

Planning Appeal Statement

Erection of Single Storey Dwellinghouse and Associated Works

Site On Eastern Boundary of No 2 Johnshill, East End, Lochwinnoch

Application No. 23/0179/PP

Mr David Johnston



Visualisation of Proposed Development

24 November 2023

Introduction

This statement relates to an application for review to Renfrewshire Council's Local Review Body under Section 43A(8) of the Town and Country Planning Scotland Act 1997 (as amended) of the Council's delegated decision to refuse planning permission for the erection of a single storey dwellinghouse on land at the junction of Johnshill and East End, Lochwinnoch.

The planning application was refused on 8 September 2023 and this application for review is therefore competent, having been submitted within three months of the date of the decision notice.

Existing Site and Surrounding Area

The appeal site is situated within Lochwinnoch. The site is located adjacent to Auld Simon on the east side of East End Road at the junction between East End and Johnshill.

The appeal site extends to approximately 0.15 acres and generally slopes downwards from north to south and west to east. The site contains 14 mixed deciduous trees in various state of decline with the peripheral trees overhanging the public highway and the adjacent properties bordering it. There are remains of a historic stone wall at the site.

It should be noted that the appeal site is a brownfield site (identified as 'white land' on the Proposals Map) within the existing settlement of Lochwinnoch. The site is approximately 250 metres from the designated town centre in Lochwinnoch, which sits to the south-west. The site is within an existing residential area and surrounded by housing on three sides. The land to the north, across East End comprises the former B listed St Winoc's Church, beyond which lies further housing. The housing that has been built north of the church is of modern construction and the detached dwellings sit within a mature townscape, within the conservation area.

It is acknowledged that the application site is within Lochwinnoch Conservation Area. It is further acknowledged that any development proposed in this location may have an impact on the setting of the nearby B listed St Winoc's Church and Churchyard.

In assessing potential impact, there are four key questions that are particularly relevant when considering the relationships between landscapes and historic buildings:

- What does the location of the historic building contribute to its importance or character, for example through the siting of the building or aesthetic considerations?
- How does the landscape character of the setting contribute to our understanding of its importance or character, for example through derelict and/or current land uses, or views to and from the building.
- What is the historical importance of the site and/or landscape on a local, regional or national level?
- Does any proposed development adversely change any of the foregoing?

These tests can then be applied to determine the extent to which any change or development might be acceptable within the wider historic envelope.

From a review of old Ordnance Survey Maps (refer to submitted Planning, Design and Access Statement) it is evident that, although the site is currently clear of development, the site was previously developed for housing. The 1856 Ordnance Survey Map for Lochwinnoch (see Figure 1

below) shows a row of residential properties along the south side of East End opposite the church leading to the foot path (Skippers Path) that leads from East End to Gates Road. The parcel of land to the immediate south-east was at that time vacant and has subsequently been developed, as I understand it by the local authority; to the rear of the local authority housing there are a few dilapidated timber sheds and garages which would have presumably served the adjoining housing.



Figure 1 - OS extract from 1856 showing appeal site identified with red dot.

The historic setting of Auld Simon was as a building at the heart of a township, as seen in Figure 1. The historic building pattern remains in part to Johnshill. The new properties on the west side of Johnshill assist in some way in restoring and maintaining this historic setting. Similarly building or buildings on the south side of East End would be consistent with the historic setting of Auld Simon. On the scale of buildings to the south it is likely they these were single storey cottages, or possibly very low two storey buildings similar to the couple remaining on Johnshill.

The fact is, that the appeal site is a previously developed brownfield site. Furthermore, the site is not subject of an environmental designation.

Policy 7 'Historic assets and places' and Policy 9 'Brownfield, vacant and derelict land and empty buildings' of National Planning Framework 4 (NPF4) are relevant to the assessment of this proposal.

Policy 7 'Historic assets and places' seeks to protect and enhance historic and environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It considers that development proposals within conservation areas should ensure that existing natural and built features which contribute to the character of the conservation area and its setting be preserved and enhanced and that these should be preserved in situ where possible. This includes the retention of structures, boundary walls, railings, trees and hedges.

The thrust of this policy is not to prevent change, however, but rather to manage it in a way which avoids or minimises any adverse impacts on heritage assets.

Policy 9 'Brownfield, vacant and derelict land and empty buildings' seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Development proposals that will result in the sustainable reuse of brownfield land will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

Tree removal recommended by an arboriculture report accompanying the planning application has been consented through tree works application ref. 22/0426/TC and this has been undertaken.

Renfrewshire Council issued a notice under the Roads (Scotland) Act 1984 that overhanging trees are to be cut back to a minimum of 5.5 metres above the road and at least 1 metre from the edge of the carriageway.

Policy P1 of the adopted Renfrewshire Local Development Plan August 2021 (LDP) presumes in favour of a continuance of the built form provided that such developments are compatible with and complementary to existing uses and cause no significant harm in line with the criteria of the New Development Supplementary Guidance (SG). It considers that development proposals require to ensure that the layout, built form, design and materials of all new developments will be of a high quality; density will require to be in keeping with the density of surrounding areas; surrounding land uses should not have an adverse effect on the proposed residential development and; existing landscape and ecological features should be retained where they make a positive contribution to the character of the area.

It is accepted that the existing trees on the site are an ecological feature which make a positive contribution to the character of the area. However, it is also important to understand the history of the site and consider whether the redevelopment of part of the site would enhance the character of the conservation area.

Proposal

The proposed dwellinghouse would be single storey, have a footprint of approximately 90 square metres, with a traditional style symmetrical frontage and double pitched roof. It would be finished in render with corner quoin blocks and exposed sandstone lintels, jambs and sills on the front elevation. The front elevation, however, would be finished throughout in stone. The roof would be finished in natural slate.

The proposed dwellinghouse would face onto and would be positioned 1 metre from the boundary with East End and would be positioned centrally within the site (refer to submitted plan showing the footprint of the proposed dwellinghouse and the remaining trees).

The existing railing will be maintained and repaired to the west frontage and a new sandstone wall bounding East End Road will be erected along the north frontage. The stonework will match the boundary wall opposite the site, i.e. The Auld Simon stone wall.

The intention is to recreate the historical streetscape view from Johnshill, with The Auld Simon stone wall and ruins to the left and the low profile, stone, local vernacular cottage to the right (refer to front cover of appeal statement showing a visual of the proposed development).

Access would be taken from the north-east corner of the site, where off street parking for two cars, a turning area and storage for refuse and recycling facilities would be provided. Pedestrian access would be linked to existing footways.

To retain the original aesthetics of the area and the tree line running from The Auld Simon grounds, through the proposed development **NO** trees will be felled and a designated area of the site to the west (approximately 25% of the overall site) with a number of existing mature trees (tag nos. 862 to 864 as referred to in the arboreal report) will be maintained and similar native species will be planted to enhance and ensure the future of the wooded site, attract wildlife and ensure that the site retains the charm and history of this part of the village.

All retained trees would undergo recommended remedial tree management works.

There is an opportunity to undertake proper tree management on the remaining trees, introduce new appropriate species planting and ensure that the long-term benefits of the trees on the townscape can be properly maintained (refer to submitted planting plan).

The delegated report of handling states *“In terms of design and facing materials the dwellinghouse is of a vernacular style, albeit deeper than traditional dwellings it is referencing. However, it has good quality finishes including stone, wooden windows, and a slated roof which is appropriate for the area.”*

Reasons For Refusal

Planning permission was refused for the following reasons:

- 1. That the proposed development is contrary to the provisions of Policy 7 ‘Historic Assets and Places’, of NPF4 as the proposed development is likely to lead to the loss of woodland, a natural feature which makes a positive contribution to the character of the area.**

It will be evident from review of the submitted plans that the proposed dwellinghouse is of modest scale and that it is proposed to be constructed using traditional materials. Indeed, the delegated report of handling states that the *“dwellinghouse is of vernacular style....has good quality finishes....which is appropriate for the area.”*

No trees will be removed to enable the development to take place. Without proper tree management the process of decline will increase rapidly. New native planting is proposed to ensure that tree cover is maintained in the long term in a manner which is appropriate and suitable to the setting.

It is important to recognise that the site is a brownfield site with no environmental designations.

- 2. That the proposed development is contrary to the provisions of Policy 9 ‘Brownfield land, vacant and derelict land, and empty buildings’ of NPF4 as the application site is considered to have high ecological value as it has been naturalised with woodland and the proposal is likely to lead to the loss of trees, which make a positive contribution to the character of the area.**

The accompanying tree survey report (submitted in response to the notice issued under the Roads (Scotland) Act 1984 by the Council’s Environment and Infrastructure Services), observed that the tree stock is in various states of decline with the peripheral trees overhanging the public highway and the adjacent properties bordering it. The report states:

“The mature trees and ground cover are heavily cloaked with ivy and roadside trees are substantially overhanging the carriageway....some trees are in poor condition and recommended for removal. Chalara Ash dieback has also colonised the site.”

Only regular and remedial tree husbandry will help combat the likelihood of branch failure and reduce associated concerns.

There is an opportunity to undertake proper tree management on the remaining trees, introduce new appropriate species planting and ensure that the long-term benefits of the trees on the townscape can be properly maintained.

The proposed dwellinghouse would be located centrally within the site in an area where there are no trees.

- 3. That the proposed development is inappropriate and contrary to the provisions of Policy P1 of the adopted Local Development Plan and the New Development Supplementary Guidance Places Development Criteria given the proximity of the trees to the development the trees health and safety cannot be adequately protected.**

It is acknowledged that BS5837:2012 requires buildings and structures to be sited to allow adequate space for tree's natural development and at the same time reduce future pressure for removal of trees.

The submitted structural engineering report details the various foundation options (with particular attention paid to the close proximity of roots) and recommends a system of Shire stabilisers or similar. These are small scale piles developed for the domestic market and do not require heavy specialist plant that could damage shallow roots.

The advantage of using such a system is the small-scale nature of the piles which are driven in manually without the need for heavy plant traversing the site. Should tree roots appear within the piling area it should be easy to move the location of the pile to miss these.

Paragraph 5.3 of the report states:

"From the information available at this stage we are of the opinion that a suitable footprint of around 10 metres x 7 metres should be capable of fitting between the remaining trees. "

- 4. That the proposed development is contrary to the provisions of Policies ENV2 - Natural Heritage and ENV3 - Built and Cultural Heritage of the adopted Local Development Plan, the New Development Supplementary Guidance Conservation Areas, Trees, Woodland and Forestry and Natural Heritage and the provisions of Historic Scotland's guidance on 'Setting' and 'New Development in Historic Settings' as the trees within the application site make a valuable contribution to the setting of 'Auld Simon' and the Lochwinnoch Conservation Area generally and the proposed development is likely to lead to the loss of part of this woodland which would have an adverse impact on the setting of the Category B listed 'Auld Simon' and the setting of the Conservation Area generally and these trees should be safeguarded.**

The site contains 14 mixed deciduous trees in various states of decline. The mature trees and ground cover are heavily cloaked with ivy and roadside trees are substantially overhanging the carriageway. Chalara Ash dieback has also colonised the site.

Only 4 of the trees are classed in good condition, ie. a sound tree needing little if any attention at the time of the survey.

In a short period of time the amenity value of the trees and their contribution to the conservation area will decline as they die, limbs break off or they become stag headed. Only with proper tree management will the long-term amenity value of the site be achieved.

The application proposes complementary planting to ensure that tree cover is maintained in the long term in a manner which is appropriate and suitable to the setting and in a manner which will allow the site to be properly managed. The long-term prospects are for the setting to be enhanced rather than deteriorate further.

To retain the original aesthetics of the area and the tree line running from The Auld Simon grounds, through the proposed development site **NO** trees will be felled and a designated area of the site to the west (approximately 25% of the overall site) with several 'fair' trees will be maintained and similar native species planted to enhance and ensure the future of the tree cover.

The provision of stone boundary walls and refurbishment of the site boundary railings will similarly improve the setting of the area and its amenity value.

It should be recognised that, although the site is currently clear of development, the site was previously (and historically) developed for housing.

- 5. That the proposed development is inappropriate and contrary to the provisions of Renfrewshire's Planning and Development Tree Policy 2022 as there is no overriding justification for the construction of the proposed dwellinghouse in proximity to trees and the development is likely to adversely affect the natural development and health of the trees remaining.**

The development proposes a modest single storey dwellinghouse in the centre of the site (refer to submitted visual and accompanying plans). The site extends to approximately 0.15 acres. Excluding the woodland area leaves an area of 440 square metres and the proposed dwellinghouse has a footprint of just 90 square metres, equating to just 20% of the developable area.

The proposed dwellinghouse is set some distance from Johnshill and would be obscured from view to people travelling north along this road by both existing housing and the existing, retained tree cover. There is no impact whatsoever on the view to the church front gable as the gable faces directly south down towards the High Street and the view to the gable is generally uninterrupted.

As stated previously, there is an opportunity to undertake proper tree management on the remaining trees, introduce new appropriate species planting and ensure that the long-term benefits of the trees on the townscape can be properly maintained.

Policy ENV 3 states that new development should demonstrate that there is no negative impact on built heritage assets, and I would argue that the application supporting evidence addresses that requirement, specifically in respect of the Planning, Design and Access Statement, the Tree Condition Survey and the way we have approached the design and form of the dwellinghouse.

It is also worth remembering that Policy 7 '*Historic assets and places*' of NPF4 seeks to protect and enhance historic and environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Conclusion

The case officer's assessment of the application ignores the positive contribution that the new development would make to enhance the character of the area (remembering it was historically a housing site) and the setting of the listed building.

In our view the opportunity to undertake the essential tree management and to improve the boundaries of the appeal site have been overlooked and are clearly positive aspects in the argument.

Improvements brought about by this development will contribute to an overall enhancement of the area whilst introducing the opportunity for long term site management.

We maintain that the site is more than capable of absorbing a single modest dwellinghouse of the proportions proposed. The additional planting will ensure that tree cover is maintained for the long term but also in a way that is manageable and ensures proper site tree management. The development opportunity is unique, and we would argue that the proposal does not offend current national guidance, local development plan policies or supplementary guidance, nor is it in conflict with Historic Environment Scotland's guidance.

It is respectfully requested that the appeal is upheld and planning permission granted for the proposed development.