

TCP/11/16(326)**Planning Application 14/01088/FLL Alterations and extension to dwellinghouse 8 School Wynd Kinross KY13 8EJ****INDEX**

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TCP/11/16(326)
Planning Application 14/01088/FLL Alterations and
extension to dwellinghouse 8 School Wynd Kinross KY13
8EJ

PAPERS SUBMITTED
BY THE
APPLICANT

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE SEPARATE STATEMENT

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.

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.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

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

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED]

Date 31.10.14

STATEMENT IN SUPPORT OF THE APPLICATION FOR REVIEW
OF THE DECISION TO REFUSE THE PLANNING APPLICATION
FOR ALTERATIONS AND EXTENSION TO THE HOUSE AT 8
SCHOOL WYND, KINROSS.

PERTH & KINROSS COUNCIL REF: 14/01088/FLL.

R T HUTTON PLANNING CONSULTANT
OCTOBER 2014.

1.0 Background to this application for review.

1.1 In February 2010 planning permission and listed building consent were granted for a single storey extension with a pitched roof for the house at 8 School Wynd, Kinross. This extension provides a family room for this house. Work on this has started and the walls are currently up to ground floor eaves level. However, the owner of the property, Mr A Powis, only appreciated when he started work on the extension that there is a potential to extend above the approved ground floor extension, and in March this year he applied for planning permission and listed building consent for this. Both applications were refused in May, and then Mr Powis gave consideration to the matters raised in the reasons for refusal and reapplied for planning permission in June 2014 with plans which sought to address these matters.

1.2 This revised application was not considered by the Council's planning case officer to satisfactorily address all of the concerns previously expressed, and the application was refused on the 26th August 2014, and 7 reasons were given for that decision. With so many reasons for refusal, it would seem there is little prospect of an application for review being successful, but what is clear is that there are only 2 concerns, both of which result from a subjective assessment. In light of this we should like to present our assessment which addresses the 2 concerns highlighted by the reasons for refusal.

2.0 Comments on the reasons for refusal.

2.1 The Report of Handling sets out the case officer's view on the proposal and concludes with the reasons for refusal. Reasons 1-5 are concerned with the view that the proposed extension would be inappropriate and not make a positive contribution to the conservation area, and the final 2 reasons concern the overshadowing the extension would have on the neighbouring property. We should like to address each of these separately.

2.2 Is the proposed extension appropriate in the conservation area?

2.2.1 Conservation areas are designated because the local authority consider that their character is of special architectural or historic importance, and because of that should be safeguarded and enhanced. However, this does not mean that development is prevented, but simply that it should respect the character of the area. The Kinross Conservation

Area Appraisal published by the Council earlier this year is the document which gives the best indication of those elements which contribute to the character of the area. The application site is located within part of the conservation area where the character is described as an area of ;

“Early organic growth core based on industrial development. The area is characterised by narrow, winding lanes and dense, largely 2 storey vernacular development built hard against the footway”.

The appraisal also makes reference to the traditional materials which are evident on walls and roofs throughout the area. There is no further specific detail which gives any advice on house extension scale or design, but clearly key characteristics are dense development and external materials.

2.2.2 The house at 8 School Wynd began life as a workshop and house (supporting the conservation appraisal reference to the early industrial development in the area). It then evolved to form 2 houses which were, latterly converted into the single house which exists today. This history is a good example of how buildings adapt and change over the years to suit the requirements of their time. This application can be seen as an extension of this process. The house as proposed would provide the level of accommodation regarded as appropriate in a house today. It would result in a fairly dense form of development on the plot, but this is in line with the defined character of the area.

2.2.3 The details of the proposed extension have been produced with the local vernacular in mind. The roof will be clad with clay pantiles; the walls finished in stone to match the house and a lime render on the new gable, and the windows will be timber sash and case. All of these materials are very traditional and would be those normally sought by Council planners for development in this conservation area.

2.2.4 One specific matter raised in the reasons for refusal is that of the scale and mass of the proposed extension. In response to this we would point out that the extension will only cover around one third of the width of the elevation of the house, and as such cannot be seen as overly dominant in relation to the existing house. We would also like to explain that the area where the extension is proposed was once occupied by a much larger building which had been used over the years as Temperance Hall, a Spiritualist Hall, and latterly a hall for amateur dramatic productions. This building was attached to 8 School Wynd and

extended at a 2 storey height into what is now the Council owned car park. There is therefore precedent for a building much larger than the extension now proposed being on this site.

2.2.4 Following refusal of the earlier application, changes were made to address the concerns expressed, and we would draw attention to the west facing elevation, and specifically to the ridge of the roof which has been kept well below that of the main house. Also, the hipped end of the roof design helps to minimise the bulk of the proposed extension. Members of the Review Body can judge for themselves whether this proposal is excessive in scale or massing.

2.3 Will the proposed extension have an unacceptable overshadowing effect on the neighbouring property?

2.3.1 Again this is a very subjective matter, and the policy quoted in reason 6 gives no help in this. Policy RD1 “Residential Areas”, seems more designed to be applicable to larger scale developments within existing residential areas than to a house extension. The policy refers to infill residential development; shopping facilities; home working and tourist, leisure, education and community facilities, but there is no reference of any kind to house extensions. We would therefore suggest that there is no specific Development Plan policy objection on the basis of overshadowing. It seems from the Report of Handling that the concern relates to 1 ground floor window in the adjacent property. We would point out that if a dense form of development is to be achieved, in line with the requirements of the conservation area, it is inevitable that some overshadowing of neighbouring properties will result.

2.3.2 However, it is appreciated that any such impact must be considered as part of an assessment for an application such as this, albeit on a subjective basis. In support of the applicant’s position on this matter we would wish to make a number of points.

2.3.3 The rear elevation of School Wynd, and the house attached to it on the north side (5 Swansacre), face west and as such benefit from sun in the afternoon and evening. The adjoining house is at a higher level than the application property by around half a storey height. This difference in level will, by itself, help to minimise any loss of daylight to windows. It is also noticeable that the adjoining proprietor has erected a solid timber fence along the common boundary which will reduce sunlight to his property.

2.3.4 Therefore, whilst it is accepted that the proposed extension will cause some overshadowing of 5 Swansacre, this will not be so significant as to justify refusal of the planning application under review. If members of the Review Body choose to visit the site they can assess this themselves.

3.0 Conclusions.

3.1 The application site is located in a part of Kinross where a dense form of development is significant in defining the character of the area. The application proposal respects both this form of development and the traditional external finishes which are also identified as important. The scale of the extension is not overly dominant on the house, and is much smaller than a building which previously occupied the site.

3.2 The extension to first floor of the previously approved plans for this house will result in the ridge of the roof being around 2.3 metres higher, but the hipped end will mean that the length of the ridge is reduced by 2.2 metres. Whilst this will cause a minimal increase in overshadowing of the adjacent property, it will not be significant.

3.3 The applicant has tried, in the design of his proposed extension, to respect the character of the area, though is aware of the numerous cases within the immediate locality where this has not been done. Inappropriate uPVC windows; mono pitch roofs, and roof pitches out of step with others in the area, do nothing to enhance the conservation area. The application proposal can be seen as in line with the character as described in the Council's Conservation Area Appraisal, and because of this we ask that this application for review be accepted and permission granted for the house extension.

TCP/11/16(326)
Planning Application 14/01088/FLL Alterations and
extension to dwellinghouse 8 School Wynd Kinross KY13
8EJ

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr Andrew Powis
c/o RT Hutton Planning Consultant
The Malt Kiln
2 Factors Brae
Limekilns
Fife
KY11 3HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 26th August 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01088/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 17th June 2014 for permission for **Alterations and extension to dwellinghouse 8 School Wynd Kinross KY13 8EJ** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraphs 141 and 143). The listed building and the character and appearance of the conservation area will not be preserved or enhanced by this development.
2. The proposal is contrary to Policy HE2: Listed Buildings, as the scale and mass of the proposed extension adversely affects the building's special interest, appearance and setting.
3. The proposal is contrary to Policy HE3A: New Development within Conservation Areas, as the introduction of an overly dominant extension will not preserve or enhance the character or appearance of the conservation area.
4. The proposal is contrary to Policy PM1A: Placemaking, as the scale of the proposal does not contribute positively to the quality of the surrounding built environment.

5. The proposal is contrary to Policy PM1B: Placemaking, as the height, scale and mass of the proposed extension does not complement its surroundings or integrate sensitively with the existing building.
6. The proposal, by virtue of its height, projection, close proximity and orientation in relation to the neighbouring property, would have an adverse overshadowing impact, to the detriment of the residential amenity of the neighbouring property. Approval would, therefore, be contrary to Policy RD1: Residential Areas, which seeks to protect and where possible improve existing residential amenity.
7. Approval would be contrary to Perth and Kinross Council's Placemaking Guide (2012) which sets guidelines on acceptable levels of overshadowing.

Justification

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

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

Plan Reference

14/01088/1

14/01088/2

14/01088/3

14/01088/4

14/01088/5

REPORT OF HANDLING
DELEGATED REPORT

Ref No	14/01088/FLL	
Ward No	N8 - Kinross-shire	
Due Determination Date	16.08.2014	
Case Officer	Richard Welch	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and extension to dwellinghouse

LOCATION: 8 School Wynd, Kinross, KY13 8EJ

SUMMARY:

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

DATE OF SITE VISIT: 3 July 2014

BACKGROUND AND DESCRIPTION OF PROPOSAL

8 School Wynd is a two storey, semi-detached, traditional dwelling possibly dating from the 18th Century. It has category C listed building status (together with 5 Swansacre) and is located within Kinross Conservation Area.

This building has been subject to a number of planning and listed building consent applications to erect an extension between 2008 and 2014. The first two applications were refused on grounds of unacceptable scale, layout and design before a suitable scheme was granted consent in 2010 (ref: 09/01992/LBC and 09/02005/FLL). The development started and a blockwork shell has been erected but is incomplete.

Earlier this year (2014) the applicant applied to extend the single storey, consented extension to a full 2-storey extension on the same footprint. The planning and listed building consent applications were refused due to the mass and scale of the extension resulting in an adverse impact on residential amenity, the character of the listed building and character and appearance of the conservation area.

The applicant has now submitted a revised scheme which attempts to address the previous concerns raised. The height of the wallhead has been reduced by 500mm thus enabling the roof ridge line of the extension to be below that

of the main roof, the gable design has been replaced with a hipped roof arrangement and the first floor windows in the south elevation have been removed in order to address over-looking issues.

SITE HISTORY

08/01806/FUL Extension to dwellinghouse 11 November 2008 Refused

08/01916/LBC Extension to dwellinghouse 11 November 2008 Refused

08/02327/FUL Extension to dwellinghouse 23 February 2009 Refused

08/02331/LBC Extension to dwellinghouse 23 February 2009 Refused

09/01992/LBC Alterations and extension to dwellinghouse 20 January 2010
Application Permitted

09/02005/FLL Alterations and extension to dwellinghouse 1 February 2010
Application Permitted

14/00304/FLL Alterations and extension to dwellinghouse 14 May 2014
Application Refused

14/00305/LBC Alterations and extension to dwellinghouse 14 May 2014
Application Refused

PRE-APPLICATION CONSULTATION

None.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy 2014 (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, and a series of Circulars.

The Scottish Planning Policy 2014 makes specific reference to listed buildings (para.141) and conservation areas (para.143). Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. 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 character and appearance of the building and setting. Proposals for development within a conservation area which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.

Scottish Historic Environment Policy 2011

The Scottish Historic Environment Policy (SHEP) sets out Scottish Minister's policies for the historic environment and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment, including local planning authorities.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

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.

Policy HE3A - Conservation Areas

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

Policy PM1A - Placemaking

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

change mitigation and adaptation.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained 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.

OTHER POLICY GUIDANCE

Perth and Kinross Council's Placemaking Guide (2012) provides the basis for detailed assessment of overshadowing and overlooking impacts:

"Extensions can intrude, to a greater or lesser extent, on the privacy and amenity of neighbours. The more closely spaced dwellings are, the more important it is to consider the amenities of occupiers of adjoining houses and gardens. Extensions must be carefully sited to avoid undue loss of daylight or sunlight to the habitable room windows and private garden ground of the neighbouring property, (particularly when affected garden is small); the appearance and orientation of the extension must be considered from the neighbour's house or garden. The Council's daylight standards are intended to ensure that extensions do not harm amenity".

Kinross Conservation Area Appraisal (2010) explains that conservation areas must be safeguarded and enhanced.

"Designation as a conservation area does not place a ban upon all new development within its boundaries. However new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or visual quality of the area. New development should also positively enhance the area through good design rather than just create a neutral effect".

CONSULTATION RESPONSES

None.

REPRESENTATIONS

The following points were raised in the representations received from the neighbour at 5 Swansacre:

Objects to the planning application for the following reasons:-

excessive height; significantly obstructs the light to the adjacent residential property which has in character small windows; over-looking; loss of visual amenity; out of character with the area; unacceptable design.

Further comments in respect of the planning agent's letter:-

It should be noted that the said fence is not mounted on the wall but at ground level on the north side of the wall. The fence has always been in place for safety due to the elevated ground level and has provided privacy to 7 School Wynd. The height of the extension is significantly higher than the existing fencing thereby increasing the over-shadowing of 5 Swansacre. The proximity of the extension to the retaining wall is adjacent and would not only exacerbate the over-shadow but also prevent access to the south side of the wall for any form of maintenance.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The applicable policies of the Perth and Kinross Local Development Plan 2014 are Policy HE2 - Listed buildings; Policy HE3A - Conservation Areas; Policy PM1A & Policy PM1B - Placemaking, and Policy RD1 - Residential Areas.

Policy HE2 indicates 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.

Policy HE3A states that development within a conservation area must

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

Policy PM1A on Placemaking states that development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

The criteria which are particularly relevant to this application are from the second policy on Placemaking, Policy PM1B:-

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

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

The policy relating to residential areas, Policy RD1, states that existing residential amenity will be protected and, where possible, improved.

Perth and Kinross Council's Placemaking Guide (2012) sets guidelines on acceptable levels of overshadowing and overlooking.

Design and Layout

The supporting statement from the planning agent describes how the design has been modified in order to reduce the mass and bulk of the extension. The wall head height has been reduced which results in the roof ridge level of the extension being 650mm below the main roof ridge. In the previous scheme the roof ridge of the extension was the same height as the main roof. The previous gable end design has been revised to a piended roof arrangement. Also, in order to address potential overlooking issues the windows previously shown at first floor level on the south elevation have been omitted with additional windows being added to the west elevation.

These design revisions are considered to be insufficient in terms of impact upon the character of the listed building and the conservation area. The reduction in mass and bulk is relatively minimal and does not address the fundamental issue. This extension is not subservient or subordinate in scale to the host.

Landscape

The site is located in the heart of the historic town of Kinross and as such buildings are tightly packed along narrow streets and vennels. The dwelling sits close to the junction with Swansacre and School Wynd and looks onto open space at the east end of Swansacre. It is attached to 5 Swansacre to the north, also category C listed and is side on to a row of further listed buildings to the south, separated by a narrow lane, School Wynd. To the rear is a small car park where the hard landscaping is broken up with trees and shrubbery.

Residential Amenity

The extension is in close proximity to the neighbouring boundary to the north, approximately 1m. The adjacent garden ground of 5 Swansacre is slightly elevated and does finish at a higher level than 8 School Wynd. However the drawings demonstrate that the whole of the first floor and roof will project above the existing stone wall and fence. As the extension runs along an east/west axis, projecting 6.6m from the rear of the house, the garden ground to the north will be impacted by overshadowing as the sun's path falls to the south, rising and setting from east to west. 5 Swansacre has a ground floor window close to the boundary which will be impacted by overshadowing from this development.

Overshadowing projections have been carried out on a vertical and horizontal axis in accordance with the Perth & Kinross Council Placemaking Guide. Even with the (relatively small) reduction in the mass and bulk of the extension the projection still demonstrates an adverse overshadowing impact.

Visual Amenity

The setting of this listed building is typical of a tightly packed historic townscape which has been subject to a degree of change. However such densely laid out spaces which have adapted an organic 'grain' can present challenges and heighten the sensitivities of extensions and their potential impact on a listed building and that of adjacent listed buildings. Proposed extensions in such restricted spaces can therefore have a significant impact on the buildings setting and that of other listed buildings located in such close proximity.

Roads and Access

There are no road or access issues.

Drainage and Flooding

There are no drainage and flooding issues.

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 be contrary to the approved TAYplan 2012 and the adopted Local Development Plan 2014. On that basis the application is recommended for refusal subject to the reasons noted below.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraphs 141 and 143). The listed building and the character and appearance of the conservation area will not be preserved or enhanced by this development.
- 2 The proposal is contrary to Policy HE2: Listed Buildings, as the scale and mass of the proposed extension adversely affects the building's special interest, appearance and setting.
- 3 The proposal is contrary to Policy HE3A: New Development within Conservation Areas, as the introduction of an overly dominant extension will not preserve or enhance the character or appearance of the conservation area.

- 4 The proposal is contrary to Policy PM1A: Placemaking, as the scale of the proposal does not contribute positively to the quality of the surrounding built environment.
- 5 The proposal is contrary to Policy PM1B: Placemaking, as the height, scale and mass of the proposed extension does not complement its surroundings or integrate sensitively with the existing building.
- 6 The proposal, by virtue of its height, projection, close proximity and orientation in relation to the neighbouring property, would have an adverse overshadowing impact, to the detriment of the residential amenity of the neighbouring property. Approval would, therefore, be contrary to Policy RD1: Residential Areas, which seeks to protect and where possible improve existing residential amenity.
- 7 Approval would be contrary to Perth and Kinross Council's Placemaking Guide (2012) which sets guidelines on acceptable levels of overshadowing.

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

14/01088/1; 14/01088/2; 14/01088/3; 14/01088/4; 14/01088/5

Date of Report

22/08/2014

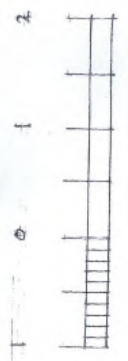


PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01088/1

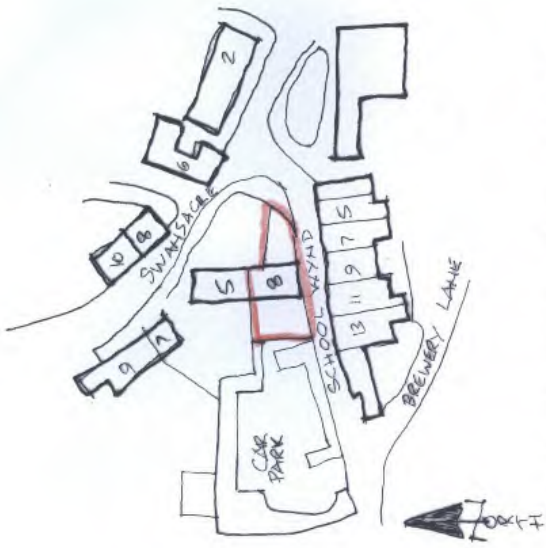
Proposed Alterations & Extension To Dwelling House At 8 School Wynd, Kinross, KY13 8EJ For Andy Powis	
This is a true copy of the plan referred to in the application for Local Authority permission	
Signed..... Dated.....	
Scale: 1:50	Proposed West Facing Elevation

Scale 1:50



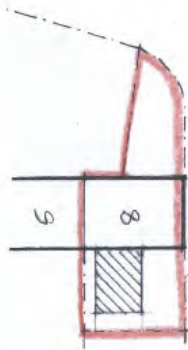
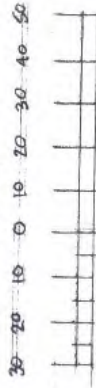
Proposed West Facing Elevation

Reproduced from Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright reserved Licence No. 100020449 - September 2013



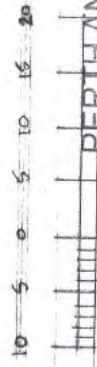
Site Location Plan 1:1250

Scale 1:1250



Block Plan 1:500

Scale 1:500



PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01088/2

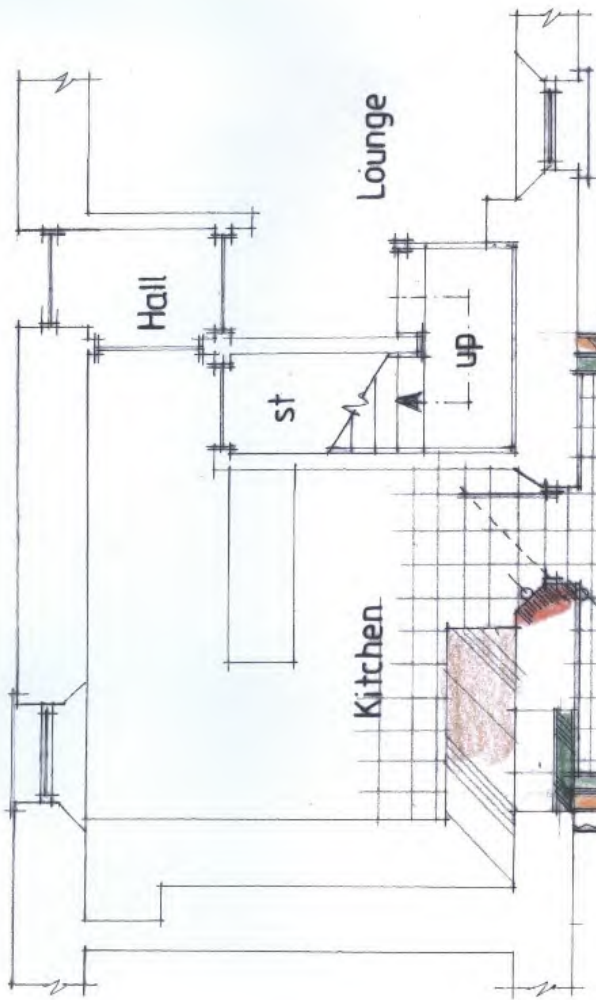
Proposed Alterations & Extension To Dwelling House
At 8 School Wynd, Kinross, KY13 8EJ
For Andy Powis

This is a true copy of the plan referred to in the application for Local Authority permission

Signed..... Dated.....

Scale: 1:50, 1:500 & 1:1250

Revised Ground Floor Plan



786

Revisions To Previously Approved Extension

The previous extension was approved under Planning Application reference number 09/02005/FULL and Listed Building Consent reference number 09/01992/LBC.

The proposals at that time related to a single storey extension to the rear of the dwelling house to which access was gained from the existing kitchen doorway.

The existence of the stone and rock outcrop adjacent to the mutual boundary has forced the extension over slightly beyond the kitchen doorway resulting in a new access requiring to be formed through what is now an internal masonry wall all as shown on the revised Ground Floor Plan

It is now proposed to form another storey over the ground floor extension to form a Master Bedroom with storage accommodation at first floor level.

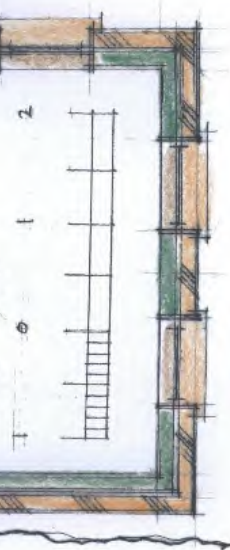
Minor internal alterations to the non load bearing timber framed partitions will be undertaken to form a corridor through one of the existing Bedrooms to access the new extension.

An opening will require to be made through the masonry wall as shown

A single step down will be formed at both levels between the existing house and the extension.

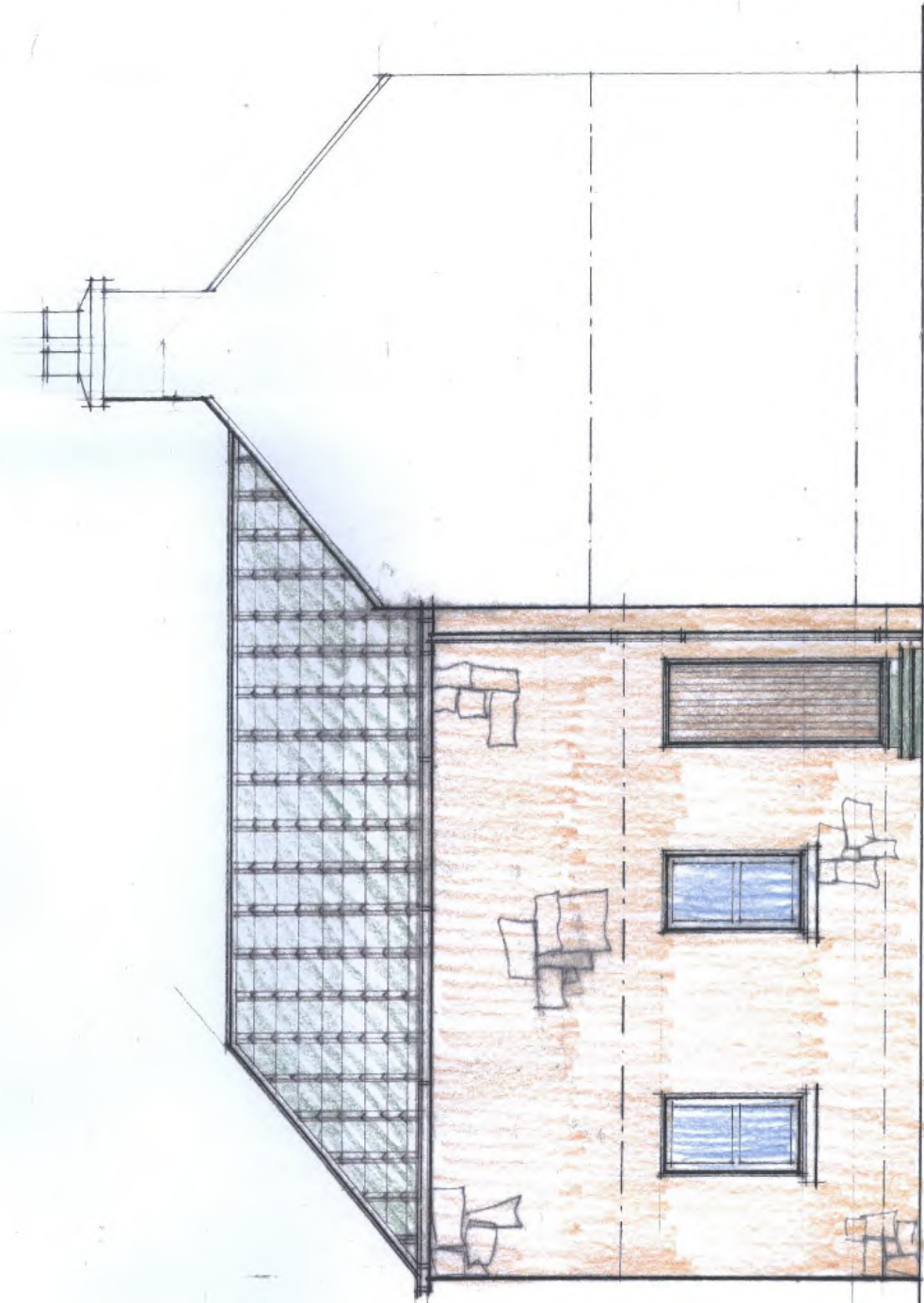
Ground Floor Plan Showing Revisions

Scale 1:50



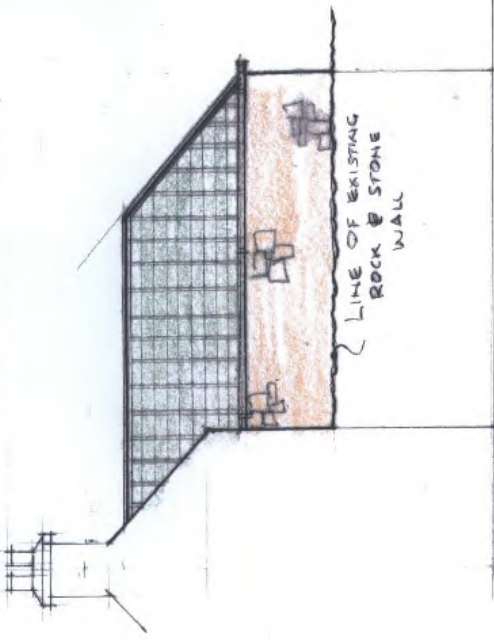
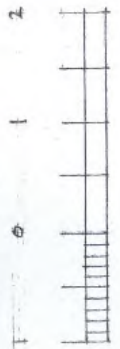
PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01056/3

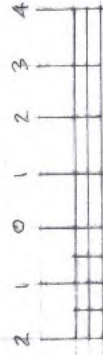


Proposed South Facing Elevation

Scale 1:50



Proposed North Facing Elevation



Scale 1:100

Proposed Alterations & Extension To Dwelling House
 At 8 School Wynd, Kinross, KY13 8EJ
 For Andy Powis

This is a true copy of the plan referred to in the application for
 Local Authority permission

Signed..... Dated.....

Scale: 1:50 & 1:100

Proposed North & South
 Elevations

Proposed External Wall Construction

The external wall will have an external leaf of stonework to match the existing dwelling house with a 50mm cavity between that and the inner leaf of 100mm thick dense concrete block work.

The cavity to be fully filled with Kingspan insulation with the inner leaf strapped and lined with 75 x 50mm straps at 600mm centres incorporating 75mm Kingspan insulation between the straps finished with 12.5mm ams taped plasterboard over a further layer of 25mm Kingspan.

The gable wall to be finished with a wet dash lime based render to match the existing gable.

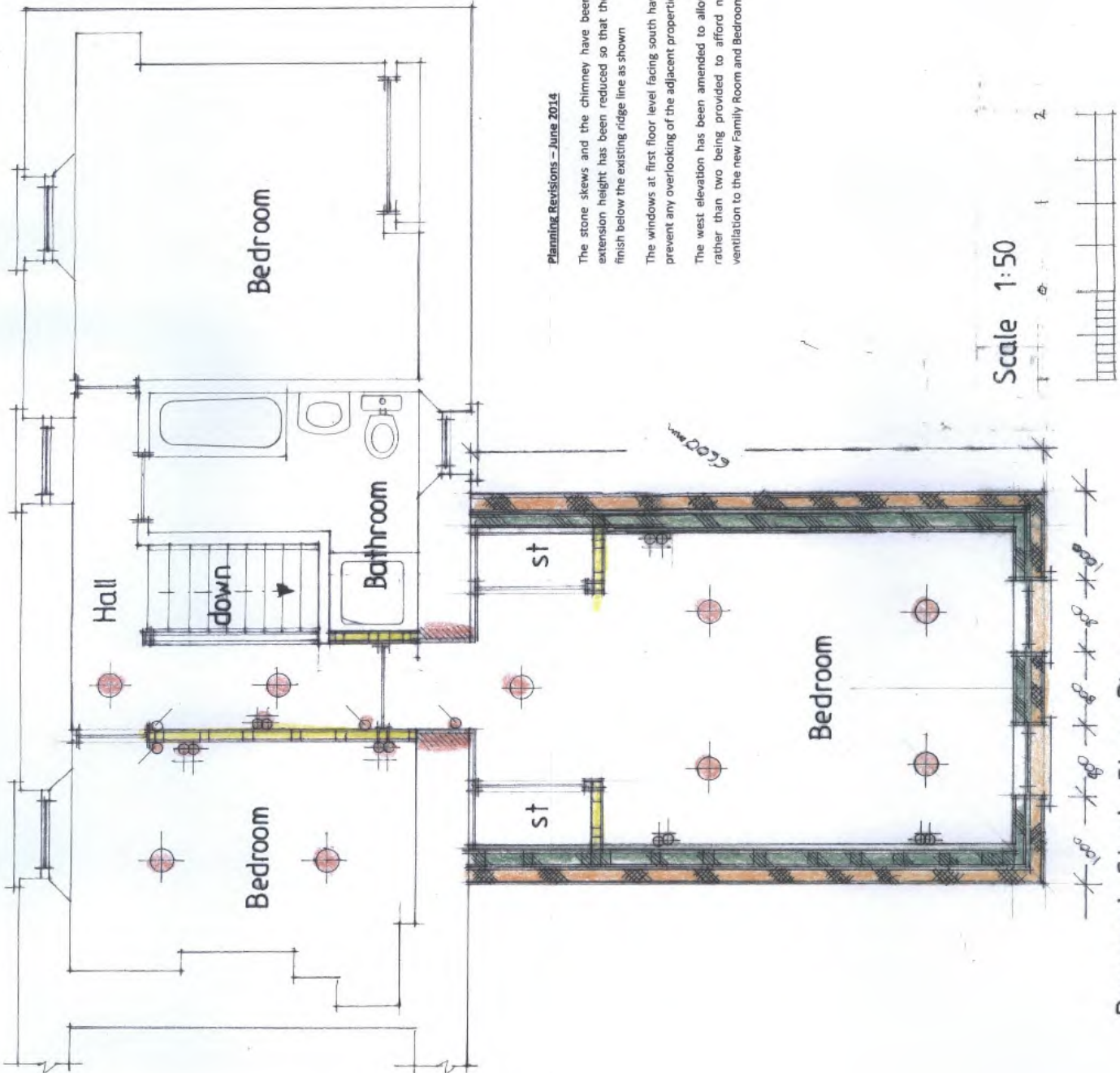
Proposed Roof Construction

Clay Pantiles to match existing house on battens on counter battens on one layer of breathable membrane on sarking with 6mm gap between boards on prefabricated roof trusses at 600mm centres with 12.5mm ams taped plasterboard finish to the ceiling.

100mm mineral wool insulation between the trusses and a further 200mm layer of mineral wool insulation over.

Windows and Doors

Softwood framed double glazed sash and case windows and solid wooden door provided all as previously approved.



Planning Revisions - June 2014

The stone skews and the chimney have been removed and the extension height has been reduced so that the new roof line will finish below the existing ridge line as shown

The windows at first floor level facing south have been removed to prevent any overlooking of the adjacent properties.

The west elevation has been amended to allow for four windows rather than two being provided to afford natural daylight and ventilation to the new Family Room and Bedroom.

Scale 1:50

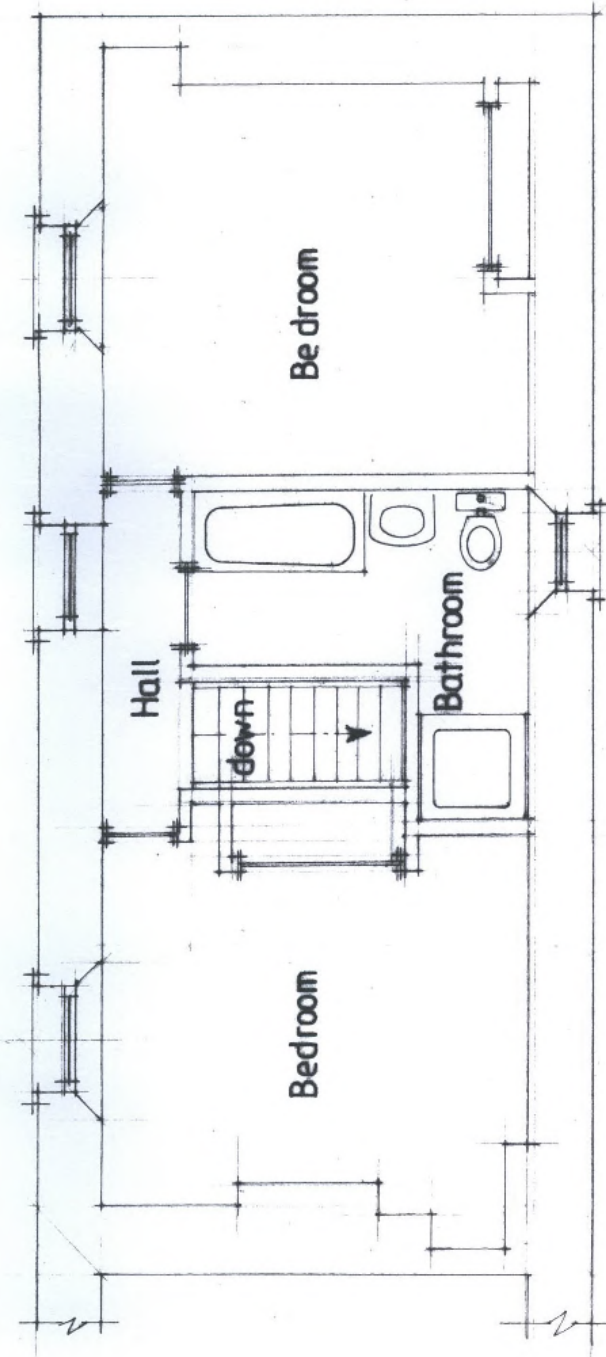


Proposed First Floor Plan

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01088/4

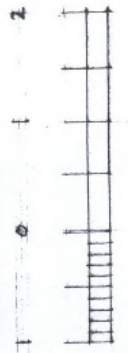
Proposed Alterations & Extension To Dwelling House At 8 School Wynd, Kinross, KY13 8EJ For Andy Powis	
This is a true copy of the plan referred to in the application for Local Authority permission Signed..... Dated.....	
Scale: 1:50	Proposed First Floor Plan



789

Existing First Floor Plan

Scale 1:50



PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01088/5

Proposed Alterations & Extension To Dwelling House At 8 School Wynd, Kinross, KY13 8EJ For Andy Powis	
This is a true copy of the plan referred to in the application for Local Authority permission	
Signed.....	Dated.....
Scale: 1:50	Existing First Floor Plan

TCP/11/16(326)
Planning Application 14/01088/FLL Alterations and
extension to dwellinghouse 8 School Wynd Kinross KY13
8EJ

REPRESENTATIONS

- Objection from P McGee, dated 6 July 2014

Mr Paul McGee (Objects)

Comment submitted date: Sun 06 Jul 2014

Further to the previous objection raised on 3rd July referring to this application, I wish to further support this objection with the following comments
In respect to the supporting letter from Agent dated 17th June 2014

No objection was raised by myself the owner of 5 Swansacre as the notification of application was received by a tenant, who failed to advise and notify myself of the same. If such notification had been forwarded an objection would have been raised. With this revised application having been brought to my attention I am ensuring my objections are noted

In respect to the content of the Agents letter I would add comment to the following

The statement by the agent regarding the fence mounted on the wall, it should noted that the said fence is in fact not mounted on the wall but at ground level on the north side of the wall. The fence has always been in place as a necessity for safety due the elevated ground level on the north side of the wall and it has also provided privacy to 7 School Wynd.

The height of the proposed extension is significantly higher than the existing fencing, thereby increasing the overshadowing of 5 Swansacre. The proximity of the extension to the retaining wall is ?adjacent? and would not only exacerbate the overshadow but also prevents access to the south side of the wall for any form of maintenance, this evident by the already constructed breeze block wall by the applicant for the ground level of the proposed building.

The proposed two-story extension is not perceived as a marginal overshadow but a significant impact onto the adjacent property where as owner I duly object.

Comment submitted date: Fri 04 Jul 2014

The proposed modification to the existing approved planning consent is not acceptable to myself as the adjacent property owner.

It is noted that the submitted plans and elevations bare no relationship to the adjacent property or consider the impact on same

The proposal is excessive in hight.

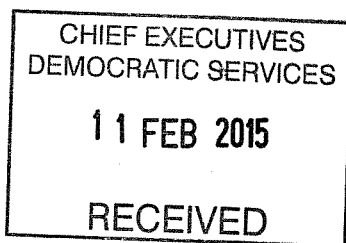
It obstructs significantly the light to adjecent property which has in charactor small windows, thus placing 5 swansacre in permanent shadow
Is out of charactor, is overlooking and is in general an unacceptable design.

TCP/11/16(326)**Planning Application 14/01088/FLL Alterations and extension to dwellinghouse 8 School Wynd Kinross KY13 8EJ**

FURTHER INFORMATION

- Further information submitted by the Agent, as requested by the LRB on 27 January 2015
- Comments on further information from Mr P McGee, dated 16 February 2015
- Comments on further information from Conservation Officer, dated 26 February 2015
- Amended copy of further information submitted by the Agent
- Comments on amended further information from Mr P McGee, dated 9 March 2015
- Comments on amended further information from Conservation Officer, dated 12 March 2015

R T HUTTON



PLANNING CONSULTANT

The Malt Kiln
 2 Factors Brae
 Limekilns
 Fife KY11 3HG
 01383 872000
 07881097659

hutton874@btinternet.com

Our ref: 9/21/RTH

Your ref: TCP/11/16(326)

Gillian A Taylor,
 Clerk to the Local Review Body,
 Perth and Kinross Council,
 2 High Street,
 Perth.
 9th February 2015.

Dear Ms Taylor,

**Application for review of planning application for 8 School Wynd,
 Kinross. (Ref: 14/01088/FLL).**

I refer to the above which was considered by the Review Body at their meeting on 27th January. During a recess of that meeting members of the Review Body and their planning advisor detailed additional information which would assist with their assessment of the application, and I am pleased now to submit that for consideration.

Enclosed are 2 drawings with all of the information requested. The first is the east elevation of the proposed 2 storey extension with the "as built" position of the single storey extension outlined. The variation occurs because the applicant's builder set out the single storey extension at right angles to the house rather than parallel to the common boundary wall. Should members of the Review Body grant planning permission my client would be required to demolish what has been built so far in order to comply with the drawings now being considered.

The second drawing shows the proposed extension and its relationship to the closest widows of the adjacent property, 5 Swansacre. It is understood that the concern of Review Body members relates to the impact the proposed extension would have in terms of overshadowing the ground floor window of this adjacent house. The window in question is one of two which provide light to the kitchen and dining area. In order to demonstrate that any impact will be minimal the drawing shows how the 45 degree rule is applied in this case. This is a standard method of assessment used by many planning authorities, including we understand, Perth and Kinross Council. The assessment requires that a line be drawn from the ridge of the proposed extension at 45 degrees to the perpendicular. If the line covers all or part of the window the overshadowing may be significant enough to justify refusal of planning. Where the line does not cover any part of the window, this is usually accepted as proving that any overshadowing will be minimal, and not significant enough to warrant planning refusal.

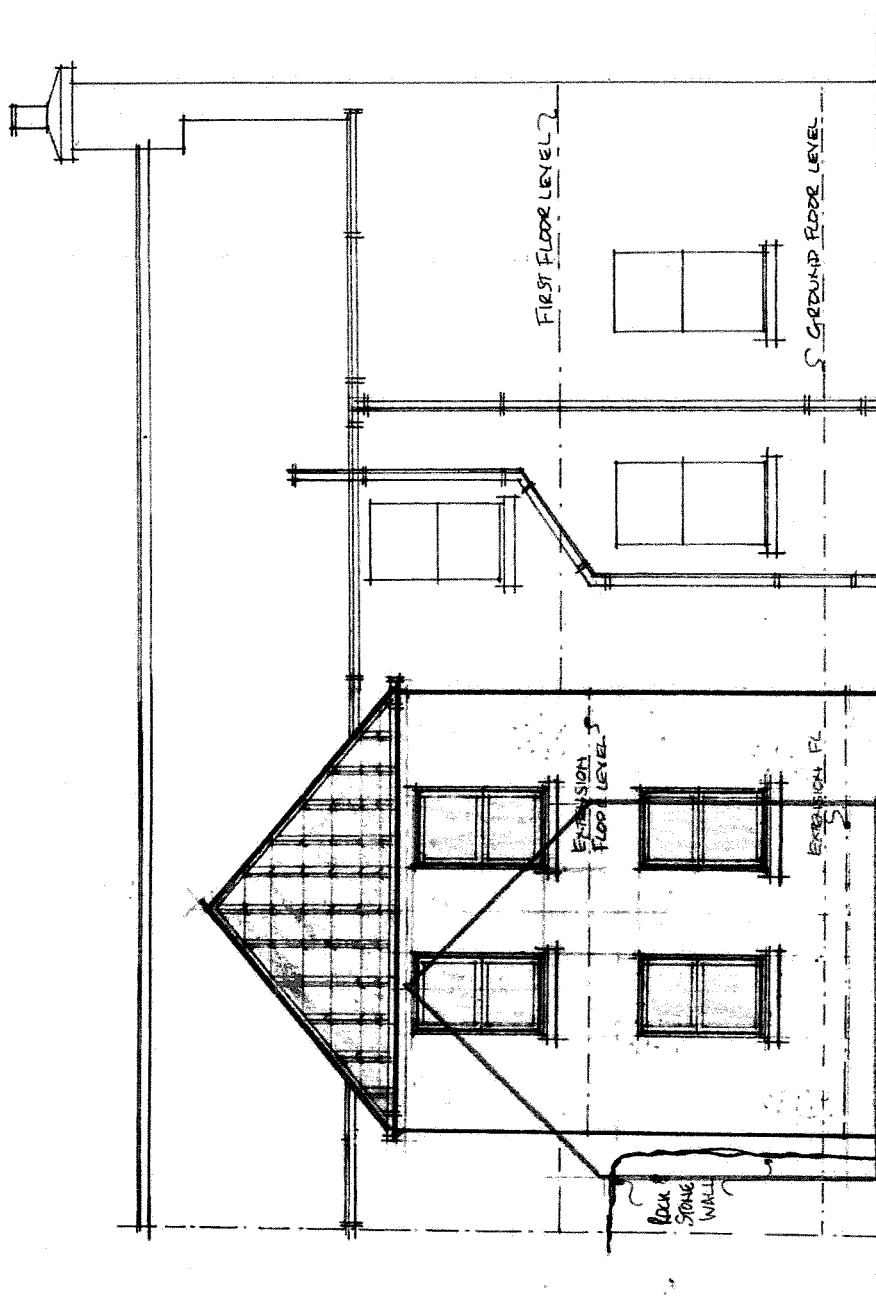
The drawing submitted shows the 45 degree line applied to both the ridge and the

gutter line. The lines have been drawn at the point where the boundary fence is closest to the proposed extension in order to show the worst case scenario. Both lines are clear of the window, demonstrating only a minimal level of overshadowing. We hope that this provides members of the Review Body with the information they need to come to a conclusion on the application. However, if anything further would be of assistance please do let me know.

Yours sincerely,

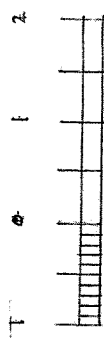
A solid black rectangular box redacting the signature of R T Hutton.

R T Hutton BSc(Hons) MRTPI



LINE OF PREVIOUSLY APPROVED
SINGLE STOREY EXTENSION

Scale 1:50



Proposed West Facing Elevation

Proposed Alterations & Extension To Dwelling House At 8 School Wynd, Kiarross, KY13 8EJ For Andy Powis	
This is a true copy of the plan referred to in the application for Local Authority permission	
Signed.....	Dated.....
Scale: 1:50	Proposed West Facing Elevation

Paul & Avis McGee

Skarvaveiein 1

Lommadallen

Bearum

1350

Norway

Date 16th February 2015

Dear Mrs Taylor

Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review
Procedure) (Scotland) Regulations 2008

Application Ref: 14/01088/FLL Alterations and extension to dwelling house 8 School
Wynd Kinross KY13 8EJ

Further to the receipt of your letter dated 12th February 2015, regarding the
above subject we write to provide our comments regarding the submission

We continue to hold our position of objection to the proposed extension, while
we continue to support the Planning department's original decision to refuse
planning consent dated 26th August 2014.

In relation to the submission from R T HUTTON, dated 9th February 2015
titled: Application for review of planning application for 8 school Wynd Kinross
(Ref: 14/01088/FLL). There are several points I would highlight.

1) Perth and Kinross Council's Placemaking Guide (2012)

"Extensions must be carefully sited to avoid undue loss of daylight or sunlight
to the habitable room windows and private garden ground of the neighbouring
property."

While the revised submission argues that there is no overshadowing of the
single window of 5 swansacre, the policy is clear that this is not only
overshadowing the window but the garden. The area of the Garden that it
overshadows is a patio area and the proposed extension is directly adjacent
and significantly higher than the existing fence.

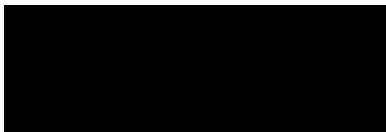
2) The Fence that is mentioned is required for safety reasons, as the Garden is elevated above the ground level. The fence does not create an overshadow that can be compared to the proposed extension.

3) The lines as drawn in the Application for review of planning application for 8 school Wynd Kinross (Ref: 14/01088/FLL), demonstrate that the overshadowing of the property shall occur, while the lines as drawn with approximate dimensions, show that the overshadow is encroaching upon the window.

4) The Application for review of planning application for 8 school Wynd Kinross (Ref: 14/01088/FLL) dated 9th February. Shows the proximity of the extension to be within 210mm from the garden retaining wall at the narrowest point. Within the planning departments Reasons for Refusal published 26th August 2014 states under the article titled "Residential Amenity" that the distance is an approximate 1M, this is not the case. The close proximity of the proposed extension, and the already partially constructed single level extension prevents access to the wall for maintenance. This is evident to any person visiting the site.

In conjunction with the planning departments own objections as detailed in the Reasons for refusal published 26th August 2014, we maintain our position of objection to the proposed extension.

Yours sincerely

A solid black rectangular box used to redact the signature of Paul & Avis McGee.

Paul & Avis McGee

Owner of 5 Swansacre.

**Delayed Office Opening for
Employee Training**

*This Office will be closed from 8.45 am –
11.00 am on the 1st Thursday of each
month commencing 6 February 2003.*

**Gillian A Taylor
Clerk to the Local Review Body
Perth and Kinross Local Review Body
Perth & Kinross Council
The Atrium
137 Glover Street
Perth PH2 0LQ**

**Planning and Regeneration
Head of Service David Littlejohn**

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Contact Richard Welch
Direct Dial (01738 476598)
E-mail: REWelch@pkc.gov.uk
www.pkc.gov.uk

Your ref TCP/11/16 (326)

Date 26 February 2015

Dear Ms Taylor

**Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review Procedure)
(Scotland) Regulations 2008
Application Ref: 14/01088/FLL Alterations and extension to dwellinghouse, 8 School
Wynd, Kinross KY13 8EJ**

I refer to your letter to the Development Quality Manager in relation to a written submission received from the agent dated 9 February 2015 and your request for any comments on this submission.

I am the planning case officer for the application and offer the following comments:-

The drawings do not scale and there are inaccuracies in the drawings. The height to the roof ridge of the proposed extension on the west elevation drawing (the first drawing referred to in the agent's letter) scales at 6.6m. The second drawing showing the overshadowing projection on a vertical axis indicates the height to ridge as 6.8m.

The existing first floor window and the upper section of the vent pipe on the west elevation are drawn in the wrong position. This window is closer to the proposed extension.

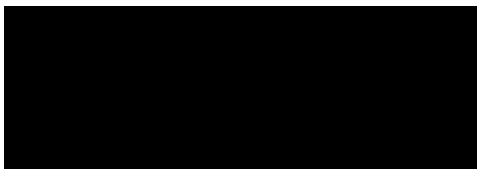
In the second paragraph of the agent's letter the first of the two drawings submitted is referred to as the "east" elevation whereas in fact it is the west elevation.

It appears that what has been constructed on site so far does not relate to the approved single storey extension. It is wider in floorplan. The south wall of the construction is closer to the existing first floor window. The construction so far is unauthorised.

Until accurate drawings are presented it is unreasonable to expect a conclusion and decision on this case.

The agent has submitted an overshadowing projection on the vertical axis only. The horizontal axis should also be taken into account. A horizontal projection, in accordance with the Council's Placemaking Guide, clearly demonstrates an adverse overshadowing impact on 5 Swansacre.

Yours sincerely



Richard Welch
Conservation Officer

R T HUTTON

PLANNING CONSULTANT

The Malt Kiln
2 Factors Brae
Limekilns
Fife KY11 3HG
01383 872000
07881097659

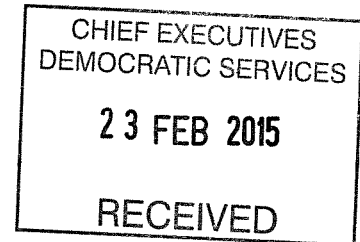
hutton874@btinternet.com

Our ref: 9/21/RTH

Your ref: TCP/11/16(326)

Gillian A Taylor,
Clerk to the Local Review Body,
Perth and Kinross Council,
2 High Street,
Perth.
20th February 2015.

Dear Ms Taylor,



**Application for review of planning application for 8 School Wynd,
Kinross. (Ref: 14/01088/FLL).**

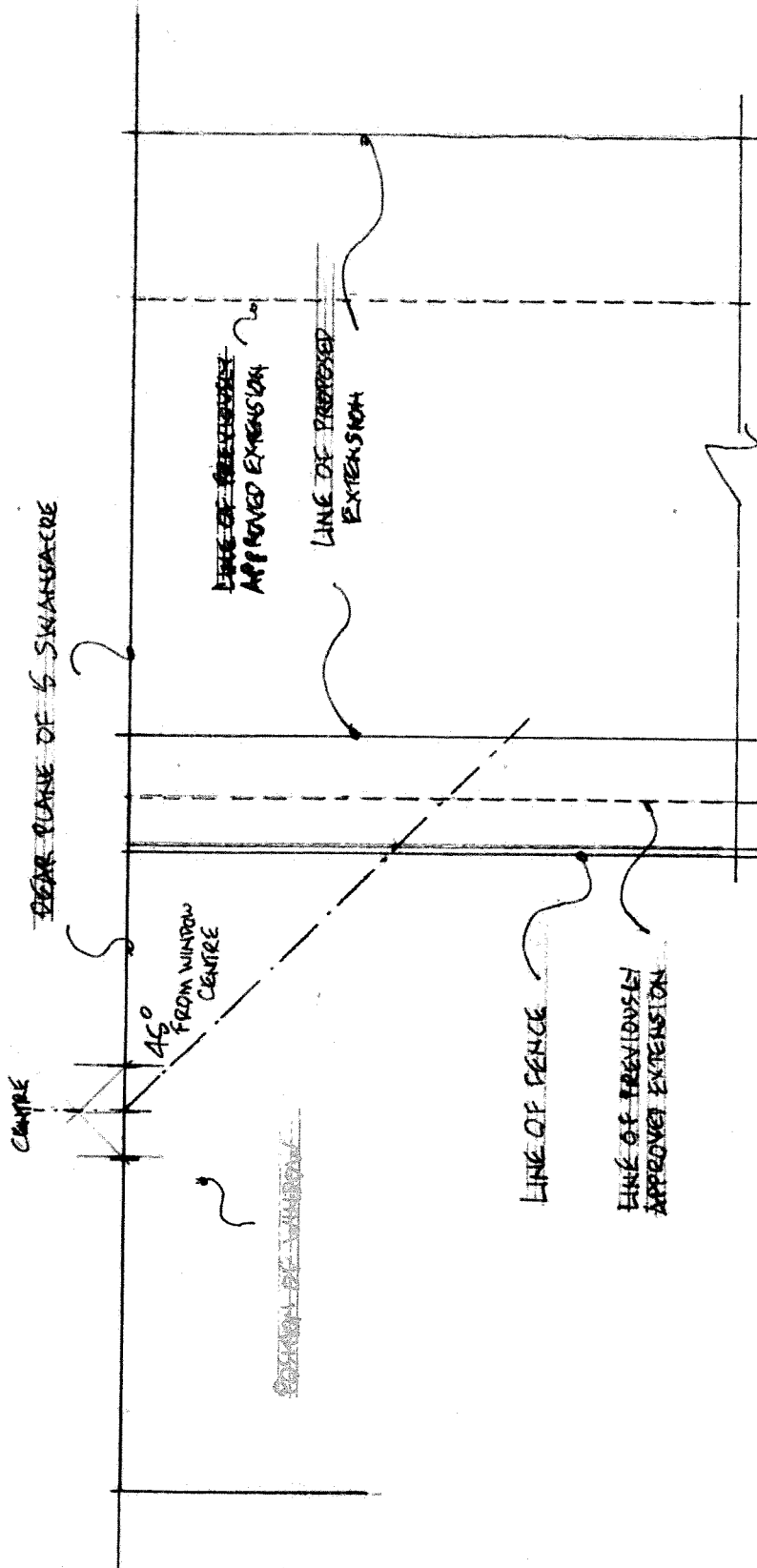
I refer to my letter of 16th February and must apologise for an error contained therein. In the second paragraph I mentioned that should this review be granted then existing structure would be demolished. This is in fact not the case as the 2 storey extension which is subject to this review utilises the footprint of the works that have been started on site in the construction of the approved single storey extension. I regret any inconvenience caused by this error.

Included with my earlier letter was a sketch demonstrating that the proposed extension would not overshadow the closest ground floor window of the adjacent property by virtue of its height. It may be useful to members of the Review Body to have confirmation of the situation in the horizontal plane. The sketch enclosed shows that the existing boundary wall/fence blocks the 45 degree angle from the window, and because of this the proposed extension will have little, if any impact, on overshadowing of the window.

I hope this information is helpful and I look forward to hearing when the application will be considered by the Review Body.

Yours sincerely,

R T Hutton BSc(Hons) MRTPI



SCALE 1/50

CHX Planning Local Review Body - Generic Email Account

From: paul mcgee <[REDACTED]>
Sent: 09 March 2015 19:24
To: CHX Planning Local Review Body - Generic Email Account
Subject: School Wynd, Kinross

Dear Gillian,

Thank you for forwarding the new information from the architect.

We have nothing new to add except to say that we still stand by our objection to the proposed extension.

- It is a large project in both height and length and will overshadow greatly both the garden and windows at 5 Swansacre.
- The site is in a conservation area and the building is also listed and we do not believe that the extension will contribute in a positive way to the local environment.
- The closeness of the extension is also of concern from a point of maintenance and access.

We hope that Perth and Kinross Council stands by their initial and correct decision.

Yours sincerely

Paul and Avis McGee

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Employee Training**

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11.00 am on the 1st Thursday of each
month commencing 6 February 2003.*

**Gillian A Taylor
Clerk to the Local Review Body
Perth and Kinross Local Review Body
Perth & Kinross Council
The Atrium
137 Glover Street
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**Planning and Regeneration
Head of Service David Littlejohn**

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Contact Richard Welch
Direct Dial (01738 476598)
E-mail: REWelch@pkc.gov.uk
www.pkc.gov.uk

Your ref TCP/11/16 (326)

Date 12 March 2015

Dear Ms Taylor

**Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review Procedure)
(Scotland) Regulations 2008
Application Ref: 14/01088/FLL Alterations and extension to dwellinghouse, 8 School
Wynd, Kinross KY13 8EJ**

I refer to your letter to the Development Quality Manager in relation to an amended submission received from the agent dated 20 February 2015 and your request for further comments on this submission.

Further to the comments I have made previously regarding inaccuracies in the drawings I would reiterate that the construction started on site is unauthorised. The footprint does not relate to the approved single storey extension.

The agent's overshadowing projection on the horizontal axis is measured from the centre of an existing window on the neighbouring property. It should be measured from the end corner of the proposed extension. A horizontal projection measured in accordance with the Council's Placemaking Guide clearly demonstrates an adverse overshadowing impact on 5 Swansacre.

Yours sincerely

Richard Welch
Conservation Officer

