LRB-2022-18 22/00345/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross

INDEX

- (a) Papers submitted by the Applicant (Pages 67-112)
- (b) Decision Notice (Pages 79-80)
 Report of Handling (Pages 81-88)
 Reference Documents (Pages 97-105)
- (c) Representations (Pages 111 and 115-122)



LRB-2022-18
22/00345/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross

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

100538706-002

Is the applicant an individual or an organisation/corporate entity? *

Individual ☐ Organisation/Corporate entity

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 Applicant					
Agent Details	Agent Details				
Please enter Agent details	S				
Company/Organisation:	Andrew Megginson Architecture				
Ref. Number:		You must enter a B	uilding Name or Number, or both: *		
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture		
Last Name: *	Megginson	Building Number:			
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street		
Extension Number:		Address 2:	New Town		
Mobile Number:		Town/City: *	Edinburgh		
Fax Number:		Country: *	Scotland		
		Postcode: *	EH3 5DQ		
Email Address: *	andrew@andrewmegginsonarchitecture.c	com			

Applicant De	etails		
Please enter Applicant	details		
Title:	Other	You must enter a Bu	uilding Name or Number, or both: *
Other Title:	Mr./ Mrs.	Building Name:	
First Name: *	Derek	Building Number:	51
Last Name: *	Reid	Address 1 (Street): *	Muirs
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 8AU
Fax Number:			
Email Address: *	reid2849@gmail.com		
Site Address	s Details		
Planning Authority:	Perth and Kinross Council		
Full postal address of th	ne site (including postcode where available	e):	
Address 1:	51 MUIRS		
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	KINROSS		
Post Code:	KY13 8AU		
Please identify/describe	the location of the site or sites		
Northing	702991	Easting	311698

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)
Extension to dwellinghouse and formation of roof terrace
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? *
Refusal Notice. Grant of permission with Conditions imposed. No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review You must state in full, why you are a 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) 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. 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. See review statement
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 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)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the Existing and proposed plans, application form, design statement, review statement, location supporting comment from St. Paul's Church, decision notice and handling report.	ne process: * (Max 500 c	haracters)	
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00345/FLL		
What date was the application submitted to the planning authority? *	25/02/2022		
What date was the decision issued by the planning authority? *	22/04/2022		
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. * Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures. Please select a further procedure * By means of inspection of the land to which the review relates Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters) To fully understand the site and context in relation to the proposals.			
In the event that the Local Review Body appointed to consider your application decides to in Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? *		Yes 🗌 No	

Checklist – App	lication for Notice of Review	
	Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Fato 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 a review? *	and reference number of the application which is the subject of this	⊠ Yes □ No
,	n behalf of the applicant, have you provided details of your name thether any notice or correspondence required in connection with the or the applicant? *	Yes □ No □ N/A
	ent setting out your reasons for requiring a review and by what 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 revie 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.		o add to your statement of review
	ocuments, material and evidence which you intend to rely on ich are now the subject of this review *	⊠ Yes □ No
planning condition or where it	es to a further application e.g. renewal of planning permission or modifice trelates to an application for approval of matters specified in conditions, approved plans and decision notice (if any) from the earlier consent.	
Declare - Notice	e of Review	
I/We the applicant/agent certi	fy that this is an application for review on the grounds stated.	
Declaration Name:	Mr Andrew Megginson	
Declaration Date:	08/05/2022	

Perth and Kinross Council Planning Department have concluded that the application proposals are unsympathetic to the existing house resulting in an adverse impact on the visual amenity of the house and area, whilst also having an adverse impact on the amenity of curtilage to of the adjacent church. We firmly refute these findings and feel these conclusions are inaccurate and subjective with our conclusion as per the below.







As shown above the applicant has revamped and renovated the house significantly to a more contemporary standard that has dramatically and positively altered the visual amenity to the street. The finishes and style are completely modern with a flat roofed element protruding to the front. It can be concluded that a contemporary flat roofed extension to the rear would be in keeping with the existing house and ultimately the area.

The planning officer has noted that the extension is of a "wrap-around design", this is inaccurate as the proposals are fully to the rear of the property and do not wrap around the side of the house. The planning officer also notes that the height is excessive, again this is not the case as we have chosen to utilise a design with a flat roof to not only tie in with the existing features and architectural language of the house but to specifically keep the height of the two-storey part as low as possible. A two storey extension would protrude above the eaves of the house regardless of its form due to the nature of how the existing roof sits to the dwelling however this does not detrimentally affect the proportions of the house. The proposals shown are the lowest option to achieve a two storey extension.

It should be noted that the conservation planner who has evaluated the proposals effect on the setting of the church which forms the boundary between the application site on two orientations had no objections, concluding that the proposals would have no impact on the setting of the adjacent listed buildings and thus the area. As noted within the design statement the inclusion of a double storey flat roofed extension to the Muirs Inn, although not of great architectural detail, exists and forms part of the area. We are also in the process of submitting the building warrant for the

approved extension to the rugby club at the rear of the application site which features a large two storey extension incorporating a roof terrace.

The below precedents show similar designs by which a mixture of a contemporary style two storey and single storey extension have been appropriately formed to a pitched roof dwelling. The first image is a proposal by AMA that was approved by Edinburgh Council which formed a flat roofed two storey extension alongside a single storey extension that would be utilised partly as a roof terrace.



We consulted Perth and Kinross Council with regard to the terrace area in relation to the surrounding commercial properties prior to the submission of the application in a general approach as there is no specific guidance with regard to amenity between residential and commercial properties. Upon discussing the design principle with another planning officer they concluded that;

"I would concur that those privacy aspects as described would likely be acceptable on the basis that they would be intermittent and relative to a small area of commercial property whereby a lesser standard of overall privacy could be accepted or required. The above should be demonstrated in any application in terms of design or supporting statement. Steps still need to be taken to minimise any impacts as much as possible." (see correspondence submitted as part of the review).

Further to this and in line with taking steps to minimise the impacts as much as possible the applicant has proactively discussed the proposals with the church to mitigate any amenity concerns associated with overlooking. The applicant and AMA provided revised plans to the church following some initial concerns to which following internal discussions of interested and relevant parties associated within the church noted support for the application proposals stating;

"As originally proposed the development came right to the boundary between the ground currently forming the garden of 51 Muirs and the Church's garden. ... It would have formed ... a very considerable intrusion on the privacy and tranquility of the church's ground and the church vestry would have objected to the application. However, following discussions with the applicants, we have seen the modified plan (1416-PL-02 B) submitted to you this morning. Under this plan we understand that no part of the proposed extension will come within 1 metre of the boundary and the edge of the roof terrace with its glass panel surround will be at least half a metre back from the edge of the building, making the roof terrace at least one and a half metres in total from the boundary. This makes the proposal less intrusive and allows the existing beech hedge to be preserved as important screening. We therefore have no objection to permission being granted on the basis of the modified plan."

We conclude that the planning officer noting that the terrace area would detrimental to the adjacent curtilage against the views of the curtilage owner, another planning officer, the applicant and ourselves is completely subjective and should be dismissed.

Further to the above, we feel that the planning officer not visiting the site and noting within his handling report that mapping databases and Street View provided him with adequate information to interpret and appraise the site is in no way accurate. Street View does not provide views to the rear of the application where the proposed works are located firstly. The lack of a site visit is considered to be prejudicial to a fair and comprehensive assessment of the application site, as the features of the site and that of the surrounding properties and land cannot be appreciated fully in 2 dimensions, nor can the physical relationship be appreciated between the site and it's wider context and character.

In conclusion we feel the development is appropriate to the existing dwelling and surrounding area and that no amenity will be detrimentally affected in the area particularly the adjacent church curtilage. We respectfully ask that the Local Review Body agree with this and conclude that the development is acceptable under the Local Development Plan.



Mr And Mrs D Reid c/o Andrew Megginson Architecture Andrew Megginson Andrew Megginson Architecture 128 Dundas Street New Town Edinburgh EH3 5DQ Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date of Notice: 22nd April 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: 22/00345/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland)
Acts currently in force, to refuse your application registered on 2nd March 2022 for Planning
Permission for Extension to dwellinghouse and formation of roof terrace 51 Muirs
Kinross KY13 8AU

David Littlejohn Head of Planning and Development

Reasons for Refusal

- 1. The proposed two-storey extension, by way of its excessive height and unsympathetic flat-roofed, wrap-around design, would have a jarring effect which has an adverse impact on the visual amenity of the house and surrounding area.
 - Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
- 2. The proposed rooftop terrace, by virtue of its elevated location and close proximity to the boundaries, would have an imposing and detrimental impact on the amenity of the area and the adjacent church memorial garden and area of contemplation.
 - Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that external terraces are appropriately located in order to respect the character and amenity of the place.

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

Plan Reference 01 02 04 06 07

80

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00345/FLL	22/00345/FLL	
Ward No	P8- Kinross-shire		
Due Determination Date	1st May 2022		
Draft Report Date	21st April 2022		
Report Issued by	KS	Date 21st April 2022	

PROPOSAL: Extension to dwellinghouse and formation

of roof terrace

LOCATION: 51 Muirs Kinross KY13 8AU

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, satellite and StreetView imagery, 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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

51 Muirs is a two-storey detached dwellinghouse which is located on a main route through Kinross. This application seeks detailed planning permission for the erection of a two-storey, flat-roofed extension on the rear (east) elevation, which would wrap around the side (north) elevation. A further single storey, flat-roofed extension with an external rooftop terrace and glazed balustrade is also proposed to the rear (east).

SITE PHOTOGRAPHS



Aerial image



StreetView (house frontage from SW)





StreetView (house frontage from NW) Modernised materials pallete (agent's photo)



Rear of house (from SE)



Rear of house (looking S to Muirs Inn)

SITE HISTORY

21/00118/ALUNDV

Enforcement interest Erection of a shed and fence in the front garden

PRE-APPLICATION CONSULTATION

Pre application Reference: Not Applicable.

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.

Scottish Planning Policy (2014) Listed Buildings (paragraph 141) states that;

"Where planning permission [is] sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

The layout, design, materials, scale, siting and use of any development which will affect a listed building should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting".

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 + 1B: Placemaking Policy 17: Residential Areas Policy 27A: Listed Buildings

OTHER POLICIES AND GUIDANCE

Perth & Kinross Council's Placemaking Guide 2020, states that:

"Extensions should respect the shape, scale and proportions of the existing building... If the plot and original building can accommodate it, then a two storey extension may receive planning permission providing the design is satisfactory and there is no unacceptable loss of sunlight, daylight or privacy to adjoining properties

Overlooking.

Balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbouring houses and gardens or raise safety concerns.

Balconies, roof terraces and decking.

Generally, balconies and roof terraces should avoid:

- Being located too close to boundaries.
- Overlooking neighbouring properties.
- Dominating or detracting from the appearance of the house.
- Over-dominant lighting that adversely impacts on neighbours".

CONSULTATION RESPONSES

Scottish Water

No objections – informative note recommended on any approval.

Edinburgh Airport Ltd *No objections.*

INTERNAL COMMENTS

Conservation Planner No objections.

REPRESENTATIONS

The following points were raised in the 1 representation received:

The introduction of a raised external roof terrace would overlook the adjacent churches' memorial garden/area of contemplation within close proximity, creating a dominating effect. However, these concerns have been partially resolved through the submission of revised drawings which keep the first-floor terrace 1.4 metres back from the boundary and retain the boundary hedge, which results in a less intrusive appearance.

ADDITIONAL STATEMENTS

Screening Opinion	Not Applicable
Environmental Impact Assessment (EIA):	Not Applicable
Environmental Report	
Appropriate Assessment	Habitats Regulations –
	AA Not Required
Design Statement or Design and Access	Submitted
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.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed development, within the context of the application site, and whether it would have an adverse impact upon amenity or the setting of the adjacent listed buildings.

Design and Layout

51 Muirs is a two-storey detached dwellinghouse which is located on a main route through Kinross. This application seeks detailed planning permission for the erection of a two-storey, flat-roofed extension on the rear (east) elevation, which would wrap around the side (north) elevation. A further single storey, flat-roofed extension with an external rooftop terrace and glazed balustrade is also proposed to the rear (east). The application drawings were revised throughout the course of the application to reduce the projection of the extension and to keep it off the eastern boundary slightly.

Amenity

The proposed two-storey, flat-roofed extension wraps from the rear elevation around to the side elevation in an unsympathetic manner. The visual impact of its unsympathetic design would be exacerbated by its height, which exceeds the eaves level of the existing house. The resulting two-storey extension is not in-keeping with the design or proportions of the existing house, and it would have a jarring effect which has an adverse impact on the visual amenity of the house and surrounding area.

The proposed extension is also located within close proximity to the property boundary. There are no directly adjacent residential properties which would be adversely affected. However, the rooftop terrace would nevertheless have an imposing impact on its surroundings, to the detriment of the amenity of the area and the adjacent church memorial garden and area of contemplation.

Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17 of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.

It is acknowledged that there is an unfortunate, historic flat-roofed extension to the rear of the Muirs Inn, adjacent to the application site. However, its presence is not seen as sufficient justification for replicating a similarly unsympathetic development in a more prominent location.

Conservation Considerations

Although the proposal raises concerns in relation to its design, proportions and impact upon surrounding amenity, it is sufficiently offset and partially screened from the adjacent listed buildings. Accordingly, it has not raised an objection from the Council's Conservation Planner in relation to having an adverse impact on the setting of the listed buildings.

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.

Reasons

- The proposed two-storey extension, by way of its excessive height and unsympathetic flat-roofed, wrap-around design, would have a jarring effect which has an adverse impact on the visual amenity of the house and surrounding area.
 - Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
- The proposed rooftop terrace, by virtue of its elevated location and close proximity to the boundaries, would have an imposing and detrimental impact on the amenity of the area and the adjacent church memorial garden and area of contemplation.
 - Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that external terraces are appropriately located in order to respect the character and amenity of the place.

Justification

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

Informative Notes

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION



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

100538706-001

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.

your form is validated. Please quote this reference if you need to contact the planning Authority abou	ut this application.
Type of Application	
What is this application for? Please select one of the following: *	
Application for planning permission (including changes of use and surface mineral working).	
Application for planning permission in principle.	
Further application, (including renewal of planning permission, modification, variation or remova	al of a planning condition etc)
Application for Approval of Matters specified in conditions.	
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Alterations and extension to dwelling.	
Is this a temporary permission? *	☐ Yes ☒ No
If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) *	☐ Yes ☒ No
Has the work already been started and/or completed? *	
No Yes – Started Yes - Completed	
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

Agent Details				
Please enter Agent details				
Company/Organisation:	Andrew Megginson Architecture			
Ref. Number:		You must enter a Bu	ilding Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture	
Last Name: *	Megginson	Building Number:		
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street	
Extension Number:		Address 2:	New Town	
Mobile Number:		Town/City: *	Edinburgh	
Fax Number:		Country: *	Scotland	
		Postcode: *	EH3 5DQ	
Email Address: *	andrew@andrewmegginsonarchitecture.com			
Is the applicant an individual or an organisation/corporate entity? * Individual Organisation/Corporate entity				
Applicant Det	ails			
Please enter Applicant de	etails	1		
Title:	Other	You must enter a Bu	ilding Name or Number, or both: *	
Other Title:	Mr/ Mrs	Building Name:		
First Name: *	D	Building Number:	51	
Last Name: *	Reid	Address 1 (Street): *	Muirs	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Kinross	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	KY13 8AU	
Fax Number:				
Email Address: *	reid2849@gmail.com			

Site Address D)etails				
Planning Authority:	Perth and Kinross Council				
Full postal address of the s	ite (including postcode where available):		_		
Address 1:	51 MUIRS				
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:	KINROSS				
Post Code:	KY13 8AU				
Please identify/describe the	e location of the site or sites				
Northing 70	02991	Easting	311698		
	Pre-Application Discussion Have you discussed your proposal with the planning authority? *				
Pre-Applicatio	n Discussion Details C	ont.			
In what format was the feedback given? * Meeting Telephone Letter Email Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)					
l	ght/ daylight and privacy policy with regard submitted as part of the application.	I to residential to commer	cial to which the duty planning officer		
Title:	Mr	Other title:			
First Name:	Jamie	Last Name:	Torrance		
Correspondence Reference Number:		Date (dd/mm/yyyy):	16/02/2022		
	ement involves setting out the key stages in from whom and setting timescales for the				

Site Area			
Please state the site area:	389.00		
Please state the measurement type used:	Hectares (ha) Square Metres (sq.m)		
Existing Use			
Please describe the current or most recent use: *	(Max 500 characters)		
Residential			
Access and Parking			
Are you proposing a new altered vehicle access to	o or from a public road? *	☐ Yes ☒ No	
	s the position of any existing. Altered or new access ping footpaths and note if there will be any impact on t		
you propose to make. You should also show exist	ing loopaths and note if there will be any impact on t		
Are you proposing any change to public paths, pu	blic rights of way or affecting any public right of acces	ss? * Yes 🗵 No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.			
arrangements for continuing of alternative public a	access.		
How many vehicle parking spaces (garaging and stite?	open parking) currently exist on the application	2	
How many vehicle parking spaces (garaging and of total of existing and any new spaces or a reduced		2	
Please show on your drawings the position of exis types of vehicles (e.g. parking for disabled people	ting and proposed parking spaces and identify if thes, coaches, HGV vehicles, cycles spaces).	se are for the use of particular	
Water Supply and Drainage	e Arrangements		
	_	☑ □	
Will your proposal require new or altered water su	pply or drainage arrangements? *	⊠ Yes □ No	
Are you proposing to connect to the public drainage	ge network (eg. to an existing sewer)? *		
Yes – connecting to public drainage network			
No – proposing to make private drainage arra	•		
Not Applicable – only arrangements for water	supply required		
Do your proposals make provision for sustainable (e.g. SUDS arrangements) *	drainage of surface water?? *	☐ Yes ☒ No	
Note:-			
Please include details of SUDS arrangements on	your plans		
Selecting 'No' to the above question means that y	ou could be in breach of Environmental legislation.		

Are you proposing to connect to the public water supply network? *
│
No connection required
If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).
Assessment of Flood Risk
Is the site within an area of known risk of flooding? *
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.
Do you think your proposal may increase the flood risk elsewhere? *
Trees
Are there any trees on or adjacent to the application site? *
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.
Waste Storage and Collection
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *
If Yes or No, please provide further details: * (Max 500 characters)
Provision as existing.
Residential Units Including Conversion
Does your proposal include new or additional houses and/or flats? *
All Types of Non Housing Development – Proposed New Floorspace
Does your proposal alter or create non-residential floorspace? *
Schedule 3 Development
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.
Planning Service Employee/Elected Member Interest
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an Yes No elected member of the planning authority? *

Certificates and Notices			
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013			
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.			
Are you/the applicant the sole owner of ALL the land? *		X Yes □ No	
Is any of the land	part of an agricultural holding? *	☐ Yes ☒ No	
Certificate Required			
The following Land Ownership Certificate is required to complete this section of the proposal:			
Certificate A			
Land Ownership Certificate			
Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013			
Certificate A			
I hereby certify that —			
(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.			
(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding			
Signed:	Andrew Megginson		
On behalf of:	Mr/ Mrs D Reid		
Date:	24/02/2022		
	☑ Please tick here to certify this Certificate. *		
Checklist	 Application for Planning Permission 		
Town and Country Planning (Scotland) Act 1997			
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013			
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.			
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? * Yes No No Not applicable to this application			
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? * Yes \Bigcup No \Bigcup Not applicable to this application			
c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? * Yes No Not applicable to this application			

Town and Country Planning (Scotland) Act 1997		
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013		
d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? * Yes No Not applicable to this application		
e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? * Yes No Not applicable to this application		
f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? * Yes No Not applicable to this application		
g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:		
X Site Layout Plan or Block plan. X Elevations. X Floor plans. Cross sections. X X Roof plan. Master Plan/Framework Plan. Landscape plan. Photographs and/or photomontages. Other.		
If Other, please specify: * (Max 500 characters)		
Provide copies of the following documents if applicable:		
A copy of an Environmental Statement.* A Design Statement or Design and Access Statement. * A Flood Risk Assessment. * A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Drainage/SUDS layout. * A Transport Assessment or Travel Plan Contaminated Land Assessment. * Habitat Survey. * A Processing Agreement. * Other Statements (please specify). (Max 500 characters)		

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 24/02/2022

Payment Details

Pay Direct

Created: 24/02/2022 16:00

Alterations and Extension to 51 Muirs, Kinross Mr. & Mrs. Reid

DESIGN STATEMENT



1.1 This Design Statement has been prepared on behalf of Mr. & Mrs. Reid in support of a planning application for alterations and extension to their dwelling at 51 Muirs in Kinross. The house has been renovated recently both internally and externally with the external renovations contributing positively to the public street. See below photo of the front of the property.



- 1.2 The proposals seek to extend the house to provide the family more space both for a better living environment and for functional reasons through a modern flat roofed part single storey and part double storey extension to the rear. The single storey extension will create a large open plan living space with great connection to the garden and also form a more intimate snug to the front of the house. The open plan part will be for when the family comes together and for entertaining guests. The snug is aimed at creating a flexibly used separate sitting space. To the first floor a bedroom is extended to create a good sized principal bedroom that will contain separate sanitary and more specifically shower facilities which will help the family very well functionally to this regard. The double storey extension part is kept as tight to the house as possible. To the flat roof from the bedroom a roof terrace is added. See photo below of the rear of the house.
- 1.3 Externally the flat roof is used to keep the proposals low and provide the extension a contemporary look which will tie in with the entrance hall at the front of the property. Although slightly aged, the extension to the Muirs Inn (see last photo within design statement) to which the application property garden faces is used as a precedent with regard to the existence of a mix of pitched and flat roofs in the immediate



area. A flat roof extension with terrace has also gained permission to the pavilion of the Kinross Rugby Club nearby showing that this form of extension is appropriate to the area.



1.4 As can be seen from the site plan, the dwelling is surrounded by commercial properties. The Muirs Inn to the south, the church hall and Broke Not Broken building to the north and the garden ground of the Broke Not Broken building and car park area for the Kinross Rugby Club thereafter. The nature of the proposals being largely single storey with the double storey part being kept tight to the existing house means that no detrimental daylight/ sunlight issues will be formed to the commercial properties. The two storey part is also informed by the east elevation, in terms of building line, of the church hall where it will utilise this building to help screen the development. The Broke Not Broken building is used as a food bank where the garden ground is used as a commercial garden for growing produce to support the food bank. As per the correspondence submitted as part of this application which we have gathered as there is no specific policy with regard to overlooking/ privacy issues from residential to commercial properties, we have been advised by the duty planning officer that the privacy aspects would likely be accepted with the fact that the roof terrace will not be intensively used, with use being very much intermittent, and a lesser standard of overall privacy to the commercial property being accepted/ required.



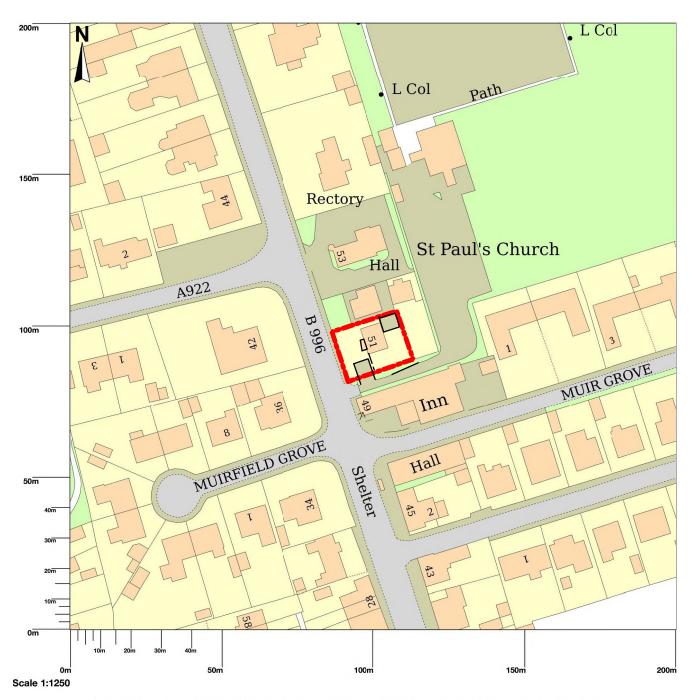
1.5 We feel our proposals are appropriate to the dwelling and area, raise no daylight/ sunlight or privacy issues to the surrounding commercial properties and will benefit the family greatly. We respectfully ask that Perth and Kinross Council approve this application.







51 Muirs, Kinross, KY13 8AU

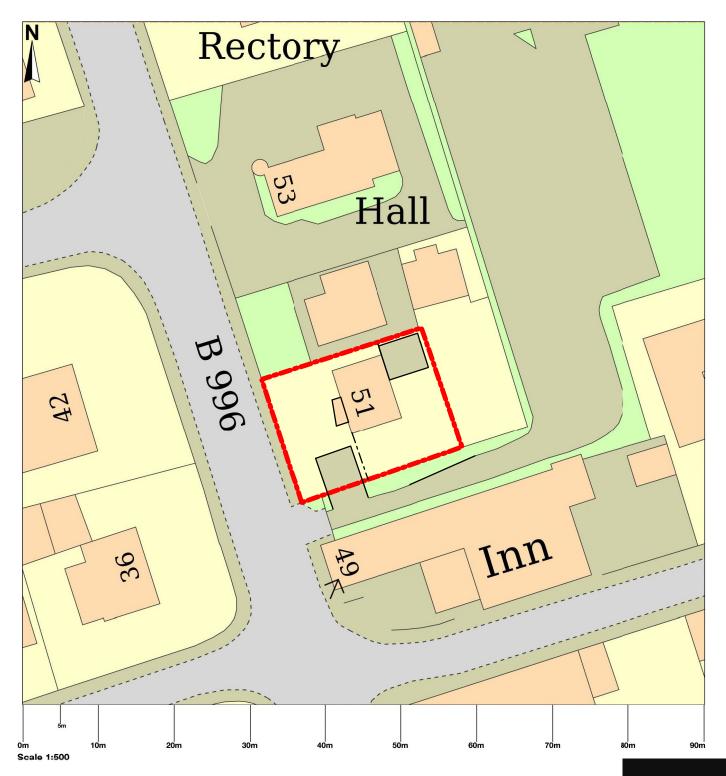


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51 Muirs, Kinross, KY13 8AU

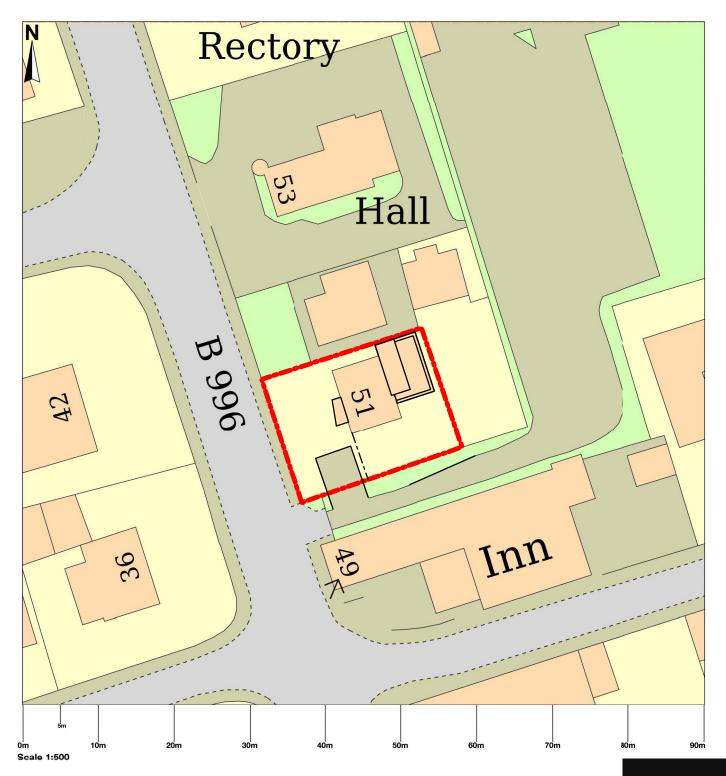


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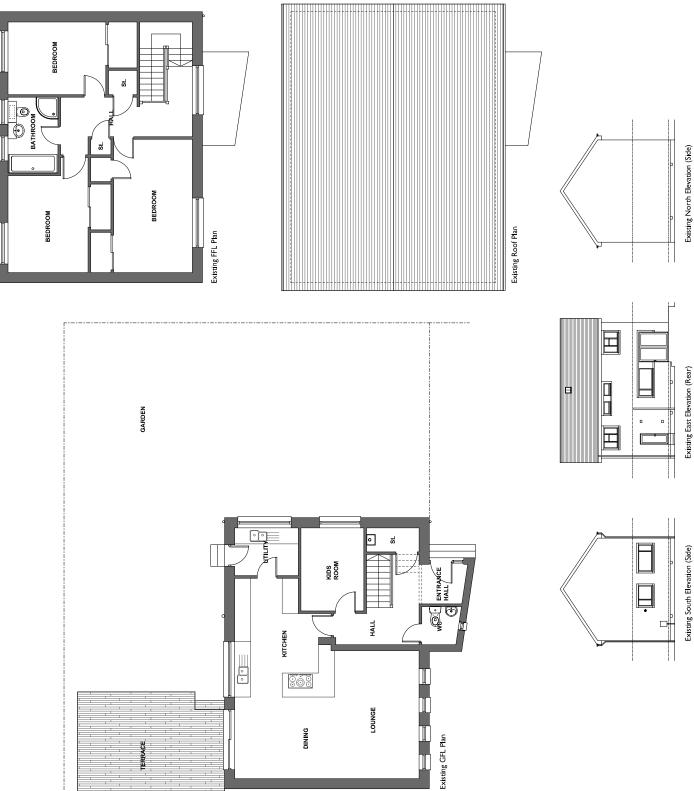


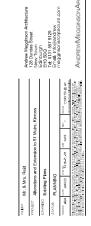
51 Muirs, Kinross, KY13 8AU

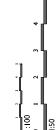


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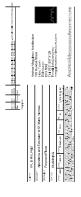












Andrew Megginson

From: Jamie Torrance

Sent: 16 February 2022 14:44
To: Andrew Megginson

Subject: RE: Privacy/ Overlooking Query

Hi Andrew

My apologies – whilst I have not seen the site and therefore have to put a caveat on my response I would concur that those privacy aspects as described would likely be acceptable on the basis that they would be intermittent and relative to a small area of commercial property whereby a lesser standard of overall privacy could be accepted or required.

The above should be demonstrated in any application in terms of design or supporting statement. Steps still need to be taken to minimise any impacts as much as possible.

I hope this is of help.

Thanks Jamie

From: Andrew Megginson <Andrew@andrewmegginsonarchitecture.com>

Sent: 15 February 2022 17:37

To: Jamie Torrance <JTorrance@pkc.gov.uk> **Subject:** RE: Privacy/ Overlooking Query

Dear Jamie,

Can you please come back to me on the privacy query below?

Kind regards,
Andrew Megginson BSc, MArch
Director
Andrew Megginson Architecture
Web www.andrewmegginsonarchitecture.com
Tel 0131 557 9129
Mob 07583 404 422



From: Andrew Megginson
Sent: 07 February 2022 17:27

To: Jamie Torrance

Subject: RE: Privacy/ Overlooking Query

Thanks Jamie,

I feel that we could adequately demonstrate that there would be no detrimental loss of sunlight to the garden through a sunlight study however we are more interested on the privacy aspect on this. I doubt that there would be intense use of the garden and that any use would simply be through a commercial capacity of cultivating and harvesting.

I realise that without seeing proposals it may be hard to provide a direct answer but anything general would be appreciated.

Kind regards,
Andrew Megginson BSc, MArch
Director
Andrew Megginson Architecture
Web www.andrewmegginsonarchitecture.com
Tel 0131 557 9129
Mob 07583 404 422



From: Jamie Torrance

Sent: 07 February 2022 12:06

To: Andrew Megginson < Andrew@andrewmegginsonarchitecture.com>

Subject: RE: Privacy/ Overlooking Query

Good Morning Andrew

I refer to your enquiry from last week which has been forwarded onto me to assist with.

In response I would refer you initially our technical guidance on "placemaking" which can be found on the Council's website at Local Development Plan - Supplementary Guidance - Perth & Kinross Council (pkc.gov.uk)

Technical guidance on daylighting assessment should be referred to the BRE 1991 standards "site Layout for planning for sunlight an daylight".

As a general principle good design is always encouraged at the outset to seek to minimise of avoid any impacts – irrespective of who the neighbour is. However, where a householder development may impact a commercial property, there is and can be more opportunity for discretion in assessing any such application. In this particular example I am concerned regarding your comments on daylight encroachment noting that this premise is used as a food bank and has a garden to support this activity - whereby daylight is obviously of particular importance. It appears from your description that this example of not a typical normal situation and as such I consider the impacts on this community garden would need further review in order to be disregarded. Whilst this can be done through a planning application I would encourage the submission of a formal pre application enquiry in this case in order that those impact can be considered at an early stage. This would allow the opportunity for photos and any design comments/consideration to be assessed.

Pre application enquiries can be submitted online.

Please contact me if you have any questions.

Regards

Jamie Torrance

Planning Officer (Major Applications & Enforcement)
Development Management, Planning & Development

Perth and Kinross Council | Pullar House | 35 Kinoull Street | Perth | PH1 5GD



Please note I am currently working remotely and am best contacted by email

From: Andrew Megginson < Andrew@andrewmegginsonarchitecture.com >

Sent: 03 February 2022 09:38

To: Development Management < <u>DevelopmentManagement@pkc.gov.uk</u>>

Subject: Privacy/ Overlooking Query

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.

Good morning Sir or Madam,

I was wondering if you could help with a query. A client of mine is looking to form an extension to their house where we are proposing a roof terrace. The extension is on the boundary with a commercial property which acts as a food bank where they have some external area they use as a commercial garden for growing produce to support the food bank.

What are the general rules/ principles with regard to overlooking/ privacy from a residential property to a commercial property of the nature stated above?

I also understand that commercial premises are excluded from a development's impact on sunlight/daylight amenity unless there is a particular requirement for sunlight/daylight for example schools or perhaps hospitals.

Kind regards,
Andrew Megginson BSc, MArch
Director
Andrew Megginson Architecture
Web www.andrewmegginsonarchitecture.com
Tel 0131 557 9129
Mob 07583 404 422



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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

St Paul's Episcopal Church, Kinross From the Vestry Chair

DevelopmentManagement@

8th April 2022

pkc.gov.uk

Dear Sirs,

Planning Application 22/00345/FLL

51Muirs, Kinross

I refer to the above planning application. The church owns the ground immediately to the east/north east of the proposed development. The Church's ground is a small garden with some memorials to deceased members of the congregation. Contrary to the statements in the applicant's design statement it is not solely" a commercial garden for growing produce to support the food bank," a fairly recent use. It is a place used for quiet contemplation as it always has been. Church services are occasionally held there. The Church's tenant, the charity Broke not Broken, also uses it for confidential discussions with beneficiaries of the charity.

As originally proposed the development came right to the boundary between the ground currently forming the garden of 51 Muirs and the church's garden. In consequence the roof terrace forming part of the development would have overlooked at close range the church's garden and dominated the church's ground. It would have formed, in contradiction of the statement in the design statement, a very considerable intrusion on the privacy and tranquillity of the church's ground and the church vestry would have objected to the application.

However, following discussions with the applicants, we have seen the modified plan (1416-Pl-02B) submitted to you this morning. Under this plan we understand that no part of the proposed extension will come within 1 metre of the boundary and the edge of the roof terrace with its glass panel surround will be at least half a metre back from the edge of the building, making the roof terrace at least one and a half metres in total from the boundary. This makes the proposal less intrusive and allows the existing beech hedge to be preserved as important screening. We therefore have no objection to permission being granted on the basis of the modified plan.

Yours faithfully,



LRB-2022-18
22/00345/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross

PLANNING DECISION NOTICE (included in applicant's submission, pages 78-80)

REPORT OF HANDLING (included in applicant's submission, pages 81-88)

REFERENCE DOCUMENTS (included in applicant's submission, pages 97-105)



LRB-2022-18
22/00345/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross

REPRESENTATIONS

(part included in applicant's submission, page 111)



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,

51 Muirs, Kinross, KY13 8AU Planning Ref: 22/00345/FLL Our Ref: DSCAS-0060029-CWL

Proposal: Extension to dwellinghouse and formation of roof terrace

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."



Edinburgh Airport EH12 9DN Scotland

W: edinburghairport.com

14 March 2022

Kristian Smith Perth & Kinross Council By email

Dear Kristian

Your Ref: 22/00345/FLL

Development: Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross KY13 8AU

Our Ref: EDI3221

The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

Yours sincerely

Claire Brown
Edinburgh Airport Limited
safeguarding@edinburghairport.com

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00345/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	
Description of Proposal	Extension to dwellinghouse and formation of roof terrace		
Address of site	51 Muirs, Kinross		
Comments on the proposal	51 Muirs is located to the north of the category C listed Muirs Inn, and south of St Paul's Church, which is category B listed. I have no comments or concerns regarding the impact of the proposed development on the setting of the adjacent listed buildings.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18/03/2022		