

TCP/11/16(254)
Planning Application 12/02209/FLL – Alterations and
extension to dwellinghouse at 8 Gellyburn Road,
Almondbank, PH1 3LA

**PAPERS SUBMITTED
BY THE
APPLICANT**

14 MAY 2013

NOTICE OF REVIEWUnder 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 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.PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	WA/0702
Forename	DAVID + DONNA	Forename	W. M.
Surname	MCDONALD.	Surname	ARMSTRONG
Company Name	—	Company Name	—
Building No./Name	NO. 8	Building No./Name	—
Address Line 1	GELLYBURN ROAD.	Address Line 1	VIEWFIELD.
Address Line 2	ALMONDBANK	Address Line 2	FORGANDENNY
Town/City	PERTH.	Town/City	PERTH.
Postcode	PH1. 3LA.	Postcode	PH2. 9EL
Telephone	[REDACTED]	Telephone	01738. 813309
Mobile	—	Mobile	—
Fax	—	Fax	01738. 812641
Email	—	Email	warrior@btinternet.com
3. Application Details			
Planning authority		PERTH + KINROSS COUNCIL	
Planning authority's application reference number		12/02209/FLL	
Site address			
8. GELLYBURN ROAD ALMONDBANK PERTH PH1. 3LA.			
Description of proposed development			
ALTERATIONS + EXTENSION TO DWELLING HOUSE			

Date of application

18 DECEMBER
2012

Date of decision (if any)

6 MARCH 2012

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. 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.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, 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 necessary.

7. Site inspection

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

Can the site be viewed entirely from public land? FROM PLAYING FIELD



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



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

MUST ALSO VIEW 12 LUMSDEN CRESCENT

8. 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 ENCLOSED STATEMENT AND ACCOMPANYING DOCUMENTS

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

12. LUMSDEN CRESCENT IS AN EXAMPLE OF THE SAME TYPE OF TWO-STOREY EXTENSION; APPROVED IN 2009/10. IT WAS ASSUMED THAT THE PLANNING OFFICER WOULD BE AWARE OF THIS PRECEDENT AND EVIDENCE OF PREVIOUS DECISION

9. 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

- 1 OS/MAP. SHOWING LOCATION OF 12, LUMSDEN CRESCENT
- 2 PHOTOGRAPHS OF LUMSDEN CRESCENT
- 3 LAYOUT. ILLUSTRATING PARALLEL WITH APPLICATION
- 4 SITE PLAN.
- 5 1/100 DRAWINGS. DAYLIGHT AS PROPOSED AT 8. GELLYBURN ROAD AND APPROVED AT 12, LUMSDEN CRESCENT.

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.

10. Checklist

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

Full completion of all parts of this form ☒

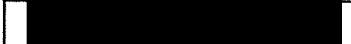
Statement of your reasons for requesting a review ☒

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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: W. M. ARMSTRONG Date: 10 MAY 2013

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

NOTICE OF REVIEW 8 STATEMENT

Perth & Kinross Council Refusal of Planning Permission Application Number 12/02209/FLL dated 6 March 2013

There are three reasons given for the refusal. The first two depend on Policy 71 of the Perth Area Local Plan 1995. Incorporating Alteration No 1 Housing Land 2000. The third depends on not establishing a precedent for developments of a similar nature. There are two points to be made from the outset.

In a review of the grounds of an appeal in 2004 on application number 03/1962/FUL the reporter allowed the appeal stating that "Policy 71 lays down no criteria for day light and sunlight standards either for a new building or extensions. There is no qualitative or quantitative statement which the applicant can adopt or which the Planning Officer can enforce in Policy71" This situation has not changed, policy 71 deals with shopping facilities, small scale business activities and proposals for tourism. The third reason refers to not creating a precedent. I refer you to 12, Lumsden Crescent, which received planning permission in 2009/10 and is almost a 100% replica of application number 12/02209FULL.

REASON 1

The scale of the proposal as illustrated on the attached drawings and photograph is similar to 12 Lumsden Crescent. The dimensions of the application are 5.5 metres wide and 3.3 metres deep and of the existing example 4.4m x 4.4m wide; 18 and 19.5 sq. metres respectively and of the same height from ground to ridge and gutter.

There is nothing in Policy 71, as amended, or the policy RDI which affects this proposal and any changes incorporated in the proposed local development plan, January 2012, cannot be material considerations in refusing the application. It cannot be overbearing and a dominant impact on the character of the area contrary to a policy, which is not relevant and makes no reference to this criteria.

REASON 2 –Sunlight and Daylight

Policy 71 as stated already lays down no criteria for daylight and sunlight standards, therefore there is no yardstick to judge this effect of the extension. BRE Information Paper 1P5/92 gives recommendations and a method of calculating the effect of extensions on daylighting of adjoining property. By using the method it is shown that one of the windows lies within the shaded area but this is compensated for by the through design of the living room , where the window on the south side already provides sufficient daylight, i.e. the area of daylight is 1/15 of the room floor area. The first floor bedroom is only affected to a minimum degree, as shown. There is already some affect from the single storey extension which has been accepted at 8 Goodlyburn Road, establishing a precedent.

BRE Information Paper 1P4/92 gives recommendations for site layout planning to achieve good access to sunlight. The orientation of nos. 8 & 10 Goodlyburn Road is virtually due North and South and therefore the elevation in question receives very little sunlight if any. Kitchens and bathrooms are considered less important. The north south orientation limits the sunlight available to the garden areas which are not affected by the proposal. The application

does not and cannot reduce the sunlight hours and is not detrimental to the residential amenity.

Overlooking is referred to in the Planning Officers report. In fact it is not increased but decreased as shown on the layout drawing. The two storey extension moves the first floor bedroom windows 3.3m to the north reducing the overview of the existing garden of No. 10 to 14%. The only other overview is to Goodlyburn School playing fields.

REASON 3

The precedent of a two storey extension of a similar nature is already established at 12 Lumsden Crescent, as illustrated on drawings and photographs. The factors of daylight, sunlight and overlooking must have been considered and agreed to in granting Planning Permission. The orientation of 8 & 10 Goodlyburn Road limits the effect of sunlight in the original proposal and daylight is only marginally affected; mitigated in the living room by the see through window provision. It is an exaggeration to contend that approval would undermine and weaken the established policies of Perth Area Local Plan 1995 which does not deal with sunlight, daylight or overlooking as established by the Reporter in 2004.

WA/May 2013.



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evidence of a right of way.

The representation of features as lines is no evidence
of a property boundary.

A - 12 LUMSDEN CRESCENT- EXISTING 2-STOREY EXTENSION.

B - 8 GELLYBURN ROAD- PROPOSE 1ST FLOOR ADDITION.
SUBJECT OF NOTICE OF REVIEW
PLANNING APPLICATION 12/02209/FLL

0 20 40

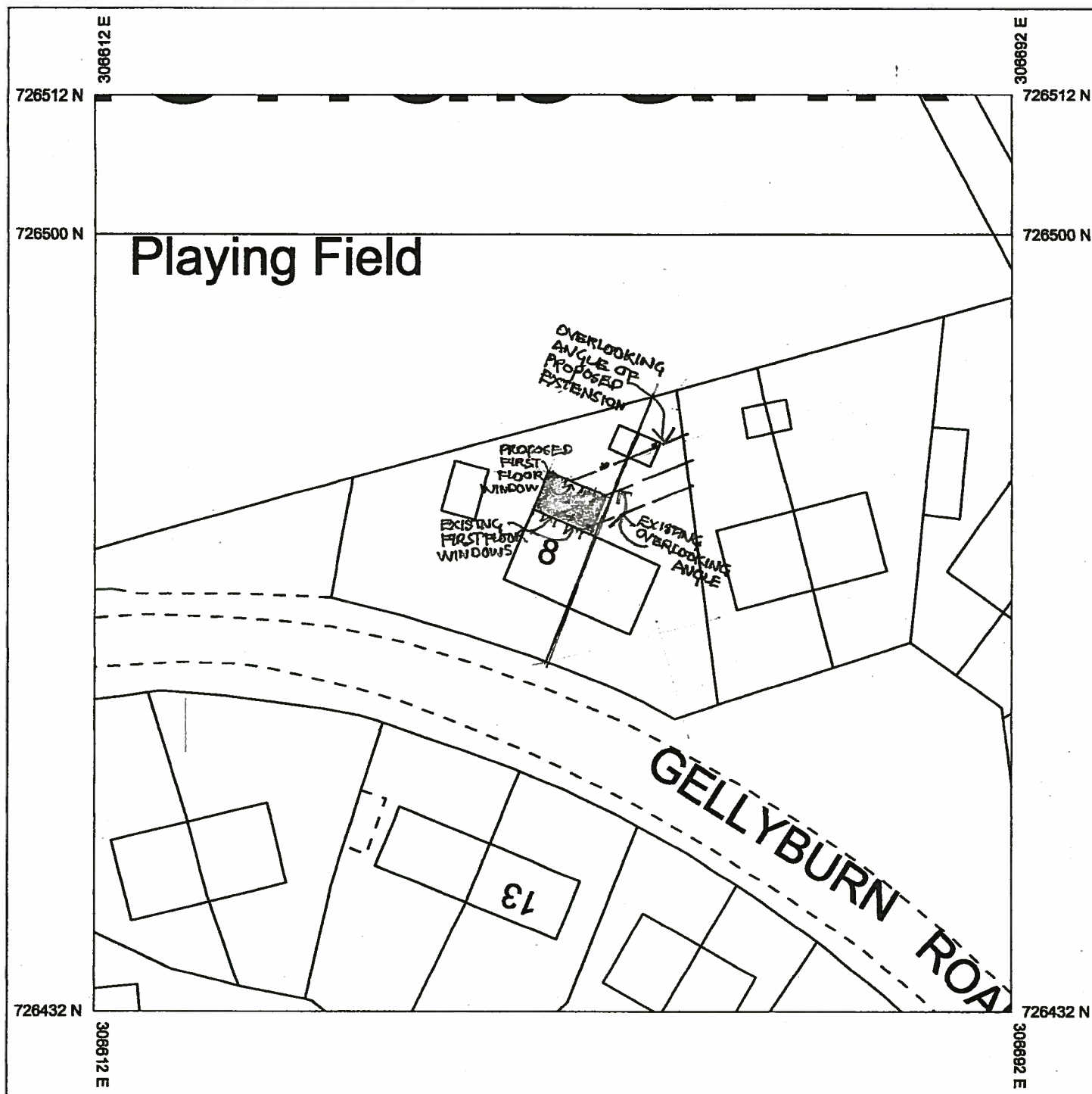
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Supplied By: Danscot Perth

Serial number: 001097309

Plot Centre Coordinates: 306654, 726396

NR-1



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OVERLOOKING ANGLES COMPARED
NOTICE OF REVIEW 12/02209/FL



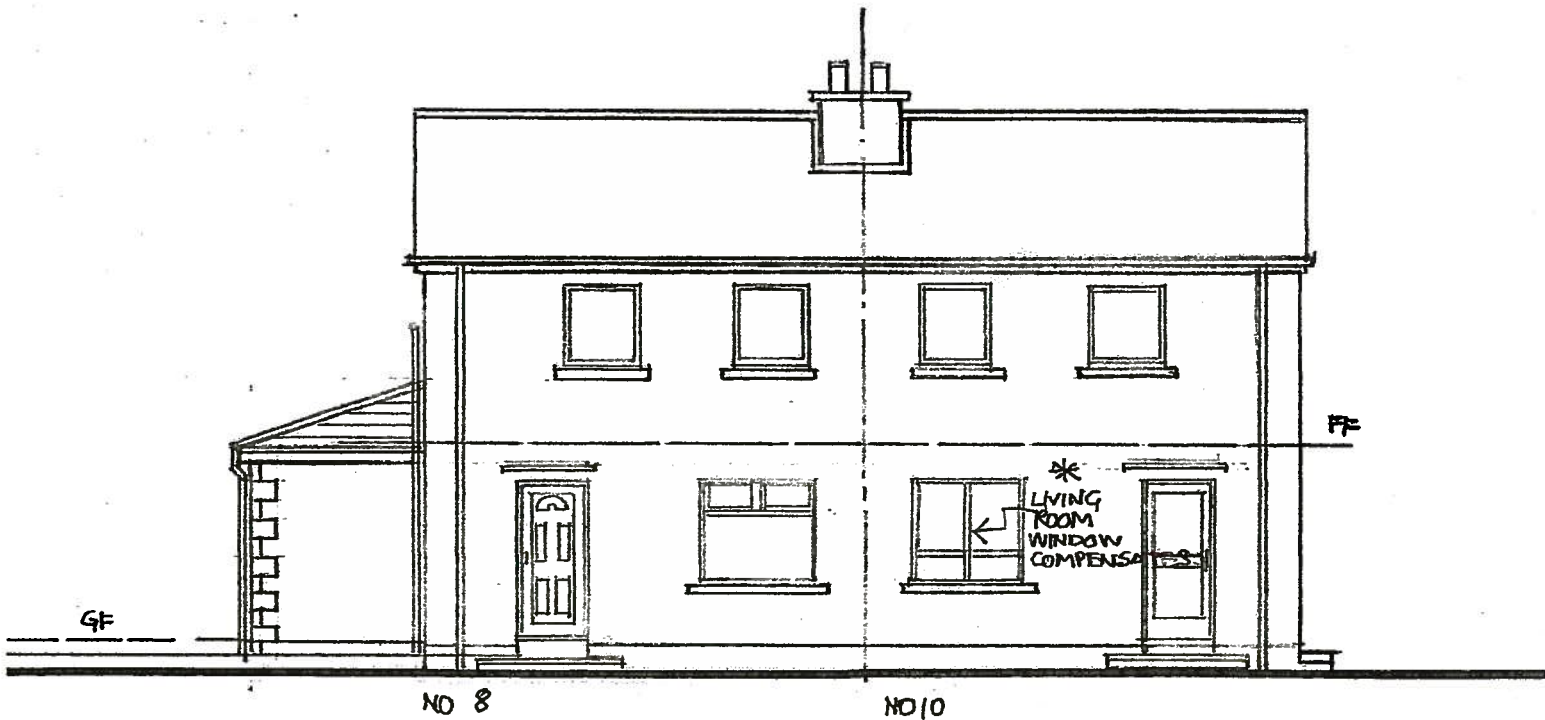
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Supplied By: Danscot Perth

Serial number: 001074547

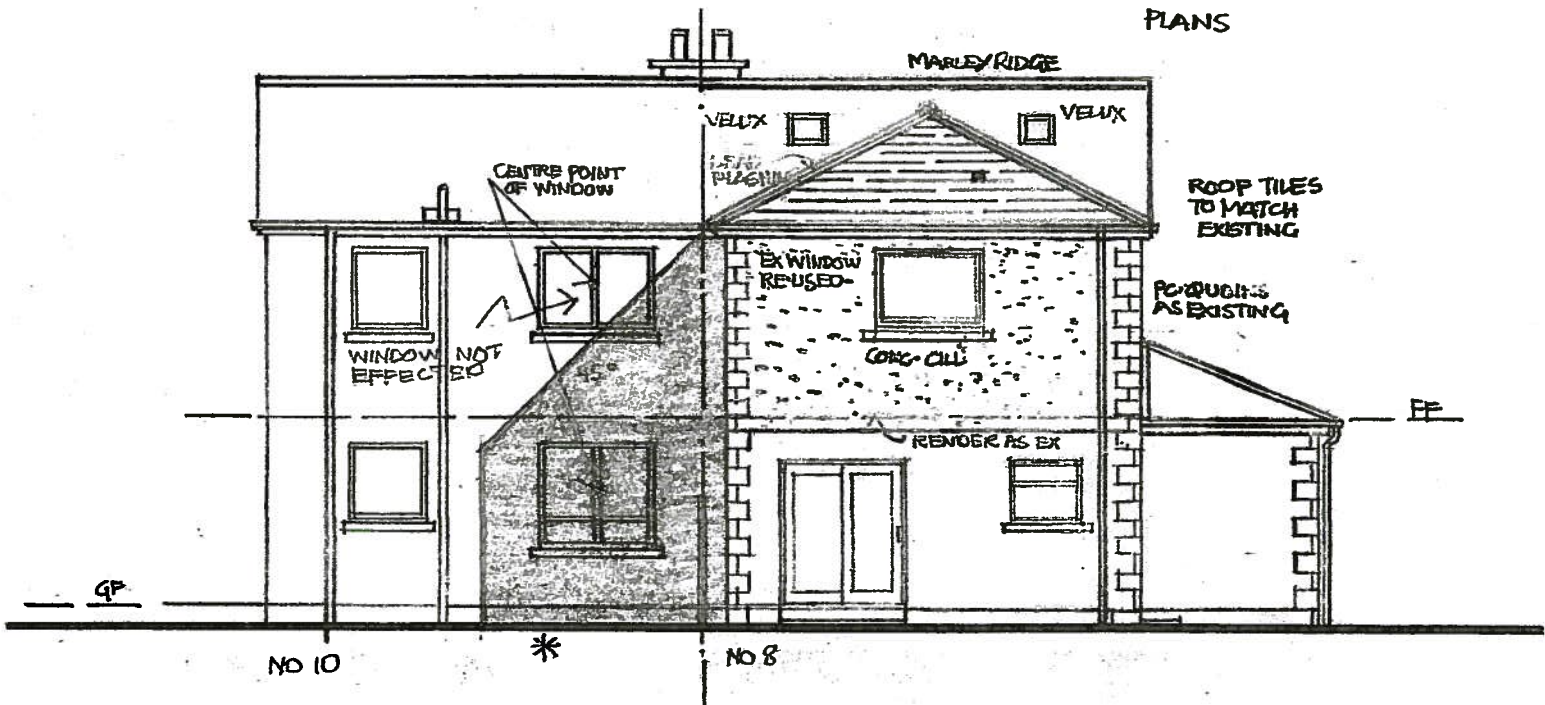
Plot Centre Coordinates: 306652, 726472

NR.2



FRONT ELEVATION

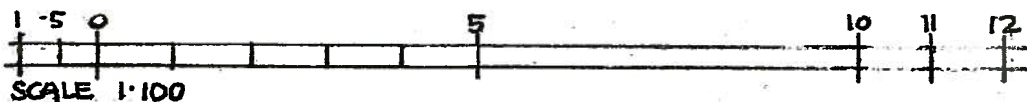
NOTICE OF REVIEW
12/02209/FLL
TO BE READ WITH
PLANS



REAR ELEVATION

PROPOSED

NR. 4



SCALE 1"=100

DRAWING NO. 0702.56
SCALE 1"=100

NR.5

12 LUMSDEN CRESCENT
EFFECT OF 45° ON APPROVED EXTENSION

10 LUMSDEN
CRESCENT

LINE OF
DAYLIGHT
RESTRICTION

BOUNDARY





12. LUMSDEN CRESCENT.

NR. 6



12- LUMSDEN- CRESCENT

NR.7

TCP/11/16(254)

Planning Application 12/02209/FLL – Alterations and extension to dwellinghouse at 8 Gellyburn Road, Almondbank, PH1 3LA

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr And Mrs McDonald
c/o W M Armstrong
Viewfield
Forgandenny
Perth
PH2 9EL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 6th March 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/02209/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 10th January 2013 for permission for **Alterations and extension to dwellinghouse 8 Gellyburn Road Almondbank Perth PH1 3LA** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The two storey extension is considered to be excessive in scale. Consequently it has an overbearing and dominant impact on the character of the area contrary to Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.
2. The proposed development will overshadow the neighbouring semi-detached property resulting in an unacceptable loss of sunlight and daylight and will be detrimental to their residential amenity, contrary to policy 71 of the Perth Area Local Plan 1995 incorporating Alteration No1 - Housing Land 2000.
3. The development, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the area, which would therefore undermine and weaken the established policies of the Perth Area Local Plan 1995.

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 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

12/02209/1

12/02209/2

12/02209/3

12/02209/4

12/02209/5

12/02209/6

12/02209/7

12/02209/8

**‘REPORT OF HANDLING
DELEGATED REPORT**

Ref No	12/02209/FLL
Ward No	N9- Almond And Earn

PROPOSAL: Alterations and extension to dwelling house

LOCATION: 8 Gellyburn Road, Almondbank, PERTH, PH1 3LA.

APPLICANT: Mr & Mrs McDonald

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 17 January 2013



OFFICER'S REPORT:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan applicable to this area comprises the TAYplan Strategic Development Plan 2012 and the Perth Area Local Plan 1995 Incorporating Alteration No.1 Housing Land 2000. The Local Development Plan - Proposed January 2012 is viewed as a material consideration.

Site description:-

The application site 8 Gellyburn Road, Almondbank is an south south west facing semi-detached 2 storey dwelling house (footprint measuring approximately 40sqm within a curtilage measuring approximately 372sqm). External finishes: concrete inter locking roof tiles; brown dry dash; white uPVC doors and windows. Hipped roof 1 storey side extension on west north west elevation (foot print approximately 12sqm). External finishes: pre-cast concrete quoins with remaining finishes matching. Hipped roof 1 storey rear extension on north north east elevation (foot print approximately 20sqm). External finishes matching.

The proposal is:-

Extend the dwelling house to the rear by adding 1 storey hipped roof on top of the existing ground floor rear extension with the addition of 2 additional roof lights. External finishes matching.

Assessment

The determining issues in this case are whether:-

- o The proposal complies with Development Plan policy;
- o There are any other material considerations.

There are no issues of strategic relevance raised in this application.

Unlike detached dwellings extending a semi-detached property often has greater planning implications due to the proximity of the adjoining dwelling house. Particular care is required to avoid excessive overlooking, overshadowing or an overbearing impact. A useable garden space, access, off-street car parking as well as the character or appearance of the house and its surroundings should be maintained.

Residential Amenity

In this case I consider that the proposal will have a significantly adverse impact on the residential amenity of the neighbouring property. The proposed extension will overshadow the neighbouring semi-detached property resulting in an unacceptable loss of sunlight and daylight. The proposal is therefore contrary to policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No.1 Housing Land 2000.

Overlooking and Overshadowing

Extensions to existing properties have the potential to result in overlooking and overshadowing to neighbouring dwelling houses and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the

new extension and those that live in adjoining dwellings. A useful guideline to measure the impact of an extension on the neighbour is the "45 degree" approach. The purpose of this is to make sure that a development does not take away too much daylight. It is based upon the notion that it is reasonable to expect a certain level of light and unobstructed view from a habitable room window. To comply with the approach, no part of a two storey development should cross the line drawn at a 45 degree angle from the centre of the closest ground floor habitable room window of neighbouring properties. As the extension is proposed a distance of 0.6 metres from the boundary with No 10 I consider there to be excessive overshadowing.

Design

The two storey extension is considered to be excessive in scale.

Private Amenity Space

In terms of overbearing I consider it to have an excessive effect on the private amenity space of No 10.

Visual Amenity

The external finishing materials will match those of the original dwelling house.

Access and Parking Arrangements:

The existing access arrangements are maintained.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Perth Area Local Plan 1995, in particular Policy 71. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

DEVELOPMENT PLAN

TAYplan Strategic Development Plan 2012

The strategic plan has set down three key principles, which it seeks to achieve through targeted objectives:

Ensuring effective resource management and promoting an accessible, connected and networked region;
Supporting sustainable economic development and improving overall regional image and distinctiveness;
Enhancing the quality of place through better quality outcomes.

There are no issues of strategic relevance raised in this application.

Perth Area Local Plan 1995 Incorporating Alteration No.1 Housing Land 2000

Villages/Background Policy

POLICY 71: Inset Maps 1 - 40 indicate village areas and small settlements where residential amenity and village character will be retained and, if possible, improved. Generally encouragement will be given to:-

Proposals which will improve the character and environment of the village.

Perth & Kinross Council Local Development Plan - Proposed Plan January 2012

Perth & Kinross Council Local Development Plan - Proposed Plan January 2012

Members will be aware that on the 30 January 2012 the Proposed Plan was Published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Under the LDP the site is located within the settlement of Almondbank.

Policy RD1

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.

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 of a similar density to its environs.
- (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
- (c) Proposals which will improve the character and environment of the area or village.
- (d) Business, home working, tourism or leisure activities.
- (e) Proposals for improvements to community and educational facilities.

SITE HISTORY

07/00804/FUL Extension to dwelling house 11 June 2007 Application Permitted

CONSULTATIONS/COMMENTS N/A

TARGET DATE: 10 March 2013

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors:

At the time of writing this report, no letters of representation had been received.

Response to issues raised by objectors: N/A

Additional Statements Received:

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

Legal Agreement Required: - not required.

Direction by Scottish Ministers: - not required.

Reasons:-

- 1 The two storey extension is considered to be excessive in scale. Consequently it has an overbearing and dominant impact on the character of the area contrary to Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.
- 2 The proposed development will overshadow the neighbouring semi-detached property resulting in an unacceptable loss of sunlight and daylight and will be detrimental to their residential amenity, contrary to policy 71 of the Perth Area Local Plan 1995 incorporating Alteration No1 - Housing Land 2000.
- 3 The development, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the area, which would therefore undermine and weaken the established policies of the Perth Area Local Plan 1995.

Justification

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

10 50

50

150

SCALE 1:1250

PERTH AND KINROSS COUNCIL

LOCATION
PLAN

DRAWING REF.

12/02209/1

Pitcairn School

Almondbank

Playing Field

Barberry Lane

GELLYBURN

CRESCENT

MANSE LANE

TCB

KIRKHAL ROAD

El Suh Sta

37.5m

Kerain

Bridgeton

Kirkhall

Playground

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Title: 8 GELLYBURN ROAD PH1 3LA MR+MRS D. McDONALD

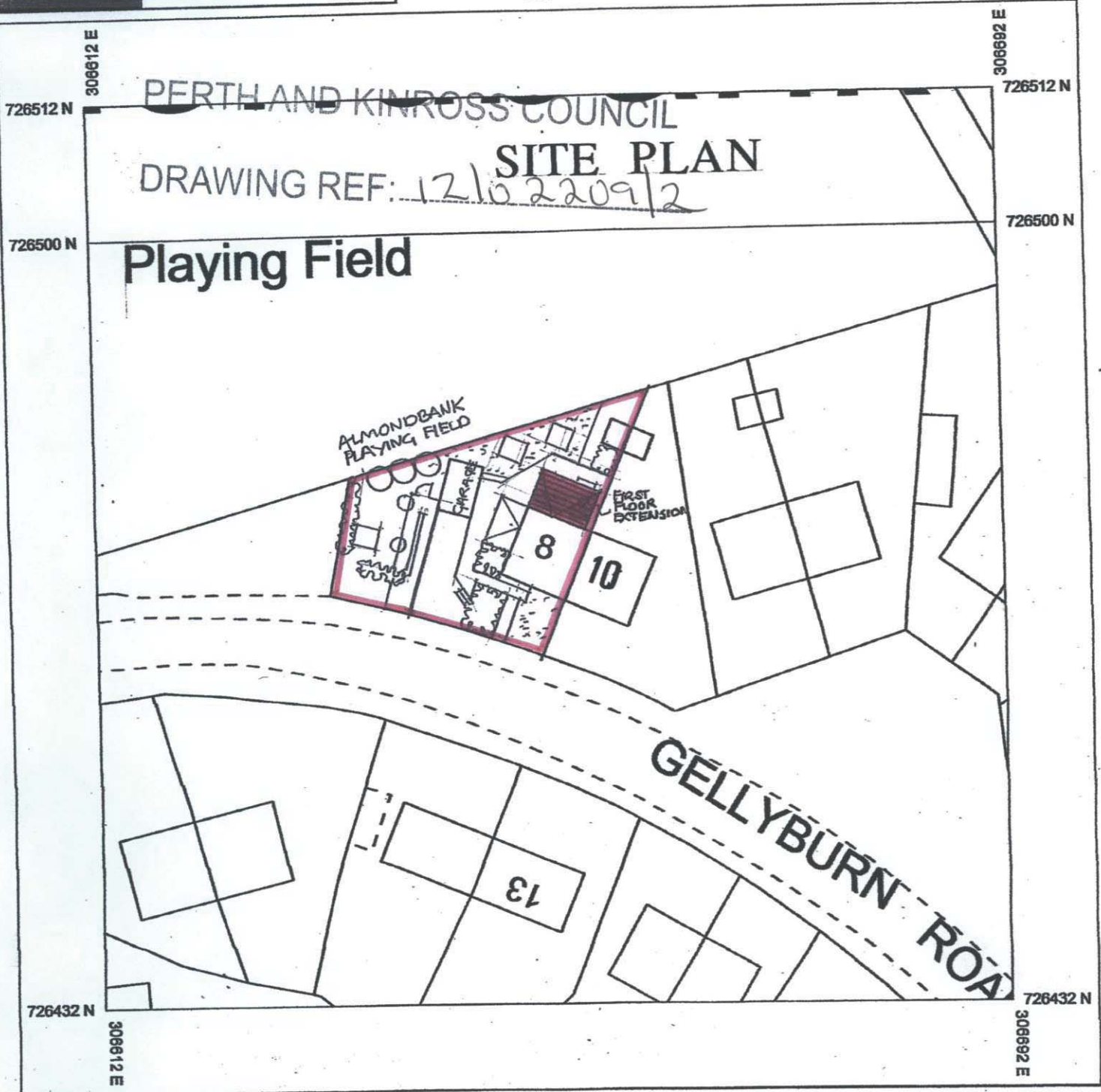
Licence number 100013289. 2006.

Contact: W.M. ARMSTRONG ARCHITECT (01738 813309)

Date: NOVEMBER 2012

DRG NO 0702/50

Scale:
1:1,250



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DRAWING NO. 0702.52



Scale 1:500

Supplied By: Danscot Perth

Serial number: 001074547

Plot Centre Coordinates: 306652, 726472

FIRST FLOOR EXTENSION AT
8, GELLYBURN ROAD
ALMONDBANK, PERTH, PH1, 3LA
FOR
DAVID + DONNA, McDONALD

ARCHITECT.
W.M. ARMSTRONG
RIBA · ARIAS
VIEWFIELD, FORGANDENNY
PERTH, PH2, 9EL
TEL. 01738 813309
FAX. 01738 812641

1 5 0
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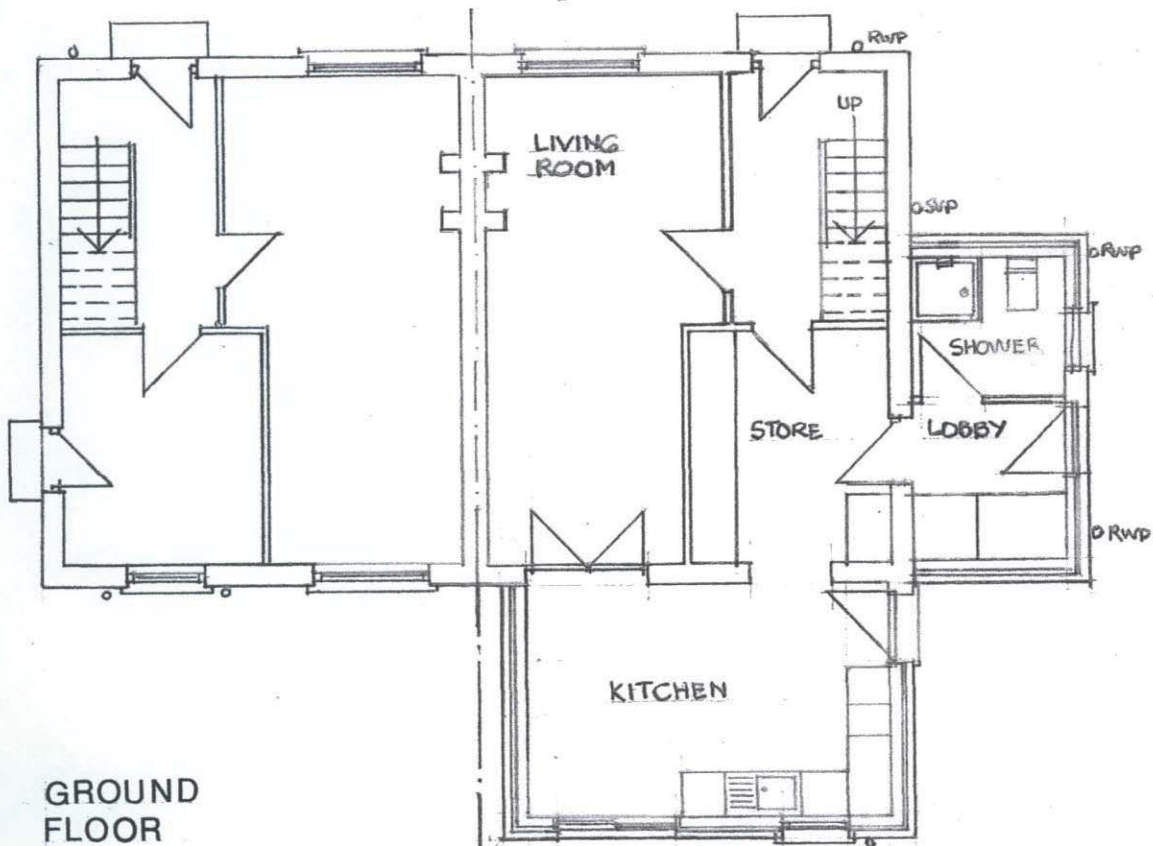
PERTH AND KINROSS COUNCIL

No 10

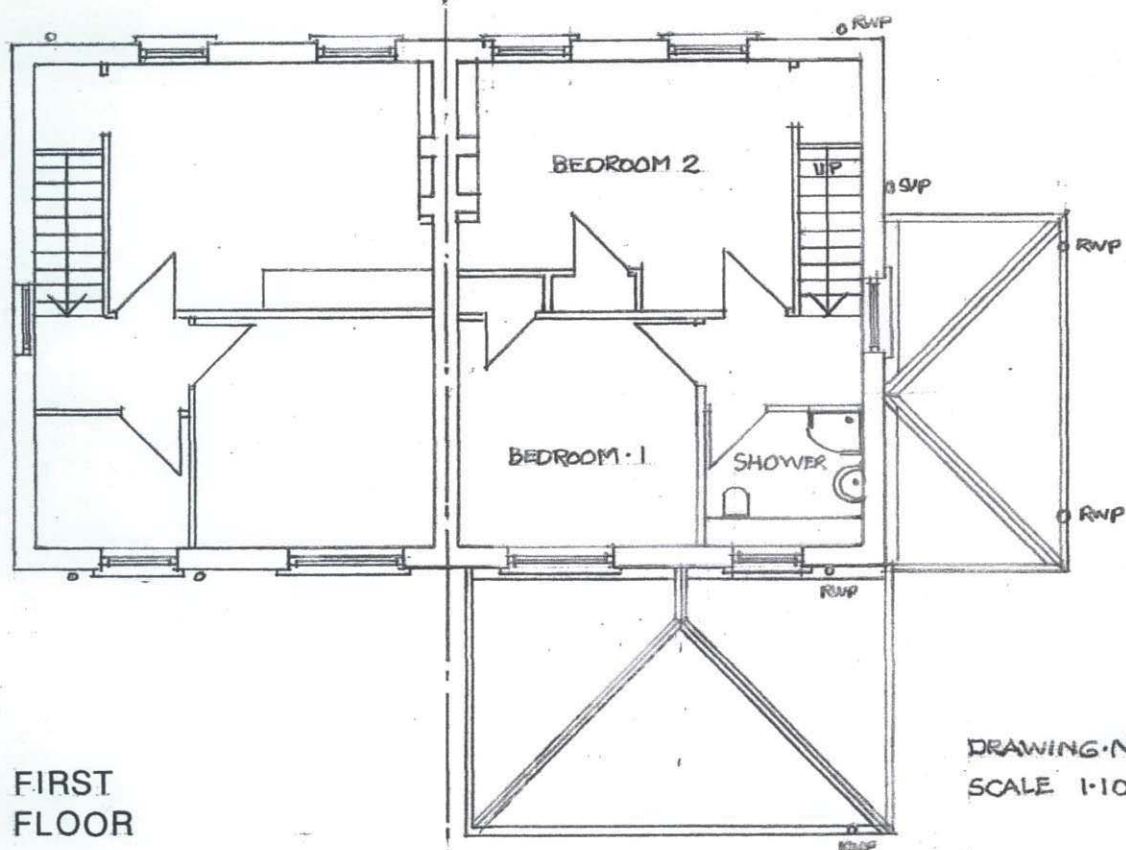
EXISTING

No 8

DRAWING REF: 12/02209/3



GROUND
FLOOR



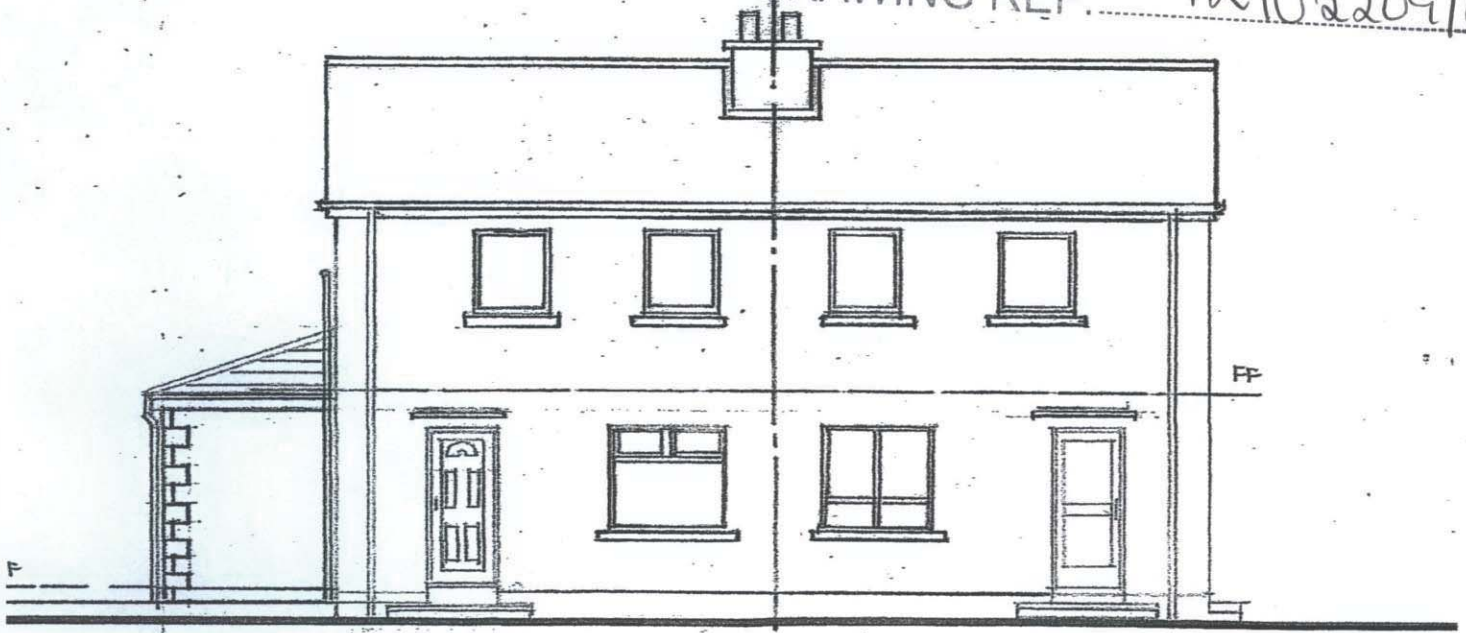
FIRST
FLOOR

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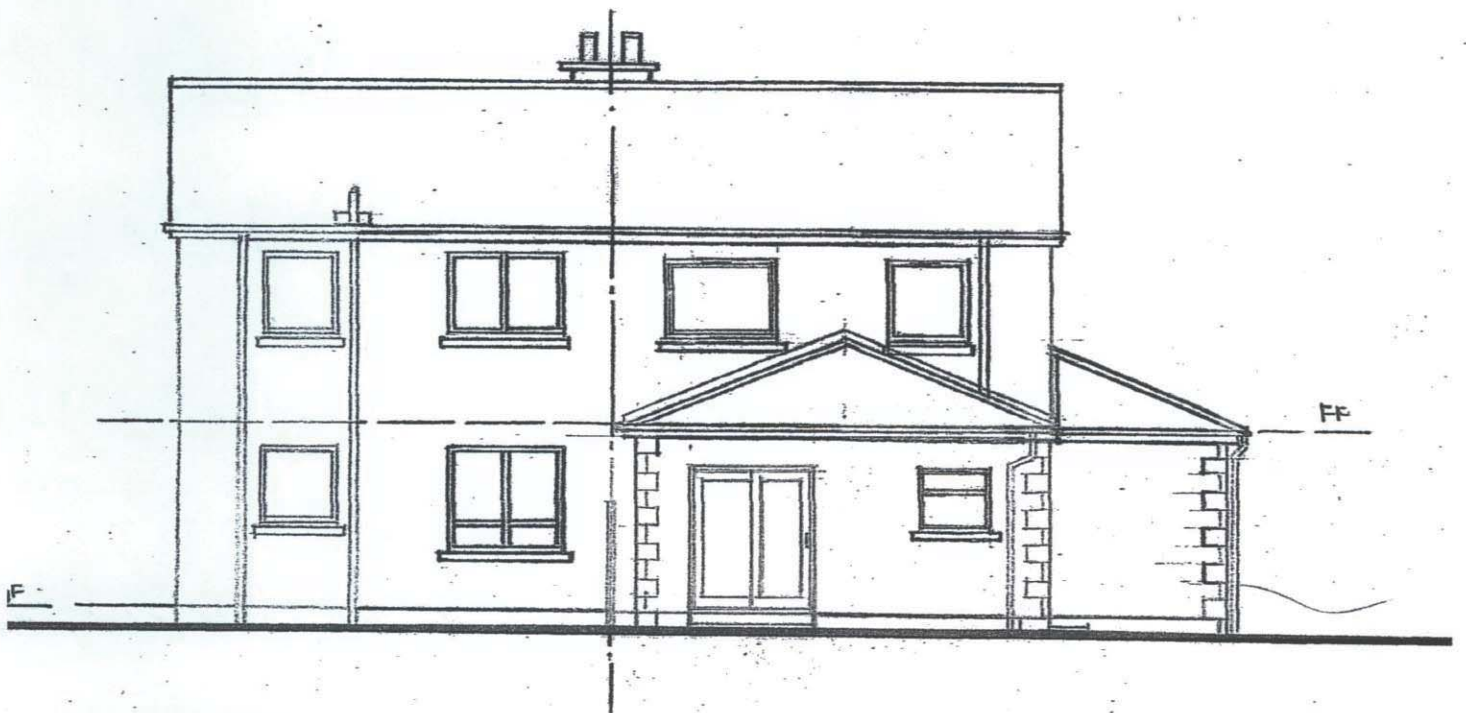
EXISTING

PERTH AND KINROSS COUNCIL

DRAWING REF: 12/02209/4



FRONT ELEVATION SOUTH

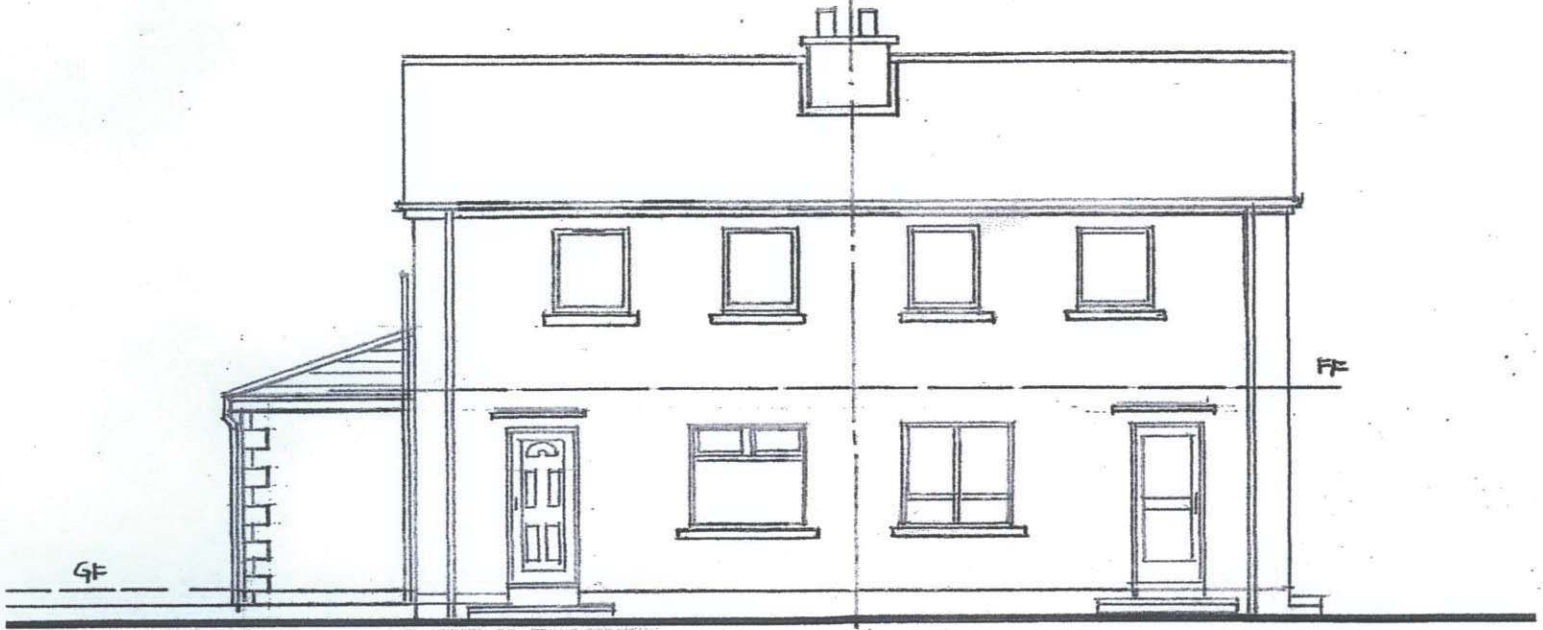


REAR ELEVATION NORTH

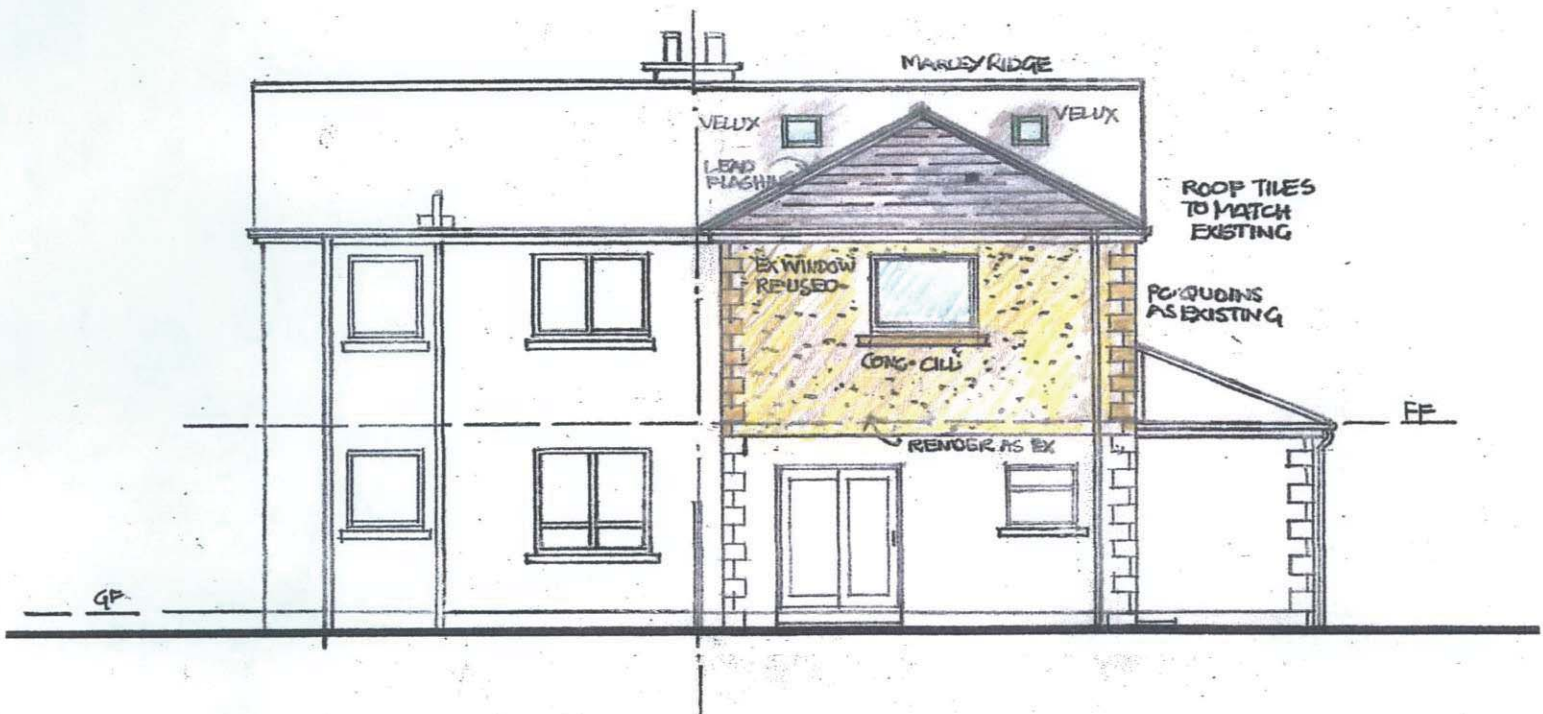
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PERTH AND KINROSS COUNCIL

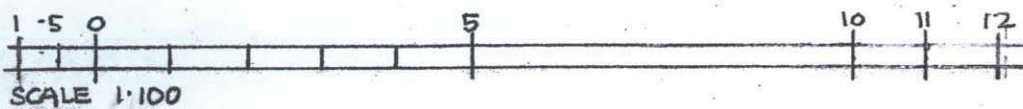
DRAWING REF: 12/02209/5



FRONT ELEVATION SOUTH



REAR ELEVATION NORTH
PROPOSED



DRAWING NO: 0702.56
SCALE 1:100



SCALE 1:100

No 10

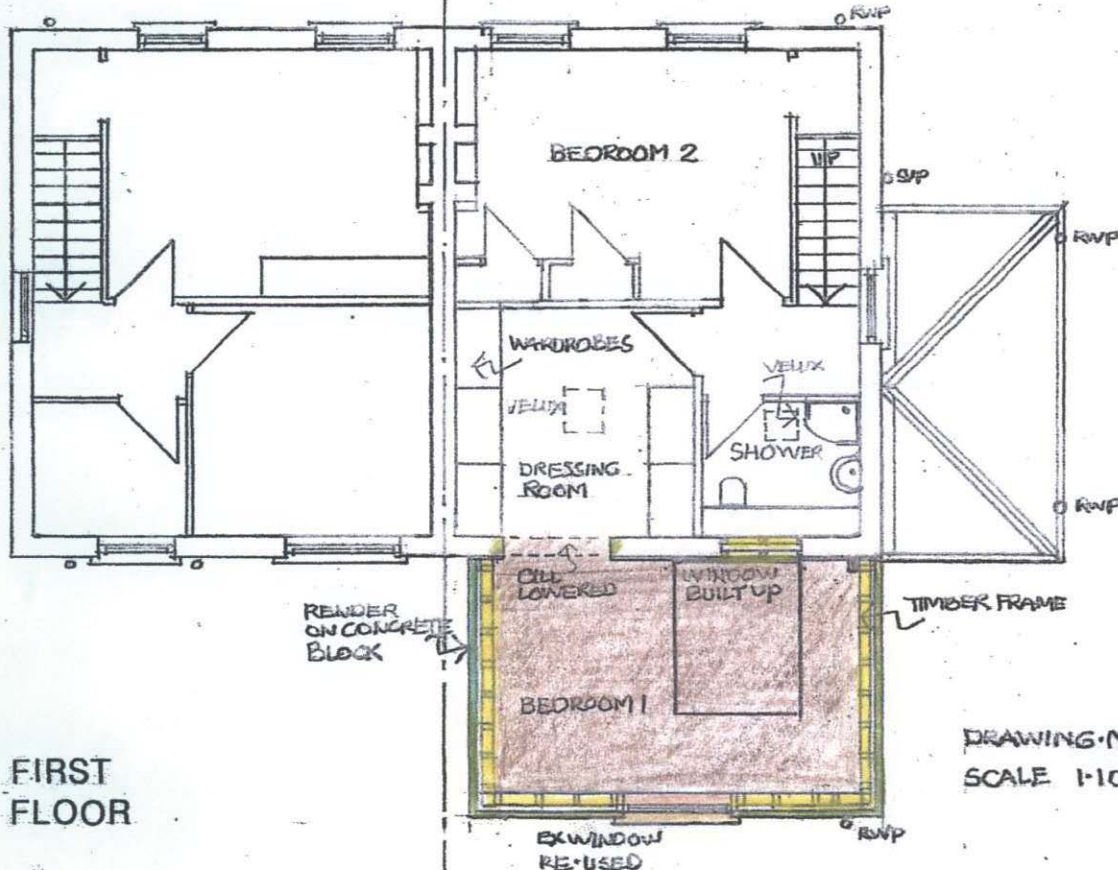
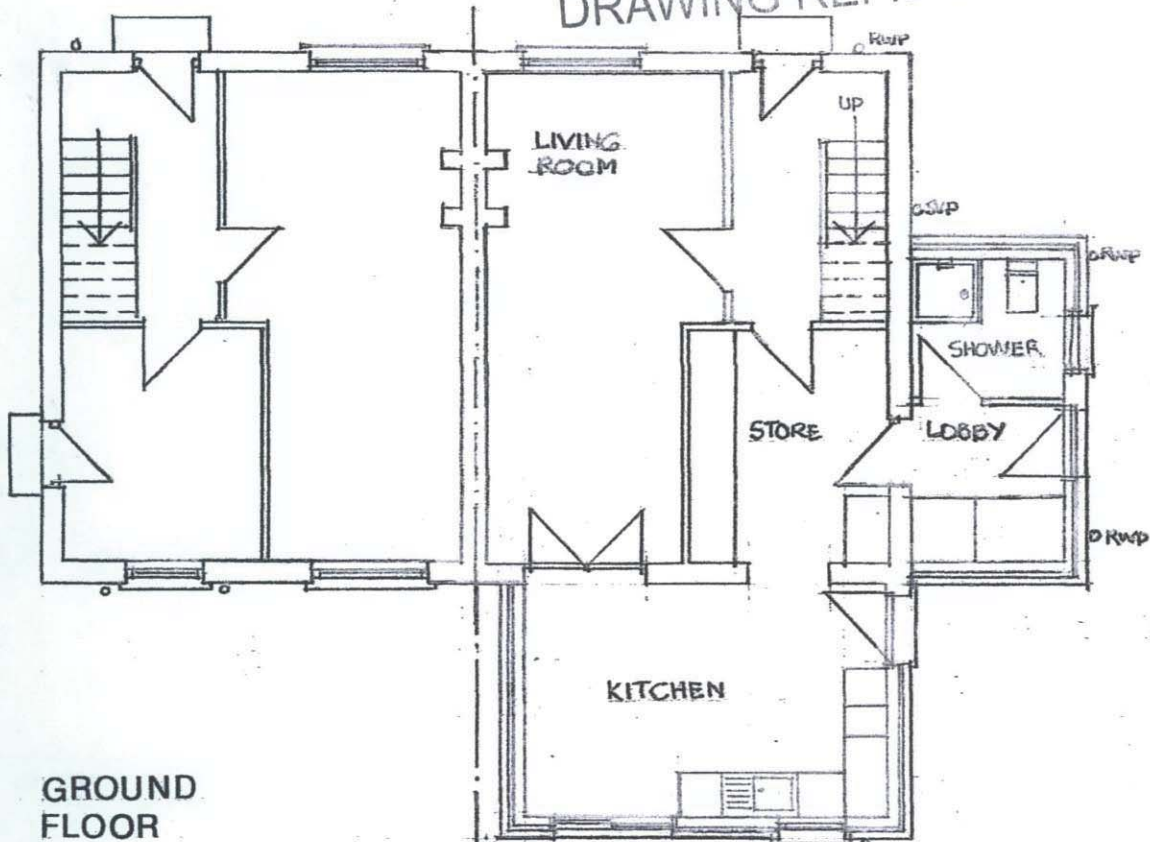
PROPOSED

No 8

PERTH AND KINROSS COUNCIL

DRAWING REF:

12/02209/6



DRAWING NO 070254
SCALE 1:100

SIDE ELEVATION WEST

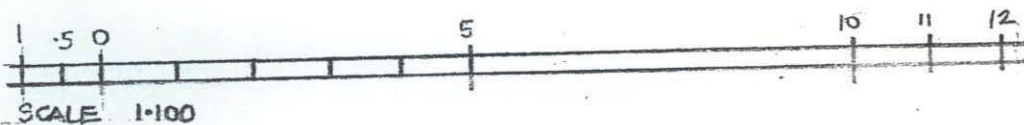
DRAWING REF: 12/02209/7



PROPOSED



EXISTING



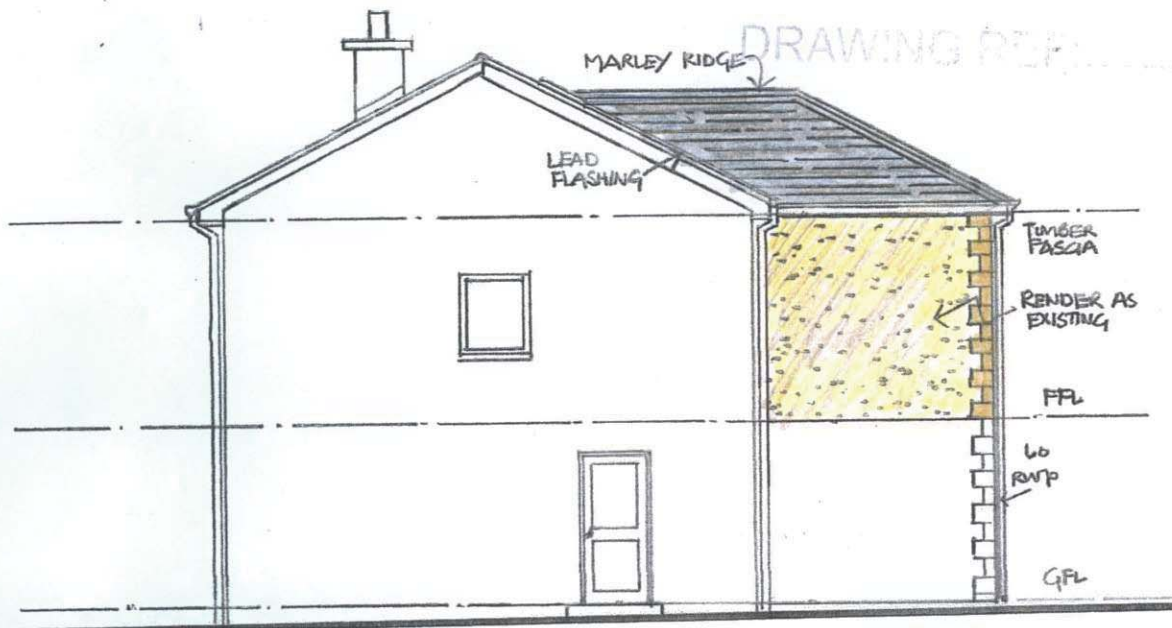
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SIDE ELEVATION EAST

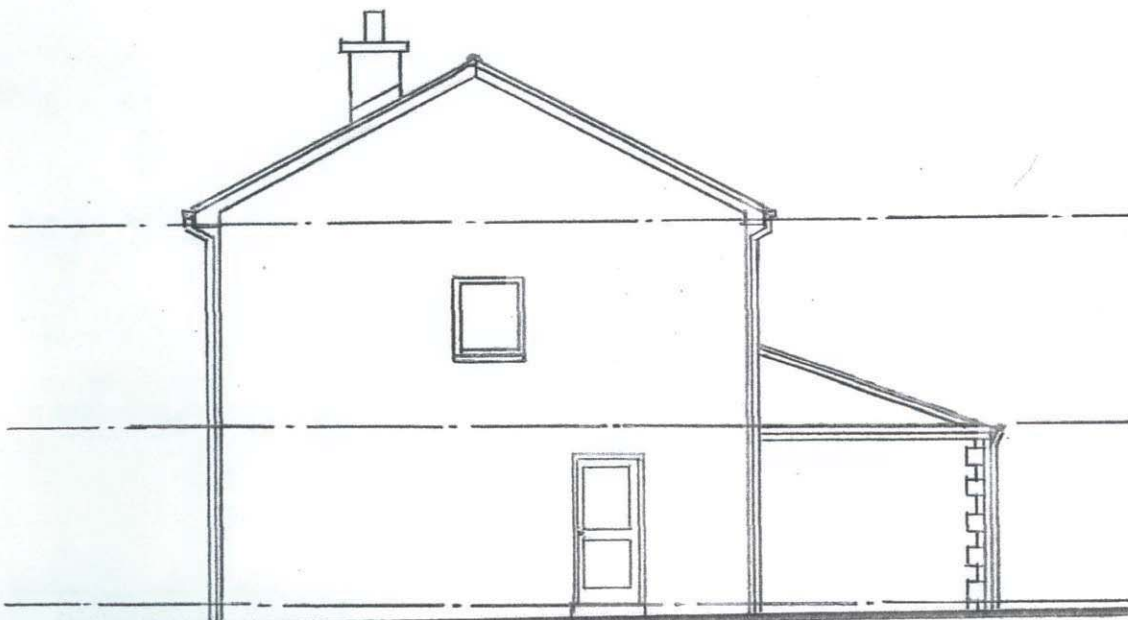
PERTH AND KINFLOSS COUNCIL

DRAWING REF

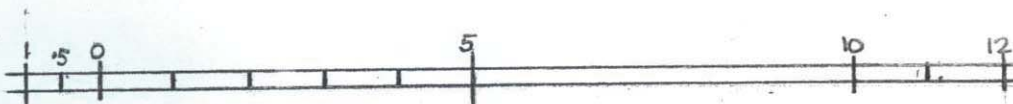
12/02209/8



PROPOSED



EXISTING



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