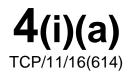
# TCP/11/16(614) – 19/00619/FLL – Erection of a conservatory, Ivybank Guest House, Boat Brae, Blairgowrie

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TCP/11/16(614) – 19/00619/FLL – Erection of a conservatory, Ivybank Guest House, Boat Brae, Blairgowrie

## PAPERS SUBMITTED BY THE APPLICANT

## **NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if any)			
Name	GARY HACK WIGEL ROBINSON	Name	CR SMITH		
Address	INYBONK LOOSE BOAT BRIE RATTRAY, BLANCEOWRIE	Address	CAROSOFILO STREET		
Postcode	PH10784	Postcode	K412 084		
Contact Telephone 1 Contact Telephone 2 Fax No			elephone 1 elephone 2		
E-mail*		E-mail*			
Mark this box to confirm all contact should be through this representative:  Yes No  * Do you agree to correspondence regarding your review being sent by e-mail?					
Planning authority PSRT4 - KIAROSS					
Planning authority's application reference number					
Site address WYBANK LESSE, BAT BAKE, RATTONY, BARCONRIE PHOZBH					
Description of proposed development EDESTION OF A CONSEQUATION OF A CONSEQUETA OF A CONS					
Date of application 16/04/2019 Date of decision (if any)					
Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.					

	Nature of application				
1. 2. 3.	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)				
4.	Application for approval of matters specified in conditions				
Rea	Reasons for seeking review				
1. 2. 3.	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				
Rev	view 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.					
har	ease indicate what procedure (or combination of procedures) you think is most appropriate for adding of your review. You may tick more than one box if you wish the review to be conducted ambination of procedures.				
1.					
1.	Further written submissions				
2.	One or more hearing sessions				
2.	One or more hearing sessions				
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2. 3. 4 If y	One or more hearing sessions Site inspection Assessment of review documents only, with no further procedure ou have marked box 1 or 2, please explain here which of the matters (as set out in your state ow) you believe ought to be subject of that procedure, and why you consider further submissions	ement s or a			
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#### 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 SEPARATE DOWNENT	
	1
	-
Have you raised any matters which were not before the appointed officer at the time the Yes No	
Thave you raised any matters which were not before the appointed officer at the time the	
determination on your application was made?	
If yes, you should explain in the box below, why you are raising new material, why it was not raised with	
the appointed officer before your application was determined and why you consider it should now be	
considered in your review.	
	7

#### 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 and intend to rely on in support of your review.

REDORT OF HOLDING - DELEGATED REDORT		
STATEMENT		
FLOOR Rads		
FLOR Rais ELEVATION PLANS		
SITE Plan		
<u>Note.</u> 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.		
Checklist		
Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.		
Signed Date SIGN 2019		

We seek a review of this application as we feel that several factors have not been fully considered by the Case Officer (Keith Stirton) in reaching the decision to refuse our application.

From the outset, it should be noted that our property is NOT situated within the local conservation area, it is NOT a listed building and NO comments or objections to our proposal were received.

We are a local business, operating a Guest House from our property and have been trading since June 2016. In that time, we have totally transformed a rather dated, well under-used Guest House which contributed nothing to the local area into a flourishing boutique, luxury, award-winning accommodation. In doing so, we have attracted a whole new market to the town and local area which previously had not been catered for. This in turn, has had a very positive effect on the many local businesses whose products we use and showcase as well as the many local businesses whose services we promote to our guests, supporting local jobs. We work long hours to maintain this level of success and have now reached a point where we need to consider work/life balance in order to make this success sustainable. Not only for us but for future owners to continue our work in maintaining the standards set, ensuring that this positive effect on local businesses is protected well into the future. To this end, we submitted an application to erect a Victorian style orangery onto the owner's accommodation (currently only a bedroom and bathroom) to provide some much-needed additional living and relaxation space.

It is acknowledged that the site of the proposed orangery is on the principal elevation however it is to the south east side of the principal elevation, some distance from the main street and visible only to certain units within the neighbouring Social Housing development. At this stage, it is also worth mentioning that the said Social Housing development which is sited on the edge of the conservation area would not appear to be in keeping with the traditional stone-built properties which surround it.

We note from the Report of Handling that mostly positive comments are made in regard to the proposal, such as:

"Landscape – The scale and nature of the proposals do not raise any landscape impact issues."

"Residential Amenity – The residential amenity of neighbouring properties would not be adversely affected by the proposed development, given their relative positions, orientations, distances and intervening structures/boundary treatments."

"Visual Amenity – It is acknowledged that the principal elevation faces away from the main thoroughfare in Boat Brae, that the principal elevation is partially screened with mature trees and that there is a substantial amount of modern development surrounding the application site."

"Conservation Considerations – A category B-listed property is located to the southeast of the application site; Ericht Lodge, HES Ref: LB49446. However, the proposal does not affect the setting of the listed building, given their relative distances and intervening features."

"Likewise, the proposal would not have an adverse impact on the adjacent conservation area, given the orientation of the building and the setback position of the proposed development."

It seems, therefore, that the policies upon which the decision has been made, are not consistent with the above comments:

Policy PM1A – Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

- As already noted, the proposal is Victorian in style and would be attached to a Victorian era building. The Case Officer acknowledges that there is a "substantial amount of modern development surrounding the application site." We would strongly argue that this has in no way contributed positively to the quality of the surrounding environment which features several traditional stone-built Victorian era properties. Further, we would emphasise that the proposal is in Victorian style and therefore would restore more traditional character to the area.

Policy PM1B(c) – The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

- As already stated, the Victorian style design would, in our opinion, complement the building and the materials, finishes and colours have been carefully chosen to fully complement those already featured. Such as: white UPVC framing to match the existing 27 white UPVC framed windows throughout the building, the majority of those being on the principal elevation. The proposed smooth red rendered under-build would exactly match the existing red rendered mullions and window sills, colour matched in the same way to the red stone from which the property is built.

Policy RD1(c) – Proposals which will improve the character and environment of the area.

- As previously noted, the proposal is a design in Victorian style and would, in our opinion, seek to restore a more traditional feature in an area which has, to a degree, been taken over by modern development.

"The proposal, by virtue of its standardised "projecting bay" conservatory design and its position on the principal elevation, would result in an unsympathetic and incongruous appearance which is detrimental to the visual amenity of the host building".

- This statement, we would suggest, is a matter of the personal opinion of the Case Officer. We would clarify that we would NEVER seek to make changes to the property we own which we would deem to be detrimental in appearance. This is evident in the extensive sympathetic restoration of our property internally.

Following receipt of the Report of Handling, outlining the decision made, we have made attempts to engage with the Case Officer in order to identify a sensible way forward in terms of an alternative design however this has resulted in various suggestions from the Case Officer, his Line Manager and the Department Manager which have ultimately proved to be unworkable, such as:

- Erecting the orangery on the South East elevation of the building where it would be accessed through a Utility Room and sandwiched between an 18ft stone retaining wall and a two-storey Coach House thereby blocking natural light and preventing access to the adjacent ornamental garden.
- Building a structure from matching stone the building is around 170 years old, making it impossible to match the existing stone which has been in place since and weathered over that time.
- Reducing the height of under-build by extending windows to floor level, thereby creating privacy issues. As mentioned above, we operate a Guest House business and our guests do have access to all areas of our grounds.

We have repeatedly suggested that the Case Officer, Department Manager and others involved in this process visit the site and allow us to appraise them of the geography of our property, in particular the internal layout where the floor level is some distance from ground level and is a major factor in determining a suitable design. The site visit request was also endorsed by Councillor Shiers who has visited the site. Unfortunately, this offer was never accepted by the Case Officer or any of his colleagues. We do however understand that the Case Officer did visit the site (on 15<sup>th</sup> May, 2019) but failed to identify himself, choosing instead to inspect the site without our knowledge.

In conclusion, and in light of the various points raised, we would see no reason why the decision to refuse our application should be upheld.

# REPORT OF HANDLING DELEGATED REPORT

Ref No	19/00619/FLL		
Ward No	P3- Blairgowrie And Glens		
Due Determination Date	07.07.2019		
Report Issued by		Date	
Countersigned by		Date	

**PROPOSAL:** Erection of a conservatory

**LOCATION:** Ivybank Guest House Boat Brae Rattray Blairgowrie PH10

7BH

#### **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:** 15 May 2019

#### SITE PHOTOGRAPHS





#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is Ivybank Guest House, which is a traditional detached property on the south side of Boat Brae, opposite the Blairgowrie Conservation Area. This application seeks detailed planning permission for the erection of a conservatory on the principal (southwest) elevation of the owners' private accommodation, which is a two storey wing attached to the southeast elevation of the guest house.

#### SITE HISTORY

PK/91/0237 Alterations and extension

Application Approved – 9 May 1991

02/00211/OUT Erection of a dwellinghouse and garage

Application Refused – 12 March 2002

08/01656/FUL Conversion of coach house to ancillary accommodation

Application Approved – 28 October 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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

# TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states "By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create iobs."

# 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 HE3A - Conservation Areas

The design, materials, scale and siting of a new development within a Conservation Area, and development out with an area that will impact upon its

special qualities should be appropriate to its appearance, character and setting.

#### 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.

#### Policy PM1B - Placemaking

All proposals should meet the placemaking criteria, specifically;

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

#### Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area. Generally encouragement will be given to proposals which fall into 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.

#### Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

#### OTHER POLICIES

None.

#### **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	Not Required
Access Statement	
Report on Impact or Potential Impact	Not Required
eg Flood Risk Assessment	

#### **APPRAISAL**

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

Alterations and extensions to an existing domestic residence are considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on visual or residential amenity. Additionally, consideration must be given to whether the proposal adversely impacts the setting of the adjacent Conservation Area.

#### **Design and Layout**

Ivybank Guest House has had various alterations and extensions in the past, some of which have eroded its traditional character to a degree. The property is contained by stone boundary walls and its principal elevation is orientated to the southwest, away from the public road at Boat Brae, and is partially obscured by attractive mature trees.

The proposal seeks planning permission to erect a upvc conservatory on the principal elevation of the owners' private accommodation, which is a two storey wing which is set back from the main frontage of the guest house.

It should be noted that the application drawings contain an inconsistency in the relationship of the owners' accommodation to the principal elevation of the guest house. This results in a discrepancy over how close the conservatory would project to the frontage of the guest house; the conservatory is set further back on the site plan than it is on the floor plan.

#### Landscape

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

#### **Residential Amenity**

The residential amenity of neighbouring properties would not be adversely affected by the proposed development, given their relative positions, orientations, distances and intervening structures/boundary treatments.

#### **Visual Amenity**

The owners' private accommodation takes the form of a two-storey corbelled gable wing, which is attached to the southeast elevation of the guest house by a recessed link. The proposed conservatory is located on the principal (southwest) elevation of the corbelled gable.

It is acknowledged that the principal elevation faces away from the main thoroughfare in Boat Brae, that the principal elevation is partially screened with mature trees and that there is a substantial amount of modern development surrounding the application site.

However, the detailed design of the proposed conservatory is out of keeping with the traditional nature of the host building. The white upvc framed conservatory has 12 windows with top hoppers, built upon a substantial 2 metre tall base which is finished in a smooth red render. The combination of the standardised "projecting bay" conservatory design and its position on the principal elevation would result in an incongruous appearance which is detrimental to the visual amenity of the host building.

#### **Conservation Considerations**

A category B-listed property is located to the southeast of the application site; Eright Lodge, HES Ref: LB49446. However, the proposal does not affect the setting of the listed building, given their relative distances and intervening features.

Likewise, the proposal would not have an adverse impact on the adjacent conservation area, given the orientation of the building and the setback position of the proposed development.

#### 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 2016 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**

The proposal, by virtue of its standardised "projecting bay" conservatory design and its position on the principal elevation, would result in an unsympathetic and incongruous appearance which is detrimental to the visual amenity of the host building.

Accordingly, approval would be contrary to Policies PM1A, PM1Bc and RD1c of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development is designed to contribute positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.

#### **Justification**

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

#### **Informative Notes**

Not Applicable.

#### **Procedural Notes**

Not Applicable.

#### PLANS AND DOCUMENTS RELATING TO THIS DECISION

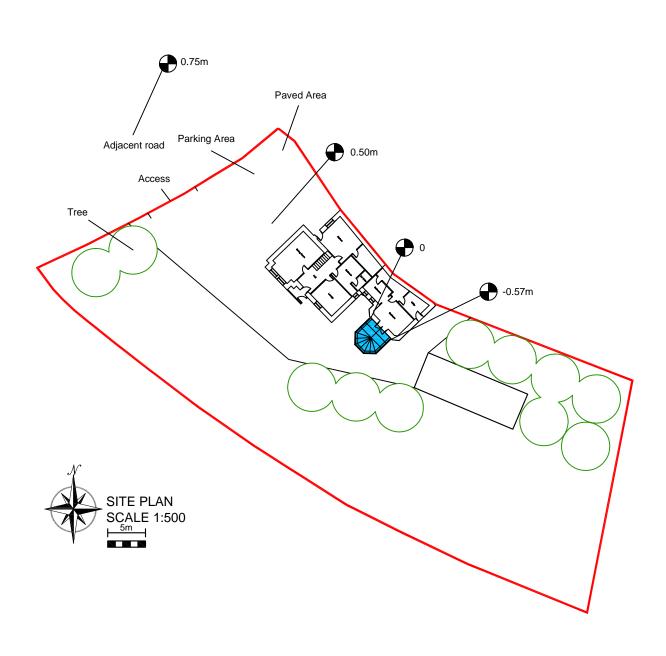
19/00619/1

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19/00619/4

Date of Report 13 June 2019





ISSUE AMENDMENT rev A Scale/Accuracy corrected

Mr N Robinson

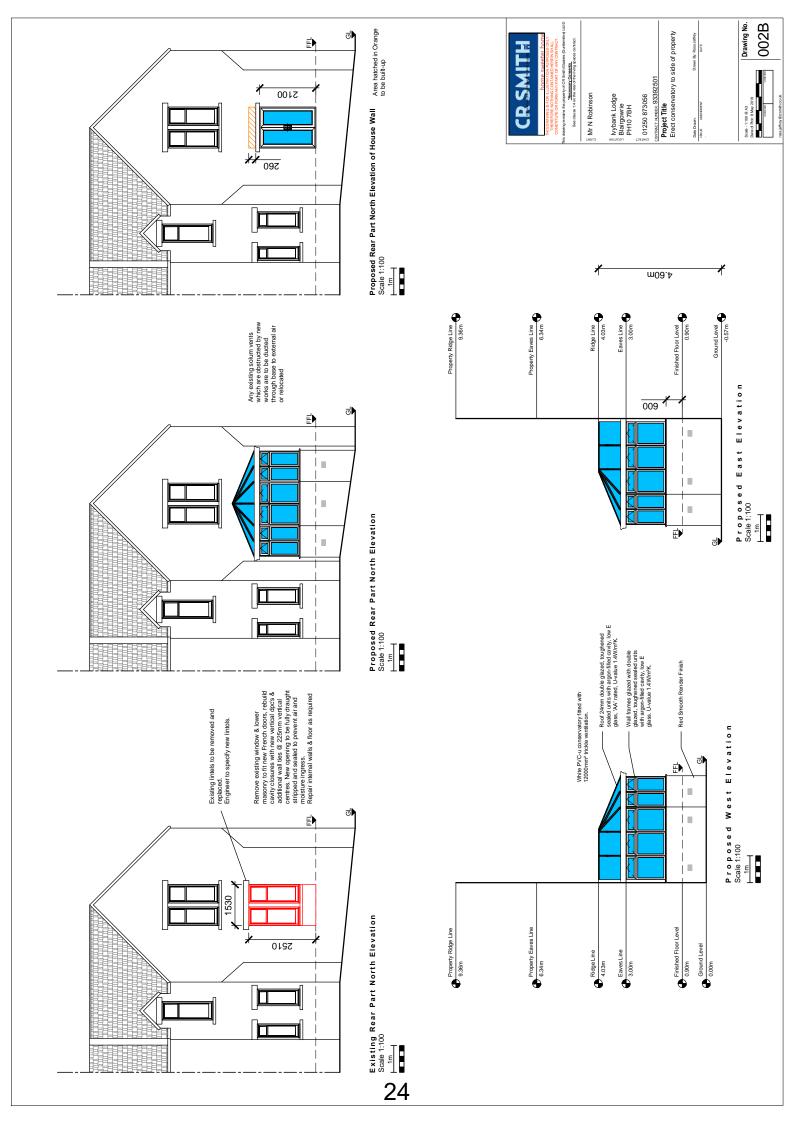
lvybank Lodge Blairgowrie PH10 7BH 01250 873056 Project Title

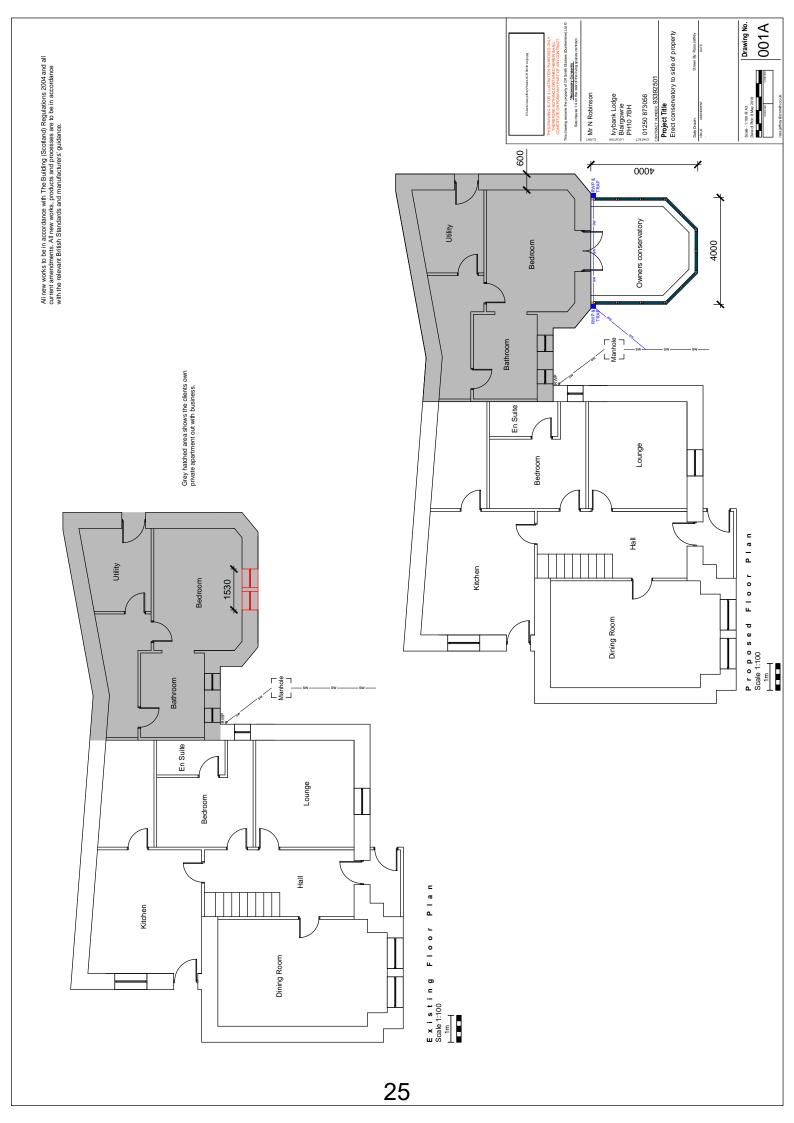
Erect Conservatory to side of property

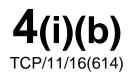
Date Drawn: 20 June 2019

Scale - 1:500 @ A4
Date of Plot: 20 June 2019

Drawing N SP1 a







TCP/11/16(614) – 19/00619/FLL – Erection of a conservatory, lybank Guest House, Boat Brae, Blairgowrie

## PLANNING DECISION NOTICE

REPORT OF HANDLING (included in applicant's submission, pages 15-21)

REFERENCE DOCUMENTS (part included in applicant's submission, pages 24-25)

### PERTH AND KINROSS COUNCIL

Mr N Robinson c/o CR Smith Glaziers (Dunfermline) Ltd Ross Jeffrey Gardeners Street Dunfermline KY12 0RN Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 14th June 2019

#### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 19/00619/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 May 2019 for permission for **Erection of a conservatory lvybank Guest House Boat Brae Rattray Blairgowrie PH10 7BH** for the reasons undernoted.

#### Interim Development Quality Manager

#### **Reasons for Refusal**

1. The proposal, by virtue of its standardised "projecting bay" conservatory design and its position on the principal elevation, would result in an unsympathetic and incongruous appearance which is detrimental to the visual amenity of the host building.

Accordingly, approval would be contrary to Policies PM1A, PM1Bc and RD1c of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development is designed to contribute positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.

#### **Justification**

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

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at <a href="https://www.pkc.gov.uk">www.pkc.gov.uk</a> "Online Planning Applications" page

Plan Reference

19/00619/1

19/00619/2

19/00619/3

19/00619/4





