INDEX

- (a) Papers submitted by the Applicant (Pages 7-16)
- (b) Decision Notice (Pages 19-20)

Report of Handling (Pages 21-28)

Reference Documents (Pages 29-33)

(c) Representations (Pages 35-40)



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 a	Agent (if any)		
Name	Mr & N	/Irs Lackie	Name		
Address	98 David Dou Scone	glas Avenue	Address		
Postcode	Perth PH2 6QG		Postcode		
Contact Telephone 1 Contact Telephone 2 Fax No			elephone 1 elephone 2		
E-mail*] E-mail*		
* Do you aឲ្	gree to correspo	endence regarding yo	through th	nis representati	all contact should be ve: Yes No
Planning au	uthority		Perth	n & Kinross Cou	ncil
Planning au	uthority's applica	ition reference numb	per 19/0	1730/FLL	
Site addres	S	98 David Doug	ılas Avenue, Scone	, PH2 6QG	
Description developmen	of proposed nt	Extension to dwellinghouse			
Date of app	olication 16th	n Oct 2019	Date of decision	on (if any)	28th Nov 2019
Note. This	notice must be s	served on the planni	ng authority within	three months	of the date of the decisio

notice or from the date of expiry of the period allowed for determining the application.

Na	Notice of R	Review
1.	Application for planning permission (including householder application)	х
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	
Re	asons for seeking review	
1.	Refusal of application by appointed officer	х
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	
Re	view procedure	
tim to suc	e Local Review Body will decide on the procedure to be used to determine your review and may are during the review process require that further information or representations be made to enable determine the review. Further information may be required by one or a combination of proced that written submissions; the holding of one or more hearing sessions and/or inspecting the ich is the subject of the review case.	them dures,
haı	ease indicate what procedure (or combination of procedures) you think is most appropriate for ndling of your review. You may tick more than one box if you wish the review to be conducted mbination of procedures.	
1.	Further written submissions	Х
2.	One or more hearing sessions	х
3.	Site inspection	х
4	Assessment of review documents only, with no further procedure	
bel	you have marked box 1 or 2, please explain here which of the matters (as set out in your state low) you believe ought to be subject of that procedure, and why you consider further submissions aring are necessary:	
ç	We ask that our compromise in size and design be the subject of the review. We consider this necessar given our proposal has already been approved for the same house type in the development and is now constructed	
Sit	e 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?

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

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. <u>Note</u>: 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.

Dear Perth & Kinross Council

We would like to request to review the decision for refusal by offering a compromise on the initial drawings submitted. Please find attached amended drawings reducing the extension from 4m to 3m plus an amended roof structure to that of a sloped roof with velux window. We have taken onboard all feedback from the 'delegated report' and wish to propose a carbon copy design of a extension already approved on the exact same house type within our development - ref 16/01921/FLL, approved Jan 2017 (without appeal) and fully constructed.

The initial 4m proposal was reported to 'not significantly overshadow garden ground'. We have enclosed a sun path drawing to demonstrate the proposed 3m extension will not cast a shadow over the neighbours property.

Many properties within the development have been extended successfully and are considered to comply with the relevant provision of the devlopment plan. Examples of approvals;

18/00312/FLL & 17/00325/FLL (projecting 6m and approved despite 4 household objections)

We believe opting for a design that has already been approved (exact same style and house type) means our proposal will not be in any way oppresive and will not have any visual impact on the existing dwellinghouse or surrounding area

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

Yes No

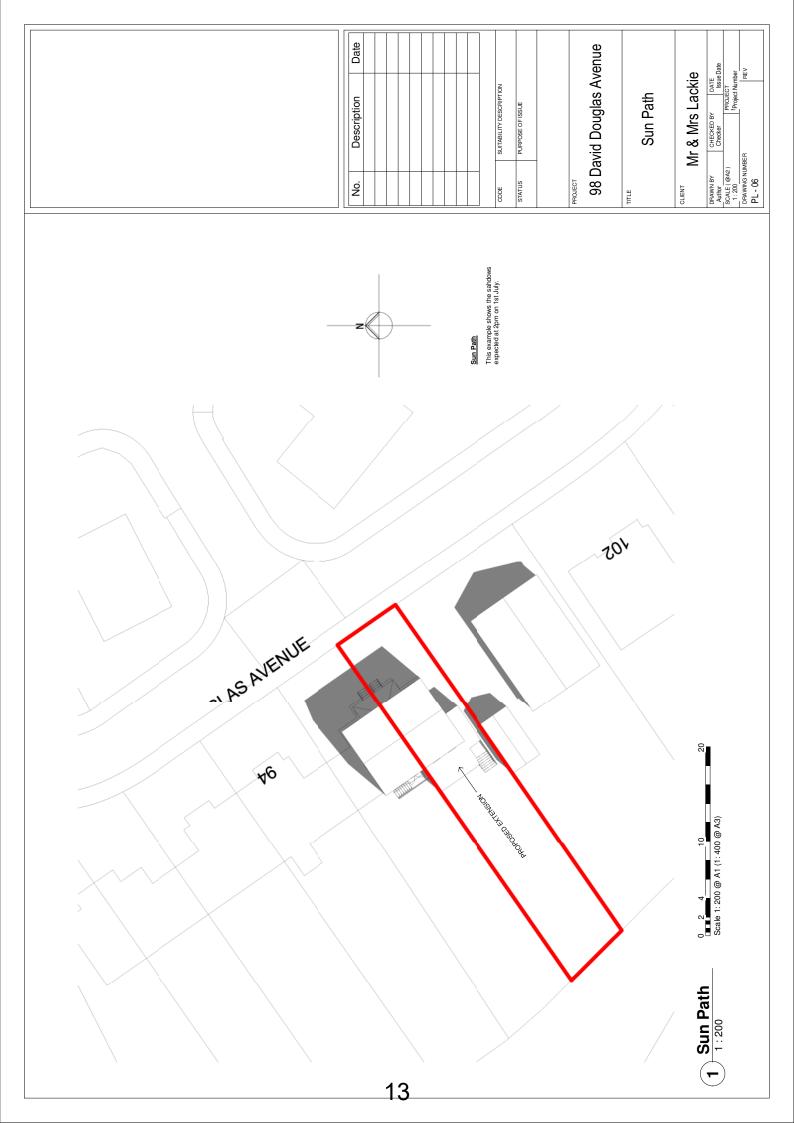
If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Having taken onboard all report feedback we wish to submit new drawings proposing a reduction in size, to compromise on the original proposal

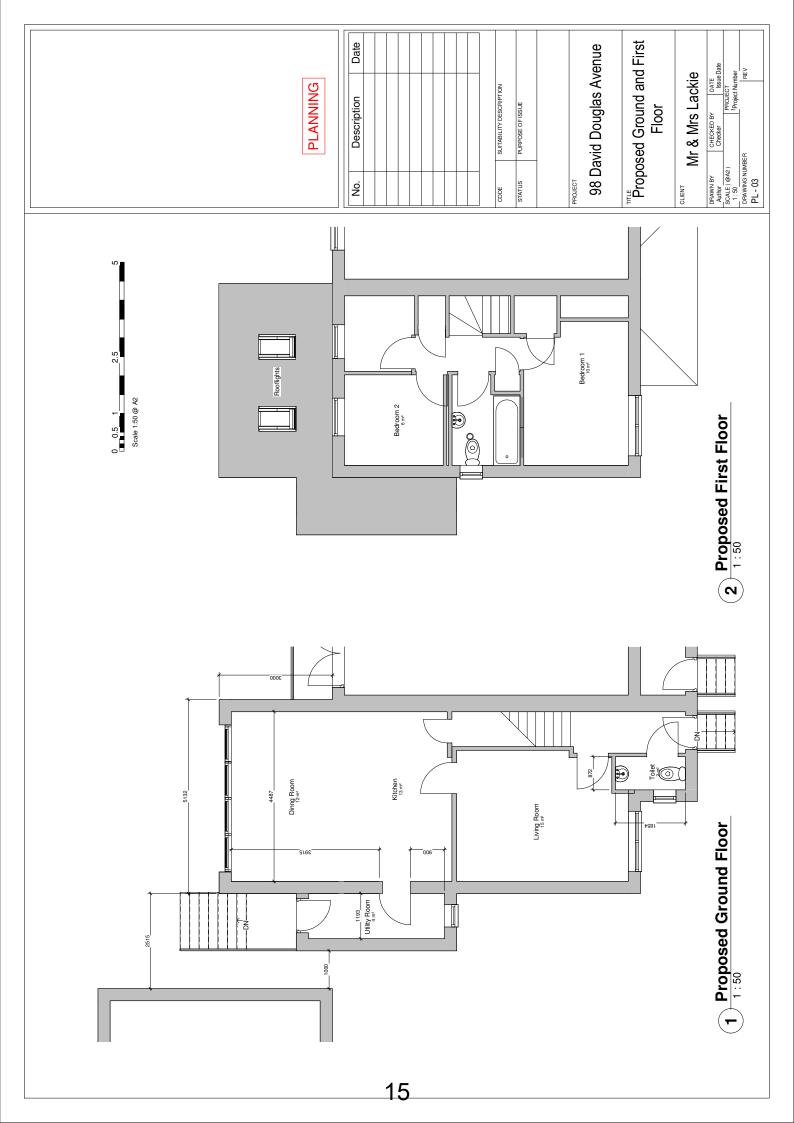
List of documents and evidence

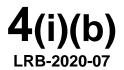
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

, ,				
PL - 06 - Sun Path PL - 07 - Revised Elevations Feb 20 PL - 08 - Revised Ground & First Floor Plan Feb 20				
Note. The planning authority will make a copy of the notice of notice of the procedure of the review available for inspection a such time as the review is determined. It may also be available	at an office of the planning authority until			
Checklist				
Please mark the appropriate boxes to confirm you have provide relevant to your review:	ed all supporting documents and evidence			
X Full completion of all parts of this form				
x Statement of your reasons for requiring a review				
All documents, materials and evidence which you in or other documents) which are now the subject of the	• • • • • • • • • • • • • • • • • • • •			
Note. Where the review relates to a further application emodification, variation or removal of a planning condition or whe of matters specified in conditions, it is advisable to provide the plans and decision notice from that earlier consent.	ere it relates to an application for approval			
Declaration				
I the applicant/agent [delete as appropriate] hereby servereview the application as set out on this form and in the supplication as set out on the supplication as set out of the supplica				
Signed Graeme & Michelle Lackie	Date 28th Nov 2020			
	ı			









PLANNING DECISION NOTICE REPORT OF HANDLING REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mrs Michelle Lackie 98 David Douglas Avenue Scone Perth PH2 6QG Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 28th November 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 19/01730/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 October 2019 for permission for **Extension to dwellinghouse 98 David Douglas Avenue Scone Perth PH2 6QG** for the reasons undernoted.

Head of Planning and Development

Reasons for Refusal

- 1. As the proposal will result in the loss of light to an adjacent residential property (96 David Douglas Avenue) and appear oppressive from that property, all to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
- 2. The proposal, by virtue of its unsympathetic design, visual massing, poor form and composition is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policy PM1A and PM1B (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

19/01730/1

19/01730/2

19/01730/3

19/01730/4

19/01730/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/01730/FLL	
Ward No	P2- Strathmore	
Due Determination Date	Oue Determination Date 16.12.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Extension to dwellinghouse

LOCATION: 98 David Douglas Avenue Scone Perth PH2 6QG

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: 7 November 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a semi-detached dwellinghouse located in David Douglas Avenue in Scone. The dwellinghouse is the most southerly unit in the block which has a modest footprint and a linear garden to the rear. The rear gardens sits at a lower level than the finished floor level of the property which sits elevated with a degree of underbuilding. Existing patio doors within the open plan kitchen/dining area open onto a platform with stairs leading into the garden.

Full planning consent is sought for a side and rear extension to provide a dining area and utility. The extension will project 4m out from the rear building line taking up the full width of the dwellinghouse. The utility to the side (south east) will be accessed from the existing kitchen and steps will adjoin the south west elevation leading into the garden.

SITE HISTORY

None recent.

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.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

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. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 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;

INTERNAL CONSULTATION RESPONSES

Development Negotiations Officer – no contribution required.

REPRESENTATIONS

The following points were raised in the 1 representation received:

- 1. Loss of daylight.
- 2. Extension will be prominent.
- 3. De-value property.

A material consideration is a matter which is taken into account in assessing a planning application. These are issues which are relevant to the decision. Points 1 and 2 above are material considerations and as such are addressed in the Appraisal section of the report. Point 3 is an issue which is not relevant to the decision and is, therefore, not a material consideration.

ADDITIONAL INFORMATION RECEIVED:

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

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

Alterations and extensions to an existing dwellinghouse are considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the scale, form, massing, design, position, proportions and external finishes of any proposals, and whether they would have an adverse impact on visual or residential amenity.

This proposal is not considered to comply with the policies as noted above for the reasons as detailed in the remainder of the report.

Design, Layout and Visual Amenity

The footprint of the existing property is approximately 44sqm whereas the proposal will result in a footprint of 72sqm which is in an increase of approximately 64 per cent.

Both extensions will be of flat roof construction finished in render to match existing. The roof will be singly ply, coloured dark grey. The rear extension will have a large glazed cupola.

In terns of design, the extension is of simplistic form thereby providing a "boxy" appearance due to its roof form. This is further exacerbated by the raised rooflight. A partial hip may have provided a more sympathetic addition, however, the extent of underbuilding and location of first floor windows is restrictive in terms of design alternatives.

Whilst its footprint is large it is not excessive, however, given the topography of the site and desire to have the floor level follow through from existing results in an awkward addition which does not sit harmoniously with the host building and would result in an extremely prominent addition due to its overall height of 4.7m.

I consider that in this instance the proposal does not respect the form or finish of the original house and is therefore contrary to Policies PM1A and B of the Local Development Plan, as the works will detrimentally alter the character and amenity of the area.

Landscape

The scale and nature of the proposals do not raise any landscape impact issues.

Residential Amenity

A key consideration in the determination of this application is any potential impact on residential amenity. There are no windows located within 9 metres of a shared boundary, however, due to the extent of underbuilding the windows on the south west elevation have the potential to overlook the adjoining neighbouring property.

Mutual overlooking exists at present from both properties across rear garden ground from existing windows/patio doors and the external platform located immediately adjacent to the patio doors. It is not therefore considered that the proposal would significantly increase overlooking and whilst a letter of objection has been received, no concerns have been raised in terms of overlooking.

The main area for concern raised by the objector relates to overshadowing of garden ground and loss of daylight through existing patio doors. The rear facing elevation of the block faces south west and the proposal projects 4m out from the rear building line. The draft Placemaking Guide 2017 Householder Applications Technical Notes specifies a single storey extension of 4m depth, from the original building's rear wall, would in many circumstances be acceptable; even if directly on a property boundary. Other considerations, however, have to be accounted for when assessing any potential impact.

The standard BRE 45 daylight test is a tool used for measuring the likely impact of an extension on neighbouring properties. The purpose of the 45 degree approach is to make sure that a development does not take away too much daylight from a habitable room window and provides a guide as to any potential overshadowing to garden ground. The proposal breaches the 45 degree test in both elevation and plan form and as such is considered to detrimentally impact on the reduction of light to the adjoining property. In terms of garden ground the proposal may result in overshadowing of a small area of garden ground, however, due to the size of the garden, more than half the area of garden space should be capable of receiving potential sunlight during the spring equinox for more than 3 hours, therefore, it is considered the proposal will not significantly overshadow garden ground.

Whilst it may be argued there are secondary windows within the same room providing an additional source of light, the main source of light is from the patio doors by nature of their size.

In addition to the above, approval of the proposed extension would create a feeling of enclosure due to its blank wall and overall height and as such the proposed extension is considered to be intrusive and oppressive when viewed from number 96 David Douglas Avenue all to the detriment of that property's residential amenity.

Roads and Access

There are no concerns with roads or access matters.

Drainage and Flooding

There are no drainage and flooding implications associated with this proposed development.

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 for 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

- As the proposal will result in the loss of light to an adjacent residential property (96 David Douglas Avenue) and appear oppressive from that property, all to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
- 2 The proposal, by virtue of its unsympathetic design, visual massing, poor form and composition is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policy PM1A and PM1B (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

19/01730/1 19/01730/2

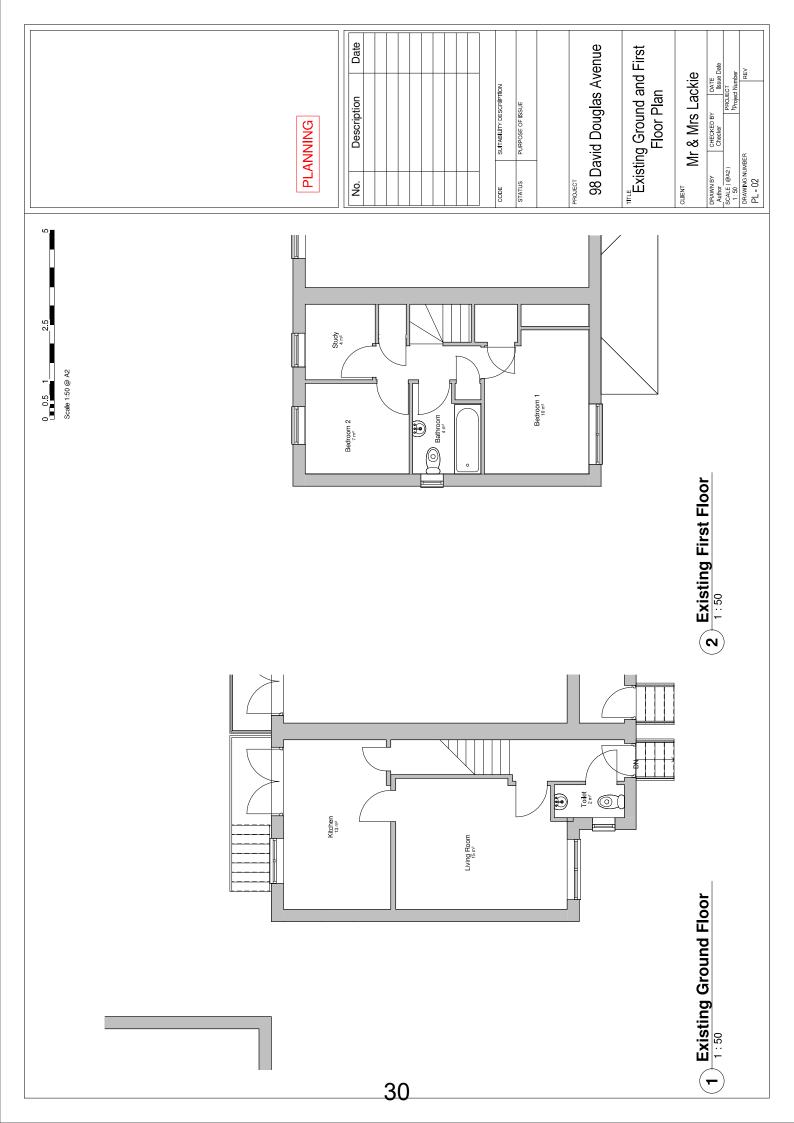
19/01730/2

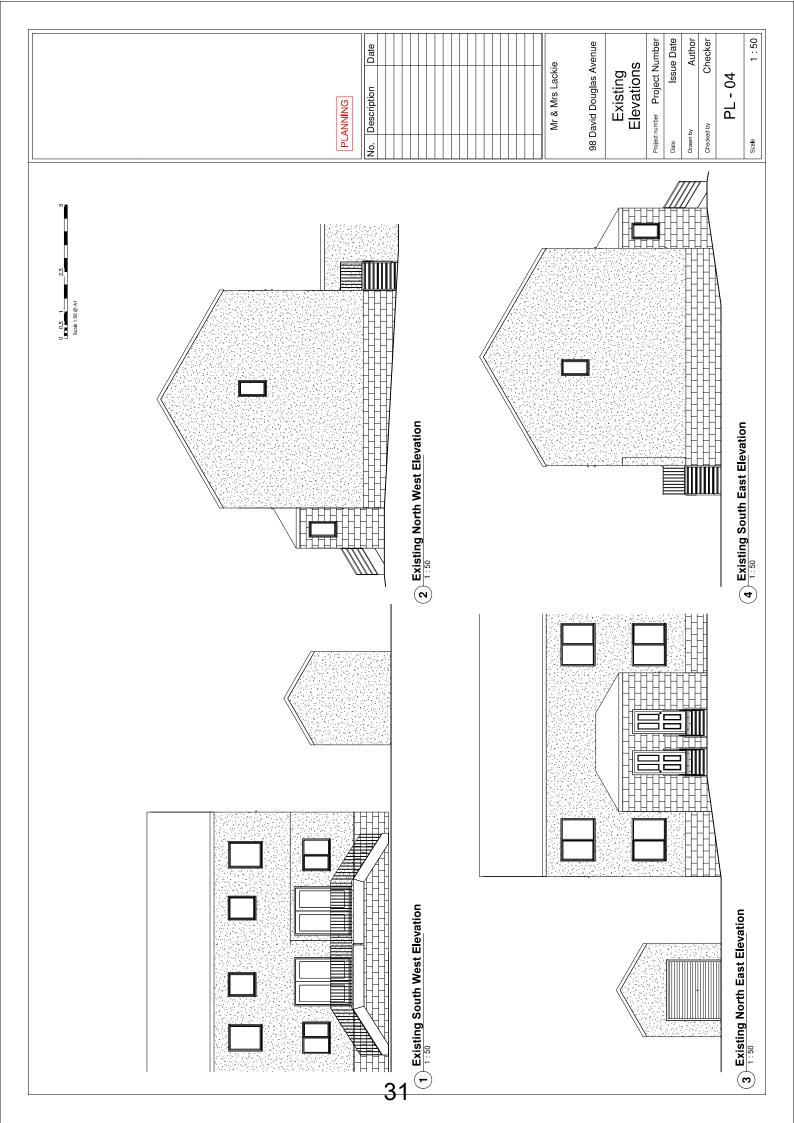
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19/01730/5

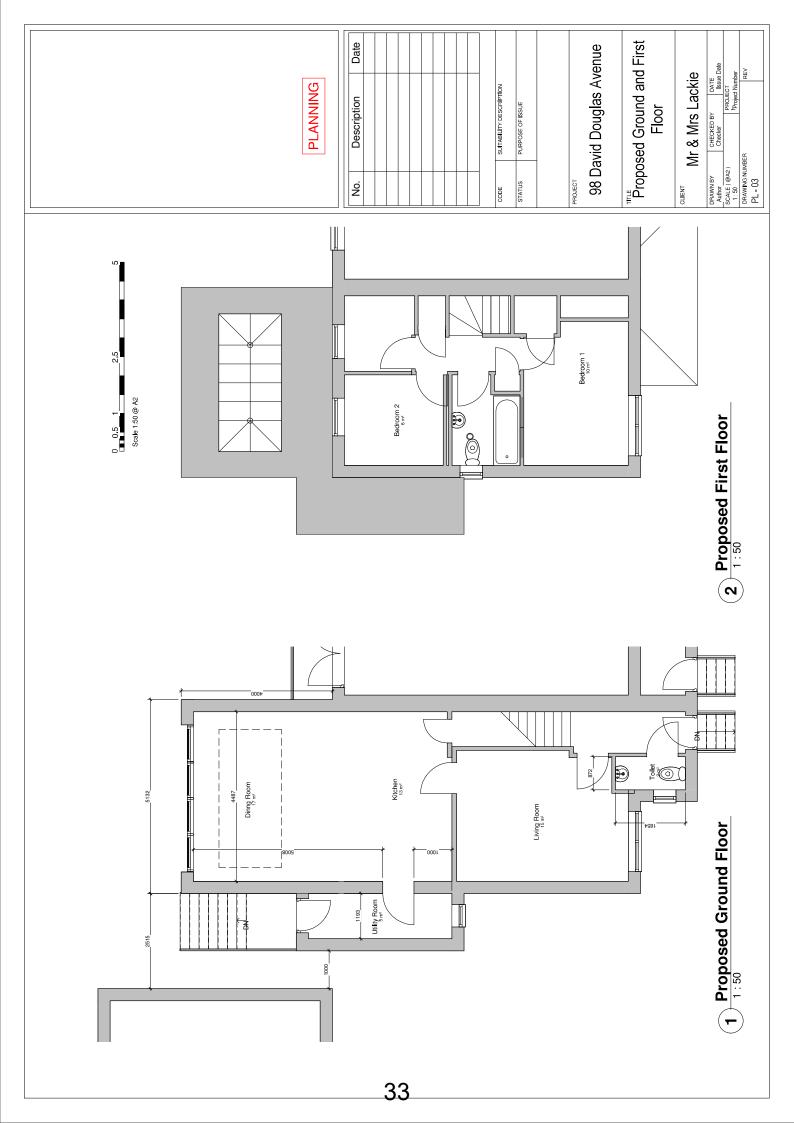
Date of Report 28 November 2019













REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01730/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal Extension to dwellinghouse			
Address of site	98 David Douglas Avenue, Scone, Perth, PH2 6QG		
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	04 November 2019		

Tracy McManamon

From:

Kate Carswell

Sent:

12 November 2019 11:02

To:

Development Management - Generic Email Account

Cc:

Michelle Lackie

Subject:

Planning Application Reference 19/01730/FLL

Dear Sir/Madam

I refer to the application for permission to build an extension at 98 David Douglas Avenue, Scone PH2 6QG.

We wish to register a material objection.

Our homes aren't the biggest in the world and the design clearly maximising the south facing aspect. The area of our kitchen and dining room is 4.5 x 5.6 metres this is bigger than our lounge which is 3.4 x 4.5 metres. The former being the prominent room which is our main source of light. The length of our house is 8.125 metres. The proposed extension of 4 metres is an increase of nearly 50%. This will impact greatly on the natural daylight which we at present enjoy. Our garden will also be overshadowed. We have installed half glass doors in our lounge to maximise the light.

As our houses have been constructed on a slope the extension will be prominent.

We also have concerns that this may impact on the value of our property.

Please confirm receipt of this communication.

Yours faithfully

Kate Carswell

Sent from Mail for Windows 20 4

ENTERED IN COMPUTER

1.2 NOV 2019