

LRB-2024-22

23/02071/FLL – Erection of replacement dwellinghouse and associated works, 42 Muirend Road, Perth, PH1 1JU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS (*part included in applicant's submission, pages 279-285*)



Mr Crawford Allan
c/o Crossings House Design Ltd
Steve Runciman
The Old Dairy
54 Comrie Street
Crieff
PH7 4AX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **7th February 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/02071/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 13th December 2023 for Planning Permission for **Erection of replacement dwellinghouse and associated works 42 Muirend Road Perth PH1 1JU.**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building heights and surrounding house types as a consequence the development is incompatible with the character and amenity of the area.
2. The proposal is contrary to NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1 Placemaking and related Placemaking Supplementary Guidance (2020) as the development would not contribute positively to the quality of the surrounding built environment. The design and resultant height of development does not respect the character of development in the locality.

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/02071/FLL	
Ward No	P10- Perth City South	
Due Determination Date	12th February 2024	
Draft Report Date	6th February 2024	
Report Issued by	JF	Date 06.02.2024

PROPOSAL: Erection of replacement dwellinghouse and associated works

LOCATION: 42 Muirend Road Perth PH1 1JU

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

The application is for the erection of a replacement dwellinghouse at 42 Muirend Road, Perth. The site is within a residential street bound by dwellings to the east/west/north, to the south is open space.

The proposal relates to a single storey dwelling with detached garage and carport. The proposal is to demolish and erect a 1 ½ storey dwelling.

SITE HISTORY

No recent site history

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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 1: Tackling the Climate and Nature Crisis
Policy 2: Climate Mitigation and Adaptation
Policy 14: Design, Quality and Place
Policy 16: 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 17: Residential Areas
Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
Policy 53B: Water Environment and Drainage: Foul Drainage
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

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 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

Scottish Water	No objection
Transportation And Development	No objection
Environmental Health (Noise Odour)	No objection
Development Contributions Officer	No contribution required

REPRESENTATIONS

8 representations were received – 2 objections and 6 support
Objections

- Replacement design not in keeping
- Too high
- Overshadowing
- Noise pollution from heat pump

Support

- General support for development

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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

The site is located within the Perth settlement boundary where Policy 17 of LDP2 applies. The proposal relates to a replacement dwelling and the principle of development is acceptable, however the detail of the proposal requires to be considered.

Policies 1A and B are of relevance in relation to the design and density. The policy states that development should contribute positively to the surrounding built and natural environment and respect the character and amenity of the place. It also states that development should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

The Council's associated Placemaking Supplementary Guidance 2020 also provides further guidance on proposals for development giving further detailed advice in addition to the policy.

Policy 14 Design outlines 6 qualities for successful spaces and Policy 16 Quality Homes supports sustainable development in the right locations. The small scale of this development doesn't directly fall under considerations within this national policy.

The existing dwelling is modest in scale, single storey with a low pitched roof reflecting the wider character of development in the area. In particular the houses on either side are directly comparable in terms of height/mass/design.

As detailed further in the subsequent sections the proposed replacement dwelling by virtue of the design doesn't reflect the existing character of development in the area.

Therefore due to the design and form of the replacement dwelling the proposal (with reasons given in more detail in the next section) is considered to be contrary to policies 1A and B, the supplementary guidance and 17 of the Perth and Kinross Local Development Plan 2019.

Design and Layout

The dwelling proposed is 1 ½ storey and has a substantial mass due to the height, footprint and projecting rear extensions. There is no comparison of the existing and proposed dwelling within the submission for example an overlay of the original dwelling on the proposed elevation plans. There is also no street elevation to demonstrate how the new build would sit in between the bungalows on either side.

The proposed dwelling is 7.6m in height and 1 ½ storey. Although there is no comparison (as noted above) the existing dwelling and the neighbouring ones are approximately 4.6m in height, the proposal would therefore be a considerable increase in height. It is considered that the proposed height of the dwelling does not complement its surroundings and respect the character of the area.

In addition to the increase in height the dwelling due to the overall footprint has a large mass which contrasts significantly with surrounding development. The dwelling would be out of character in the street scene.

There is no objection to the principle of replacing the dwelling but the existing dwelling and its neighbours must provide a point of reference for the replacement design and this has been missed here. It is doubtful that more than a single storey (in appearance) dwelling can be accommodated within the site and if the applicant wishes to pursue anything which varies from the neighbouring designs/heights it would need to be supported by information which demonstrates its compatibility with the neighbouring plots, street scene etc.

The proposed replacement dwelling by virtue of its design/height/mass is not considered to be compatible with the character and amenity of the place and is therefore contrary to Policy 1 Placemaking and the supplementary guidance, Policy 17 Residential Areas of LDP 2 and Policy 14 Design of NPF4.

Residential Amenity

The neighbouring dwellings are located in close proximity to the boundaries but due to the single storey heights the presence of windows is mitigated by mature boundary planting. In this case the increase in height has introduced upper floor windows however the majority of which overlook the rear garden or driveway. Three windows (on side elevations) at 1st floor serve a hallway and ensembles so would not result in overlooking.

The dwelling due to the increase in height and resultant overall large mass which may have an impact on overshadowing to neighbouring properties but this has not been further considered due to the unacceptable design. If the design had been acceptable further information would have been requested in relation to the overshadowing/loss of daylight impact.

The proposal includes a single woodburning stove, associated flue and an air source heat pump. These are domestic scale and located appropriately conditions would be required if the proposal was acceptable.

Roads and Access

The vehicular access is proposed via the existing access onto Muirend Road and three parking bays are proposed to remain. Visibility onto the existing footway is obstructed by the existing hedge. A 2.4m x 2.4m pedestrian inter-visibility splay to the footway will be required so that drivers have clear sight of pedestrians when emerging onto the footway and roadway. A condition would be required if the proposal was acceptable.

Drainage and Flooding

The replacement dwelling would not require any new drainage connections.

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.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

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 is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs,

established building heights and surrounding house types as a consequence the development is incompatible with the character and amenity of the area.

2 The proposal is contrary to NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1 Placemaking and related Placemaking Supplementary Guidance (2020) as the development would not contribute positively to the quality of the surrounding built environment. The design and resultant height of development does not respect the character of development in the locality.

Justification

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

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05
06
07



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100654589-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Demolition of existing dwelling. Erection of new dwelling.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Crossings House Design Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Steve	Building Name:	The Old Dairy
Last Name: *	Runciman	Building Number:	54
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Comrie Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Crieff
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	PH7 4AX
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	<input type="text"/>
Other Title:	<input type="text"/>	
First Name: *	Crawford	
Last Name: *	Allan	
Company/Organisation	<input type="text"/>	
Telephone Number: *	<input type="text"/>	
Extension Number:	<input type="text"/>	
Mobile Number:	<input type="text"/>	
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

42 MUIREND ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PERTH

Post Code:

PH1 1JU

Please identify/describe the location of the site or sites

Northing

723608

Easting

309251

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

825.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Private dwelling

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes **T** No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes **T** No

Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes **T** No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ≤ Yes **T** No ≤ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ≤ Yes **T** No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * **T** Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Refer proposed site plan for bin store location

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

40, Muirend Road, Perth, Scotland, PH1 1JU

Date of Service of Notice: *

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Steve Runciman

On behalf of: Mr Crawford Allan

Date: 11/12/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

3D images of proposals included in submission

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Steve Runciman

Declaration Date: 11/12/2023

