

<p>LRB-2022-47 22/00772/FLL - Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute, PH14 9QY</p>

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LRB-2022-47

22/00772/FLL - Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute, PH14 9QY

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100557423-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	D.A.D.Scotland		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	First Floor Office
Last Name: *	Malcolm	Building Number:	24
Telephone Number: *	07514489179	Address 1 (Street): *	west High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Forfar
Fax Number:		Country: *	Angus
		Postcode: *	DD8 1BA
Email Address: *	info@dadscot.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Julie"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Graham"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SUNNYHALL"/>
Address 2:	<input type="text" value="KINNAIRD VILLAGE"/>
Address 3:	<input type="text" value="KINNAIRD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="INCHTURE"/>
Post Code:	<input type="text" value="PERTH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="729196"/>	Easting	<input type="text" value="323900"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extension to dwellinghouse and erection of sun room and porch at Sunnyhall Kinnaird.

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 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.

Attached in supporting documents.

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

☐ Yes ☒ No

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

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

Notice of Review Statement 70038.009 Sunnyhall Kinnaired 70038.001 Existing Plans and Elevations Sunnyhall Kinnaired
70038.002 Proposed Plan and Section Sunnyhall Kinnaired 70038.003A Proposed Elevations Sunnyhall Kinnaired 70038.004A
Existing Site Plan Sunnyhall Kinnaired 70038.005A Proposed Site Plan Sunnyhall Kinnaired 70038.006A Location Plan Sunnyhall
Kinnaired 70038.007 Roof Plan Sunnyhall Kinnaired 70038.008 Photographs

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/000772/FLL

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

25/04/2022

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

17/06/2022

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

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

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

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

I believe they could undertake an unaccompanied site inspection however the last part of the track up to the property requires at times a 4x4 vehicle or the last 300 yards to be completed on foot.

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: Mr Scott Malcolm

Declaration Date: 19/08/2022

Notice of Review Statement Sunnyhall Inchtute Perth. 70038_009

The planning application has been refused on the proportions scale and visual massing along with the roof and window designs.

It was noted that the extension is likely to overwhelm the existing farmhouse however the site has the farmhouse and outbuildings and the massing of any extension should be looked at with the whole site and not just the farmhouse.

With the above in mind and taking the full extent of the existing buildings we feel the extension would not look excessive and despite the comments on the design if you consider the drawing from the view from the ground the whole design is as complimentary to the existing buildings as can be done with rooflines continued and finished walls to match existing whilst also allowing for some modern glazing to the main living area to give some semblance of modern day living with high ceilings and a light room and to maximise the views to the Tay river to the south.

The roof to the extension has been designed so that from any elevation from the ground you will see a slated roof to match the existing farmhouse, also so that it doesn't extend above the existing roof and all the other windows apart from the main living area are formed to match the existing windows in the farmhouse.

The existing building on the site has as noted in the report been altered over the years but looking back to maps from the 1860's

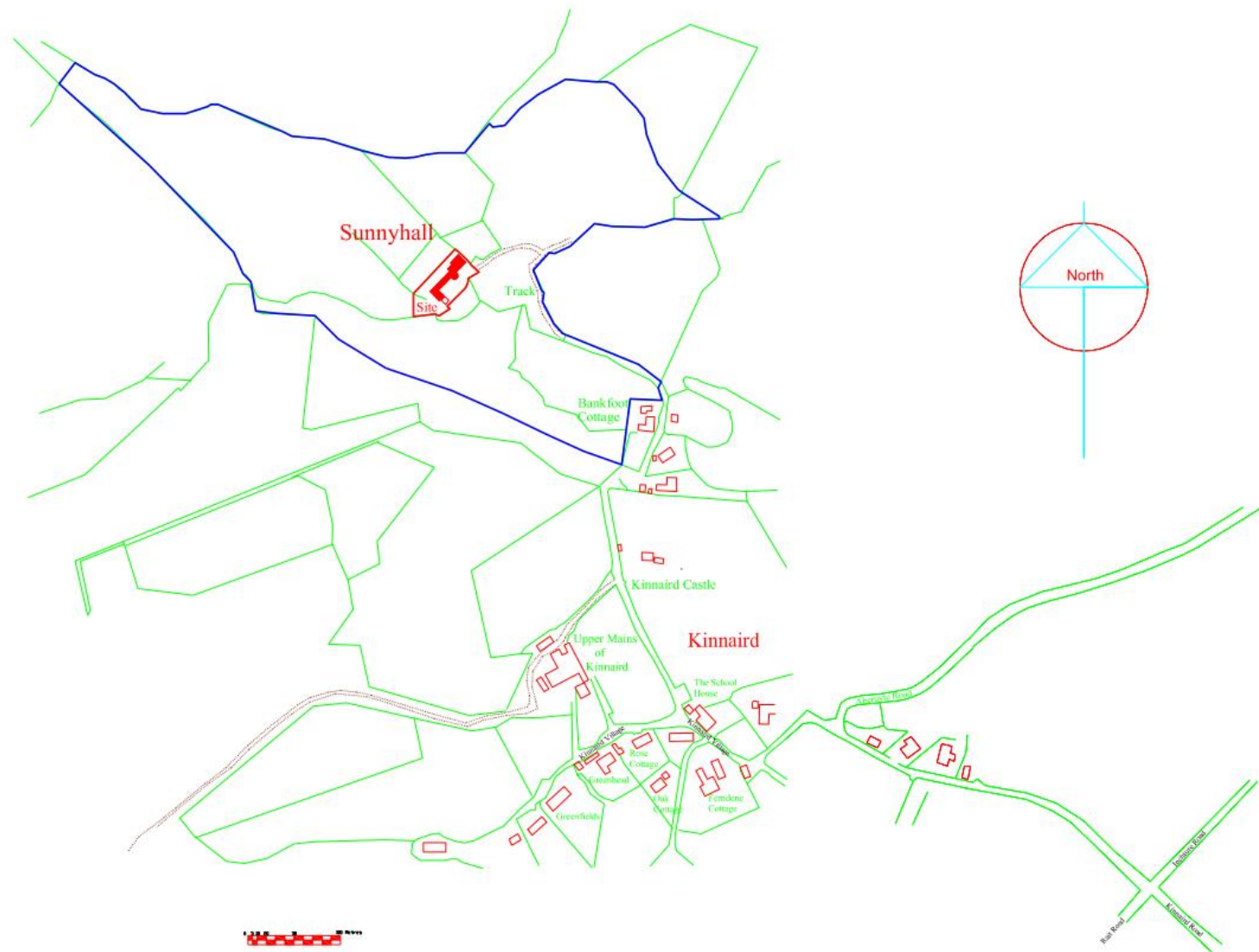
the building has always had a greater depth to the eastern elevation and whilst maybe not a full double depth it has always been substantially deeper.

The refusal report expresses concerns over various roof designs with regard to the porch at the front and sunroom to the rear however these could be altered to any other design which would be more acceptable to the Planning Authority and indeed we believe that a number of the concerns raised could have been discussed prior to a refusal being issued to see if a mutually acceptable solution could be achieved.

The applicant has requested the specific designs and sizes with a view to creating a house which will meet her needs as she becomes older and less able for the tight spaces and dark rooms of the existing farmhouse.

The building is not listed nor is it in a conservation area it is also at the end of a farm track which ends at the house and it is only visible from the A90 two miles to the south and even there only barely.

As applicants we feel a bit of dialogue would have been appreciated but also having seen a neighbour recently increase a small cottage with a storey and a half extension doubling the size of his cottage it would appear different criteria must have been used for his planning consent.



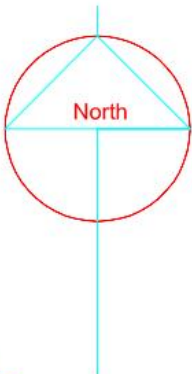
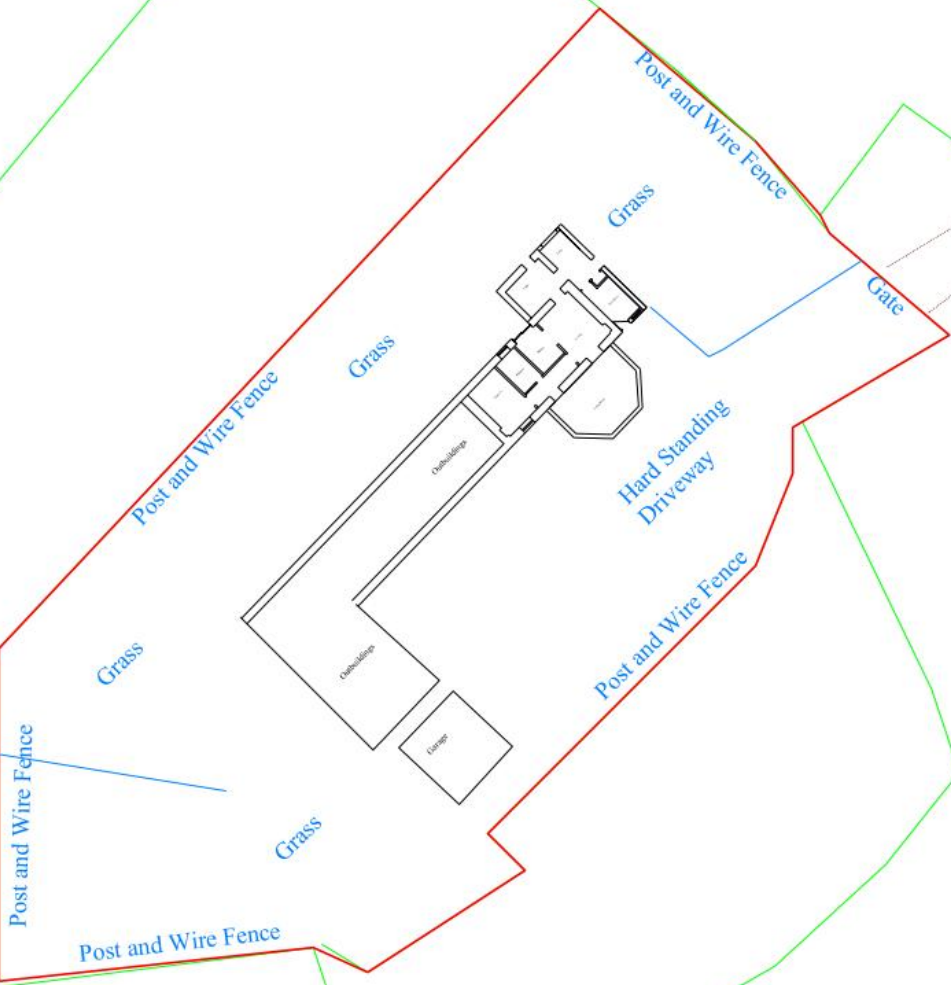
LOCATION PLAN
Sunnyhall
Kinnaird Village
Kinnaird
Inchture
Perth PH14 9QY

Revision	
A Extent of Location Plan Extended. SBM 11/5/2022	
	
D.A.D Scotland First Floor 24 West High Street Forfar DD8 1BA	
Project	
Proposed Extension at Sunnyhall Kinnaird Inchture For Miss J. Graham	
Scale	1:2500 @ A1
Date	12.04.2022
Drawn By	SBM
Case No.	70038
Drg. Title	
Location Plan	
Drg. No.	
006 A	

Sunnyhall

Track

Site



600

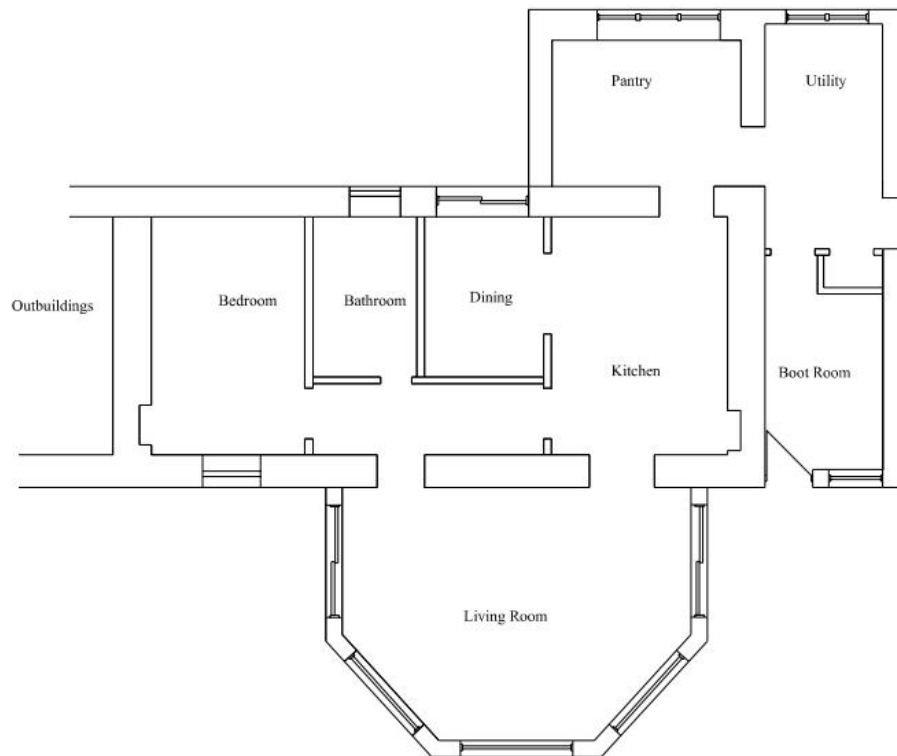
Revision	A. North Point Added. Scale in title altered SBM 09/05/22		
			
D.A.D Scotland First Floor 24 West High Street Forfar DD8 1BA			
Project	Proposed Extension at Sunnyhall Kinnaird Inchtire For Miss J. Graham		
Scale	1:200 @ A1	Drawn By	SBM
Date	12.02.2022	Case No.	70038
Proj. Title	Existing Site Plan		
Proj. No.	004 A		



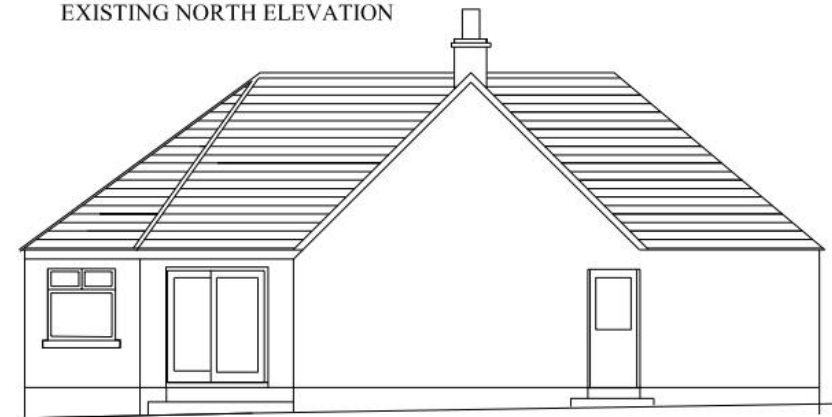
EXISTING SOUTH ELEVATION



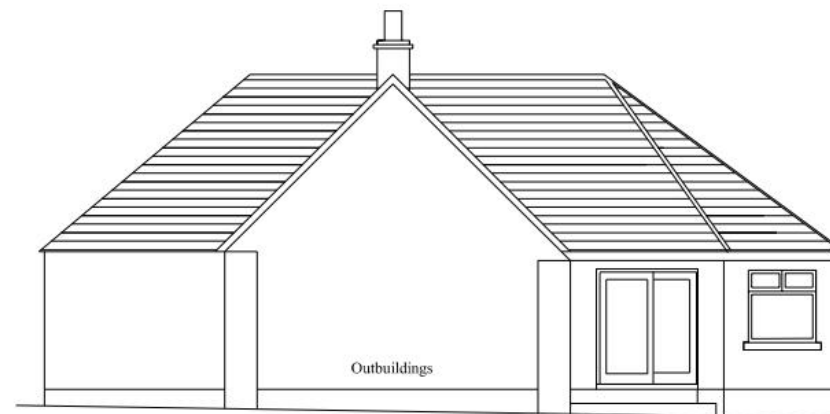
EXISTING NORTH ELEVATION



EXISTING FLOOR PLAN



EXISTING EAST ELEVATION



EXISTING WEST ELEVATION



D.A.D Scotland
First Floor
24 West High Street
Forfar DD8 1BA

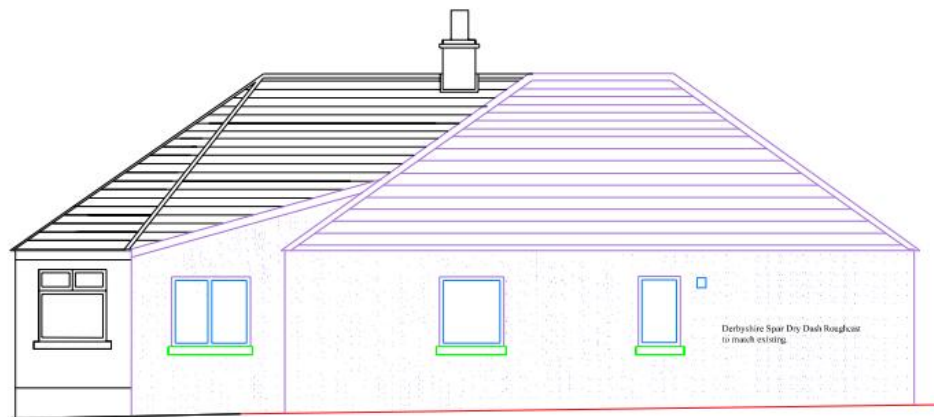
Project:
Proposed Extension at Sunnyhall
Kinnaird Inchture
For Miss J. Graham

Scale: 1:50 @ A1 Drawn By: SBM

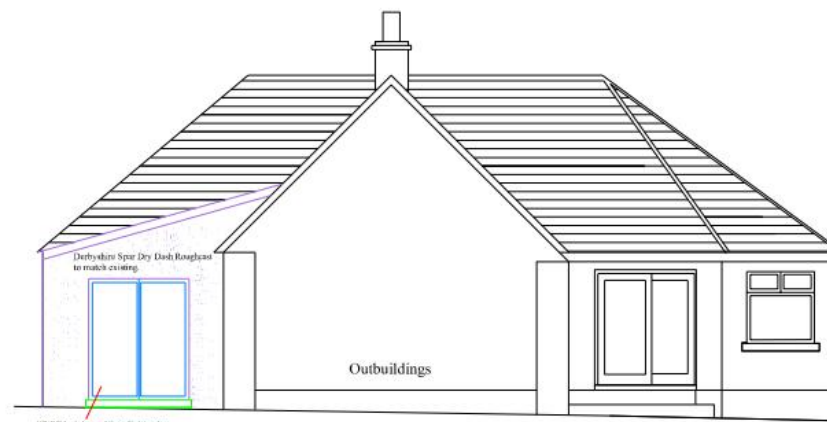
Date: 12-04-2022 Case No.: 70038

Dwg. Title:
Existing Elevations

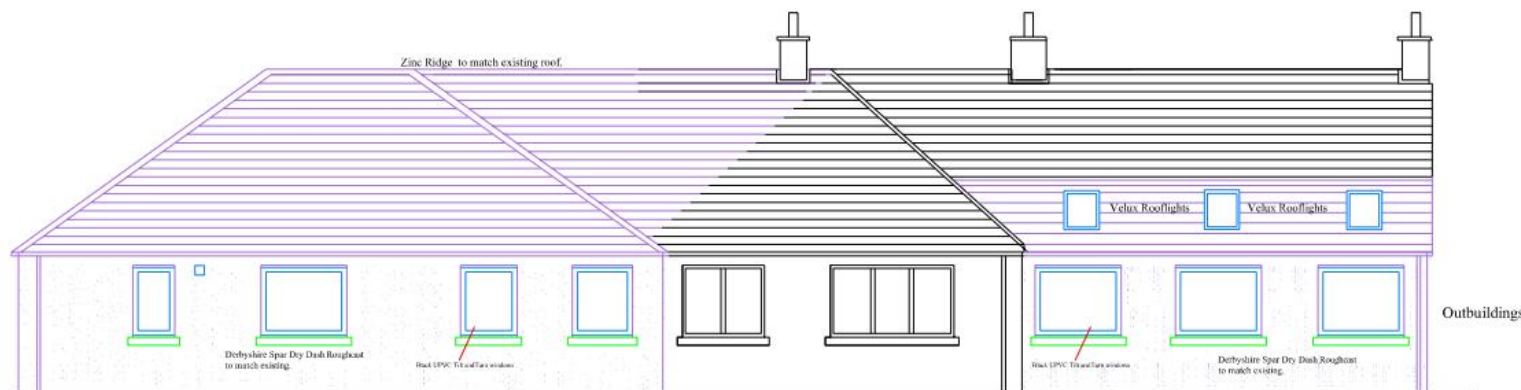
Dwg. No.:
001



Proposed East Elevation



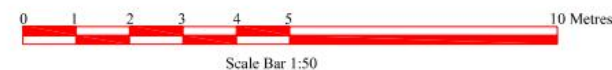
Proposed West Elevation



Proposed North Elevation



Proposed South Elevation



Extensions

Roof
Blue Black Slate and Zinc ridges to match existing property

Single Ply Flat Roof

Velux Rooflights Black in colour to match new windows,

Rainwater Goods
Black gutters and downpipes to match existing.

Roughcast
Dry Dash Roughcast Derbyshire Spar to match existing property

Windows
UPVC High Performance Tilt and Turn Windows
Black in colour.

Door
UPVC High Performance Doors and side windows
Black in colour.

Revision A. Annotation to elevations altered. SBM 09/05/22



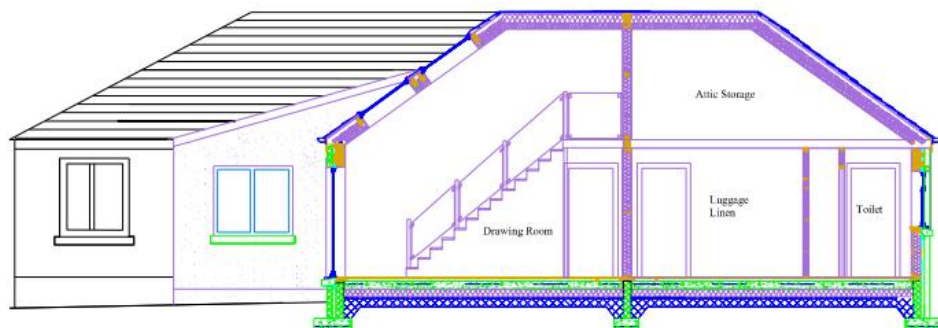
D.A.D Scotland
First Floor
24 West High Street
Forfar DD8 1BA

Project
Proposed Extension at Sunnyhall
Kinnaird Inchture
For Miss J. Graham

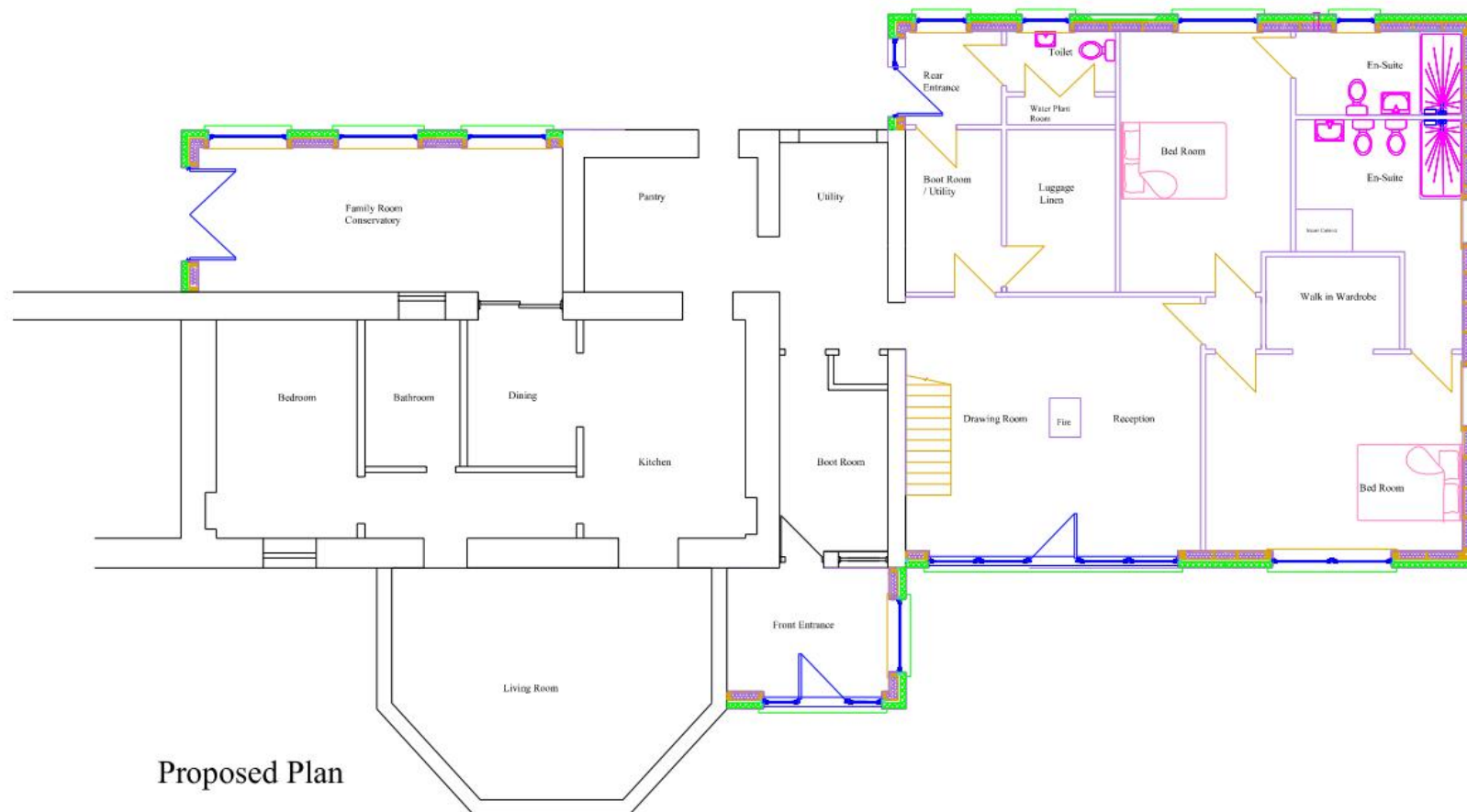
Scale 1:50 @ A1 Drawn By SBM
Date 12.04.2022 Case No. 70038

Proposed Elevations

Proj. No. 003 A



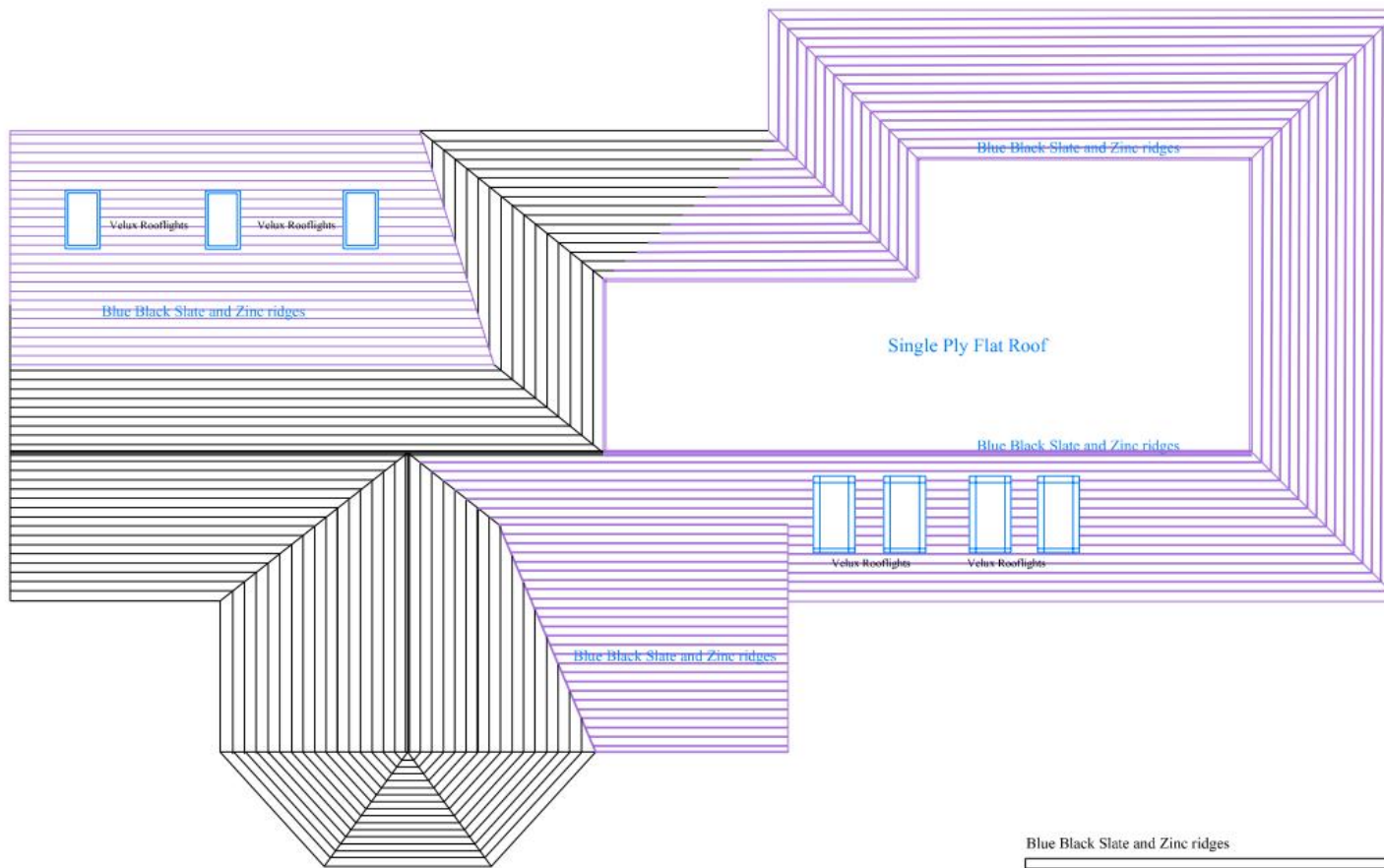
Proposed Section Through Reception



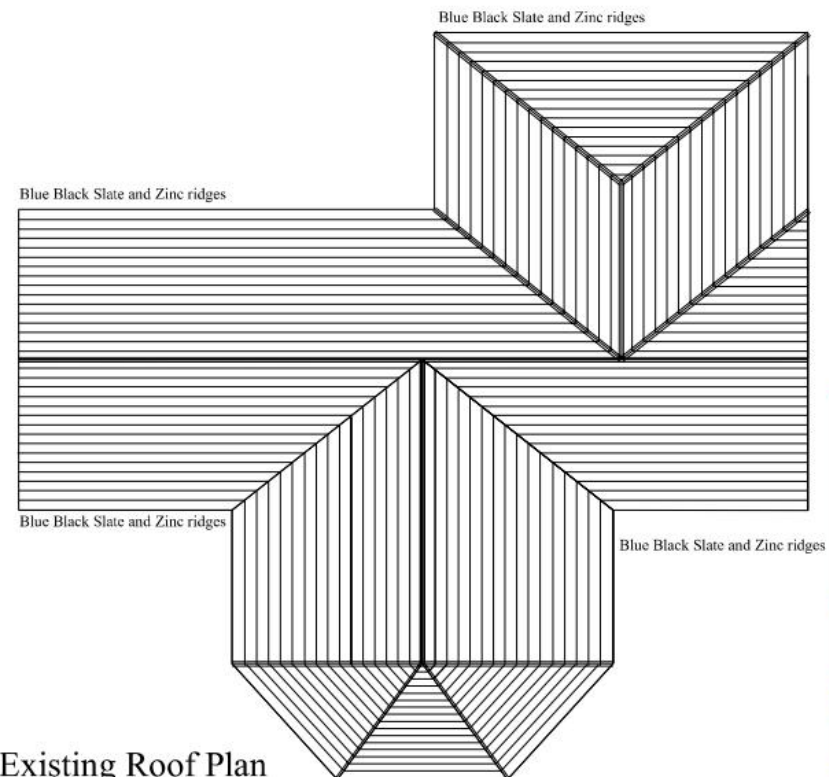
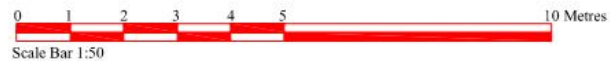
Proposed Plan

D.A.D. Scotland
First Floor
24 West High Street
Forfar DD8 1BA

Project	
Proposed Extension at Sunnyhall Kinnaird Inchture For Miss J. Graham	
Scale	1:50 @ A1
Date	12.04.2022
Drawn By	SBM
Case No.	70038
Proposed Plan and Section	
Org. No.	002



Proposed Roof Plan



Existing Roof Plan
604



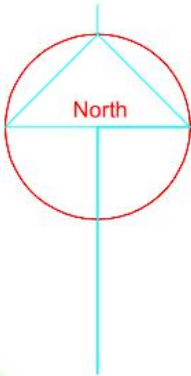
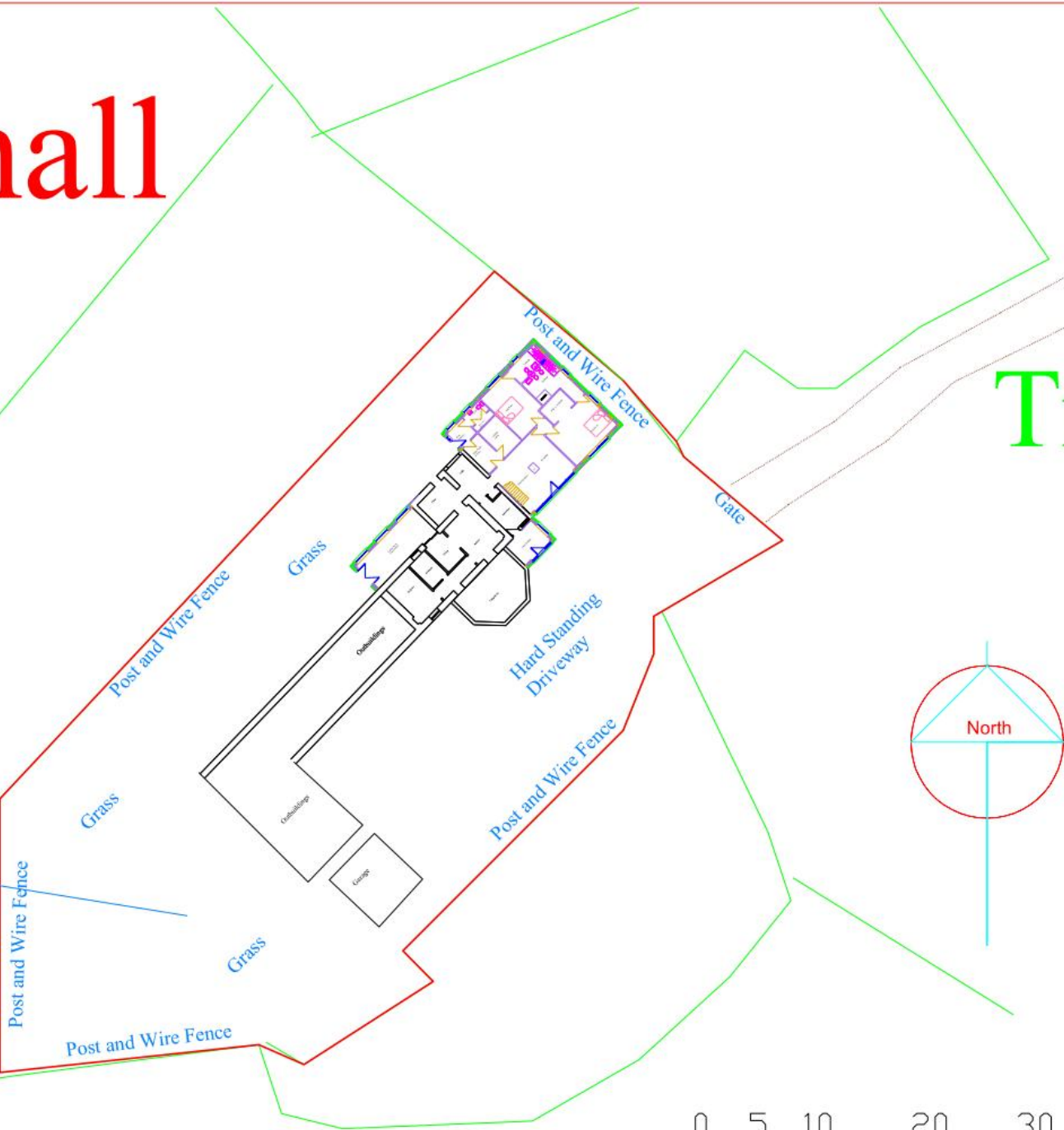
D.A.D Scotland
First Floor
24 West High Street
Forfar DD8 1BA

Project	
Proposed Extension at Sunnyhall Kinnaird Inchture For Miss J. Graham	
Scale	1:50 @ A1
Date	12.02.2022
Drawn By	SBM
Case No.	70038
Roof Plan	
Orig. No.	007

Sunnyhall

Track

Site



Revision	
A. North Point Added. SBM 09/05 22	
	
D.A.D Scotland First Floor 24 West High Street Forfar DD8 1BA	
Project	
Proposed Extension at Sunnyhall Kinnaird Inchtire For Miss J. Graham	
Scale	1:200 @ A1
Date	12/02/2022
Drawn By	SBM
Case No.	70038
Proposed Site Plan	
Drw. No.	005 A











LRB-2022-47

22/00772/FLL - Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute, PH14 9QY

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 599-605)*



Miss Julie Graham
c/o DAD.Scotland
Scott Malcolm
First Floor Office
24 West High Street
Forfar
DD8 1BA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **17th June 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00772/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 May 2022 for Planning Permission for **Extension to dwellinghouse and erection of porch Sunnyhall Kinnauld Inchtute Perth PH14 9QY**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal, by virtue of its double-depth plan, excessive volume, proportions and visual massing, unsympathetic windows and doors, varying roof pitches, incongruous mansard roof design, and combined, cumulative effects, would overwhelm the modest cottage and significantly detract from its character and appearance.
Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that development contributes positively to the quality of the built environment, in terms of design, appearance, height, scale, massing and materials, in order to respect the character and amenity of the place.
2. No bat survey has been submitted. Accordingly, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats. Accordingly, the proposal is contrary to Policy 41 of Perth and Kinross Local Development Plan 2, 2019, which seeks to safeguard wildlife, habitats and protected species from detrimental impacts.

Justification

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

Notes

The plans and documents 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

01

02

03

04

05

06

07

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00772/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	10th July 2022	
Draft Report Date	15th June 2022	
Report Issued by	KS	Date 15th June 2022

PROPOSAL: Extension to dwellinghouse and erection of porch

LOCATION: Sunnyhall Kinnaird Inchtute Perth PH14 9QY

SUMMARY:

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

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial and satellite imagery, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Sunnyhall is a detached cottage which is located within the Sidlaw Hills Local Landscape Area in Kinnaird, approximately 4 kilometres to the northwest of Inchtute. This application seeks detailed planning permission for the erection of various extensions to the south, east and north of the property.

SITE HISTORY

04/02181/FUL	Extension to dwellinghouse Application Refused – 10 January 2005
06/00262/FUL	Extension to dwellinghouse Application Approved – 28 April 2006
11/00656/FLL	Renewal of planning consent (06/00262/FUL) to extend dwellinghouse Application Withdrawn – 10 June 2011

PRE-APPLICATION CONSULTATION

Pre application Reference: Not Applicable.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 39: Landscape

Policy 41: Biodiversity

OTHER POLICIES AND GUIDANCE

Perth & Kinross Council's guidance: "Bat Surveys: What are bat surveys and when do I need one?"

The Perth & Kinross Placemaking Guide 2020 states that;

"Extensions should respect the shape, scale and proportions of the existing building... In most cases an extension should be a subordinate addition in all respects"

CONSULTATION RESPONSES

Scottish Water

No objections on the grounds of water infrastructure. However, an informative note has been recommended in the event that planning permission is granted.

REPRESENTATIONS

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

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

Policy Appraisal

Alterations and extensions to an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual amenity.

Design and Layout

Sunnyhall is a detached cottage which is located within the Sidlaw Hills Local Landscape Area in Kinnaird, approximately 4 kilometres to the northwest of Inchture. The traditional cottage has a recti-linear form, with a hipped roof pantry to the rear and an unfortunate modern multi-faceted lounge extension on the south elevation. This application seeks detailed planning permission for the erection of further extensions, to the south, east and north of the property.

Visual Amenity

The proposal consists of three main extensions. A lean-to extension is proposed on the south elevation, in-filling the recess between the lounge extension and the cottage. A further lean-to extension is proposed on the north elevation, again, in-filling the recess between the pantry and the cottage.

A further extension is proposed on the east elevation, which seeks to form a second level by doubling the plan depth of the original cottage. This would create an increased roof volume for the upper level. The proportions of this extension are excessive in comparison to the original cottage. The proportions, scale and visual massing would overwhelm the modest cottage and the form and hipped-roof, mansard design would be an incongruous feature which would detract from its character and appearance.

Additionally, the combination of two previous extensions and the three proposed extensions, would have an overwhelming cumulative effect on the cottage, engulfing virtually its entire footprint. The incongruous appearance would also be exacerbated by the proposed variety of window, door and rooflight orientations and proportions, the mixture of varying and inconsistent roof pitches and the unlikely probability that the shallow-pitched lean-to extensions would be capable of being slated to match the cottage.

Accordingly, the proposal is contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A and 1B of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that development contributes positively to the quality of the built environment, in terms of design, appearance, height, scale, massing and materials, in order to respect the character and amenity of the place.

It is noteworthy that a previous scheme was granted planning permission, Ref: 06/00262/FUL, which would have delivered a significant amount of additional accommodation in a manner much more sympathetic to the form, design and character of the cottage. However, this scheme was never implemented.

Landscape

The application site is located within the Sidlaw Hills Local Landscape Area (LLA), where Policy 39 of LDP2 applies. It states that LLA's are the local landscape designation, and that development should only be permitted where it will not have a significant adverse impact on the special character or qualities of the LLA.

Notwithstanding the concerns noted above in relation to the adverse impact of the proposal on the visual amenity of the cottage, the proposal is not considered to have a significant impact on the wider landscape, given the scale of the proposals in relation to the wider landscape context.

Residential Amenity

Given the remote nature of the application site, the proposed development would not have an adverse impact on residential amenity.

Roads and Access

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

Drainage and Flooding

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

Natural Heritage and Biodiversity

The proposal involves alterations to the roof of the cottage, which has the potential for bats/bat roosts (see Annex B of Perth & Kinross Council's "Bat Surveys" guidance document, 2018). As bats are protected species, it is necessary to secure an ecological survey, to identify the presence of any bats or bat roosts, so that an assessment can be made over its impact – prior to any planning permission being granted.

Consequently, in the absence of a bat survey, no assessment can be carried out as to the potential impact of the proposed development on bats and/or bat roosts. Therefore, the proposal is not in accordance with Policy 41 of LDP2.

Developer Contributions

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

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is refused on the grounds identified below.

Reasons

- 1 The proposal, by virtue of its double-depth plan, excessive volume, proportions and visual massing, unsympathetic windows and doors, varying roof pitches, incongruous mansard roof design, and combined, cumulative effects, would overwhelm the modest cottage and significantly detract from its character and appearance.
Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that development contributes positively to the quality of the built environment, in terms of design, appearance, height, scale, massing and materials, in order to respect the character and amenity of the place.
- 2 No bat survey has been submitted. Accordingly, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats. Accordingly, the proposal is contrary to Policy 41 of Perth and Kinross Local Development Plan 2, 2019, which seeks to safeguard wildlife, habitats and protected species from detrimental impacts.

Justification

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

Informative Notes

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

06

07

LRB-2022-47
22/00772/FLL - Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute, PH14 9QY

REPRESENTATIONS

Development Management

From: Angela Allison [REDACTED] on behalf of Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 25 May 2022 09:48
To: Development Management
Subject: RE: Planning Application Consultation for Application No 22/00772/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Good Morning,

According to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options for the additional surface water.

Kind regards,

Angela

Angela Allison

Technical Analyst
North Regional Team
Strategic Development
Development Services

Dedicated Freephone Helpline : 0800 389 0379 Business Email: Angela.Allison@scottishwater.co.uk
Business Weblink: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

The Bridge
Buchanan Gate Business Park
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LRB-2022-47

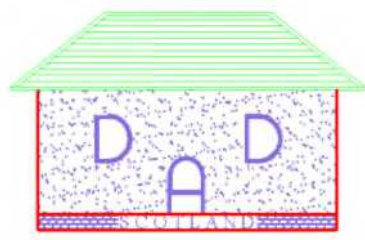
22/00772/FLL - Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute, PH14 9QY

FURTHER INFORMATION

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00772/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone [REDACTED] Email biodiversity@pkc.gov.uk
Description of Proposal	Extension to dwellinghouse and erection of porch,		
Address of site	Sunnyhall Kinnaird, Inchtute Perth PH14 9QY		
Comments on the proposal	<p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>European Protected Species Planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).</p> <p>All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) making it an offence to disturb a bat in a roost, obstruct access to a roost and damage or destroy a breeding or resting place of such an animal.</p> <p>The structure in this application demonstrates potential to be used by bats due to its age and location 74m from woodland so meets some triggers in Annex B: Bat Survey Trigger List of the PKC Bat Survey Advice. Bat Advice Draft (pkc.gov.uk)</p> <p>From the submitted photos, some of the roof looks in relatively good condition but the habitat and location are bat friendly and there are historic bat records within 1km and more recent bat records further afield. Progressing without a Preliminary Bat Survey could result in recklessly disturbing and destroying a bat roost which are offences under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).</p> <p>In line with the PKC Bat Survey Guidance (2018) and Bat Conservation Trust Good Practice Guidelines (2016) a Preliminary Roost Assessment should be undertaken by a suitably experienced and qualified ecologist to determine the actual or potential presence of bats. A Preliminary Roost Assessment can be done prior to the active bat survey season of May-August as the purpose of the survey is to find bat roost features such as gaps under the roof ridge and under/between slates or at the wall head. The Preliminary Roost Assessment will also recommend whether further bat surveys are required or</p>		

	<p>not. If further survey is required, this must take place during the active bat survey season of May until August.</p> <p>Further survey cannot be conditioned as advised by the Scottish Government. The full impact of a development on protected species or habitats must be known prior to planning consent being issued. Guidance is available in the PKC Planning for Nature Guidance Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p> <p>Breeding Birds</p> <p>For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Evidence of use of the building by breeding birds should be reported as part of the bat survey as well as compensation measures for any lost nest sites.</p> <p>I object due to a lack of ecological information.</p> <p>A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance. Applicants are encouraged to ensure information is submitted in accordance with the checklist to reduce future information requests and delays Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p>
Recommended planning condition(s)	The application cannot be assessed until further information is provided.
Recommended informative(s) for applicant	
Date comments returned	3 February 2023



SBM/70038

Your ref. LRB_2022_47

**DAD Scotland
156 Don Street
Forfar
Angus DD8**

RESPONSE TO BIODIVERSITY OFFICER REPORT

SUNNYHALL KINNAIRD INCHTURE

Our clients have read the report from the bio diversity officer and would reiterate that they are willing and prepared to get a Bat Survey carried out and also add in the nesting bird survey within that report.

However they would again like to express their disappointment at the fact that no one has visited the site and are making assumptions from photographs.

They have contacted a Bat Surveyor who will carry out a bat survey for them and this can be arranged as soon as possible if required but the surveyor has informed them that if there is evidence of bats there are a number of ways to mitigate any issues with building by installing bat slates or bat boxes.

As the works are extensions to the existing property the actual disturbance to the main roof is minimal and our bat surveyor suggests that if bats are there they would most likely move to the outbuildings.

My clients are willing to comply with any conditions or requirements which you may feel you wish to impose upon suitable surveys being carried out but would be obliged if some form of assurance that Planning Permission would be forthcoming even if subject to conditions surrounding Bat and wildlife surveys so that progress can be made with Building Warrant drawings etc.

Scott B Malcolm
Domestic Architectural Design Scotland.

LODESTAR TAYSIDE

ECOLOGICAL AND ARCHAEOLOGICAL ADVISORY SERVICE

[MEG MEARNS, NEWTON OF GLENISLA, BLAIRGOWRIE, PH11 8PE](#)

BAT SURVEY REPORT

SUNNYHALL

KINNAIRD

PH14 9QY

21 APRIL 2023

Surveyor: Meg Mearns: BSc (Hons) Zoology, Cert. Archaeology

Contract Surveyor for Scottish Natural Heritage, Tayside Biodiversity Partnership

Wildlife Lecturer at Dundee and Angus College

Bat Conservation Trust Member

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4.0 Survey Methods	3
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1.0 Survey Summary

Sunnyhall sits above the village of Kinnaird in an exposed position on the saddle between two tops on the Braes of the Carse. The original single storey farmhouse is dated to 1860 but has had 2 extensions that date to 15 – 20 years ago. The original outbuildings are unroofed. The garden is edged with mature shrubs and conifers and surrounded by rough pasture grazed by sheep. The nearest mature native trees are approximately 50m away, together with the headwaters of a small burn.

The age of the original building has triggered the requirement for a Preliminary Bat Report before planning permission can be granted for an extension. The plans are to add to the existing extension which is less than 20 years old.

This report concludes that there are no bats roosting in the roof of the Sunnyhall and the proposed extension will not affect any nearby bats. Bats have been recorded in the more sheltered areas of the village, downhill from Sunnyhall. The proposed extension will provide additional bat roosting areas should environmental conditions change and bats decide to expand their range up to Sunnyhall.



Image 1: Location of Sunnyhall above Kinnaird village

2.0 Purpose of Report

The preliminary Bat report was undertaken in April 2023 to establish the likelihood of bats roosting within the roof space, together with a desk top survey of local bat populations.

3.0 Existing Records in the Area

There are known to be six commonly found species of bats within 5km of the site, with Brown Long eared (*Plecotus auritis*), Common Pipistrelle (*Pipistrellus pipistrellus*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) occurring in populations around buildings and established woodland within the village of Kinnaird, particularly the Castle and farm buildings of Upper Mains Farm. These sites are downhill from Sunnyhall and in more sheltered locations.

Other bat species within Perthshire include Noctule (*Nyctalus noctula*). Noctules prefer to roost within trees and are unlikely to use the roof space within the house.

Brown Long Eared (*Plecotus auritis*) are bat species that prefer trees or much older buildings with capacity for long flight paths.

4.0 Survey methods

This survey was restricted to a preliminary potential roost assessment comprising of an internal and external inspection together with a desk-based survey to assess the potential for bat roosts. This preliminary survey was carried out on 21 April 2023 due to the urgency for moving forward with planning permission.

Visual inspection of the exterior and interior of the roof looked for:

- Signs of bats in crevices in walls, wall heads
- Areas of possible ingress by bats
- Signs of droppings on floor, walls, in cobwebs
- Urine staining, rub marks on potential exit/entry sites for bats

- Lifted or missing slates/flashings
- Eroded pointing

A desktop survey of database records from Nature Scot and Bat Conservation Trust revealed no further records than previously mentioned.

5.0 Survey Results

A detailed examination of the entire roof void was not possible due to restricted access arising from the depth of insulation covering the joists, storage within the roof void and the restricted head height. Access was gained to the 2 roof spaces nearest the proposed extension sites.

No current signs of bats were found to be present within this roof space or signs of exiting or entering the roof.

No droppings were seen on the insulation, no sign of lifted slates, no signs of urine staining or possible ingress from outside.

No signs of bat droppings in cobwebs. With little room for flight paths within the roof void it is unlikely bats will roost here. The roof timbers are relatively recent and in good condition. Roof vents are sealed internally and cobwebs around them contained no signs of bats.

There was no smell of bats within the roof space.



Image 2: Roof Space 1 – above door to south



Image 3: Roof Space 2 – above door to east



Image 4: Internal view of roof vent – cobwebs but no sign of bat droppings

Inspection of the interior and exterior of the roof revealed no lifted slates, no gaps and the ridging was intact and close fitting to the slates. The new roof (circa 2008) had been well constructed and all vents etc were well sealed. There is no opportunity for bats to have gained access to the internal roof void.



Image 5: Front door facing south



Image 6: Front of house facing south

There were no signs of bat droppings around the exterior of the property.

The outbuildings to the west of the house were noted to be unroofed with many crevices in the stone walls. The house is harled. The gardens are laid out to grass bordered by mature shrubs.



Image 5: Outbuildings to the west



Image 6: Garden to the east

6.0 Survey Conclusions and Interpretation

At the time of the survey there were no signs of bats at this property and no evidence that bats have or would use this house. Therefore there is no requirement for a further survey. The rationale for this is based on:

No signs of bats in or around the house.

The roof is relatively new and in good condition providing little access for bats.

The house is in an elevated position, exposed to the north winds through the gap between the hills of the Braes of Carse. It is highly unlikely bats would find this area a suitable habitat as it is too windy for insects and bats.

The buildings in the village and woodland areas offer other and more suitable options for bat roosts nearby. In this wider context of the local area, then insect and bat habitat is much more likely to be further down the hill into the more sheltered areas of the village.

The planning proposals would not disturb the existing roof space.

Therefore the impact of bats being disturbed by the proposed building work is extremely low/zero.

7.0 Recommendations

The proposed building works will have a very low/zero impact on the local bat populations.

As a general clause building work contractors must be aware of protocol in case they come across bats during work. Work should cease immediately and a licensed bat worker contacted for advice.

It is unlikely that bat enhancement measures such as bat boxes/bat slates would be effective in this location. The new roof spaces themselves will provide potential for bats should environmental conditions change in the future.

APPENDIX 1

The Conservation and Legal Status of Bats

Bats of all species in Scotland and their roosts are protected under the Conservation (Natural Habitats & Co) Amendment (Scotland) Regulations 2007, giving summer and winter roosts full protection from disturbance and damage. It is illegal to intentionally or recklessly kill or injure a bat, to disturb a roosting bat or to damage, destroy or obstruct access to any bat roost. Any action which is likely to disturb or damage a bat roost requires a licence from Nature Scot (Licensing section).

APPENDIX 2 Biology of Bats recorded within 5km of site

Nine species of bat occur in Scotland with four species commonly occurring in Perthshire. According to the Bat Conservation Trust bat numbers are thought to be maintaining base line counts of 2008 due to the ongoing vigilance, protection and habitat management.

There are 2 Pipistrelle species, the Common Pipistrelle (*Pipistrellus pipistrellus*) and the Soprano Pipistrelle (*Pipistrellus pygmaeus*), both of which are common to the area and widespread across Scotland. Both species occur in built up and rural habitats with foraging habitat along tree lines, woodland edges and riparian vegetation. Roost choices vary from heated spaces within houses (for summer maternity roosts) and man-made structures such as buildings and bridges, but also trees for small groups of males.

The Brown long-eared bat (*Plecotus auritus*) is usually found in wooded and rural areas, often, but not always, associated with the higher spaces of older farm buildings.

Daubenton's bat (*Myotis daubentonii*) is usually associated with water and almost always roost in trees within 50m of rivers or lochs. They are rarely associated with buildings.

All bats are insectivorous, with preferred foraging habitats being woodland, edge habitats and water.

Bats live in colonies and at some times of the year can aggregate in large numbers. Pregnant females form nursery colonies in May and their young are born in June/July, being reared in summer roosts. They leave these roosts in August/ September (October for long-eared bats). The males live solitary lives, roosting in trees and farm buildings.

Bats hibernate throughout the winter when their insect food supply diminishes. During hibernation their metabolic rate and body temperature decrease, making them vulnerable to predation. Hibernacula require cool, constant environmental conditions of temperature and humidity.

APPENDIX 3 Nesting Birds around the house

The gardens around the house are enclosed by hedges and mature shrubs providing opportunities for many small birds. Swifts and house martins will not favour Sunnyhall as it is a single storey building. By avoiding the build during the bird nesting season from March to August the proposed works will not cause any disturbance to birds.

CDS Planning Local Review Body

From: Keith Stirton
Sent: 15 May 2023 15:31
To: CDS Planning Local Review Body
Cc: Jessica Guild; Audrey Brown
Subject: FW: LRB-2022-47: 22/00772/FLL
Attachments: 2200772FLL Memo 15.05.2023.docx; 20230504 Planning (47).pdf; 20230426 Bat Survey (47).pdf

Please see the Biodiversity Officer's Memo, in response to the consultation request, attached.

The position of Development Management is that the development proposal remains unacceptable for the reasons for refusal stated in Reason 1;

"The proposal, by virtue of its double-depth plan, excessive volume, proportions and visual massing, unsympathetic windows and doors, varying roof pitches, incongruous mansard roof design, and combined, cumulative effects, would overwhelm the modest cottage and significantly detract from its character and appearance.

Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that development contributes positively to the quality of the built environment, in terms of design, appearance, height, scale, massing and materials, in order to respect the character and amenity of the place".

However, should the Local Review Body be minded to approve the application contrary to the above policies and guidance, the informative note and planning conditions stated in the Memo should be included in the decision notice.

Kind regards,

Keith Stirton
Planning Officer
Development Management
Planning & Development
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00772/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Extension to dwellinghouse and erection of porch		
Address of site	Sunnyhall Kinnaird Inchtute Perth PH14 9QY		
Comments on the proposal	<p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>The submitted Bat Survey Report contains the bare amount of information required to inform a planning application. The report lacks methodology, reference to the published best practice - Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) (Collins, 2016), experience of surveyors and references for statements about effectiveness of bat boxes/bat slates.</p> <p>The Report should use the terminology in the Guidance named above but instead uses terms such as 'little access' not negligible access and that there is 'very low/zero risk of disturbance'. The Report does not state if this is low or negligible and the outcomes are different - low needs a bat survey and negligible doesn't.</p> <p>Having reviewed the photos of the property, this Report can be used to inform this planning application if the below conditions and informative are added to any consent. The Report concludes that no further survey is required.</p> <p><u>Biodiversity Enhancement</u> Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations. Measures may include:</p> <ul style="list-style-type: none"> • Providing nesting boxes, bricks or tubes for swallow, house martin and tree sparrows. • Providing nesting boxes for kestrel and owls in woodland. <p>This development could result in biodiversity enhancement by providing nest boxes for breeding birds such as swallow, house martin and tree sparrows. This would contribute towards actions in the Tayside Local Biodiversity Action</p>		

	Plan. Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <p>NE00 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) INSERT relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.</p> <p>NE03 Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, 3 nest boxes for tree sparrows shall be provided. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.</p>
Recommended informative(s) for applicant	<p>BATS</p> <p>Due to the nature of the proposal, it is important to keep in mind the possibility of finding bats when undertaking construction works. If bats are found during works, the work should stop immediately, and you should contact NatureScot Species Licensing Team for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult NatureScot for advice. For further information visit the Bat Conservation Trust website http://www.bats.org.uk/ . Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.</p>
Date comments returned	15 May 2023

