

TCP/11/16(385)

Planning Application – 15/01254/FLL - Extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU

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TCP/11/16(385)

Planning Application – 15/01254/FLL - Extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU

# PAPERS SUBMITTED BY THE APPLICANT

424					
PERTH & KINROSS COUNCIL					
Pullar House 35 Kinnoull Street Perth PH1 5GD					
Tel: 01738 475300					
Fax: 01738 475310					
Email: onlineapps@pkc.gov.uk					
Applications cannot be valid	ated until all necessary documentation	n has been submitted and the r	equired fee has been paid.		
Thank you for completing th	is application form:				
ONLINE REFERENCE	000135910-001				
The online ref number is the when your form is validated.	unique reference for your online form Please quote this reference if you ne	only. The Planning Authority wed to contact the Planning Auth	vill allocate an Application Number nority about this application.		
-	· · · · · · · · · · · · · · · · · · ·				
Applicant or Ag	ent Details				
Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)  Applicant  Applicant  Applicant					
Agent Details					
Please enter Agent details					
Company/Organisation:	Phil Dean Architect	You must enter a Building both:*	Name or Number, or		
Ref. Number:		Building Name:	Berrybrae Studio		
First Name: *	Phil	Building Number:			
Last Name: *	Dean	Address 1 (Street): *	Tillyrie by Milnathort		
Telephone Number: *	01577 861736	Address 2:			
Extension Number:		Town/City: *	Kinross		
Mobile Number:		Country: *	UK		
Fax Number:		Postcode: *	KY13 0RW		
Email Address: *	phil@phildeanarchitect.co.uk				
Is the applicant an individual	or an organisation/corporate entity?				
✓ Individual Organi	sation/Corporate entity				

329 Page 1 of 4

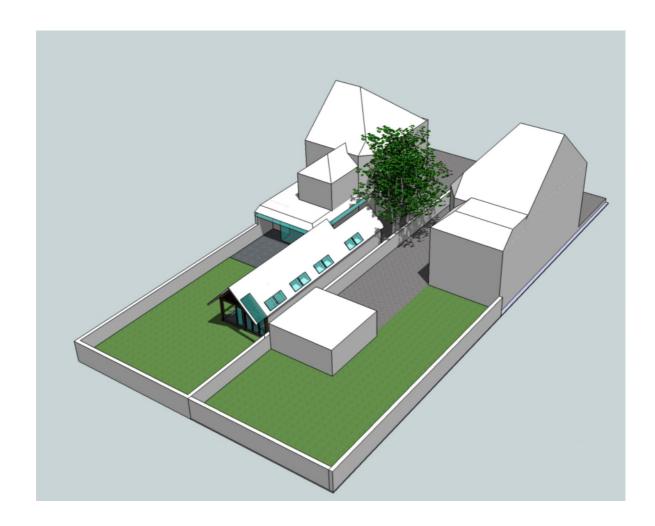
Applicant Do	etails			
Please enter Applicar	nt details			
Title: *	Mr	You must enter a Build both:*	ling Name or Number, or	
Other Title:		Building Name:		
First Name: *	David	Building Number:	54	
Last Name: *	Keith	Address 1 (Street): *	Muirs	
Company/Organisation	on:	Address 2:		
Telephone Number:		Town/City: *	Kinross	
Extension Number:		Country: *	UK	
Mobile Number:		Postcode: *	KY13 8AU	
Fax Number:				
Email Address:	dkeith@liftoffdc.com			
Site Address	s Details			
Planning Authority:	Perth and Kinross Council	il		
Full postal address of	the site (including postcode where	available):		
Address 1:	Dunnottar House	Address 5:		
Address 2:	54 Muirs	Town/City/Settlement	: Kinross	
Address 3:		Post Code:	KY13 8AU	
Address 4:				
Please identify/descri	ibe the location of the site or sites.			
Northing	703093	Easting	311623	
Description of the Proposal				
Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)				
Extension to dwellinghouse				

Type of Application						
What type of application did you submit to the planning authority? *						
Application for planning permission (including householder application but excluding application to work minerals).						
Application for planning permission in principle.	Application for planning permission in principle.					
Further application.						
Application for approval of matters specified in condit	Application for approval of matters specified in conditions.					
What does your review relate to? *						
Refusal Notice.						
Grant of permission with Conditions imposed.						
No decision reached within the prescribed period (two	months after valida	tion date	or any ag	reed exte	ension) – deemed refusal.	
Statement of reasons for seekin	g review					
You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)						
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.					ce	
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.						
See Planning Review Statement in supporting documents section.						
Have you raised any matters which were not before the apprehendation on your application was made? *	pointed officer at the	time the			Yes No	
Please provide a list of all supporting documents, materials intend to rely on in support of your review. You can attach characters)	and evidence which these documents ele	you wish ctronical	n to submi ly later in	t with you the proce	ur notice of review and ess: * (Max 500	
Planning Review Statement-October 2015						
The following drawings as submitted for planning permission.  14-14-010C-Ground Floor and Roof Plans						
14-14-014- Sections						
14-14-015- Site Plan 14-14-016A-Elevations						
14-14-017-Photos of structures to be demolished.						
Application Details						
Please provide details of the application and decision.						
What is the application reference number? *	15/01254/FLL					
What date was the application submitted to the planning authority? * 17/07/15						
What date was the decision issued by the planning authority? *		09/09/15	5			

<b>Review Procedure</b>						
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.						
Can this review continue to a conc parties only, without any further pr	Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *					
✓ Yes □ No						
In the event that the Local Review	Body appointed to consider your application decides to inspect the si	te, in your opinion:				
Can the site be clearly seen from a	a road or public land? *	Yes 🔽 No				
Is it possible for the site to be acce	essed safely and without barriers to entry? *	Yes 🗸 No				
If there are reasons why you think explain here. (Max 500 characters	the Local Review Body would be unable to undertake an unaccompa	nied site inspection, please				
The house is currently unoccupied agent.	d and the garden locked, however the garden can be accessed by pri	or arrangement with the				
Checklist - Applica	tion for Notice of Review					
	cklist to make sure you have provided all the necessary information in may result in your appeal being deemed invalid.	support of your appeal.				
Have you provided the name and	address of the applicant? *	✓ Yes ☐ No				
Have you provided the date and re	eference number of the application which is the subject of this review?	Yes No				
If you are the agent, acting on beh address and indicated whether an should be sent to you or the applic	nalf of the applicant, have you provided details of your name and y notice or correspondence required in connection with the review cant? *					
		✓ Yes ☐ No ☐ N/A				
Have you provided a statement se (or combination of procedures) you	etting out your reasons for requiring a review and by what procedure u wish the review to be conducted? *	✓ Yes  ✓ No				
require to be taken into account in at a later date. It is therefore esse	you are seeking a review on your application. Your statement must s determining your review. You may not have a further opportunity to an activate that you submit with your notice of review, all necessary informately to consider as part of your review.	add to your statement of review				
Please attach a copy of all docume drawings) which are now the subjection	ents, material and evidence which you intend to rely on (e.g. plans an ect of this review *	d 🗸 Yes 🗌 No				
planning condition or where it related	a further application e.g. renewal of planning permission or modification tes to an application for approval of matters specified in conditions, it is broved plans and decision notice (if any) from the earlier consent.					
Declare - Notice of	Review					
I/We the applicant/agent certify that	at this is an application for review on the grounds stated.					
Declaration Name:	Phil Dean					
Declaration Date:	04/11/2015					
Submission Date:	04/11/2015					

Garage/utility-room/sunroom annex 54 Muirs, Kinross. KY13 8AU for David & Ann Keith Planning ref. 15/01254/FLL

#### Planning Review Statement



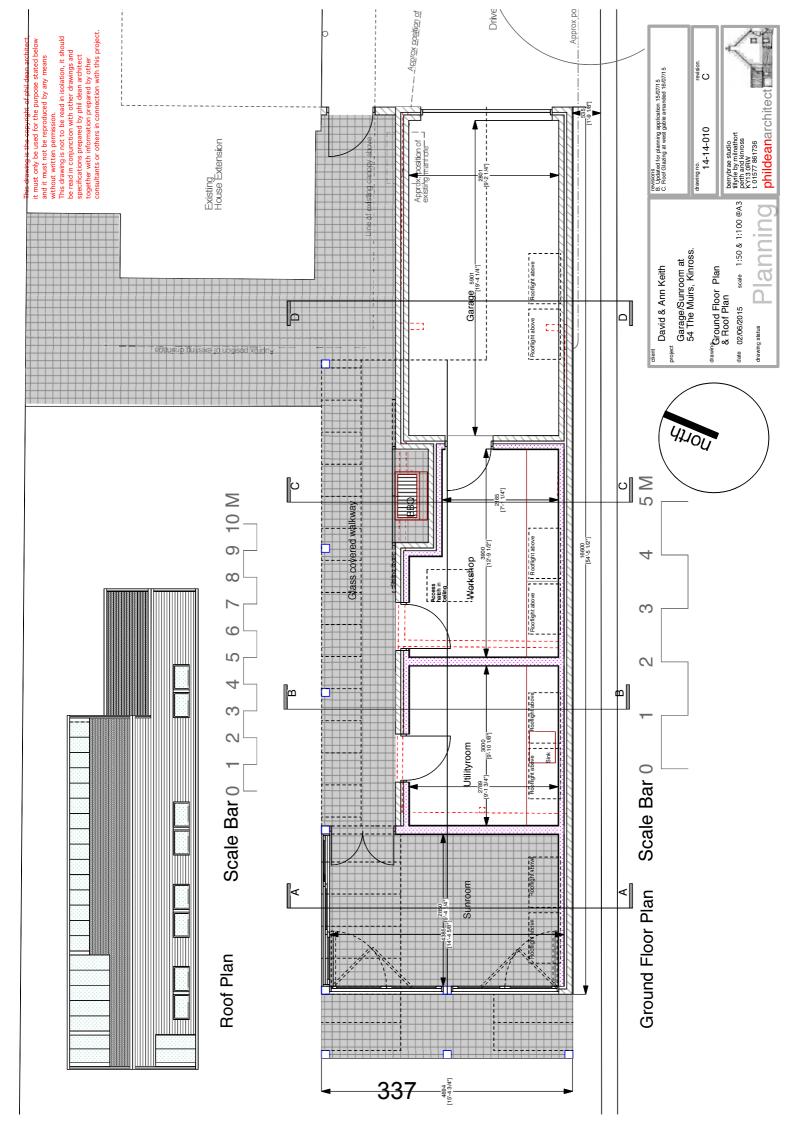
- 1. The decision to refuse planning permission is largely subjective, not based on objective guidelines and is therefore open to question and re-consideration. The image above shows the relative scale of the proposal in the context of the adjoining properties.
- 2. No neighbour objections were received. One concludes that the immediate neighbours, who were both formally and informally consulted do not share the views of the planning officer over loss of visual amenity.
- 3. No adverse comments from either the local Civic Trust or Community Council were received. The Civic Trust has a remit to comment on what it sees as inappropriate development, however it did not see fit to comment in this case.

- 4. In relation to the Tayside Strategic Development Plan the delegated report states that "there are no specific policies or strategies directly relevant to this proposal". If this is the case then its difficult to see how the proposal can be considered contrary to that Plan. It is argued that instead of being contrary to this Plan the proposal actually enhances the sense of place and that it contributes more positively to "placemaking" than the flat roofed garage that it is proposed to replace. Good quality materials, in particular the natural slate roof, have been chosen to reflect the character of the area.
- 5. There is no overshadowing caused by the proposal and this acknowledged in the delegated report.
- 6. The proposal has been designed to maximize the applicant's enjoyment of the site and carefully balances the functions of the annex with the remaining garden ground. It is not over development of the site and this acknowledged in the delegated report.
- 7. The proposal does not create any privacy issues, again this is acknowledged in the delegated report.
- 8. The proposal is well set back from the main road and will have no effect on the public realm.
- 9. Less sympathetic developments, non domestic in character, using industrial materials have been permitted on adjacent sites. (see photo below)

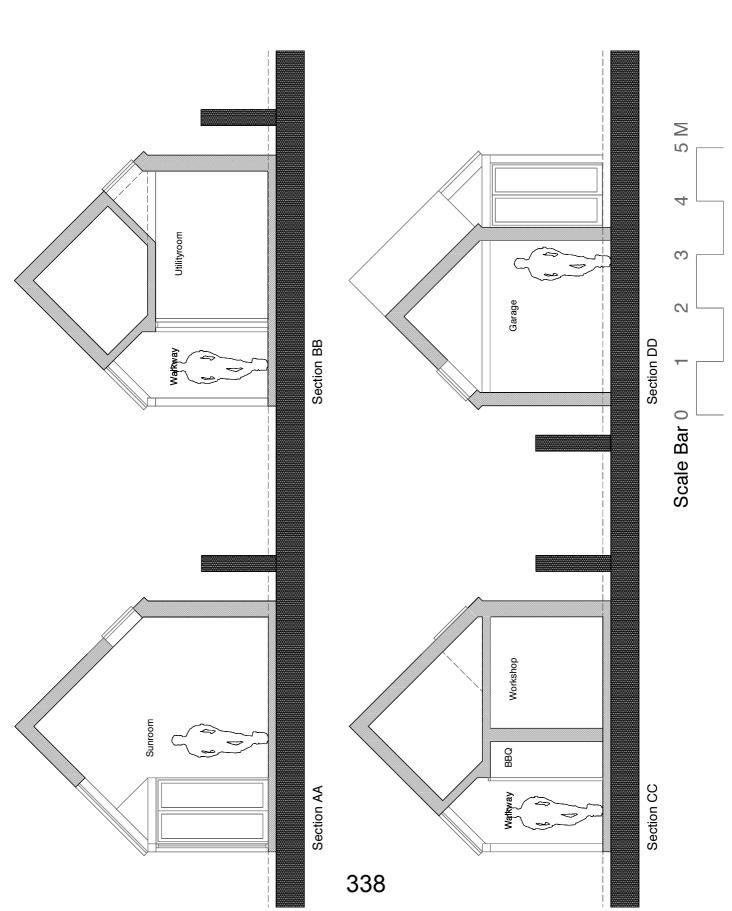


- 10. The adverse effect on the adjacent site (no. 52 Muirs) is the hub of the argument against the proposal put forward by the case officer in the delegated report. It should be noted that this garden has no buildings close to the either the south or west boundaries and while the proposal lies close to the north boundary (set back by approx. 500mm) the part of the site of no. 52, which would be most affected, is occupied by a large 2 car garage and a driveway. Any adverse effect to the remaining garden ground will be minimal.
- 11. The delegated report states that the overall length of the combined house and annex is 30m. It could be argued that this is irrelevant as they are both actually and read as separate buildings, the house being set well back from the boundary and from the line of the proposed new building. To describe the proposal as an "excessively large structure" is misleading in relation to the main house building, the report states that the depth of the existing house is 12m. it is in fact 17m. and there are properties in the proximity that are in excess of 20m. in overall length. In height, the main properties on Muirs are about 6.5m to the eaves and 9m. overall to the ridge, the proposal by contrast is very modest in scale being only 2.4m. to the eaves and 4.9m. to the ridge, reducing to 4.3m. at the north east end. The roof scape is further broken up with roof-lights and roof glazing.

October 2015



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Plannir

phildeanarchitect ....

drawing no. 14-14-014

scale 1:50 @A3

date 02/06/2015 drawing Sections

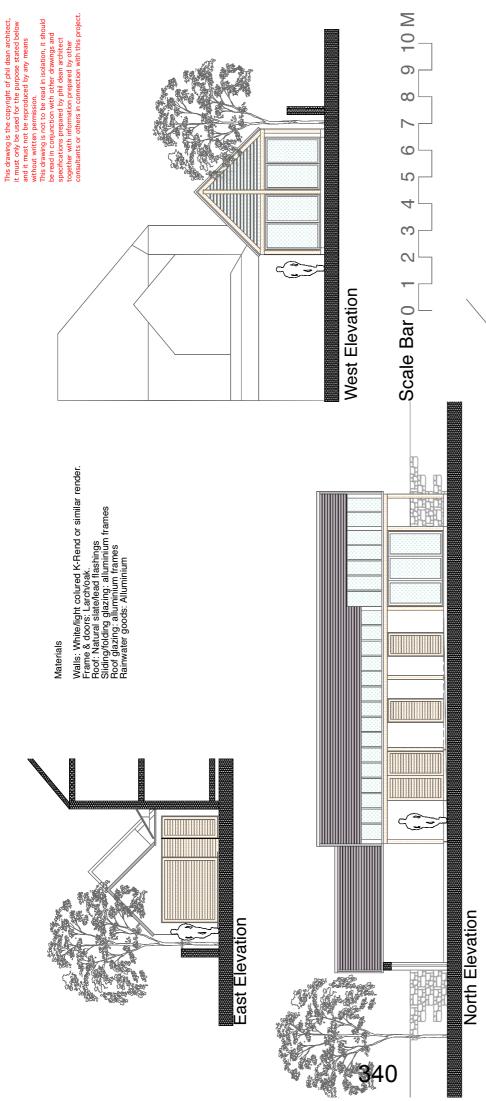
drawing status

project
Garage/Sunroom at
54 The Muirs, Kinross. David & Ann Keith

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project
Garage/Sunroom at
54 The Muirs, Kinross.  $\mathfrak{C}$  $\alpha$ drawin Site Plan Scale Bar 0 иоцр

339





South Elevation

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David & Ann Keith

project
Garage/Sunroom at
54 The Muirs, Kinross.

drawing
Photos of structure to be
demolished
date 02/06/2015 scale 1:100 @A3
drawing status

Planning

rewisions

A.

A.

14-14-017

Derrybrae studio
lights by minathor
peth and kinross
Carage All Carage

To Off W.

14-14-017

Photos Off W.

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Photos Off W.

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Photos Off W.

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Photos Off W.

14-14-017

Structure viewed from west



Structure viewed from east



TCP/11/16(385)

Planning Application – 15/01254/FLL - Extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU

# **PLANNING DECISION NOTICE**

## REPORT OF HANDLING

**REFERENCE DOCUMENT** (part included in applicant's submission, see pages 337-340)

#### PERTH AND KINROSS COUNCIL

Mr David Keith c/o Phil Dean Architect Phil Dean Berrybrae Studio Tillyrie By Milnathort Kinross KY13 0RW Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 09.09.2015

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

Application Number: 15/01254/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 17th July 2015 for permission for **Extension to dwellinghouse Dunnottar House 54 Muirs Kinross KY13 8AU** for the reasons undernoted.

#### **Development Quality Manager**

#### Reasons for Refusal

- 1. The proposal, by virtue of its excessive proportions and imposing impact, would result in an adverse impact on visual amenity, to the detriment of neighbouring residential amenity. Approval would therefore be contrary to Policies RD1, PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the built environment by complementing its surroundings in terms of siting, design, density, appearance, height, scale and massing.
- Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape and proportions by discouraging unsuitable additions which destroy the composition of existing buildings.

#### **Justification**

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

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at <a href="https://www.pkc.gov.uk">www.pkc.gov.uk</a> "Online Planning Applications" page



# REPORT OF HANDLING DELEGATED REPORT

Ref No	15/01254/FLL		
Ward No	N8- Kinross-shire		
Due Determination Date	16.09.2015		
Case Officer	Keith Stirton		
Report Issued by		Date	
Countersigned by		Date	

**PROPOSAL:** Extension to dwellinghouse

**LOCATION:** Dunnottar House 54 Muirs Kinross KY13 8AU

#### **SUMMARY:**

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

**DATE OF SITE VISIT:** 5 August 2015

#### SITE PHOTOGRAPHS





#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

54 The Muirs is a semi-detached period property which is located within a residential area of Kinross. This detailed application seeks planning permission to extend an outbuilding to the rear (Southwest) of the house.

#### SITE HISTORY

PK/97/0666 Extension Application approved – 11 June 1997

#### 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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

#### TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states "By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs."

# Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### OTHER POLICIES

Perth & Kinross Council's Placemaking Guide states that;

"An extension which recognises and respects the form of the existing building is more likely to be successful than one which ignores the design of the original... It is nearly always necessary to avoid overwhelming existing buildings... If an extension begins to match or exceed the size of the original building the architectural integrity of the original structure can often become lost... The siting and design of domestic garages and other outbuildings is an issue that is often overlooked... They should not be over dominant in scale".

#### **CONSULTATION RESPONSES**

None required.

#### REPRESENTATIONS

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

#### ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and	Not Required
Access Statement	
Report on Impact or Potential Impact	Not Required
eg Flood Risk Assessment	

#### **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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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**

In general terms developments which are ancillary to an existing domestic dwelling are considered to be acceptable in principle. However, consideration

must be given to the scale, form, massing, design, position, proportions and external finishes of any proposal and whether it would have an adverse impact on visual or residential amenity.

#### **Design and Layout**

The existing dwellinghouse benefits from a detached single garage which is located to the Southwest. This proposal to extend the garage to the rear consists of a workshop, utility room, sun room and veranda, all of which is to be linked back to the house by a glazed walkway.

#### Landscape

The scale and nature of the proposals do not raise any landscape impact issues.

#### **Residential Amenity**

The rear garden of the application site is of fairly generous proportions, measuring 11m in width and 24m from the front of the garage to the rear of the garden. Much of this would be consumed by the proposed development, which spans 18m in length and 4.75m in width. This would result in a rear garden which is approximately 30% developed, which is approaching but within acceptable tolerances.

No neighbouring properties would be adversely affected in terms of overlooking or overshadowing from the proposed development. However, the proposal is considered to have an adverse impact on neighbouring residential amenity, as detailed below.

#### **Visual Amenity**

The sheer extent of the proposal does raise some concerns. The proposed elevation measures 18m in overall length, which would result in an excessively long and imposing roof plane along the neighbours' boundary. The imposing nature of the proposal would have an adverse impact on neighbouring residential amenity.

Proportionally, the proposed 18m outbuilding is longer than the depth of the house (which is 12m). Additionally, the cumulative depth of the house and newly linked outbuilding would be 30m. The proposal is therefore considered to be disproportionate to the house, and it no longer resembles a domestic scale of outbuilding.

The application site is enclosed by a 1.4m tall stone boundary wall, which is supplemented in places by bushes and hedges. The existing garage is positioned approximately 500mm from the Southern boundary, with the neighbours garage situated further back within the plot at No 52. Whilst this combination would provide an element of visual mitigation, it is not considered to be sufficient to warrant approval of this excessively large structure.

#### **Roads and Access**

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

#### **Drainage and Flooding**

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

#### **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.

#### Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

#### APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

#### LEGAL AGREEMENTS

None required.

#### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

#### **RECOMMENDATION**

#### Refuse the application

#### **Reasons for Recommendation**

- The proposal, by virtue of its excessive proportions and imposing impact, would result in an adverse impact on visual amenity, to the detriment of neighbouring residential amenity. Approval would therefore be contrary to Policies RD1, PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the built environment by complementing its surroundings in terms of siting, design, density, appearance, height, scale and massing.
- Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape and proportions by discouraging unsuitable additions which destroy the composition of existing buildings.

#### 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**

#### **Procedural Notes**

Not Applicable.

#### PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/01254/1

15/01254/2

15/01254/3

15/01254/4

15/01254/5

15/01254/6

Date of Report 07.09.2015

