

TCP/11/16(456)
Planning Application – 16/01405/FLL – Alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL

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TCP/11/16(456)
Planning Application – 16/01405/FLL – Alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL

**PAPERS SUBMITTED
BY THE
APPLICANT**

04 JAN 2016

RECEIVED

23 DEC 2016

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	COLIN	Forename	
Surname	Mc DONALD	Surname	
Company Name		Company Name	
Building No./Name	116	Building No./Name	
Address Line 1	BRANAN TLT	Address Line 1	
Address Line 2	LETHAM	Address Line 2	
Town/City	PERTH	Town/City	
Postcode	PH1 2LL	Postcode	
Telephone	—	Telephone	
Mobile	—	Mobile	
Fax	—	Fax	
Email		Email	
3. Application Details			
Planning authority		PERTH & KINROSS COUNCIL	
Planning authority's application reference number		16/01405/FLL	
Site address			
116 BRANAN TERRACE LETHAM PERTH PH1 2LL			
Description of proposed development			
ALTERATIONS & EXTENSIONS TO DWELLINGHOUSE.			

Date of application

02-09-16

Date of decision (if any)

18-10-16

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

CONDITIONS & REASONS FOR RECOMMENDATION FOR REFUSAL
(Must 1-3)

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please See Attached • Supporting Statement
• Site Plan
• Proposal Drawings.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

We wish to Overcome Reasons put forward By Planning Officer To Support Refusal, With A View To Satisfy Their Concerns.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

SUPPORTING STATEMENT LINO COPIES - SITE PLAN LINO COPIES - PROPOSED PLANS (Amended from ORIGINAL APPLICATION)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

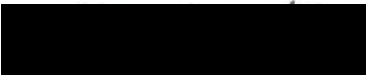


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

KAREN MCDONNELL

Date:

7/12/16

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Planning Application Refusal - Notice of Review

SUPPORTING STATEMENT

Applicant – Mr & Mrs C. McDonald

Proposal - Alterations & Extension to Dwellinghouse (Ref: - 16/01405/FLL)

Location – 116 Braham Terrace Letham PERTH PH1 2LL

We hereby wish to submit a notice of review in order to seek planning approval by the review body for the aforementioned.

In order to provide some background behind our application, the property currently has 2no. bedrooms, which is occupied by my wife and I and our 2 teenage children (one boy and one girl). We vacated 1 of the bedrooms in the property some time ago to provide a separate bedroom for each of the children. Thus sleeping in the living room.

In order to overcome this unsuitable arrangement we decided that there could be a possibility of remodelling the existing house on the ground floor to accommodate an additional bedroom which would act as a master bedroom for my wife and I. This would have to include the demolition of the existing 3m² porch to the west elevation and erection of a new 16.5m² extension, to accommodate a new lounge, with the kitchen/dining relocated to the existing living room.

The result would be a 3 bedroom family home suitable for our needs without the necessity to relocate.

Planning Refusal was issued on the 18.10.16 citing a number of reasons for which we would now like to take the opportunity to overcome:-

Under the design and layout appraisal in the planning officers report it is noted that there is concern that the erection of a 17m² extension would remove usable amenity space that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.

We would like to bring your attention to the site plan submitted with this review, for information the total site area is approx 140m² with the dwelling inc. Extension totalling approx 60m². This leaves approx 80mx of external amenity space between the east and west garden areas. Accommodating drying area, bin storage and adequate areas for sitting out in both east and west gardens.

We would also like to draw your attention to the dual access and aspects to the property from adjacent paths on the east and west boundaries of the property. Thus theoretically serving front and rear entrances from both sides.

Furthermore the planners report goes on to describe the proposal as cramped and over intensive with a loss of private amenity space. Again the plan submitted herewith demonstrates that the private amenity space remains adequate to serve the purposes of the extended dwelling. Furthermore the redeveloped and extended internal space of the development would enhance the occupants quality of life by reducing the current cramped and over intensive circumstances.

The report then identifies that the new extension will have a detrimental impact on the daylight serving the habitable room in the adjacent property to the north (No114).

We have given this some consideration and would look to redesign the currently submitted monopitch roof for a shallow pitched hipped roof to further assist in minimising the loss of daylight to No114.

At this time we would like to note that during the planning consultation and after being notified of the planning application neither the owner, tenants or other on behalf of No.114 made any objection to the application. It should also be noted that there were no written objections to the application from any notified neighbour or any other member of the public.

With regards to the conditions and reasons for recommendation to refuse the application, we refute the statement that the extended unit would be to the detriment of the amenity of the house as noted previously in our argument above and also 'to the surrounding area'. We feel that this statement should be disregarded as there is no evidence that the development would have any impact on the surrounding amenity. With the exception of the daylighting to No114 which again has been carefully considered as part of this submission.

Finally we acknowledge that the planner has stated that approval of this application would set a precedent for developments of similar nature, however feel that all planning applications should be determined on their own merit and not on preceded approved applications.

We thank you in advance for the opportunity to review our case and hope that you can consider all matters concerned favourably and compassionately. We also welcome the review bodies and planners thoughts on our submission and would be open to discussions to find an amicable solution to suit both ourselves and the local authority on this matter.

Mr & Mrs McDonald

Western Access Path to Tweedsmuir
Road & Brahan Tce

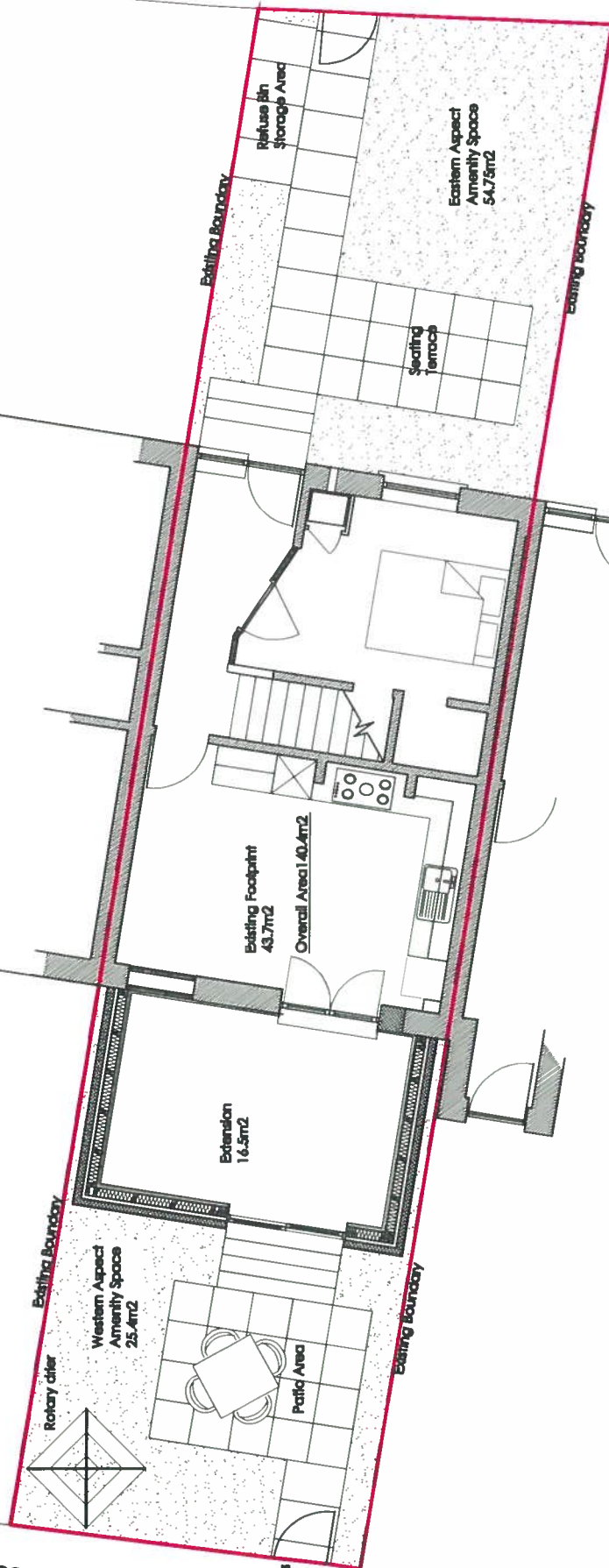
Access
Gate

609

114

118

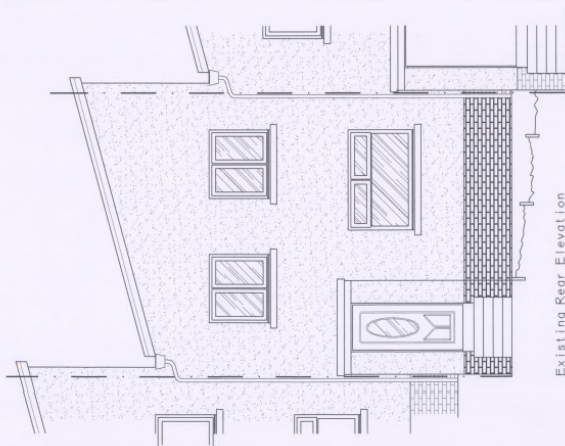
Eastern Access Path to Tweedsmuir
Road & Brahan Tce



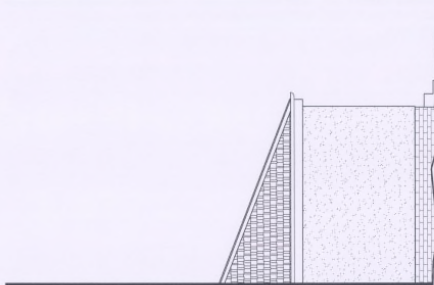
Client:	Mr & Mrs McDonald		
Project:	Extension & Alterations		
Address:	116 Brahan Terrace Perth		
Dwg Title:	Site Plan	Dwg Date:	Nov 2016
Scale:	1:200	Status:	Warrant



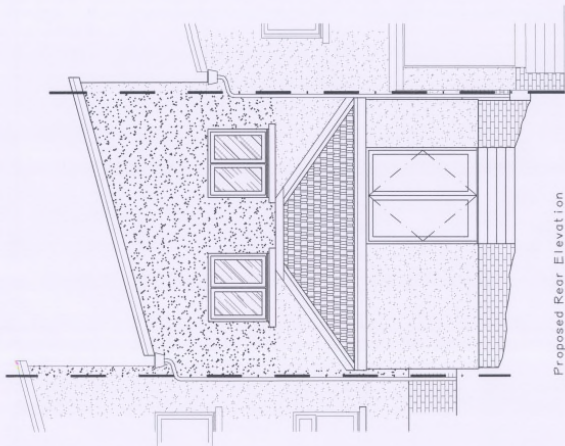
SCALE IN METRES 1:200



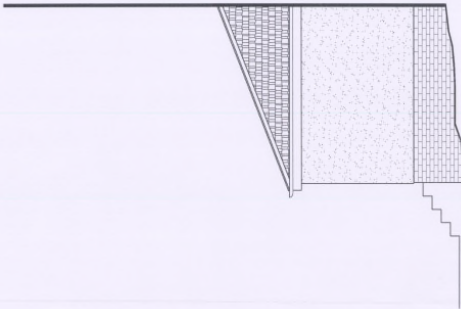
Existing Rear Elevation
(West)



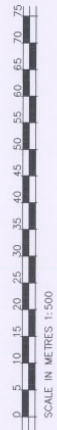
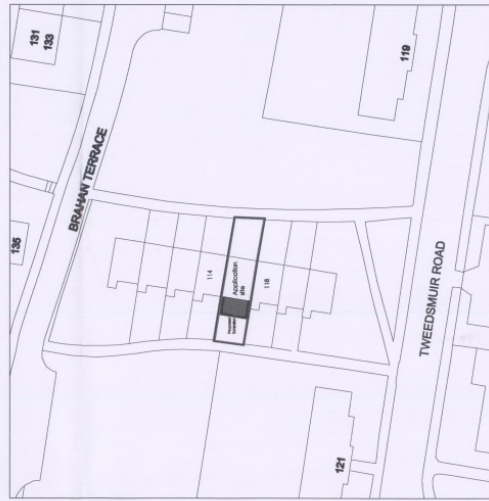
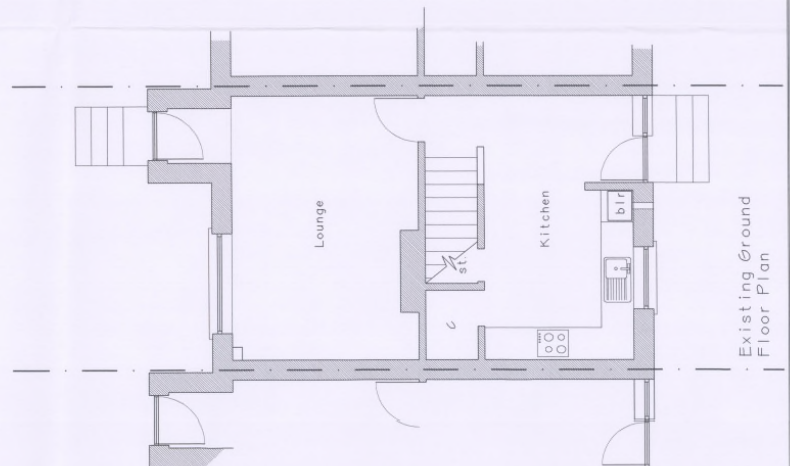
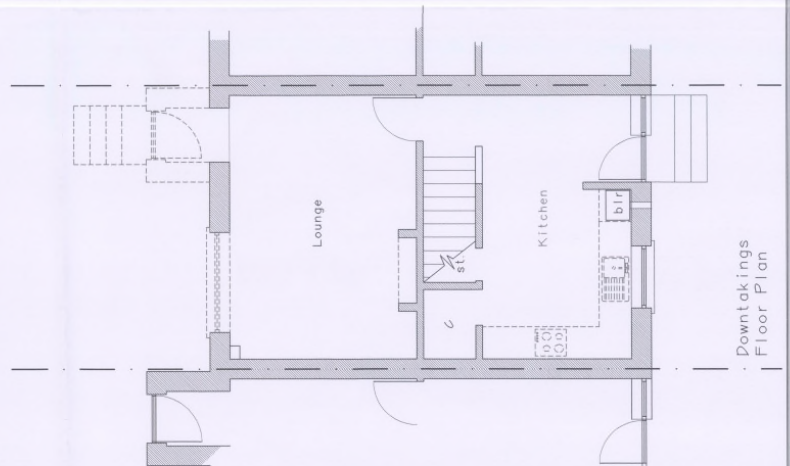
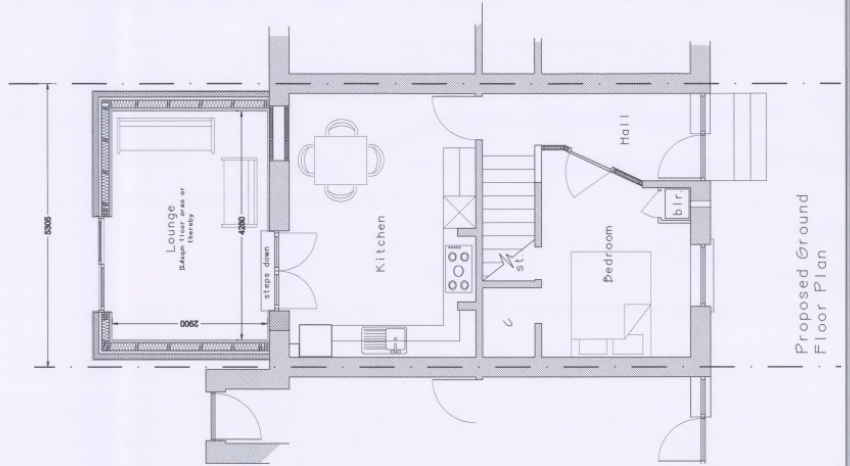
Proposed Side Elevation
(North)



Proposed Rear Elevation
(West)



Proposed Side Elevation
(South)



Client	Mr & Mrs McDonald
Project	Extension & Alterations
Address	16 Braun Terrace Perth
Day No.	Existing & Proposed Plans
Scale	1:100
Day Date	July 2016
Sheet	PLANNING

TCP/11/16(456)
Planning Application – 16/01405/FLL – Alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see page 610)*

PERTH AND KINROSS COUNCIL

Mr Colin McDonald
116 Brahan Terrace
Perth
PH1 2LL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 18.10.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01405/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 2nd September 2016 for permission for **Alterations and extension to dwellinghouse 116 Brahan Terrace Perth PH1 2LL** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the extended unit, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014.
2. As a result of reducing the amount of light entering the adjoining property (114 Brahan Terrace), which would be to the detriment of the residential amenity of this property, the proposal is contrary to Policy RD1 and PM1A (c) of the Perth and Kinross Local Development Plan 2014, which seeks to retain and where possible improve the character and amenity of the area.
3. The development, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the area, which would therefore undermine and weaken the established policies of the Perth and Kinross Local Development Plan 2014.

Justification

- 4 The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

16/01405/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01405/FLL	
Ward No	N11- Perth City North	
Due Determination Date	01.11.2016	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and extension to dwellinghouse

LOCATION: 116 Brahan Terrace Perth PH1 2LL

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 7 September 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a terraced dwellinghouse located in Brahan Terrace, Perth. The dwellinghouse is located on a fairly steep gradient between Tweedsmuir Road and Brahan Terrace in a row of 8 terraced units. The garden ground associated with the dwellinghouse is relatively small, both to the front and rear. Public footpaths run to both the front and rear of the dwellinghouse.

Full planning consent is sought for a lounge extension on the rear (west) elevation. The extension will allow the existing kitchen to become a bedroom and the existing lounge a kitchen which will open into the new lounge.

SITE HISTORY

None recent

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:-

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

None.

CONSULTATION RESPONSES

None required.

REPRESENTATIONS

None at time of report.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The site is located within the settlement boundary of Perth where Policies RD1: Residential Areas and PM1A and PM1B (sub category c) Placemaking are directly applicable. Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area. Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Policy PM1B (c) seeks to ensure the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

The proposal is not considered to comply with these policies for the reasons stated elsewhere in the report.

Design and Layout

The proposed extension will extend almost the full width of the rear elevation of the dwellinghouse and will have a sloping roof. No details have been provided in terms of finishing materials, however, it would appear these will match existing. Due to the sloping nature of these terraced properties, the extension will be stepped down from the existing floor level of the dwellinghouse.

Whilst I have no immediate concerns with regards to the design of the proposal my main concern is with the remaining garden ground after development. It is important to seek a usable amenity space that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The existing rear garden measures approximately 50 square metres and the proposal measures approximately 17sqm.

The rear gardens of these properties are all very similar in terms of their size. A limited number are slightly larger due to the curve in the footpath. The application site is one of the smaller plots. Although no upper floor plan has been submitted with the application it is my understanding 2 bedrooms are on the upper level. This proposal will allow for a third bedroom and the remaining garden ground after development is approximately 33 square metres which is not of an adequate size for a 3 bed dwellinghouse.

The proposal as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the extended unit.

Approval of this application will exacerbate the existing situation. The site is inadequate in size to satisfactorily accommodate this development.

Furthermore, approval of this application would set a precedent for future proposals of a similar nature on the rear of these dwellings. If approved this application would be the first in the terraced row which would be to the detriment of the overall visual amenity and established character of the area,

Landscape

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

These properties have the lounge to the rear (west) and the kitchen to the front. A small entrance porch is located on the rear elevation adjoining the northern boundaries, however, these only project approximately 1.1 metres from the rear elevation to an approximate width of 1.8 metres. In terms of overshadowing, having carried out the standard BRE 45 daylight test which is a tool used for measuring the likely impact of an extension on neighbouring properties, the proposal is considered to detrimentally impact on the admission of light to the neighbouring property to the north. The purpose of the 45 degree approach is to make sure that a development does not take away too much daylight from a habitable room window and provides a guide as to any potential overshadowing to garden ground. In this particular case the proposed extension, due to its orientation, will reduce the level of light currently enjoyed by the occupants.

I have taken account of overlooking and consider this proposal would have no material effect on the amenity of the neighbouring property, as regards loss of privacy.

Visual Amenity

I do not consider the proposal will create an unacceptable visual impact on the surrounding area.

Roads and Access

I do not have any concerns with roads or access matters.

Drainage and Flooding

The site is not within an area at risk of flooding. There are no concerns with drainage as part of this proposal.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the extended unit, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014.

2. As a result of reducing the amount of light entering the adjoining property (114 Brahan Terrace), which would be to the detriment of the residential amenity of this property, the proposal is contrary to Policy RD1 and PM1A (c) of the Perth and Kinross Local Development Plan 2014, which seeks to retain and where possible improve the character and amenity of the area.
3. The development, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the area, which would therefore undermine and weaken the established policies of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/01405/1

Date of Report 18.10.2016

