

Perth and Kinross Council
Planning and Placemaking Committee – 22 February 2023
Report of Handling by Head of Planning & Development
(Report No 23/70)

PROPOSAL: Erection of garage building

LOCATION: 8 Middleton Park, Keltybridge, Kelty, KY4 0GZ

Ref. No: [22/01924/FLL](#)

Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site comprises a modern detached two-storey dwellinghouse, located at the end of a residential cul-de-sac in Keltybridge. The property has previously been altered and extended to form a hipped roof sunroom on the rear (west) elevation, to form first floor accommodation over the attached double garage, and to form a utility room extension on the south gable end. This application seeks detailed planning permission for the erection of a single storey, flat roofed garage on the southeast corner of the house.

Pre-Application Consultation

- 2 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 4

- 4 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023 and was adopted on 13 February 2023. NPF4

has an increased status over previous NPFs and comprises part of the statutory development plan.

Planning Advice Notes

- 5 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 79 Water and Drainage

Creating Places 2013

- 6 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 7 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 8 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019

National Planning Framework 4

- 10 NPF4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces. The principal relevant policy in this instance is;

- Policy 16(g): Householder development proposals

Perth and Kinross Local Development 2019

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary;

- Policy 1A + 1B: Placemaking
- Policy 17: Residential Areas
- Policy 58B: Unstable Land
- Policy 53C: Water Environment and Drainage: Surface Water Drainage

OTHER POLICIES AND GUIDANCE

- 12 The Perth & Kinross Placemaking Guide 2020.

SITE HISTORY

- 13 [10/00286/FLL](#) - Full Planning Permission was approved 26 March 2010 for extension to house to form a sunroom
- 14 [15/02216/FLL](#) - Full Planning Permission was approved 10 February 2016 for alterations and extension to dwellinghouse.
- 15 [22/01410/FLL](#) - Full Planning Permission application was withdrawn 31 October 2022 for erection of garage building.

CONSULTATIONS

Internal

- 16 As part of the planning application process the following bodies were consulted:
- 17 **Transportation and Development:** No changes are proposed for the existing vehicle access to the property from Middleton Park. No changes are proposed for the number of parking spaces for the property. Insofar as the roads matters are concerned, no objections have been raised.

REPRESENTATIONS

- 18 Ten representations were received. The main issues raised within the representations are:
- Over-development of the site
 - Garage would project forward of the principal elevation
 - Height of garage and proximity to boundary
 - Reduction in light
 - Adverse impact on the character and visual amenity of the area

- The submission may not meet the minimum submission requirements
- Implications for peaceful enjoyment of possessions (Human Rights)

- 19 These issues are addressed in the Appraisal section of the report.
- 20 It is noted that only one representation has been received from an adjacent property, with all others coming from further afield including Australia.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment under 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

- 22 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Perth & Kinross Placemaking Guide.

Submission Standards

- 23 The submission standards of the application have been brought into question, with Heads of Planning Scotland (HOPS) validation guidance note being cited. However, the relevant submission requirements are detailed in the Town and Country Planning (Development Management) (Scotland) Regulations 2013, as amended. The validation of the application has been conducted in accordance with these Regulations and the application meets the required standard.

Principle

- 24 Developments which are incidental to the enjoyment of 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 or residential amenity.

Design and Layout

- 25 As noted above, the detached two-storey dwellinghouse, located at the end of a residential cul-de-sac in Keltybridge, has previously been altered and extended a number of times.
- 26 The current proposal is for the erection of a single storey, flat roofed garage on the southeast corner of the house. The garage would have a single-ply membrane roof, with fair faced block to the walls and timber multi-fold doors. The proposed garage has an irregular-shaped footprint, to match the boundaries to the south and east of the house. It is to be located off-set from the principal (east) elevation and would project forward of it. The general proportions and off-set siting of the structure are not unusual nor disproportionate and are acceptable.

Visual Amenity

- 27 Whilst the proposed garage would be to the front of the application house, it is located at the far side of the house and would be set back some 10m from the adjacent house frontage (no.7) when approaching along the street. It would be substantially subordinate to the two-storey, pitched roof house. Whilst its external finishes would differ from the house, this would not have an adverse visual impact as the fair faced block and timber cladding will be complimentary.
- 28 Letters of representation have raised objection to the proximity of the proposed garage to the boundary, as being uncharacteristic of the residential development. However, it is noted that the much taller two-storey gable ends of the application house and its neighbour to the north (no 9) are already in close proximity to the boundary. Given the significantly lower height of the proposed garage and the spacious garden grounds of No.7 and No.8, its height and proximity to boundary are considered to be acceptable in this instance.
- 29 Overall, the scale, form, massing, design, position, proportions and external finishing materials of the proposed development are acceptable in the context of the existing house and surrounding built environment. Accordingly, the proposed single storey garage would not have an adverse impact upon visual amenity.
- 30 The proposal therefore complies with Policies 1A, 1B and 17 of LDP2 and Policy 16(g) of NPF4, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to respect the character and amenity of the place.

Residential Amenity

- 31 Given the relative positions, heights, orientations, distances and intervening boundary treatments, the residential amenity of neighbouring properties would not be significantly affected by the proposed development in terms of loss of daylight or overshadowing, particularly due to the existing boundary hedging which lies within the neighbour's property and, therefore, control. Additionally, there is sufficient garden ground to adequately accommodate the proposed development without resulting in over-development of the application site itself.
- 32 The proposal therefore complies with Policy 17 of LDP2 and Policy 16(g) of NPF4, which seek to ensure that development does not have a detrimental effect on residential amenity.

Human Rights

- 33 One letter of representation has stated that the proposal has potential Human Right implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).
- 34 Having assessed the potential impacts of the proposed development, it has been established that there is no substantiated interference with privacy, home or family life, or the peaceful enjoyment of their possessions. Accordingly, the decision to recommend approval of the application constitutes a considered, justified and proportionate control of the use of property, and is appropriate in the public interest, without unduly impacting Article 8 or First Protocol, Article 1.

Roads and Access

- 35 The proposed development would replace existing vehicular hardstanding with a garage. Adequate off-street parking provision would be retained within the site, and the ability to turn vehicles at the end of the cul-de-sac would be maintained. Therefore, there are no road or access implications associated with this proposed development.

Drainage and Flooding

- 36 The application site is not located within any SEPA flood risk envelopes. The proposed garage would be located over an area of existing hardstanding. Accordingly, the roof of the garage would be subject to a similar amount of surface water as its equivalent footprint in hardstanding. The surface water of the proposed garage would be tied into the existing drainage arrangement. The requirement to produce a new SUDS scheme is not considered to be proportionate to the small scale of development proposed. This approach is consistent with similar domestic developments throughout the street.

Developer Contributions

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

Economic Impact

- 38 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

- 39 None required.

DIRECTION BY SCOTTISH MINISTERS

- 40 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 41 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 42 Accordingly, the proposal is recommended for approval subject to the conditions below.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVE NOTES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. An application for Building Warrant may be required.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
5. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Background Papers: 10 letters of representation

Contact Officer: Keith Stirton

Date: 10 February 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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