

TCP/11/16(300)
Planning Application 13/02304/FLL – Erection of 8
dwellinghouses, land 30 metres north of 7 Errol Road,
Invergowrie

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TCP/11/16(300)
Planning Application 13/02304/FLL – Erection of 8
dwellinghouses, land 30 metres north of 7 Errol Road,
Invergowrie

**PAPERS SUBMITTED
BY THE
APPLICANT**



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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 000087249-001

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.

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:	Fouin+Bell Architects Ltd
Ref. Number:	
First Name: *	Fouin
Last Name: *	Bell
Telephone Number: *	0131 478 7100
Extension Number:	
Mobile Number:	
Fax Number:	0131 478 7111
Email Address: *	ian.hunt@fouin-bell.com

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

Building Name:	
Building Number:	1
Address 1 (Street): *	John's Place
Address 2:	Leith
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH6 7EL

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: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

17

Building Number:

Address 1 (Street): *

Kettering Road

Address 2:

Burton

Town/City: *

Latimer

Country: *

Northamptonshire

Postcode: *

NN15 5LP

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

5 Errol Road

Address 5:

Address 2:

Invergowrie

Town/City/Settlement:

Dundee

Address 3:

Post Code:

DD2 5AG

Address 4:

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

Northing

730286

Easting

334686

Description of the Proposal

Please provide a description of the 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)

Erection of 8 dwellinghouses Land 30 Metres North Of 7 Errol Road Errol Road Invergowrie

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 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 of 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.

Please see attached supporting documents - Ground for Review and Supporting Documents A to J

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☐ Yes ☒ No

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)

Grounds for Review of Delegated Refusal of Planning Application 13/02304/FLL
Along with Appendices
A - Sketch issued to planners
B - Place Making Guidance ? Permitted development right for extensions
C - Planning Permission in Principle for Residential Development (planning reference 12/00582/IPL)
D - Density Plan
E - SUDS design being prepared and submitted with the application
F - Backland development Review 13-300 (PL)20
G - Thorntons Market Appraisal
H - Vehicle Tracking

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/02304/FLL

What date was the application submitted to the planning authority? *

14/12/13

What date was the decision issued by the planning authority? *

14/02/14

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 conducted by a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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)

The application was refused on the basis of the Case Officer's opinion of appropriate development, a blinkered approach has driven him to refuse without any evidence that the proposals have failed to meet PKC Policies or National Policies. The reasons for refusal are subjective to an individual's point of view, we feel we proposals have met requirements of the policies used to refuse the application and on this basis we would like a hearing to allow the applicants to express their point of view.

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

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:	Fouin Bell
Declaration Date:	09/04/2014
Submission Date:	09/04/2014

Town and Country Planning (Scotland) Act 1997

**Grounds for Review by
Perth and Kinross Local Review Body
in respect of their
Delegated Refusal of Planning Application for
Erection of 8 dwelling houses**

**5 Errol Road
Invergowrie
Errol Road Invergowrie
Dundee
DD2 5AG**

N1- Carse of Gowrie

Planning Reference: 13/02304/FLL

On behalf of Chamberlain Bell

31 March 2014

fouin + bell



architects

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Appendices

- A - Sketch issued to planners - 03.10.13
- B - Place Making Guidance – Permitted development right for extensions
- C - Planning Permission in Principle for Residential Development (planning reference 12/00582/IPL)
- D - Density Plan - 21.01.14
- E - SUDS design being prepared and submitted with the application - 24.01.14
- F - Backland development Review 13-300 (PL)20 - 24.01.14
- G - Thorntons Market Appraisal - 10.02.14
- H - Vehicle Tracking - 24.01.14

1.0 Introduction

1.1 These grounds for appeal have been prepared by Fouin+Bell Architects on behalf of the applicant, Chamberlain Bell, 3/29 Portland Gardens, Edinburgh, EH6 6NY.

1.1 The appeal relates to Perth and Kinross Council's delegated refusal dated 14 February 2014 of planning reference 13/02304/FLL, a detailed planning application for the erection of 8 houses at 5 Errol Road, Invergowrie DD2 5AG.

(PKC's application address – Land 30 meters North of 7 Errol Road, Invergowrie)

2.0 Site Location and Description

- 2.1 The site is located on the east side of Errol Road, Invergowrie, approximately 100m south of the Main Street, Invergowrie. The site consists of a flat rectangular piece of ground approximately 45 x 47 metres. The site area extends to 2130m² or 0.53 Acres.
- 2.2 The site was the former Invergowrie Tennis Club and had three blaze tennis courts, a modest disused pavilion and a carpark access via a pavement cross off Errol Road.
- 2.3 To the west of the site across Errol Road lies the new Invergowrie Primary School which was completed in the summer of 2013. To the south of the site there is a single storey BT telephone exchange, to the east of the site there is two storey (post war) housing which consist of a mixture of semi-detached and four in a block flats. To the north there is a bowling green and its associated pavilion.

3.0 The Proposals and History to the Application

- 3.1 The site was bought by the applicant Chamberlain Bell on 31 October 2013.
- 3.2 The site has planning permission in principle for residential development, per planning reference number 12/00582/IPL, approved 29th March 2012.
- 3.3 Pre application dialog with the planning officer commenced via email on the 3 October 2013, with an initial sketch layout presenting the proposals for viable and sustainable proposals 8 moderately sizes and houses. (appendix A)
- 3.4 The appointed case officer, Calum Petrie responded on 7 October 2013. His initial response intimated that he did not feel that the proposed layout was acceptable to him and he felt that an appropriate development of the site would be 4 houses facing Errol Road. He also stated that Perth and Kinross Councils (PKC's) minimum development plots size of 360m2. The only supporting evidence of this position was an extract from the Council's supplementary planning guidance on Place Making for Permitted Development. (appendix B) It was noted by the case officer that this was an emerging policy and has not actually been adopted by the Council at the time of our application.
- 3.5 Over the next the next two months we endeavoured to enter into meaningful dialog with the case officer regarding our proposals and we made repeated requests for a face to face meeting to resolve design and layout issues. These requests were refused.
- 3.6 As a result there was an exchange of emails and layout sketches but the case officer was not prepared to accept any of our proposals or indeed the justifications provided in order to approach the site form any other viewpoint. It was repeated that in his view the option was the four house plan he had proposed.
- 3.7 In the light of this apparent intransigence at pre-application it was decided to formally lodge the application, with a view to encouraging the face to face meeting.
- 3.8 The application was lodged on 14 December 2013 (Appendix J) and registered on 19 December 2013.
- 3.9 Following its registration, we again requested a meeting to discuss the design and consultation responses and this was again initially refused.

- 3.10 We then discussed this matter with the local member Councillor Douglas Pover who intimated that a meeting would be a good idea in order to ensure the best possible development for the site.
- 3.11 Despite this offer we were unable to arrange such a meeting and we contacted Nick Brian to seek his intervention. Prior to this being achieved, the application was refused under delegated powers on 14 February 2014.
- 3.12 Throughout these discussions we have highlighted to the case officer that our proposed layout fully complies with the standard in place at the time of the application, that it was in keeping with character, scale and plot size which is found throughout Invergowrie and was therefore perfectly acceptable, and that it complies with all of the principles of Manual for Streets and Making Places. It is therefore very disappointing to be refused without proper consideration of these points.

4.0 Reasons for Refusal

4.1 The reason given for refusal of the application were as follows:-

The proposed development fails to comply with policy RD1 and PM1 of the adopted Perth and Kinross Local Development Plan 2014 in failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built and natural environment.

The proposed development is contrary to Policy RD1 of the Adopted Perth and Kinross Local Development Plan 2014, through the proposed layout offering an unacceptable degree of residential amenity to its future occupiers (by virtue of restricted private amenity space) failing to demonstrate that a reasonable standard of residential amenity can be achieved for the proposed housing.

The proposed development is contrary to Policy 2 of TAYPlan 2012 through failing to ensure that the arrangement, layout, design, density and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets.

4.2 The justification provided for this decision was as follows :-

The proposal is contrary to the adopted Development Plan (2014) and there are no material reasons which justify departing from the Development Plan.

Refusal Reason 1(a)

Fails to comply with policy RD1: failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built or natural environment.

Refusal Reason 1(b)

Fails to comply with policy PM1: failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built or natural environment.

Refusal Reason 2

Contrary to policy RD1: the proposed layout is offering an unacceptable degree of residential amenity to its future occupiers (by virtue of private amenity space) failing to demonstrate that a reasonable standard of residential amenity can be achieved for the proposed housing

Refusal Reason 3

Contrary to policy 2 of TAYPlan 2012: failing to ensure that the arrangement, layout, design, density and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets.

5.0 Policies used to justify refusal and grounds for this appeal to the Local Review Body.

- 5.1 In order to allow this to be reviewed it is necessary to consider the policies used to justify the decision. These are primarily RD1, PM1 and policy 2 of TayPlan 2012. These are as follows:-

Policy RD1: Residential Areas

The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

The proposals submitted comply intention of this policy, residential use on redundant tennis courts is fully compatible with it surrounding land uses, this has been supported by the Perth and Kinross Council's granting approval of Planning Permission in Principle for Residential Development (planning reference 12/00582/IPL Appendix C)

Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

- a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.*

The proposals should be seen as compliant with this category. The introduction of residential use at the proposed density makes the most effective use of the site. The density of the development site (37 units / hectare) which is consistent with the surrounding medium density housing of Main Street and Carselea Road which are generally 30 to 40 unit per hectare. (appendix D)

The medium density proposal respects the environs of the surrounding uses. Our proposals are fully compliant with National Planning Policies for daylighting, overshadowing and privacy. Upon request, the Case Officer was unable to provide any alternative Local Planning Policy that should be applied to this site. Our proposals do not to contravene any planning policy.

- b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.*

Not relevant.

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

The proposal submitted significantly improves the environment of the village area. The existing redundant tennis courts are in a terrible condition having fallen into disrepair and currently present the site as a derelict piece of land.

Our proposals provide an active frontage onto Errol Road with the building line to the front positioned close to the street edge, giving an interaction between the new housing and the street – in compliance with Designing Streets philosophy. This building line responds to the building position of the tenement flats on the opposite side of the road. Similar to several other buildings within the village centre, the front street houses have a wall to the pavement edge and benefit from a small garden in front of the building.

d) Business, home working, tourism or leisure activities.

The proposed houses have been designed to accommodate a home work station that allows the owners to work from home. The development will be provided with up to date broadband connection available to the local area.

e) Proposals for improvements to community and educational facilities.

The principle of residential development for this site has been approved on the basis developer contribution being paid towards the improvement of community facilities. This should be considered as the development having a direct improvement to community facilities.

Notwithstanding the above financial contribution, the new occupants of the houses will make use of the existing facilities which will, in turn, help to secure the long term use of these facilities.

Policy PM1: Placemaking

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

The proposals are to fully comply with the intention of this policy. Cognisance of the surrounding built environment has been carefully considered with the houses being of modest sizes, with appropriate building spacing. The re-use of materials which are already heavily used within the village assist with the new houses to contribute positively but fit in with the surrounding built environment.

Proposals have taken recognition of climate change with SUDS design being prepared and submitted with the application. (Appendix E). This drainage system attenuates surface water on site and discharge to the existing sewer located in Errol Road.

The houses assist with addressing climate change and have been designed to provide 15% carbon reduction in accordance with the current Scottish Building Regulations.

With regard to adaptation, as noted the houses are compliant with the Scottish building regulation which have an emphasis on new houses designs been adaptable should the occupants life circumstance change the ground floor can be easily adapted for wheel chair use without extended out with the building footprint.

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

The proposals have been prepared to accord with these standards and surrounding streets.

The retention of the existing front stone boundary wall secures and protects the only significant feature which defines part of the character of the site. The new access is formed by sensitively opening up the existing breach in the wall, currently unsightly brickwork. It is intended to close off the existing dilapidated wide access point to the eastern end in stonework and form a pedestrian access point in this location. The foot path behind the wall will be built to an adoptable standard that will allow pedestrians to access the site at either end.

The design of the new houses contribute to and respect the character of its surroundings with building facades being a mixture of traditional materials (wet dash render and timber windows) and new materials (rich timber cladding materials influenced to correspond with the new school) to create identity which binds both the new and established buildings within Invergowrie

The setting of the houses along the street frontage directly responds to typical layout of the street frontage throughout the village. The use of an access lane has been added to serve 4 houses to the rear of the site. This corresponds with other, existing instances throughout the village where backland development has been utilised to maximise development and *economic use* of the area. This is highlighted, but not restricted to, areas 1, 2, 3, 4, 5 on our drawing 13-300 (PL)20 submitted on 24 January 2014. (Appendix F)

The access lane which leads directly to the boundary of the adjacent site makes provision for future access to potential development land without having to add additional road junctions off Errol Road, which is already an active and narrow street.

Policy PM1B

All proposals should meet all the following placemaking criteria:

- a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*

The proposal provides a sense of identity whilst fitting in respectfully with their surroundings. The careful positioning of the buildings (plots 1 to 4) close to the street edge of Errol Road creates an active street frontage with interaction between the building and the street.

The site is safely accessible, with a shared surface serving the development, the shared surface changes the hierarchy of the road use to be pedestrian, cycle then vehicular.

Vehicle tracking has been provided to the Council to prove the site is accessible and safe to manoeuvre with the development. (Appendix H)

- b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*

The proposals respect the existing topography with no retaining features proposed within the development. The proposals retain the existing stone wall running along the Errol Road boundary. This wall will require to be repaired along its entire length. As this wall currently is in a poor condition, this would facilitate its safe condition along the public highway for the future.

The site is an 'infill development site' with views on all sides are closed off by the surrounding buildings and topography. There are, therefore, no adversely affected views or skylines or implications to the wider landscape character of Invergowrie, other than general improvement.

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

As documented within council guidelines of Perth and Kinross' settlement, patterns display a rich diversity of site area characters. Whilst the proposals are only for eight houses, we feel we have embraced the character of Invergowrie's village centre at the front of the site (active frontages with linked houses) and the wider area to the rear part of the site (linked houses along with some detached houses access off a lane).

Invergowrie presents diverse mix of housing throughout the village, with pockets of flats, terraced, semi-detached and detached buildings, the building heights are also mixed, single, storey and a half, two storey and two and half storeys. The proposals have the houses at two storeys which is an appropriate building height for this site.

The density of the village can be broken into various categories, low to medium density with villas set in modest gardens to the outer village areas, medium density to higher density of the village centre provided by flats, terraced and semi-detached units located on Main Street, Carselea Road and Errol Road. With this development being located within the centre of the village, it is appropriate to respond to the higher density of the village. The proposals currently present a density of 37 units / hectare which is in medium density housing.

It should be noted that the mix of size of the units have also been guided by the need to develop a proposal which is sustainable in the current housing market. A supporting statement by Thornton's (Appendix G) on market demand and viability of housing mix was provided to the case officer on 24 January 2014 to support the issue on developing proposals which meet the current housing demand in the Invergowrie and Dundee area.

The materials, finishes and colours proposed within this development responds the context of the location of the site, the new school is located opposite the site, which has a range of modern style material with the dominant material being the timber cladding. The housing the rear of the site all have wet dashed rendered and timber windows. The flats opposite the site has a slate roof. Boundary treatments are also all varied, with a mixtures of walling and fencing to define gardens and street edges.

The proposed materials are wetdash render with timber feature panelling at high level to the external walls, timber windows and slate roofs and a mixture of stone and rendered walls and timber fencing to the boundary treatments respond to the context of the surrounding buildings.

- d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*

As stated previously, the proposals have created a building line which responds to the adjacent row of flats / dwellings fronting onto Errol Road.

The position of the adjacent telephone exchange to the south, which is at a right angle to the site, provides a formal transition between Dryburgh Terrace housing and new housing facing onto Errol Road.

To the East of the site lies the bowling green, and further east there is a church. Due to these building's location and orientation, neither will read with this site or its frontage.

- e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*

The proposals have four houses fronting onto the street, these are accessed to the front by a footpath suitable for pedestrian and bicycle use.

To avoid a busy, unsightly and safer site frontage, the parking has been discretely located along the boundary wall facing the telephone exchange. This row of remote parking has been broken up by incorporating timber pergolas that improve the visual line of on-site parking requirements. Vehicular access into the site has been provided by a pavement crossing (similar to the former access to the tennis courts carpark) using an existing breach in the stone wall. The access road for the site is via a shared surface, per PKC's guidelines. The route to the rear housing is defined by a feature wall on the left hand side and the pergolas on the right hand side. The view into the site is punctuated by a detached house, and the access route is guided further into the site with the incorporation of the curved wall. As encouraged by Designing Streets guidelines, all of the houses to the rear front onto, and are accessed directly off, the access road. This delivers a sense of the place. Parking to the rear of the houses is provided by driveways alongside each house, to ensure the area in front of these houses is pedestrian dominant and not car dominant.

- f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*

The houses are designed to be fully compliant with the current Scottish Building Regulations, which requires new houses to be fully adaptable without having to extend the building footprint. The proposals are therefore compliant with this policy.

- g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

It is proposed to retain and secure the longevity of the existing stone walls to the boundaries of this site. There are no other significant features, other than the stone walls.

- h) Incorporate green infrastructure into new developments and make connections where possible to green networks*

Due to the application site being an infill development site with no connections to the existing green infrastructure, there is therefore no potential to make additional connection to green networks.

Policy PM1C

For larger developments (more than 200 houses or 10 ha.

This section is not applicable as the proposals are not more than these levels.

TAYPlan Policy 2: Shaping better quality places.

A. ensure that climate change resilience is built into the natural and built environments through:

i. A presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning

The level of flood risk is reduced and mitigated against by the incorporation of SUDS attenuation to control the surface water run off from this site.

ii. Policy, should be promoted;

iii. reducing surface runoff including through use of sustainable drainage systems;

The incorporation of SUD drainage design with below ground attenuation to controls the surface water run off from this site. (Appendix E)

iv. Protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,

This policy not applicable to this site

v. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

On the basis of the above we are fully compliant with this policy. No guidance has been provided by the case officer to demonstrate otherwise.

- B.** *Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.*

This development is an infill development adjoining an established residential area with existing roads, services and drainage passing the site within Errol Road. This policy refers to larger green field release or larger windfall development site, which would be part of or lead to a larger development.

- C.** *Ensure the integration of transport and land use to:*

reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

The site sits within an established community, with all local amenity within easy walking distance, this is one of the key objectives to any development site and the proposals are fully compliant with this policy.

- D.** *Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.*

Pre-application dialog was held with PKC's waste management officer and the recommendations provided by the officer were incorporated into the proposals. The properties all have in curtilage storage space for residual, recycling and garden waste in accordance with the council's guidance.

A bin collection space has also been provided at the site entrance to ensure the pick up of the waste is managed on site and has easy access for collection by the council's waste services team on the relevant waste pick up day.

- E.** *Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards*

The resource efficiency of the development has been carefully considered within the proposals with the houses being provided with south eastwardly gardens, with the main facade facing westward to maximise solar gain. The houses are designed to be fully compliant with the Current Scottish building regulations provide a carbon reduction of 15%. The houses are highly efficient and benefit from low energy consumption through a fabric first approach with smart houses technology making use of effective modern controls and monitors. The materials being used are generally natural, sourced locally and where possible from replenishable resources.

The development is self demonstrates a high resource efficiency, with the proposals for medium density housing instead of low density housing being insisted upon by the case officer. There are eight houses proposed on this site, as supported by national planning policy by maximising capabilities on brownfield sites there are less demand for new houses being built on greenfield development sites.

F. Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary.*

The arrangement of housing facing onto Errol Road responds to the typical street scape of Error road and Main Street Invergowrie. Incorporating a line of houses access of a lane also directly responds the local context with examples of this being presented throughout the existing village. Examples of the existing typical backland development has been provided to the Council to demonstrate housing being the principle housing corridors is in keeping with the context of Invergowrie. (Appendix F)

The layout and design picks up typical details and townscape from Invergowrie (overhanging roof, small entrances canopies, street edge boundary walling, houses closing off through vistas).

The density of the development site (37 units / Hectare) which is consistent with the surrounding medium density housing of Main Street, Carselea Road which are generally 30 to 40 unit per hectare.

The mix responds to the Invergowrie with the use 3 bedroom houses in a semi-detached and detached format all with private gardens to the rear. The mix and its viability is supported a report prepared by Thornton's who are local housing specialists (Appendix G).

Other than the existing stonewall the proposals do not affect any other natural or historic assets to Errol Road or the wider area of Invergowrie.

The proposals have minimum impact on the existing wall with the location of the new access responds with an existing bricked up opening, this opening will be re-opened and widen to meet the width required by the council's road department's guidelines. The wall will be sympathetically repaired the full length to secure it as an asset to the site and surrounding environment.

As previously noted the site is consistent with the aims of Scottish Government's Designing Places and Designing Streets with the proposals creating a Safe, Secure and Welcoming Environment, whilst preserving the distinctiveness of Invergowrie "*which typically displays a rich diversity of individual site area characters*".

With this site being an infill site there is limited scope to provide additional green infrastructure which could be meaningful of worthwhile.

6.0 SUMMARY

Through review of the former Local Plan, which was active at the submission and consultation phase of this application, and then of the new Local Plan that was approved on 3 February 2014, there are no specific PKC Planning Policies to determine this matter against.

We specifically requested clarification as to which policy was being considered this our application. We were provided with an extract (pages 8-28) of PKC's Place Making Guidance for Permitted Development (extension thereof), (appendix B)

It states for an extension:-

Private open space

The character of a built up area can be drastically changed through changes in the solid-void relationship of sites and their relationship with neighbouring properties.

- *The Council's minimum plot size for a detached dwelling house is **generally** 360 square metres. This means that an extension to the rear of a house of up to 24 square metres may be acceptable, provided it does not impact adversely on neighbouring property.*
- *Proposed extensions on detached properties are only likely to be acceptable if they retain an adequate useable rear garden area of at least 100 square metres and do not result in more than 30% of the total plot being occupied by the original building or any ancillary development.*
- *Proposed extensions on all residential properties which result in an overall developed area of 50% or more of the original garden ground are unlikely to be supported. (Site coverage calculation defined in Circular 1/2012 Guidance on Householder Permitted Development Rights).*

The example provided within this document is for a large detached villa within a generous garden space, on the basis the proposals are for an infill brownfield redevelopment site where national planning policy encourages higher density development the guidance provided as is not appropriate for this site. With no other policy evidence being available we developed the proposals using garden areas which are appropriate for the brownfield development site which responds to the higher density housing contained within Invergowrie.

The established private garden provision that had been previously approved on several Greenfield Release residential sites with the Perth and Kinross Council boundaries.

- Main Street Rattray, a successful integration of a designing streets and place making methodology development within an existing community.
- Mill Lane, Stanley, a moderate development of housing, again using the designing streets and place making mythology development on the edge of existing community.

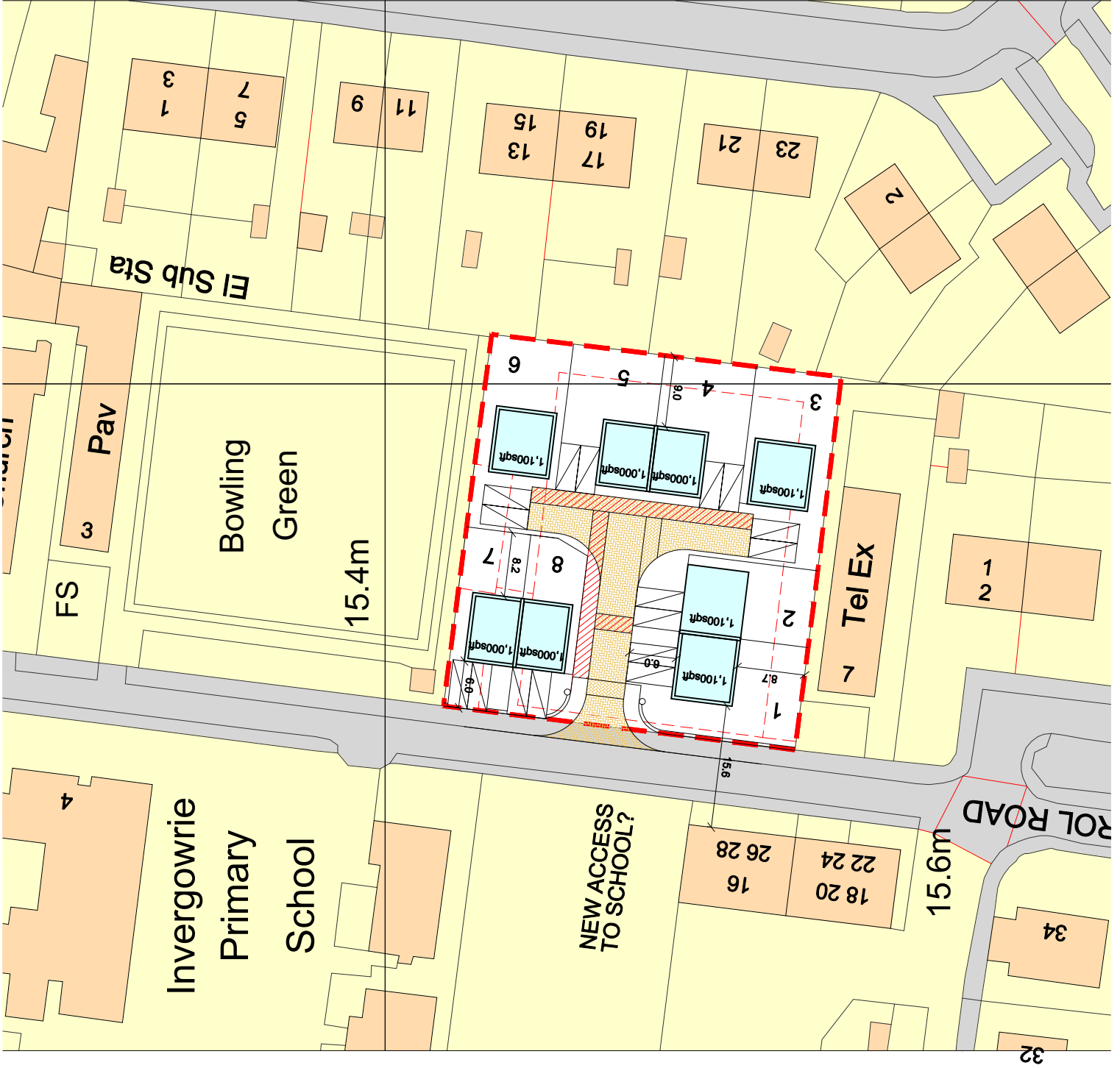
As previously noted, the proposals have incorporated numerous aspects of Designing Streets and Designing Places within the proposals, houses fronting onto the roads, short or no front garden, creating a Sense of Place. On this basis, it is unlikely that the suggested 360m² individual plot size would be achievable on Greenfield Release development sites, never less a Brownfield Infill development site within an established diverse residential area.

During a post Planning refusal meeting with the Architect, Developer and the Planning Case Officer, the Case Officer again directed us to a PKC document for Open Space provision: the private open space section of the permitted development section of the Place Making Guidance. We have further reviewed this guidance and the PKC Circular 1/2012 Guidance of

Permitted Development Rights (appendix i) and have found these to be inappropriate guidance for this new build development.

As there has been insufficient policy information or guidance provided regarding any prescriptive Planning Policies on requirements of private amenity spaces, it is unreasonable to expect any developer to provide inappropriately large garden provision.

In light of the above, we strongly believe that the grounds provided for this refusal are inappropriate and that the scheme presented complies fully with the requirements of making cases and the character of density to the surrounding housing in Invergowrie. As a result we would hopefully request that the Local Review Body, in their review of this decision, consider what we have stated in this report and in turn, overturn the decision to refuse this application.



PR-00000	RESIDENTIAL DEVELOPMENT 5 ERROL ROAD INVERGOWRIE			
CL-00000				
DATE:				
DRAWING NO.	ME	TICKETS	IH	BRIEFING
NO. OF DAYS	1	2500A01	1:500@A3	18.09.13
PROJECT NAME	SKETCH PROPOSAL (BRIEFING)			
PROJECT NUMBER	13-300	(SK)02		REV E&H

2 Extensions & Alterations

2.1 Background

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. This principle applies to all types of building and is not limited to purely residential property.

An extension to a building can be conceived to either appear as an integral part of the original architecture or, alternatively, it may be of a contemporary or contrasting design. In the former, an extension may go unnoticed. In the latter case the extension would purposefully be different yet aim to be equally compatible and complementary. It is not often appreciated that the best extensions are architecturally attractive in their own right. Both approaches require particular skill and the Council recommends that you seek professional advice from someone trained and experienced in designing buildings. A well designed extension can enhance a property. [The Royal Incorporation of Architects in Scotland \(RIAS\)](#) can give you a list of suitable Architects for your project.

Before designing any extension or alteration it is important to assess whether the existing building is capable and suitable to be extended or altered. Some buildings were never designed to be extended, or have already been extended to their limit. This is often the case with modest buildings such as gate lodges. Sensitive but clear visual breaks between the original building and the proposed extension can in certain cases work to overcome these limitations (such as a glazed link—see examples).

Modern glazed link with minimal intervention to existing building, allowing for reversibility.



Glazed link between 17th century farmhouse and converted steading

Contemporary porch extension to Former Bobbin Mill (below) and sensitive extension of historic Butchers Shop (right)



2.2 Permitted Development

Certain types of development can be carried out without planning permission. This is known as permitted development, and covers a wide range of minor developments. While there may be instances where planning permission is not required, the following Council guidelines are best practice and should be considered in the context of any proposal.

A brief summary of current permitted development rights are included below, please refer to [what needs planning permission](#) for more information. The householder sections of the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) (GPD0) were revised recently, with the new [Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2011](#) coming into effect from 6 February 2012. The overall effect of the changes was to relax controls so that many types of domestic development no longer require planning permission. Certain restrictions however still apply to dwellings in conservation areas, to listed buildings and development within their curtilage and you should always check with the planning authority when considering any work in these circumstances.

Permitted development rights for houses

If you are doing work on a detached, semi-detached or terraced house, you can make certain types of minor changes to your home without planning permission. The right to make these changes without planning permission is referred to as 'permitted development rights'. These changes include modest enlargements, or alterations to the

2.3 Scale, Shape & Form

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. This does not however rule out a contemporary approach which contrasts with, yet enhances, the original building by being distinct.

It is nearly always necessary to avoid overwhelming existing buildings, bearing in mind that some buildings have greater 'street' presence than others. If an extension begins to match or exceed the size of the original building the architectural integrity of the original structure can often become lost. Large extensions call for particular ingenuity and imagination in order to reduce the apparent bulk of the desired additional floorspace.

Generally:

- New roof ridges should not normally exceed the height of the original. A new ridge line which is set lower than that of the original will generally be more acceptable.
- In most cases an extension should be a subordinate addition.
- Extensions should seek to achieve a building depth which respects traditional building forms and avoids dependence on artificial lighting and ventilation.



Rear extension, completely out of scale & character with original build and consumes the rear garden space



Garage extension, set back from façade, not only mirrors the design and use of original materials but complements the house in scale

roof, within certain specified limits. Permitted development rights can be withdrawn by the Council, and further details on this are given below. Where this has occurred you should contact [Development Management](#) for specific advice regarding your proposals.

Permitted development rights for flatted properties

The revised GPDO introduced some permitted development rights for flatted properties, including 4-in-a-block properties, tenements or subdivided properties. If you live in this type of property you will still need planning permission for an extension, the formation of a driveway and any development within the garden area. However, minor alterations to the external appearance carried out within a 1-metre 'bubble' around the property, such as the erection of satellite dishes or roof lights, do not require planning permission.

Removal of permitted development rights

Councils have the power to remove permitted development rights in the following circumstances:

- through a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992;
- under the Control of Advertisement Regulations; or by
- removing deemed consent.

Planning conditions with permitted development rights removed

The Council may decide that certain permitted development rights should be removed when planning permission is approved in order to protect the character of the property and its environment. For example, this may occur in higher density housing developments where proposals for new extensions need to be carefully assessed. In these situations, permitted development rights are removed through a condition attached to the planning permission. Where this happens, you have to make a planning application for work development which normally does not need one.

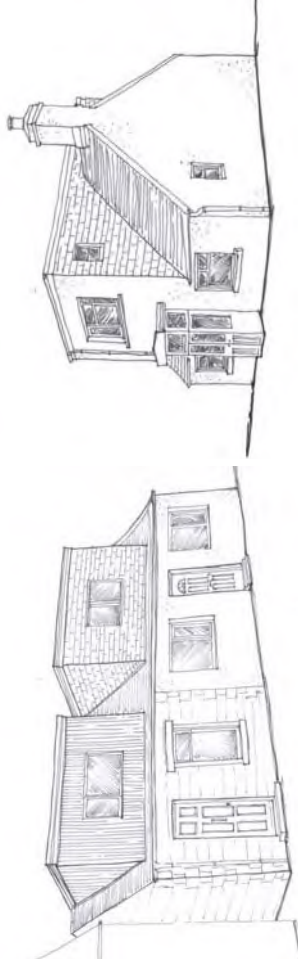


An example of permitted development.

2.4 Extension by Type

Roof extensions & alterations

Conversion of an existing hipped roof into a gabled roof as a form of roof extension is generally not desirable and will not be encouraged. This is especially so when the roofscape and space between the buildings are important features of the character of that building or a dominant feature of the streetscene.



Over-dominant box dormers consume roof space and integrity of original structures

The formation of a dormer window has a major impact on the appearance of a property. Scottish Government Circular 1/2012, [Guidance on Householder Permitted Development Rights](#) advises that, “A badly designed dormer can harm the appearance of a dwellinghouse. The larger the dormer, the more challenging it is to produce a good design.”

To avoid appearing over-dominant, a dormer where considered appropriate should not in itself form the major part of the upstairs room. It should simply provide extra headroom and daylight. Dormers placed to the rear of the property with suitably sized roof lights if required to the principal street elevation, will generally be preferable. Dormers should not be over-dominant in relation to the existing scale of the property and not give the dwellinghouse the appearance of a flat roof.

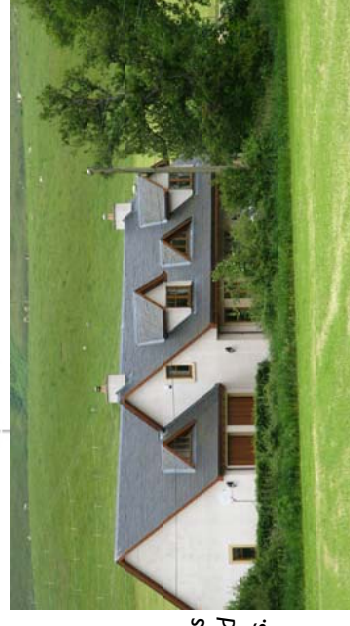
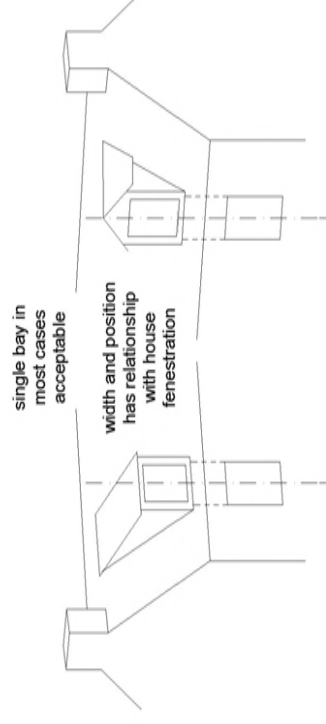
Under the revised GPDO, dormer extensions are considered permitted development in certain circumstances. If a dormer requires consent through virtue of its design:

- Extending higher than the existing dwellinghouse;
- Exceeding half the width of the roof plane (measured from eaves line); and/or
- Sitting within 0.3 metres of any edge of the roof plane (edge of the roof plane/ gable or edge of a hipped roof),

it is unlikely to be recommended for approval.

In summary, an appropriate dormer extension should as a minimum:

- Be set below the ridge line of the roof.
- Be set back from the wall-head.
- Be generally of pitched roof form.
- Be physically contained within the roof pitch.
- Relate to windows and doors in the lower storey(s) in terms of character, proportion and alignment.
- Have the front face predominantly glazed.
- Not extend more than half the length of the roof plane.



Contemporary eyebrow dormers sitting beside traditional pitched roof dormers.

Building set-backs

In order to provide a design break between old and new development, a setback will normally be advisable. This will also subordinate the extension and help retain the integrity of the original building. Setting extensions in from the existing building also helps distinguish differing materials, avoids damage to corner features and maintains a separation of eaves.



Contemporary extension to Dunning Primary School, set back from the original Victorian school. This retains the main historic elevation on the streetscene, reinforcing its architectural status. Where appropriate, this concept of 'set back' can be adopted in residential, public and commercial situations.

Principal elevations

The principal elevation of a house is defined in the revised GPDO as "The elevation of the original dwellinghouse which, by virtue of its design or setting, or both, is the principal elevation." This is an important consideration in the context of any extension proposal.



Front extension to a traditional cottage contained within its own setting. This extension is complementary in scale, traditional material finish with a modern twist and does not occupy the principal elevation.

Front extensions

Extensions in front of buildings are generally not favoured as they often detract from the design of what is frequently the most important and prominent 'principal' elevation of the property, as well as the collective appearance of the streetscene. However, modest porches or canopies may be an acceptable addition, providing that the rhythm of a repeating streetscene is not impaired. A well designed porch can occasionally enhance the character and appearance of a dwelling.

- Front extensions should generally be avoided, in particular where visual impact on an established streetscape is evident.

Side extensions

- Where the separate identity of a property is a marked and important feature of a street scene, it should not be significantly compromised by an extension. An adequate and distinct separation should therefore be maintained.
- The setting back of the extension from the frontage of the building being extended can contribute towards the retention of separate identity. Projecting the extension beyond the principle elevation will rarely be acceptable.

- The lowering of the level of the roof ridge on the extension can also contribute to the retention of separate identity.
- To avoid being visually obtrusive, extensions should generally be clearly subordinate to the appearance of the existing house.
- Where the window of a habitable room faces a neighbouring property the distance between the two and the arrangement of windows should be such as to ensure adequate light to the window and privacy for the occupants.



Modern side extension on an 18/19th century cottage, set back from façade with a curving side wall following the contours of the road. The wet dash render finish to extension successfully ties the old with the new.



Contemporary side extension using traditional and natural materials.



Modern rear extension on period property, set back using a mixture of old and new high quality materials to successfully tie into the existing house.

Rear extensions

- Appropriately designed rear extensions are generally preferable to side and front extensions, particularly on traditional and historic properties.
- If the plot and original building can accommodate it, then a two storey extension may receive planning permission providing the design is satisfactory and there is no unacceptable loss of sunlight, daylight or privacy to adjoining properties.



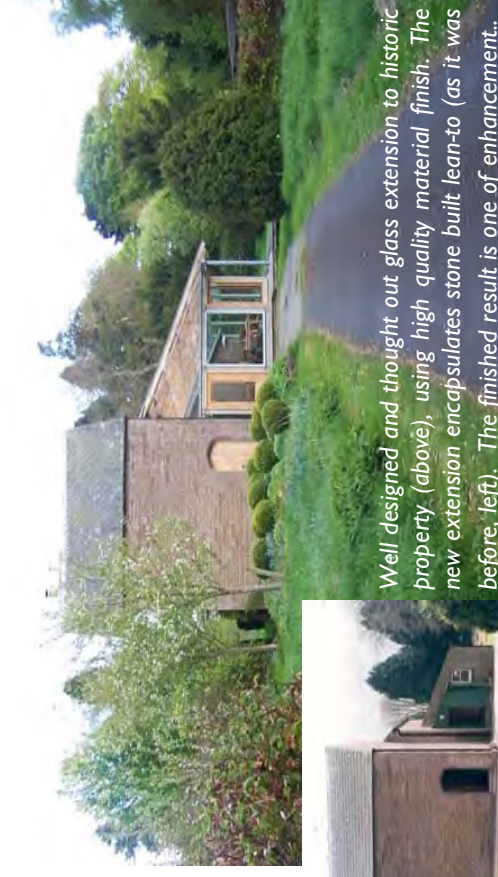
Contemporary rear extension to simple 1980's bungalow enhances the property and gives it individuality.

Conservatories & sun rooms

This form of extension deserves separate consideration because of its widespread popularity and the unfortunate resultant poor quality of design and materials often proposed. Designs often take the form of elaborate Victorian or Edwardian styles, which rarely sit comfortably with surrounding architecture.

In general:

- Designs should be carefully considered, particularly if the conservatory is of a standardised type and not site specific which often results in compromised detailing to make it work, which in most cases makes it incongruous in its context.
- Avoid UPVC as the framing in most cases is too heavy and does not exhibit the character of a well designed timber conservatory, and it also has poor environmental credentials.
- The usual and best siting is to the rear of properties and the preferred construction is often a painted or stained timber and glass superstructure on a rendered blockwork or stone base.
- Lean-to forms are usually the most appropriate but very shallow pitched roofs and fancy architectural embellishments should generally be avoided.
- In many cases the construction of a 'sun room', (i.e. a conservatory with a solid/opaque roof), may be more appropriate, sustaining round year use and adding greater value to a property.



Grand examples of conservatory designs such as a traditional orangery only fit comfortably with large detached period houses sitting in spacious grounds.



This mid 20th century garage has respected the scale of the Victorian dwelling and is set back, in line with the property. It has used both traditional materials and modern materials of its time. The terracotta ridge capping is an attractive detailing.





Innovative and contemporary office in the garden grounds of a Victorian villa, constructed from straw-bales and capped with a curving green roof system.

Outbuildings

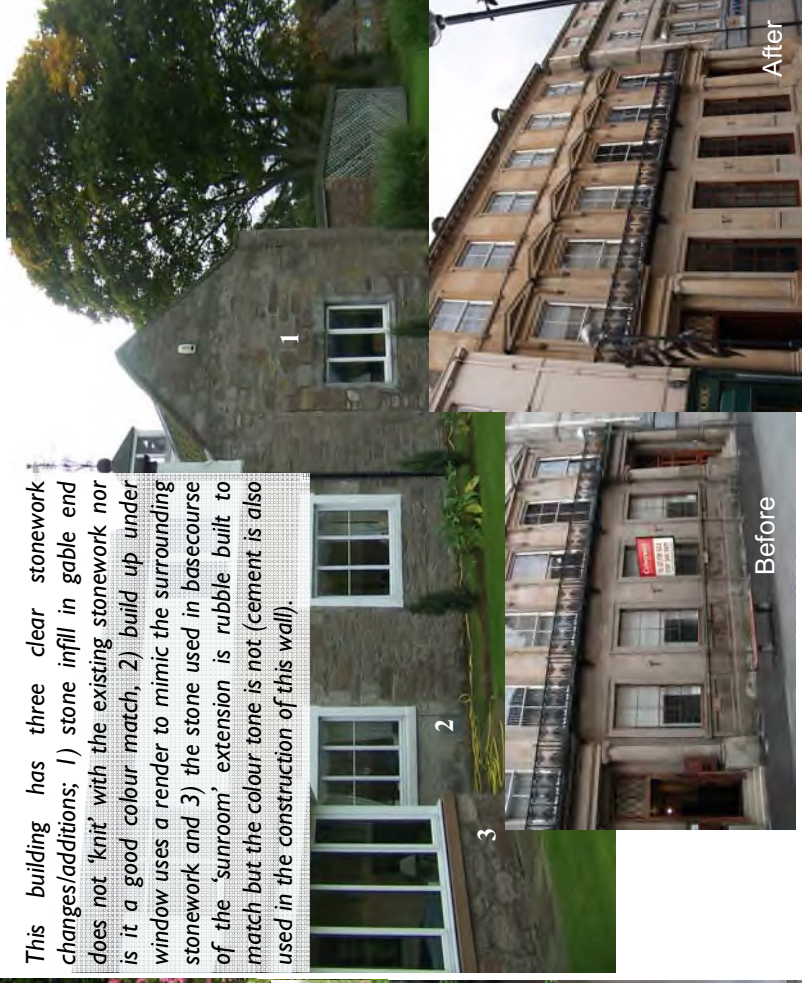
The siting and design of domestic garages and other outbuildings is an issue that is often overlooked. Irrespective of size, the garage should be designed to be a sympathetic outbuilding. In most cases, outbuildings should be set back from the frontage and be built of materials which respect the house and its surroundings. They should not obscure the original building or be over dominant in scale or adversely obscure the approach to the house.

Detailing is key to the successful integration of designs for extensions. Extensions to older properties may benefit from matching stone coursing and mortar specification. Details can determine the character of a building; over elaborate detailing on an extension where the original architectural style is of a seamless and modest appearance would be inappropriate. Details such as lintels, sills, eaves and verges have to be carefully considered to help integrate any proposed extension.



The highlighted examples demonstrate why it is sometimes necessary to consider petrographic analysis of existing stonework in order to accurately match repair work, infill and or new sympathetic additions/extensions (particularly in relation to listed buildings and in conservation areas).

This building has three clear stonework changes/additions; 1) stone infill in gable end does not 'knit' with the existing stonework nor is it a good colour match, 2) build up under window uses a render to mimic the surrounding stonework and 3) the stone used in basecourse of the 'sunroom' extension is rubble built to match but the colour tone is not (cement is also used in the construction of this wall).



Above: Careful selection of new stone work has married in with the old.

Right: The rubble built stone dwelling has been extended in block and rendered to mimic squared and snecked stone work, which will never marry in with existing and would not be acceptable in a conservation area or listed building

2.5 Amenity & Site Area Characteristics

The towns, villages and hamlets that make up the Perth and Kinross Council area have, through time, adopted their own characteristics which has given many of them great distinctiveness. Some have evolved naturally, while others were planned. It is very important to recognise and understand the essential characteristics of an area, as ultimately this should be preserved and enhanced, not destroyed.



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Historic settlement patterns across Perth and Kinross display a rich diversity of individual site area character.

Private open space

The character of a built up area can be drastically changed through changes in the solid-void relationship of sites and their relationship with neighbouring properties.

- The Council's minimum plot size for a detached dwelling house is generally 360 square metres. This means that an extension to the rear of a house of up to 24 square metres may be acceptable, provided it does not impact adversely on neighbouring property.

Proposed extensions on detached properties are only likely to be acceptable if they retain an adequate useable rear garden area of at least 100 square metres and do not result in more than 30% of the total plot being occupied by the original building or any ancillary development.

Proposed extensions on all residential properties which result in an overall developed area of 50% or more of the original garden ground are unlikely to be supported.

(Site coverage calculation defined in [Circular 1/2012 Guidance on Householder Permitted Development Rights](#))

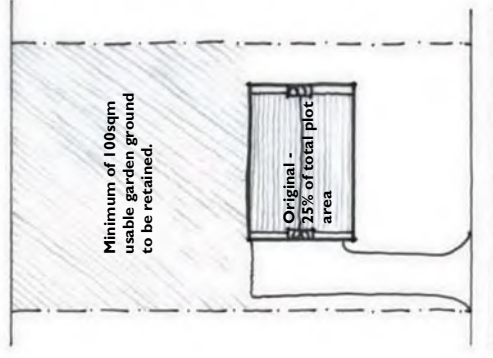


Figure 2a



Semi detached property with more than 50% of the original garden ground developed.

Landscaping & boundary treatment

Established landscape features are integral to a site and the surrounding area's amenity value. The safeguarding of existing mature landscaping and boundaries may often be an issue in considering extensions of residential properties. Where trees and hedges have been removed to make way for an extension, replacements may be required to be planted. Indigenous species should be used when considering replacements and quick growing, low amenity species such as Leylandii will be resisted.

This strong hedge line and tree belt is a fundamental part of the character of this meandering road. Living features such as this should always be valued and retained in any application.



The loss of a mature tree or hedge line in order to facilitate an extension must be carefully considered to assess its appropriateness.

Impact on tree roots and potential loss of visual amenity or biodiversity value need to be carefully considered where established landscape features may be affected by a proposed alteration or extension.

In general:

- Consider trees at the earliest stages of design.
- Consult an arboriculturist to obtain advice about preventing conflicts between the tree's root system, underground services and building foundations.
- As trees are living organisms, they need adequate care to survive, including suitable protection measures applied in order to prevent damage to retained trees during any construction process.

In certain cases, the removal or potential negative impact on mature and valued landscaping may render an extension inappropriate. In some cases, Tree Preservation Orders (TPO) may exist or be placed on valued trees which may be at risk of damage or removal through a development proposal. For more information on TPOs, please refer to the [Council's Guide to TPOs](#).

Images show established hard and soft landscaping features which may be adversely affected by alterations or extensions.





This new housing development has retained an existing semi mature tree which is now a focal point and an integral part of the road layout, with new boundary beech hedging to form green edges.

2.6 Effects on Neighbouring Property

Extensions can intrude, to a greater or lesser extent, on the privacy and amenity of neighbours. The more closely spaced dwellings are, the more important it is to consider the amenities of occupiers of adjoining houses and gardens. Privacy may be infringed through the construction of an extension which allows direct views into a neighbouring property or a secluded garden.

Extensions must be carefully sited to avoid undue loss of daylight or sunlight to the habitable room windows and private garden ground of the neighbouring property (particularly when affected garden is small); the appearance and orientation of the extension must be considered from the neighbour's house or garden. The Council's overlooking/daylight standards are intended to ensure that extensions do not harm amenity. Figure 2b identifies some appropriate and inappropriate extension proposals.

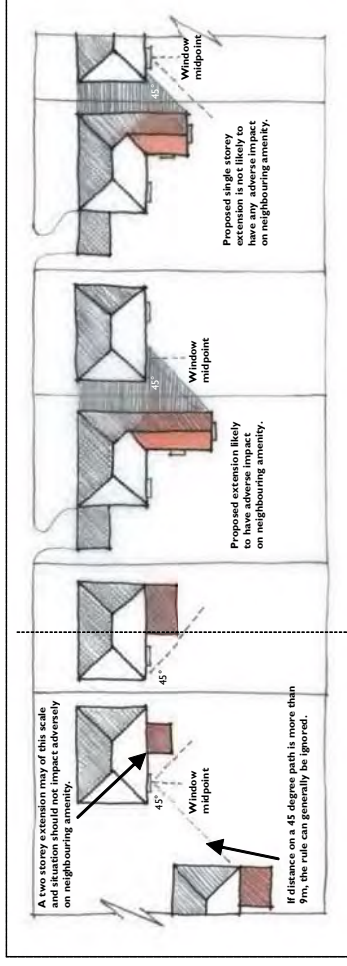


Figure 2b

- A single storey rear extension of 4m depth, from the original building's rear wall, would in many circumstances be acceptable; even if directly on a property boundary. Thereafter the extension would have to step back from the boundary at an angle of 45 degrees from a point 4m from the original back wall of the property (see figure 2c).
- Some relaxation of these standards may be considered where the extension is to the north of an affected neighbour or not impacting on a neighbouring habitable room window.

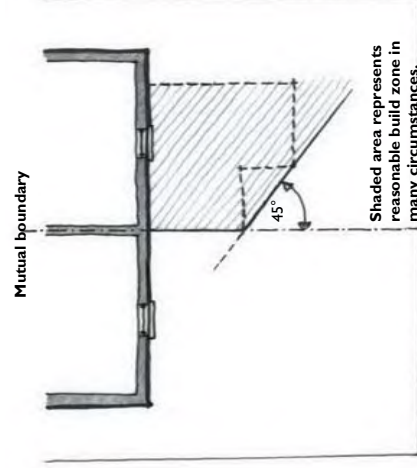


Figure 2c

Overshadowing & overlooking

- Windows should be located to avoid, or otherwise minimise, overlooking adjoining houses and private gardens.
- Overlooking may in certain occasions be resolved through the use of rooflights or boundary screening as appropriate.
- Balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbouring houses and gardens or raise safety concerns.
- Windows of habitable rooms should generally be a minimum of 9m from rear boundaries which they overlook unless adequate and appropriate screening is utilised.



Decking installed without planning consent, including substantial under-build and adverse impact on neighbouring amenity.

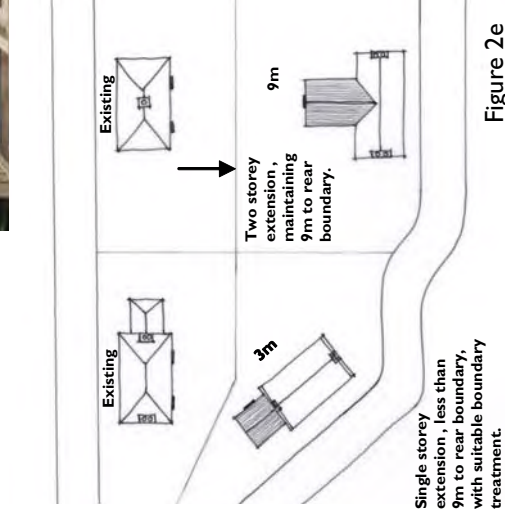


Figure 2e

- An extension built directly along a boundary line may be acceptable with the agreement of the neighbouring property regarding access and maintenance. There may be an opportunity for neighbours to share a party wall and consequent drainage arrangements for their mutual benefit.

Daylighting & relative building heights

The climate of northern Britain relies heavily on diffuse sun light as the principal source of daylight. The availability of natural light can be anticipated by the resultant block form of a building, its topography, aspect and relationship to surroundings. Any proposed extension should maintain and allow for a reasonable level of natural daylight to internal living space of a neighbouring residential property. Established practice determines that 25° is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect. Beyond this point, windows to living spaces may become adversely affected through relative shadow paths (see figure 2d).

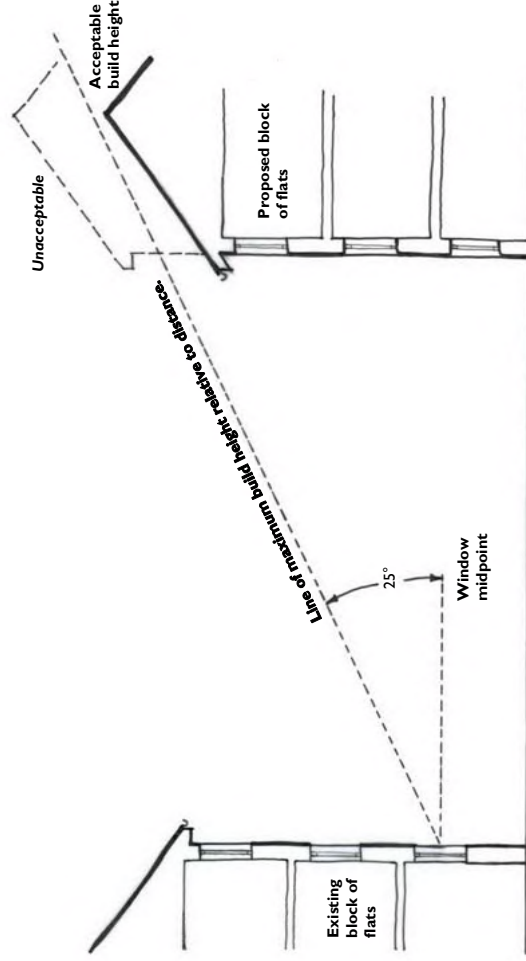


Figure 2d

Development proposals affecting residential areas should be assessed against the 25° method (figure 2d) to ensure reasonable interior daylighting within existing and proposed habitable rooms are achieved and/or retained.

2.7 Alterations & Extensions within the Historic Built Environment

Overview

Conservation areas are places of special character where tighter controls apply over developments in order to protect the recognised importance of the existing buildings within or immediately adjacent to the conservation area. These areas may include a space or a street of a settlement, a group of buildings around a space or street of particular townscape merit. Extensions and alterations which might be permitted elsewhere can be unacceptable in conservation areas.

Listed buildings are buildings of special architectural or historic interest where alterations require special consent. There are cases where an extension is undesirable, but generally, particular weight is placed on retaining the identity, appearance, character and special interest of listed buildings.

Successful development within conservation areas and within the curtilage of listed buildings depends on the quality of the detailing and materials used. In all cases, full details will be required before an alteration or extension proposal can be considered. A great deal of the development that has taken place recently has been disappointing and architecturally unconvincing due to poor quality, incorrect usage or lack of attention to detail. Standardised components tend to devalue the merits of genuine historic buildings and blur the local identity of an area or building, and should be avoided.



Spitalfield is a planned weaving village with cottages laid out around the village green

Planning permission in conservation areas

Perth & Kinross has 35 conservation areas. The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 restricts most householder permitted development rights within conservation areas. This covers all extensions, the installation of replacement windows and doors, satellite dishes, rooflights, solar panels and many other types of work. It is advisable to contact [Development Management](#) to find out what works are and are not allowed before you do any work on a property in a conservation area. Further information on [conservation areas](#) including boundary maps and individual appraisals are available from the Council website.

Door and window openings

- Planning permission is required for the alteration or replacement of windows or doors in flats or dwellings within conservation areas.
- Listed building consent is required for the alteration or replacement of windows or doors in a listed building.
- Planning permission is not required for the alteration or replacement of windows or doors in a flat or dwellinghouse which is not listed and outwith a conservation area.



Poor

replacement doors, not coherent with character of building (left)



Original 4-panelled 2-leaf timber doors (right)



Unacceptable replacement window with flat, wide astragals (left) & original window requiring some repair only (right), both first floor windows found in same property.

Listed buildings

Existing historic windows and doors in listed buildings should always be retained and repaired where possible.

Where existing historic windows and doors are beyond repair, windows should be replaced on a like-for-like basis, i.e. identical in all respects to the original including design, joinery details, materials, glazing and opening mechanism.



Examples of poor replacement windows in historic buildings, including failed plant-on astragals (right).



Double glazed replacement windows will only be acceptable where it can be shown that the originals are beyond economic repair and that double glazed units can be accommodated without significant change to the detail of the window (such as 'slimline' double glazing units or alternative). Again, design, detail, materials and opening mechanism should be replicated as closely as possible. Existing and proposed joinery details should be provided in order to make an accurate comparison. For more details on windows please refer to the Council's historic window detail [guidelines](#).

The use of uPVC or aluminium along with plant-on astragals, tilt-and-turn opening and other inauthentic details will not normally be acceptable.



Unlisted buildings in conservation areas

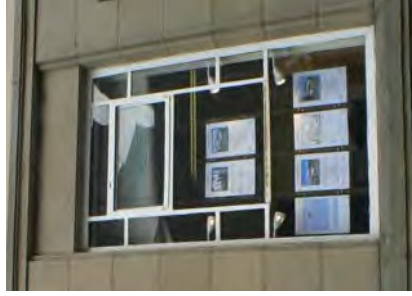
Existing historic windows and doors should be retained and repaired where possible.

Replacement historic windows and doors in conservation areas should match the originals as closely as possible in design, detail, materials and opening mechanism.

Windows & doors in new openings or extensions to existing buildings should generally respect the materials, detailed design and proportions of the original windows of the building and its surroundings.



Replacement door in a traditional storm door (2-leaf) style, respectful of the building & surrounding areas



Unusual historic Crittal steel window (middle). Original sash and case window with historic glass (right).



(Inform interactive CD—'Information for traditional building owners' can be made available from Historic Scotland).

Note: historic windows in the majority of Perth and Kinross cases are double-hung, timber-framed, sliding sash and case windows of varying glazing patterns. However, other types of window may be considered historic, depending on the circumstances, building type and period, such as side-hung casements, metal framed 'Crittall' windows and other patterns and styles. Please check with the Conservation team if you are unsure about how to deal with an uncommon window style.

Generally:

Consider whether the existing doors and windows are original and whether any replacement contributes to the character of the building. It may be beneficial to reinstate earlier designs of doors and windows. Consider the shape, size, design, alignment and opening mechanism of openings in any extension and try to respect the fenestration pattern of the original.

Unlisted buildings of merit outwith conservation areas

New or replacement windows and doors should respect the materials, design and proportions of the building and its surroundings.

Reasoning: Historic windows and doors are a key part of the special character of most historic buildings and the original architecture. Their inappropriate alteration or replacement erodes that character and destroys valuable historic fabric, design and the original craftsmanship. Modern replacement windows may appear convincing from a distance, but up close often fails to match the quality of the originals. Different opening patterns can seriously disrupt the character of an elevation when open.

Upgrading the energy performance of buildings is often cited as a reason for requiring replacement windows. However, whilst existing historic windows can easily be upgraded, the performance of the building as a whole has a far more significant impact on total energy loss. Please refer to Historic Scotland Inform Guide [Energy Efficiency in Traditional Homes](#).



Corner plot, with ornate architectural detailing including ironwork above the main door (left). Corner properties have a strong position to maximise their value through attention to detail.



2.8 Commercial

Shopfronts & Advertisement Signage

A wide variety of types and styles currently characterise and may be considered acceptable within Perth and Kinross streetscapes. In each case, it is important that a shopfront is designed within its wider street elevation context and integrates or successfully relates to the architecture of the building.

Proportions, detailing, colours and materials all add or detract from the quality of a building or streetscene and influence inherent placemaking qualities.

Listed buildings and unlisted buildings in conservation areas

Existing historic shopfronts and signage should always be retained and repaired.

Where historic shopfronts have previously been altered unsympathetically, applicants are encouraged to repair and reinstate missing elements.

Where shopfronts within historic buildings have been replaced unsympathetically in the past, new shopfronts should seek to:

- Reinstate the historic design where evidence for this exists (e.g. from historic photographs or where original shopfronts remain in a uniform group);
- Respect the historic design, proportions and materials of the building and the wider group.



Restoration of historic shopfront

New shopfronts of contemporary design of high quality may be acceptable where this respects its context and can be introduced without undermining the uniformity of a group composition.



Contemporary shopfront with a high quality material finish



Inappropriate boxed and internally illuminated deep fascias out of scale with their buildings

Signage should:

- Remain within the limits of the historic proportions of the shopfront and fascia;
- Use appropriate materials, usually traditional or natural materials including timber, paint and applied metal.



Clutter of projecting signs, posters and sandwich boards with boxed, illuminated fascia



New lettering sensitively designed and installed on historic fascia, both in scale and in keeping with shopfront

- Have sensitively designed and integrated illumination. (On many listed buildings and in important group compositions, illumination may not be acceptable at all)
- Avoid internal illumination.
- Projecting signs should be sensitively attached to the façade, normally at fascia level and avoiding important architectural elements. There should generally only be one projecting sign per elevation.



Range of appropriate projecting signs, including quality materials, colour and detailing

Canopies

Awnings or canopies on historic buildings should only be installed where they will not harm the character of the building or street elevation. Where acceptable they should be of a traditional, retractable canvas design with the roller box recessed into the shopfront where possible.



Dutch blind or canopy (left), which is not a typical detail found in the Perth & Kinross area. The reinstated projecting (retractable) canopies in the picture below are more in keeping with the historic canopies found in the area.



2.9 Public Buildings

Generally, all public buildings are subject to the same criteria and scrutiny as that of residential buildings. Buildings in public ownership will often be subject to further scrutiny where they are required to obtain Scottish Ministerial approval.

In summary:

Plastics, deep box-type fascias, internal illumination, Dutch blinds and metal roller shutters will not normally be acceptable in any situation.

Unlisted buildings of merit **outwith** conservation areas

New shopfronts and signage should seek to respect the materials, design and proportions of the building and the wider street context.

Key Policies

Form — Scale, Shape & Proportions

- New roof ridges should not normally exceed the height of the original. A new ridge line, which is set lower than that of the original will generally be more acceptable.
- In most cases an extension should generally be a subordinate addition.
- Residential buildings should seek to achieve a building depth which respects traditional building forms and avoids dependence on artificial lighting and ventilation.

Extensions—Typology

Roof extensions & alterations

An appropriate dormer extension should as a minimum:

- Be set below the ridgeline of the roof.
- Be set back from the wallhead.
- Be generally of pitched roof form.
- Be physically contained within the roof pitch.
- Relate to windows and doors in the lower storey(s) in terms of character, proportion and alignment.
- Have the front face predominantly glazed.
- Not extend more than half the length of the roof plane.

Building set-backs

In order to provide a design break between old and new development, a setback will normally be advisable.

Front extensions

- Front extensions should generally be avoided, in particular where an impact on an established streetscape is evident.

Side extensions

- Where the separate identity of a property is a marked and important feature of a street scene, it should not be significantly compromised by an extension. An adequate and distinct separation should therefore be maintained.
- The setting back of the extension from the frontage of the building being extended can contribute towards the retention of separate identity. Projecting the extension beyond the principle elevation will rarely be acceptable.
- The lowering of the level of the roof ridge on the extension can also contribute to the retention of separate identity.
- To avoid being visually obtrusive, extensions should generally be clearly subordinate to the appearance of the existing house.
- Where the window of a habitable room faces a neighbouring property the distance between the two and the arrangement of windows should be such as to ensure adequate light to the window and privacy for the occupants.

Rear extensions

- Appropriately designed rear extensions are generally preferable to side and front extensions, particularly on traditional and historic properties.
- If the plot and original building can accommodate it, then a two storey extension may receive planning permission, providing the design is satisfactory and there is no unacceptable loss of sunlight, daylight or privacy to adjoining properties.

Conservatories & sun rooms

- Designs should be carefully considered, particularly if the conservatory is of a standardised type and not site specific which often results in compromised detailing to make it work and in most cases makes it incongruous within its context.
- Avoid UPVC as the framing in most cases is too heavy and does not exhibit the character of a well designed timber conservatory, it also has poor environmental credentials.
- The usual and best siting of a conservatory or sunroom is at the rear of a property and the preferred construction is often painted or stained timber and glass superstructure on a rendered blockwork or stone base.
- Lean-to forms are usually the most appropriate but very shallow pitched roofs and fancy architectural embellishments should generally be avoided.
- In many cases, the construction of a 'sun room', designed specifically for an individual property is more appropriate, sustaining round year use and adding greater value to a property.

Outbuildings

Irrespective of size, the garage should be designed to be a sympathetic outbuilding. In most cases, outbuildings should be set back from the frontage and be built of materials which respect the house and its surroundings. They should not obscure the original building or be over dominant in scale or adversely obscure the approach to the house.

Impact on Site Area Characteristics

- The council's minimum plot size for a detached dwelling house is 360 square metres. An extension to the rear of a house of up to 24 square metres should not generally represent over-development
- In general, proposed extensions on detached properties are only likely to be acceptable if they leave an adequate useable rear garden area of at least 100 square metres and do not result in more than 30% of the total plot being occupied by the original building or any ancillary development.
- Proposed extensions on all residential properties resulting in an overall developed area of 50% or more of the original garden ground is unlikely to be supported.

Landscaping & boundary treatment

In certain cases, the removal or potential negative impact on mature and valued landscaping may consequently deem an extension inappropriate.

All proposals where a tree may be affected should:

- Consider impact on trees at the earliest stages of design;
- Consult an arboriculturalist to obtain advice about preventing conflicts between the tree's root system, underground services and building foundations;
- Include as part of their proposal suitable protection measures for retained trees to ensure no damage during construction.

Daylighting

- Development proposals affecting residential areas should be assessed against the 25° method to ensure reasonable interior daylighting within existing and proposed habitable rooms are achieved and/or retained.

Impact on Neighbouring Property

Overshadowing & overlooking

- Windows should be located to avoid, or otherwise minimise, overlooking adjoining houses and gardens, particularly within areas having the most activity (commonly closest to the house).
- Overlooking may in certain occasions be resolved through the use of rooflights or boundary screening as appropriate.
- Balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbours.
- Windows from habitable rooms should generally be a minimum of 9 metres from rear boundaries which they overlook, unless adequate and appropriate screening is proposed.
- A rear extension of 4 metre depth, from the original building's rear wall, would in many circumstances be acceptable; even if directly situated along a common boundary. Thereafter the extension would generally have to step back from the boundary at an angle of 45 degrees from a point 4 metres from the original back wall of the property.
- Some relaxation of these standards may be considered where the extension is to the north of an affected neighbour or not impacting on a neighbouring habitable room window.

Door & Window Openings

Listed buildings

- Existing historic windows and doors in listed buildings should always be retained and repaired where possible.
- Where existing historic windows and doors are beyond repair, windows should be replaced on a like-for-like basis, i.e. identical in all respects to the original including design, joinery details, materials, glazing and opening mechanism.
- Double glazed replacement windows will only be acceptable where it can be shown that the originals are beyond economic repair and that double glazed units can be accommodated without significant change to the detail of the window, again replicating design, detail, materials and opening mechanism as closely as possible. Existing and proposed joinery details should be provided in order to make an accurate comparison.
- The use of UPVC or aluminium, along with plant-on astragals, tilt-and-turn opening and other inauthentic details will usually be unacceptable.

Unlisted buildings in conservation areas

- Replacement historic windows and doors in conservation areas should match the original as closely as possible in design, detail, materials and opening mechanism.
- Windows & doors in new openings or extensions to existing buildings should generally respect the materials, detailed design and proportions of the original windows of the building and its surroundings.

Unlisted buildings of merit without conservation areas

- New or replacement windows and doors should respect the materials, design and proportions of the building and its surroundings.

Shopfronts & Advertisement Signage

Listed buildings and unlisted buildings in conservation areas

- Existing historic shopfronts and signage should always be retained and repaired.
- Where historic shopfronts have previously been altered unsympathetically, applicants are encouraged to repair and reinstate missing elements.

Where shopfronts within historic buildings have been replaced unsympathetically in the past, new shopfronts should seek to:

- Reinstate the historic design where evidence for this exists (e.g. from historic photographs or where original shopfronts remain in a uniform group);
- Respect the historic design, proportions and materials of the building and the wider group;
- New shopfronts of contemporary design of high quality may be acceptable where this respects its context and can be introduced without undermining the uniformity of a group composition.

Signage should:

- Remain within the limits of the historic proportions of the shopfront and fascia.
- Use appropriate materials, usually traditional or natural materials including timber, paint and applied metal.
- Have sensitively designed and integrated illumination. On many listed buildings and in important group compositions, illumination may not be acceptable at all.
- Projecting signs should be sensitively attached to the façade, normally at fascia level and avoiding important architectural elements. There should generally only be one projecting sign per elevation.

Canopies

- Awnings or canopies on historic buildings should only be installed where they will not harm the character of the building or street elevation. Where acceptable they should be of a traditional, retractable canvas design with the roller box recessed into the shopfront where possible.
- Plastics, deep box-type fascias, internal illumination, Dutch blinds and metal roller shutters will not normally be acceptable in any situation.

Unlisted buildings of merit **outwith** conservation areas

- New shopfronts and signage should seek to respect the materials, design and proportions of the building and its wider street context.

PERTH AND KINROSS COUNCIL

Mr Robert Burns
JF S Architects LLP
FAO David Stephen
Glamis
By Forfar
Angus
DD8 1RG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 6 May 2013

Town and Country Planning (Scotland) Acts.

Application Number **12/00582/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 29th March 2012 for planning permission in principle for Residential development (in principle) 5 Errol Road Invergowrie Dundee DD2 5AG subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:

- a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting design, height and external materials of all buildings or structures;
 - c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
 - d) Details of all landscaping.
 - e) Details incorporating appropriate provision for storage of waste and recycling facilities and access for service provision.
3. The development shall be in accordance with the requirements of the Developer Contribution Guidance approved in November 2012 all to the satisfaction of the Council as Planning Authority.
 4. In pursuance of condition 2c) the scheme shall include; details for all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
 5. The existing western stone boundary wall shall be retained (and repaired as appropriate) and shall form part of the boundary detailing to any resultant reserved matters application.

Reasons for Conditions

- 1-2. In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
3. To ensure the development is in accordance with the requirements of the approved Developer Contributions (2012)
4. In the interests of pedestrian and traffic safety, free traffic flow and ensuring the site can be fully serviced.
5. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal originally failed to fully accord with the Development Plan, in particular SPP paragraph 156. Additional information and agreed compensatory measures were latterly provided to provide a justified departure from the Development Plan.

Notes

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Invergowie Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 3 The applicant is advised to contact Donna Paterson, Community Waste Adviser to discuss waste provision prior to the submission of any detailed planning application on this site.

- 4 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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

12/00582/1

12/00582/2

12/00582/3

12/00582/4

12/00582/5

12/00582/6

12/00582/7

1. DEVELOPMENT TO BE DESIGNED IN ACCORDANCE WITH SUDAS MANUAL, SEWERS FOR SOILTAND 2ND EDITION AND PERHIA AND KINROSS COUNCIL SUDS DESIGN CRITERIA GUIDANCE NOTE.
2. AS THE EXISTING DRAINAGE INFRASTRUCTURE CONSISTS OF A CHAMBERED SEWER SYSTEM, NO TREATMENT OF SURFACE WATER IS REQUIRED.
3. POST DEVELOPMENT FORWARD FLOW RATE TO BE RESTRICTED TO 0.7 L/S PER UNIT OF FLOOR AREA.
4. TOTAL PERMITTED FLOW CALCULATED AS 0.9 L/S, EQUATING TO A TOTAL RAINFALL-FORWARD FLOW OF 0.3 L/S.
5. FORWARD FLOW FROM DEVELOPMENT TO BE RESTRICTED BY USE OF A PROPRIETARY MECHANICAL HYDROBARR.
6. HYDROBARR TO BE DESIGNED FOR 1 IN 200 YEAR RETURN PERIOD STORAGE. ALL DISCHARGES TO BE CONSIDERED UP TO 140 MINUTES.
7. ATTENUATION OF THE SURFACE WATERS TO BE PROVIDED VIA PROPRIETARY STORAGE CELL STRUCTURE TO RETAIN A 1 IN 200 YEAR RETURN PERIOD PLUS 200 CLIMATE CHANGE EFFECTS.
8. THE VOLUME OF THE REQUIRED STORAGE EQUIVATES TO BORNHILL.

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The Contractor and his Subcontractors/Suppliers are to verify all dimensions and levels on site before making shop drawings or commencing manufacture.

Do not scale this Drawing, only use figured dimensions.

The Contractor is to bring to the notice of the Engineer any discrepancy between the Drawing and the work commencing, there required this drawing to be read in conjunction with all relevant design drawings & specifications.

All work to conform to the relevant British Standards.

This Drawing must be read in conjunction with Scott Bennett Associates, Hazard & Risk Assessment Report, dated 12/10/00. The full report and this document is available on file for use by all site personnel.

REV	DESCRIPTION	BY	CHKD	DATE
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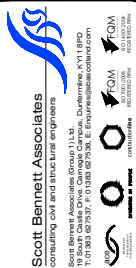
DOCQUET
We hereby certify this is a true and fair copy of the plan/drawing referred to in the Application.

Date	Signed
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Client
**Chamberlain Portobello
Developments Ltd**

project
Residential Development
5 Errol Road,
Invergowrie

Surface Water Drainage Strategy



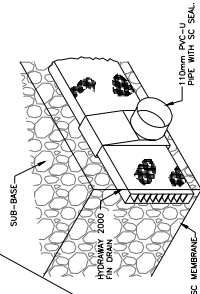
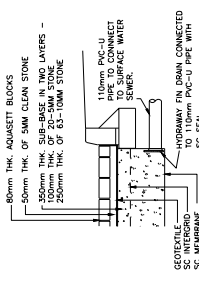
Planning

drawn	checked	date
INQ	DA	17.12.13
scales 1:100, 1:20		sheet size A1

J2850-001

Drawing
Number

Revision
-

HYDRAWAY FIN DRAIN
WITH PIPE CONNECTOR

POROUS BLOCK PAVING DETAIL FOR DRIVEWAYS AND PARKING COURTS

SCALE 1:20



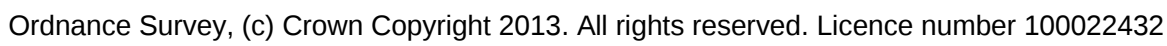
EXISTING -
COMBINED
SEWER.

CONNECTION INTO
EXISTING SEWER DETAIL
TO BE AGREED WITH
SCOTTISH WATER.

287

LEGEND

	FIN DRAIN WITHIN SUB-BASE
	POROUS BLOCK SURFACING WITH SUB-BASE DISCHARGING SURFACE WATER VIA FIN DRAIN
	PROPRIETARY STORAGE CELL/CRATE (60cm)



review of local developments built behind established building lines (and access via a private driveways)

Example 4



Example 5



The Site



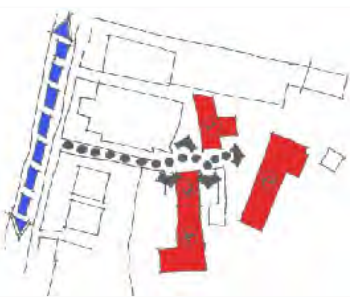
Example 3



Example 2



Example 1



KEY

- PROPERTY SOLELY ACCESS VIA PRIVATE ACCESS DRIVE
- PROPERTY ACCESSED VIA ADOPTED ROAD WITH ACCESS TO REAR VIA PRIVATE ACCESS DRIVE
- PRIVATE ACCESS DRIVE / PATH SERVING MULTIPLE PROPERTIES
- ADOPTED ROAD (MAIN ROAD)

289

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architects					
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Chamberlain Bell					
RESIDENTIAL DEVELOPMENT					
5 FERROL ROAD					
INVERGOWRIE					
CLIENT		DATE			
NTS		18.09.13			
ME		IH		PLANNING	
REVIEW OF LOCAL DEVELOPMENTS BUILT BEHIND BUILDING LINES					
PROJECT NUMBER		REVISION			
13-300		(PL)20			
		-			

NOTE:
All proprietary goods and materials are to be fixed in accordance with the manufacturer's instructions. All dimensions to be verified by the Contractor on site. Make to ground dimensions only.
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REVISION / DESCRIPTION / DATE



THORNTONS
property services

Mr Alan Bell
Chamberlain Bell
3/29 Portland Gardens
Edinburgh
EH6 6NY

Date: 7th January 2014

Our ref:

Your ref:

Please contact:

George Solley
Dundee Office
gsolley@thorntons-law.co.uk

Dear Alan

Residential Development at 5, Errol Road, Invergowrie

With reference to recent discussions on house style options for the site at Errol Road, Invergowrie, we would consider that the development should aim at the target demand, for family housing.

As a result of many residential developments in and around Dundee City over recent years which have comprised high numbers of 4 bedroom units, there, remains, a strong need for the provision of smaller, affordable family homes. This would be best satisfied by 3 bedroom semi-detached and detached properties, around 90sqm, and aim at providing quality homes to meet the current gap in the market.

There has also been recent activity in the development of property styles to meet demand from buyers looking for apartments in proximity to the West End of Dundee City, serving the needs of staff and students at institutions including Ninewells Hospital, the two Dundee universities, Dundee College and the Technology Park. Invergowrie has shared in that, to an extent.

I would therefore urge against a development of 4-bedroom townhouse (effectively terraced) properties to meet any current need for housing in the City itself. This has proven to be less effective in locations out from the city centre. To achieve viable sales in off-centre locations, comparably-sized houses require to be semi-detached or even detached. In locations like Invergowrie, we identify the need for quality family housing which caters for those looking for detached or semi-detached property, in a sector of size and price range below the 4-bedroom detached level.

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thorntons-property.co.uk

Thorntons Property Services is a trading name of Thorntons Law LLP, a limited liability partnership, registered in Scotland SO300381 whose registered office is at Whitehall House, 33 Yeaman Shore, Dundee DD1 4BJ. A list of members' names is available for inspection at this address. All correspondence signed by a named individual is signed for and on behalf of Thorntons Law LLP. Authorised and regulated by the Financial Conduct Authority.

These would provide buyers looking to move up the market and others looking to downsize with an attractive option to consider in a middle market position within the locality.

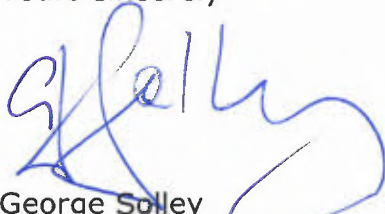
Similarly, we have identified that buyers currently have ample choice of existing smaller terraced housing and flatted units (4 in a block) as the market is flush with this type of housing in Invergowrie. Buyers looking for this type of property already have much choice, and a residential development promoting further similar property types, where there is limited demand, would be seen to be fairly risky and preferably avoided.

It is therefore imperative to identify the correct property style in this location. As such, providing family homes of semi-detached and detached styles at Errol Road, as opposed to flatted dwellings, terraced homes or larger 4-bed detached homes, would be considered a more attractive option, both in terms of demand and achievable sales. 3-bedroom units around 90 square metres on good-sized plots feels right with our anticipated demand, and provide a more viable return than any other option.

8 units, comfortably positioned on the site, with 4 on the roadside and 4 to the rear, will appeal to the market. Speed of sale, ease of development of the site and viability would also be improved by these house types and site layout. Our data base/mailling lists identify a preference for the semi or detached property style with many potential buyers.

I hope the foregoing assists in your consideration of suitable housing for this attractive development and if you require any further information please do not hesitate to contact me.

Yours sincerely



George Solley
Director of Property Sales
For Thorntons Law LLP

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2. The Contractor and his Subcontractors/ suppliers are to verify all dimensions and levels on site before making shop drawings or commencing manufacture.
3. Do not scale this Drawing, only use figured dimensions. The Contractor is to bring to the notice of the Engineer any discrepancy between the Drawing and the actual work commencing. Where required this drawing to be read in conjunction with all relevant design drawings & specifications.
4. All work to conform to the relevant British Standards.
5. This Drawing must be read in conjunction with Scott Bennett Associates, Hazard & Risk Assessment Report, dated 12/10/2007. This drawing and the associated document is provided on file for use by all project personnel.

REV	DESCRIPTION	BY	CHKD	DATE

DOCQUET
We hereby certify this is a true and fair copy of the plan/drawing referred to in the application for Building Warrant.

Dated	Signed
-------	--------

client

Chamberlain Portobello
Developments Ltd

project
Residential Development
5 Errol Road,
Invergowrie

title Swept Path Analysis for Large Car (2006)

Scott Bennett Associates
consulting civil and structural engineers



Scott Bennett Associates Group 1 Ltd.
19 South Castle Drive, Carnegie Campus, Dunfermline, KY11 9PQ
T: 01383 02757, P: 0383 027536, E: enquiries@sba.co.uk

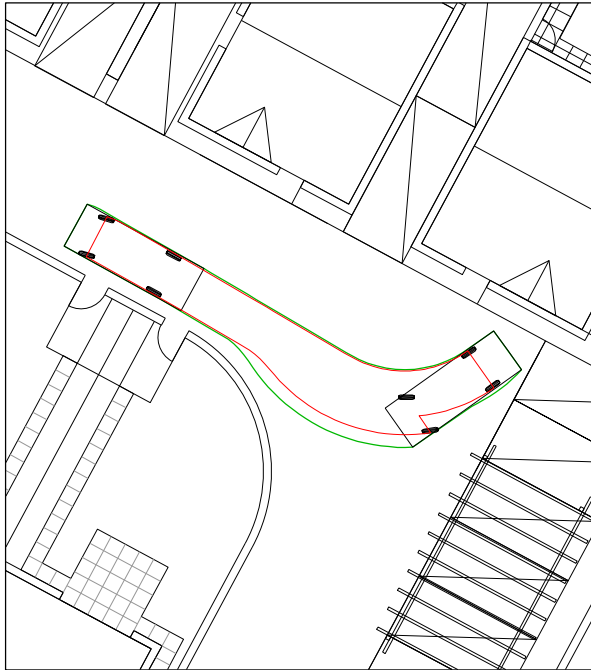


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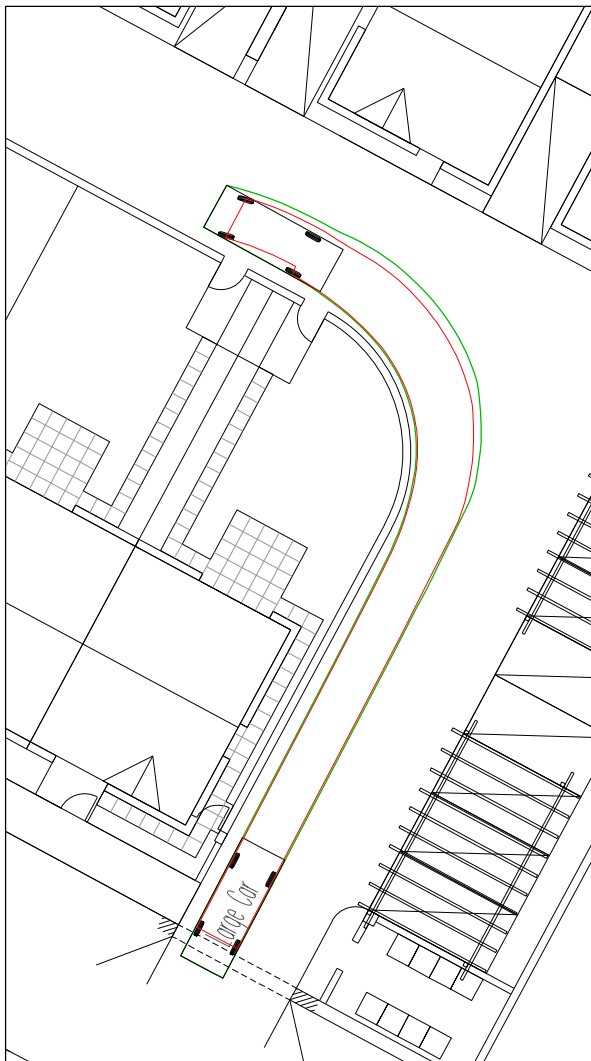
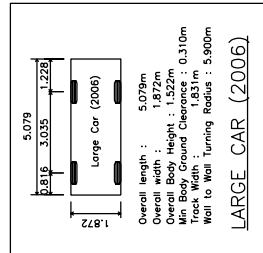
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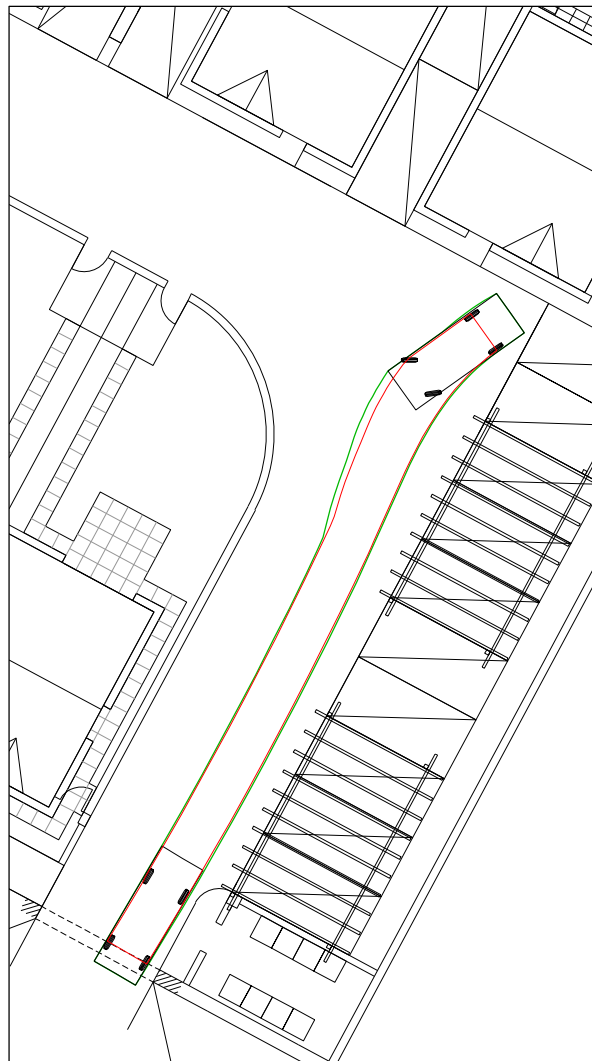
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SWEPT PATH FOR LARGE CAR REVERSING WITHIN THE SITE



SWEPT PATH FOR LARGE CAR ENTERING THE SITE



SWEPT PATH FOR LARGE CAR EXITING THE SITE

GUIDANCE ON HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

Circular 1/2012

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PLANNING SERIES

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on nationally important land use planning matters.

National Planning Framework (NPF) is the Scottish Government's strategy for Scotland's long term spatial development.

Circulars contain Scottish Government policy on the implementation of legislation or procedures.

Statements of Scottish Government policy in the SPP, NPF and Circulars may be material considerations to be taken into account in development plans and development management decisions.

Designing Places and the West Edinburgh Planning Framework have the same status in decision making as the SPP and NPF.

Planning Advice Notes (PANs) provide advice and information on technical planning matters.

Further information on the Scottish Government's role in the planning system is available on <http://www.scotland.gov.uk/Topics/Built-Environment/planning>.

1. INTRODUCTION

1.1

Developments can have a significant impact on a neighbourhood and the environment.

1.2

Submitting a [planning application](#) gives an opportunity for the proposed development to be considered in its local setting. However, considering applications for minor and uncontroversial developments is not an efficient way of regulating development.

1.3

[Permitted development rights](#) are granted so that many instances of small alterations and extensions can be carried out without the need to submit an application for planning permission.

1.4

The purpose of this document is to explain to householders [permitted development rights](#) and therefore what can be built without submitting a planning application.

1.5

Section 2 provides general advice that should be considered before starting work.

1.6

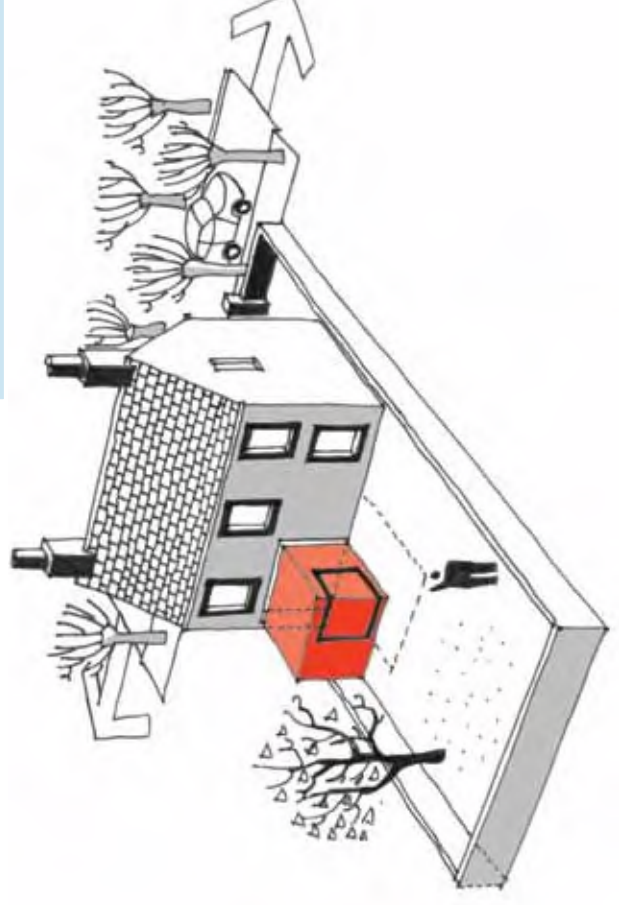
Section 3 explains the main concepts used within the [planning legislation](#). It is necessary to understand these concepts so that the household classes to which they relate can be correctly applied. Sections 4 - 7 provide detailed advice on how the rules should be applied. Further guidance can be found at www.scotland.gov.uk/householderdevelopment

1.7

[Planning authorities](#) can offer help and advice. A list of planning authorities can be found on the planning section of the Scottish Government website www.scotland.gov.uk

Additional Approvals Required

If planning permission is not required, there are sometimes other approvals that may be required. For example, approval under the building regulations from the local council may be required. It is for the individual to ensure that their development complies with relevant legislation. The most frequent are detailed within **Section 2**.



2. BEFORE STARTING

2.1

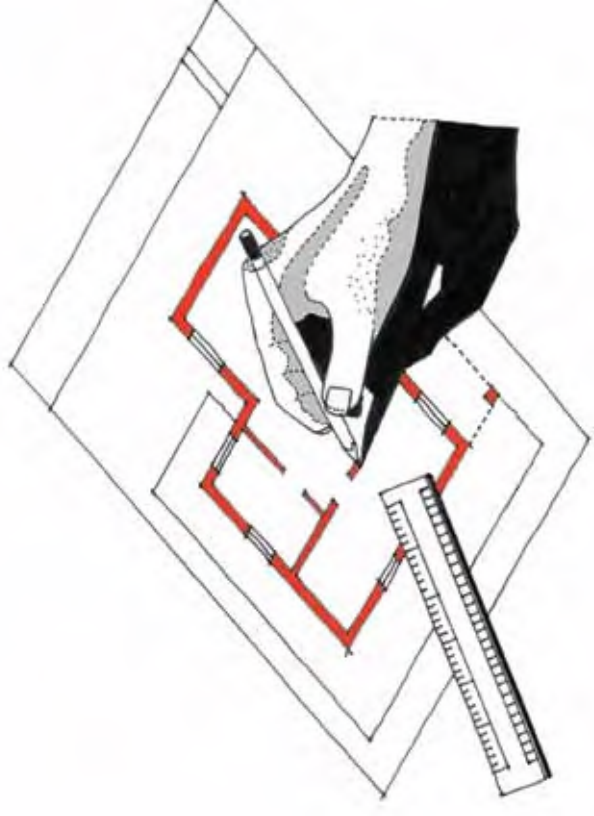
Home improvement projects, such as an extension, should be carefully considered. Time spent planning can save money. It can also ensure the work is completed on time and as required. It is the property owner's responsibility to ensure that the relevant statutory requirements are met. If the development fails to comply with the relevant legislation, the owner is liable for any remedial action (which could go as far as demolition and restoration).

2.2

The position, design and scale of householder developments can help maintain the character of neighbourhoods. These can also help reduce the impact on the wider environment and local biodiversity. Some developments can make homes more sustainable by helping to reduce energy use, whilst the installation of [microgeneration equipment](#) can help generate energy and reduce costs.

2.3

Most [planning authorities](#) offer advice on how the rules apply, as well as advice on the relevant processes and procedures. Further guidance for planning and building regulations is also available from www.scotland.gov.uk/householderdevelopment.



2. BEFORE STARTING

THINGS TO CHECK

- 

Building Standards: the proposed work will likely require to comply with minimum building standards. A building warrant may also be required before you start the work, you can verify this with your local authority building standards department.
- 

Legal position: check the legal position to ensure that there are no restrictions on the land or the type of work (for example [Article 4 directions](#) removing permitted development rights, legal title or rights of way). You may wish to consult a professional such as a planning consultant or solicitor.
- 

Planning history: planning permission granted in the past may have a condition or other restriction prohibiting the kind of work proposed. If in doubt check with your [planning authority](#).
- 

Listed Buildings and Conservation Areas: Listed Building Consent may be needed if you live in a listed building. If you live in a conservation area you may need to apply for planning permission. If in doubt check with your planning authority.
- 

Scheduled Monuments: Work proposed in or near a scheduled archaeological site should be planned to avoid direct impact on the monument and impacts on its setting minimised, where sites are not scheduled certain precautions may be required. If in doubt check, for scheduled monuments check with Historic Scotland and for unscheduled sites with your [planning authority](#).
- 

Other Consents: Check that the proposed work does not require a consent or approval such as a [road or advertisement consent](#) or [is causing an obstruction](#).
- 

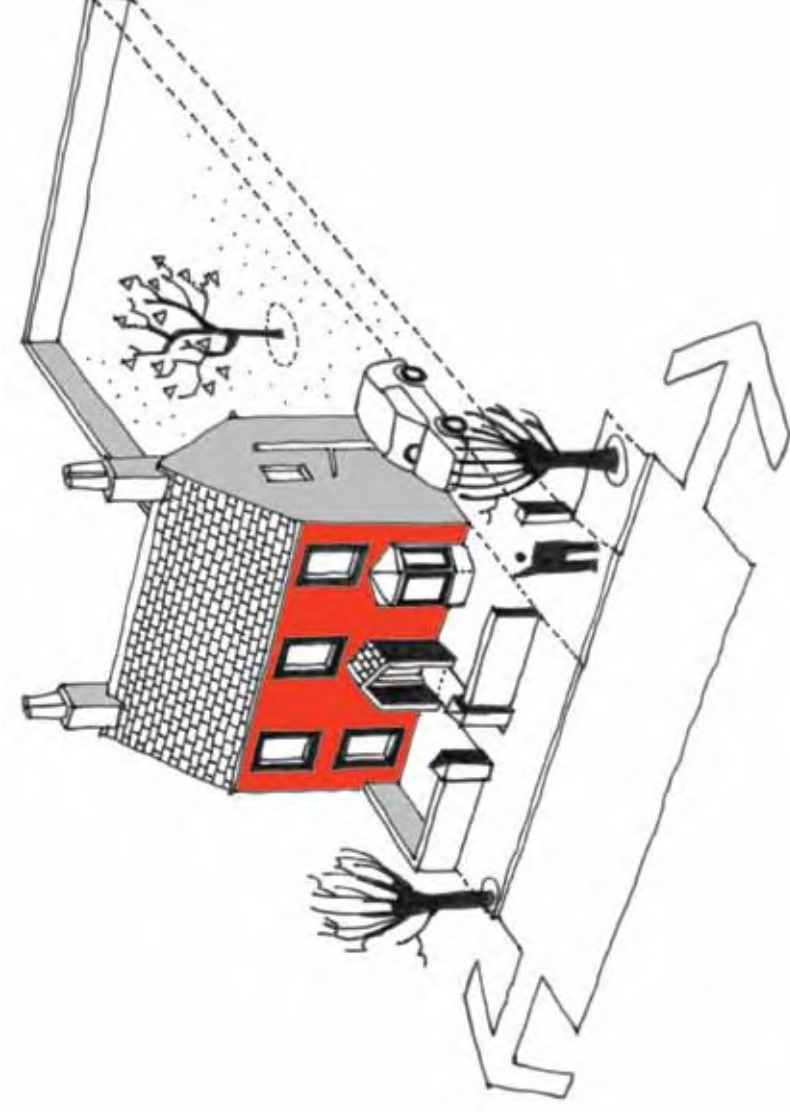
Other things to consider: a range of other issues like biodiversity, water mains and old mine works are detailed in [Section 8](#).

3. MAIN CONCEPTS

3.1

This section explains in detail the concepts that are fundamental to interpreting and applying the [legislation](#). These concepts are:

- **Principal Elevation** a term used to identify the “front” of the [dwellinghouse](#)
- **Fronting a Road** is a way of determining if the principal elevation, or side elevation, is in the public domain
- **Front and Rear Curtilage** is a way of defining the area of land used for the comfortable enjoyment of the [dwellinghouse](#)
- **Site Coverage** is used to control the overall amount of ground covered by development
- **Original or Existing Dwellinghouse.** The original dwellinghouse is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then. The existing dwellinghouse is the house immediately before carrying out the proposed development
- **Height and Ground Level.** How the height of development is measured



3. MAIN CONCEPTS

Principal Elevation

3.2

The term principal elevation is used to identify the “front” of a dwellinghouse. Whilst there are exceptions, most dwellinghouses are designed so that the “front” of the dwellinghouse faces a road.

3.3

Having established the principal elevation, the rear elevation will be the elevation opposite the principal elevation. Side elevations will link the principal and rear elevation.

Definition

3.4

The principal elevation is a reference to the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation. Where it is not immediately obvious, a combination of the following factors should be used to identify the principal elevation:

- location of main door
- windows
- relationship to road
- boundary treatment
- architectural ornamentation

3.5

It is unlikely that any single factor will be decisive. The identification of the principal elevation should not be used to control development. There can only be one principal elevation. It is based on the design of the original dwellinghouse.

3.6

Figures 1-4 on pages 9-10 illustrate how the principal elevation can be identified in a variety of common situations.

3. MAIN CONCEPTS

Figure 1: In this example the principal elevation is the elevation that fronts the road. It has the main door and is the obvious orientation of the dwellinghouse. The side elevation has no windows and has a shorter length. The rear area is more private with a higher fence.

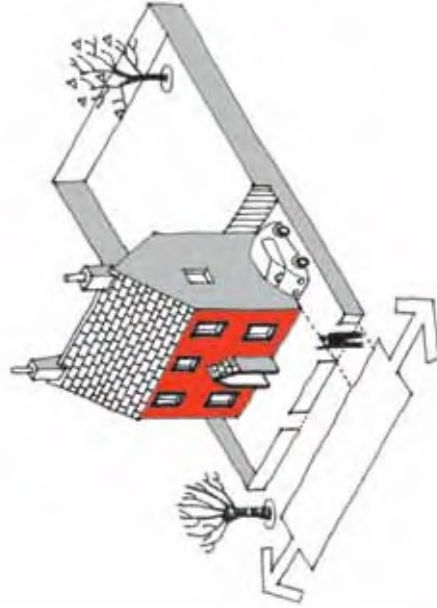


Figure 2: In this example the side elevation has the main door and a longer length, it has only a secondary window. The windows in the principal elevation show the main orientation of the dwellinghouse and it fronts the road. The boundary treatment indicates a more private rear area.

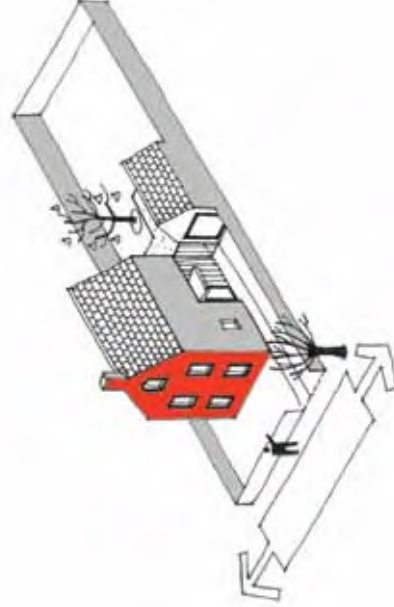
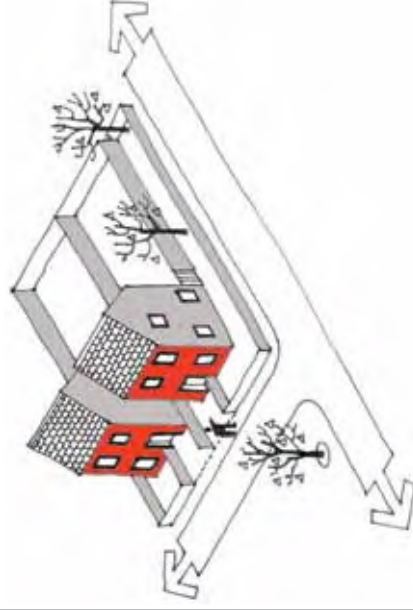
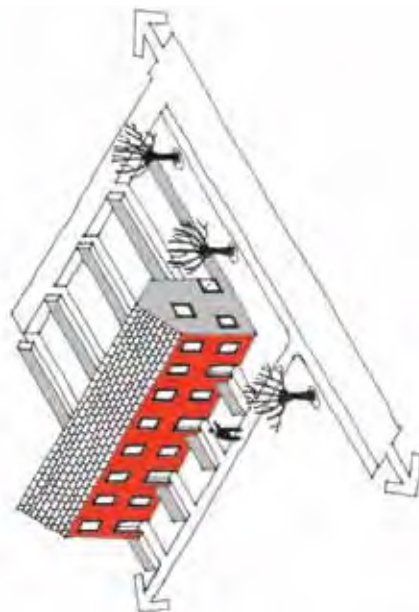


Figure 3: In this example the dwellinghouse on the corner plot will face two roads. However, the principal elevation has the main door and fronts the same road as the adjacent dwellinghouse. Opposite the principal elevation is the private rear area. The side elevation - although fronting a road and having windows - does not reflect the main orientation of the dwellinghouse.



3. MAIN CONCEPTS

Figure 4: In this example of a Radburn-type layout the principal and rear elevations could be identical. However, the overall setting and boundary treatment indicates which elevation would be understood as the “front” and “rear”. The side elevation has the windows and faces a road but is not the principal elevation.



3. MAIN CONCEPTS

Fronting a Road

3.7

It is important to determine the relationship of the principal and side elevation to a [road](#). In the context of the householder permitted development rights, “[Fronts](#)” means facing **onto** a [road](#) and applies to both the principal and side elevation. It is determined by a number of factors including the angle of the dwellinghouse to the road, the distance between the dwellinghouse and the road and the size of any intervening land.

3.8

Fronting is used in a number of classes as a way of restricting permitted development. Development is often not permitted if “any part of the development would be forward of a wall forming part of the principal elevation or side elevation...”

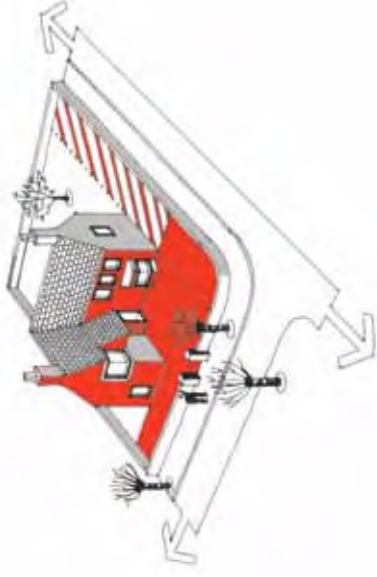
3.9

As illustrated in figures 5 and 6, an imaginary line can be drawn that extends from the principal elevation or side elevation to the boundary, this is the land forward of the principal elevation or side elevation.

Figure 5



Figure 6



3.10

Whilst figures 5 and 6, illustrate this concept in common circumstances, there will be situations where neither the principal nor the side elevation front a road. In such cases, development forward of a wall forming part of the principal elevation or side elevation may be permitted development subject to compliance with other criteria in any given class. Figures 7-11 illustrate situations where the principal elevation may not front a road.

3. MAIN CONCEPTS

Figure 7: Where there is no road. In this example, development would be permitted within any part of the curtilage of the dwellinghouse at the top of the diagram as long as it meets the site coverage, distance from boundary, height restrictions any other relevant restrictions for the type of development.



Figure 8: Where the dwellinghouse is sited at an angle. If an elevation is sited at a very acute angle to a road, it may not be considered to front a road. In this illustration the dwellinghouse is judged to front a road. Any extension within the shaded areas would require a planning application to the planning authority.

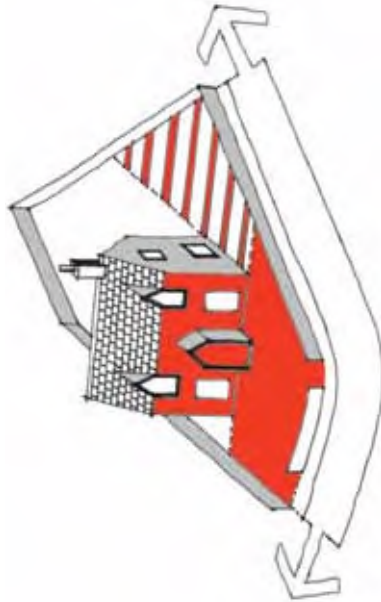
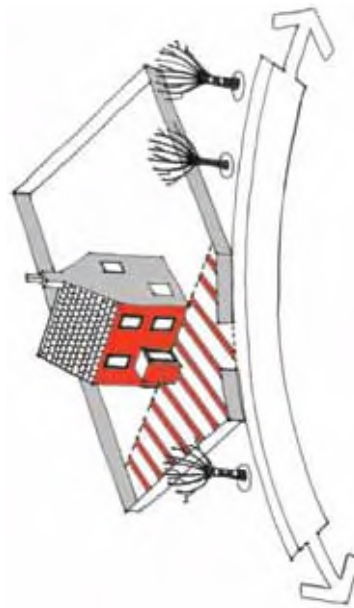


Figure 9: As the road bends, the side elevation no longer fronts the road. Any extension within the hatched areas would require a planning application to the planning authority.



3. MAIN CONCEPTS

Figure 10: Within 20 metres of a road it is considered unlikely that any elevation could be argued to be too far from a road so that it no longer fronts a road. Beyond 30 metres from a road, it is increasingly likely that an elevation no longer fronts a road. For distances in between, a judgement would have to be made depending on fact and degree. This will involve considering factors such as topography, landscaping and layout of any adjacent properties. In this example, any developments would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.

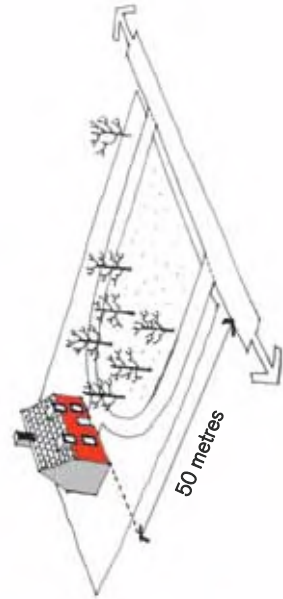
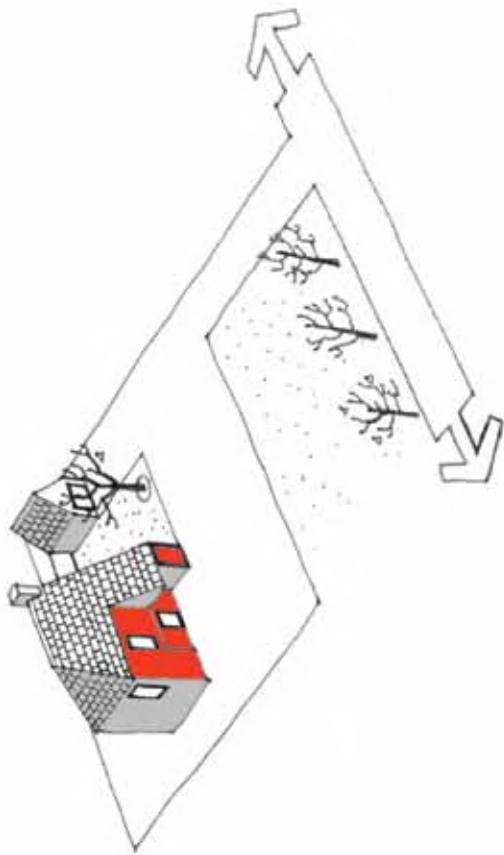


Figure 11: If there is intervening land between the curtilage of a dwellinghouse and a road, it could no longer be argued as fronting the road. In this example, any development would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.

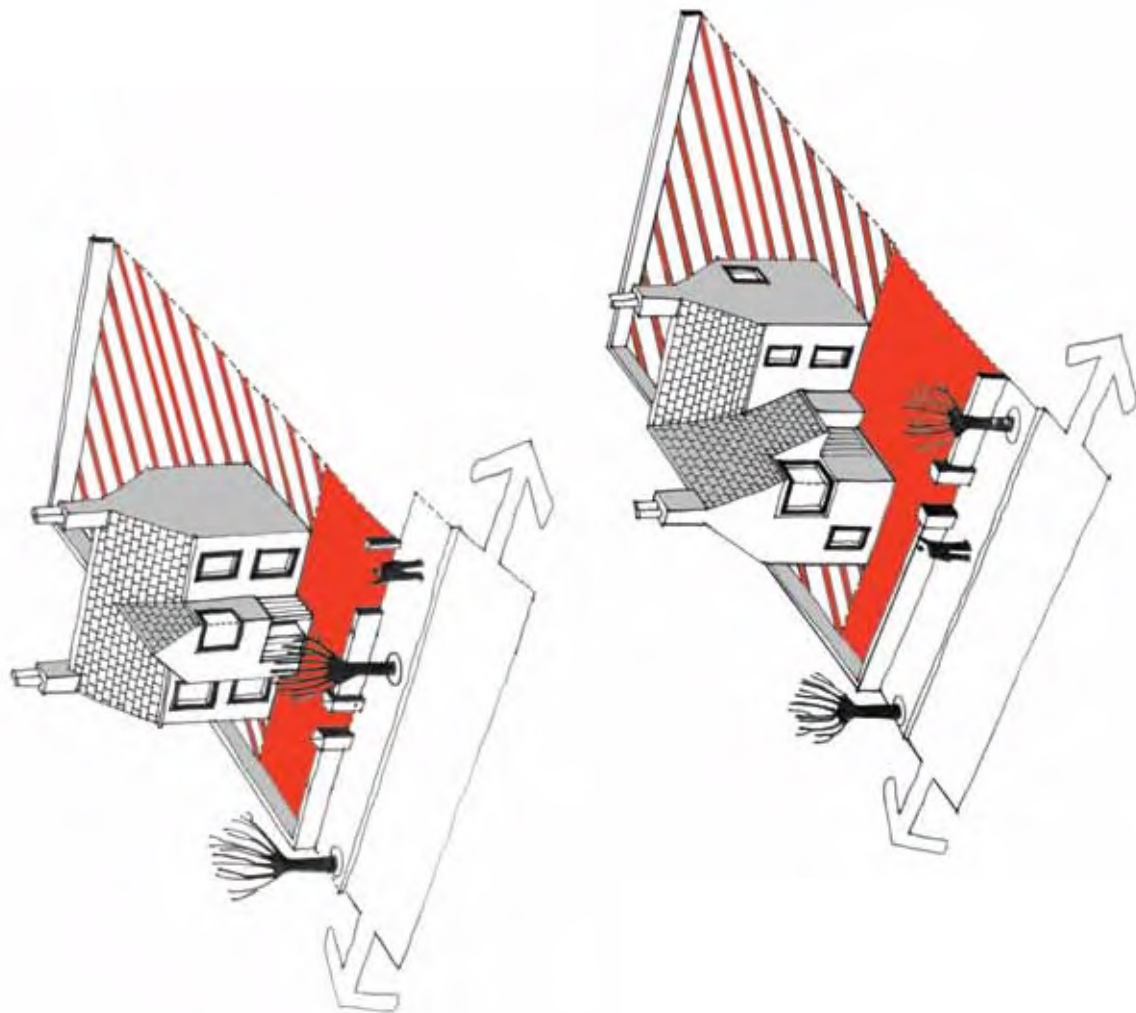


3. MAIN CONCEPTS

Front and Rear Curtilages

3.11

Once the principal elevation has been identified, the front and rear **curtilages** can be defined. The **front curtilage** is all the land forward of the principal elevation. The rear curtilage is the remainder of the curtilage of the original dwellinghouse. This may not reflect any physical division, like fences, that may exist.



3. MAIN CONCEPTS

Site Coverage

3.12

The size of any proposed extension, shed or other building must be such that the total area undeveloped is at least half of the rear or front curtilage. This is explained in figure 12. In most circumstances, the **limitation** will only relate to the rear curtilage. Where the principal or side elevation does not front onto a road, the limitation could also apply to the front curtilage.

3.13

There is also a restriction to ensure that the total area covered by all extensions (including previous extensions) is not greater than the area covered by the original dwellinghouse.

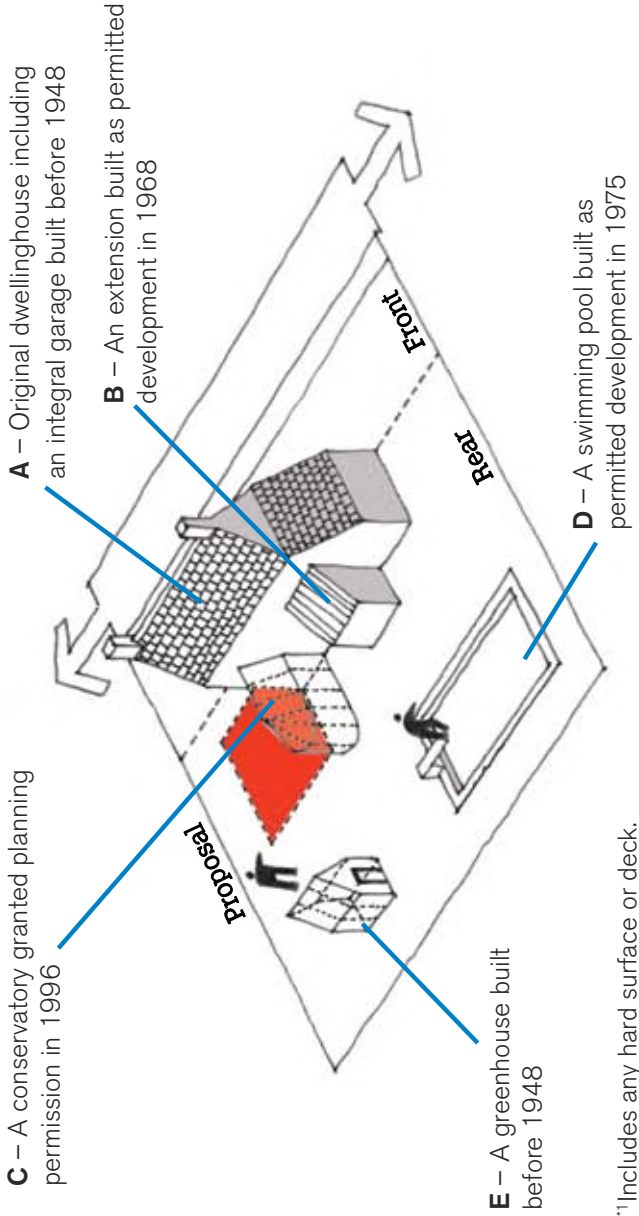
Figure 12: Calculating Site Coverage

In this example the total developed area comprises: the extension (B); conservatory (C) and swimming pool (D) since these developments occurred since 1948, together with the greenhouse (E) as it was not attached to the original dwellinghouse.

Therefore, in this example

$$\% \text{ of site coverage} = \frac{\text{Area of B} + \text{C} + \text{D} + \text{E} + \text{Proposal}}{\text{Area of rear curtilage minus A}^{*1}} \times 100$$

If the site coverage will be more than 50%, of the rear curtilage in this example, planning permission is required.



3. MAIN CONCEPTS

Original or Existing Dwellinghouse

3.14

It is important to differentiate between the original dwellinghouse and the existing dwellinghouse.

3.15

The [original dwellinghouse](#) is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then.

3.16

The [existing dwellinghouse](#) is the dwellinghouse immediately before carrying out the development proposal that is being assessed. It does not include any outbuildings, even where they were built at the same time as the original dwellinghouse.

Heights and Ground Levels

3.17

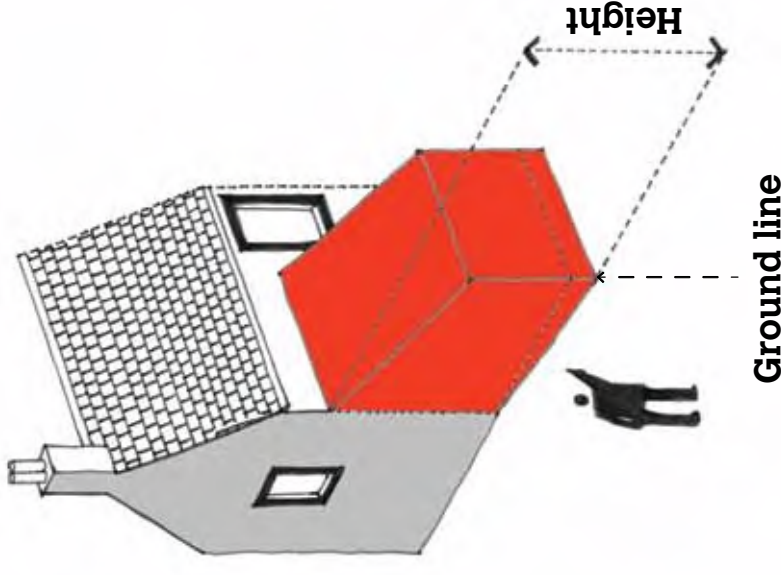
For the purposes of Classes 1A to 3E of the General Permitted Development Order, the height of the development is measured from the lowest part of the surface of the ground adjacent to the building or structure.

3.18

In all other instances the height of the building or structure is calculated from the highest part of the surface of the ground immediately adjacent to the building or structure.

3.19

The ground is the natural ground and would not include any addition laid on top of the natural ground.



4. MAKING CHANGES TO A DWELLINGHOUSE

4.1

The relevant [permitted development rights](#) for the main types of householder developments are explained within this section.

4.2

[Permitted development rights](#) for the different types of development are described within a “class”. Most classes are subject to limitation and restrictions. The main householder classes are grouped into the following categories:

- > [Enlarging a dwellinghouse](#)
- > [Improvements, additions or other alterations to a dwellinghouse that are not an enlargement](#)
- > [Other developments within the curtilage of a dwellinghouse](#)

4.3

Permitted development rights for flats are detailed in [Section 5](#).

4.4

[Section 6](#) details permitted development rights for microgeneration and [Section 7](#) details the regulations for CCTV.

4.5

All the limitations within a class must be complied with. In addition, permitted development rights are removed if the proposed development is to create or materially widen a means of access to a trunk road or classified road or creates an obstruction that is likely to causes a hazard for people using the road.

4. MAKING CHANGES TO A DWELLINGHOUSES – INTRODUCTION TO ENLARGING A DWELLINGHOUSE

Introduction to Enlarging a Dwellinghouse

4.6

It is important to understand the definition of [enlargement](#). Enlargement is defined as any development that increases the internal volume of the [original dwellinghouse](#) and includes a canopy or roof, with or without walls, which is attached to the [dwellinghouse](#), but does not include a [balcony](#). Therefore, a car-port is an [enlargement](#) but a [balcony](#) is not.

4.7

There are many types of [enlargements](#). The following 4 classes cover the most common types of enlargements for [dwellinghouses](#).

Single storey ground floor extension

Class 1A – Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

This class covers the typical single storey extension to the rear of the property. Typical developments include conservatories, car-ports as well as other canopies or roofs, with or without walls.

Ground floor extension of more than one storey

Class 1B – Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey including any alteration to the roof required for the purpose of the enlargement.

This class covers the typical 2 storey extension. The limitations set a minimum distance of 10 metres between the extension and any boundary, since many 1 ½ storey and 2 storey extension are more likely to have a greater impact than a single storey extension. It is recognised that the majority of extensions will not be able to meet this criteria, therefore [an application for planning permission](#) would be required in most instances.

4. MAKING CHANGES TO A DWELLINGHOUSE – INTRODUCTION TO ENLARGING A DWELLINGHOUSE

Porch

Class 1C – The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

This class allows for the construction of a small porch on any external door.

Enlargement of the roof

Class 1D – Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

This class allows for the construction of a typical rear facing dormer.

4.8

These permitted development rights do NOT apply to flats.

4.9

If the proposed development falls into any of the above classes and is in a [conservation area](#) then an application to the [planning authority](#) is required.

4.10

A [listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#). A building warrant from the local authority is also often required, as explained in [Section 2](#).

4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

Single storey ground floor extensions



SUMMARY

4.11

This is the most popular type of development. Permitted development rights allow the enlargement of a [dwellinghouse](#) by a single storey ground floor extension. The permitted development rights allow any alteration to the roof required for the purpose of the

[enlargement](#). In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- if the extension is on, or within 1 metre of the boundary, it **cannot** project, from the rear wall of the existing dwellinghouse, by more than 3 metres in the case of terraced house, or 4 metres in all other cases
- the height of the eaves is a maximum of 3 metres
- the height of the extension is not higher than 4 metres

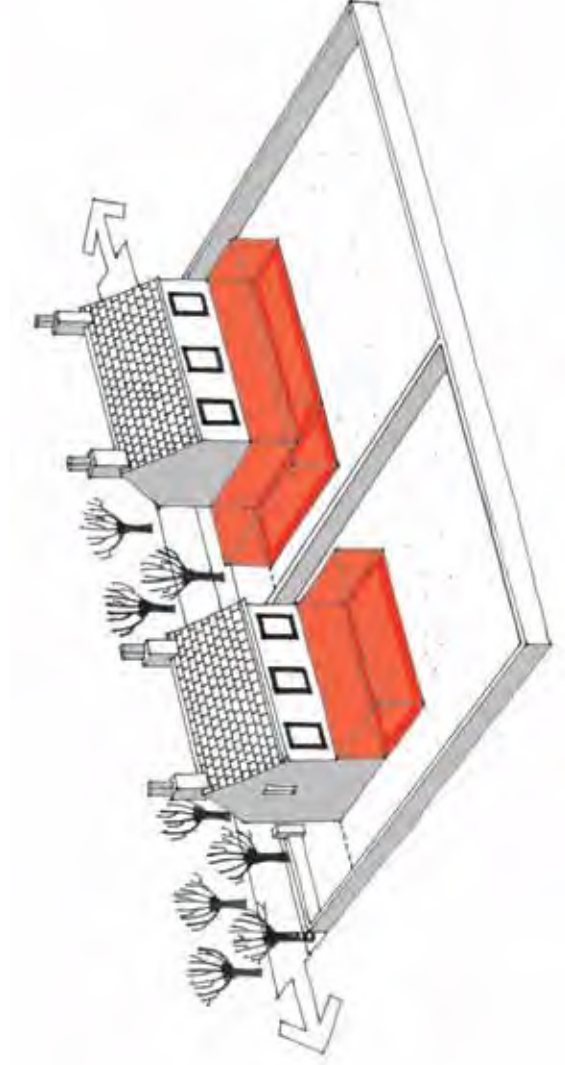
- the footprint of the extension is no larger than the original [dwellinghouse](#) or covering more than half the [curtilage](#)

4.12

There are no permitted development rights for single storey ground floor extensions in [conservation areas](#) or for flats. Listed building consent will normally be required if your building is Listed.

4.13

A building warrant from the local authority will likely be required for this type of extension, as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS



TECHNICAL EXPLANATION

4.14

If the extension exceeds any of the following limits then an application for planning permission is required.

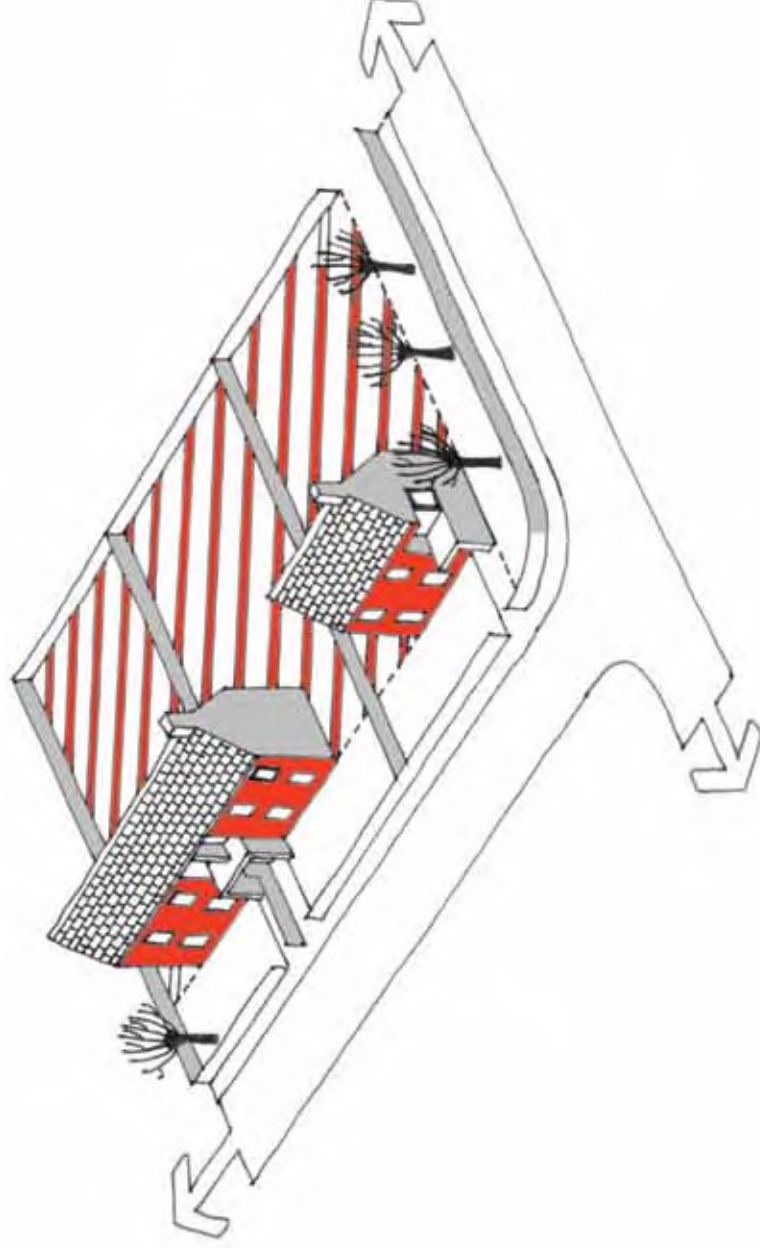
4.15

Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant permitted development classes.

4.16

The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10. This is illustrated in figure 13.

Figure 13: The shaded areas of the curtilage indicate where a single storey extension is permitted as long as the other limitations are met.



4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

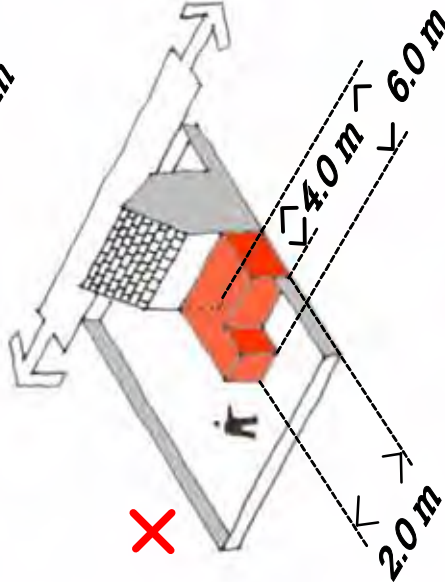
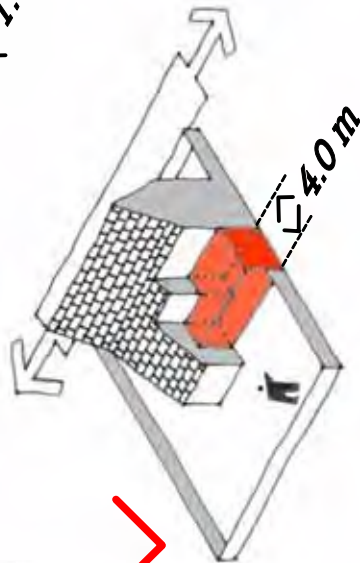
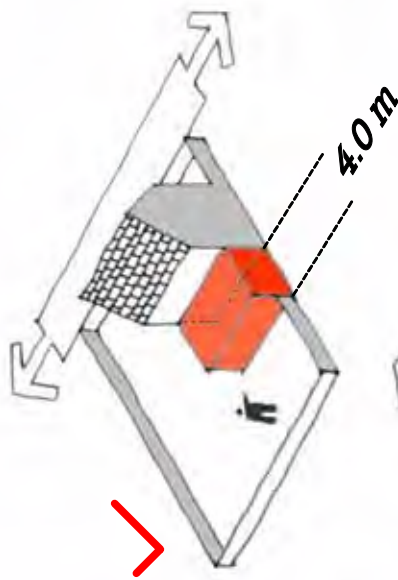
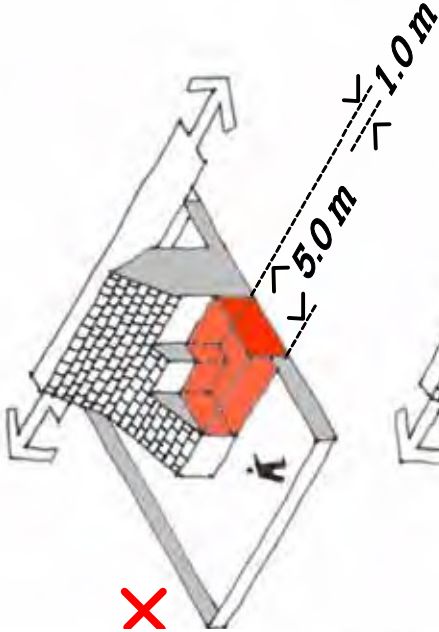
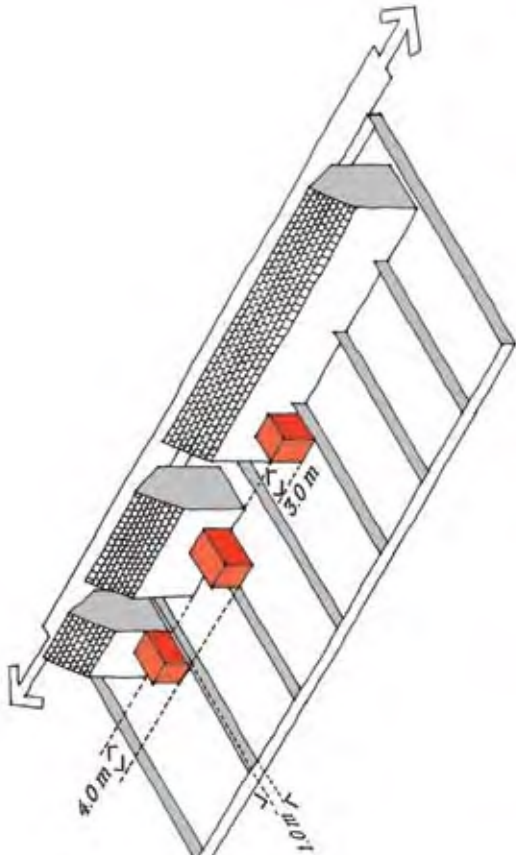
4.17

If any part of the extension is within 1 metre of the boundary of the curtilage, it can only project from the line of the rear elevation nearest to the boundary by 3 metres if a [terraced house](#) or 4 metres in any other case.

4.18

This restriction does not apply to a side extension that does not project beyond the line of the rear elevation. For example if a side extension, does extend beyond the line of the rear wall and is within 1 metre of the

boundary, then it cannot project from the rear wall nearest the boundary by more than 3 metres if a terraced house or 4 metres in any other case.



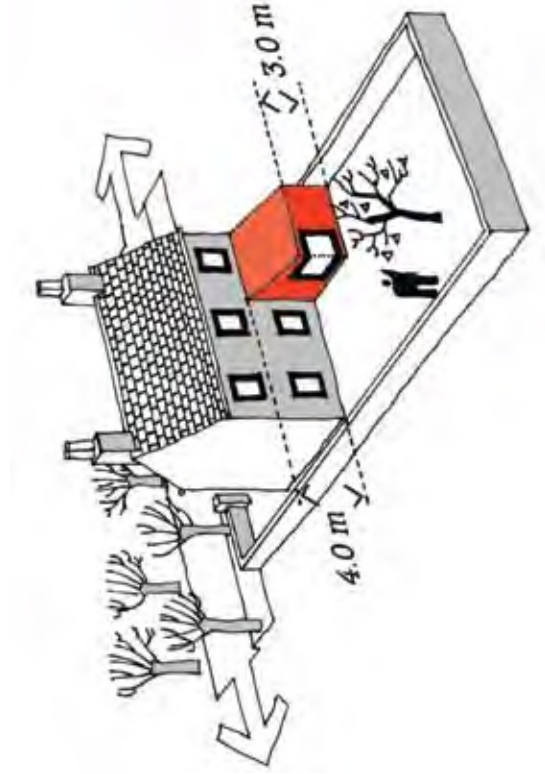
4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

4.19

The overall height of an extension can have a significant impact on neighbours. The **eaves** of the extension **cannot** be higher than 3 metres. The overall height of the extension **cannot** exceed 4 metres.

4.20

When measuring the height of the extension on sloping, or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.

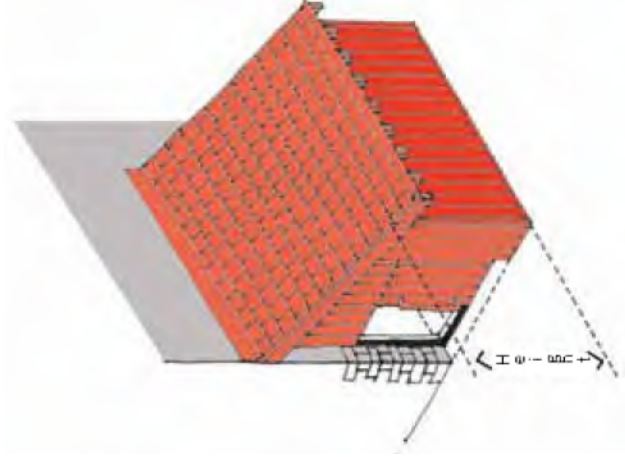


4.21

The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.

4.22

The proposed extension (including previous extensions) and existing developments cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse. This is explained further in paragraphs 3.12 – 3.13.

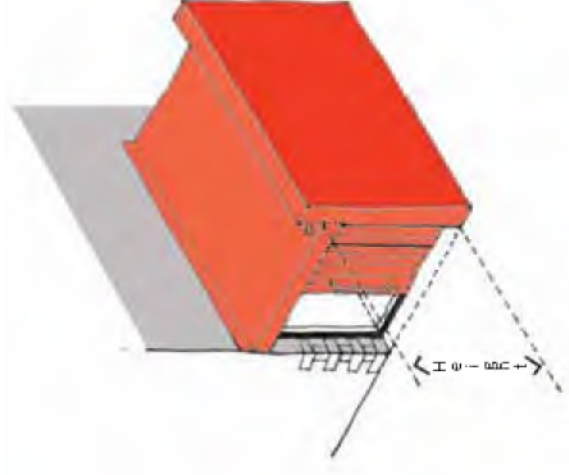


4.23

There are no Class 1A permitted development rights in a **conservation area** or for **flats**. A listed building consent is required if the proposed extension affects the character or setting of a listed building.

4.24

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or www.environment.scotland.gov.uk.



4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS**LEGISLATION****Class 1A. –****(1) Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.****(2) Development is not permitted by this class if–**

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 1 metre of the boundary of the curtilage of the dwellinghouse and it would extend beyond the line of the wall forming part of the rear elevation that is nearest that boundary by more than–
 - (i) 3 metres in the case of a terrace house; or
 - (ii) 4 metres in any other case;
- (c) the height of the eaves of the development would exceed 3 metres;
- (d) any part of the development would exceed 4 metres in height;
- (e) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (g) it would be within a conservation area.

4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

Ground floor extension of more than a one storey



SUMMARY

4.25

Permitted development rights allow the enlargement of a [dwellinghouse](#) by the way of a ground floor extension consisting of more than one storey. The permitted development rights also allow any alteration to the roof required for the purpose of the enlargement. In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- the distance between the extension and any boundary is a minimum of 10 metres
- the height of the extension is not higher than the existing dwellinghouse
- the footprint of the extension is not larger than the [original dwellinghouse](#) or covering more than half the [curtilage](#)

4.26

Many 1½ storey and 2 storey extensions are more likely to have a greater impact than a single storey extension. It is recognised that the majority of 1½ storey and 2 storey extensions will require an application for planning permission.

4.27

There are no permitted development rights in [conservation areas](#) or for flats. Listed building consent will normally be required if your building is Listed.

4.28

A building warrant from the local authority will be required for this type of extension, as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY



TECHNICAL EXPLANATION

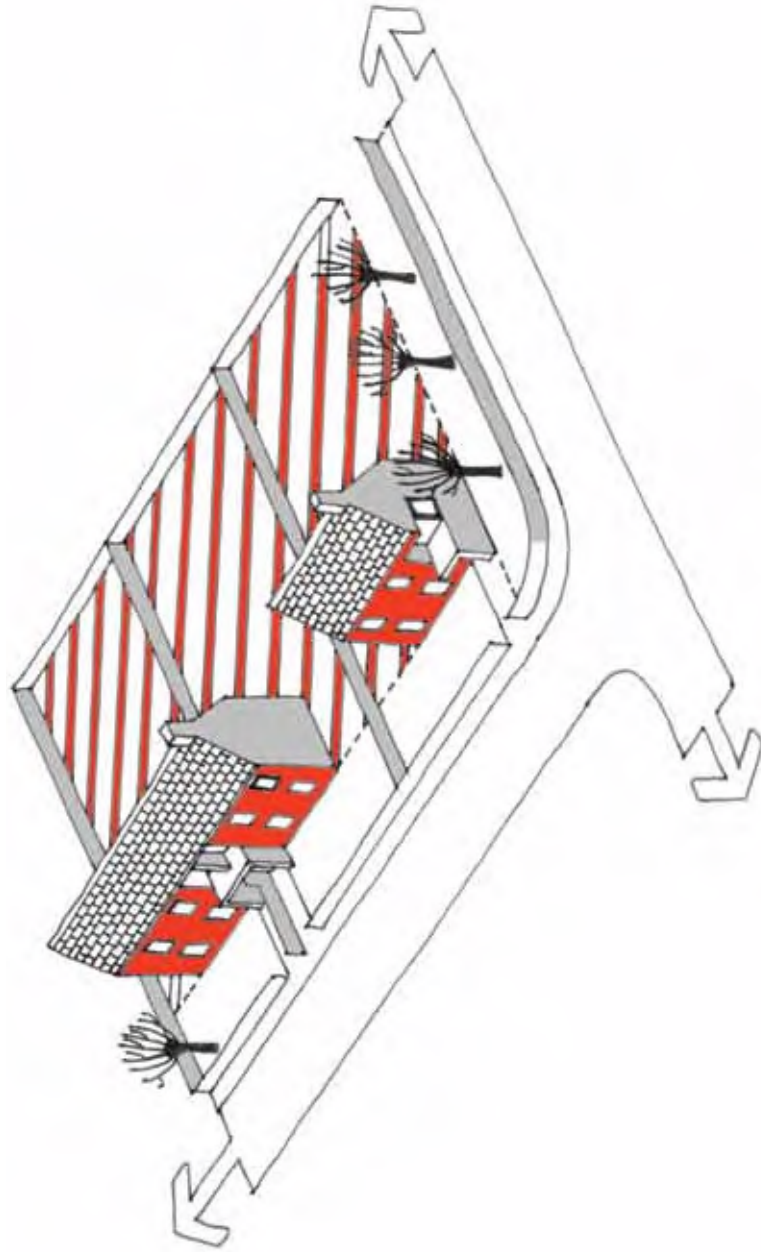
4.29

If the extension exceeds any of the following limits then an [application for planning permission](#) is required.

4.30

The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10. This is illustrated in figure 14.

Figure 14: The shaded areas of the curtilage indicate where an extension of more than a single storey is permitted as long as the other limitations are met.



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

4.31

1½ storey or 2 storey extensions are more likely to have a visual impact, potentially causing overshadowing or overlooking. No part of the extension can therefore be within 10 metres of any boundary of the [curtilage](#).

4.32

The overall height of the extension **cannot** be higher than the existing roof. This would be the ridge of the roof. Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant classes.

4.33

The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.

4.34

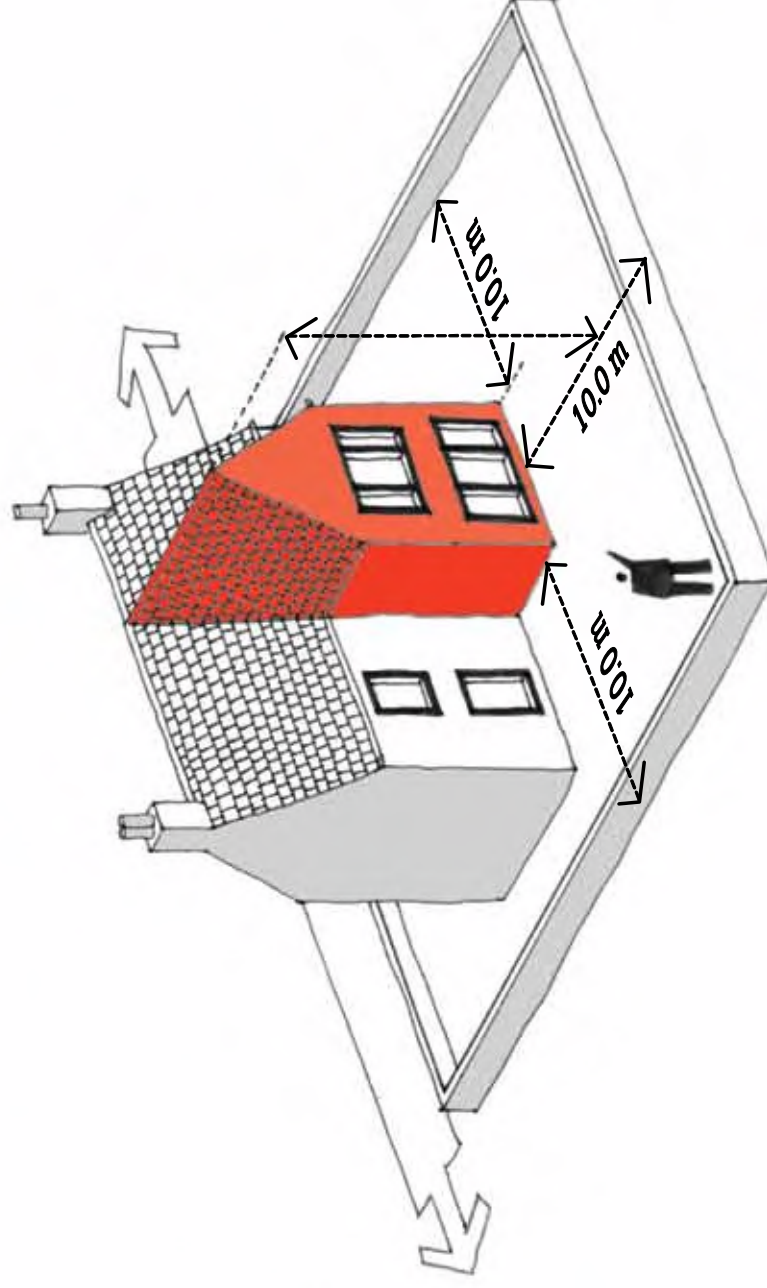
The proposed extension (including previous extensions) and existing developments cannot exceed half of the rear (or front if appropriate) curtilage of the [original dwellinghouse](#). This is explained further in paragraphs 3.11 – 3.13.

4.35

There are no Class 1B permitted development rights in a [conservation area](#) or for flats. A listed building consent is required if the proposed extension affects the character or setting of a listed building.

4.36

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or www.environment.scotland.gov.uk.



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY**LEGISLATION****Class 1B. –**

(1) Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

(2) Development is not permitted by this class if–

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 10 metres of the boundary of the curtilage of the dwellinghouse;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (e) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (f) it would be within a conservation area.

4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

Porch

4.37

Permitted development rights allow the erection, construction or alteration of any porch outside any external door of a dwellinghouse. The limitations are:

- the porch cannot have a footprint of greater than 3 square metres
- the minimum distance between the porch and any boundary and a road is more than 2 metres
- the height of the porch cannot be higher than 3 metres

4.38

If the porch exceeds any of the above limits then [an application for planning permission](#) is required.

4.39

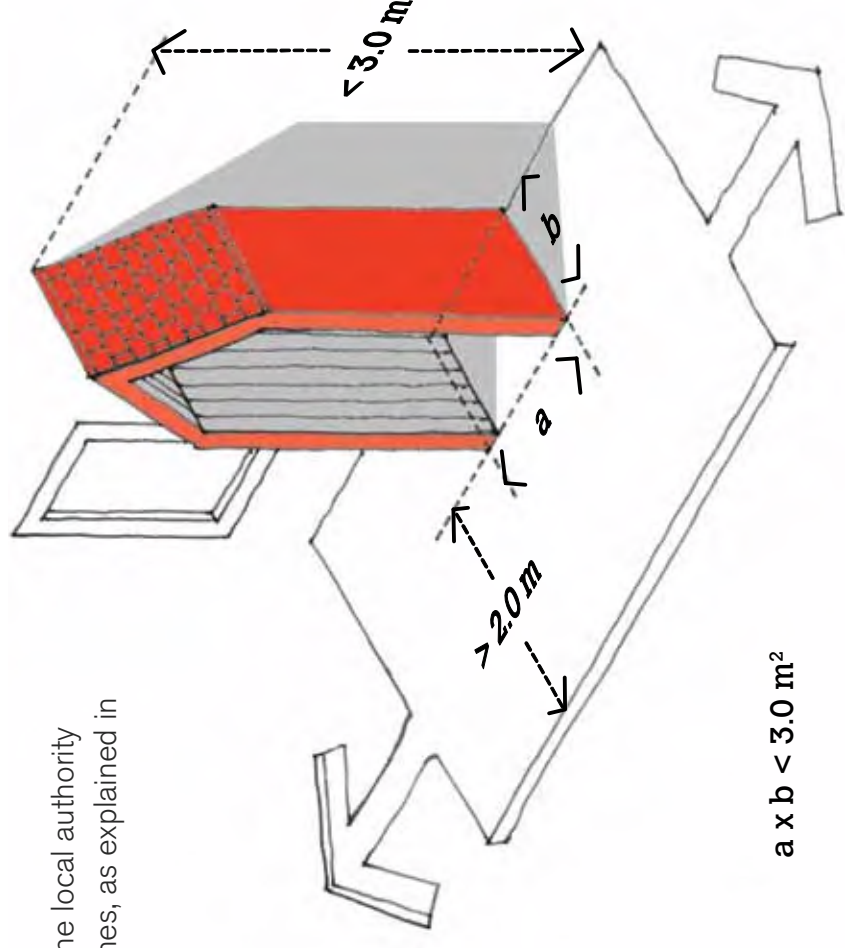
There are no permitted development rights for porches in a [conservation area](#) or for a flat. A [listed building consent](#) is required if the proposed extension affects the character or setting of a [listed building](#).

4.40

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or www.environment.scotland.gov.uk

4.41

A building warrant from the local authority may be required for porches, as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY



LEGISLATION

Class 1C. –

(1) The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

(2) Development is not permitted by this class if—

- (a) its footprint would exceed 3 square metres;
- (b) any part of it would be within 2 metres of a boundary between the curtilage of the dwellinghouse and a road;
- (c) any part of the development would exceed 3 metres in height; or
- (d) it would be within a conservation area.

4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF

Enlargement of the roof



SUMMARY

4.42

Permitted development rights allow the [enlargement](#) of a dwellinghouse by way of an addition or alteration to its roof. This class typically relates to the addition of a dormer. A badly designed dormer can harm the appearance of a dwellinghouse. The larger the dormer, the more challenging it is to produce a good design. In summary, the effect of the limitations is that:

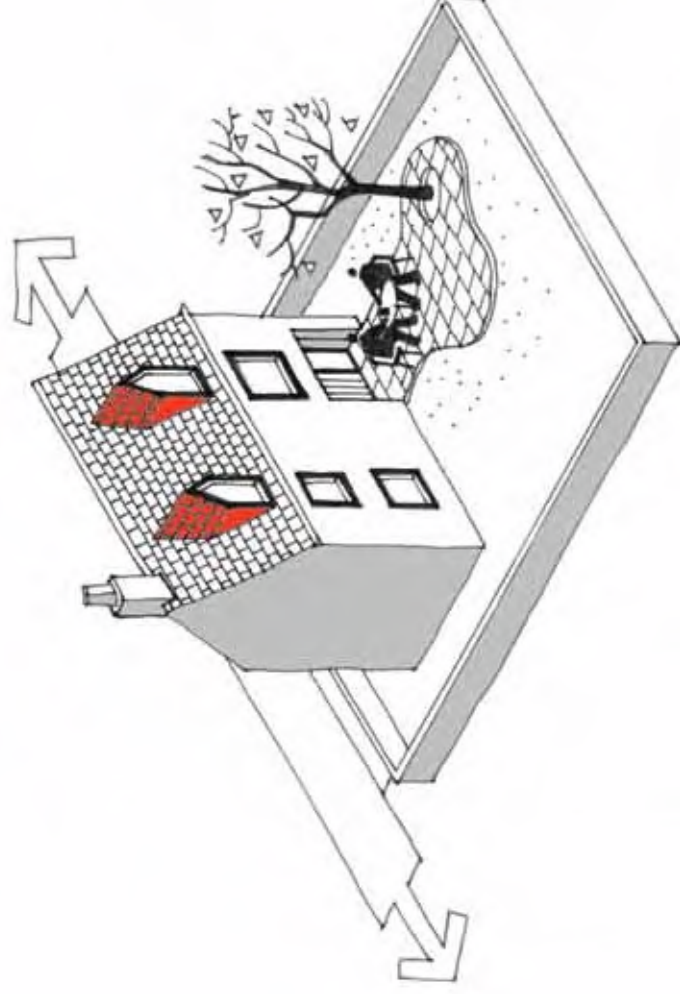
- dormers are generally located to the rear
- the distance between the dormer and boundary it fronts is a minimum of 10 metres
- the height of the dormer is not higher than the existing dwellinghouse
- the dormer, or dormers, covers less than half the roof
- the distance between the dormer and the edge of the roof is a minimum of 0.3 metres

4.43

There are no permitted development rights to enlarge a roof in a [conservation area](#). Listed building consent will normally be required if your building is Listed.

4.44

Building standards may apply and a building warrant from the local authority may be required for this type of development as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF



TECHNICAL EXPLANATION

4.45

If the development exceeds any of the following limits then an [application for planning permission](#) is required.

4.46

Figure 15 overleaf illustrates the restrictions for a dormer, the highlighted areas indicate where the development is not permitted as long as the other limitations are met.

4.47

There are no permitted development rights in a [conservation area](#) or for flats. A listed building consent is required if the proposed development affects the character or setting of a listed building.

4.48

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on listed buildings is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF

4.49

The development **cannot** be part of the roof forming the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10.

4.50

Any enlargement or alteration to a roof is likely to have a visual impact and potentially cause overlooking. The development must be at least 10 metres from the boundary that it fronts.

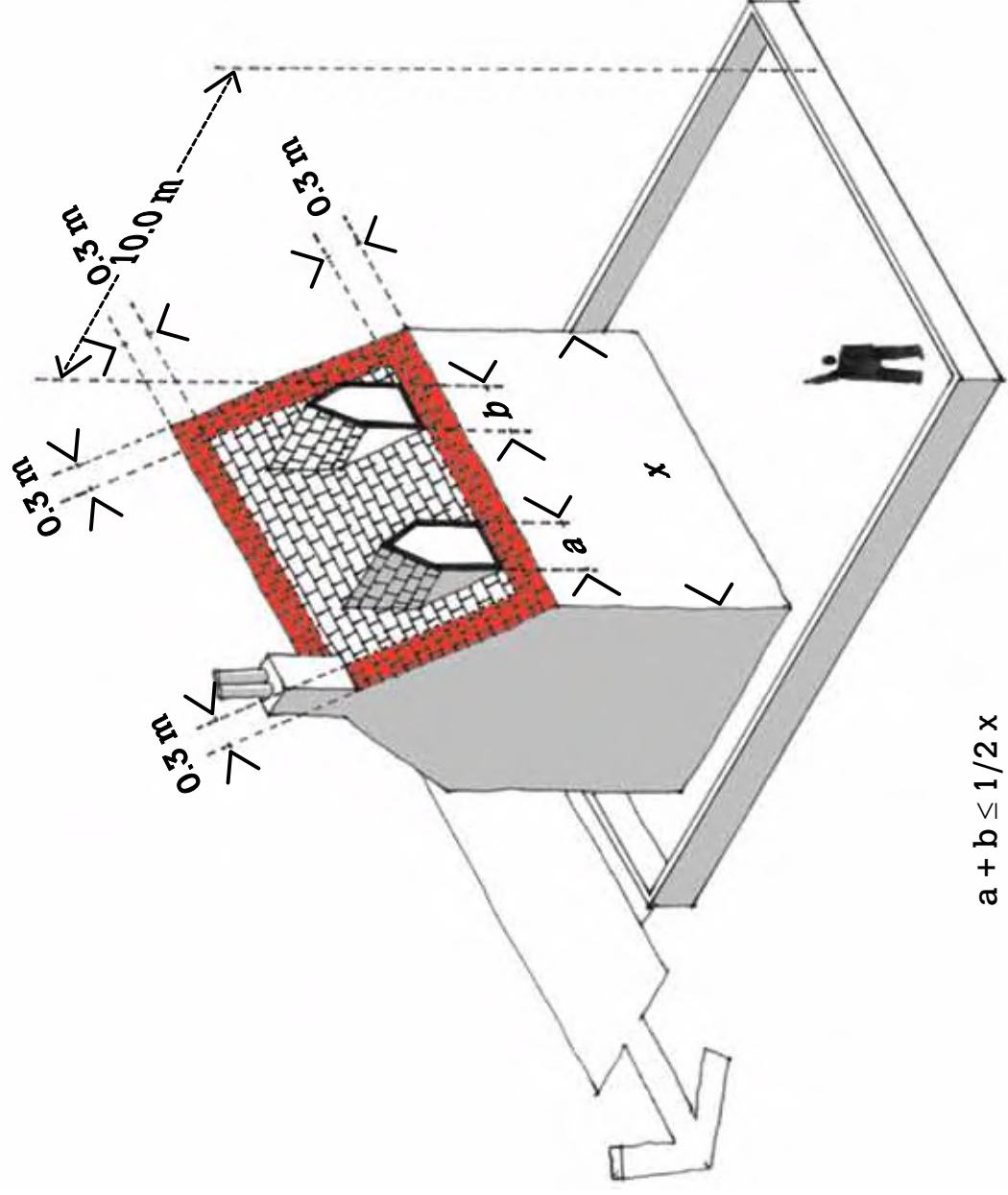
4.51

The dormer must not exceed half the width of the roof plane (the width of the roof plane is measured at the eaves line). The development must be at least 0.3 metres from the edge of the roof plane, for example the ridge of the roof or the edge of a hipped roof.

4.52

The overall height of the dwellinghouse **cannot** be increased as a result of the development. This is measured against the existing ridge of the roof.

Figure 15: Roof enlargements



$$a + b \leq 1/2 x$$

4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF**LEGISLATION****Class 1D. –****(1) Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.****(2) Development is not permitted by this class if—**

- (a) it would be on a roof plane forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) it would be on a roof plane and would be within 10 metres of the boundary of the curtilage of the dwellinghouse which that roof plane fronts;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) its width would exceed half the total width of the roof plane, measured at the eaves line, of the dwellinghouse;
- (e) any part of the development would be within 0.3 metres of any edge of the roof plane of the dwellinghouse; or
- (f) it would be within a conservation area.

4. MAKING CHANGES TO A DWELLINGHOUSE – INTRODUCTION TO IMPROVEMENTS, ADDITIONS OR ALTERATIONS TO A DWELLINGHOUSE THAT ARE NOT AN ENLARGEMENT

Introduction to improvements, additions or alterations to a dwellinghouse that are not an enlargement 4.53 There are many types of alterations or improvements to a dwellinghouse that are not enlargement. The most common types of alterations or improvements to a dwellinghouse are described in classes 2A and 2B.	Access Ramps Class 2A – The erection, construction or alteration of any access ramp outside any external door of a dwellinghouse. This class allows small ramps to be attached to any external door of dwellinghouse so long as certain limitations are met. The ramp is not longer than 5 metres and the overall length of ramp and landings is not longer than 9 metres. The ramp is not higher than 0.4 metres and the combined height of the ramp and any handrail does not exceed 1.5 metres.	Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues and satellite dishes etc Class 2B – Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement. This class is best visualised as a 1 metre bubble surrounding the walls and roof of a dwellinghouse. A householder can add a wide range of different types of development without having to apply for planning permission. Wind turbines, balconies, raised terraces or platforms are not permitted by this class.
	4.54 These permitted development rights do NOT apply to flats. 4.55 If the proposed development falls into any of the above classes and is in a conservation area then an application to the planning authority is required.	

4. MAKING CHANGES TO A DWELLINGHOUSE – ACCESS RAMPS

Access Ramps

4.56

Permitted development rights allow the erection, construction or alteration of any access ramp outside any external door of a dwellinghouse. The limitations are:

- the length of all flights cannot be more than 5 metres
- the length of all flights and landings cannot be more than 9 metres
- the height of the access ramp, including associated handrails, cannot be higher than 1.5 metres
- the height of the platform cannot be higher than 0.4 metres

4.57

If the access ramp exceeds any of the above limits, or is in a [conservation area](#), or within the curtilage of a listed building, then an [application for planning permission](#) is required. Listed building consent is required if the proposed access ramp affects the character or setting of a listed building.

4.58

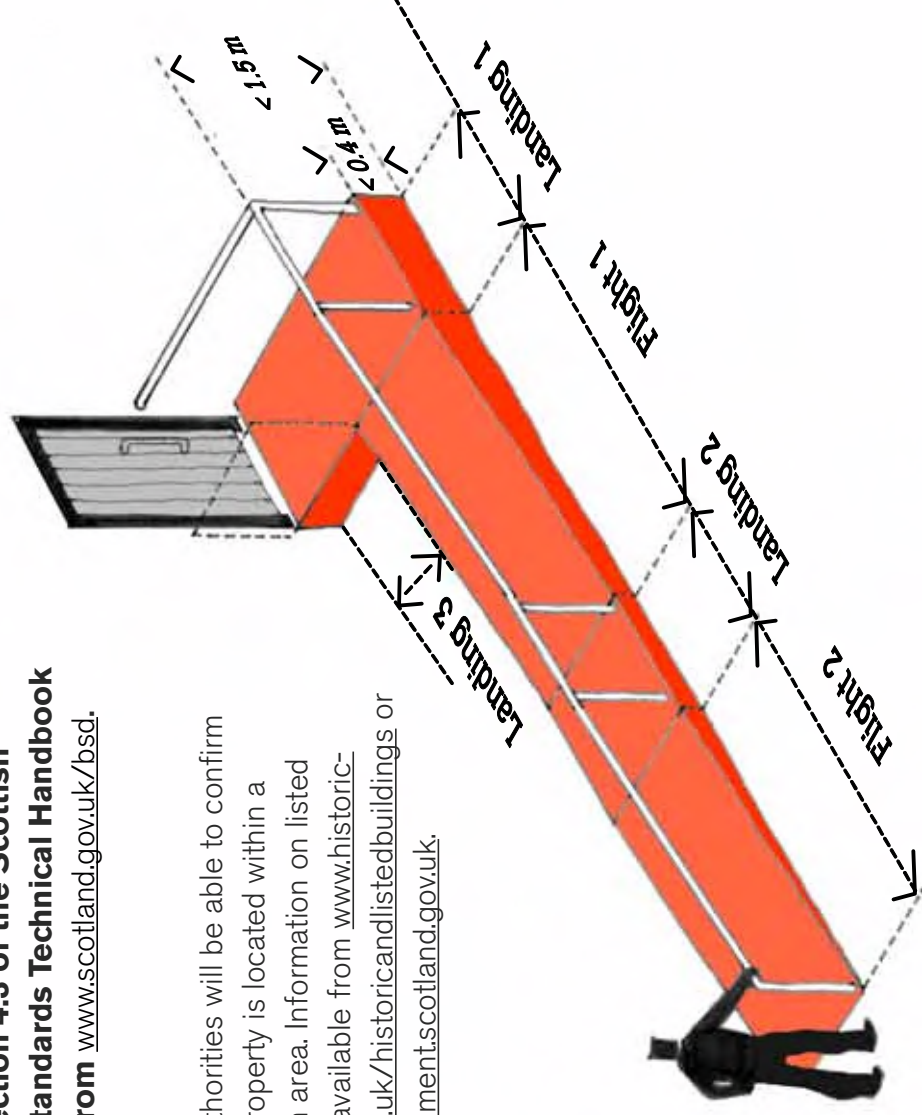
Scottish Building Standards require ramps to be safe. Supporting guidance, including information on suitable gradients and lengths of ramp, can be found in section 4.3 of the Scottish Building Standards Technical Handbook available from www.scotland.gov.uk/bsd.

4.59

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4.60

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the ramp.



4. MAKING CHANGES TO A DWELLINGHOUSE – ACCESS RAMPS**LEGISLATION****Class 2A. –****(1) The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.**

(2) Development is not permitted by this class if—

- (a) the combined length of all flights forming part of the access ramp would exceed 5 metres;
- (b) the combined length of all flights and landings forming part of the access ramp would exceed 9 metres;
- (c) any part of the ramp would exceed 0.4 metres in height;
- (d) the combined height of the ramp and any wall (excluding any external wall of the dwellinghouse), fence, balustrade, handrail or other structure attached to it would exceed 1.5 metres; or
- (e) it would be within a conservation area or within the curtilage of a listed building.

4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC

Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues, and satellite dishes etc

4.61

Permitted development rights allow any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an [enlargement](#). This is best visualised as a 1 metre bubble surrounding the dwellinghouse. A householder can therefore carry out a wide range of different types of development without having to apply for planning permission. This class also covers the installation, alteration or replacement of solar PV or solar thermal equipment.

4.62

If the development exceeds any of the following limits then an application for planning permission is required.

4.63

The development must not enlarge the dwellinghouse. This means that the development cannot increase the internal volume of the original building. This includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.

4.64

The development must not project by more than 1 metre from the wall or roof.

4.65

The following types of development are not permitted by this class:

balcony, roof terrace or raised platform
wind turbine

4.66

The following developments are also not permitted as they are permitted by other classes:

- access ramps
- a range of building or engineering operations including garden works, oil tanks
- a flue forming part of biomass heating system
- flue forming part of combined heat and power system
- air source heat pump
- CCTV

4.67

Section 6 discusses the installation, alteration or replacement of a biomass heating system flue or a combined heat and powers system flue or air source heat pump.

4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC

4.68

To ensure that the general character of an area is maintained, there is a condition that materials used for any roof covering must be similar in appearance to the existing roof. Solar PV or solar thermal panels are not considered to be a roof covering.

4.70

There are no Class 2B permitted development rights in a [conservation area](#). [Listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

4.71

A building warrant from the local authority may be required, as explained in [Section 2](#).

4.69

An alteration to the external appearance would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning consent may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.

4.72

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC



LEGISLATION

Class 2B. –

(1) Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement

(2) Development is not permitted by this class if–

- (a) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwellinghouse;
- (b) it would be a wind turbine;
- (c) it would be a balcony;
- (d) it would be on the roof and would result in a raised platform or terrace;
- (e) it would be within a conservation area; or
- (f) it would be development described in class 2A(1), 3B(1), 6C(1), 6F(1), 6H(1) or 72(1).

(3) Development is permitted by this class subject to the condition that the materials used for any roof covering must be as similar in appearance to the existing roof covering as is reasonably practicable.

4. MAKING CHANGES TO A DWELLINGHOUSE - INTRODUCTION TO OTHER DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Introduction to other development within the curtilage of a dwellinghouse

4.73

There are many other types of developments that can happen within the curtilage of a dwellinghouse. The following 5 classes cover the most common types of developments. Installation of microgeneration equipment is discussed in [Section 6](#).

Ancillary buildings including sheds, garages, sun-houses, greenhouses etc.

Class 3A – The provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance or improvement of such a building.

This class generally allows the provision of any building incidental to the enjoyment of the dwellinghouse if it is in the rear curtilage. In the main this covers sheds, garages, greenhouses etc.

In the case of dwellinghouses in a [conservation area](#) or within the curtilage of a [listed building](#), the floor area of the ancillary building can not exceed 4 square metres.

Any building, engineering, installation or other operation

Class 3B – The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse, required for a purpose incidental to the enjoyment of that dwellinghouse.

This class generally allows for the carrying out of an operation within the rear curtilage of a dwellinghouse not covered by other classes. Typical development permitted by this class include free-standing solar panels, flag poles, swimming pools, oil tanks etc.

This permitted development rights does not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

4. MAKING CHANGES TO A DWELLINGHOUSE - INTRODUCTION TO OTHER DEVELOPMENT WITHIN THE CURTLAGE OF A DWELLINGHOUSE

Hard surface

Class 3C – The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse or the replacement in whole or in part of such a surface.

This class generally permits the construction or replacement of a hard surface. If the hard surface is between the dwellinghouse and a road then the materials used should be permeable or, alternatively, rain water run off should be to a permeable surface within the curtilage.

This permitted development rights for hard surfaces does not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

Decking or other raised platform

Class 3D – The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

This class generally permits the construction of a deck or other raised platform in the rear garden so long as the floor level does not exceed 0.5 metres and the combined height of the deck and any attached balustrade or screening does not exceed 2.5 metres.

In the case of land in a [conservation area](#) or within the curtilage of a [listed building](#), the footprint of the deck cannot exceed 4 square metres.

Gates, fences, walls or other means of enclosure

Class 3E – The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

The overall height of the gate, fence, wall or other means of enclosure must not exceed 2 metres. However, if it fronts a road or comes forward of the principal elevation or side elevation nearest a road then it cannot exceed 1 metre. Where an existing gate, fence, wall or other means of enclosure is replaced or altered the height limit is either 1 metre or 2 metre or, if greater than these, the height of the original structure.

These permitted development rights do not apply in a [conservation area](#) or within the curtilage of a [listed building](#).

4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC

Ancillary buildings including sheds, garages, greenhouses etc

SUMMARY

4.74

Permitted development rights allow for the provision of any building required for a purpose incidental to the enjoyment of the dwellinghouse. Typical developments include sheds, garages, sun-houses and greenhouses. In summary, the effect of the limitations is that:

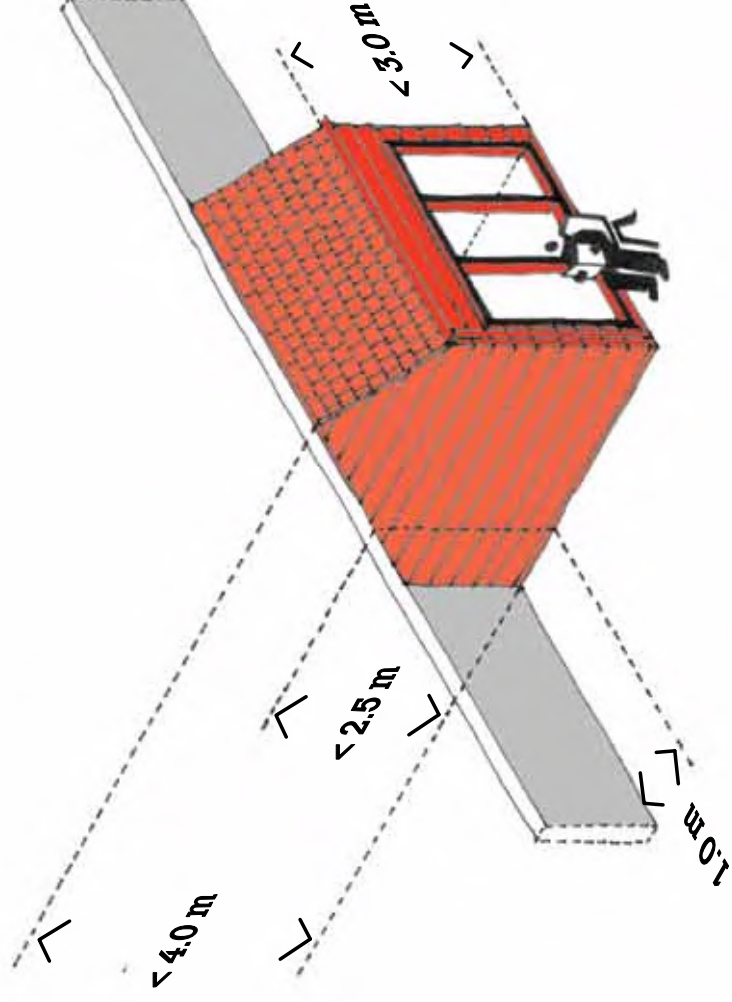
- ancillary buildings are generally located to the rear
- at least half the curtilage remains undeveloped
- the height of the building is not higher than 4 metres and the sections within 1 metre of the boundary would be higher than 2.5 metres
- the height of the eaves is not higher than 3 metres

4.75

In the case of dwellinghouses in a conservation area or within the curtilage of a listed building development is permitted as long as the footprint of the ancillary building does not exceed 4 square metres. [Listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

4.76

A building warrant from the local authority may be required for these types of developments, as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC



TECHNICAL EXPLANATION

4.77

If the building exceeds any of the following limits then an application for planning permission is required.

4.78

The building **cannot** be used as a separate dwelling.

4.79

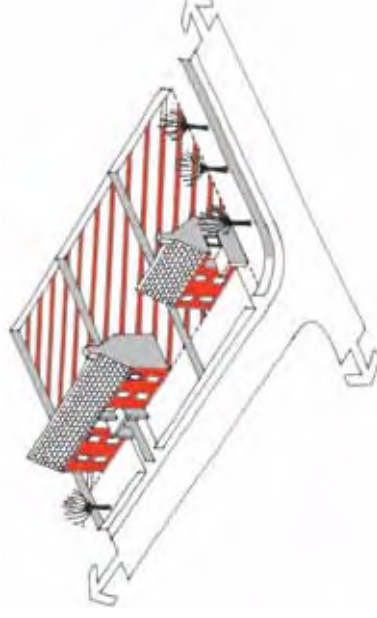
The building **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10.

4.80

This is illustrated below, the shaded areas of the curtilage indicate where an ancillary building is permitted as long as the other limitations are met.

4.81

The overall height of a building can have a significant impact on neighbours. The [eaves](#) of the building **cannot** be higher than 3 metres. The height of the building **cannot** exceed 4 metres.



4.82

The parts of the building within 1 metre of a boundary must not be higher than 2.5 metres. This is illustrated on page 43.

4.83

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.

4.84

The proposed development and existing developments (including extensions, sheds, garages) cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse, this is explained in paragraphs 3.11 – 3.12.

4.85

In the case of dwellinghouses in a [conservation area](#) or within the curtilage of a [listed building](#), the floor area of the ancillary building cannot exceed 4 square metres. A [listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

4.86

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC**LEGISLATION****Class 3A. –**

(1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

(2) Development is not permitted by this class if–

- (a) it consists of a dwelling;
- (b) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (c) the height of the eaves would exceed 3 metres;
- (d) any part of the development would exceed 4 metres in height;
- (e) any part of the development within 1 metre of the boundary of the curtilage of the dwellinghouse would exceed 2.5 metres in height;
- (f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (g) in the case of land in a conservation area or within the curtilage of a listed building, the resulting building would have a footprint exceeding 4 square metres.

4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION**Any building, engineering, installation or other operation****SUMMARY****4.87**

Permitted development rights allow for the carrying out of works within the rear curtilage of a dwellinghouse not covered by other classes. It is intended to apply to garden works, free-standing solar panels, flag poles, swimming pools and oil tanks. In summary, the effect of limitations is that:

- the development is generally located in the rear
- the height of the resulting structure is not higher than 3 metres
- at least half the curtilage remains undeveloped

4.88

This permitted development rights do not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

4.89

A building warrant from the local authority may be required for these types of developments, as explained in [Section 2](#).

4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION



TECHNICAL

4.90

If the development exceeds any of the following limits then an application for planning permission is required.

4.91

Building operation is included in the description, as in terms of the definition of development and includes a wider range of development than just the provision of an actual building.

4.92

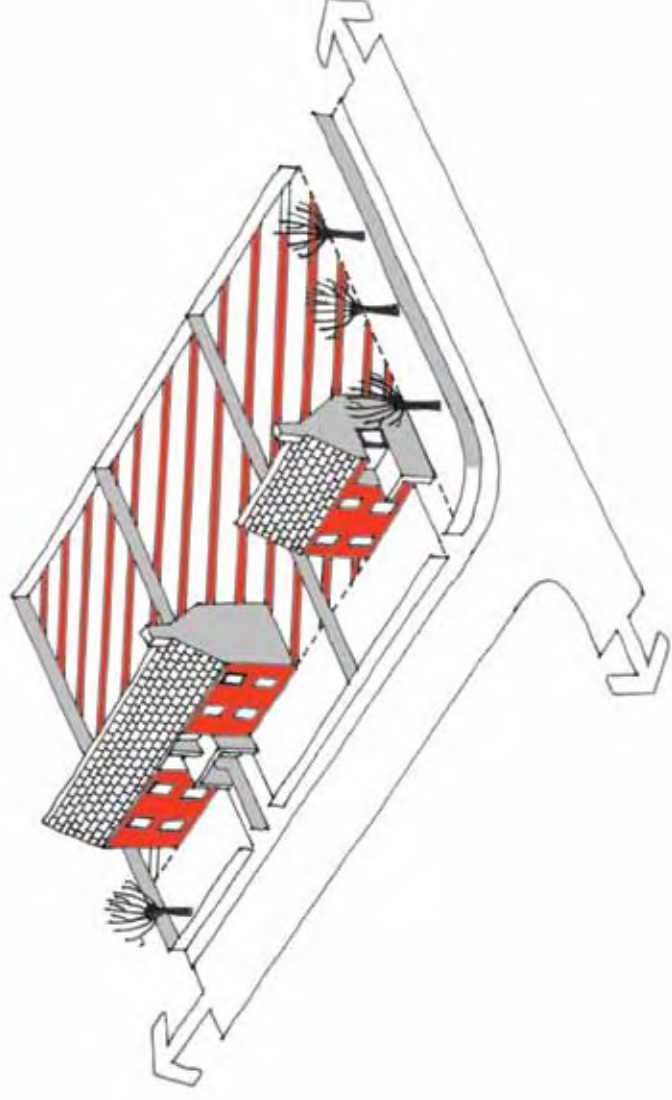
The development **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs [3.2 – 3.6](#), whilst [fronting a road](#) is discussed at [3.7 – 3.10](#).

4.93

This is illustrated below, the shaded areas of the curtilage indicate where works is permitted as long as the other limitations are met.

4.94

The overall height of the development can have a significant impact on neighbours. The development **cannot** be higher than 3 metres. When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the development.



4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION

4.95

The proposed development and existing developments (including extensions, sheds, garages etc.) **cannot** exceed half of the rear curtilage (or front if appropriate) curtilage of the original dwellinghouse, this is explained in paragraphs 3.12 – 3.13.

4.96

The following types of development are not permitted by this class, as these types of developments are permitted by other classes:

- ancillary buildings
- hard surface
- decking
- gate, fence, wall or other means of enclosure
- ground source heat pump
- water source heatpump
- free-standing wind turbine
- air source heat pump
- means of access

4.97

There are no Class 3B permitted development rights in a [conservation area](#) or within the curtilage of a [listed building](#). An application to the planning authority is required.

4.98

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION**LEGISLATION****Class 3B. –**

(1) The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

(2) Development is not permitted by this class if–

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any resulting structure would exceed 3 metres in height;
- (c) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck);
- (d) it would be within a conservation area or within the curtilage of a listed building; or
- (e) it would be development described in class 3A(1), 3C(1), 3D(1), 3E(1), 6D, 6E, 6G(1), 6H(1) or 8.

4. MAKING CHANGES TO A DWELLINGHOUSE – HARD SURFACE

Hard surface

4.99

Permitted development rights allow the construction or replacement of a hard surface within the curtilage of a dwellinghouse.

4.100

If the hard surface exceeds any of the following limits then an application for planning permission is required.

4.101

If the hard surface is located between the dwellinghouse and a road, then it must be constructed of a porous material or that provision is made for surface water run off to be directed to a porous area within the curtilage of the dwellinghouse.

4.102

This provision is introduced following a review of extreme flooding events and concerns expressed by regulatory authorities and water companies that the cumulative impact of small increases in hard surfacing is leading to increased run off into road drains that ultimately flow into watercourses or sewage treatment works. The intention of the condition is to encourage householders to adopt the principles of source control.

4.103

The Department of Communities and Local Government has produced separate guidance on permeable paving. This can be found at: www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf.

4.104

Planning permission is required for a hard surface in [conservation areas](#) and in the curtilage of [listed buildings](#). A building warrant from the local authority may be required, as explained in [Section 2](#).

4.105

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from: www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE – HARD SURFACE**LEGISLATION****Class 3C. –**

(1) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

(2) Development is not permitted by this class if it would be within a conservation area or within the curtilage of a listed building.

(3) Development is permitted by this class subject to the condition that where the hard surface would be located between the dwellinghouse and a road bounding the curtilage of the dwellinghouse—

(a) the hard surface must be made of porous materials; or

(b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM

Decking or other raised platform



SUMMARY

4.106

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse. In summary, the effect of the limitations is that:

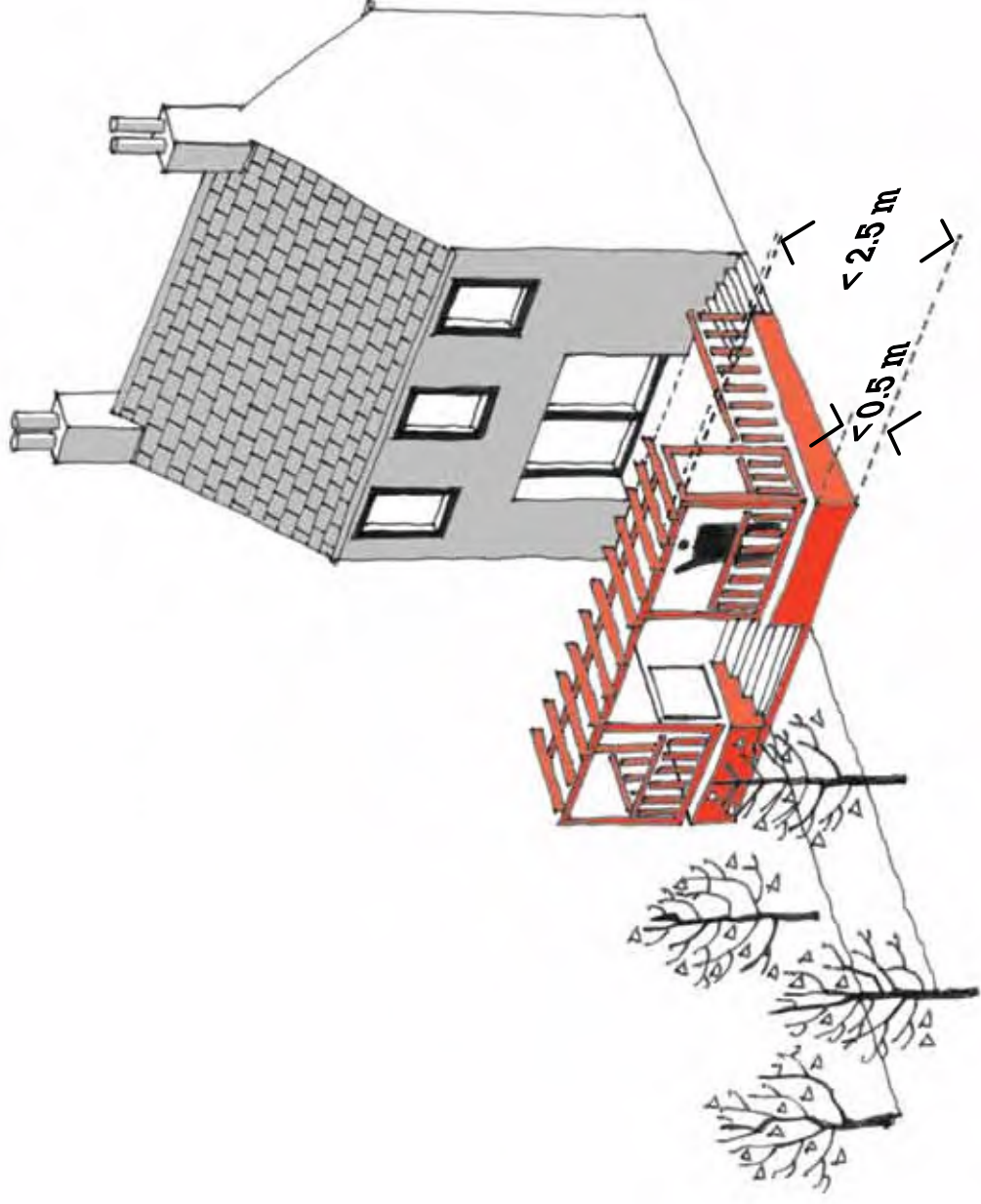
- decks are generally located to the rear
- the height of the floor level does not exceed 0.5 metre
- the total height of the deck, including any attached structure does not exceed 2.5 metres

4.107

If the deck, or raised platform, is in a conservation area or within the curtilage of a listed building the maximum size of the deck, or raised platform, is 4 square metres. There are no permitted development rights for flats.

4.108

A building warrant from the local authority may be required for the deck or other raised platform, as explained in [Section 2](#).



4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM



TECHNICAL EXPLANATION

4.109

If the deck, or raised platform, exceeds any of the following limits then [an application for planning permission](#) is required.

4.110

Decks cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs [3.2 – 3.6](#), whilst [fronting a road](#) is discussed at [3.7 – 3.10](#).

4.111

This is illustrated below, the shaded areas of the curtilage indicate where an extension is permitted as long as the other limitations are met.

4.112

The maximum height of the platform of the decking is 0.5 metre. The total height if, for example screens are attached, is 2.5 metres.

4.113

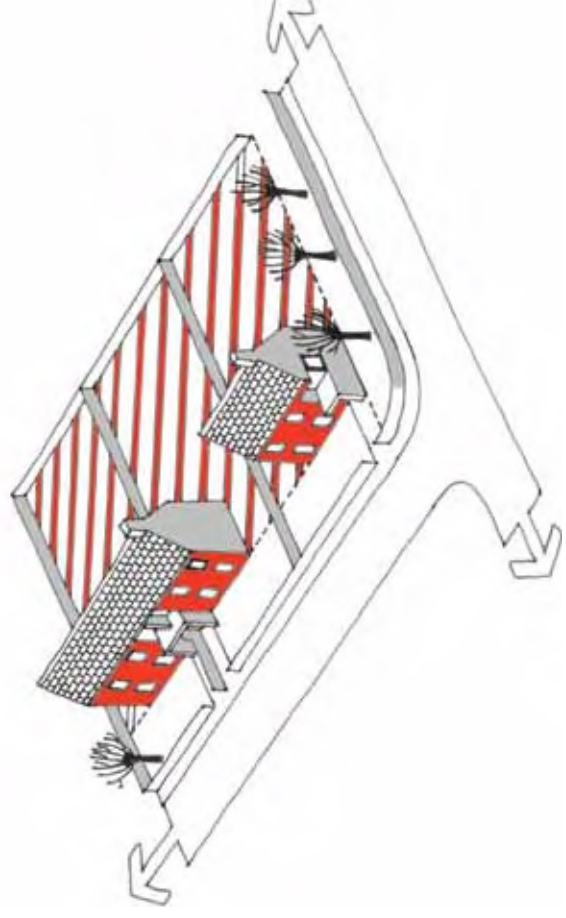
When measuring the height of the deck on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the decking.

4.114

The size of decking in [conservation areas](#) and within the curtilage of [listed buildings](#) is restricted to 4 square metres to be permitted development.

4.115

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.



4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM**LEGISLATION****Class 3D. –**

(1) The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

(2) Development is not permitted by this class if–

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) the floor level of any part of the deck or platform would exceed 0.5 metres in height;
- (c) the combined height of the deck and any wall, fence, balustrade, handrail or other structure attached to it, would exceed 2.5 metres; or
- (d) in the case of land within a conservation area or within the curtilage of a listed building the deck or platform would have a footprint exceeding 4 square metres.

4. MAKING CHANGES TO A DWELLINGHOUSE – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE

Gates, fences, walls or other means of enclosure

4.116

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure.

4.117

If the gate, fence, wall or other means of enclosure exceeds the following limits then an application for planning permission is required.

4.118

The maximum height of any gate, fence, wall or other means of enclosure is 2 metres. Whilst its maximum height 1 metre if it fronts a road (explained in paragraphs 3.9 – 3.10) or comes forward of the [principal elevation](#) or side elevation nearest a road. Identifying the principal elevation is explained in paragraphs 3.2 – 3.6.

4.119

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the gate, fence, wall or other means of enclosure.

4.120

The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence forward of the principal elevation can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence forward of the [principal elevation](#) it can be replaced by with a fence up to 1 metre in height.

4.121

Planning permission is needed for gates, fences, wall or other mean of enclosure in [conservation areas](#) and in the curtilage of [listed buildings](#).

4.122

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

4. MAKING CHANGES TO A DWELLINGHOUSE – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE**LEGISLATION****Class 3E. –**

(1) The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

(2) Development is not permitted by this class if–

- (a) any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height;
- (b) any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it–

- (i) fronts a road; or
- (ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road;
- (c) it replaces or alters an existing gate, fence, wall or other means of enclosure and exceeds whichever is the greater of the original height or the heights described in sub-paragraphs (a) and (b);
- (d) it would be within a conservation area; or
- (e) it would be within, or bound, the curtilage of a listed building.

5. MAKING CHANGES TO A FLAT

5.1

Due to the vast variety of flats, it is not possible to provide extensive permitted development rights for flats.

5.2

A flat is defined as a “separate and self contained set of premises whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally”.

5.3

The specific permitted development rights for flats are detailed below. Other relevant classes include:-

- Class 7: construction of gate, fences, walls and other means of enclosure
- Class 72: Closed Circuit Television Cameras (CCTV).

Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues, satellite dishes



SUMMARY

5.4

Permitted development rights allow any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats that is not an [enlargement](#). This is best visualised as a 1 metre bubble surrounding a flat. A wide range of different types of developments are permitted without having to apply for planning permission, including the installation, alteration or replacement of solar PV or solar thermal equipment. In summary, the effect of the limitations is that:

- the development does not enlarge the flat
- the distance any development can project from the walls and roof of the flat is not more than 1 metre

- the development is not a balcony, roof terrace or raised platform, wind turbine, a flue forming part of biomass heating system, flue forming part of combined heat and power system, air source heat pump, CCTV or an [enlargement](#)

5.5

There are no permitted development rights in a [conservation area](#) or within the curtilage of a listed building. A [listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

5.6

A building warrant from the local authority may be required, as explained in [Section 2](#).

5. MAKING CHANGES TO A FLAT – IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC.



TECHNICAL EXPLANATION

5.7

If the development exceeds any of the following limits then an application for planning permission is required.

5.8

The development must not enlarge the flat. This means that the development cannot increase the internal volume of the original building. Enlargement includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.

5.9

The development must not project by more than 1 metre from the wall or roof.

5.10

The size of windows and doors **cannot** be altered. An application for planning permission is required if, for example, a larger window is created from 2 smaller windows or a window is converted into a door which is larger than the window.

5.11

The development cannot be a balcony or, if it is on the roof, a raised platform or terrace. The following types of development are not permitted by this class because they are permitted by other classes:

- wind turbine
- biomass heating system flue
- combined heat and powers system flue
- air source heat pump
- CCTV

5.12

There are no Class 4A permitted development rights for conservation areas or within the curtilage of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from: www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk.

5.13

Section 6 discusses the installation, alteration or replacement of a biomass heating system flue or a combined heat and powers system flue or air source heat pump.

5.14

An alteration to the external appearance of a flat would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning permission may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.

5. MAKING CHANGES TO A FLAT – IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC.



LEGISLATION

Class 4A. –

(1) Any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats.

(2) Development is not permitted by this class if–

- (a) it would be an enlargement;
- (b) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney;
- (c) the dimensions of an existing window or door opening would be altered;
- (d) it would be a balcony;
- (e) it would be on the roof and would result in a raised platform or terrace;
- (f) it would be a wind turbine;
- (g) it would be within a conservation area or within the curtilage of a listed building; or
- (h) it would be development described in class 6C(1), 6F(1) or 6H(1) or 72(1).

5. MAKING CHANGES TO A FLAT – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE

Gates, fences, walls or other means of enclosure

5.15

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure.

5.16

If the gate, fence, wall or other means of enclosure exceeds any of the following limits then an application for planning permission is required.

5.17

The maximum height of any new gate, fence, wall or other means of enclosure is 2 metres, but where it is within 20 metres of a road the maximum height is 1 metre.

5.18

When measuring the height of the development on sloping or uneven ground, the height should be measured from the highest point immediately adjacent to the gate, fence, wall or other means of enclosure.

5.19

The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence within 20 metres of a road can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence within 20 metres of a road it can be replaced by with a fence up to 1 metre in height.

5.20

There are no Class 7 permitted development rights for [conservation areas](#) or within the curtilage of a [listed building](#). Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on listed buildings is available from www.historic-scotland.gov.uk/historicandlistedbuildings or www.environment.scotland.gov.uk

5. MAKING CHANGES TO A FLAT – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE**LEGISLATION****Class 7.–****(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.****(2) Development is not permitted by this class if–**

- (a) the height of any gate, fence, wall or other means of enclosure to be erected or constructed within 20 metres of a road would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or other means of enclosure to be erected or constructed would exceed two metres above ground level;
- (c) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or in respect of a gate, fence, wall or other means of enclosure surrounding, a listed building. or
- (e) it would be development described in class 3E(1)

6. INSTALLING MICROGENERATION EQUIPMENT

6.1

The relevant permitted development rights for the main types of microgeneration equipment are explained within this section.

6.2

This guidance replaces:

- Planning Circular 2/2009: The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009; and
- Planning Circular 2/2010: The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010.

6.3

Classes 6A and 6B have been removed since Classes 2B and 4A now apply for installation of solar PV and solar thermal equipment that would be attached to a wall or roof of a [dwellinghouse](#) or a flat. Class 3B permits the installation of free-standing solar PV and solar thermal equipment for a dwellinghouse.

6.4

All the limitations and restrictions within a class will need to be complied with. Where a proposal would involve a combination of classes, then the development would have to comply with the limitations and restrictions of all the relevant classes to be [permitted development](#).

6.5

There are many types of [microgeneration](#) equipment. The following 6 classes, along with Classes 2B, 3B and 4A, cover the installation of the most common types of domestic [microgeneration](#), ensuring appropriate controls are applied to the specific type of development.

6. INSTALLING MICROGENERATION EQUIPMENT

Flues for Biomass Heating System

Class 6C – The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

Flues for Combined Heat and Power System

Class 6F – The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.

Ground and Water Source Heat Pumps

Class 6D – The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6E – The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Free-standing Wind Turbines and Air Source Heat Pumps

Class 6G – The installation, alteration or replacement of a free-standing wind turbine within the curtilage of a dwelling.

Class 6H – The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.

6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR BIOMASS HEATING SYSTEM

Flues for Biomass Heating System

6.6

Permitted development rights allow the installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

6.7

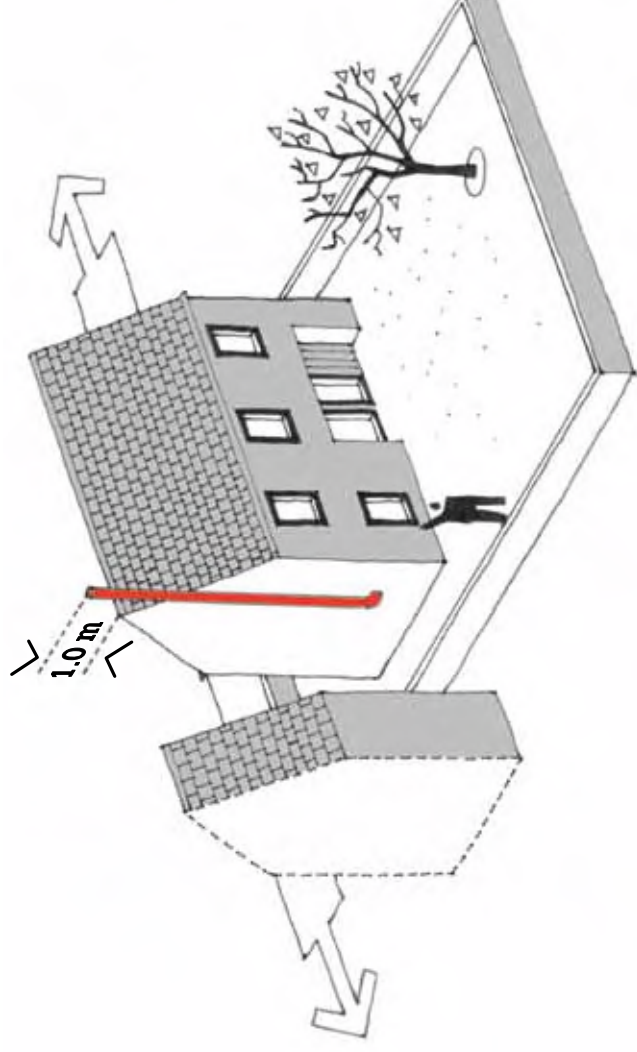
If the flue exceeds any of the following limitations then [an application for planning permission](#) is required.

6.8

A planning permission is needed for flues for [dwellinghouses or flats](#) within an [Air Quality Management Area](#). [Air Quality Management Area](#) has the meaning given in section 83(1) of the Environment Act 1995.

6.9

Planning permission is required if the flue is to be attached to the [principal elevation](#) of a [dwellinghouse or flat](#) within a [conservation area](#) or [World Heritage Site](#). The identification of the [principal elevation](#) is discussed in paragraphs 3.2 – 3.6.



6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR BIOMASS HEATING SYSTEM**LEGISLATION****Class 6C. –**

- (1) The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.**
- (2) Development is not permitted by this class if–
- (a) the height of the flue would protrude more than one metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
 - (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse or building containing a flat; or
 - (c) the flue would be within an Air Quality Management Area.

6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR COMBINED HEAT AND POWER SYSTEM

Flues for Combined Heat and Power System

6.10

Flues for Combined Heat and Power System permitted development rights allow the installation, alteration or replacement of a flue for combined heat and power system, on a [dwellinghouse](#) or building containing a [flat](#).

6.11

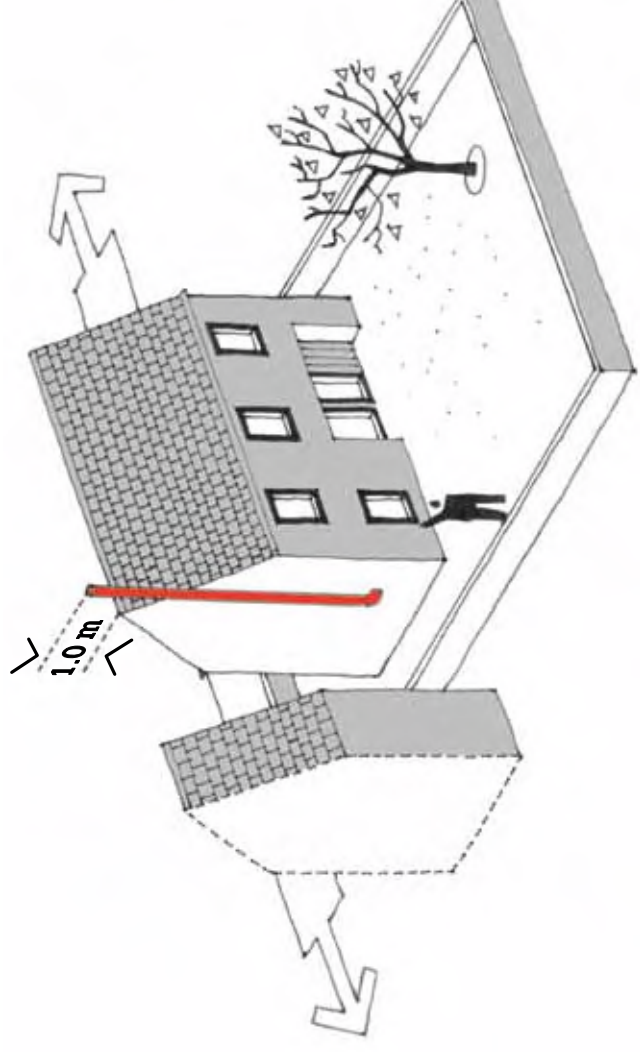
If the flue exceeds any of the following limitations then an [application for planning permission](#) is required.

6.12

A planning permission is needed for flues for [dwellinghouses](#) or [flats](#) within an [Air Quality Management Area](#). Air Quality Management Area has the meaning given in section 83(1) of the Environment Act 1995.

6.13

Planning permission is required if the flue is to be attached to the principal elevation of a [dwellinghouse](#) or [flat](#) within a [conservation area](#) or [World Heritage Site](#). The identification of the principal elevation is discussed in paragraphs 3.2 – 3.6.



6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR COMBINED HEAT AND POWER SYSTEM**LEGISLATION****Class 6F:–**

(1) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.

(2) Development is not permitted by this class if–

- (a) the height of the flue would protrude more than 1 metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
- (b) in the case of land within a conservation area or World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse, or building containing a flat; or
- (c) in the case of a combined heat and power system fuelled by biomass sources, the flue would be within an Air Quality Management Area.

6. INSTALLING MICROGENERATION EQUIPMENT – GROUND AND WATER SOURCE HEAT PUMPS

Ground and Water Source Heat Pumps

6.14

Permitted development rights allow the installation, alteration or replacement of a [Ground Source Heat pump](#) or [Water Source Heat pump](#) within the curtilage of a [dwellinghouse](#) or a building containing a [flat](#).

6.15

There are no restrictions on those permitted development rights.



LEGISLATION

Class 6D.– The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6E.– The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

Free-standing Wind Turbines and Air Source Heat Pumps

6.16

Classes 6G and 6F permits the installation, alteration or replacement of a free-standing micro wind turbines ([MWT](#)) and air source heat pumps ([ASHP](#)) within the curtilage of a [dwelling](#), which means a dwellinghouse, a building containing one or more flats or a flat contained within such a building. However, it is recognised that in most cases an application for planning permission is required.

6.17

The aim of these provisions is to manage adverse impacts on neighbours and amenity generally (e.g. noise and visual impact) set against the wider environmental, social and economic benefits of microgeneration. They do this by means of limitations and conditions.

Limitations

6.18

The limitations are that:

- the installation must be not less than over 100 metres from the curtilage of a neighbouring dwelling

- development is not permitted if it would result in the presence within the curtilage of a dwelling of more than one installation of each type of technology

6.19

That still provides potential opportunities for one [MWT](#) and one [ASHP](#) within the same curtilage but not more than one of each using permitted development rights. This allows for a wind turbine to provide the electricity to power a heat pump.

Conditions

6.20

The conditions require that [MWT/ASHP microgeneration](#) equipment be:

- subject to the prior notification and/or prior approval procedure
- sited to minimise effects on the amenity of the area so far as reasonably practicable
- used only for the purposes of domestic [microgeneration](#)
- removed as soon as reasonably practicable where it is no longer needed for or capable of domestic [microgeneration](#)

The prior notification and prior approval condition

6.21

For [MWT](#) the condition requires that a developer must before beginning the development apply to the planning authority for the approval of the authority of the design and size of the proposed wind turbine and a determination as to whether the prior approval of the authority will be required in respect of the siting and external appearance of the proposed wind turbine. Where the prior approval of the planning authority is required or where the authority indicates in response to a prior notification that it is required, the authority has 2 months in which to determine the case. Where prior notification applies, the period runs from receipt of the prior notification; where prior approval is required by the Order, without prior notification, the period is 2 months from the receipt of the application for prior approval. Thereafter the developer can challenge the failure of the authority to reach a decision or the decision itself.

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

6.22

The purpose of prior approval for micro-wind turbines is to allow the planning authority to consider any matter it may deem relevant in respect of the design and size of the proposed wind turbine. However, it is intended principally to provide a safeguard for aerodromes, radar technical sites, radio and television networks and National Scenic Areas (NSAs) that could be affected by wind turbine installations.

6.23

The consultation process which the planning authority should undertake is the same as that for a planning application.

6.24

Aerodromes and radar technical sites are safeguarded by the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) (Scotland) Direction 2003. Circular 2/2003¹ contains the Direction and explains what consultation is required by planning authorities when a planning application for development is made which could affect such a site. Certain military technical sites owned by the Secretary

of State for Defence are also safeguarded under a similar process.

6.25

The operators of safeguarded aerodromes, technical sites and military explosives storage areas are also likely to need to examine specific proposals with particular reference to matters such as siting, design (including height), external appearance and type of construction when planning authorities consider applications for approval required by conditions attached to a grant of planning permission in principle. Although these are not applications for planning permission, and are therefore not covered by the Direction, Circular 2/2003 explains that planning

authorities should as a matter of good practice consult the relevant consultees when they receive such applications and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.

6.26

It is considered therefore that as a conclusion of that good practice the same consultation procedure should apply where the planning authority's prior approval of a micro-wind turbine installation is sought.

6.27

Any response from the aviation safeguarding or other consultee to the planning authority would allow the authority to: issue their approval; issue it subject to conditions, or; refuse the application for approval. Where conditions are attached to an approval or the authority decides to refuse the application for approval, the developer can challenge the decision.

6.28

In relation to air source heat pumps, the prospective developer needs to give prior notification to the authority of its intentions. The planning authority may determine that prior approval is then required subject to the information provided in the notification on the siting and external appearance of the pump.

¹ www.scotland.gov.uk/Publications/2003/01/16204/17030

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

6.29

In considering a prior notification and/or application for prior approval, authorities must also have regard to the requirements of the EIA regulations. Further guidance on EIA and permitted development is contained in Circular 3/2011 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011².

Consultation - Further guidance

6.30

Additional guidance on aerodrome and technical sites safeguarding from obstacles including wind turbines is provided by the Civil Aviation Authority in CAP 168: Licensing of Aerodromes³, CAP 670: ATS Safety Requirements⁴, CAP 738 – Safeguarding of Aerodromes⁵ and CAP 764 – CAA Policy and Guidelines on Wind Turbines⁶.

6.31

For terrestrial radio and television networks the planning authority may consider it necessary to consult with the electronic communications provider or OFCOM to safeguard signal

² <http://www.scotland.gov.uk/Publications/2011/06/01084419/0>

³ www.caa.co.uk/docs/33/CAP168.PDF

⁴ www.caa.co.uk/docs/33/CAP670.PDF

⁵ www.caa.co.uk/docs/33/CAP738.PDF

⁶ www.caa.co.uk/docs/33/CAP764.pdf

broadcasts from main sites or from relay sites typical of rural settings. OFCOM has provided guidance on the impact of tall structures on broadcast and other wireless services⁷.

6.32

In relation to NSAs, the same prior approval process consultations may be conducted with Scottish Natural Heritage. It is good practice to follow guidance in Circular 9/1987 - Development Control in National Scenic Areas, which requires notification of applications to SNH for all buildings or structures over 12 metres high (including agricultural and forestry developments). For micro-wind turbines, SNH regards 12 metres as being to the blade tip height. Further information is contained in SNH's Micro Renewables and the Natural Heritage Guidance Note⁸.

6.33

It would also be open to the planning authority and prospective developer to negotiate away any issues of concern, including submitting revised proposals as opposed to appeals or local reviews being pursued.

⁷ http://licensing.ofcom.org.uk/binaries/spectrum/fixed-terrestrial-links/wind-farms/tall_structures.pdf

⁸ www.snh.org.uk/pdfs/strategy/renewable/A301202.pdf

General amenity condition

6.34

When MWT or ASHP equipment is installed on domestic properties under permitted development rights, consideration should be given to the siting and layout of the equipment in relation to the design of the building and its visual appearance; to those in the neighbouring area to which the equipment will be visible; as well as to the optimal orientation for energy purposes.

Purpose condition

6.35

The Purpose condition is intended to guide developers towards installations that are fit for purpose and scalable to domestic situations. Accredited installers will usually provide that advice. The Energy Act 2004 defines “microgeneration” as the use for the generation of electricity or the production of heat of any plant where its capacity is:

- (a) in relation to the generation of electricity, 50 kilowatts;
- (b) in relation to the production of heat, 45 kilowatts thermal.

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

6.36

However there is no threshold between domestic and non-domestic generation. Indicative guidance may be provided by suppliers of the products. Non-domestic scale microgeneration equipment will generally require planning permission meantime.

Further advice

6.39

Further advice on siting and design can be found in the Scottish Government's guidance "Planning for Micro Renewables", which is available on-line at www.scotland.gov.uk/Resource/Doc/150324/00400009.pdf

Removal condition

6.37

In instances where existing MWT or ASHP equipment is no longer intended to be used, for example if other technologies are installed, or the equipment becomes incapable of being used, for example through breakdown that cannot be or is not repaired, the condition requires that it must be removed as soon as reasonably practicable. The removal condition is otherwise self-explanatory.

6.40

It is a matter for the planning authority to consider enforcement action where they consider that microgeneration equipment does not meet the limitations or conditions.

6.41

The downloadable prior notification forms on the e-planning website have been updated. Councils should consider adopting these updated forms to ease the provisions for householders.

Inability to comply with conditions and limitations

6.38

Where a prospective developer is unable to comply with the conditions and limitations above, then a full application for planning permission would be required.

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS**LEGISLATION****Class 6G. –****(1) The installation, alteration or replacement of a free-standing wind turbine within the curtilage of a dwelling.****(2) Development is not permitted by this class if–**

- (a) it would result in the presence within the curtilage of a dwelling of more than one free-standing wind turbine; or
- (b) the wind turbine would be situated less than 100 metres from the curtilage of another dwelling.

(3) Development is not permitted by this class in the case of land within–

- (a) a conservation area;
- (b) a World Heritage Site;
- (c) a site of special scientific interest; or
- (d) a site of archaeological interest.

(4) Development is not permitted by this class if the wind turbine would be within the curtilage of a listed building.**(5) Development is permitted by this class subject to the following conditions–**

- (a) the developer must before beginning the development apply to the planning authority for–
 - (i) the approval of the authority in respect of the design and size of the proposed wind turbine; and
 - (ii) a determination as to whether the prior approval of the authority will be required in respect of the siting and external appearance of the proposed wind turbine;
- (b) the application is to be accompanied by–
 - (i) a written description of the proposed development, including details of the design and size of the proposed wind turbine; and
 - (ii) a plan indicating the site;

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS**LEGISLATION****Class 6G.– (continued)**

- (c) the development is not to be commenced before—
 - (i) the applicant has received written approval from the planning authority in respect of the size and design of the wind turbine; and
 - (ii) the occurrence of one of the following—
 - (aa) the receipt by the applicant from the planning authority of a written notice of their determination that prior approval in respect of the siting and external appearance of the proposed wind turbine is not required;
 - (bb) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
 - (cc) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;
- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) to the extent to which prior approval is required, in accordance with the details approved;
 - (ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application;
- (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this paragraph have been given.
- (6) Development is permitted by this class subject to the conditions that a free-standing wind turbine—
 - (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and
 - (b) is used only for the purposes of domestic microgeneration; and
 - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS



LEGISLATION

Class 6H. –

(1) **The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.**

(2) Development is not permitted by this class if—

- (a) it would result in the presence within the curtilage of a dwelling of more than one air source heat pump; or
- (b) the air source heat pump would be situated less than 100 metres from the curtilage of another dwelling.

(3) Development is not permitted by this class in the case of land within a conservation area if the air source heat pump would be visible from a road.

(4) Development is not permitted by this class if the air source heat pump would be within—

- (a) a World Heritage Site; or
- (b) the curtilage of a listed building.

(5) Development is permitted by this class subject to the following conditions—

(a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority will be required to the siting and external appearance of the air source heat pump;

(b) the application is to be accompanied by a written description of the proposed development and a plan indicating the site;

(c) the development is not to be commenced before the occurrence of one of the following—

- (i) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;
- (ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
- (iii) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;

6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS



LEGISLATION CONTROLLING

Class 6H.– (continued)

- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - where prior approval is required, in accordance with the details approved;
 - where prior approval is not required, in accordance with the details submitted with the application;
- (e) the development is to be carried out—
 - where approval has been given by the planning authority, within a period of three years from the date on which approval was given; or
 - in any other case, within a period of three years from the date on which the application under paragraph (a) above was made.
- (6) Development is permitted by this class subject to the conditions that an air source heat pump—
 - (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area;
 - (b) is used only for the purposes of domestic microgeneration; and
 - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

7. INSTALLING CLOSED CIRCUIT TELEVISION CAMERAS

7.1

Class 72 extends permitted development rights to include the installation, alteration or replacement on buildings or other structures (such as walls, fences or poles) of CCTV cameras for security purposes, subject to specified limits on size, numbers and positioning.

7.2

This class does not apply within conservation areas or national scenic areas. Nor does it give permitted development rights to poles or other structures specially constructed to hold cameras; these still require planning consent.

7.3

Where CCTV cameras are being installed on a listed building or scheduled monument, they will continue to be subject to listed building consent and schedule monument consent procedures.

7.4

Up to 4 cameras are permitted on the same side of a building or structure and up to 16 cameras on any one building or structure, provided that they are at least 10 metres apart.

7.5

Each camera must be sited so as to minimise its effect on the external appearance of the building or structure and cameras should also be removed once they are no longer required for security purposes.

7.6

The field of vision of a camera should, so far as practicable, not extend beyond the boundaries of the land where it is sited or any adjoining land to which the public have access. Intrusion and inconvenience to neighbours should be limited so far as is practicable without compromising the camera's effectiveness for security purposes.

7. INSTALLING CLOSED CIRCUIT TELEVISION CAMERAS



LEGISLATION

Class 72.—

(1) The installation, alteration or replacement on any building or other structure of a closed circuit television camera for security purposes.

(2) Development is not permitted by this class if—

- (a) the development is in a conservation area or a national scenic area;
- (b) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres;
- (c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above ground level;
- (d) any part of the camera would, when installed, altered or replaced, protrude from the surface of the building or structure by more than one metre when measured from the surface of the building or structure;
- (e) any part of the camera would, when installed, altered or replaced, be in contact with the surface of the building or structure at a point which is more than one metre from any other point of contact;
- (f) any part of the camera would be less than 10 metres from any part of another camera installed on a building or structure;

(g) the development would result in the presence of more than four cameras on the same side of the building or structure; or

(h) the development would result in the presence of more than 16 cameras on the building or structure.

(3) Development is permitted by this class subject to the following conditions:—

- (a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is situated;
 - (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for security purposes;
 - (c) the field of vision of the camera shall, so far as practicable, not extend beyond the boundaries of the land upon which the building or structure is erected or of any area which adjoins that land and to which the public have access.
- (4) For the purposes of this class—“camera”, except in paragraph (2)(b), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets.

8. THINGS TO CONSIDER

Water mains, sewers and ensuring surface water drainage

Householders and developers are encouraged to contact Scottish Water to undertake a property search in order to ascertain whether any proposed extension, or buildings, are constructed over or adjacent to its existing underground pressurized water mains as access is required to allow sewers to be maintained or repaired. Similarly, Scottish Water advice is that the increase in run-off from the additional roof area resulting from extending a property is appropriately dealt with to reduce the risk of localised flooding or indeed flooding downstream. Scottish Water would also expect to see that surface water drainage is dealt with on site and not discharged into the public sewerage system. Contact Scottish Water: www.scottishwater.co.uk

Old mine works

In former coal mining areas prior written permission is required from the Coal Authority for any ground works which would enter or disturb any coal mine entries (current or abandoned) or the coal itself at any depth from the surface downwards. Contact the Coal Authority: <http://coal.decc.gov.uk/>

Protected species

If a dwellinghouse contains a bat roost and a proposed alteration, extension or enlargement would affect it, a licence may be required from Scottish Natural Heritage prior to commencement. Bat roosts, even when not in use, are protected. Proposed works should if possible be designed to avoid impacting on bats or bat roosts. Further information, including on how the presence of a bat roost in a dwellinghouse might be identified, and on how if necessary to apply for a licence, can be found on SNH's website at:

www.snh.gov.uk/about-scotlands-nature/species/mammals/land-mammals/bats/
www.snh.gov.uk/planning-and-developers/advice-for-planners-and-developers/protected-animals/
www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection/

If householders think bats may be present in their property or if they are unsure about the effect of any proposed works on a bat roost, they should contact Scottish Natural Heritage for further advice. Other protected species commonly associated with houses include nesting birds such as the swift, house martin and house sparrow. All wild birds are given some protection under the law, particularly their nests. If a dwellinghouse supports a bird nest which is in use or being built and the proposed works would affect the nest site, the works should be planned to avoid the nesting season. If works are carried out during the season, an offence may be committed. Further information about birds and the law can be found on SNH's website at: www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/birds/

9. GLOSSARY

<< Return to last viewed page

the 1992 Order

the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

The main amendments for the purposes of householder development are:

Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009

Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010

Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011

Advertisement

any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used or adapted for

use and anything else used, or designed or adapted principally for use, for the display of advertisements.

Advertisement Consent

a consent granted for the display of an advertisement by either the express consent of the planning authority or Scottish Ministers in accordance with the provisions of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 or deemed to be granted in accordance with part IV of the same regulations.

Air Quality Management Area

has the meaning given in section 83(1) of the Environment Act 1995.

Article 4 Direction

a direction, usually made by a planning authority and approved by Scottish Ministers, where in a particular area, particular permitted developments rights are not applicable.

ASHP

air source heat pumps.

Balcony

a platform, enclosed by a wall or balustrade, projecting outward from the external wall of a building, with access from an upper floor window or door.

Conservation Area

an area of special architectural or historic interest [the character or appearance of which it is desirable to preserve or enhance] designated under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Conservation Area Consent

consent granted under the above mention that for demolition of an unlisted building within a conservation area.

Class

a class of development to which permitted development rights apply because planning permission is granted by the 1992 Order.

Curtilage

curtilage is not defined in the 1997 Act or 1992 Order but it is accepted to mean land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way. Normally the curtilage would relate to the property boundary of the dwellinghouse.

9. GLOSSARY

[<< Return to last viewed page](#)**Domestic microgeneration**

means the production of electricity or heat for domestic consumption using microgeneration equipment.

Dwellinghouse

a residential property, not including a building containing one or more flats, or a flat contained within such a building.

Eaves height

the height of the eaves should be measured at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

Enlargement of dwellinghouses

any development that increases the internal volume of the original dwellinghouse and includes a canopy or roof, with or without walls, which is attached to the dwellinghouse, but does not include a balcony.

Enlargement for flats

means any development that increases the internal volume of the original building, and includes a canopy or roof, with or without walls, which is attached to the building but does not include a balcony.

Free-standing solar

means solar photovoltaics or solar thermal equipment which is not installed on a building.

Free-standing wind turbine

means a wind turbine which is not installed on a building.

Flat

means a separate and self-contained set of premises whether or not on the same floor and forming part of building from some other part of which it is divided horizontally.

Fronts

an elevation which face onto a road.

General Permitted Development Order (GPDO)

a statutory instrument granting permitted development rights.

Listed Building

a building of special architectural or historic interest included in a list compiled or approved by the Scottish Ministers under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, any object or structure fixed to the building or which, while not fixed, forms part of the land within its curtilage since before 1 July 1948 and still in that curtilage at the date of listing.

a list of listed building is available from

Historic Scotland www.historic-scotland.gov.uk/historicandlistedbuildings.

Listed Building Consent

consent granted under the above mentioned Act for demolition of a listed building, or alteration that would affect its character.

MWT

means micro wind turbines.

Microgeneration

has the meaning given in section 82(6) of the Energy Act 2004 which equipment with an output of up to 50 kilowatts of electricity or 45 kilowatts of thermal (heat) energy.

9. GLOSSARY

[<< Return to last viewed page](#)**Original dwellinghouse**

is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then.

Permitted Development (PD)

planning permission granted for certain classes of development by the 1992 Order.

Also known as **Permitted Development Rights (PDR)**.

Permitted Development Legislation

permitted development rights are granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The 1992 Order grants planning permission for classes of specific types of developments, but most classes are subject to a set of limitations and conditions. The relevant pieces of legislation can be found on www.legislation.gov.uk/ssi/2011/357/contents/made.

Principal elevation

the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation.

Road

as defined by section 151 of the Roads (Scotland) Act 1984. A road is any way over which there is a public right of passage including its verge. A road is therefore not confined to only publicly adopted roads used by motor vehicles.

Road Construction Consent

a permission which must be obtained from the roads authority before constructing a new road or extending an existing road, in accordance with Section 21 of the Roads (Scotland) Act 1984.

Solar PV

solar photovoltaics: which is equipment designed to convert energy from the sun into electricity.

Solar thermal

means equipment designed to heat water using energy from the sun.

Terrace house

means a dwellinghouse situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and having a mutual wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it. It includes the dwellinghouses at each end of such a row of buildings as is referred to.

the 1997 Act

the Town and Country Planning (Scotland) Act 1997 as amended.

the 2006 Act

the Planning etc (Scotland) Act 2006.

World Heritage Site

land appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.



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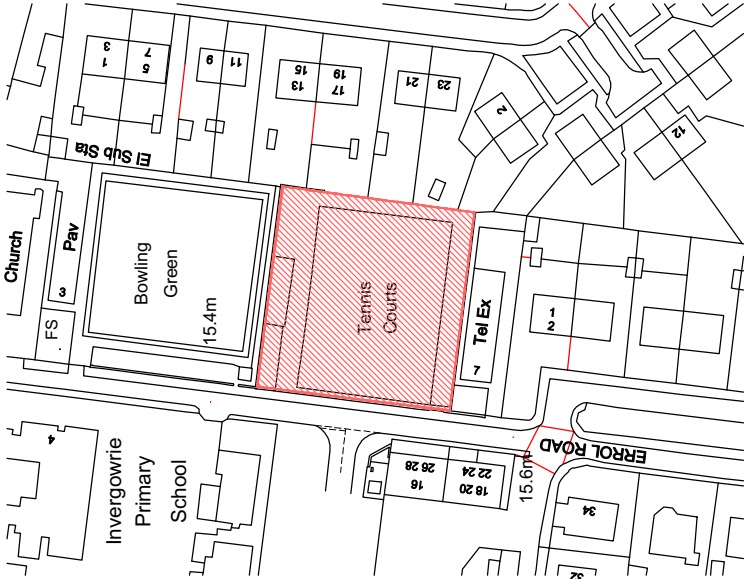
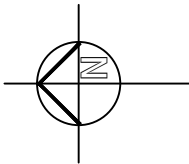
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NOTES:
All preliminary goods and materials are to be filled in accordance with the relevant standards and specifications of the relevant standards.
All dimensions are to be taken to the centre of the object unless otherwise stated.
Work to finished dimensions only.

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REVISION	DESCRIPTION	DATE
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APPLICATION SITE AREA
2130m² / 0.213HA / 0.526 ACRES

LEGEND:
--- SITE BOUNDARY LINE

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architects

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Chamberlain
Bell

PROJECT
RESIDENTIAL DEVELOPMENT
5 ERROL ROAD
INVERGOWRIE

DATE	SCALE	DATE
11/250 @ A3	12.12.2013	

DESIGNED	DRAWN	CHECKED	DATE
BRL	JH		

SITE LOCATION PLAN

PROJECT NUMBER	CLIENT NUMBER	FILE NAME
13-300	(LOC)01	-



25m

LEGEND:

 SITE BOUNDARY LINE

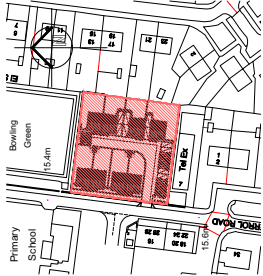
 founin + bell architects BRL 1 Marko Place Singapore 0487372 T: (65) 428 7592 F: (65) 428 7111 mail@founinbell.com www.founinbell.com	Client: Chamberlain Bell		PROJECT RESIDENTIAL DEVELOPMENT 5 ERROL ROAD INVERGOWRIE		DATE 12.12.2013
	PROJECT CONCEPT CONCEPT		DATE 12.12.2013		STATUS PLANNING
PROJECT CONCEPT CONCEPT		DATE 12.12.2013		STATUS PLANNING	

NOTE:
 All proprietary goods and materials are to be fitted in accordance with the manufacturer's instructions and to the relevant standards.
 All dimensions are to be verified by the contractor on site.
 Work to finished elevations only.

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REVISION / DESCRIPTION / DATE

APPLICATION SITE AREA
 2130m² / 0.213HA / 0.526 ACRES



LOCATION PLAN 1:1250

LEGEND:

— SITE BOUNDARY LINE



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RESIDENTIAL DEVELOPMENT
 5 ERROL ROAD
 INVERGOWRIE

DATE	12.12.2013
DESIGNED BY	1250 @ A1
CHECKED BY	1500 @ A3
DRAWN BY	BRL
PROJECT NAME	PROPOSED SITE PLAN
PROJECT NUMBER	13-300 (PL)02
PROJECT DATE	-



SCALE 1:250 @ A1

25m

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REVISION / DESCRIPTION / DATE

 SITE BOUNDARY LINE

PLOT 1	90.0 m2
PLOT 2	90.0 m2
PLOT 3	90.0 m2
PLOT 4	90.0 m2
PLOT 5	90.0 m2
PLOT 6	90.0 m2
PLOT 7	90.0 m2
PLOT 8	90.0 m2
TOTAL m2	720m2
TOTAL sqft	7,750sqft



ENTIAL DEVELOPMENT
OL ROAD
GOWRIE

SCALE: 1"=100' @ A1 DRAWN BY: BRL CHECKED BY: IH		DATE: 12.12.2013 13:08 PLANNING
PROPOSED SITE LAYOUT		
PROJECT NUMBER: 13-300	DRAWING NUMBER: (PL)03	REVISION: -

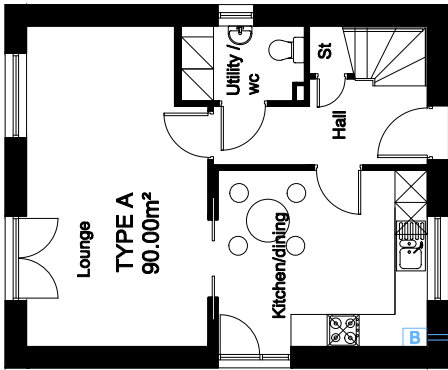


10m

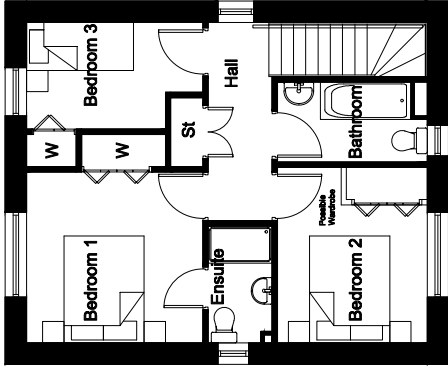
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All dimensions are to be verified by the Contractor on site.
Work to agreed dimensions only.

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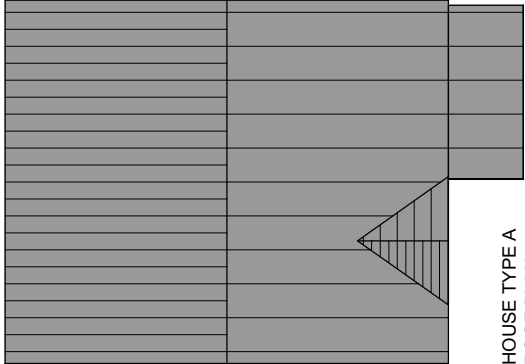
REVISION /	DESCRIPTION /	DATE
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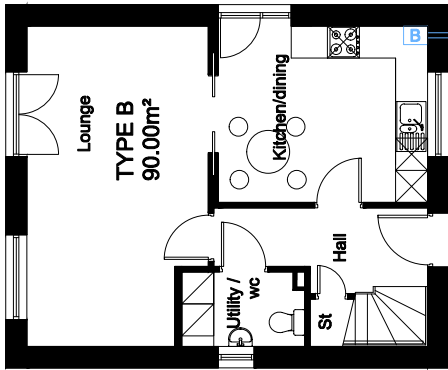
HOUSE TYPE A
GROUND FLOOR PLAN
PLOT 7



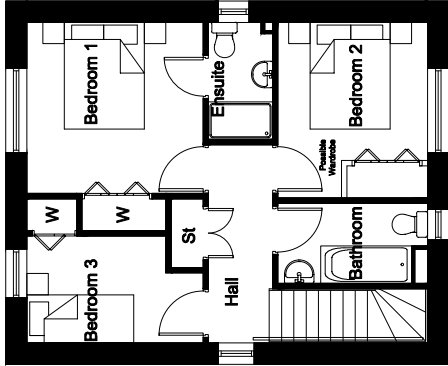
HOUSE TYPE A
FIRST FLOOR PLAN
PLOT 7



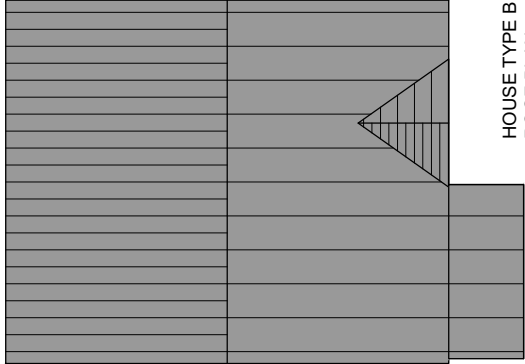
HOUSE TYPE A
ROOF PLAN
PLOT 7



HOUSE TYPE B
GROUND FLOOR PLAN
PLOT 8



HOUSE TYPE B
FIRST FLOOR PLAN
PLOT 8



HOUSE TYPE B
ROOF PLAN
PLOT 8

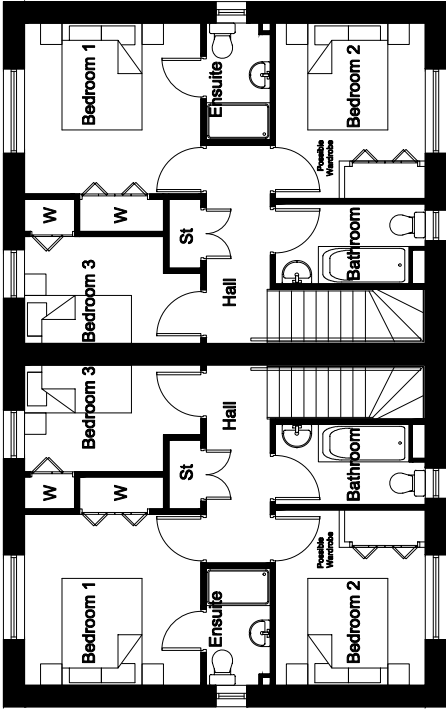
 fouin + bell architects 14-15, The Quadrant, Invergowrie, Dundee, DD9 7JG T: 0131 287 7100 F: 0131 287 7111 mail@fouin-bell.com www.fouin-bell.com		Chamberlain Bell	
PROJECT RESIDENTIAL DEVELOPMENT 5 ERROL ROAD INVERGOWRIE			
SCALE 1:50 @ A1		DATE 12.12.2013	
DRAWN BRL	DESIGNED JH	PLANNING	
PROPOSED HOUSE TYPES A & B			
PROJECT NUMBER 13-300		REVISION (PL)04	



NOTE:
All proprietary goods and materials are to be fitted in accordance with the manufacturer's instructions and to the relevant standards. All dimensions are to be verified by the Contractor on site. Work to finished dimensions only.

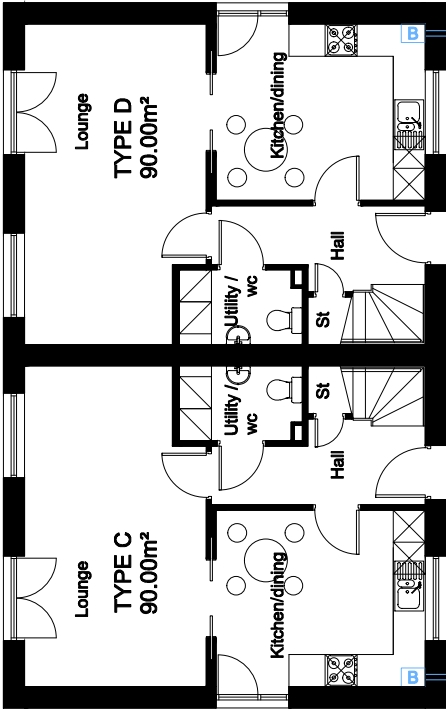
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REVISION	DESCRIPTION	DATE
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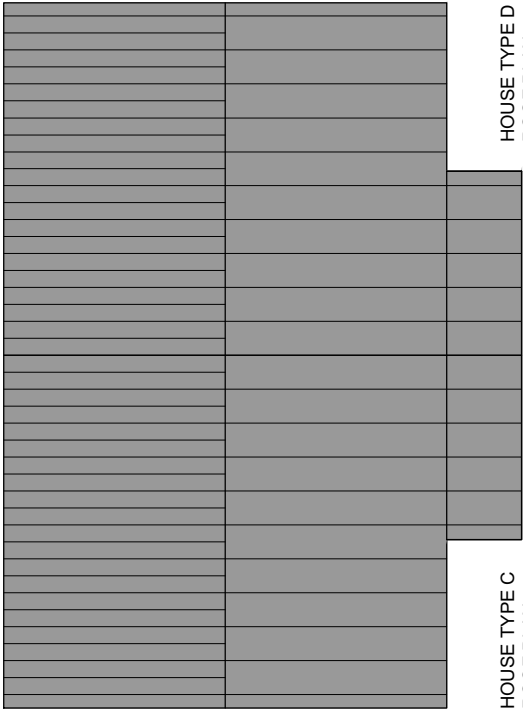
HOUSE TYPE C
FIRST FLOOR PLAN
PLOTS 1, 3 & 5

HOUSE TYPE D
FIRST FLOOR PLAN
PLOTS 2, 4 & 6



HOUSE TYPE C
GROUND FLOOR PLAN
PLOTS 1, 3 & 5

HOUSE TYPE D
GROUND FLOOR PLAN
PLOTS 2, 4 & 6



HOUSE TYPE C
ROOF PLAN
PLOTS 1, 3 & 5

HOUSE TYPE D
ROOF PLAN
PLOTS 2, 4 & 6

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**Chamberlain
Bell**

PROJECT
RESIDENTIAL DEVELOPMENT
5 ERROL ROAD
INVERGOWRIE

SCALE	DATE
1:50 @ A1	12.12.2013

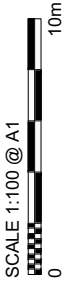
DATE	BY	FOR
12.12.2013	BRL	IH

DRAWING
PLANNING

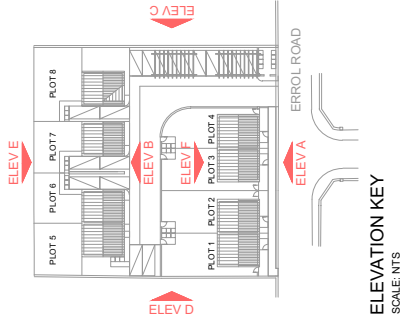
PROPOSED HOUSE TYPES C & D

PROJECT NUMBER	FORMAL NUMBER	REV
13-300	(PL)05	-

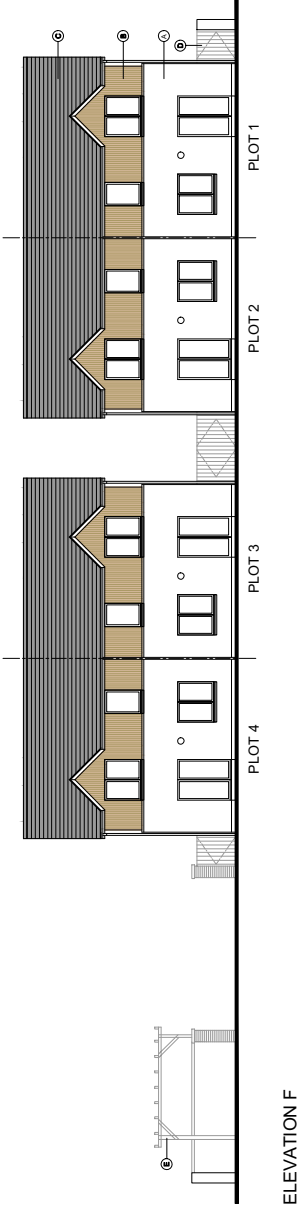
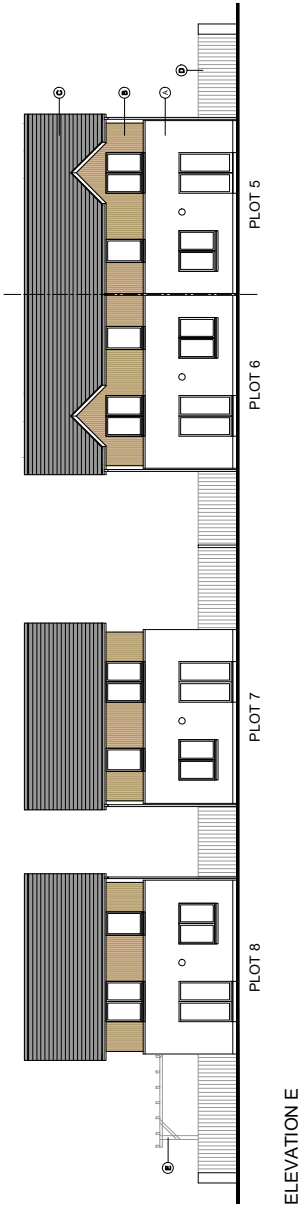




NOTE:
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REVISION / DESCRIPTION / DATE



- FINISHES LEGEND:
- ① Render: Cream white
 - ② Timber cladding
 - ③ Roof slate
 - ④ Timber boarding gable, height 1.5m
 - ⑤ Timber parapet over parking bay



SCALE 1:100 @ A1

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PROJECT
RESIDENTIAL DEVELOPMENT
5 ERROL ROAD
INVERGOWRIE

SCALE	1:100 @ A1 1:200 @ A3	DATE	10.12.2013
DRAWING	BRL	BY	JB
REVISION		DATE	

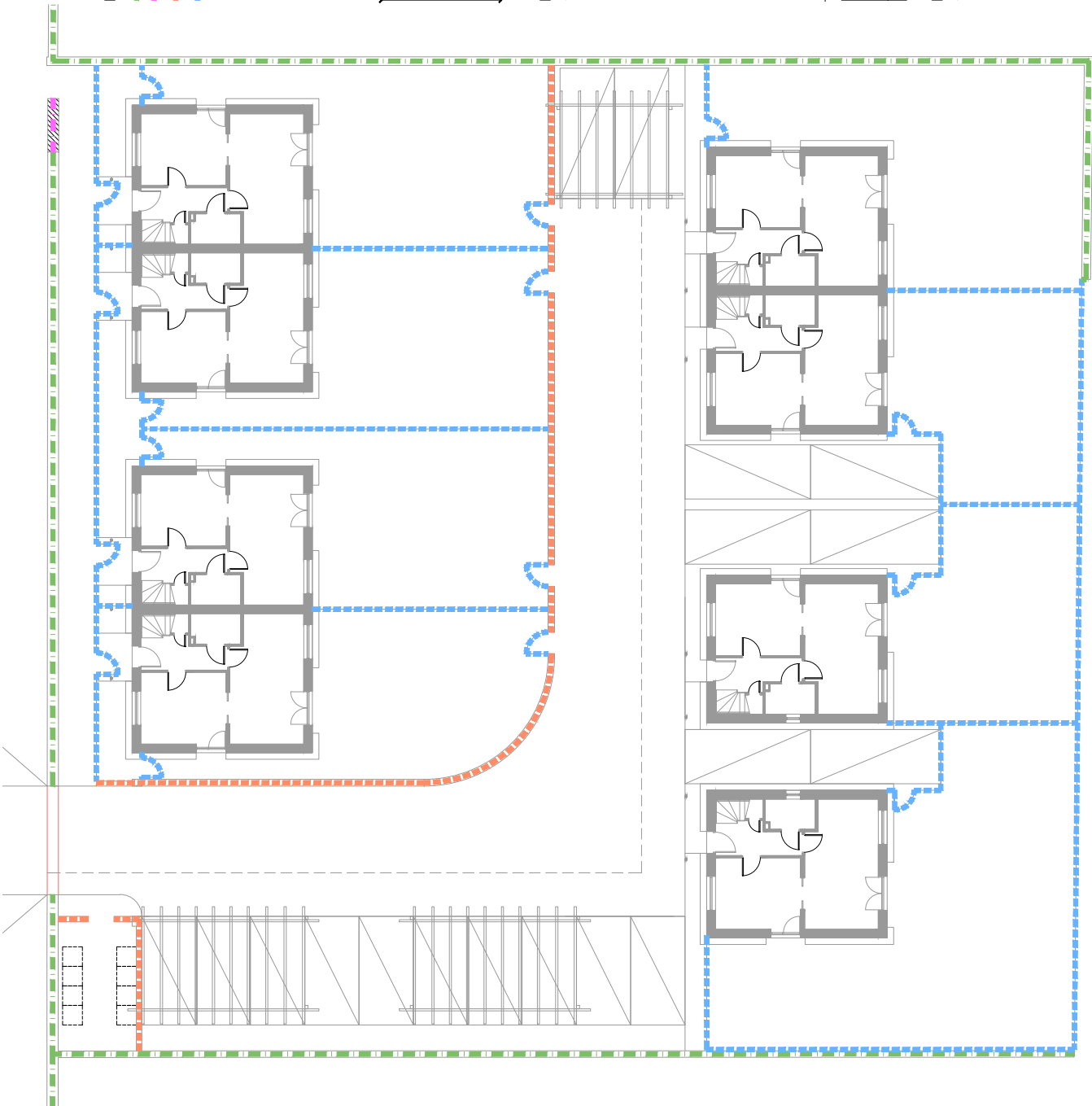
PROPOSED ELEVATIONS

PROJECT NUMBER	13-300	PROJECT NAME	(PL)07
REVISION		DATE	-

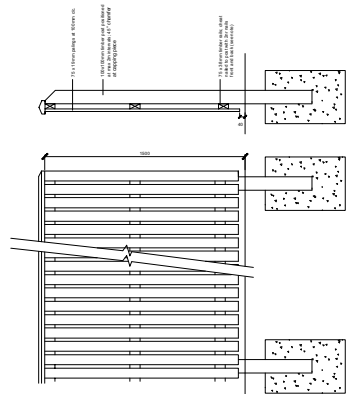
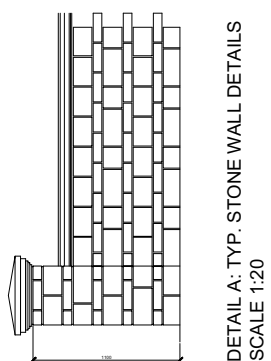
NOTE:
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Work to finished dimensions only.

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REVISION / DESCRIPTION / DATE



- LEGEND:
- Existing stone wall to remain.
 - Bedding of new wall to match.
 - Bed of the existing.
 - New 1100mm high stone wall.
 - Refer to detail A for details.
 - New 1100mm high stone wall.
 - New 1100mm high stone wall.



SCALE 1:20

0 2m

SCALE 1:100 @ A1

0 10m

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architects

100-101, 102-103, 104-105, 106-107, 108-109, 110-111, 112-113, 114-115, 116-117, 118-119, 120-121, 122-123, 124-125, 126-127, 128-129, 130-131, 132-133, 134-135, 136-137, 138-139, 140-141, 142-143, 144-145, 146-147, 148-149, 150-151, 152-153, 154-155, 156-157, 158-159, 160-161, 162-163, 164-165, 166-167, 168-169, 170-171, 172-173, 174-175, 176-177, 178-179, 180-181, 182-183, 184-185, 186-187, 188-189, 190-191, 192-193, 194-195, 196-197, 198-199, 200-201, 202-203, 204-205, 206-207, 208-209, 210-211, 212-213, 214-215, 216-217, 218-219, 220-221, 222-223, 224-225, 226-227, 228-229, 230-231, 232-233, 234-235, 236-237, 238-239, 240-241, 242-243, 244-245, 246-247, 248-249, 250-251, 252-253, 254-255, 256-257, 258-259, 260-261, 262-263, 264-265, 266-267, 268-269, 270-271, 272-273, 274-275, 276-277, 278-279, 280-281, 282-283, 284-285, 286-287, 288-289, 290-291, 292-293, 294-295, 296-297, 298-299, 300-301, 302-303, 304-305, 306-307, 308-309, 310-311, 312-313, 314-315, 316-317, 318-319, 320-321, 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2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383,

16 December 2013

CM/EG/13.300.02

Perth & Kinross Council
Planning Department
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

fouin+bell



a r c h i t e c t s

1 John's Place
Edinburgh
EH6 7EL
Tel 0131 478 7100
Fax 0131 478 7111
mail@fouin-bell.com

Dear Sirs,

PROPOSED RESIDENTIAL DEVELOPMENT

5 ERROL ROAD, INVERGOWRIE – ePLANNING REFERENCE 000078611-001

With regard to the above project and recent online planning application, we are pleased to enclose a cheque for £3,056.00 in connection to the planning application fee.

We trust you will find the enclosed in order, however, if you have any queries please do not hesitate to contact us.

Yours faithfully,

Chris McWilliams
Fouin+Bell Architects Ltd

Encl

TCP/11/16(300)
Planning Application 13/02304/FLL – Erection of 8
dwellinghouses, land 30 metres north of 7 Errol Road,
Invergowrie

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's*
submission, see pages 379-387)

PERTH AND KINROSS COUNCIL

Chamberlain Bell
c/o Fouin + Bell Architects Ltd.
Bryan Leslie
1 John's Place
Edinburgh
EH6 7EL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 14th February 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/02304/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 19th December 2013 for permission for **Erection of 8 dwellinghouses Land 30 Metres North Of 7 Errol Road Errol Road Invergowrie** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposed development fails to comply with policy RD1 and PM1 of the adopted Perth and Kinross Local Development Plan 2014 in failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built and natural environment.
2. The proposed development is contrary to Policy RD1 of the Adopted Perth and Kinross Local Development Plan 2014, through the proposed layout offering an unacceptable degree of residential amenity to its future occupiers (by virtue of restricted private amenity space) failing to demonstrate that a reasonable standard of residential amenity can be achieved for the proposed housing.
3. The proposed development is contrary to Policy 2 of TAYPlan 2012 through failing to ensure that the arrangement, layout, design, density and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets.

Justification

The proposal is contrary to the adopted Development Plan (2014) and there are no material reasons which justify departing from the Development Plan.

Notes

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

Plan Reference

13/02304/1

13/02304/2

13/02304/3

13/02304/4

13/02304/5

13/02304/6

13/02304/7

13/02304/8

13/02304/9

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/02304/FLL
Ward No	N1- Carse Of Gowrie

PROPOSAL: Erection of 8 dwellinghouses

LOCATION: Land 30 Metres North Of 7 Errol Road Errol Road Invergowrie

APPLICANT: Chamberlain Bell

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 22 January 2014



OFFICERS REPORT:

Site Description & Background

The application site comprises an area of approximately 2000 sqm, square in form, situated within the settlement boundary of the village settlement of Invergowrie. The site has until recently (2009) been utilised as tennis courts (three in total) for both public and private use. The site is bounded on the principal elevation by a stone wall, approximately 1.5m in height (pavement side), stone wall to north bounding the bowling club and otherwise characterised by wire fencing typical for a tennis court.

Historically, planning applications in principle were submitted in 2011 (withdrawn) and 2012 in seeking to establish the principle of residential development on the site, changing the use from 'playing field' to residential. The details involved in achieving this principle were complex, having to satisfy paragraph 156 of the Scottish Planning Policy. Following negotiations and an upfront payment to provide tennis facilities at Invergowrie Primary school, off-setting the loss of the tennis courts, permission in principle was granted in May 2013.

Proposals

The application seeks to achieve detailed planning consent for eight modest two storey pitched roof residential units, including a layout arrangement with four units fronting the road (two semi-detached) and four units situated in behind (one semi-detached grouping and two detached), accessed by a single dead end access with associated parking. The built form of the proposed individual units occupy an approximate footprint of 60sqm, with plot sizes varying between 160 sqm up to 260 sqm approximately. Proposed private garden ground areas vary between approximately 75sqm up to 160sqm. The proposed finishing materials of the units include white render, timber cladding and grey roof slates.

Pre-application Discussions

Discussions took place between interested parties and the Councils Development Management Section following the granting of In Principle Consent and in particular the agent dealing with this planning submission. Correspondence dates back to early October 2013, where layout submissions involving eight residential units were proposed. It has been consistently conveyed at the pre-application stage (recorded on e-mails) that a layout of this nature involving eight units as presented would not be supported on this site, being out of character with the area, failing to meet minimum residential plot sizes, resulting in inappropriate density, generally failing to comply with relevant national and development plan policy. It was recommended on more than one occasion that development fronting the road (of various formats and numbers) should be pursued as the most appropriate form of development for this site. The last piece of pre-application correspondence clarified once again that a maximum of 6 residential units fronting the road (with an average plot size of 300sqm) may be supported, based on the modest house sizes proposed, but 8 units would not be supported as an appropriate form of development on this site. The pre-application advice suggested that 2.5 storey units with an integral parking space may be most appropriate if a maximum 6 units were pursued in order to assist in satisfying associated parking standards.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYPlan 2012 and the Adopted Perth and Kinross Area Local Development Plan 2014.

The determining issues for this application are whether the proposal complies with relevant provisions in the development plan, whether the proposal will adversely affect the character and amenity of Invergowrie and whether there is any material reason for approving the application contrary to the development plan.

In terms of the current development plan, the site is not identified for a specific use, but now benefits from in principle consent for residential development.

Scale & Design

The proposed development is not considered to be appropriate for this site, adversely affecting the character and amenity of the area. The proposals do not satisfy the policy objectives of Designing Places or Designing Streets, failing to create a sense of place and ensure that the arrangement, layout, design, density and mix of development and its connections successfully relate to the site context.

Overall, the proposed development, principally as a result of the density sought will not successfully relate to immediate and surrounding site context.

There are no details regarding the re-building of the stone wall fronting the site. A design statement has also not been submitted in support of the planning application, policy PM2. It is accepted that a request for a follow up design statement was not requested in this context, specifically as it was not considered that the request for additional work would lead to any amended position in the overall assessment of the application or pre-application advice previously provided.

The individual dwellings themselves architecturally are modest in nature and detail. Reconsidered as part of an appropriate density and layout, they could be found to be broadly acceptable.

Residential Amenity

There will undoubtedly be some impact on neighbouring residential amenity as a result of the development proposed on this historical open space. The residential amenity of the proposed units themselves will also be affected as a result of the associated private amenity area proposed with the individual units. In almost every case, the proposed plot size is almost half that which is commonly looked for in the case of a detached or semi-detached dwelling. It is accepted that the house types are relatively modest, but they still exceed 25% of plot size in nearly every occasion, and do not appropriately relate to neighbouring development. Overlooking and overshadowing to neighbouring property is not assessed as a reason for refusal, however the arrangement proposed is certainly far from ideal and I would agree with objectors that the proposals would be out of character with the area.

Access & Parking

Transport colleagues are satisfied there will be no adverse impact on pedestrian or vehicle safety as a result of the proposed development, with associated conditions recommended.

Education

In terms of other material considerations; this involves an assessment against the approved Planning Guidance Note (PGN) on Primary Education and New Housing Developments. The PGN seeks a financial contribution of £6,395 per mainstream residential unit in areas where the local primary school is operating at or over its 80% capacity. In this case, education colleagues have confirmed that Invergowrie primary school is not currently operating at or close to 80%.

Affordable Housing

In this case the commuted sum stated in the Affordable Housing Supplementary Guidance (November 2012) for the Perth HMA is £26,500 per unit, therefore the applicable figure is £53,000 (2 units*£26,500 = £53,000 commuted sum payment) for the proposed 8 dwellings.

Economic Development

The development of this brownfield site will count towards the fulfilment of additional residential dwellings in terms of housing targets, which will account for short term economic investment through construction and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Disappointingly, this submission has been submitted despite consistent advice not to pursue a development of 8 units on this site. The proposed development is considered to fail to comply with a number of policy areas including national policy Designing Places and Designing Streets, Policy 2 of TAYPlan (2012) Shaping Better Quality Places, policies PM1/PM2 Placemaking and RD1 Residential Areas of Perth and Kinross Adopted Local 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 recommended for refusal.

NATIONAL POLICY

Designing Places – A Policy statement for Scotland

Whilst Planning Advice Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement had been published this was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering these.

This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals.

Designing Streets: A Policy Statement for Scotland

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these. Designing Streets does not support a standard based methodology for street design, instead requiring a design-led approach.

DEVELOPMENT PLAN

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

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

Perth and Kinross Adopted Local Development Plan 2014

Policy PM1: Placemaking

Development must contribute successfully to the quality of the surrounding built and natural environment.

PM2: Design Statements

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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.

PM3: Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

OTHER POLICIES

Development Contributions 2012

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

SITE HISTORY

11/00786/IPL Residential development (in principle) 2 August 2011 Application
Withdrawn

12/00582/IPL Residential development (in principle) 6 May 2013 Application
Permitted

CONSULTATIONS/COMMENTS

Education And Children's Services - No current capacity concerns

Transport Planning – No objection subject to appropriate condition

Affordable Housing Officer - Applicable

Scottish Water – No objection, and no guarantee for connection to SW infrastructure

Community Waste Advisor - No objection subject to minimum standards being met.
Environment Service

TARGET DATE: 19 February 2014

REPRESENTATIONS RECEIVED: Yes

Number Received: 3

Summary of issues raised by objectors:

- Density of houses
- Excessive height
- Inappropriate land use
- Light pollution
- Loss of open space
- Loss of sunlight or day light
- Noise pollution
- Out of character with the area
- Overlooking
- Too much traffic for public road

Response to issues raised by objectors:

Please see officer assessment.

Additional Statements Received:

Environment Statement	None
Screening Opinion	None
Environmental Impact Assessment	None
Appropriate Assessment	N/A
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None

Legal Agreement Required: N/A

Summary of terms – N/A

Direction by Scottish Ministers – None

Reasons:-

- 1 The proposed development fails to comply with policy RD1 and PM1 of the adopted Perth and Kinross Local Development Plan 2014 in failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built and natural environment.
- 2 The proposed development is contrary to Policy RD1 of the Adopted Perth and Kinross Local Development Plan 2014, through the proposed layout offering an unacceptable degree of residential amenity to its future occupiers (by virtue of restricted private amenity space) failing to demonstrate that a reasonable standard of residential amenity can be achieved for the proposed housing.

- 3 The proposed development is contrary to Policy 2 of TAYPlan 2012 through failing to ensure that the arrangement, layout, design, density and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets.

Justification

- 1 The proposal is contrary to the adopted Development Plan (2014) and there are no material reasons which justify departing from the Development Plan.

TCP/11/16(300)
Planning Application 13/02304/FLL – Erection of 8
dwellinghouses, land 30 metres north of 7 Errol Road,
Invergowrie

REPRESENTATIONS

- Representation from Education and Children's Services, dated 7 January 2014
- Representation from Community Waste Adviser, dated 9 January 2014
- Objection from Mr and Mrs Mitchell, dated 12 January 2014
- Representation from Scottish Water, dated 17 January 2014
- Objection from Karen Geddes, dated 26 January 2014
- Objection from Doreen Stewart, dated 26 January 2014
- Representation from Transport Planning, dated 29 January 2014
- Representation from Anne Mitchell, dated 1 May 2014
- Agent's response to the representation, dated 12 May 2014

Memorandum

To Nick Brian
Development Quality Manager

From Janette Clark
Information Assistant

Your ref 13/02304/FLL

Our ref JC

Date 07 January 2014

Tel No (4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No: 13/02304/FLL

I can confirm this development falls within the Invergowrie Primary School catchment area.

Education & Children's Services currently have no capacity concerns in this catchment area.

Please do not hesitate to contact me should you require any further information.

Memorandum	
To Development Management	From Waste Services
Cc	Our Ref DPA
Date 09/01/2014	Tel No 01738 476476
Environment Services	Pullar House, Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission: 13/02304/FLL

*Erection of 8 dwellinghouses Land 30 Metres North Of 7 Errol Road Errol Road
Invergowrie for Chamberlain Bell*

I refer to the above planning application and would recommend the following minimum specifications for the development with regards to the domestic refuse collection arrangements.

If the developer does not adhere to the below specifications, the Council may be unable to provide waste and recycling services to this development based on inadequate storage, access and/or infrastructure.

Please contact Donna Paterson, Community Waste Adviser to discuss the above.

Conditions for Planning Consent

1. Requirements for Bin Provision

1.1 Domestic Properties Serviced by the 3 Bin System

All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)
240	580	1100	740

1.2 Flatted Properties

All flatted properties require a communal area to store one of the following bin options:

- 2 x 240 litre bins (one for general waste and one for dry mixed recycling)
- 1 x 240 litre bin for garden and food waste (where appropriate)
- a combination of larger bins to equate the same capacity as above

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740
1100	1270	1380	1000
1280	1280	1445	1000

It is preferable for residents (where space allows) to have their own individual 240 litre bins rather than using communal facilities.

1.3 Domestic Properties in Rural Area's

Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :

1. the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties);
2. there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below);
3. the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below);

4. sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below)
5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;
6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;

If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.

2. Vehicle and Operative Access

Access and egress

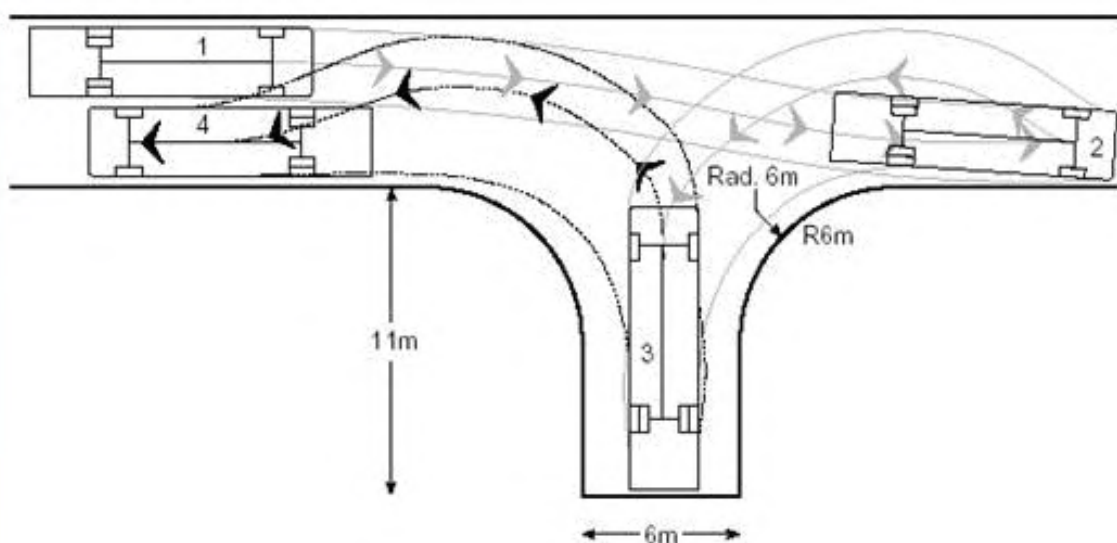
The following space requirements must be fulfilled for a refuse collection vehicle to service the site:

Height	4.5m
Width	2.75m (including mirrors)
Length – for reversing and turning	12 m
Length - for vehicle with container in emptying position	13 m
Area required for operatives to stand clear of bin whilst being lifted	3 m length x 3.5m width

3 Vehicle Turning Requirements

The turning circle (diameter) required for refuse collection vehicles is 24 meters.

**FTA Large rigid design vehicle
Side road stub**



4. Road Specifications

All vehicle access roads that the refuse collection vehicles will be required to use must be adopted by the Council and constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings, cattle grids etc situated in the road must also be capable of withstanding these loads.

The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

5. Recycling Facilities

5.1 New Housing Schemes

For new housing developments of 50 houses or above, the developer (in conjunction with the area Community Waste Adviser) should incorporate a suitable location(s) for the provision of recycling facilities to compliment the existing kerbside recycling services offered in the area.

Appendix 1

Planning Advice Note 63 indicates that developers should be encouraged to provide space in their proposed developments to accommodate provision within the premises for facilities to separate and store different types of waste at source. The Scottish Government considers that there may be greater scope to promote waste prevention and recycling during both the construction phase and the lifetime of the new development.

This Planning Review Process must be followed to ensure that all aspects of waste management are included before planning consent is granted – this should include storage, access/egress and road specifications for both waste and recyclates.

Should planning consent be granted which does not meet the aforementioned conditions, Perth & Kinross Council Waste Services may be unable to provide a complete service.

Tracy McManamon

From: anne mitchell [REDACTED]
Sent: 12 January 2014 17:57
To: Development Management - Generic Email Account
Subject: Planning application 13/02304/FLL- Errol road Invergowrie.

Mr & Mrs Mitchell,
21 Carselea Road
Invergowrie.
DD25AW

If the erection of 8 houses on site at Errol Road, Invergowrie is to take place I would object to this application on the grounds of loss of daylight/sunlight to my property at 21 Carselea Road. Also to loss of privacy due to dwelling house being directly overlooking the property at 21 Carselea Road. The density of buildings on this site will undoubtedly lead to both of these above objections and cause overshadowing and lack of light to my property.



17th January 2014



Perth & Kinross Council
Pullar House, 35 Kinnoull Street
Perth
PH1 5GD

SCOTTISH WATER

Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Customer Support Team
T: 0141 414 7660
W: www.scottishwater.co.uk
E: individualconnections@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 13/02304/FLL
DEVELOPMENT: Invergowrie Errol Road Land 30
OUR REFERENCE: 647272
PROPOSAL: Erection of 8 dwellinghouses

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Clatto Water Treatment Works currently has capacity to service this proposed development.

Hatton Waste Water Treatment Works currently has capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:
www.scottishwater.co.uk.

Yours faithfully

Stephen Scully

Customer Connections Administrator

Tel: 0141 414 7260

Mrs karen geddes (Objects)

Comment submitted date: Sun 26 Jan 2014

As a neighbour i do not think this is suitable

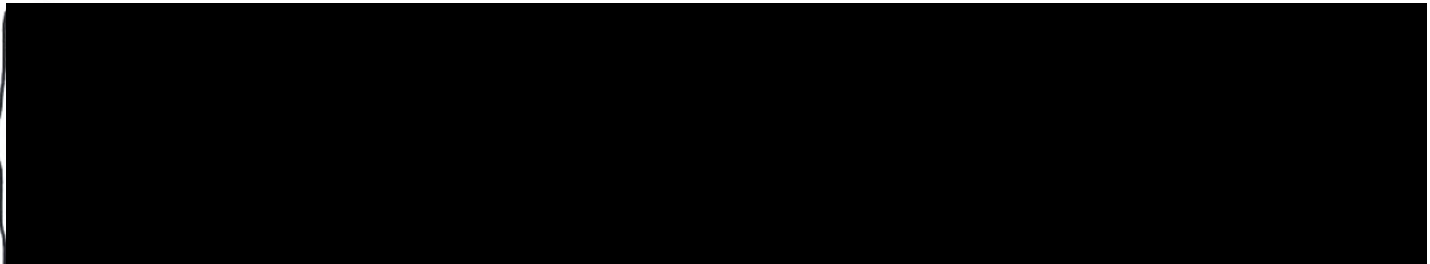
Sensitive
Tracy McManamon

CP.

From: [REDACTED]
Sent: 26 January 2014 20:27
To: Development Management - Generic Email Account
Subject: Planning Application - 13/02304/FLL Land 30 metres north of 7 Errol Road, Invergowrie.

SUBJECT : Planning Application - 13/02304/FLL Land 30 metres north of 7 Errol Road, Invergowrie.

Sir,



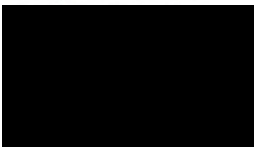
Doreen has concerns that if the new build houses are 2 storey buildings or more then they will overlook into her garden towards the rear of her house. This will infringe on the privacy of her garden and house.

Doreen also has concerns about the use of this particular area of land. She believes historically that this area of land was gifted to the people of Invergowrie as recreational ground hence the reason it was originally tennis courts. She now cannot understand why it is now being sold by an individual for housing to be built on.

Doreen has further concerns regarding the increase in traffic coming to and from the proposed site into Errol Road, Invergowrie, where there are already traffic congestion problems and school safety problems for children that attend the nearby Invergowrie School, (Almost directly opposite the site in Errol Road)

Yours Sincerely

Gregor Stewart



On behalf of

Doreen Stewart
6 Hunter Crescent,
Invergowrie,
Dundee, DD2 5AU.
01382 562750





MEMORANDUM

To	Callum Petrie Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	13/02304/FLL	Date	29 January 2014

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 13/02304/FLL for planning consent for:- **Land 30 Metres North of 7 Errol Road Errol Road Invergowrie**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.

I trust these comments are of assistance.

Audrey Brown - CHX

From: anne mitchell [REDACTED]
Sent: 01 May 2014 20:15
To: CHX Planning Local Review Body - Generic Email Account
Subject: Review/ appeal regarding planning application 13/02304

Mrs Anne Mitchell,
21 Carselea Road,
Invergowrie.
DD2 5AW.

in reply to your latest e mail to inform me of the review/appeal to take place regarding the application for the erection of 8 houses on the land at ErrolRoad, Invergowrie.- 13/02304.

I again want to make my comments regarding the proposed development and object to the plans submitted. Should the houses be built they will undoubtedly be detrimental to my privacy and also will overshadow my property. I also object to my property being bordered by a high wooden fence which will overshadow my garden. The amount and style of houses requested means they will be close to my property meaning my main room and garden will be overlooked by bedroom windows of the houses looking directly into my property and my outlook will be a 5 to 6 foot wooden fence. Please take my concerns into consideration regarding this application. Thank you

Audrey Brown - CHX

From: Ian Hunt <Ian.Hunt@fouin-bell.com>
Sent: 12 May 2014 20:17
To: CHX Planning Local Review Body - Generic Email Account; Jenna Aitken
Cc: Alan Bell
Subject: RE: TCP/11/16(300) - Land 30 metres north of 7 Errol Road, Invergowrie
Attachments: (PL)50 - Response to Representation from Anne Mitchell.pdf

Dear Sirs,

Following your letter dated 8 May 2014 and our subsequent discussion, we attach our drawing number *(PL)50 - Response to Representation from Anne Mitchell* in response to the representation made.

The key points of the conclusion of our response noted on the drawing are as follows.

CONCLUSION:

We refer to Perth and Kinross Council's 'Placemaking Guide' page 18 which gives guidance to acceptable levels of privacy / overlooking and overshadowing to new and existing properties. We note and show that the proposals are fully compliant with this guidance.

- All windows to habitable rooms to the proposed development are a minimum of 9m from the rear boundary line. Please refer to the part site plan for details and compliance.
- The proposals comply with the 25° method for calculating the maximum build height of the proposed properties. Please refer to the typical section for details and compliance.
- On review of the sun path diagram the rear gardens to Carselea Road will not be affected by the development for the majority of the day

Onwards,

Per our discussion last week, we have responded prior to 14 days before the next sitting of the Planning Local Review Body, on this basis we trust this project will be heard at the next Planning Local Review Body meeting on the 27th of May 2014.

Regards

Ian Hunt
Associate Director

Fouin+Bell Architects Ltd

1 John's Place: Edinburgh: EH6 7EL
T: 0131 478 7100 F: 0131 478 7111 E: ian.hunt@fouin-bell.com

LEGEND:

--- SITE BOUNDARY LINE

CONCLUSION:

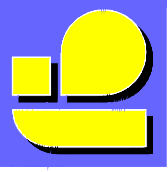
With reference to the representation made by Mrs Anne Mitchell, 21 Carselea Road, Invergowrie.

We refer to Perth and Kinross Council's 'Placemaking Guide' page 18 which gives guidance to acceptable levels of privacy / overlooking and overshadowing to new and existing properties. We note that the proposals are fully compliant with this guidance.

- All windows to habitable rooms to the proposed development are a minimum of 9m from the rear boundary line. Please refer to the part site plan for details and compliance.
- The proposals comply with the 25° method for calculating the max. build height of the proposed properties. Please refer to the typical section for details and compliance.

On review of a sun path diagram the rear gardens to Carselea Road should **not be affected** by the development for the majority of the day

fouin + bell



architects

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T: 0131 478 7100 F: 0131 478 7111

mail@fouin-bell.com www.fouin-bell.com

CLIENT

Chamberlain Bell

PROJECT

RESIDENTIAL DEVELOPMENT
5 ERROL ROAD
INVERGOWRIE

CONVEYANCE

AS NOTED @ A3

DATE

08.05.2014

DRAWN BY

BRL

CHECKED BY

IH

STAGE

PLANNING

REMARKS

RESPONSE TO CORRESPONDENCE
FROM ANNE MITCHELL

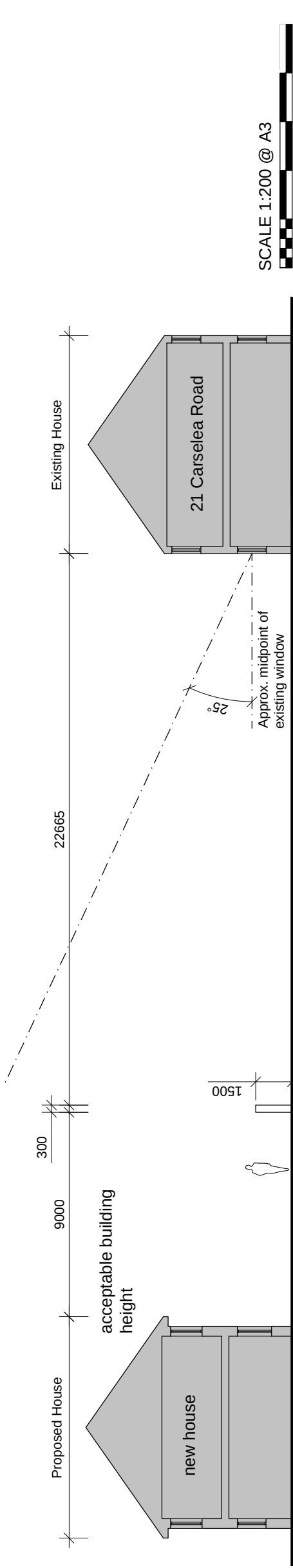
PROJECT NUMBER

13-300

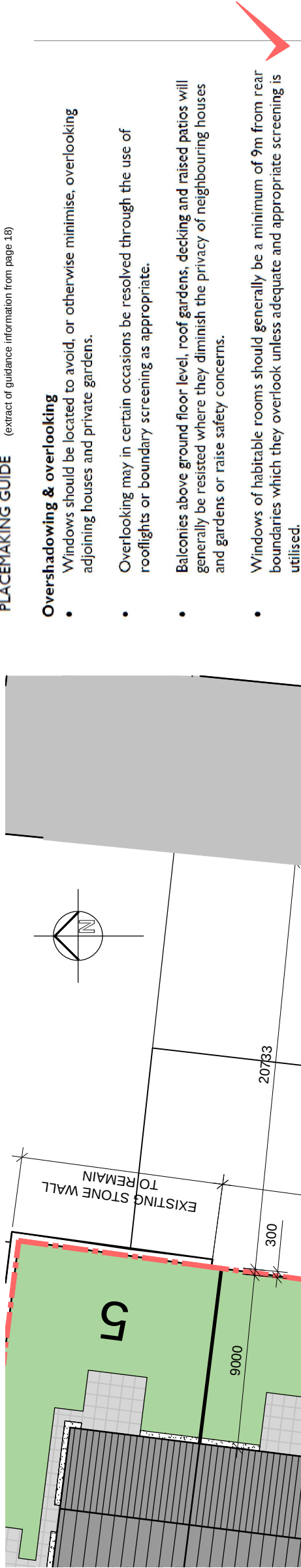
REVISION

(PL)50

-



Section AA - Relationship Between Existing & Proposed Properties - Scale 1:200



Daylighting & relative building heights

The climate of northern Britain relies heavily on diffuse sun light as the principal source of daylight. The availability of natural light can be anticipated by the resultant block form of a building, its topography, aspect and relationship to surroundings. Any proposed extension should maintain and allow for a reasonable level of natural daylight to internal living space of a neighbouring residential property. Established practice determines that 25° is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect. Beyond this point, windows to living spaces may become adversely affected through relative shadow paths (see figure 2d).

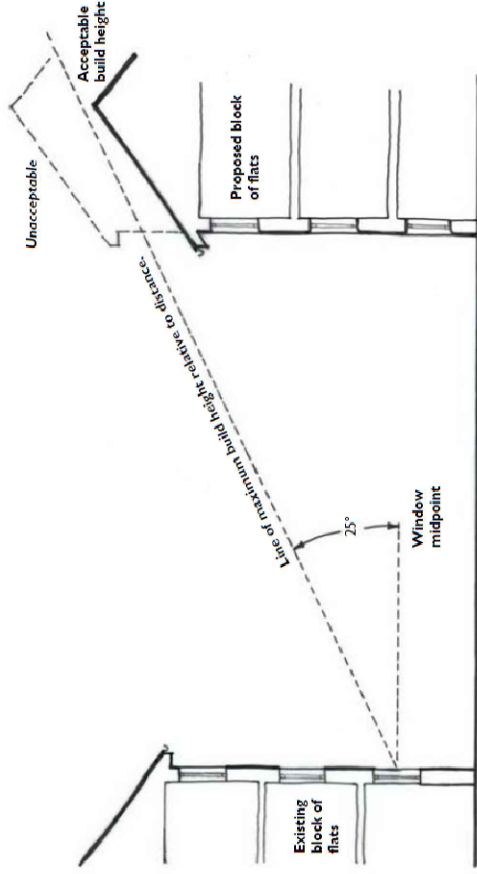


Figure 2d
Development proposals affecting residential areas should be assessed against the 25° method (figure 2d) to ensure reasonable interior daylighting within existing and proposed habitable rooms are achieved and/or retained.



Plan Showing Relationship Between Existing & Proposed Properties - Scale 1:250