

<p><b>LRB-2023-01</b> <b>22/01884/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross, KY13 8AU</b></p>
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## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 121-158***)
- (b) Decision Notice (***Pages 129-130***)
  - Report of Handling (***Pages 131-136***)
  - Reference Documents (***Pages 149-158***)
- (c) Representations (***Pages 161-164***)



**LRB-2023-01**

**22/01884/FLL - Extension to dwellinghouse and formation  
of roof terrace, 51 Muirs, Kinross, KY13 8AU**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100538706-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr./ Mrs."/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Derek"/>	Building Number:	<input type="text" value="51"/>
Last Name: *	<input type="text" value="Reid"/>	Address 1 (Street): *	<input type="text" value="Muir"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kinross"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY13 8AU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="51 MUIRS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KINROSS"/>
Post Code:	<input type="text" value="KY13 8AU"/>

Please identify/describe the location of the site or sites

<input type="text"/>			
Northing	<input type="text" value="702991"/>	Easting	<input type="text" value="311698"/>

## Description of Proposal

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

Extension to dwellinghouse and formation of roof terrace

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See design statement, PKC seen no issue with the terrace when we queried it prior to any applications, see email correspondence. We have also been in discussions with the church who flank the two sides of the roof terrace and following some slight tweaking of the terrace, they have no objections to it. As can be seen in the previous review, the LRB had no issue with the roof terrace either only the height of the extension which we have altered and is no longer a reason for refusal.

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

☐ Yes ☒ No

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

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

Existing and proposed plans, application form, design statement, location plan, site plan, PKC correspondence, supporting comment from St. Paul's Church, decision notice and handling report.

## Application Details

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

22/01884/FLL

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

22/10/2022

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

22/12/2022

## Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully understand the site and context in relation to the proposals.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Andrew Megginson

Declaration Date: 08/05/2022





Mr And Mrs D Reid  
c/o Andrew Megginson Architecture  
128 Dundas Street  
New Town  
Edinburgh  
EH3 5DQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **22nd December 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/01884/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 15th November 2022 for Planning Permission for **Extension to dwellinghouse and formation of roof terrace 51 Muirs Kinross KY13 8AU**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposed rooftop terrace, by combination of its position, elevated height and close proximity to the boundaries, would have an imposing and detrimental impact on the amenity of the area and the adjacent church memorial garden and area of contemplation.

Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2019, which seek to ensure that external terraces are appropriately located in order to respect the character and amenity of the place.

### **Justification**

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

### **Notes**

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

Plan Reference

01

02

03

04

05

06

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	22/01884/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	14th January 2023	
Draft Report Date	19th December 2022	
Report Issued by	KS	Date 19 <sup>th</sup> December 2022

**PROPOSAL:** Extension to dwellinghouse and formation of roof terrace

**LOCATION:** 51 Muirs Kinross KY13 8AU

### SUMMARY:

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

51 Muirs is a two-storey detached dwellinghouse which is located on a main route through Kinross. This application seeks detailed planning permission for the erection of a two-storey, flat-roofed extension on the rear (east) elevation, which would wrap around the side (north) elevation. A further single storey, flat-roofed extension with an external rooftop terrace and glazed balustrade is also proposed to the rear (east).

### SITE HISTORY

21/00118/ALUNDV	Enforcement interest Erection of a shed and fence in the front garden
22/00345/FLL	Extension to dwellinghouse and formation of roof terrace Application Refused – 26 April 2022 Review Dismissed by Local Review Body – 10 October 2022

### PRE-APPLICATION CONSULTATION

Pre application Reference: 22/00027/PREAPH

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

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

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 27A: Listed Buildings

## **OTHER POLICIES AND GUIDANCE**

Perth & Kinross Council's Placemaking Guide 2020, states that:

*“Extensions should respect the shape, scale and proportions of the existing building... If the plot and original building can accommodate it, then a two storey extension may receive planning permission providing the design is satisfactory and there is no unacceptable loss of sunlight, daylight or privacy to adjoining properties*

*Overlooking.*

*Balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbouring houses and gardens or raise safety concerns.*

*Balconies, roof terraces and decking.*

*Generally, balconies and roof terraces should avoid:*

- Being located too close to boundaries.*
- Overlooking neighbouring properties.*
- Dominating or detracting from the appearance of the house.*
- Over-dominant lighting that adversely impacts on neighbours”.*

## **CONSULTATION RESPONSES**

Scottish Water

*No objections – informative note recommended on any approval.*

## **REPRESENTATIONS**

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

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

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

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

## **Policy Appraisal**

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

## **Design and Layout**

51 Muirs is a two-storey detached dwellinghouse which is located on a main route through Kinross. This application seeks detailed planning permission for the erection of a two-storey, pitched roof extension on the rear (east) elevation. A further single storey flat-roofed extension, with an external rooftop terrace and glazed balustrade, is also proposed, wrapping around all three sides of the two-storey extension. This application incorporates minor revisions to the previously refused scheme, which was also dismissed at Local Review Body.

- Changing the design of the two-storey extension from a flat roof, which exceeded the eaves height of the house, to a pitched roof with matching eaves.
- Pulling the two-storey extension in, to be flush with the north gable end.
- An increase in the area of rooftop terrace, resulting from the reduction in the width of the two-storey extension.

## **Amenity**

Similarly to the previously refused proposal, the rooftop terrace is located within close proximity to the property boundaries. Whilst no residential amenity would be impacted by the proposed rooftop terrace, it is nevertheless necessary to safeguard amenity in general. Given the combination of position, height and close proximity of the rooftop terrace to its surroundings, it would have an imposing impact, to the detriment of the amenity of the area and the adjacent church memorial garden and area of contemplation.

This was one of the reasons for refusal of the previous application, which was upheld by the Local Review Body. These concerns were further reiterated in post-refusal dialogue (ref: 22/00027/PREAPH). The revised proposals do not address the concerns. Moreover, the revised proposal increases the area of rooftop terrace.

The revised design of the two-storey extension has it sitting flush with the north gable end of the house and the eaves of its pitched roof tying into the eaves level of the house. This is an improvement to the previously proposed



flat roofed two-storey extension in terms of design, proportions, bulk, massing and satisfactory integration with the house.

However, whilst improvements have been implemented to the two-storey element of the proposal, the wrap-around rooftop terrace and single storey extension remains an unresolved concern. Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.

### **Conservation Considerations**

Although the proposal raises concerns in relation to its impact upon surrounding amenity, it is sufficiently offset and partially screened from the adjacent listed buildings. Accordingly, it has not raised an objection from the Council's Conservation Planner in relation to having an adverse impact on the setting of the listed buildings.

### **Roads and Access**

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

### **Drainage and Flooding**

There are no significant drainage or flooding implications associated with this proposed development. However, the advice contained in the consultation response from Scottish Water should be noted.

### **Developer Contributions**

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

### **Economic Impact**

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

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

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

### **Reasons for refusal**

- 1 The proposed rooftop terrace, by combination of its position, elevated height and close proximity to the boundaries, would have an imposing and detrimental impact on the amenity of the area and the adjacent church memorial garden and area of contemplation.

Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that external terraces are appropriately located in order to respect the character and amenity of the place.

### **Justification**

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

### **Informative Notes**

Not Applicable.

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01, 02, 03, 04, 05, 06

## Andrew Megginson

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**From:** Jamie Torrance [REDACTED]  
**Sent:** 16 February 2022 14:44  
**To:** Andrew Megginson  
**Subject:** RE: Privacy/ Overlooking Query

Hi Andrew

My apologies – whilst I have not seen the site and therefore have to put a caveat on my response I would concur that those privacy aspects as described would likely be acceptable on the basis that they would be intermittent and relative to a small area of commercial property whereby a lesser standard of overall privacy could be accepted or required.

The above should be demonstrated in any application in terms of design or supporting statement. Steps still need to be taken to minimise any impacts as much as possible.

I hope this is of help.

Thanks  
Jamie

---

**From:** Andrew Megginson <Andrew@andrewmegginsonarchitecture.com>  
**Sent:** 15 February 2022 17:37  
**To:** Jamie Torrance [REDACTED]  
**Subject:** RE: Privacy/ Overlooking Query

Dear Jamie,

Can you please come back to me on the privacy query below?

Kind regards,  
**Andrew Megginson** BSc, MArch  
Director  
Andrew Megginson Architecture  
Web [www.andrewmegginsonarchitecture.com](http://www.andrewmegginsonarchitecture.com)  
Tel 0131 557 9129  
Mob 07583 404 422



---

**From:** Andrew Megginson  
**Sent:** 07 February 2022 17:27  
**To:** Jamie Torrance [REDACTED]  
**Subject:** RE: Privacy/ Overlooking Query

Thanks Jamie,

I feel that we could adequately demonstrate that there would be no detrimental loss of sunlight to the garden through a sunlight study however we are more interested on the privacy aspect on this. I doubt that there would be intense use of the garden and that any use would simply be through a commercial capacity of cultivating and harvesting.

I realise that without seeing proposals it may be hard to provide a direct answer but anything general would be appreciated.

Kind regards,

**Andrew Megginson** BSc, MArch

Director

Andrew Megginson Architecture

Web [www.andrewmegginsonarchitecture.com](http://www.andrewmegginsonarchitecture.com)

Tel 0131 557 9129

Mob 07583 404 422



---

**From:** Jamie Torrance <[REDACTED]>

**Sent:** 07 February 2022 12:06

**To:** Andrew Megginson <[Andrew@andrewmegginsonarchitecture.com](mailto:Andrew@andrewmegginsonarchitecture.com)>

**Subject:** RE: Privacy/ Overlooking Query

Good Morning Andrew

I refer to your enquiry from last week which has been forwarded onto me to assist with.

In response I would refer you initially our technical guidance on "placemaking" which can be found on the Council's website at [Local Development Plan - Supplementary Guidance - Perth & Kinross Council \(pkc.gov.uk\)](http://www.pkc.gov.uk/local-development-plan-supplementary-guidance)

Technical guidance on daylighting assessment should be referred to the BRE 1991 standards "site Layout for planning for sunlight and daylight".

As a general principle good design is always encouraged at the outset to seek to minimise or avoid any impacts – irrespective of who the neighbour is. However, where a householder development may impact a commercial property, there is and can be more opportunity for discretion in assessing any such application. In this particular example I am concerned regarding your comments on daylight encroachment noting that this premise is used as a food bank and has a garden to support this activity - whereby daylight is obviously of particular importance. It appears from your description that this example is not a typical normal situation and as such I consider the impacts on this community garden would need further review in order to be disregarded. Whilst this can be done through a planning application I would encourage the submission of a formal pre application enquiry in this case in order that those impacts can be considered at an early stage. This would allow the opportunity for photos and any design comments/consideration to be assessed.

Pre application enquiries can be submitted online.

Please contact me if you have any questions.

Regards

Jamie Torrance

**Jamie Torrance**

Planning Officer (Major Applications & Enforcement)  
Development Management, Planning & Development

Perth and Kinross Council | Pullar House | 35 Kinoull Street | Perth | PH1 5GD



Please note I am currently working remotely and am best contacted by email

---

**From:** Andrew Megginson <[Andrew@andrewmegginsonarchitecture.com](mailto:Andrew@andrewmegginsonarchitecture.com)>

**Sent:** 03 February 2022 09:38

**To:** Development Management <[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)>

**Subject:** Privacy/ Overlooking Query

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

Good morning Sir or Madam,

I was wondering if you could help with a query. A client of mine is looking to form an extension to their house where we are proposing a roof terrace. The extension is on the boundary with a commercial property which acts as a food bank where they have some external area they use as a commercial garden for growing produce to support the food bank.

What are the general rules/ principles with regard to overlooking/ privacy from a residential property to a commercial property of the nature stated above?

I also understand that commercial premises are excluded from a development's impact on sunlight/ daylight amenity unless there is a particular requirement for sunlight/ daylight for example schools or perhaps hospitals.

Kind regards,

**Andrew Megginson** BSc, MArch

Director

Andrew Megginson Architecture

Web [www.andrewmegginsonarchitecture.com](http://www.andrewmegginsonarchitecture.com)

Tel 0131 557 9129

Mob 07583 404 422





## St Paul's Episcopal Church, Kinross

From the Vestry Chair

DevelopmentManagement@

8th April 2022

pkc.gov.uk

Dear Sirs,

Planning Application 22/00345/FLL

51 Muirs, Kinross

I refer to the above planning application. The church owns the ground immediately to the east/north east of the proposed development. The Church's ground is a small garden with some memorials to deceased members of the congregation. Contrary to the statements in the applicant's design statement it is not solely "a commercial garden for growing produce to support the food bank," a fairly recent use. It is a place used for quiet contemplation as it always has been. Church services are occasionally held there. The Church's tenant, the charity Broke not Broken, also uses it for confidential discussions with beneficiaries of the charity.

As originally proposed the development came right to the boundary between the ground currently forming the garden of 51 Muirs and the church's garden. In consequence the roof terrace forming part of the development would have overlooked at close range the church's garden and dominated the church's ground. It would have formed, in contradiction of the statement in the design statement, a very considerable intrusion on the privacy and tranquillity of the church's ground and the church vestry would have objected to the application.

However, following discussions with the applicants, we have seen the modified plan (1416-PI-02B) submitted to you this morning. Under this plan we understand that no part of the proposed extension will come within 1 metre of the boundary and the edge of the roof terrace with its glass panel surround will be at least half a metre back from the edge of the building, making the roof terrace at least one and a half metres in total from the boundary. This makes the proposal less intrusive and allows the existing beech hedge to be preserved as important screening. We therefore have no objection to permission being granted on the basis of the modified plan.

Yours faithfully,





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100538706-003

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

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Alterations and extension to dwelling.

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr/ Mrs	Building Name:	
First Name: *	D	Building Number:	51
Last Name: *	Reid	Address 1 (Street): *	Muir
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 8AU
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

51 MUIRS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KINROSS

Post Code:

KY13 8AU

Please identify/describe the location of the site or sites

Northing

702991

Easting

311698

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐

Meeting

☐

Telephone

☐

Letter

☒

Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

We discussed amended proposals with Keith Stirton who seemed generally happy with the revised two storey element of the proposals. As noted within our submission papers the LRB seemed to not have an issue with the roof terrace element of the proposals. Nor did they have an issue with any other elements and agreed that the extension was not a wrap around. The main issue they had was due to the "excessive height" which has been mitigated with the revised proposals.

Title:

Mr

Other title:

First Name:

Keith

Last Name:

Stirton

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

18/10/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

389.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Residential

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

<p>Are you proposing to connect to the public water supply network? *</p> <p> <input type="checkbox"/> Yes  <input type="checkbox"/> No, using a private water supply  <input checked="" type="checkbox"/> No connection required         </p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h3>Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? * <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</span></p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p>
<h3>Trees</h3> <p>Are there any trees on or adjacent to the application site? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<h3>Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;">         Provision as existing.       </div>
<h3>Residential Units Including Conversion</h3> <p>Does your proposal include new or additional houses and/or flats? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>
<h3>All Types of Non Housing Development – Proposed New Floorspace</h3> <p>Does your proposal alter or create non-residential floorspace? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>
<h3>Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>
<h3>Planning Service Employee/Elected Member Interest</h3> <p>Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr/ Mrs D Reid

Date: 22/10/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 24/02/2022

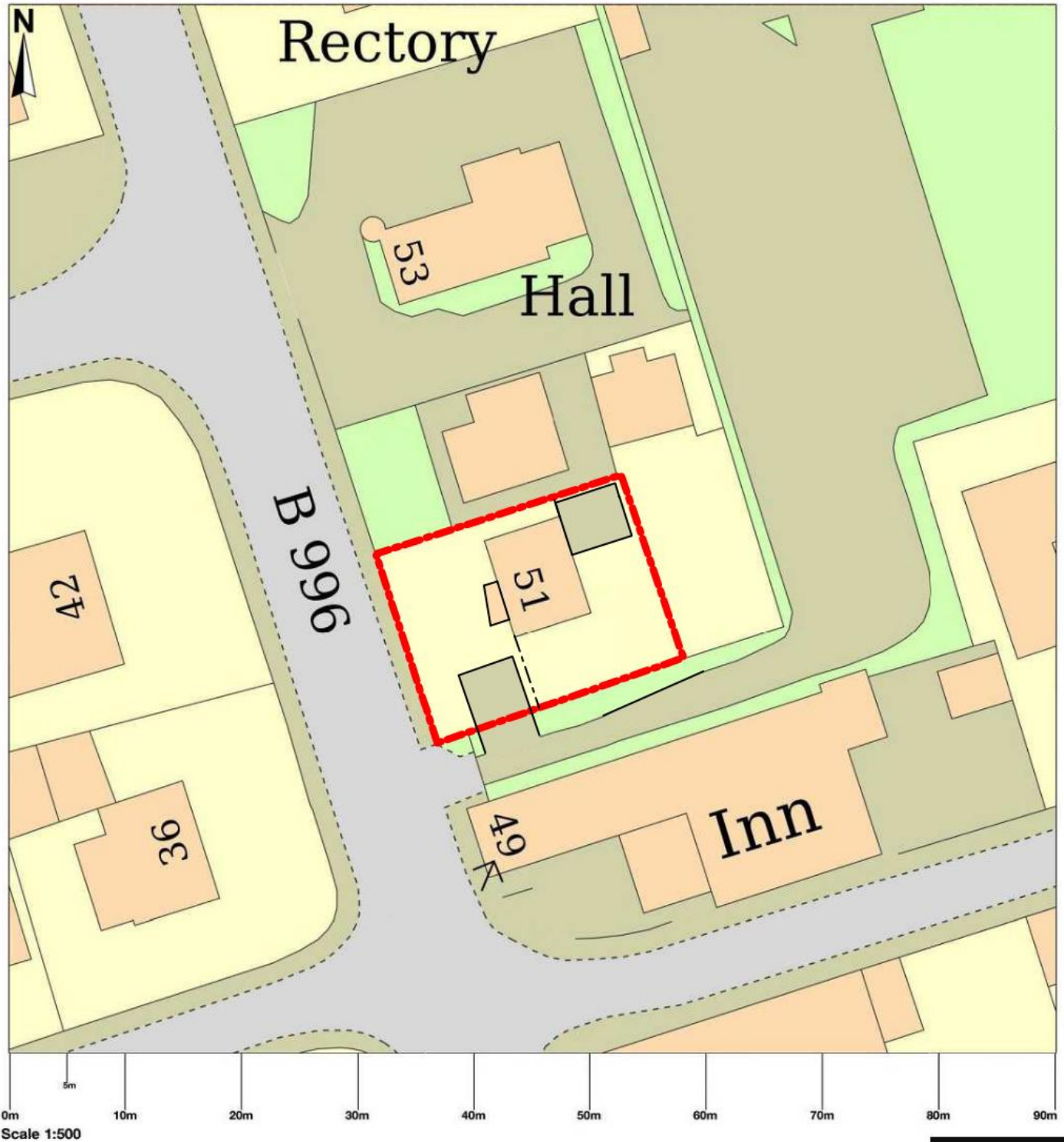
This map shows a village area with a scale of 1:1250. The map includes a north arrow in the top left corner and a scale bar at the bottom. The roads shown are A922, B966, Muirfield Grove, and Muir Grove. Key buildings are labeled, including St Paul's Church, Rectory, Inn, and various houses. A red rectangle highlights a specific building complex near the intersection of B966 and Muirfield Grove. The map also shows a path and a large green area labeled 'L Col'.

Map area bounded by: 311599,702893 311799,703093. Produced on 28 January 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4kwh744414/1007329





51 Muirs, Kinross, KY13 8AU

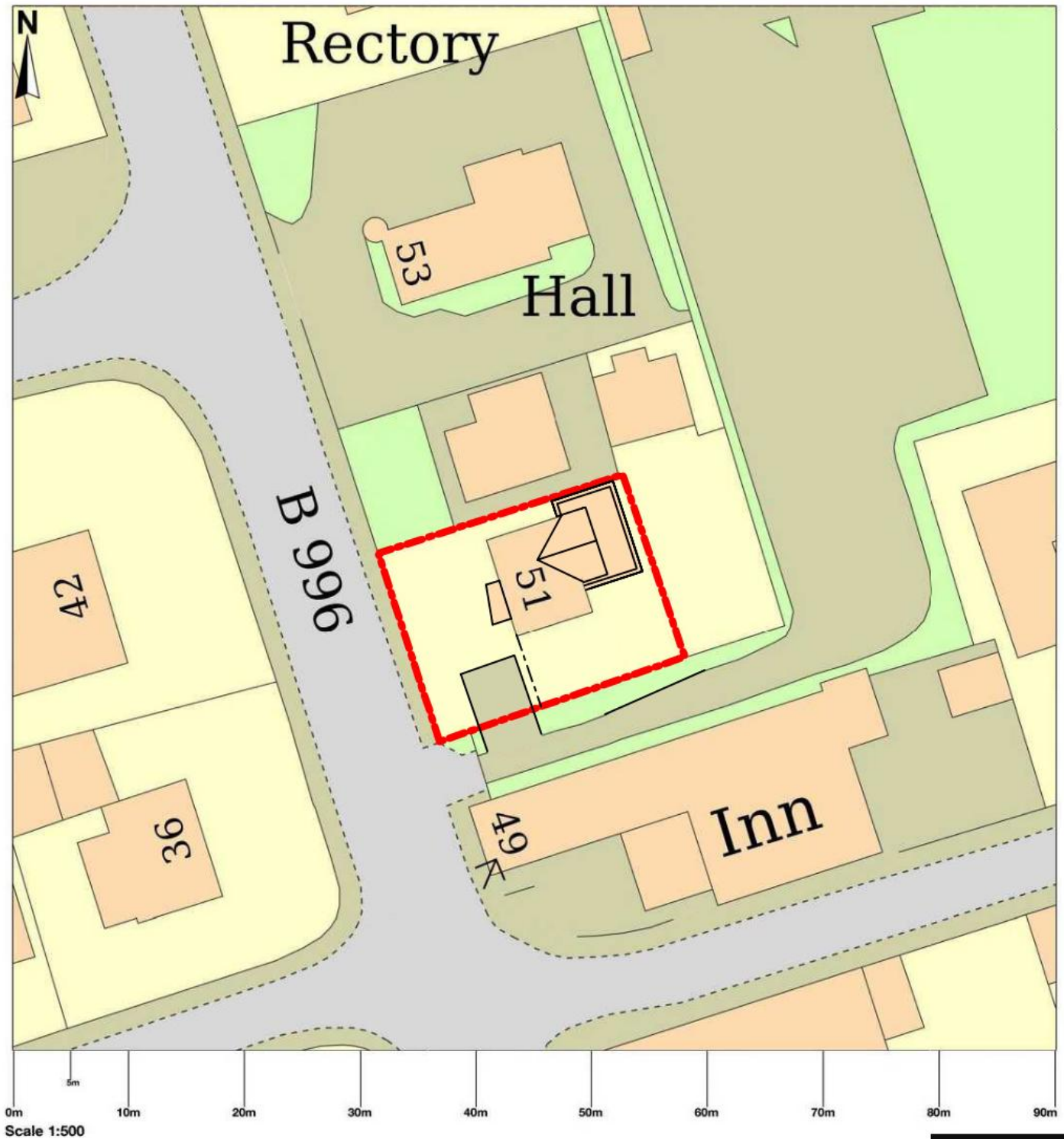


Map area bounded by: 311654,702948 311744,703038. Produced on 28 January 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b90c/uk/744414/1007235

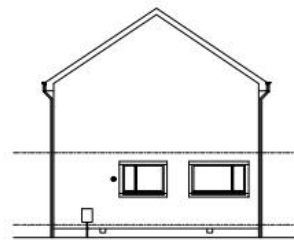
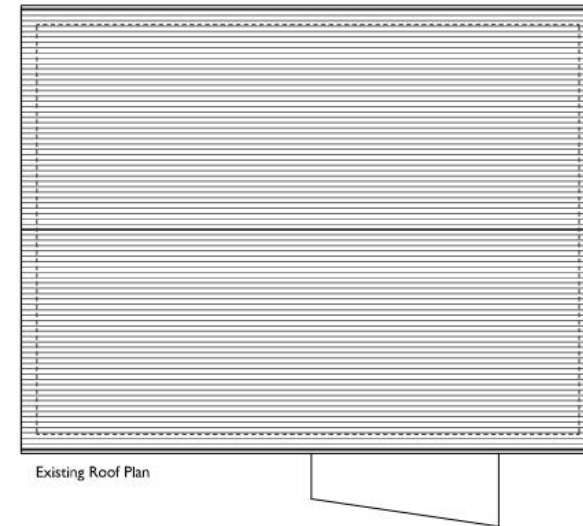
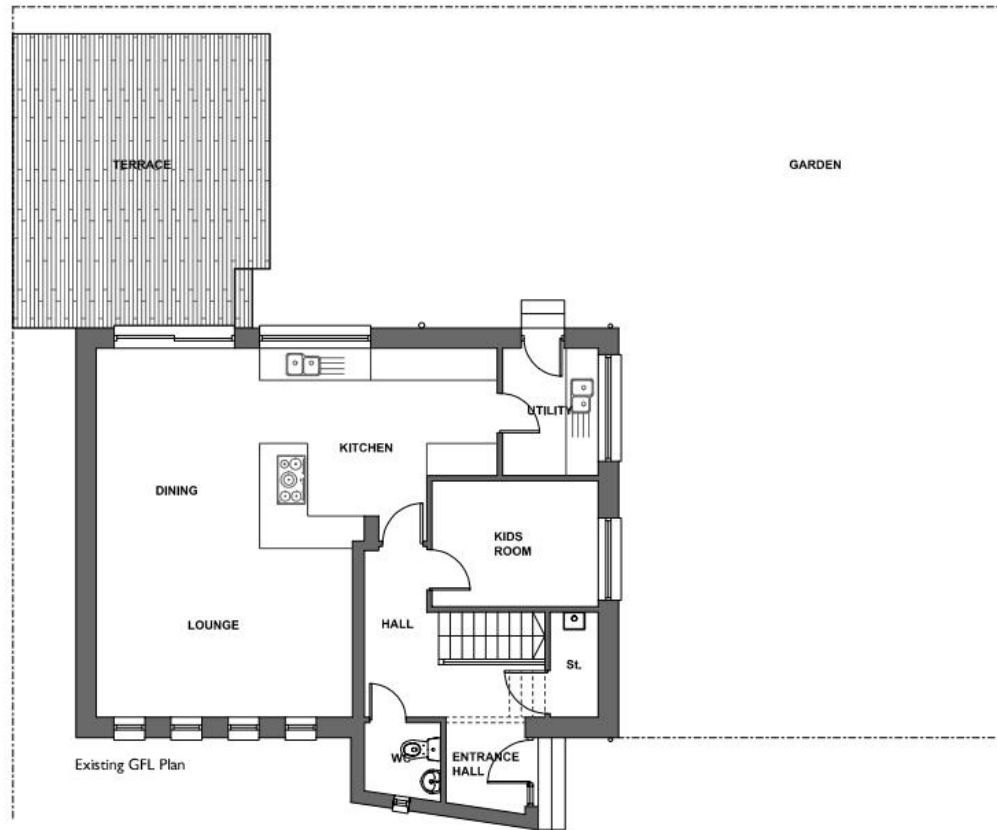




51 Muirs, Kinross, KY13 8AU



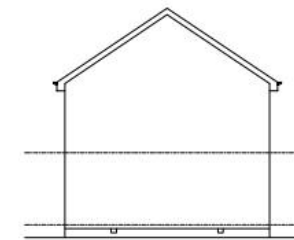
Map area bounded by: 311654,702948 311744,703038. Produced on 28 January 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b90c/uk/744414/1007235



Existing South Elevation (Side)



Existing East Elevation (Rear)



Existing North Elevation (Side)



Existing West Elevation (North)

CLIENT	Mr. & Mrs. Reid
PROJECT	Alterations and Extension to 51 Muns, Kinross
DRAWING	Existing Plans
STATUS	PLANNING
DATE	2017
BY	2017
REV	2017
DATE	2017

Andrew Megginson Architecture  
128 Dundee Street  
New Town  
Edinburgh  
EH6 6DD  
Tel: 0131 557 9128  
Email: info@andrewmegginsonarchitecture.com



ANDREWMEGGINSONARCHITECTURE



Perth and Kinross Council Planning Department seem to have concluded that the revised proposals for the two-storey element of the revised proposals outlined in drawing 1416-PL-02 B are acceptable through a pre-application enquiry. The LRB for the previously refused application seemed to not have an issue with the roof terrace element of the proposals. Nor did they have an issue with any other elements and agreed that the extension was not a wrap around. The main issue they had was due to the "excessive height" which has been mitigated with the revised proposals. The review can be watched here - [https://youtu.be/ZD\\_XD77559c?t=1561](https://youtu.be/ZD_XD77559c?t=1561)







As shown above the applicant has revamped and renovated the house significantly to a more contemporary standard that has dramatically and positively altered the visual amenity to the street. The finishes and style are completely modern with a flat roofed element protruding to the front.

The proposals seek to extend the house to provide the family more space both for a better living environment and for functional reasons through a modern flat roofed single storey extension and part double storey pitched roof extension to the rear. The single storey extension will create a large open plan living space with great connection to the garden and also form a more intimate snug to the front of the house. The open plan part will be for when the family comes together and for entertaining guests. The snug is aimed at creating a flexibly used separate sitting space. To the first floor a bedroom is extended to create a good sized principal bedroom that will contain separate sanitary and more specifically shower facilities which will help the family very well functionally to this regard. The double storey extension part is kept as tight to the house as possible. To the flat roof from the bedroom a roof terrace is added. See photo below of the rear of the house.

Externally the flat roof is used to keep the proposals low and provide the extension a contemporary look which will tie in with the entrance hall at the front of the property. A flat roof extension with terrace has also gained permission to the pavilion of the Kinross Rugby Club nearby showing that this form of extension is appropriate to the area.

The area of external space as existing is 322sqm, the new extension would take up 46sqm of this space (less than 15%).

As can be seen from the site plan, the dwelling is surrounded by commercial properties. The Muirs Inn to the south, the church hall and Broke Not Broken building to the north and the garden ground of the Broke Not Broken building and car park area for the Kinross Rugby Club thereafter. The nature of the proposals being largely single storey with the double storey part being kept tight to the existing house means that no detrimental daylight/ sunlight issues will be formed to the commercial properties. The two storey part is also informed by the east elevation, in terms of building line, of the church hall where it will utilise this building to help screen the development. The Broke Not Broken building is used as a food bank where the garden ground is used as a commercial garden for growing produce to support the food bank as well as a quiet contemplation, occasional church service area and area for discussions associated with the church and charity. As per the correspondence submitted as part of this application which we have gathered as there is no specific policy with regard to overlooking/ privacy issues from residential to commercial properties, we have been advised by the duty planning officer that the privacy aspects would likely be accepted with the fact that the roof terrace will not be intensively used, with use being very much intermittent, and a lesser standard of overall privacy to the commercial property being accepted/ required.



It should be noted that the conservation planner who has evaluated the previous proposals (which were similar in principle to this revised version) effect on the setting of the church which forms the boundary between the application site on two orientations had no objections, concluding that the proposals would have no impact on the setting of the adjacent listed buildings and thus the area.



We consulted Perth and Kinross Council with regard to the terrace area in relation to the surrounding commercial properties prior to the submission of the application in a general approach as there is no specific guidance with regard to amenity between residential and commercial properties. Upon discussing the design principle with another planning officer they concluded that;

“I would concur that those privacy aspects as described would likely be acceptable on the basis that they would be intermittent and relative to a small area of commercial property whereby a lesser standard of overall privacy could be accepted or required. The above should be demonstrated in any application in terms of design or supporting statement. Steps still need to be taken to minimise any impacts as much as possible.” (see correspondence submitted as part of the application).

Further to this and in line with taking steps to minimise the impacts as much as possible the applicant has proactively discussed the proposals with the church to mitigate any amenity concerns associated with overlooking. The applicant and AMA provided revised plans to the church following some initial concerns to which following internal discussions of interested and relevant parties associated within the church noted support for the application proposals stating;

“As originally proposed the development came right to the boundary between the ground currently forming the garden of 51 Muirs and the Church’s garden. ... It would have formed ... a very considerable intrusion on the privacy and tranquility of the church’s ground and the church vestry would have objected to the application. However, following discussions with the applicants, we have seen the modified plan (1416-PL-02 B) submitted to you this morning. Under this plan we understand that no part of the proposed extension will come within 1 metre of the boundary and the edge of the roof terrace with its glass panel surround will be at least half a metre back from the edge of the building, making the roof terrace at least one and a half metres in total from the boundary. This makes the proposal less intrusive and allows the existing beech hedge to be preserved as important screening. We therefore have no objection to permission being granted on the basis of the modified plan.”

Any views noting that the terrace area would detrimental to the adjacent curtilage against the statements of the curtilage owner, the duty planning officer we initially discussed the proposal with, the applicant, the LRB of the previously refused application and ourselves is completely subjective and should be dismissed.

The below is a view of the rear garden from another angle.



In conclusion we feel the development is appropriate to the existing dwelling and surrounding area and that no amenity will be detrimentally affected in the area particularly the adjacent church curtilage. We respectfully ask that the council agree with this and conclude that the development is acceptable under the Local Development Plan.



**LRB-2023-01**

**22/01884/FLL - Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross, KY13 8AU**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 129-130)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 131-136)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, pages 149-158)*



**LRB-2023-01**

**22/01884/FLL - Extension to dwellinghouse and formation  
of roof terrace, 51 Muirs, Kinross, KY13 8AU**

## **REPRESENTATIONS**



## Maya Fraser

---

**From:** Development Management  
**Sent:** 21 November 2022 11:20  
**To:** Maya Fraser  
**Subject:** FW: Scottish Waters response - 22/01884/FLL | Extension to dwellinghouse and formation of roof terrace | 51 Muirs Kinross KY13 8AU

---

**From:** Planning Consultations <PlanningConsultations@scottishwater.co.uk>  
**Sent:** 18 November 2022 10:57  
**To:** Development Management <DevelopmentManagement@pkc.gov.uk>  
**Subject:** Scottish Waters response - 22/01884/FLL | Extension to dwellinghouse and formation of roof terrace | 51 Muirs Kinross KY13 8AU

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

22/01884/FLL | Extension to dwellinghouse and formation of roof terrace | 51 Muirs Kinross KY13 8AU

Good Morning,

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

I trust the above is acceptable however if you require any further information regarding this matter please contact us on 0800 389 0379 or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Kind regards,

Ruth Kerr

Technical Analyst  
North Regional Team

Strategic Development  
Development Services  
Dedicated Freephone Helpline: 0800 389 0379

[DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)

