

4(iv)(a)

LRB-2024-22

LRB-2024-22

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

**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)		Agent (if any)	
Name	<input type="text" value="CRAWFORD ALLAN"/>	Name	<input type="text" value="STEVE RUNCIMAN"/>
Address	<input type="text" value="[REDACTED]"/>	Address	<input type="text" value="CROSSINGS HOUSE DESIGN LTD
THE OLD BARN
54 COURIE STREET CRIEFF
PH1 4AX"/>
Postcode	<input type="text" value="[REDACTED]"/>	Postcode	<input type="text" value="PH1 4AX"/>
Contact Telephone 1	<input type="text"/>	Contact Telephone 1	<input type="text" value="07920 067411"/>
Contact Telephone 2	<input type="text"/>	Contact Telephone 2	<input type="text"/>
Fax No	<input type="text"/>	Fax No	<input type="text"/>
E-mail*	<input type="text" value="steve@crossingshouse.co.uk"/>	E-mail*	<input type="text" value="steve@crossingshouse.co.uk"/>
		Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
* Do you agree to correspondence regarding your review being sent by e-mail?			

Planning authority	<input type="text" value="PERTH + KINROSS COUNCIL"/>		
Planning authority's application reference number	<input type="text" value="23/02071/FLL"/>		
Site address	<input type="text" value="42 MUIRENO ROAD PERTH PH1 1JU"/>		
Description of proposed development	<input type="text" value="ERECTION OF REPLACEMENT DWELLING HOUSE AND ASSOCIATED WORKS."/>		
Date of application	<input type="text" value="13<sup>th</sup> DEC 2023"/>	Date of decision (if any)	<input type="text" value="7<sup>th</sup> FEB 2024"/>

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.

P&KC IDM29/4/202412:21:24

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 checked="" type="checkbox"/> | <input 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.

PLEASE REFER TO ATTACHMENT FOR FULL COMMENTARY.

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.

I DO NOT BELIEVE THE APPLICATION WAS ASSESSED IN A PROFESSIONAL MANNER. PLEASE REFER TO ATTACHMENT FOR FULL COMMENTARY.

P&KC IDM29/4/202412:21:25

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.

23-018(PL)001 LOCATION PLANS A3.
 23-018(PL)002 EXISTING SITE PLAN A3
 23-018(PL)003 PROPOSED SITE PLAN A3.
 23-018(PL)004 PROPOSED GROUND FLOOR PLAN A2
 23-018(PL)005 rev A PROPOSED FIRST FLOOR AND ROOF PLAN A2
 23-018(PL)006 PROPOSED ELEVATIONS A2
 23-018(PL)007 PROPOSED 3D VIEWS A2
 23-018(PL)011 EXISTING SITE PLAN WITH HOUSE AND PLOT AREAS A3
 23-018(PL)012 CONTEXTUAL ELEVATIONS A2
 TEXT ATTACHMENTS TO THIS FORM A4 ('STATEMENT' + EMAIL FROM P. WILLIAMSON)

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]

Date 28 APRIL 2024.

P&KC IDM29/4/202412:21:26

Crossings House Design Ltd.
The Old Dairy
54 Comrie Street
Crieff
Perth & Kinross
PH7 4AX
07920 067411
steve@crossingshouse.co.uk

Notice of Review 23/02071/FLL

(Statement page 3)

There are two reasons for this Notice of Review:

Firstly, the route to the refusal decision and secondly, the refusal decision itself.

1. To address the former

The application was submitted on the 13th December 2023. I emailed the case officer Joanne Ferguson on 11th January to enquire about progress and to see if she had any concerns with the application. I had no response.

I then I left a voicemail on her phone on 25th January 2024. Again, no response. To this date I have had no response from Joanne Ferguson whatsoever. I consider this unprofessional.

Email correspondence with her team leader Paul Williamson post refusal has suggested that the lack of correspondence was due to her workload pressure. As a sole trader I well understand this problem and I confess that I often miss deadlines myself.

However, the case officer had the option to employ one of two mechanisms to remedy this problem - extend the application period or suggest the application was withdrawn and reconsidered. Neither option was employed, and complete silence prevailed until the refusal was received on the 7th February. Again, I consider this unprofessional.

I am frustrated (as are my clients) that the case officer did not give us the option to extend or withdraw the application. It would have instantly resolved any timescale concerns on her side and given us the opportunity to re-design. There is no point in having the 'withdraw' facility if it is not made available to all applicants. The applicants cannot understand how they could pay £600 in fees and not receive even one email from the case officer.

By contrast, I am currently dealing with an application with one of Joanne's colleagues and the level of communication, collaboration and input has been exemplary. The fate of planning applications received by Perth and Kinross Council should not depend on which staff member the case is allocated to. This is a lottery and not a professional service. Paul Williamson was decent enough to apologise for the service we received in his subsequent emails, see attached. In summary, we do not feel the applicants received a professional service and now ask for this to be reviewed afresh.

(The applicants are so disillusioned with the planning process that they have now bought a new house).

Cont/

Cont/.

2. To address the refusal decision itself.

The refusal of 7th February states:

"..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."

I know the case officer did visit the site; however, it is clear she only looked at the site in isolation and did not consider all the surrounding dwellings on Muirend Road. If she did not have time to respond to my email or phone call, then I have concerns that she did not have time to fully assess the details of the application.

As I show on the enclosed drawings 23-018(PL)011 and 23-018(PL)012 the proposals are neither over-development in respect to plan or elevation, when viewed in context with the surrounding dwellings. I will not repeat the details here, but in summary, an analysis was undertaken to establish the existing house to plot ratios and the scale of the elevations in the environs (21 - 52 Muirend Road) to see if the proposal was indeed an *'overdevelopment of the site'* as stated. Please refer to the original application drawings and the two additional drawings noted above.

Please note that I am aware that the Local Review Body are not obliged to entertain further drawings and documents beyond those originally submitted with the application, unless 'exceptional' circumstances prevail. Given the issues noted above and the fact this 'blank refusal' scenario has not occurred in any previous planning applications that I have submitted to Perth and Kinross Council over the last 25 years, I hope you would agree that this is indeed an 'exceptional' case.

If the case officer had engaged with myself during the application process as expected and had requested additional information to support the application, I would of course, have provided these additional drawings at the time. I believe the applicants deserve a professional service this time around, so by way of recompense I would ask that the additional drawings are given due consideration. Thank you.

P&KC IDM29/4/202412:21:29

Subject: RE: 23/02071/FLL Decision Notice
From: Paul Williamson [REDACTED]
Date: 14/02/2024, 12:18
To: Steve Runciman <steve@crossingshouse.co.uk>

Good afternoon Steve

Thank you for your email in respect of the above, and I can understand your disappointment at the outcome. I am responding to you in this instance as Joanne's line manager, but also in light of Joanne presently being off ill.

At present we are facing an exceptionally high caseload among officers, and where we are content that there is sufficient information to proceed to determination, then it may be the case that officers submit their recommendations to myself in order to make as timeous a decision, and wherever possible within the statutory timescales of two months.

In this instance, any potential solution would have required a comprehensive re-design in light of the scale of the adjacent property, hence the decision to reach a determination, as opposed to enter into a dialogue to seek amendments. As with any planning application determination, you have the right to seek a review should you wish to do so, or alternatively, you may wish to consider entering into pre application discussion to refine before any subsequent submission.

<https://www.pkc.gov.uk/article/20213/Pre-application-services->

Notwithstanding, I note the reference to your attempts to contact Joanne for updates, and I shall remind her, as well as other colleagues in general about the importance of maintaining good levels of communications, particularly when pressed for an update.

For that I can only apologise.

Should you wish to discuss any further aspect of the above, please do not hesitate to contact me.

Regards

Paul

Paul Williamson,
Team Leader (Local Developments)
Development Management
Economy, Development and Planning
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
My working days are: Tuesday, Wednesday, Thursday and Friday.

[REDACTED]
e www.pkc.gov.uk

-----Original Message-----
From: Development Management <DevelopmentManagement@pkc.gov.uk>
Sent: Wednesday, February 14, 2024 11:28 AM
To: Joanne Ferguson [REDACTED]
Cc: Paul Williamson [REDACTED]
Subject: FW: 23/02071/FLL Decision Notice

CASE OFFICE ENQUIRY

P&KC IDM29/4/202412:21:29

Good morning,

Please find email in relation to decided application 23/02071/FLL.
Agent querying that no contact has been made with him before decision was made.

Paul I am CC'ing you for your information, I hope you don't mind.

Kind regards
Ewa

-----Original Message-----

From: Steve Runciman <steve@crossingshouse.co.uk>
Sent: Tuesday, February 13, 2024 4:14 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: Re: 23/02071/FLL Decision Notice

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,

With regards to the refusal for the above application can you please confirm why no contact was made with myself to raise your concerns ?

I made numerous email approaches to the case officer (Joanne Ferguson) to enquire whether she was comfortable with the application and I received no response. If I had known that a refusal was likely, then I would have withdrawn the application.

I did not get that option, which is very disappointing.

Yours, Steve Runciman

On 13/02/2024 15:17, Developmentmanagement@pkc.gov.uk wrote:

See attached decision notice.

The information in this email is solely for the intended recipients.

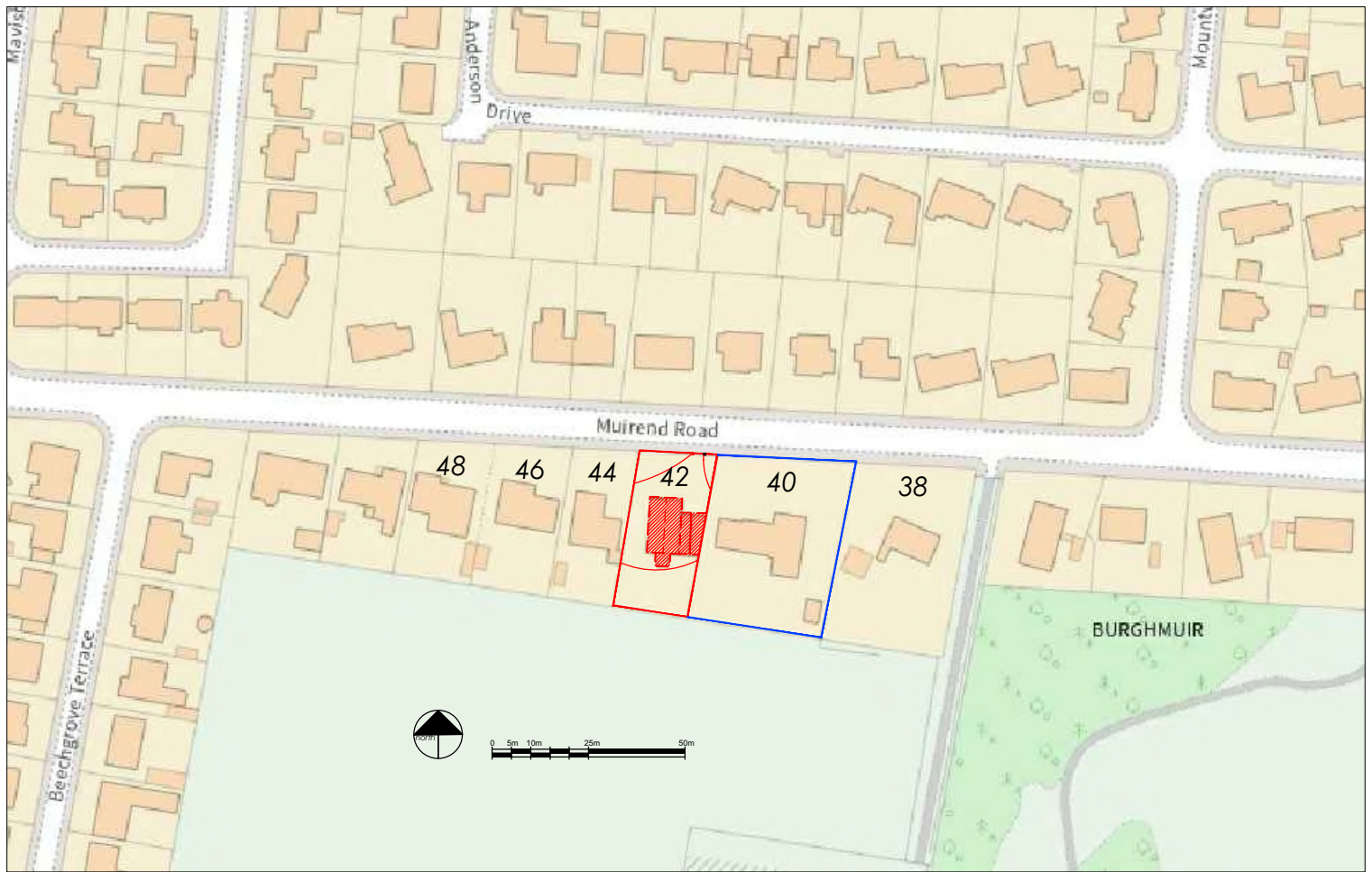
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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

--
Steve Runciman
Crossings House Design Ltd.
07920 067411



location plan 1:1250 @ A3



location plan 1:2500 @ A3

Revisions:

Crossings House Design Ltd.
The Old Dairy, 54 Comrie Street
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tel: 07920 067411
steve@crossingshouse.co.uk

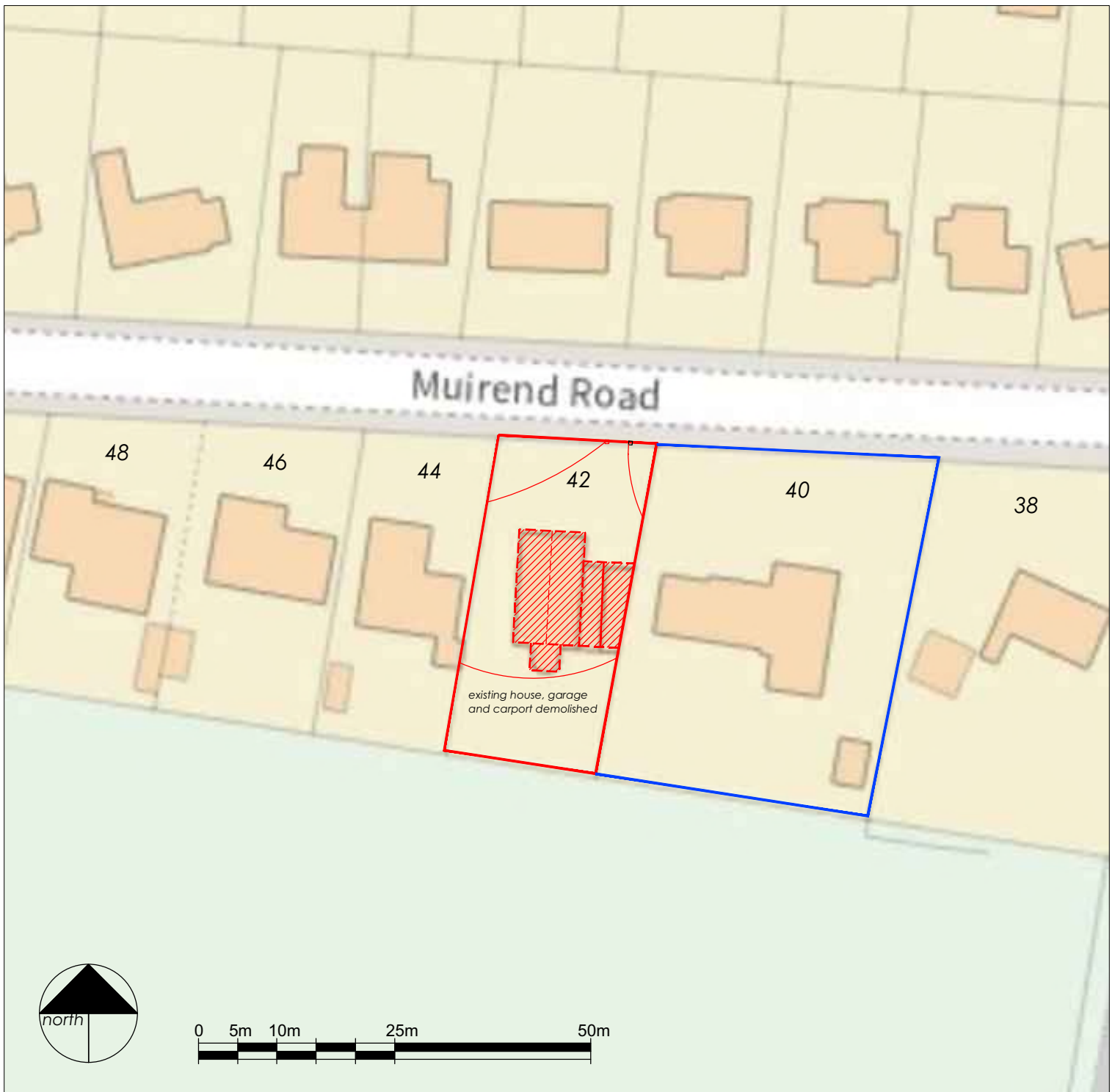
CLIENT:
Crawford Allan

PROJECT:
Proposed Development of 42 Muirend Road,
Perth, PH1 1JU

DRAWING:
Location Plans

original @ A3 size

SCALE: as noted @ A3	DATE: Dec 2023	DRAWN: sgr
JOB NO: 23-018	DWG NO: (PL)001	REV: .



existing site plan 1:500 @ A3

site area =
 825m²
 0.0825 hectares
 0.2038 acres

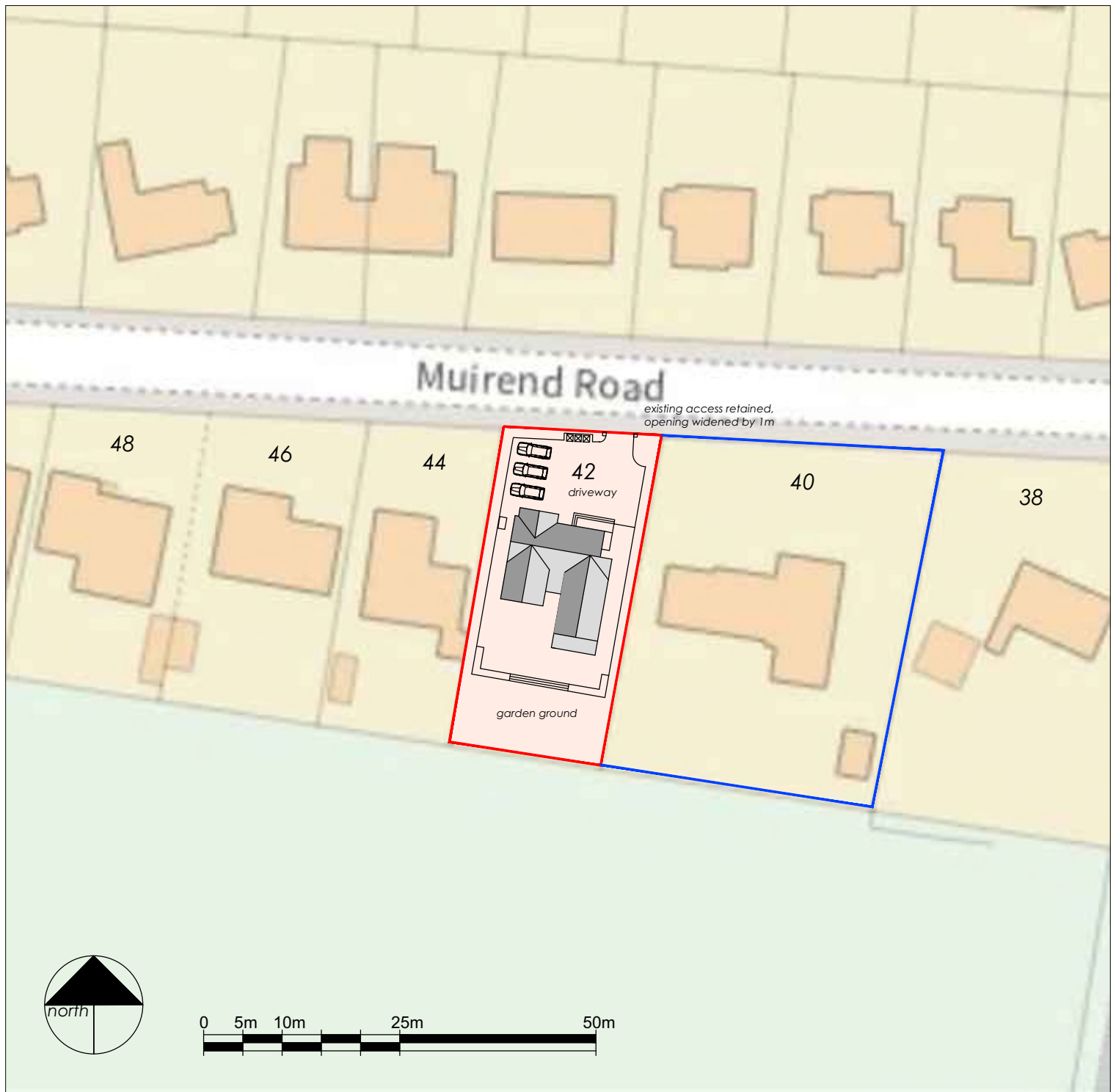
Revisions

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 Crieff, Perth & Kinross
 PH7 4AX
 tel: 07920 067411
 steve@crossingshouse.co.uk

CLIENT:
 Crawford Allan
 PROJECT:
 Proposed Development of 42 Muirend Road,
 Perth, PH1 1JU
 DRAWING:
 Existing Site Plan

SCALE: as noted @ A3	DATE: Dec 2023	DRAWN: sgr
JOB NO: 23-018	DWG NO: (PL)002	REV: .

original @ A3 size



proposed site plan 1:500 @ A3

Site access:

Existing access retained and widened by 1m.

Foulwater & surface water drainage:

To existing sewer connections in Muirend Road.

Listed building/Conservation area status:

Not applicable.

Flooding risk:

Not applicable

Trees on site:

Not applicable.

Ecological issues:

Not applicable.

Revisions

Crossings House Design Ltd.
The Old Dairy, 54 Comrie Street
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CLIENT:
Crawford Allan

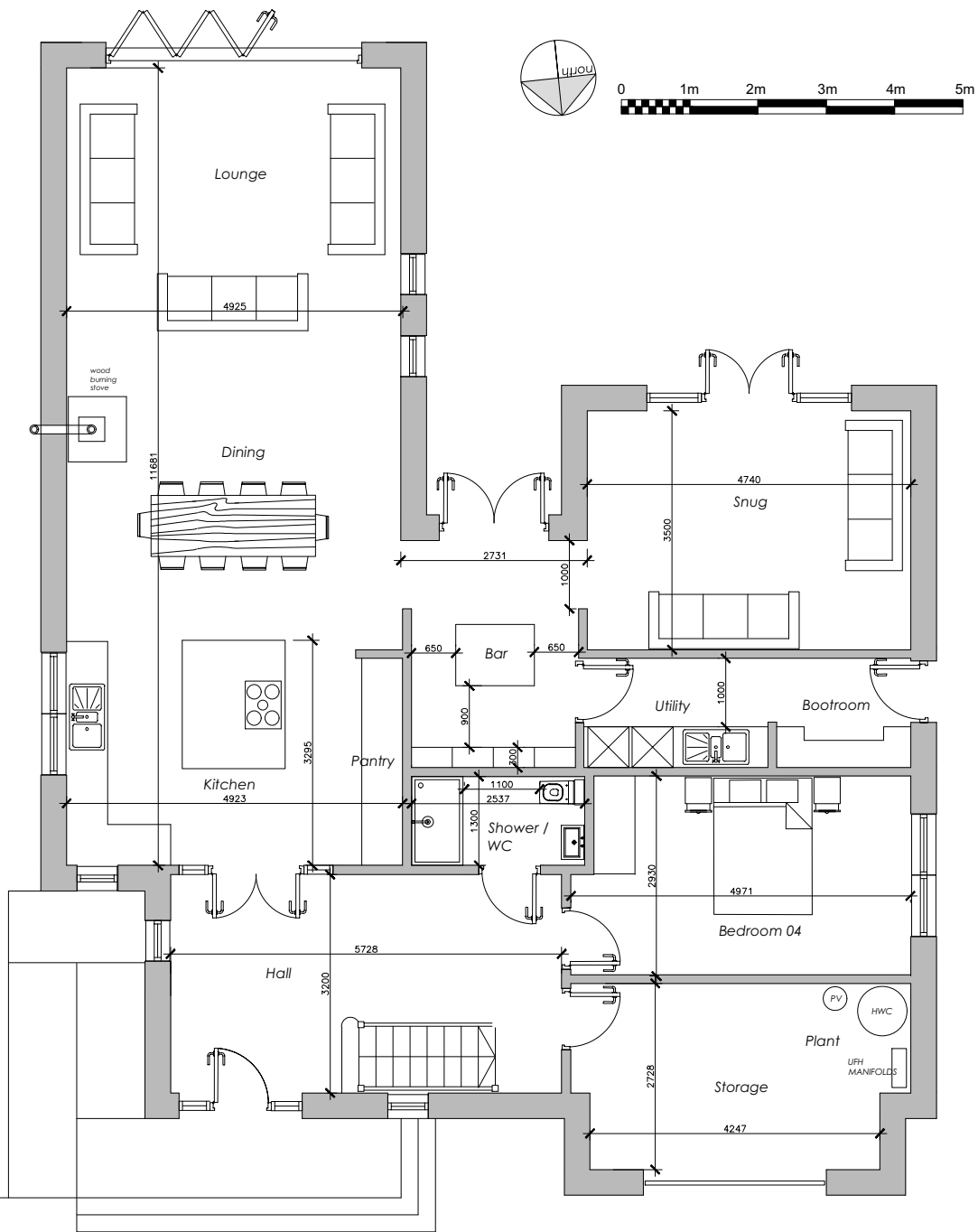
PROJECT:
Proposed Development of 42 Muirend Road,
Perth, PH1 1JU

DRAWING:
Proposed Site Plan

SCALE: as noted @ A3 DATE: Dec 2023 DRAWN: sgr

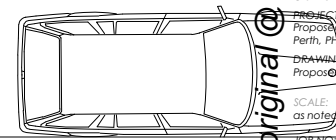
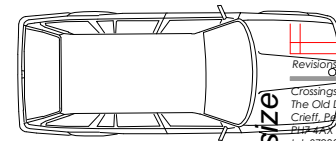
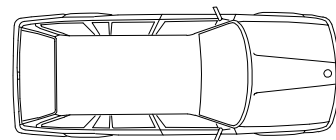
JOB NO: 23-018 DWG NO: (PL)003 REV: .

original @ A3 size



ground floor footprint = 166m²
 ground floor gross internal floor area = 143m²

front garden / driveway

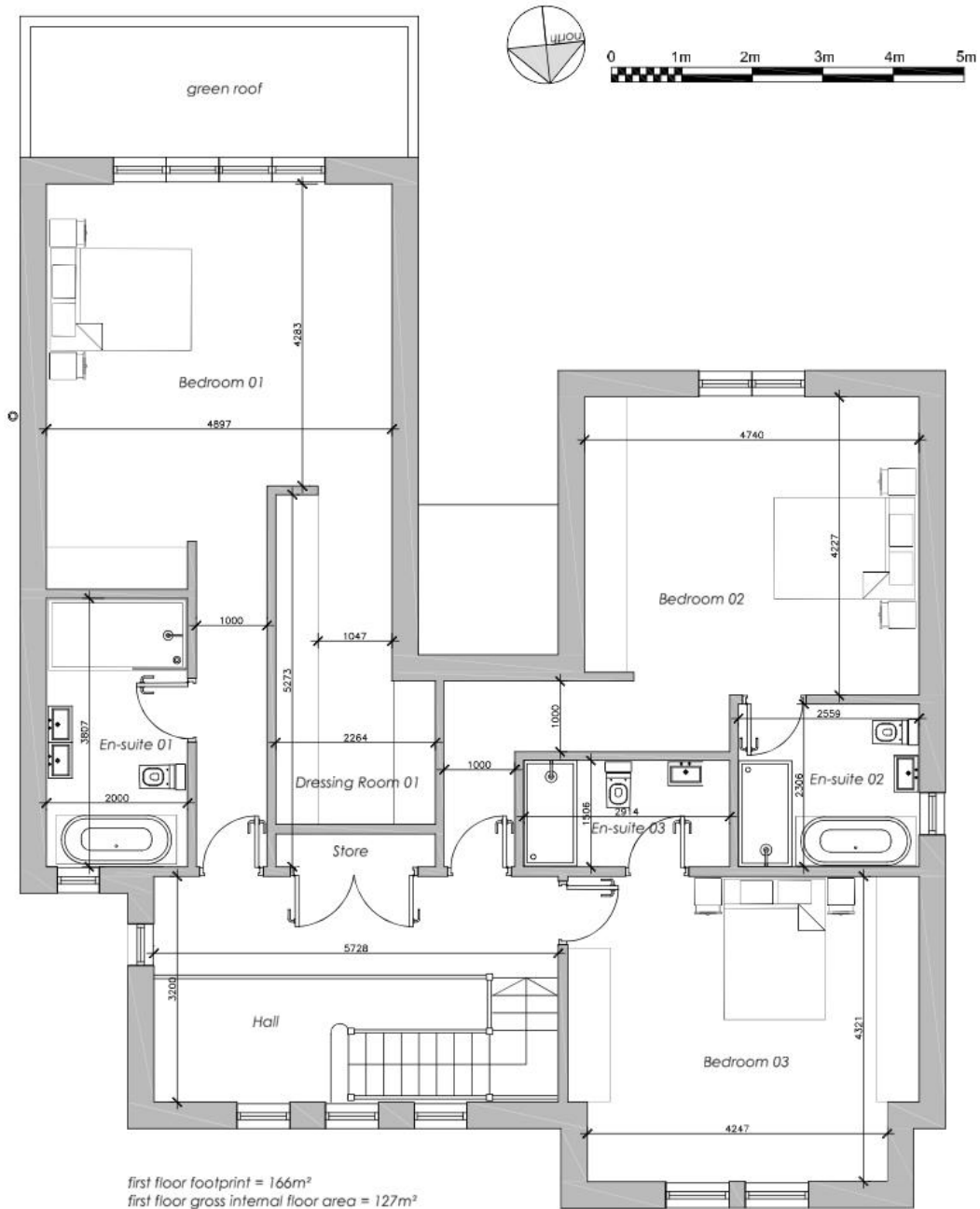


ASHP
 NIBE F2040 air source heat pump

Revisions
 Crossings House Design Ltd.
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 Tel: 07920 067411
 steve@crossingshouse.co.uk

CLIENT: Crawford Allan
 PROJECT: Development of 42 Muired Road, Perth, PH1 1JU
 DRAWN: sgr
 PROPOSED: Ground Floor Plan

SCALE: as noted @ A2 DATE: Dec 2023
 JOB NO: 23-018 DWG NO: [PL]004 REV: .



proposed first floor plan 1:50 @ A2



proposed roof plan 1:200 @ A2

ROOF PLAN REVISED SCALE ADDED IN 2023

Revisions

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 tel: 07920 067411
 steve@crossinghouse.co.uk

CLIENT:
 Crawford Allan

PROJECT:
 Proposed Development of 42 Mulend Road,
 Perth, PH1 1JU

DRAWING:
 Proposed First Floor Plan & Roof Plan

SCALE: as noted @ A2 DATE: Dec 2023 DRAWN: sgr

JOB NO: 23-018 DWG NO: (PJ)005 REV: A

original @ A2 size



proposed north elevation 1:100 @ A2

Roof finishes:
Redland Stonewold II concrete interlocking roof tiles, colour 'grey'

Wall finishes:
Sand/cement render, colour 'white'
Brickwork to front and rear gable and around openings:
Ibstock 65mm Lodge Lane Solid Smooth 'Blue'

Windows and external doors:
uPVC framed, colour 'Anthracite' RAL 7016
Store and front door colour 'Ochre Brown' RAL 8001

Rooflights:
Aluminium framed, colour 'Anthracite' RAL 7016

Eaves soffits/fascias:
Painted timber, colour 'Anthracite' RAL 7016

Rainwater goods:
uPVC, colour 'black'

Solar panels:
LG Neon 2 Black, 1,686mm x 1,016mm x 40 mm

Stove flue:
Shieldmaster twin wall flue, matt black powder coat finish.

Boundary treatments:
Existing boundary treatments retained. Existing opening to street widened by 1m.



proposed east elevation 1:100 @ A2



proposed south elevation 1:100 @ A2



proposed west elevation 1:100 @ A2

Revisions

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CLIENT:
Crowford Allan

PROJECT:
Proposed Development of 42 Mulend Road,
Perth, PH1 1JU

DRAWING:
Proposed Elevations

SCALE: as noted @ A2 DATE: Dec 2023 DRAWN: sgr

JOB NO: 23-018 DWG NO: [PJ]006 REV: .

original @ A2 size



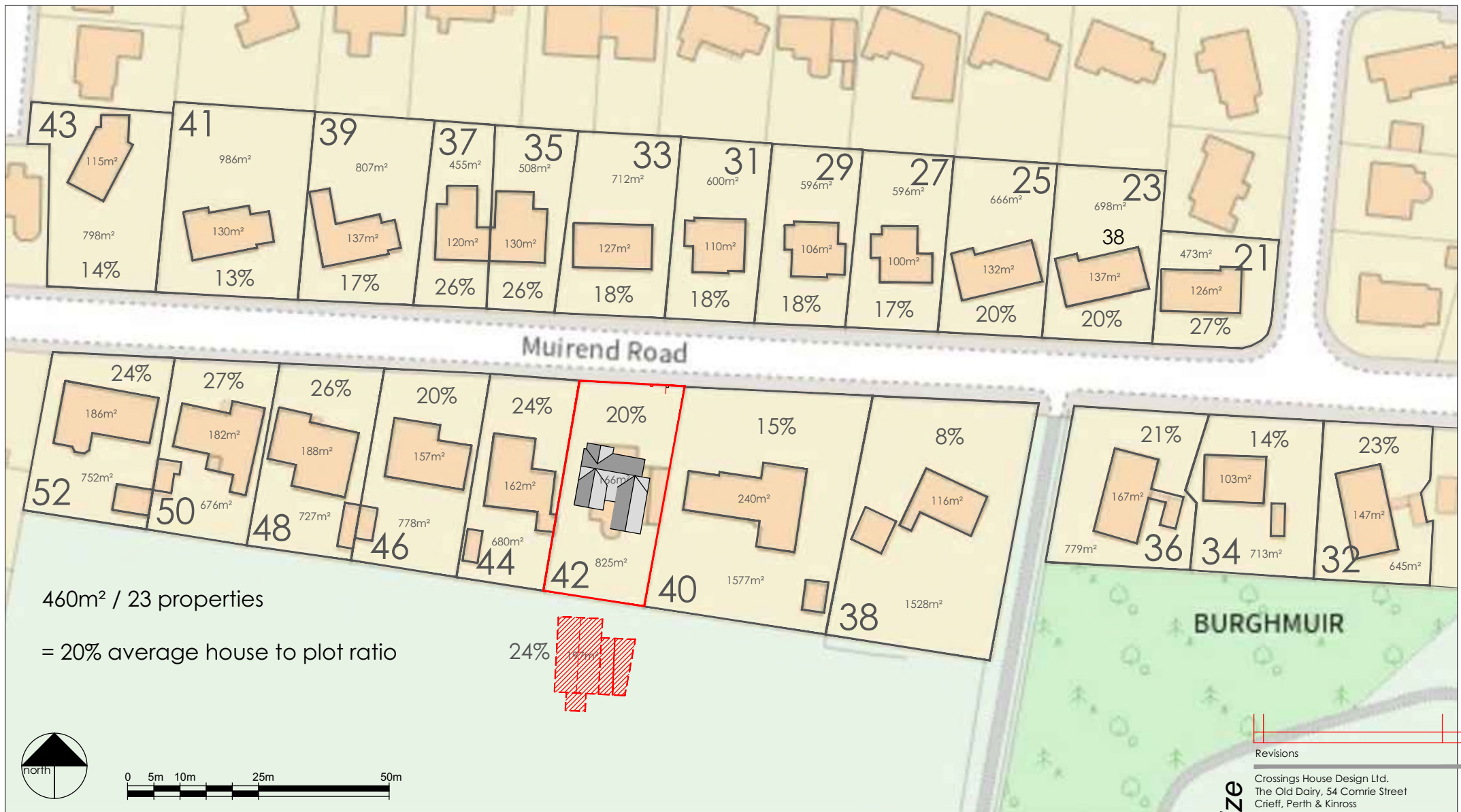
Revisions	

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 steve@crossinghouse.co.uk

CLIENT:
 Crawford Allan
 PROJECT:
 Proposed Development of 42 Mulend Road,
 Perth, PH1 1JU
 DRAWING:
 Proposed 3D Views

SCALE:	DATE:	DRAWN:
NTS	Dec 2023	agr
JOB NO:	DWG NO:	REV:
23-018	(PL)007	.

original @ A2 size



House to Plot Ratio Plan Muirend Road (not to scale)

Refusal states:

"..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."

An analysis was undertaken to establish the existing house to plot ratio in the environs (21 - 52 Muirend Road) to see if the proposal was an 'overdevelopment of the site' as stated. The house and plot sizes of 23 neighbouring properties in Muirend Road were measured from OS data and averaged. The average house to plot size was found to be 20%. The existing house to plot ratio at 42 Muirend Road is 24%. The proposed house to plot ratio is 20%. So, the proposal reduces the house to plot ratio from 24% to the environs average of 20%.

This shows that (in plan), the proposal is not 'overdevelopment of the site' in any way. Refer plan and notes above. Please refer to drawing 23-018(PL)012 for analysis of elevations.

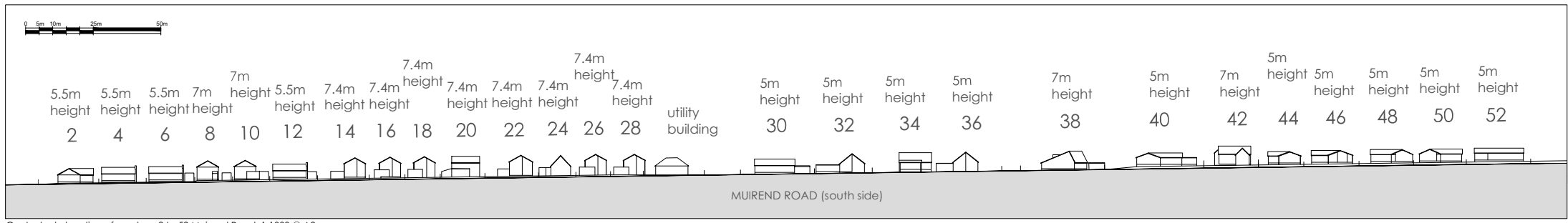
Revisions

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steve@crossingshouse.co.uk

CLIENT:
Crawford Allan
PROJECT:
Proposed Development of 42 Muirend Road,
Perth, PH1 1JU
DRAWING:
Existing Site Plan With House & Plot Areas

SCALE:	DATE:	DRAWN:
as noted @ A3	Mar 2024	sgf
JOB NO:	DWG NO:	REV:
23-018	(PL)011	.

original @ A3 size



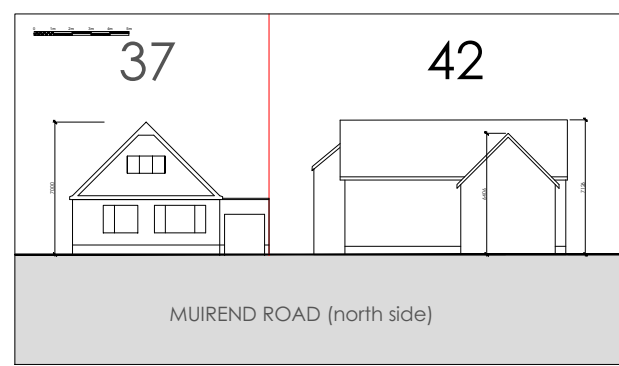
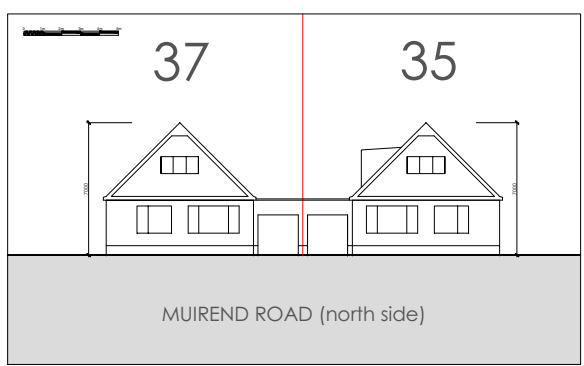
Refusal states:
 "...proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building heights and surrounding house types as a consequence the development is incompatible with the character and amenity of the area."
 "The design and resultant height of development does not respect the character of development in the locality."

An analysis was undertaken to establish the building heights, house types and relationships of the existing neighbouring properties in the environs (numbers 2 - 52 Muirend Road) to see if the proposal was indeed an 'overdevelopment of the site' and 'does not respect the character of development in the locality' as stated. The front elevations of the properties at 2 - 52 Muirend Road (south side) were assessed (and a number measured) and a contextual south elevation created, see above. The key points to note:

1. Muirend Road has a number of house types: single storey, two storey, detached and semi-detached, integrated and stand-alone garages. Some are gable fronted, others with roof ridges running parallel to the road. Most have been extended in some form.
2. Within numbers 2 - 52 on the south side of Muirend Road, the single storey adjacent to double storey relationship exists at 5 locations.
3. Within numbers 2 - 52 on the south side of Muirend Road, the tallest property is 7.4m above the adjacent ground level, which is in turn approx 600mm above pavement level. This is higher than the proposals for 42.
4. Within numbers 2 - 52 on the south side of Muirend Road, there are 11 properties (out of 27) that are as high or higher, than the proposals for 42.
5. 10 of these properties sit closer to the pavement than the proposals for 42, thereby increasing their perceived height from the street.
6. Number 34 on the south side of Muirend Road is almost identical to the proposals in both width and height, see comparative elevation below.

We would suggest that this shows that (in elevation), the proposal is not 'overdevelopment of the site' and is of a similar scale and in some cases lower than the neighbouring properties.

Please refer to drawing 23-018(PL)011 for analysis of environs in plan.



An analysis was also undertaken of the existing properties on the north side of Muirend Road close to the proposals. The key points to note:

1. Numbers 35 and 37 Muirend Road (almost directly opposite the proposals) are 7m in height. This is the same as the proposals for 42, see comparative elevations above.
2. As with the properties on the south side of Muirend Road noted above, these properties sit closer to the pavement than the proposals for 42.

We would suggest that this shows that, in elevation also, the proposal is not 'overdevelopment of the site' and is of a similar scale and in many cases lower than the neighbouring properties.

In summary, the proposals for 42 Muirend Road are no bigger than the neighbouring properties. In plan, the house to plot ratio sits exactly on the average of 20%. In elevation, the proposals for 42 Muirend Road are no bigger than many of the neighbouring properties. The grounds for the refusal would suggest that if some of the existing neighbouring two storey properties on Muirend Road were to burn down (heaven forbid), then they would not be granted planning approval to re-build, as they would be deemed 'overdevelopment'.

Revisions

Crossings: House Design Ltd.
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 tel: 07920 067411
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CLIENT:
 Crawford Allan

PROJECT:
 Proposed Development of 42 Muirend Road,
 Perth, PH1 1JU

DRAWING:
 Contextual Elevations

SCALE:
 as noted @ A2

DATE:
 Apr 2024

DRAWN:
 sgr

JOB NO:
 23-018

DWG NO:
 [PL]012

REV:
 .

original @ A2 size