

TCP/11/16(608) – 19/00098/FLL – Alterations to dwellinghouse (in retrospect), 41 King Street, Perth
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**TCP/11/16(608) – 19/00098/FLL – Alterations to
dwellinghouse (in retrospect), 41 King Street, Perth**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100151349-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: Fine Designs Architecture

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Coliemore"/>
First Name: *	<input type="text" value="Ian"/>	Building Number: <input type="text" value="41"/>
Last Name: *	<input type="text" value="Evans"/>	Address 1 (Street): * <input type="text" value="King Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 8JB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="41 KING STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 8JB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="723238"/>	Easting	<input type="text" value="311583"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to Dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We feel obliged to appeal this decision as we feel that the works actually 'enhance and preserve the listed building & its setting'.
Please refer to the photographic record submitted, of the site Prior to the alterations & Post the alterations being carried out.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement Photographic Record Prior to Works Photographic Record Post Works pp01revA Site Plan Location Map pp02revB Existing Plan and Elevations pp03revB Proposed Plan and Elevations pp04revC Existing and Proposed Details

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00098/FFL

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

02/02/2019

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

12/03/2019

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We feel when the alterations are considered on site within the context of the private rear courtyard of the dwelling house, it will be understood that the works have progressed to enhance the site condition.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Ronan McGirr

Declaration Date: 11/06/2019

FINE DESIGNS ARCHITECTURE

13 Park Avenue, Dunfermline, Fife, KY12 7HX.
e-mail: info@finedesignsarchitecture.com,
www.finedesignsarchitecture.com

FD Ref – 1712 –

Appeal of Refusal -

Window & Door Replacement to Dwelling House

At: Coliemore, 41 King Street, Perth, PH2 8JB

Listed Building Application – 19/00099/LBC

Planning Application – 19/00098/FLL

Planning Approval & Listed Building Consent were applied for the removal of the toilet block projecting into the rear courtyard of 41 King Street, 2no door to window alterations & a window to door alteration.

The reason for refusal was stated as follows –

The Planning Act 1997 requires that special regard is given to the desirability of preserving the building, its setting or any features of special architectural or historic interest. The proposal, by virtue of the materials & design of the upvc windows, does not accord with the requirements of Scottish Planning Policy 2014 which indicates the importance of preserving & enhancing a listed building & its setting.

We feel obliged to appeal this decision as we feel that the works actually *'enhance and preserve the listed building & its setting'*. Please refer to the photographic record of the site Prior to the alterations & Post the alterations being carried out.

- 1.0 The toilet block was an eye sore, built of materials not consistent with the existing & built directly against the window of the existing main dwelling block. Removal of this toilet block enhances & preserves the Listed building & its setting.
- 2.0 The existing 2no doors & window were altered and replaced with 2no windows & a glazed patio door to better suit the accommodation within. The existing window was timber framed but a top hinged casement window. The windows & patio door fitted are pvc but of sliding sash operation with astragals to match. The photographic record show that they do sit comfortably within the whole elevation & enhance the Listed building & its setting.
- 3.0 The white painted appearance of the ground level stone has been removed & the existing & new natural stone has been matched & with dressed stone detailing around all the window & door openings shows that the works have been carried out to a high standard. The photographic record clearly shows that the stone detail enhances & preserves the listed building & its setting.

- 4.0 The courtyard has benefitted from the removal of the toilet block & the attention paid to the stone detailing. The courtyard setting is certainly enhanced.
- 5.0 All the neighbouring dwellings that look on to the courtyard have pvc or aluminium framed casement windows fitted. Our development has fitted pvc windows but fitted sliding sash type window frames that are in keeping with the nature of the dwelling. We feel that this enhances the listed building & its setting.
- 6.0 The affected works can only be viewed from the courtyard, and this courtyard is accessed from a passageway down the side of the dwelling. The works cannot be viewed at all from any public areas.

The Site –

An existing C Listed Two Storey dwelling at 41 King Street, Perth, PH2 8JB, with a two storey secondary off shoot extension to the rear, with a rear courtyard.

The works concerned relate to the removal of a flat roofed brick finished single storey toilet extension, & removal, alteration & replacement of the rear ground floor window and 2no doors. A casement Window & 2no Doors are located on the South Elevation of the rear two storey extension, on the ground floor, facing into the rear courtyard.

The courtyard is surrounded by a solid stone 2.0-meter-high site boundary wall. The courtyard is accessed from a side passage that runs down the South Façade of the dwelling.

The Courtyard is surrounded by 39 King Street, 23 & 25 James Street. All neighbouring dwellings are fitted with white uPVC or aluminium framed casement windows and doors.

Design Brief –

1. To remove the existing single storey wc extension. This extension is of poor aesthetic character & design value. The materials used do not relate to the existing and block the existing ground floor window on the main dwelling.
2. All the whitewashed masonry at ground level to be treated to remove the whitewash, clean and restore a natural stone finish to match existing.
3. The removal of this wc extension will reveal an existing door and this is to be replaced with a white upvc framed double glazed sliding sash window with astragals, and with stone under-build to match existing.
4. The existing window - W1 to be removed and the structural opening retained and a new white upvc framed glazed patio door to be fitted.
5. The existing door – D1 to be removed and the structural opening retained and a new white upvc framed double glazed window with astragals to be fitted with stone under-build to match existing.
6. To fit white upvc framed sliding sash & case type windows with astragals and glazed patio doors. These windows are more in keeping with the original sliding sash & case windows of the existing dwelling. All other windows to the neighbouring buildings are either upvc or aluminium casement windows.

Drawings Included –

FD 1712 Evans – pp01revA – Site Plan & Location Map

FD 1712 Evans – pp02revB – Existing Plan & Elevations

FD 1712 Evans – pp03revB – Proposed Plan & Elevations

FD 1712 Evans – pp04revC – Existing & Proposed Details

Photographic Record Prior to Alterations



1.0 - View from rear courtyard prior to alterations -
Flat Roofed White Painted Brick WC structure to be removed. Note how this structure abuts directly the existing sliding sash window of the main two storey dwelling.



2.0 - View from rear courtyard prior to alterations -
White Painted ground floor stonework with existing door and top hinged casement window.

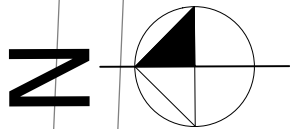
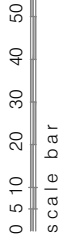
Photographic Record Post Alterations



3.0 - View from rear courtyard following alterations - WC structure removed. The existing window of the main two storey dwelling is now fully exposed. A pvc patio door replaces the existing window, 2no pvc sliding sash windows replaces 2no doors on the ground floor level. The white paint to the stone has been removed & natural stone matched with existing fitted and dressed stone detailing to all openings.

NOTES

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All levels and dimensions to be checked on site prior to construction. The architect is not responsible for any discrepancies immediately to the Architect.



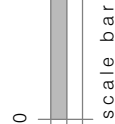
39

97

20.0

10.0

5.0



scale bar

site

dwelling

yard

23

723200m

311600m

Crown Copyright and database rights 2018 OS 100019980

location map
scale 1:1250
OS serial no 00700646
mason map dunfermline

08 Dec 2019 © Crown Copyright 2019

This is a copy of a true copy of the plan as referred to in the warrant application 18/0261/1/FULL submitted to Perth Kinross Council

dated 31.01.19

signed Ronan F McGirr

drawing number

pp 01 rev A

1712

date

Jan 19

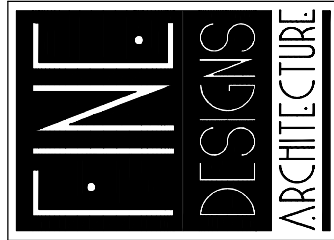
project

Replacement of Windows,
41 King Street, Perth, PH2 8JB,
for Mr N Evans.

drawing

site plan & location map

13 park avenue, dunfermline, fife, ky12 7ix
tel + fax: 01383 720320 mob: 0781129688
e-mail: info@finedesignsarchitecture.com
www.finedesignsarchitecture.com

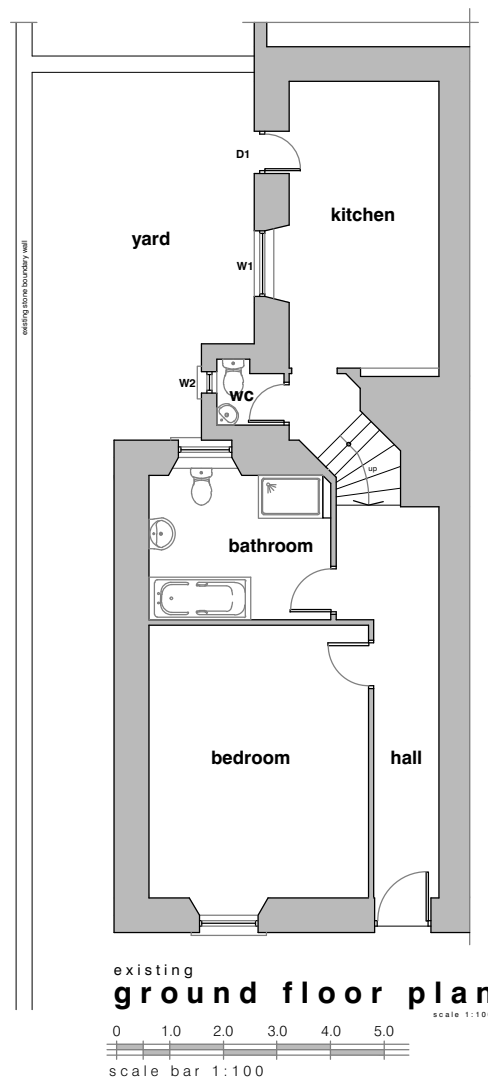


site plan
scale 1:200

OS serial no 00700646
mason map dunfermline
08 Dec 2019 © Crown Copyright 2019

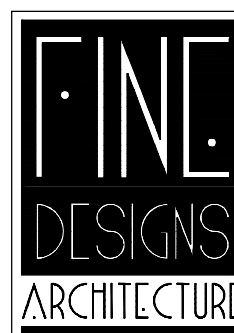
45

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This is a copy / a true copy of the plan
as referred to in the warrant application
18/02611/FULL submitted to Perth
Kinross Council
dated 31.01.19

signed Ronan F McGirr



job no	1712	drawing number	pp 02 rev B
date	Jan 19		
project	Replacement of Windows, 41 King Street, Perth, PH2 8JB, for Mr N Evans.		
drawing	Existing & Proposed Elevations		
13 park avenue, dunfermline, fife, ky12 7hx tel + fax: 01383 720320 mob: 07811129689 e-mail : info@finedesignsarchitecture.com www.finedesignsarchitecture.com			

8.0
Windows - Max. U-Value to be 1.4W/sq.Mk

- 8.1 - Colins evolvie double glazed, kile matted, uPVC sliding sash units, all new glazing units to be 4mm outer pane, 20mm argon-filled cavity and 4mm K glass inner pane.
- 8.3 - all door glazing and adjacent side screens within 1500mm of the door to be fitted with toughened safety glass to meet BS 6262 Part 4: 2005. All other glazing to be fitted with toughened safety glass to BS 6262: Part 4: 2005
- 8.9 - New Doors and Windows to be configured to the product standards and performance parameters as follows:
- 8.9.1 - All external doors and windows located at ground level or windows easily accessible to be tested to meet recognised standards for security, doorsets to meet BS7560 and windows to meet with BS 7560:1997
- 8.10 - Windows and Doors to be designed and installed to resist forced entry and meet with the recommendations for resistance to forced entry and fire as set out by Design and with all British Standards and Eurocodes.

- 8.11 - Windows opening actions to have a keyed locking system that uses a removable key or a keyless locking system, together with glazing which incorporates laminated glass.
- 8.12 - Hinges -
Doors that are single swing should be fitted with one and a half hinges. Double doors should be fitted with two hinges. Hinges should be fitted to the door frame and not the door leaf. Hinges should be fitted to the door frame and not the door leaf. Hinges should be fitted to the door frame and not the door leaf.
- 8.13 - Locking -
A doorset should include a single-point locking device to BS 3321:2007 for keyed egress or to BS 8621:2007 for keyless egress. A deadlocking facility should be provided. Lock cylinder should be of hardened steel and to provide a minimum of 3 key security and grade 2 attack resistance as a minimum.

- 8.14 - Installation and fitting of doors and windows -
External doors and windows should be installed to be in accordance with the recommendations in Section 8.0 of BS 8213:4:2007 or manufacturer's written instructions, where they meet or exceed the British Standard.

10.0
Ventilation

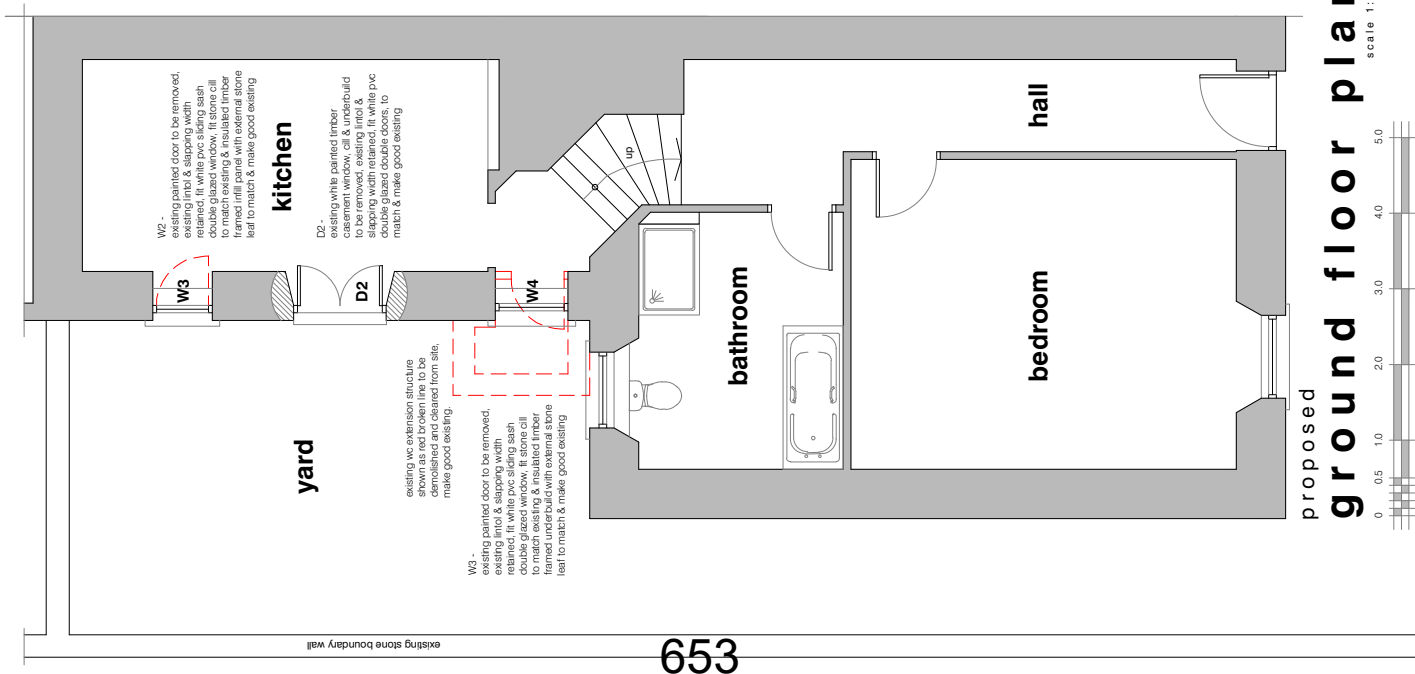
- 10.6 - Trickle Vent to window to be located 1750mm min above floor level
R1000 - 10,000sq.mm/sq.M - within window frame
- 10.7 - Kitchen - Mechanical Extract Fan above hob
To be ducted through roof void to roof terrace.
To be ducted through roof void to roof terrace.
- 10.9 - Fan ducted to outside air with grill terminal to wall.

16.0
Linting Infiltration

- 16.1 - All surrounds to windows and doors to be sealed with a compressible gasket. All surrounds to windows and doors to be sealed with a compressible gasket. All surrounds to windows and doors to be sealed with a compressible gasket. All surrounds to windows and doors to be sealed with a compressible gasket.

10
General Notes

- 1.1 - Do not Scale Drawing
- 1.2 - Contractor, Sub-Contractors, and suppliers must verify all dimensions, levels and conditions on site before commencing any work or making any shop drawing or component and shall not start work until the drawings have been thoroughly understood.
- 1.3 - The contractor shall ensure that all work is carried out in accordance with all Health and Safety at Work Act 1974.
- 1.4 - All works to be executed and completed in accordance with current Building Regulations (Scotland) Codes of Practice, & with all relevant standards, codes of practice, and codes of practice.
- 1.5 - All new works, products and processes are to be in accordance with the relevant British Standards and Manufacturers guidance.
- 1.7 - All drawings to be read in conjunction with Structural Engineers drawings.
- 1.8 - All new work to be adequately detailed into existing work.
- 1.9 - Report any discrepancies immediately to FINE DESIGNS ARCHITECTURE prior to work being carried out.
- 1.10 - Fully continuous insulated DPC around all external doors and windows.
- 1.11 - Downpipes -
Downpipes to be installed to the ground level and to be in accordance with BS 6187:2011 and the health and safety at work act 1974.
- 1.12 - existing building constructed prior to 1983 and the U-values for the building elements need to meet with Table 1 of the maximum U-values for Building Elements of the Insulation Envelope
- 4.0
Wall Construction - Max. U-Value to be 0.17W/sq.mk
- 4.1 - Masonry painted white, also leaf to match existing
with Preparation Perpet Vents @ 1200mm min c/s, to panes with 50mm air cavity Plywood 50x10mm C16 SW Stud leaf at 600mm c/s with 100mm top and bottom insulation K12 Rigid insulation or other equal allowing 20mm air cavity to internal face, with 32.5mm Kooltherm K18 insulated Pallenboard screwed to the Timber Stud at 150mm c/s, James Lapeere, fixed, insulated with joint finish.
- 4.5 - Damp Proof Course to be 150mm min above existing ground level, to be installed to the ground level and to be in accordance with BS 6187:2011 and the health and safety at work act 1974.
- 4.6 - DPC to be installed below windows, sills and to the window perimeter. DPC cavity tray formed at windows and doors.
- 4.7 - Timber frame to have Galvanised Steel Anchor Straps to Timber Base at 1200mm c/s. New Frame to be bolted at 450mm c/s to existing wall construction.
- 4.9 - All Wall Ties are to be Stainless Steel at 600mm Horizontal Spacing and 450mm Vertical Spacing. Spacing may be varied to suit construction provided that the number of ties per unit area is maintained. Wall ties spaced not more than 300mm vertically shall be maintained.
- 4.10 - Where new external walls, need existing walls of the house to be new to be constructed to the same standard as the existing walls. Expansion joint at junctions using 14mm Hydrocoat and fresh with 20mm deep polysulphide sealant.
- 4.11 - Cavity Ventilation -
Cavity Ventilation to be provided by proprietary ventilators (e.g. Soffit Ventilators) to be installed to the roof space. The ventilators to be installed to the roof space. The ventilators to be installed to the roof space. The ventilators to be installed to the roof space.
- 4.13 - Timber Frame to be provided with a proprietary cavity chaser, (Rocwood 1CB or other equal and approved) at all Corners, Wall Heads, Door and Window Heads and Jambes.



This is a copy / a true copy of the plan as referred to in the Warrant application 18/09/2018 (PFI) submitted to Perth Kinross Council
dated 31.01.19

signed

Ronan F McGirr

1712

1712

Jan 19

Jan 19

PROJECT

Replacement of Windows, 41 King Street, Perth, PH2 8JB, for Mr N Evans.

DRAWING

Proposed Plan & Specification

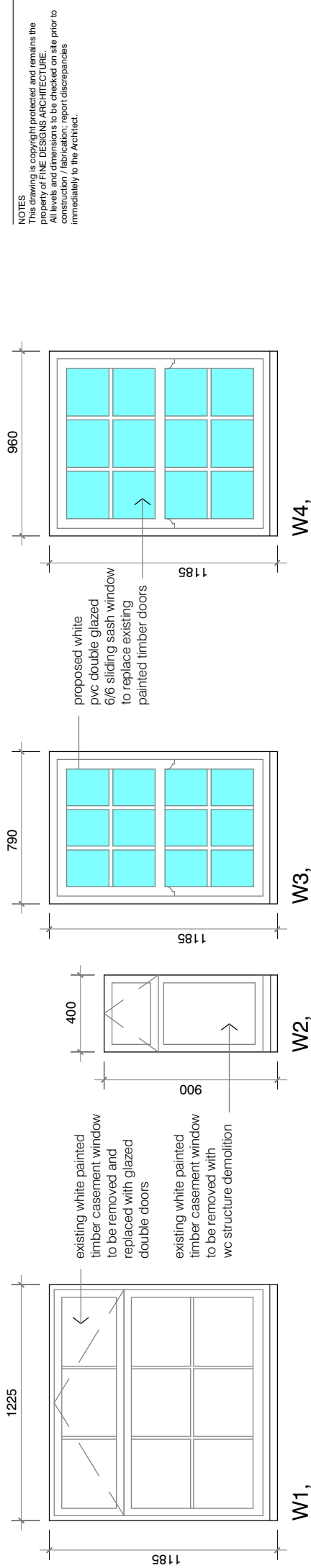
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FINE

DESIGNS

ARCHITECTURE

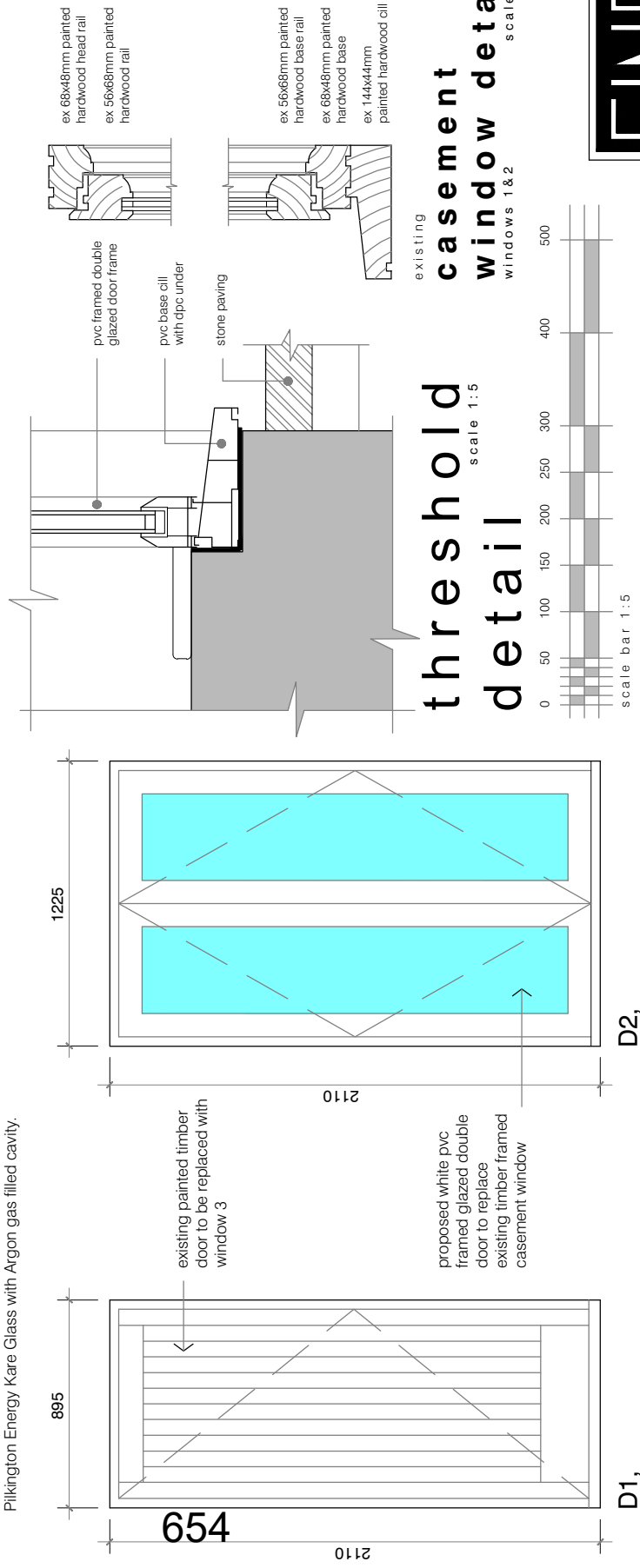
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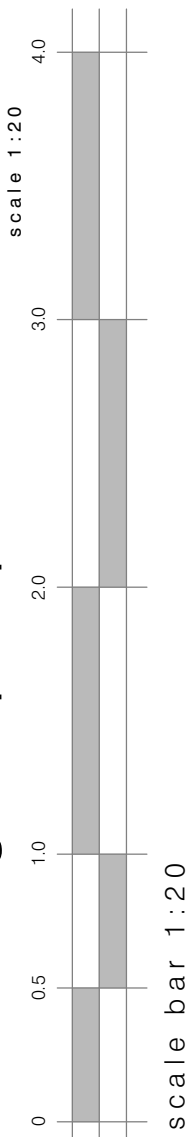
existing & proposed windows

Low profile double glazed units
Pilkington Energy Kare Glass with Argon gas filled cavity.

scale 1:20



existing & proposed doors



This is a copy / a true copy of the plan as referred to in the warrant application 1802611/FULL submitted to Perth Kinross Council

dated 31.01.19

signed Ronan F McGirr

pp04C	revC
1712	19
date	Jan 19
project	
Replacement of Windows, 41 King Street, Perth, PH2 8JB, for Mr N Evans.	
drawing	
Existing & Proposed Details	
13 park avenue, durfermline, fife, ky12 7hx tel + fax: 01383 720320 mob: 07811129689 e-mail : info@finedesignsarchitecture.com www.finedesignsarchitecture.com	

TCP/11/16(608) – 19/00098/FLL – Alterations to dwellinghouse (in retrospect), 41 King Street, Perth
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PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 651-654)*

PERTH AND KINROSS COUNCIL

Mr Ian Evans
c/o Fine Designs Architecture
Ronan McGirr
13 Park Avenue
Dunfermline
Fife
KY12 7HX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 12th March 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00098/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 February 2019 for permission for **Alterations to dwellinghouse (in retrospect) 41 King Street Perth PH2 8JB** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving the building, its setting or any features of special architectural or historic interest. The proposal, by virtue of the materials and design of the upvc windows, does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character and special interest of the listed building would therefore not be preserved or enhanced by this proposal which is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council 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 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

19/00098/1

19/00098/2

19/00098/3

19/00098/4

19/00098/5

19/00098/6

19/00098/7

19/00098/8

19/00098/9

19/00098/10

19/00098/11

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00098/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	01.04.2019	
Case Officer	Marianna Porter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations to dwellinghouse (in retrospect)

LOCATION: 41 King Street Perth PH2 8JB

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: 11 February 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

41 King Street is one of a pair of symmetrical semi-detached houses dating from around 1835. The building is listed at Category C and sits within Perth Central Conservation Area. The list description states that they are 'a significant addition to the streetscape of this residential area of Perth. The height and proportions of the building are particularly distinctive and their symmetry, including the entrance doors, fanlights and entrance gates, adds to their interest and character.'

This application seeks planning permission for works to the rear (south) elevation of the building including the demolition of a small extension, removal of two timber doors and a timber casement window. Both doorways have been replaced with upvc sash windows, stone cills and stonework below. The window opening has been enlarged and upvc double doors installed. The works are substantially complete and this application has been submitted as a result of the planning enforcement team being made aware that unauthorised works were being carried out. A separate application for listed building consent has also been submitted (reference no. 19/00099/LBC).

SITE HISTORY

18/00710/LBC Alterations to dwellinghouse 24 May 2018

18/00712/FLL Alterations to dwellinghouse 24 May 2018

18/01169/FLL Alterations and installation of replacement windows and door 27 July 2018

18/01170/LBC Alterations and installation of replacement windows and door 27 July 2018

19/00099/LBC Alterations to dwellinghouse

PRE-APPLICATION CONSULTATION

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.

Paragraph 141 of the SPP states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where development will affect a listed building, special regard must be given to the importance of preserving and enhancing the building and its setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

Paragraph 143 states that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area.

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 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 adaption.

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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the

current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

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

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

OTHER POLICIES

Historic Environment Scotland Policy Statement 2016

This document replaces the 2011 Scottish Historic Environment Policy, and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

CONSULTATION RESPONSES

Structures and Flooding

No objection

Development Negotiations Officer

No contributions required

REPRESENTATIONS

No representations received.

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	Submitted
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. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the Listed Building. 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 listed building policies state that where development will affect a listed building, special regard must be given to the importance of preserving and enhancing the building and its setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

There is a presumption in favour of the retention and sympathetic restoration of listed buildings to enable them to remain in active use.

The design and materials of the upvc windows are not in keeping with the appearance of the listed building and have an adverse impact on its character and special interest. Therefore the proposal does not meet the requirements set out in section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and is considered to be contrary to SPP paragraph 141 and Policy HE2.

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.

Policy PM1A states that development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Policy RD1 states that proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

As the changes to the building would be confined to the rear elevation and would not be visible from the public realm they would not result in any noticeable change to the character or appearance of the building or the wider streetscene. The windows and doors are located at ground floor level and screened from neighbouring properties by substantial stone walls so there would be no impact on the residential or visual amenity of these properties. The development is therefore considered to comply with policies RD1, PM1A, PM1B and HE3A.

Design and Layout and Conservation Considerations

The small extension which has been demolished was a later addition which obscured one of the original windows and was of no architectural merit. In terms of the impact on the listed building this has been an improvement to the overall character and appearance. The reinstatement of the stonework to the rear elevation has been carried out to a high standard and has also had a positive impact on its character and appearance.

Whilst it would appear from the information provided that the window which has been removed was a later addition of fairly poor quality it has not been possible to carry out a full assessment as the window and doors were removed prior to the application being submitted. It would appear that the window opening was previously a door and therefore the principle of reinstating this opening is acceptable. Likewise, converting the remaining openings into windows has not affected the special character of the building and is acceptable in principle. It may also be possible to achieve double glazed timber sash and case windows which replicate the detailing, including astragals, of the historic windows so this would also be acceptable in principle, subject to a detailed design being agreed.

Notwithstanding this, the upvc windows and doors which have been installed are not in keeping with the character or appearance of this early 19th century building. The texture of the plastic frames lacks any of the minor surface variations associated with the grain, knots and putty and sits at conflict against the traditional materials used in the rest of the building. The frames and glazing bars are larger and thicker than those of the traditional timber windows on the rest of the building, resulting in an unbalanced appearance in both the individual windows and the elevation as a whole. They include historically inaccurate horn details and the fittings including handles are also inaccurate and out of keeping with the period and style of the listed building.

Overall, although the removal of the extension and reinstatement of the stonework have had a positive impact on the character and appearance of the rear elevation this does not outweigh the harm caused to the special character of the listed building as a result of the inappropriate appearance and material of the upvc windows as set out above. Therefore the development is contrary to SPP Paragraph 141 and Policy HE2 of the LDP.

As the works are confined to the rear of the building and are therefore not visible from the public realm there would be no detrimental impact on the character or appearance of the conservation area and there are no concerns from a conservation point of view in this regard.

Landscape, Residential Amenity and Visual Amenity

As the windows are located on the ground floor of the rear elevation of the building and screened from neighbouring properties by substantial stone walls I do not consider that there is any detrimental impact on landscape, residential or visual amenity arising from the development.

Roads and Access

There are no roads or access issues arising from the scheme.

Drainage and Flooding

There are no drainage or flooding issues arising from the scheme.

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 adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal subject to the reasons below.

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 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving the building, its setting or any features of special architectural or historic interest. The proposal, by virtue of the materials and design of the upvc windows, does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character and special interest of the listed building would therefore not be preserved or enhanced by this proposal which is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council 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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00098/1	19/00098/7
19/00098/2	19/00098/8
19/00098/3	19/00098/9
19/00098/4	19/00098/10
19/00098/5	19/00098/11
19/00098/6	

Date of Report 12.03.2019

FINE DESIGNS ARCHITECTURE

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e-mail – info@finedesignsarchitecture.com
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FD Ref - 1712

Window Replacement to House

At: Coliemore, 41 King Street, Perth, PH2 8JB

For: Mr Ian Evans

Existing Window & Door Photos –



Existing Flat Roofed Painted Brick WC structure to be removed.

Timber framed casement first floor window with obscure glass.

Ground Floor Window W2 Painted Timber framed Casement WC window – Top Hopper.



Existing Window W1 – Painted Timber Casement Window with Astragals – Top hung hopper. – To be removed.



Existing Window W1 – Painted Timber Casement Window with Astragals & Top hung hopper. – Remove Window, Cill & Underbuild, Retain Structural Opening. Fit new UPVC Double Glazed Patio Door with astragals.

Existing door opening – Retain Structural Opening, fit new UPVC Double Glazed Sliding Sash Window with Astragals.



Photo showing All Windows to Semi-Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 25 James Street – Shown here to the left of 41 King Street. As viewed from Courtyard.



Photo showing All Windows to Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 23 James Street – Shown here on the left as viewed from Courtyard.



Photo showing All Windows to Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 39 King Street – Directly opposite Proposed Works.



New W3 Fitted – White UPVC Double Glazed Sliding Sash Windows with Astragals.

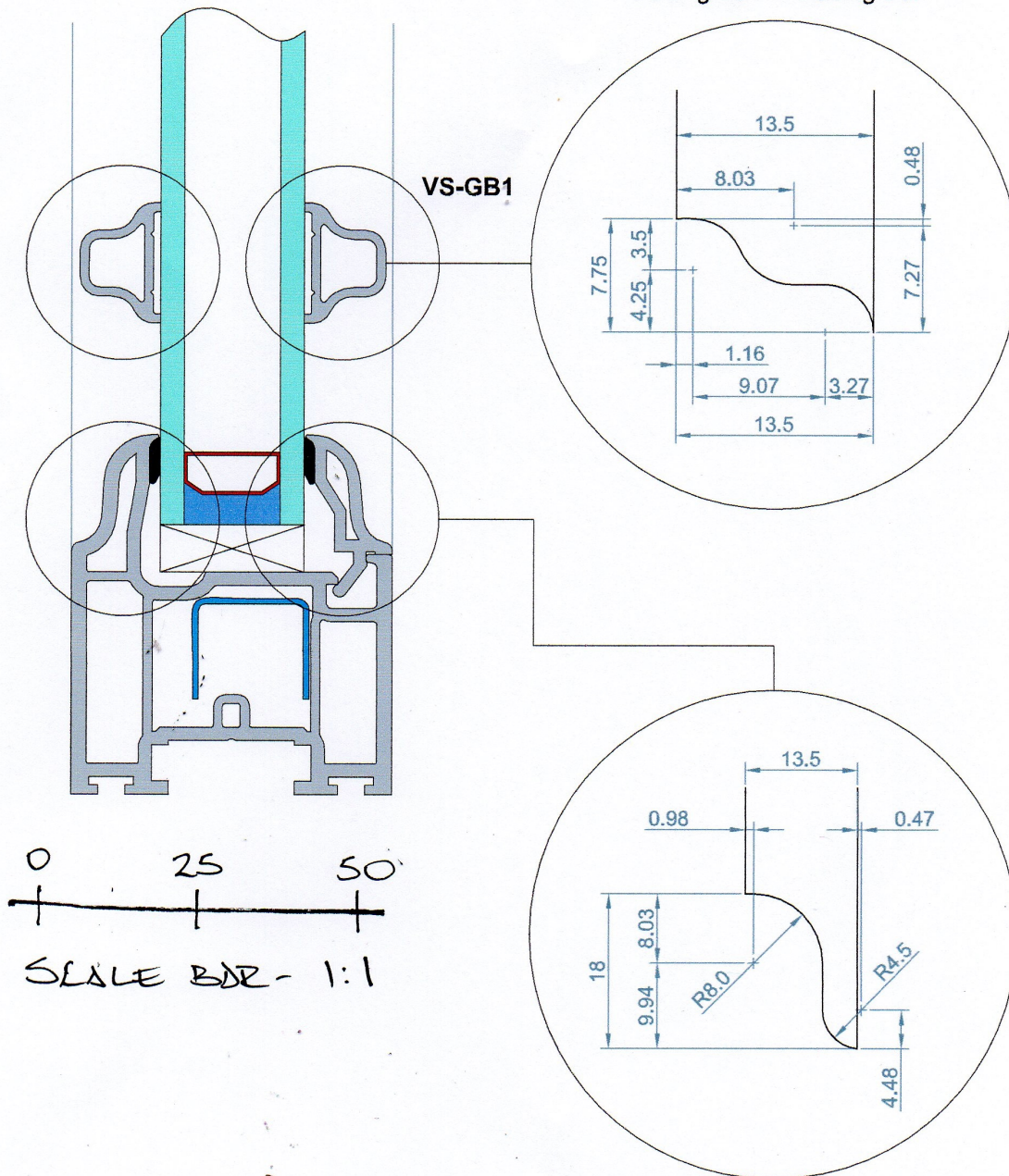


New Fitted W3 & D2 – White UPVC Framed Glazed Sliding Sash Window & White UPVC Framed Patio Door with Astragals.

DESCRIPTION:-

VS-GB1 20mm Glazing Bar - End Milling Details

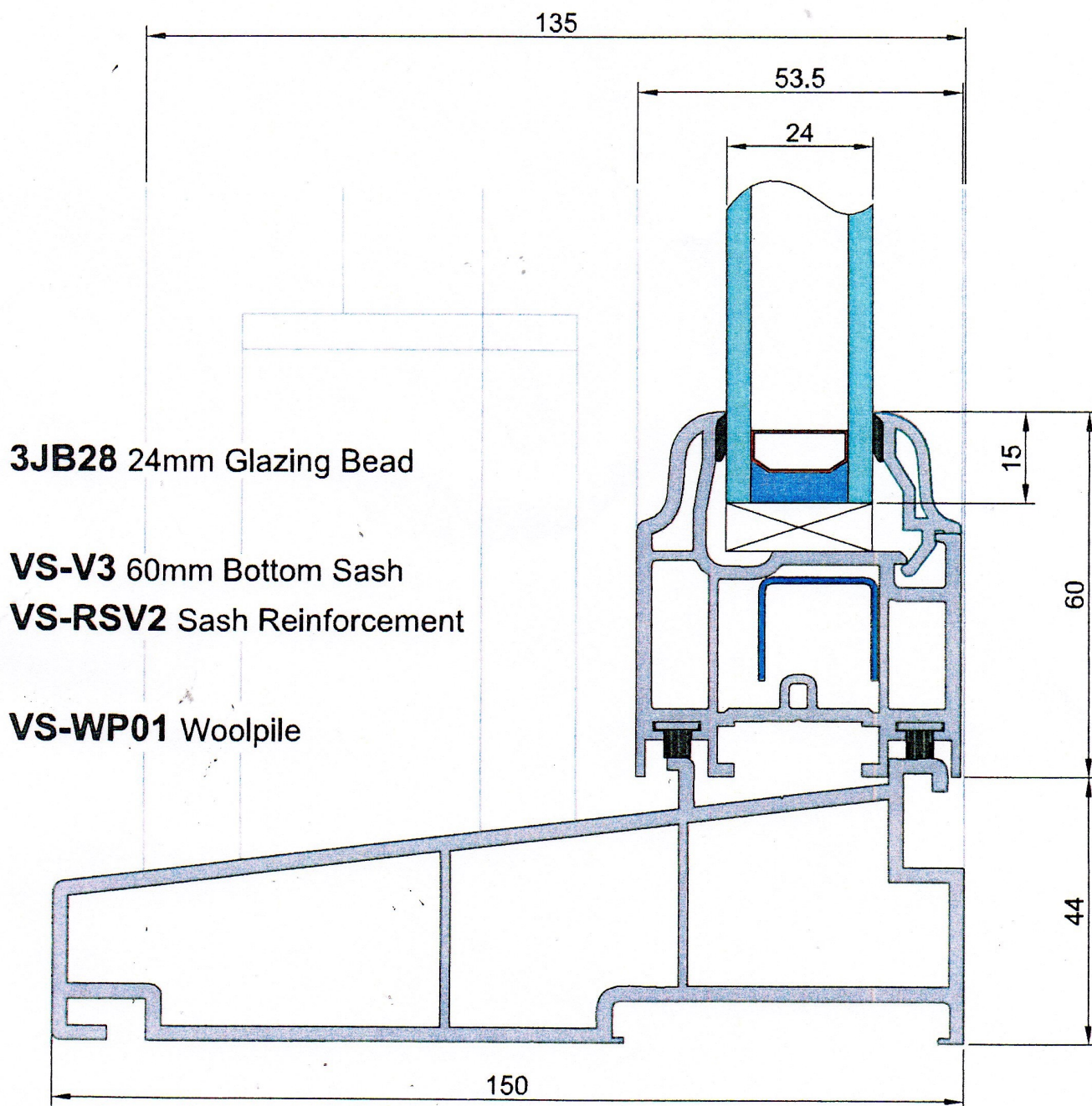
Glazing Bar to Glazing Bar



Glazing Bar to 3JB28 Glazing Bead & Sash Frames

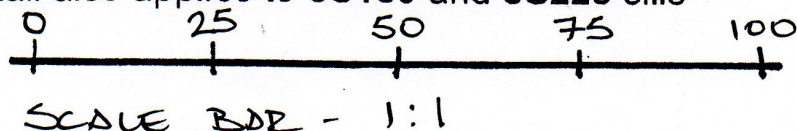
DESCRIPTION:-

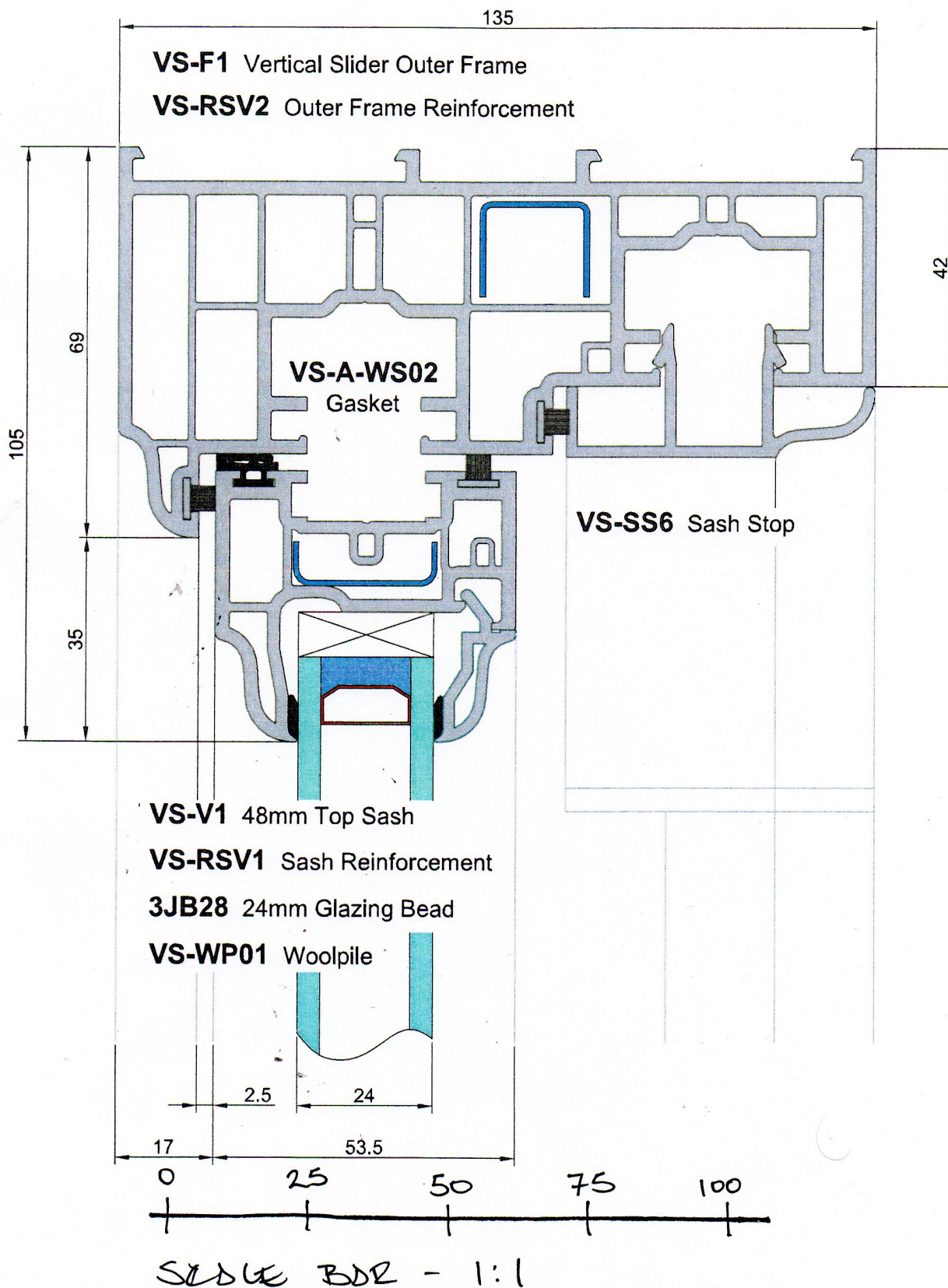
Sill Detail



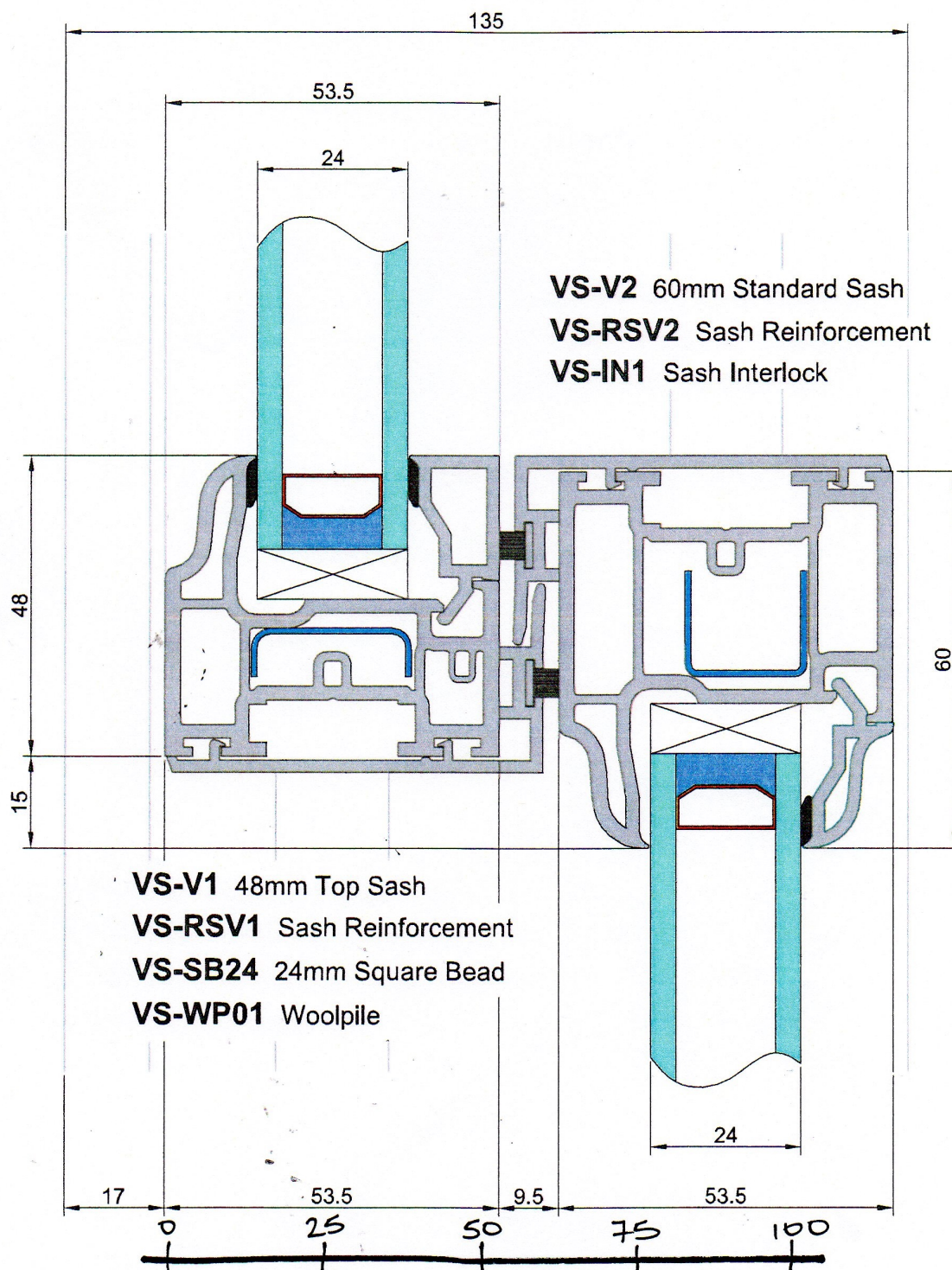
3S150 150mm Vertical Slider Sill (Integral)

NOTE: Detail also applies to **3S180** and **3S225** sills

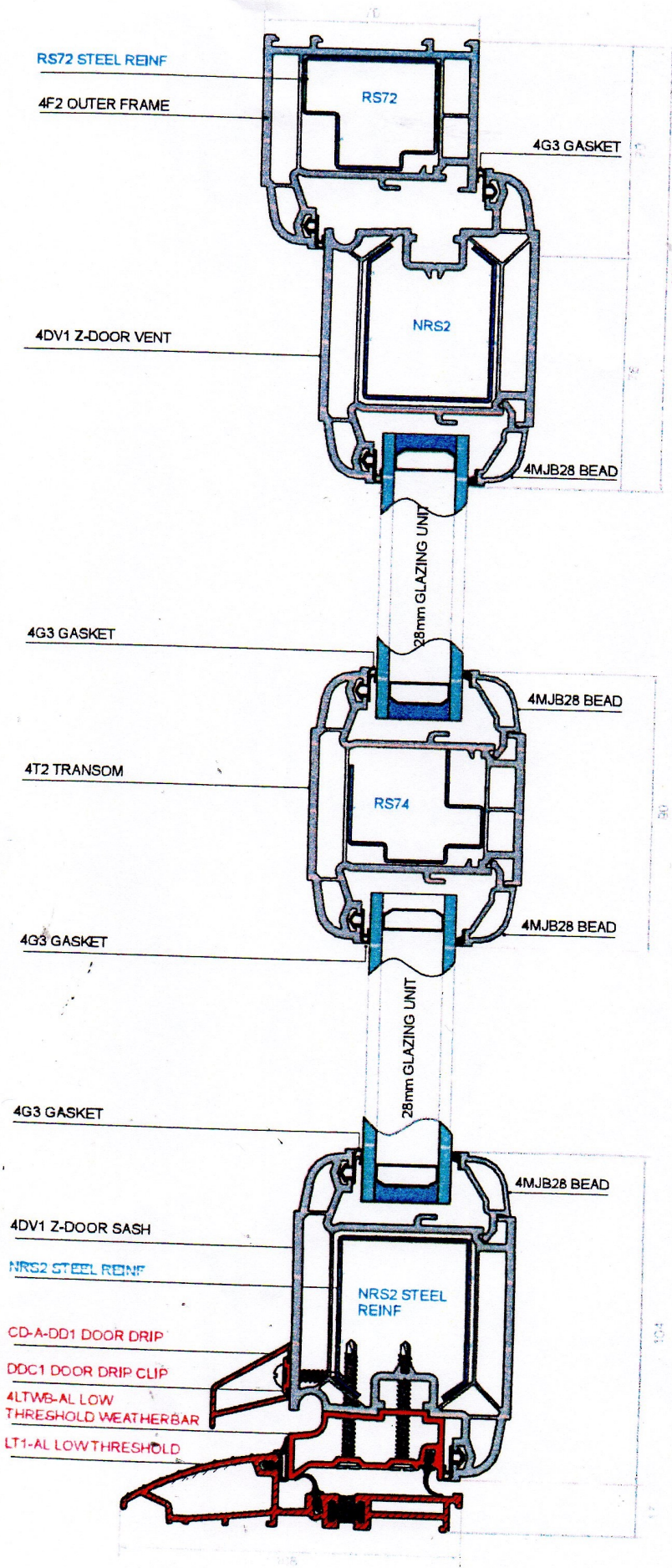




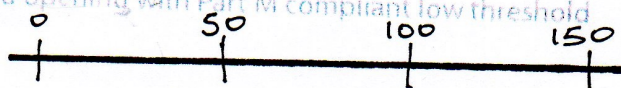
evolvevs	Profile Combinations				Page 2
	Authorised:	Issue: 1	Date: 13/06/11	Rev:	
DESCRIPTION:-	Interlock Detail				



SCALE BAR - 1:1



Inward opening with Part M compliant low threshold



SCALE BAR - 1:2

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FINE DESIGNS ARCHITECTURE

13 Park Avenue, Dunfermline, Fife, KY12 7HX.

e-mail: info@finedesignsarchitecture.com, www.finedesignsarchitecture.com

FD Ref - 1712

Window & Door Replacement to House

At: Coliemore, 41 King Street, Perth, PH2 8JB

Architects Design Statement

1.0 Site –

An existing C Listed Two Storey dwelling at 41 King Street, Perth, PH2 8JB.

The works concerned relate to the removal of a flat roofed brick finished single storey toilet extension, and removal, alteration & replacement of the rear ground floor window and 2no doors. The Window and Doors are located on the South Elevation of the rear two storey extension, facing into the rear courtyard.

The courtyard is surrounded by a solid stone 2.0-meter-high site boundary wall. The courtyard is accessed from a side passage that runs down the South Façade of the dwelling.

The Courtyard is surrounded by 39 King Street, 23 & 25 James Street. All neighbouring dwellings are fitted with white uPVC framed casement windows and doors.



Existing Flat Roofed Painted Brick WC structure to be removed.



Existing Window W1 & Existing D1 – to be removed and replaced.
 Remove Painted Timber Casement Window with Astragals & Top hung hopper, & Cill & Underbuild. Retain Structural Opening. Fit new UPVC Double Glazed Patio Door with astragals.
 Existing door opening – Retain Structural Opening, fit new UPVC Double Glazed Sliding Sash Window with Astragals.

2.0 Design Brief –

1. To remove the existing single storey wc extension. This extension is of poor aesthetic character & design value. The materials used do not relate to the existing and block the existing ground floor window on the main dwelling.
2. All the whitewashed masonry at ground level to be treated to remove the whitewash, clean and restore a natural stone finish to match existing.
3. The removal of this toilet extension will reveal an existing door and this is to be replaced
4. with a white upvc framed double glazed sliding sash window with stone under-build to match existing.
5. The existing window - W1 to be removed and the structural opening retained and a new white upvc framed glazed patio door to be fitted.
6. The existing door – D1 to be removed and the structural opening retained and a new white upvc framed double glazed window to be fitted with stone
7. It is proposed to fit white upvc framed sliding sash & case type windows with astragals and glazed patio doors with astragals. These windows are more in keeping with the original sliding sash & case windows of the existing dwelling. All other windows to the neighbouring buildings are upvc casement windows.



New Fitted W4, D2 & W3. White Upvc framed double glazed Sliding Sash Windows & White Upvc framed Patio Door with Astragals - Whitewash removed & stone finish restored.

3.0 Schedule of Works –

1. Remove safely off-site the existing single storey wc extension. Repair stonework at interface.
2. Remove existing whitewashed finish off existing stone work & make good existing.
3. The removal of this toilet extension will reveal an existing door. This is to be replaced with a window. Form window opening with stone under-build to match below.
4. The existing window to be removed, the structural opening retained, the existing under build removed and a new glazed patio door to be fitted.
5. The existing access door to be removed and the structural opening retained. Form a window opening with a stone under-build to match. Fit a new white upvc framed double glazed window.

**TCP/11/16(608) – 19/00098/FLL – Alterations to
dwellinghouse (in retrospect), 41 King Street, Perth**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00098/FLL	Comments provided by	Catherine Reid
Service/Section	HE - Flooding	Contact Details	FloodingDevelopmentControl@pkc.gov.uk
Description of Proposal	Alterations to dwellinghouse		
Address of site	41 King Street Perth PH2 8JB		
Comments on the proposal	The flooding team have no objection to these proposals		
Recommended planning condition(s)			
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.		
Date comments returned	07/02/2019		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00098/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Alterations to dwellinghouse (in retrospect)		
Address of site	41 King Street, Perth, PH2 8JB		
Comments on the proposal	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	15 February 2019		

