TCP/11/16(289)

Planning Application 13/01394/FLL – Single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS

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TCP/11/16(289)

Planning Application 13/01394/FLL – Single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS

PAPERS SUBMITTED BY THE APPLICANT



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 2013

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)	Agent (if any)			
Name JANET LYNCH	Name PHILDEAN ARCHITECT			
Address ASHBANK CONGATE ERROL	Address BERRYBRAE STUDIO TILLYRIE BY MILNATHORT KINROSS			
Postcode PHZ 7@S	Postcode KY13 ORW			
Contact Telephone 1 Contact Telephone 2 Fax No	Contact Telephone 1 0/577 86/1736 Contact Telephone 2 078/76/7481 Fax No			
E-mail*	E-mail* philephilocanarchitect.co.uk			
Mark this box to confirm all contact should be through this representative: Yes No * Do you agree to correspondence regarding your review being sent by e-mail?				
Planning authority	PERTH + KINBUSS			
Planning authority's application reference number 13/01394/FLL				
Site address ASHBANK, CONGATE, ERBOL, PERTHSHIRE PHZ 7005				
Description of proposed development SINGLE STOREY EXTENSION TO DIVELUND - HOUSE.				
Date of application $31/07/13$ Date of decision (if any) $10/10/13$				
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.				

	ture of application	
1.	Application for planning permission (including householder application)	N
2.	Application for planning permission in principle	Ħ
3.	Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
4.	Application for approval of matters specified in conditions	
Re	asons for seeking review	
1.	Refusal of application by appointed officer	ГJ
2.	Failure by appointed officer to determine the application within the period allowed for determination of the application	
3.	Conditions imposed on consent by appointed officer	
Re	view procedure	
tim to o	e Local Review Body will decide on the procedure to be used to determine your review and may a e during the review process require that further information or representations be made to enable determine the review. Further information may be required by one or a combination of procedure as: written submissions; the holding of one or more hearing sessions and/or inspecting the ich is the subject of the review case.	them ures,
har	ase indicate what procedure (or combination of procedures) you think is most appropriate for adling of your review. You may tick more than one box if you wish the review to be conducted anbination of procedures.	r the by a
1.	Further written submissions	П
2.	One or more hearing sessions	Ħ
3.	Site inspection	
4	Assessment of review documents only, with no further procedure	□
bel	ou have marked box 1 or 2, please explain here which of the matters (as set out in your state ow) you believe ought to be subject of that procedure, and why you consider further submissions aring are necessary:	ment or a
Site	e inspection	
In t	he event that the Local Review Body decides to inspect the review site, in your opinion:	
1.	Can the site be viewed entirely from public land?	N ₀
2	Is it possible for the site to be accessed safely, and without barriers to entry?	
16 1	there are reasons why you think the Local Review Body would be unable to undertak accompanied site inspection, please explain here:	e an

Page 2 of 4

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.

ATTACHED DOWNENT.

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.

AS THERE WAS NO BLANGUE WITH THE APPOINTED OFFICER DURING THE APPUCATION PROCESS THE NEED TO EXPAND ON THE SUBMITTED MATERIAL WAS N'T APPARANT.

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.

DOCUMENT USTING REASONS FOR NOTICE OF REVIEW. APPLICATION DRAWINGS.		
13-07-200 LOCATION PGAN 13-07-201 BUTCH PGAN		
13-07-002 EXISTING FLOOR PLANE ELEVATIONS		
13-07-109B PROPOSED FLOOR & BOOF PLANS. 13-07-107 PROPOSED ELEVATIONS.		
LETTER OF SUPPORT FROM FLONG & BAY MEGILLIVRAY.		
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 08/01/14:		

Extension to Ashbank, Cowgate, Errol

Reasons for Notice of Review

- 1. Additional living space is required by my client. The dwelling, as existing, has limited space (and no sanitary facilities) on the ground floor. It is an important principle of sustainable development and of sustainable communities that buildings be adaptable to allow people to remain in their homes and communities as their needs change over time. Older buildings often have very limited flexibility and require alterations and interventions to allow them to be adapted to modern sustainable living.
- 2. The space created by the proposed extension will allow my client to enjoy the south facing aspect of the building. An extension to the rear of the property, as suggested as an alternative by the appointed planning officer, would not enjoy any sunlight and will additionally, due to limited site area and the slope of the site, entail extensive, difficult and costly excavation, tanking and retaining structures.
- 3. While the application was turned down on the grounds of unacceptable impact on the conservation area, this is clearly a subjective matter and it can conversely be argued that the proposal doesn't have an unacceptable impact on the conservation area. While there is a presumption against development on a principal elevation within such areas each case should be judged on its own merits. In this case the existing house is well set back from the road and is not prominent from the public realm, the construction of a small low impact extension will not have a detrimental effect on the conservation area as a whole. The extension is clearly a contemporary intervention, and does not seek to compete with the traditional existing facade. Modern, well designed, interventions can actually enhance an historic setting.
- 4. The proposed intervention will have minimal physical effect on the historic fabric of the existing building, simply extending the existing window opening down to the floor level. It should be noted that the original fenestration pattern of the facade has previously been altered by the insertion of unsympathetic horizontal format windows, which compromises its value in conservation terms.
- 5. The reason for the design being flat roofed, is 3 fold:
 - a. To minimise the height and therefore impact of the extension on the conservation area.
 - b. To reduce the impact on the elevation of the existing building and avoid obscuring the upper floor windows and
 - c. To allow the planting of a green roof which will encourage biodiversity, minimise both the environmental impact and the visual impact of the extension form upper floor windows.
- 6. No objections to the principle of an extension were received from any neighbours, or the community council. The single comment received in relation to the application was in respect of the style of the development (see justification of this above). A letter supporting the case for the review has ben received from a neighbour has been received by my client.

Dear Sir/Madam,

Ashbank, Southbank, Cowgate, Errol. PH2 7QS.

We are writing in support of the planning application for an extension undertaken by our neighbour, Janet Lynch and now under review.

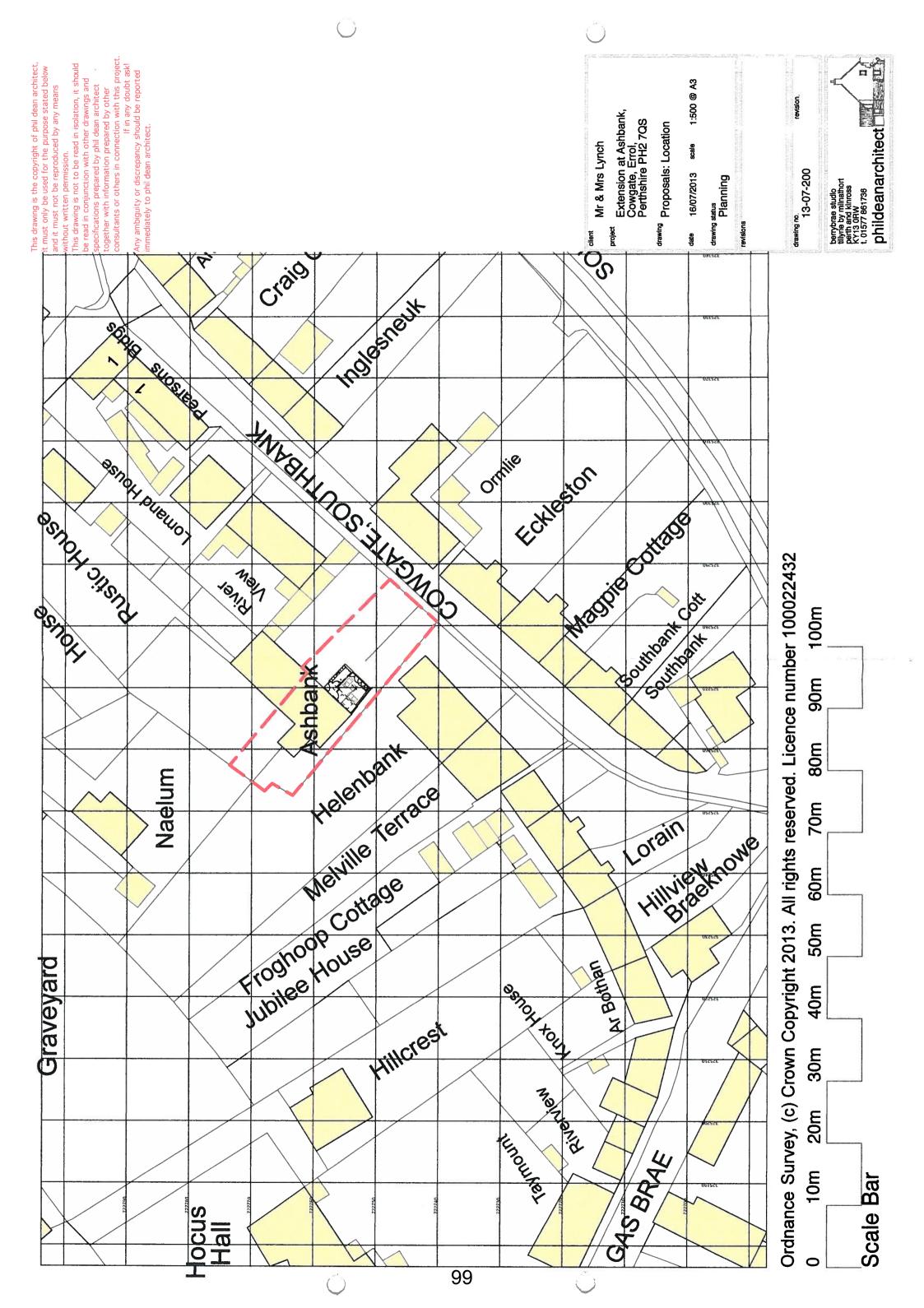
The positioning of this extension, set well back from the road and behind a wall/hedge, does not appear to be of any detriment to the residential amenity. It will not 'overlook' or cause 'loss of privacy' and will provide an enhanced room facility to the Ashbank property.

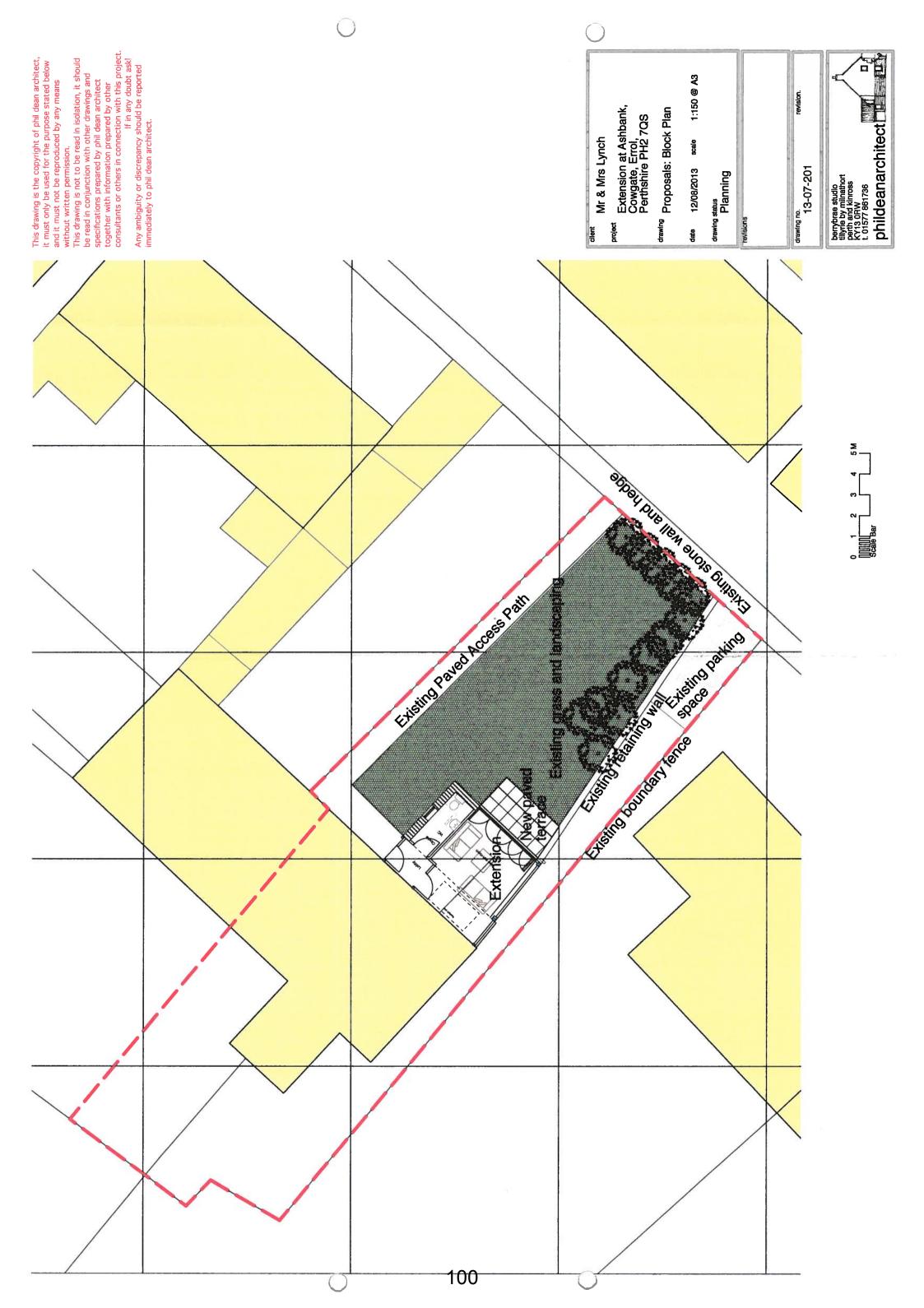
We wish to support the positive review of this application.

Yours faithfully,

Fiona & Ray McGillivray.

Magpie Cottage, Southbank, Errol. PH2 7QS.





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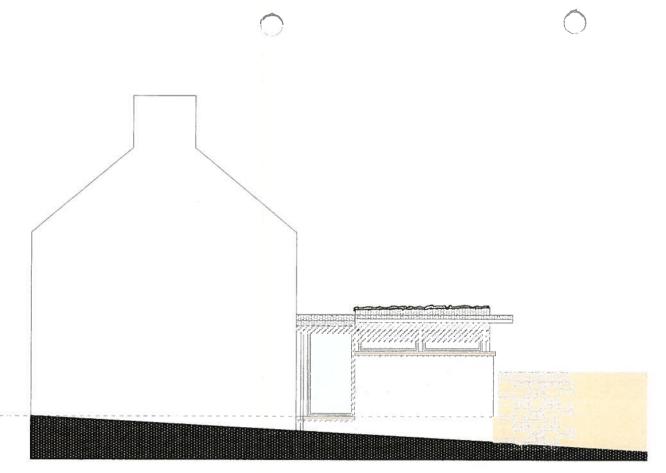
This drawing is not to be read in isolation, it should be read in conjunction with other drawings and specifications prepared by phil dean architect together with information prepared by other consultants or others in connection with this project.

If in any doubt ask!

Any ambiguity or discrepancy should be reported immediately to phil dean architect. phildeanarchitect 1:100 @ A3 drawing Existing Ground Floor Plan & elevations revision. Extension at Ashbank, Cowgate, Errol, Perthshire PH2 7QS Mr & Mrs Lynch 21/06/2013 scale drawing no. 13-07-002 α_I drawing status Planning berrybrae studio tillyrie by milinathort perth and kinross KY13 0RW t 01577 861736 revisions project date Existing south east (street) elevation Existing south west (gable) elevation Existing Ground Floor Plan Dining room

2 W

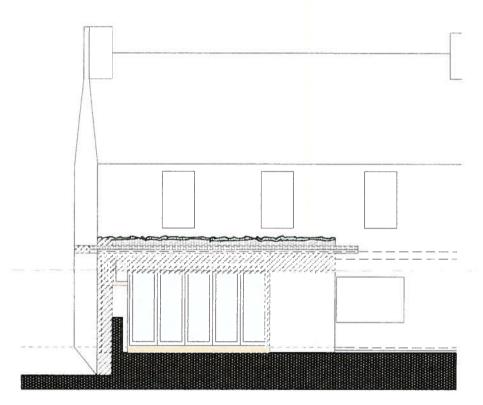
101



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consultants or others in connection with this project. If in any doubt ask! Any ambiguity or discrepancy should be reported immediately to phil dean architect.

South West Elevation



Materails

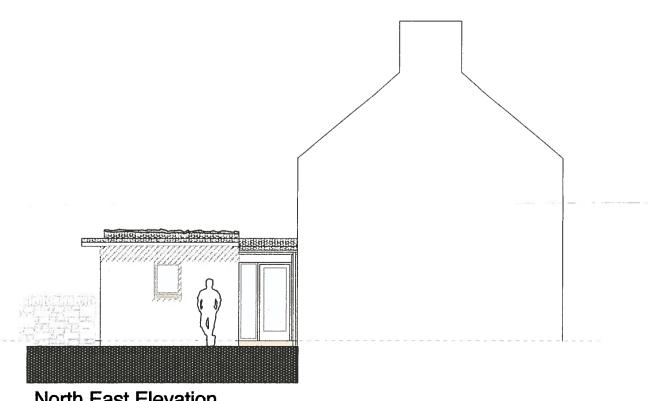
Walls: Roughcast render Roof: grey epdm single ply membrane and

sedum

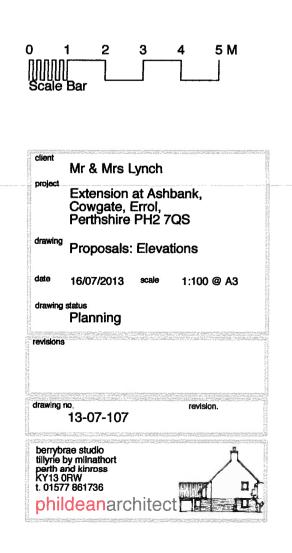
Windows: Painted softwood

Cills: cast stone.

South East Elevation









TCP/11/16(289)

Planning Application 13/01394/FLL – Single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS (part submitted as part of applicant's submission, see pages 99-102)

PERTH AND KINROSS COUNCIL

Mrs Janet Lynch c/o Phil Dean Architect FAO Phil Dean Berrybrae Studio Tillyrie By Milnathort Kinross KY13 0RW Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 10th October 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 13/01394/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 12th August 2013 for permission for **Extension to dwellinghouse Ashbank Cowgate Errol Perth PH2 7QS** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

- By virtue of its scale and form, the extension dominates the principal elevation of the existing property, which is detrimental to its character and appearance. The proposal is therefore contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); which seeks to retain and where possible, improve existing residential amenity and character.
- 2. The proposal, if approved, would establish a precedent for developments of a similar nature, to the detriment of the overall character of the area which would undermine and weaken the established policies of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000).
- 3. The proposal is contrary to the Proposed Local Development Plan 2012, Policy HE3A in that it does not ensure that the design, materials and scale of the development are appropriate to the appearance, character and setting of the Errol Conservation Area.

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

13/01394/1

13/01394/2

13/01394/3

13/01394/4

13/01394/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/01394/FLL
Ward No	N1- Carse Of Gowrie

PROPOSAL: Extension to dwellinghouse

LOCATION: Ashbank Cowgate Errol Perth PH2 7QS

APPLICANT: Mrs Janet Lynch

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 22 August 2013

OFFICERS REPORT:

Site Description:

The application site refers to Ashbank, Cowgate, within the Errol Conservation area. In particular, the application site refers to a two storey semi-detached property of traditional form and appearance, clad in natural stone with a pitched, slated roofline. The property is set further back from the road, (Cowgate/Southbank) than most neighbouring residential properties in the surrounding area.

Development Proposal:

This application seeks detailed Planning Consent for the erection of a single storey flat roofed extension on the south-east elevation, (front of the property). The proposed additional floorspace equates to an area of 26 square metres with a height to the eaves of 2.6 metres; and a height to the highest part of the flat roof of 2.9 metres. The purpose of the extension is to serve a Sunroom, Lobby and accessible WC.

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 Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000). As a consequence of the application site falling within the Errol village envelope, the application falls to be assessed against Policy 71 of the PALP 1995.

Policy 71 seeks to ensure, among other criteria, that "some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the area concerned."

The determining issues for this application are therefore: (i) Whether the proposal is in accordance with the relevant provisions of the Development Plan, (namely Policy

71 of the PALP 1995); and, (ii) Whether an exception to those provisions is justified by other material considerations.

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

Residential Amenity:

The existing plot is of a sufficient size to accommodate the proposed development without adversely affecting the residential amenity of the application site. The proposal will take up less than 20% of the garden space. It is considered that the proposed replacement development, therefore, will not occupy an undue proportion of the private garden ground and as such, there will remain a more than adequate amenity space. There are no adverse residential amenity issues.

Visual Amenity:

The proposed development is located on the front of the property and, therefore, concerns a principal elevation, (south-west elevation). The design and appearance of the development involves the erection of a single storey flat roofed extension that protrudes forward of the building line on the front, principal elevation of the original dwellinghouse by a distance of 5 metres. The design and appearance of the extension is not in keeping with the existing property and as a consequence, is detrimental to the character of the surrounding area.

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 become the dominant feature and, therefore, have a detrimental visual impact on the existing property and surrounding properties in the area. It will set a precedent with its incongruous design that is not sympathetic to the character of this property, nor, neighbouring, surrounding properties.

The proposed development is also contrary to the character of the Errol Conservation area and would consequently, not be in compliance with Policy HE3A of the Perth and Kinross Council Local Development Plan 2012 which states that the design, scale, materials and siting of new development within a Conservation area should be appropriate to its appearance, character and setting.

Economic Development:

There are no Economic Development issues in relation to this application.

Conclusion:

The application contravenes with the guidance contained in Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); and the proposed works, principally concerning the front elevation of the property, would adversely impact upon the character and appearance of the Errol Conservation Area.

Therefore, with the above considerations taken into account, it is considered that the proposal contravenes the above-mentioned Development Plan policy, the contents of which are listed below.

I therefore have no alternative but to recommend that the application be refused under delegated powers.

NATIONAL PLANNING POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- The Scottish Government's view of the purpose of planning,
- The core principles of the operation of the system and the objectives for key parts of the system,
- Statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- Concise subject planning policies, including the implications for development planning and development management, and
- The Scottish Government's expectations of the intended outcomes of the planning system.

Of particular relevance to this application are paragraphs 110 - 125 on the Historic Environment.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 (Strategic Development Plan 2012 – 2032 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000). 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 Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000). These are as follows:

Policy 71 Perth Area Villages

Policy 71 seeks to ensure, among other criteria, that "some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the area concerned."

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 Policies RD1 and HE3. Policy RD1 identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved.

Policy HE3A states that there is a presumption in favour of development within a Conservation area that preserves or enhances its character or appearance. The design, materials, scale and siting of new development within a Conservation area and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

OTHER POLICIES

None specific.

SITE HISTORY

There is no previous site history.

CONSULTATIONS

Scottish Water No objections.

TARGET DATE: 12 October 2013

REPRESENTATIONS RECEIVED:

Number Received: 1

Summary of issues raised by objectors:

There is one letter of representation, received from a neighbouring resident, objecting to the application on the following grounds:-

- (i) Out of character with surrounding area;
- (ii) Unacceptable design

Response to issues raised by objectors:

In responding to Objection No. 1 above, this is a valid material planning consideration and has been taken cognisance of in terms of formulating this report.

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

REASONS FOR REFUSAL:

- 1 By virtue of its scale and form, the extension dominates the principal elevation of the existing property, which is detrimental to its character and appearance. The proposal is therefore contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); which seeks to retain and where possible, improve existing residential amenity and character.
- 2 The proposal, if approved, would establish a precedent for developments of a similar nature, to the detriment of the overall character of the area which would undermine and weaken the established policies of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000).
- 3 The proposal is contrary to the Proposed Local Development Plan 2012, Policy HE3A in that it does not ensure that the design, materials and scale of the development are appropriate to the appearance, character and setting of the Errol Conservation Area.

JUSTIFICATION:

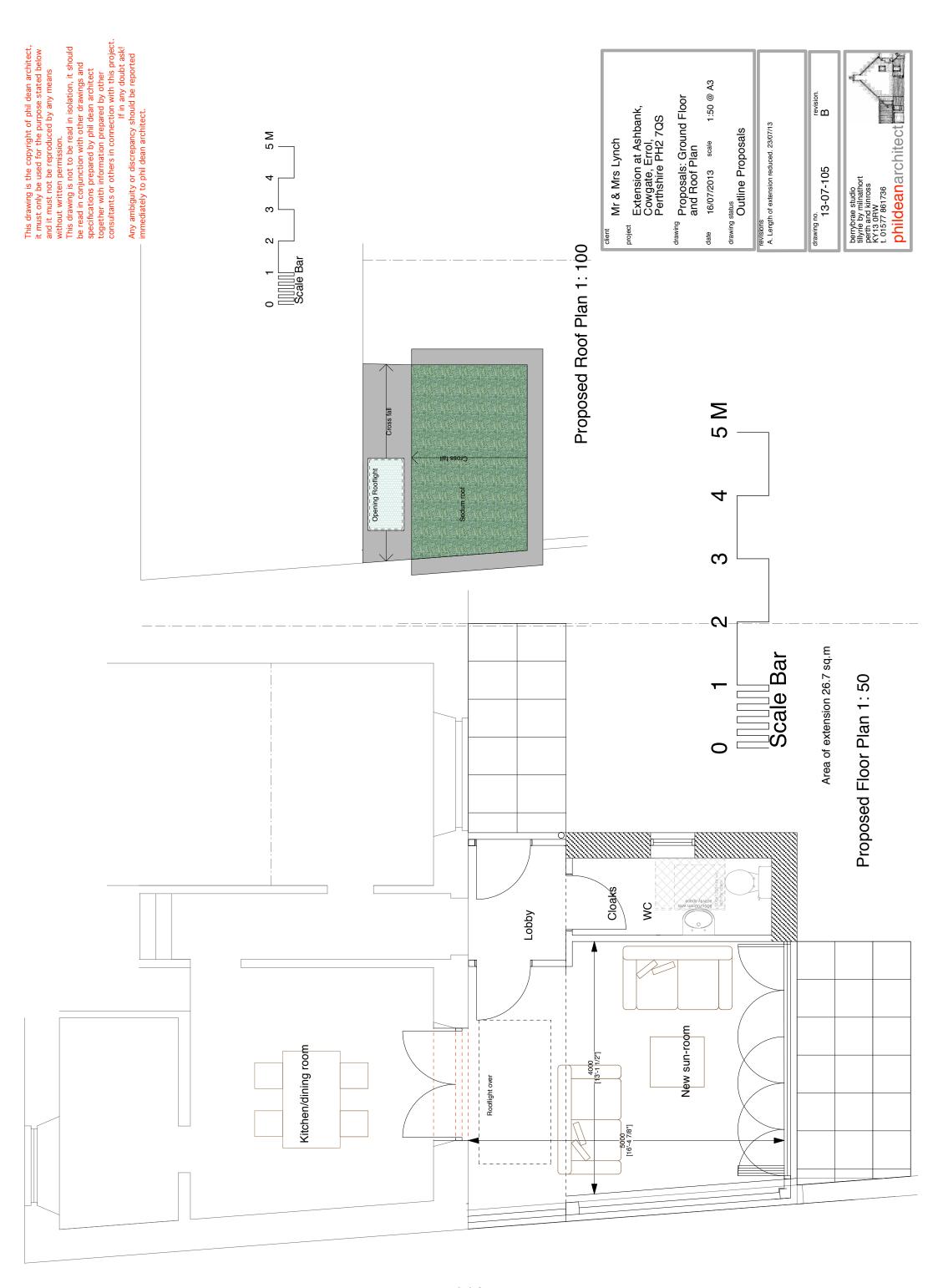
The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

INFORMATIVES:

None.

PROCEDURAL N	OTES:
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None.





TCP/11/16(289)

Planning Application 13/01394/FLL – Single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS

REPRESENTATIONS

• Objection from Mr Duncan Budge, dated 3 September 2013

Mr Duncan Budge (Objects)

Comment submitted date: Tue 03 Sep 2013

Though we have no objection in principal with the application for an extension at Ashbank (left door) we have concerns over the design of the roof for said proposal.

We feel that a more sympathetic traditional design would be more in keeping with the age and style of the house.