

**TCP/11/16(618) – 19/01280/FLL – Erection of a shed, 10
Kinmond Drive, Perth**

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**TCP/11/16(618) – 19/01280/FLL – Erection of a shed, 10
Kinmond Drive, Perth**

**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

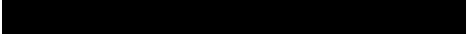
IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name PAUL DIX

Address 

Postcode 

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail* 

Agent (if any)

Name 

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?

☒ ☐

Planning authority

Perth and Kinross

Planning authority's application reference number

19/01280/FLL

Site address

Rear Garden, 10 Kinmond Drive

Description of proposed
development

Erection of a smaller shed following refusal of the
first application (no objections)

Date of application

02 AUG 19

Date of decision (if any)

20 SEP 19

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

Notice of Review

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 initial application for a 22' x 16' shed/snooker room was narrowly defeated 2-1, so I'm hoping for a better result in the replay, this new shed being significantly smaller at 18' x 16', and occupying only 33% of my rear garden.

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

Notice of Review

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.

Following refusal of my initial application and appeal, I tried to listen to Ms Peebles concerns and put in a second application for a smaller shed with a double garage door, that would still let me play snooker in if I opened it when the cue ball was near the cushion. Whilst not ideal its still better than playing in the rain. She had mentioned a pitched roof would be of a better appearance visually so I added that as well. The construction would remain in beautiful hardwood. This second application again received no objections from my neighbours, and being of a reduced size I believed that using only 33% of the garden would see it get passed this time without a problem. This was also the opinion of the pettheadvertiser, who contacted me last time. Again I would like to state that I am happy to sign any disclaimer promising to dismantle the shed should we move to a new house without such strange garden rules, as I will want to play snooker there too probably. The shed is not a permanent structure anyway. My next door neighbour has a large conservatory and two sheds in his garden. I only want one and cant really make it any smaller

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

I didnt want to get my neighbours in trouble but they have since assured me that they have got permission for their garden structures so I think its OK to add it as mitigating evidence for approval of my shed. It only requires planning permission here because it is on a new build estate, it could be put up in any other garden as all the other questions on the 'checklist' complies.

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.

Block Plan and Elevations
Application for planning permission

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

7/10/19

19/00630/FLL

RECEIVED

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.gplaning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No	
Forename	PAUL	Forename	
Surname	DIX	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Address or Location of Proposed Development (please include postcode)			
10 KINMOND DRIVE PERTH PH2 0TG			
NB If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
TO INSTALL A 6.6 x 4.5 mtr SHED IN MY GARDEN			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes please state date of completion, or if not completed, the start date			
Date started		Date completed	

19/00630/P1

If yes, please explain why work has already taken place in advance of making this application

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☒ No ☐

If yes, please provide details about the advice below

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: TRACY McMANAMON Date: 09/04/19 Ref No:

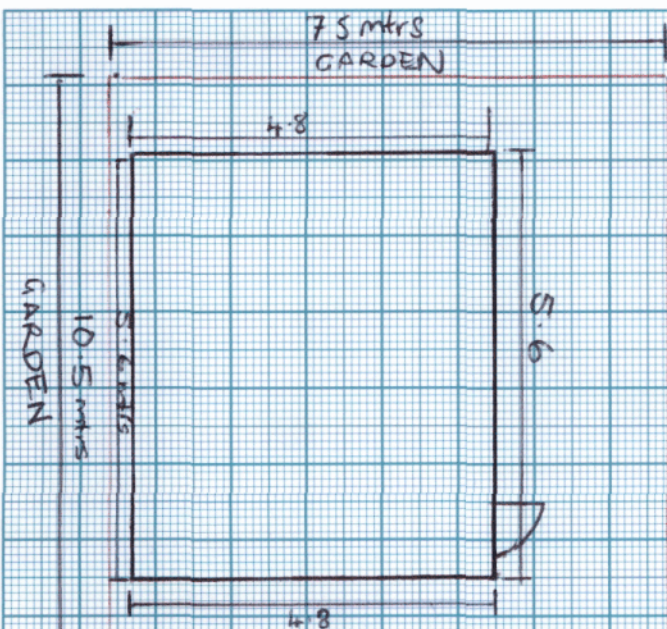
Queried whether permitted development rights had been removed and whether I would need to apply for Planning Permission for the shed.
Application required because of the removal of permitted development rights by a condition attached to a planning permission. No fee payable. Checklist attached

6. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled



Block Plan + Elevations

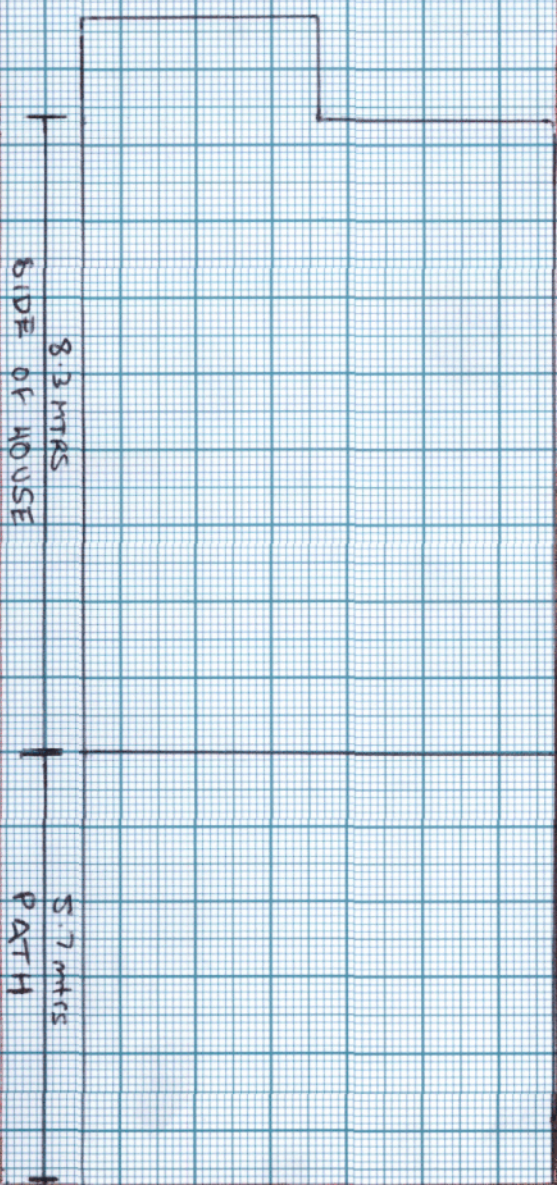
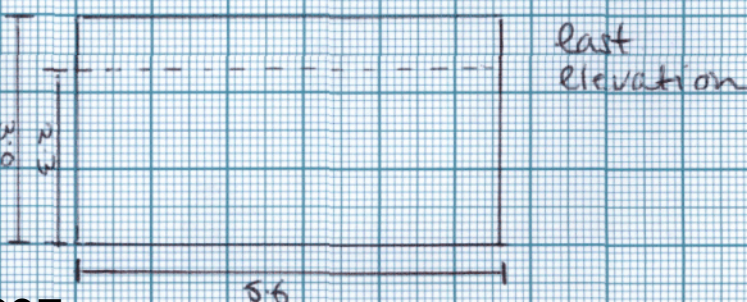
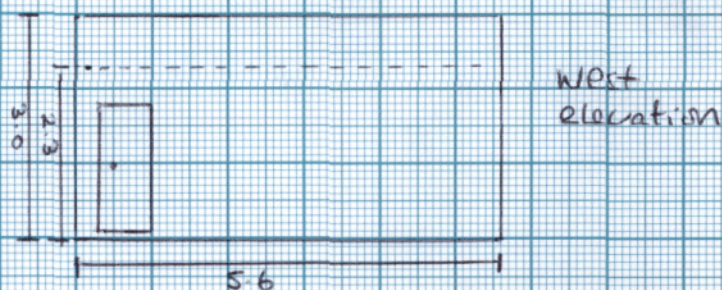
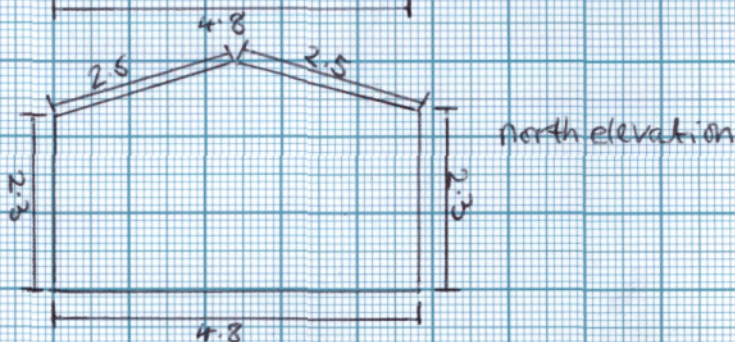
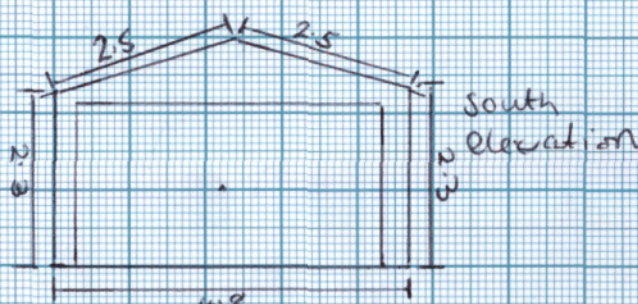
1 square = 1 square metre

1/100



- clad in hardwood timber
- varnished finish
- mahogany door
- garage door to compensate for reduced sheet size to enable snooker shots still
- roofing material - epdm rubber
- pitched roof to be more aesthetically nice

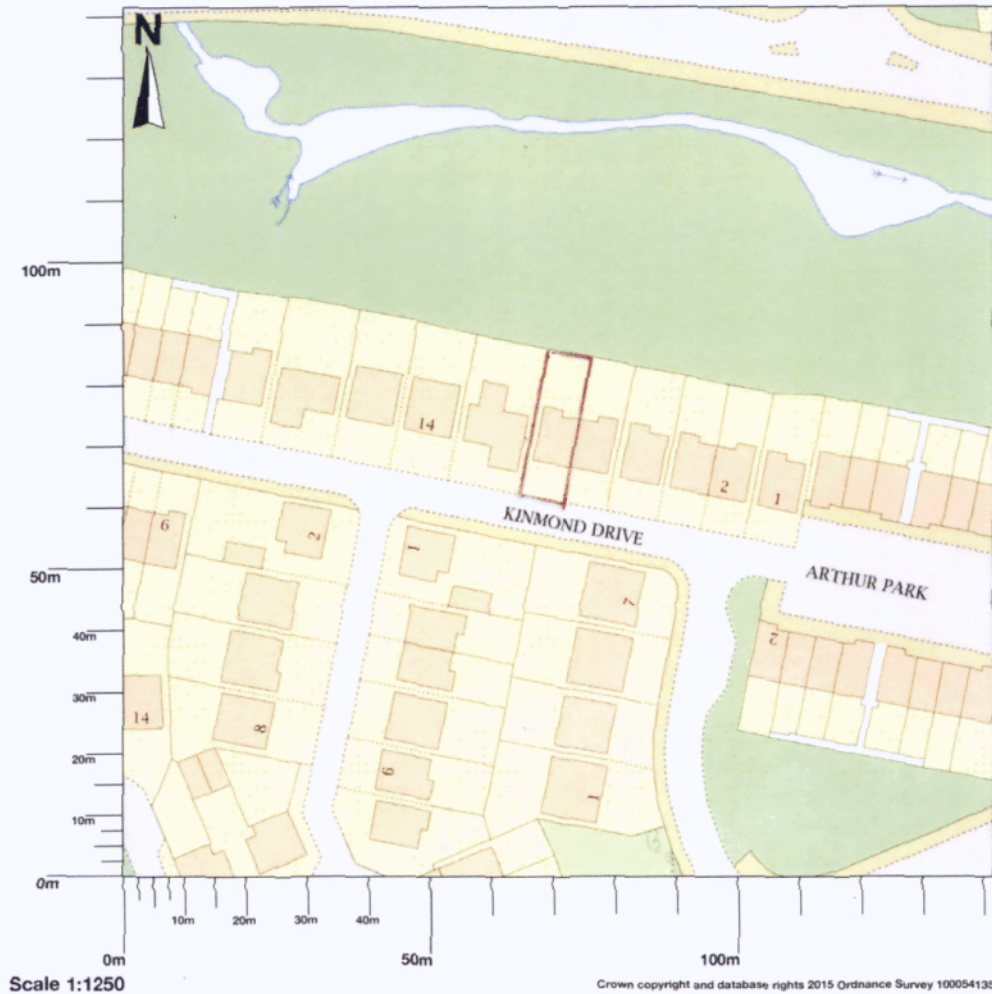
Shed Elevations



10 Kinmond Drive
Road



10 Kinmond Drive, Perth, PH2 0TG



Map area bounded by: 309764,722498 309906,722640. Produced on 15 April 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2b/339333/461361

TCP/11/16(618) – 19/01280/FLL – Erection of a shed, 10 Kinmond Drive, Perth
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PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 237-238)*

PERTH AND KINROSS COUNCIL

Mr Paul Dix
10 Kinmond Drive
Perth
PH2 0TG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 30th September 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01280/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 2nd August 2019 for permission for **Erection of a shed 10 Kinmond Drive Perth Perth And Kinross PH2 0TG** for the reasons undernoted.

Head of Planning and Development

Reasons for Refusal

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1(c) of the Perth and Kinross Local Development Plan 2014.

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

19/01280/1

19/01280/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/01280/FLL	
Ward No	P10- Perth City South	
Due Determination Date	01.10.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a shed

LOCATION: 10 Kinmond Drive Perth Perth And Kinross PH2 0TG

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: 22 August 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to 10 Kinmond Drive which is a semi-detached dwellinghouse located in a modern residential development on the south western edge of Perth.

This application is a resubmission following a recent refusal for the erection of a shed within the rear garden of the site. Planning application reference 19/00630/FLL relates.

Full planning consent is hereby sought for the erection of a shed within the rear garden of the site. The size of the shed has been reduced in scale to that previously proposed. The rear garden is of a modest scale measuring approximately 70sqm, fully enclosed with timber fencing on all boundaries. Residential properties bound the site to the east and west, open space to the north and the public footpath to the south.

Generally, the proposal would be permitted development, however, a planning application is required as Condition 8 of planning consent 14/00269/AMM has removed permitted development rights for Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) for semi-detached and terraced properties. In this case Class 3A is relevant.

Permitted development rights were removed where the private amenity space was tight and to allow control over future development, including house extensions and outbuildings, which would have the greatest impact on neighbouring amenity.

SITE HISTORY

19/00183/LAW	Erection of a summerhouse (proposed) (application returned)
19/00220/IPL	Erection of a garden building (application returned)
19/00630/FLL	Erection of a shed (application refused)

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy RD1 - Residential Areas

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

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER POLICIES

Perth & Kinross Council's Draft Placemaking Guide 2017 states that;

Private garden spaces

All new houses should benefit from private garden spaces for drying clothes, accommodation pets, children's play, quiet enjoyment etc. Front gardens do not constitute private garden space. Private spaces require to be sized appropriate to the property they serve, proportionate to the size and layout of the building.

As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bed roomed house and 8- square metres for 3+ bedrooms

INTERNAL CONSULTATION RESPONSES

Structures And Flooding – no objections.

Development Negotiations Officer – no contribution required.

REPRESENTATIONS

None at time of report.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The erection of an ancillary building within the garden of a domestic dwelling is generally considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on residential and visual amenity.

The proposal will result in a loss of residential amenity to the application site itself, therefore, does not comply with the above policies.

Design, Layout and Visual Amenity

The footprint of the proposed shed measures 4.5m by 5.6m and will reach a maximum height of 3m. It is of standard construction finished in timber, however, no detail has been provided as to whether vertically or horizontally hung. The drawings indicate the roof will be finished in epdm rubber.

The shed will be positioned approximately 2.5m from the rear wall of the dwellinghouse, 0.2 metres from the west boundary, 0.9m from the north boundary and 2m from the east boundary.

To summarise the proposed amendments, the footprint has been reduced by approximately 2.8 sqm, its width increased by 300mm with its length reduced by 900mm. Its roof design amended to a pitched roof and there are no windows proposed within the structure. In terms of its location, it will be sited closer to the western boundary, the distance to the eastern boundary will remain the same, the distance to the northern boundary will be slightly more as will the distance between the rear wall of the dwellinghouse to the proposed shed.

The design of the shed itself does not raise concerns. As before, I have more serious concerns in respect of the scale of the proposed shed and loss of private amenity space which is addressed later in the report.

Landscape

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

Private Amenity Space

The proposed shed raises significant concerns in terms of its excessive footprint when compared to the modest size of the rear garden in which it is proposed. The footprint has been reduced by approximately 2.8sqm which is not considered to be enough to overcome the previous reasons for refusal.

The existing usable area of rear garden ground is particularly small measuring approximately 70sqm and the proposed shed will result in around 43sqm remaining after development.

The area is generally characterised by open-plan front gardens and as such private garden ground is located to the rear. I do not feel it is appropriate to remove such a large area of what is the only private amenity space. The dwellinghouse is a 3 bed and whilst not directly related to this proposal, the draft placemaking guide specifies it is good practice to provide a minimum of 80 sqm for a 3 bed dwellinghouse.

The existing rear 70 sqm private amenity space as originally constructed is less than the expected size and as such permitted development rights were removed. A standard sized shed could be accommodated within the rear garden, however, I would expect this to be of a standard size suitable for storing garden tools and not to the scale proposed.

The extent in which private amenity space is used relates specifically to the dwellings occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Whilst it is acknowledged the proposed shed could be easily removed by the current owner in the event the property is sold, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. Furthermore the applicant in his submission has made it clear the proposed structure is to house a standard sized pool table, therefore, it is unlikely there will be any storage capacity within the shed. This has the potential for items to be stored within the remaining garden space, thereby potentially creating an amenity issue.

In this regard I consider the area retained after development is inadequate in size to satisfactorily accommodate this development without affecting the residential amenity of the existing house and as such is contrary to policy RD1 sub criterion (c).

In coming to my view I am mindful of the recent Local Review Body (LRB) decision which is a material consideration in the determination of this application.

Residential Amenity

The neighbouring property to the west is a detached property which appears to have been extended and a shed located adjacent to the communal boundary. The location of the proposed shed, although extending 5.6 metres along the boundary and would have an increased ridge height of 600mm compared to the previous proposal, is unlikely to result in overshadowing to the neighbouring property due to the location of their shed and orientation of the existing dwellings.

The proposal does not raise any significant concerns in terms of neighbouring residential amenity, however, it will have a detrimental impact on the residential amenity of the application site itself. The useable garden ground remaining after development is not of a sufficient size to accommodate the existing property.

Roads and Access

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

Drainage and Flooding

No drainage or flooding implications from the proposal.

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 not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1(c) of the Perth and Kinross Local Development Plan 2014.

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

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/01280/1

19/01280/2

Date of Report 30 September 2019