

TCP/11/16(475) – 17/00572/FLL – Formation of vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS

INDEX

- (a) Papers submitted by the Applicant (***Pages 279-300***)
- (b) Decision Notice (***Pages 303-304***)
 - Report of Handling (***Pages 305-312***)
 - Reference Documents (***Pages 287, 293-294 and 313-320***)
- (c) Representations (***Pages 321-330***)

TCP/11/16(475) – 17/00572/FLL – Formation of vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100054605-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Mhairi-Claire"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text" value="Mackie"/>	Address 1 (Street): *	<input type="text" value="Chapel Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Aberfeldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH15 2AS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

21 Chapel Street

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Aberfeldy

Post Code:

PH15 2AS

Please identify/describe the location of the site or sites

Northing

749176

Easting

285614

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Construction of gravel driveway in back garden - access being obtained from lane adjacent to the property using an inward opening gate. Also to remove existing damaged chicken wire boundary fencing as well as dead and damaged existing hedge and replace with 5ft fence panels to provide privacy and prevent the trespassing on my property and adjacent properties by local children jumping the fences.

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> My application was denied due to the visual appearance of the fence proposed, as I live within a conservation area. I was advised that no form of timber fencing and/or panels were allowed within a conservation area. Therefore my application would have to be denied. However upon looking at many many houses within the local area I have found numerous timber fence panels at a much greater height than I proposed. Also the current fence in place is an eyesore thereby giving a worse visual appearance. </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 							
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>							
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. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Supporting statement Various photos of other dwellings with timber fences in place within the conservation area (old and new) Photos of current existing fence Drawing of proposed fence style </div>							
<h3>Application Details</h3> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 5px;">17/00572/FLL</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">31/03/2017</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">05/06/2017</td> </tr> </table>		What is the application reference number? *	17/00572/FLL	What date was the application submitted to the planning authority? *	31/03/2017	What date was the decision issued by the planning authority? *	05/06/2017
What is the application reference number? *	17/00572/FLL						
What date was the application submitted to the planning authority? *	31/03/2017						
What date was the decision issued by the planning authority? *	05/06/2017						

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Miss Mhairi-Claire Mackie

Declaration Date: 06/06/2017

To whom this may concern,

I am writing in regards to the denied planning permission application for 21 Chapel Street, Aberfeldy, PH15 2AS. Within this application I was applying to construct a gravel driveway in the back garden, along with access, and to replace my old damaged chicken wire fencing with that of 5ft panel fencing with trellis levelled via a gravel board. I have been informed that my application has been denied due to the visual appearance of the fence. The officer in charge of my application (Gillian) advised that as Aberfeldy is a conservation area no form of timber fencing or panels was allowed within this area, only that of picket fencing at 1.2m was permitted. She also informed me that the construction of the gravel driveway had been assessed and that would have been granted had it not been applied for in conjunction with the fence and stated I would be allowed to reapply for this alone as well as appeal for the fence decision.

Part of the reason I applied for the new fence is for privacy as I currently get very little with the current fencing I have in place (see attached photos). Secondly children are accessing my garden from the adjacent path by jumping over my fence and then racing through the adjacent gardens. Not only is this a trespassing issue it is also concern that any of the children may trip and hurt themselves, meaning it is a liability issue for myself but more importantly a health and safety issue to the children themselves. A fence such as the previously described low picket fence would not address either of the above issues as I am sure the children would continue their game over this fence and pose an even greater risk to their safety.

On another note on closer inspection of the town (within the confines of the conservation area) there are numerous timber and panelled fences up to 6ft in height in some places. The number of them within the area actually appear too numerous to count, so to say the construction of one on my property would greatly affect the visual appearance of the town is completely false. I have attached photos displaying examples of this fencing in several areas around the town including that of close neighbours, meaning properties within Chapel Street itself, properties in adjacent Burnside and adjacent again Mill Street. One of these fence panels is in fact very similar to the fence style I proposed (image also attached). Other examples include around the local pub, boundary fencing to the local church and that in properties surrounding the doctors' surgery and Dalweem. I have attached photos of all of these to my appeal. If all of these properties can have timber fences and/or panels in place I cannot see a good reason to why my property should be held to a different standard than the rest of the town.

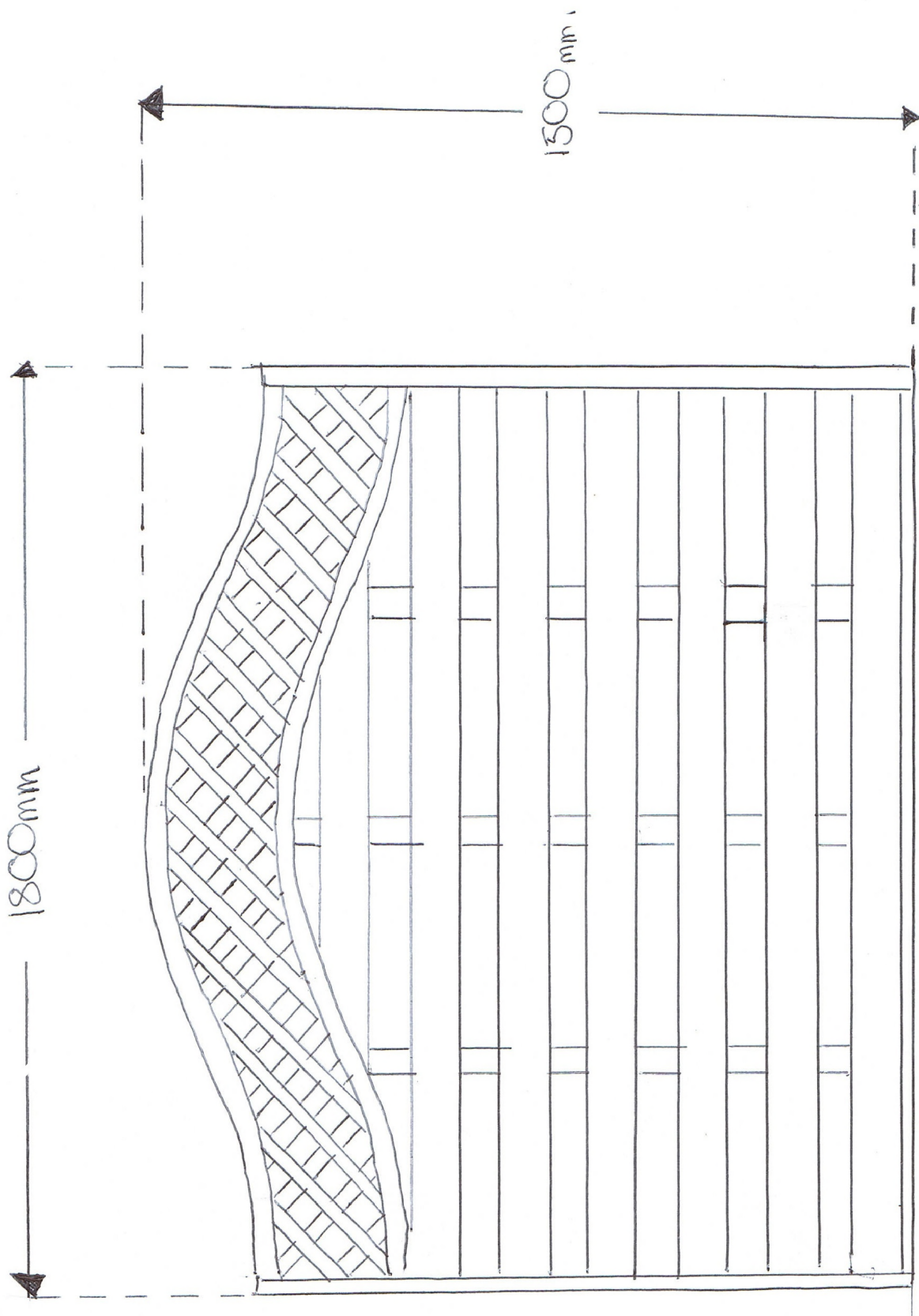
On a final note if the true concern is in fact of visual appearance I return you to the photo of the existing fence in place. It not only is damaged but is an eyesore and its appearance is actually detrimental to the visual appearance of the town.

Thank you for your time and if you have any further queries on the matter then please do not hesitate to contact me.

Yours faithfully

Mhairi-Claire Mackie

Trellis Top Fence Panel Style



























TCP/11/16(475) – 17/00572/FLL – Formation of vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 287 and 293-294)*

PERTH AND KINROSS COUNCIL

Miss Mhairi-Claire Mackie
21 Chapel Street
Aberfeldy
Scotland
PH15 2AS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 2nd June 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00572/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 5th April 2017 for permission for **Formation of vehicular access and erection of fence 21 Chapel Street Aberfeldy PH15 2AS** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the character of the conservation area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies RD1, HE3A, PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
2. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 2014.

Justification

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

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

Plan Reference

17/00572/1

17/00572/2

17/00572/3

17/00572/4

17/00572/5

17/00572/6

17/00572/7

17/00572/8

17/00572/9

17/00572/10

17/00572/11

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/00572/FLL	
Ward No	N4- Highland	
Due Determination Date	04.06.2017	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of vehicular access and erection of fence

LOCATION: 21 Chapel Street Aberfeldy PH15 2AS

SUMMARY:

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

DATE OF SITE VISIT: 27 April 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a flatted property known as 21 Chapel Street, Aberfeldy. The property is also located within the Aberfeldy Conservation Area. The rear garden is fairly generous stretching approximately 38 metres where it bounds a residential property to the west. Its width is approximately 6 metres where it adjoins the neighbouring flats garden ground, to the north. The site is bound to the south by a public lane providing a through route from Chapel Street to Burnside.

Full planning consent is sought for the formation of a vehicle access and parking area at the bottom of the garden and for the erection of a fence and gates on the southern boundary. The existing boundary treatments comprise of a post and wire fencing and hedging.

SITE HISTORY

None recent.

PRE-APPLICATION CONSULTATION

Pre application Reference: 17/00160/PREAPP – advised planning permission was required for both a vehicular access and for the erection of a fence.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Policy 3: Managing TAYplan's Assets

Policy 3 seeks to safeguard townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where

they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable.

Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy HE3A - Conservation Areas

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.

OTHER POLICIES

None.

CONSULTATION RESPONSES

Transport Planning –no objections.

REPRESENTATIONS

One letter of support was received.

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The site is located within the settlement boundary of Aberfeldy where Policies RD1: Residential Areas, Policy PM1A and B: Placemaking and HE3: Conservation Areas are directly applicable.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B is;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Policy HE3 seeks to ensure that proposals protect and enhance the Conservation Area.

It is considered that the proposed development complies with these policies.

Design and Layout

The proposed access will be taken from the southern boundary at the bottom of the garden with the opening proposed 5 metres from the western boundary. A fence is proposed for the first 5 metres which will reach a height of 1.5 metres. The opening measures approximately 5 metres then the fence will continue for a further 28 metres, also to a height of 1.5 metres. The fencing will be timber panels with a decorative trellis finish. No details have been provided as to the proposed colour of the fence and no drawings have been

submitted in respect of the proposed gates mentioned in the supporting statement, therefore, regrettably my assessment excluded the gates. The parking area will accommodate 2 vehicles and be finished with gravel. There are other vehicular accesses present within the immediate vicinity and as such I have no concerns in relation to the proposed access from a planning point of view. The Transport Planner has been consulted and subject to condition no concerns have been raised.

In terms of the fence, the key issue in determining this application is whether the proposed fence would be harmful to the established character and appearance of the Conservation area.

In my view, the proposed fence, despite its well-constructed and tidy appearance is not appropriate in the specific location and at a finished height of 1.5 metres, particularly adjacent to a public lane.

Landscape

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

Residential Amenity

The proposal will have no impact on residential amenity.

Visual Amenity

My preference would have been for the boundary treatment to be more of a soft feature such as a new hedge or planting as opposed to a timber panel fence as the area is generally characterised by hedging, walling and low level fencing. Whilst the rear gardens of surrounding properties are generally open plan, there are some fences which reach an approximate height of 1.8 metres, although these appear to be unauthorised. The existing fencing is in need of maintenance or in fact replacement and the hedging does not contribute significantly to the conservation area due to its poor condition.

The proposed fence would, however, be a prominent feature within the lane and higher than what is generally acceptable on a public frontage and would have a far greater visual impact. The fence would be seen from both Chapel Street and Burnside, although to a lesser extent. Due to its prominence, position and height would significantly alter the north side of the lane. In terms of its height, the applicant may argue that there are surrounding hedges which exceed the height of the proposed fence, however, this is not a justification for approval.

My view is that the proposed fence would appear alien in this environment and would materially harm the prevailing character of the conservation area by substituting hard materials for the soft, natural boundaries which give the lane its distinctive appearance.

The Planning Authority has a duty to enhance and preserve the area. This area of Aberfeldy is primarily characterised by a mixture of boundaries which are generally hedges, trees or low level walls.

Whilst the fence may provide a degree of privacy for the occupants, this is at odds with the surrounding area and is an inherently unattractive feature which will damage the streetscene and character of the conservation area. If approved, this could set a precedent for similar proposals which I feel are unacceptable in this location.

Whilst there is scope to erect a fence in this location, this would need to be a picket style fence to an approximate height of one metre with a hedgerow (or similar) planted to the inside.

Roads and Access

Initially concerns were raised from Transport Planning insofar as the fence immediately next to the access may reduce visibility when egressing from the parking space, however, as the road is technically a through road, the lane is effectively just an access to the side/rear of these properties with cars travelling at walking speed. Although the car coming out will have poor visibility, cars approaching will be able to see.

Drainage and Flooding

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

Developer Contributions

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

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014.

I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the character of the conservation area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies RD1, HE3A, PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
- 2 The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 2014.

Justification

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

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

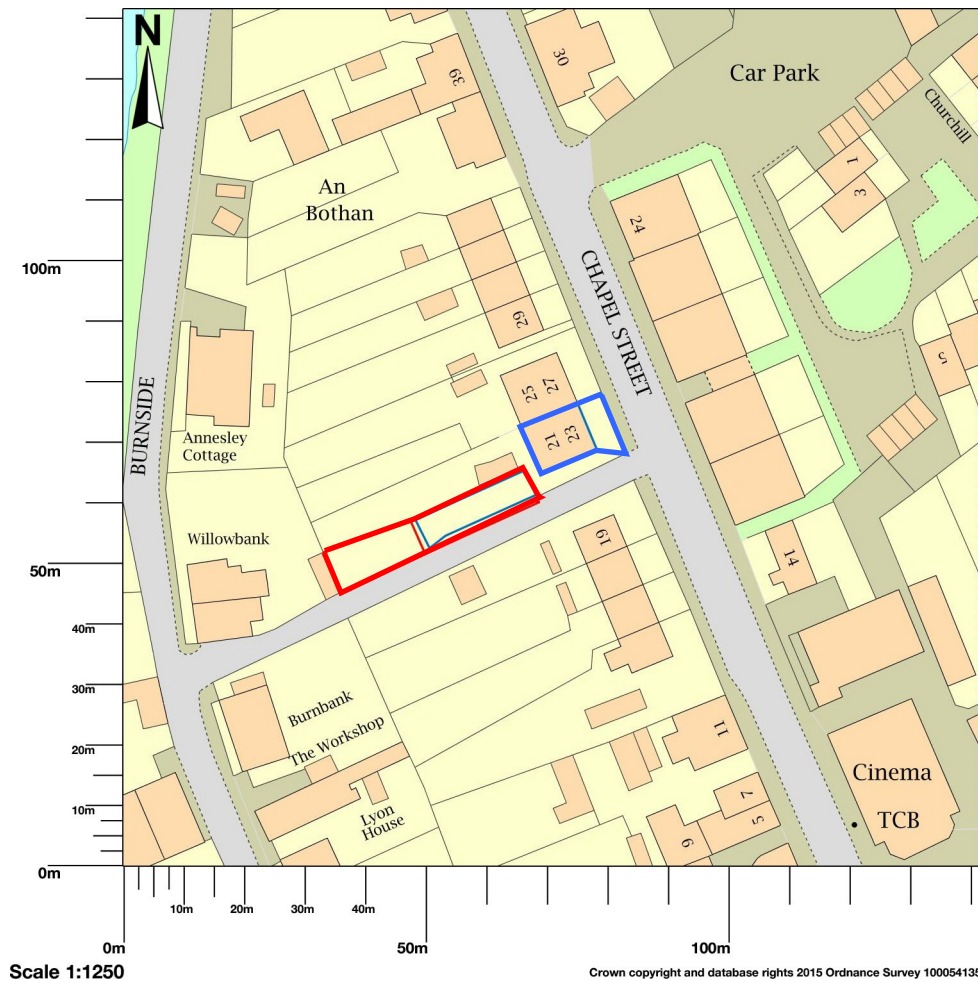
17/00572/1

17/00572/2

17/00572/3
17/00572/4
17/00572/5
17/00572/6
17/00572/7
17/00572/8
17/00572/9
17/00572/10
17/00572/11

Date of Report 2 June 2017

21 Chapel Street, Aberfeldy, PH15 2AS

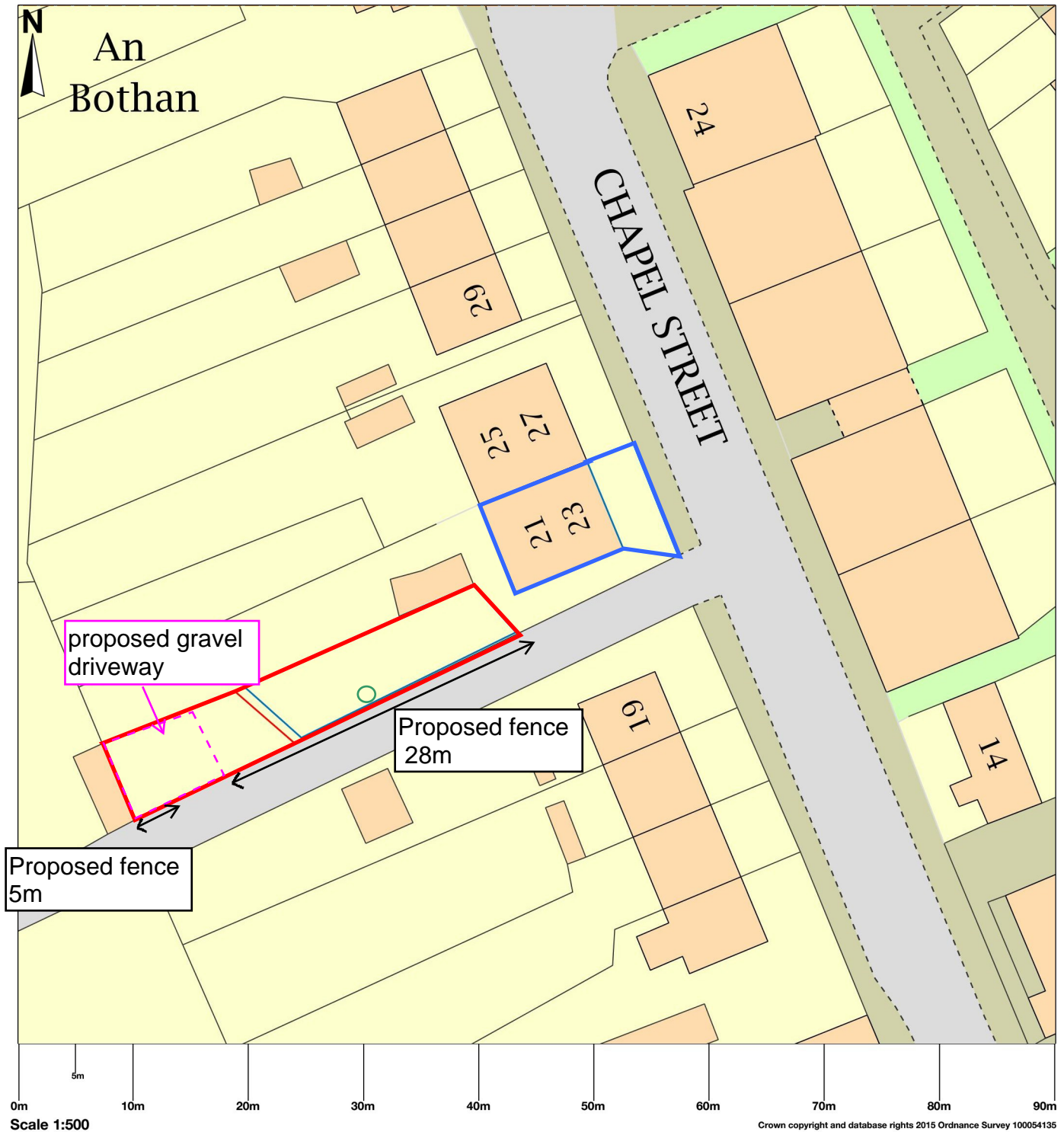


Map shows area bounded by: 285543.28,749105.3,285684.72,749246.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 29 March 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p2b/151392/207573

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2017

21 Chapel Street, Aberfeldy, PH15 2AS



Map area bounded by: 285569.0,749131.0,285659.0,749221.0. Produced on 05 April 2017 from the OS National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b90b/153381/210564



Location of 21 Chapel
Street and proposed
driveway - as indicated by
arrow







318



NEW DRIVEWAY
ACCESS POINT

Supporting Statement for Proposed Works to :

21 Chapel Street, Aberfeldy, PH15 2AS

Primarily I wish to add a double gravel driveway to the back garden of my property – obtaining access from the adjacent lane via an inward opening gate. The reasoning for this is currently no parking facilities exist on the property other than on street parking exist at this time. Chapel Street is one of the busier streets in the town and therefore it can be difficult to locate parking on the street itself at times never mind close to the property itself. On street parking is also beginning to cause damage to my car due to passing traffic or damage to the breaks due to the road being frequently gritted. As demonstrated in the supporting documents 2 precedents for driveway/parking areas already exist in the properties adjacent to my own. Both also obtaining access from the adjacent lane. Note should also be made at this point that the holly tree present on the property will remain in place and untouched.

Secondly I wish to change the boundary fencing of the property. Currently the only protection and privacy my garden has from the adjacent lane is that of a damaged chicken wire fence and a hedge that I have had several contractors view and inform me that it is dead and that will cease to continue to grow (photos also provided). The general style of the open chicken wire fencing provides no privacy within my garden or that of the adjacent neighbours. Due to the style and the low height of the fence currently in place local children are trespassing on both me and my neighbours property jumping the fences from garden to garden and racing back. This is not only a concern from the trespassing aspect but also runs the risk of accidental injury and thereby any liability I may incur as the owner of the property. Lastly the fence and brown dying hedge are if nothing else unsightly and detract from the look of the property as well as giving a generally poor and unkept appearance to that area of the town. My proposal is therefore to remove all existing fencing and hedge from the boundary of the property (existing Holly tree to remain untouched) and replace with more robust and pleasant appearing 5ft fence panels with wave trellis design present on the upper portion of the panel (drawing of style also attached). Again prior precedent for higher boundary fencing exists with neighbouring properties having hedges present over 5.5ft tall adjacent to the same lane in question.

TCP/11/16(475) – 17/00572/FLL – Formation of vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS

REPRESENTATIONS

Claire Fletcher

From: matthew walker [REDACTED]
Sent: 18 April 2017 12:08
To: Development Management - Generic Email Account
Subject: Planning ref. 17/00572/FLL

Dear sir/madam

With reference to planning application reference 17/00572/FLL

I wish to give comment on the above application. I fully support this application. It will be beneficial to my property and privacy. It will also benefit the aesthetic of the area.

Your sincerely,

Matthew Walker
23 Chapel Street
Aberfeldy
PH15 2AS

[REDACTED]



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00572/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	<div style="border: 1px solid black; height: 15px; width: 50px; background-color: black;"></div>
Description of Proposal	Formation of vehicular access and erection of fence		
Address of site	21 Chapel Street Aberfeldy PH15 2AS		
Comments on the proposal	Insofar as the Roads matters are concerned I do not object to the proposed development.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	31 May 2017		

Matthew Walker
23 chapel St
Aberfeldy

Regarding planning application 17/00987/FLL

In support of the planning application referred to above and the appeal which is currently in progress, I wish to make the following points regarding the initial refusal of permission for the development to go ahead.

Firstly, the planning officer responsible states the following in her report;

“The site is located within the settlement boundary of Aberfeldy where Policies RD1: Residential Areas, Policy PM1A and B: Placemaking and HE3: Conservation Areas are directly applicable.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B is;

(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Policy HE3 seeks to ensure that proposals protect and enhance the Conservation Area.

It is considered that the proposed development complies with these policies.”

So clearly, the proposed development meets all planning requirements. However, it would appear that the planning officer has made a personal decision to overrule her own evaluation, on what appear to be contradictory and incorrect grounds.

Secondly, the planning officer states that there are other developments in the immediate area which are of greater height but may be unauthorized. This is incorrect. There are numerous fencing developments, larger in height and length, which are in the immediate area, some of which have been council built, including areas of fencing which are clearly visible from several points on chapel Street and other adjacent streets and public areas. Also, the planning officer questions the colour of the fence, however even a cursory viewing of the many fences in the immediate area would see that they are a mix of unpainted wood and painted wood of many colours, indeed there are no two fences the same in design, colour or size.

Thirdly, the planning officer is dismissive of any privacy concerns of the residents of the five properties which are currently fully open to public view. She appears to suggest that the residents of the five properties which currently are without such privacy have no such entitlement. I wish to point out that such an approach is in direct contradiction to Scottish privacy laws as determined by EU statutes regarding privacy and the right to a family life.

CHX Planning Local Review Body - Generic Email Account

From: Mhairi-Claire Mackie [REDACTED]
Sent: 05 July 2017 15:25
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16/475

Hello,

In response to the below email. I do not wish to comment further on the representation attached and wish to go ahead with the application being accessed on 25th July. Could you please email back upon receipt of this email to confirm the acknowledgement of my statement and assessment date remaining in July.

Regards

Mhairi-Claire Mackie

Sent from my iPhone

On 4 Jul 2017, at 11:25, CHX Planning Local Review Body - Generic Email Account <PlanningLRB@pkc.gov.uk> wrote:

Dear Miss Mackie,

I refer to the letter you received on **30 June 2017** from us by email and would apologise as that letter stated that no further representation had been received by any interested parties to your Notice of Review. One further representation has been received from an interested party, and you are entitled to make any comment on the representation to the Local Review Body, if you wish. The representation and any comment you make will be placed before the Local Review Body. I have attached that representation to this email.

Ordinarily you would be given 2 weeks to make comment from when we send the further representation to you, which would be **18 July 2017**. However, if you still wish for the application to be considered by the Local Review Body at its next meeting on 25 July 2017, I would be grateful if you could either make comment or confirm you do not wish to make comment by **13 July 2017** as the papers for the meeting will be issued on 14 July 2017. If you can't make that deadline, the application will be considered at the August meeting of the Local Review Body.

I hope that's clear but please don't hesitate to get back to me if you have any further queries.

Kind regards,
Heledd

Heledd Rheinallt
Committee Officer | Corporate and Democratic Services
Perth and Kinross Council, 2 High Street, Perth, PH1 5PH

