

**TCP/11/16(266)**  
**Planning Application 13/00175/FLL – 13/00420/FLL -**  
**Erection of a fence and gate (in retrospect), Bruaich Bhan,**  
**Boltachan, Aberfeldy, PH15 2LA**

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**TCP/11/16(266)**  
**Planning Application 13/00175/FLL – 13/00420/FLL -**  
**Erection of a fence and gate (in retrospect), Buaich Bhan,**  
**Boltachan, Aberfeldy, PH15 2LA**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



16 JUL 2013  
RECEIVED  
**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name DIANE SCHNEIDER

Address BAUACH BHAW  
ABERFELDY  
PH15 2LA

Contact Telephone 1 [REDACTED]  
Contact Telephone 2 [REDACTED]  
Fax No [REDACTED]

E-mail\* [REDACTED]

**Agent (if any)**

Name [REDACTED]

Address [REDACTED]

Contact Telephone 1 [REDACTED]  
Contact Telephone 2 [REDACTED]  
Fax No [REDACTED]

E-mail\* [REDACTED]

Mark this box to confirm all contact should be through this representative: ☐

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

13/00420/FLK

Site address

BAUACH BHAW, BONTACMAN, ABERFELDY PH15 2LA

Description of proposed development

ERECTOR OF FENCE + GATE (RETROSPECTIVE)

Date of application

4-3-13

Date of decision (if any)

14-6-13

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

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input type="checkbox"/>            |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input checked="" type="checkbox"/> |

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

**Site inspection**

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

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

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

**Statement**

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

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

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

The fence and gate have been in place for several years, the wood has been left its natural colour and is now greying and softening in colour. This is appropriate to the rural setting of the house and I can see no local precedent for painting the wood an 'unnatural colour' nor can I see why leaving the wood in a natural state could adversely affect the 'visual amenity' of the area. Painting it will make it appear unsuitably prominent. In addition, once the planting of climbers - *honicera* sp. and *clematis* sp. - have been completed only small areas of wood will be visible.

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

- SITE PLAN  
- PHOTOGRAPH  
- Decision NOTICE

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

**Checklist**

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

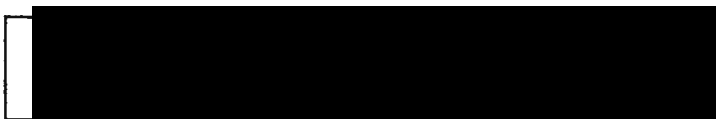
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**Declaration**

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

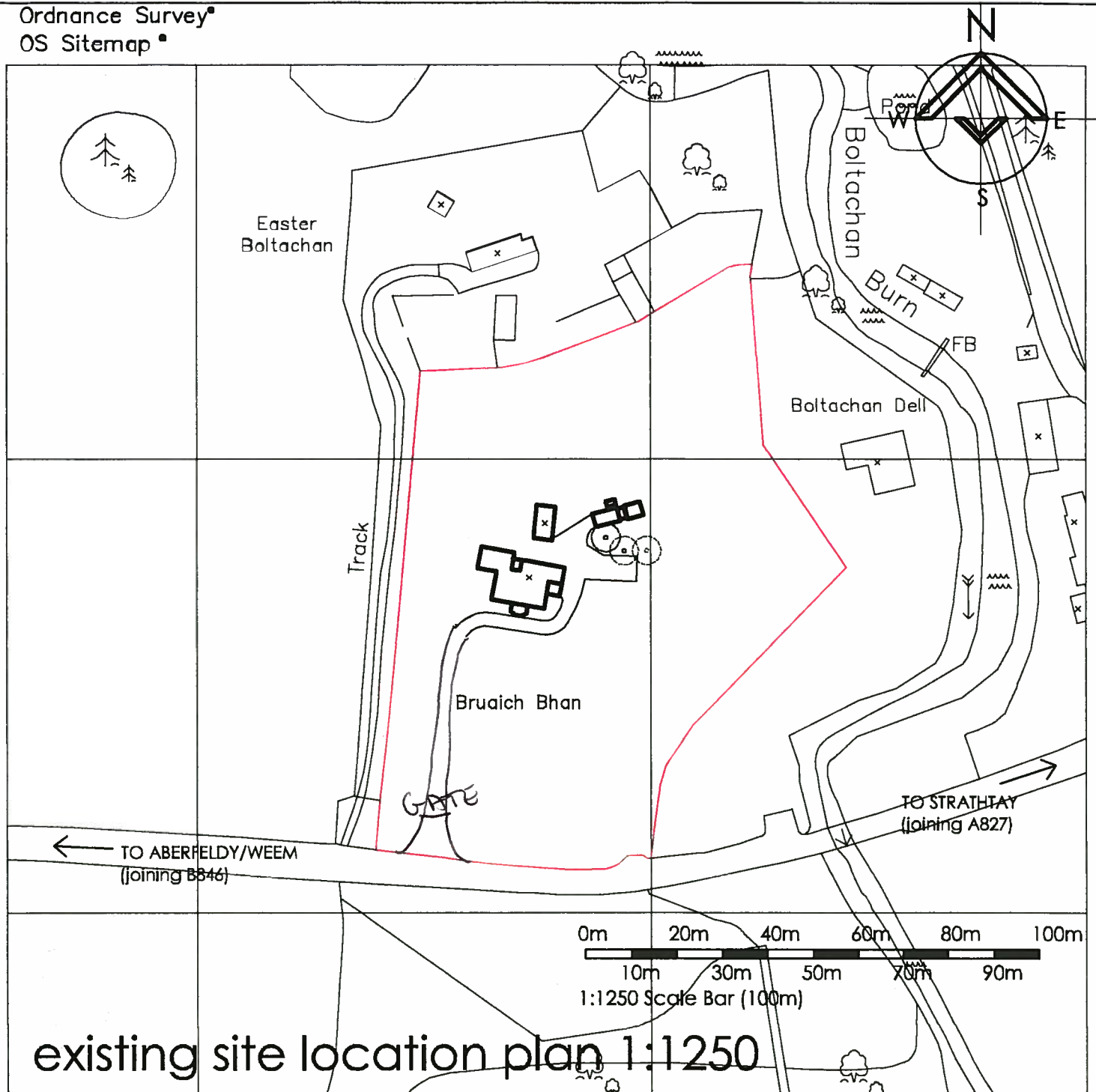
Signed



Date

15-7-13





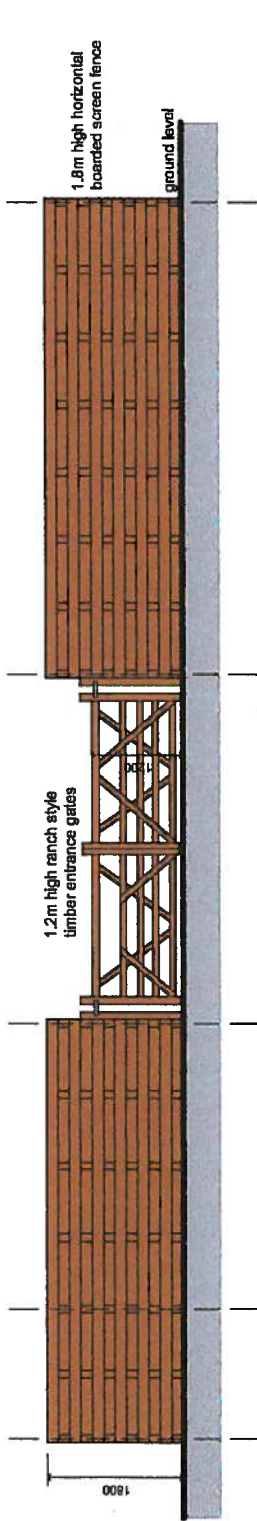
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Produced 19 May 2011 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.

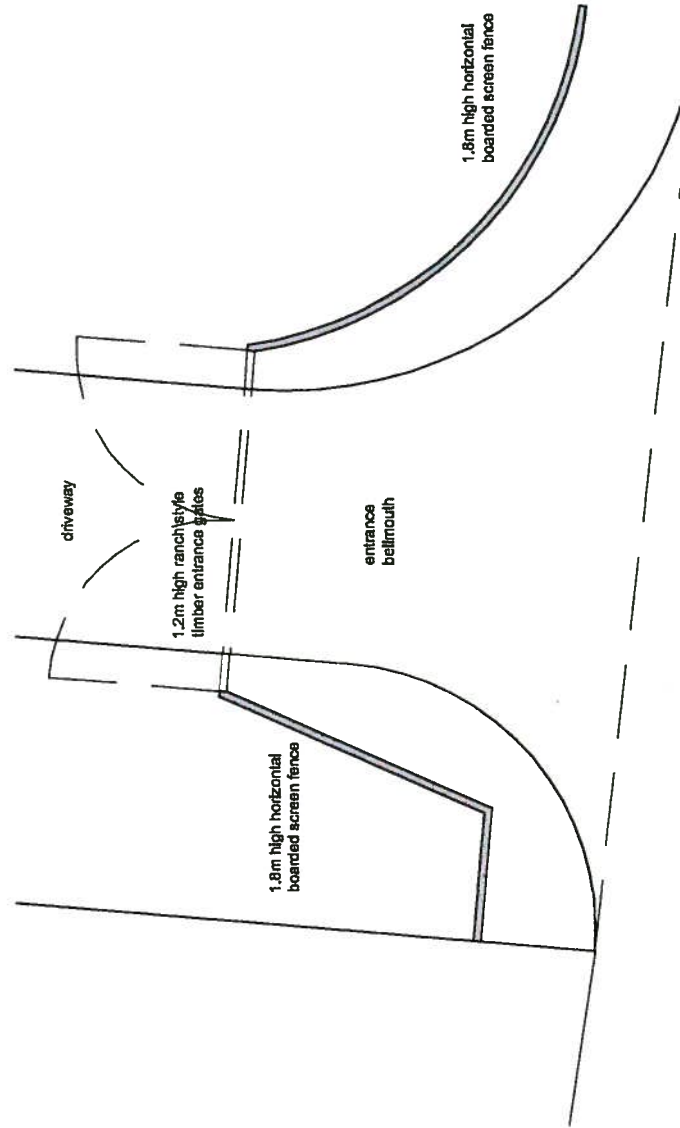
Serial No: 00200800 Supplied by: Danscot Print Ltd

<table border="1"> <tr> <th>rev</th> <th>dim</th> <th>date</th> <th>description</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				rev	dim	date	description					<p>WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION</p> <p>SIGNED.....</p> <p>DATED.....</p> <p>NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site.</p> <p>© This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.</p>		<p>client: Mr &amp; Mrs Schneider</p> <p>project: Erection of Fence and Gates Buaich Bhan, Aberfeldy, PH15 2LS</p> <p>drawing name: Planning Drawings - Site Location Plan</p> <p>scale: 1:1250    date: 26/02/13    drawn: jl</p> <p>drawing no: 1218/PL/002.1    rev:  </p>	
rev	dim	date	description												
<p><b>Jon Law Architectural Technician</b> Architectural Design Services</p>				<p>jon law architectural technician ltd 11 matthews drive : perth : ph1 2ur t: 01738 562949 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk</p>		<p>259</p>									

material schedule:  
fence - timber, to be dark stained  
(note: allow for soft planting to climb  
the proposed fence only)

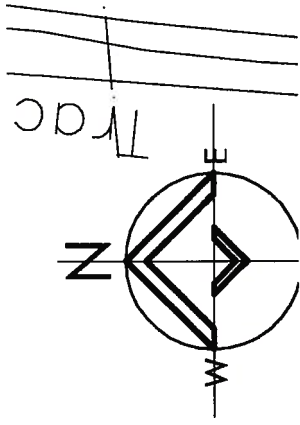


## entrance gates and fence elevations 1:100



proposed s

← TO ABERFELDY/WEEM  
(joining BB46)











# PERTH AND KINROSS COUNCIL

Mrs Diane Schneider  
Bruaich Bhan  
Boltachan  
Boltachan  
Aberfeldy  
PH15 2LA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 14 June 2013

Town and Country Planning (Scotland) Acts.

Application Number **13/00420/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 17th April 2013 for planning permission for Erection of a fence and gate (in retrospect) Bruaich Bhan Boltachan Aberfeldy PH15 2LA subject to the undernoted conditions.

Development Quality Manager

## Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed, the fence shall be finished in a recessive dark green or black colour and subsequently maintained, to the satisfaction of the Council as Planning Authority. Details of the wood stain to be used shall be forwarded for the approval of the Council within 28 days of this decision and thereafter implemented by the 30th November 2013.
3. Details of the planting to be undertaken shall be forwarded for the further approval of the Council as Planning Authority within 28 days of this decision. Unless otherwise agreed, the scheme as subsequently approved shall thereafter be implemented following the staining of the fence.

## Reasons for Conditions

1. To ensure that the development is carried out in accordance with the plans approved.
- 2-3. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

## Justification

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

## Notes

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 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.
- 3 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.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### Plan Reference

**13/00420/1**

**13/00420/2**

**TCP/11/16(267)**

**Planning Application 13/00718/FLL - Alterations and extension to dwellinghouse, 2 Ashgrove Cottage, Ashgrove Road, Rattray, Blairgowrie, PH10 7EX**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(submitted as part of applicant's submission, see pages 290-299)*





# PERTH AND KINROSS COUNCIL

Mr A Anderson  
c/o Norman MacLeod  
18 Walnut Grove  
Blairgowrie  
PH10 6TH

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 3rd June 2013

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00718/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 5th April 2013 for permission for **Alterations and extension to dwellinghouse 2 Ashgrove Cottage Ashgrove Road Rattray Blairgowrie PH10 7EX** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposed design is contrary to Policy 2 of the Eastern Area Local Plan 1998; as the scale, form and design of the development is incongruous with the character of the existing property and properties within the surrounding area, to the detriment of visual amenity.

### 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](http://www.pkc.gov.uk) "Online Planning Applications" page

### Plan Reference

13/00718/1

13/00718/2

13/00718/3

13/00718/4

13/00718/5

13/00718/6

13/00718/7

13/00718/8

13/00718/9

13/00718/10

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	13/00718/FLL
Ward No	N3- Blairgowrie And Glens

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** 2 Ashgrove Cottage Ashgrove Road Rattray  
Blairgowrie PH10 7EX

**APPLICANT:** Mr A Anderson

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 10 April 2013

**OFFICERS REPORT:**

#### **Site Description:**

The application site relates to No. 2 Ashgrove Cottage, Ashgrove Road, just outwith the Rattray village envelope. The application site refers to a single storey terraced property of fairly traditional form and appearance. The property has undergone a previous extension to the rear, (west elevation) that is conjoined to the adjacent property; as well as a small box dormer in the roofspace.

#### **Development Proposal:**

This application seeks detailed Planning Consent for the erection of a flat roof box dormer development on the front of the property, (east elevation). The proposed dormer extension has a width of 4.9 metres and, therefore, extends by almost the full width of the roofspace. The height of the development is 2.1 metres from the roofplane and 500mm from the ridgeline.

#### **Assessment:**

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 Plans that are applicable to this area are the approved Tay Plan 2012 (Strategic Development Plan 2012 - 2032) and the adopted Eastern Area Local Plan 1998. As a consequence of the application site falling outwith any recognisable settlement envelope, the application falls to be assessed against Policy 2 of the EALP 1998.

Policy 2 seeks to ensure, among other criteria, "in the case of built development, regard should be had to the scale, form, colour and density of existing developments within the locality."

Having inspected the application site and carefully assessed the submitted plans, I would assess the proposal as follows:-

### **Visual Amenity:**

One of the key tests in assessing this application is the visual aspect of the proposed development. It is clear that the dormer is proposed on the front of the property and, therefore, the principal elevation. Furthermore, as there are no dormers on the front elevations of the neighbouring, terraced properties, the proposal would set an undesirable precedent and consequently, there are significant adverse visual amenity issues.

It is clear that the size and scale of the proposal will dominate the existing property when viewed from the east elevation.

An extension should be subservient to the existing building so that the original building remains the key element of the site. The design, scale, form and external appearance of the extension will have a detrimental visual impact on the existing property and the surrounding area. It will set a precedent with its incongruous design that is not sympathetic to the character of this terraced dwelling property.

### **Design:**

The design and scale of the development is not subordinate to the existing, which is a modest, terraced property and, this is exacerbated by the pattern of neighbouring properties, whereby there are no extensions on the respective front elevations. As a consequence, the proposal is over-dominant and introduces what would be an undesirable precedent for this property as well as the neighbouring, adjacent terraced properties. Overall, the design is considered incongruous to the existing building by proposing a box dormer that extends along almost the entirety of the roofspace including, which is completely out of character with the existing design.

### **Conclusion:**

In conclusion, the proposed extension, by virtue of its scale, mass and proportionality, does not recognise, nor, respect the form of the existing building.

Having taken cognisance of the relevant criterion, (Policy 2), I consider the development is in contravention of the guidance contained within the Eastern Area Local Plan 1998. As a consequence of the above mentioned material considerations, there is no reasoned justification for approving this application. On that basis, this application is recommended for refusal.

### **DEVELOPMENT PLAN**

The Development Plan for the area comprises the approved Tay Plan 2012 (Strategic Development Plan 2012 – 2032 and the adopted Eastern Area Local Plan 1998. There are no strategic issues of relevance raised in the Tay Plan 2012 (Strategic Development Plan 2012 – 2032) In summary, the principal Development Plan policies are raised in the Eastern Area Local Plan 1998. These are as follows:

Policy 2 seeks to ensure, among other criteria, "in the case of built development, regard should be had to the scale, form, colour and density of existing developments within the locality."

## **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN – PROPOSED PLAN, JANUARY 2012**

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 (Local Development Plan) the relevant paragraphs related to this application are Policy pm1 (Placemaking) which states that development must contribute positively, to the quality of the surrounding built and natural environment.

### **OTHER POLICIES**

None specific.

### **SITE HISTORY**

There is no previous site history.

### **CONSULTATIONS**

None relevant to this application.

**TARGET DATE:** 5 June 2013

### **REPRESENTATIONS RECEIVED:**

Number received: 1

### **Summary of issues raised by objectors:**

Adverse impact on daylight/sunlight.

### **Response to issues raised by objectors:**

In response to the point raised above, it is acknowledged that the ground of objection is a valid, material planning consideration. However, whilst the recommendation has been to refuse the application, there were other material planning considerations that were of more relevance to the development proposed.

**ADDITIONAL STATEMENTS RECEIVED:**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not required

**LEGAL AGREEMENT REQUIRED**

None required

**DIRECTION BY SCOTTISH MINISTERS**

None required

**REASON FOR REFUSAL:**

- 1 The proposed design is contrary to Policy 2 of the Eastern Area Local Plan 1998; as the scale, form and design of the development is incongruous with the character of the existing property and properties within the surrounding area, to the detriment of visual amenity.

**JUSTIFICATION :**

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