TCP/11/16(397)
Planning Application – 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR

INDEX

TCP/11/16(397)
Planning Application – 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR

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 100002187-001

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Montgomery Forgan Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Darren	Building Name:	Eden Park House
Last Name: *	O'Hare	Building Number:	
Telephone Number: *	01334654936	Address 1 (Street): *	Eden Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4HS
Email Address: *	darren@montgomery-forgan.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Home Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Kelty
Company/Organisation	MacLellan Property Ltd	Address 2:	
Telephone Number: *		Town/City: *	Fife
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY4 0JR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Perth and Kinross Council

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

Address 1:	Craigwell
Address 2:	Milnathort
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	Kinross
Post Code:	KY13 0NR

Please identify/describe the location of the site or sites

Northing	703498	Easting	307551

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)

Alterations and extension to dwellinghouse

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 papers apart

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

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See papers apart

Application Details

Please provide details of the application and decision.

What is the application reference number? * 15/01723/FLL

What date was the application submitted to the planning authority? * 02/10/2015

What date was the decision issued by the planning authority? * 18/11/2015

Review Procedure

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

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

☐ Yes ☒ No

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)

It is difficult to understand the remoteness of the site and its landscape setting without the benefit of a site visit

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

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The vehicular gates are locked and would need to be opened in order to gain access

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

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

Declare – Notice of Review

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

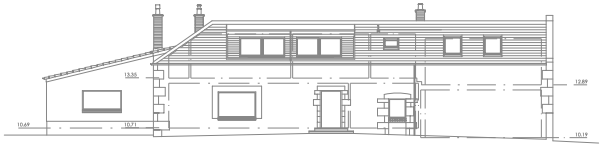
Declaration Name: Ms Kerry Heggie

Declaration Date: 12/02/2016

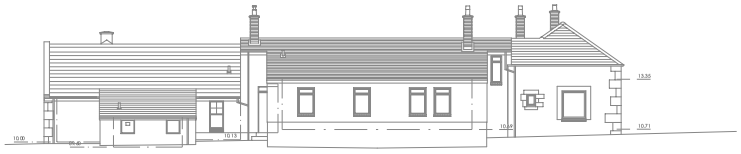
South East Elevation/Section
AA
Courtyard

South East Elevation
Courtyard

1057

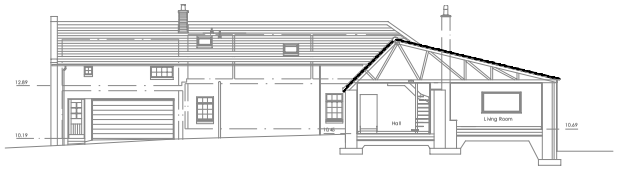


South West Elevation

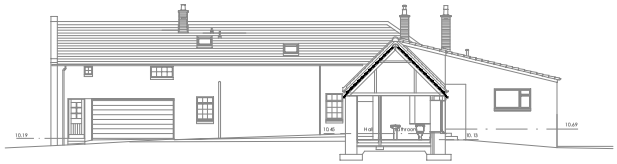


North West Elevation

North East Elevation/Section
BB
Courtyard



North East Elevation/Section
CC
Courtyard



North East Elevation/Section
DD
Courtyard

North East Elevation
Courtyard

Note
Original Survey by
The Architecture Workshop Ltd

MONTGOMERY . FORGAN . ASSOCIATES

ARCHITECTS + TOWN PLANNING CONSULTANTS

GLEN PARK HOUSE
CUPAR, FIFE, KY15 4HD. TEL 01334 659999
e-mail: design@montgomery-forgan.co.uk

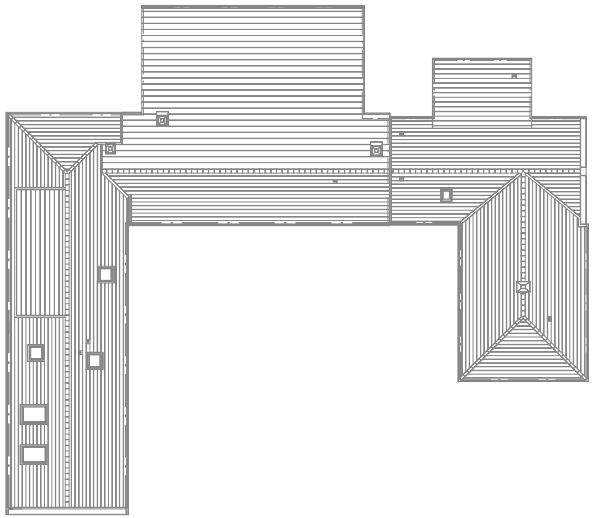
Project
Proposed Alterations and Extension to Craigwell, Milnathort for Mrlan MacLellan

Drawing
Elevations / Sections - As Existing

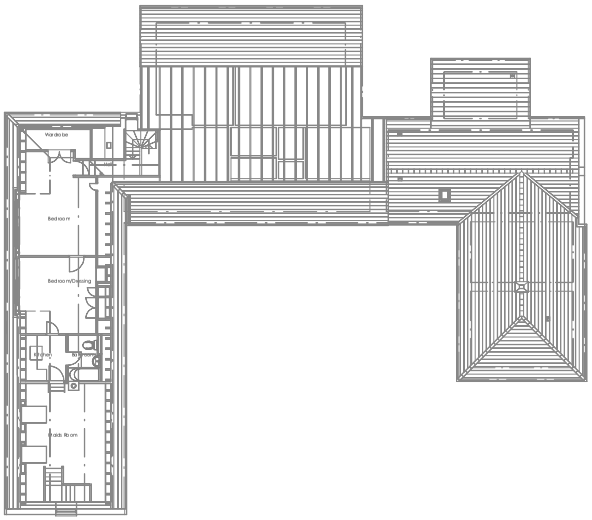
Scale	Date
1:100@A0	September 2015
Drawn	**Checked**
Drawing Number	**Revision**
5428 / c / 02	A

0 1 2 3 4 5 6 8 10

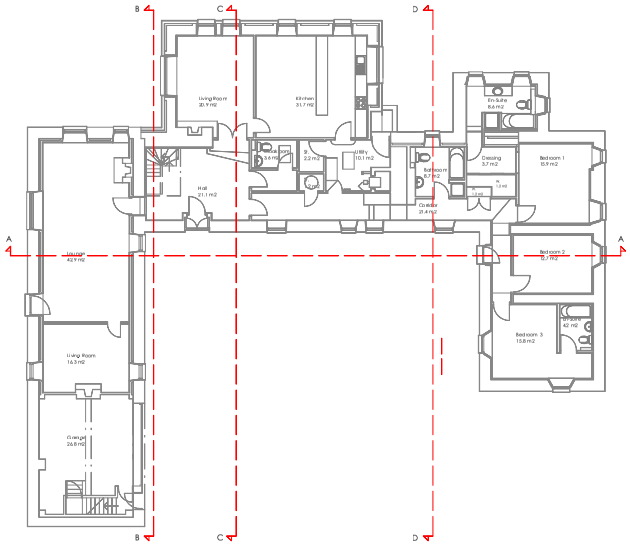
SCALE 1:100 m



Roof Plan



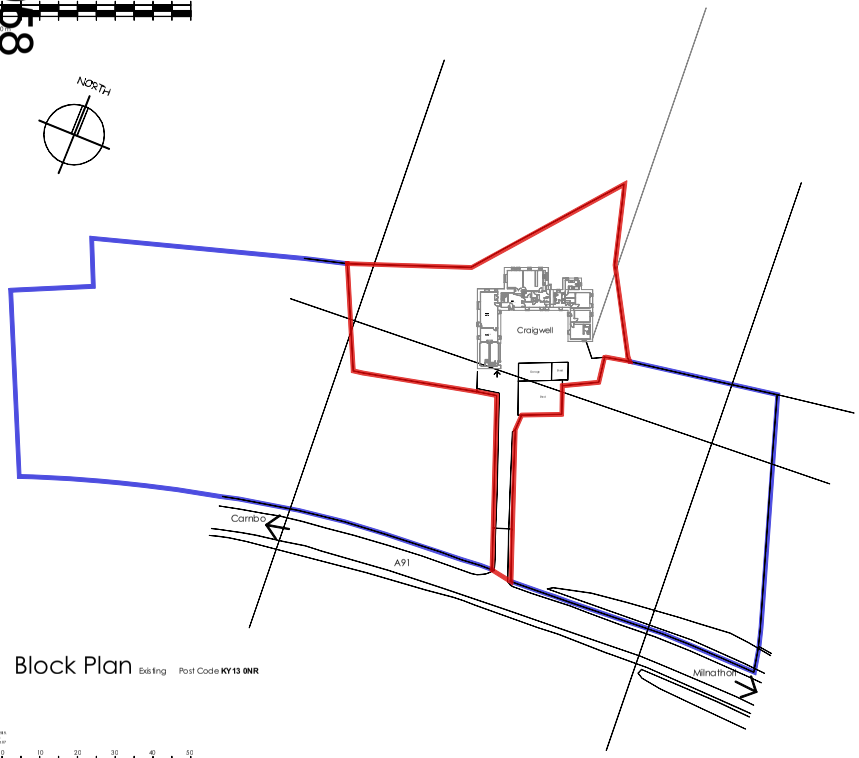
First Floor Plan



Ground Floor Plan

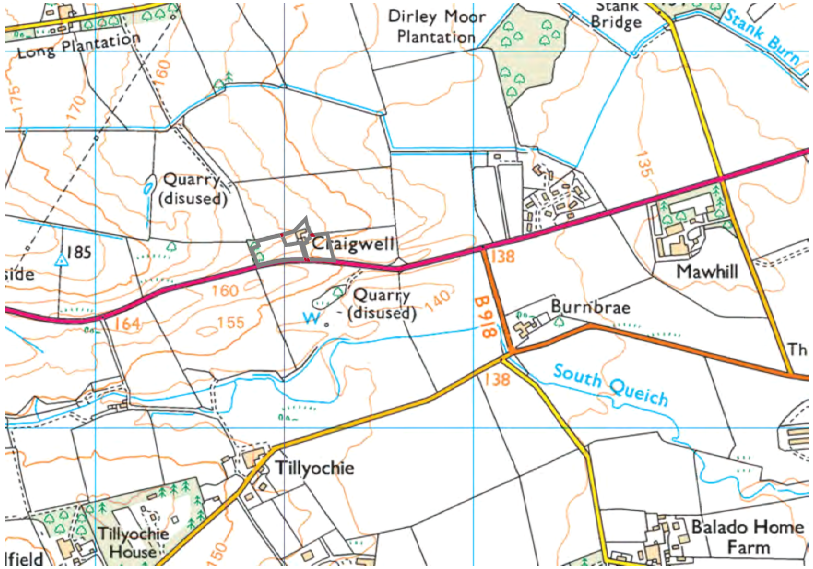
1058

SCALE 1:100



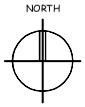
Block Plan Existing Post Code **KY13 0NR**

SCALE 1:500 m



Location Plan Post Code **KY13 0NR**

SCALE 1:5000 m



Note
Original Survey by
The Architecture Workshop Ltd

MONTGOMERY . FORGAN . ASSOCIATES

ARCHITECTS + TOWN PLANNING CONSULTANTS

EDEN PARK HOUSE
CUPAR, FIFE, KY15 5AR
e-mail: admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for MacLellan Property Ltd

Drawing
General Arrangement - As Existing

Scale	Date	September 2015
1:100@A0	Drawn	Checked

Drawing Number	Revision
5428 / c / 01	A

Materials

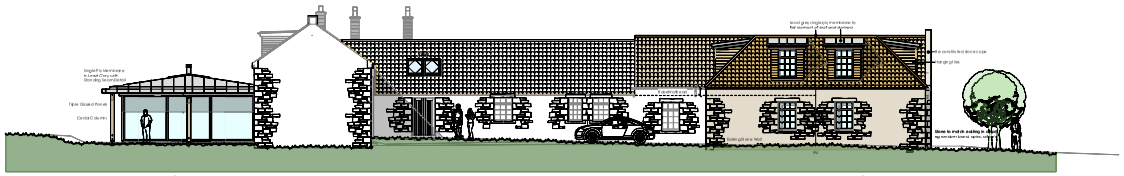
Roof (Pitched)
Interlocking tiles to match existing

Roof (Pavilion/Dormer Extensions)
Single ply membrane in lead Grey
with standing seam detail

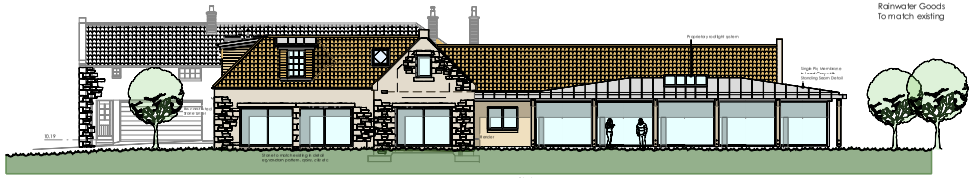
Walls
Stone to match existing
Acrylic render panels (Kitchen, Fitness Room)
Hanging tiles to dormer cheeks to match existing

Windows/Doors
Timber with opaque stain finish

Rainwater Goods
To match existing

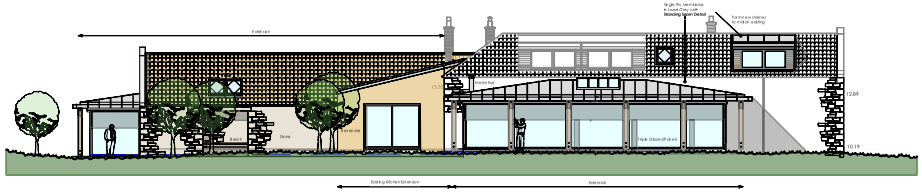


South East Elevation

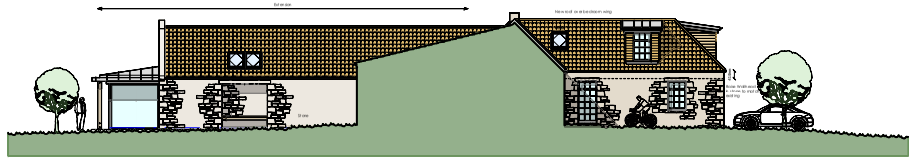


North East Elevation

1059



South West Elevation



South West Elevation
Courtyard

North West Elevation

1 0 1 2 3 4 5 6 8 10

SCALE 1:100 m

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ARCHITECTS + TOWN PLANNING CONSULTANTS

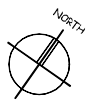
EDEN PARK MEWS
CUPAR, FIFE, KY15 4AR
e-mail: admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for MacLellan Property Ltd

Drawing
Elevations

Scale	Date	September 2015
1:100@A0	Drawn	Checked

Drawing Number	Revision
5428 / c / 05	A



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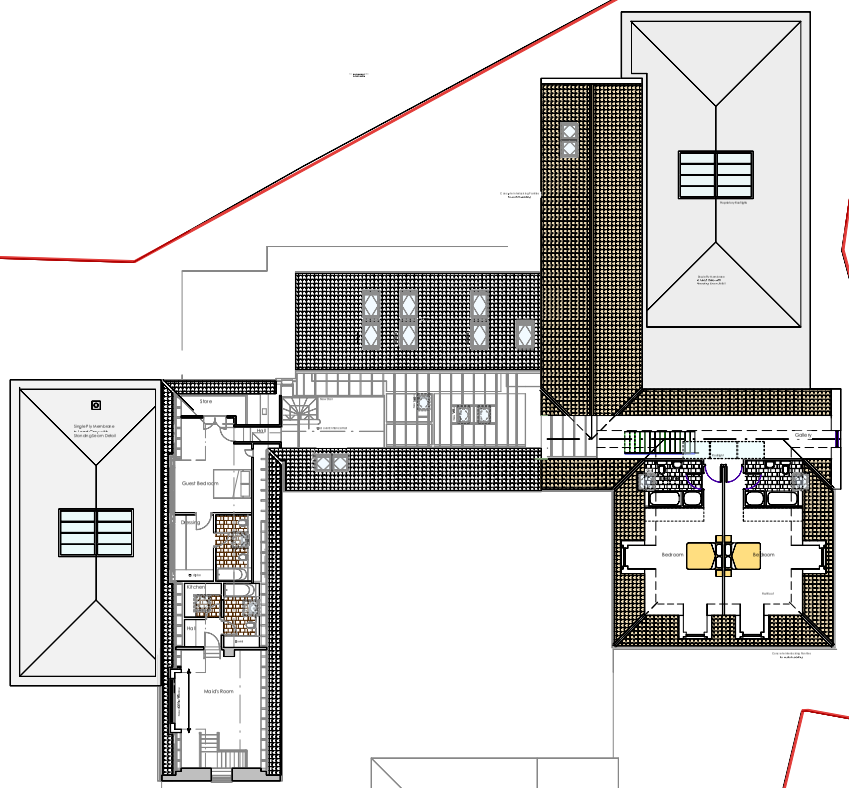

First Floor Plan

Materials

Roof (Pitched)
Interlocking tiles to match existing

Roof (Pavilion/Dormer Extensions)
Single ply membrane in lead Grey
with standing seam detail

Walls
Stone to match existing
Acrylic render panels (Kitchen, Fitness Room)
Hanging tiles to dormer cheeks to match existing

Windows/Doors
Timber with opaque stain finish

Rainwater Goods
To match existing

MONTGOMERY . FORGAN . ASSOCIATES
ARCHITECTS + TOWN PLANNING CONSULTANTS
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CUPAR, FIFE, KY15 5AR
e-mail: admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for MacLellan Property Ltd

Drawing
First Floor Plan

Scale	Date	September 2015
1:100@A0	Drawn	Checked

Drawing Number	Revision
5428 / c / 04	A

SCALE 1:100 m

Materials

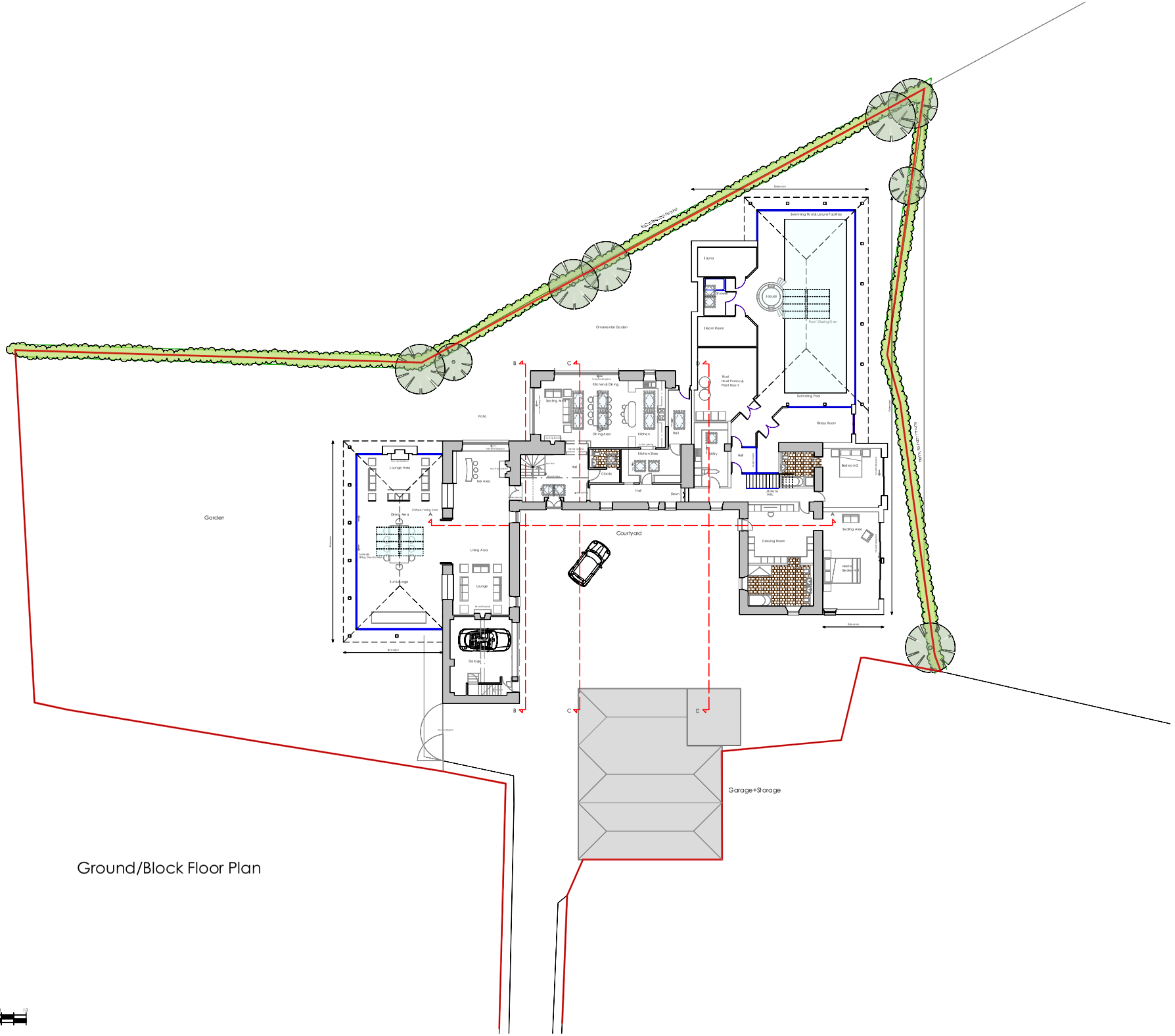
Roof (Pitched)
Interlocking tiles to match existing

Roof (Pavilion/Dormer Extensions)
Single ply membrane in lead Grey
with standing seam detail

Walls
Stone to match existing
Acrylic render panels (Kitchen, Fitness Room)
Hanging tiles to dormer cheeks to match existing

Windows/Doors
Timber with opaque stain finish

Rainwater Goods
To match existing



NOTE - ORIGINAL DRAWINGS BY
THE ARCHITECTURE WORKSHOP LTD

MONTGOMERY . FORGAN . ASSOCIATES

ARCHITECTS +
TOWN PLANNING
CONSULTANTS

EDEN PARK HOUSE
CUPAR, FIFE, KY15 4NE
e-mail: admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to
Craigwell, Milnathort for
MacLellan Property Ltd

Drawing
Ground/Block Floor Plan

Scale	Date	September 2015
1:100@A0	Drawn	Checked

Drawing Number	Revision
5428 / c / 03	A

Materials

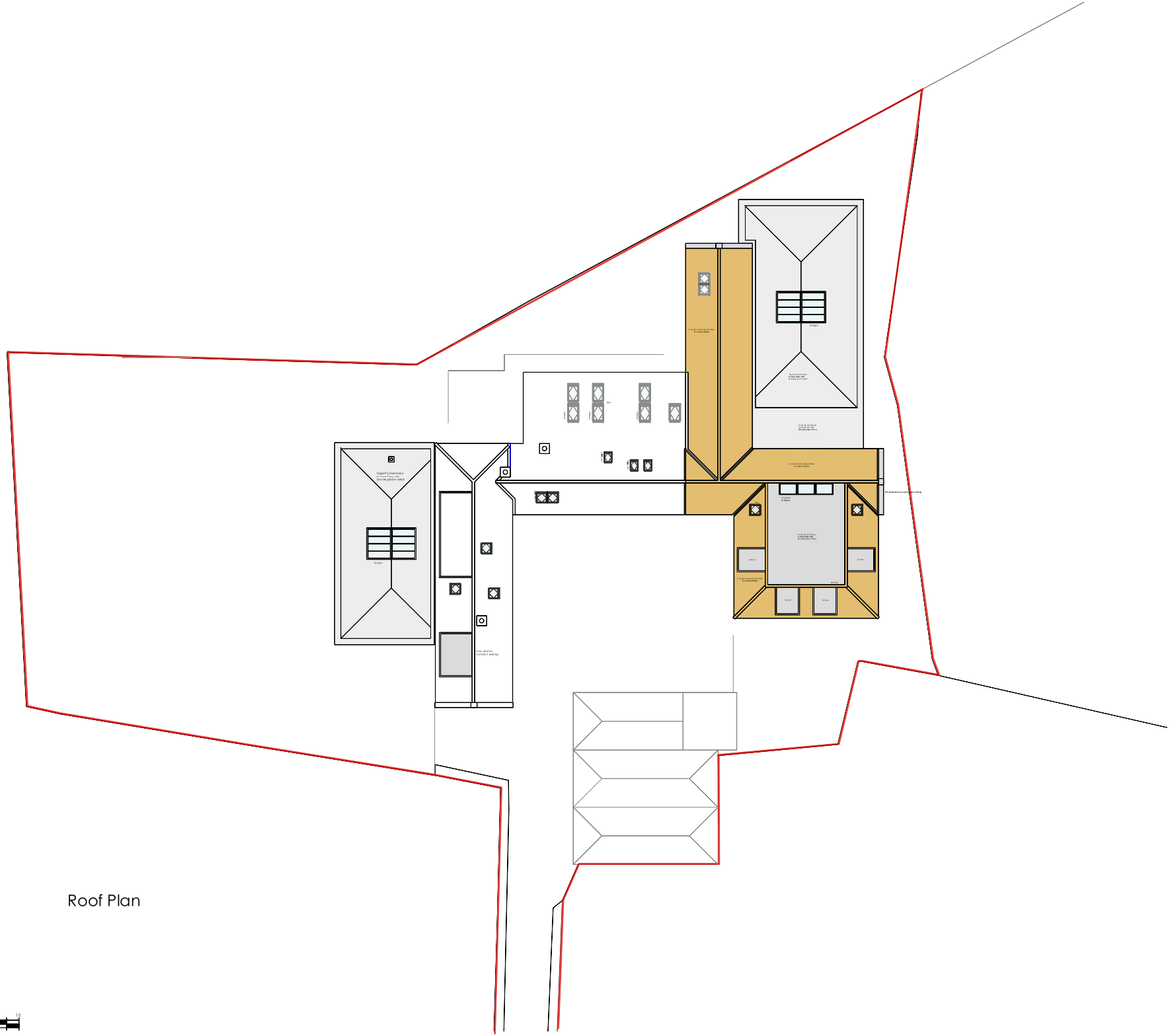
Roof (Pitched)
Interlocking tiles to match existing

Roof (Pavilion/Dormer Extensions)
Single ply membrane in lead Grey
with standing seam detail

Walls
Stone to match existing
Acrylic render panels (Kitchen, Fitness Room)
Hanging tiles to dormer cheeks to match existing

Windows/Doors
Timber with opaque stain finish

Rainwater Goods
To match existing



1062

Roof Plan

SCALE 1:100 m

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ARCHITECTS + TOWN PLANNING CONSULTANTS
EDEN PARK HOUSE
CUPAR, FIFE, KY15 5AR
e-mail: admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for MacLellan Property Ltd

Drawing
Roof Plan

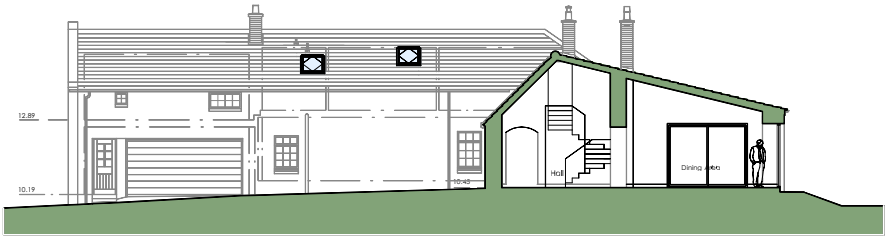
Scale	Date
1:100@A0	October 2015
Drawn	Checked

Drawing Number
5428 / c / 06

Revision

South East Elevation/Section
AA
Courtyard

North East Elevation/Section
BB
Courtyard



North East Elevation/Section
CC
Courtyard

Note
Original Survey by
The Architecture Workshop Ltd

North East Elevation/Section
DD
Courtyard

MONTGOMERY . FORGAN . ASSOCIATES
ARCHITECTS + TOWN PLANNING CONSULTANTS
EDEN PARK HOUSE
CUPAR, FIFE, KY15 4NS. TEL 01334 654639
e-mail. admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for Mr Ian MacLellan

Drawing
Sections - Proposed

Scale 1.100@A1
Date October 2015
Drawn
Checked

Drawing Number 5428 / c / 07
Revision

2 1 0 2 4 6 8 10
SCALE 1:100 m

MONTGOMERY · FORGAN · ASSOCIATES

ARCHITECTS &
TOWN PLANNING
CONSULTANTS

EDEN PARK HOUSE
CUPAR, FIFE KY15 4HS. TEL. 01334-654936
Email: admin@montgomery-forgan.co.uk

Date: 12 February 2016

Our Ref: 5428/DOH

Your Ref: 15/01723/FLL

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
2 High Street
PERTH
PH1 5PH

Dear Sirs

Notice of Review - Planning Application Ref. 15/01723/FLL
Refusal of Planning Permission for Alterations and Extensions to Dwellinghouse at Craigwell, Milnathort, Kinross, KY13 0NR

On behalf of the appellant, MacLellan Property Ltd, we submit a Notice of Review to the Perth and Kinross Local Review Body. We request a review of the decision made by the appointed person relating to the above application for planning permission (Ref. 15/01723/FLL).

We have enclosed the Notice of Review application form as well as the original documentation submitted in support of the planning application (**Document 1**).

The application for planning permission was registered on 13 October 2015 and was refused under delegated powers on 18 November 2015 for the 2 reasons as detailed below:

" 1. The proposals, by virtue of their sprawling footprint, form and unsympathetic design, would result in an excessive and uncharacteristic extension to the host building, which would over-develop the property. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the surrounding built environment in order to respect the character and amenity of the place.

2. Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition and architectural integrity of existing buildings."

The justification given by the appointed officer for refusing the planning application was essentially on the grounds of design. The report of handling and decision notice are attached as **Document 2** and **Document 3**.

Having regard to Section 25 of the Act, we strongly disagree with the appointed officer's position that the proposal conflicts with the Development Plan. It is contended that the proposed extensions and alterations to the dwellinghouse are of an appropriate design and scale which satisfy the relevant provisions of the Development Plan and as such the planning application should be approved.

Site Location and Description

The application site relates to a substantial detached dwellinghouse comprised from former traditional farm buildings. The site is located approximately 4km to the south east of Milnathort in a countryside setting outwith the Ochil Hills Local Landscape Area. The property is situated in attractive and mature garden grounds extending to an area of 0.3 hectares. The property is accessed from the A91 to the south via a private gated driveway and there are only limited views of the site from the public road. There are no other residential buildings in the immediate vicinity as the surrounding land is in agricultural use.

Proposal

The appellant sought detailed planning permission for a number of alterations and extensions to the dwellinghouse which comprised of three main elements:

- A single storey contemporary extension on the western wing;
- A modest increase in the wallhead to allow first floor accommodation within the roofspace and erection of traditionally designed extension to eastern wing and;
- The erection of single storey rear extension to accommodate swimming pool/leisure facilities.

Although the extensions are sizeable, we would contend for the reasons set out within the statement that their scale and design recognises and respects the form of the existing building. In support of this review, a number of annotated photographs of the site are enclosed as **Document 4** which show how the property sits within the rural landscape including its limited visibility from the only public viewpoint (A91 public road to the south). We would contend that these photographs help to illustrate that the purported reasons for refusal by the appointed officer are not justified particularly since the house is remote from any public place and has very limited visibility.

Reasons for Refusal

As noted earlier, the planning application was refused for two reasons which, to all intents and purposes, are the same since they relate to the design, form and scale of the proposed extensions. The refusal reasons do however refer to different policy documents i.e. the adopted Perth and Kinross Local Development Plan and the Perth and Kinross Placemaking Guide.

Policy PM1A and PM1B of the adopted LDP includes reference to a number of criteria, which all developments are required to be assessed against, to ensure acceptable levels of Placemaking. Policy PM1A is a general overview which requires all new development must contribute positively, to the quality of the surrounding built and natural environment whilst Policy PM1B has a more detailed criteria where all proposals should meet all 8 of the Placemaking criteria.

With regards to the Perth and Kinross Council Placemaking Guide, the background to extensions and alterations (section 2.1) states that it is not intended to ***"limit imaginative and innovative design"***. With regards to large extensions, the guide advises that ***"particular ingenuity and imagination"*** is required in order to reduce ***"the apparent bulk of the desired additional floorspace"***. In addition, extensions which distorts the shape, scale and proportions of a building are less acceptable than those which respect details like roof pitch however this ***"does not rule out a contemporary approach which contrasts with, yet enhances, the original building by being distinct."***

Refusal reason 1 states specifically that the proposals are contrary to Policies PM1A and PM1B(c) ***"by virtue of their sprawling footprint, form and unsympathetic design".*** Given that the refusal reason specifically references only criteria (c) of Policy PM1B, it is apparent that the appointed officer was content that the proposal complied with the other 7 criteria detailed in Policy PM1B. Criteria (c) of Policy PM1B states that ***"The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours."*** Whilst design is clearly very subjective, the following paragraphs highlight how the architectural design solution proposed can be considered to comply with each of these design principles.

1. **Appearance**
   The proposed lounge/dining/sun lounge extension on the western wing and the swimming pool/ fitness extension to the north east use contemporary forms of architecture as the basis of the design which contrasts well with the existing stone built farm buildings. With the exception of a small portion of rendered blockwork, these extensions are fully glazed. Part of the leisure facilities are also contained within a single storey extension which replicates the existing traditional architectural character and form of the existing property. We would contend that this extension would read as part of the existing cluster of buildings and is much more sympathetic to the character of the property than the existing kitchen lean to extension. The proposed extension to the eastern wing would involve a very slight raising of the wallhead and includes a mansard roof extension to accommodate first floor accommodation. Its overall design with its hipped roof would replicate the general appearance and form of the existing substantial garage/storage building which masks a significant proportion of the property from the A91.

   We note that the officer's report of handling acknowledges that in landscape terms ***"the scale and nature of the proposals does not raise any significant landscape impact issues."*** confirming that the proposed extensions to the property will have no adverse impact on the general character or appearance of the local landscape. We would contend that the proposed extensions are a combination of traditional and contemporary design elements which are sympathetic to the character and overall appearance of the existing buildings.

2. **Height**
   None of the extensions proposed are higher than the height of the western wing of the existing house. Whilst the mansard roof extension to the eastern wing involves the slight raising of the wallhead, we would suggest that the extended gable has been designed to be respectful of the existing heights of the former farm buildings. The lounge extension to the west and the swimming pool extension to the north east are both substantially lower than the existing buildings and would clearly read as subordinate additions to the dwelling. We would contend that the proposed heights of the extensions are therefore acceptable in respect of this policy.

3. **Scale/Massing**
   These principles of design are interlinked and typically relate to a buildings proportions, size and form. We would contend that the three extensions proposed have all been designed having due regard to their proportions, form and size to ensure that they do not dominate or detract from the existing group of traditional stone built buildings. The appointed officer however does not share this view as they consider that the proposals ***"would result in excessive extension and over-development of the existing traditional buildings in an uncharacteristic manner"***. The appointed officer also purports that the proposed extensions would result in a proposed footprint increase of 198.5%. The existing building footprint (excluding the detached garage/storage building) extends to approximately 403 sqm and with the proposed extensions (395 sqm), the building footprint of the dwelling would cover 798 sqm which is an increase of **98%** and not **198.5%** as stated in the report of handling. We would suggest that this miscalculation had an influence on the officer's assessment of the proposals with respect to scale and massing. Furthermore, we would advise that the property has a substantial curtilage of approximately 0.3 hectares and there is ample garden ground to accommodate the extensions proposed.

   In addition to the above, it is also worth highlighting that the proposed lounge/dining/sun lunge extension to the western wing which has been designed in such a way as to minimise physical impact on and visual masking of the building is actually permitted development under Class 1A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011. If this extension is removed from the calculations (100 sqm), the proposed footprint increase would be **73%** (295 sqm). Whilst this could still be considered excessive, it must be recognised that the proposals involve the provision of a swimming pool and fitness suite which by default requires a large footprint. Nevertheless, the extension does not compete with the existing buildings and has been sited to the north east (rear) completely screened from public views. We would contend that the proposed extensions, whilst covering large footprints, are subsidiary to the

original farm buildings and allow their character to remain dominant whilst having no adverse visual or landscape impacts and providing accommodation wholly in line with the requirements of the appellant. A simple plan form illustrating the existing footprint as well as the proposed extensions (Drawing No 5428/LR/01) is enclosed as **Document 5**.

4. Materials/Finishes/Colours
   The proposed materials, finishes and colours to the extensions are all compatible with the existing buildings. The roof finishes would compromise of interlocking tiles with a single ply membrane to the low level contemporary glazed extensions. The wall finishes are stone to match the existing buildings with small elements of acrylic render panels. The colours of all these materials draw together the different parts of the design making it a coherent part of the design strategy.

In terms of the second reason for refusal, the appointed person contends that the proposed development is contrary to the Perth & Kinross Placemaking Guide as the extensions would be unsuitable additions ***"which destroy the composition and architectural integrity of existing buildings."*** We fundamentally disagree with this ascertain and would maintain that for the reasons already set out above, the proposed extensions, whilst relatively large in footprint, have been purposefully designed in such a way as to minimise physical impact on and visual masking of the farm buildings. We consider that the contemporary approach to the proposals contrasts with, yet enhances, the original buildings as advocated by the Placemaking Guide.

Other Material Considerations

As highlighted earlier, we would advise that the proposed extension to the western wing is permitted development under Class 1A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 by virtue of meeting all of the following criteria:

- The extension would not be forward of a wall forming part of the principle elevation or side elevation fronting a road and therefore would not be precluded by Class 1A 2(a).
- The extension would be outwith 1 metre from the boundary of the curtilage of the dwellinghouse therefore would not be precluded by Class 1A 2(b).
- The height of the eaves of the extension would not be more than 3 metres and therefore would not be precluded by Class 1A 2(c).
- No part of the development would exceed 4 metres in height and therefore would not be precluded by Class 1A 2(d).
- As a result of the development the area of ground covered by the resulting dwellinghouse would not be more than twice the area of ground covered by the original dwellinghouse and therefore would not be precluded by Class 1A 2(e).
- As a result of the development the area of ground covered by the development within the rear curtilage of the dwellinghouse would not exceed more than 50% of the area of the rear curtilage respectively and therefore would not be precluded by Class 1A 2(f).
- The site is not within a Conservation Area and therefore would not be precluded by Class 1A 2(g).

Another significant material consideration is that fact that this house is remote from any public place and the only public views afforded to the site are from the A91 to the south. The dwellinghouse has a significant setback from this public road (approximately 50 metres) and has good landscape containment. We would contend that these facts have been largely dismissed within the report of handling and that more design freedom should be allowed in this particular case.

Summary

In conclusion, we would contend that the reasons for refusal are not considered to be valid as the proposed extensions are considered to be appropriate in terms of their scale, massing, and proportions which fully respect with the character and appearance of the existing stone built buildings. We would suggest that the appointed officer has been very subjective in the way they have assessed the design solution proposed and have applied a very strict and narrow interpretation of policy when assessing the merits of this particular application.

We would respectfully suggest given the issues involved, that before members of the Local Review Body make a determination they visit the property to consider how the proposed extensions relate to the existing dwelling and also in the context of the surrounding rural landscape.

Yours faithfully

MONTGOMERY FORGAN ASSOCIATES

cc MacLellan Property Ltd

Encl **Papers Apart:**

Document 1	Planning Application Submission
Document 2	Report of Handling
Document 3	Refusal Decision Notice
Document 4	Annotated Site Photographs
Document 5	Block Plan showing existing and proposed footprints

Document 1

Planning Application Submission

on behalf of MacLellan Property Ltd

February 2016

1070

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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000133176-001

The online ref number 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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Alterations and Extension to Dwellinghouse

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:	Montgomery Forgan Associates
Ref. Number:	
First Name: *	Darren
Last Name: *	O'Hare
Telephone Number: *	01334 654936
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	darren@montgomery-forgan.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	Eden Park House
Building Number:	
Address 1 (Street): *	Eden Park
Address 2:	
Town/City: *	Cupar
Country: *	UK
Postcode: *	KY15 4HS

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

☐ Individual ☑ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	MacLellan Property Ltd
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Home Farm
Building Number:	
Address 1 (Street): *	Kelty
Address 2:	
Town/City: *	Fife
Country: *	Scotland
Postcode: *	KY4 0JR

Site Address Details

Planning Authority: Perth and Kinross Council

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

Address 1:	Craigwell	Address 5:	
Address 2:	Milnathort	Town/City/Settlement:	Kinross
Address 3:		Post Code:	KY13 0NR
Address 4:			

Please identify/describe the location of the site or sites.

Northing	703498	Easting	307551

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☑ No

Trees

Are there any trees on or adjacent to the application site? * ☑ Yes ☐ No

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.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * ☐ Yes ☑ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

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 elected member of the planning authority? * ☐ Yes ☑ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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 ? * ☑ 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: Darren O'Hare

On behalf of: MacLellan Property Ltd

Date: 02/10/2015

☑ Please tick here to certify this Certificate. *

Checklist - Application for Householder Application

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) Have you provided a written description of the development to which it relates?. * ☑ Yes ☐ No

b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☑ Yes ☐ No

c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☑ Yes ☐ No

d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☑ Yes ☐ No

e) Have you provided a certificate of ownership? * ☑ Yes ☐ No

f) Have you provided the fee payable under the Fees Regulations? * ☑ Yes ☐ No

g) Have you provided any other plans as necessary? * ☑ Yes ☐ No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- [x] Existing and proposed elevations.
- [x] Existing and Proposed floor plans.
- [x] Cross sections.
- [x] Site layout plan/Block plans (including access).
- [ ] Roof plan.
- [ ] Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. * ☐ Yes ☑ No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☑ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name:	Darren O'Hare
Declaration Date:	02/10/2015
Submission Date:	02/10/2015

Payment Details

Cheque: Montgomery Forgan Associates, 010596

Created: 02/10/2015 12:02

Document 2

Report of Handling

on behalf of MacLellan Property Ltd

February 2016

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**15/01723/FLL**	
Ward No	**N8- Kinross-shire**	
Due Determination Date	**12.12.2015**	
Case Officer	**Keith Stirton**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Alterations and extension to dwellinghouse

LOCATION: Craigwell Milnathort Kinross KY13 0NR

SUMMARY:

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

DATE OF SITE VISIT: 5 November 2015

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Craigwell, a traditional farm complex which is located to the Southwest of Milnathort. This application seeks detailed planning permission for a variety of alterations and extensions to the West, North and East of the building.

SITE HISTORY

08/00512/FUL Upgrade of existing access
Application Permitted – 14 April 2008

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.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking
Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

Perth & Kinross Council's Placemaking Guide states that;

"*The placemaking guide is not intended to limit imaginative and innovative design but discourage particularly large, unsuitable or overly cost-conscious additions and alterations which can destroy the composition of existing buildings and their surroundings.*

An extension which recognises and respects the form of the existing building is more likely to be successful than one which ignores the design of the original. Similarly, extensions which distort the shape, scale and proportions of the existing building are less acceptable than those which respect details like roof pitch and original building span depth.

It is nearly always necessary to avoid overwhelming existing buildings in order to ensure that the architectural integrity of the original structure does not become lost".

CONSULTATION RESPONSES

None Required.

REPRESENTATIONS

No letters of representation have been received in relation to this proposal.

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

In general terms, alterations and extensions to an existing dwelling are considered to be acceptable in principle. However, consideration must be given to the scale, form, massing, design, position, proportions and external finishes of any proposal and whether it would have an adverse impact on visual or residential amenity.

Design and Layout

The complex of buildings is laid out in a U-shape, forming an open courtyard to the South, which is partially in-filled by detached garage and storage buildings.

The extensions comprise three main elements;

- a large open plan lounge/dining/sun lounge on the Western wing, measuring 16.22m by 8m
- raising the roof, the erection of a mansard roof extension and the formation of dormer windows on the Eastern wing
- a large swimming pool/fitness/leisure facilities on the North elevation, measuring 19.83m by 14.25m

Additionally, further alterations to window openings and the formation of an additional dormer window on the West elevation are proposed.

Landscape

The scale and nature of the proposals does not raise any significant landscape impact issues.

Residential Amenity

Given the remote nature of the application site, no neighbouring properties would be adversely affected by the proposed development.

Visual Amenity

The lounge/dining/sun lounge extension to the West and the swimming pool/ fitness extension to the North have been designed in a contemporary style, deliberately selecting large expanses of glazing, overhanging canopies, shallower pitched and hipped roofs and single ply roofing membranes in order to result in distinctly deferential elements of the building. These extensions rear as clearly subordinate in height, but result in a sprawling footprint which does not respect the simple form of the original layout.

The leisure facilities are contained within an extension which projects to the North, which has been designed in order to reflect the architectural style of the existing buildings. However, its exaggerated projection exceeds the length of either East or West wing and therefore appears disproportionate.

The raising of the wall head and the erection of a mansard roof extension to the East results in an entirely different built form, which neither successfully replicates, nor sympathetically contrasts with the existing building. The overall bulk of this element of the proposal is considered to be excessive and dominating as it would distort the shape, scale, proportions and architectural integrity of the existing building, contrary to the Council's Placemaking Guide.

Additionally, the existing building measures around 401sqm, with the proposed extensions taking the building up to 796sqm, a proposed footprint increase of 198.5%. This would result in excessive extension and over-development of the existing traditional buildings in an uncharacteristic manner.

Although the building is partially obscured from public views, approval would be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the built environment by complementing its surroundings in terms of design and appearance.

Roads and Access

There are no road or access implications associated with this proposed development.

Drainage and Flooding

There are no drainage and flooding implications associated with this proposed development.

Developer Contributions

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

Economic Impact

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

Conclusion

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

TAYplan 2012 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposals, by virtue of their sprawling footprint, form and unsympathetic design, would result in an excessive and uncharacteristic extension to the host building, which would over-develop the property. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the surrounding built environment in order to respect the character and amenity of the place.

2 Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition and architectural integrity of existing buildings.

Justification

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

Informatives

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/01723/1

15/01723/2

15/01723/3

15/01723/4

15/01723/5

15/01723/6

15/01723/7

15/01723/8

Date of Report 17.11.2015

Document 3

Refusal Decision Notice

on behalf of MacLellan Property Ltd

February 2016

PERTH AND KINROSS COUNCIL

MacLellan Property Ltd
c/o Montgomery Forgan Associates
Darren O'Hare
Eden Park House
Eden Park
Cupar
KY15 4HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 18.11.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/01723/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 13th October 2015 for permission for **Alterations and extension to dwellinghouse Craigwell Milnathort Kinross KY13 0NR** for the reasons undernoted.

[redacted]

Development Quality Manager

Reasons for Refusal

1. The proposals, by virtue of their sprawling footprint, form and unsympathetic design, would result in an excessive and uncharacteristic extension to the host building, which would over-develop the property. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the surrounding built environment in order to respect the character and amenity of the place.

2. Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition and architectural integrity of existing buildings.

Justification

3. 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

15/01723/1

15/01723/2

15/01723/3

15/01723/4

15/01723/5

15/01723/6

15/01723/7

15/01723/8

Document 4

Annotated Photographs

on behalf of MacLellan Property Ltd

February 2016

Annotated Site Photographs

1. View looking northwards from A91 adjacent to access

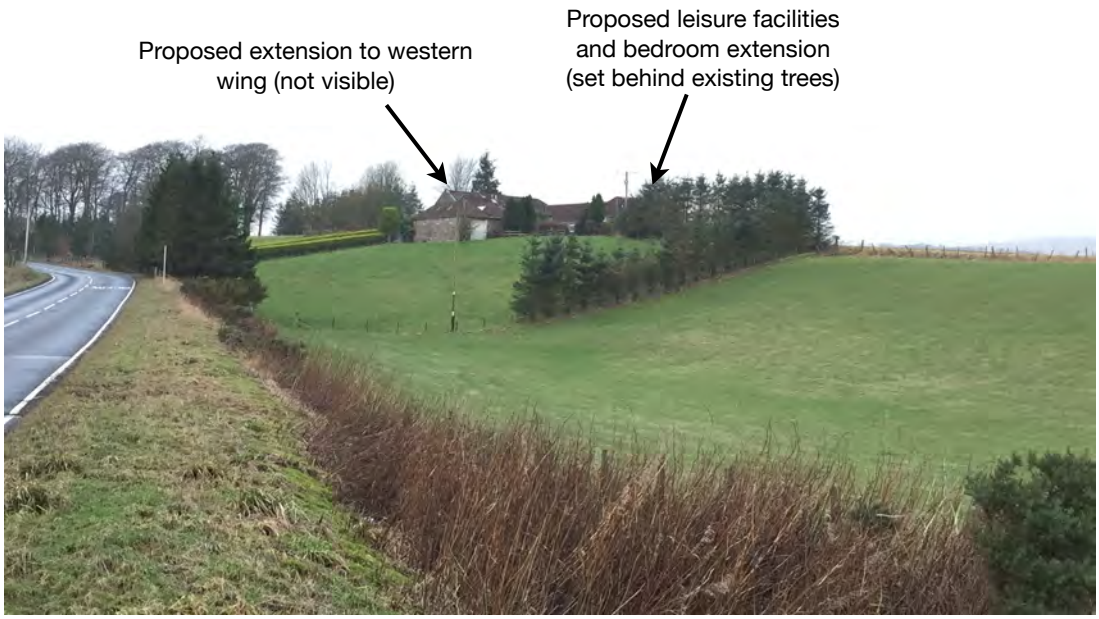
2. View from A91 verge looking north east

3. View from A91 verge looking north east (limited visibility of

4. View from A91 verge east of vehicular access looking

5. View from A91 verge looking north west

6. View from A91 verge looking north west

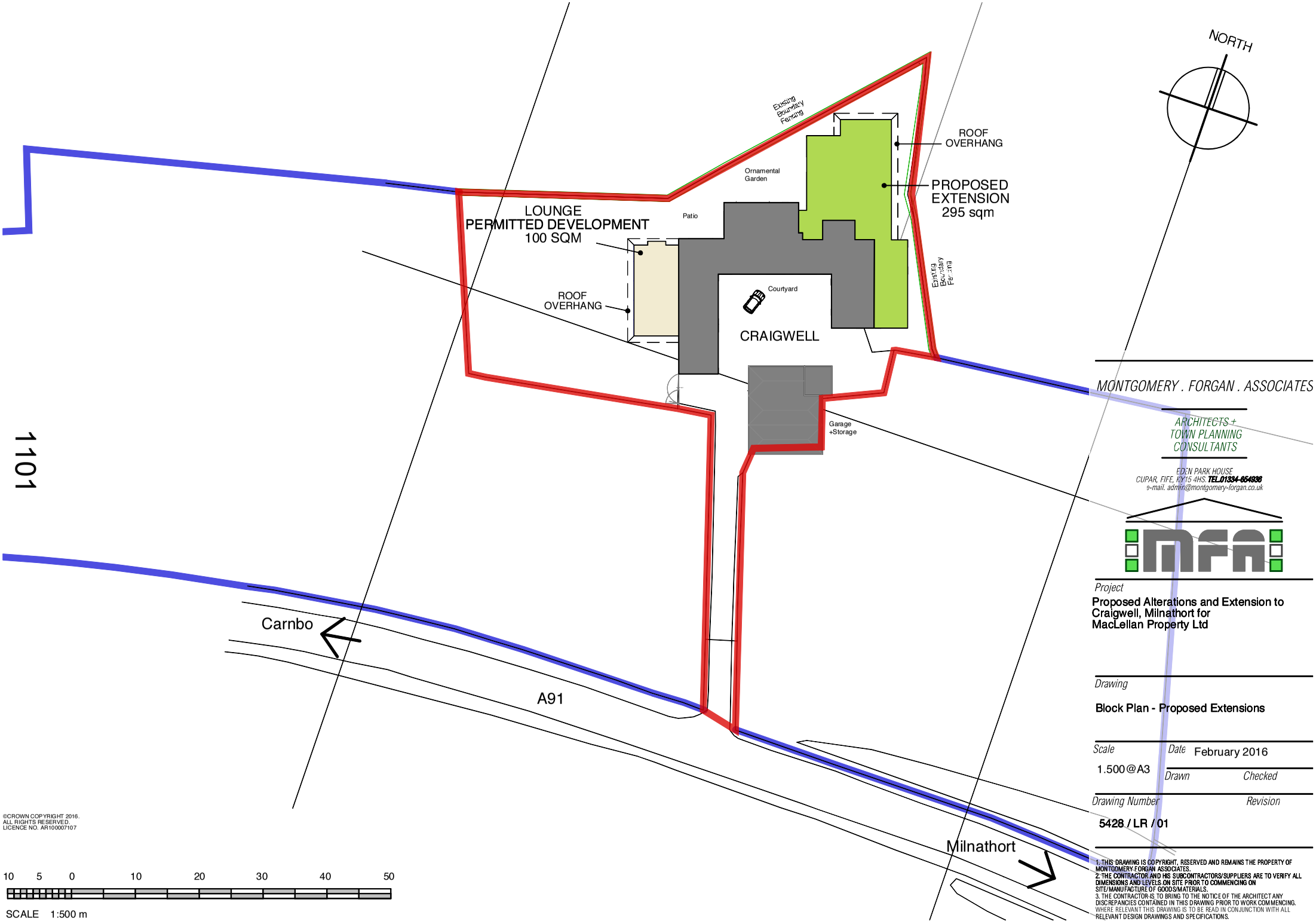


Document 5

Proposed Footprints

on behalf of MacLellan Property Ltd

February 2016



MONTGOMERY . FORGAN . ASSOCIATES
ARCHITECTS + TOWN PLANNING CONSULTANTS
EDEN PARK HOUSE
CUPAR, FIFE, KY15 4HS TEL.01334-654936
e-mail. admin@montgomery-forgan.co.uk

Project
Proposed Alterations and Extension to Craigwell, Milnathort for MacLellan Property Ltd

Drawing
Block Plan - Proposed Extensions

Scale 1.500@A3
Date February 2016
Drawn
Checked

Drawing Number
5428 / LR / 01
Revision

TCP/11/16(397)
Planning Application – 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 1091-1092)*

REPORT OF HANDLING *(included in applicant's submission, see pages 1081-1087)*

REFERENCE DOCUMENT (included in applicant's submission, see pages 1057-1102)

TCP/11/16(397)
Planning Application – 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR

REPRESENTATIONS

MONTGOMERY · FORGAN · ASSOCIATES

ARCHITECTS &
TOWN PLANNING
CONSULTANTS

EDEN PARK HOUSE
CUPAR, FIFE KY15 4HS. TEL. 01334-654936
Email: admin@montgomery-forgan.co.uk

Date: 18 April 2016

Our Ref: 5428/DOH

Your Ref: TCP/11/16 (397)

Perth and Kinross Local Review Body
The Atrium
137 Glover Street
PERTH
PH2 0LQ

For the attention of Gillian Taylor

Dear Gillian

Notice of Review - Planning Application Ref. 15/01723/FLL
Alterations and Extensions to dwellinghouse at Craigwell, Milnathort, Kinross, KY13 0NR

I refer to the Local Review Body meeting held on 29 March 2016 and to your subsequent letter of 13 April requesting further information relating to proposed phosphate mitigation measures since the site is located within the Loch Leven catchment area.

Having reviewed the terms of Policy EP7B of the adopted Perth and Kinross Local Development Plan 2014, which relates specifically to drainage within the Loch Level Catchment Area, we understand that ordinarily developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where the developer is able to implement acceptable mitigation measures consistent with the Council's published Supplementary Guidance.

The associated Supplementary Planning Guidance, which was approved in October 2014, entitled *Loch Leven Special Protection Area and Ramsar Site* states that for private foul drainage treatment plants, mitigation measures will need to be put in place which are capable of removing 125% of phosphorous likely to be generated. The guidance states that the aim is to ensure that there is no increase of phosphorus in the Loch Leven catchment arising from waste water associated with new developments.

In this particular case, we would contend that no mitigation measures are necessary. The property currently has 6 double bedrooms including the maids room and has a population equivalent of 8 persons (i.e. a minimum 5 persons for a 3 bedroom house plus one person for each additional bedroom). We would advise that the proposed extensions will not increase the number of bedrooms and would refer the LRB to the existing and proposed floor plans which accompanied the notice of review (Drawing No's 5428/C/01 Rev A, 5428/C/03 Rev A and 5428/C/04 Rev A). Whilst the accommodation will be reconfigured, the dwellinghouse will continue to provide 5 double bedrooms as well as the maids room. As such, the proposed development would not increase the existing phosphorus output by virtue of the fact that there will be no net increase in the number of bedrooms and therefore the population equivalent of 8 persons remains unchanged. The flowchart provided within the Supplementary Planning Guidance (page 5) confirms that for new developments, including extensions, which do not increase the population equivalent and where the new development does not have any phosphorus discharge, no mitigation measures are required. As this matter was not raised by the Appointed Officer, we consider that they too were content that the proposals met the

terms of the aforementioned guidance and would not contribute to increasing phosphorus levels within the Loch Leven catchment area.

With respect to the proposed swimming pool, we would advise that our client is currently in discussions with a couple of specialists who would supply and install the pool with all associated plant and filtration equipment. The swimming pool will in effect be a closed loop system with the only water discharging from the pool being back wash water from the pool's filter. This water will be treated and neutralised prior to being discharged via a subsurface soakaway system within the land owned by our client. We would advise that whilst the soakaway's size and design can only be finalised once the specific swimming pool design has been chosen, both Building Standards and SEPA will require to approve the pool's soakaway/treatment system as part of any building warrant application. Nevertheless, we would advise that the applicant would be happy to accept a suspensive planning condition which requires the finalised soakaway design to be submitted for approval before any works commence on site.

In light of the above, we would advise that there will be no increase phosphorus in the Loch Leven catchment as a result of this development. We trust that the above additional information assists with the LRB's consideration of this application.

Yours faithfully

MONTGOMERY FORGAN ASSOCIATES

Encl

Cc Maclellan Property Ltd