

TCP/11/16(260)
Planning Application 13/00175/FLL – Erection of garage and studio flat, The Stableblock, Percy Street, Stanley, Perth, PH1 4LU

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TCP/11/16(260)
Planning Application 13/00175/FLL – Erection of garage
and studio flat, The Stableblock, Percy Street, Stanley,
Perth, PH1 4LU

**PAPERS SUBMITTED
BY THE
APPLICANT**

28 JUN 2013

RECEIVED

RECEIVED

27 JUN 2013 Notice of Review

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTSTHE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

COLIN FYFE

Address

ACHRIESGILL
MANSE CRESCENT
STANLEY
PH1 4NZ

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

JOHN F. BRIEN architect

Address

THE COACH HOUSE
BOWERSWELL ROAD
PERTH

Postcode

PH2 7DF

Contact Telephone 1

01738 623304

Contact Telephone 2

Fax No

E-mail*

john_brien@btinternet.com

Mark this box to confirm all contact should be
through this representative: ☒Yes No
☒ ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

13/00175/FLL

Site address

THE STABLE BLOCK, PERCY ST., STALEY PH1 4LU

Description of proposed
development

ERECTON OF GARAGE AND STUDIO FLAT

Date of application

11 FEB 2013

Date of decision (if any)

2 APRIL 2013

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

1. Further written submissions ☒
2. One or more hearing sessions ☐
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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

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

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

SEE ATTACHED. STATEMENT AND PHOTOGRAPHS

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

STATEMENT
5 PHOTOS.

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

Checklist

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

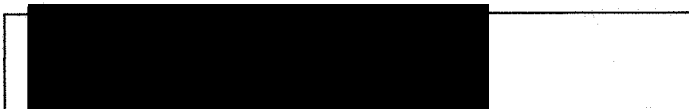
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

25/06/2013

From: John Brien <john_brien@btinternet.com>

To: [REDACTED]

Subject: Percy Steet

Date: Tue, 25 Jun 2013 11:03

Statement in support of a review of a planning decision relative to application number 13/00175/FLL for permission to erect a garage and studio flat at The Stable Block, Percy Street, Stanley PH1 4LU

The proposal was refused on the grounds that it would:-

1. Have and adverse impact on the character and density of the local area.
2. Have and adverse impact on the residential amenity of the neighbouring residential properties.

We argue that whereas any development at all will increase the density of an area, the inclusion of this modest scheme will not adversely affect the existing character as it would be an infill residential development of a similar density to its environs.

In support of this statement we draw attention to photographs number 1 and 2 enclosed and ask that you note the properties to the South of the application site which are of a similar density to that envisaged with the addition of the proposed garage and studio flat. The density of the adjacent properties can also clearly be seen when examining the location plan submitted with the original application.

We also argue that there would be little or no impact on the residential amenity of the neighbouring residential properties. From the photographs numbered 3 and 4 it is clearly evident that there are no apartment windows overlooking the proposed development and in addition there is a tall cypress hedge screening the garden ground to the South of Number 10 Percy Street. From the site plan and photograph number 5 it is clear that there are also no affected residential properties to the West of the proposed development.

Please also note that the proposed garage and studio flat would be an adjunct to the existing Stable Block adjacent. This was highlighted in the letter accompanying the original application dated 28th January 2013.

Finally we argue that the proposal will enhance what is at present a dreary looking courtyard by creating a more complete development and will thus improve the amenity for both the residents on the site and the surrounding properties.





TCP/11/16(260)
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and studio flat, The Stableblock, Percy Street, Stanley,
Perth, PH1 4LU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Coliin Fyfe
c/o John F Brien
The Coach House
Bowerswell Road
Perth
PH2 7DF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 2nd April 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00175/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 11th February 2013 for permission for **Erection of garage and studio flat The Stableblock Percy Street Stanley Perth PH1 4LU** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposal will (by virtue of the plots limited size) have an adverse impact on the character and density of the local area, and will (by virtue of the design and location of the building) have an adverse impact on the residential amenity presently enjoyed by neighbouring residential properties, the proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new proposals do not have an adverse impact on the character, density and amenity of existing areas.

Justification

The proposal does not accord with the Development Plan, and there are no material reasons which justify approval of the planning application.

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

13/00175/1

13/00175/2

13/00175/3

PERTH AND KINROSS COUNCIL

ERECTION OF GARAGE AND STUDIO FLAT AT THE STABLEBLOCK, PERCY STREET, STANLEY, PERTH, PH1 4LU

DELEGATED REPORT OF HANDLING

Ref No	13/00175/FLL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N5 – Strathtay			Yes	No
Target	10 April 2013				
RECOMMENDATION					
Refuse the planning application on the grounds that the proposal will have an adverse impact on the character, density and amenity of the area.					

BACKGROUND & DESCRIPTION

The application site relates to land associated with a residential property called 'The Stables', which is located on Percy Street in Stanley. In addition to the property itself, the site also includes a regular shaped yard area which is accessed directly off Percy Street. The yard is located immediately behind (south) No. 10 Percy Street, which is a traditional building with a shop at ground floor level and a residential flat above and to the front (east) of the 'The Stables'.

This planning application seeks to obtain a detailed planning permission for the erection of a detached studio flat and garage. The garage will be located on the ground level with the living accommodation at first floor level. The applicant has indicated that the building will be an 'adjunct' to the existing residential property, which is assumed to mean ancillary accommodation to the existing dwelling.

A detailed planning application for the erection of a dwelling on the site was refused planning consent in 2007 (07/01776/OUT) on the grounds of the over development of the site and the potential for overlooking to occur.

APPRAISAL

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) 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.

In terms of the Development Plan, the site lies within the settlement of Stanley, where *Policy 71* is directly applicable. Policy 71 seeks to ensure that all new developments do not have an adverse impact on the character, density or amenity of the area concerned.

In terms of other material considerations, this principally involves consideration of the the proposed LDP and the approved Developer Contributions (2012) document. Within the proposed LDP, the site still lies within the settlement of Stanley where *Policy RD1* is directly applicable. This policy seeks similar aims to that of Policy 71 of

the Local Plan, insofar as it seeks to protect existing residential areas from inappropriate developments. In terms of Developer Contributions, this document seeks education contributions in certain instances when the local primary school is operating at over 80% capacity.

Based on the above, I consider the sole determining issue for this proposal to be whether or not the proposal will have an adverse impact on the character, density or amenity of the area, bearing in mind the contents of the Development Plan.

In terms of the impact on the character and density of the area, the proposal will in my view result in a backland development of a fairly sizable building. Although there is some evidence of backland development in Stanley, and to a lesser extent in the local area, I do not consider this proposal to be in keeping with the general character of the area and in my mind the siting of a building that is fairly comparable in size to the existing dwelling in this location, will have an adverse impact on both the character and density of the area.

In terms of impact on existing amenity, this can be split into assessing the impact on visual amenity and the impact on residential amenity. In terms of the impact on the visual amenity of the area, although I have some concerns regarding the impact that the proposal may have on the character of the area, it is unlikely that the proposal will have a notable visual impact on the streetscene, bearing in mind its backland location behind existing buildings.

In terms of the impact on residential amenity, although the courtyard area does not appear to be a functional, usable area of private amenity space for the occupiers of 'The Stables', I can not help but have concerns regarding the limited amenity space available to the existing residential property. Whilst I appreciate that the courtyard is not a typical amenity area, it is nevertheless the only amenity space available to the existing property, and the erection of a large building in this area will in my view significantly reduce to the level of amenity space to an unacceptable level – particular as the reduced amenity area will essentially have to serve the existing dwelling plus an additional studio flat.

In terms of impact on residential amenity, there will be just over 10m between the principle elevations of the existing dwelling and the proposed studio flat. In addition to this, gable windows of the proposed studio flat are proposed within 3.5m of boundaries to residential neighbours to the north and south. To this end, I consider there to be the potential for both overlooking and loss of privacy to occur.

Lastly, in terms of education matters, as this planning application is for a 'tied' building which will be ancillary to the main dwelling, I do not consider it necessary to consider the need for an education contribution under the Developer Contributions document.

In conclusion, and based on the above, I recommend the application for a refusal.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). There are no policies of specific relevance, relevant to this proposal contained in the Tay Plan. Within the Local Plan, the site lies within the settlement of Stanley, where *Policy 71* is directly applicable. Policy 71 seeks to ensure that all new

developments do not have an adverse impact on the character, density and amenity of existing areas.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Due to the nature of the development proposed, there are no issues of national relevance.

OTHER COUNCIL POLICIES

Developer Contributions 2012

This document sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting infrastructure improvements necessary as a consequence of development.

Proposed Local Development Plan 2012

Within the proposed LDP, the site lies within the settlement of Stanley where *Policy RD1 (Residential Areas)* is directly applicable. This policy seeks to ensure that the existing areas of residential amenity are protected from inappropriate developments.

SITE HISTORY

An outline planning application for the erection of a dwelling was refused planning permission in 2007 (07/01776/OUT) on the grounds that:-

The proposal constitutes over-development of the site and, as such, will have an adverse impact on the amenities of adjacent dwellings due to overshadowing or overlooking. In addition the site cannot support a satisfactory residential environment for a second house. Approval would therefore be contrary to Policy 41 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.

PKC CONSULTATIONS

The Executive Director (ECS) has commented on the planning application and indicated that the local primary school (Stanley) is not operating at over its 80% capacity.

Transport Planning have commented on this planning application and have raised no objection to the proposal, subject to conditions.

EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and have raised no objection.

REPRESENTATIONS RECEIVED

One letter of representation has been received from a neighbouring property, raising concerns over the proposal. The main concern raised by the objector is the potential impact on their residential amenity. I agree with the objectors concerns, and consider there to be the potential for overlooking / loss of privacy to occur if this proposal was to be supported.

ADDITIONAL STATEMENTS

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

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

As the proposal will (by virtue of the plots limited size) have an adverse impact on the character and density of the local area, and will (by virtue of the design and location of the building) have an adverse impact on the residential amenity presently enjoyed by neighbouring residential properties, the proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new proposals do not have an adverse impact on the character, density and amenity of existing areas.

JUSTIFICATION

The proposal does not accord with the Development Plan, and there are no material reasons which justify approval of the planning application.

INFORMATIVES

None

PROCEDURAL NOTES

None applicable.

REFUSED PLANS

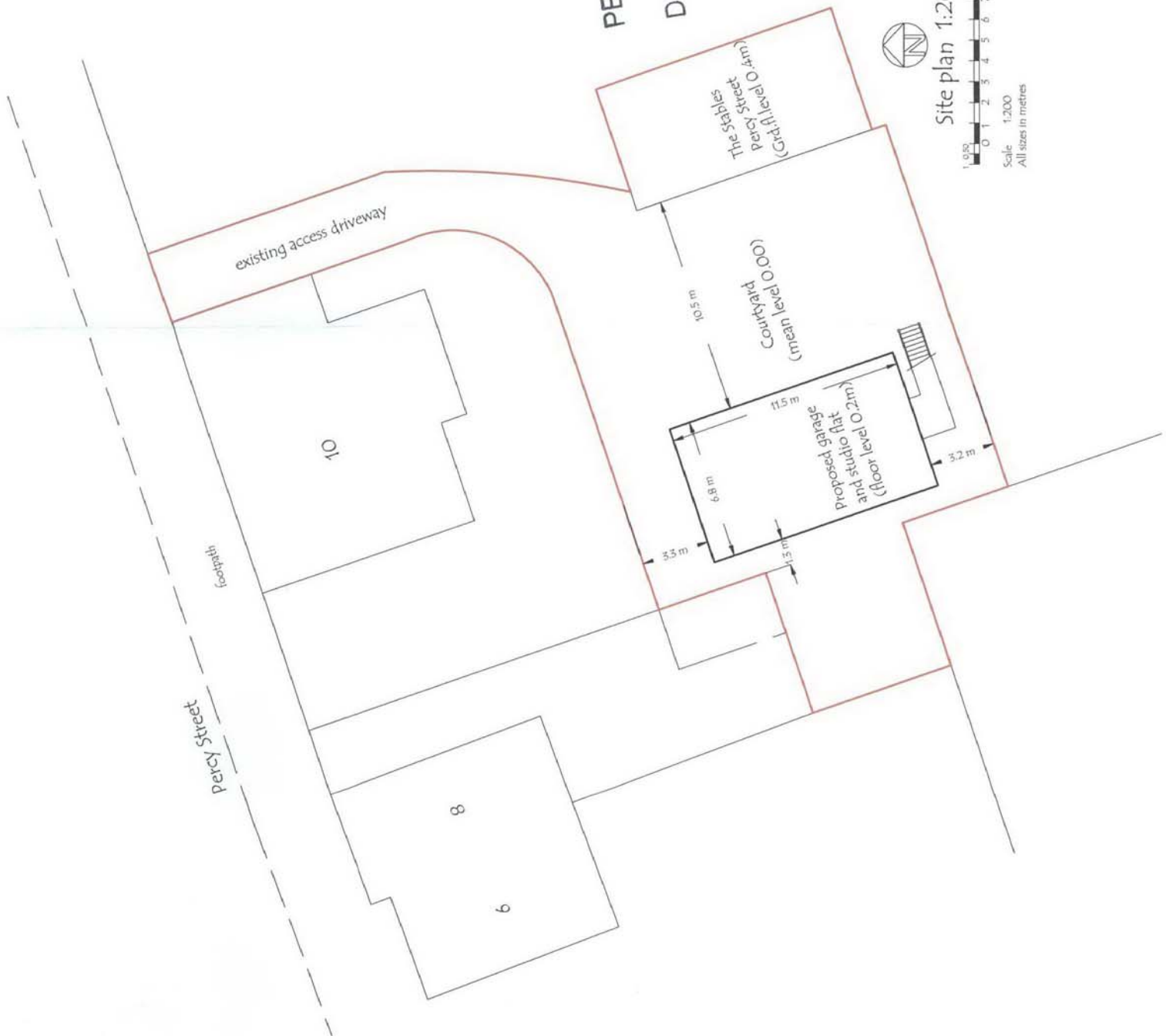
13/00175/1

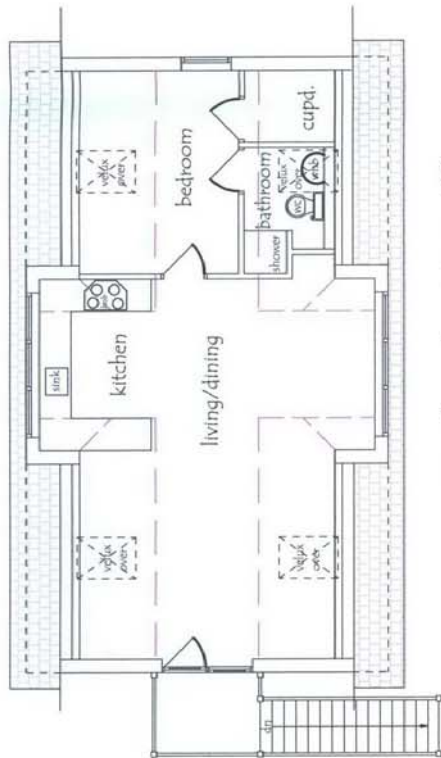
13/00175/2

13/00175/3

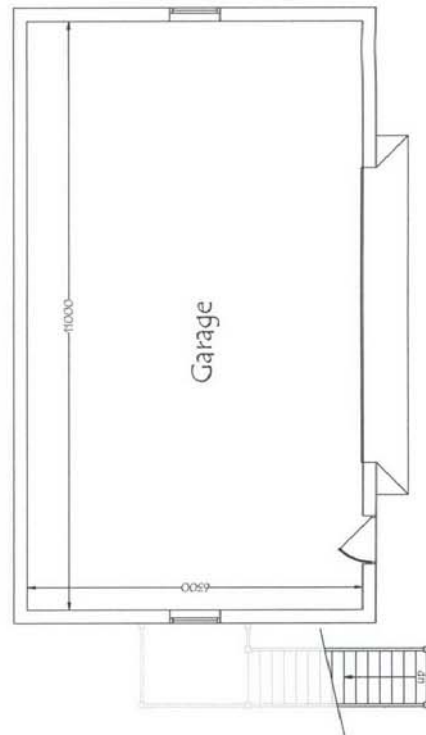
DRAWING REF: 131001

John F. Brien architect
The Coach House, Bowerswell Rd.
Perth PH2 7DF Tel. 01738 623304

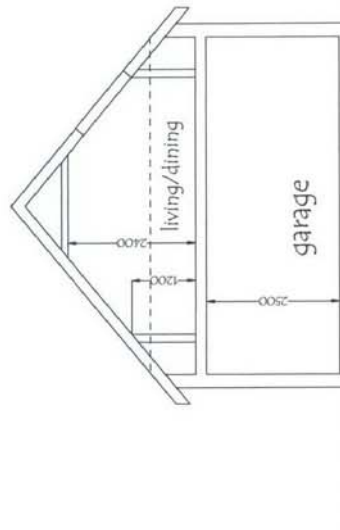




First floor plan 1:100



Ground floor plan 1:100



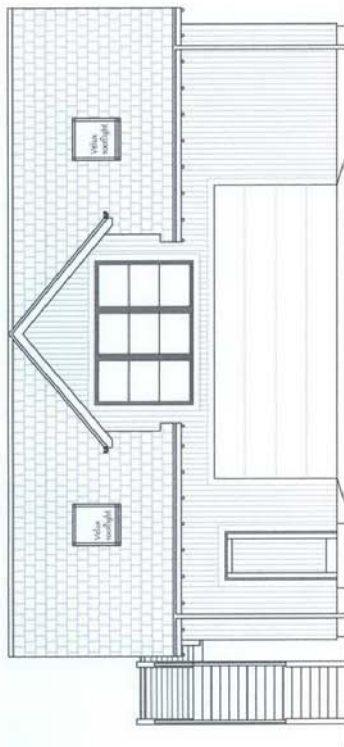
Cross Section 1:100

PERTH AND KINROSS COUNCIL
DRAWING REF: 13/00175/12



Proposed Garage and
Studio Flat at The Stables
Percy Street, Stanley
Plans and Section

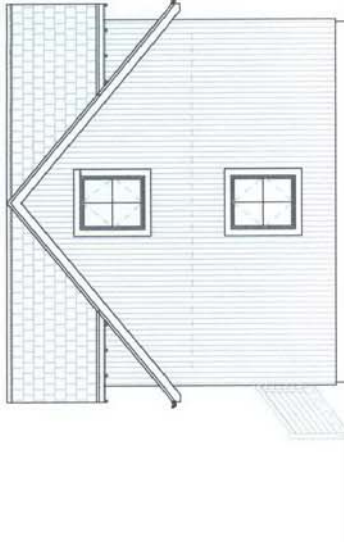
John F. Brien
The Coach House, Roverswell Road, Perth
architect
Tel. 01738 623504



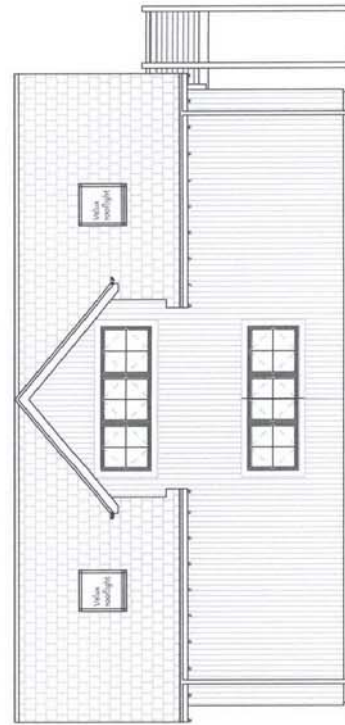
North East Elevation 1:100

External finishes:-

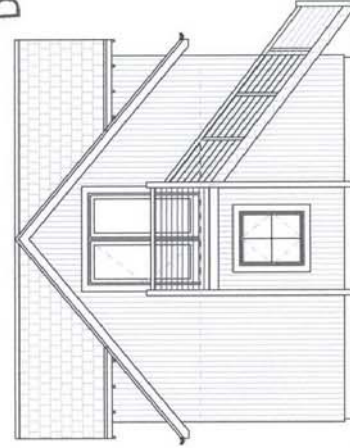
- Walls - Vertical larch weatherboarding (natural finish)
- Windows - timber tilt and turn painted white
- Garage door - Painted steel
- External doors - timber painted white
- External stair - timber (natural finish)
- Roof - natural slate
- Rainwater goods - black pvc



North West Elevation 1:100



South West Elevation 1:100



South East Elevation 1:100

PERTH AND KINROSS COUNCIL
DRAWING REF: B10017513

scale
1 0.50 0 1 2 3 metres

Proposed Garage and
Studio Flat at The Stables
Percy Street, Stanley
Plans and Section

John F. Brien
architect
The Coach House, Bowerswell Road, Perth
Tel. 01738 623504

TCP/11/16(260)

**Planning Application 13/00175/FLL – Erection of garage
and studio flat, The Stableblock, Percy Street, Stanley,
Perth, PH1 4LU**

REPRESENTATIONS

- Objection from Hillary Chalmers, dated 28 February 2013

AMB

Ms. Hillary N. Chalmers
10A Percy Street
Stanley PH1 4LU

Development Quality Manager
Perth & Kinross Council
Planning & Regeneration
Pullar House
35 Kinnoull Street
Perth. PH1 5GD

28th February, 2013

Dear Sir/Madam,

Re: 13/00175/FLL
The Stableblock, Percy St., Stanley. PH1 4LU

Many thanks for forwarding me the planning application for the neighbouring ground to my flat.

I am concerned at the height of this proposed new build and the prospect of it blocking sunlight from my small garden. I live in an upstairs flat and use my garden frequently in the summer months. Also there is an upstairs window looks directly onto my property. I would look upon this window as an invasion of my privacy. I cannot tell from the plans, but I presume this window is not frosted.

I have attempted to keep this area as green as possible and would have preferred to have kept my hedge to a manageable 4 feet. I have had to grow this much higher just to try and preserve some sort of privacy from the existing Stableblock. I do not relish the idea of a further large building potentially blocking daylight from my property. There has been a fair degree of bother with the drains since the original house at the Stableblock was erected and I am not sure if this has ever been resolved. I have memory of the road down to the back being dug up on numerous occasions with foul smelling drains.

There are other things that do worry me, e.g. will it be oil central heating? If it is will the vent be facing onto my garden? The current Stableblock is oil and, if I have my kitchen or bathroom windows open, I do get fumes from their vent.

Yours faithfully


Hillary N. Chalmers

