

Perth and Kinross Council
Planning & Development Management Committee – 3 July 2019
Report of Handling by Head of Planning and Development (Report No. 19/200)

PROPOSAL: Erection of a garden building.

LOCATION: Asgiobal, Inchtute, Perth, PH14 9RN

Ref. No: [19/00591/FLL](#)

Ward No: P1 - Carse Of Gowrie

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application is seeking permission for the erection of a garden building in an area of garden ground on the edge of a shared driveway at Asgiobal, 4 Brewlands, Inchtute. The site relates to a two storey residential property known as Brewlands which is divided into four residential units and located within the Inchtute Conservation Area. The proposals relate to the west wing of the cruciform shaped building. The property is surrounded by a mix of residential properties.
- 2 The garden ground associated with this property is disjointed from the residential amenity, being across a shared driveway to the north west of the dwellinghouse. Planning permission was previously obtained for the erection of a double garage (13/00983/FLL) on the edge of this area of garden ground and the intention is to erect a garden building, adjoining its northern gable. It should be noted that amended elevational drawings were submitted as the details of the existing garage doors differed from what is present on site.

PRE-APPLICATION CONSULTATION

- 3 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

- 5 Of specific reference to this application is:

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Listed Buildings: paragraph 141
- Conservation Areas: paragraph 143

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 10 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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.”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 12 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 9: Managing TAYPlans Assets

- 13 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary;

Policy RD1 - Residential Areas

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

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

- 18 All proposals should meet all eight of the placemaking criteria.

Policy HE3A - Conservation Areas

- 19 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy HE2 - Listed Buildings

- 20 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy PM3 - Infrastructure Contributions

- 21 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 22 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 23 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent

Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 24 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 25 [13/00983/FLL](#) Erection of a garage. Application Approved, 18 July 2013 – delegated decision

CONSULTATIONS

- 26 As part of the planning application process the following bodies were consulted:

External

- 27 No external consultations required

Internal

Development Negotiations Officer

- 28 No developer contributions required.

REPRESENTATIONS

- 29 Eight letters of representations were received from 7 households. The following points were raised in the representation(s) received:

- Visual impact
- Overlooking
- Loss of light/overshadowing of garden ground
- Over intensive development
- Contrary to development plan policy
- Excessive height

- Inappropriate land use
- Loss of open space
- Inappropriate housing density
- Scale, design, materials and prominent location is out of character with the Inchtute Conservation Area and residential area
- Precedent
- Negative impact on the setting of the listed building to the north of the site
- The foundations of the proposed building are complete, despite a clear declaration in the application that no work has started
- The applicant has failed to make reference to all existing 'garden buildings' and apply for retrospective planning permission for existing unauthorised

30 The above issues are addressed in the Appraisal section of the report with the exception of the unauthorised garden building which is not a matter for this application. It is acknowledged the garden building referred to does not benefit from planning permission, however, it is at the discretion of the Council whether Enforcement action will be taken. The existing and proposed site plans were amended to show the location of the structure.

31 The issues below were also identified in representations but are not material considerations in the assessment of this planning application:

- Loss of view
- Excessive storage/potential change of use
- Devalue neighbouring property
- Common access is restricted

ADDITIONAL STATEMENTS

32

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Not Required

APPRAISAL

33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises

the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

- 34 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also required that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Principle

- 35 In terms of land use policies, the key policies are contained within the Local Development Plan 2014. Within the LDP, the site falls within the Inchture Conservation Area in addition to potentially affecting the setting of category C listed buildings to the north of the site, therefore, Policy HE3A - Conservation Areas and Policy HE2: Listed Buildings are directly applicable.
- 36 In addition to this, Policies RD1: Residential Areas and PM1A and B: Placemaking of the Local Development Plan seek to ensure that all new developments do not have an adverse impact on the amenity or character of existing areas.
- 37 For reasons mentioned throughout this report, the proposed garden building is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan. The proposed building is considered to be compatible with neighbouring land uses and residential amenity is not considered to be compromised.

Design and Layout

- 38 The footprint of the building measures approximately 36 square metres which is split up between a garden room and covered decking. The garden room itself measures 3.4 metres by 6 metres and the overall structure will reach a height of 4.7 metres to the ridge. Windows are proposed on the north elevation facing into the garden.
- 39 Having visited the site it was evident that the base for the proposal was already in situ. On the basis of my observations, I consider the area retained after development, which measures approximately 75 square metres, could provide an adequate level of space associated with the accommodation provided. Overall, I do not consider the proposal to be overdevelopment of the plot.

- 40 I have no immediate concerns with the proposal. The location, scale, design and materials of the proposed development are compatible with the host building and surrounding area.

Landscape

- 41 The proposal will have no negative impact on the wider landscape setting as it is set within existing garden ground and relates visually to residential properties.

Residential Amenity

- 42 The juxtaposition of existing residential properties and associated garden ground is such that there is a degree of intervisibility over garden ground. I am content that the development will not exacerbate this and that it can be accommodated without resulting in any significant overlooking or overshadowing to any residential property.
- 43 Objectors have raised concerns that the use of the garden building as storage is excessive and there is a potential change of use due to the Applicant's current business. There is no evidence to suggest this building will be used for business purposes. A condition will be attached to ensure the building is used solely for residential use which is directly associated with the existing residential use of the main dwellinghouse and for no other purpose or use.

Visual Amenity

- 44 I note concerns have been raised in respect of the visual impact of the proposal and the potential for a precedent being set, however, I consider the proposal is in keeping with the character of development in the area. Garden structure are evident throughout the surrounding area and as such the proposal will not set a precedent. The proposed height, position and finishing materials will result in a structure which is in keeping with its surroundings. Glimpse views will be possible from Main Street, however, the proposed building will obscure views of the existing garage. Whilst the proposed development is located within the Conservation Area the use of non-traditional materials is fairly prevalent in this part of the village and encouragingly the proposed dark grey shingles for the roof are an acceptable alternative to slate. Additionally the proposed development would not detrimentally impact the setting of the nearby listed buildings.
- 45 I am satisfied that the proposed design and scale of the proposal is appropriate and has no detrimental impact on the visual amenity of the area. As such the proposal is considered to be in accordance with policies PM1A and B of the LDP.

Roads and Access

- 46 As the proposal is for a domestic garden building associated with the main dwellinghouse it is not expected to generate any additional traffic and as a

consequence would be acceptable in relation to the existing access arrangements.

Drainage and Flooding

- 47 The proposal raises no issues in terms of drainage or flooding matters.

Conservation Considerations

- 48 Policy HE2 and HE3a of the LDP requires the impact of any development on character and setting of a listed building and Conservation Area to be assessed. The proposed development is located an approximate distance of 20 metres away from the nearest listed building (The Forge) and its proposed grey/brown colour will allow it to integrate successfully into its surroundings thereby negating any impact on the setting of adjacent listed buildings. Furthermore, its location will restrict long distance public views from Main Street of the northern gable of the existing garage
- 49 The works proposed are not considered to have an adverse impact on the setting of the Conservation Area and listed buildings. As such I consider the proposal to be consistent with the requirements of Policies HE2 and HE3a of the LDP.

Developer Contributions

- 50 No developer contributions are required in this instance.

Economic Impact

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

LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 54 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and

material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. The development hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the dwellinghouse and shall not be sold, let or occupied separately at any time.

Reason - In order to safeguard the residential amenity of the area.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and

Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4. An application for Building Warrant may be required.

Background Papers: 8 letters of representation
Contact Officer: Gillian Peebles 01738 475330
Date: 05 June 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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