

SPGD

supplementary planning guidance

Single plot and small scale infill residential development in urban areas *(how to avoid town cramming)*



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**West Lothian
Council**

Supplementary planning guidance

SINGLE PLOT AND SMALL SCALE INFILL RESIDENTIAL DEVELOPMENT IN URBAN AREAS

Introduction

Supplementary Planning Guidance (SPG) is produced by the council to explain how particular local plan policies should be applied in practice.

In this instance the guidance is specifically related to single plot and small-scale infill residential development in urban areas not exceeding 10 units and is intended to amplify policies HOU2 and HOU 4 of the Finalised West Lothian Local Plan (as modified July 2008). These support infill development, subject to specific provisos but advise that developments that result in town cramming will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others. (*Separate guidance for medium to large-scale residential developments is also available from the council.*)

The guidance seeks to ensure a consistent application of the policy and contains practical information for anyone contemplating these types of development. It is intended to assist officers and elected members of the council in assessing and determining planning applications and provides advice that will help improve the design and quality of such developments.

The guidance is central to ensuring that only appropriate development is permitted. Proposals that fail to satisfy the requirements of this guidance will not be supported.

While SPG is not part of the adopted plan it has been the subject of both a formal council resolution and a consultation process. SPG can therefore be treated as a *material planning consideration* when the council, Scottish Government and Reporters determine planning applications and consider appeals.

The council is keen that applicants and their agents take the opportunity to have pre-application discussions with a planning officer about any proposal but particularly when these relate to single plot and small-scale infill development. Such discussions are, however, without prejudice to the decision that might be taken by the council if and when an application is pursued.

Pre-application discussions can be particularly useful in helping applicants and agents identify the issues to be covered and information that will be needed to support any application for planning permission, which in turn can help minimise delays later in processing the application.

To arrange an appointment or to obtain further information and advice please contact:

Planning Services, West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ or telephone 01506 775222 and ask to speak to a Planning Officer for the area in which you propose to develop.

Infill development and town cramming

1.1 There is an increasing demand to develop infill sites, often as a consequence of spiraling land values, but also for reasons allied to sustainability and the efficient use of resources.

1.2 In the right circumstances infill development can make a useful contribution to the housing land supply and add to the overall quality of the townscape. This is especially the case where a conscious effort has been made to complement the local area in terms of design, scale, building density and layout so that the new infill development appears to *belong* and looks as though it had been planned as part of the original area.

1.3 However, it also has the potential to create problems and, if not dealt with sensitively, can cause a significant loss of amenity to existing properties including erosion of privacy, loss of daylight, overlooking, visual intrusion, noise disturbance, reduced space around buildings, loss of car parking, loss of mature vegetation or landscape screening and can erode the established character of an area.

1.4 Invariably, the temptation is for developers to try to cram as much development as physically possible onto a site. However in areas of established residential development the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by the people who currently live there and also to secure a satisfactory level of amenity for the future residents of the new property. Experience shows that an overly dense development results in houses with very small rooms, insufficient circulation space and little or no storage capacity. These houses are also often characterised by having irregularly shaped and unacceptably small gardens that lack privacy and function and the overall visual impression is of simply too much built development.

1.5 While recognising that higher density development may be more acceptable within town centres, it remains the case that infill residential development must not be allowed to contribute to *town cramming* and any damage to areas of distinctive townscape character will be vigorously resisted.

1.6 There is also a danger of piecemeal development occurring where proposals are put forward for land in an individual ownership when a more sensible solution may be to assemble land from a number of adjoining rear gardens to enable a small group of houses to be developed. Where the separation distance prevents any significant overlooking of accommodation or private amenity areas, the amalgamation of plots to form sites large enough to provide two or more houses served by a separate adoptable road or a shared private drive is often a more satisfactory and sustainable means of developing infill sites and the council may resist individual proposals where it is likely to prejudice the potential for the satisfactory development of a larger area.

1.7 As a consequence, development will only be supported where full account has been taken of the potential effect that it will have on neighbouring properties and on the character of an area and also where the proposal does not prejudice the development potential of any adjacent site.

1.8 The overarching purpose of this SPG is to strike the right **balance**.

Policy content

2.1 Scottish Planning Policy 3 – *Planning for Homes*, recognises that infill sites can make a useful contribution to the supply of housing land and obliges the planning authority to ensure that such development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas.

2.2 The suite of local plans which were adopted in West Lothian during the 1980s and 1990s all contain policies which are broadly supportive of infill development within the settlement envelope, provided there is no adverse impact on adjacent uses.

2.3 Policy HOU 2 of the Finalised West Lothian Local Plan (as modified July 2008), which, when adopted, will replace the existing local plans, identifies a general presumption in favour of new development within settlement envelopes, principally in order to minimise the development of “greenfield” sites, but increasingly to make the most sustainable use of resources.

2.4 However, it is made clear that infill developments will be resisted where they would adversely impact on adjacent uses, affect the character of the settlement, exacerbate problems of infrastructure or traffic congestion to an unacceptable level and include areas of important open space value.

2.5 This SPG does not support the development of public open space as this would be contrary to Scottish Planning Policy 11- *Open Space and Physical Activity*, various policies in the existing adopted local plans and COM 2 of the Finalised West Lothian Local Plan (as modified July 2008).

2.6 Policy HOU 4 of the Finalised West Lothian Local Plan (as modified July 2008), specifically states that developments, which result in town cramming as defined in the council’s development control policy ‘*How to Avoid Town Cramming*’, will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.

2.7 There is no shortage of advice and encouragement regarding the importance of good design and the need to raise the standard and quality of new housing, particularly in Scottish Planning Policy 1 - The Planning System and Planning Advice Note 67 - *Housing Quality and Designing Places – A Policy Statement for Scotland*. Design should be informed by buildings in the immediate vicinity of the site and by the townscape of the wider locality, and should serve to reinforce local distinctiveness. The council will reject poor design and proposals that are clearly incompatible with their established surroundings.

Scope of this guidance

3.1 These guidelines specifically apply to situations within the recognised settlement envelopes (as defined in either the adopted local plans or the Finalised West Lothian Local Plan 2005) where it is proposed to develop a small gap site in an existing street frontage, develop land which is situated behind existing properties or sub divide and develop the curtilage of an existing house, either by infilling along a frontage or within areas of rear gardens. This guidance is intended to apply to single plot and small-scale infill residential development in urban areas, not exceeding 10 units. *Separate guidance for medium to large-scale residential developments is already available, and further guidance is being prepared, specifically for the development of sites in rural areas and hamlets.*

3.2 Infill development sites can range from small sites suitable for only a single house to larger areas with a capacity for several houses and are predominantly within residential areas. They comprise land, often garden ground, but sometimes private open space or redundant commercial premises. Where sites do not have a direct main street frontage they invariably have an independent vehicular access from the side or rear in the form of an un-adopted private driveway or road.

3.3 *Tandem* development is a particular form of infill development where a new house is located immediately behind an existing house and shares the same vehicular access. Ordinarily, **tandem development will not be supported** because of the inherent problems of overlooking, noise disturbance, loss of amenity, cramming and the adverse impact on the general character of an area. Only in exceptional circumstances, and on large, individual plots (in excess of 0.4ha / 1 acre) might it be possible to achieve sufficient separation between houses to overcome the difficulties described above. It is very unlikely that a satisfactory development can be achieved on a site of a lesser size.

3.4 While this guidance has been written on the assumption that the sites will be developed for housing it does not mean that non-residential uses are necessarily precluded. However, should these be proposed, it will be necessary for applicants to comply with this guidance **and** to submit additional information to enable a more in depth assessment of other pertinent issues, including noise, odour and traffic generation and in order to demonstrate that the proposal will have no significant adverse environmental or amenity impacts on the site or its surroundings.

Detailed requirements

Physical relationships and layout

- The layout, scale and form of any development must be compatible with the established building pattern and the predominant character of the established housing in the area. However, in order to avoid sites being over-developed the following plot ratio standards should be observed:
 - for detached and semi-detached houses, the optimum proportion of garden to building should be 75 : 25, but should not in any event exceed 70 : 30;
 - for terraced houses the minimum proportion of garden to building should be 60 : 40.

- Existing garden and boundary walls, hedges and railing fences provide important features in the street scene and have a unifying effect, which can contribute greatly to the local environment. These features should be retained and reflected in the design of the new property.
- New houses should not detract from the individuality of any existing house where their siting contributes to the character of the area. This is particularly important in the case of corner sites. Where these contribute to the character of the area, their openness will be protected by resisting any intrusion into the corner ground.
- Sites must be sufficiently wide enough to accommodate buildings of an appropriate frontage width and provide adequate visual separation between houses. The width of the building plot and the width of the proposed house should be similar to that prevailing in the immediate street frontage.
- The height of new buildings should be subordinate to the frontage housing and the general roof form should reflect existing neighbouring houses.
- The open space between existing houses on a street frontage must be treated sympathetically, and when contemplating infill development in such circumstances, it may require to be retained in whole or in part in order to avoid the creation of a terrace effect.
- The distance between buildings is an important factor that has consequences for overshadowing, privacy, daylighting and functionality. The following guidance will apply for single and two storey buildings:
 - Front to front distances - 18m
 - Rear to rear distances - 18m
 - Front to side distances - 12m
 - Side to side distances - a minimum of 1m either side of the mutual boundary is required. If there is a minor window on a gable, a minimum of 4m between buildings should be provided. Where it is proposed to form a driveway between the side of a house and a mutual boundary, a minimum distance of 3.5m should ordinarily be observed between the house and the boundary and at least 1m on the other.
- New buildings must not intrude on existing ones and must not result in a significant loss of privacy or natural light to any neighbouring residential property. This requirement relates to the windows of all rooms, with the exception of halls, landings, bathrooms and small utility rooms. Proposals which would be overbearing or restrict natural daylight of existing properties will not be supported.
- New development should not borrow amenity from adjacent land. Where adjoining land is garden ground, the greater part of any overshadowing caused by a new building must be confined to the applicant's own site.
- New houses must be sensitively positioned off common boundaries to ensure that windows in principal elevations, above ground floor level, do not directly overlook areas of private garden ground for any adjoining houses.

- The back gardens of single and two storey houses shall be a minimum length of 9m, and in the case of three story houses 11m. These dimensions should be increased where levels change and may only be reduced where it can be demonstrated that residential and environmental amenity will not suffer for either the new or existing buildings.
- Reference should be made to the Building Research Establishment Report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BR209)(ISBN 1 86081 041 1). This sets out numerical standards to help ensure enough daylight / sunlight is achieved in or between buildings for good interior and exterior conditions. These standards are used by the council in determining the effect on daylighting / sunlighting and can be purchased at www.brebookshop.com
- The acceptable minimum distance between windows of habitable rooms that are directly facing each other is 18m. If the windows are at an angle to each other, the minimum distance can be reduced. Room windows should not directly overlook the private areas of a neighbouring garden. The minimum distances do not apply to bathrooms halls and landings. The minimum distances may be relaxed for new ground floor windows where effective permanent screening is employed to protect privacy or prevent overlooking.

Angle at window to be erected not more than:

	90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°	18	18	18	18	13	09	06	04	03	02
80°	18	18	18	13	09	06	04	03	02	
70°	18	18	13	09	06	04	03	02		
60°	18	13	09	06	04	03	02			
50°	13	09	06	04	03	02				
40°	09	06	04	03	02					
30°	06	04	03	02						
20°	04	03	02							
10°	03	02								
0°	02									

- Garden size is an essential part of the amenities of any residential development and new houses should ordinarily have gardens that are comparable with those of adjacent properties. As a general rule, a terraced house should have a rear private garden of at least 45m² and a detached house comprising one or two bedrooms should have a rear private garden of no less than 100m². A larger garden of at least 120m² will be expected for houses with three and four bedrooms and gardens of six or more bedroom houses should be at least 140m².
- Smaller houses, specifically those designed for single or for elderly people, may justify moderately less garden ground depending on the circumstances involved. This may also apply in situations where a new house is only to be occupied in connection with the existing house, i.e. a *granny flat* or such like.

- Garden ground must, above all, be functional and capable of providing adequate private space for the drying of laundry, sitting out and for children's play. For the purpose of this guidance, useable private garden ground is ordinarily considered to be land that is under the exclusive control of the applicant and within the curtilage of the house. Only in exceptional circumstances will communally owned land be considered acceptable. It generally only includes ground that has been adequately screened, usually to the rear and side of the property. Driveways are excluded from the calculation. Proposals which arithmetically achieve the required area of private garden ground, but only by aggregating an assortment of irregular pieces of land, i.e. narrow strips or verges to the side of the house or ground which is significantly sloping, will not be acceptable.
- The development of sites that cannot provide adequate private garden space or would result in over intensive residential use will not be supported.
- It is important that a property providing land for infill development is not left without a satisfactory element of garden ground and car parking. The fact that the occupier of an existing house may be prepared to tolerate a lower level of amenity in order to facilitate a development is not sufficient reason to permit it. The planning system operates in the wider public interest and over time, occupancy of property changes and the general level of the quality of the environment must be safeguarded. It is important that a satisfactory level of residential amenity is maintained for the occupants of the original property.

Form and materials

- The scale, height and massing of new houses should reflect and be sympathetic to those around them. A three-storey house, for example, will not generally be accepted in close proximity to an area of single storey properties. Applicants may be required to demonstrate how the scale of proposed development relates to its surroundings.
- New developments should generally maintain existing site levels and make use of any slope to provide accommodation, e.g., split level rather than large amounts of underbuilding and unsightly blank walls.
- The design, appearance and the materials of proposed houses should complement the character of the existing built frontage. New buildings should reflect local identity and materials used should have a unifying effect. This does not however necessarily mean "copying" existing buildings. There is scope and encouragement for exciting and modern design providing the new development employs, in a creative way, design elements that contribute to the identity of the surrounding area.

Parking

- It is ordinarily the case that a **minimum** of one dedicated parking space will be required to serve a new house. (Garages will not be taken into account when assessing the allocation.) Only in exceptional circumstances will this be relaxed, for example, in town centres where there is an abundance of unrestricted off street car parking available in close proximity to the development site.

Access

- Satisfactory vehicular and pedestrian access to the site must be achieved without having an adverse effect on the amenity of existing and proposed residents and road safety.
- Developments comprising up to four houses can usually be served by one private shared driveway (where two units are served off both sides of a shared driveway).
- The use of a previously single access point for an increased number of houses can however create traffic hazards for both vehicles and pedestrians and proposals that cannot incorporate any necessary improvements will not be supported.
- Where there is no existing vehicular access to a site the demolition of an existing house or part of a house to create an access will not ordinarily be supported, particularly if it creates an unattractive breach in a consistent street frontage, or impacts in a detrimental way upon a conservation area.
- The length of the vehicular access must not exceed 45m and should be at least 3.5m wide. If the development is to share an access with a non-residential use a greater width will be required.
- A turning space should be provided either as part of the access road or on the plot it serves. Adequate visibility splays should be provided for the safety of both vehicles and pedestrians.
- An inclusive design approach is required to incorporate access facilities for disabled people in compliance with the Disability Discrimination Act 1995.
- When an access may be acceptable on grounds of flow, safety and other traffic criteria it may be refused if it would have an adverse impact and cause significant nuisance to neighbouring properties, e.g. too close or too noisy through serving a number of houses.

Refuse disposal

- Satisfactory provision must be made for bin storage, particularly where the council operates a multiple bin collection system.

Services

- In particular, detailed arrangements for the supply of water and the treatment of foul and surface water drainage require to be agreed in consultation with SEPA and Scottish Water at an early stage in the design process. Occasionally, there is also a requirement for the council's Flood Prevention Manager and Transportation Manager to be consulted.
- Developers should be aware that SEPA will require drainage proposals for all new developments to comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2005. Furthermore, foul discharges which are not connecting to a Scottish Water sewage network will require SEPA authorisation and surface water drainage will be required not to result in pollution of the water environment.

Links to SEPA's website on flooding and SUDs can be found at

www.sepa.org.uk/flooding/&www.sepa.org.uk/pdf/publications/wfd/suds_leaflet.pdf

- Developers are also encouraged to have regard to the council's SPG on flood risk and sustainable drainage.

Walls and fencing

- Means of enclosure between private garden areas should normally consist of fencing or a wall to a height of 1.8m at the rear of the plot and down the common boundary to a point no less than 4m from the rear elevation of houses, from which point it can be reduced to a height of 1.2m.

Landscaping

- Significant, existing landscape features should be retained, particularly along property boundaries or where they have high public amenity value or help maintain privacy. Plots should therefore be sized in order to accommodate this.
- Landscaping should be used to help integrate new development and proposals should be formulated as an integral part of the design process rather than as an after thought. It is therefore preferable if landscape proposals are submitted with the planning application.
- Landscape details should include a full planting schedule showing levels, service runs, lighting and drainage. Schemes should specify plant species, planting times, ground preparation and protection measures to ensure the establishment of new plants during their first five years. New planting should take account of local vegetation and provide a strong link between the new development and its surroundings.
- With the exception of single house plots, arrangements for the future maintenance of all landscaping should be submitted with the planning applications.
- In assessing any application, regard will be afforded to the value of any trees on site, the impact of the development on these trees and proposals for replacement trees on and around the site. Ordinarily, existing healthy trees should be protected and retained. In the interests of residential amenity, where the site layout accommodates the trees in rear gardens of new houses, the building should normally be sited at least 11.5m beyond the crown spread of the established tree. This distance may be reduced to 6m for front garden areas and 2m in the case of flank walls. Similarly it is advised that new trees are carefully sited to avoid these types of problem and developers are advised to ensure that works comply with BS 4428 : 1989 *Code of Practice for general landscape operations (excluding hard surfaces)*.
- Developments which are dependent on the felling of, or significant works to trees, and particularly those sites which are protected by a Tree Preservation Orders (TPO) or located in a conservation area, will not generally be supported if the felling or works to the trees are judged to adversely affect the visual amenity and character of the site and its surroundings.

Conservation Areas and Listed Buildings

- There are different considerations relevant to applications in conservation areas and in close proximity to listed buildings. In such circumstances reference should in the first instance be made to Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas* (1998).
- In considering proposals for development in or affecting conservation areas, the first priority of the council will be to have regard to the special architectural and visual qualities that gave rise to the designation in the first instance. Development which does not closely follow the scale, design and detailing of existing buildings or which does not serve to preserve or enhance the character or appearance of the conservation area or listed building will not be supported.
- The council will not ordinarily support proposals to develop open spaces in conservation areas because of the positive contribution such spaces make to the character and appearance of conservation areas.
- Development within the curtilage of listed buildings will only be supported in very rare circumstances and must in any event have full regard to the following:
 - the listed building should be retained as the visually prominent building.
 - the principal elevations of the listed building should remain visible from all important viewpoints. New buildings should not breach any close formal relationship between the listed building and traditional outbuildings or any other sensitive part of its setting.
 - formal gardens should not be adversely affected.
 - developments in front gardens that damage the relationship of the building with the street on which it is located will not be supported.
 - if a listed building is to be upgraded as part of any development, works will require to be implemented to the listed building as the first stage or as part of an agreed phasing scheme.

Sustainability

- The council encourages developers to design and construct new houses in ways that contribute to achieving the highest standards of sustainable development. These will include measures to:
 - re-use land and buildings;
 - conserve energy, materials, water and other resources through design;
 - ensure designs make the most of natural systems both within, in and around the building;
 - reduce the impacts of noise, pollution, flooding and micro-climatic effects;
 - treat and attenuate water to minimise pollution and the risk of flooding;
 - build in accessibility and adaptability;
 - foster and maintain biodiversity
- The council is committed to producing separate planning guidance on micro renewables as a first step in expanding guidance in compliance with national planning policy.

Biodiversity

- The council is committed to preserving and enhancing the biodiversity of West Lothian through the Development Management process. Where appropriate, applicants will be required to assess the value of the site as a habitat for plants, birds and animals prior to planning applications being determined.

Making a planning application

5.1 While compliance with these guidelines is essential it does not in itself guarantee that planning permission will be granted for a particular proposal because it is not possible to anticipate the precise circumstances of every proposal, which may come forward. There may be other material considerations that the council is also required to have regard to and a decision can only be made once all relevant considerations have been taken into account.

5.2 When seeking planning permission for infill development it is the council's preference that an application is made for full permission. However, if an outline application is submitted, details of siting must be included at that time and **not** as a reserved matter. In addition, sketch details of access, scale, design and materials etc. will be required. Only applications for full permission are acceptable in conservation areas.

5.3 If it is concluded that insufficient details have been submitted to enable the council to determine the application then a formal notification to submit details of reserved matters may be made by the council under Article 4(3) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. Failure to respond satisfactorily to such a request may result in permission being refused.

5.4 Applicants for full permission should include a written statement setting out design principles as well as illustrative plans and elevations with their proposals. An extensive statement should not be necessary but sufficient information should be included to justify the scheme. Photographs / photomontages or drawing of the area around the site may be sufficient along with drawings of the proposals to show how the development would relate to the surrounding area.

5.5 In addition to the conventional package of plans and elevational drawings the council may require additional information to be submitted in support of a planning application in the circumstances described in this guidance. These may include:

- a location plan, demonstrating the area's spatial character;
- site levels and cross-sections;
- a plan of all existing landscape features including a tree survey;
- a landscape proposals plan;
- plot coverage calculations;
- window to window calculations;
- overshadowing calculations; and
- details of the eaves and ridge heights of neighbouring properties.

(this list is not exhaustive)

5.6 In some instances developers may be required to peg out the position of a proposed new house on a site as this is often the most reliable way to judge the acceptability of a proposal.

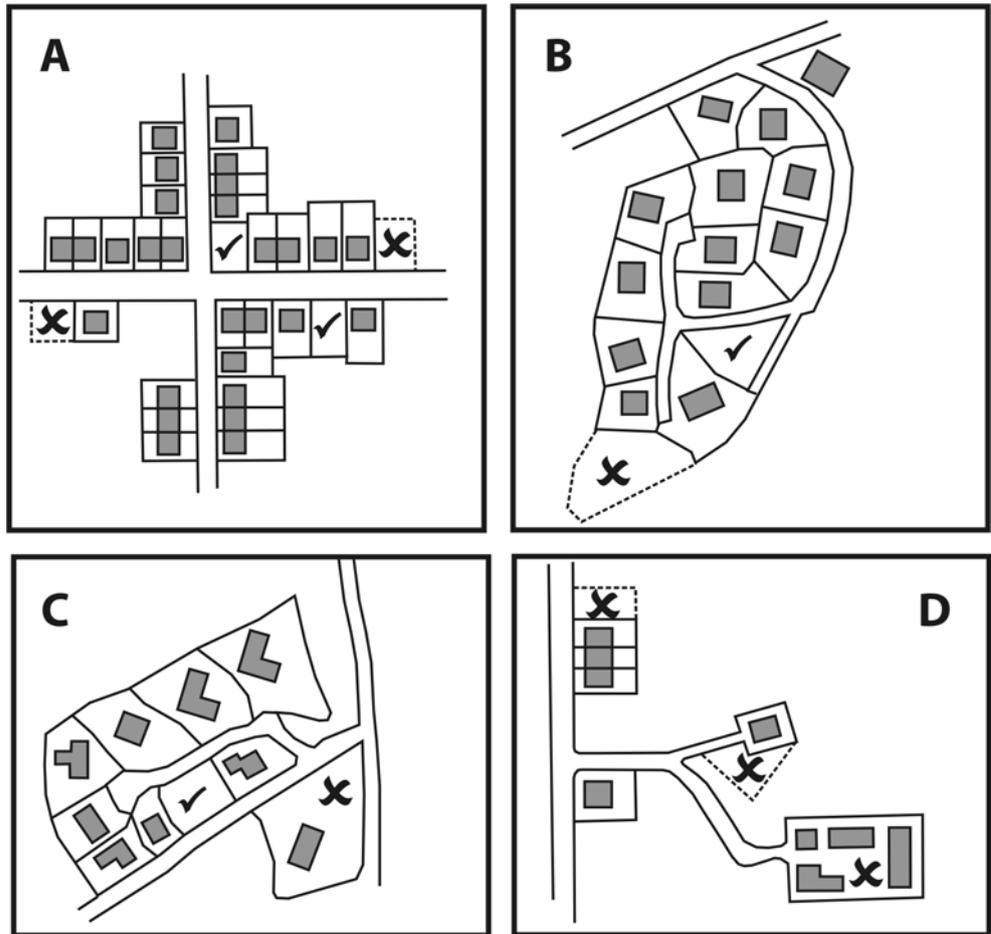
5.7 The imposition of planning conditions on a planning permission will also vary from site to site. However, it is not unusual for the council to remove the *permitted development rights* of new houses on infill sites by condition in order to protect the continuing amenity of the occupants of neighbouring residential properties. Permitted development rights ordinarily enable minor extensions and alterations to be made to a house, for example the erection of conservatories and garages, without the need to obtain planning approval. Conditions withdrawing such rights are, however, only imposed where it is considered that a particular development would be unacceptable without them.

A CHECKLIST FOR APPLICANTS

Some key points to remember when considering a single plot or small scale infill residential development:

- ***Proposals must be in harmony with the prevailing form of development and the form, architectural style and character of the locality;***
- ***The site must be large enough to accommodate all of the development including parking, turning, functional garden ground and landscaping;***
- ***Proposals that constitute tandem development will in most instances be unacceptable;***
- ***Proposals should not adversely affect the existing amenity, privacy or levels of daylight currently enjoyed by the occupants of neighbouring properties;***
- ***The sites must have safe access to a road;***
- ***Proposals should not sterilise other potential developable land;***
- ***Preparatory works to trees on or adjacent to a site should not be undertaken without first checking to see if they are protected;***
- ***Pre-application discussion is encouraged in all instances but particularly where proposals may impact on a conservation area or a listed building.***

Some common examples of proposals for infill development



- | | | |
|----------|----------|---|
| E |
ROAD | ✓ Single infill on line of buildings - acceptable |
| F |
ROAD | ✓ Two units infill on line of buildings - acceptable |
| G |
ROAD | ✗ One unit in too large of gap of infill - unacceptable |
| H |
ROAD | ✗ Three units infill - excessive and unacceptable |
| I |
ROAD | ✗ Two units in front of line of buildings - unacceptable |
| J |
ROAD | ✗ Two units of inappropriate plot ratio - normally unacceptable |

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This SPG was approved
by Council Executive
22 April 2008