

<p>LRB-2022-32 22/00013/FLL – Erection of a garage, land 15 metres north of 20 Greystane Terrace, Invergowrie</p>

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LRB-2022-32

**22/00013/FLL – Erection of a garage, land 15 metres north
of 20 Greystane Terrace, Invergowrie**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

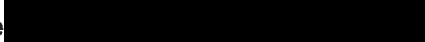
IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

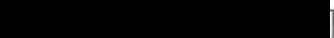
Use BLOCK CAPITALS if completing in manuscript

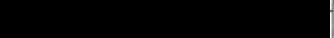
Applicant(s)

Name MR LINDSAY BRAMBLES

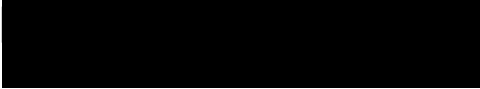
Address 

Postcode 

Contact Telephone 1 

Contact Telephone 2 

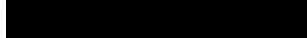
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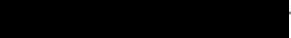
E-mail* 

Agent (if any)

Name MR MARK BRAMBLES


Address 

Postcode 

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail* 

Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS

Planning authority's application reference number

22/00013/FLL

Site address

LAND 15 METRES NORTH OF 20 GREYSTONE TERRACE -

Description of proposed
development

ERECTION OF GARAGE

Date of application

22ND FEB 2022

Date of decision (if any)

31ST MARCH 2022

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

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE DECISION AND REASONS GIVEN ARE POORLY MADE AND TAKE LITTLE OR NO CONSIDERANCE OF ADJACENT GARAGES. PLANNING DEPT ARE PREJUDICED AGAINST APPLICANT

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

FROM 2 - THERE IS A LOW LEVEL FENCE WHICH CAN BE STEPPED OVER BUT IT IS NOT OPEN TO WALKING ON HENCE A "BARRIER TO ENTRY" PRESENT

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 SEPERATE SUBMISSION (TYPED)

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.

WE WERE NOT ASKED OR CONSULTED, NO FORM OF CORRESPONDENCE ASKING TO CLARIFY ITEMS NOW BEING USED TO JUSTIFY OBJECTION.

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.

REFER TO ATTACHED SUBMISSION LIST (TYPED).

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:

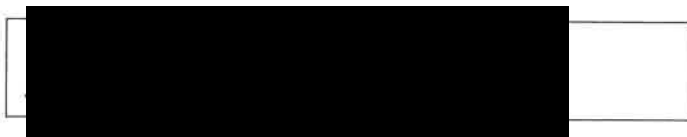
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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



Date

29TH JUNE 2022

Notice of Review

Planning application ref: 22/00013/FLL

Statement submission / information for consideration by review body

In response to letter dated 31st March 2022, issued by David Littlejohn – Head of Planning

Item 1 – reason for refusal

The proposal is contrary to Policy 17 – Residential Area

“over development of the site”

The applicant contests – The size of the site is sufficient for the location of the garages as drawn as it affords clear access of 1m around all elevations of the proposed garage. Further the land directly behind the advised site location is also owned by the applicant, it is currently covered with trees / bushes providing screening to the rear effectively hiding / softening the presence of the garages.

“is incompatible with the character and amenity of the area”

The applicant contests – There are a number of garaged nearby / adjacent within Greystane Terrace that are of similar design / finish, hence the applicant has attempted to tie in with the established “character”. The drawings submitted at the time of planning identify the finish is to match adjacent structures.

Please refer to marked up aerial view which shows the presence of other lock up garages within Greystane Terrace.

“Furthermore, the proposal results in the loss of a small open area of open space which is considered to have some amenity value to the area.”

The applicant contests – the statement “to have some amenity value” given that it retains an existing concrete platt / hardstanding which is largely overgrown with gorse / thorns and other invasive species, further the proposed site is currently fenced off preventing access, thereby there is no amenity value and actually represents more of an eyesore which the applicant wishes to change for the better by the use of a redundant gap site.

With direct reference to Policy 17 of the Local Area Development Plan – the applicant contests that the planning submission accords with the desire under Policy 17 (a) where “infill residential development at a density which represents the most efficient use of the site whilst respecting its environs has been achieved, and also item 17(c) “Proposals which will improve the character and environment of the area of village.”

Further with respect to the Perth Area Strategy (page 256) it identifies 3 strategic development areas – namely “North West Perth, Oudenarde and Invergowrie”, where it then also identifies, “in addition, the strategy firstly seeks to utilise brownfield land within settlements and secondly, land adjacent to existing settlements. (Refer to hand marked copy (attached)), again the applicant contests that the application accords within this policy statement.

Further the applicant would draw the attention to the planning review body of an earlier planning submission for a 2 storey detached house site which was also refused, hence the current submission was seeking the best use of the site in absence of a house. Ref: 08/00492/OUT

Continued..

Continued..

Item 2 – reason for refusal

“The proposal is contrary to Policy 1A – Placemaking”... “as the development would not contribute positively to the quality of the surrounding environment. The design, scale and siting of the development does not respect the character and amenity of the place.”

The applicant contests that the removal of an overgrown, under-used brownfield gap site which has an existing concrete hardstanding does indeed contribute positively to the quality of the surrounding environment”.

Item 3 – reason for refusal

“The proposal is contrary to criterion within Policy 1B... ..as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot as required by criterion (e). The garage will conflict with use of the adjacent footpath and will result in the significant loss of on street parking for adjacent dwellinghouses”

The applicant applicants proposal accords with policy items 1B – (a) as it provides a “coherent structure”

Further the applicants proposal accords with policy items 1B – (c) – “The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours” all of which were addressed within the planning submission to tie in with adjacent structures yet remain softened by reference to the existing trees / shrubs the lie to the back of the proposed site.

Further the applicants proposal accords with policy items 1B – (d) – “Respects an existing building line where appropriate, or establish one where non exists. Access, uses, and orientation of principle elevations should reinforce the street or open space.

Further the applicants proposal accords with policy items 1B – (e) – insofar as a dropped kerb / footpath access is identified in line with the requirements of access planning as detailed within Perth & Kinross’s own guidelines. Further the current presence of a standard kerb bounded by uneven paving slabs is in itself an access issue and if anything the creation of a drop kerb access would enhance the accessibility.

However what should be considered by the planning review body is the fact that the short section of return pavement which runs along the proposed front elevation of the garages leads nowhere, it terminates against a brick wall / garden boundary to the adjacent property. As such this raises the question as to whether or not any loss of accessibility is actually real, genuine or a complete misrepresentation of the truth.

With respect to the potential loss of car parking to the adjacent dwellinghouses, the applicant argues that only one space would be affected where the proposed current access is shown as a standard parking space is 2.5 x 5m, thereby would encroach in part across the proposed garage elevation. However the suggestion that multiple spaces are compromised is misleading as any car would have to park nose to tail along the frontage which would then impact upon the access of the property to the immediate right of the proposed development when viewed face on.

Continued...

Continued...

Response to item 3 – “Contrary to Policy 1B”

However, the applicant does not require full 24 hour clear access, and as such the impact upon the adjacent dwelling would be minimal as the applicant wishes to create additional storage space for his private collections. At no point has there been any dialogue by the planning officer to discuss these concerns with the applicant to identify what (if any) the impact upon the adjacent property would be and if any mitigation could be identified.

Item 4 – reason for refusal

“The proposal is contrary to Policy 53C : Surface Water Drainage” ... “as no information has been presented which indicated how surface water will be catered for on-site”.

The applicant contests that this statement is factually incorrect as the application does identify that surface rainwater will be taken to a soakaway which is the preferred course of action when considering SUDS. Re: Page 332 – SUDS “A range of techniques for managing the flow of surface water run-off from a site by attenuation, settlement or treatment on site”.

The applicant would also have expected the details of the soakaway to be fully described and detailed within the subsequent Building Warrant should planning have been approved. However again, no discussion with the planning officer has been had / query received as to the intent. We would remind the Local review body that the applicant owns the ground immediately to the rear and all the ground from that point following the Invergowrie Burn up to and including the boundary of Cedar Cottage, 28 Greystane Road, Invergowrie, hence the ability to provide suitable and appropriate drainage mitigation measures exist.

Separate comments in respect to the Planning Department generally and historical issues relating to both the applicant and agent.

Applicant:

Site in question.

There is currently a long-standing argument as to the presence, positioning and lack of notification on the creation of a footpath and bridge which cross the applicants land. Despite repeated attempts to get to the bottom of when it was created, by whom etc have fallen on deaf ears, the presence of this path / bridge & handrails serving both currently prevents the applicant from accessing the ground in question.

There is a legal case in respect to burns to a child who came into contact with Giant Hogweed (taking access from the path formed / created by PKC) onto the applicant’s private property.

Other property.

Planning Ref: 07/00295/FUL affecting Nethermuir of Pittendreich,

A longstanding disagreement with both PKC Planning Department and SEPA over the approval of multiple chicken sheds built at the above, adjacent to the farm owned by the applicant without any formal neighbour notification from planning despite in constituting a bad neighbour development.

The presence of the sheds rendering the existing farmhouse uninhabitable and effectively sterilising the property of any potential development potential and value.

Agent:

Planning reference 03/02067/FUL in respect to fencing, the initial application being returned to the applicant as the red line around the site border wasn't thick enough. Not that it wasn't present, but not thick enough. Question for the panel – where does it define the thickness of the red line?

Summary

It is the view of both the Applicant and Agent that the Local Planning Department and / or elements within those departments are biased and prejudiced against the applicant and / or agent for reasons unknown and that irrespective to the completeness and appropriate application of planning guidelines accorded with, the department will seek to frustrate and refuse the application no matter what.

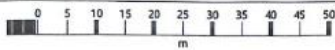
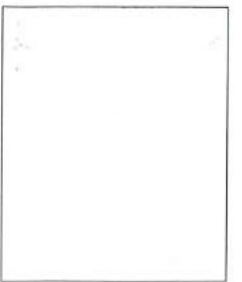
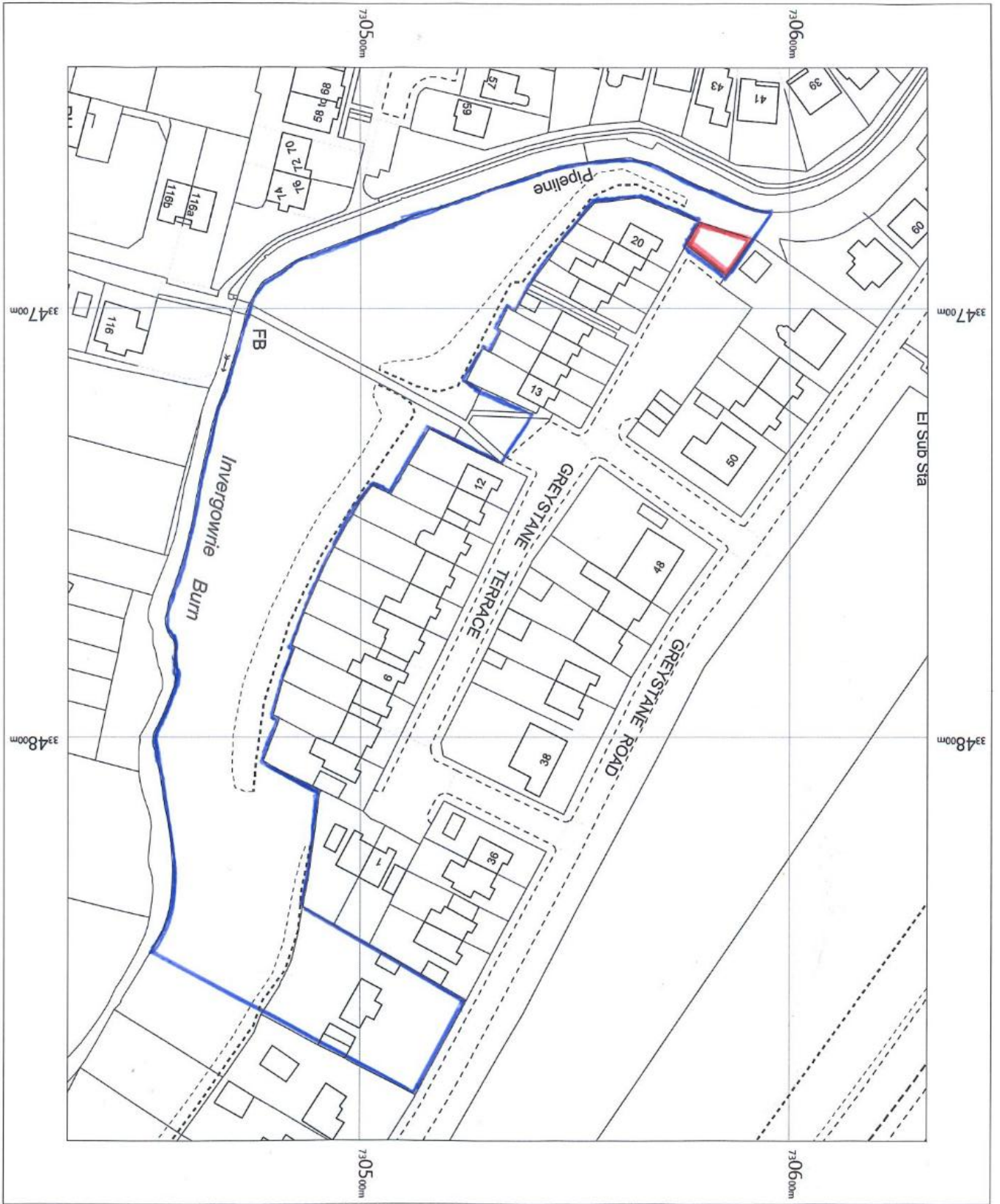
With respect to the review of the Local Review Body / Panel, if in it's review it decides that the planning submission in respect to the garages – 22/00013/FLL is still refused, then it is effectively ruling out any potential use and or benefit of the ground to the applicant / owner and as such dialogue should then be taken to the potential purchase of said ground at market value with the proviso that it shall remain in perpetuity in its current form / state and never developed by any other entity and / or person.



Aerial view identifying the presence of the path / bridge in question – refer to summary comments.



Aerial view – identifying adjacent garages within the same street. A (site), elements marked in blue with (X) being other garages.

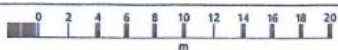
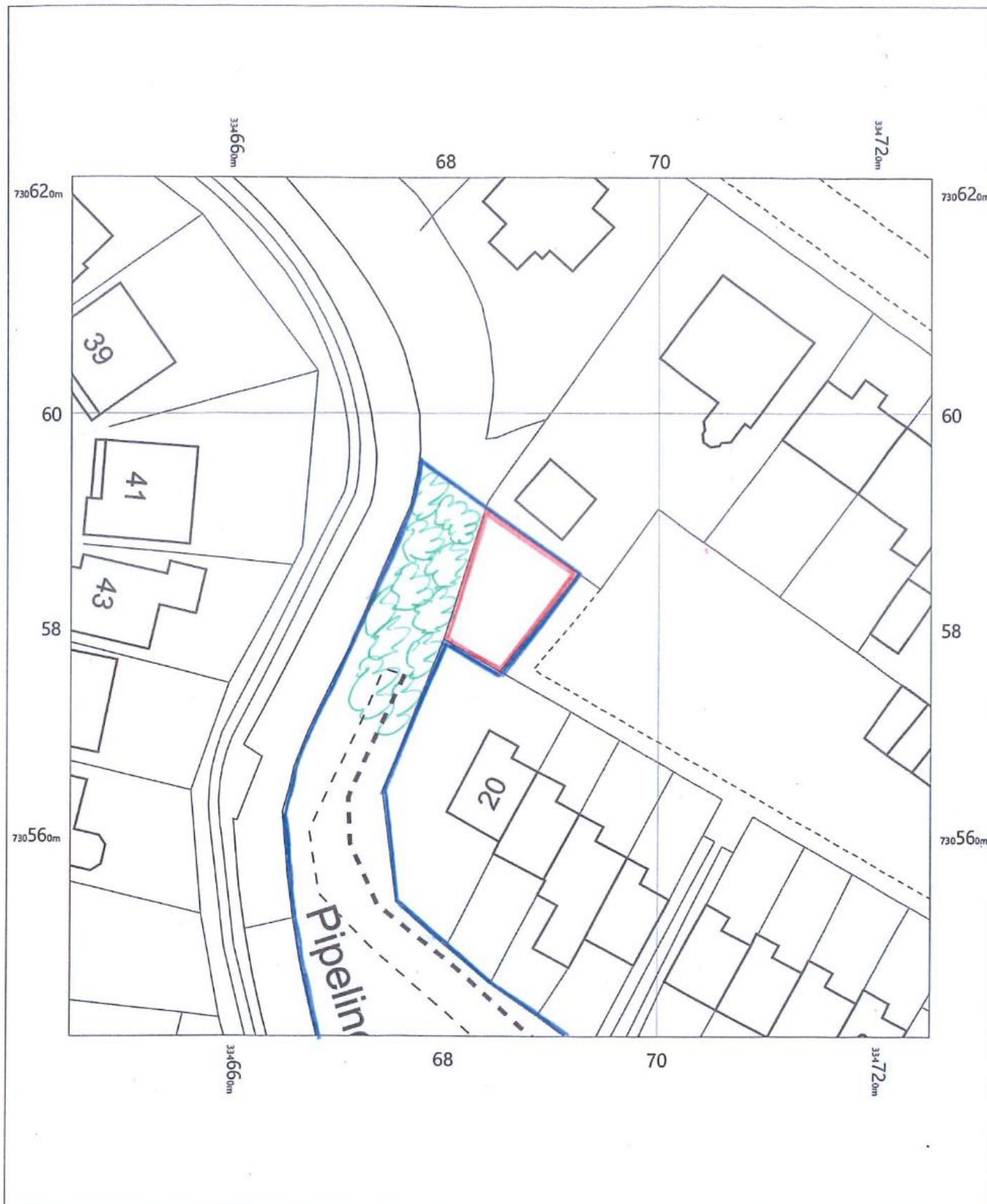


OS MasterMap 1250/2500/10000
scale
Thursday, May 20, 2021, 10:00
MAP-00963733
www.micoisondigital.com

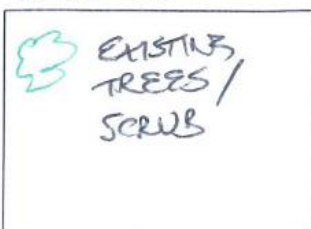
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LEGEND.



OS MasterMap 1250/2500/10000 scale
Thursday, May 20, 2021, ID: M4P-00963732
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1:500 scale print at A4, Centre: 334685 E, 730582 N

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 **Success! Your application has been submitted!**

Submission Details

This page contains a summary of the submission

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Online Reference:

100531288-008

Form:

[Post Submission Additional Documents](#)

Payment Method:

Authority Name:

Perth and Kinross Council

Authority Address:

Pullar House 35 Kinnoull Street Perth PH1 5GD

Authority Telephone:

Tel: 01738 475300

Authority Fax:

Fax: 01738 475310

Authority Email Address:

onlineapps@pkc.gov.uk

Agent Name:

Mark Brambles

Applicant Name:

Lindsay Brambles

Location:

Easting: 334682- Northing: 730585 Description: Redundant plot / existing hardstanding adjacent to 20 Greystane Terrace, Invergowrie, DD2 5RH

Supporting Documentation

Title	View Document	Type	Size
22 00013 FLL AFPP pg1 pdf	View (opens in a new window)	Attached	1.5 Mb
22 00013 FLL AFPP pg2 pdf	View (opens in a new window)	Attached	1.2 Mb
22 00013 FLL AFPP pg3 pdf	View (opens in a new window)	Attached	1.4 Mb
22 00013 FLL AFPP pg4 pdf	View (opens in a new window)	Attached	1.3 Mb
22 00013 FLL AFPP pg5_1 pdf	View (opens in a new window)	Attached	1.5 Mb
22 00013 FLL AFPP pg6 pdf	View (opens in a new window)	Attached	1.2 Mb

Fees

Item	Cost
Fee	£0.00

[Back To Proposal Summary](#)

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Rev: B - PLANNING

Client: Mr Brambles.

Project: New Garage / Planning

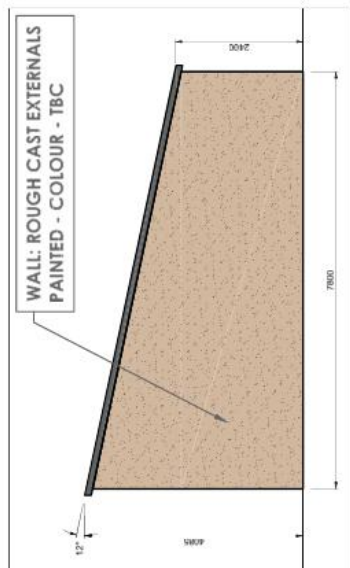
Drawing: GA

Drawing No: TS-MB-00065-GA

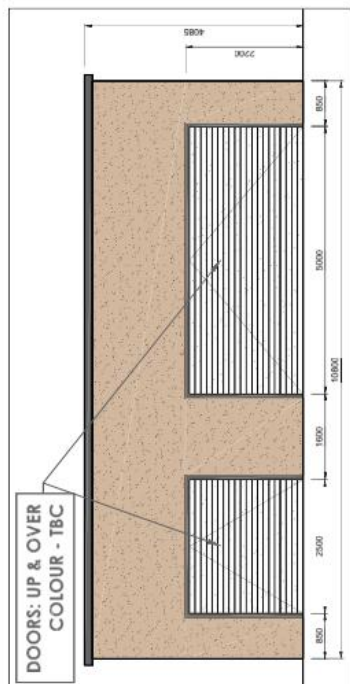
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Square

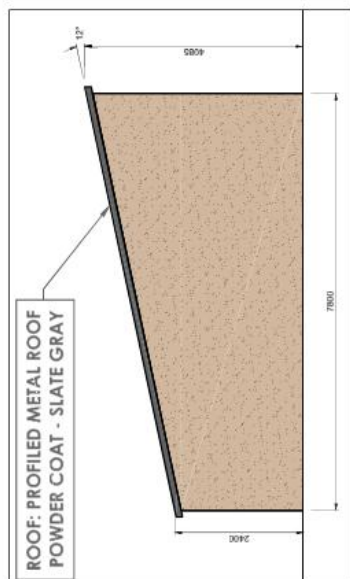
Design & Project Management

E: help@kings.co.uk

WEST ELEVATION:
SCALE: 1:100 @ A3



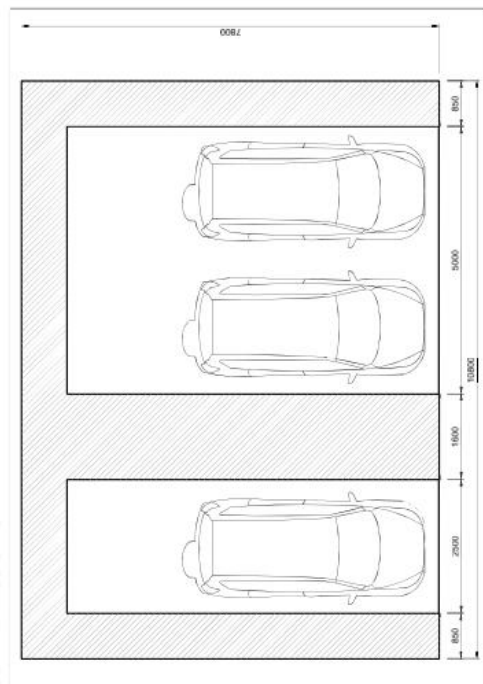
NORTH ELEVATION:
SCALE: 1:100 @ A3



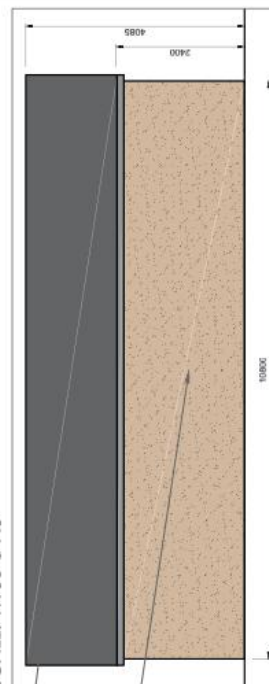
SCALE: 1:100 @ A3



SITE PLAN:
SCALE: 1:500 @ A3



PLAN SECTION:
SCALE: 1:100 @ A3



SOUTH ELEVATION:
SCALE: 1:100 @ A3



SCALE: 1:50 @ A3



SCALE: 1:100 @ A3



0 10
SCALE: 1:500 @ A3

DESCRIPTION:

LOCATION: CEDAR COTTAGE, 28 , GREYSTANERD, INVERGOWRIE, DD25JQ.

TRIPLE GARAGE: 1NO SINGLE & 1NO DOUBLE.

WALLS : ROUGH CAST EXTERNALS - PAINTED - COLOUR - TBC:

ROOF: PROFILED METAL ROOF - POWDER COAT - SLATE GREY

DOORS: UP & OVER - COLOUR - TBC

Proposed garages, Greystane Terrace, Invergowrie

Supplemental information in support of planning reference 22/00013/FLL

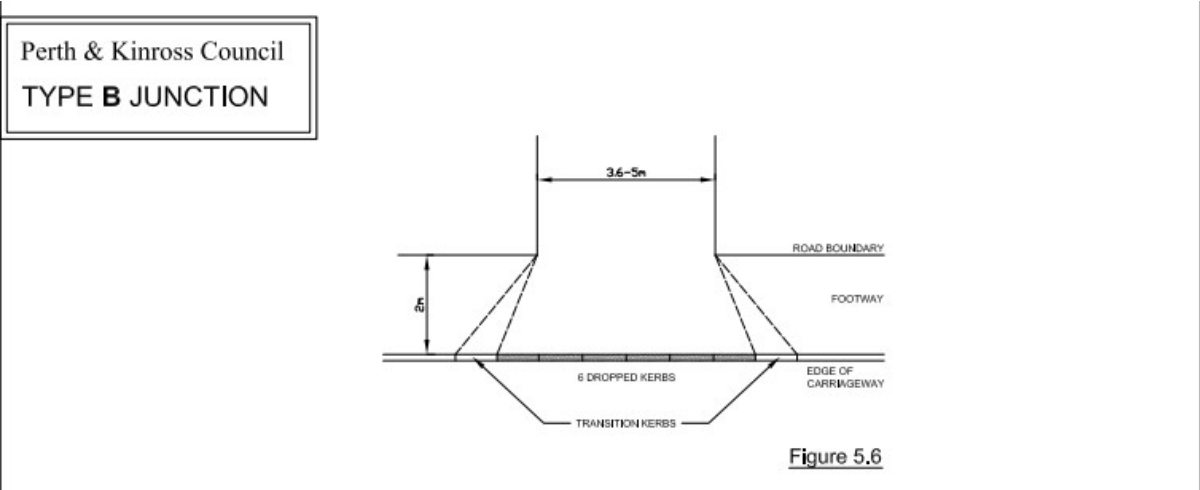
It should be noted that this section of pavement is largely unused as it is at the end of a culdesac and the right hand corner of the site terminates into a boundary wall / hedging.

Excerpt from Google maps – showing extent of ‘pavement’ area in question. This is currently concrete slabs, not Hot Rolled Bitument as per the proposed standard to replace.



Excerpts taken from Perth & Kinross planning portal – guidance for footpath alterations.

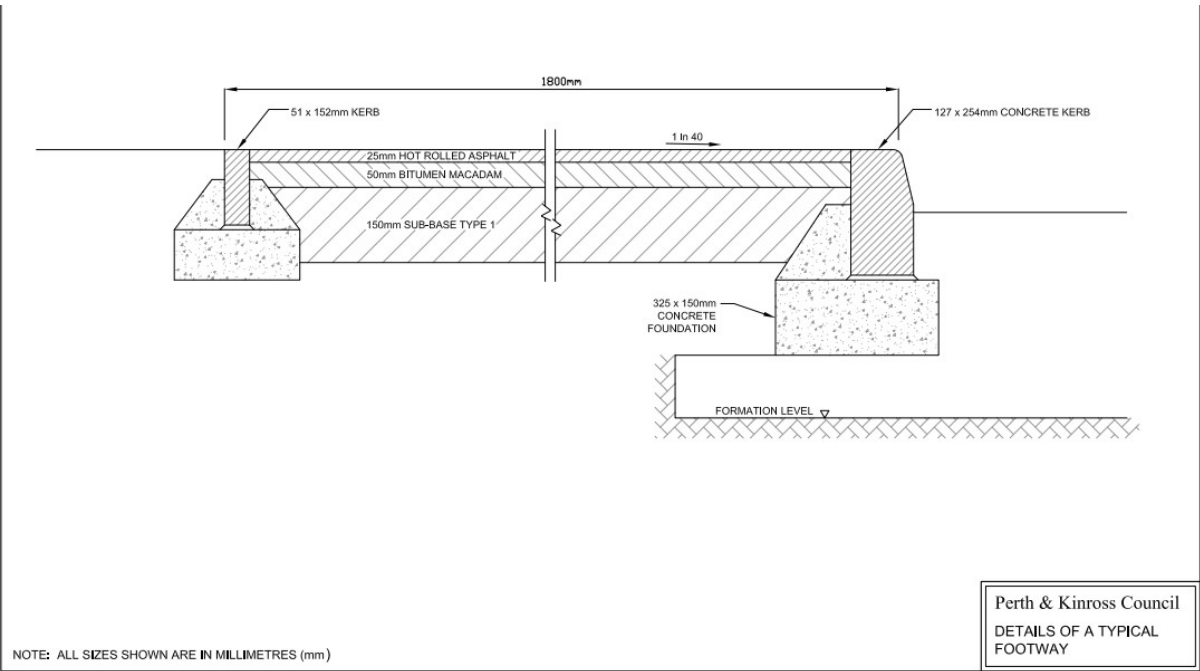
Type B junction is similar to what would be intended, albeit the number of dropped kerbs would be 10 nr to account for the overall width of the proposed garage development of 1 single / 1 double garage.



Road Standards for Vehicular Accesses

Construction Details for Access Types A and B

Construction Type A	25mm	-	Hot Rolled Asphalt**
	40mm	-	Dense Bitumen Macadam
	300mm	-	Sub-base type 1



Proposed Garages – Supporting Statement

The intention is to make use of an existing brownfield gap site located within Greystane Terrace to provide 3 new additional garages (1 double, 1 single).

The site has laid unused for several years and is currently overgrown with weeds and thornbushes. The proposed development will therefore tidy up this unsightly and unused area and provide necessary garaging for the applicant.

There is an existing concrete plat / hardstanding which is obscured by the overgrowth, however this is largely the position of the proposed garage location.

The intended wall finish will be to tie in with adjacent houses / garages, which is a roughcast / harled render. The adjacent property to the right has an external garage on the opposing side of the hedge, hence this will be cohesive in respect to same.

The rear elevation of the proposed garage location is bounded by existing native broadleaf trees which will remain thereby softening the visual aspects from both front elevation and the rear when viewed from Alastair Souter Crescent to the east.

X = Proposed site of garages

1. Bottom left hand existing garage block
2. Bottom right hand existing garage block



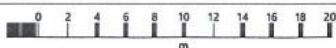
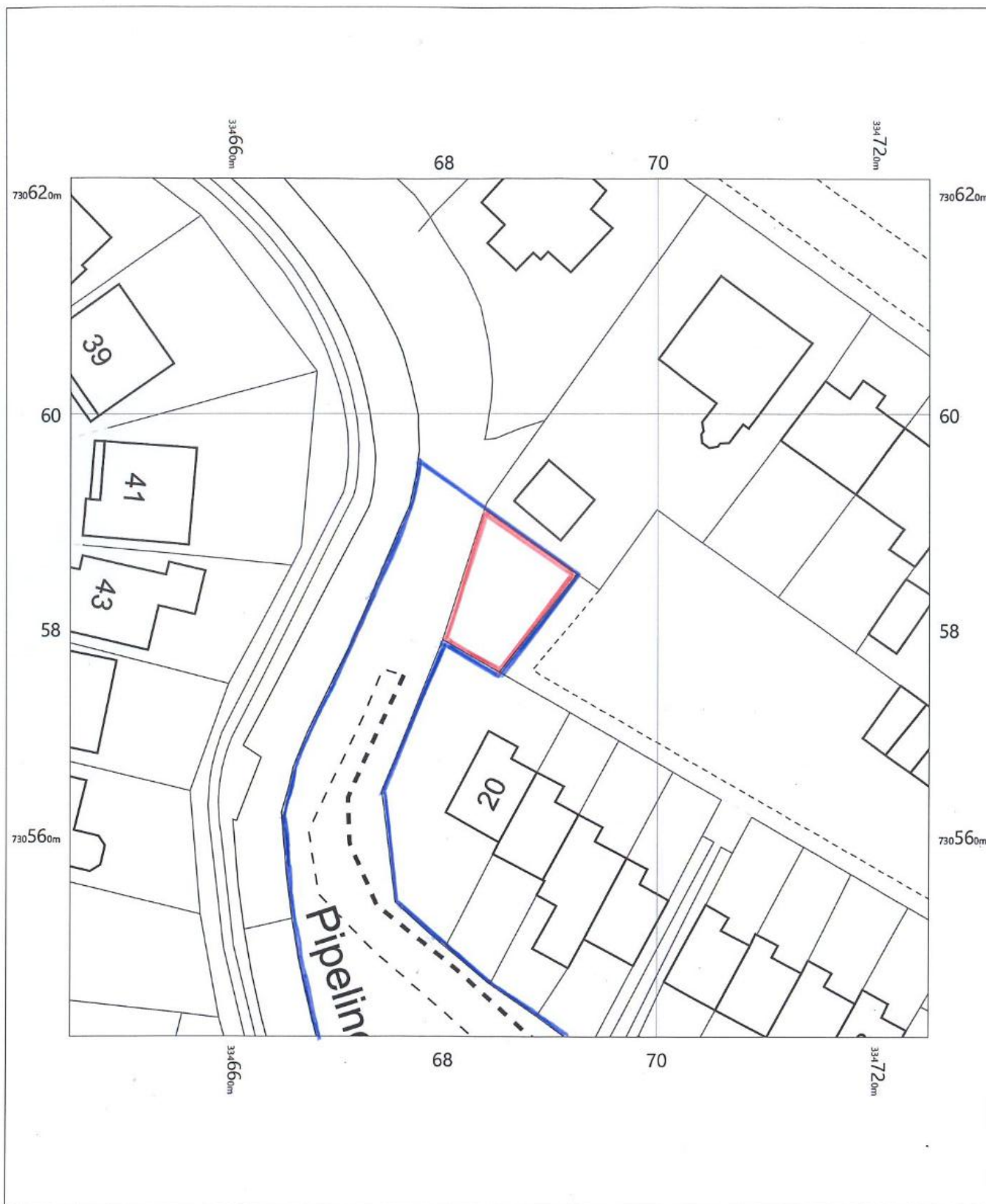
624



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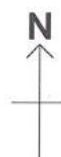
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OS MasterMap 1250/2500/10000 scale
Thursday, May 20, 2021, ID: M4P-00963732
www.nicolsondigital.com

1:500 scale print at A4, Centre: 334685 E, 730582 N

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Excerpt from Google Maps Streetview which shows the current condition / layout of the redundant section of ground.

Note — It is overgrown with thorns which obscure the concrete plat / hardstanding to the rear of the timber fence.

Streetview-MB-001

LRB-2022-32

22/00013/FLL – Erection of a garage, land 15 metres north of 20 Greystane Terrace, Invergowrie

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 615-617, 620 and 623-624)*



Mr Lindsay Brambles
c/o Mark Brambles
The Shieling
Perth Road
Perth
PH1 4NF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **31st March 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00013/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 22nd February 2022 for Planning Permission for **Erection of a garage Land 15 Metres North Of 20 Greystane Terrace Invergowrie**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding character as a consequence the development is incompatible with the character and amenity of the area. Furthermore, the proposal results in the loss of a small area of open space which is considered to have some amenity value to the area.
2. The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, scale and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot as required by criterion (e). The garage will conflict with use of the adjacent footpath and will result in the significant loss of on street car parking for adjacent dwellinghouses.

4. The proposal is contrary to Policy 53C: Surface Water Drainage of the Perth and Kinross Local Development Plan 2 (2019) as no information has been presented which indicates how surface water drainage will be catered for on site.

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

Plan Reference

01

02

03

04

05

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00013/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	21st April 2022	
Draft Report Date	30th March 2022	
Report Issued by	JW	Date 30 March 2022

PROPOSAL: Erection of a garage

LOCATION: Land 15 Metres North Of 20 Greystane Terrace
Invergowrie

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.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a garage on an area of open space at the western end of Greystane Terrace to the north of 20 Greystane Terrace in Invergowrie. Whilst the application site is located to the immediate north of 20 Greystane Terrace it is not linked in anyway to this dwelling and has been submitted separately by a third party. Following a discussion with the agent, the garage is proposed to be utilised for domestic purposes associated with another residential dwelling in the nearby vicinity and is not to be used for commercial purposes.

The garage is proposed to occupy almost the entirety of the application site, being 7.8m in depth and 10.8m in length. The garage is proposed to have a monopitch roof design, extending to 4.1m at its highest point fronting onto Greystane Terrace on its eastern side and 2.4m at its lowest point on the western side. Two garage doors are proposed on the south east facing elevation and there is space within the garage to accommodate three vehicles.

SITE HISTORY

08/00492/OUT - Construction of two storey detached dwellinghouse (in outline) – Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None

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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 6: Settlement Boundaries

Policy 14A: Open Space

Policy 17: Residential Areas

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

Open Space Provision for New Developments Supplementary Guidance 2021

CONSULTATION RESPONSES

INTERNAL

Transport Planning – concerns regarding loss of car parking and impact on use of footway

EXTERNAL

Dundee Airport Ltd – no objection

REPRESENTATIONS

The following points were raised in the 6 representations received:

- Impact on visual amenity and character
- Impact on residential amenity
- Loss of car parking on street
- Surface water drainage
- Contrary to Development Plan
- Loss of open space
- Loss of daylight and sunlight
- Over intensive development
- Road safety concerns
- Stability of land
- Use of building

The above issues are addressed within the appraisal section of the report below.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

Planning Principle

Invergowrie is identified as a settlement within the Perth and Kinross Local Development Plan 2019. The application site is identified as "white land" within the plan where Policy 17 applies.

The placemaking policies 1A and 1B are also of relevance, these require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 17: Residential Areas of the adopted Local Development Plan 2 is applicable, and this notes that small areas of private and public open space will be retained where they are of recreational or amenity value.

The general principle of erecting a domestic garage within a residential area is considered to be acceptable, however there are concerns with the scale and design of the proposed garage, the loss of a small area of amenity open space and the impact which it may have on existing parking and access arrangements and these will be considered in more detail below.

Policy 14A: Open Space Retention and Provision: Existing Areas, Policy 39: Landscape, 40B Trees and 60B Transport are also applicable

Land Use and Placemaking

The land use issue on this case is whether this amenity land/open space should be utilised for a domestic garage associated or whether it should be retained as amenity land for the wider public to benefit.

While the site may not be afforded the same protection as zoned open space it is nevertheless a resource that has recreational and amenity value as it acts as an open area at the end of Greystane Terrace looking onto the woodland associated with the Invergowrie Burn. The area of open space, whilst currently overgrown is considered to contribute in a small way to the character and visual amenity of the area. Its loss is considered to be contrary to policy 17 which seeks to retain public open space where it is of recreational or amenity value.

Design and Layout

Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.

Furthermore, through Creating Places 2013, Scottish Ministers set out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

There are a number of domestic garages located in the immediate vicinity, including to the immediate north of the site where a single garage is positioned which serves the 56 Greystane Terrace. The garage to the north is a small scale garage which is

seen as a subservient structure to the main dwelling house to the north. Whilst the proposed garage is not associated with 20 Greystane Terrace it is visually associated with the dwelling and will be seen in context with the dwelling on approach to the western end of Greystane Terrace. Given the monopitch roof design of the garage and the fact that it occupies the entirety of the site frontage the east facing elevation onto Greystane Terrace will be overly dominant and result in a large scale oppressive structure from the public domain and from the dwelling to the south. The garage is of a scale and footprint which dominates the site and fails to respect the character and visual amenity of the area as required by policy.

There also appear to be discrepancies with the layout of the site and how this correlates with the submitted elevations. The submission appears to suggest that the garage will occupy the site with a 1 metre buffer around it but the width of the site is 11.5 metres and the garage is 10.8m in width.

The proposal is therefore contrary to Policies 1A and B and Policy 17 of the LDP2.

Road Safety and Transport

The importance of movement within the environment is discussed in the Scottish Government's document on Designing Streets: A policy Statement for Scotland. This notes that:- Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions. This issue is identified with criteria (e) of Policy 1B of the LDP2 which seeks to ensure that all buildings, streets and spaces should create safe, accessible, inclusive places for people which are easily navigable, particularly on foot.

As mentioned above the site is located immediately adjacent to the footway at the corner of Greystane Terrace next to no.20. The footway is approximately 1.6 metres in depth and is located to the front of 16 to 20 Greystane Terrace. Given the location of the proposed garage any vehicle attempting to access the single garage at the southern end will struggle to gain access given that approximately 0.8 metres of the garage door would cover over this footway. This would mean that any cars accessing the single garage would have to mount the footway to gain access. This is not considered to be acceptable from a road safety perspective and will result in a conflict between pedestrians and vehicular movements.

It is also noted that a number of the residents park perpendicular to the footway outside 16 to 20 Greystane Terrace and this proposal would reduce the amount of available on street car parking as the full kerb width is being devoted to a vehicle access. The loss of on street parking for these houses is not considered to be acceptable as these properties do not benefit from any off street car parking. It is also noted that garage is not intended for use for the adjacent houses so this loss of car parking is not being compensated for on site.

The proposal is therefore contrary to policy 1B criteria (e) which seeks to ensure that all buildings, streets and spaces should create safe, accessible, inclusive places for people which are easily navigable, particularly on foot. The proposal is also contrary to Policy 1A as the scale and footprint of the development results in the loss of on street car parking for adjacent dwellings, detrimentally impacting upon their amenity.

Residential Amenity

Impacts on adjoining properties

The formation of development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Given the proposal is a garage there are not considered to be any overlooking concerns.

Daylight/Overshadowing

Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration.

The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practise determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect. The scale of the garage may result in some overshadowing to the front garden ground of 20 Greystane Terrace but this is not considered to be significant. It is noted that concerns have been expressed by other neighbours further away from the site but the distance between the site and these properties is sufficient to negate any loss of daylight or overshadowing to these properties in accordance with the above 25 degrees rule.

Stability of the Bank

The stability of land upon which a development is to be erected is not a material planning consideration and therefore has no bearing on the assessment of this application.

Impact on Existing Boundary Walls

Any impact which the development may or may not have on existing boundary treatments would be a private civil matter between the parties involved and not a matter which the Planning Authority can take into account.

Construction Impact

Any impact from construction operations would be temporary and therefore this is not considered to be a significant issue in the assessment of the application.

Drainage and Flood Risk

The application form indicates that the site will make provision for surface water drainage. However, no information has been presented in the submitted plans which details how surface water run off from the building would be dealt with. Policy 53C of the LDP2 requires applications to detail how surface water would be catered for. Given the lack of information on how surface water drainage is to be catered for the proposal is considered to be contrary to Policy 53C.

Ecology

The site is currently occupied by scrub bushes and trees which are not considered to have any significant ecological value. There is no evidence of protected species on this site. The proposal is therefore not considered to impact on protected species.

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Reasons for Refusal

The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding character as a consequence the development is incompatible with the character and amenity of the area. Furthermore, the proposal results in the loss of a small area of open space which is considered to have some amenity value to the area.

The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, scale and siting of development does not respect the character and amenity of the place.

The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot as required by criterion (e). The garage will conflict with use of the adjacent footpath and will result in the significant loss of on street car parking for adjacent dwellinghouses.

The proposal is contrary to Policy 53C: Surface Water Drainage of the Perth and Kinross Local Development Plan 2 (2019) as no information has been presented which indicates how surface water drainage will be catered for on site.

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

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

LRB-2022-32

**22/00013/FLL – Erection of a garage, land 15 metres north
of 20 Greystane Terrace, Invergowrie**

REPRESENTATIONS

Development Management

From: HIAL Safeguarding <hialsafeguarding@traxinternational.co.uk>
Sent: 10 March 2022 09:49
To: Development Management
Subject: RE: Planning Application Consultation for Application No 22/00013/FLL

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

Your Ref: 22/00013/FLL
Our Ref: 2022/086/DND

Dear Sir/Madam,

Proposal: Erection of a garage.
Location: LAND 15 METRES NORTH OF 20 Greystane Terrace, Invergowrie.

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

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

Yours faithfully,

Ed

Ed Boorman
HIAL Safeguarding (Acting for and on behalf of DAL & HIAL)



m: +44 (0)7962 269420
e: hialsafeguarding@traxinternational.co.uk
e: safeguarding@hial.co.uk

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

From: DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>
Sent: 28 February 2022 11:47
To: HIAL Safeguarding <hialsafeguarding@traxinternational.co.uk>
Subject: Planning Application Consultation for Application No 22/00013/FLL

Please see attached.

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Dr Scott Lilley (Objects)

Comment submitted date: Fri 11 Mar 2022

If the erection of a garage were to take place as described in planning application 22/00013/FLL I would object. Such a large structure (4.08m tall) would significantly block sunlight from our back garden and the rear of our home.

The west-facing position of our home, which lies northeast of the site, means that our conservatory and garden receive minimal sun in the afternoon or evening. This issue is exacerbated because our house is some metres below the ground level of the proposed garage on the opposing bank. Moreover, the opposing bank is already flanked on both sides by houses that occlude the sun. The garage would block the only area on the bank which permits light through. As such, the proposed garage would shield us from the sun in the morning, particularly in the spring and autumn. The bank itself obscures the mid-winter sun. With the garage in place, we would only be sure of sunlight around solar noon and only for part of the year.

There are three major negative impacts of reducing the little sunlight we currently enjoy:

- i) This would seriously and negatively impact our quality of life and is especially damaging given the importance of sunlight in this latitude in terms of vitamin D deficiency and seasonal affective disorder.
- ii) In the past two years, we invested in our garden, building vegetable and flower beds, buying plants, hiring professional landscapers and gardeners and purchasing garden games for our young son. Removing light from our garden would reduce both light and warmth, making plant cultivation challenging and preventing our family from enjoying the space.
- iii) We anticipate a reduction in home resale value due to the degradation of our garden area through loss of light.

Further, we have concerns about the stability of the bank to the rear of the proposed garage. There is a large tree stump rotting at the base of the bank and the supporting wall is very old. We are concerned that any additional rain runoff from the garage roof might adversely affect the bank.

The proposed garage would significantly impact our quality of life. Thus we object to its construction. We strongly urge the council to withhold permission for such a large construction.

Mrs Helen Ireland

Telephone: 01382 562600

Email: [REDACTED]

13th March 2022

Planning Application Reference: 22/00013/FLL

Dear Sir/Madam,

I am writing with strong objections to the planning application to erect two garages to land north of 20 Greystane Terrace.

Please find below my objections to the above planning application:

1. As the owner of [REDACTED] the above garages would be in extreme close proximity to my property, with [REDACTED] and the garages. The proposed garages would cause loss of light to my property and over shadow my garden.
2. Extreme likely hood of damage to my boundary wall, which looking at the plans has not been taken into consideration.
3. At present the residents of Greystane Terrace have parking in front of their properties. If the proposed garages were erected, access to and from the garages would be required. This would inhibit parking for some residents, who would no longer have access to park in front of their homes. I believe that if a drop kerb is installed, I would not have access to parking outside my house as it would block access to and from the garages.
4. I have strong concerns about disruption to the neighbourhood should planning be granted for the proposed garages to be erected. During construction residents parking would be compromised, damage to resident's vehicles that continue to legally park outside their homes during construction, safety issues regarding the children who reside in the street, and noise from construction.
5. The residential area is a quiet cul-de-sac, children can at present play safely in the street outside their homes, and do so due to the lack of green space. The proposed garages would cause a safety issue.
6. Having read the supporting statement online, it refers to the property on the right of the proposed sight, but does not mention my property and the impact such an imposing structure would have.

7. The supporting statement describes the proposed site as unsightly and untidy. This is not the opinion of myself, or the residents of Greystane Terrace. We have lived with the site as it is for a number of years. The area is unused but causes no disruption to Greystane Terrace. Having it developed into a green space would be a much better use of such a small space.

8. As a [REDACTED] of the proposed garages, I have grave concerns about the noise and disturbance resulting from the use of the garages in a quiet residential area.

Kind Regards

Helen Ireland

FROM: Mr J & Mrs C McDermott [REDACTED]

REF: 22/00013/FLL

ADDRESS: Land 15 metres north of 20 Greystane Terrace, Invergowrie

PROPOSAL: Erection of Garage

We wish to **OBJECT** to the above application.

BACKGROUND: The back garden of our property and access to our garage is from Greystane Terrace adjacent to the site in question.

This part of Greystane Terrace is a quiet residential neighbourhood with a unique character. As a cul-de-sac it is popular with local children as it provides a safe space to play and some informal play equipment has been set up to that end. We feel this development would have a detrimental effect on the local amenity and is contrary to a number of policies in the **Local Development Plan 2019** which are highlighted below.

We do not support it for the following reasons.

IMPACT ON TRAFFIC/PARKING: This development, if approved, would restrict vehicular access including parking to the row of terraced houses at 17 to 20 Greystane Terrace. These houses do not have driveways or garages so depend on Greystane Terrace being fully accessible in order to drive to and park outside their homes.

The proposed development involves dropping the kerb along the whole width of the site to enable access. This would remove some residents' right to park at their homes as it is an offence to park across a dropped kerb. This would clearly be a problem for these residents which could be further exacerbated going forward if for example a disabled resident required an allocated parking space outside their home.

This development would therefore appear to be incompatible with **Policies 15 & 60 of the Local Development Plan 2019** relating to Public Access and Transport Standards.

IMPACT OF DESIGN ON LOCAL AMENITY: This proposal appears to be contrary to **Policy 1 of the Local Development Plan 2019** which states "development should respect the character and amenity of the place" and "should complement its surroundings in terms of appearance, height, scale".

Something that stands out about this proposal is how large it would be. At 4.1 metres high, 10.8 metres wide and 7.8 metres deep it is far bigger than a standard domestic garage. A building of this overwhelming size is more suggestive of an industrial unit and would be completely inappropriate in a residential area.

The applicant in the SUPPORTING STATEMENT document refers to the garage on our property and states "The adjacent property to the right has an external garage on the opposing side of the hedge, hence this will be cohesive in respect to same." We disagree with this assertion; the garage on our

property is of standard dimensions, set well back from the road and doesn't disrupt access to other properties.

In the same document the applicant also shows images of other garages in the area, implying this development would be similar in scale. This is misleading as the garages shown are of a standard size one would expect in a residential setting.

It is our concern therefore that the size and layout of the building indicates usage other than domestic garaging and would be contrary to **Policy 7 of the Local Development Plan 2019** which discourages "proposals that detract from the amenity of adjoining, especially residential areas".

IMPACT ON THE LOCAL ENVIRONMENT: The sloped roof of the proposed building would direct a substantial amount of rainwater towards the rear which extends to only a matter of feet from a precipitous drop to Invergowrie Burn below. There is already some evidence of erosion in the ground above the Burn and this could accelerate due to a predicted increase in rainfall caused by climate change.

This is a known risk as in 2021 there were forestry workers cutting back trees above the Burn that were at risk of collapse.

There is a risk then of rainwater draining from the roof contributing to erosion which could affect our and other properties and increase risk of landslide into Invergowrie Burn creating a flood risk.

We believe then that this development may be contrary to **Policy 1 of the Local Development Plan 2019** relating to climate change mitigation and **Policy 52 of the Local Development Plan 2019** relating to new development and flooding.

DISCREPANCY ON PLANNING APPLICATION: The application is for a garage, however in Section 13 of the application form it states "the garages are to provide additional storage for the applicant". If it is a storage unit in whole or part rather than wholly for garaging it should be clarified what is being stored and if there would be regular traffic moving stores to and from the building.

CONCLUSION: This small, constricted site was formerly the site of an Oil Storage Tank and is believed to be contaminated. It was never intended to allow vehicle access and the street layout reflects that. We doubt if it would be suitable for any form of built development and believe the best use would be to revert it to green space to benefit local amenity, wildlife habitat and to address drainage concerns close to the gradient above Invergowrie Burn.

However, if the Council is minded to approve the application we would request that it apply binding conditions to allay concerns, including but not limited to:

1. That this building will solely be used as a domestic garage.
2. That there will be no commercial or industrial element.
3. That there will be no noise of machinery coming from the building.
4. That there will be a minimum of one metre clearance between the walls and adjacent properties.
5. That measures to mitigate loss of access and parking are included.

SUMMARY OF OBJECTIONS:

- 1. Loss of amenity.**
- 2. Overdevelopment of a constricted site.**
- 3. Loss of access and parking.**
- 4. Doubt about eventual use of development.**
- 5. Contribution to risk of flooding.**

Regards,

J McDermott, C McDermott

14th March 2022

Objection to Planning Application 22/00013/FLL

Site Address: Land 15 metres north of 20 Greystane Terrace, Invergowrie

Description of Development: Erection of a Garage

From: Mr James and Mrs Irene Stewart, [REDACTED]

Our grounds for objection are as follows:-

Our garden backs on to the rear of this proposed development which may result in excessive noise should the garage/garages be used for commercial purposes.

Supporting information to objection:-

a) The proposed height would appear to be excessive for a domestic garage suggesting that it is intended for commercial use. The applicant has indicated on the application form that it is intended for storage. However the proposed development is asking for permission to erect a garage, but according to the drawings submitted the intention is to build a double and a single garage.

b) There is no proposal to drain rain water from the roof to a connected drain. The intention being to provide a soak-away to ground which is the retaining bank of the burn with the possibility of future erosion and collapse over time.

c) A previous application for development of this land has been refused on various grounds and we feel these grounds for refusal are still applicable at present.

Please refer to Application 08/00492/OUT:

Refusal Decision 23rd April 2008

Consultee Response Scottish Water 4th April 2008

If this application is approved we would ask that the following conditions are applied:

- 1) There will be no commercial or industrial use.
- 2) There will be no excessive noise inconsistent with domestic garaging.
- 3) To be used solely for domestic garaging.

Yours

James Stewart

Irene Stewart

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00013/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a garage		
Address of site	Land 15 Metres North Of 20 Greystane Terrace Invergowrie		
Comments on the proposal	<p>The applicant is proposing to erect a three car garage on vacant piece of land at the end of Greystane Terrace. The vehicle access to the public road network cross the footway at Greystane Terrace.</p> <p>The applicant has advised that a distance of 1 metre will be provided on the side elevations of the garage to the neighbouring properties, but measuring the width of the plot of the site, the width of the plot is approximately 11.5 metres and the garage is a width of 10.8 metres, so this does not look like it can be achieved. The site plan shows that from the adjacent property boundary of 56 Greystane Road to the southern gable of the garage is 10.8 metres, therefore it is unclear how a 1 metre buffer is being provided, given the garage is 10.8 metres in width. Clarity to be provided on the plot width as the drawing supplied when scaled show the garage will not fit with the one metre buffer to adjacent properties.</p> <p>Notwithstanding the issue above, the scaled drawings show that there is a footway of approximately 1.6 metres to the front of the 16 to 18 Greystane Terrace, which would mean that any vehicle accessing the single garage will struggle to access the garage given that approximately 0.8 metres of the garage door would cover this footway.</p> <p>It is also noted that a number of the residents park perpendicular to the footway outside 16 to 18 Greystane Terrace and this proposal would reduce the amount of available on street car parking as the full kerb width is being devoted to a vehicle access.</p> <p>Transport Planning require further clarity for this application before this application can be supported.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 March 2022		

Mr Michael Money (Objects)

Comment submitted date: Sat 19 Mar 2022

I strongly object to the application .

We have lived at this address for 27 years and the cul de sac , which is at the rear of our house and adjacent to the intended site, has always provided a safe place for children to play.

I would be concerned the building of the garages would cause neighbours cars to be displaced from their normal parking spaces and the additional vehicles causing an increase in traffic and dangers to younger children.

Mr Alasdair Bailey (Objects)

Comment submitted date: Sun 20 Mar 2022

I wish to put on record an objection to this application. My reasons are as follows:

1. The homes to the south are down a slope, therefore this development will be level with their second storey and block light to the garage of number 20.
2. The plot currently gives a view out of the end of the road towards trees. In new housing developments, we require that developers provide such glimpses of nice views. To approve this application would therefore go against that policy.
3. There is concern locally that the development wouldn't be used for residential purposes and would instead be used for trade/commercial use which goes against policy. If this has to be approved, a condition requiring residential use rather than commercial/trade would be appropriate given the residential location.
4. The wide frontage of the development and wide drop kerb will significantly impact on residents' ability to park outside their houses therefore this application would therefore represent over-development of this planned suburban neighbourhood

FROM: Mr J & Mrs C McDermott, [REDACTED]

REF: LRB-2022-32 (Review of Planning Application 22/00013/FLL)

ADDRESS: Land 15 metres north of 20 Greystane Terrace, Invergowrie

PROPOSAL: Erection of Garage (Refused)

Further to the Council's decision relating to Planning Application 22/00013/FLL and the applicant's request for a review we wish to provide further comments to the Local Review Body in support of the decision to refuse this application. We understand that our original objection document will be made available to the Local Review Body.

- We would draw attention to the submission from Transport Planning dated 16th March which was issued after we lodged our objection. The author declined to support the application on a number of transport related issues and also stated the following:

"The applicant has advised that a distance of 1 metre will be provided on the side elevations of the garage to the neighbouring properties, but measuring the width of the plot of the site, the width of the plot is approximately 11.5 metres and the garage is a width of 10.8 metres, so this does not look like it can be achieved".

It would be interesting to hear the applicant's response to this as it would seem to confirm that the decision to refuse because of overdevelopment was correct.

- In their Reasons for Refusal the Planning Dept made a positive case for retaining this small area of open land as it is considered to have some amenity value to the area. We agree that this site should remain undeveloped. We disagree that the site is an "eyesore" as has been stated, although the small fence at the front has partially collapsed and weeds from the site have been allowed to spread onto the public footpath. Nevertheless, the site is gradually becoming covered in plants and small trees which is improving its appearance and it offers a view of the trees above Invergowrie Burn which we believe improves the visual character of the area.

We note that if the decision to refuse is upheld the applicant might consider entering into negotiations with the Council regarding the Council's purchase of the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

We would support this course of action as a change of ownership would remove any concerns about inappropriate development and allow ongoing upkeep of the site.

- The applicant has responded to the various reasons for refusal which we do not believe are sufficient to warrant overturning the Council's Decision Notice.

The applicant has also made an allegation that this and other historical decisions against him have been decided not by Planning considerations but because the Council and its officials have a personal animus towards the applicant.

This is a serious matter but we question whether this review is the proper forum for it to be raised. We would hope that the Local Review Body would confine its considerations to purely Planning matters and refer the applicant to the relevant authorities to investigate any evidence of misconduct by Council office holders.

- Finally, because the proposed building is so much larger than nearby garages the applicant compares it to, doubts persist about its eventual use. If the Local Review Body does decide to overturn the Council's Decision Notice we would request that it applies conditions to the development to allay concerns which could include:
 1. That the unit will only be used for private garaging or storage.
 2. That there will be no noise from machinery emanating from the building inconsistent with private garaging or storage, either by the applicant or any future tenant.
 3. That the building will not be permitted to be used in the future for industrial or commercial activities.

We look forward to the Local Review Body upholding the Council's Decision Notice.

Regards,

Mr J & Mrs C McDermott

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26th July 2022

9th August 2022

Perth & Kinross Council
Local Review Body
Council Building
2 High Street
Perth
PH1 5PH

Dear Sirs,

RE: Application Reference 22/00013/FLL – Erection of garage, land 15 metres north of 20 Greystane Terrace, Invergowrie

Further to your letter of 8th August 2022 kindly enclosing a copy of the response from Mr & Mrs McDermott, we have taken the opportunity to review those comments and concerns and advise as follows.

We shall refer to each in turn to avoid confusion.

1. Mr & Mrs McDermott have advised that they consider the plot to be “approximately 11.5 metres”, the applicants agent physically measured the space using a laser tape and is confident on the sizes shown within the planning submission.

However to assuage any concerns of Mr & Mrs McDermott, the applicant is willing to alter the width of the proposed garage as necessary to achieve the 1 metre distance at the side elevations should it be proven otherwise. We would respectfully suggest that if upon further consideration of the Local Review Body the application is approved, this be a stipulated requirement which would negate the need for a further separate planning submission.

The applicant only seeks to make best use of his property and does not wish to over-develop or receive criticism for the perception of same.

2. Mr & Mrs McDermott have made representation as to the “amenity value” of the ground in its current unimproved / overgrown state. Whilst we can appreciate their comments insofar as they do not wish to see the area of ground developed, we are unable to accept the veracity of the statement relating to amenity. In particular when garden areas left to such an extent would naturally draw criticism and a response from tenant associations / council departments to bring back to a tolerable standard. The applicant wishes to benefit from this brownfield site / redundant hard standing and make best use of it and in doing so remaining mindful / sympathetic of the existing adjacent garages look & character.

With reference to the trees to the rear of the proposed site, all of these are being retained and are referred to within the planning application as both softening the proposed development and providing screening to the rear for those properties who would be viewing from a lower vantage point within – Alastair Soutar Crescent.

3. Mr & Mrs McDermott have made general comment with respect to the applicants response to other planning based policy statements without acknowledging the validity of same. We note their further comment regarding the appropriate juncture to raise other planning considerations whilst understandable, does in fact have bearing. We would obviously prefer never to have to raise such matters especially in such a public forum but considering the manner in which various matters have been handled over many years by PKC Planning Dept, it is no longer acceptable and needs to be highlighted. All the applicant seeks is to be treated in the same fair and reasonable manner to which all applications should receive without bias or prejudice.
4. With respect to the closing points / concerns of Mr & Mrs McDermott, we refer to each in turn.
 - 4.1 The applicant confirmed that the unit will only be used for private garaging or storage. This was confirmed previously to the Planning Officer.
 - 4.2 The applicant confirms here will be no noisy machinery used within the above garage inconsistent with private garaging or storage, noting in particular that the applicant has not sought to have a power supply / connection.
 - 4.3 The applicant confirms that he has no intent for the building to be used for any industrial or commercial activity and limited solely to private garaging / storage.

We trust the above response to the detailed comments received from Mr & Mrs McDermott will be taken in good faith in line with the applicants wishes.

We look forward to the review date of the Local Review Body in due course.

Yours faithfully,

For and on behalf of the applicant – Lindsay Brambles



Mark Brambles

C.c. Lindsay Brambles