

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Gannochy Suite, Dewars Centre, Glover Street, Perth on Tuesday 27 January 2015 at 10.30am.

Present: Councillors M Lyle, I Campbell and J Giacomazzi.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: C Brien, G Peebles (up to and including Art. 53(v)) and C Swankie (all The Environment Service); H Rheinallt (Chief Executive's Service); members of the public, including agents and applicants.

### 51. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

### 52. MINUTE OF PREVIOUS MEETING

The Minute of the meeting of the Local Review Body of 9 December 2014 was submitted and noted.

### 53. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(325)  
Planning Application 14/01205/FLL – Change of use from public open space to private garden ground and erection of a fence, land 10 metres north west of 41 Lumsden Crescent, Almondbank – Mr D Martin**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use from public open space to private garden ground and erection of a fence, land 10 metres north west of 41 Lumsden Crescent, Almondbank.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that the Review Application for the change of use from public open space to private garden ground be upheld but subject to the size, type and materials of the proposed fence to be agreed with the Planning Officers prior to erection. In addition, a condition should be imposed removing Permitted Development rights.

#### **Justification**

The proposal is in accordance with the Development Plan.

**Note:** Councillor M Lyle dissented from the majority view. Whilst he had no issues with the change of use from public open space to private garden ground, he considered that the erection of any kind of fence would be contrary to Policy NE4 (sub category d) of the Perth and Kinross Council Local Development Plan 2014 as the enclosure of the garden ground would be harmful to the open and spacious character of the area and would have an adverse impact on the safety of users of the footpath.

**(ii) TCP/11/16(326)**  
**Planning Application 14/01088/FLL – Alterations and extension to dwellinghouse 8 School Wynd, Kinross, KY13 8EJ – Mr A Powis**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse, 8 School Wynd, Kinross, KY13 8EJ.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) further information be requested from the applicant notably regarding the rear elevation, boundary and garden ground levels of the adjoining house (5 Swansacre); and the superimposition in outline of the past approval for the single storey extension and the extension as built onto the current plans and elevations.
- (iii) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following the unaccompanied site visit the application be brought back to a future meeting of the Local Review Body.

*FOLLOWING A SHORT ADJOURNMENT DURING WHICH THE NATURE OF THE ADDITIONAL INFORMATION REQUESTED WAS ILLUSTRATED TO THE APPLICANT AND AGENT, THE LOCAL REVIEW BODY RECONVENED.*

**(iii) TCP/11/16(327)  
Planning Application 14/01269/FLL – Erection of timber boundary fences and decking (in retrospect), 55 Grange Terrace, Perth, PH1 2JR – Mr and Mrs B McArthur**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of timber boundary fences and decking (in retrospect), 55 Grange Terrace, Perth, PH1 2JR.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for the erection of timber boundary fences and decking (in retrospect), 55 Grange Terrace, Perth, PH1 2JR be refused for the following reasons, namely:
  - 1. The unauthorised fence, by virtue of its height, materials, position, extent and design, causes an unwelcoming corridor effect, leaving the public footpath without passive surveillance, thereby contributing to an unsafe environment. Approval would set a precedent for similarly unsuitable methods of enclosure and would be contrary to PAN 77, SPP, Designing Places, Designing Streets, Creating Places, TAYplan (Policy 2F) and Perth & Kinross Council Local Development Plan 2014 (Policies PM1A, PM1B and RD1).
  - 2. The unauthorised fence is unsuited to the front curtilage of the terraced property and is therefore harmful to the character and visual amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B and RD1 of the Perth and Kinross Council Local Development Plan 2014, which seek to ensure that developments are sympathetic to the character and amenity of the area and compatible with existing residential amenity.

**Justification**

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

**Note:** Councillor Lyle requested that the unauthorised fence at this application site and No 49 Grange Terrace, Perth be brought to the attention of the Council's Planning Enforcement Officers.

**(iv) TCP/11/16(328)**  
**Planning Application 14/01288/FLL – Demolition of garage and erection of wine cellar/garage/gym and car port, Glenardle House, Bridge of Cally, Blairgowrie, PH10 7JG – Mr and Mrs Phipps**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of garage and erection of wine cellar/garage/gym and car port, Glenardle House, Bridge of Cally, Blairgowrie, PH10 7JG.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for the demolition of garage and erection of wine cellar/garage/gym and car port, Glenardle House, Bridge of Cally, Blairgowrie, PH10 7JG be refused for the following reasons, namely:
  - 1. As a consequence of its height, design and massing, the proposal is incongruous and out of keeping with the host building (Glenardle House). It is detrimental to visual amenity and is therefore contrary to Policy RD1 (Residential Areas) of the Perth and Kinross Council Local Development Plan 2014.
  - 2. The proposal, by virtue of its scale and unbalanced proportions is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policy PM1A and PM1B(c) of the Perth and Kinross Council Local Development Plan 2014.

**Justification**

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

**(v) TCP/11/16(329)**  
**Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF – Mrs M Brass**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

*FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.*

**(vi) TCP/11/16(330)**  
**Planning Application 14/01494/FLL – Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns – Mr and Mrs K Knox**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was

before the Local Review Body to determine the matter without further procedure;

- (ii) an accompanied site visit be carried out; and
- (iii) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

**(vii) TCP/11/16(331)**

**Planning Application 14/01127/FLL – Erection of dwellinghouse on land 120 metres east of 10 Holding, Kingswell Road, Longforgan – Mr and Mrs D Maxwell**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse on land 120 metres east of 10 Holding, Kingswell Road, Longforgan.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the following information be requested:
  - (a) A copy of the decision letter issued by the Scottish Government Planning Directorate (referred to in the Appointed Officer's Report of Handling);
  - (b) A copy of the Report of Handling regarding the change of use of the application site to form garden (referred to in the Appointed Officer's Report of Handling);
  - (c) Clarification from the applicant regarding the north east boundaries; specifically as shown on the application site plan; as seen on site; and as within the applicant's ownership;
- (iii) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (iv) following the unaccompanied site visit the application be brought back to a future meeting of the Local Review Body.