

LRB-2023-25
23/00186/FLL – Part demolition, alterations and extension
to dwellinghouse, Forest Lodge, Ladywall, Birnam,
Dunkeld, PH8 0DU

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23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywall, Birnam, Dunkeld, PH8 0DU

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 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:

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.

The appeal case is set out in full in the separate appeal statement.

The application was refused on two grounds: inappropriate design and lack of a bat and nesting bird survey. The appeal statement provides detailed information to counter the two reasons for refusal and to demonstrate that the proposal is wholly in accordance with the development plan.

In summary the statement demonstrates that the design is a high quality contemporary addition that complies with relevant policies, and confirms that there are no bats or birds nesting within the affected built structures or which are likely to be affected by the development.

The appeal statement is illustrated with images from the submitted planning application. Some additional images are included: these are not 'new information', but are photos of the site and surrounding area (which the Case Officer will have seen on their site visit); images that are freely available online of high quality built examples of extensions that utilise the same design approach or proposed materials, and two views of the existing CAD model.

Additional documentation is provided in the form of a bat and nesting bird survey carried out by Aquila Ecology. This information is necessary for determination of the appeal and the applicants were not told that it was necessary either before or during the application process.

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.

The case officer did not let the applicants know that a bat and nesting bird survey was required, or that the application could not be determined without it (ie that without the survey the proposal would be automatically refused). This was contrary to Planning Guidance which advises that if it becomes apparent a survey is required then the Council will let the applicant know.

At pre application the advice received indicated that no bat survey would be required, and the lack of survey was in good faith based on an understanding that it was not needed. Had the applicants been given the correct information either at pre-application or during the assessment process, they would have commissioned and submitted the relevant documentation. The survey is enclosed as part of the appeal because without it the appeal could not be fully considered or the application determined.

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.

1) Appeal Statement
 2) Phase 1 and Phase 2 Bat Roost Assessment

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 [Redacted Signature]

Date 27/06/2023

APPEAL STATEMENT

1. Introduction

- 1.1 This appeal statement relates to application 23/00186/FUL for the demolition of non-original extensions, and of alterations and a replacement extension to the dwellinghouse at Forest Lodge, Ladywell, Birnham, Dunkeld, PH8 0DU. The statement seeks to demonstrate that with appropriate conditions the proposal is wholly in accordance with the development plan and consent should be granted.

2. Site Description

- 2.1 The site is a rural property on the outskirts of Birnham, surrounded by mature woodlands and within the River Tay National Scenic Area. It is close to the A822 but is separated from the road by a steep cutting which hides it from all public views. It is accessed by a long private driveway.
- 2.2 The site itself comprises a detached 1950s forestry lodge set centrally within large garden grounds. It is unlisted and not in a conservation area, but has an architectural character and charm that it is desirable to protect. This character is defined by the following features:
- Cuboid shape with pyramidal roof, designed 'in the round' so that all four elevations read as equally important.
 - Arched dormer windows set into two sides of the roof
 - Harled walls, four-over-four sash and case windows and slate roof giving it a vernacular appearance.
- 2.3 There is no Planning history on the site, however there is an original detached garage with asbestos roof and there have been a number of piecemeal extensions and garden buildings over time, comprising a porch, utility extension, summer house/shed, and wood store. These existing additions serve to dilute the architectural character of the building.



Aerial view of site, showing forest setting and the sloped bank on the north boundary.



View from A822, showing the steep bank that hides the property from public views.



View from private entrance drive, showing woodland setting.



West (entrance) elevation, showing existing unsympathetic extensions and outbuilding.



North and east elevations, showing existing unsympathetic extensions and rear of outbuilding.

3. Proposals

- 3.1 The starting point and core principle that carries through all design aspects of the proposal was the protection of the key features identified above and to ensure that the visual language of the extension would clearly distinguish between the original building and new extension.
- 3.2 The first step achieving this was to remove all existing extensions and outbuildings, in order to reveal the simple architectural form that characterises the original building. These features are enhanced through a new lime render in a traditional ochre and timber window frames painted a traditional dark green.
- 3.3 The next step was to design an extension that provides additional living accommodation, replacement storage, and housing for a biomass boiler, as well as enhancing the garden spaces. The logical place to extend the house is to the north, on the least handsome of the four elevations where there have been previous uninspired alterations. This is the area of the curtilage that has least value as garden grounds and where the detached garage is currently sited, so does not build on previously undeveloped parts of the site.
- 3.4 The proposed extension is set apart from the original building, sited at an angle in alignment with the northern site boundary. It mirrors the form of the original building, but at a reduced scale. A new recessed front entrance is created at the link between the two, with a lightweight glazed corridor on the upper level.
- 3.5 Around the front and side of the extension is wrapped a single storey lean-to, housing a biomass boiler and bike storage, and accessible both externally and from inside the house.

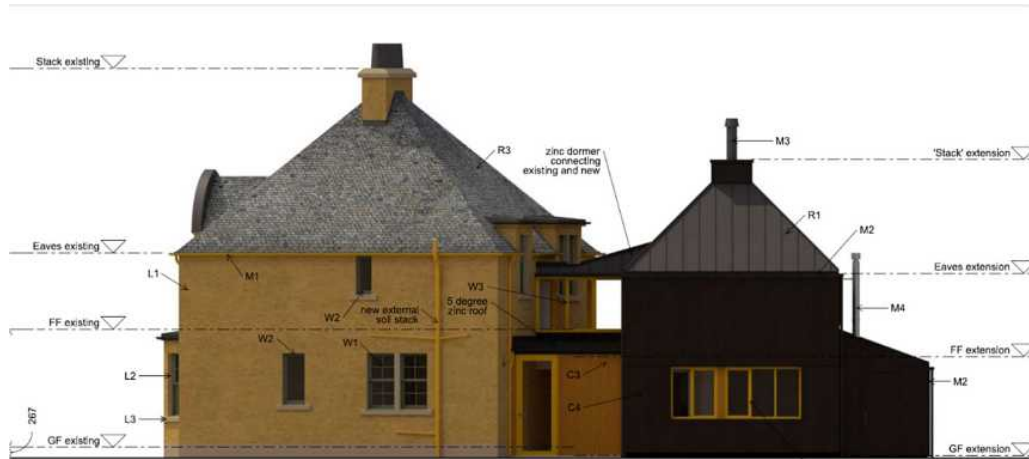
- 3.6 The extension is clad in dark timber boards, with a zinc roof. The muted colours are deferential to the ochre yellow of the main building and fade into the forest background, while the yellow timber window frames and entrance column provide a visual link that connects the two.
- 3.7 The extension has a compact footprint, resulting in an increase of built footprint on the site of just 10.1m².
- 3.8 Through careful consideration of geometry, form, materials and colour, the new is differentiated from the original in a way that preserves and enhances the distinctive character of the house, improving both visual amenity and functionality.



Massing and form of proposed extension



View of west (entrance) elevation as proposed.



East and north elevations as proposed.

4. Application History

Pre-Application Enquiry

- 4.1 A pre-application enquiry was made in 2021 (ref 21/00650/PREAPP). The Case Officer confirmed that *“the site is undoubtedly large enough to accommodate an extension of reasonable proportions”*. The response regarding the design of the proposal was significantly less positive, advising of *“a number of concerns regarding their design, orientation, cumulative massing and poor integration with the host dwelling”*.
- 4.2 While it was useful to understand the Case Officer’s’ concerns, we felt that they stemmed from a lack of confidence that a contemporary contrasting design approach could be subservient to an original building. As such we felt these concerns would be addressed through submission of a design statement which would demonstrate the detailed consideration that had been given to both the site context and to respectful interaction of the extension in relation to the original building.
- 4.3 The pre-application also stated that *“a bat survey would be required for any intervention into the roof, in line with Policy 41 of PKC LDP2 and our Bat Survey Supplementary Guidance.”*
- 4.4 The finalised design was careful to avoid any intervention into the roof of the original building and it was therefore understood that no bat survey would be required at application stage.

Planning Application

- 4.5 The application – with minor design amendments – was submitted in February 2023. It contained a comprehensive design statement justifying the approach and demonstrating that it complies with Planning policy and guidance. The application did not contain a bat survey.
- 4.6 No neighbour objections were received. A number of comments in support of the application were gathered by the applicant but were unfortunately received too late to be submitted as formal letters of support.

- 4.7 Internal comments from the Biodiversity/Tree Officer to the Case Officer advised that a bat and nesting bird survey was required. The response concluded that "*the application cannot be assessed until more information is provided*".
- 4.8 During the assessment period the Case Officer did not pass on these comments to the applicant, nor advise that a bat and nesting bird survey was required or that its lack would be considered a reason for refusal. In fact, no communication was received from the Case Officer at any time between submission of application and receipt of refusal.
- 4.9 On 5 April a report and decision were issued, refusing the application on two grounds:
- That the design and materials were not in keeping
 - The lack of an ecological survey
- 4.10 It is our view that the proposal was pre-judged at pre-application and did not receive an objective assessment or fair consideration of the detailed design statement. This pre-judgement led to the Case Officer not sharing necessary information regarding the bat and nesting bird survey and to an automatic refusal of the application. We set out below our case for allowing the appeal and granting planning permission for the proposals, categorised under the two reasons for refusal.

5. Demonstration of Policy Compliance

Reason 1: Design

Wording of refusal

- 5.1 *"The proposal, by combination of its **unsympathetic design and inappropriate materials**, would be an incongruous addition which would be **out of keeping** with the host building and would result in a **detrimental impact upon the character, appearance and visual amenity** of the dwellinghouse.*
- 5.2 *Refusal is therefore in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials, in order to harmonise with the existing building and respect the character and appearance of the place."*
- 5.3 In our view this opinion was reached because the design is contemporary and the materials contrasting, rather than as a result of a reasoned assessment of the proposals. The reason for refusal (and associated report) do not recognise the detailed site assessment and sensitivity towards the main house that underpinned these proposals and which was clearly laid out in the Design Statement.

Relevant Policies

- 5.4 The policies referenced in Reason 1 span national policy (NPF4), local policy (LDP 2019) and local guidance (Placemaking Guide). The policies all share the guiding principle that high quality places are achieved through careful consideration of and sensitive response to a site's built and natural context.

- 5.5 The supplementary guidance expands on those policies, setting out criteria by which proposals can be assessed. It provides objective principles and general rules which should be followed, while also recognising that an alternative approach may also be appropriate if suitably justified. As with all design assessment there is also an element of subjective opinion. Those assessing design proposals should be careful to not be led by subjective opinion or to forget that there is much more to successful design than following a set of tick box exercises.
- 5.6 The following paragraphs extract the relevant criteria and demonstrates that the proposals for Forest Lodge comply with both guidance and policy and are a sensitive and high-quality design intervention.

Contemporary Design Approach

5.7 *“An extension to a building can be conceived to either appear as an integral part of the original architecture or, alternatively, it may be of a contemporary or contrasting design...In the latter case the extension would purposefully be different yet aim to be equally compatible and complementary. It is not often appreciated that the best extensions are architecturally attractive in their own right.”*

- 5.8 The guidance on Householder Applications starts with the above statement, which describes exactly the approach taken at Forest Lodge. The statement is unambiguous in recognising that a contemporary design and purposeful contrast with the main building is a valid approach that can be extremely successful. Furthermore, it recognises that extensions that are architecturally attractive in their own right are often far better than those that try to hide their bulk by blending in.
- 5.9 The images below are just a few Perth & Kinross-based examples of this principle.



- 5.10 At Forest Lodge, the form of the proposed extension reflects that of the original building, and uses various contemporary design techniques – the offset, the non-orthogonal alignment, and the contrasting materials in muted colours – to provide a contemporary interpretation and legible form that both contrasts with and preserves that of the original house. It is both wholly respectful of the main building and architecturally attractive in its own right.



- 5.11 In Development Management each application should be determined on its own merits. Nonetheless, an awareness of the skillset and expertise of a particular architect can be useful supplementary information that provides reassurance when considering proposals which are not cookie cutter designs. The Guidance recognises this in recommending that applicants “seek professional advice from someone trained and experienced”. Tim Bayman has a track record of designing high quality interventions and sound design judgement honed over years of study, practice and teaching architecture. He has worked on award-winning projects across Scotland and on many sensitive alterations to historic and listed buildings.

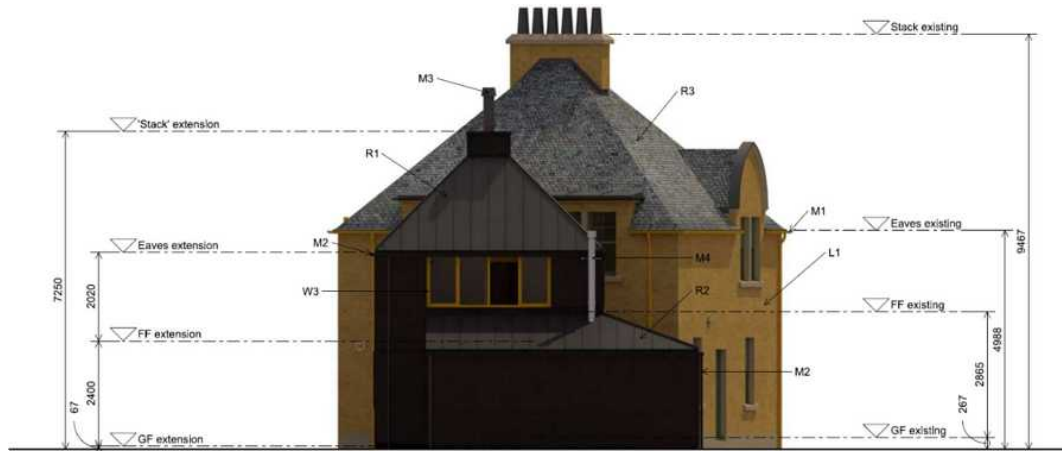
Scale, shape, form

5.12 *“Extensions should respect the shape, scale and proportions of the existing building and relate to the roof pitch and original building depth.”*

- 5.13 The proposed extension reflects the form of the existing building, mirroring its proportions and roof pitch but at a reduced scale. The additional single storey lean-to which wraps around the front and side does not detract from this very clear visual reference to and deference of the form and style of the original.

5.14 *“New roof ridges should not normally exceed the height of the original. A new ridge line which is set lower than that of the original will generally be more acceptable.”*

- 5.15 The eaves of the linked extension are 0.57m below those of the main house, and its chimney stack is 2.22m lower, creating an unambiguous visual statement that the new building is ancillary and subservient to the original.



North elevation showing comparative heights of eaves and ridgelines, and diminutive scale in relation to original building.

5.16 “Extensions should seek to achieve a building depth which respects traditional building forms and avoids dependence on artificial lighting and ventilation.”

- 5.17 Respect for and protection of the unusual traditional building form is at the core of this proposal is. The offset of the extension ensures that the original form remains whole and legible, interrupted only by the partially glazed link.
- 5.18 The siting and scale of the linked ancillary building ensures that every habitable room in both existing and new buildings has good natural daylight and ventilation.



Ground and first floor plans showing that all habitable rooms have at least one window.

5.19 In most cases an extension should be a subordinate addition in all respects”.

- 5.20 In Planning terms, an extension which is subordinate is not visually dominating the original building in any way. A key factor in this is ensuring that the character and appearance of the original building is protected, for example:

- avoiding significant changes to the form of the roof with large box dormers or hip to gable extensions,
- avoiding 'extruded' extensions that continue the building line and subsume the original building into a larger single form with different proportions and massing.

5.21 The siting, form and scale of the proposed extension achieves these aims, albeit using a bespoke rather than an off-the-peg design solution. Due to this unusual geometry of the original building a standard side or rear extension would not be the right approach, as these would significantly alter the cubed form and the shape of the roof.

5.22 Instead, the extension is set separately to the original building, with a part glazed corridor to link them together. As noted above it mirrors exactly the proportions and form of the original, but at a significantly smaller scale.



Proposed entrance view from West



Existing entrance view from West

- 5.23 Instead of locating the extension 'behind' the original building, it is set at an angle that aligns with the northern boundary of the site. This design approach would not work in a street where there is a clear building line which the offset would breach, but here, where there is an isolated form in a woodland setting, it is wholly appropriate. The angled line of the new extension forms the dual purpose of creating a visual distinction between old and new and making more efficient use of the site curtilage. Siting it as proposed serves to reduce the size of and provide better enclosure for the parking and service area of the curtilage, and to increase the size of the kitchen garden.



5.24 While linked offset extensions are not the norm they are entirely compliant with the guidance and are a well-established design approach, as is evidenced by the many built examples throughout Perthshire and further afield.



1. Strone Cottage, Cairngorms, Loader Monteith, 2. The Coach House, Falkirk, Thatstudio Architects, 3. Fernaig, nr Strome Ferry, Scampton & Barnett Architects, 4. Shepherd's Cottage, Cairngorms, Helen Lucas Architects, 5. Dunkeld, architect unknown, 6. Cloich Mhile, Stanley, Parthshire, Elizabeth Roxburgh Architects, 7. Studio Bothy, Fair Isle, Marie Bruhat, 8. Tigh Eoin, Argyll, Darren Baird Architects

Detailing

5.25 *“Detailing is key to the successful integration of designs for extensions.”*

- 5.26 The linked extension has high quality contemporary detailing: simple timber window and door surrounds match the colour of the main building elevations. All other details are deliberately muted so that the extension reads as a muted simple form that lets the original building dominate.

Materials

5.27 *“Choose materials characteristic of the existing building”*

- 5.28 Characteristic does not mean ‘identical to’: it means ‘typically used in this context’. Rural Perthshire has a long tradition of utilising timber cladding and metal roofing on ancillary structures. As these materials translate extremely well onto contemporary forms they can be seen in contemporary extensions and interpretations of vernacular buildings throughout the region, often used as a complementary contrast with a historic building, as indicated in the photos above.
- 5.29 The dark timber cladding on the elevations, standing seam zinc roofing and timber window frames all make clear reference to this tradition, indicating that this is an ancillary structure rather than the main event. The glazing on the upper level of the link corridor retains a sense of separation between the two structures.
- 5.30 These are high quality materials of the standard that would be expected in a listed building or conservation area. They are beautiful, tactile, vernacular, and entirely appropriate in this context.



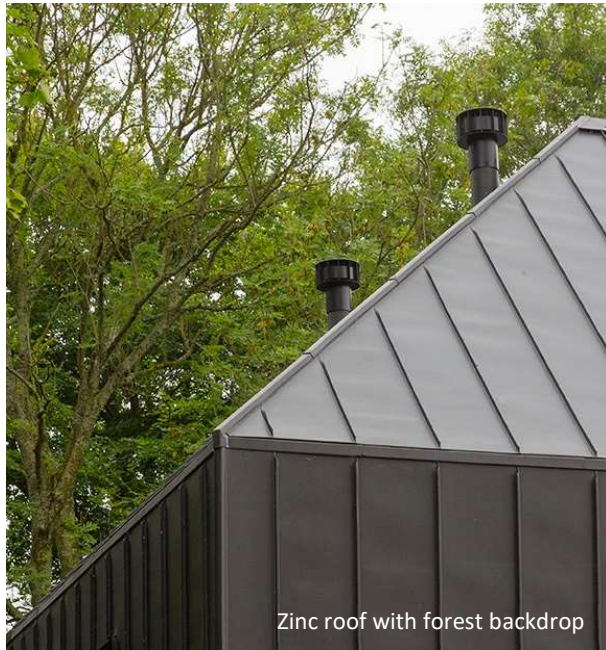
Traditional ochre render: 1. Sundial House, Dunkeld, 2. Riddles Court, Edinburgh, 3. Culross, Fife

5.31 *“Ensure that the colour of the materials is harmonious with the existing building.”*

- 5.32 The design principle of seeking to create a subservient extension through carefully considered contemporary contrast with the original building continues through to the colour choices.
- 5.33 While the original house is not historically significant, its vernacular character reflects many traditional features of the wider area, and so the proposals seek to enhance this character in harmony with its forest context. The main house will be re-rendered in a traditional bright iron oxide finish that allows its simple, pleasing architectural features to stand out.
- 5.34 In contrast, the colours of the extension are deliberately dark and muted so that they don’t detract from the appearance of the original house, and so that they blend into the dark

green of the trees behind. forest background. This will allow the house to stand out both from its forest setting and its linked extension as the dominant built form.

- 5.35 The materials chosen are beautiful, tactile, traditional, and entirely appropriate for the site.



5.36 *“Choose high quality materials that are sustainable and longlasting.”*

- 5.37 The breathable lime render on the main house is a traditional, high quality and long-lasting finish that will protect the building fabric.

- 5.38 The timber cladding, zinc roofing and timber framed windows are of a quality and longevity that would be required in a listed building or conservation area (of which this is neither). A zinc roof can have a lifespan of 100 years, while the Thermopine treated Scots Pine cladding is class 2 durability of up to 40 years.

5.39 *“Recycle materials wherever possible and avoid unsustainable materials wherever possible.”*

5.40 All the cladding and insulation materials are long-lasting, high-quality and sustainable. Zinc and timber can be recycled at the end of their useful life.

Roof extensions and alterations

5.41 *“It is important that roof extensions and alterations fit with the local street character. Think carefully about the context before converting an existing hipped roof into a gabled roof”*

5.42 The guidance here expressly guards against extensions that dominate or dramatically alter the form of a hipped roof. Forest Lodge is hipped on all four sides, forming a pyramid shape. This form is a core feature of the original building and the linked extension was designed to avoid damaging the line of the roof, in compliance with the guidance.

5.43 Note that the Pre-Application advice contradicted the guidance, recommending “integrating the extension and its roof on the north elevation of the house (designing out the link and relocating the existing north elevation dormers to the east/west).” Revision of the design to follow this suggestion would not only have resulted in the loss of the characteristic pyramidal form of the roof, it would also have impacted its historic and visual integrity through the loss or relocation of two dormer windows. This would have been particularly detrimental to the front elevation.

5.44 As is set out in the Design Statement, we are of the view that the best way to preserve the original lodge building – particularly the form of the roof – is to respect its original form and siting within the gardens. The proposals preserve the original form of the roof and protect the character of the freestanding building in its rural context.

Summary/Assessment

5.45 We are concerned that during the assessment process insufficient consideration was given to the Design Statement, which clearly demonstrated the appropriateness of the proposals. The report noted that the Design Statement was submitted but did not recognise that the document was a direct response to the queries raised during the Pre-Application enquiry or accept the validity of submitting a design justification as an alternative to making amendments which both architect and client felt to be harmful to the character of the original building.

5.46 As a result, the key design characteristics that have been used to create subservience to the original building (the separation of the extension, the offset angle, and the complementary contrasting materials) have been perceived as ‘competing’, ‘fragmented’ and ‘incongruous’. We dispute this conclusion and consider that this appeal statement ably demonstrates that the proposals comply with the relevant policy and guidance.

5.47 In summary, the proposed extension complies with all design-related aspects of the development plan:

- The building is not listed, not in a conservation area, has no nearby neighbours and is not visible from the road or nearest settlement. In short, there are no site characteristics which would make it a sensitive site or restrict opportunities for a creative response.

- The removal of piecemeal additions, re-rendering in a historically appropriate finish, and refurbishing/upgrading of the windows is enhancing every aspect of the architectural character of the original building.
- The extension follows the widely-accepted approach of utilising high quality contemporary architecture to enhance a traditional setting. The design allows the viewer to understand the narrative of the building and its evolution, allowing it to be ‘read’ as original and addition, and the addition is architecturally attractive in its own right.

Reason 2: Bats and Birds

Wording of refusal

5.48 *“No ecological survey has been submitted. Therefore, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats.*

5.49 *Accordingly, the proposal is contrary to Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 and Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.”*

5.50 While this statement is factually accurate, the applicants were not made aware of the requirement for an ecological statement, nor given the opportunity to provide one during the application process, in contravention of the Council’s own guidance. Had this information been requested prior to or during the application process it would have been commissioned and submitted. A bat survey has now been carried out and is included as additional information with this appeal statement.

Relevant Policies

5.51 A range of national and local policies seek to protect wildlife species. In essence, they seek to ensure that both European protected and locally important wildlife species are not harmed by the loss of buildings that provided nesting or roosting spaces, or from the carrying out of development. In situations where it is reasonably likely that particular species will be present, the policies require that surveys be carried out by suitably qualified experts, and that recommendations within the surveys be followed.

Submission of surveys

5.52 *“When it is reasonably likely that bats will be present at or affected by a scheme, we will insist that a bat survey (which is up to date and undertaken at the correct time of year) is submitted in order to assess the potential presence of bats”. (Bat Surveys)*

5.53 The guidance given at pre-application stage incorrectly stated that a bat survey would only be required if the proposals were to impact on the roof of the original building. This was understood in good faith by the architect to mean that there was no need to investigate further into the bat or wildlife guidance and no need to commission or submit any related surveys.

- 5.54 The Case Officer did not 'insist' that a bat survey was submitted, the applicants were not told at validation; after submission of the Biodiversity Officer's comments; or at any point during the assessment that a bat survey was required or that its absence was a barrier to assessment of the proposal. They were not given the opportunity to remedy this during the assessment process.
- 5.55 Had this information been shared with the applicant, a survey would have been commissioned which would have identified whether bats or nesting birds were present on the site, alongside suitable mitigation measures.
- 5.56 *If it is determined during the assessment of an application that a bat survey is required it is possible that you may need to withdraw the application and resubmit with the required survey otherwise it may be refused."*
- 5.57 As above, the applicants were not given the opportunity to withdraw and resubmit with the necessary survey. This should have happened during the application process.
- 5.58 *All wild birds and active nests are protected by law. Work carried out during the breeding season risks damaging nests or eggs, or disturbing nesting birds. From 1 March to 31 August, birds may nest in trees, on and in buildings, or in rough grassland or scrub. As no licence is available to remove birds or nests for development, the best way to avoid delay is to schedule works outwith the breeding season. To inform mitigation and design, surveys in the season prior to work are needed where significant vegetation is being removed, for wind farms, and demolition of, or work to the roofline of, agricultural or pre-1960s buildings.*
- 5.59 *Nest sites on/in structures should be retained where-ever possible including during pointing. Where unavoidably lost, species specific artificial nests can help mitigate this.*
- 5.60 *Declining species such as Barn Owls, Swifts, Sparrows, Swallows and House Martins are particularly vulnerable to loss of nest sites. Replacement nests should be provided as close as possible to the original location. Submissions must include a location plan of nest installations.*
- 5.61 As soon as the applicants were made aware that a bat and nesting bird survey was required (i.e. upon receipt of the refusal of Planning Permission), they commissioned a Bat and Nesting Bird survey. A copy of this is attached as additional information to this appeal.

Outcome of Survey

- 5.62 The survey found no evidence of bats or nesting birds on the areas of the site affected by the proposed development (i.e. the garage that is proposed for demolition) and accordingly no mitigation measures are required.
- 5.63 The survey identified a 'steady stream' of both common and soprano pipistrelles flying across the site between areas of woodland. These are assumed to be foraging and roosting in the woodland, and not affected by the proposed development in any way.
- 5.64 The survey advised that consideration could be given to providing bats with roosting opportunities within the new extension. This could be in the form of built in or external boxes for bats and/or birds.

Summary

- 5.65 The proposals will have no impact on European Protected Species or nesting birds, as evidenced by the Bat and Nesting Bird survey. The proposals are therefore fully in accordance with the development plan and should be approved.
- 5.66 We would welcome a condition attached to the consent for provision of nest boxes for bats and/or birds to enhance the biodiversity on the site.

6. Conclusion

- 6.1 The proposed development at Forest Lodge, Birnham, is fully in accordance with the development plan and there are no material considerations which outweigh this conclusion. The refusal of Planning Permission should be overturned and consent granted.





Aquila Ecology

TOURS | TRAINING | SURVEYS

Phase 1 & Phase 2 Bat Roost Assessment

Forest Lodge garage, Birnam



June 2023

Quality Assurance

Prepared by:	Name	Andrea Hudspeth	Title	Principal Ecologist
Checked by:	Name	Terry Williams	Title	Ecologist
Current Status:	FINALT			
Issue Date:	23.06.2023	Revision number:	1	
		Revision notes:	Addition of other wildlife in section 2.5	

Quality Assurance: This report has been prepared according to Aquila Ecology Quality Management System. Aquila Ecology comprises consultant ecologists who are members of appropriate professional institutions and adhere to professional codes of conduct.

Disclaimer: This report is presented to Ms Claire Norfolk in respect of a Phase 1 and Phase 2 Roost Assessment Survey and may not be used or relied on by any other person or by the client in relation to other matters not covered specifically by the scope of this report.

Notwithstanding anything to the contrary contained in the report, Aquila Ecology is obliged to exercise reasonable skill, care and diligence in the performance of the services required by Ms Claire Norfolk and shall not be liable except to the extent that it has failed to exercise reasonable skill, care and diligence, and this report shall be read and construed accordingly.

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Aquila Ecology
Cruachan
St Fillans
Crieff
Perthshire
PH6 2NQ

Tel: 01764 685459
Mob: 07960 391297

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1. Introduction

1.1. Building Description

The garage at Forest Lodge is a one storey, 1.5 sized brick-built garage with outside toilet and storage cupboard. The exterior walls are harled and the roof consists of corrugated asbestos panels. There is a double door to the front aspect and single doors at the side providing access to the toilet and storage cupboard. Inside the three spaces there are internal supporting timbers.

1.2. Proposed Works

It is planned to demolish the garage to make way for an extension to main house.

1.3. Legislation

EUROPEAN PROTECTED SPECIES

All bat species found in the UK are European Protected Species (EPS). EPS are those which are protected by the EC Habitats and Species Directive 92/43/EEC. The Conservation (Natural Habitats, &c.) Regulations 1994 translates this European legislation into UK law. This has been amended in Scotland by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 and 2007 and the Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2008. In addition to all bat species, EPS includes; otter, wildcat and great crested newt. The regulations make it an offence to deliberately or recklessly:

- capture, injure or kill an EPS
- harass a wild animal or group of wild animals of EPS
- to disturb such an EPS while it is occupying a structure or place it uses for shelter or protection
- to disturb an EPS while it is rearing or otherwise caring for its young
- to obstruct access to a breeding site or resting place of an EPS or to otherwise deny an EPS use of a breeding site or resting place
- to disturb an EPS in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs to disturb an EPS in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- to disturb such an animal while it is migrating or hibernating It is also an offence to:
 - damage or destroy a breeding site or resting place of such an animal
 - keep transport, sell or exchange or offer for sale or exchange any wild animal or plant EPS or any part or derivative of one (from 1st May 2007).

In relation to protected species of animal, licences can be issued under Regulation 44 that will permit, only for specific purposes, certain actions that would otherwise be a criminal offence. Scottish Natural Heritage (SNH) is the body responsible for all EPS licensing under the Habitats Regulations (with the exception of some areas of licensing for whales and dolphins).

There is no provision for licences for development, however, under Regulation 44 (2e) of the

Conservation (Natural Habitats, &c.) Regulations 1994 licences may be granted for:

- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

However, a licence will not be granted unless, importantly under 44 (3), the appropriate licensing authority is satisfied:

- That there is no satisfactory alternative; and
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

2. Surveys: Methods & Results

2.1. Survey Personnel

Aquila Ecology was contracted to complete a Phase 1 & Phase 2 Bat Roost Assessment at Forest Lodge by Mr. Tim Bayman on behalf of his client Ms Claire Norfolk in June 2023. The survey was carried out on 12.06.2023.

All survey and reporting were overseen by Andrea Hudspeth. Andrea is an NatureScot licensed bat worker (licence numbers 92518 and 219365 (BLIMP)), and an Associate Member of the Chartered Institute of Ecology and Environmental Management (ACIEM). She was assisted by Terry Williams, an experienced ecologist.

2.2. Site Location

The building is located at OS NO 02556 41826 near Dunkeld and Birnam within the unitary authority of Perth and Kinross.

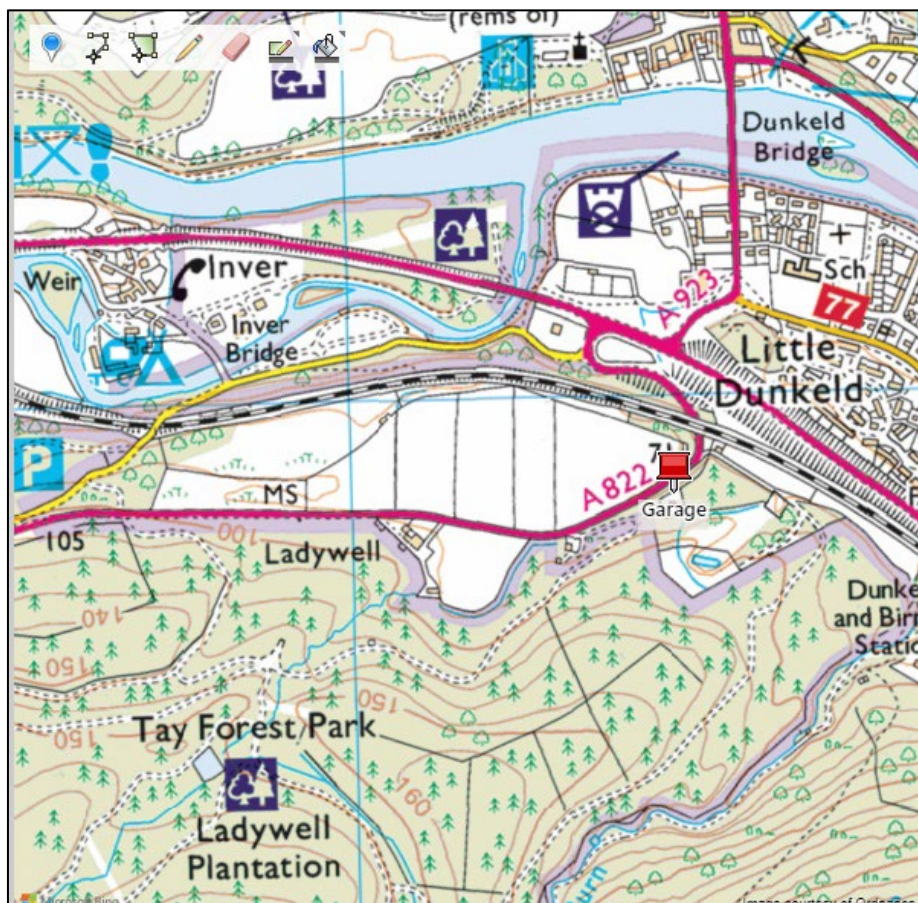


Figure 1: Location Map

2.3. Desk Top Study

The National Biodiversity Network (NBN) Scotland Atlas was interrogated for records of bats within 1km of Forest Lodge. Only those records within the last 10 years were considered relevant.

A maternity roost of soprano pipistrelle bats *Pipistrellus pygmaeus* was recorded on 22.07.2004 within the 1km square where Forest Lodge is located. The exact location has not been provided, so it is possible the bats were observed at Forest Lodge itself, or a neighbouring property. The record comes from the SNH Casework Records 1970-2007.

A single brown long-eared bat *Plecotus auratus* was recorded on 16.06.2022 somewhere within 1km of Forest Lodge. The record comes from the Mammal Society's National Mammal Atlas Project dataset.

2.4. Phase 1 Bat Roost Assessment

2.4.1. Phase 1 Bat Roost Assessment Method

Both an internal and external inspection of the building was undertaken for building features conducive to roosting bats along with field signs to suggest bat presence. For example:

- roof eaves, verges, gables, ridges, roof joints which have gaps that bats can utilise or through which they can gain entry to other parts of the building
- roof voids and wall cavities that have the desired dark, stable and protected conditions
- mortar gaps in stone or brickwork or around windows or doors which provide small crevices
- bat droppings
- feeding remains
- staining
- alive or dead animals

Survey equipment and safety equipment utilised included:

- a high-powered torch
- an endoscope
- camera
- binoculars

2.4.2. Bat Roost Inspection Survey Results

External

The harled walls are in good condition with no cracks or peeling plaster. The doors and windows are well-fitting with no gaps around the frames or sills. The ridges at both ends are sealed with mortar so there is no chance of entry at those points. The only possible features of interest are where there are gaps at each corner of the building which could provide an opportunity for bats to get inside the building or roost within the gap between the wall-head and the roof panels (see photos 1 & 2 below). Although these features were deemed suitable, there were no external signs to suggest that bats had been using them, such as droppings or urine staining.



Photo 1: Gap at one of the corners of the garage



Photo 2: Gap at another corner

Internal

There is an internal brick wall separating the main garage space from the toilet and storage cupboard and another brick wall separating those two rooms. In all three spaces, the underside of the corrugated roof is visible and there were no signs of bats. The ridge is also completely open inside providing no suitable roosting space for bats.

There are some supporting timbers inside the spaces, but no bats were found roosting between them and there were no signs of any bat droppings within any of the three spaces.



Photo 3: Inside the storage space



Photo 4: Inside the garage space

2.4.3. Habitat Assessment

The surrounding habitat is a large garden with lawn, shrubs, plants and trees. There are many trees within the wider area which are likely to provide roosting and foraging opportunities for bats.

2.5. Phase 2 Bat Roost Assessment

2.5.1. Phase 2 Bat Roost Assessment Method – Activity Survey

One activity survey was completed straight after the Phase 1 survey. The survey was conducted in the evening by Andrea Hudspeth and Terry Williams who were positioned at either end of the building to cover two aspects each. The survey was conducted during suitable weather conditions (see Table 1 below).

The survey started at 21.30 and continued until 23.30. Sunset was at 22.05. Both surveyors used an

Anabat SD2 to record the bat calls and used handheld heterodyne bat detectors to alert them to the presence of bats and the likely species. An infrared camera was also utilised. Notes were made and these were compared to the data recorded on the Anabats following the survey. Target notes were made for any notable activity such as bats emerging from the building or commuting routes.

Table 1: Weather details

Temp Start	Temp End	Cloud cover start	Cloud cover end	Wind start*	Wind end	Rain start	Rain end
17°C	16°C	5/8	5/8	2	2	0	0

* Beaufort scale

2.5.2. Activity Survey Results

The first bat recorded by the surveyor at the front of the garage (Andrea) was at 22.16 and it was a common pipistrelle *Pipistrellus pipistrellus*; the bat was also seen by the surveyor (Terry) at the rear of the garage. The bat came from the north and flew over the garage. After this time there was a steady stream of both common and soprano pipistrelles coming from the north and the west mainly towards the conifer woodland adjacent to the house to the east.

No bats were observed emerging from the building during the survey.

2.5.3. Bat Roost Assessment

Summer Roost

There were no signs of bats found during the survey. No evidence was found to suggest bats were gaining access anywhere in the building. Only the gaps at the corners of the building were considered to have some suitability for roosting bats, although not for a maternity roost.

Winter Roost

More research is needed before any structure can be discounted as suitable for hibernating bats. Hibernating bats have been discovered under sheets of insulation in the loft spaces of houses which are lived in and heated (personal communication, R. Osborn and J. Haddow); therefore, it is very difficult to judge what constitutes an ideal hibernation site. As the brick walls of the garage are solid with no discernible gaps, the garage is not considered suitable for hibernating bats.

2.5.4. Other Wildlife

During the building inspection and subsequent activity survey, no evidence of any other wildlife, such as nesting birds, was discovered either inside or outside of the garage building.

2.6. Survey Limitations

There were no physical limitations to the survey.

An absence of biological data records does not determine that species are absent; the absence of records can mean there is an absence of people recording species in any given area.

2.7. Evaluation of Results

The building is assessed to have low suitability for bats and there are no roosting bats present.

3. Recommendations

3.1. Emergency Procedure

If any bats are found during the demolition of the garage, all works must stop until a bat licensed ecologist has been consulted. Depending on the number and species of bats found, works may continue, but only with a NatureScot licence in place and an agreed Species Protection Plan.

3.2. Planning Demolition

The results of this survey show there are no bats using the building at the current time. Although the building has low suitability for bats, it is recommended that the demolition works take place as soon as possible. If the building remains in situ 18 months after this survey, it will be necessary to resurvey the building if demolition is still planned.

3.3. Habitat Enhancement

Any new build should consider the possibility of making space for wildlife and improving biodiversity. Forest Lodge is situated within suitable foraging habitat for bats so consideration could be given to providing bats with roosting opportunities within the new extension. This could be in the form of built-in boxes for bats and/or birds, or external boxes. See here https://www.wildcare.co.uk/wildlife-nest-boxes/bat-boxes/wall-integrated.html?gclid=EA1aIQobChMIzLil2NzH_wIVCNHtCh3BLQLdEAAYBiAAEgJOOPD_BwE and here

[https://www.nhbs.com/4/bat-boxes-for-external-walls?q=&fR\[hide\]\[0\]=false&fR\[live\]\[0\]=true&fR\[shops.id\]\[0\]=4&fR\[subidiaries\]\[0\]=1&hFR\[subjects_eqipment.lv1\]\[0\]=Bat%20Boxes%20%3E%20Bat%20Boxes%20for%20External%20Walls](https://www.nhbs.com/4/bat-boxes-for-external-walls?q=&fR[hide][0]=false&fR[live][0]=true&fR[shops.id][0]=4&fR[subidiaries][0]=1&hFR[subjects_eqipment.lv1][0]=Bat%20Boxes%20%3E%20Bat%20Boxes%20for%20External%20Walls)

4. References

Bat Conservation Trust (2016) *Roost* [Online] Available from: <http://roost.bats.org.uk/> [Accessed 2nd November 2016]

Bat Conservation Trust (2010a) Brown long-eared bat *Plecotus auritus* Species information leaflet [online] Available at: http://www.bats.org.uk/data/files/Species_Info_sheets/brownlongeared_11.02.13.pdf <Accessed September 2015>

Collins, J. (Ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, (3rd edition). The Bat Conservation Trust, London.

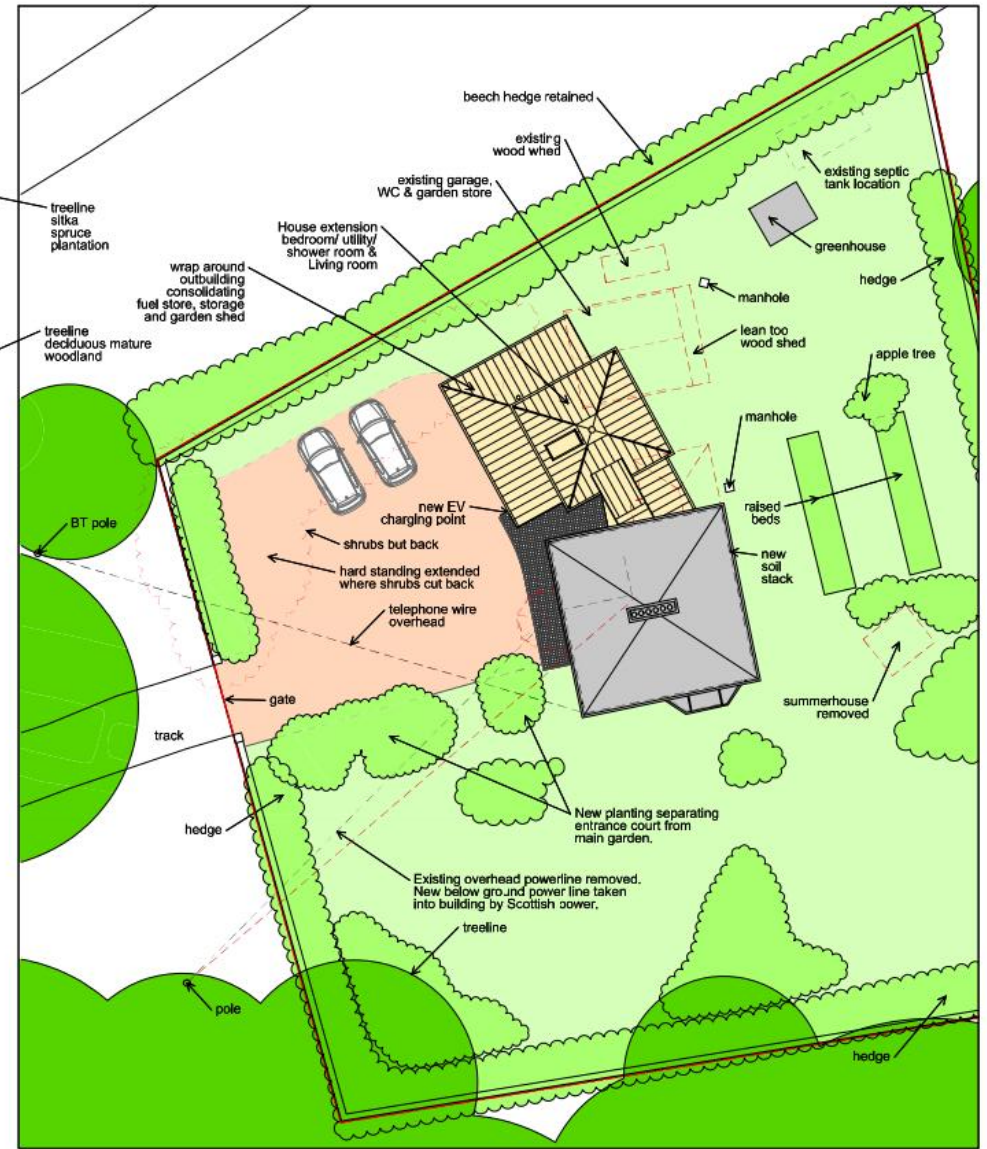
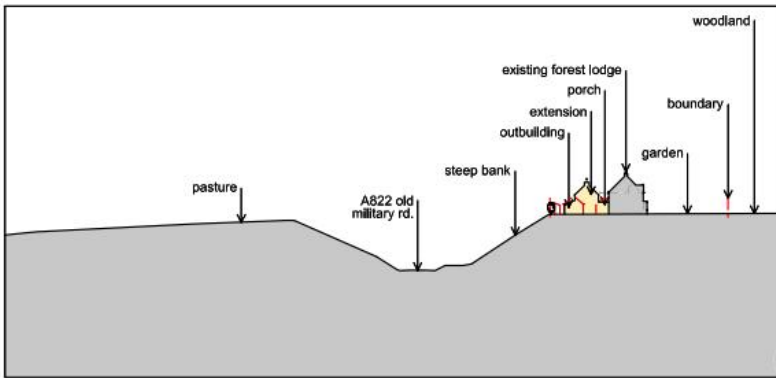
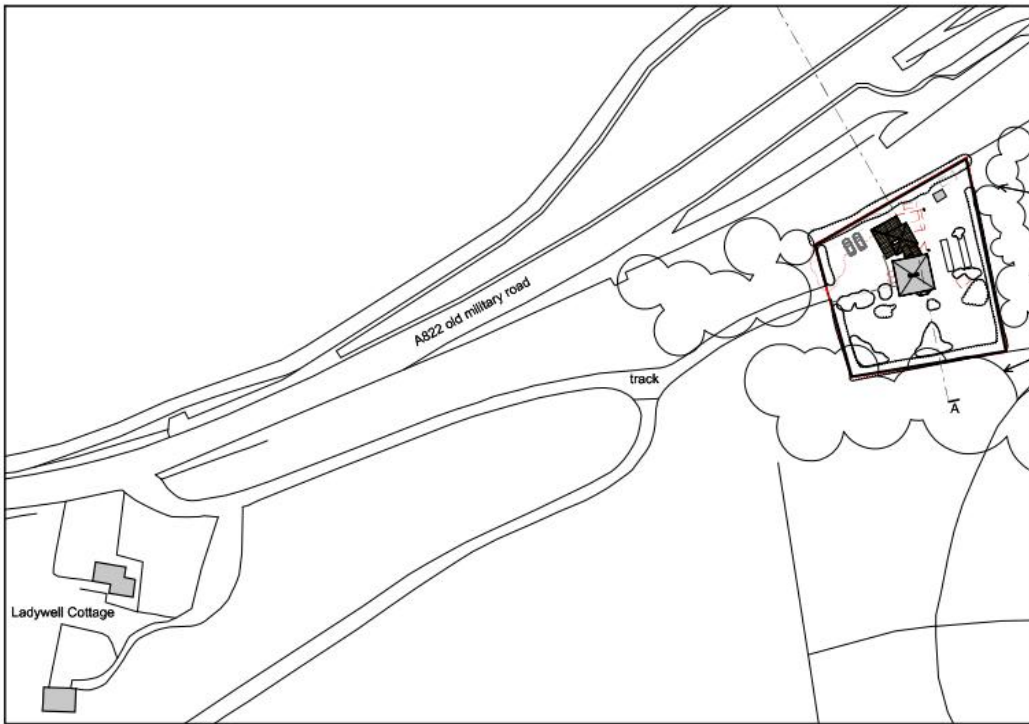
Harris, S., Morris, P., Wray, S., and Yalden, D (1995) *A review of British mammals: population estimates and conservation status of British mammals other than cetaceans*. JNCC, Peterborough.



site boundary
1:2500 @ A3
0m 20m 40m 60m 80m 100m

289

Location Plan		scale	1:2500	client	Clare Walker, Forest Lodge, Ladywell, Dunkeld, PH16 0DU
00-01	C Forest Lodge, Dunkeld	date	20.12.2021	cont.	tim bayman
drawing number	2102	revision	Planning	CS	100
project no.	2102	issue	Planning	CS	100
revision		project			



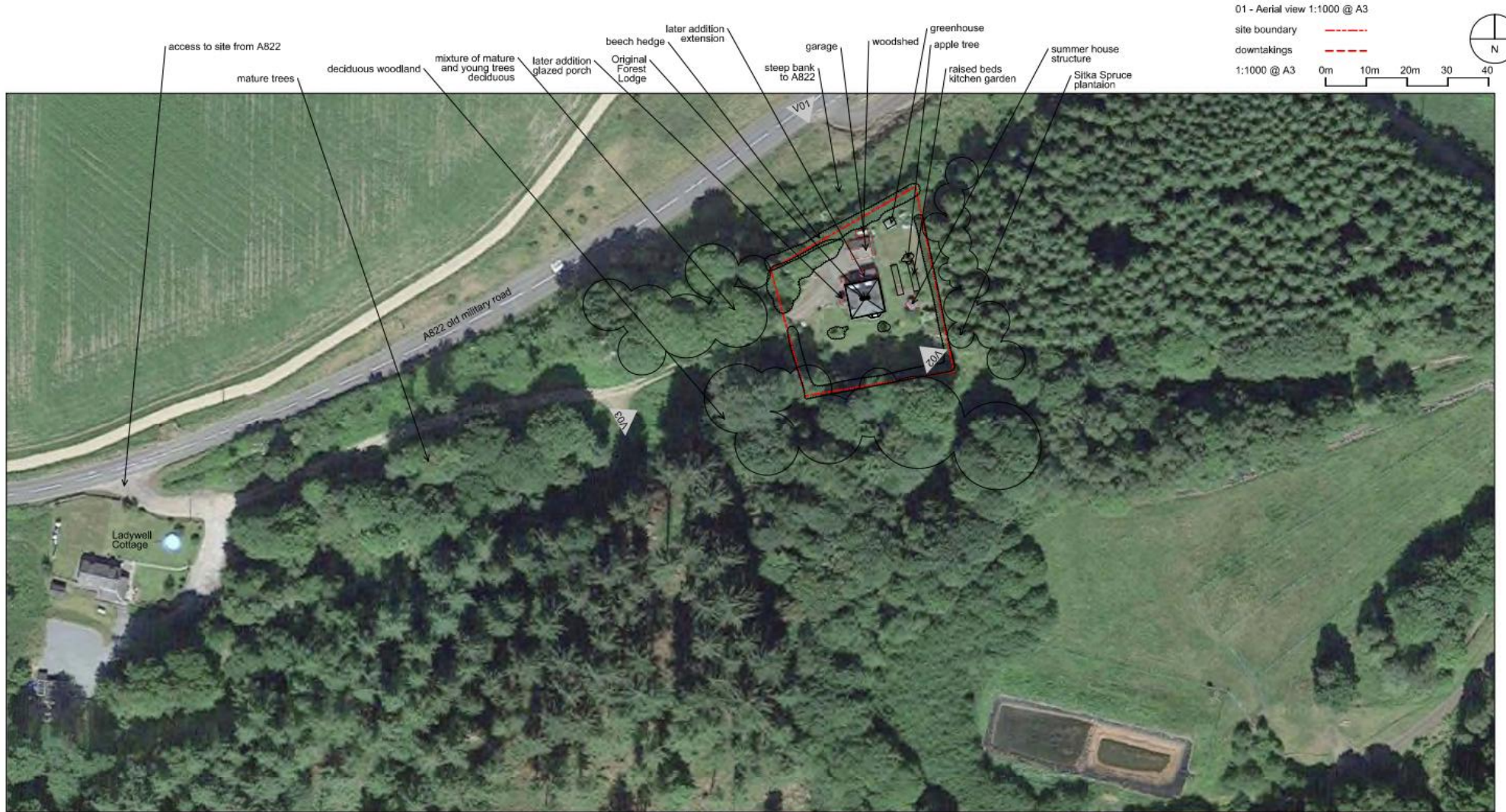
site boundary	--- (dashed red line)	lawn	□ (light green)
downtakings	--- (dashed red line)	treeline	□ (medium green)
Existing buildings / site cut	■ (grey)	shrubs hedges	□ (light green)
New structures	■ (yellow)	gravel	□ (orange)
		granite setts	■ (dark grey)

1:1250 @ A3

0m 10m 20m 30m 40m 50m

1:250 @ A3

0m 2m 4m 6m 8m 10m



V01 - View up steep bank towards site from A822

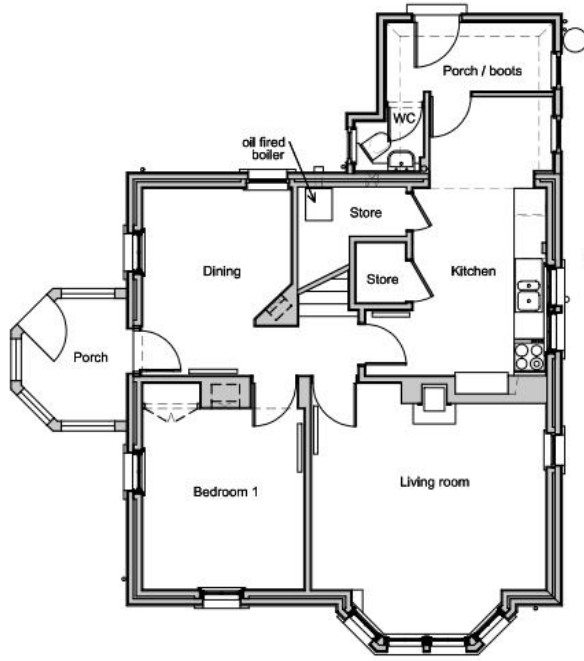
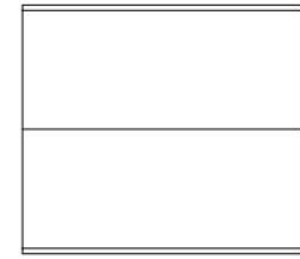
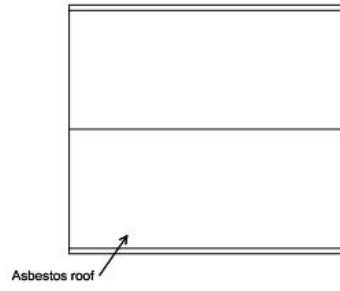
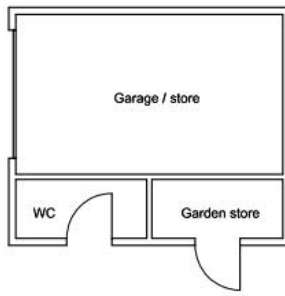


V02 - View of house from SE corner of garden

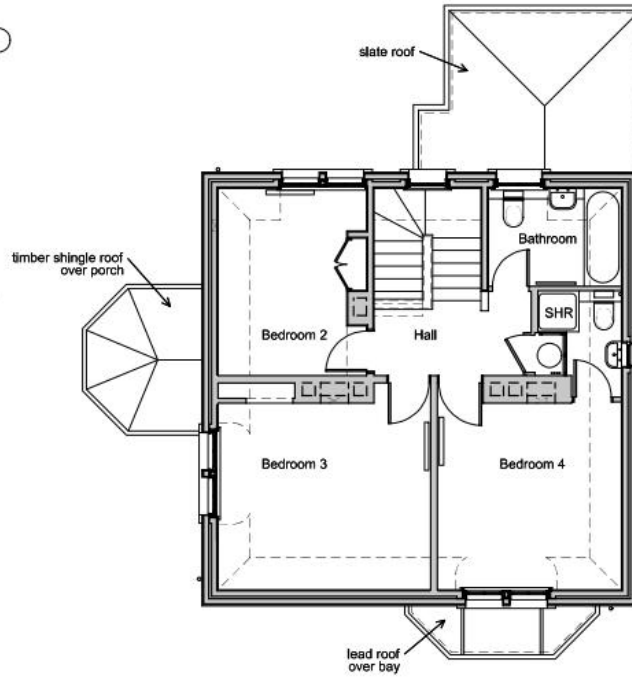


V03 - View of house from position adjacent to access track

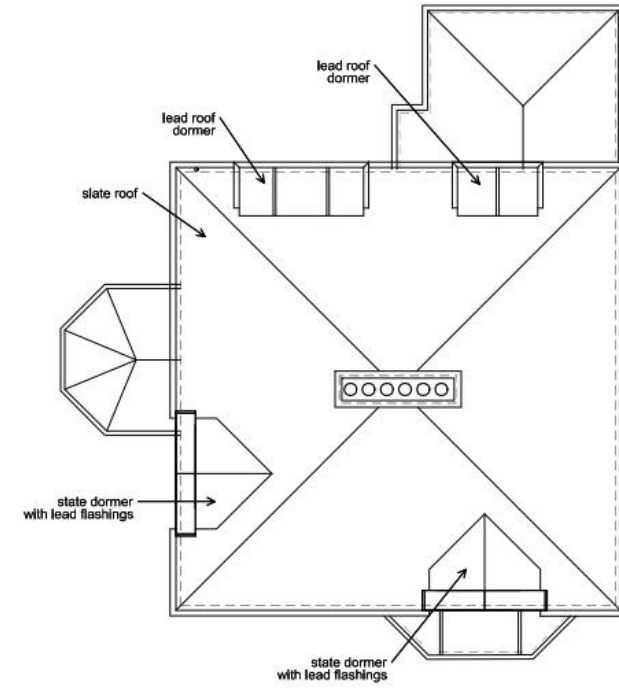
01 - Aerial view 1:1000 @ A3	
site boundary	---
duntakings	---
1:1000 @ A3	0m 10m 20m 30 40
N	
client	Clare Walker Forest Lodge, Ladywell, Dunkeld, PH4 0DU
design	Tim Bayman Architecture LLP, The Breachers Mill, Edinburgh, EH1 1RW
scale	1:1000
date	25.08.2022
revision	Planning
project no	2102
Site plan aerial view showing context	
drawing number	00-04 - Forest Lodge, Dunkeld



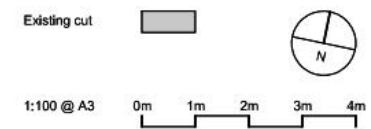
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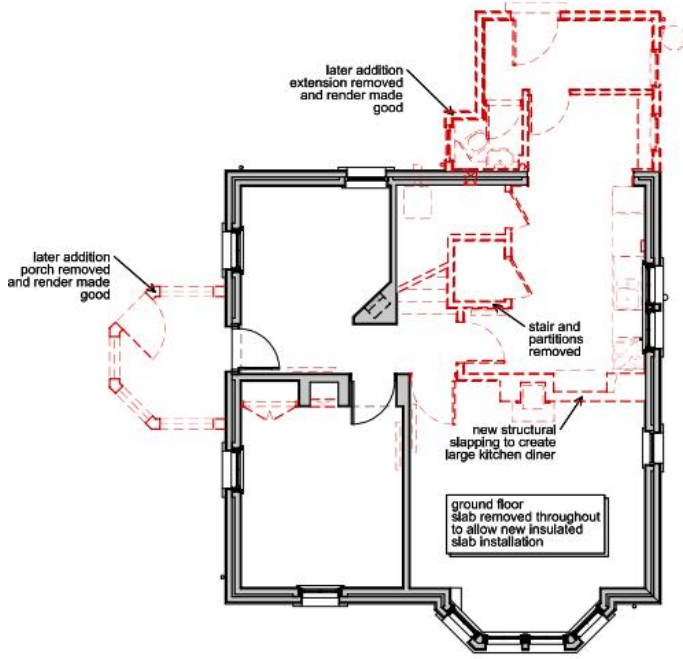
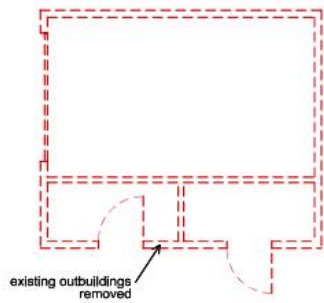


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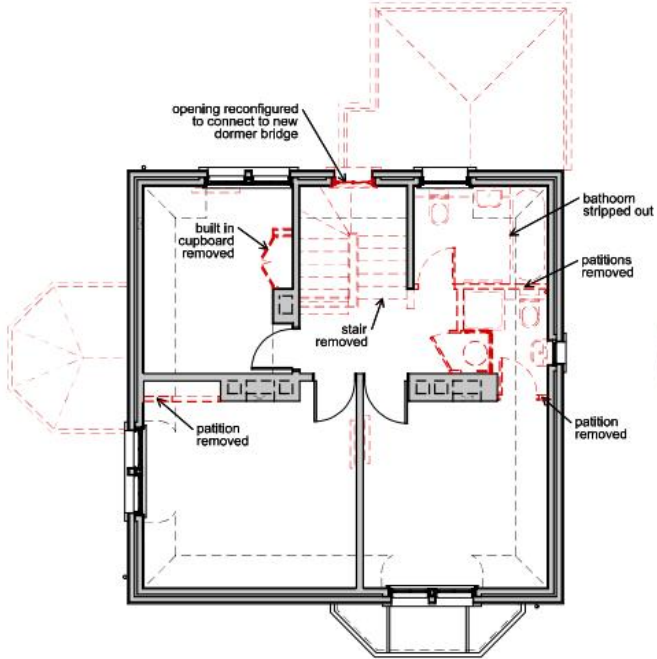


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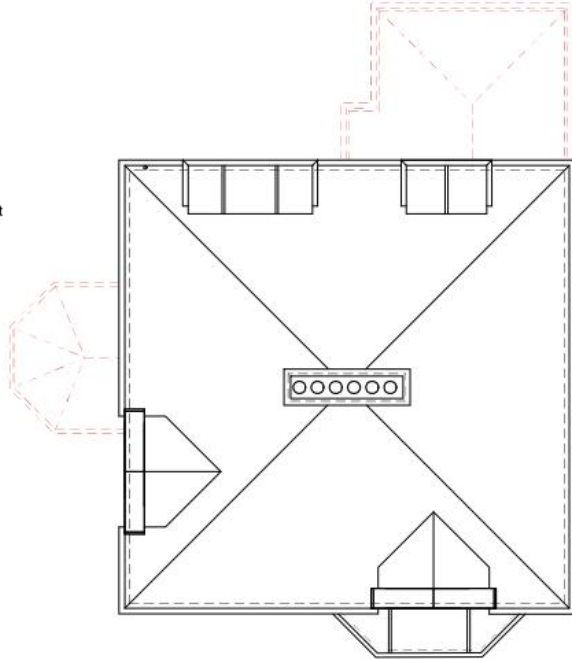




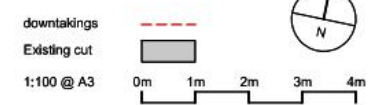
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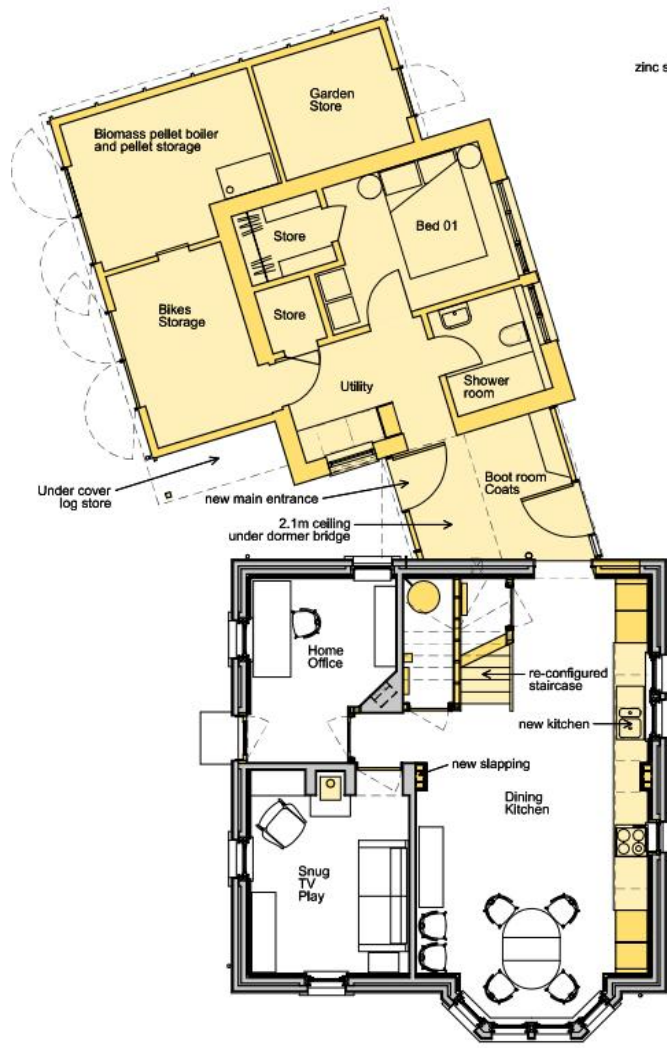


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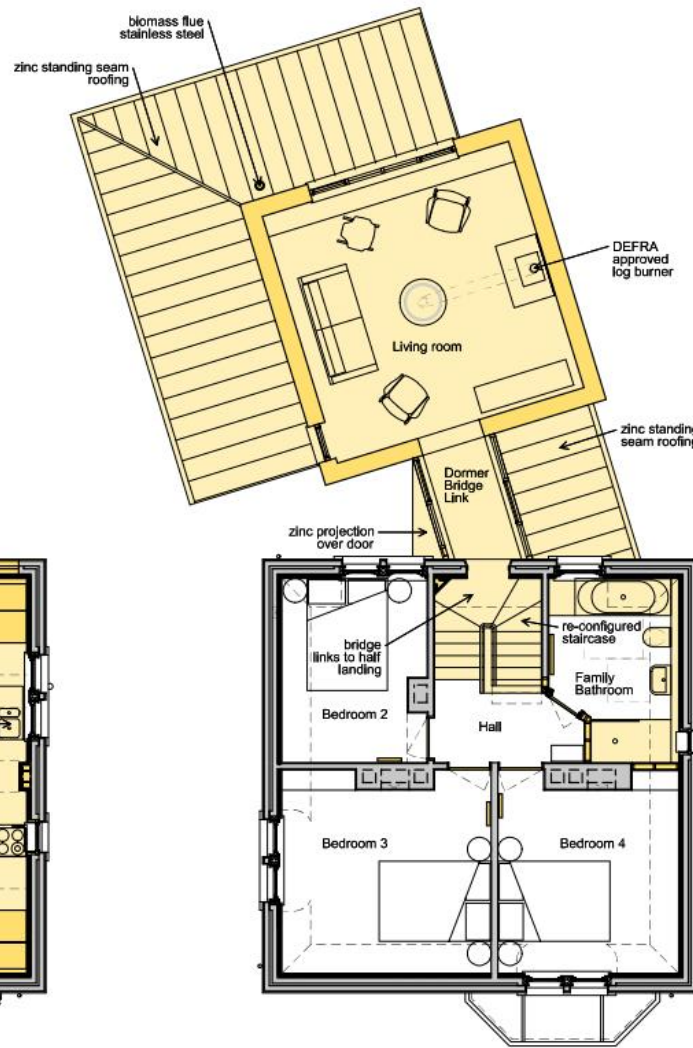


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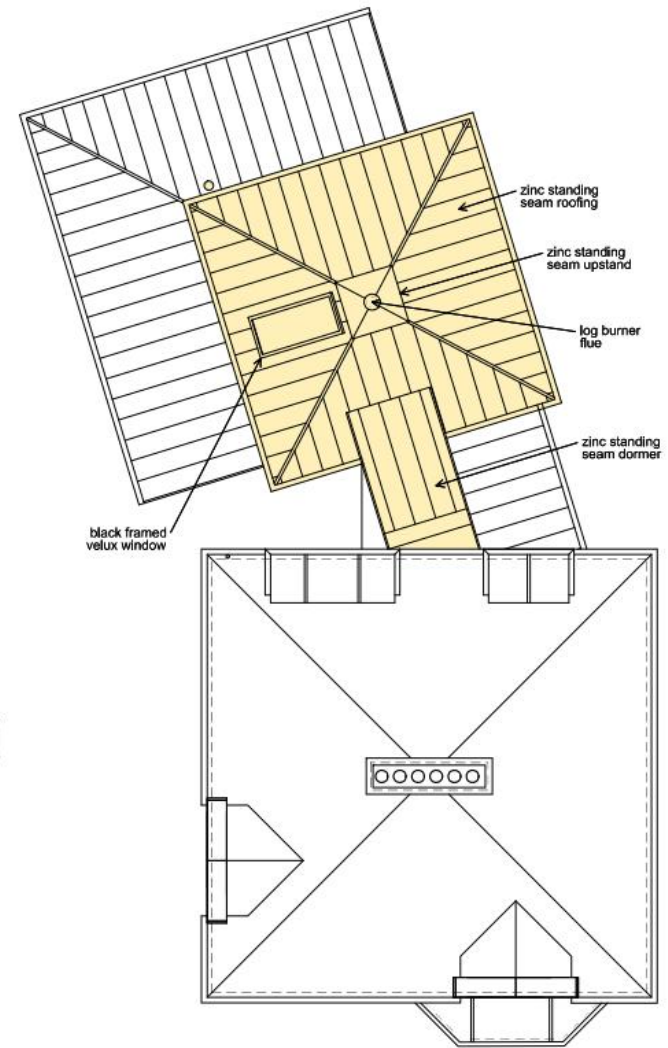




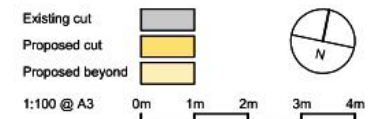
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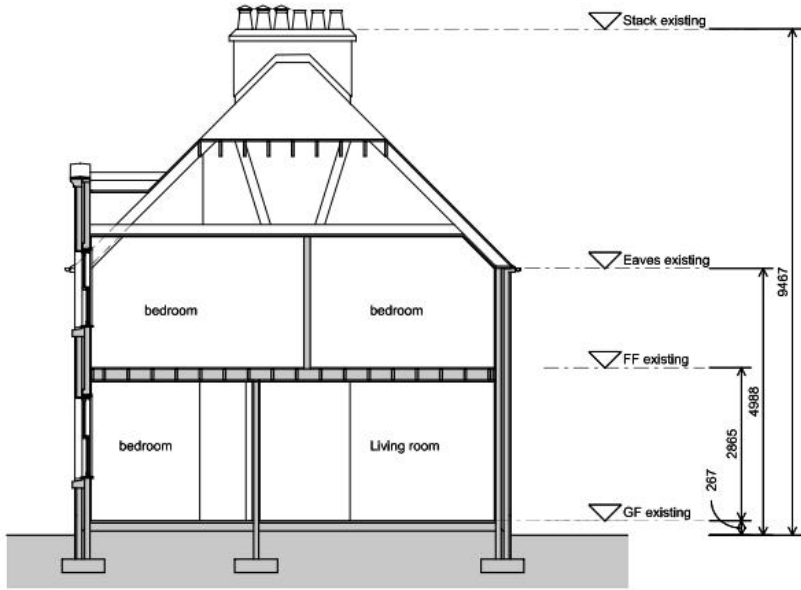


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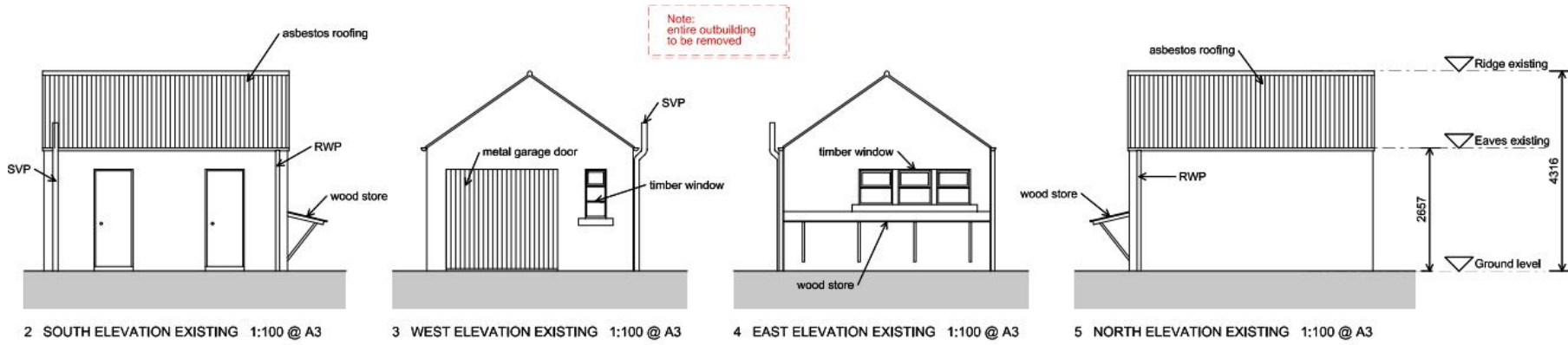


3 ROOF PLAN PROPOSED 1:100 @ A3





1 EXISTING SECTION 1:100 @ A3

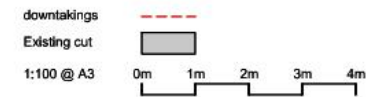


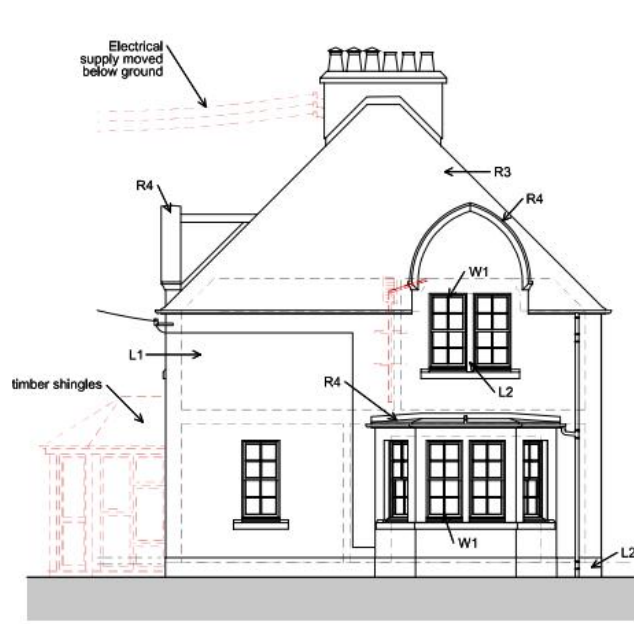
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3 WEST ELEVATION EXISTING 1:100 @ A3

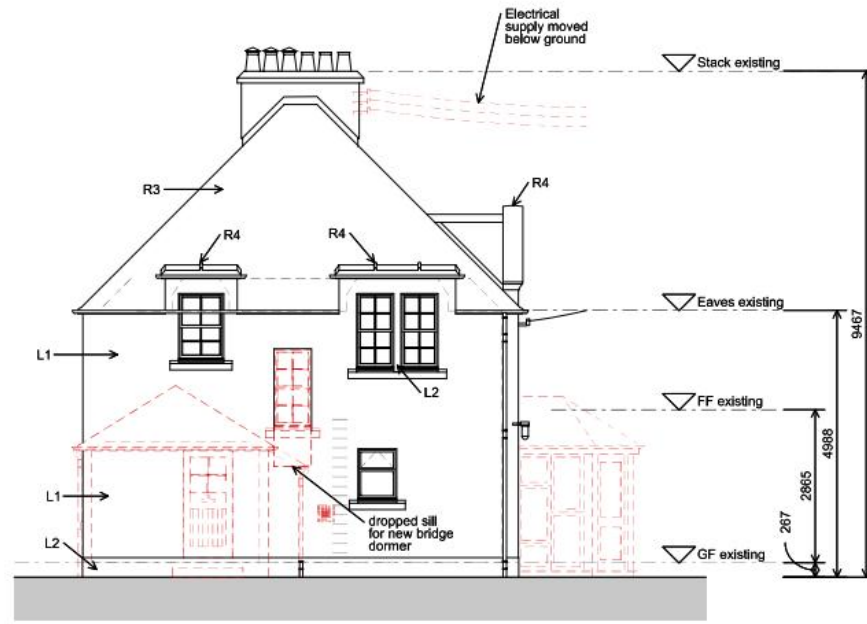
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5 NORTH ELEVATION EXISTING 1:100 @ A3

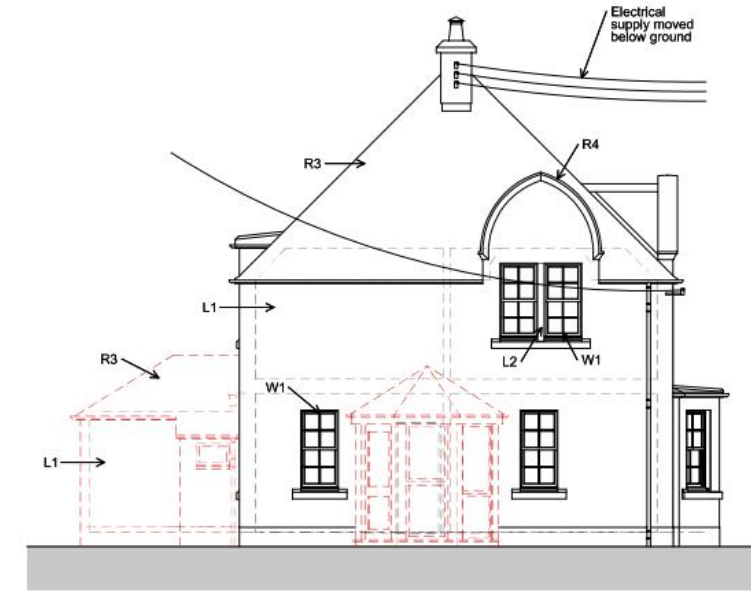




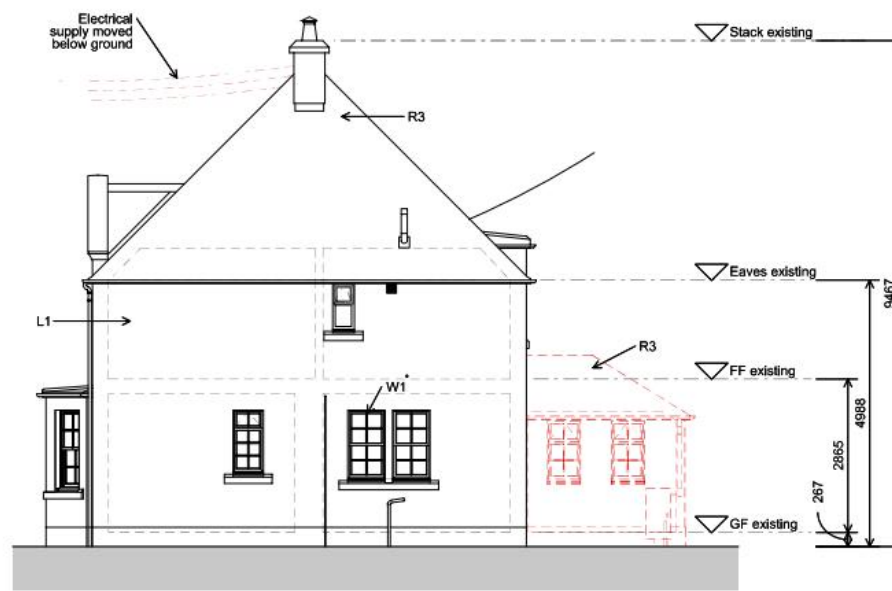
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3 WEST ELEVATION EXISTING 1:100 @ A3

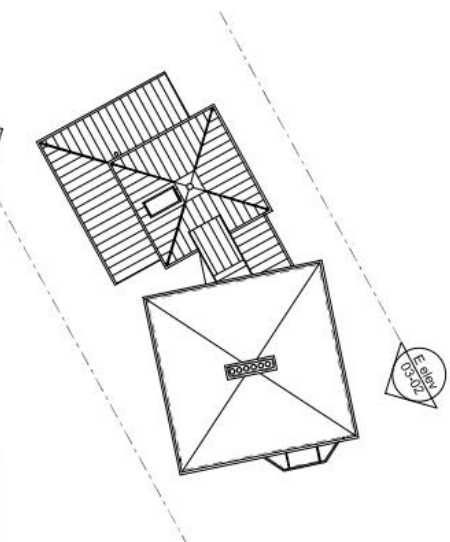
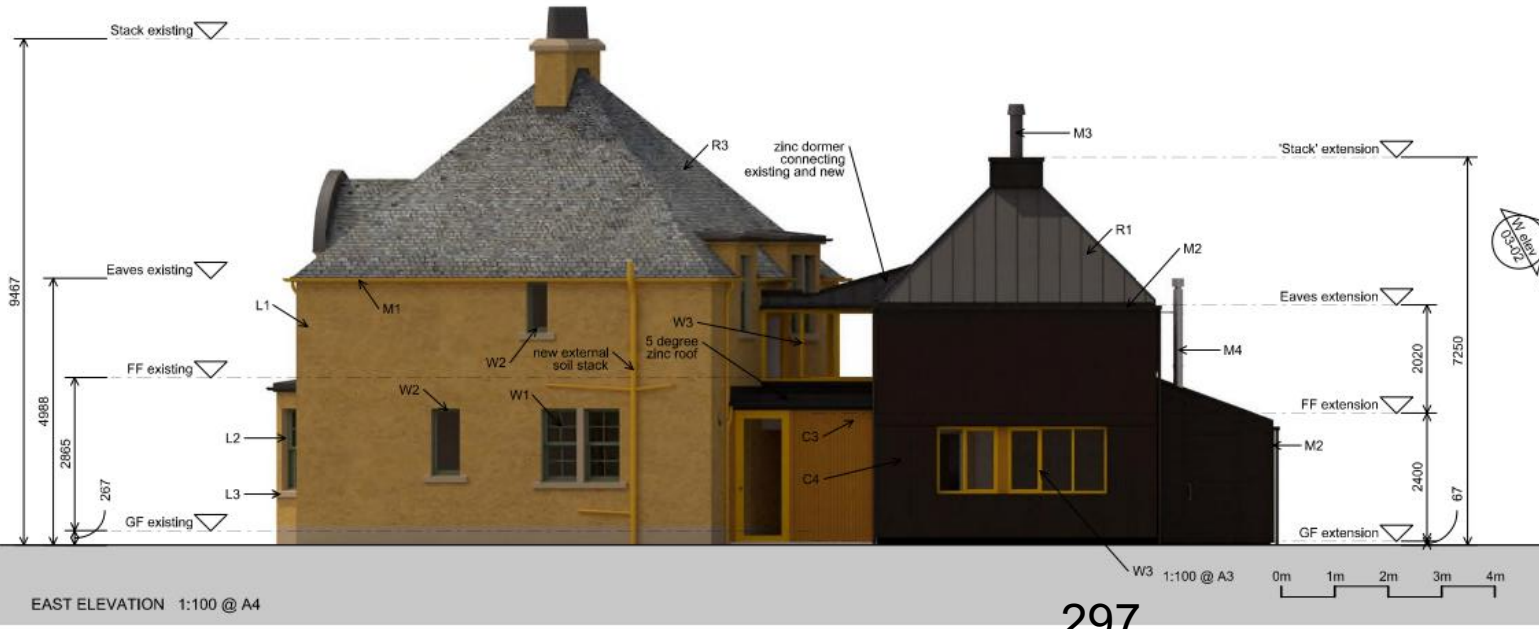
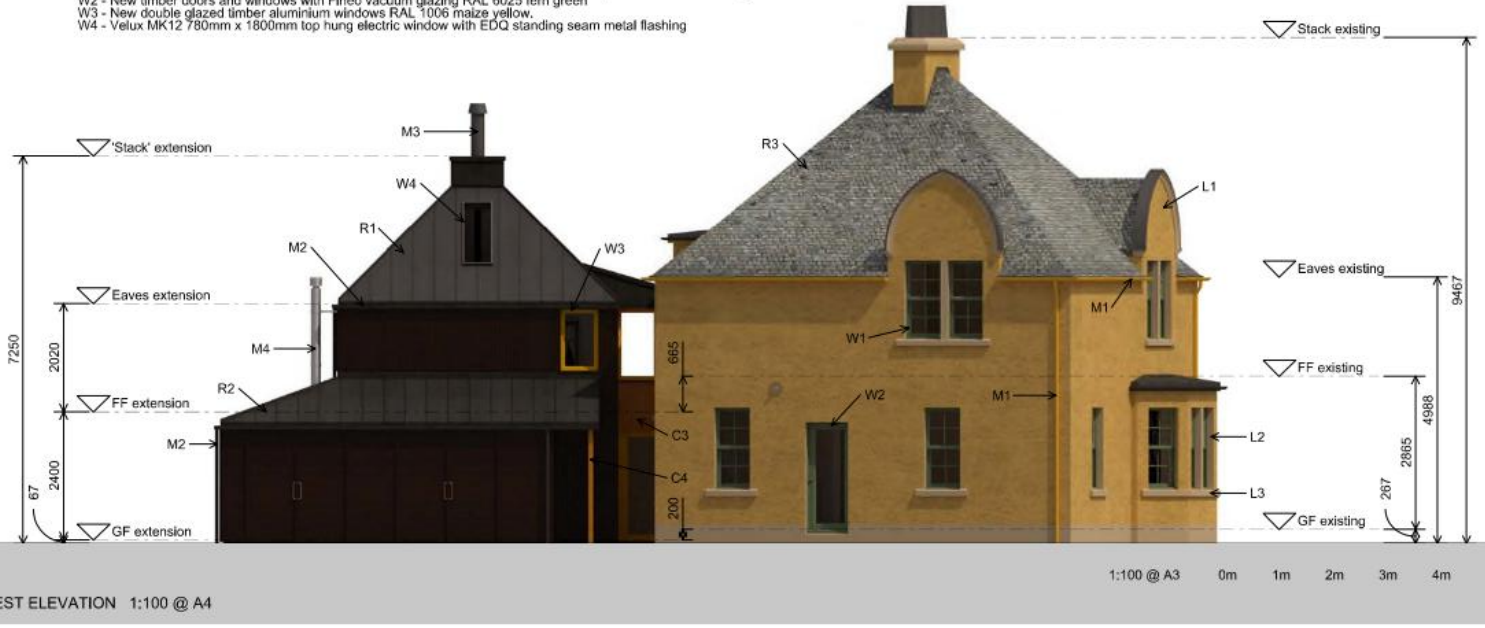


4 EAST ELEVATION EXISTING 1:100 @ A3

- L1 - Existing cement rough harl (to be replaced with lime rough harl)
- L2 - Existing and cement render (to be replaced with lime render)
- L3 - Masonry paint to sills replaced with limewash
- M1 - Cast iron rainwater goods
- R3 - Existing slate roofing overhauled
- R4 - Existing roof lead and zinc flashings overhauled
- W1 - Existing sash windows single glazed (glazing to be replaced with fineo vacuum units)

downtakings
 Existing cut
 1:100 @ A3

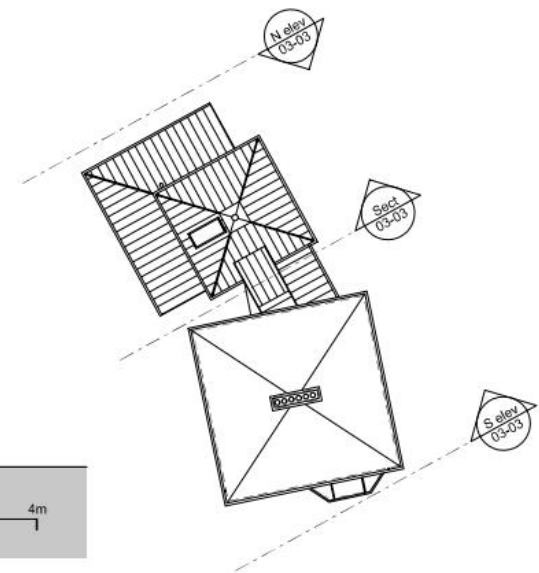
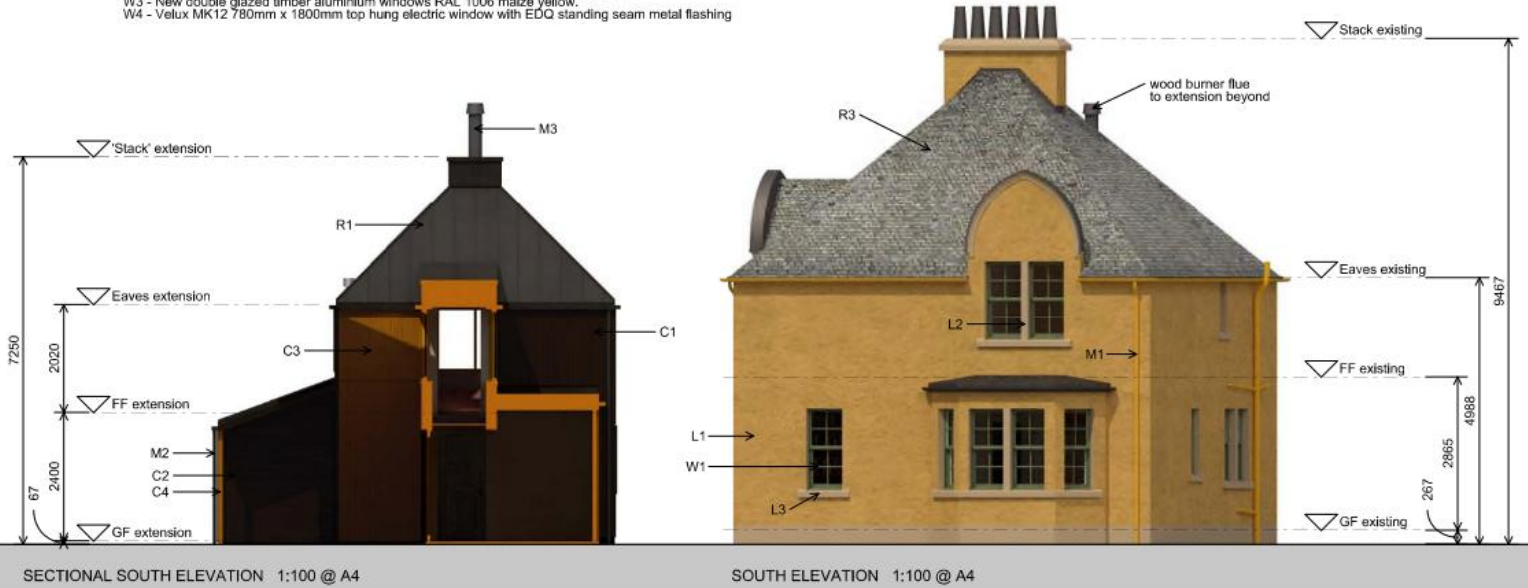
- C1 - Russwood thermopine cladding F1046 Ebony translucent horizontal in vertical panels incorporating doors (RW119 secret fix)
- C2 - Russwood thermopine cladding F1046 Ebony translucent, vertical RW119 secret fix profile 92mm board
- C3 - Russwood thermopine cladding factory coated in RAL 1006 maize yellow, vertical RW119 secret fix profile 92mm board
- C4 - 90 x 90 timber column painted RAL 1006 maize yellow
- L1 - Traditional yellow iron oxide lime rough hart finish (part of breathable construction)
- L2 - Smooth yellow iron oxide lime render finish to window ingoes, mullions, & chimney stack
- L3 - Yellow iron oxide lime wash to sills
- M1 - Cast iron rainwater goods painted RAL 1006 maize yellow to complement render
- M2 - VM zinc rainwater goods, pigmented quartz finish
- M3 - Black stainless steel twin wall flue 125 intenal diameter#
- M4 - Stainless steel twin wall flue for biomass pellet boiler
- R1 - VM zinc standing seam roofing pre patinated quartz finish, Pitch 45 degrees
- R2 - VM zinc standing seam roofing pre patinated quartz finish, Pitch 20 degrees
- R3 - Existing slate roofing overhauled
- R4 - Existing roof lead and zinc flashings ovehauled
- W1 - Existing sash windows reglazed & reweighted with low energy Fineo vacuum units painted RAL 6025 fern green
- W2 - New timber doors and windows with Fineo vacuum glazing RAL 6025 fern green
- W3 - New double glazed timber aluminium windows RAL 1006 maize yellow.
- W4 - Velux MK12 780mm x 1800mm top hung electric window with EDQ standing seam metal flashing



297

client	Chairs Walker Forest Lodge, Lathwald, Dunkeld, PH11 0DU
design	Forebay Engineering LLP, The Breachless Millstone, Edinburgh, EH1 1RW
CS	100
scale	1:100
date	25.08.2022
revision	Planning
project no	2102
drawing number	03-02 - Forest Lodge, Dunkeld
revision	project
project	tim bayman architecture
address	77 Granton Road, Edinburgh, EH5 3QT - tel: 07773 710 498 - email: contact@limbayman.com

- C1 - Russwood thermopline cladding F1046 Ebony translucent horizontal in vertical panels incorporating doors (RW119 secret fix)
- C2 - Russwood thermopline cladding F1046 Ebony translucent, vertical RW119 secret fix profile 92mm board
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**Design Statement.
Forest Lodge, Ladywell, Dunkeld
Prepared for Claire Norfolk**

**By Tim Bayman Architecture
06.03.2023**

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WIDER SITE CONTEXT 1:12500 @ A4

Forest lodge is sited on the south side of a steep cutting allowing the A822 Old Military road to pass under the railway line making the site invisible from the road. The lodge itself first appears on the OS map in 1970 and we suspect was built sometime between 1930 - 1950 based on the style and construction. It was built as a forestry lodge administering the Ladywell Plantation. The building itself is bounded by mature trees to east south and west. There is a view out over the cutting towards Craig A Barns to the north west. An almost identical but handed design can be found in Ferness Forest near Forres ref image below. We therefore believe that the design was a typology used to create residential / administrative accommodation in the context of a plantation and thus separate from urban ideas of street and garden with the square plan and pyramid roof form lending itself to a rural context with no clearly defined front.



Craig A
Barns

River Tay

Forest
Lodge

Birnam



Fig - 02

SITE CONTEXT 1:5000 @ A4

From the aerial view the deep cutting of the old military road is visible passing under the railway. It is also clear that the site is surrounded on three sides by mature trees: Older deciduous coniferous mixed planting to the south and west, and a relatively new plantation of sitka spruce to the east. The north boundary to the site is open to views over the landscape above a boundary beech hedge.



River Tay

A9

Railway

Mature
Trees

Deep
cutting

Mature
Trees

301



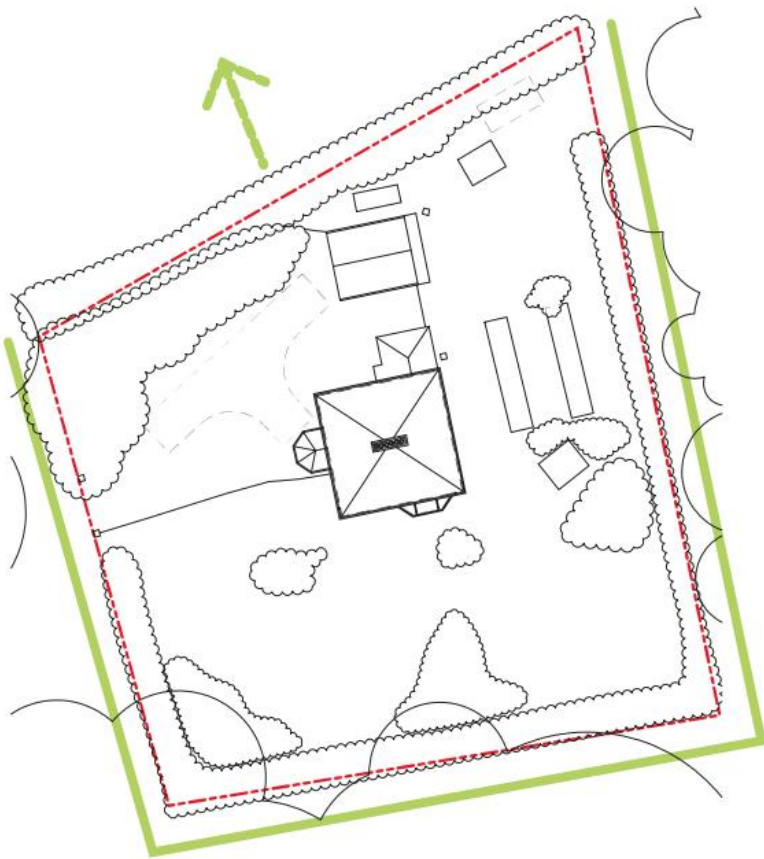
SITE CHARACTER

This photograph showing the Forest Lodge at Ladywell in its immediate context shows a building with a cubic volume under a pyramid roof form, punctuated by two arched dormer windows and a central chimney stack. To the north beyond the garden are mature sitka spruce of considerable height and to the south and west mixed mature woodlands. The house has a slate roof, rough cast walls, and four over four sash and case windows. The roughcast has been painted cream to the north, west, and south facades and pink to the east. There is an original outbuilding with asbestos roofing to the north and later addition extensions have been added to the west (entry porch) and north east (utility extension).

We believe the building has a number of qualities that we would like to retain and enhance.

1. Its quality as a set of pure forms, cube and pyramid, sitting within a garden in the forest.
2. Its brightness set against the dark backdrop of the forest beyond.
3. The four over four sash and case windows which add refinement to an otherwise unadorned building.

The site diagrams on the following page illustrate the site enclosure, the effective division of amenity in the garden, and the original and new addition structures that have begun to erode the strength of the original building.

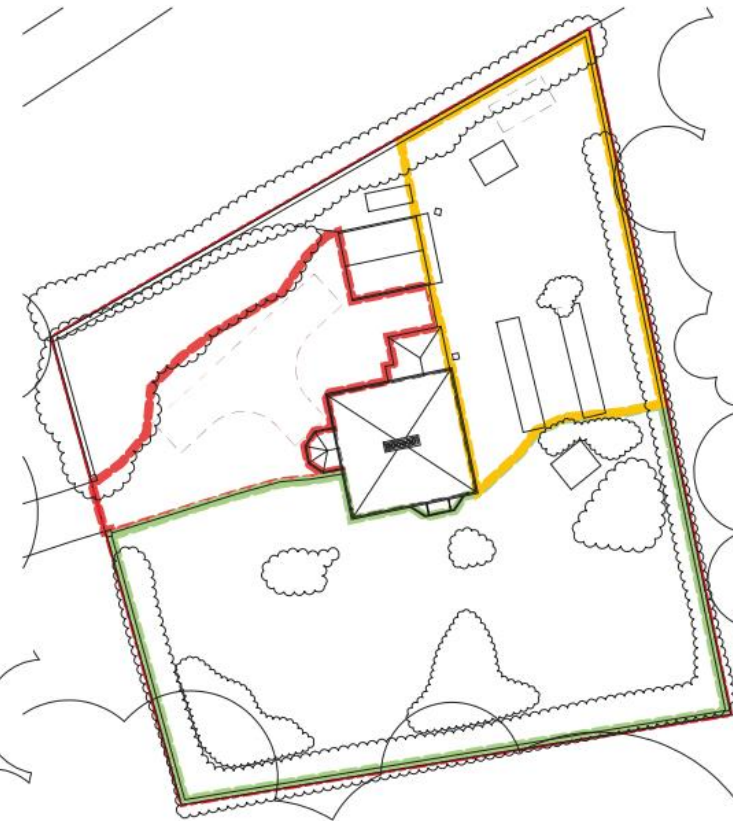


ENCLOSURE:

The site is surrounded on three sides by mature trees. Trees to the west and south a mixture of deciduous and coniferous species from the original Ladywell Plantation. Trees to the east are a later plantation of closely packed sitka spruce. To the north above the steep bank dropping down to the A822 old military road the site opens up to views beyond a beech hedge.

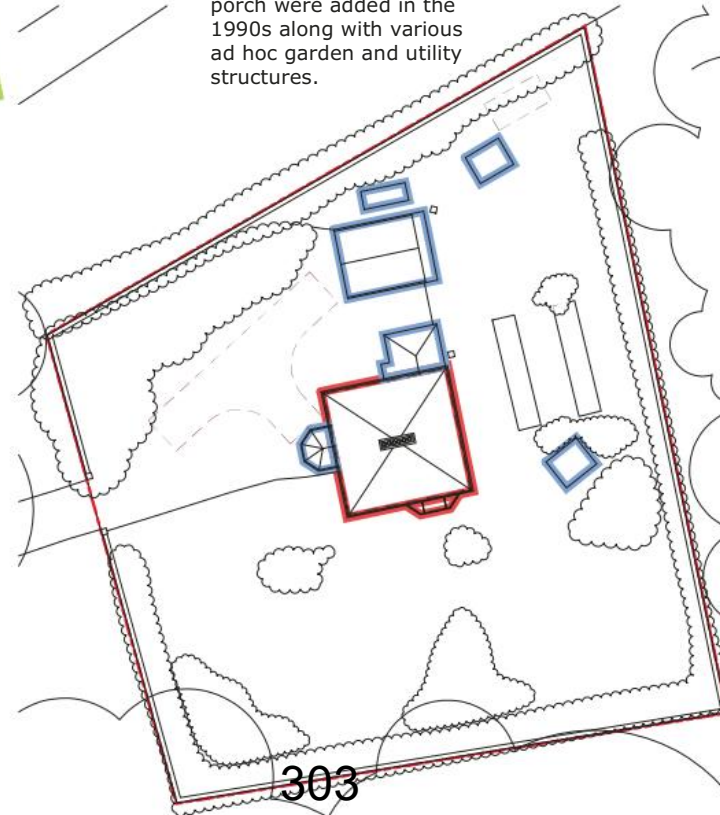
SITE STRUCTURES:

The principal structure, the original lodge is located centrally within the tree lined enclosure. The garage to the north is part of the original build a rear extension and porch were added in the 1990s along with various ad hoc garden and utility structures.



GARDEN:

The garden is roughly divided into 3 parts. A gravel entry area to the north west, a kitchen and utility garden to the north east and a garden for general amenity and enjoyment to the south. There is little enclosure or division between the three which allows the house to be the focus of the garden with a backdrop of trees from anywhere on the site. The overgrowth of the bushes and shrubs in the NW corner have meant that the lawn to the SW has been used for additional parking and turning. There is also an awkward transition from the kitchen garden to gravel where one blends into the other



Preapplication Advice

The following text is from Pre-application advice sought from Perth and Kinross Council and prepared by Keith Stirton under application reference 21/00650/PREAPP

Planning Principle

Alterations, extensions and developments which are ancillary to the enjoyment of 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 or the character and appearance of the place.

Design and Layout

The two storey, hipped roof property has wall-head dormer windows which serve the upper-level accommodation. A detached garage/garden store/w.c. is located to the north of the dwellinghouse, which is situated in an isolated rural location off the A822.

The proposals seek to remove the porch and utility room from the house, to demolish the detached garage structure and to extend from the north elevation of the house. The two-storey hipped roof extension would sit at an angle to the existing house, would be connected to the house by a two-storey flat-roofed glazed link and would have a single-storey, lean-to extension which wraps around the west and north elevations.

The suggested proposals raise a number of concerns regarding their design, orientation,

cumulative massing and poor integration with the host dwelling. The main body of the extension has a similar design to the host building; however, it is set off at a different angle, with an incongruous wrap-around element and a glazed link. The proposal is therefore likely to be considered contrary to the Perth and Kinross Placemaking Guide 2020 and Policies 1A and 1B(c) of the Perth and Kinross Local Development Plan 2 2019, which seek to ensure that developments contribute positively to the quality of the built environment in terms of design and appearance, in order to respect the character and amenity of the place.

The site is undoubtedly large enough to accommodate an extension of reasonable proportions. However, substantial revisions would be required before support is likely to be offered. Key revisions would include improving the integration of the proposed extension with the host dwelling. It may be possible to achieve this by fully integrating the extension and its roof on the north elevation of the house (designing out the link and re-locating the existing north elevation dormers to the east/west) and following the axis of the existing house footprint. Ideally, the extension should be set in from the east and west elevations and down from the ridge, to secure a subordinate effect. You would also be best advised to delete the wrap-around extension and create a free-standing detached structure for these ancillary facilities. This would reduce the overall massing and improve the design and proportions of the extension and its relationship to the house.

Other relevant considerations

A bat survey would be required for any intervention into the roof, in line with Policy 41 of PKC LDP2 and our Bat Survey Supplementary Guidance <https://www.pkc.gov.uk/ldp2biodiversity>.

Conclusion

The extension of an existing domestic dwellinghouse is considered to be acceptable in principle. However, the detailed design, cumulative massing and poor integration of the proposals would result in an adverse impact on the house, to the detriment of its character and visual amenity. Nevertheless, there may be scope for an alternative proposal which reduces the proportions and better integrates the proposals into the house in terms of design, form, appearance and orientation.

Response to Pre Application Advice

While the scheme has evolved since we received this advice we believe that the design principals set out in the following pages comply with the spirit of Perth and Kinross Placemaking Guide 2020 and with policies 1A and 1B(c) of the local development plan.

With specific reference to Mr Stirton's conclusion where he states that *"the detailed design, cumulative massing and poor integration of the proposals would result in an adverse impact on the house, to the detriment of its character and visual amenity"*. We would say the following before taking you through the design process in the following pages.

1.

We think that the best way to preserve the house (the original forest lodge without the poor later addition extensions) is to respect and enhance its original form and siting within the garden. We therefore think that greater integration of an extension would be detrimental to achieve this. Our proposals have always sought to touch lightly onto the north of the house in order to enhance the original house's form.

2.

The obvious place to extend the house is to the North. It is the least handsome of the four elevations and is the current location of a fairly unsympathetic outbuilding with an asbestos roof. We have worked very hard to fulfil our client's brief with an absolute minimum of volume, mass and site area. The built footprint of the site has increased by only 10.1m² and the entire extension has only increased the gross internal area of house and outbuildings combined by 17% whilst still fulfilling our client's brief.

3.

Through careful consideration of materials, selective demolition and geometry we have sought to differentiate the new from the original in a way that retains the original characteristics of the house and site, improving both the amenity and the visual amenity. This has been done by separating the new from the old not only through material choices but by aligning the new with the non orthogonal north boundary.

On the following pages we will go through our design process to further highlight our decision making process and back up our thinking with regard to, brief, site development, environmental impact, geometry and siting, and material considerations.

Brief

Building form in the landscape.

Both our client and ourselves were initially very struck with the lodge as a highly legible geometric form in the landscape. Effectively a cube with a pyramid roof that can be read from every part of the site. It was a concern for us both that this geometry should remain legible and protected when considering extending the property.

Phased approach.

Given the cost of property, building work, and energy, it was important to my client from the outset that the project be realised in two phases. Firstly to refurbish the existing house, allowing our client to move her family in as soon as possible. Then to add additional living space, a spare bedroom and utility accommodation in an extension at a later date when she could afford it.

Energy and climate impact.

In advising our client we took the position that the greatest gains in terms of overall heat-loss and reduction of her carbon footprint would be in upgrading the existing house fabric during phase 1. The house already has a compact form, the cube, which has a very good ratio of surface area to volume. So if works were being carried out to spatially alter the building and redecorate, it would be a really good time to upgrade the fabric. This will include internal insulation of the external walls and coombs, additional mineral wool insulation in the attic, replacement of the existing ground bearing slab with an insulated system and under floor heating, and finally existing windows re-glazed with Fineo vacuum glazing which has U-values equivalent to triple glazing without the need to replace the existing sash and case windows. We demonstrated to our client that whilst it was not a statutory obligation to upgrade the fabric it was worth the extra money and resources in phase 1. We have subsequently carried out heat-loss calculations based on our designs over both phases that will provide our client with a home, including the extension which more than halves the heat loss of the original house; from 415W/k to 203W/k.

Ref heat loss calculation adjacent.

Fabric improvement			
Elements	Exposed Area	U-value	Rate of heat loss
Existing Building Fabric			
Floor	59.4 m2	1.09 W/m2k	64.75
Walls	115.9 m2	1.62 W/m2k	187.76
Area of removed extension	6.8 m2	1.62 W/m2k	11.02
Attic Ceiling	43.4 m2	0.41 W/m2k	17.79
Bay roof	2.1 m2	1.95 W/m2k	4.10
Combes	17.7 m2	1.95 W/m2k	34.52
Single glazed timber windows	17.4 m2	5 W/m2k	87.00
Stair window	1 m2	5 W/m2k	5.00
Existing double glazed front door	1.7 m2	1.8 W/m2k	3.06
Existing heat loss condition			414.98
Improved Building Fabric			
Floor	59.4 m2	0.15 W/m2k	8.91
Walls	115.9 m2	0.45 W/m2k	52.16
Area of removed extension	6.8 m2	0.2 W/m2k	1.36
Attic Ceiling	43.4 m2	0.16 W/m2k	6.94
Bay roof	2.1 m2	0.47 W/m2k	0.99
Combes	17.7 m2	0.47 W/m2k	8.32
Double glazed Alutherm windows	17.4 m2	1.4 W/m2k	24.36
Stair window temp infill	1 m2	0.2 W/m2k	0.20
New aluminium door	1.7 m2	1.4 W/m2k	2.38
Upgraded heat loss condition			105.62
Improvement in heat loss			309.37
Extension Notional			
Ground floor area	33 m2	0.15	4.95
First floor Area	31 m2		0.00
Glazing 25% of 64m2	16 m2	1.4	22.40
Roof	31 m2	0.11	3.41
Walls (118-16=102)	102 m2	0.17	17.34
Notional heat loss	182 m2		48.10
With existing house as is 48.1 + 414.98			463.08
Actual Extension Minimum			
Exposed floor	33 m2	0.7	23.10
Walls	89 m2	0.7	62.30
Roof	29 m2	0.35	10.15
Windows	29 m2	3.3	95.70
Rooflight	2 m2	3.3	6.60
Actual heat loss	182 m2		197.85
With existing upgraded 197.85 + 107.53			305.38
Actual Extension Proposed			
Exposed floor	33 m2	0.15	4.95
Walls	89 m2	0.45	40.05
Roof	29 m2	0.2	5.80
Windows	29 m2	1.5	43.50
Rooflight	2 m2	1.5	3.00
Actual heat loss	182 m2		97.30
With existing upgraded 197.85 + 107.53			205.30

Design approach.

Guiding principals

1. Retaining and making legible the original form on the site.

Our clients and ourselves really liked the existing building form within a garden and enclosed on three sides by mature trees. We were also interested in the building as a typology, replicated at Ferness Forest near Forres (fig - 02 page 2) and potentially at other locations on other plantations. Our initial priority therefore was retaining and making legible the original form on the site and to make sure that this idea wasn't lost when thinking about developing ideas for extending and consolidating the property. In our opinion the integrated extension at Ferness Forest erodes this idea.

2. Not overdeveloping the site.

The original parts of the building are the cube of the lodge and the outbuilding containing a store WC and garden shed. Since the original construction a number of ancillary structures have been built most notably a side extension to the north aligned with the east wall and a chamfered porch made up of ad hoc windows with a timber shingle roof. Less notably but present on the site are a summer house cum shed and a wood-store built behind the outbuilding. When considering the first principal of legibility our idea was to remove the later additions and the outbuilding and replace them with a building which would have its own geometry in the garden (related to the northern boundary). It was important to make sure that the new forms didn't take up much space on the site and were subservient to the main building in height and massing. In developing these ideas our plans replaced 53.6m² of site coverage with 63.5m² of site coverage an increase of only 10.1m². When considering the extent of the new floor area, the additional 10.1m² site footprint along with the 26.3m² upper floor. The extension is modest relative to the existing house. Put into figures the existing house extensions and outbuildings have a GIA of 162m² The proposals have a GIA of 189m², an increase of 27m² or 17% of the original. We therefore think that the massing and extension design should be viewed in the context of the whole site when considering the impact of our proposals. We have achieved this efficiency, accommodating our clients brief, by replicating the efficient form of the house with an outbuilding skirt and sharing circulation space, primarily a reconfigured staircase within the existing house. (Ref diagrams page 11)

3. Minimising environmental impact and usefulness of existing building.

Because our client chose to move forward with a whole building approach rather than concentrating just on extending we can be confident in more than halving the houses energy needs even with the extension in place (an extension usually means additional heat loss). There are elements such as the glazed bridge that seem extravagant to the building envelope but because these can be glazed with Fineo vacuum glazing and because the rest of the new insulated envelope is an efficient form the heat loss is minimised. The minimal extension also allows a truly phased approach where works to the newly refurbished building are minimised. This allows the building to be inhabited during phase 2 works.

4. Geometry and siting.

The siting of the building to the north of the existing building has a number of advantages. (ref Site Proposals - page 12)

Access.

A new entrance allowing the utility, kitchen and outbuildings, which also need direct access to the drive, to be entered from the new porch / boot room. This efficiently fulfils internal and external circulation requirements.

Landscape to Site Connection.

The new vertical north south axis of the living and kitchen dining spaces connects the garden through a half landing on the reconfigured stair to the wider landscape northward.

The orientation of the new building aligned with the northern boundary leaves a clear path connecting the kitchen garden with the entry courtyard.

Legibility.

Aligning the extension with the boundary rather than then house achieves three things. Firstly and most importantly, the new geometry separates and makes legible the existing house. Secondly it allows a clear path to externally connect the kitchen garden with the entry court, and finally it widens the boot room into a usable space without unnecessarily increasing the envelope of the bridging element.

Enclosure and separation.

The main existing building is surrounded by garden on three sides with the drive and outbuildings to the north and north west. The garden in turn is enclosed by mature trees on three sides with the north open to views across the landscape. The proposals attempt to achieve three goals with regard to the enclosure on site. Firstly to maintain the existing characteristics of the man made objects sited in a garden and enclosed on three sides by trees.

Secondly to separate the more private kitchen garden from the entry area. The massing and geometry of the new building help to maintain the legibility of the original house while still achieving this separation. This separation of the entry area will be further enhanced by mid level planting to the south of the entry courtyard. The overgrown area to the north of the entry court will be cut back to improve the utility and efficiency of the courtyard space.

And lastly to improve the amenity of the garden. The two ideas of moving the access around the back of the new building rather than the existing situation where you move between the buildings, and creating a low level planted screen improves the privacy in the garden to the south and the kitchen garden to the north east without compromising access or the existing characteristics of the site.

Retention of amenity.

In building the new extension in the location of the existing outbuildings and driveway we are able to retain all of the exiting usable garden space, increase the sunniest part of the garden (the kitchen garden) and create a more usable shape for the entry court making turning parking and deliveries easier.

5. Materials


As the client and ourselves both really enjoy the existing building, the materials and colours considered for the project are about enhancing the original building in its forest context. The overall strategy is to have the original building in lighter colours with darker features and the new building in very dark colours receding into the darkness of the trees beyond, with some highlights which complement and balance the existing.

Due to the requirement of using breathable wood fibre internal insulation a breathable lime render will be required on the existing building. Both a traditional oxblood and traditional iron oxide finish were considered.



The iron oxide felt more appropriate in the forest context. We looked at Sundial House, on Burgess Brae as a precedent for this render within a context of mature trees. The windows and joinery of the existing house are then proposed in a traditional green, common before white became ubiquitous, and shown in the restoration of Merchant house, Castle Street in Inverness. Rainwater goods will be picked out in yellow as a common element with the highlights on the new building. The new building by contrast will be of dark opaque Thermopine cladding from Russwood, quartz zinc roofing with only the window elements picked out in bright yellow to complement the iron oxide render and yellow rainwater goods of the existing house. The recessed entry between the buildings will likewise be bright yellow to create a feeling of warmth in the winter months when the entry will be artificially lit both from lighting within, and exterior lighting in the recess.



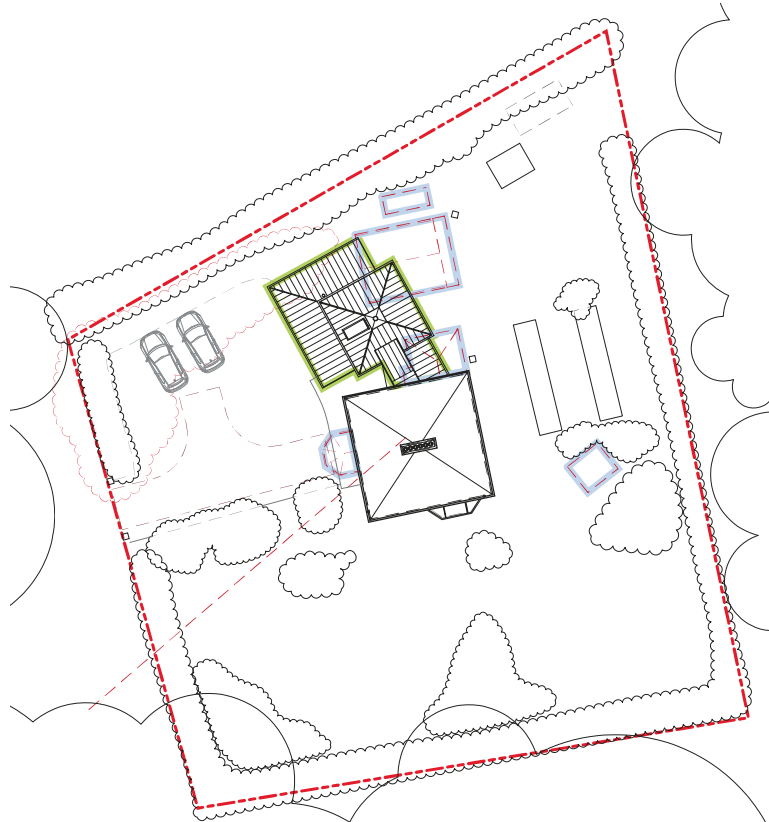


Materials:

We propose that the original house is re-rendered in traditional iron oxide yellow roughcast giving the lodge visual prominence in the forest setting. The sash windows will be upgraded using Fineo vacuum glazed units and painted (RAL 6014 yellow olive) a natural green to reflect the forest setting.

The extension by contrast is proposed as a dark object with highlights to match details on the original lodge. Russwood Thermopine FI046 Ebony translucent cladding on the extension and outbuildings will allow the new massing to be tonally similar to the dark mature trees beyond. The windows and column at the entrance to be a yellow to complement the iron oxide render are RAL1004 golden yellow. The rainwater goods on the existing house and the Thermopine cladding within the entrance way to also be painted this colour to brighten the area between the old and the new especially when lit at night.

The roofing to the new extension porch and dormer along with the rainwater goods to the new structures to be dark prepatinated quartz zinc by VM zinc, again to allow the new structures to be tonally similar to the dark trees beyond.



SITE COVERAGE AND CONSOLIDATION

In order to focus on enhancing the original house as a piece of man made geometry in a garden within the landscape it was important to not overdevelop the site.

The original house had been extended twice since its construction firstly with a DIY porch covering the original front door and secondly with a hipped kitchen utility extension. The garage building has also attracted a lean too extension to the east as a wood store and a separate tall wood store to the rear of the garage. Along with a garden shed cum summerhouse structure which has no obvious logic to its positioning or orientation.

Our proposals seek to achieve two main goals when considering the distribution of structures on the site.

01
To enhance and celebrate the original geometry and character of the house, which both ourselves and our clients think is worth enhancing, by removing all the later addition extensions and other garden structures.

02
To consolidate the proposed building on the site into a coherent form that fulfils the brief while organising the site and clients brief and clearly delineates itself from the original form.

In exploring this it was important to accommodate the brief without taking up unnecessary area on the site. The proposals manage to achieve this by increasing the built footprint by only 10.1m2

SITE STRUCTURES:

It's proposed that all site structures are consolidated into a new complementary building to the north of the existing. This building is separated from the main house by porch and glazed bridge and takes it's orientation from the edge of the North boundary. The positioning allows three things to happen.

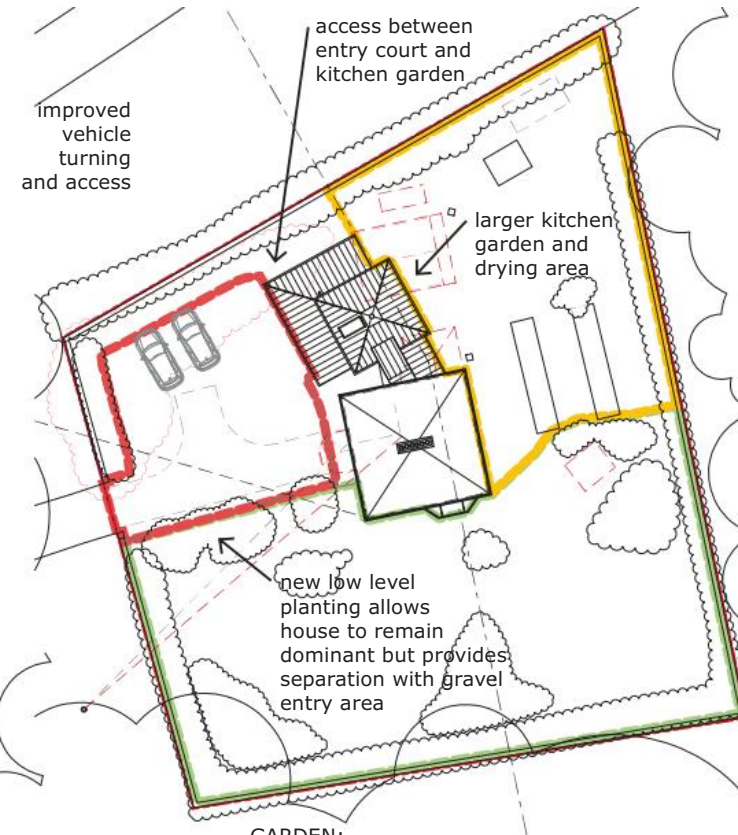
1 Entry between the buildings.

directly connecting kitchen and utility spaces with both the entry court and kitchen garden and providing covered access to the unheated storage areas of the house.

2 Orientation to boundary rather than house provides a sense of enclosure to the entry court while the separation and angle from the house allows the lodge to be seen in it's original form. The swing towards the entry court also enlarges the kitchen garden and provides exterior access from front court to kitchen garden. This new angle with its orientation to the bank and road opens the new upper living space a view to the open side of the site to the north

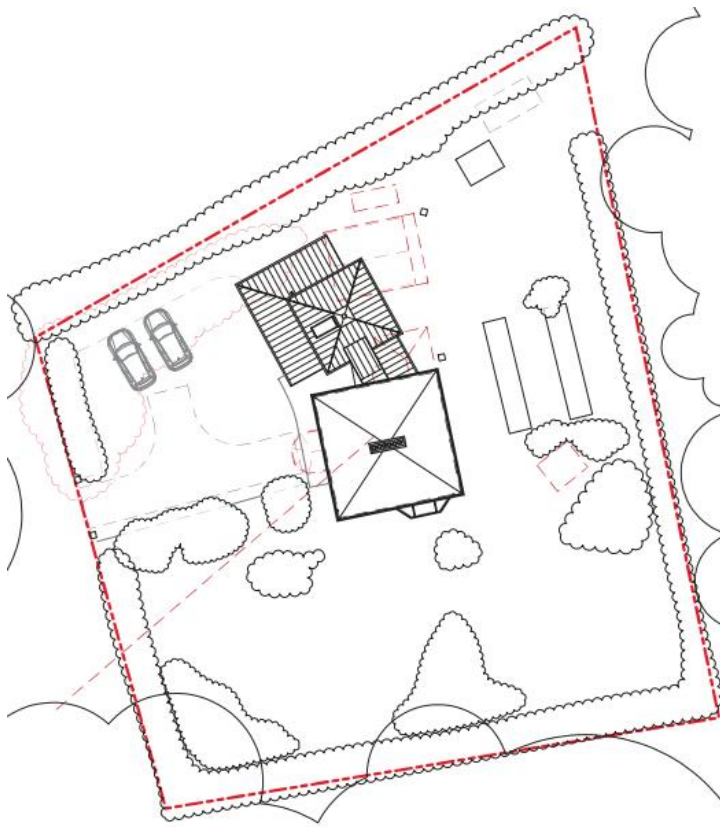
3 Access to outbuildings:

The outbuildings wrapping the west and north of the extension allow good access to the entry court for bikes and storage along with pellet delivery for the biomass boiler. The north east part allows a generous garden store access to the kitchen garden.



GARDEN:

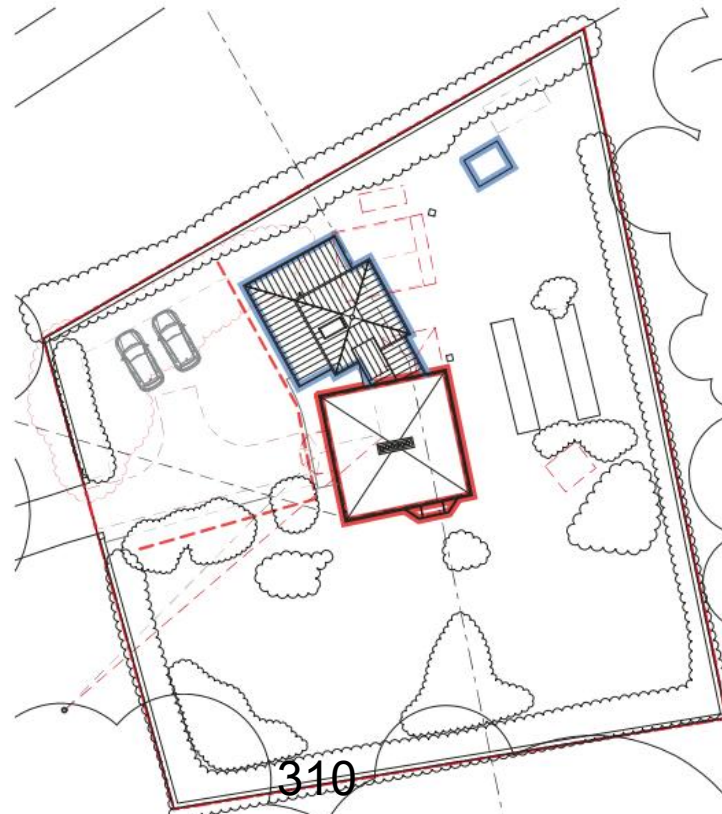
The garden is still arranged in three parts but the reshaping of the entry court allows easier turning and parking facilitating low to medium height planting between the amenity part of the garden and the service / entry part of the garden. The position of the extension separates this service / entry court from the kitchen garden beyond. Because the extension is parallel to the boundary an external connection between these spaces is still possible.

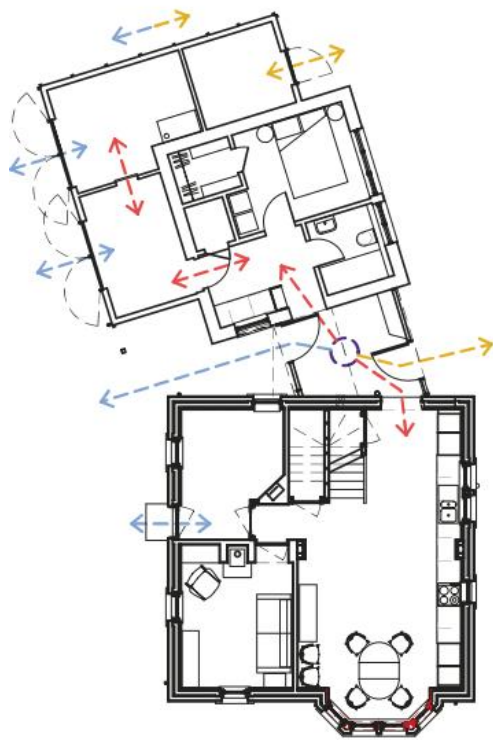


ENCLOSURE:

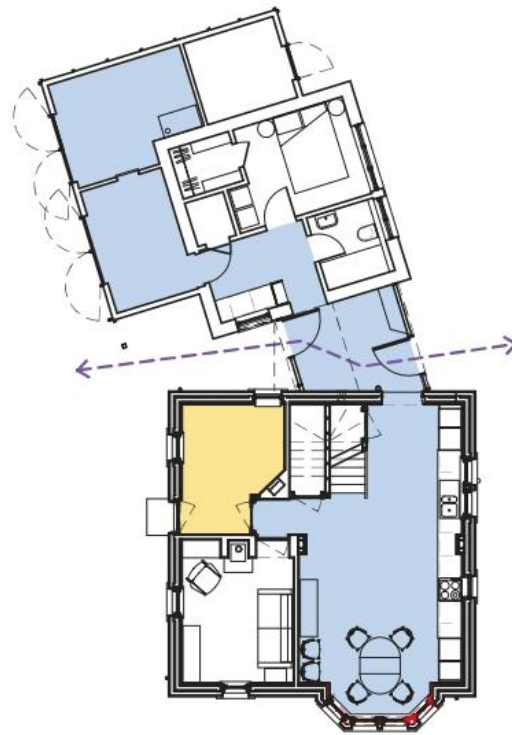
The site remains enclosed on three sides by trees with the house remaining the central focus.

The new extension and low / medium level planting provide a secondary enclosure devoted to entry / service. The angle separation and height of these have been considered to retain the original lodge as the central focus.

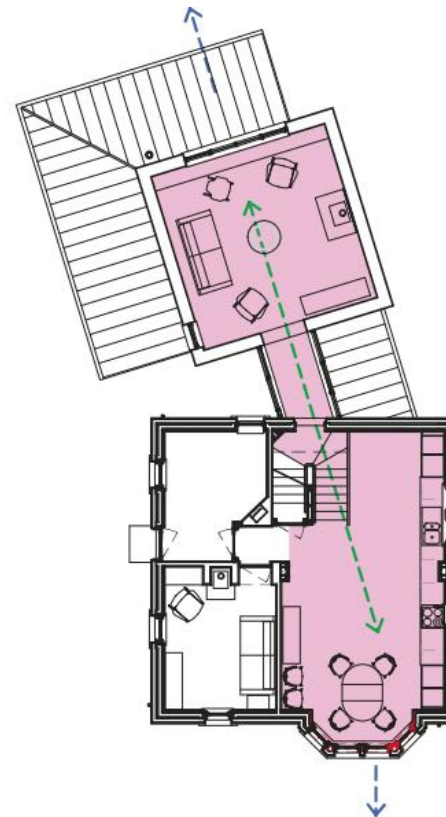




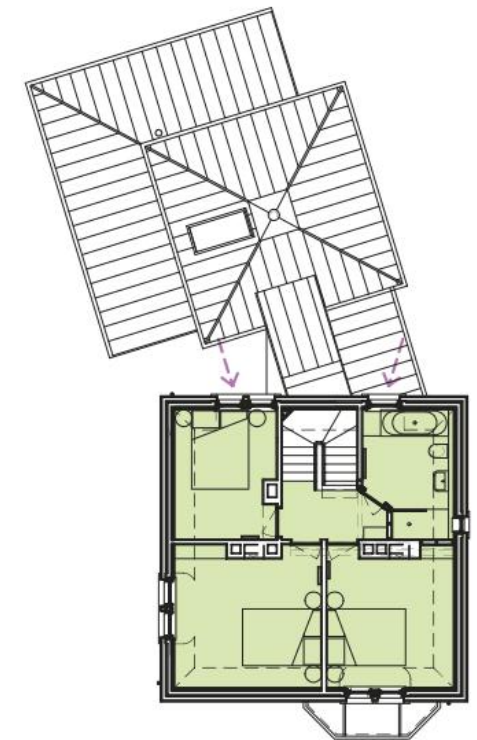
01 Ground Floor Plan 1:200 @ A4



02 Ground Floor Plan 1:200 @ A4



03 Plan above stair half landing 1:200 @ A4



04 Original First Floor Level 1:200 @ A4

- Access to building from entry court
- Interior connections from entry hall
- Access to building from kitchen garden

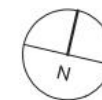
- East west route, access to buildings and gardens
- Improved access between service areas of the building
- Home work space allows separate access from entry courtyard

- North south connection through stair half landing between principal living spaces
- visual connection from principal living spaces to landscape and garden
- Kitchen dining space and living space areas

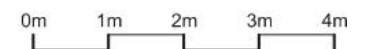
- Upper level with private family sleeping and bathing spaces
- Separation and roof form of new building allows daylight into existing dormer windows

The key principals of the layout are.

- 1 Access (external and internal) revolving around the new boot room.
- 2 Connection on inside and outside utility/service spaces.
- 3 Creation of home working space (with separate entry).
- 4 North south connection of dining (garden) and living (view) through the half landing of the stair.
- 5 Private family spaces on the first floor.



1:200 @ A4



Diagrammatic section showing design idea of connecting the principal living spaces, the kitchen dining room, with the living room through the stair half landing. This arrangement also connects the immediate site and garden through the ground floor bay window to the landscape beyond through the horizontal bay of windows in the extension to the north.



- - -> North south connection through stair half landing between principal living spaces
- - -> Visual connection from principal living spaces to landscape and garden

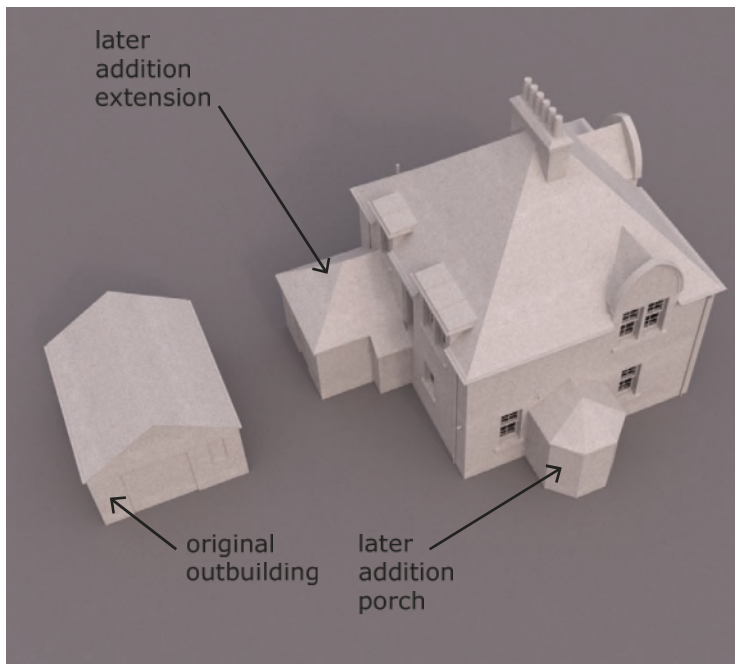


fig 04 - Existing massing

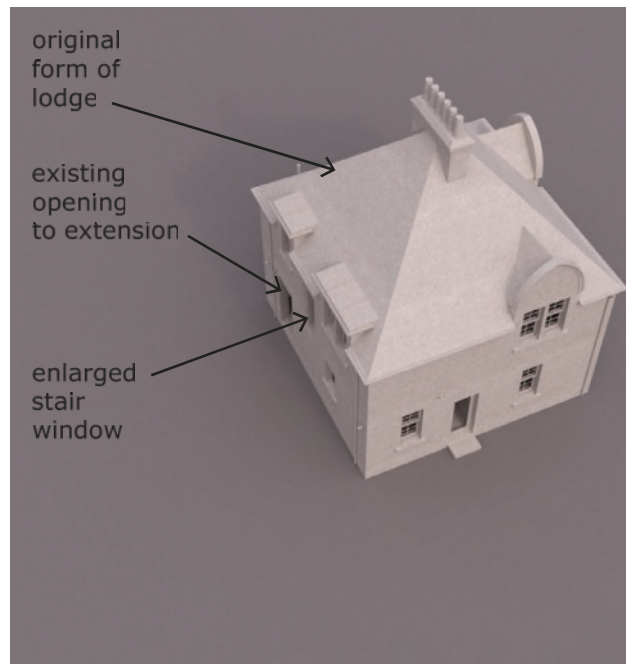


fig 05 - Form of original lodge

Existing and proposed massing

The proposals aim to remove the existing outbuilding and later addition extensions (fig 01) and return the lodge to its original form (fig 02) minimal intervention to the exterior of the original building will be required to connect the new and old parts of the brief.

The new accommodation is proposed as a smaller form similar in its form to the original but separated from the original and aligned to the site boundary (fig 03).

A new porch and connecting bridge at the stair landing level connect the two pieces. The bridge taking the form of a glazed dormer connecting to the original under the existing eaves line (fig 04).

The single storey outbuilding with a low eaves is then partially wrapped around the new form to create an entry space and to allow access to these spaces from the house (fig 05).



fig 06 - New smaller form containing bedroom, utility, shower room, and living room (compact form)



fig 07 - New connecting porch and bridge dormer



fig 08 - New outbuildings



Design and massing in site context:

This image shows the key site ideas. The original building geometry restored and highlighted. The new subservient massing canted, recessive and designed to blend with the forest beyond. Two compact complementary forms connected through a minimal bridge building. A photomontage of the project in the wider site can be found in fig - 01 on page 1

LRB-2023-25

23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywall, Birnam, Dunkeld, PH8 0DU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 289-314)*



Ms Claire Norfolk
c/o Tim Bayman Architecture
Tim Bayman
77 Granton Road
Edinburgh
EH5 3QT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **31st March 2023**

Town and country planning (Scotland) Acts

Application Reference: **23/00186/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 11th February 2023 for Planning Permission for **Part demolition, alterations, and extension to dwellinghouse Forest Lodge Ladywell Birnam Dunkeld PH8 0DU.**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal, by combination of its unsympathetic design and inappropriate materials, would be an incongruous addition which would be out of keeping with the host building and would result in a detrimental impact upon the character, appearance and visual amenity of the dwellinghouse.

Refusal is therefore in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials, in order to harmonise with the existing building and respect the character and appearance of the place.

2. No ecological survey has been submitted. Therefore, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats.

Accordingly, the proposal is contrary to Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 and Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.

Justification

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

Notes

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

Plan Reference

01

02

03

04

05

06

07

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09

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11

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00186/FLL	
Ward No	P5- Strathtay	
Due Determination Date	10th April 2023	
Draft Report Date	22nd March 2023	
Report Issued by	KS	Date 22nd March 2023

PROPOSAL: Part demolition, alterations and extension to dwellinghouse

LOCATION: Forest Lodge Ladywell Birnam Dunkeld PH8 0DU

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

Forest Lodge is a detached dwellinghouse which is located within the River Tay National Scenic Area, to the southwest of Birnam. This application seeks detailed planning permission for various alterations and extensions to the north of the property, including a two-storey pyramid roofed extension which is linked to the house by a two-storey partially glazed bridging corridor, and a single storey wrap-around lean-to extension. A log-burning stove would be located centrally within the two-storey extension, with its flue penetrating through the centre of the pyramid roof.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 21/00650/PREAPP

Various concerns were raised with respect to the incongruous design, off-set orientation, cumulative massing and poor integration of the proposals. No significant design revisions have been implemented since the issuing of pre-application advice. Conversely, the proposal is now accompanied by a design statement.

DEVELOPMENT PLAN

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

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.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 4(f): Natural Places
- Policy 14(a)+(c): Design, quality and place
- Policy 16(g): Quality homes

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 38B: Environment and Conservation: National Designations
- Policy 41: Biodiversity

Statutory Supplementary Guidance

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

Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

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

- PAN 40 Development Management
- PAN 68 Design Statements

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

CONSULTATION RESPONSES

Scottish Water

No objections – informative note recommended on any approval.

INTERNAL COMMENTS

Environmental Health (Noise Odour)

No objections – informative note recommended on any approval.

Biodiversity/Tree Officer

No assessment of the ecological impacts of the proposal can be carried out as no ecological survey has been submitted.

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.

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, extensions and developments which are ancillary to the enjoyment of 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 or the character and appearance of the place.

Design, Layout and Visual Amenity

Forest Lodge is a detached dwellinghouse which is located within the River Tay National Scenic Area, to the southwest of Birnam. This application seeks detailed planning permission for various alterations and extensions to the north of the property.

The two storey, hipped roof property has wall-head dormer windows which serve the upper-level accommodation. A detached garage/garden store/w.c. is located to the north of the dwellinghouse.

The proposals seek to demolish the porch and utility room on the house, to demolish the detached garage structure and to extend the house from the north elevation. The two-storey pyramid roofed extension would sit at an angle to the existing house and would be linked to the house by a two-storey partially glazed bridging corridor. A single-storey lean-to extension would also wrap around the west and north elevations of the proposed two-storey extension. A log-burning stove would be located centrally within the two-storey extension, with its flue penetrating through the centre of its pyramid roof and a biomass pellet boiler would be located within the wrap-around extension.

The proposed development has purposefully been designed to be read deferentially from the host building. This is emphasised though its physical separation from the house, its off-set axis, skewed footprint, lack of integration with the host building and contrasting palette of external finishing materials.

However, the resulting development would visually compete with the host dwellinghouse, rather than complement it. Although its scale is subordinate to the house, its poorly integrated design results in a fragmented appearance with a piecemeal wrap-around addition. Its visually incongruous appearance would be exacerbated by the sharply contrasting finishing materials.

Accordingly, refusal of the proposed development is in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and

1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials in order to respect the character and appearance of the place.

Landscape

The application site is located within the River Tay National Scenic Area. However, the domestic scale and nature of the proposal does not raise any significant landscape impact issues.

Residential Amenity

The Council's Environmental Health Officer has requested that an informative note be included on any planning approval, to provide advice on the installation, operation and maintenance of the stove and boiler, in the interests of residential amenity.

Roads and Access

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

Drainage and Flooding

There are no significant drainage or flooding implications associated with this proposed development. However, Scottish Water has requested that an informative note be included on any approval.

Natural Heritage and Biodiversity

The proposal involves demolition of various existing features, which have the potential for bats/bat roosts (see Annex B of Perth & Kinross Council's "Bat Surveys" guidance document, 2018). As bats are protected species, it is necessary to secure an ecological survey prior to any planning permission being granted. This would identify the presence of any bats, bat roosts or bird nests, so that an assessment can be made over the impact of the development, whether any impact can be avoided and whether any mitigation measures are necessary.

Consequently, in the absence of an ecological survey, no assessment can be carried out as to the potential impact of the proposed development on bats and/or bat roosts. Therefore, the proposal is not in accordance with Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 or Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.

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 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 Development Plan. Accordingly, the proposal is refused on the grounds identified below.

Conditions and Reasons

- 1 The proposal, by combination of its unsympathetic design and inappropriate materials, would be an incongruous addition which would be out of keeping with the host building and would result in a detrimental impact upon the character, appearance and visual amenity of the dwellinghouse.

Refusal is therefore in line with Policy 14(c) of NPF4 and approval would be contrary to Policies 14(a) and 16(g) of NPF4, Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, which seek to ensure that developments contribute positively to the quality of the built and natural environment in terms of proportions, appearance and materials, in order to harmonise with the existing building and respect the character and appearance of the place.

- 2 No ecological survey has been submitted. Therefore, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats.

Accordingly, the proposal is contrary to Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 and

Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.

Justification

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

Informative Notes

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

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LRB-2023-25

23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywall, Birnam, Dunkeld, PH8 0DU

REPRESENTATIONS

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 28 February 2023 10:24
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: RE: Planning Application Consultation for Application No 23/00186/FLL

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

Good Afternoon,

Thank you for your submission.

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

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

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

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

Kind Regards,

Kerry

Kerry Lochrie

Technical Analyst
West Regional Team

Strategic Development
Development Services
Dedicated Freephone Helpline: 0800 389 0379

Direct Email: developmentoperations@scottishwater.co.uk
Managed email service: DevelopmentOperations@scottishwater.co.uk

Business Weblink: <https://www.scottishwater.co.uk/business/our-services/new-connections/getting-connected>

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WANT TO KNOW MORE - EMAIL:
developmentoperations@scottishwater.co.uk

NEW

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00186/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	██████████ Email biodiversity@pkc.gov.uk
Description of Proposal	Part demolition, alteration and extensions to dwelling house.		
Address of site	Forest Lodge Ladywell Birnam Dunkeld PH8 0DU		
Comments on the proposal	<p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>European Protected Species Planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).</p> <p>All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) making it an offence to disturb a bat in a roost, obstruct access to a roost and damage or destroy a breeding or resting place of such an animal.</p> <p>Development is to partly demolish, alter and extend the dwelling house. Three species of bats have been recorded within 1km of the property, as per NBN Atlas. There is favourable habitat including trees, woodland, and water within close proximity to the site and the building is of a suitable age and style to have bat roost potential - it will require a bat survey. This is as per our PKC Bat Survey Guidance.</p> <p>A bat survey should be undertaken by a suitably experienced and qualified ecologist to determine the actual or potential presence of bats. During the winter months a preliminary bat roost and hibernation assessment can be undertaken. If a winter survey finds the potential for bats to be present, activity surveys must be carried out before the application can be validated. Winter surveys alone will only be acceptable if they find negligible potential for bats to be present.</p> <p>Further survey cannot be conditioned as advised by the Scottish Government. The full impact of a development on protected species or habitats must be known prior to planning consent being issued. More information is available in the PKC Planning for Nature Guidance Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p>		

	<p>Breeding Birds For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Evidence of use of the dwelling by breeding birds should be reported as part of the bat survey as well as compensation measures for any lost nest sites.</p> <p>Biodiversity Enhancement Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.</p> <p>Tree, house sparrows and swifts are red listed as birds of conservation concern and providing nest boxes for these species would enhance the biodiversity value of the site. This would contribute towards the Sparrows on the Edge and Tayside Swift Projects in the Tayside Local Biodiversity Action Plan. Guidance is available in the PKC Planning for Nature Guidance Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p> <p>I object due to a lack of ecological information.</p> <p>A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance. Applicants are encouraged to ensure information is submitted in accordance with the checklist to reduce future information requests and delays Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p>
Recommended planning condition(s)	The application cannot be assessed until more information is provided.
Recommended informative(s) for applicant	
Date comments returned	9 March 2023

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00186/FLL

Our ref OLW

Date 13 March 2023

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission
PKC 23/00186/FLL RE: Part demolition alterations and extension to
Dwellinghouse, Forest Lodge, Ladywell, Birnam, Dunkeld, PH8 0DU for Ms Claire
Norfolk**

I refer to your letter dated 23 February 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend the undernoted informative be included on any given consent.

Comments

This application is for part demolition, alterations and extension to a dwellinghouse which will include the provision of a single woodburning stove, biomass pellet boiler and associated flues.

Air Quality

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

Odour

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

I note from the submitted plans that the flue for the stove will terminate above roof ridge height, which will aid in dispersion of emissions. The applicant may experience smoke odour

nuisance from the biomass pellet boiler due to its flue terminating at the same height as the second storey windows, but no nearby neighbouring dwellinghouses will be affected. I would advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

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

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

Informative

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

