

Perth and Kinross Council
Planning and Placemaking Committee – 10 January 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/13)

PROPOSAL:	Alterations and extension to dwellinghouse and erection of garage with ancillary accommodation unit
LOCATION:	Gateside Farm, Meikleour, Perth PH2 6EN

Ref. No: [23/01532/FLL](#)
Ward No: P5- Strathtay

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application property is a traditional 1½ storey detached dwellinghouse situated in a rural area to the southwest of Blairgowrie and to the north of Meikleour. The house sits in a group of four dwellinghouses, two of which are newly built. There are building plots for another three houses to the northeast of the application property.
- 2 Full planning permission is sought to alter and extend the dwellinghouse and to erect a garage with ancillary accommodation on its first floor.

Pre-Application Consultation

- 3 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 4 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 5 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 6 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 7 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 4: Natural Places
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 16: Quality Homes

Perth and Kinross Local Development Plan 2 – Adopted November 2019

- 8 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 9 The principal policies are:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 39: Landscape
 - Policy 41: Biodiversity

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)
- [Planning Guidance - Ancillary & Annex Accommodation](#)

NATIONAL GUIDANCE

- 10 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management

National Roads Development Guide 2014

12 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

SITE HISTORY

13 **90/00735/FUL** Full Planning Permission was approved on 7 June 1990 for internal alterations and extension

14 **99/00500/OUT** was refused on 12 May 1999 for erection of a house and garage with associated landscaping (in outline)

15 [09/00607/IPL](#) was approved on 22 October 2009 for demolition of farms buildings and erection of residential development (in principle)

16 [15/00389/IPL](#) was refused on 14 September 2015 for residential development (in principle) but subsequently upheld (approved) by Local Review Body on 20 May 2016

17 [16/02110/AML](#) was approved on 30 January 2017 for residential development (approval of part of matters specified in conditions in 15/00839/IPL, namely plot layout, accesses and passing places)

18 [23/00480/FLL](#) Full Planning Permission application was withdrawn On 2 August 2023 for alterations and extension dwellinghouse and erection of garage with ancillary accommodation

CONSULTATIONS

19 As part of the planning application process the following bodies were consulted:

External

20 **Scottish Water** - No objection but provided advice for the applicant.

21 **Blairgowrie and Rattray Community Council** - Object due to overshadowing and overlooking.

Internal

- 22 **Biodiversity/Tree Officer** - Recommend two conditions relating to bats and birds.

REPRESENTATIONS

- 23 Nine representations were received. The main issues raised within the representations are:
- Scale of the extension dominates the existing house
 - Overlooking of Hog House, the house to the north
 - Overshadowing of Hog House
 - The ancillary accommodation could be rented out or used as a short term let
 - The ancillary accommodation fails to comply with the Housing in the Countryside Supplementary Guidance.

- 24 These issues are addressed in the Appraisal section of the report.

- 25 The following issues were also raised and are addressed here:

- The land ownership certificate is incorrect - The applicant's agent subsequently notified additional landowners and the application has been advertised. A revised application form, including a revised land ownership certificate, has now been submitted.
- Based on an objector's aerial photograph, the site plan is inaccurate - The applicant's agent has resurveyed the site and has submitted a revised site plan, with the surveyed location of Hog House being 3 metres to the south of its approved location.
- An underground electricity supply passes through the application site - This is a civil matter between the parties involved and is not a material planning consideration.
- Hours of construction should be limited to between 8am and 9pm - Given the scale of the proposed works (alterations and extension of an existing house), it is not considered necessary to restrict the hours of construction through the planning process in this instance. Furthermore, Environmental Health legislation controls antisocial impacts from construction.
- As the height of a garage at another property in another area was not considered to be acceptable, this proposed garage should be reduced in height - Each application is considered on its own merits, based on the proposed development and the site specific circumstances.
- Loss of a view - This is not a material planning consideration.
- Impact on the value and saleability of an adjoining house - This is not a material planning consideration.
- The proposals could be located elsewhere on the site - It is the applicants' decision where to site proposed development and the Council is required to assess the proposals that are laid before it.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Appropriate Assessment Not Required
Design Statement or Design and Access Statement	Design Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 27 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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.
- 28 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.

Principle

- 29 Alterations and extensions to existing domestic dwellinghouses are generally considered to be supportable 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 or residential amenity or the character and appearance of the place.
- 30 Developments which are entirely ancillary to an existing domestic dwellinghouse are generally considered to be acceptable, where they are justified, located in a suitable position and of an appropriate size, design and materials. In this respect, consideration must be given to whether the proposal would impact negatively on the surrounding area and have a suitable physical and functional relationship to the existing dwellinghouse and wider environment.

Design, Layout and Visual Amenity

- 31 In terms of its footprint, the proposed extension will be a significant addition to the existing house. Policy 9(d) of NPF4 supports the reuse of existing buildings, with demolition being the least preferred option in terms of conserving embodied

energy. Whilst the existing house could be demolished and larger replacement dwellinghouse erected, the proposal allows for a significant increase in the level of living accommodation without the need to demolish the existing house. As a result of the proposed extension, the scale of the resulting dwellinghouse will be in keeping with the scale of the recently built and yet to be constructed houses in the vicinity.

- 32 The proposed extension is to be erected on the north elevation of the dwellinghouse; this is architecturally the rear of the house. The extension will be set well back from the principal elevation of the house. This siting ensures that much of the traditional character of the existing house is retained, including its south (front) and east (side) elevations and most of its west (side) elevation.
- 33 There is an existing extension on the south elevation of the house. On the plans, this is referred to as a 'temporary' extension and the applicants have advised that it is their intention to remove this extension in due course. To protect the character of the original house, a condition will be used to require this extension to be removed following the completion of the proposed extension (Condition 6).
- 34 The proposed extension is to have dual-pitched roofs with ridge heights matching the existing house. The roofs of the extension will be slated to match the existing roof. The walls are to be finished in stone to match the existing house, with some areas of timber cladding. Whilst the extension includes roof overhangs and some larger windows that give the extension a more contemporary appearance, they do not detract from the character of the existing house. Overall, the design of the proposed extension respects the design of the existing house and is appropriate for this rural area.
- 35 Given the above, the proposal is in accordance with Policy 16(g)(i) of NPF4 and Policies 1A and 1B of LDP2.
- 36 A static caravan and a shipping container are currently sited at the application property. Although the applicants have noted intention to remove these, in the interests of visual and residential amenity, it is appropriate to secure their removal following the completion of the extension. This can be achieved by condition (Condition 5).
- 37 The traditional design of the proposed garage reflects the design of the house. It has a slate roof with a dormer on its east facing roof plane that reflects the design of the existing house, while the use of timber cladding reflects the design of the proposed extension.
- 38 The level of living accommodation to be provided in the garage is relatively modest and is appropriate for ancillary accommodation. In terms of the functional relationship between the buildings and their residents, the ancillary accommodation is to be sited close to the main house and they will share the existing access to the site and share a parking area.

- 39 Given the above, the proposal meets the requirements set in the Ancillary & Annex Accommodation Supplementary Guidance and is in accordance with Policy 16(g)(i) of NPF4 and Policies 1A and 1B of LDP2.
- 40 As it is possible that the ancillary accommodation could, potentially, be used separately from the main dwellinghouse, it is appropriate to clarify and limit the use of the garage and the ancillary accommodation to uses and occupation related to the main dwellinghouse. This can be controlled by a condition (Condition 7).
- 41 In the representations, concerns were raised that ancillary accommodation fails to comply with the Housing in the Countryside Supplementary Guidance. As the proposal does not involve the erection of a separate dwellinghouse, the Housing in the Countryside Supplementary Guidance is not relevant to this proposal.

Landscape

- 42 Given the scale and design of the proposal and its siting within the curtilage of an existing dwellinghouse, there are no concerns about impacts on the landscape of the area. As such, the proposal is in accordance with Policy 4(d) of NPF4 and Policy 39 of LDP2.

Residential Amenity

- 43 Given the floor area of the proposal in relation to the area of the application site, the proposal will not result in overdevelopment of the application property and, as such, will not have an adverse effect on the residential amenity of the application property.
- 44 In terms of overlooking of neighbouring properties, the Placemaking Supplementary Guidance advises:
- Windows should be located to avoid, or otherwise minimise, overlooking adjoining houses and private gardens.
 - Windows of habitable rooms should generally be a minimum of 9m from rear boundaries which they overlook unless adequate and appropriate screening is utilised.
- 45 The windows on the north elevation of the proposed extension face towards the house and garden of the property to the north, Hog House. The garden ground of Hog House is currently bounded by a post and wire fence which provides no privacy from any of the surrounding area. All the windows on the north elevation of the proposed extension are over 9 metres from the boundary, with one being 13 metres from the boundary. At the closest point, the windows on the proposed extension are over 22 metres from the windows on Hog House. Furthermore, as the houses sit at an angle, the windows are not directly facing. An outbuilding in the curtilage of Hog House provides additional screening of the windows of Hog House. A hedge appears to have recently been planted within

the application property and will, in time, provide additional screening between the properties. Given the current situation, the distances from the boundary and the additional screening, the proposed extension will not result in an undue increase in the level of overlooking of the house to the north.

- 46 The windows on the east elevation of the proposed extension are over 15 metres from the boundary. As such, there are no concerns about overlooking of the property to the east.
- 47 The windows on the east elevation of the proposed garage meet the requirements of the Placemaking Supplementary Guidance as they are 40 metres from the boundary they face. Concerns have been raised in the representations that the windows will overlook the property to the north. However, the windows do not directly face this property. The windows on the proposed garage will be over 32 metres from the windows on Hog House, which sits to the side of and at an angle to the proposed garage. The garage windows will be over 21 metres from the windows on the outbuilding at Hog House, which also sits to the side of the proposed garage.
- 48 The north elevation of the proposed garage is to be less than 4 metres from the boundary with Hog House. No windows are currently proposed in this elevation. To ensure that there is no overlooking of part of the garden of Hog House in the future, a condition will ensure that no windows, doors or openings are formed in the future (Condition 8). Given the above, the proposed garage will not result in overlooking of the neighbouring residential properties.
- 49 Concerns have been raised about overshadowing of Hog House and the loss of solar gain to Hog House. The approved plans for Hog House show a building with an L-shaped footprint with windows facing southwest and southeast. However, the house has not yet been completed in accordance with the approved plans and it does not yet have large windows facing southeast. As a result, Hog House has not yet reached its full potential for solar gain. To allow for a reasonable level of natural daylight to the internal living space of a neighbouring residential property, the Placemaking Supplementary Guidance states that “established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.” Using the 25-degree rule, a calculation of overshadowing from the proposed extension and the proposed garage has been undertaken and shows that there would be overshadowing of a minor proportion of the garden of Hog House during part of the day, but no overshadowing of any of the house’s windows at any time.
- 50 In response to the concerns that have been raised about overshadowing, the applicants’ agent has provided a more-detailed shadow cast assessment. For most of the year, there will be no loss of light to the house and garden to the north; this is as expected given the heights of the extension and garage and the distances involved. The shadow cast assessment does show that there will be a shadow cast over the windows on the southwest elevation of Hog House, but this

will be restricted to short periods at the ends of the shortest days of the year when light levels would already be low. Any loss of light to the garden of Hog House would be minimal, restricted to the shortest days of the year, and would only affect a minor proportion of a substantially sized garden. Given the above, the proposal will not result in undue overshadowing of the neighbouring residential properties.

51 Given the above, the proposal is in accordance with Policy 16(g)(ii) of NPF4.

Natural Heritage and Biodiversity

52 A bat survey has been undertaken by an ecologist. Following a review of the ecologist's report, conditions and informative notes relating to bats and birds have been recommended (Conditions 3 & 4). As such, the proposal is in accordance with Policy 4(f) of NPF4 and Policy 41 of LDP2.

Roads and Access

53 No changes to the access to the site are proposed.

54 Whilst the proposal involves increasing the number of bedrooms at the property, the parking that will be available at the property meets the standards set in the National Roads Development Guide 2014 for the total number of proposed bedrooms.

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

57 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design of the south elevation of the extension. Revised plans of the existing house and site were also submitted as the existing extension on the south elevation had not been shown. Revised plans of the proposed garage were also submitted which included details of the finishing colours.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

58 None required.

DIRECTION BY SCOTTISH MINISTERS

- 59 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 60 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 61 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
3. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 26 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

4. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

5. Within 1 month of the extension to the dwellinghouse hereby approved being completed or brought into use, the static caravan and shipping container currently sited to the east of the dwellinghouse shall be removed from the site.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

6. Within 3 months of the extension to the dwellinghouse hereby approved being completed or brought into use, the existing extension on the south elevation of the dwellinghouse shall be removed and any damage to the stonework on the south elevation of the dwellinghouse shall be repaired to match the existing adjacent stonework.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

7. The garage and ancillary accommodation unit hereby approved shall be used solely in conjunction with the main dwellinghouse, shall not be let or occupied separately at any time and shall be retained within the same planning unit as the main dwellinghouse.

Reason: In order to control and restrict the use of the building.

8. No additional windows, doors or openings, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be formed in the garage and ancillary accommodation unit hereby approved.

Reason: In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Notes

Not Applicable.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design of the south elevation of the extension.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

Background Papers: 9 letters of representation

Contact officer: David Rennie

Date: 21 December 2023

DAVID LITTLEJOHN STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.