

**TCP/11/16(579) – Planning Application – 18/01767/FLL –
Alterations and extension to dwellinghouse (in part
retrospect) at Greenmount, 69 Main Street, Longforgan,
Dundee**

INDEX

- (a) Papers submitted by the Applicant (***Pages 9-26***)
- (b) Decision Notice (***Pages 17-18***)
 - Report of Handling (***Pages 29-38***)
 - Reference Documents (***Pages 19-20 and 39-42***)
- (c) Representations (***Pages 43-60***)

**TCP/11/16(579) – Planning Application – 18/01767/FLL –
Alterations and extension to dwellinghouse (in part
retrospect) at Greenmount, 69 Main Street, Longforgan,
Dundee**

**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 100138700-004

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.

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:	Atelier-M Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alan	Building Name:	The Studio
Last Name: *	Macdonald	Building Number:	77
Telephone Number: *	01382 360378	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Longforgan
Fax Number:		Country: *	Perthshire
		Postcode: *	DD2 5EW
Email Address: *	mail@atelier-m.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Greenmount"/>
First Name: *	<input type="text" value="Brian"/>	Building Number: <input type="text" value="69"/>
Last Name: *	<input type="text" value="Dooley"/>	Address 1 (Street): * <input type="text" value="Main Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Longforgan"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="DD2 5EW"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GREENMOUNT"/>
Address 2:	<input type="text" value="69 MAIN STREET"/>
Address 3:	<input type="text" value="LONGFORGAN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD2 5EW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="730031"/>	Easting	<input type="text" value="331084"/>
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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)

Alterations and extension to dwellinghouse (in part retrospect) at Greenmount 69 Main Street Longforgan Dundee DD2 5EW

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 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.

Within the Consent, Ref 18/01767/FLL, we are objecting to Condition 2 where it states that the window must be fitted with obscure glass, Pilkington Privacy Level 3 or equal. This is, we believe, more onerous than the original Consent, Ref 17/0763/FLL, where it was stated that the windows on the West Elevation shall be fitted with obscure glazing which shall be maintained in perpetuity. An opaque film makes the glazing obscure and is acceptable to most Planning Departments across Scotland & UK.

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 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 submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Original Consent Ref : 17/0763/FLL 2. Current Consent Ref : 18/01767/FLL 3. Elevations and Plans 4. Photo

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01767/FLL

What date was the application submitted to the planning authority? *

01/10/2018

What date was the decision issued by the planning authority? *

20/11/2018

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

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? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

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 ☐ No

Note: 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. 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.

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 ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name: Mr Alan Macdonald

Declaration Date: 07/12/2018

PERTH AND KINROSS COUNCIL

Mr Brian Dooley c/o Atelier-M Ltd Alan Macdonald The Studio 77 Main Street Longforgan DD2 5EW	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 20 November 2018

Town and Country Planning (Scotland) Acts.

Application Number **18/01767/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 1st October 2018 for planning permission for **Alterations and extension to dwellinghouse (in part retrospect)** at Greenmount 69 Main Street Longforgan Dundee DD2 5EW subject to the undernoted conditions.

Interim Development Quality Manager

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 For the avoidance of doubt, and within eight weeks of this decision notice, the window serving the study/guest bedroom on the west elevation shall be fitted with obscure glass to a minimum height of 1.8 metres above internal finished floor level. The obscure glazing shall be a Pilkington privacy level of 3 or more (or equivalent) and shall be maintained for the life of the building to the satisfaction of the Council as Planning Authority.

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

Justification

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

Informatives

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 An application for Building Warrant may be required.

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 and Document Reference

18/01767/1

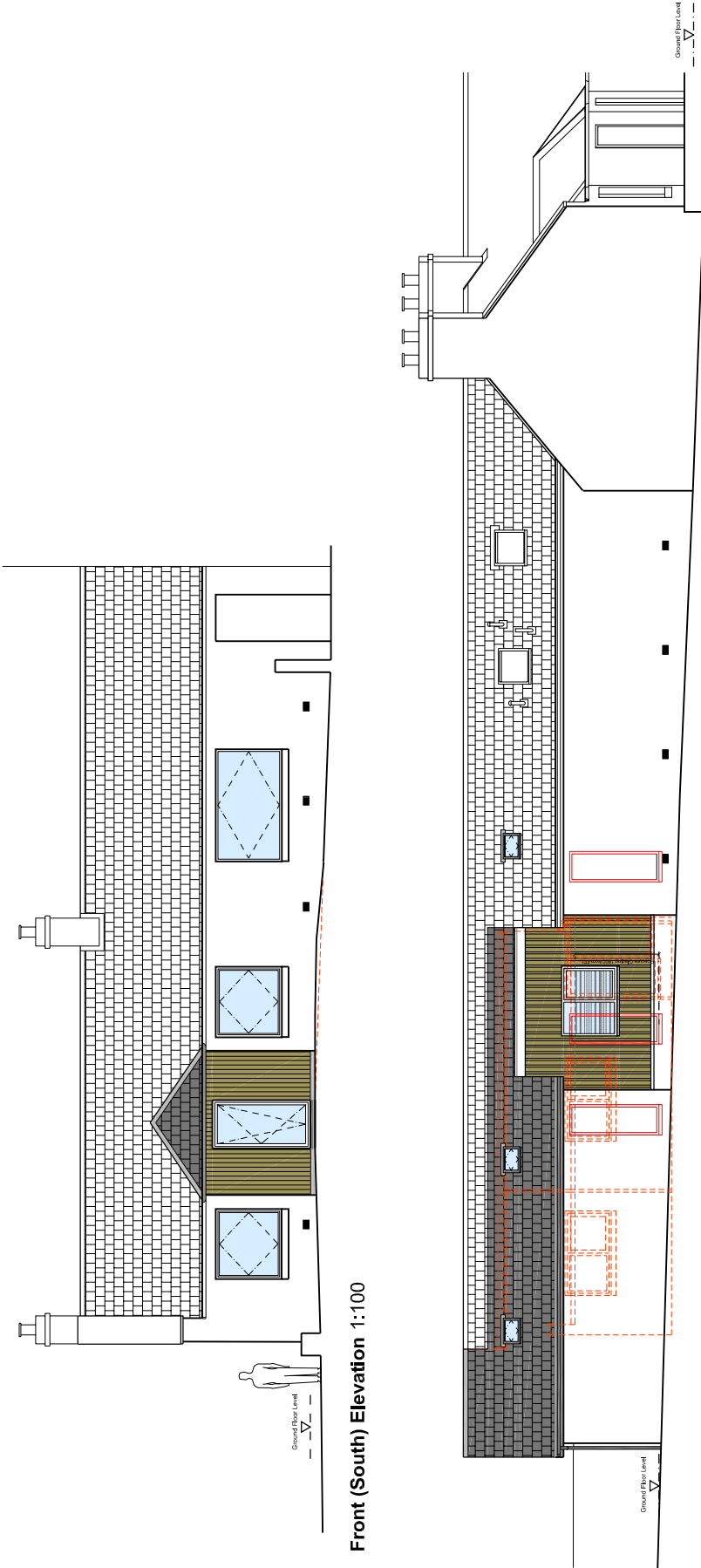
18/01767/2

18/01737/4

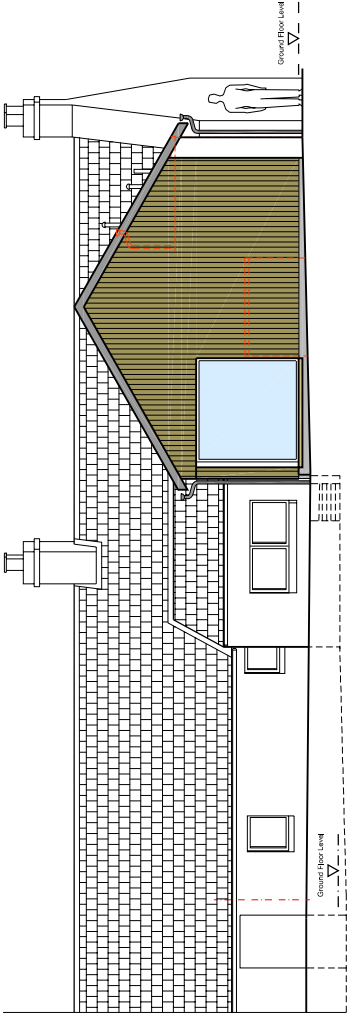
18/01767/6

18/01767/7

18/01767/8

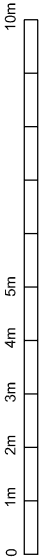
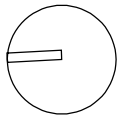


Gable (West) Elevation 1:100



Rear (North) Elevation 1:100

North



Rev B Nov'18
Window amended to bedrooms
Rev A Sept'18
Plans amended to suit warrant
requirements

Revisions

Outline Specification

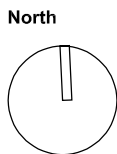
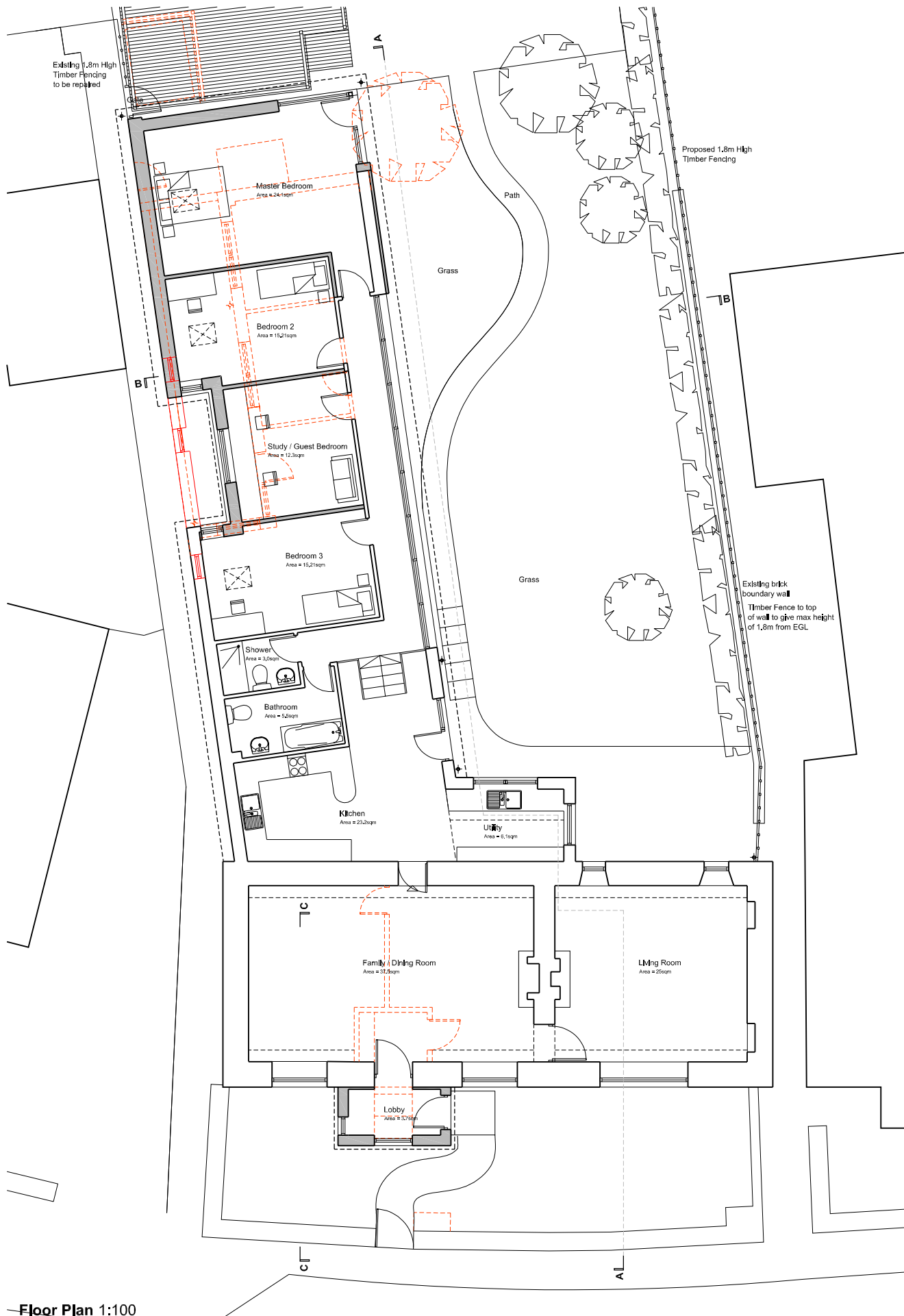
- Roofs**
Roof to be clad in natural slate. Colour to match existing slates.
Proprietary Code 5 lead ridge flashing and gable verge flashing, colour to match sheeting.
Fascia and soffits to be painted timber, colour to be dark grey to match existing.
- Sundries**
Gutters to be uPVC deepflow half round, downpipes to be circular uPVC, colour to be black
- Rooflights**
Proprietary Valux rooflights, powder coated, aluminium frame, colour to be dark gray.
- Walls**
Vertical 1+g timber cladding, colour to be muted jade green.
Smooth render wall, colour to be white to match existing.
- Windows**
Windows and doors to be uPVC argon filled Low E double glazed units, colour to be white.
Entrance doors to be solid oak door.
Existing windows to Main street to be replaced as above.
Window to Study / Bedroom 4 to have obscure glazing up to a height of 1.8m from FFL.

ATELIER-M

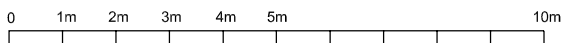
project		title		job no.	
Proposed Alterations to		Elevations		1706	
'Greenmount' 69 Main St Longforgan		As Proposed		1706	
client		Planning / Warrant Application		(20)007	
drawn		date		rev.	
Mr & Mrs B Dooley		April 2017		B	
checked		scale		1:100@ A3	
AM		AM			

THE STUDIO
77 Main Street
Longforgan
Perthshire
DD2 5EW
T: 01382 360378
mail@atelier-m.co.uk
www.atelier-m.co.uk

Registered Office: 2 Westbank Road Longforgan Company No : SC289842



Floor Plan 1:100



as Proposed

Rev B Nov'18
Window amended to bedrooms
Rev A Sept'18
Plans amended to suit warrant requirements
Revisions

project
**Proposed Alterations to
'Greenmount' 69 Main St Longforgan**
client
Mr & Mrs B Dooley
drawn **AM** checked **20**

title
**Floor Plan
As Proposed
Planning / Warrant Application**
date **20 April 2017**
scale **1:100@ A3**

job no.
1706
drg no.
(20)005
rev.
B

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PERTH AND KINROSS COUNCIL

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Alan Macdonald
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77 Main Street
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DD2 5EW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD


Date 30 June 2017

Town and Country Planning (Scotland) Acts.

Application Number **17/00763/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 3rd May 2017 for planning permission for **Alterations and extension to dwellinghouse** at Greenmount 69 Main Street Longforgan Dundee DD2 5EW subject to the undernoted conditions.

PR


Interim Head of Planning

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 The windows on the west elevation of the dwellinghouse hereby approved shall be fitted with obscure glazing which shall be maintained in perpetuity all to the satisfaction of the Council as Planning Authority.

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

- 3 Prior to the commencement of the development hereby approved, a RAL colour chart indicating the colour of the proposed timber cladding to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Justification

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

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.

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 and Document Reference

17/00763/2

17/00763/1

17/00763/3

17/00763/4

17/00763/5

17/00763/6

17/00763/7

17/00763/8

17/00763/9

17/00763/10

17/00763/11

**TCP/11/16(579) – Planning Application – 18/01767/FLL –
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retrospect) at Greenmount, 69 Main Street, Longforgan,
Dundee**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 19-20)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01767/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	30.11.2018	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and extension to dwellinghouse (in part retrospect)

LOCATION: Greenmount 69 Main Street Longforgan Dundee DD2 5EW

SUMMARY:

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

DATE OF SITE VISIT: 25 October 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a detached residential property located within the conservation area in Main Street, Longforgan. Adjacent to the site is Longforgan Primary School, a category B listed building and Market Cross, a category A listed building.

The dwellinghouse fronts the public road with vehicular access obtained from Paterson Place to the rear (north). The majority of garden ground is located to the rear which is generously sized.

Full planning consent was obtained in July 2017 (17/00763/FLL) to increase the footprint of a previous addition incorporating a courtyard area and also to increase the length of a former extension by approximately 2 metres.

It has been brought to the Enforcement Officer's attention that the structure does not comply with the approved plans, in particular the west elevation wall and windows vary significantly.

Planning condition 2 of 17/00763/FLL required obscure glazing on the west elevation which has not been provided on the windows installed, and the window numbers, position, and design are different from approved.

The proposed amendments could not be considered as a non-material variation as the site is located within the Longforgan Conservation Area. Furthermore, the proposed amendment to the wall and windows will result in windows closer to the boundary than previously approved.

Full planning consent is hereby sought to regularise the development.

SITE HISTORY

06/00263/OUT	Erection of a dwellinghouse (in outline) (Application Permitted)
17/00763/FLL	Alterations and extension to dwellinghouse (Application Approved)

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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.

Scottish Planning Policy (June 2014)

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of particular relevance to this application is:

- Paragraphs 135 – 144 ‘Valuing the Historic Environment’

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Within the approved Strategic Development Plan, TAYplan 2016, the primary policy of specific relevance to this application is:-

Policy 9: Managing TAYplan's Assets

Policy 9 seeks to safeguard townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

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 RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

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 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 HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Historic Environment Policy Statement 2016

This policy statement is a document to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Section 14 & 59 of this Act requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which the building possesses.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
Section 64 (1) of this Act requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

EXTERNAL CONSULTATION RESPONSES

Dundee Airport Ltd – no objections.

Historic Environment Scotland – no objections.

INTERNAL CONSULTATION RESPONSES

Development Negotiations Officer – no contribution required.

REPRESENTATIONS

The following points were raised in the one representation received:

1. The extension built is materially different from the original planning application and had we been given the opportunity to comment on accurate plans we would have objected at the time;
2. The windows on the west elevation are not opaque glazing as per the original application. An opaque film is not acceptable.
3. Overlooking from windows on west elevation resulting in a loss of privacy and security.
4. The location of the windows on the west elevation allow views over the top of the neighbouring fence which is only located 3-4 metres away. This has resulted in a loss of privacy of a master bedroom, en-suite and conservatory.

The above points are addressed in the appraisal section of the report.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	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 2016 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

The site is located within the settlement boundary of Longforgan where Policies RD1: Residential Areas, Policy PM1A and B: Placemaking, HE3: Conservation Areas and Policy HE2 Listed Buildings are directly applicable.

Policy RD1 states that 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.

Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B is;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Policy HE3 seeks to ensure that proposals protect and enhance the Conservation Area.

The listed building policy (HE2) states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

It is considered that the proposed development complies with these policies.

Design and Layout

Works have commenced on site and it was brought to the Enforcement Officer's attention that there is a deviation from the approved plans. The extension as per the approved drawings on 17/00763/FLL was to be constructed directly on the boundary/edge of the path. It contained 3 windows, all of which were conditioned to be opaque glass.

To set back the windows a minimum of one metre from the boundary in order to comply with building regulations the western wall has been set back, in part, forming a recessed area.

One large window faces the boundary and 2 slimmer windows face each other. None of which are opaque glazing. Unfortunately these works have been completed without planning consent. It is also regrettable this deviation has been made without first seeking planning approval as the agent was made aware of the window to boundary distances required for building regulations prior to the determination of 17/00763/FLL.

Nonetheless, the amendment to the western wall does not raise any significant concerns. A length of approximately 3.5 metres has been set in approximately 1.1 metres from the edge of the footpath.

In terms of the windows, the proposal is to put an obscure film on to protect the residential amenity of the neighbouring property, of which raises concerns. This is addressed under “residential amenity”.

Landscape

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

The amendment to the window configuration, increased size of window and proposed obscure film has raised concerns from a neighbouring property. The Council has a duty to evaluate planning proposals. When the proposal is for a residential dwelling, it must consider the amenity of existing neighbours.

It must also consider the amenity of those who will live in the dwellinghouse of the application site and it must consider too the amenity of those who will, in the future, come to live in the dwellinghouse of the application site and the neighbouring properties.

The main window in the western elevation facing the footpath is approximately 1.5 metres in length by 1.2 metres in height. The glass at its lowest point sits approximately 1.2 metres above ground level which looks on to a 1.8 metre high fence only 2 metres away. The footpath referred to is privately owned by the house to the rear. The other two windows, the two facing into each other on the north and south elevations, are described as two narrow windows with a viewing pane of approximately 360mm. Although these windows are located closer to ground level and reach a height of 1.7 metres they will provide little outlook due to their field of vision and little daylight as they face each other and neighbour's flank at close range.

There is a requirement to balance the need for natural light and outlook to the application site with the neighbouring property's entitlement to privacy. Privacy within the home is a material planning consideration. Privacy is generally secured either by maintaining a distance between principal room windows or, if that is not possible, by screening the windows from view.

Windows may be screened by obscure glazing. They may also be screened by boundary treatment, such as fencing or hedging or boundary walls. At ground floor level, where properties are separated by fencing as they are here, albeit a one metre

width path in between, there is not usually a need for obscure glazing too. The difficulty here is that the finished floor level relative to the fence height allows views over the fence and at close range.

The applicant requested an obscure film be applied in lieu of obscure glazing, however, this is not considered to be a permanent solution, more so one of a temporary nature. Furthermore, it was a condition of the previous permission that the windows be obscure glazing. Failure to build according to the approved plans, such as by inserting clear glass where obscure glazing was approved, is a breach of control which has raised concerns from neighbouring properties.

In light of the above I consider it necessary for obscure glazing to be inserted on the large window serving the study/guest bedroom in order to protect the privacy of the neighbouring property. I acknowledge the footpath is private and used regularly by the property to the rear, however, the views achieved from the side windows towards the neighbouring property to the west and over the footpath are not to an extent which would have a significant detrimental impact on residential amenity.

The applicant/agent requested that a clear glass strip could be retained at the top of the window. Whilst I see no real merit in this, providing it is above 1.8 metres in height above internal finished floor level it will not have a significant detrimental impact on residential amenity.

The drawings were amended accordingly, however, for the avoidance of doubt a condition will be added to the consent. The level of obscurity required will also be included as part of the condition.

Roads and Access

No changes are proposed to the existing parking or access arrangements.

Drainage and Flooding

The site is not within an area at risk of flooding. There are no concerns with drainage as part of this proposal.

Conservation Considerations

The overall impact of the proposal is considered to be minimal and in this instance does not significantly impact on the character or appearance adjacent listed buildings or the wider Conservation Area.

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.

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 considered to comply with the approved TAYplan 2016 and 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 approval subject to conditions.

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

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 For the avoidance of doubt, and within 8 weeks of this decision notice, the window serving the study/guest bedroom on the west elevation shall be fitted with obscure glass to a minimum height of 1.8 metres above internal finished floor level. The obscure glazing shall be a Pilkington privacy level of 3 or more (or equivalent) and shall be maintained for the life of the building to the satisfaction of the Council as Planning Authority.

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

Justification

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

Informatives

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 An application for Building Warrant may be required.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01767/1
18/01767/2
18/01737/4
18/01767/6
18/01767/7
18/01767/8

Date of Report 20 November 2018



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Location Plan 1:1250

Revisions

project	Proposed Alterations to 'Greenmount' 69 Main St Longforgan		
client	Mr & Mrs B Dooley		
drawn	AM	checked	2017

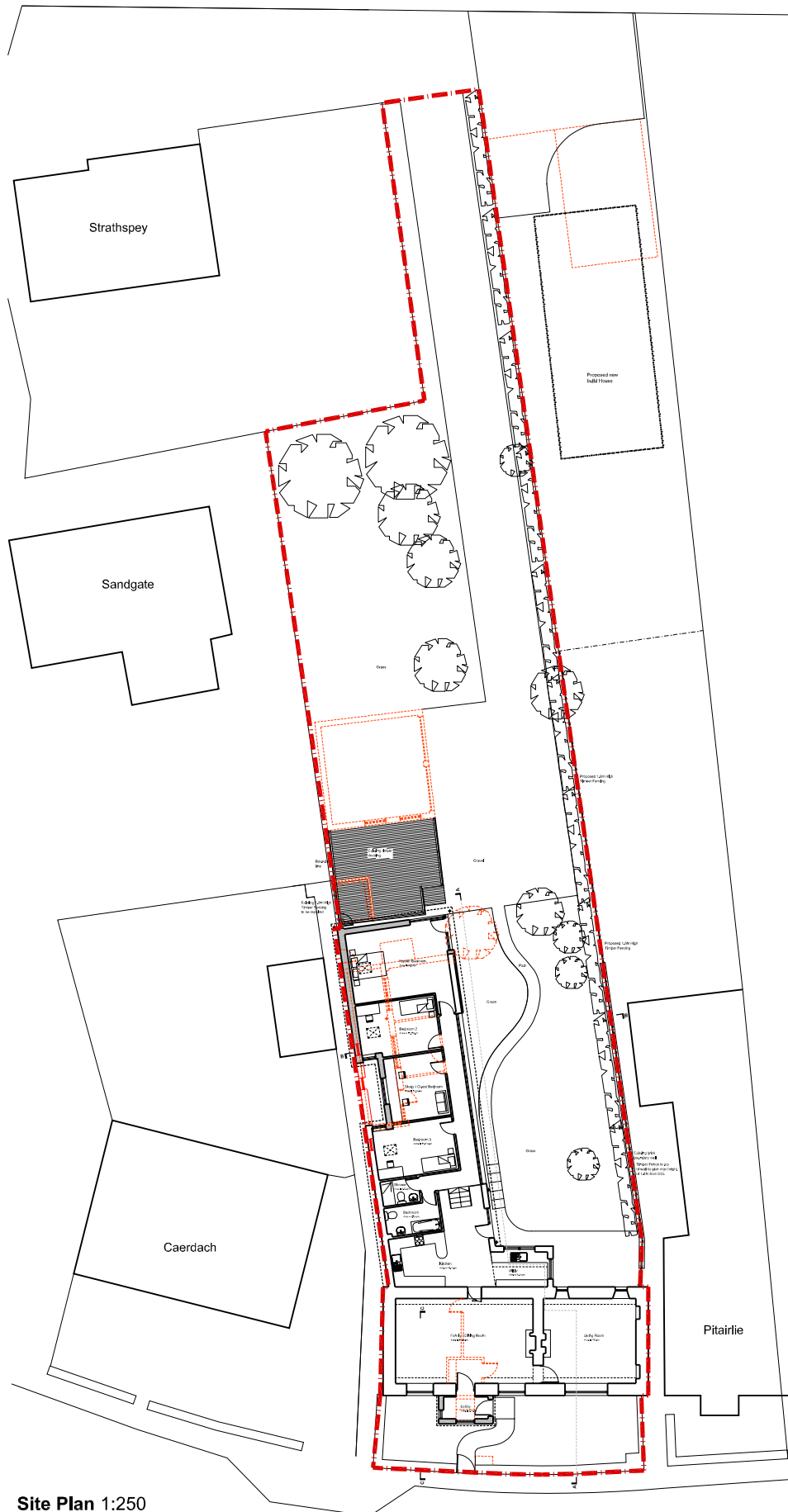
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	Planning / Warrant Application		
date	April 2017	scale	1:1250@ A3

ATELIER - M

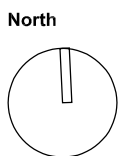
job no.
1706
drg no.
(00)001
rev.

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T:01382 360378
mail@atelier-m.co.uk
www.atelier-m.co.uk





Site Plan 1:250



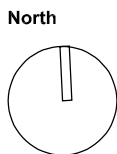
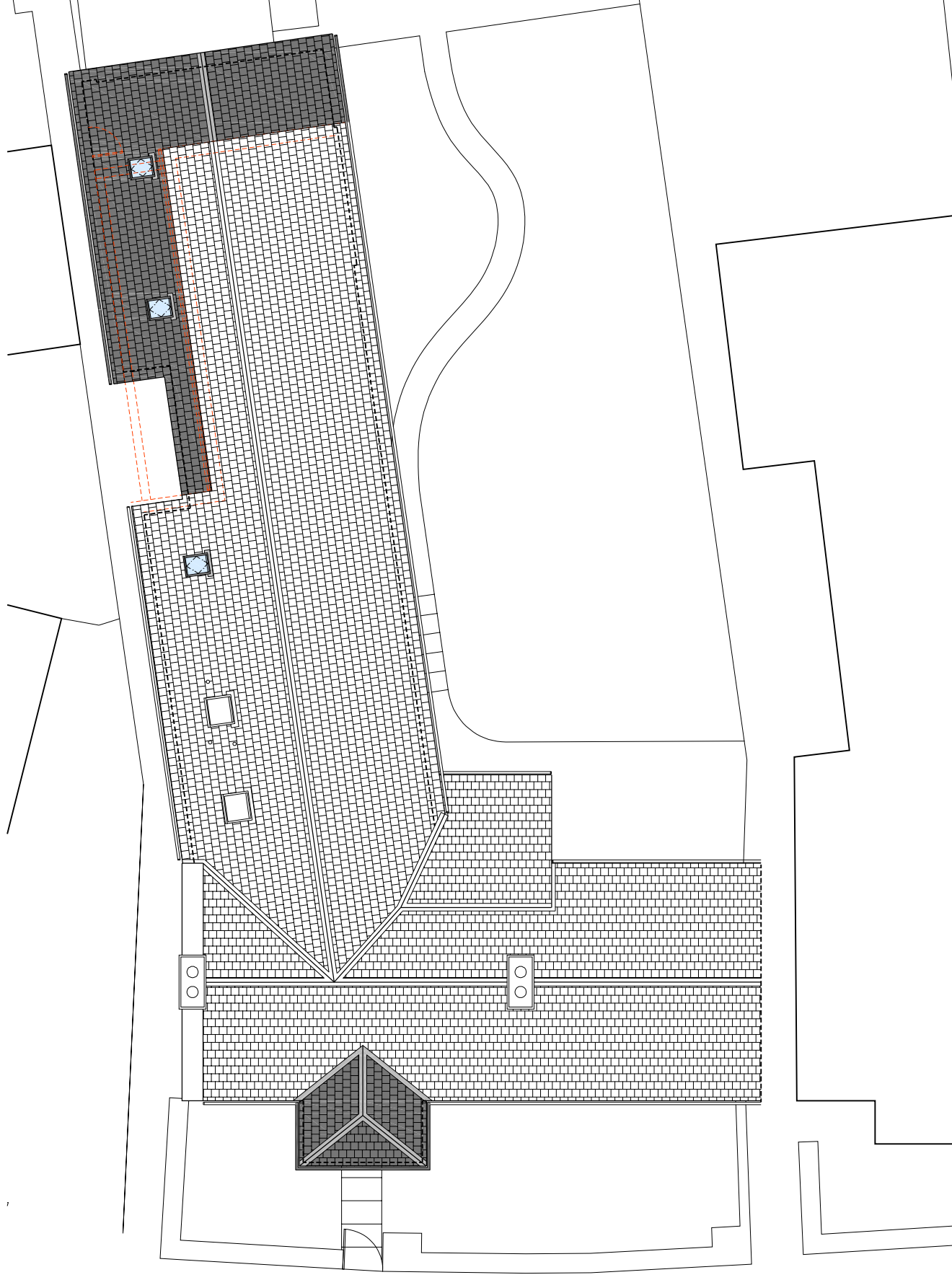
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as Proposed

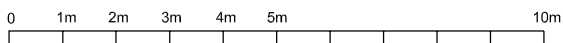
Rev B Sept'18
Plans amended to suit warrant requirements
New timber boundary fence to eastern boundary
Rev A June'17
Boundary line amended, notes added for BW

Revisions

<p>project Proposed Alterations to 'Greenmount' 69 Main St Longforgan</p> <p>client Mr & Mrs B Dooley</p> <p>drawn AM checked</p>	<p>title Site Plan As Proposed Planning / Warrant Application</p> <p>date April 2017</p> <p>scale 1:250@ A3</p>	<p>job no. 1706</p> <p>drg no. (10)002</p> <p>rev. B</p> <p>THE STUDIO 77 Main Street Longforgan Perthshire DD2 5EW T:01382 360378 mail@atelier-m.co.uk www.atelier-m.co.uk</p> <p>Registered Office: 2 Westbank Road Longforgan Company No : SC289642</p>
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Roof Plan 1:100



as Proposed

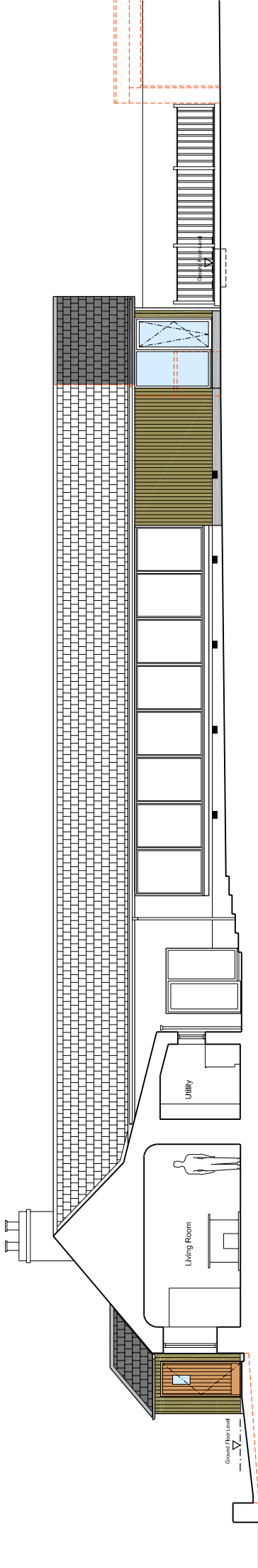
Rev A Sept'18
Plans amended to suit warrant
requirements
Revisions

project	Proposed Alterations to 'Greenmount' 69 Main St Longforgan
client	Mr & Mrs B Dooley
drawn	AM
checked	4M

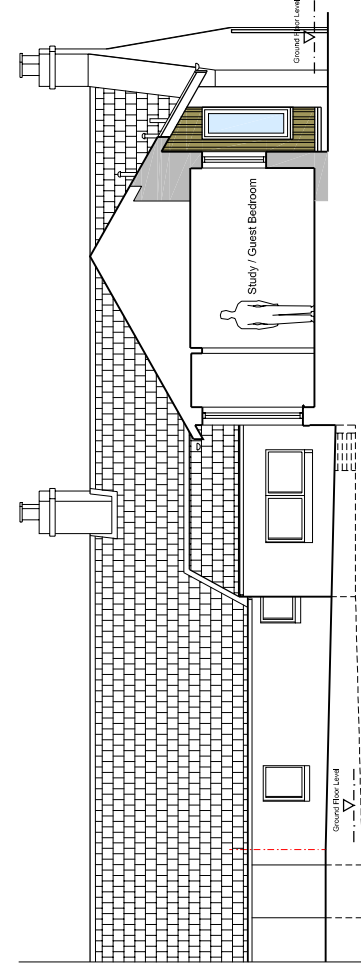
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job no.	1706
drg no.	(20)006
rev.	A

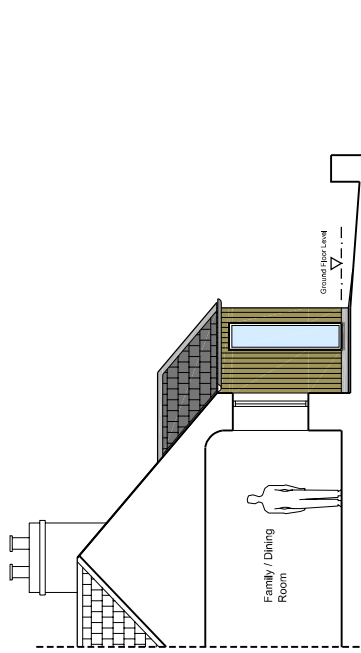
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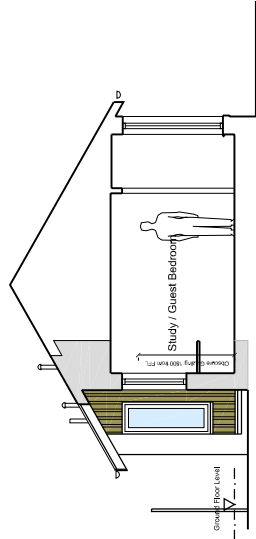
Section A-A / East Elevation 1:100



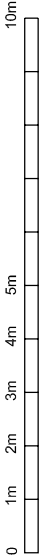
Section B-B / North Elevation 1:100



Section C-C / West Elevation 1:100



Section D-D / South Elevation 1:100



Rev B Nov'18
Window amended to bedrooms
Rev A Sept'18
Plans amended to suit variant
requirements

Revisions

ATELIER-M

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job no. 1706
drg no. (20)008
rev. B

title
Sections & Elevations
As Proposed
Planning / Warrant Application
date April 2017
scale 1:100@ A3

project
Proposed Alterations to
'Greenmount' 69 Main St Longforgan
client
Mr & Mrs B Dooley
drawn AM checked AM

**TCP/11/16(579) – Planning Application – 18/01767/FLL –
Alterations and extension to dwellinghouse (in part
retrospect) at Greenmount, 69 Main Street, Longforgan,
Dundee**

REPRESENTATIONS

From: Anne Phillips [REDACTED] on behalf of Safeguarding
[REDACTED]
Sent: 08 October 2018 10:25
To: Development Management - Generic Email Account
Subject: RE: Planning Application Consultation for Application No 18/01767/FLL

Your Ref: 18/01767/FLL

Dear Sir/Madam,

PROPOSAL: Alterations and extension to dwellinghouse (in part retrospect)
LOCATION: Greenmount 69Main Street Longforgan Dundee

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team
on behalf of Dundee Airport Limited
c/o Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB



By email to:
Developmentmanagement@pkc.gov.uk

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: HGG/A/TC/1046
Our case ID: 300031760
Your ref: 18/01767/FLL
15 October 2018

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Greenmount 69 Main Street Longforgan Dundee DD2 5EW - Alterations and extension to
dwellinghouse (in part retrospect)

Thank you for your consultation which we received on 05 October 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
LB13283	LONGFORGAN, MAIN STREET, MARKET CROSS	Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01767/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal	Alterations and extension to dwellinghouse (in part retrospect)		
Address of site	Greenmount, 69 Main Street, Longforgan, Dundee, DD2 5EW		
Comments on the proposal	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Guidance.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 October 2018		

Comments for Planning Application 18/01767/FLL

Application Summary

Application Number: 18/01767/FLL

Address: Greenmount 69 Main Street Longforgan Dundee DD2 5EW

Proposal: Alterations and extension to dwellinghouse (in part retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mrs Lesley-Anne Weir

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Over Looking

Comment: I object to this retrospective planning application for a number of reasons;

1. The extension that has been built is materially different from the original planning application and had we been given the opportunity to comment on accurate plans, we would have objected at the time.

2. One of the three windows which overlook our garden is much larger (more than double the size) than on the original plan and is not opaque (a condition attached to the previous permission granted). This new retrospective application contains no clear detail about where opaque and clear parts of the window will be. 3. All of the windows are materially different from the condition specified in the permission granted as all are clear and not made of opaque glass. A film attached in places is not acceptable as this departure from agreed planning permission compromises our privacy and security. We have concerns that film added at a later date can be removed at any time.

4. Our garden, conservatory and rear of our house (including master bedroom and ensuite bathroom) is now overlooked from these windows which are only a short distance from the property boundary.

5. We have a 1.8m fence and the top of the large, clear glass window is around 1mtr above this. The height of the large clear windows are of particular concern as anyone inside two of these rooms can look directly over our fence into our master bedroom and ensuite bathroom from a distance of only 3-4 mtrs away. There is also a clear line of sight over the fence into our conservatory. All of these rooms were previously private and not overlooked.

6. The applicants and agents appointed on their behalf have not followed the planning process. We shared our concerns with applicants and planning enforcement officers at an early stage of the build when the size and height of the window was obvious, but the build has carried on regardless,

materially different from that which permission has been granted for.

The large, high, clear windows are already having a detrimental effect on our family life and enjoyment of our home. Throughout the build time, we have kept our bedroom/en suite curtains closed and not spent time in our conservatory as builders working on the project can clearly see into these rooms. We are very concerned that our previously private rear of our house is now directly overlooked by this extension which has not been built to plans we were given the opportunity to comment on.

We appreciate this build is partially completed however we did share our concern with the applicants and the planning enforcement officers on the 2nd of September, when the build was at an earlier stage.

We would have expected the agent acting on the applicants behalf to be aware of the implications of not following the planning process, building a materially different extension from that which they have been granted permission for and one which so clearly overlooks neighbours. The applicants informed us on the 4th of September that new plans would be submitted, this was not completed until the 1st of October, during which time the west elevation of the building was completed.

CHX Planning Local Review Body - Generic Email Account

From: Lesley-Anne Weir [REDACTED]
Sent: 10 January 2019 23:04
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(579)
Attachments: 18.01767.FLL Response L Weir.docx

Dear Ms Simpson,

Thank you for your email from the 19th of December, regarding Planning Application Number 18/01767/FLL, for Alterations and extension to dwellinghouse (in part retrospect) at Greenmount 69 Main Street Longforgan Dundee DD2 5EW, and the application made by the applicant for a review of the decision.

Please find below and attached my response.

As noted above, the application is in part retrospect, following the applicant's failure to construct in accordance with the original plans and conditions attached to the original planning consent. It was evident at an early stage in the construction process that the extension was not being constructed as shown in the plans contained in the original application, and on which I had been invited to comment as per the Neighbour Notification.

I had no comment on the original plans, but the construction showed a large window which was not on the original plans, and which allowed a direct line of sight from that window into my master bedroom, en-suite bathroom and conservatory. Had the plans contained in the original application showed this, then I would have objected to that application at the time. I trust that the lack of objection to the original applications, and to current and recent applications to properties bounding my own, demonstrates to the Local Review Body that I have a reasonable attitude to planning applications and do not submit unfounded objections.

Having seen the size and location of this window, I notified PKC Planning that construction was not being carried out as per the submitted plans. Subsequent to a visit by an enforcement officer, I was advised that a retrospective planning application would need to be submitted, and once this was done, I then took the opportunity to lodge an objection to the revised plans.

The basis of my objection is the location and size of the window, and the adverse impact this has on the amenity of my property, with its view into my bedroom, en-suite and conservatory. I believe this impacts on my privacy and, as this window also extends above my boundary fence, which is already at the maximum permitted height, then I have no opportunity to take any other course of action to mitigate this. Accordingly, my only course of action was to object to the revised plans.

I believe that PKC accepted that there was indeed an adverse impact on the amenity of my property, by virtue of the condition attached to the retrospective consent; that the window serving the study/guest bedroom on the western elevation, should be fitted with obscure glazing privacy glass to Pilkington level 3 or above, and that this should be maintained for the life of the building in order to maintain the residential amenity of the area. The Report of Handling also refers to the need to balance the needs of the application site with the neighbouring property's right to privacy, and points out that 'privacy within the home is a material planning consideration'. It appears then, that this is the basis for the applicant now objecting to the decision, and that they do not wish to comply with this, and they are disregarding the effect on my privacy and property.

I note that the applicant requested that an obscure film be applied in lieu of obscure glazing, and would point out that obscure glazing was a condition of the original consent, and is another point on which the applicant has failed to comply, as well as failure to comply with the original building plans.

Further, the Report of Handling also notes that 'One large window faces the boundary and 2 slimmer windows face each other. None of which are opaque glazing. Unfortunately, these works have been completed without planning consent. It is also regrettable this deviation has been made without first seeking planning approval as the agent was made aware of the window to boundary distances required for building regulations prior to the determination of 17/00763/FLL.'

In my opinion, this demonstrates that the applicants and their agent have sought to circumvent the planning process from the outset and have shown a blatant disregard for both due process and the effect on neighbours. If enforcement action is not taken, and if the decision is not upheld, then I would question the robustness of the planning process within PKC, and would suggest that this could lead to further disregard by that agent, which is an unsatisfactory state of affairs for an agent who lives and works locally within a conservation area.

While I appreciate that this part of the process exists to allow applicants to challenge a decision, I would question why this wasn't challenged at the time of the earlier decision, but only after the building had been completed and the applicants had been forced into a retrospective planning application. Again, I believe this demonstrates the applicants and their agent intended to ignore the process from the outset.

Accordingly, I would ask the Local Review Body to uphold the Decision and attached Conditions, and ensure that the applicants fit obscure glazing to Pilkington Level 3 or above, or equivalent, in order to maintain the privacy and security of my property. I understand that the applicants have the opportunity to see my response to their objection and to respond to this, but I would ask if there is any further opportunity afforded to me to see and make further comment on their response. It seems somewhat unfair to me that the applicants should have the final word in this instance, as the circumstances have only arisen due to the applicants' failure to adhere to the planning requirements and previous Decision.

I also understand that it is not for the Local Review Body to consider the further disruption caused to me by the applicants' chosen construction company who, without prior permission, used my newly-laid driveway for their heavy vehicles and littered both the driveway and garden with building debris and poorly discarded scaffolding poles.

However, I would take this opportunity to place on record that I will not permit the applicants, their agent, or anyone working under their direction to utilise any part of my property to complete any outstanding works, nor to carry out any day to day tasks which may have been affected by the building of this extension, and which they can no longer carry out in the same manner as was done prior to the build taking place.

Your sincerely,

Lesley-Anne Weir

I refer to your email of 19 December, regarding Planning Application Number 18/01767/FLL, for Alterations and extension to dwellinghouse (in part retrospect) at Greenmount 69 Main Street Longforgan Dundee DD2 5EW, and the application made by the applicant for a review of the decision.

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CHX Planning Local Review Body - Generic Email Account

From: Alan Macdonald [REDACTED]
Sent: 30 January 2019 19:02
To: CHX Planning Local Review Body - Generic Email Account
Subject: Ref : TCP/11/16(579)
Attachments: Client Letter 2019 01 29.pdf

Dear Sirs

Ref 1706 : Greenmount 69 Main Street Longforgan DD2 5EW
Planning Consent Ref : 18/01767/FLL
Your Ref : TCP/11/16 (579)

We write in response to your letter, dated 17 January 2019, regarding the above Appeal to the Local Review Body and to the representation by Mrs Lesley-Anne Weir.

There are various allegations within the representation letter that are not relevant to Planning matters.

However, I can confirm and assure that the Applicant and myself, as the Architect, do take Mr & Mrs Weir's privacy into concern and that we have not ever sought to circumvent the Planning process.

As an Architect for 25 years I have never faced such accusations and I have always had a good working relationship with Planning and Building Standards in many Local Authorities across Scotland.

The principle issue, I believe, is whether the glazing in the window is obscure or not. If it is not then it is in breach of Planning.

To give assurance, I attach a letter from my Client confirming that the window will remain obscure.

As stated in our submission to the Local Review Body, the original Planning Consent (Ref : 17/0763/FLL) referred to 'Obscure Glazing' in Condition 2.

The window, as it is at present, in my opinion and experience meets that above Planning Consent Condition.

I trust that you will find the above to be in order, however if you require any further clarifications please do not hesitate to contact me.

Kind regards

Alan

Alan S Macdonald B.Arch(Hons) Dip.Arch Dip UrbDev RIBA RIAS

Director

for

A T E L I E R - M

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Longforgan
DD2 5EW

Ms Gillian Peebles
Development Management
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

29th January 2019

Dear Ms Peebles

Ref: 18/01787/FLL Greenmount, 69 Main Street, Longforgan DD2 5EW

With regard to your request to replace the film used to obscure the glass in guest bedroom/study of our property with obscured glass, we wish to state that it is not our intention to remove the film at any time, apart to replace it with another film that will match your recommended standard of Pilkington privacy level 3 or above (or equivalent). We are aware of other properties where the agreement has been made to obscure glass with film rather than permanently obscured glass and do not fully accept the reasoning behind this stipulation being made with regards to our property.

Yours sincerely,

A black rectangular box redacting the signature of Jacqueline and Brain Dooley.

Jacqueline and Brain Dooley

