

LRB-2023-25
23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywall, Birnam, Dunkeld, PH8 0DU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 529-554)*



Ms Claire Norfolk
c/o Tim Bayman Architecture
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PERTH
PH1 5GD

Date of Notice: **31st March 2023**

Town and country planning (Scotland) Acts

Application Reference: **23/00186/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 11th February 2023 for Planning Permission for **Part demolition, alterations, and extension to dwellinghouse Forest Lodge Ladywell Birnam Dunkeld PH8 0DU.**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal, by combination of its unsympathetic design and inappropriate materials, would be an incongruous addition which would be out of keeping with the host building and would result in a detrimental impact upon the character, appearance and visual amenity of the dwellinghouse.

Refusal is therefore in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials, in order to harmonise with the existing building and respect the character and appearance of the place.

2. No ecological survey has been submitted. Therefore, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats.

Accordingly, the proposal is contrary to Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 and Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.

Justification

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 and documents 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

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00186/FLL	
Ward No	P5- Strathtay	
Due Determination Date	10th April 2023	
Draft Report Date	22nd March 2023	
Report Issued by	KS	Date 22nd March 2023

PROPOSAL: Part demolition, alterations and extension to dwellinghouse

LOCATION: Forest Lodge Ladywell Birnam Dunkeld PH8 0DU

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Forest Lodge is a detached dwellinghouse which is located within the River Tay National Scenic Area, to the southwest of Birnam. This application seeks detailed planning permission for various alterations and extensions to the north of the property, including a two-storey pyramid roofed extension which is linked to the house by a two-storey partially glazed bridging corridor, and a single storey wrap-around lean-to extension. A log-burning stove would be located centrally within the two-storey extension, with its flue penetrating through the centre of the pyramid roof.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 21/00650/PREAPP

Various concerns were raised with respect to the incongruous design, off-set orientation, cumulative massing and poor integration of the proposals. No significant design revisions have been implemented since the issuing of pre-application advice. Conversely, the proposal is now accompanied by a design statement.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 4(f): Natural Places
- Policy 14(a)+(c): Design, quality and place
- Policy 16(g): Quality homes

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 38B: Environment and Conservation: National Designations
- Policy 41: Biodiversity

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

CONSULTATION RESPONSES

Scottish Water

No objections – informative note recommended on any approval.

INTERNAL COMMENTS

Environmental Health (Noise Odour)

No objections – informative note recommended on any approval.

Biodiversity/Tree Officer

No assessment of the ecological impacts of the proposal can be carried out as no ecological survey has been submitted.

REPRESENTATIONS

No letters of representation have been received in relation to this proposal.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA 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 and the adopted LDP2.

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

Alterations, extensions and developments which are ancillary to the enjoyment of an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual amenity or the character and appearance of the place.

Design, Layout and Visual Amenity

Forest Lodge is a detached dwellinghouse which is located within the River Tay National Scenic Area, to the southwest of Birnam. This application seeks detailed planning permission for various alterations and extensions to the north of the property.

The two storey, hipped roof property has wall-head dormer windows which serve the upper-level accommodation. A detached garage/garden store/w.c. is located to the north of the dwellinghouse.

The proposals seek to demolish the porch and utility room on the house, to demolish the detached garage structure and to extend the house from the north elevation. The two-storey pyramid roofed extension would sit at an angle to the existing house and would be linked to the house by a two-storey partially glazed bridging corridor. A single-storey lean-to extension would also wrap around the west and north elevations of the proposed two-storey extension. A log-burning stove would be located centrally within the two-storey extension, with its flue penetrating through the centre of its pyramid roof and a biomass pellet boiler would be located within the wrap-around extension.

The proposed development has purposefully been designed to be read deferentially from the host building. This is emphasised through its physical separation from the house, its off-set axis, skewed footprint, lack of integration with the host building and contrasting palette of external finishing materials.

However, the resulting development would visually compete with the host dwellinghouse, rather than complement it. Although its scale is subordinate to the house, its poorly integrated design results in a fragmented appearance with a piecemeal wrap-around addition. Its visually incongruous appearance would be exacerbated by the sharply contrasting finishing materials.

Accordingly, refusal of the proposed development is in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and

1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials in order to respect the character and appearance of the place.

Landscape

The application site is located within the River Tay National Scenic Area. However, the domestic scale and nature of the proposal does not raise any significant landscape impact issues.

Residential Amenity

The Council's Environmental Health Officer has requested that an informative note be included on any planning approval, to provide advice on the installation, operation and maintenance of the stove and boiler, in the interests of residential amenity.

Roads and Access

There are no significant road, access or parking implications associated with this proposed development.

Drainage and Flooding

There are no significant drainage or flooding implications associated with this proposed development. However, Scottish Water has requested that an informative note be included on any approval.

Natural Heritage and Biodiversity

The proposal involves demolition of various existing features, which have the potential for bats/bat roosts (see Annex B of Perth & Kinross Council's "Bat Surveys" guidance document, 2018). As bats are protected species, it is necessary to secure an ecological survey prior to any planning permission being granted. This would identify the presence of any bats, bat roosts or bird nests, so that an assessment can be made over the impact of the development, whether any impact can be avoided and whether any mitigation measures are necessary.

Consequently, in the absence of an ecological survey, no assessment can be carried out as to the potential impact of the proposed development on bats and/or bat roosts. Therefore, the proposal is not in accordance with Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 or Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.

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.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is refused on the grounds identified below.

Conditions and Reasons

- 1 The proposal, by combination of its unsympathetic design and inappropriate materials, would be an incongruous addition which would be out of keeping with the host building and would result in a detrimental impact upon the character, appearance and visual amenity of the dwellinghouse.

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Justification

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Informative Notes

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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