# LRB-2022-05

21/01895/FLL – Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works, 5 Duncan's Place, Birnam, Dunkeld

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LRB-2022-05

21/01895/FLL – Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works, 5 Duncan's Place, Birnam, Dunkeld

# PAPERS SUBMITTED BY THE APPLICANT

# **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 2008

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s	Applicant(s) Agent (if any)				
Name	Mr N Fullerton	Name Studio East Architects Ltd			
Address	Birnam  Dunkeld Perth PH8 0QD PH2 8DY				
Postcode	PHO UQD		Postcode	PH2 8D Y	
Contact Te Contact Te Fax No	•		Contact Tel Contact Tel Fax No	•	
E-mail* E-mail* hello@studio-east.co.uk					
* Do you ag	Mark this box to confirm all contact should be through this representative: X  Yes No  * Do you agree to correspondence regarding your review being sent by e-mail?  X				
Planning authority Perth & Kinross Council					
Planning authority's application reference number 21/01895/FLL			895/FLL		
Site address 5 King Duncan's Place, Birnam, Dunkeld, PH8 0QD					
Description of proposed development  Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works					
Date of application 9 Nov 2021 Date of decision (if any) 9 Dec 2021					
Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.					

		Notice of Re	eview
Nat	ure of application		
1.	Application for planning permission (including householder application)		X
2.	Application for planning permission in principle		
3.	Further application (including development that has not yet commenced and where a ti has been imposed; renewal of planning permission; and/or modification, variation or re a planning condition)		
4.	Application for approval of matters specified in conditions		
Rea	asons for seeking review		
1.	Refusal of application by appointed officer		X
2.	Failure by appointed officer to determine the application within the period allowed for determination of the application		
3.	Conditions imposed on consent by appointed officer		
Rev	view procedure		
time to d sucl	Local Review Body will decide on the procedure to be used to determine your review as during the review process require that further information or representations be made the determine the review. Further information may be required by one or a combination has: written submissions; the holding of one or more hearing sessions and/or inspect in the subject of the review case.	to enable of proced	them ures,
han	ase indicate what procedure (or combination of procedures) you think is most approunding of your review. You may tick more than one box if you wish the review to be combination of procedures.	•	
1.	Further written submissions		
2.	One or more hearing sessions		
3.	Site inspection		X
4	Assessment of review documents only, with no further procedure		
belc	ou have marked box 1 or 2, please explain here which of the matters (as set out in yow) you believe ought to be subject of that procedure, and why you consider further suring are necessary:		
Site	e inspection		
In th	ne event that the Local Review Body decides to inspect the review site, in your opinion:		
1.	Can the site be viewed entirely from public land?	Yes	No

If there are reasons why you think the Local Review Body would be unable to undertake an

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

unaccompanied site inspection, please explain here:

2

### 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 supplementary correspondence
Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?  If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.
The application was determined in a very short period of time with no contact from the appointed officer to clarify any points of query or the intended use of the proposed development.

### 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 and intend to rely on in support of your review.

PL01 Location Plan
PL02A Block Plans
PL03 Existing Drawings
PL04 Proposed Plans
PL05 Proposed Elevations
PL06 Proposed 3D View
Morso Stove Data Sheet
Statement of Review

<u>Note.</u> 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.

### Checklist

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

|X| Full completion of all parts of this form

X Statement of your reasons for requiring 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.

<u>Note.</u> 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed Date 25 Feb 2022



## **Review Statement**

Planning Application Ref: 21/01895/FLL

## **Alteration & Extension to Dwelling**

### 5 King Duncan's Place, Birnam, Dunkeld, PH8 0QD

This statement has been prepared in relation to the above planning application which was refused on 9<sup>th</sup> December 2021.

The proposals include for extension of the existing dwelling and conversion and extension of the existing garage to create further ancillary accommodation associate with the dwelling. In addition, landscaping is proposed to increase the availability of parking and turning areas within the curtilage of the dwelling.

This report supports the application and dismisses the reasons for refusal, demonstrating the application should be approved due to compliance with local an national planning policy and guidance.

The application was determined in an unexpected short period and during the course of the application, no opportunity was given for further discussion.

### **Reasons for Refusal**

The following reasons for refusal and assessment within the case officer's delegated report do not represent an adequate understanding of the proposals and application of the stated policy/guidance:

- The proposal lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the siting of all development respects the character and amenity of the place.
- Approval would be contrary to Perth & Kinross Council's Placemaking Guide, March 2020 which seeks to discourage particularly large, dominant, unsuitable or inappropriately designed or located developments that are not in keeping with the existing built form, landscape character or established amenity levels.
- 3. Approval would be contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021 supplementary guidance which seeks to discourage proposals which have no physical relationship to the principal dwellinghouse and as such would ultimately lead to the creation of a new residential unit.

From the Case Officer's report of handling, the reasons for refusal focus on the development of the garage as ancillary accommodation. The extension to the dwelling house is seen as acceptable and in accordance with LDP2 and Supplementary guidance documents and is not brought into question.

Therefore, the focus of the appeal is on the development of the garage as ancillary accommodation.

### **Assessment**

Each of the above reasons for refusal will be addressed in turn below:

### "The proposal lacks an adequate physical and functional relationship to the host dwellinghouse"

There is no 'new' structure proposed on the site. The works are focused on an existing garage building which, by nature of its use as a garage, is an established, existing structure with both a physical and functional relationship to the main dwelling.

Conversion of a garage to form additional space for a dwelling is a common form of development and in most cases would usually be considered Permitted Development.

In its existing form, the garage sits in close proximity to the main dwelling, demonstrating a close physical relationship. It is also located in the immediate vicinity of the parking area and is the first structure visible when arriving on the site. The garage is used, for storage of domestic belongings, demonstrating a functional relationship with the house.

The proposals maintain the physical and functional relationship with the main dwelling through the same building being converted and extended. The nature of use remains domestic in nature and it will be used, principally, to accommodate the applicants elderly relatives when they visit.

A separate, safe, private, space will allow the guests to maintain some degree of independence and privacy, not disturbing the applicant's daily home and homeworking life, while being on hand for immediate care as required.

The modest extension to the garage allows for the inclusion of a small kitchenette within the proposals to allow a basic level of independence to be achieved. This is not proposed to be a fully functional kitchen space, with this facility being provided in the main house.

Conversion of the garage fulfils the applicant's requirement for additional space through use of an existing structure. This limits further development of the site and the use continues to respect the character and amenity of the area in accordance with Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019), Placemaking Guidance and other supplementary guidance.

### "Approval would be contrary to Perth & Kinross Council's Placemaking Guide"

The proposals meet all the requirements of the Adopted Placemaking Guide (March 2020) in the following manner:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
  - The existing streetscape will not be altered, and a close relationship of the garage and existing house creates a safe and coherent space joined by a landscaped garden area.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
  - The proposed conversion will not alter the skyline or built profile of the area and, due to existing strong tree and suburban garden planting screening, does not imapact the setting of the wider public domain.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Any new development (extension only in this case) will maintain existing floor levels (or be lower) and be no bigger than the host building. There is no prominent structure that will be viewed as incongruous with others in the local area.

The proposed conversion and extension use materials that are common in the area. The area is also characterised by a mixture of design styles and material finishes (timber, render, metal, tile, slate etc.) which these proposals sit comfortably within as there is no significant alteration to the nature and character of the existing structures.

(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.

There are to be no changes the existing building lines as any extensions are both subservient to the host structure and within the private, rear garden ground of the dwelling.

(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

There is no change in the accessibility of the dwelling and the provision of a safe space for an elderly relative to visit allows for robust social inclusion and support.

(f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.

The existing buildings capitalise on this opportunity and are being adapted to suit the needs of the owner/occupier. The works will also allow for a sustainable development which not only meets high energy standards but makes improvements on the existing dwelling, reducing net energy consumption.

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

The proposals retain existing structures and they are being sensitively developed in a manner consistent with the residential nature of the area.

(h) Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks.

Existing connections with public transport, cycle and walking routes are maintained.

(i) Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).

The existing domestic refuse collection arrangements are maintained.

(j) Sustainable design and construction.

The proposals include an enhancement in the energy performance of both the existing dwelling and the converted garage. This will be a sustainable development which utilises existing structures, removing the need for unnecessary further built development on site. This a wholly sustainable practice which reduces the overall embodied energy of such a development.

"Approval would be contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021"

The application was submitted on 18<sup>th</sup> October 2021 and subsequently validated on 9<sup>th</sup> November 2021.

The PKC guidance on Ancillary & Annex Accommodation 2021 was approved by the Council's Strategic Policy & Resources Committee on the 24<sup>th</sup> November 2021.

In the first instance, it is unclear how this guidance document can be used to assess the application when it was adopted *after* the date of registration. There was no communication to make the applicant aware of this guidance or that the application was subsequently then being assessed against it.

However, the proposals do meet all the points mentioned in the guidance document.

There is a clear functional relationship with the existing house. Comment has been raised by the case officer that a kitchen should not be included to demonstrate this functional connection. A functional relationship goes beyond the provision of a kitchen and its, proximity, use, and nature of being an existing structure fulfils those requirements.

Also, we have noted that in the Ancillary & Annex Accommodation guidance document, the 'exemplar' proposal includes both a kitchen space and has a notably larger footprint than that of this application.

There is a clear subordination to the principal house by nature of it being the existing garage. This is an established relationship.

The overall height is not changing and there is only a modest increase in size. This does not affect the character and amenity of the area.

### Summary

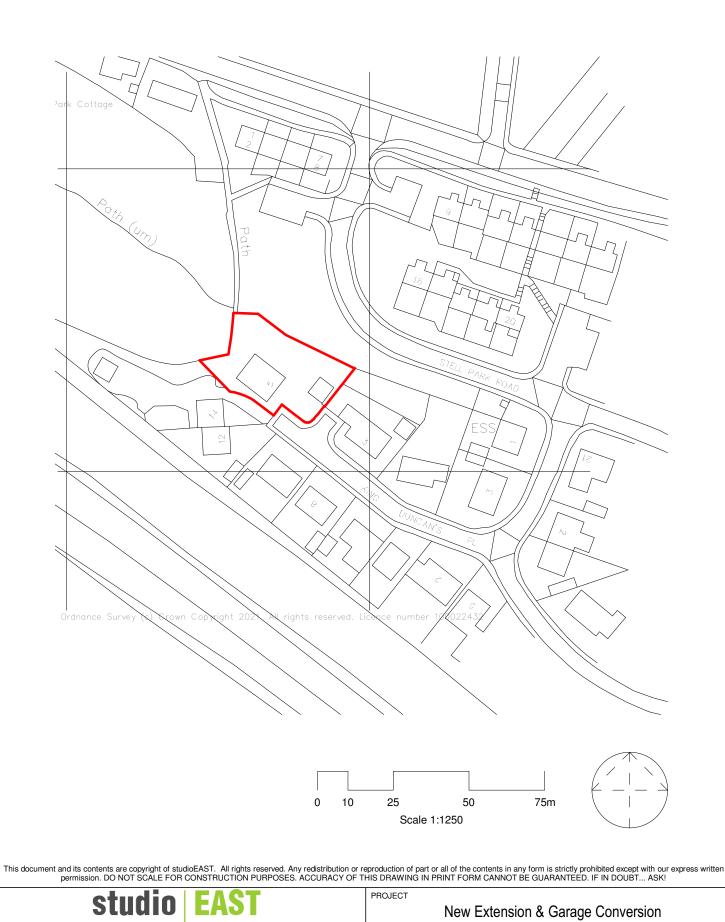
The assessment of policy against this application has been incorrectly applied and the prpopsals represent clear conformity with both Planning Policy, Placemaking and Supplementary Guidance documents.

The proposals are for a modest, domestic development which is sensitive in size, character and materiality and maintains a clear domestic use of the existing buildings.

While not required to be assessed against them, the proposals are in line with the Ancillary & Annex Accommodation guidance.

The high quality design, material palate and minimal impact of the design seeks to improve and enhance the visual amenity of the surrounding built context and create a useable and well-designed space to meet the current and future needs of the applicant.

25 Feb 2022



 Studio EASI
 New Extension & Garage Conversion

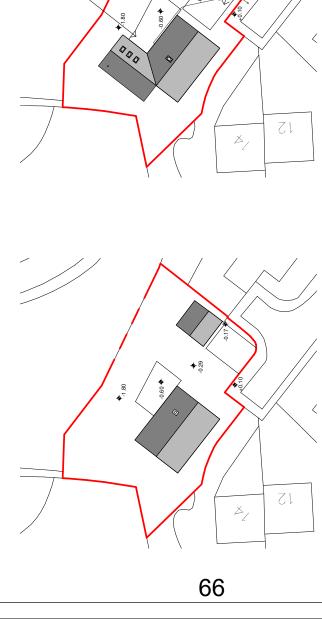
 5 King Duncans Place, Dunkeld, PH8 0QD

 CLIENT
 Project Number
 21097

 Date
 Date
 Oct 21

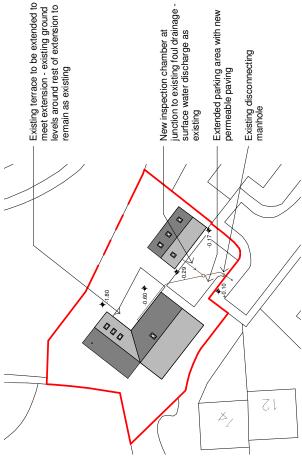
 PURPOSE OF ISSUE
 Planning

 DRAWING NUMBER:
 PL-016
 King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk



# **Existing Block Plan**

1:500



# **Proposed Block Plan** 1:500

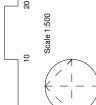
ALL LEVELS RELATIVE TO EXISTING FFL OF HOUSE

FFL OF NEW EXTENSION: -0.6m FFL OF NEW ANCILLARY ACCOMODATION: +0.17m

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No.

Validation Points

Description

Date

09.11.21

Neil Fullerton

Client

PL-02

5 King Duncans Place, Dunkeld, PH8 0QD New Extension & Garage Conversion

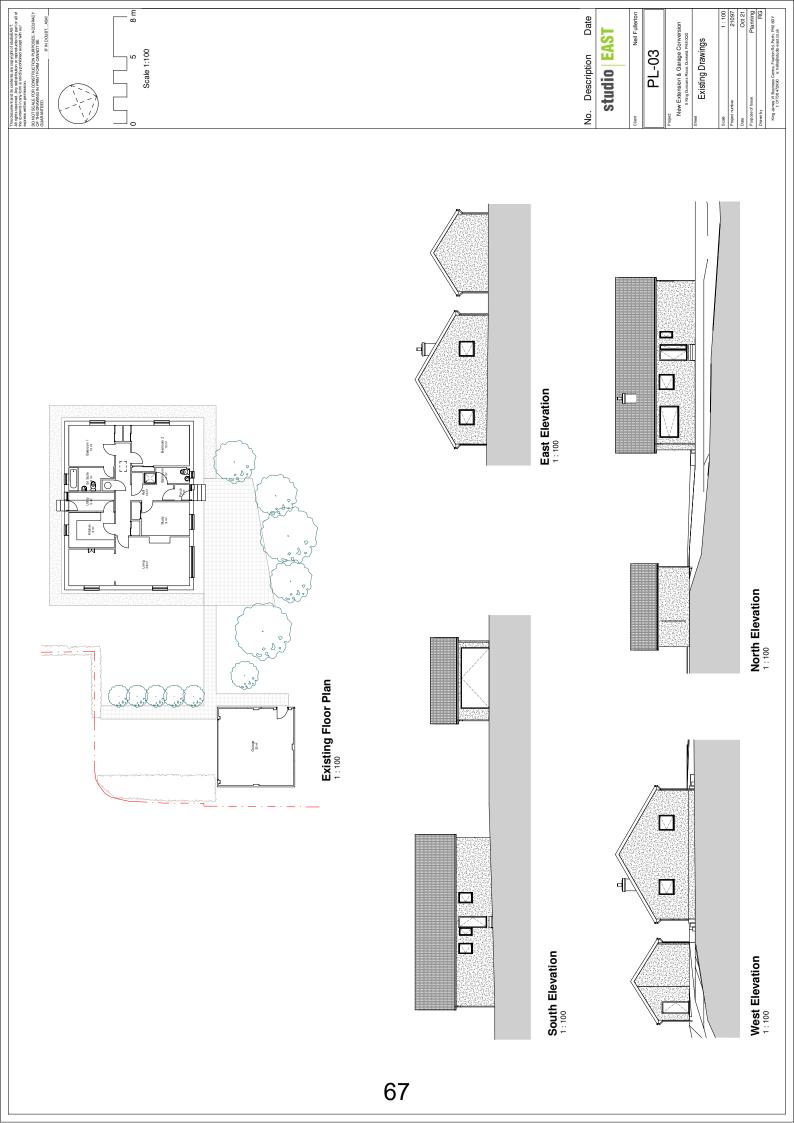
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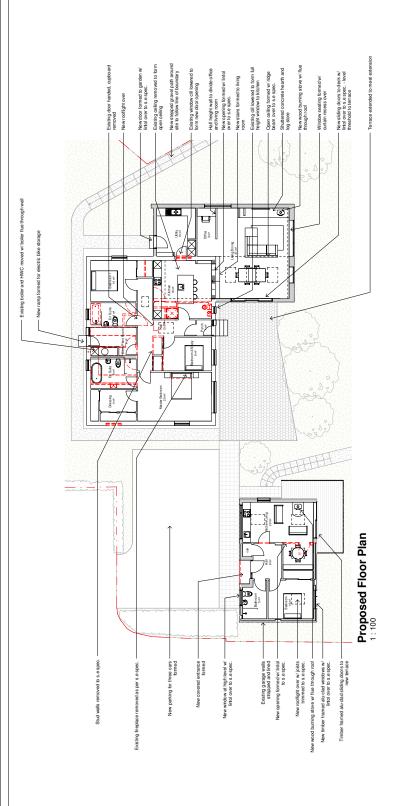
**Block Plans** 

Planning Oct 21 21097 Purpose of Issue Project number Scale (@ A3) Date

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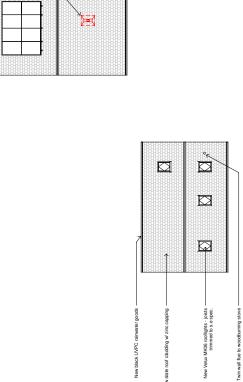


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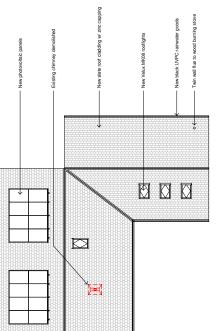
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Scale 1:100



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Proposed Roof Plan



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Other Nell Fullerton

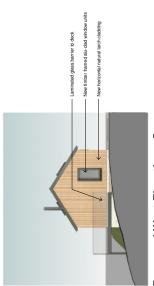
PL-04

Project: New Extension & Garage Conversion

Street Direct Internal Amendment (New Extension & Garage Conversion & Garage Conversion (New Extension & Garage Conversion & Garage Conversion (New Extension & Garage Conversion & Garage Conversi

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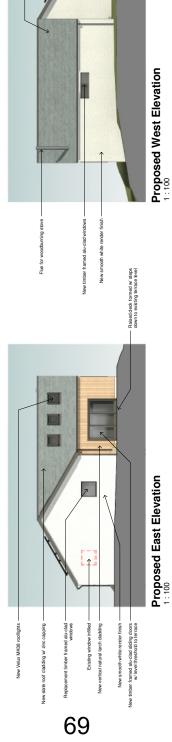


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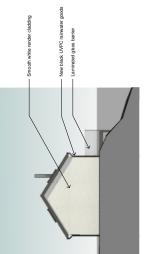






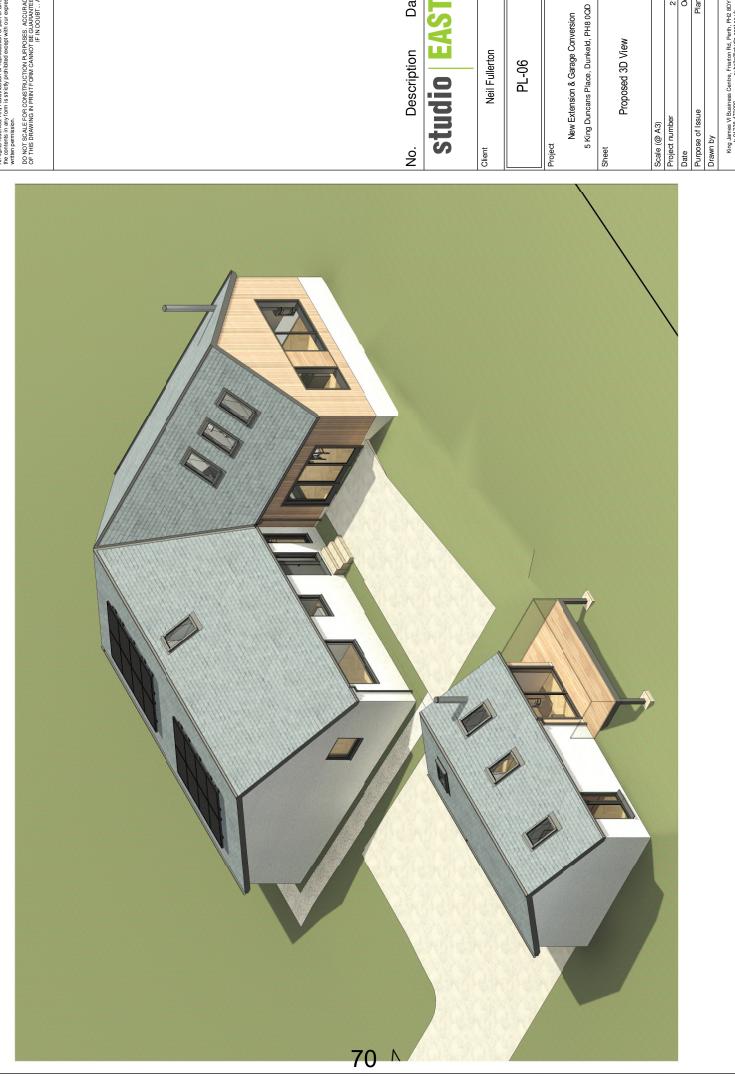
**Proposed East Elevation - Garage** 

**Proposed South Elevation** 1:100



No. Description Date

circe Nell Fulleto PL-05 Proper New Extension & Garage Conversion \$ 500 Junear Back Conversion \$ 500 Ju
Propo:



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Date Description

Neil Fullerton

PL-06

New Extension & Garage Conversion

Proposed 3D View

Scale (@ A3)	
Project number	21097
Date	Oct 21
Purpose of Issue	Planning
Drawn by	RG

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# 6140, 6141, 6143, 6148, 6149, Instructions for installation and use 6150, 6190, 6191 & 6192



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# **DEFRA** approved for use in United Kingdom smoke control areas EN 13240 · SINTEF 110-0218

MORSØ JERNSTØBERI A/S . DK-7900 NYKØBING MORS E-Mail: stoves@morsoe.com · Website: www.morsoe.com

# Enjoy your new Morsa stove!

ket, has been making wood-burning stoves of the highest quality since 1853. Just follow the instructions below, and we are certain that you will be able to use Morsø, the biggest stove company in the Danish marand enjoy your new stove for many years.

Contents			
1.0	Installing	Installing your Morsø stove	Page no.
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# Additional accessories

Morsø also offers a comprehensive line of floor plates and accessory products that can facilitate the safe and efficient operation and maintenance of your Morsø stove.

Cast iron is a live material. There are no two ovens that are identical. This is partly due to the tolerances of the casting process, partly because the ovens are a work of craftsmanship. Minor unevennesses may also occur in the cast iron surface.

# **Clean Air Act**

Under the Clean Air Act local authorities may declare the whole or part of the district of the authority to be a smoke control area. It is an offence to emit smoke from a chimney of a building, from a furnace or from any fixed boiler if located in a designated smoke control area. It is also an offence to acquire an "unauthorised fuel" for use within a smoke control area unless it is used in an "exempt" appliance ("exempted" from the controls which generally apply in the smoke control area).

In England appliances are exempted by publication on a list by the Secretary of State in accordance with changes made to sections 20 and 21 of the Clean Air Act 1993 by section 15 of the Deregulation Act 2015. Similarly in Scotland appliances are exempted by publication on a list by Scottish Ministers under section 50 of the Regulatory Reform (Scotland) Act 2014.

The 6100 series have been recommended as suitable for use in smoke control areas when burning wood

Further information on the requirements of the Clean Air Act can be found here: https://www.gov.uk/smoke-control-area-rules Your local authority is responsible for implementing the Clean Air Act 1993 including designation and supervision of smoke control areas and you can contact them for details of Clean Air Act requirements.

# 1.0 Installing your Morsø stove

# 1.1 Unpacking the stove

The Morsø 6100 stoves weigh between 110 and 125 kg. In order to avoid damage when unpacking and assembling the stove, we recommend that this job be undertaken by 2 people. Remove the top cover, which is lying loose, before lifting the combustion chamber off the wooden pallet. Place the stove carefully in position, centrally on the base plate.

# 1.2 Installing the stove

The stove comes with a smoke outlet included. The ball blocking device that is to stop the chimney sweep's ball during sweeping is also supplied with the stove and is installed at the same time as the smoke outlet.

National and local regulations regarding the installation of wood-burning stoves must be observed, as must local regulations regarding chimney connections and chimney installation. You may want to ask your chimney sweep for advice. However, you, your technical adviser or workman are responsible for complying with the applicable national and local regulations.

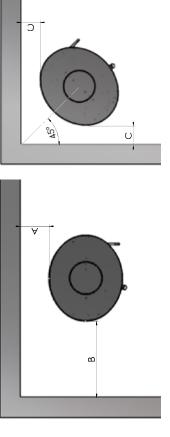
# 1.3 Chimney sweep

As stated, it may be wise to consult your local chimney sweep before installing the stove. In any event, the chimney sweep must be notified once the wood-burning stove has been installed. The chimney sweep will inspect the installation and schedule sweeping intervals with you. If your chimney has not been used for some time, it should be inspected for cracks, bird nests, etc., before it is used.

# 1.4 Location of the stove/distance requirements

Distance requirements apply only if the stove is placed near flammable materials. Your new stove can be positioned as specified on the certificate of approval on the back of the stove if the walls are made of flammable material.

Minimum distances f	Minimum distances from flammable material:	ial:	
Type of stove	Behind the stove (A) rothe sides of the stove (B)	To the sides of the stove (B)	45°corner (C)
Morsø 6100 uninsulated flue	150 mm	400 mm	100 mm
Morsø 6100 insulated flue	50 mm	300 mm	100 mm



We recommend that the stove be installed at least 10-15 cm from masonry in order to allow heat to circulate and to facilitate the cleaning of the inside and outside of the stove. A layer of wallpaper on a brick wall is normally regarded as non-flammable material.

# e fioor

If the stove is installed on a flammable floor, national and local regulations must be observed with regard to the size of the non-flammable underlying surface that must cover the floor beneath the stove.

The underlying surface must naturally be able to bear the weight of the stove and, if applicable, the steel chimney.

# Distance to furniture

We recommend that the stove be installed goo mm from furniture, but consideration should also be given to whether furniture, etc., will dry out as a result of its proximity to the stove. The distance to flammable material in front of the stove is goo mm.

A wood-burning stove gets hot when it is ∰ed. Caution must therefore be observed, particularly with regard to children touching the stove.

# 1.5 The chimney

If local regulations permit, the stove may be connected to a chimney already serving another fleplace (such as an oil-burning stove or another wood-burning stove). Attention should be paid to any requirements concerning the location of flue pipes if two or more fleplaces are connected to the same chimney.

The wood-burning stove must never be connected to a chimney to which a gas-burning stove is already connected. An efficient, modern stove places great demands on the chimney, so have a chimney sweep check the condition of your chimney.

The aperture of the chimney must comply with national and local regulations. In general, the aperture area should measure at least 175 cm2 for wood-burning stoves.

An overly large chimney aperture will mean that too much energy will be required to heat the chimney sufficiently to achieve an acceptable draught. If you have a brick chimney with a large aperture, we recommend that you install an insulating chimney liner of the proper diameter. This will increase the draught, and improve the fuel economy.

There are no requirements with respect to speciffc chimney heights, but a chimney must be tall enough to provide a good draught, and to ensure that the smoke does not cause any problems. As a general rule, there will be a satisfactory draught if the chimney extends 4 metres above the stove and at least 100 cm above the spine of the roof. If the chimney is located along the side of the house, the top of the chimney should never be lower than the spine of the roof or the highest point on the roof. Please note that there are often national and local regulations regulating the location of chimneys in houses with thatched roofs. Please see section 1.9 Draught.

The chimney and the ffue pipe must be ffted with cleaning doors, which must be at least the same size as the chimney's aperture area.

The chimney must be accessible for external inspection, and it must be possible to access the cleaning doors and the chimney if it is to be cleaned from the top (e.g. steel chimneys).

# 1.6 Connecting the fiue pipe

Lift the upper cast iron top plate offithe stove.

Note: The included round cast iron cover plate must be mounted on the upper cast iron top plate if the stove is being installed with the flue pipe to the rear.

# Mounting the fiue collar pointing upwards

From the factory, the stove is prepared for installation with the included flue collar (1) pointing upwards with included ball stop and screws. The ball stop, which prevents the chimney sweep from damaging the stove's baffle plates while sweeping, is the 145 mm long rod that is provided.

# Mounting the fiue collar to the rear

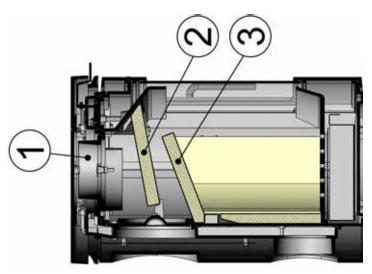
If the stove is being installed with the flue pipe to the rear, the round plate fixed with two screws on the back of the stove is dismounted. The iron piece on the inside convection back panel is knocked out with light, fflm taps with a hammer next to the small "bridges" holding the piece.

The cast iron cover is removed from the back panel and mounted on the top plate. The flue collar is centred and screwed onto the back of the stove with the clamps and screws provided. The ball stop is not used when installing the flue collar to the rear.

# The location of the bafi es

The baffles (2) and (3), which are made from vermiculite, are mounted at the factory.

Make sure that the baffles are correctly assembled before lighting the stove (please see the sketch).



# 1.7 Connecting to a brick chimney

Brick a flue bushing securely into the wall, and insert the flue pipe into it. The pipe must not extend into the actual chimney opening, but only to the inside of the chimney aperture. The joints between the stove/pipe and pipe/wall bushing must be sealed with glass tape. It is not normally necessary to seal between any pipe joints.

If the fflue pipe transitions from horizontal to vertical, it is a good idea to install it with a gentle bend so as to avoid any loss of draught.

The flue pipe must be dimensioned in accordance with national and local regulations. Morsø recommends, however, that flue pipes be made of 2 mm sheet steel as this will extend the service life.

# 1.8 Connecting to a steel chimney

If your installation involves taking the chimney straight up and through the ceiling, you must comply with National, Local Building Regulations or flue manufacturers instructions concerning clearances to combustible materials such as walls, floor joists and ceilings. The joint between the stove flue collar and the stovepipe must also be sealed using glass flore rope. It is important that the insulated flue system is properly supported both at ceiling level and at roof level.

THE STOVE MUST NOT BEAR THE WEIGHT OF THE CHIMNEY SYSTEM (See chimney manufacturer's instructions). Excessive weight on the stove will inhibit expansion and could lead to damage of the stove top. Damage caused to the stove in this way would not be covered by the manufacturers guarantee.

If a chimney **(Reshould occur as a result of incorrect operation of the stove or prolonged use of wet fuel, close the vents completely and contact the <b>(Re brigade)**.

# Be aware of the following:

Cleaning procedure: Discuss this with chimney sweep or qualiffed installer prior to or during the stove installation.

Chimney draft: If the chimney draft is naturally poor it is better to install the file from the top of the stove so as to minimise any internal resistance of the file gases.

Avoid having any more than 2 bends in the flue system and limit the length of the offset between bends.

# Fresh air supply

A wood-burning stove requires air for combustion. As a result, ffling a wood-burning stove will help create a healthy climate in your house. If the house is very tightly sealed, and particularly if there is a cooker hood or ventilation system in the house, it may be necessary to install an air grate in the room in which the wood-burning stove is installed. Otherwise there may not be enough draught in the chimney, which may result in the stove not being able to burn properly, and smoke may come out of the stove when the ffle door is opened.

If it is necessary to install air grates, they must be positioned so that they cannot be obstructed.

# 1.9 Draught

If smoke comes out of the stove when the Me door is opened, it will be due to the poor draught in the chimney. This type of stove requires at least 12 PA of chimney draught to achieve satisfactory combustion and to prevent smoke from escaping. Smoke may, however, escape in any event if the stove door is opened during vigorous Ming, so this should be avoided.

The flue gas temperature at the rated output is 281°C relative to 20°C.

If in doubt, you may want to get your chimney sweep to measure the draught in the chimney.

# **Draught**

The draught in the chimney is the result of the difference between the high temperature in the chimney and the cooler temperature outside. Other factors that determine whether sufficient negative pressure can be produced to create a draught include the length and insulation of the chimney, and wind and weather conditions.

# The draught will be reduced when:

- The temperature difference is too low, e.g. in connection with a poorly insulated chimney.
- If the chimney is cold, it may help to light (burn up) a rolled-up newspaper in the chimney's cleaning door.
  - The outside temperature is too high, e.g. during the summer.
- There is no wind. The chimney is not tall enough, with the result that it sits in the lee of the roof

surface or tall trees. These conditions are also associated with the greatest risk of smoke coming back down the chimney.

- Air is entering the chimney in undesired places, e.g. through cracked joints or leaks in the cleaning door or the Me pipe.
  - Unsealed, unused Meplaces are connected to the chimney.
- The flue pipe and chimney are clogged up with soot due to inadequate cleaning. The house is too tightly sealed (please see the section on Fresh air supply).
- A good draught is achieved when:
   There is a big difference between the temperature in the chimney and outside,
- The weather is clear and there is a good wind.

i.e. when the need for heating is greatest.

The chimney is of the proper height, i.e. Minimum 4 metres above the stove, and clear of the spine of the roof.

# 2.0 Firing/using the stove

Your stove is constructed with air inlets in two places.

Pre-heated, fast-moving combustion air is added to the Me above the glass window, and is regulated using the handle above the door. The combustion air is let in when the handle is pushed to the right, and shut offwhen the handle is pushed to the left.

comes into the combustion chamber just above the Me. This helps burn offithe last few gasses Another air inlet provides constant, pre-heated air supply which cannot be adjusted, and which emitted by the wood while it is being heated.

# The stove's rated heat output is 5,0 kW.

Your new Morsø stove is EN-tested for fffing with wood, and is suitable for intermittent use.

when the wood is lit and heated. For this reason, it is important that these gases are iga lot of smoke is created which, in the worst case, may cause an explosive ignition of the Wood is a material that contains a great deal of gas (approx. 75%). The gases are released nited quickly after stoking. If the wood just lies smouldering, especially after re-stoking, gases, resulting in damage to the stove.

the lighting intervals depend on the draught in the chimney, the wind and weather, the amount of heat required, the fuel, etc. This means that it may take some time before In order to ignite the gases that are released from the wood, and to keep clear, lasting oxygen (air supply) at all times. The setting of the air supply, the method of ignition and flames during the combustion process, it is important to let in the required quantity of ou get to know the correct functioning of the stove under any given circumstances.

once the moisture is less than 20%. During the test, all stoves are tested with wood Although you can file your Morsa stove with almost all kinds of wood, you should chopped as soon as possible after felling if it is to dry quickly. The wood can be used for at least 1 year, and preferably 2 years, with free access to wind. Wood should be not me with wet wood, or unseasoned wood. Wood ought to be stored under a roof with a moisture content of  $(16 \pm 4)$ %.

Never use driftwood as it usually has a high salt content, which damages both the stove and the chimney. Impregnated and painted wood and chipboard emit poisonous smoke and fumes so they should not be used as fuel either

Please note that liquid fuel may not be used in the stove.

of wood should be short enough to be able to lie ffat over the layers of embers, with air at both ends. The maximum length of fuel in the stove is 30 cm. The maximum quantity Pieces of wood with a diameter exceeding 10 cm should always be chopped. The pieces of fuel is approx. 2 kg/hour (max. 2 pieces of wood each time you re-stoke). The first few times you light the stove, the fire should be moderate so that the heatresistant paint can harden before filting more vigorously. During the hardening phase, the paint may develop obnoxious smoke and smell the ffist time it is lit, which is very normal. Make sure that the room is well ventilated during this period. When heating up or cooling down, the material is exposed to major temperature differences that may cause the stove to give officreaking sounds.

# 2.1 Lighting instructions and fuelling intervals

In order to build up an insulating layer of ash in the bottom of the stove, you should burn 1-1.5 A lot of air is needed when lighting the stove. If you are starting with a cold stove, the door should be left ajar for the filst few minutes and the combustion air supply opened to maximum. kg of dry kindling when you light the stove the filst time.

Always keep approx. 1 cm ash in the bottom of the combustion chamber.

kindling sticks to quickly create a glowing layer of wood. Place wood-burning stove. It is the most environmentally-friendly method of lighting. Use two fillelighters and approx. 1.5 kg of dry We recommend using the "top-down" method to light your the Melighters directly under the top layer of kindling sticks.



2. Open the air supply as much as possible. This is done using the handle above the door.





(after 5-10 minutes), close the door. If all the necessary conditions are met, a thick layer of embers will have been formed in 4. When you can see that the chimney is hot enough to draw the combustion chamber after another 15-20 minutes.



- 5. Re-stoking should normally be carried out while embers still remain. Distribute the embers in the bottom, ensuring that most of them are at the front of the stove.
- 6. Place 2 pieces of wood of approx. 0.7 kg each and approx. 25-30 cm long over the embers in a single layer, with a distance of approx. 1 cm.
- 7. Open the air supply to maximum and close the door; the fresh wood will then ignite within a couple of minutes.

# Importantfi

It is important that the fresh quantity of wood starts to burn quickly. To ensure the fuel lights quickly, open the combustion air to max. or leave the door ajar to allow in the amount of air needed to light the wood.

If, however, the wood only smoulders, there will be a strong build-up of smoke, which at worst can cause an explosive ignition of the flue gases with the risk of material damage and personal injury.

8. Reduce the amount of combustion air to the desired position, and optimal combustion will continue until there are glowing embers in the bed.

Make sure that there is always enough air (oxygen) to maintain clear, lasting flames when, and after, reducing the amount of combustion air. During the nominal test, the stoking interval was 60-70 min-

9. A new portion of wood can be added by repeating steps  $5\,\&\,6$  .











The stove door should normally be opened gently the ffrst 2-3 cm, then you should wait until the pressure has equalised before opening the door all the way. This technique will prevent smoke from getting out, particularly when there is a poor draugt.

The stove door should never be opened when the stove is being ffred vigorously.

Once the wood has burned out, it becomes glowing charcoall. If a good layer of embers has already formed on top of a sufficient layer of ash, the stove can keep warm for a very long time, not least due to the favourable qualities of the cast iron.

We would strongly recommend that you do not leave your stove alit at night. It harms the environment and constitutes very poor use of the wood as the gases in the wood do not ignite at the low temperature, but settle as soot (unburned gases) in the chimney and stove. Extreme conditions, such as poor draught in the chimney, large quantities of wood or wet wood, may in the worst-case scenario cause an explosive ignition.

When filling in the summer period, when there is minimal need for heat, the combustion will be poor. The stove provides too much heat so the combustion should be reduced. But always remember to make sure that there are lasting filmes until the wood becomes charcoal. If you want a weaker file, stoke up using less wood.

If you the the stove using wet wood, a lot of the fuel's thermal energy will be spent forcing the water out of the wood, without releasing any heat to the stove. This incomplete combustion results in a layer of soot being left in the stove, pipe and chimney.

Comparison between firing with wood and oil:	d oil:
Type of wood (moisture content 20%)	No. of cubic metres per 1000 litre oil
Oak	7.0
Beech	7.0
Ash	7.2
Sycamore	7.5
Birch	8.0
Elm	8.9
Common spruce	10.4
Silver fir	10.9

# 3.0 Routine stove maintenance

# 3.1 External maintenance

The cast surface of the stove is painted with heat-resistant Senotherm paint. It is best maintained by simply vacuuming it with a soft brush attachment or wiping it down with a dry, dust-free cloth.

If the stove is used too vigorously, the painted surface may assume a greyish tinge over time, but the stove can easily be freshened up with Morsø spray paint, which is available from your local retailer.

Morsø stoves are painted using a Morsø Original Black (previously called Morsø dark grey) or Morsø grey. The paint can be bought in a spray or a can.

# 3.2 Internal maintenance

# Glass window

If the stove is used correctly, very little or no soot will be deposited on the ceramic glass window. If soot does form on the glass as the stove is being lit, it will burn away once normal combustion begins in the stove. If the glass window becomes thoroughly covered in soot due to incorrect operation, the soot can be easily removed using a cleaning agent such as Morsø Glass Cleaner. The glass must be cold when you clean it. Avoid stoking the stove with pieces of wood that are so long that they press against the glass window when the door is closed.

Reasons for sooty glass window:

- The fuel is too wet.

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- The pieces of fuel are to big/uncut wood.
- The combustion temperature is too low.

# **Ceramic glass replacement**

Ceramic glass cannot be recycled because it has a higher melting point that ordinary glass. If ceramic glass is mixed with ordinary glass, the raw material is spoiled, and the reclaiming process may be halted. Take care that the ovenproof glass does not end up among ordinary recycled waste. That will be a great benefft to the environment.

Note: Should be handed in to a recycling station as ceramic glass.

# Internal cast-iron parts and/or wearing parts

The baffles and other components that come in direct contact with the ffle and glowing fuel are all wearing parts. As a result, they will be particularly susceptible to burn-through. When used correctly, these parts will last for many years, but overly vigorous use will naturally accelerate the burn-through. Such parts are all easily replaced. If the baffles are damaged and are not replaced in time, the top plate will be exposed to such high temperatures that it may be damaged as well.

Please note that no unauthorised alterations of the design may be undertaken, and that any parts that are replaced must be replaced with original Morsø parts.

Reasons for overly rapid wear of internal parts

- Stove fred too vigorously.
- Use of very dry wood (wood from old furniture).
- Too much soot on top of the baffles (please see the section on Cleaning).
  - Too much ash in the ash pan (please see the section on Ash).

# Gaskets

The gaskets in the doors will wear out over time and should be replaced as required in order to prevent runaway combustion. Use the original Morsø gasket kit.

# Note: Normal wearing parts are not covered by Morsø's extended warranty.

A selection of maintenance products (spare parts, glass cleaner, paint, gasket kit, etc.) is available from your Morsø dealer.

# 3.3 Cleaning the stove

A layer of ash and soot will form as a result of the draught in the chimney and after sweeping, particularly on the top of the upper baffle. This ash will have an insulating effect, which may speed up the burn-through of the baffles.

During normal cleaning, the baffles can be removed from the stove. Once the baffles have been taken out, you can access the ffue chamber above the baffles and clean it. Clean the baffles before reassembling them, and make sure that they are correctly assembled.

Nowadays, the chimney sweep must remove the soot in the stove, in addition to sweeping the chimney and cleaning the flue pipe. The number of annual sweepings/cleanings of the stove should be determined in consultation with your chimney sweep.

# Δsh

As noted above, there should be a layer of approx. 1 cm insulating ash in the bottom of the combustion chamber in order to achieve a high combustion temperature. If the layer of ash is too thick, it can be brushed down into the ash pan.

Empty the ash pan before it gets completely full so that the ash does not insulate around the grate, and thereby speed up the burn-through.

In most cases, the ash will need to be taken away by the waste disposal company. Because embers may be concealed in the ash pan for several days, it may be necessary to store the ash in a container made of non-flammable material before pouring it into a rubbish bag. Ash from a wood-burning stove will not be of any beneff to your garden as fertiliser. If you have burned colour brochures, or painted or treated wood, etc., in the stove, the resulting ash must not be poured onto soil as it may contain heavy metals.





6. Make sure that the baffles and brick panels are correctly assembled before lighting the stove after cleaning.

5. Lift the upper baffle out of its holder and tilt it out.









3. Tilt one of the side brick panels and remove it.



4. Once the side brick panels have been removed, lower the bottom baffle and lift it out.

# 4.0 HETAS amendments

# Health and safety precautions

Special care must be taken when installing the stove such that the requirements of the Health and Safety at Work Act are met.

**Handling** Adequate facilities must be available for loading, unloading and site handling.

# Fire Cement

Some types of 俑e cement are caustic and should not be allowed to come into contact with the skin. In case of contact wash immediately with plenty of water.

# Asbestos

This stove contains no asbestos. If there is a possibility of disturbing any asbestos in the course of installation then please seek specialist guidance and use appropriate protective equipment.

# **Metal Parts**

When installing or servicing this stove care should be taken to avoid the possibility of personal injury.

# Note of references to the current UK regulations

It should be noted that the Building Regulations requirements may be met by adopting the relevant recommendations given in British Standards BS 8303, BS EN 15287-1:2007 as an In all cases the installation must comply with current Building Regulations, Local Authority alternative means to achieve an equivalent level of performance to that obtained following Byelaws and other speciffcations or regulations as they affect the installation of the stove. the guidance given in Approved Document J.

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the installation of the stove is either carried out under Local Authority Building Control appetent Persons Scheme. HETAS Ltd operate such a Scheme and a listing of their Registered Please note that it is a legal requirement under England and Wales Building Regulations that proval or is installed by a Competent Person registered with a Government approved Com-Competent Persons can be found on their website at www.hetas.co.uk

# This stove must not be installed into a chimney that serves any other heating appliance.

# More detailed advice about existing chimney usage

NOTE: A chimney height of not less than 4.5 metres measured vertically from the outlet of dure given in EN 13384-1 may be used as the basis for deciding whether a particular chimney the stove to the top of the chimney should be satisfactory. Alternatively the calculation procedesign will provide sufficient draught.

The outlet from the chimney should be above the roof of the building in accordance with the provisions of Building Regulations Approved Document J. If installation is into an existing chimney then it must be sound and have no cracks or other ney faults or the cross section may be too large i.e. more than 230 mm x 230 mm. Remedial action should be taken, if required, seeking expert advice, if necessary. If it is found necessary to line the chimney then a flue liner suitable for solid fuel must be used in accordance faults which might allow fumes into the house. Older properties, especially, may have chimwith Building Regulations Approved Document J.

Any existing chimney must be clear of obstruction and have been swept clean immediately before installation of the stove. If the stove is fitted in place of an open fite then the chimney should be swept one month after installation to clear any soot falls which may have occurred due to the difference in combustion between the stove and the open ffle. If there is no existing chimney then any new system must be to the designation described above and in accordance with Building Regulations Approved Document J.

A single wall metal fluepipe is suitable for connecting the stove to the chimney but is not suitable for use as the complete chimney. The chimney and connecting fluepipe must have a minimum diameter of 150 mm and its dimension should be not less than the size of the outlet socket of the stove.

Any bend in the chimney or connecting fluepipe should not exceed 45°. 90° bends should not be used.

places or flues could ignite it. Therefore when installing the stove in the presence of combustible materials due account must be taken of the guidance on the separation of combustible material Combustible material should not be located where the heat dissipating through the walls of Megiven in Building Regulations Approved Document J and also in these stove instructions.

If it is found that there is excessive draught in the chimney then a draught stabiliser should be ffted. Fitting of a draught stabiliser will affect the requirement for the permanent air supply into the room in which the stove is fitted in accordance with Approved Document J (see also combustion air supply)

# Commissioning and handover

Ensure all parts are fitted in accordance with the instructions.

tar to dry out, before lighting the stove. Once the stove is under Me check all seals for soundness and check that the Me is functioning correctly and that all products of combustion are On completion of the installation allow a suitable period of time for any Me cement and morvented safely to atmosphere via the chimney terminal. On completion of the installation and commissioning ensure that the operating instructions for the stove are left with the customer. Ensure to advise the customer on the correct use of the appliance and warn them to use only the recommended fuel for the stove. Advise the user what to do should smoke or fumes be emitted from the stove. The customer should be warned to use a ffreguard to BS 8423:2002 (Replaces BS 6539) in the presence of children, aged and/or inffim persons.

# Warning note on fume emission

Properly installed, operated and maintained this appliance will not emit fumes into the dwelling. Occasional fumes from de-ashing and re-fuelling may occur. However, persistent fume emission is potentially dangerous and must not be tolerated. If fume emission does persist, the following immediate actions should be taken:

- A. Open doors and windows to ventilate room.
- B. Let the Me out or eject and safely dispose of fuel from the appliance.
  - C. Check for flue or chimney blockage, and clean if required.

Do not attempt to relight the Me until the cause of the fume emission has been identiffed and corrected. If necessary seek expert advice.

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# Permanent air vent

The stove requires a permanent and adequate air supply in order for it to operate safely and efficiently.

In accordance with current Building Regulations the installer may have fitted a permanent air supply vent into the room in which the stove is installed to provide combustion air. This air vent should not under any circumstances be shut offlor sealed.

# Chimney cleaning

The chimney should be swept at least twice a year. It is important that the flue connection and chimney are swept prior to lighting up after a prolonged shutdown period.

If the stove is filted in place of an open file then the chimney will require sweeping after a month of continuous operation. This is a precaution to ensure that any "softer" deposits left from the open file usage have not been loosened by the higher file temperatures generated by the closed stove.

# Periods of Prolonged Non-Use

If the stove is to be left unused for a prolonged period of time then it should be given a thorough clean to remove ash and unburned fuel residues. To enable a good flow of air through the appliance to reduce condensation and subsequent damage, leave the air controls fully

# Use of fireguard

When using the stove in situations where children, aged and/or infilm persons are present a ffleguard must be used to prevent accidental contact with the stove. The ffleguard should be manufactured in accordance with BS 8423:2002 (Replaces BS 6539).

# Use of operating tools

Always use the operating tools provided when handling parts likely to be hot when the stove

# **Aerosol sprays**

Do not use an aerosol spray on or near the stove when it is alight.

# Spare parts for the 6100

DK ENG

# **Description** Inner grate frame

Inner grate frame Upper baffle Bottom baffle Tertiary box Glass window Right side brick panel Left side brick panel

Rear brick

79610600 79610500 71610561 79610100 79610200 79610300

34611000

Product no.

# Guarantee Product Registration

# MORSØ 10 YEAR GUARANTEE CERTIFICATE

Behind every Morsøstove is more than 16O years of dedicated stove design and manufacturing experience. Quality control has always been at the heart of the production process and detailed measures have been put into place at all key stages of the build. Accordingly, provided that the stove has been supplied by an authorised Morsø dealer, Morsø will offer a 10-Year Manufacturers Guarantee against manufacturing defect to any of the main exterior body parts of its stoves.

Read more about "Morsø 10 years guarantee/product registration card" and <u>REGISTER</u> your new Morsø stove online: http://international.morsoe.com/warranty-registration

# **VIGTIGTfi**

# Sådan fyrer du sikkert for miljøet og dig selvfi

# • Brug kun tørt træ

Brug kun tørt (maks. 20% fugt) og ubehandlet træ. Brændet skal være kløvet og 8 - 12 cm tykt.

# Tænd op

Tænd op med tørt pindebrænde (brug 1 - 2 kg). Stil lågen på klem og bliv i nærheden af ovnen i optændingsfasen.

# Godt glødelag

Sørg for at have et godt glødelag inden ny påfyldning. Træet skal antænde indenfor 2 min. Hvis træet ikke tænder, kan det i værste fald forårsage en eksplosionsagtig antændelse af røggasserne med risiko for såvel materielle skader som personskader.

# Indfyring

Ved ny indfyring: brug 2 - 3 stk. brænde - maks. 2 - 2,5 kg.

# Sørg for rigelig luft

Dvs. klare og gule ffammer.

# • Fyr aldrig over om natten

# **IMPORTANTFI**

# How to heat safely for the environment and yourselffi

# Use only dry wood

Use only dry (max. 20% moisture content) and untreated wood. The fuel must be split and 8 - 12 cm thick.

# Light

Light with dry kindling (use 1 - 2 kg). Leave the door ajar and stay close to the stove during the lighting phase.

# Good layer of embers

Be certain to have a good layer of embers before reffling. The wood should light within 2 minutes. If the logs do not ignite it may, in an extreme case, cause the flue gases to ignite which may pose a risk to material damage or personal injury.

# Refuelling

When refuelling use 2 - 3 pieces of wood - no more than 2 - 2.5 kg.

# Ensure adequate air

I.e. clear and yellow fames.

# Never burn overnight



Morsø Jernstøberi A/S - 06.08.2018 - 72610400



LRB-2022-05

21/01895/FLL – Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works, 5 Duncan's Place, Birnam, Dunkeld

# **PLANNING DECISION NOTICE**

REPORT OF HANDLING

REFERENCE DOCUMENTS (included in applicant's submission, pages 65-81)



Mr Neil Fullerton c/o StudioEAST Chartered Architects Richard Taylor King James VI Business Centre Friarton Road Perth PH2 8DY Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date of Notice:9th December 2021

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: 21/01895/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 9th November 2021 for
Planning Permission for **Alterations and extension to dwellinghouse**, **alterations to garage to form ancillary accommodation and associated works 5 King Duncan's Place Birnam Dunkeld PH8 0QD** 

# David Littlejohn Head of Planning and Development

### Reasons for Refusal

- 1. The proposal lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the siting of all development respects the character and amenity of the place.
- 2. Approval would be contrary to Perth & Kinross Council's Placemaking Guide, March 2020 which seeks to discourage particularly large, dominant, unsuitable or inappropriately designed or located developments that are not in keeping with the existing built form, landscape character or established amenity levels.
- 3. Approval would be contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021 supplementary guidance which seeks to discourage proposals which have no physical relationship to the principal dwellinghouse and as such would ultimately lead to the creation of a new residential unit.

### **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**

1 There are no relevant Informatives

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at <a href="https://www.pkc.gov.uk">www.pkc.gov.uk</a> "Online Planning Applications" page

### REPORT OF HANDLING

### **DELEGATED REPORT**

Ref No	21/01895/FLL	
Ward No	P5- Strathtay	
Due Determination Date	8th January 2022	
Draft Report Date	2nd December 2021	
Report Issued by	GMP	Date 2nd December 2021

**PROPOSAL:** Alterations and extension to

dwellinghouse, alterations to garage to form ancillary accommodation and

associated works

**LOCATION:** 5 King Duncan's Place Birnam Dunkeld

PH8 0QD

### **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.

### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

### SITE PHOTOGRAPHS



### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to a 3 bed detached bungalow located in a residential area in King Duncan's Place, Birnam. The site is located within the River Tay Special Area of Conservation and National Scenic Area.

The property benefits from a double garage and off-street parking located to the east of the property. To the front there is an established garden, bound by hedging which separates the house and garage. A path wraps around the dwellighouse with a terraced garden to the rear.

Full planning consent is sought to extend the dwellinghouse to provide an open plan living/dining area, office and utility. In turn the internal arrangements would be reworked to suit. Additionally, the proposal includes the alterations and conversion of the existing garage to ancillary accommodation. Both proposals include the provision of wood burning stoves and associated flues.

### 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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

# TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states "By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

# 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 17: Residential Areas

Policy 47: River Tay Catchment Area

Policy 38A: Environment and Conservation:International Nature Conservation Sites

Policy 38B: Environment and Conservation: National Designations

## **OTHER POLICIES**

# Perth & Kinross Council Placemaking Guide 2020

The above guide states that garages and outbuildings should generally be subordinate to the original building. Be set back from the frontage and built with materials which respect the house and its surroundings.

New development should also consider and respect the wider landscape character of the area. The design and density should complement its surroundings in terms of appearance, form, height, scale, massing, materials, finishes, colours and the privacy and amenity of neighbours

## Perth & Kinross Council Ancillary and Annex Accommodation 2021

The above states that ancillary accommodation should take the form of a physical extension to the principal dwellinghouse, however, in some circumstances it may be appropriate to convert and/or alter an existing

detached outbuilding. This, however, requires a clear demonstration of its functional relationship with the principal dwellinghouse. Where there is no physical relationship to the principal dwellinghouse, this will generally be considered to be tantamount to the formation of a new residential unit.

## **CONSULTATION RESPONSES**

#### Internal

Scottish Water - no objections.

#### **External**

Environmental Health (Noise Odour) – no objections.

#### REPRESENTATIONS

The following points were raised in the 1 representation(s) received:

1. Parking/road safety

The above point is addressed in the Appraisal section of the report.

#### **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA):	Not applicable
Environmental Report	
Appropriate Assessment	AA Not Required
Design Statement or Design and Access	Not Required
Statement	
Report on Impact or Potential Impact eg Flood	Not Required
Risk Assessment	

#### **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 and extensions to existing dwellings including ancillary buildings within the grounds of existing domestic dwellings are generally considered to be acceptable in principle. Nevertheless, detailed 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 on residential and visual amenity.

In this case, the proposal is not considered to comply with the policies as noted above for the reasons stated elsewhere within the report.

# **Design, Layout and Visual Amenity**

The proposal is in 2 parts which relates to an extension to the existing dwellinghouse and alterations and extension to the existing garage to form ancillary accommodation.

The proposed extension to the dwellinghouse would be of pitched roof construction, largely proposed on the rear (north east) elevation wrapping onto the north west elevation. Its ridge and eaves height would match that of existing. In terms of accommodation this would provide a new lounge/dining area, open plan to the relocated kitchen. A new utility and office would also be incorporated within and the provision of a wood burning stove and flue. The footprint proposed here would be generous, approximately 61sqm, an increase of around 75 per cent when compared to existing.

In terms of finishing materials, the walls would be finished in a combination of smooth white render and larch cladding and the drawings indicate the whole roof will be a slate roof cladding. More information would be required in terms of the specification here if minded to approve. It would also appear that all existing/proposed windows would be alu-clad and the existing walls finished in a new smooth render (white).

Whilst this extension does have a generous footprint, in terms of plot density would result in around 23 per cent of the plot developed. The application site does have one of the larger plots within this area and as such does not raise any concerns in terms of overdevelopment of the site.

In terms of design, on plan form the west and south elevations of the extension sit a bit uncomfortably with the existing dwellinghouse, however, due to the set back from the principal (south) elevation and lack of public views due to existing boundary treatments will not have a significant detrimental impact on either the existing dwellinghouse or surrounding area.

Turning now to the garage development. The proposal is to convert this to ancillary accommodation. The existing garage measures approximately 35sqm and the proposal is to extend this providing a footprint of approximately 54sqm. The building would be of single storey construction. In terms of accommodation, one bedroom, bathroom, kitchen/living area, dining

area and adjoining deck would be provided. A glazed balustrade would surround the deck. This proposal also includes the provision of a wood burning stove and flue. Finishing materials would match the proposed extension above. An additional parking space is also proposed.

The term "ancillary" usually infers that it fulfils a minor supplementary function. Therefore, the assessment of the ancillary nature of the structure (including its siting and functional relationship to the house) is down to a matter of fact and degree.

The proposed ancillary building contains all features associated with independent day to day living and there would be no need for anyone staying within the unit to visit the main dwelinghouse.

The main concern with this building is with the lack of functional relationship with the main house. The more facilities shared between the main house and the proposal, the more ancillary it will be. There may be a requirement to provide ancillary accommodation in the form of additional living space for either elderly relatives or to meet a variety of other personal and domestic circumstances. Amongst other things, to ensure the accommodation provided remains incidental to the main house and does not in effect lead to the creation of a new dwelling, the ancillary accommodation should either have a physical or functional connection to the main house. In this case here, there is neither. To be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. No justification has been provided for the requirement of the building and the scale and internal layout would be fully equipped for separate living accommodation which suggests it is tantamount to a new dwellinghouse.

Effectively the development forms a separate planning unit given the degree of separation and lack of any relationship between the use of the structures. The proposal is not considered to be ancillary to the main dwelling and will not function as an annex and is therefore contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the siting of all development respects the character and amenity of the place.

In addition to the above, the proposed ancillary accommodation does not meet the aims of supplementary planning guidance, in particular Perth & Kinross Council Placemaking Guide 2020 and Perth & Kinross Council Ancillary and Annex Accommodation 2021.

#### Landscape

No impact on the wider landscape setting.

# **Residential Amenity**

The proposal is not considered to have any significant impact on the residential amenity of neighbouring properties given their relative positions, orientations and boundary treatments.

#### **Roads and Access**

No alterations are proposed to the existing access into the site, however, the drawings indicate that the existing parking area will be extended. At present 2 vehicles could be accommodated within the site and would be increased to allow parking for up to 3 vehicles.

Whilst the comments received regarding existing parking within the turning area are noted, it is not considered that the site is incapable of accommodating off-street parking as a result of this proposed development. In terms of the concerns raised in respect of the turning space/pavement being utilised for parking vehicles restricting the area for use by delivery vehicles/emergency services/PKC vehicles, the Planning Authority have no control over inappropriate parking.

In conclusion, there are no road or access implications associated with this proposed development.

# **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.

# River Tay Special Area of Conservation and National Scenic Area (NSA)

The site is located within the catchment for the River Tay Special Area of Conservation (SAC), however, given the scale of works proposed it is unlikely that there would be any significant impact on the biodiversity value of the River Tay SAC. The proposal, therefore, complies with policy. The site also falls within the River Tay NSA, however, due to the small scale nature of the proposal there will be no impact on the nature conservation and landscape interests and as such is compliant with policy.

## **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 adopted 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 adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

#### **Conditions and Reasons**

- 1. The proposal lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the siting of all development respects the character and amenity of the place.
- 2. Approval would be contrary to Perth & Kinross Council's Placemaking Guide, March 2020 which seeks to discourage particularly large, dominant, unsuitable or inappropriately designed or located developments that are not in keeping with the existing built form, landscape character or established amenity levels.
- 3. Approval would be contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021 supplementary guidance which seeks to discourage proposals which have no physical relationship to the principal dwellinghouse and as such would ultimately lead to the creation of a new residential unit.

#### **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



LRB-2022-05

21/01895/FLL – Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works, 5 Duncan's Place, Birnam, Dunkeld

# **REPRESENTATIONS**



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations The Bridge Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB

Development Operations Freephone Number - 0800 3890379 E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u> www.scottishwater.co.uk



Dear Customer,

5 King Duncan's Place, Birnam, Dunkeld, PH8 0QD

Planning Ref: 21/01895/FLL Our Ref: DSCAS-0052775-YPH

Proposal: Alterations and extension to dwellinghouse, alterations to garage to

form ancillary accommodation and associated works

# Please quote our reference in all future correspondence

# **Audit of Proposal**

I have carried out an audit of the below listed drawings and I'm pleased to confirm that Scottish Water has no objection to the development proceeding.

#### **Please Note**

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

#### **General Notes**

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

This response is in relation to the information you have provided. If there are any changes to your proposed development, you may be required to submit the proposed amendments for review.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below.

Yours sincerely,

Pamela Strachan
Planning Team Analyst
planningconsultations@scottishwater.co.uk

#### Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



28th November 2021

Planning Application Reference; 21/01895/FLL

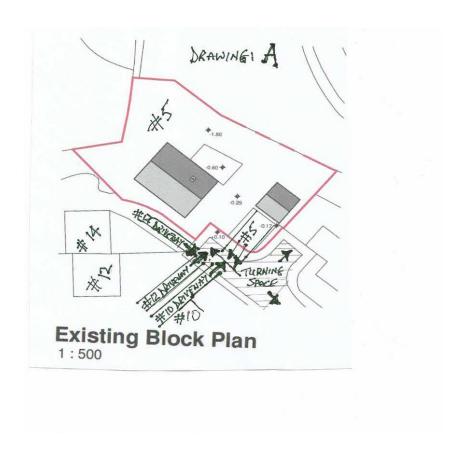
Dear Sirs,

We would like to raise objections to the above Planning Application on the grounds of Public Safety and Road Regulations.

The above Application requests that a new dwelling be erected in place of an existing double garage, alongside the existing dwelling on the same plot of land known as Number 5 King Duncan's Place.

The only access for this plot onto the adopted road network, is via a turning space at the end of the cul-de-sac which is known as King Duncan's Place.

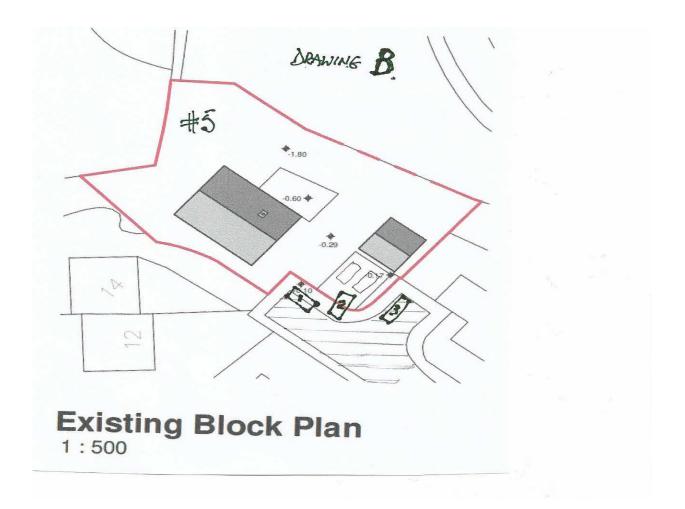
One "leg" of this turning space, an area of only 6x6 metres is currently shared by the 4 driveways of the respective dwellings. (see drawing)



Planning Application Reference; 21/01895/FII

Page 2

Since his arrival in number 5, only a few months ago, the proposer has chosen to park neither of his cars in his double garage giving his many visitors no choice, but to park "on-road". All have chosen to park at various points in the turning space, and pavement, blocking both. (see diagram below) Those numbered 1.2 and 3 being the favourite parking spots.



When the estate was designed and approved by PKC, in the 1980's, every plot of land had ample space for "off-road" parking thereby eliminating the need for any "on-road" parking, least not in a turning space at the end of a cul-de-sac.

E ach of the 4 driveways that currently share the cul-de-sac, including number 5, have ample space for at least 4 vehicles, none require on road parking.

The proposed removal of the existing double garage actually reduces the available "off-road" parking spaces from 4 to just 3. As the present owner has 2 vehicles, it is fair to expect the occupier/leasee of the intended new dwelling/holiday home to have 2 vehicles, so where are any additional vehicles to park?

Where are any visitors to both the "new" dwellings to park?

# Planning Application Reference; 21/01895/FII Page 3

Inevitably they will follow the example set currently by those visiting No5 and park in the turning space in this already congested road turning area.

Additionally blocking the turning space in this way, will inevitably lead

Not to mention it being a road safety issue.

This turning space is not only required by the adjacent residents to enter/exit/turn their vehicles.

It is also required to allow delivery vehicles and PKC vehicles for both bin collection and snow and ice prevention and clearance to manoeuvere/turn and then exit the street.

The pavement area therin also houses a mains fire hydrant which is checked and maintained regularly by the local fire service, and this pavement area therefore also requires access for the PKC ice/snow clearance mini-gritter in winter.

In the Stell Park estate of 39 dwellings, not one garage has been given permission to be converted to a separate dwelling, preventing thereby, changing the whole character of the estate.

It is our request that this Planning Application be rejected on the above grounds.

Yours faithfully,

Stephen and Phyllis Ponsonby.







# Memorandum

To Development Management & Building Standards Service Manager

From

Regulatory Services Manager

Your ref 21/01895/FLL

Our ref OLW

Date

30 November 2021

Tel No

#### Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

# Consultation on an Application for Planning Permission

PKC 21/01895/FLL RE: Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works 5 King Duncan's Place Birnam Dunkeld PH8 0QD for Mr Neil Fullerton

I refer to your letter dated 10 November 2021 in connection with the above application and have the following comments to make.

## **Environmental Health**

#### Recommendation

I have no objections to the application but recommend the undernoted informative be included on any given consent.

#### **Comments**

This application is for alterations and extension to a dwellinghouse and alterations to a garage to form ancillary accommodation which will include the provision of a two woodburning stoves.

# **Air Quality**

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with the domestic sized stoves in this case and therefore I have no adverse comments to make with regards to air quality.

#### Odour

Another matter pertaining to the stoves which could cause an issue has the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the both stove flues will terminate above roof ridge height, which will aid in dispersion of emissions. I would advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

#### **Informative**

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

# **CDS Planning Local Review Body**

From: Steve

**Sent:** 23 March 2022 16:22

**To:** CDS Planning Local Review Body **Subject:** Re:- Application Ref: 21/01895/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Application Ref: 21/01895/FLL

We refer to the above Planning Application – Alterations and extension to dwellinghouse, alterations to garage to form ancillary accommodation and associated works, 5 Duncan's Place, Birnam, Dunkeld – Mr N Fullerton

Further to your original refusal of the above application, we would now like to comment on that decision and the applicants subsequent appeal against that decision.

We would wholeheartedly agree with your original decision dated 10/12/21.

As mere local householders with no working knowledge of the planning process we would like to take this opportunity to highlight items 2 and 3 in your reasons for refusal.

# Item 2 states quite clearly

"Approval would be contrary to the Perth & Kinross Council's Placemaking Guide, March 2020 which seeks to discourage particular large, dominant, unsuitable or inappropriately designed or located developments that are not in keeping with the exisiting build form, landscape character or established amenity levels"

As we wrote in our original objection "In the Stell Park Estate of 39 dwellings, not one garage has been given permission to be converted to a separate dwelling, preventing thereby, changing the whole character of the estate". This simply backs up the council's Placemaking Guide comments

Item 3 in the original decision states:-

"Approval would be contrary to Perth and Kinross Council's Ancillary Annex Accommodation 2021 supplementary guidance, which seeks to discourage proposals which have no physical relationship to the original dwellinghouse and as such would ultimately lead to the creation of a new residential unit".

As a professional architect himself, the proposer is surely aware of these Council Guidlines with relation to the adjoining character of the location, yet he has provided an application and now an appeal, which suggests he either believes the Council's Guidlines to be wrong, or he believes his plans to be in effect "superior".

The occupants of the adjoining properties to the applicant have resided there from between 15 and 33 years, when the houses were originally built. The proposer has only recently moved into his current dwellinghouse and to date has not spoken to a single neighbour about his intended alterations or plans for the property.

We therefore agree with your "Justification", in that "The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan", and the appeal should be dismissed on the above mentioned grounds.

Yours,

Steve and Phyllis Ponsonby,

# **CDS Planning Local Review Body**

From: Richard Taylor <rick@studio-east.co.uk>

**Sent:** 04 April 2022 10:13

**To:** CDS Planning Local Review Body

Cc: Neil Fullerton
Subject: RE: LRB-2022-05

**Attachments:** SUPPORTING EVIDENCE.pdf

Follow Up Flag: Follow up Flag Status: Flagged

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

In response to the further letter of representation received for this review, please see below response to the points raised:

The objector refers to the Placemaking Guide which "seeks to discourage particular large, dominant, unsuitable or inappropriately designed or located developments that are not in keeping with the existing built form, landscape character or established amenity levels".

It has been proven, within the review documents, that the proposals are consistent with the domestic nature of the site, proportions of the existing house and design style. They are not over-dominant of the existing dwelling or ancillary buildings and do not over-develop the site or any neighbouring properties/amenity space.

Please see attached photographs from the applicant demonstrating the wider built context. This shows a variety of design styles and materials.

The proposals are NOT to create a separate dwelling and this is detailed not only within the scheme design but also by the nature of the application as a Householder Application. The annexe is subservient to the principal dwelling (by nature of its shared access, utilities and address) and remains incongruous in this context.

The physical relationship to the existing dwelling is also clear and established for both the extension and garage conversion proposals. This is demonstrated within the appeal documents. The conversion of a garage to provide additional living accommodation is commonplace and would not normally require planning permission. In this instance the proposals request a modest addition to the garage (consistent with any larger size of domestic garage) alongside other proposals, hence the inclusion as part of a planning application. It should be reiterated that this is NOT for the creation of a new dwelling.

The PKC supplementary guidance on ancillary buildings was published AFTER this application was submitted and registered and should not be used as a vehicle for determining the application. However, the proposals meet all the guidance set out within this document and have a clear functional relationship to the main dwelling. There are no requirements within this document that state there should not be a kitchen or other facility to meet this functional requirement.

It should also be noted the applicant is not an architect. Furthermore, the applicant has spoken to some neighbours regarding these proposals and there have been no objections in this regard. The length of time the applicant has lived at the property is not a determining factor in the determination of the proposals.

Kind Regards,

Richard Taylor BSc BArch (Hons) ARB RIAS RIBA Director & Architect

