

**LRB-2021-10**  
**Planning Application – 20/01823/FLL – Erection of**  
**ancillary accommodation, Shinafoot House, Dunning**  
**Road, Auchterarder**

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**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)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**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 checked="" 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 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 checked="" 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:

A hearing session is requested to afford the applicant an opportunity to present their personal reasons behind the proposed development

**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 type="checkbox"/>            | <input checked="" 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.

See attached appeal statement

A site visit will be beneficial to gain an understanding of the context within which the development sits and the ancillary nature of the proposals.

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.

S01 - Location Plan  
S02 - Existing Site Plan  
S03 - Existing Site Sections  
PL01B - Proposed Plans & Sections  
PL02 - Proposed Elevations & 3d Perspectives  
PL04 - Proposed Site Plan  
PL05 - Proposed Site Sections  
Planning Supporting Statement  
Appeal Statement

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

10/3/21



## **Review Statement**

Planning Application Ref: 20/01823/FLL

### **Erection of Ancillary Accommodation**

#### **Shinafoot House, Dunning Road, Auchterarder, PH3 1DU**

This statement has been prepared in relation to the above planning application which was refused on 2<sup>nd</sup> February 2021.

Shinafoot House is a modern dwelling set within large grounds. The owner and applicant, Mr S Ferrier, and his family enjoy spending time outdoors and the ancillary accommodation will provide them with a flexible space to enjoy outdoor entertaining with friends and family, cooking and dining as well as providing a workspace and home office for the applicant as both he and his wife now work full time from home.

The reasons for refusal are not considered to be correct and have been based on an inadequate understanding of the proposal as a whole and the information provided in the supporting statement and site photographs.

While the planning department did raise some concerns in relation to the planning history of the site, the siting of the building within the site and the relationship to the existing house during the course of the application, no opportunity was given to amend the design or site layout to address these concerns.

#### **Reasons for Refusal**

The reasons for refusal and assessment within the case officer's delegated report do not represent an adequate understanding of the nature of the site and the proposal as a whole:

- 1 The proposal, by virtue of its proportions, siting, layout, orientation and extent of accommodation, lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the density and siting of all development respects the character and amenity of the place.
- 2 The proposal contains insufficient information with regards to tree protection/ removal. Approval would therefore be contrary to Policies 40A(b),(d) and (e) and 40B of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that trees of good amenity value are protected.

#### **Placemaking**

The delegated report acknowledges that the existing house is a detached dwelling set within spacious grounds in a rural location. The report states that there are various factors in assessing proposals for ancillary accommodation which include siting, proportions, physical and functional relationship to the existing dwelling.

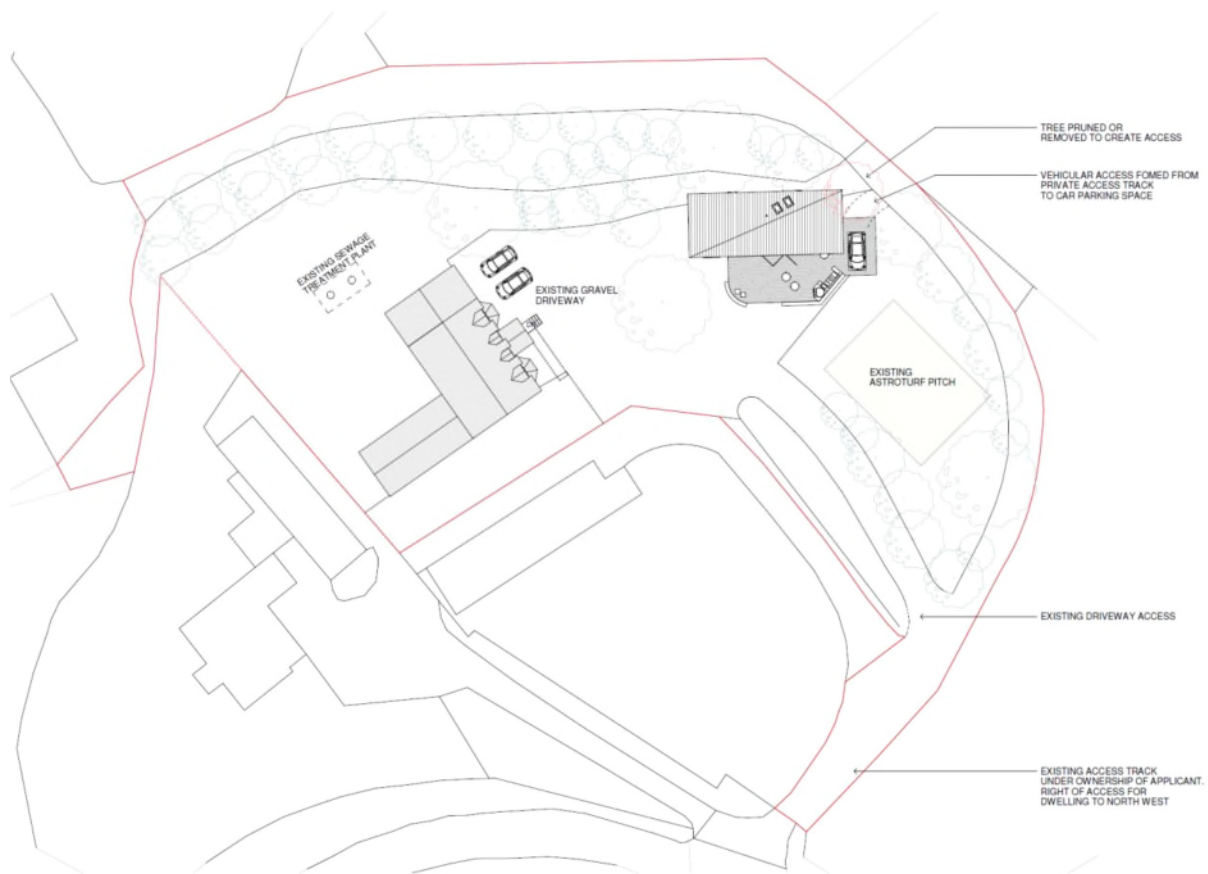
The supporting statement clearly demonstrates that the siting of the proposed ancillary building is specific to the layout of the existing site and provides a connection between the outdoor recreation area/s and the existing dwelling.

It is accessible via the existing driveway to the house and further enhances the courtyard feel of the house, driveway & gardens through its siting. This arrangement is prevalent in traditional rural dwellings with ancillary outbuildings. In the case, the building position is also dictated by the topography of the surrounding land and the need to not 'overhang' a slope.

The orientation of the proposed building is also site-specific in order to take advantage of views towards the Ochil Hills to the east and so as not to obscure the views from primary elevation of the existing dwelling. The building is set back from the façade of the existing dwelling to reinforce its ancillary nature.

The delegated report states that the proposed building will "turn its back on the (existing) house"; this is incorrect as the building will sit perpendicular to the house to enclose the existing courtyard and create a functional space for vehicles and pedestrians between the existing and proposed buildings.

The overall site area is approximately 1 acre with the existing house in the region of 232m<sup>2</sup> and the proposed ancillary building footprint 82m<sup>2</sup> (this is wrongly stated in the delegated report as 92m<sup>2</sup>). Therefore, in terms of size, the proposed building is around 1/3 of the size of the existing dwelling and 2% of the overall site area.



The report goes on to say that the proposal is contrary to Policy 1A and 1B (c). These policies state that:

*"Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development."*

The proposal represents a high-quality contemporary design and seeks to positively contribute to the built environments through its form and material choice. The siting respects the amenity of the existing house & gardens and aims to enhance the overall site by creating a cohesive relationship between all parts of the site.

The scale of the proposed building is clearly ancillary in relation to the existing dwelling in terms of footprint and overall proportions. The form, massing and materiality is complementary of the local vernacular; it is appropriate within its context, creating a meaningful and contemporary development.

### Planning History

The delegated report references the planning history of the site and the previous refused application for the erection of a dwelling house (Ref: 06/01488/OUT). It is worth clarifying that this application did not have the same red line boundary as this application as shown in the site plan below:



The current application is not for a separate dwelling and nor does it seek to provide a route to this in the future as this would be subject to a further planning application in its own right. This application should be assessed on its own merits and not on historical decisions for an application of a different nature.

### Forestry, Woodland & Trees

The delegated report refers to a tree shown for removal on the site plan: this tree is noted as being 'pruned or removed' on the site plan. The tree itself is a conifer and is not subject to any TPO at the time of the application.

The second reason for refusal states that the application contains insufficient information on the protection/removal of trees. This information was not requested during the course of the application, nor was there any discussion of tree protection or removal during the correspondence with the case officer.

If this is a material concern of the planning department, the proposal could easily have been amended to leave existing tree in place and remove the proposed new vehicular access.

Reference has also been made in the report to a tree survey that has not been provided. This was not requested at any point during the application and could easily have been carried out should the planning department have asked for it.

### **Application Discussions**

During the course of the application, studioEAST were asked to provide a supporting statement for the application which was submitted on 15<sup>th</sup> January 2021. The case officer subsequently sent an email on 27<sup>th</sup> January stating that the planning department had concerns over siting, physical relationship to the existing dwelling and scale.

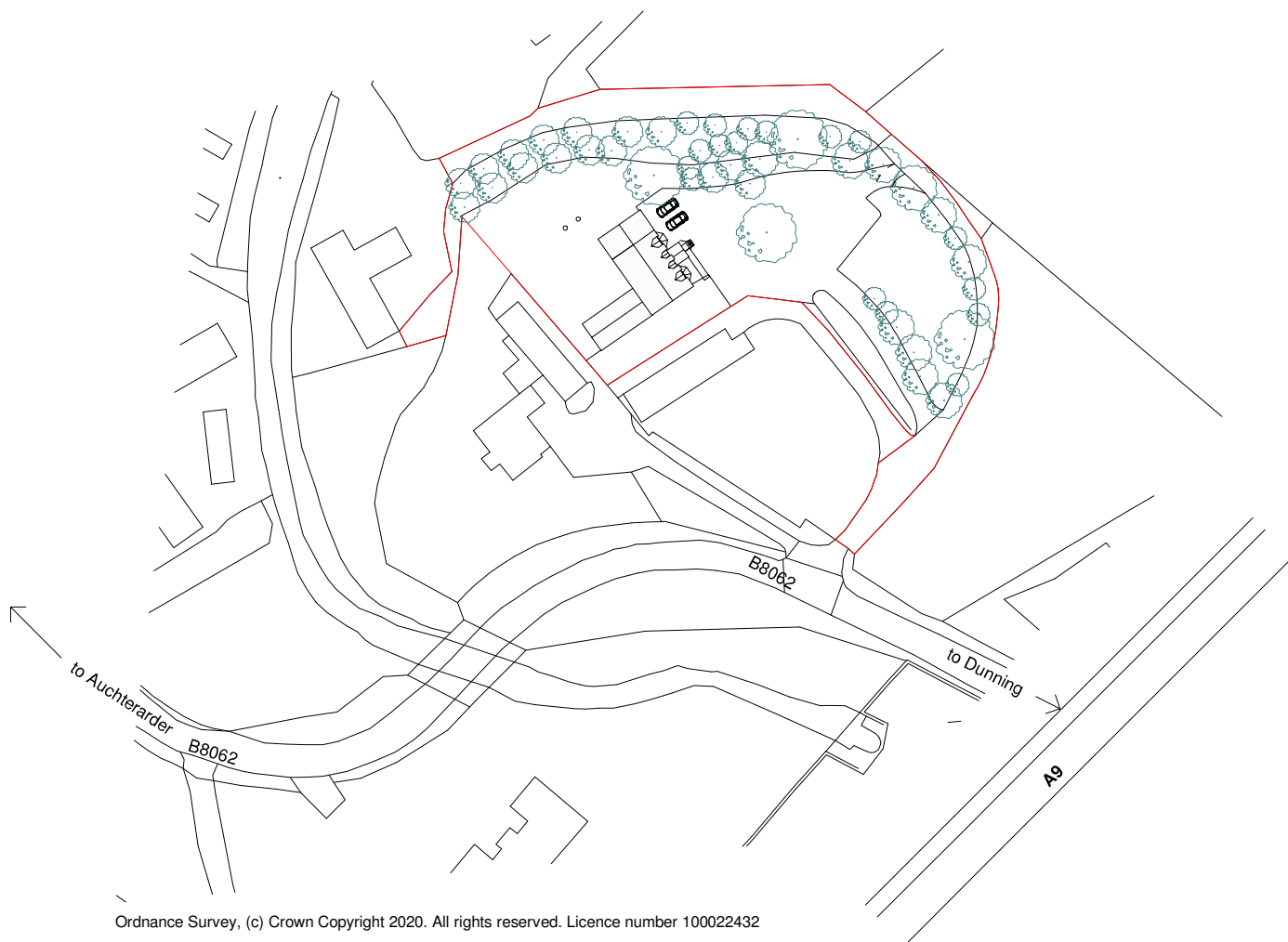
studioEAST responded via email on 28<sup>th</sup> January and a telephone call with the case officer on 29<sup>th</sup> January where we clarified that the proposed function of the building as ancillary accommodation and discussed the concerns with the offer of amending the scale/size of the proposals to address these.

It was also proposed that the separate vehicular access could be removed and the tree highlighted for pruning or removal be left in place if this would support the application. These offers were refused and the case officer confirmed the application would be recommended for refusal.

### **Summary**

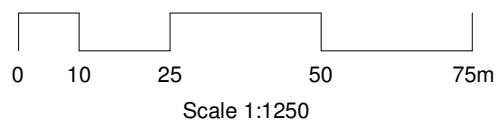
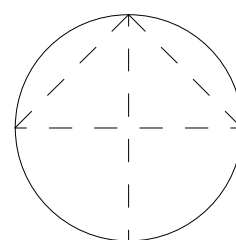
The proposals as submitted are for the erection of ancillary accommodation on a large rural site, which will provide the applicant and their young family with a flexible and visually exciting space that sits within the landscape of the garden and their existing house.

The high quality contemporary design seeks to improve and enhance the visual amenity of the surrounding built context and create a useable and well-designed space to meet the current and future needs of the applicant.



# Location Plan

1 : 1250

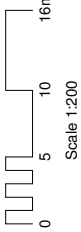


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<b>studio   EAST</b>		<b>PROJECT</b> <b>New Garden Room</b> Shinafoot, Dunning Road, Auchterarder, PH3 1DU	
<b>CLIENT</b> <b>Ferrier</b>	<b>REV</b>	<b>Project Number</b>	20080
	<b>Scale (@ A4)</b>	<b>Date</b>	NOV 2020
<b>DRAWING NUMBER:</b>		<b>PURPOSE OF ISSUE</b>	Planning
S-01		King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk	

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IF IN DOUBT, ASK



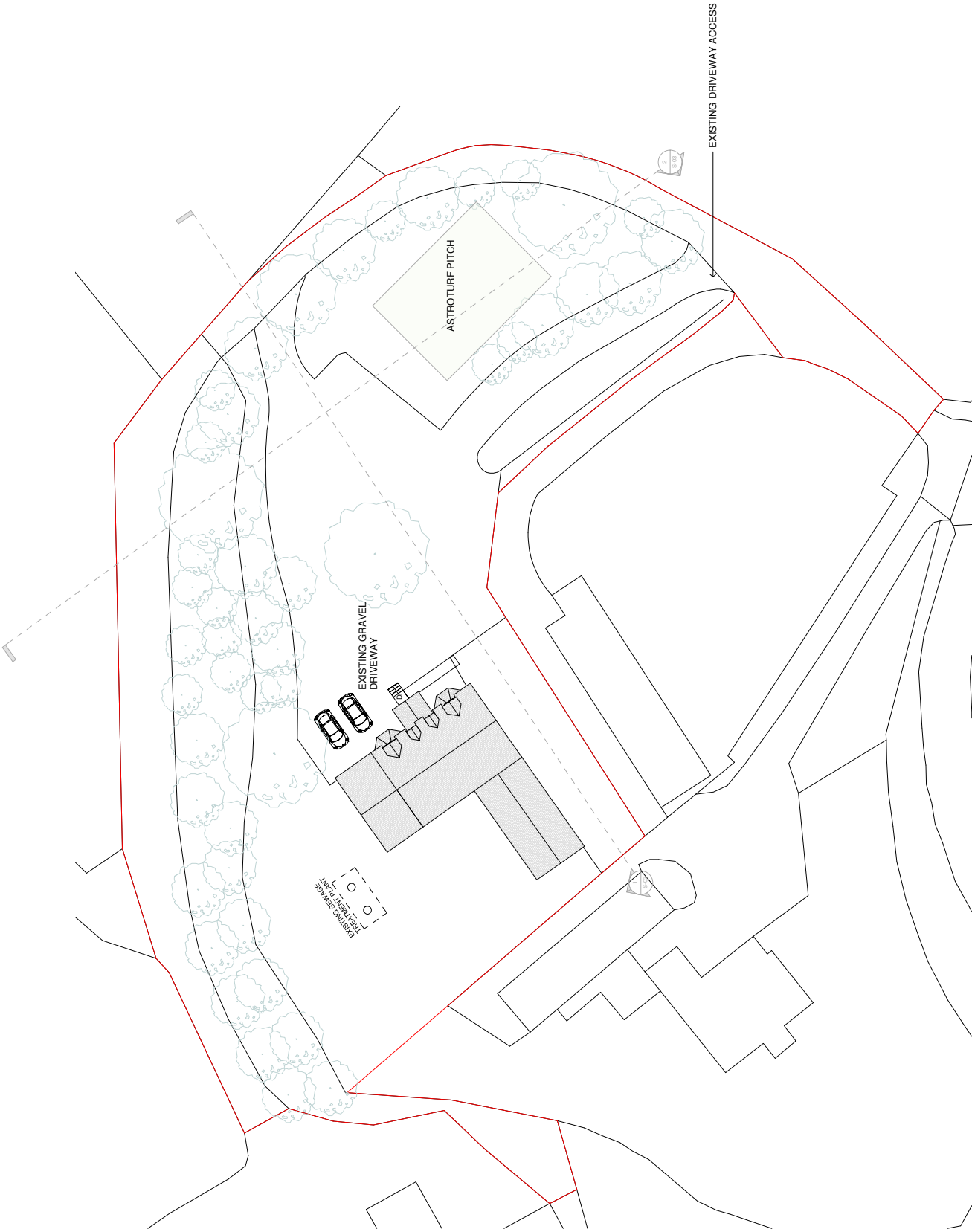
No. Description Date  
**studio EAST**

Client Ferrifer  
**S-02**

Project New Garden Room  
Sheaboot, Dunning Road, Auchtermuchty, PH8 1DU  
Sheet **EXISTING SITE PLAN**

Scale 1: 200  
Project number 20090  
Date NOV 2020  
Purpose of Issue Planning  
Drawn by  
Author

King James VI Barracks Centre, Farnborough, Portsmouth, Hampshire, UK  
10/11/2020 10:11:20 AM



Existing Site Plan  
1: 200

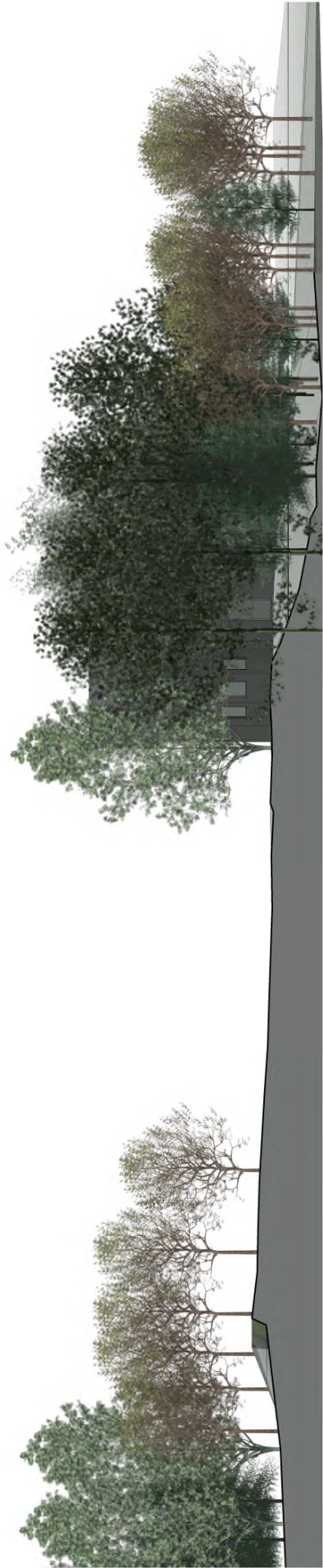


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Existing Site Section A-A

1 : 100



Existing Site Section B-B

1 : 100

No. Description Date

studio EAST

Client Ferrifer

S-03

Project New Garden Room

Sheet S0301, Dunning Road, Auckland, PH3 1 DU

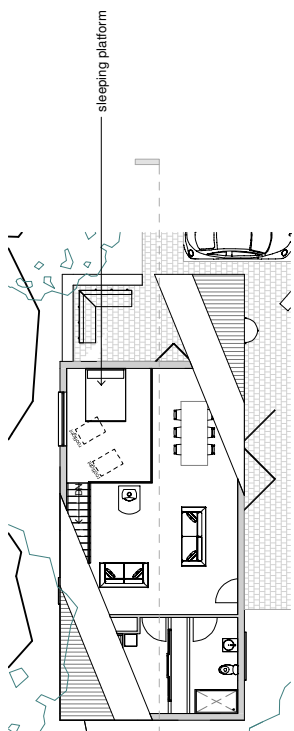
EXISTING SITE SECTIONS

Scale	1 : 100
Project number	20090
Date	NOV 2020
Proposed by	Planning
Drawn by	Author

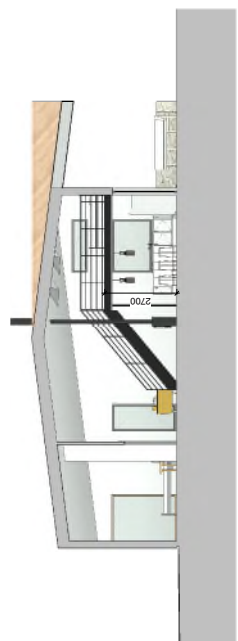
King James VI Barracks Centre, Palmerston North, P40 80Y  
17/11/2020 10:10:10 AM 10/11/2020 10:10:10 AM

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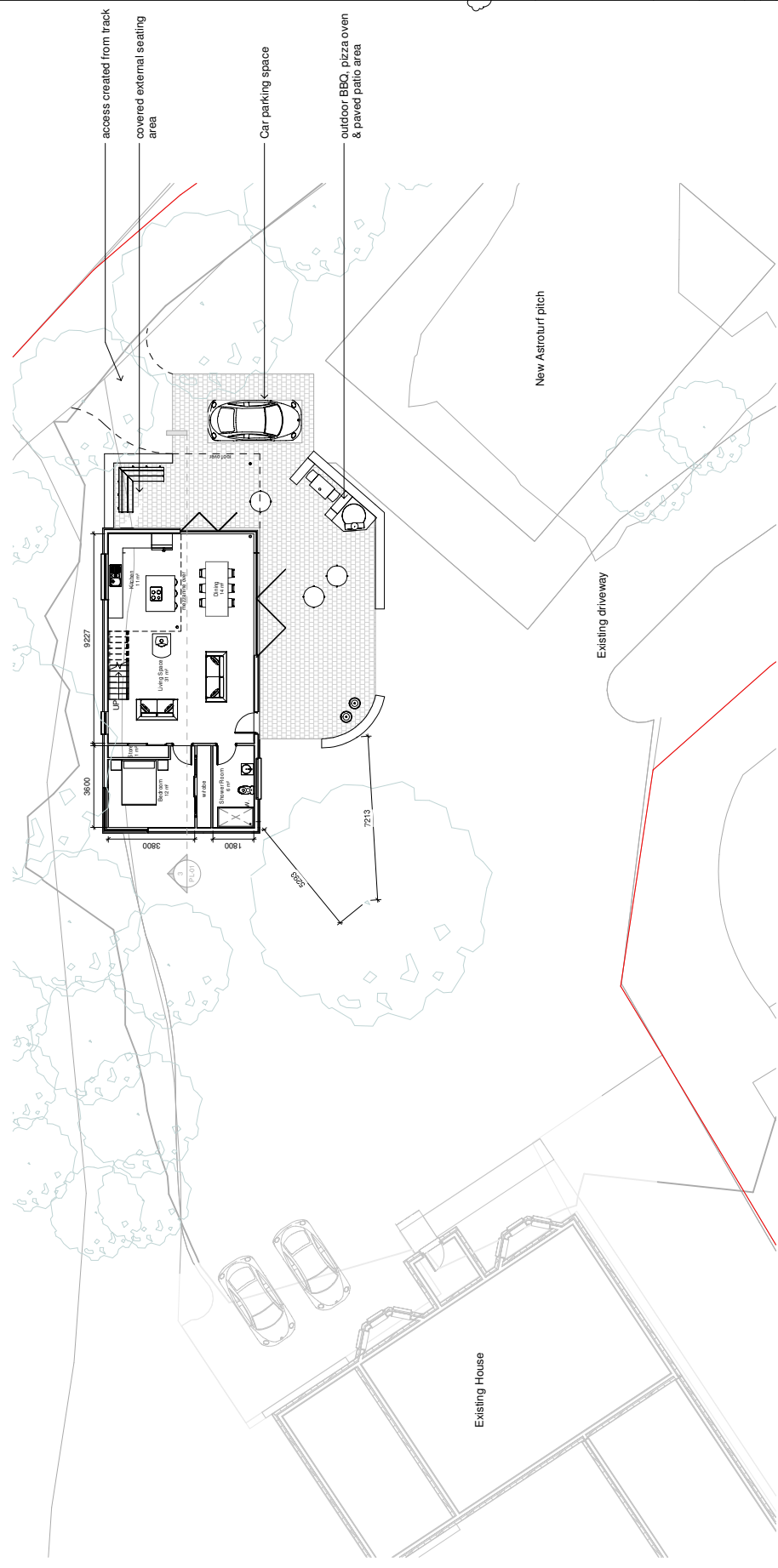
IF IN DOUBT, ASK



**Proposed Mezzanine Floor Plan**  
1 : 100



**Section A-A**  
1 : 100



**Proposed Ground Floor Plan**  
1 : 100

**studio EAST**

Client Design Change & Planning Issue 02.12.20  
Client Design Changes 27.11.20  
No. Description Date

Client	Ferrifer
Project	PL-01
Project	New Garden Room
Sheet	Shedout, Dinning Room, Archway, PHS 100
PROPOSED PLANS AND SECTION	
Scale	1 : 100
Project number	20090
Date	NOV 2020
Purpose of Issue	Planning
Drawn by	FSF

King James VI Business Centre, Farnborough, Hampshire  
01753 612251 - 01753 612252



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IF IN DOUBT, ASK



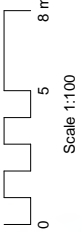
3D View 1



3D View 2

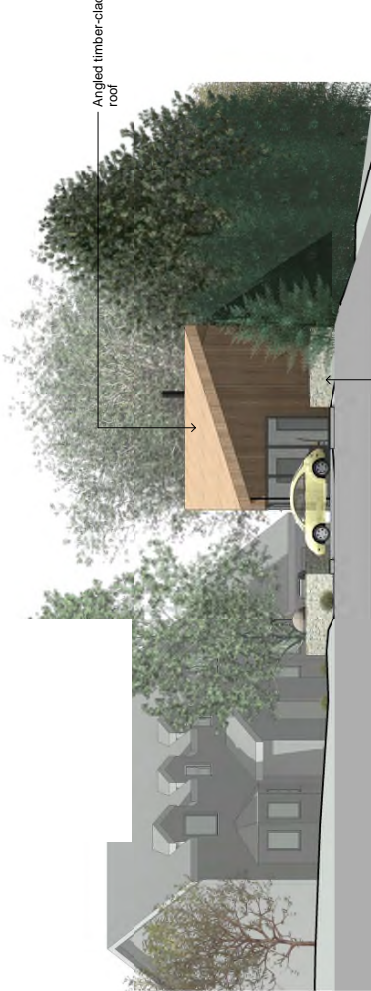


3D View 3



Proposed North Elevation

1 : 100



Proposed East Elevation

1 : 100



Proposed West Elevation

1 : 100



Proposed South Elevation

1 : 100

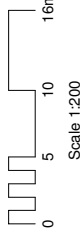
B	Client Design Change & Planning Issue	02.12.20
A	Client Design Changes	27.11.20
No.	Description	Date

studio EAST

Client	Ferrifer
Project	PL-02

Project: New Garden Room  
Site: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 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1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089,

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No. Description Date  
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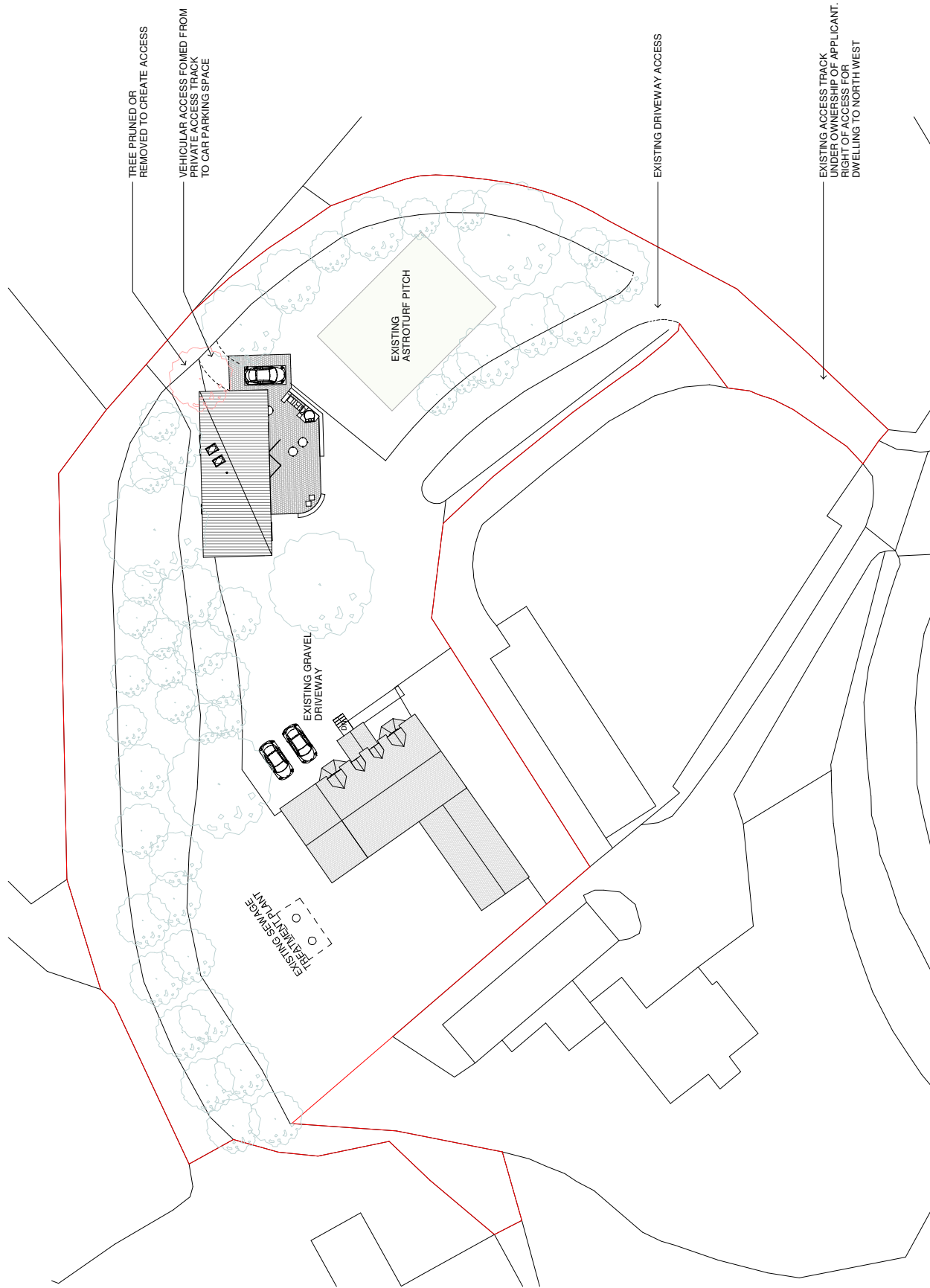
Client Ferrifer  
**PL-04**

Project New Garden Room  
Sheelob, Durrus Road, Achterade, PHS 1 DU  
Sheet  
**PROPOSED SITE PLAN**

Scale	1 : 200
Project number	20090
Date	NOV 2020
Purpose of issue	Planning
Drawn by	FSF

King James VI Business Centre, Fairport Rd, Perth  
01739 622516 01739 622522

**Proposed Site Plan**  
1 : 200







1 : 100



## 1 : 100



**studio** | **EAST**

PL-05New Garden Room

Minisfoot, Dunning Road, Auchtermadar, P.

ORDER OF THE COURT

King James VI Business Centre, Fife Road, Perth, PH2 8DY  
t: 01738 472090 e: helen@saudio-east.co.uk



## Supporting Statement

**Erection of ancillary accommodation in garden ground**  
**Shinafoot House**  
**Dunning Road**  
**Auchterarder**  
**PH3 1DU**

Prepared: 13<sup>th</sup> January 2020

Revisions:



Prepared by:

studioEAST Chartered Architects  
King James VI Business Centre, Friarton Rd, Perth, PH2 8DY  
01738 472090  
hello@studio-east.co.uk

## **Introduction**

This statement has been prepared to support an application for the construction of ancillary accommodation in garden ground at Shinafoot House, Dunning Road, Auchterarder. The purpose of this statement is to demonstrate how the proposal aims to serve the needs of the current and future owners of the Shinafoot House and how the design, siting and orientation has been considered to accord with the policies set out within the Perth & Kinross LDP 2.

## **Planning History**

There have been two previous planning applications for the site and one for land adjacent to this application site.

06/01488/OUT – Outline application for a dwellinghouse. Refused 28/02/07

07/01376/OUT – Outline application for a 1.5 storey dwellinghouse. Withdrawn 20/07/07

10/02075/IPL – In Principle application for a dwellinghouse on land adjacent to current application site.

The previous applications relate to the erection of a single dwellinghouse. The delegated report for application 06/01488/OUT states the reasons for refusal as contrary to Policy 54 of the Strathearn Area Local Plan and the Housing in the Countryside Policy as it would introduce a visually prominent element to the rural location and did not sit within the curtilage of the existing building group to the west of the application site.

## **Client Brief**

The proposed new building is intended to provide the applicant and their young family with a flexible and visually exciting space that sits within the landscape of the garden and their existing house. The client brief was to create a connected indoor/outdoor space that could be used for outdoor cooking & dining and family entertaining whilst also having the flexibility to provide accommodation for visiting family members or a designated home office space for the applicant.

The applicant works in the sport and fitness industry therefore the family have an active lifestyle, including outdoor sports. The current garden ground, with large landscaped spaces and AstroTurf pitch, provides the opportunity for the family members to play and practice various sports at home. The proposed building would enhance the outdoor experience by providing a space to gather, eat or rest as a family.

## **Site & Topography**

The application site extends to 4075m<sup>2</sup> and encompasses Shinafoot House, access driveway, AstroTurf pitch, existing mature tree belt and existing landscaped garden ground. The existing house has its own private driveway and parking forecourt which is located to the south-west of the proposed building. The siting of the building within the site was carefully considered so as to have a direct relationship to the existing AstroTurf pitch and large outdoor space that forms the north east of the application site and also take advantage of the framed views of the Ochil hills to the south-east. The siting reduces the visual impact on the existing house by turning the 'gable' end of the proposed building towards the primary elevation of the existing house. The site is under the single ownership of the applicant and the siting of this proposed development would preclude any further development to the east or south east.

### **Access & Parking**

The site is to be accessed by the existing driveway access. The existing parking space for Shinafoot House is not affected by the proposals. An additional parking space for visiting family cars is shown on the plan, accessed from the private track to the east which is under the ownership of the applicant. The car parking and manoeuvring areas will be generally finished in a gravel layer within the immediate area of the new building.

### **Design & Materials**

The design of the proposed building is simple, practical and flexible. The main volume accommodates an open plan kitchen/dining/sitting area which opens out – via glazed bifold doors - onto an external patio area with outdoor cooking facilities. A small bedroom space and shower room are to the west of the main space. The roof has been designed to pitch up at the north east corner, allowing a mezzanine platform to sit above the main space to accommodate a study/home office or additional sleeping space. The asymmetric design of the roof allows a flexible variety of accommodation to be created within a single storey volume, reducing its external visual impact.

The new building is designed to be contemporary in its form and style and the restricted material palette emphasises the simplicity of the design. The building is entirely clad in timber, a reference to the wooded area behind. This will weather to a soft silver colour over time allowing the building to blend into the landscape. The monolithic appearance creates a contrast with the existing house and provides a distinction between old and new, main living volume and ancillary accommodation. The external patios areas will be formed in stone walls and paving.

### **Sustainable Development**

The proposed development, as a whole, will present the opportunity for a holistic sustainable lifestyle with living and working taking place at the applicant's home and limited dependence on the requirement for travel for work. The new building will be designed as a low carbon building with high levels of insulation and energy efficient glazing. The relatively small space and open plan layout of the main volume will be straightforward to heat. The large glazed areas to the south will allow maximum solar gain and a passive ventilation strategy can reduce overheating. The following technologies and sustainable design principles are intended be included within the scheme:

- High performance windows with low u values.
- High performance timber frame construction/SIPS panels with enhanced airtightness & excellent thermal performance.

Furthermore, spoil from groundworks will be retained on site to reduce the number of vehicular movements required during construction. It is the intention of the client to use local contractors and materials whenever possible.

### **Drainage & Services**

Foul drainage will be connected to the existing septic tank as per the existing house. Surface water drainage will be connected to a soakaway with any attenuation as required by the site conditions. Design of these systems will be carried out in full detail by the project engineer, once engaged. The use of renewable technologies such as an air source heat pump and photovoltaic or solar thermal panels will be investigated to support heating/hot water services.

### **Conclusion**

The overall development will be of a high quality in terms of design, massing and materiality. By utilising the existing mature boundaries of the site, the new proposal will be able to sit within the existing built environment & landscaping whilst allowing the existing house to retain its

sense of proportion and siting within its garden ground. This will be a sensitive and efficient development which will enhance the visual amenity of the area.

With reference to the LDP Policy 1A: Placemaking key principles; development that promotes sustainable placemaking and that is designed to a high quality should be encouraged;

*Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site.*

PKC LDP, pg.21

The proposals aim to provide a contemporary development which is well seated within its rural context and will present the opportunity to encompass a more sustainable lifestyle for the applicant & their family, both now and in the future.



**LRB-2021-10**  
**Planning Application – 20/01823/FLL – Erection of**  
**ancillary accommodation, Shinafoot House, Dunning**  
**Road, Auchterarder**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in* *applicant's submission, pages 211-222)*





Mr S Ferrier  
c/o StudioEAST Chartered Architects  
Frances Strachan-Friar  
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PH1 5GD

Date of Notice: 2<sup>nd</sup> February 2021

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

Application Reference: **20/01823/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 8th December 2020 for Planning Permission for **Erection of ancillary accommodation Shinafoot House Dunning Road Auchterarder PH3 1DU**

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

### **Reasons for Refusal**

- 1 The proposal, by virtue of its proportions, siting, layout, orientation and extent of accommodation, lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the density and siting of all development respects the character and amenity of the place.
- 2 The proposal contains insufficient information with regards to tree protection/ removal. Approval would therefore be contrary to Policies 40A(b),(d) and (e) and 40B of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that trees of good amenity value are protected.

### **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

07

08

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/01823/FLL	
Ward No	P7- Strathallan	
Due Determination Date	7th February 2021	
Draft Report Date	2nd February 2021	
Report Issued by	KS	Date 2 <sup>nd</sup> February 2021

**PROPOSAL:** Erection of ancillary accommodation

**LOCATION:** Shinafoot House Dunning Road Auchterarder PH3 1DU

#### 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.

**DATE OF SITE VISIT:** N/A due to Coronavirus pandemic restrictions.

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

Shinafoot House is a large detached dwellinghouse which sits within spacious garden grounds at Shinafoot, a rural location to the east of Auchterarder. This application seeks detailed planning permission for the erection of a large detached building to the east of the house, for use as ancillary accommodation.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by aerial/satellite imagery and through photographs provided by the applicant's agent.

Together this information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of the proposed development.

## **SITE HISTORY**

PK/87/1509	Conversion of disused mill to residential accommodation Application Approved – 17 December 1987
01/00178/OUT	Erection of a dwellinghouse (in outline) on existing site of barn Application Approved – 6 April 2001
04/00877/FUL	Erection of a dwellinghouse Application Withdrawn – 23 July 2004
04/02469/FUL	Erection of a detached dwellinghouse with studio and garage Application Approved – 29 April 2005
06/01488/OUT	Erection of a dwellinghouse (in outline) Application Refused – 28 February 2007

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Not Applicable.

## **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 + 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 39: Landscape

## OTHER POLICIES

None

## INTERNAL COMMENTS

Structures And Flooding

*No objections.*

Environmental Health (Smoke/Odour)

*No objections – informative note recommended.*

Development Contributions Officer

*No developer contributions would be required for ancillary accommodation.*

## REPRESENTATIONS

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

## ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required
Supporting Statement	Submitted upon request

## 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.

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

Developments which are ancillary to an existing domestic dwellinghouse are generally considered to be acceptable, where they are of an appropriate size and

nature. In this respect, consideration must be given to whether the proposal would have a suitable physical and functional relationship to the host dwellinghouse and surrounding environment.

## **Design and Layout**

Shinafoot House is a large detached dwellinghouse which sits within spacious garden grounds at Shinafoot, a rural location to the east of Auchterarder. This application seeks detailed planning permission for the erection of a large detached building to the east of the house, for use as ancillary accommodation. The application site has mature trees along its eastern perimeter, which would provide an element of visual containment, and it was previously subject to a refused planning application for the erection of a dwellinghouse (in outline) (Ref: 06/01488/OUT).

The proposed unit is substantial, measuring 92sqm (or 115sqm including the overhanging canopy), which is approximately the size of a 3-bed house. It would be served by its own separate vehicular access and would have two bedrooms, a shower room, kitchen, dining and living space, with its own external patio, covered seating area, cooking area and vehicular parking area.

On 22 December 2020 the applicant's agent was asked to provide a supporting statement. This was subsequently received on 15 January 2021 and it notes that the unit could be used flexibly, as accommodation for visiting family members or for home office space. It also identifies how the proposed unit has been purposefully designed to minimise its relationship with the house, through its siting, design and its focused link to the AstroTurf pitch, which would turn the building's back on the house.

Various factors must into account in assessing proposals for ancillary accommodation. These include; the siting, proportions and volume, as well as the physical and functional relationship to the host dwellinghouse. The term "*ancillary*" usually infers that the unit is substantially subordinate to the main dwellinghouse, in all respects, and that it fulfils a minor supplementary function. Therefore, the assessment of the ancillary nature of the structure (including its relative proportions and functional relationship to the house) is down to a matter of fact and degree.

The proposed building contains all features associated with independent day to day living and there would be no need for anyone staying within the unit to visit the actual house. This separation of physical and functional relationship is further demonstrated through its own dedicated vehicular access.

Whilst the planning history includes the refusal of a house on this site, the Council as Planning Authority must assess and determine the submitted proposal, which is for ancillary accommodation. However, concerns are retained over the proportions, orientation and lack of physical and functional relationship to the house.

Accordingly, approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the density and siting of all developments respects the character and amenity of the place.



## **Landscape**

The application site is located out with any landscape designations and the scale and nature of the proposal does not raise any landscape impact issues.

## **Visual Amenity**

The proposed building takes the form of a rectangular footprint, with its roof ridge running diagonally across the floor plan. It would have dark grey alu-clad windows and timber-clad walls and roof, with the timber roof projecting beyond its footprint to form a canopy over an external seating area. This bespoke design would make for a visually interesting structure in its own right, with a distinctively contemporary contrast to the main dwellinghouse.

## **Residential Amenity**

The proposed development would not have an adverse impact on nearby residential amenity, given the its relative position, orientation and distance.

## **Roads and Access**

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

## **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

## **Natural Heritage and Biodiversity**

One tree is shown for removal on the site plan, in order to form the proposed vehicular access. However, no tree survey has been provided with the application in order to detail the health, species or maturity of the tree, or the root protection area of retained trees, contrary to Policy 40B of Perth & Kinross Local Development Plan 2 (2019). Therefore, the proposal contains insufficient information with regards to tree removal/protection in relation to Policy 40A(b),(d) and (e).

## **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 account 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**

- 1 The proposal, by virtue of its proportions, siting, layout, orientation and extent of accommodation, lacks an adequate physical and functional relationship to the host dwellinghouse. Approval would be contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that the density and siting of all development respects the character and amenity of the place.
- 2 The proposal contains insufficient information with regards to tree protection/removal. Approval would therefore be contrary to Policies 40A(b),(d) and (e) and 40B of Perth & Kinross Local Development Plan 2 (2019) which seek to ensure that trees of good amenity value are protected.

### **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
07	08	

**LRB-2021-10**  
**Planning Application – 20/01823/FLL – Erection of**  
**ancillary accommodation, Shinafoot House, Dunning**  
**Road, Auchterarder**

## **REPRESENTATIONS**



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	20/01823/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Erection of ancillary accommodation		
<b>Address of site</b>	Shinafoot House Dunning Road Auchterarder PH3 1DU		
<b>Comments on the proposal</b>	It is noted that the proposed development is for 'guest accommodation'. I would seek confirmation that this use will be restricted as such and remain ancillary to the main dwelling, otherwise the development may be required to make Contributions for Primary Education and A9 Junction Improvements. Otherwise, I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	22 December 2020		



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	20/01823/FLL	Our ref	OLW
Date	6/01/2021	Tel No	

Communities

Pullar House, 35 Kinnoull Street, Perth, PH1 5G

**Consultation on an Application for Planning Permission**  
**RE: Erection of ancillary accommodation Shinafoot House Dunning Road**  
**Auchterarder PH3 1DU for Mr S Ferrier**

I refer to your letter dated 18 December 2020 in connection with the above application and have the following comments to make.

## Recommendation

I have no objection in principle to the application but recommend the under noted informative be included on any given consent.

## Comments

This application is for the erection of ancillary accommodation which will include the provision of a single wood burning stove and associated flue.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. Though the application does not include any information on the stove, it is likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to the stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the flue terminates above roof ridge and therefore this will aid dispersion of emissions. I would advise that smoke/odour could be further minimised by the use of fuel recommended by the manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

**Informative**

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacture's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	20/01823/FLL	<b>Comments provided by</b>	Anna Pover
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	floodingdevelopmentcontrol@pkc.gov.uk
<b>Description of Proposal</b>	Erection of ancillary accommodation		
<b>Address of site</b>	Shinafoot House Dunning Road Auchterarder PH3 1DU		
<b>Comments on the proposal</b>	No objection.		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	29/01/2021		

