

<p>LRB-2023-04 22/01488/FLL – Alterations to dwellinghouse, Birnam Cottage, Perth Road, Birnam, Dunkeld, PH8 0AA</p>

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LRB-2023-04

**22/01488/FLL – Alterations to dwellinghouse, Birnam
Cottage, Perth Road, Birnam, Dunkeld, PH8 0AA**

**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 **MR NICHOLAS RILEY**

Address **BIRNAM COTTAGE
PERTH ROAD
BIRNAM, PERTSHIRE
PH8 0AA**

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

E-mail* **[REDACTED]**

Agent (if any)

Name **[REDACTED]**

Address **[REDACTED]**

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

E-mail* **[REDACTED]**

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

22/01488/FLL

Site address

BIRNAM COTTAGE, PERTH ROAD, BIRNAM, PH8 0AA

Description of proposed
development

**REPAIR WORKS TO ROOFING - REPLACEMENT OF
SCALES**

Date of application

9 SEPT 2022

Date of decision (if any)

4 NOV 2022

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) ☒
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

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 ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

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

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input 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:

IF THE BODY FELT IT NECESSARY TO INSPECT THE COTTAGE TO VIEW FROM THE COURTYARD THEN ACCESS CAN BE OBTAINED FROM SIDE ACCESS.

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.

PLEASE REFER TO ATTACHED DOCUMENT - TYPED STATEMENT

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.

CONFIRMATION FROM HERITAGE SCOTLAND THAT THE COTTAGE IS NOT LISTED. (EMAIL ATTACHED)

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.

REFER TO TYPED LIST ATTACHED

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

2 NOV 2023

Notice of Review

Page 3 – STATEMENT

Accompanying information to written document attached

I am seeking a review for the following reasons –

1. My roof is in such a poor state of repair that it is leaking into my roofspace and causing damage to the internal ceiling. I need to get this repaired with a sensible resolution that is both implemented correctly and is affordable.
2. I understand the subject property, Birnam Cottage, is NOT a listed building, but only a building in a conservation area. Accordingly, I did not believe it was necessary to obtain planning permission to carry out re-roofing in new slates. Due to the inability to obtain Scottish slate, I sought permission to replace existing with new Spanish slate as my roofing contractor advised Scottish slate is no longer available (No Scottish slate quarries in existence) and the closest match would be Spanish slate. Sadly this has caused an unforeseen delay in commissioning the work which is simply a 'repair' to an existing cottage slated roof which has to be replaced as the original Scottish slates are no longer available. I was considering installing roof lights, which have been approved.
3. The property, Birnam Cottage, is located next to a listed property, Braan Cottage, which is orientated in the same plane and does not have diminishing slate courses. The adjacent Ladywell Cottages are orientated at 90 degrees to Birnam Cottage and hence roofing slates are not easily compared with one another side by side.
4. New properties within the conservation area are being built and roofed with consistent sized slates, of the Spanish variety.
5. Birnam cottage slates are of an age and consistency that they are both crumbly and unstable on the roof. I have collected over 1m² of slates that continually slide and fall into the gutters or worse, onto adjacent access routes and clothes drying areas used by neighbours and the public. This is creating a risk for anyone or their cars or property being damaged from falling slates, near my cottage.
6. The opportunity of replacing the slates by collecting all the re-useable slates once and attaching them to the 'front' or 'private roadway' elevation is not feasible due to the condition of the slates and the diminishing courses. It is very unlikely that the correct numbers of sizes of slate will be salvageable for re-use. It would not be acceptable to end up with a 'patchwork' of new and re-used slates on the re-slatted roof. Currently the roof comprises random repairs of roofing felt, odd slates and silicone wedged slates in an attempt to keep water out. The barge boards, guttering and downspouts are also in need of repair. The scotch boarding will also be subject to a full inspection once slating is removed, with necessary repairs having to take place at this point.
7. Confirmation from Heritage Scotland that Birnam Cottage is NOT listed is attached as are the details and confirmation obtained by my solicitor, Pamela Renfrew of McCash and Hunter (Perth). Details are attached in the supporting documents listed on Page 4.

Notice of Review

Planning Application Ref – 22/01488/FLL

Re Page 4

List of documents and evidence

1. Listed Building Status – Email from HES stating Birnam Cottage is NOT a Listed Building
2. Gategory Listing – Obtained from McCash and Hunter Solicitors at point of purchase of property
3. Legal Report – Registered property – ‘First Scottish’ – Note Page 5 – Not Listed Building
4. Photographs of roof condition – Birnam Cottage, PH8 0AA – Dated Dec2022
5. Copy of Email from Solicitor – Confirming Birnam Cottage - ‘Not Listed’



Nick Riley <nariley67@gmail.com>

Birnam Cottage, Perth Road, Birnam.

4 messages

Rohan Banyard <[REDACTED]>
To: [REDACTED]
Cc: Heritage - Designations <designations@hes.scot>

10 November 2022 at 14:04

Dear Mr Riley,

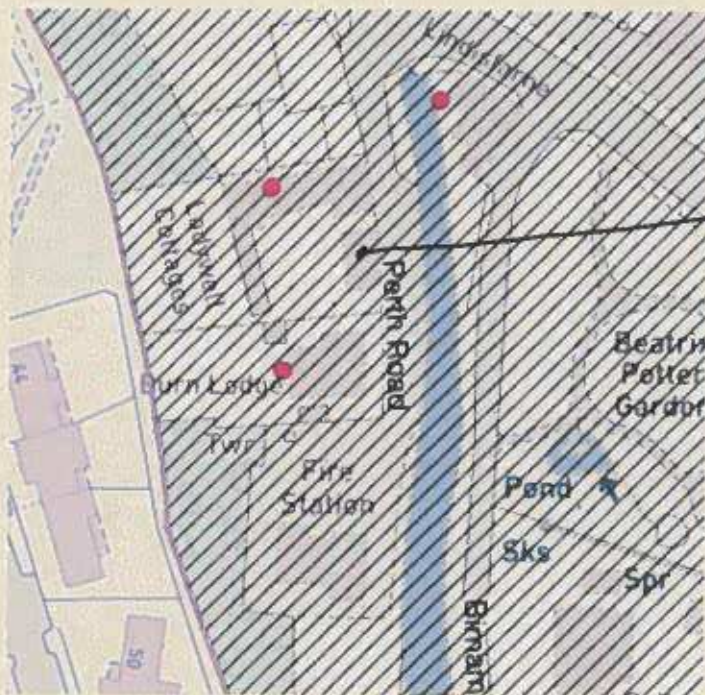
Thank you for your email about the listed status of Birnam Cottage, Perth Road, Birnam.

I have looked on the HES designations portal and can confirm Birnam Cottage is not a listed building.

The buildings immediately to the north and south are listed:

<http://portal.historicenvironment.scot/designation/LB11087> (Ladywell Cottages)<http://portal.historicenvironment.scot/designation/LB11086> (Burn Lodge/Java)

Birnam Cottage is located within the Birnam Conservation Area (CA556)



BIRNAM COTTAGE
NOT LISTED BUILDING

Kind regards

Rohan

There are no additional online documents for this record.

Summary

Category

C

Local Authority

Perth And Kinross

NGR

NO 03049 41909

Group Category Details

100000020 - See Notes

Planning Authority

Perth And Kinross

Coordinates

303049, 741909

Date Added

16/02/1976

Parish

Little Dunkeld

Description

Circa 1870/80. Cheap row of brick and harl cottages of

picturesque outline, central 2-storey gable with narrow round

arched 1st floor window single-storey and attic 2-window and

centre door with masonry dormers to either side, slated.

Restored and internally remodelled 1974.

Re-categorised as C(S) from B for Group (2006). The listing relates specifically to the group interest of the subject. It applies, as always, to interior as well as exterior, as appropriate to building type.

NO REFERENCE TO
BIRNAM COTTAGE IN LISTING

Statement of Special Interest

Items 68-100 form B group with items 18-20 in original list.

An outstanding example of an early-mid Victorian Highland resort in a setting of great natural beauty, built mainly following the opening of the Perth and Dunkeld Railway in 1856. In 1865 it was noted that the trade of Dunkeld and Birnam had suffered with the extension of the Railway. The main development was thus between 1856 and 1863, when Birnam was the terminus.

Very completely preserved to date St Mary's Tower and Birnam House being the only serious losses while the only intrusion of any consequence has been a modern bungalow inserted between Birnam Hotel and Oransay.



SL David's House
St David's Drive
Dalgely Bay KY11 9NE
DX 558308 DALGELY BAY
T01383 626777
T01383 626778
E customer.service@firstscottish.com
W www.firstscottish.com

GILLESPIE MACANDREW LLP
DX ED113
EDINBURGH

Date: 29 November 2021
Your Ref: CM9/S 14526.27
Our Reference: 101894079

LEGAL REPORT - REGISTERED PROPERTY

PROPERTY:

(Please note if no full conveyancing description was provided, additional titles to the subjects may not be traced)

BIRNAM COTTAGE, PERTH ROAD, BIRNAM, DUNKELD, PERTSHIRE PH8 0AA

TITLE NO:

PTH52851 (part of)

TITLE SHEET RECORD UPDATED TO:

Not Applicable

CURRENT TITLE SHEET ENTRIES AFFECTING THE SUBJECTS IN THIS TITLE:

(To disclose: proprietors, charges and any relevant entries registered on or after the proprietors title)

No Title Sheet Record Exists

APPLICATIONS IN THE COURSE OF REGISTRATION AGAINST THIS TITLE:

(Until registration is complete any application is subject to withdrawal, cancellation or amendment. In respect of a report over 'part of' a Title number, no Transfers of Part will be disclosed)

Disposition to CLAIRE GILLIAN TROUGHTON OR SPENCER-CHURCHILL 07-05-2018

Dispositions dual registered against this Title in terms of the Title Conditions (Scotland) Act 2003 have not been disclosed

EXTANT ADVANCE NOTICES:

None

CORRECT TO:

28/11/2021

FIRST SCOTTISH SEARCHING SERVICES LIMITED
SEARCH IN THE REGISTER OF INHIBITIONS

101894679

AGAINST
CLAIRE GILLIAN TROUGHTON OR SPENCER-CHURCHILL

From 28 Nov 2016 to 28 Nov 2021

NO DEED

NICHOLAS JOHN RILEY

From 28 Nov 2016 to 28 Nov 2021

NO DEED

SEARCH IN THE REGISTER OF INHIBITIONS

AND FOUND AS ABOVE

Searches in The Register of Inhibitions are carried out in our enhanced computerised database, and although our facility is restricted to exact name and address matches, there may be occasions where other entries will be shown for your information. Source acknowledgment: Contains data from the Register of Inhibitions produced by Registers of Scotland. Crown Copyright material is reproduced with the permission of Registers of Scotland.

GILLESPIE MACANDREW LLP
DX ED113
EDINBURGH

Date: 28 November 2021
Your Ref: CM9/S 14525/27
Our Reference: 101894070

INSOLVENCIES

REGISTER OF INSOLVENCIES (Sequestrations and Protected Trust Deeds)

A Search carried out in the Register held by The Accountant in Bankruptcy has disclosed the following result:

Against:

NICHOLAS JOHN RILEY

NO DEED

Correct to: 26th November 2021

SEARCHED IN THE ABOVE REGISTER AND FOUND AS ABOVE

From 1 April 2015 the Register of Insolvencies will disclose only details of live Bankruptcy cases or discharged cases that were awarded bankruptcy within the last 5 years, or details of live Protected Trust Deed cases including those discharged in the past year.

For searches in the Register of Insolvencies, our liability is restricted to exact name and address matches as shown on the instructions received, however there may be occasions where other entries will be shown for your information. Searches are not undertaken against incorporated bodies, Executors as individuals or addresses outwith Scotland.



First Scottish

St Davids House
St Davids Drive
Dalgety Bay, KY11 9NB
DX 656300 DALGETY BAY
01883 826777
01883 828778
E customer.services@firstscottish.com
W www.firstscottish.com

GILLESPIE MACANDREW LLP
DX ED113
EDINBURGH

Date of Certificate: 30 November 2021
Certificate No: T01894679
Your Ref: CM015.14626.27

PROPERTY ENQUIRY CERTIFICATE

PROPERTY

BIRNAM COTTAGE, PERTH ROAD, BIRNAM, DUNKELD, PERTHSHIRE PH8 0AA

PLANNING

Local Authority Area	Perth & Kinross
Adopted Local Plan/Local Development Plan	Perth and Kinross Local Development Plan 2
Zoning	Residential
Applications	None
Other Matters	See Schedule Over

BUILDING STANDARDS

Applications	None
Notices	None
Other Matters	None

ENVIRONMENTAL HEALTH	None
----------------------	------

HOUSING	None
---------	------

CONTAMINATED LAND	None
-------------------	------

CARRIAGEWAY AND ADJOINING FOOTWAY

Status	See Schedule Over
Road Proposals	None

WATER	See Schedule Over
-------	-------------------

DRAINAGE	See Schedule Over
----------	-------------------

SCHEDULE OF DETAILS

PLANNING MATTERS

Applications

Reference	Details (if any)
None	

Other Matters

The property is situated in a National Scenic Area and a Conservation Area.
The adjacent Ladywell Cottages and Burn Lodge (Java) are Category C listed buildings.



BUILDING STANDARDS MATTERS

Building Standards Applications

Reference	Details (if any)
None	

Notices

Reference	Date served	Details (if any)
None		

Other Matters

None

ENVIRONMENTAL HEALTH MATTERS

Notices

Reference	Date served	Details (if any)
None		

Other Matters

None

HOUSING MATTERS

Notices

Reference	Date served	Details (if any)
None		

Other Matters

None

⑤

CONTAMINATED LAND**Notices & Resolutions**

Reference No.	Date served	Details (if any)
None		

Unless details of any entries appear above the answer to each of the questions listed in para 5.3.6 of the CML Handbook for Scotland is in the negative.

CARRIAGEWAY AND ADJOINING FOOTWAY

Status	Perth Road carriageway and adjoining footway are adopted. Access therefrom is not adopted.
Road Proposals	None

WATER STATUS

Scottish Water's records show there is an adopted public water main ex adverso the property.

DRAINAGE STATUS

Scottish Water's records show there is an adopted public sewer ex adverso the property.

6

**FIRST SCOTTISH
IMPORTANT INFORMATION**

- Searches have been carried out by our Enquiry Team of all available Public Records in respect of all relevant matters covered by the undemoted legislation and designations insofar as applicable to the subject address referred to on the Property Enquiry Certificate, unless otherwise stated.
- The Planning and Building Standards application search covers the period for 5 years to the date 48 hours prior to the date of issue of this certificate for all Scottish Local Authorities with the exception of Aberdeen City, Aberdeenshire and Moray. Our search of Planning and Building Standards Applications for the Aberdeen City and Aberdeenshire Local Authority areas extends for 10 years to the date 48 hours prior to the date of issue of this certificate. Our search of Planning and Building Standards Applications for the Moray Local Authority area extends for 20 years to the date 48 hours prior to the date of issue of this certificate.
- The details of the current status of any applications disclosed on the certificate are included when the information is readily available.
- Road proposals are disclosed to within a 250m radius from the property address when noted on the adopted Development Plan. On occasions where further information is available to us additional comment may be included on the certificate.
- This search is covered by Professional Indemnity Insurance. A summary of our cover can be provided on request.

PUBLIC RECORDS UNDER THE FOLLOWING LEGISLATION HAVE BEEN SEARCHED--

- Town & Country Planning (Scotland) Act 1997
- Planning etc. (Scotland) Act 2006
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- Ancient Monuments and Archaeological Areas Act 1979
- Town & Country Planning (General Permitted Development) (Scotland) Order 1992
- Building (Scotland) Acts 1959/1970/2003
- Civic Government (Scotland) Act 1982
- Edinburgh District Council Order of Confirmation Act 1991
- City of Glasgow Council Order Confirmation Act 1988
- Housing (Scotland) Acts 1968/1987/2006
- Roads (Scotland) Act 1984
- Environmental Protection Act 1990
- Environment Act 1995
- Sites of Special Scientific Interest as designated under the Nature Conservation (Scotland) Act 2004
- Special Areas of Conservation as designated under the EC Habitats Directive (Council Directive 92/43/EEC)
- Special Protection Areas as designated under the EC Birds Directive (Council Directive 79/409/EEC)
- Ramsar Sites as designated under the Convention of Wetlands of International Importance
- National Scenic Areas as designated by the Country Side Commission for Scotland (now Scottish Natural Heritage)
- National Nature Reserves as designated under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981.



First Scottish

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GILLESPIE MACANDREW LLP
DX ED113
EDINBURGH

Date: 30 November 2021
Our Ref: 101894879
Your Ref: CM9/S.14625.27

Dear Sirs

Copy Title Sheet and Plan request

Clients: SPENCER-CHURCHILL

Subjects: BIRNAM COTTAGE, PERTH ROAD, BIRNAM, DUNKELD, PERTHSHIRE PH8 0AA

We refer to the above request and advise that the Title is at Application Stage on the Land Register. No Title Sheet or Title Plans are therefore currently available. Your report will follow shortly.

Yours Faithfully

First Scottish Searching Services

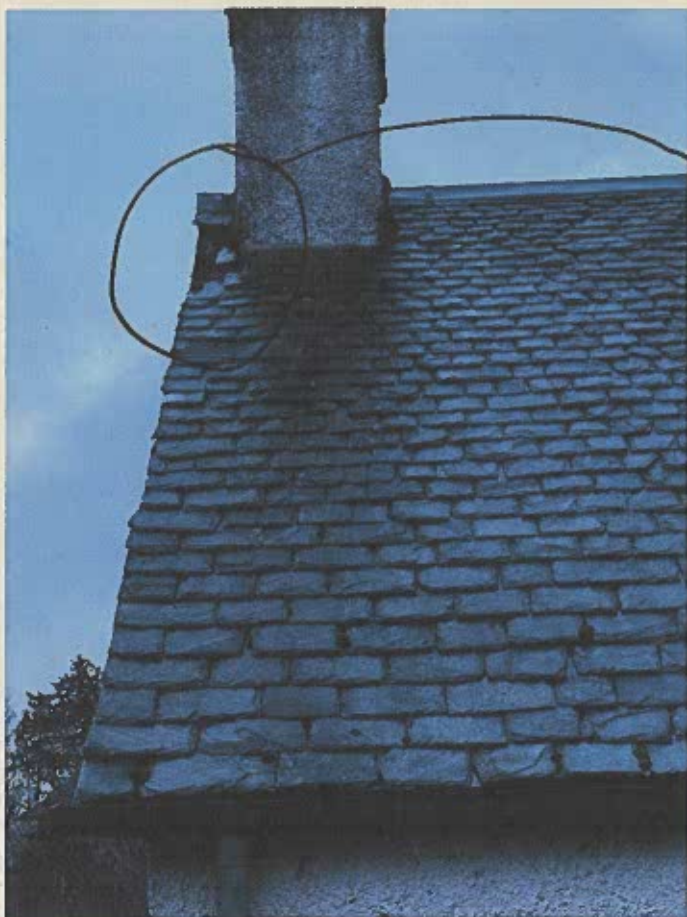
Re Notice of Review

Planning Application Ref no 22/01488/FLL

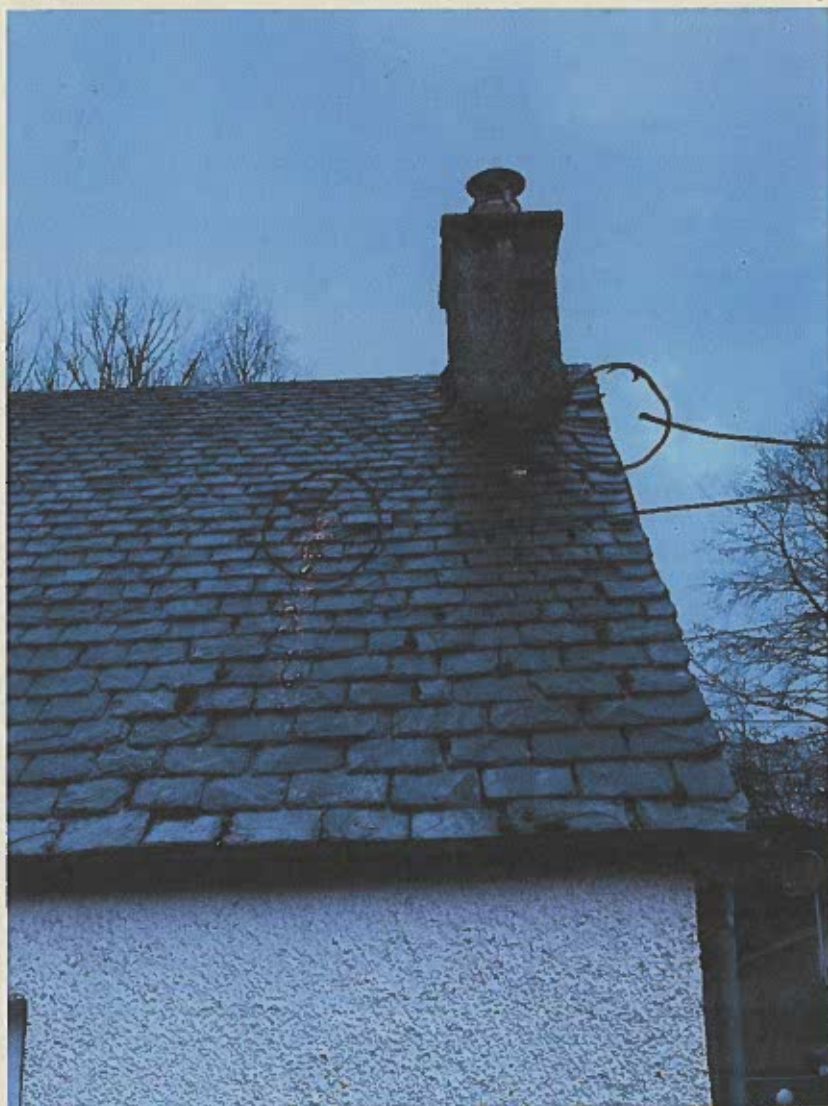
Photographs of Birnam Cottage Roof Condition - Dec 2022



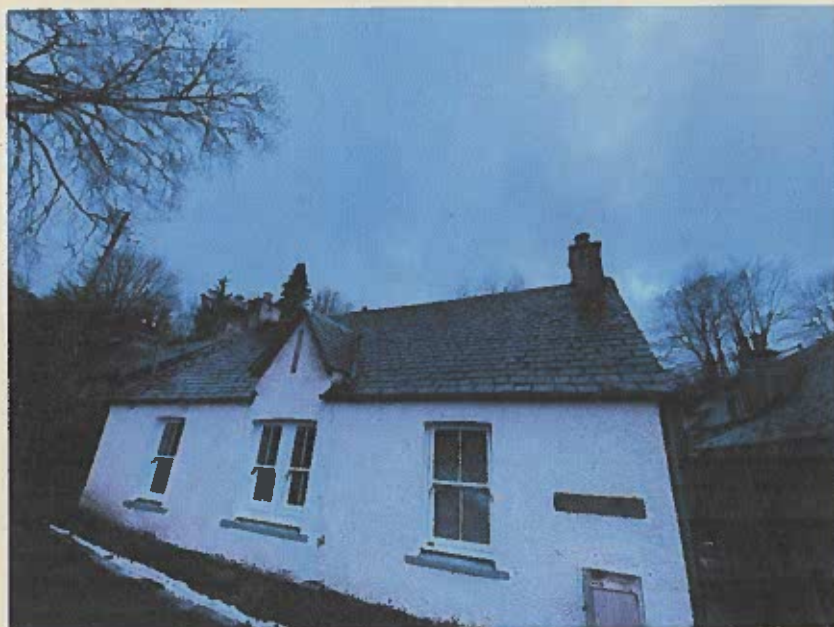
Slipped and
damaged slates

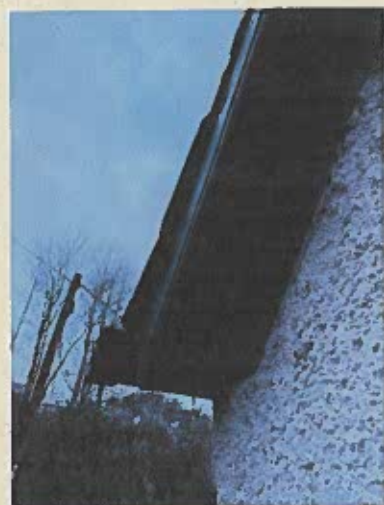
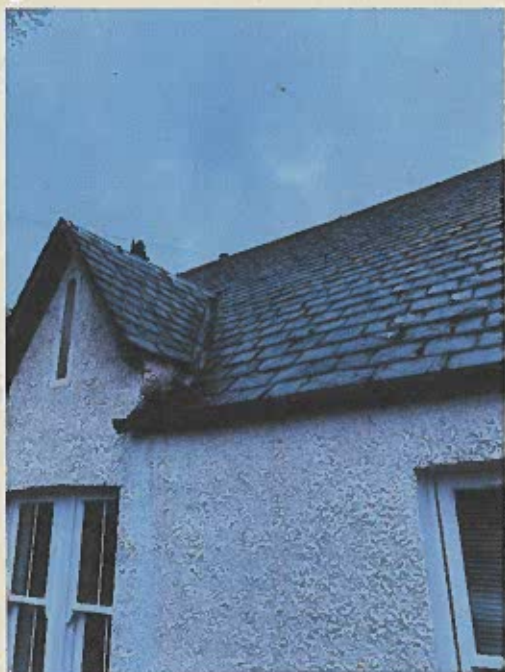


Missing slates



Missing
and slipped
slates





Generally poor condition
of timbers, roof boards
and downspouts -
cement edging and
slates damaged

(5)

Copy of email from solicitor employed to confirm sale particulars of Birnam Cottage

----- Forwarded message -----

From: **Pamela Renfrew** [REDACTED]
Date: Wed, 2 Nov 2022 at 14:35
Subject: RE: Birnam Cottage - Listing Status
To: Nick Riley [REDACTED]

Hi Nick

Thanks for your email. I'm well and hope life in Birnam is treating you well.

I annex the Property Enquiry Certificate which was obtained at the time of the purchase. That confirmed that the property was not listed but the adjoining properties Ladywell Cottages and Burn Cottage (Java) were category C Listed.

I checked the listing and that referred to a row of brick and harl cottages with no mention of Birnam Cottage. A copy of the screenshot I sent to you previously is also annexed. I asked the selling solicitors for more information including a copy of the listing. They advised that they did not have copy of the listing but that their client was not aware of any listing for the property.

When we discussed matters, you confirmed that the property was not part of Ladywell Cottage and was detached. We asked the sellers to warrant that the property was not listed. They reiterated the property was detached and not part of Ladywell Cottages.

Kind regards

Pamela

Pamela J Renfrew
Associate
On behalf of McCash & Hunter LLP,
Solicitors & Estate Agents,
Registered Office: 25 South Methven Street,
Perth
PH1 5ES
[REDACTED]

LRB-2023-04

**22/01488/FLL – Alterations to dwellinghouse, Birnam
Cottage, Perth Road, Birnam, Dunkeld, PH8 0AA**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Nick Riley
Mr Nicholas Riley
Birnam Cottage
Perth Road
Birnam
PH8 0AA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **4th November 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/01488/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 9th September 2022 for Planning Permission for **Alterations to dwellinghouse Birnam Cottage Perth Road Birnam Dunkeld PH8 0AA**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. No roof survey has been submitted which analyses the condition of the roof, the extent of work required and what scope there is for the re-use of existing Scottish slate. Accordingly, the submission fails to justify the proposed works and it does not respect the special interest of the category C-listed building.

Approval would therefore be contrary to Paragraphs 141 and 143 of Scottish Planning Policy 2014, Historic Environment Scotland "Managing Change in the Historic Environment: Roofs", Policies 2 and 9 of TayPlan 2017 and Policies 1A, 1Bc, 17c, 27A and 28A of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that alterations respect the amenity of the place, the character and appearance of the conservation area and the special interest of the listed building.

2. The proposed Spanish slate, being laid in regular width and coursing of 350mm x 200mm on both the rear and principal elevations, would not be respectful to the irregular width and coursing which characterises the existing Scottish slate roof.

Approval would therefore be contrary to Paragraphs 141 and 143 of Scottish Planning Policy 2014, Historic Environment Scotland "Managing Change in the Historic Environment: Roofs", Policies 2 and 9 of TayPlan 2017 and Policies 1A, 1Bc, 17c, 27A and 28A of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that alterations respect the amenity of the place, the character and appearance of the conservation area and the special interest of the listed building.

Justification

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

informatives

- 1 Any re-submission should also be accompanied by a Bat Survey. For further information, please see our "Bat Surveys" guidance, which is available at the following link https://www.pkc.gov.uk/media/48426/Bat-Survey-Guidance-2021/pdf/PKC_2021_Bat_Surveys.pdf?m=637624517417170000.

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 "Online Planning Applications" page

Plan Reference

01

02

03

04

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/01488/FLL	
Ward No	P5- Strathtay	
Due Determination Date	8th November 2022	
Draft Report Date	4th November 2022	
Report Issued by	KS	Date 4 th November 2022

PROPOSAL: Alterations to dwellinghouse

LOCATION: Birnam Cottage Perth Road Birnam Dunkeld PH8
0AA

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

Birnam Cottage is a category C-listed building (HES ref LB11086), which is located on Perth Road, within the Birnam conservation area. This detailed application seeks listed building consent for alterations, to install roof light windows and to replace the slated roof covering.

SITE HISTORY

22/01612/LBC Alterations
Application Refused – 28 October 2022

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.

Planning Policy (2014) Listed Buildings (paragraph 141) states that;

“Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard

must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

The layout, design, materials, scale, siting and use of any development which will affect a listed building should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting”.

Scottish Planning Policy (2014), Conservation Areas (paragraph 143), states that;

“Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance”.

Historic Environment Scotland “Managing Change in the Historic Environment: Roofs” states that:

“The roof and associated features of a historic building, or group of historic buildings, form important elements in defining their character... In planning works to a roof it is important to understand its contribution to the building’s character and to protect the special interest of the building through the re-use of existing historic materials and close matching of new materials.

Alterations and repairs to roofs and their associated features should protect the character of the historic building. The contribution of the roof to that character should therefore be understood before considering how to alter the building. A brief written analysis of the character of the building and the area of change will always be helpful in assessing proposals. The proposed alterations should take account of this analysis in specifying appropriate designs, materials and working methods.

Wherever possible the repair of historic roofs should be carried out in traditional materials to match the existing. Replication of the type, dimensions, pattern and coursing of materials is important to maintaining the character of the roof.

It is recognised that Scottish slate is not currently in production and that second-hand supplies are limited. Where possible, existing slates should be re-dressed and reused. If it is necessary to specify new natural slate, regard should be given to finding the best modern equivalent in terms of colour, thickness, weight and texture of slate. If new slate is needed to make up a shortfall, it should be laid in the same way in terms of graded lengths and random widths, and older slates should be consolidated in more conspicuous parts of the roof”.

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

Policy 2: “Shaping Better Quality Places” states that proposals should be;

“Place-led to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context”.

Policy 9: “Managing TayPlan’s Assets” states that proposals should;

“Safeguard the integrity of natural and historic assets, understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets, including... townscapes and historic buildings”.

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

Policy 28A: Conservation Areas: New Development

Policy 38B: Environment and Conservation : National Designations

OTHER POLICIES AND GUIDANCE

Perth and Kinross Placemaking Guide, 2020.

INTERNAL COMMENTS

Conservation Team

Internal discussion raised concerns over the lack of a roof condition survey and the wholesale replacement of the existing Scotch slate roof covering (which is laid in diminishing courses) in Spanish slate (with regular coursing).

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 Design and Access Statement	Not Required
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.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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 to an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual amenity, the character and appearance of the conservation area or the special interest of the category C-listed building.

Design and Layout

Birnam Cottage is a category C-listed building (HES ref LB11086), which forms part of the group of historically significant buildings at Ladywell Cottages. The property is

also located within the Birnam conservation area. This application seeks detailed planning permission for alterations to the roof.

Two rooflight windows are proposed, which are of minimal proportions, conservation specification, fitted flush with the roof and vertically aligned above ground floor windows. The number, proportions, position and specification of the roof light windows does not raise any cause for concern.

It is also proposed to replace the slated roof covering. The existing roof covering comprises Scottish slate, which has varying widths and is laid in diminishing courses. The laying of the locally sourced slate in this irregular manner makes a strong contribution to the character and special interest of the category C-listed building. This local vernacular also makes a positive contribution to the character and appearance of the conservation area. The proposed replacement roof covering is heavy Spanish slate, of regular width and coursing, measuring 350mm x 200mm each.

Visual Amenity and Conservation Considerations

There is a presumption in favour of the retention of historic fabric in a listed building, as this is the best method of preserving its character and special interest. The starting point in the assessment of an application is therefore whether the proposed alterations are justified.

The applicant was advised at pre-application stage that any application should be accompanied by a roof condition survey which assesses the condition of the roof. This would establish the extent of work required and quantify the amount of slate which is capable of being re-used. Advice was also given that any re-used slates should be consolidated onto the principal elevation and that any shortfall in slates should be made up on the rear elevation with an appropriate specification of slate, in terms of source, thickness and colour, laid in similarly diminishing courses and varying widths.

Unfortunately, the application has been submitted without a roof condition survey. Therefore, it has not been demonstrated that there is a requirement to replace the entire roof covering, which benefits from statutory protection, as is proposed in this application.

Additionally, the proposed specification of Spanish slate can sometimes be acceptable in cases where the removal of the existing roof covering is fully justified, in limited quantities and preferably on secondary elevations, providing that its coursing and width is appropriate. However, the proposal seeks to install Spanish slate of regular width and coursing on both the rear and principal elevations. This would create a uniform appearance which is out of character with the listed building and does not have due regard to its special interest.

Accordingly, the proposed alterations lack justification, and the regular width and coursing of the proposed Spanish slate is out of character and does not have due regard to the special interest of the listed building or the character and appearance of the conservation area.

Approval would therefore be contrary to Paragraphs 141 and 143 of Scottish Planning Policy 2014, Historic Environment Scotland "Managing Change in the Historic Environment: Roofs", Policies 2 and 9 of TayPlan 2017 and Policies 1A, 1Bc, 17c, 27A and 28A of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that alterations respect the amenity of the place, the character and appearance of the conservation area and the special interest of the listed building.

Landscape

The application site is located within the River Tay National Scenic Area, where Policy 38B of Perth and Kinross Local Development Plan 2 2019 applies. However, due to the domestic scale and nature of the proposed development, it does not raise any significant landscape impact issues and the impact would be limited to a localised level.

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 No roof survey has been submitted which analyses the condition of the roof, the extent of work required and what scope there is for the re-use of existing Scottish slate. Accordingly, the submission fails to justify the proposed works and it does not respect the special interest of the category C-listed building.

Approval would therefore be contrary to Paragraphs 141 and 143 of Scottish Planning Policy 2014, Historic Environment Scotland "Managing Change in the Historic Environment: Roofs", Policies 2 and 9 of TayPlan 2017 and Policies 1A, 1Bc, 17c, 27A and 28A of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that alterations respect the amenity of the place, the character and appearance of the conservation area and the special interest of the listed building.

- 2 The proposed Spanish slate, being laid in regular width and coursing of 350mm x 200mm on both the rear and principal elevations, would not be respectful to the irregular width and coursing which characterises the existing Scottish slate roof.

Approval would therefore be contrary to Paragraphs 141 and 143 of Scottish Planning Policy 2014, Historic Environment Scotland "Managing Change in the Historic Environment: Roofs", Policies 2 and 9 of TayPlan 2017 and Policies 1A, 1Bc, 17c, 27A and 28A of Perth and Kinross Local Development Plan 2, 2019, which seek to ensure that alterations respect the amenity of the place, the character and appearance of the conservation area and the special interest of the listed building.

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

- 1 Any re-submission should also be accompanied by a Bat Survey. For further information, please see our "Bat Surveys" guidance, which is available at the following link https://www.pkc.gov.uk/media/48426/Bat-Survey-Guidance-2021/pdf/PKC_2021_Bat_Surveys.pdf?m=637624517417170000

Procedural Notes

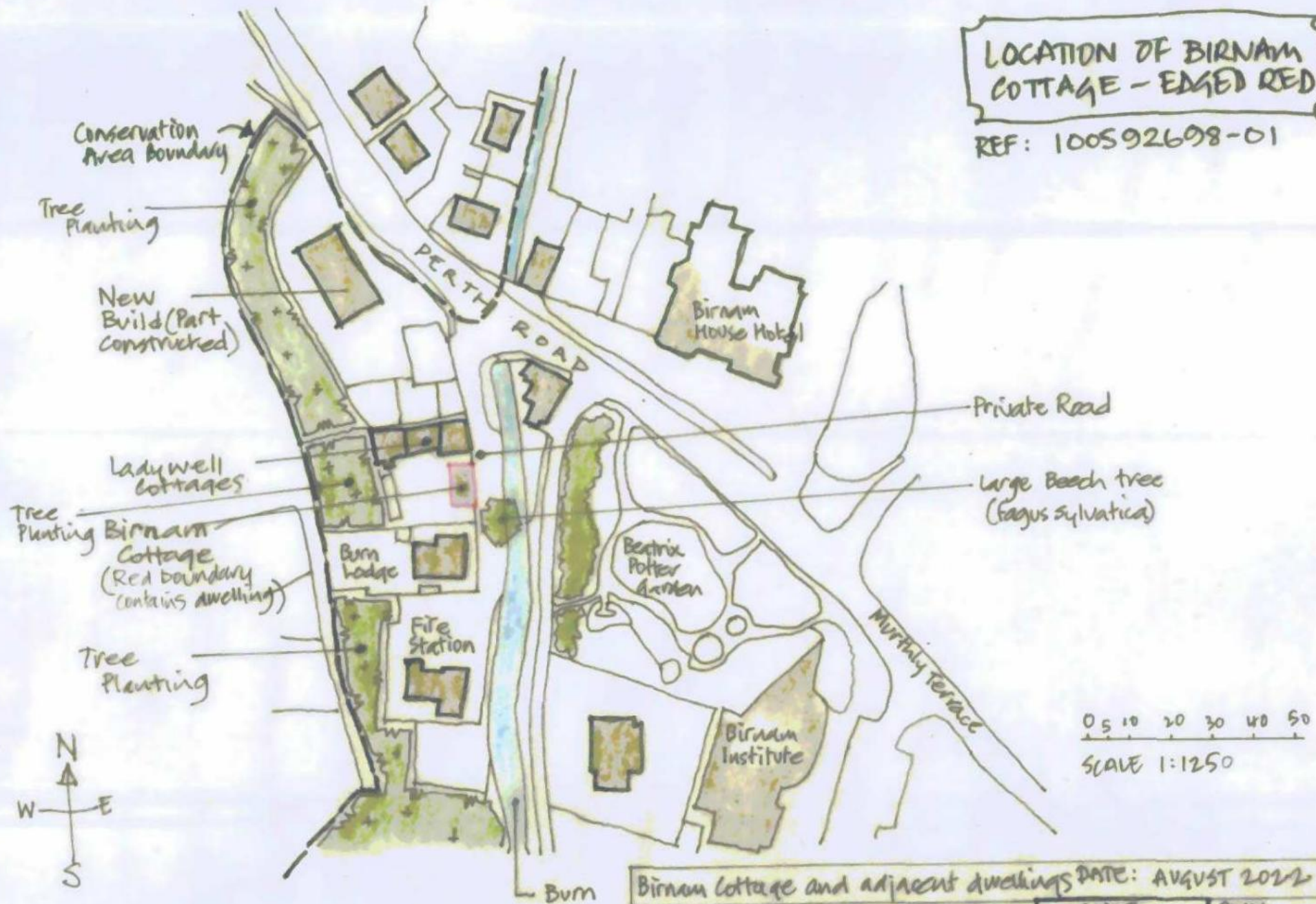
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

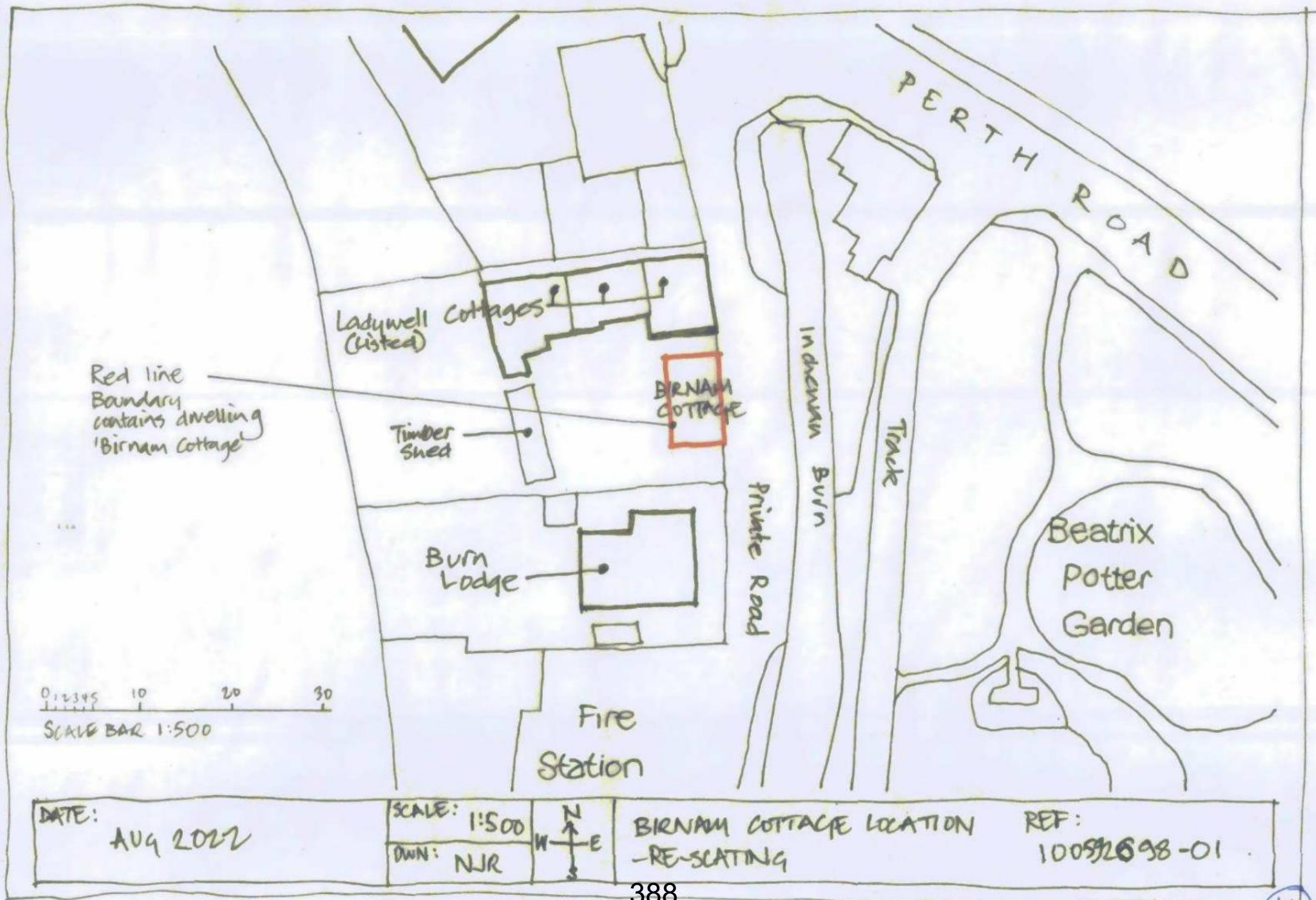
- 01
- 02
- 03
- 04

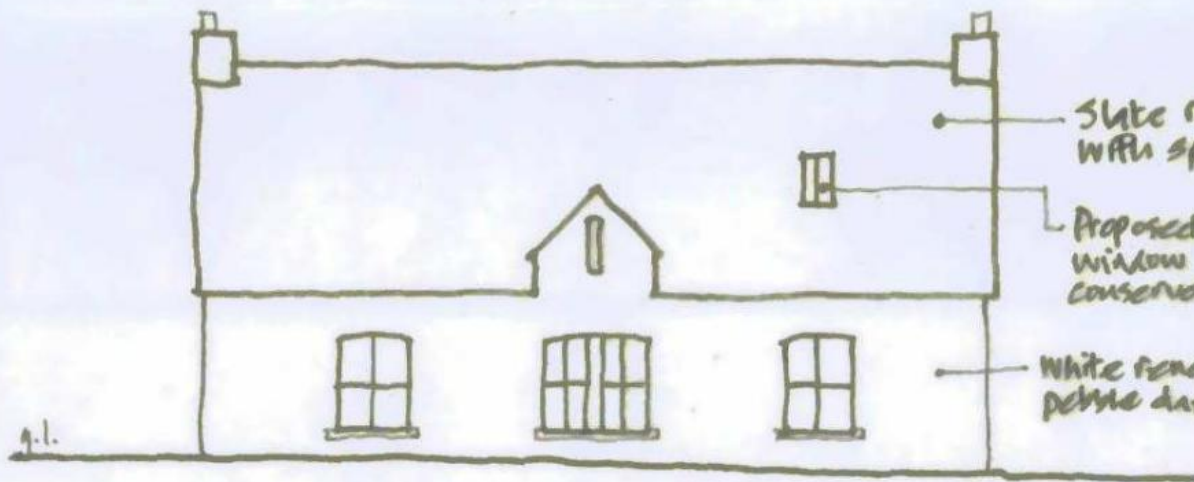
LOCATION OF BIRNAM COTTAGE - EDGED RED

REF: 100592698-01

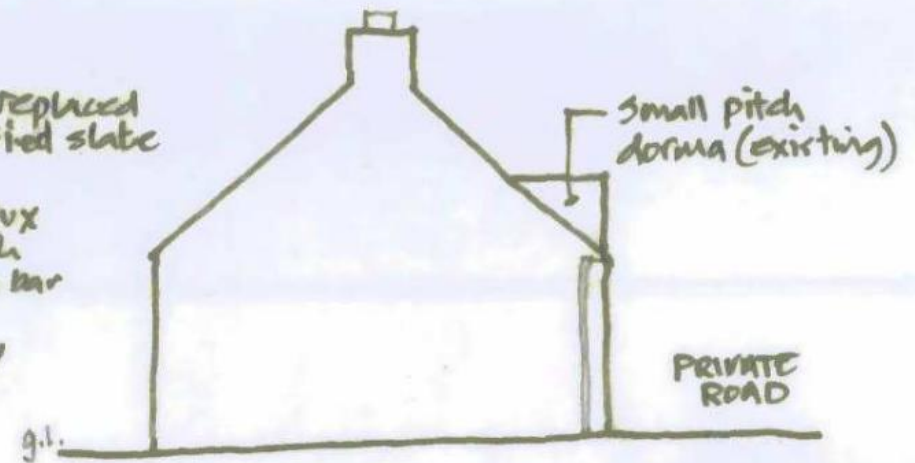


Birnam Cottage and adjacent dwellings			DATE: AUGUST 2022
Birnam cottage location (red)		SCALE 1:1250	DWN. NJR

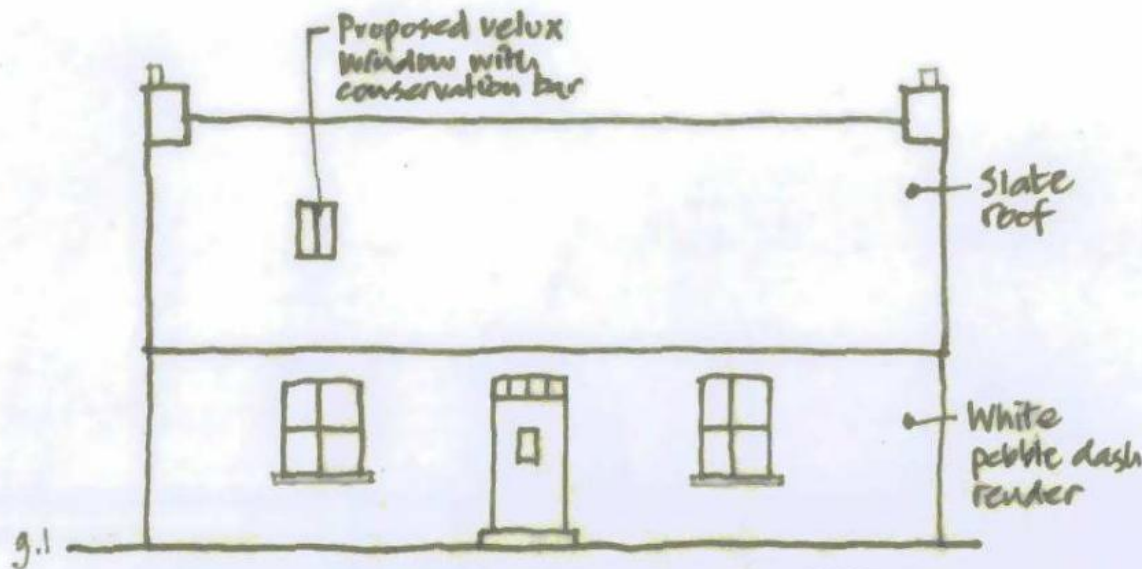




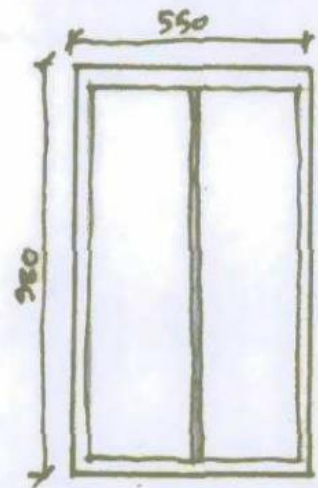
FRONT ELEVATION FROM PRIVATE ROAD EAST



SIDE ELEVATION SOUTH



ELEVATION FROM PRIVATE COURTYARD WEST



VELUX WINDOW
WITH CONSERVATION BAR
550mm x 980mm
(SCALE 1:20)

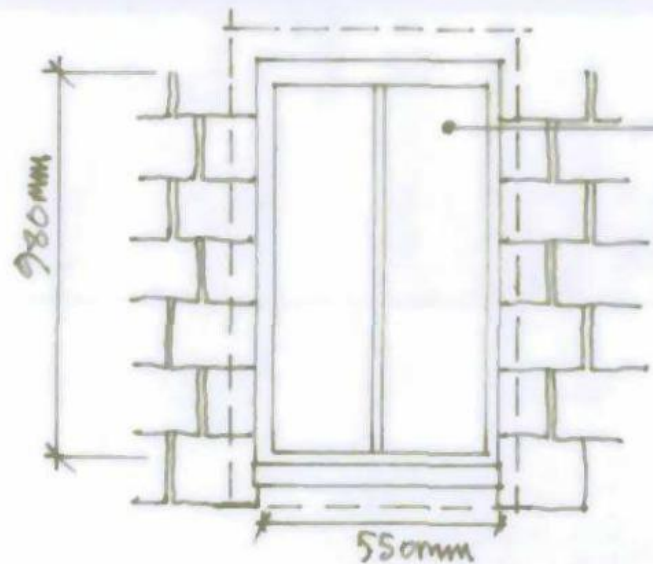
0 1 2 3 4 5 10
SCALE BAR 1:20

0.5 1 1.5 2 2.5m 5.0m
SCALE BAR 1:100
MAIN DRAWING

BIRNAM COTTAGE - ELEVATIONS		
Proposal showing location of skylight window on each elevation		
DATE: 08/09/22	SCALE: 1:100	DWN. NJR

Existing roofing material - 'local' slate - various sizes
Proposed roofing material - Heavy Spanish Slates
350mm x 200mm

FRONT ELEVATION OF PROPOSED SKYLIGHT WINDOW - 1:20



Velux window with
conservation bar
(colour
RAL 9005)

Breathable
membrane

Rafter/cry/
Joist
timber

Skylight (centre pivot)
Velux window
conservation bar

Flashing kit (EDN released)
surrounding
skylight

Slate to front & back
of property with heavy
Spanish slate/copper nailed
to scotch boarding

0 500 1000
SCALE BAR 1:20

BIENAM COTTAGE -
PROPOSED SKYLIGHT WINDOW
front & rear elevation

DATE: 09/22

SCALE:
1:20

AUTH: NLR

SECTION THROUGH ROOF
SHOWING SKYLIGHT
WINDOW - centre pivot