

TCP/11/16(244)
Planning Application 13/00244/FLL – Alterations and
extension to dwellinghouse at 40 Mavisbank Gardens,
Perth, PH1 1HY

**PAPERS SUBMITTED
BY THE
APPLICANT**

09 APR 2013

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	G	Forename	Allan
Surname	Whyte	Surname	Thomson
Company Name		Company Name	
Building No./Name	87	Building No./Name	102
Address Line 1	Struan Road,	Address Line 1	Tweedsmuir Road,
Address Line 2		Address Line 2	
Town/City	Perth.	Town/City	Perth.
Postcode	PH1 2NJ	Postcode	PH1 2HG
Telephone		Telephone	01738 627994
Mobile		Mobile	
Fax		Fax	
Email		Email	Allan@Thomson102.fsnet.co.uk

3. Application Details	
Planning authority	Perth & Kinross Council.
Planning authority's application reference number	13/00244/FLL
Site address	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> 40 Mavisbank Gardens, Perth. PH1 1HY </div> <div style="width: 35%; border: 2px solid black; padding: 10px; text-align: center;"> CHIEF EXECUTIVES DEMOCRATIC SERVICES 10 APR 2013 RECEIVED </div> </div>	
Description of proposed development	
Alteration, Extension & Attic Conversion to House.	

Date of application 08/02/2013

Date of decision (if any) 22/03/2013

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application) ☒
- Application for planning permission in principle ☐
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions ☐
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land? ☒
- Is it possible for the site to be accessed safely, and without barriers to entry? ☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See Attached Statement.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Plans & Elevations as Existing & Proposed.
Applicants Statement & Photographs.
Report of Handling, Delegated Report.
Planning Decision of Refusal.
Applicants Statement of Appeal.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Allan Thomson

Date:

02/04/2103

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Appeal in relation to 40 Mavisbank Gardens, Perth, PH1 1HY

This planning application seeks various alterations and an extension to the above house. The proposed rear facing box dormer has caused the planning officer concern and the application has been refused.

The planning officer's specific concern centres on the size of the proposed box dormer. It is a rear-facing box dormer like every other box dormer in the area albeit slightly larger. It is neither cutting edge in design nor a brand new architectural whim just a slightly larger rear facing box dormer. No material effect would be wrought on the amenity of neighbouring properties in relation to sunlight, daylight and privacy and there have been no letters of objection. The proposed box dormer would not be out of proportion with the overall width of neighbouring box dormers from the west elevation. Any visual impact from the north and south elevations would be reduced significantly due to the sloping nature of the scheme which in turn would mean that it would only ever be possible to obtain a small glimpse of the box dormer from the views along the roadside of Mavisbank Gardens. Therefore, like other box dormers in the area, the massing of the rear attic conversion in this case would not be particularly obvious from the street view.

The delegated report mentions plans and policies against which the officer believes the proposed box dormer jars. Firstly, the approved Strategic Development Plan, TAYplan 2012 and specifically policy 2 entitled 'Shaping Better Quality Places' and part F of same which talks of development being the result of understanding and keeping within the local design context. Whilst I acknowledge the larger scale and mass of the proposed box dormer, I do not consider it is unacceptable in the overall street scene nor do I accept that its massing would have such an overbearing impact on the property or neighbouring properties as to justify refusal of the application.

Policy 41 of the Perth Area Local Plan 1995 seeks to retain and where possible improve existing residential amenity. There is no attic conversion to retain which leaves the issue of improvement. To state that by constructing the proposed box dormer it is impacting so detrimentally on the visual amenity of the existing house and surrounding area that it is going to prove some sort of horrendous blot on the landscape, is highly subjective.

Having studied the TAYplan 2012, I have made observations I know to be specific and relevant to my proposal. Policy 5 entitled 'Housing' on pages 16/17 and page 6 entitled 'Visions and Objectives' place an onus on ensuring that there is a mix of housing types, sizes and tenure which meet the needs and aspirations of a range of different households throughout their lives. Burghmuir has a wide variety of mixed architectural styles ranging from single storey to two and a half storey and pre-war to modern.

In relation to the proposed box dormer being contrary to Perth and Kinross Council's Placemaking Guide, primarily because it is not contained within the roof space, I wish to highlight the case of 10 Beechgrove Drive, Perth. I have previously cited this approved application in earlier correspondence with the planning officer. It proves that a dormer which clearly deviates in more than one way from the concept of what is 'acceptable' according to the Placemaking Guide, nevertheless has been allowed. Their dormer is not set back from the outside wall and extends to the external wall line of the ground floor walls. Their dormer has also been rendered when the Guide directs that dormers should usually be clad in a recessive finishing material to match the roof yet my proposal to render the façade of the dormer was labelled 'unsympathetic' and contrary to the approved Guide. At his own discretion the planning officer for 10 Beechgrove Drive has exercised the flexibility the Placemaking Guide must afford him to allow the construction of and finish to a dormer which is in clear breach of the acceptable criterion. I find myself therefore confused at the inconsistencies between what guidelines can be varied and what guidelines cannot.

Policy RD 1 of the Perth and Kinross Council Local Development Plan encourages approving proposals which will improve the character and environment of the area. The proposed external finishes will enable the building to visually integrate into its surroundings. There are no objections from anyone and most notably and significantly none from the rear of the property. Therefore I do not hold to the fact that I am departing from this policy and believe the officer is exaggerating the reality of the impact this rear facing dormer would have, which would be essentially negligible.

The final reason given for the refusal of this application is that it is over development of the roof space and would contribute to the appearance of a two storey flat roof. This is perplexing considering again the case of 10 Beechgrove Drive. In the delegated report on the cited matter, the planning officer made no negative comments towards the final appearance of the house's two storey rear dormer accommodation in the roof space. Clearly a two storey box dormer is not considered to be to the detriment of visual amenity in this case.

In conclusion, I have made a case for planning rulings being subject to disparities. Additionally, having studied several appeal determinations by Reporters appointed by the Scottish Ministers I have seen decisions, originally refused due to the planning officers concerns with proposals deemed to be detrimental to the visual amenity of the property and the area, overturned. Primarily this was because the Reporter failed to be persuaded that the residence and surrounding environment would be adversely affected by the proposals. Similarly, my proposal would not have the unfavourable effect on the character and appearance of the domicile and area (policy 41 of the Perth Area Local Plan 1995 and policy RD1 of Perth and Kinross Council Local Development Plan) that the planning officer outlines. Whilst I acknowledge the box dormer is slightly larger than

neighbouring dormers it is still of a consistent nature and I do not accept that it constitutes over development of the roof space as there is adequate room to accommodate such an alteration. Ultimately, this attic conversion would simply not have such an overbearing impact on the property and neighbouring properties as to justify refusal.

The appeal should be allowed.

Gary Whyte

40 Mavisbank Gardens

Perth

PH1 1HY

March 2013

PERTH AND KINROSS COUNCIL

Mr G Whyte
c/o Allan Thomson
102 Tweedsmuir Road
Perth
PH1 2HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22nd March 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00244/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 8th February 2013 for permission for **Alterations and extension to dwellinghouse 40 Mavisbank Gardens Perth PH1 1HY** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal by way of its excessive scale, unsympathetic design and dominant visual massing is detrimental to the visual amenity of the dwellinghouse and therefore unacceptable. It is therefore contrary to Policy 41 of the adopted Perth Area Local Plan 1995 Incorporating Alteration No.1 - Housing Land 2000 and Policy RD1 of proposed Local Development Plan 2012, both of which seek to retain and where possible improve existing residential amenity.
2. The proposal would result in an unsympathetic over-development of the roof space and would contribute to forming a two storey flat roofed appearance, to the detriment of the visual amenity of the house. Approval would therefore be contrary to the Perth & Kinross Council Placemaking Guide, which seeks to ensure that dormer windows are not over-dominant.

Justification

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

Notes

The plans 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

13/00244/1

13/00244/2

13/00244/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00244/FLL
Ward No	N10- Perth City South

PROPOSAL: Alterations and extension to dwellinghouse

LOCATION: 40 Mavisbank Gardens Perth PH1 1HY

APPLICANT: Mr G Whyte

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 27 February 2013



OFFICERS REPORT:

40 Mavisbank Gardens is a detached bungalow in the residential area of Burghmuir in Perth.

This detailed application seeks planning permission for various alterations and extensions to the house, including; formation of a porch and dormer windows on the front elevation, demolition of conservatory to the rear and the erection of an extension with a large box dormer window.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. Whilst there are general policy provisions throughout the approved Strategic Development Plan - TAYplan 2012, the primary development plan policy of specific relevance in this instance is Policy 41 of the Perth Area Local Plan 1995 - Incorporating Alteration No.1 - Housing Land 2000, which seeks to retain and where possible improve existing residential amenity.

The submitted proposal raises several concerns in relation to the design and extent of development, primarily in relation to the rear box dormer window. Whilst it is noted that box dormer windows are present on nearby properties, they are of more appropriate proportions than what this application proposes as they are contained within the original roof space.

This proposed rear dormer is at the full height of the roof, consumes 72 per cent of the roof width and, crucially, projects beyond the existing rear elevation of the house, over the proposed ground floor extension. Consequently, the resulting box dormer has an excessive scale and massing, which is out of proportion and completely dominates the roof of the existing house.

In order to be acceptable, a dormer window should not over-dominate the existing roof, should be set back from the wall-head, in from each gable and below the apex. Although this proposed dormer is set in from each gable, it projects beyond the wall-head, which results in an unsympathetic over-development of the roof space.

Furthermore, if a box dormer (of more suitable proportions) is to be supported, it should usually be clad in a recessive finishing material (to match the roof), rather than render to match the house. Render would raise the visual profile of this large dormer even more and would give the appearance of a two storey flat roofed extension, contrary to the approved Perth & Kinross Council Placemaking Guide.

These concerns were highlighted to the applicant's agent at an early stage in order to encourage reconsideration of the development. Rather than reconsider and address the issues raised, the applicants' response attempts to justify the existing proposal by citing various other developments and it requests that the application be determined based upon the original submission. None of the cited cases raise similar issues to those within this entirely unacceptable application. Nevertheless, this application must be determined based upon its own merits and the circumstances pertaining to the context of this particular site.

Having inspected the application site and given close consideration to the submitted plans, I retain concerns as to the scale and form of the proposals and their impact on the visual amenity of the existing house and surrounding area.

With the above considerations taken into account, the proposal is considered to be contrary to the above-mentioned development plan policy, the contents of which are listed below. I have taken account of other material considerations and I find none that would justify over-riding the adopted development plan and approving the application.

I therefore withhold my support of the proposal and recommend that the application be refused under delegated powers.

DEVELOPMENT PLAN

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

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding...and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets'.

P_041 Perth Area general residential

Proposals Map B identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved.

OTHER POLICIES

Perth & Kinross Councils Placemaking Guide provides the basis for detailed assessment of the suitability (or otherwise) of box dormer extensions. Within the Placemaking guide an emphasis is placed on ensuring that dormers are physically contained within the roof space and ensuring that they are not over-dominant and do not contribute towards a flat roofed appearance.

Additionally, although not formally adopted, the Perth & Kinross Council Local Development Plan, Proposed Plan 2012 is a material consideration in the determination of this application. Within the proposed Local Development Plan the primary policy of specific relevance to this application is;

Policy RD1: Residential Areas

The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

(c) Proposals which will improve the character and environment of the area.

SITE HISTORY

None

CONSULTATIONS/COMMENTS

Scottish Water

No objections

TARGET DATE: 8 April 2013

REPRESENTATIONS RECEIVED:

Number Received: Zero

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

Legal Agreement Required:

Summary of terms Not required

Direction by Scottish Ministers No

Justification

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

Reasons:-

- 1 The proposal by way of its excessive scale, unsympathetic design and dominant visual massing is detrimental to the visual amenity of the dwellinghouse and therefore unacceptable. It is therefore contrary to Policy 41 of the adopted Perth Area Local Plan 1995 Incorporating Alteration No.1 - Housing Land 2000 and Policy RD1 of Perth & Kinross Council Local Development Plan, proposed plan 2012, both of which seek to retain and where possible improve existing residential amenity.
- 2 The proposal would result in an unsympathetic over-development of the roof space and would contribute to forming a two storey flat roofed appearance, to the detriment of the visual amenity of the house. Approval would therefore be contrary to the Perth & Kinross Council Placemaking Guide, which seeks to ensure that dormer windows are not over-dominant.

The points for granting the alterations and extension for **40 Mavisbank Gardens Perth PH1 1HY** to be passed are both reasonable and practicable and are as follows:-

This proposed development is in line with the general aesthetics of the surrounding area. The reason we wanted to have a slightly larger box dormer was to allow us to have a small

tilled pitched roof, we chose this design to remain in keeping with neighbouring properties. We also wanted two small traditional style dormer window to blend in with house number

30 Mavisbank Gardens who have the same. We wanted to add the extension to provide us with a bigger family kitchen.

Our aim was to move the porch to the centre of the house for a more symmetrical look.

I believe all additions including attic conversion are well proportioned and add a well balanced living space. We are simply maximising the potential offered to us. Our proposal is not overly bold and is simply a slightly larger version of a rear facing attic conversion of which there are several in the street.

The design is in accordance with the house size

There is sufficient garden ground to accommodate the proposal.

There would be no issue of overlooking.

There would be no issue of overshadowing.

There would be no other public impact.

There would be no adverse impact on neighbouring properties.

The estate when planned featured a layout that was both subject to progressive overlooking due to high density/small gardens, and potential to utilise attic space in the future – which most occupants have implemented.

These come in all shapes and sizes and all have their own unique characteristics like cladding, pitched/flat roofs, tiled and rendered facades for example.

We don't believe that we should be penalised for wanting to exhibit some of the characteristic of surrounding neighbours. May I also state this is not part of a conservation area with

uniquely looking proportioned properties throughout.

May I bring to your attention four previously permitted developments in the near vicinity with three being AJ Stephens built houses and being the same house type to 40 Mavisbank Gardens.

All of these passed developments are contrary to your opinion of how a house should look.

I understand that every planning application must be decided on its own merit however cannot fail to notice the undernoted. I would be pleased if you could take due time to study each of these decisions.

4 Linton Terrace, alterations and extension.

This properties' attic conversion has been rendered with the same materials as the walls. Please find attached photographs. In my opinion this finish is far superior than tiles or cladding as it ages better and maintains a well presented appearance.

10 Beechgrove, alterations and extension.

This properties plans that have been recently passed exhibit a box dormer which is not set back from the outside wall! This dormer protrudes out to the external wall line of the ground floor walls, evidence that suggests not all box dormers look the same in this area. Our proposal would only be 1.5 metres onto the extension in terms of what this property has been granted.

This would undoubtedly look better with ours being set back from external walls of extension to allow a pitched roof.

35 Anderson Drive, alterations and extension to form a granny flat.

This 2 storey properties' additions are both distinctly overbearing and different to neighbouring properties with a vastly greater footprint to the surrounding properties but these controversial plans have been previously granted. If there were ever a case for over development then this would it.

30 Mavisbank Gardens Perth PH1 1HY, alterations and extension

This neighbouring property originally proposed five roof lights on front elevation with the planning officer asking for changes after which they replaced with two more traditional appearing dormers the same type as we intend to use.

From planning portal .gov

- Regulations state: No extension beyond the plane of the existing roof slope of the principal elevation that FRONT THE HIGHWAY.

The main highway will be the one that sets the postcode for the house concerned. It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

- This 20cm set back will be required unless it can be demonstrated that this is not possible due to practical or structural considerations.

One circumstance where it will not prove practical to maintain this 20cm distance will be where a dormer on a side extension of a house joins an existing, or proposed, dormer on the main roof of the house.

- The principal elevation could include more than one roof slope facing in the same direction -

for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the

line for determining what constitutes 'extends beyond the plane of any existing roof slope'.

Having studied the above rules and regulations, they would seem to contradict the decision being made to deny our proposed attic conversion but I would welcome feedback regarding this.

In conclusion it appears that there are no definitive guidelines which would inhibit our proposals and that the decision is based on opinion only.

Gary Whyte

4 LINTON TERR.



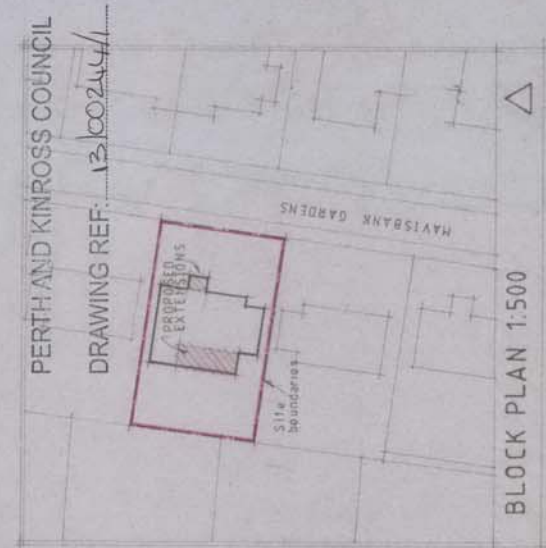
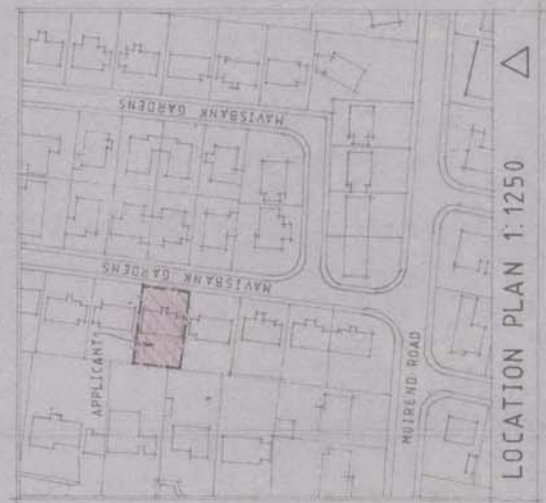
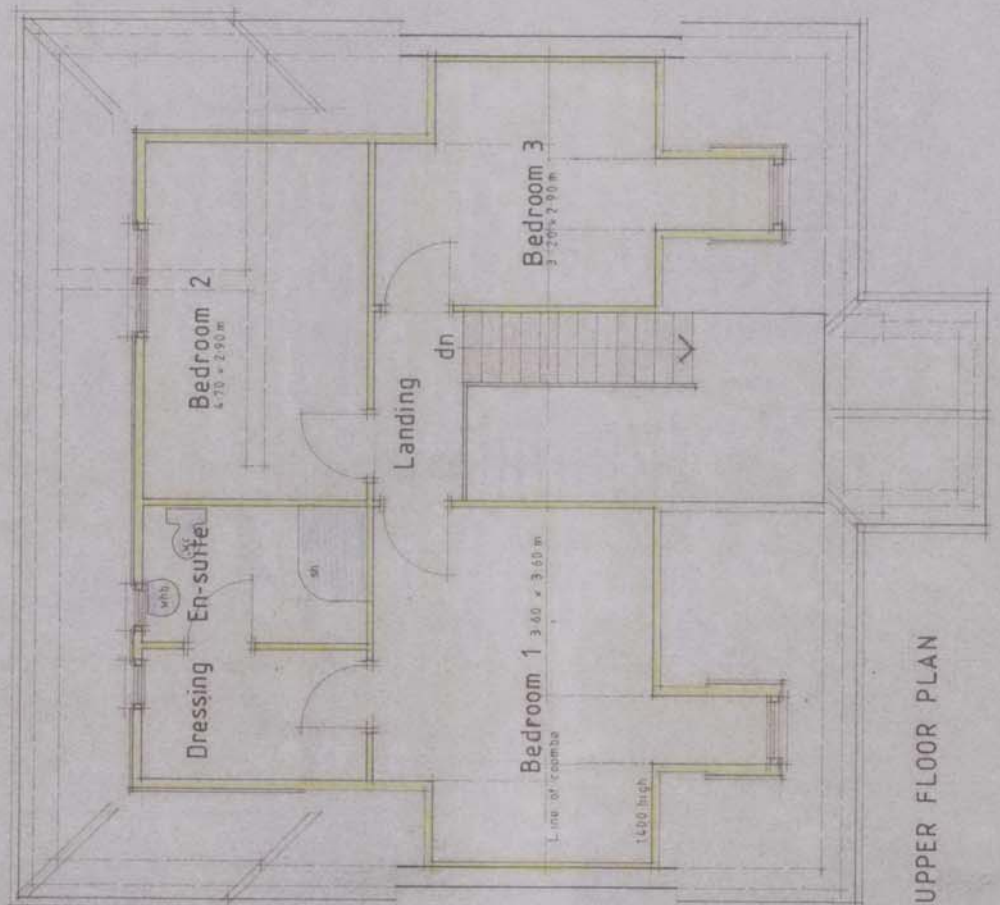
35 ANDERSON DRIVE



30 MAULSBANK Gdns

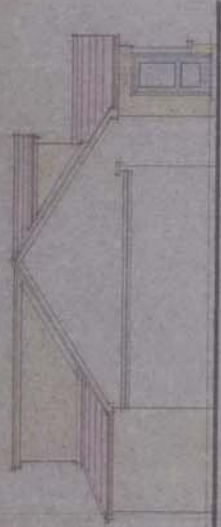


319

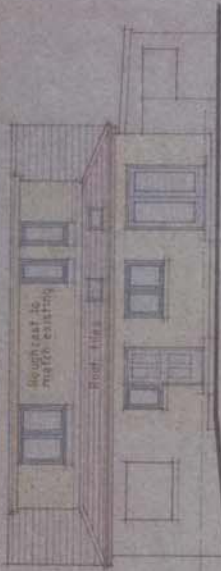


PROPOSED ALTERATION, EXTENSION
& CONVERSION OF ATTIC AT
NO 40 MAVISBANK GDNS., PERTH,
FOR G WHYTE ESQ

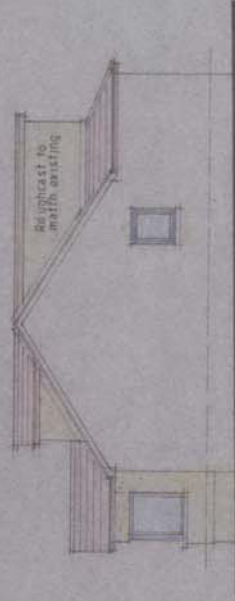
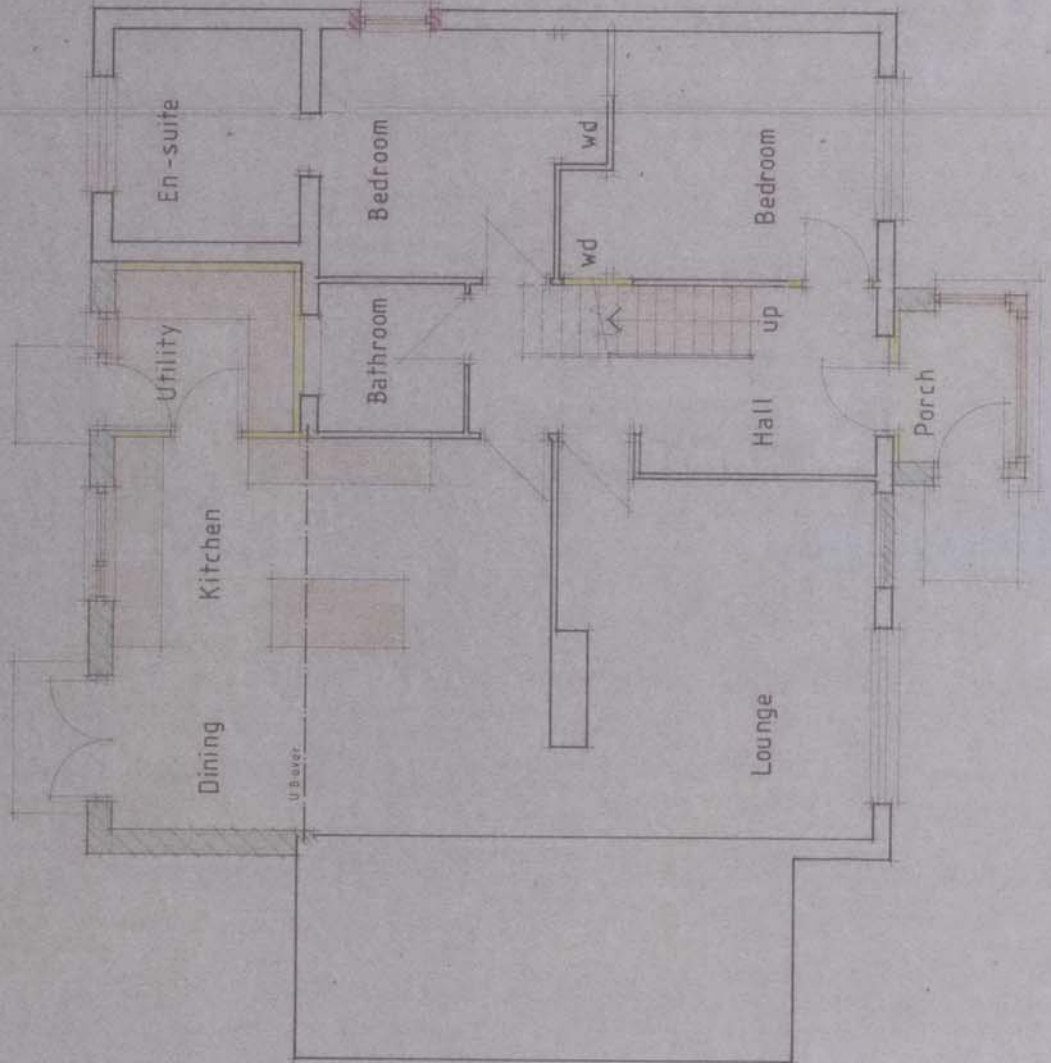
SCALE 1:50 1:100
DATE JAN 2013



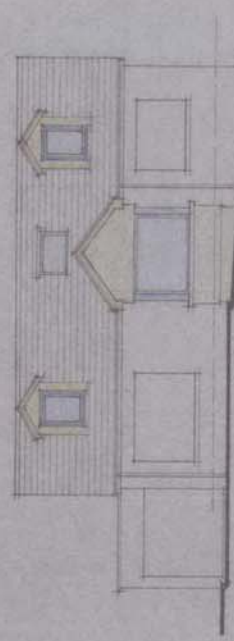
SOUTH ELEVATION (PROPOSED)



WEST ELEVATION (PROPOSED)

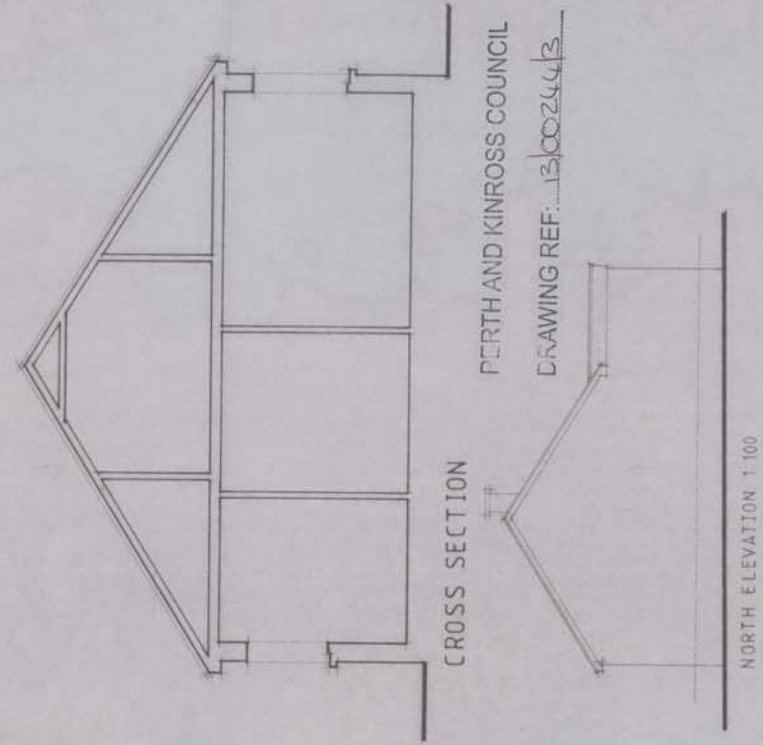
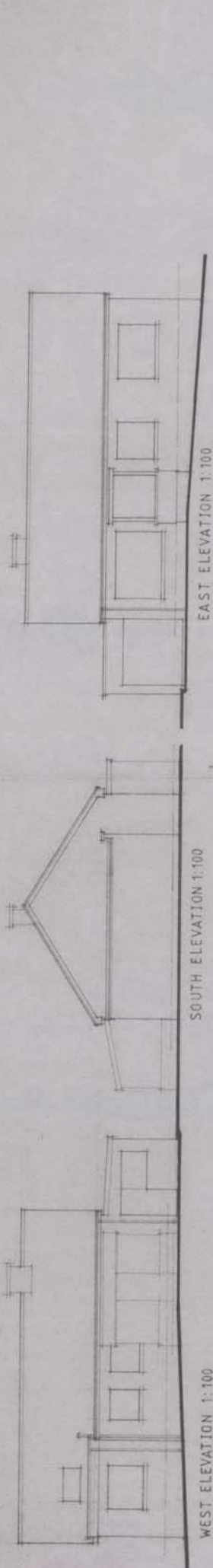


NORTH ELEVATION (PROPOSED)



EAST ELEVATION (PROPOSED)

PERTH AND KINROSS COUNCIL
DRAWING REF: 13/00244/2



40 MAVISBANK GARDENS, PERTH.
PLAN/ELEVATION AS EXISTING
SCALE 1:50 1:100

FLOOR PLAN AS EXISTING

TCP/11/16(244)
Planning Application 13/00244/FLL – Alterations and extension to dwellinghouse at 40 Mavisbank Gardens, Perth, PH1 1HY

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 307-308)*

REPORT OF HANDLING *(included in applicant's submission, see pages 309-312)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 320-322)*

