against you.
- It is important to note that the applicant's agent commenced this process by making an official declaration that there are no trees on or adjacent to the property, which Council Planning accepted until objectors brought it to their attention.
- The applicant's agent then included the aforementioned beech tree in official drawing PL001 [Existing location plan and block plan reference no 1 of 32 date received 28/07/2023] before subsequently moving the tree's position in a later drawing PL010 [Proposed location plan and Block Plan no 9 of 32 version c date received 18/09/2023] in order to claim that the RPA of the tree did not stretch to within the area of the proposed works and further used an incorrect canopy estimate of the root protection area (not based on BS5837:2012). This was again accepted by council officers and put forward as gospel by Council officers at the October PPSL. We again demonstrated this was wrong and council officers subsequently stated that this had been a mistake on the applicant's part. We have since noted that these drawings have now been

removed from the Council Portal and replaced with an asterisk PL001B Existing location plan and Block Plan 28 July 2023. Is the Council allowed to remove documents in this way rather than offer amendments?

- The applicant, through a tree report submitted by Julian Morris, has now suggested that the roots somehow grow in such a way that a lesser RPA is sufficient and has made assertions about the % loss of roots that would be lost without causing harm or damage to the tree. We were told for the first time by the planning officer during these proceedings that Mr Morris's report is preferred to that of Mr Mackenzie – why because according to planning it is quote “more detailed”. Planning are trained and capable people however they are most certainly not arborists and it is simply NOT acceptable for them to spuriously accept and then support one expert's report over another. This requires independent verification and the enforcement officers response to our request for information on whether the TPO was breached during Mr Morris's root investigation has not been adequately clarified. Did he or did he not request permission in advance to conduct the root survey as per Council procedure?
- Mr Mackenzie is a well-known and practising local arborist who cares primarily about the welfare of trees and their importance in the natural heritage of Conservation areas (a consideration that is central toNPF4). Why therefore has his legitimate assessment been dismissed in favour of the last minute report of Mr Morris? The latter report conveniently shifting the aperture of the root system from the accepted British Standard methodology and allowing for the roots to be severed.
- Should we not expect that the local planning authority is at the very least balanced in presenting key facts such as these to this committee?
- We do recognise that their job is not an easy one given the resource constraints they face and also that they have been hampered by a plethora of inaccurate information on critical points from the applicant's architect which have been accepted at face value and relied upon in their recommendation. Yet so many relevant policy points and explicit conservation area guidance and constraints seem frankly to have been swept under the carpet.

Sally Butt

We have also demonstrated why this development poses a serious, indeed life-threatening, risk to the magnificent Copper beech tree in the adjacent garden. In closing, it is no exaggeration to say that this proposal, if approved, would have a deleterious effect not just on the HHCA but the town of Helensburgh, Argyll and Bute and it would also have repercussions at a national level. For 53 years, the HHCA, in tandem with this planning committee, has done its job properly – the Upper Helensburgh conservation area appraisal it has done exactly what those, who came before us, set it up to do. To protect this small yet wonderful “jewel in the crown” of Scottish Arts & Crafts architecture for our families, for our people and for future generations. Our objections are not (as it has been implied) borne out of “nimbyism” but through a heartfelt desire to do the right thing for an area that deserves to be preserved and enhanced for the people of the local community, the region and indeed Scotland. If this inappropriate development were to be approved then it would not only cause irreparable damage to this extraordinary area but also create a new far-reaching precedent that other architects could point to in other misguided future submissions. With due respect to the applicant's architects, the “nearby precedents” they cite do not matter one jot unless they are within the Conservation Area. The reason they cannot point to any such precedents is they are simply not there. Indeed, if this development goes ahead in its present form, one might say “why have a conservation area to begin with” because it will be tantamount to putting everyone on notice that here is an area where “anything goes”. We wish the applicant well in her efforts to make this

property her new home. We are certainly not opposed to change per se, but we do expect, as we would of any new home owner who purchases a property in the HHCA to fully respect the place where they have decided to come and make their new home and if they wish to make changes to their property that this is done sympathetically with the character of the area and with respect to the setting in which their home stands. If they do so, inevitably this will lead to the long-term benefit of the HHCA and will result in its character and heritage being preserved and enhanced for the benefit of all who come to live here and more importantly, for the many thousands of visitors to this wonderful place, now and in the future. That, ladies and gentlemen, is why the correct decision we believe is to reject the proposal and in doing so to encourage the applicant either to return with a more reasonable and sympathetic proposal or to appeal the decision in which case it will permit the DPEA, with its team of highly trained and experienced planners, to take a fresh and objective look at the application on its merits. We thank you very much for your interest and wisdom in considering this important matter.

When asked, all parties confirmed that they had received a fair hearing, with the exception of the Applicant's Agent, Ruaridh Gardiner who advised that he had not.

The Chair moved and the Committee agreed to adjourn for a short comfort break.

On resuming, at 1:30pm, all those in attendance were as per the sederunt.

DEBATE

Councillor Irvine advised that having taken into consideration the information provided in relation to the Copper Beech tree, the TPO and the possible engineering solutions, he felt that as a Committee they were doing enough to protect the tree. He advised that if the Committee were minded to approve the application, he would like to see a condition incorporated which would ensure the protection of the tree going forward. He also advised that while he took on board a number of things said by the Objectors, and he did share some of their concerns, he advised that as a Committee they had to base their concerns on Policy and not personal opinions on the design. He advised that while he doesn't like what he sees in terms of the design himself, he had to take into account that the extension is under the 33% permitted threshold and he felt stuck between those two things.

Councillor McCabe advised that she was of the opposite opinion, as she did like the design and could see that a lot of work had gone into it. She advised that she would like to approve the application subject to the conditions contained within Supplementary Report Number 1.

Councillor Forrest advised that she neither liked nor disliked the design and advised that she did not think this was a pertinent consideration of the application. She took the opportunity to thank all for their presentations and advised that the Committee had a responsibility to make a decision based on Policies and that she did believe that the application was in-line with design policies. Referring to Historic Environment Scotland (HES), she advised that they had indicated that they don't think the proposed development would have an adverse effect and she also believed that the Planning Authority had acted with due diligence. She advised that she too was minded to approve the application subject to the conditions as outlined by the Planning Authority in Supplementary Report Number 1.

Councillor Brown advised that she had gone on the site visit, where she had walked round the house and the surrounding area. She advised that there were no two houses the same in age, style or appearance. She advised that keeping everything the same in a Conservation area didn't fit for her. She advised that the TPO was a matter of huge importance but that she was comforted that the conditions provided by the Planning Authority would ensure that the tree would be looked after. She advised that based on the information presented she had to agree with the Planning Authority in saying that the application was consistent with the relevant associated Policies and therefore she agreed that the application be approved subject to the conditions as outlined by the Planning Authority in Supplementary Report number 1.

Councillor Hardie advised that he agreed with his fellow Councillors and that it was a matter of opinion on whether you liked or disliked the design. He advised that he trusted the opinion of the Planning Authority who had acted with due diligence. He further advised that he was happy to approve the application.

The Chair, Councillor Green advised that he had two main issues with the application. They were the impact on the nearby tree and the design aspect being in a Conservation area. He advised that a Conservation area was not a preservation area and he felt the need to acknowledge that there would be updates and renovations to meet modern demands. He advised that he did not find the design objectionable. He spoke of the tree and advised that he had been heartened by the Applicants' confirmation that she was happy to accept additional conditions. He advised that on those grounds he was minded to approve the application.

Discussion took place around the possibility of including a further condition which would safeguard the trees on site and the neighbouring garden.

Councillor Green formally moved approval of the application subject to the conditions and reasons detailed in Supplementary Report Number 1, with an additional condition to safeguard the trees on site and the neighbouring garden. This was seconded by Councillor Brown. With no one being otherwise minded, this became the decision of the Committee.

Decision

The Planning, Protective Services and Licensing Committee unanimously agreed that the application be approved subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 23/04/2023, 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
(PL)001 Existing location plan & Block plan	1 of 33	B	28.07.2023
(PL)002 Existing	2 of 33	A	30.03.2023

ground floor plan			
(PL)003 Existing first floor plan	3 of 33	A	22.05.2023
(PL)004 Existing roof plan	4 of 33	B	18.09.2023
(PL)005 Existing South elevation	5 of 33	B	18.09.2023
(PL)006 Existing West elevation	6 of 33	B	18.09.2023
(PL)007 Existing North elevation	7 of 33	B	18.09.2023
(PL)008 Existing East elevation	8 of 33	B	18.09.2023
(PL)010 Proposed location plan & Block plan	9 of 33	E	05.02.2024
(PL)011 Proposed ground floor plan	10 of 33	D	05.02.2024
(PL)012 Proposed first floor plan	11 of 33	D	05.02.2024
(PL)013 Proposed roof plan	12 of 33	E	05.02.2024
(PL)014 Proposed South elevation	13 of 33	E	05.02.2024
(PL)015 Proposed West elevation	14 of 33	D	05.02.2024
(PL)016 Proposed North elevation	15 of 33	E	05.02.2024
(PL)017 Proposed East elevation	16 of 33	E	05.02.2024
(PL)018 Proposed section A-A	17 of 33	A	28.07.2023
(PL)020 Existing window schedule	18 of 33	A	22.05.2023
(PL)021 Proposed window replacements	19 of 33	A	24.04.2023
(PL)030 Existing	20 of 33	A	22.05.2023

door schedule			
(PL)040 Images of areas for demolition	21 of 33	A	24.04.2023
(PL)050 Existing section A-A	22 of 33	A	18.09.2023
(PL)051 Existing section B-B	23 of 33	A	18.09.2023
(PL)052 Proposed section C-C	24 of 33	A	18.09.2023
(PL)053 Proposed section B-B	25 of 33	A	18.09.2023
(PL)054 Proposed section C-C	26 of 33	A	18.09.2023
(PL)055 Proposed section D-D	27 of 33	A	18.09.2023
(PL)056 Proposed section E-E	28 of 33	A	18.09.2023
Proposed drainage drawing	29 of 33	D	06.02.2024
Windows design & access statement	30 of 33	A	24.04.2023
Design & access statement	31 of 33	C	06.02.2024
Visual impact assessment	32 of 33	A	22.09.2023
Tree survey report	33 of 33	-	05.02.2024

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

2. Notwithstanding the effect of condition 1; Prior to work starting on site samples of the proposed materials to be used for the external finishes of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site. Samples to include; canopy finishes, render finish to external walls, retaining wall finish, garage door finish, perforated 'scaloped' powder coated aluminium cladding finish, roof finish, window frame finish and flashing finish.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.

3. Notwithstanding the effect of condition 1; Prior to work starting on site full details of the design of doors/windows to the proposed extension and garage shall be submitted to and approved in writing by the Planning Authority in the form of drawings at a scale of 1:20.

Reasons: *To ensure appropriate detailing and to maintain the overall quality and character of the development and the surrounding environment.*

4. Notwithstanding the effect of condition 1; Prior to work starting on site samples of the natural stone proposed to be used for window infills and repairs to the existing building shall be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure that the materials to be used on the external surfaces of the existing building match the existing building.*

5. Notwithstanding the effect of condition 1; Notwithstanding the details on the approved plans the window replacements to the existing building shall be vertically sliding timber sash and casement windows. Details of all the windows, including the size of windows, size of mullions, number of astragals, which shall physically divide the window into separate panes, method of opening, depth of recess and colour shall be submitted in the form of drawings scale 1:20 and shall be submitted to and approved in writing by the Planning Authority prior to work starting on site.

Reason: *In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building.*

6. Notwithstanding the effect of condition 1; Prior to work commencing on site full details of the proposed reconstruction of the wall ends and any piers or gate posts and gate shall be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure that the development is undertaken in a manner which minimises the visual impact of the alterations in the streetscape and preserves as far as possible the integrity of the boundary wall in question.*

7. Notwithstanding the effect of condition 1; Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates
- ii) Existing landscaping features and trees/vegetation to be retained;
- iii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iv) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Please note that any hard landscaping proposed shall be permeable as to not impact on the surface water drainage for the site.

Reason: *To ensure the implementation of a satisfactory scheme of landscaping.*

8. Notwithstanding the effect of condition 1; all trees within and overhanging the application site, must be protected in accordance with methods as set out in BS5837/2012 including the erection of appropriate fencing during and until completion of all site operations and building works. A lesser protection zone will be allowed in relation to the neighbouring copper beech tree as per the approved tree protection plan contained within the Tree Survey Report dated February 2024 prepared by Julian A Morris (doc ref; Issue 240205). The Arboricultural Method Statement as contained within the Tree Survey Report dated February 2024 prepared by Julian A Morris (doc ref; Issue 240205) shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, by a suitably qualified tree specialist.

Reason: *To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.*

9. Notwithstanding the effect of condition 1; Prior to work starting on site, full details of any external lighting to be used within the site or along its access shall be submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

Reason: *In order to avoid the potential of light pollution infringing on surrounding land uses/properties.*

10. Notwithstanding the effect of condition 1; The first floor glazing to the North elevation (shower room window) and the first floor glazing to the West elevation (behind the proposed screening) of the proposed extension shall be of obscure glass and maintained in perpetuity in obscure glass to the satisfaction of the Planning Authority.

Reason: *In order to protect the privacy and amenity of adjacent properties.*

11. Notwithstanding the effect of condition 1; Prior to work starting on site details of the replacement chimney pots to the existing building shall be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building.*

12. Notwithstanding the effect of condition 1; Prior to work starting on site identification and assessment of all potential sources of nuisance, including noise/ vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the demolition / construction process should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site.

For all potential sources of nuisance the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to

ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Reason: *In order to avoid sources of nuisance in the interest of amenity.*

13. Notwithstanding the effect of condition 1; In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the construction process the hours of operation of the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operation on Sundays or Bank Holidays.

Reason: *In order to avoid sources of nuisance in the interest of amenity.*

14. Prior to commencement of development, details of the methods of construction shall be submitted to and approved in writing by the planning authority. In particular, details of construction methods must include measures that protect the tree roots of the neighbouring beech tree located within the garden ground of 2a Upper Colquhoun Street, Helensburgh and should involve pile/screws or alternative construction methods to avoid tree roots.

Reason: *To safeguard the retained trees on site and in the neighbouring garden in line with Policy 77 of the Local Development Plan and Policy 6 of National Planning Framework 4.*

(Reference: Report by Head of Development and Economic Growth, dated 29 September 2023; Supplementary Report number 1 dated 6 February 2024 and Supplementary Report number 2 dated 12 March 2024 submitted)