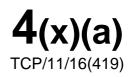
TCP/11/16(419)

Planning Application – 16/00701/FLL – Alterations to dwellinghouse at Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ

INDEX

- (a) Papers submitted by the Applicant (Pages 693-710)
- (b) Decision Notice (Pages 713-714)
 Report of Handling (Pages 715-721)
 Reference Documents (Pages 707-710 and 723-730)



TCP/11/16(419)

Planning Application – 16/00701/FLL – Alterations to dwellinghouse at Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ

PAPERS SUBMITTED BY THE APPLICANT



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 100010196-002

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. Ple	ease quote this reference if you need to conf	tact the planning Author	ority about this application.
Applicant or A	Agent Details		
	n agent? * (An agent is an architect, consult in connection with this application)	ant or someone else a	acting ☐ Applicant ☒ Agent
Agent Details			
Please enter Agent details	S		
Company/Organisation:	Cr Smith		
Ref. Number:		You must enter a B	uilding Name or Number, or both: *
First Name: *	Grant	Building Name:	Cr Smith
Last Name: *	Allan	Building Number:	
Telephone Number: *	01383 732181	Address 1 (Street): *	Gardeners Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 0RN
Email Address: *	grant.allan@crsmith.co.uk		
Is the applicant an individu	ual or an organisation/corporate entity? *		
☑ Individual ☐ Organ	nisation/Corporate entity		

Applicant De	tails		
Please enter Applicant of	details		
Title:	Mr	You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	Lilyoak
First Name: *	David	Building Number:	
Last Name: *	Barbour	Address 1 (Street): *	Sandy Lane
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Scotlandwell
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9HZ
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	Perth and Kinross Council		
Full postal address of th	e site (including postcode where available)	:	
Address 1:	Lilyoak		
Address 2:	Sandy Lane		
Address 3:	Scotlandwell		
Address 4:			
Address 5:			
Town/City/Settlement:	Kinross		
Post Code:	KY13 9HZ		
Please identify/describe	the location of the site or sites		
Northing	701761	Easting	318572

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Proposed replacement of timber windows with new uPVC windows. Proposed replacement of uPVC door with new uPVC door.
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).
Application for planning permission in principle.
☐ Further application.
Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice.
Grant of permission with Conditions imposed.
No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Please see supporting documentation for supporting statement.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			nd
Existing and Proposed Elevations. Window and Door details Supporting statement.			
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	16/00701/FLL		
What date was the application submitted to the planning authority? *	20/04/2016		
What date was the decision issued by the planning authority? *	09/06/2016		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further	information may b	е
Can this review continue to a conclusion, in your opinion, based on a review of the relevant it parties only, without any further procedures? For example, written submission, hearing sess of Yes No		ourself and other	•
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	inion:	
Can the site be clearly seen from a road or public land? *		Yes 🗌 No	
Is it possible for the site to be accessed safely and without barriers to entry? *	\boxtimes	Yes 🗌 No	
Checklist – Application for Notice of Review			
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of y	our appeal. Failu	re
Have you provided the name and address of the applicant?. *	🛛 Yes 🗌 N	lo	
Have you provided the date and reference number of the application which is the subject of treview? *	his 🛛 Yes 🗌 N	lo	
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *	h the		
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	⊠ _{Yes} □ _N	lo	
Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary on and wish the Local Review Body to consider as part of your review.	ortunity to add to your starry information and evide	atement of review nce that you rely	
Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	⊠ _{Yes} □ _N	lo	
Note: Where the review relates to a further application e.g. renewal of planning permission o planning condition or where it relates to an application for approval of matters specified in co application reference number, approved plans and decision notice (if any) from the earlier co	nditions, it is advisable to		

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Grant Allan

Declaration Date: 14/06/2016



Grounds of Appeal Statement

On behalf of

Mr & Mrs Barbour

Proposed replacement of existing timber windows with new oak PVCu windows.

Planning ref 16/000701/FLL Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ

Our Proposal

The following is to be read in support of our appeal against the refusal of planning permission at Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ.

The Planning Department has rejected our application on the grounds that three of the proposed windows (lines 3, 4 and 5) would have a negative impact on the integrity and character of the existing property and that of the wider conservation area. However, the Case officer was willing to accept uPVC windows on the other elevations but not on the "public elevation" (facing north).

We are currently proposing to replace a 3 timber windows on the North elevation and 1 timber window on the East elevation. We are also proposing to replace an uPVC door with a new uPVC door on the West elevation. There is already uPVC installed throughout the property so the proposal of the use of uPVC would bring uniformity to the building.

Surrounding Area

Our client's property lies within a Conservation Area which has changed in appearance over the years. Having looked at the surrounding area, we do not see how installing our uPVC windows will take away from the property or area. There is already uPVC installed in surrounding properties and plenty in non-traditional styles. Neighbours in Levenside and Hawthorn Bank currently have dormers with uPVC windows installed facing the public roads and visible to the public. The location of the 3 windows in question is off a private dirt track whom only my client and neighbour use as access to their properties. The windows cannot be seen from public view as stated by the Case Officer.



IPVC dormer windows at Hawthorn Bank.



View to Sandy Lane from Main Road.



View from Sandy Lane (not visible to public)



You can see from the photo above that the dilapidated timber windows from Lilyoak have not coped well with harsh conditions of our winter. Visible defects include gaps at sills, which must lead to draughts, as well as flaking and missing paint.

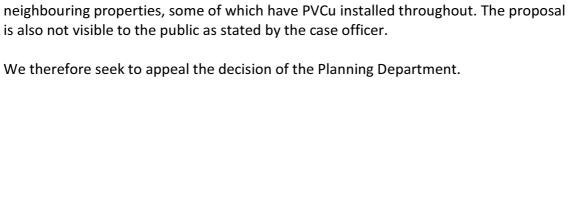
Why PVCu benefits our client

Mr & Mrs Barbour would rather replace their existing timber windows with PVCu rather than timber for a variety of reasons;

- The new PVC-u windows will have a u-value of 1.4 w/m²k, thus improving air infiltration and reducing heat loss. Also, these new windows will improve sound insulation and security. PVCu windows are also easier to maintain. Mr & Mrs Barbour feel that the purchase of PVC-u windows will benefit them economically, reducing an expensive heating bill. The proposed opening methods would also help ventilation throughout the house.
- The new PVC-u windows will not radically alter the aesthetic of the windows.
 We are proposing less astragals so more light can enter the rooms, however if the same amount of astragals as existing is requested, we would be willing to compromise and adopt the same split as the existing windows.
- Furthermore, our clients do not have the means to pay for timber windows
 which can be twice the price of PVCu and are more difficult to maintain. If this
 appeal is unsuccessful, the worn and damaged existing timber windows will
 remain.

Conclusion

The Planning Department has refused our application on the basis that accepting it would be deemed detrimental to the conservation area. Our proposals differ very slightly to what is already in place. We feel that our proposal is not unsympathetic, does not threaten the visual character of the conservation area and matches the neighbouring properties, some of which have PVCu installed throughout. The proposa is also not visible to the public as stated by the case officer.



Our Sliding sash windows on traditional properties



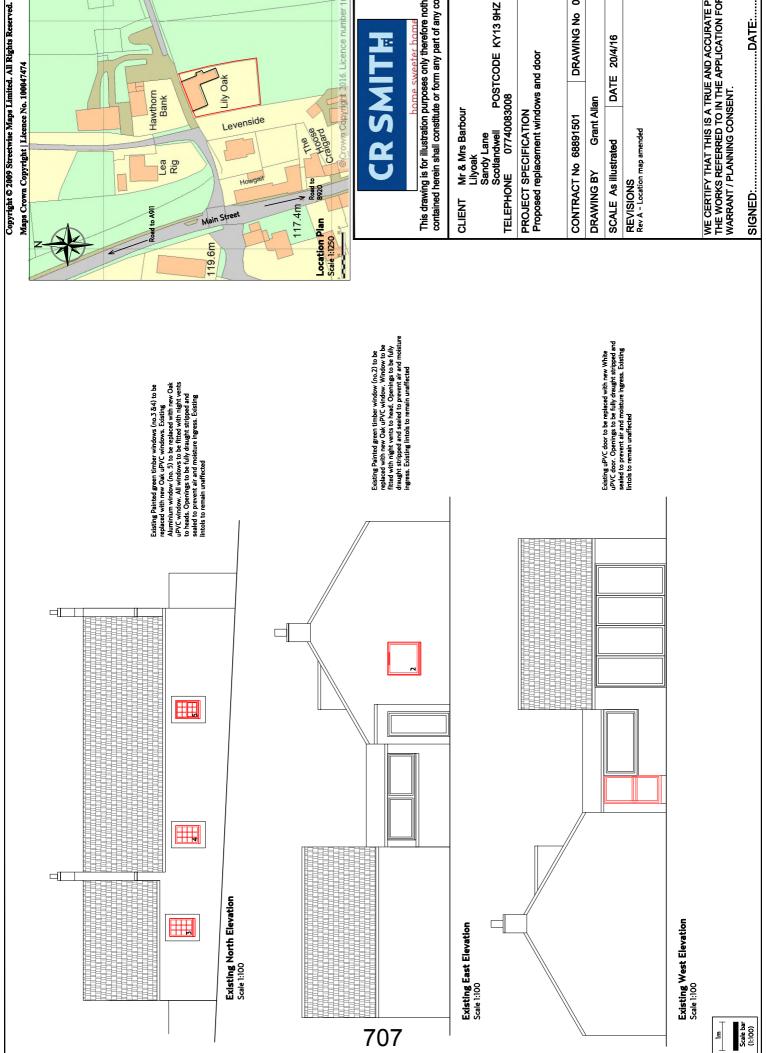








Grounds of Appeal Statement for Refusal of Planning Permission at Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ.

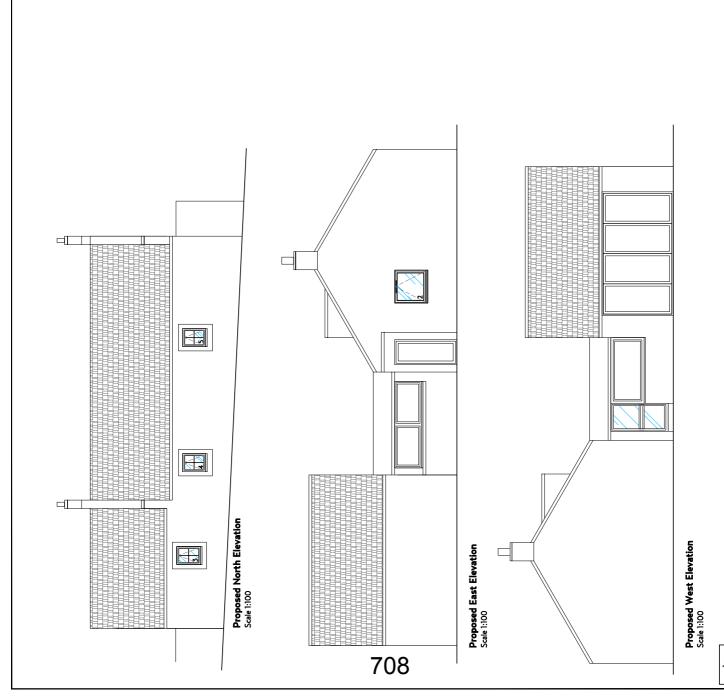


wn Capyright 2016. Licence number 1 00047474 Ruin

This drawing is for illustration purposes only therefore nothing contained herein shall constitute or form any part of any contract

8 DRAWING No WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

SIGNED:.....DATE:....





This drawing is for illustration purposes only therefore nothing contained herein shall constitute or form any part of any contract

CLIENT Mr & Mrs Barbour Lilyoak Sandy Lane Scotlandwell POSTCODE KY13 9HZ TELEPHONE 07740083008

PROJECT SPECIFICATION
Proposed replacement windows and door

DRAWING No 002 CONTRACT No 68891501

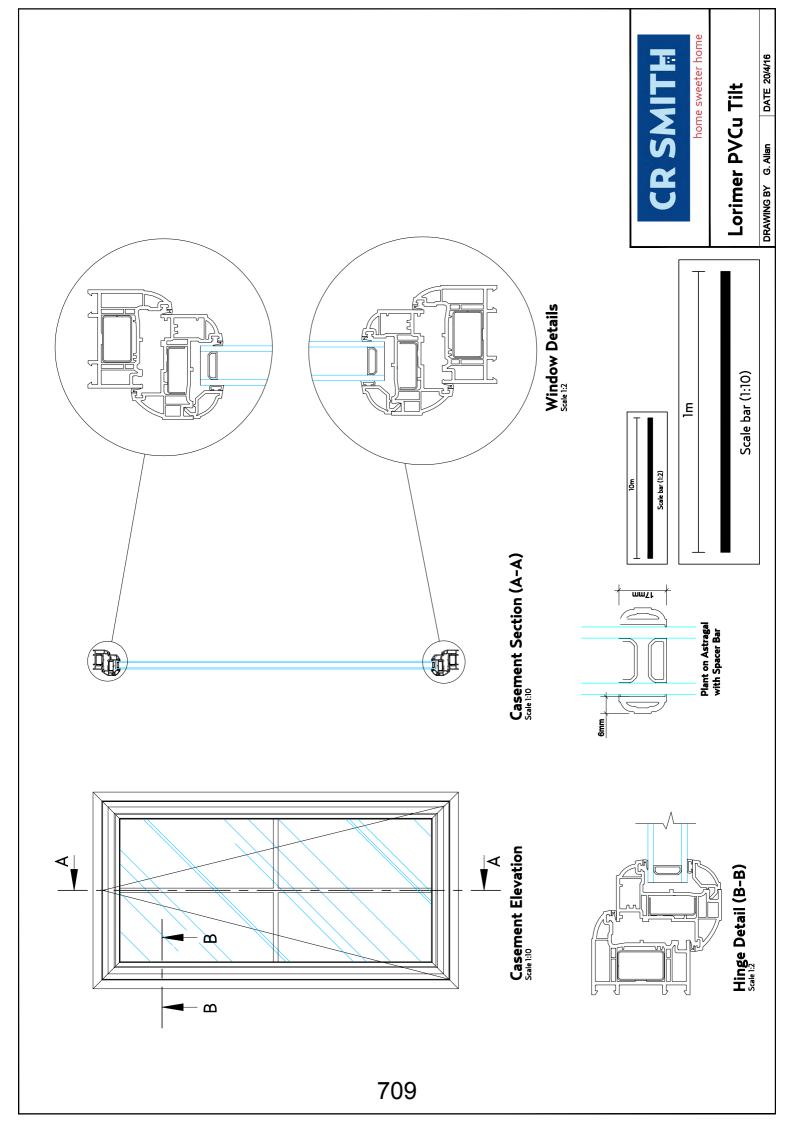
DATE 20/4/16 Grant Allan SCALE As illustrated DRAWING BY

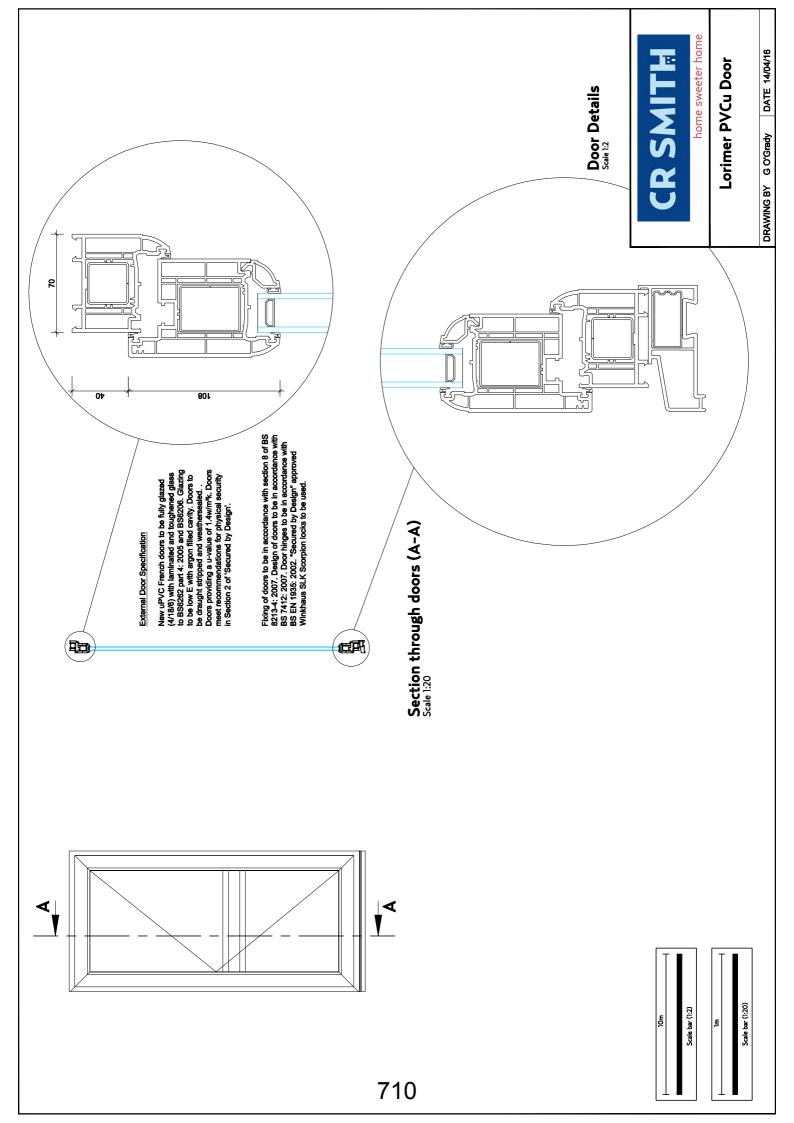
REVISIONS Rev A - Labels amended

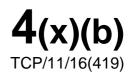
WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

SIGNED:.....DATE:

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TCP/11/16(419)

Planning Application – 16/00701/FLL – Alterations to dwellinghouse at Lilyoak, Sandy Lane, Scotlandwell, Kinross, KY13 9HZ

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT (part included in applicant's submission, see pages 707-710)

PERTH AND KINROSS COUNCIL

Mr David Barbour c/o Cr Smith Grant Allan Cr Smith Gardeners Street Dunfermline Scotland KY12 0RN Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 09.06.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 16/00701/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 25th April 2016 for permission for **Alterations to dwellinghouse Lilyoak Sandy Lane Scotlandwell Kinross KY13 9HZ** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

- 1. Replacement windows 3, 4 and 5, by virtue of their inappropriate specification of thick framed, oak coloured upvc, tilting, single-pane windows (with plant on astragals and trickle vents) would contribute to the erosion of the character and appearance of the Conservation Area. Approval would therefore be contrary to Policies HE3A, PM1A, PM1B(c) and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to preserve and enhance the character and appearance of the Conservation Area by ensuring that the design and specification of a proposed development complement its surroundings.
- 2. Approval of an inappropriate specification of windows would be contrary to the Perth & Kinross Placemaking Guide, which states that existing historic windows should be retained and repaired where possible, and that replacement historic windows in conservation areas should match the originals as closely as possible in design, detail, materials and opening mechanism.

Justification

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

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



REPORT OF HANDLING DELEGATED REPORT

Ref No	16/00701/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	24.06.2016	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations to dwellinghouse

LOCATION: Lilyoak Sandy Lane Scotlandwell Kinross KY13 9HZ

SUMMARY:

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

DATE OF SITE VISIT: 27 April 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Lilyoak, an unlisted detached cottage which is located within the Scotlandwell Conservation Area. This application seeks detailed planning permission for the replacement of four windows and a door.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: Not Applicable.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states "By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

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

OTHER POLICIES

Perth & Kinross Council's Placemaking Guide states that;

Unlisted buildings in conservation areas

"Existing historic windows and doors should be retained and repaired where possible. Replacement historic windows and doors in conservation areas should match the originals as closely as possible in design, detail, materials and opening mechanism".

CONSULTATION RESPONSES

None Required.

REPRESENTATIONS

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

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and 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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

In general terms, developments which are ancillary to an existing domestic dwelling are considered to be acceptable in principle. However, consideration must be given to the design, detail, materials, opening mechanism and proportions of any proposal; whether it would have an adverse impact on visual amenity and whether it would preserve and enhance the character and appearance of the Conservation Area.

Design and Layout

The existing dwellinghouse is accessed from Sandy Lane, an asserted Right of Way which serves a handful of houses. The property has been extended in the past, beyond the principal elevation which faces South, away from the lane.

The door on the West elevation of the extension, the window on the East elevation (window 2) and one window on the North elevation (window 5) are modern installations. Windows 3 and 4 on the North elevation are traditional and attractive 12 pane timber windows.

The proposals seek to replace the aforementioned door and four windows.

Landscape

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

Residential Amenity

The residential amenity of neighbouring properties would not be adversely affected by the proposals.

Visual Amenity

As noted above, the property is prominently located on an asserted Right of Way, within the Scotlandwell Conservation Area. The replacement of the door and window 2 is considered to be acceptable, given that the existing elements are modern installations. However, the specification of the replacement windows on the North elevation is considered to be inappropriate for a number of reasons.

The proposal to replace the 12-pane timber windows on the prominent North elevation of the property with thick framed, oak upvc, tilting, single-pane windows (with plant on astragals and trickle vents) is considered to be unacceptable. None of these features would contribute positively to the

surrounding built environment, nor would they preserve and enhance the character and appearance of the Conservation Area – they would detract from the traditional character of the area.

It is accepted that there are certain features in the surrounding area which do not contribute positively to the character and appearance of the Conservation Area; however, they do not present a suitable justification for further erosion and degradation of the Conservation Area.

Roads and Access

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

Drainage and Flooding

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

Developer Contributions

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

Economic Impact

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

Conclusion

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

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- Replacement windows 3, 4 and 5, by virtue of their inappropriate specification of thick framed, oak coloured upvc, tilting, single-pane windows (with plant on astragals and trickle vents) would contribute to the erosion of the character and appearance of the Conservation Area. Approval would therefore be contrary to Policies HE3A, PM1A, PM1B(c) and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to preserve and enhance the character and appearance of the Conservation Area by ensuring that the design and specification of a proposed development complement its surroundings.
- Approval of an inappropriate specification of windows would be contrary to the Perth & Kinross Placemaking Guide, which states that existing historic windows should be retained and repaired where possible, and that replacement historic windows in conservation areas should match the originals as closely as possible in design, detail, materials and opening mechanism.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00701/1 16/00701/2 16/00701/3 16/00701/4 16/00701/5

16/00701/6

Date of Report 08.06.2016

