

**Reconvened Planning Committee  
Council Chamber, Town Hall, Lerwick  
Tuesday 11 September 2018 at 3pm**

**Present:**

M Bell	A Manson
E Macdonald	D Sandison
D Simpson	G Smith
T Smith	

**Apologies:**

S Coutts  
C Smith

**In Attendance (Officers):**

I McDiarmid, Executive Manager – Planning  
J Holden, Team Leader – Development Management  
A Melkevik, Planning Officer  
P Sutherland, Solicitor  
L Adamson, Committee Officer

**Chair**

Mr T Smith, Chair of the Planning Committee, presided.

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

None.

**Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body:**

The Chair advised that the Planning Committee will be sitting as the Local Review Body (LRB), and will follow the guidance as provided in Section 4 of the covering report. The process will take the form of a Hearing, where the Planning Officer who handled the case will be asked to make a presentation on matters to be considered. Persons entitled to make representations will be given the opportunity to address the Hearing, followed by the applicant/agent, and all will be restricted to a time limit of five minutes. Members of the LRB can ask questions throughout the process, but preferably at the end of each presentation. When questions are completed, Members will debate the proceedings and make a decision. Cross examination will not be permitted unless the LRB consider it required to ensure thorough examination of the issues.

The Chair advised that the decision of the LRB is full and final. Should the appellant be aggrieved by the decision, the only recourse is to the Court of Session in respect of the handling by the LRB.

12/18 **Local Review Ref: 2018/027/PPF - LR34 - Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 1] for a decision following a Local Review.

*(Copies of letters in support of the application from the doctor of the applicants were tabled at the meeting).*

The Chair advised that an accompanied site visit to the application site had been held earlier today, which had been agreed at the meeting on 3 September 2018.

The Chair invited the Planning Officer to make the presentation to the LRB.

The Planning Officer (A Melkevik) advised that the Planning Officer who had handled and carried out the assessment of the application has since left the Council, and while she would present the application this was not her case.

The Planning Officer gave a presentation with illustrated the following:

- Location Plan, highlighting Ivy Cottage and the land owned by the applicant
- Satellite image, with house and site highlighted
- Existing site plan
- Proposed site plan
- Elevation drawing with existing elevations and proposed elevations
- Photographs of principal and side elevations as seen from the road

The following points were made during the presentation:

**Proposed Development and Design:**

- Large modernist extension to the dwelling's principal elevation, placed over the central and northern bays of the front elevation facing the public road
- Located on the most prominent part of the site and would dominate the front elevation
- Window on the eastern elevation appears odd in its location. The proposed windows small proportion appears inappropriate.
- Small window is to prevent privacy impacts in bedroom. This reinforces the concerns regarding the siting of the proposal to extend in the most prominent location within the site.
- Dark painted horizontal timber weatherboarding would provide a distinction from the existing dwelling, but the expanse of timber cladding on the front elevation would be a bold statement and would contribute to the sense that the extension would dominate the front elevation of the dwelling.
- The proposed development is not reversible and the traditional fabric of the building would need extensive repairs in the future if the proposal was to go ahead and then be removed. There is a duty to preserve the character and appearance of traditional buildings for future generations.

**Prominence:**

- Ivy Cottage is a prominent example of this type of dwelling in Hoswick and therefore any additions to it require especially careful consideration within the wider context.

- While there are modern dwellings and extensions in the area, there are no other 'modernist' style, flat roofed extensions or dwellings of this architectural style in the immediate area.
- Other dwellings of this style in Hoswick have front extensions from the central ground floor bay but in a traditional style. Most of the extensions, however do not cover more than the central bay and are located centrally in the principle elevation.
- Where they do extend further they are of a traditional style and are located in less prominent parts of those sites when it comes to streetscape views and the visitor and resident experience. The extensions have pitched roofs, with the exception of small, shallow, mono pitched porch extensions.
- It is therefore considered that the proposal does not fit the character of the area in accordance with policy GP3.

#### Constrained site:

- The Agent has highlighted the constraints of the site in a supporting statement.
- Seven sketch proposals are included in the amended statement.
- The Agent was advised that extensions to the side or rear would likely resolve the prominence and character issues that exist with the proposal.
- The Agent made clear that the siting of the proposed extension would not be changed to a less prominent location.

#### Personal Circumstances of the applicant:

- The Agent submitted letters in support of the application from the doctor of the current occupants of the dwelling including the applicant.
- It was considered whether the personal circumstances of the current occupiers of the dwelling, including the applicant has an effect on the character of the use of land in a sufficient magnitude to warrant being considered as a material planning consideration.
- The personal circumstances in this instance, which would derive benefit from ground floor living that the proposal by including a bedroom would bring about, has a direct effect on the character of the use of the land and the area by virtue of its prominent location and 'modernist' style.
- It was considered whether an exception to the design policies was warranted on the material ground of the personal circumstances of the current occupiers of the dwelling including the applicant and the choice of siting and design of the proposed extension.
- It was not considered that there was an overwhelming public interest in the setting aside of the policy in this instance, and no other material considerations are apparent.

In concluding the presentation, the Planning Officer advised on the reason for the application being recommended for refusal, being the prominence of the proposed extension and effect on the character of the area. *“The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.”*

In inviting questions from Members to the Planning Officer, the Chair reminded Members that the Planning Officer had not been involved in the assessment of the application.

Mr Bell thanked the Planning Officer for the informative presentation. In referring to the photograph of the front of the house and also from his attendance at the site visit, Mr Bell suggested that at some stage in the past the front door of the property has been moved. In that regard, he would expect that the door would have been in the middle of the front of the property when the house was built. He considered therefore that the current frontage was not a unique example of a traditional style of house, having been markedly changed since the house was designed and built. In terms of the proposed extension being built, he said that the character of the house has already been significantly changed. The Planning Officer confirmed that the door of the property has been moved, and that the central window was originally where the door had been.

In response to a question from the Chair, the Planning Officer advised on her view as to the character of the area, being a lovely and quaint village in the centre of Hoswick, which has extended out further in time. She added that there were not many villages left with such a strong central core, particularly in country areas of Shetland. In responding, the Chair commented on the references throughout the report to the character and distinctiveness of Hoswick, which he said can be subjective and open to interpretation.

The Chair invited the representative of the applicant to address the LRB.

Mr M Williamson, Agent for the applicant, first advised of the applicants' apologies, as they were unable to attend the meeting. Mr Williamson reported that the extension is needed as the applicants are an aging couple, who have mobility issues and need to extend their property on the ground floor. He said the applicants had considered building a new house, but with the cost and time involved, and that the couple have an attachment to their family home in Hoswick, they decided they would rather extend their property. Mr Williamson referred to the reason for refusal being the modern design of the extension, however he advised the LRB that many design solutions had been considered, and the proposal as presented was the most practical design and the best design for the site, which meets the applicants' needs.

During his address, Mr Williamson said that it is important to note that the site is not in a conservation area, and the house is not a listed building. He also advised that there have been no objections to the application.

In reporting on the handling of the application, Mr Williamson said that he had been advised, by the Planning Service on 20 March 2018, to make the extension less prominent and more distinct from the property, in order for the Planning Service to recommend approval. Although feedback had been requested on that design, no response was received and there was no clear advice from the case officer until the decision had been made on the application. He also referred to the protracted application process of over 7 months, and commented that decisions on major planning applications would often not take that long.

(The Chair invited questions from Members to Mr Williamson. There were no questions.)

During debate, Mr G Smith said that the site visit was very useful for Members to see the distinctiveness and character of the area. Mr Smith advised that he used to live in

Hoswick during the 1980s/1990s and since that time there has been a huge amount of change, with very different house types, vintages, materials used and extensions. He said that Policy GP3 is open to interpretation, and while he understands the view of the Planning Service, he did not feel that the distinctiveness and character would be detracted from as a result of the extension being built. He said that the Agent has gone out of his way to give thought to the plans, which meet the needs of the clients. Mr Smith referred to other extensions on houses in Hoswick, including the extension to Southerhouse, which had been referred to in the application, and also to another much larger extension to a property very near to the application site. Mr Smith said that while tour buses come to Hoswick, this can be to visit the knitwear factory, knitwear shops and the beach. He said that Hoswick is an area that has been very closely built in, and he also referred to the new modern house recently built in the centre of Hoswick. Mr G Smith noted also that there have been no objections locally or from the Community Council.

Mr Bell confirmed that he had found the site visit to be very helpful. Mr Bell said that the front of the house is not a prime example as it has already been changed, and the application site is not in a conservation area or the house a listed building. He said that the applicants are trying to convert their house to make it easier for them to live in, and to future proof their property so they can provide for themselves in their later life. In that regard, he referred to the aim to support people to stay in their own homes and in their own areas. Ms Manson said that she found the site visit very helpful, as she had not been familiar with Hoswick. Ms Manson said that what had stood out for her was that there was no traditional shape of extensions to the houses in Hoswick, and that there were no two extensions the same, as different extensions had been added to properties over the years. She said that the extension as proposed would not stand out as dramatically different in terms of shape or size to others in the area.

The Chair said that he was glad that the site visit had been called, as he had not been to Hoswick in 20 years. He was amazed at all the different types of buildings and in particular the domestic buildings and the full range of extensions on the houses. The Chair said that he did not see any common factor in Hoswick anymore, and while Hoswick still has character, he was not sure what that character was. He advised on his difficulty with the application, in terms of the different views on the proposal from the planning and architectural professions, both of whom are highly trained in their respective fields.

Mr G Smith moved that the LRB reverse the decision and grant planning permission, which he considered would not contravene Policy GP3. Ms Manson seconded.

There being no one otherwise minded, the Chair advised on the decision of the LRB to uphold the appeal and for planning permission to be granted. In terms of conditions to be applied to the grant of the application, and with no one otherwise minded the proposal the Chair put forward that these would be determined by the Planning Service in consultation with himself was accepted.

### **Decision**

The Local Review Board agreed to uphold the appeal and **APPROVE** the planning permission for the development, subject to appropriate controlling conditions.

*(The copies of the letters previously circulated to Members were returned).*

The meeting concluded at 3.35pm.

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Chair