

TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder

INDEX

- (a) Papers submitted by the Applicant (***Pages 9-22***)
- (b) Decision Notice (***Pages 25-26***)
 - Report of Handling (***Pages 27-36***)
 - Reference Documents (***Pages 18 and 20***)
- (c) Representations (***Pages 37-72***)

TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder

**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

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: ☐

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

Yes No
☒ ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

Please see accompanying Appeal Document, plans and photographs.

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.

Additional plan submitted to provide evidence of existence of double feus in the location. Provided at this stage to justify defence in disputing the reasons for refusal.

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.

1. Plans 18/1, 18/2 and 18/3
2. Appeal Statement
3. Photographs

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 ~~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



Document in Support of Proposed Site for Dwellinghouse at Dorus Mor Western Road
Auchterarder Application 18/00238/IPL

The Planning Officer's Report of Handling for the above application recommended refusal for the reason that the proposed development does not conform to Policies RD1 and PM1B of the Local Development Plan namely Residential Areas and Placemaking. The reason for this that has been put forward is that the proposal would be considered as back land development.

Back Land Development

The Report of Handling states that the site does not respect the existing building line along Western Road. As the proposed site is at a much lower level than the frontage of the existing houses, we would contend that it would not be easily visible from Western Road.

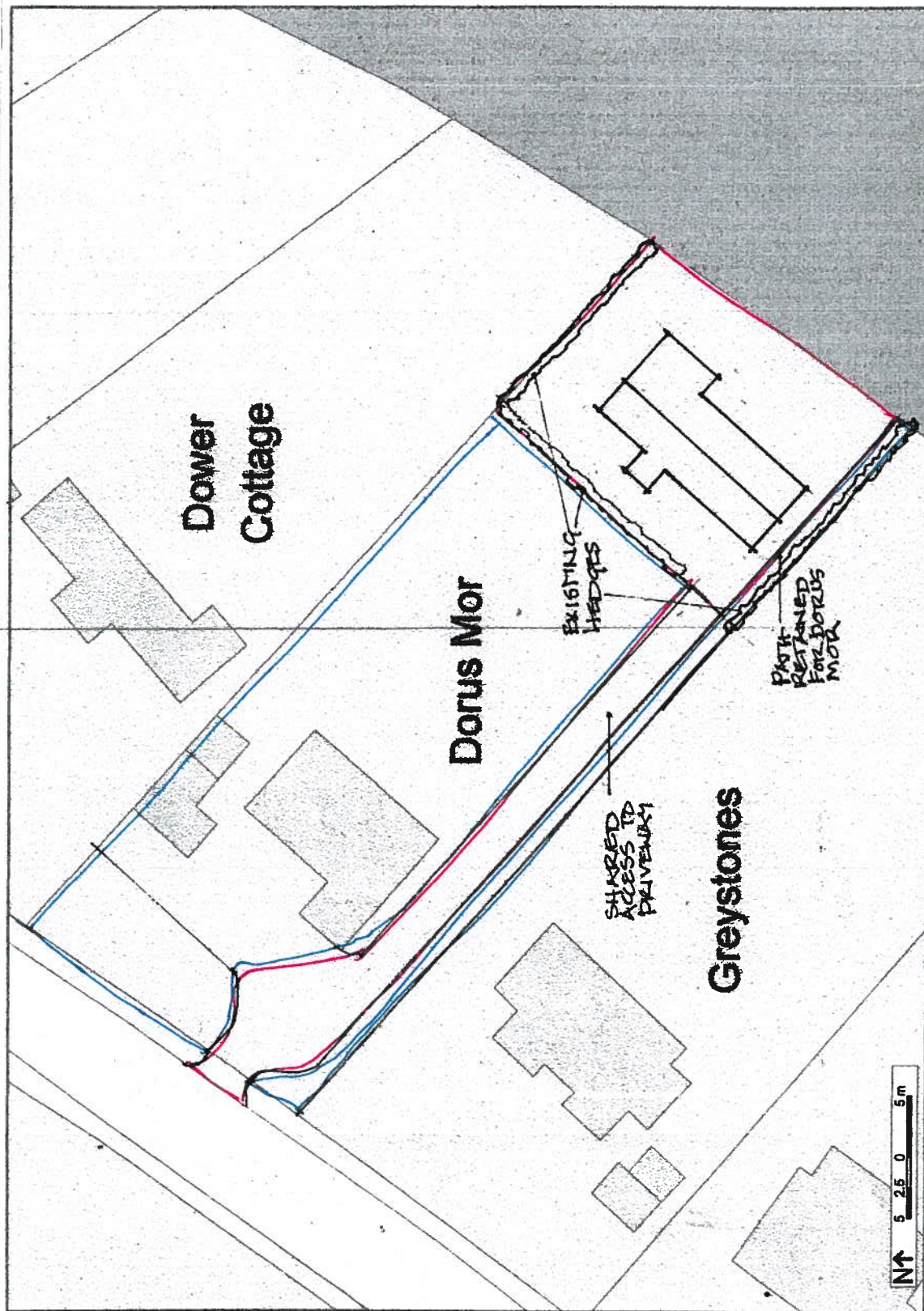
The site has well- defined boundaries consisting of a mature hedge to the north and the established boundaries on the other three sides. The plots in this location are historically described as "double feus" and when the site is viewed on Google Earth it can be clearly seen that adjoining plots also have mature hedges in the same position as Dorus Mor which would seem to back this up. In addition when the wider site plan is examined the two bungalows accessed from the road to the west of the public park appear to have been situated in locations to the south similar to that proposed and it could be argued that when first laid out the intention may have been to continue the road along the rear of the plots, until the house at Lammermuir appears to have annexed part of the road. This may also account for the existing sewage outlet pipe which runs along the rear of the plots through the land in ownership of the Common Good Fund. (See attached site plan)

The report also recommends refusal of the development for the reason that it may create precedent for this type of development in the area. As there was already an approval for a site behind Keithleyhead (now out of date) and the site at the former Strathearn House has been extensively developed, we would contend that the precedent already exists. In addition there is at least one residential building in the front garden of one of the houses in Western Road. There are also several examples of so called "backland development" on the west side of Orchil Road some of which can be viewed from the road side.

Conclusion

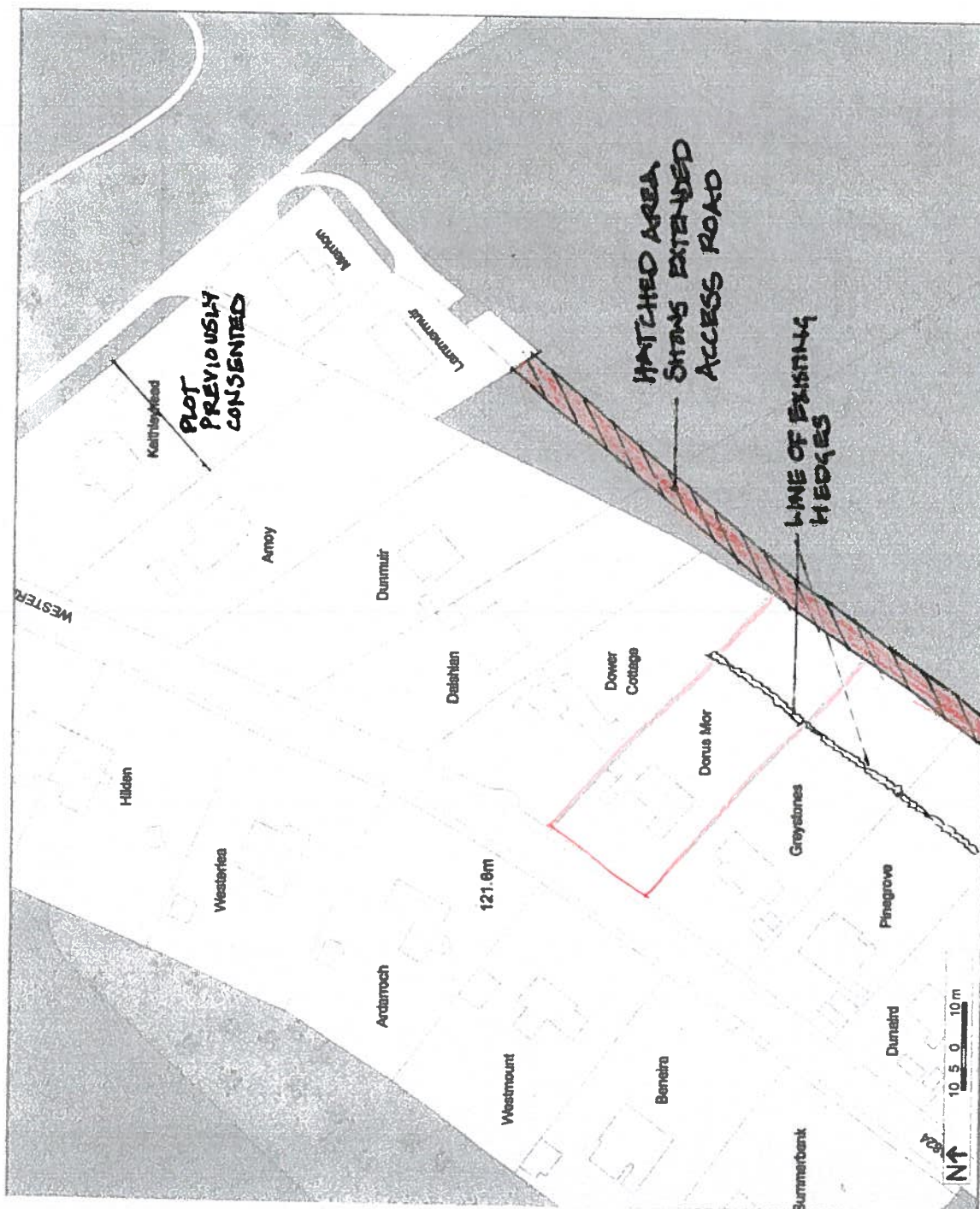
As the proposed development would be hardly visible from Western Road and the Report of Handling finds no other problem with the proposal apart from back land development, we would contend that these objections should be set aside, bearing in mind that there are properties in a similar location behind Keithleyhead. This negates the argument that a precedent would be set by the proposal and does not take these and the development at Strathearn House into consideration.

We ask the Local Review Body to overturn the decision of the Planning Officer and permit the proposal to be approved.



SITE PLAN (Indicative)

1:500



SITE PLAN SHOWING NOTIONAL ROAD EXTENSION

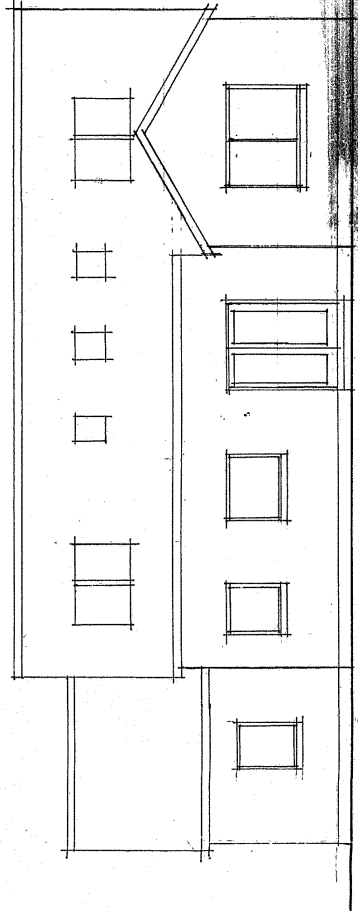
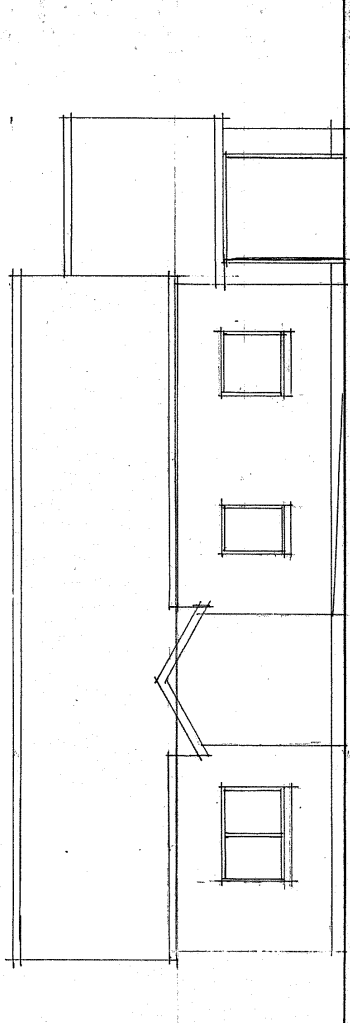
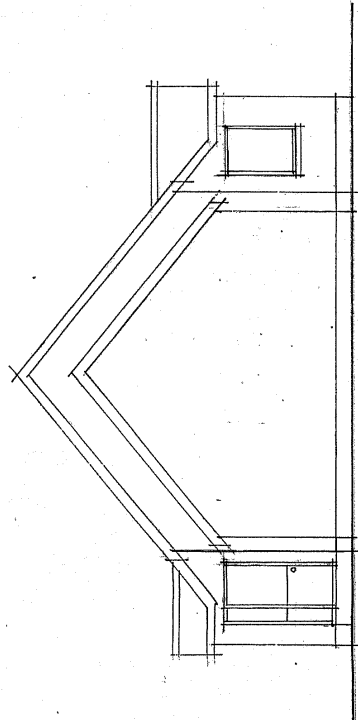
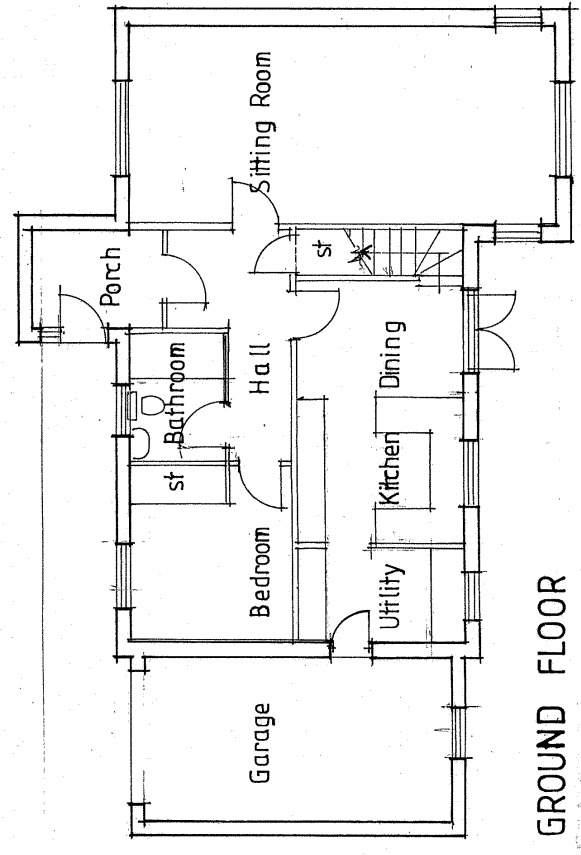
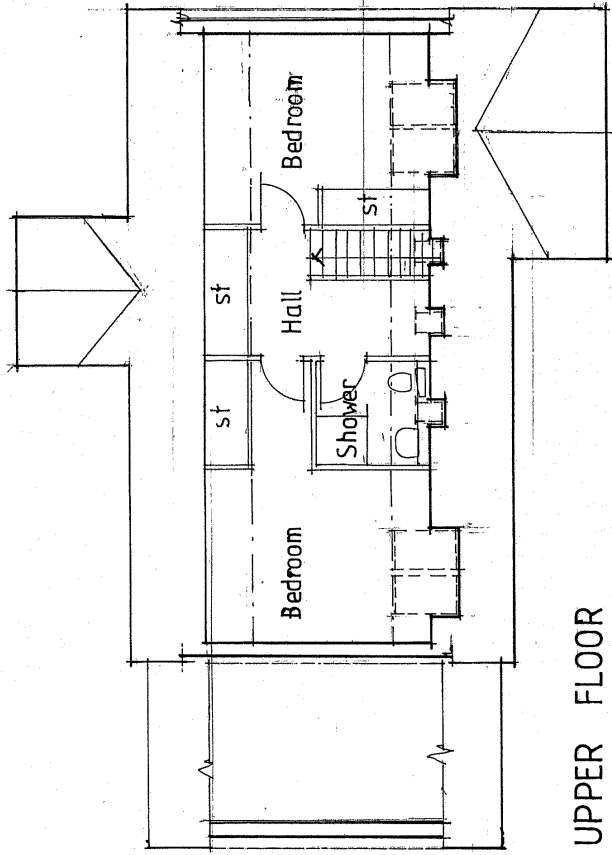
Ann G Gaunt RIBA ARIAS Architect 13 Laurel Bank Moray Street Blackford Perth PH4 1QP			Proposed Site for Dwelling Dorus Mor Auchterarder		
Client			Mr & Mrs S Bonney		
Job no	18/2	Draw no	3		
Drawn		Rev			
Scale		Date			

Ann G Gaunt RIBA ARIAS
Architect
"Laurel Bank" Moray Street
Blackford Perth PH4 1QP

Proposed Site for
Dwelling Dorus Mor
Auchterarder

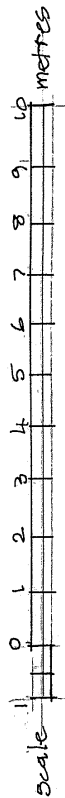
Client
Mr & Mrs S Bonney

Job no	18 / 2	Drawn	2
Drawn	AGG	Rev	
Scale	1:100	Date	FEB 118



INDICATIVE ELEVATIONS

INDICATIVE PLANS



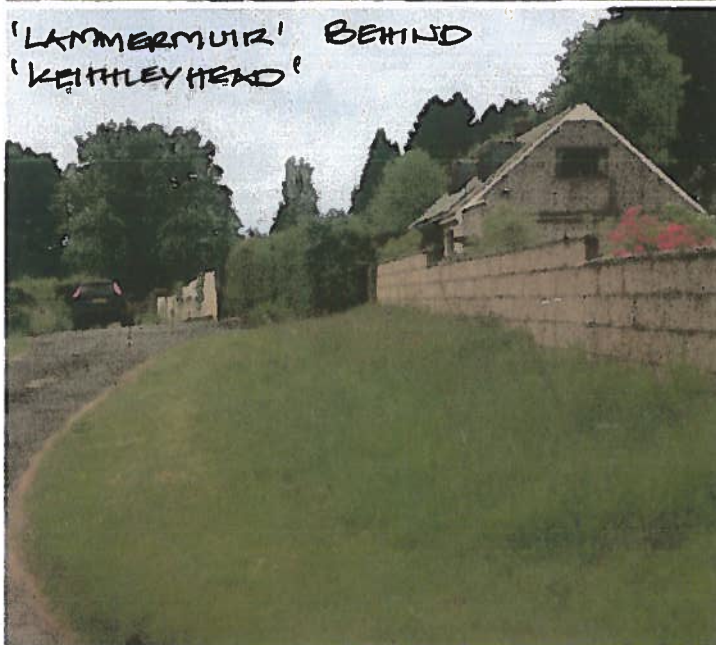
HOUSING DEVELOPMENT BEHIND
'STRATHEARN HOUSE'



'MERRION' SITUATED BEHIND
'KEITHLEYHEAD'



'LANMERMUIR' BEHIND
'KEITHLEYHEAD'



RESIDENTIAL BUILDING IN FRONT
GARDEN OF 'AMOY'



SITE PREVIOUSLY CONSENTED AT
'KEITHLEYHEAD'



RESIDENTIAL BUILDING IN FRONT
GARDEN OF 'DALSHIAN'

TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 18 and 20)*

PERTH AND KINROSS COUNCIL

Mr And Mrs Stuart Bonney
c/o Ann G Gaunt Ribarias
Ann Gaunt
Laurelbank
Moray Street
Blackford
PH4 1QP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st March 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00238/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 23rd February 2018 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres South East Of Dorus Mor Western Road Auchterarder** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the back land nature of the site, would result in over development that would not contribute positively to the area and would not respect the character, density or amenity of the place.

2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this back land site for a dwellinghouse would be detrimental to the character and amenity of the area and would set an unwelcome precedent for further tandem development in the immediate locality.

Justification

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

Notes

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

18/00238/1

18/00238/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00238/IPL	
Ward No	P7- Strathallan	
Due Determination Date	22.04.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle).

LOCATION: Land 30metres South East of Dorus Mor, Western Road, Auchterarder.

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: 26th February 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 30metres South East of Dorus Mor, Western Road, Auchterarder. The application seeks planning permission in principle for the erection of a dwellinghouse. The proposed site, excluding the access, is approximately 497m² and is currently utilised as garden ground for Dorus Mor, where there is mature vegetation and trees present. The site is within the Auchterarder settlement boundary and is bound to the North East by the

garden ground of Dower Cottage, to the South East by an agricultural field, to the South West by Greystones garden ground and to the North West by Dorus Mor itself.

SITE HISTORY

None.

PRE-APPLICATION CONSULTATION

No pre-application consultation undertaken.

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 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.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

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.

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

CONSULTATION RESPONSES

Internal

Transport Planning:
No objection to the proposed development.

Contributions Officer:
The Contributions Officer recommended 2 conditions to be added to any consent granted to ensure that the development is in accordance with Policy PM3: Infrastructure Contributions.

External

Scottish Water:
There is currently sufficient capacity in both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works to service the development.

REPRESENTATIONS

4 letters of representation were received objecting to the proposal. In summary, the letters highlighted the following concerns:

- Adverse impact upon the biodiversity of the area
- Contrary to Local Development Plan
- Back land development / lack of respect for existing building line
- Lack of information regarding the existing trees on the site
- Precedent development would set
- Loss of privacy
- Lack of detailed information regarding the proposed dwellinghouse
- Construction noise
- Change in ground levels / flood risk
- Neighbour notification has not been carried out correctly

As this is a planning application in principle, full details of the proposed dwellinghouse are not required to be submitted. With regards to the construction period, the impacts from the construction period are not a material planning consideration. It is also confirmed that the correct Neighbour Notification Procedure has been undertaken. The objector who raised the concern regarding neighbour notification has been contacted and explained that only neighbours within 20metres of the site boundary are notified.

The other points highlighted in the objections received will be discussed within this 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

This application is located within the settlement boundaries of Auchterarder where the most relevant policies of the local plan are Policies RD1 'Residential Areas' and PM1 'Placemaking'. Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area. Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.

As this is a planning in principle application, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan. In this instance the applicant is seeking to establish the principle of residential development within an area where residential development is generally considered to be acceptable.

Whilst the site is within an area where residential development is considered acceptable, consideration must also be given to the potential impacts created from the proposal upon the existing residential amenity and character of the area, as required by Policy RD1 as mentioned above.

Taking the relevant policies into consideration, it is considered that the principle of residential development on this site is not in accordance with the identified Local Development Plan. This is due to the proposal being considered as back land development.

Back land Development

Policy PM1B – Placemaking, highlights through criterion (d), that all proposals must respect an existing building line where appropriate. In this instance, the proposed development constitutes back land development as the site does not respect the existing building line along Western Road.

Protecting the character of the area is an important objective within the Placemaking policies. This is particularly applicable where an area has special characteristics, for example, on the edge of a village where there is a linear form hemmed in by countryside which would be compromised by the establishment of a line of sporadic back land development, harmful to the setting of the settlement. In this instance, this area of Auchterarder is characterised by a row of large plots facing onto Western Road on the edge of the town. The proposed development would therefore compromise the character of the area.

Regard will also be had to the more general characteristics of an area and the extent to which development behind an existing frontage could be repeated to create a number of tandem developments served by a multiplicity of accesses. This form of development causes a detrimental change to the character of an area, a lowering of standards of residential amenity, a reduction in road safety and an unwarranted burden on the provision of services and facilities to residential property.

For the above reasons, the back land nature of the development would be harmful to the character and amenity of the area and as such is contrary to the relevant provisions of the aforementioned Local Development Plan.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout will be considered under a detailed application.

Landscape and Visual Amenity

Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed dwellinghouse on this site within the settlement boundary of Auchterarder is not considered to erode the visual amenity, local distinctiveness, diversity and quality of the landscape.

Residential Amenity

It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity.

The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse. I therefore have no concerns at the principle of a dwellinghouses on this site in relation to residential amenity.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Dorus Mor, Dower Cottage and Greystones. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the proposed dwellinghouse.

Roads and Access

As this application is in principle, full details of the proposed roads and access have not been submitted, although it is indicated that a shared access will be obtained from the western corner of the Dorus Mor plot which connects to Western Road. It is however considered that an acceptable scheme could be achieved on this site. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no objection to make.

Drainage and Flooding

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application. Whilst the letter of representation regarding any ground levels being raised is noted, this would be a consideration for a detailed application.

Biodiversity and Trees

In some of the objections received, the impacts upon biodiversity and the trees on the site were raised as a concern. Policy NE2B - Forestry, Woodland and Trees, of the Perth and Kinross Local Development Plan 2014, states that where there are existing trees on a development site, any application should be accompanied by a tree survey. In this instance, after conducting a site visit, I do not consider it necessary to request a Tree Survey as there are no trees of significance on the developable area of the plot. In turn, it is also considered that there is a lack of habitats available for protected species. I therefore do not consider it appropriate to request any tree or biodiversity studies. If consent was to be granted, the impacts upon biodiversity could be

controlled by adding conditions to the consent. I therefore have no adverse concerns in relation to trees and biodiversity.

Developer Contributions

Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Community School of Auchterarder Primary School.

The Contributions Officer recommended that a condition to reflect education contributions should be attached to any planning application granted.

Auchterarder A9 Junction

The Council's Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

The application falls within the identified A9 Junction Supplementary Guidance boundary and the Contributions Officer recommended that a condition to reflect this should be attached to any planning application granted.

Economic Impact

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated 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 2012 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.

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the back land nature of the site, would result in over development that would not contribute positively to the area and would not respect the character, density or amenity of the place.
- 2 The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this back land site for a dwellinghouse would be detrimental to the character and amenity of the area and would set an unwelcome precedent for further tandem development in the immediate locality.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00238/1
18/00238/2

Date of Report 19th March 2018

TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder

REPRESENTATIONS

27/02/2018

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

PH3 Auchterarder Western Rd 30 Metres SE Dorus Mor
PLANNING APPLICATION NUMBER: 18/00238/IPL
OUR REFERENCE: 757665
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Turret Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Auchterarder Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges

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that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00238/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 0 [REDACTED] Email: [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres South East Of Dorus Mor, Western Road, Auchterarder		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Community School of Auchterarder Primary School.</p> <p>Auchterarder A9 Junction</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p> <p>The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p>Auchterarder A9 Junction</p> <p>CO03 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to Auchterarder A9 Junction Improvements or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards the Auchterarder A9 Junction Improvements, in accordance with Development Plan Policy and Supplementary Guidance.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	02 March 2018

Tracy McManamon

From: Bryan and Heather Allen <[REDACTED]>
Sent: 11 March 2018 16:12
To: Development Management - Generic Email Account
Subject: Planning application comments

Application reference: 18/00238/IPL

Erection of dwelling house, Western Road, Auchterarder.

Reasons for objections:

Adverse affect on Wildlife: the site is home to a vast array of birds and wildlife, including rabbits, stoats, voles, moles, hedgehogs and numerous bird species.

Trees: All planning applications are required to list any trees on the site and also to state intentions towards such trees. The site contains several long standing and established hard and soft wood trees, but non of these are listed or detailed on the site plan. Some are directly on the site of the building and others are on various parts of the overall plot at Dorus Mor.

Neighbourhood consultation: the consultation list includes neighbours on the other side of Western Road with no direct view of the development, and therefore not likely to object. It does not however include the neighbouring 3 houses on the same side of Western Road, all of which would have direct uninterrupted views of the proposed dwelling - specifically these neighbours live in houses named Pinegrove, Dunaird and Orwell. One house which is on the list, Dalshian, is currently unoccupied and not able to comment. Additionally, Dorus Mor has been consulted and invited to comment, but they are the submitters of the application.

We would like to be able to comment of the suitability of building material and general look of the prosed development, but we can't as nothing is detailed on the application. We can only access floor plans and elevations, with no mention of materials used.

The height and scope of the building is a concern on such a small plot. It would pose serious privacy issues for ourselves and other neighbours and completely change what is currently an unspoilt view of the Ochill Hills.

There is a recently built large summer house construction in the applicants garden, which sits very close to the border of the proposed development and is not listed on the plans.

There are concerns over the level of construction noise. There are no major services currently on the plot such as sewage and these would have to be installed.

Finally, there is a lack of precedence, with no other structures built in the road as part of a row of adjoining private gardens.

Bryan and Heather Allen
[REDACTED]
[REDACTED]

ENTERED IN COMPUTER

12 MAR 2018

Comments for Planning Application 18/00238/IPL

Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr John Barr

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Out of Character with the Area
- Over Intensive Development

Comment: I would like to lodge objection to this application as the proposal is not in accordance with the Local Development Plan in the following respects:

The proposed development is contrary to Policy RD1 of the Local Development Plan in that it involves backland development that would have significant impact on the residential amenity of the other properties along this stretch of Western Road and on the character of the area.

The proposal is contrary to Policy PM1A and PM1B as it would fail to contribute positively to the quality of the surrounding built and natural environment and would involve backland development that fails to respect the established building line to the rear of the properties on this side of Western Road.

The council has refused planning permission for similar backland proposals in the past and failure to do so in this case would create an unwelcome precedent which, if followed by a number of neighbouring properties, would have serious detrimental impact on the amenity and character of the area and lead to unintended, unplanned, ad hoc development and load on the local infrastructure.

Comments for Planning Application 18/00238/IPL

Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr Leslie Huckfield

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: My wife and I would like to register a strong objection against this application on grounds that Perth and Kinross Council has not followed Scottish Planning Circular 4 2009 under Regulation 18, Sections 4.15 to 4.20. Procedures for schemes of delegation are set out in Part 3 (Development Management) of the Planning Act (Scotland) 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and accompanying circulars - of which Circular 4 2009 is one.

Though properties further away from the proposed development than our own property have been notified by the Council, we received no notification at all - though we are more directly and adversely affected than others who were notified.

We will make further representations elsewhere against Perth and Kinross Council's failure to respect its obligations under these required Development Management Procedures.

We submit that the proposed application is contrary to Policy RD1 in the approved Local Development Plan against "backland development". This application, if approved, would have a significant impact both on neighbouring residential amenity and a detrimental impact on the

amenity and character of the Western Road area if this precedent is followed. In summary, if this application is approved, other similar applications will follow which will totally undermine and significantly affect the residential quality and character of a prime residential area in Auchterarder.

We submit that the application does not meet other requirements in the approved Perth and Kinross Local Development Plan since under Policies PM1A, PM1B and PM1(d) it fails to recognise the previously approved building line and will not be compatible with the residential amenity and character of the surrounding area.

We also believe that the application may be contrary to Policy NE3 of the approved Local Development Plan, since any destruction involved of trees and habitat may impact on protected species, including birds, bats and red squirrels which may have been identified in the area. We are making further inquiries and investigation into these matters.

LESLIE HUCKFIELD

[REDACTED]
[REDACTED]

Comments for Planning Application 18/00238/IPL

Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

Customer Details

Name: Ms Jill Simpson

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Looking

Comment: They key reasons for our objection are as follows;

We would lose our privacy we have a low hedgerow and would look directly into this 1 ½ storey house. Our time in the garden would be overlooked by the access road and traffic this will generate - it will completely change our peace and tranquillity the reason for buying this property.

The proposed access road is it so close to our boundary we are concerned about the adequacy of the road to take up the level change without infringing on our property. We will also have noise pollution from the new access road along our garden and next to our bedroom.

We think the potential change in ground level could easily result in our land becoming flooded.

We are also concerned at the loss of habitat to the wildlife - the lower garden area and connecting hedgerows are so vital for the birds, squirrels, voles that frequent all of our gardens and they provide shelter, safe passage and breeding areas for many of these animals - the proposed new house and access road would remove this space and connectivity.

There will be a loss of mature trees which border Dower Cottage.

We are concerned at the lack of consultation with neighbours directly affected by the visual impact and the precedent this would set - all houses looking into this house should have been consulted e.g. Pinegrove

On an admin point though dated the 23rd March we did not receive our letter until the 1st March - we would have sought expert advice having no experience of commenting on planning applications, however I hope we have made our points clear.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00230/FLL	Comments provided by	Mike Lee Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres South East Of Dorus Mor Western Road Auchterarder		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16/03/2018		

Statement by Leslie and Margaret Huckfield,

We have lived at Pine Grove in Western Road since 2004 and find Local Review Comments submitted by the applicants confusing and inaccurate. If accepted, these comments would fundamentally undermine the general residential character of the area:

A) Myths in Support of Backland Development

- i) The invention of a “double feu” historical basis for the large size of plots is in error and especially confusing. The description “double feu” refers merely to the size of plots rather than any original intention to permit further building in gardens or on back land. Most Western Road properties were built in the 1920s and we can furnish original photographs of pine trees running down either side of the whole length of our garden, thus showing no intention of splitting the garden in half.
- ii) Equally misguided is reference to an “existing sewage outlet pipe which runs along the rear of the plots through the land in ownership of the Common Good Fund”. There is no sewage pipe and most sewage tanks drain to soak away areas. There is no evidence that there was ever an intention to extend any access road serving houses along the southern edge of the Western Road plots. There is not even a legally permitted right of access over the Common Land to facilitate emptying of sewage tanks and our previous communication with PKC confirms this.

B) Houses behind Keithleyhead

- i) The houses Merrion and Lammermuir are not ‘backlands development’. They are separate independent plots served directly from the road running down the west side of the park, not through existing plots fronting Western Road.
- ii) Any lapsed consent for a house behind Keithleyhead is in the same category as Merrion and Lammermuir and would not be ‘backlands development’ but served by the road to the west of the park.

C) Amoy and Dalshian Outbuildings

- i) Buildings in front of Amoy and Dalshian are neither dwellings nor ‘backlands development’. They are outbuildings to the main residence and include garage and office space. They are not separate plots, do not have separate access, are not in separate ownership or occupied.
- ii) Neither has planning permission as a dwelling and are in no way comparable to separate ‘backlands development’ proposed for Dorus Mor.

D) Properties at Strathearn House

- i) Any citation of properties – including Curling Pond Cottages – as representing ‘backlands development’ – is misleading and confused. Most of the Strathearn House, Curling Pond Cottages and other houses are refurbishment and extension of existing properties.
- ii) These properties thus represent PKC’s interpretation of hamlet and small community development, rather than ‘backlands development’.

From: Bryan & Heather Allen, [REDACTED]
[REDACTED]

Subject: TCP/11/16(536): Response to Application to Review Refusal of Planning Consent

After submitting an original objection and receiving notification of an appeal to review, we are responding to points raised by the applicants.

The Houses Behind Keithleyhead (Merrion and Lemmermuir)

1. These are not backlands development and are separate plots served from the road running down the west side of the park, not through existing plots on Western road.
2. Additionally there is no evidence of any intention to create a road along the rear boundary of the Western Road properties.
3. The lapsed planning consent for a further house to the rear of Keithleyhead has no relevance, as it is also not backlands development.
4. Local Development Plans has changed since those developments and the houses behind Keithleyhead are of no relevance.

The Outbuildings at Amoy and Dalshian

1. These are outbuildings, not dwellings or backlands developments. They are not separate plots in separate ownership or separately occupied. They were built before the current Local Development Plan was in place.

The Development at Strathearn House

1. The development at Strathearn House is half a mile away, and invisible from the group of houses affected by the application. It was probably considered as a separate hamlet and therefore falls into a different category, and was also built prior to the current Development Plan.

The Wider Community

1. The proposal at Dorus Mor would not enhance the local environment. This would be made worse if permission were granted and set a precedent for further developments.
2. There are many new (planned) housing developments that have put considerable pressure on local amenities such as schools.

The Aims of The Local Plan

The proposed development at Dorus Mor would not meet the requirements of the Local Development Plan by having a positive effect on the surroundings and natural environment. It would most likely be out of character and be detrimental to both the local neighbourhood and also the wider community.

From: John and Isobel Barr, [REDACTED]
Subject: TCP/11/16(536) : Response to Application to Review Refusal of Planning Consent

We objected to the original planning application as we are concerned that the proposal would have a detrimental effect on the character and amenity of the area. In response to points raised by the applicants in their request for review we comment as follows:

The Houses Behind Keithleyhead

1. The two existing houses behind Keithleyhead (Merrion and Lammermuir) are not backlands development; they are separate independent plots served directly from the road running down the west side of the park, not through existing plots fronting onto Western road.
2. The description of a road serving these two properties is incorrect. This is simply the private vehicular access to Lammermuir. There is no evidence that there was ever an intention to create a road or to extend access along the rear boundary of the Western Road properties.
3. The lapsed planning consent for a further house to the rear of Keithleyhead falls into the same category as Merrion and Lammermuir; it is not backlands development but served independently off of the road running down the side of the park.
4. All of the above occurred before the current Local Development Plan was in place and was therefore decided in a different era and under different circumstances. For this and other reasons noted above, the houses behind Keithleyhead are of no relevance when considering the current application at Dorus Mor.

The Outbuildings at Amoy and Dalshian

1. The buildings cited as precedents to the front of Amoy and Dalshian are neither dwellings nor backlands development. Both are outbuildings to the house occupying the plot, they fall within the curtilage of the plot, they are not separate plots, not in separate ownership and not separately occupied. Neither has been granted planning permission as a dwelling and both were erected before the current Local Development Plan was in place. In all these respects they bear no comparison with the proposal at Dorus Mor and are irrelevant.

The Development at Strathearn House

1. Ours is the last house in Auchterarder and the closest to Strathearn House, which is some half mile distant. The land between consists of open fields and the cemetery and includes several lines of mature trees running from Western Road to the A9. The result is that the development at Strathearn House is distant and invisible from the group of houses affected by the application. We suspect that it was considered as a separate settlement or hamlet and falls into a different category than the application. Also, it was built before the current Local Development Plan was in place and in this and other respects outlined above is not relevant.

The Wider Community

1. The proposal at Dorus Mor is alien to the character of the neighbourhood and would have a detrimental effect on the quality of environment for other residents. This would be exacerbated if permission were granted and served as a precedent for further, similar developments.
2. The recent increase in housing in Auchterarder has produced pressures on local amenities. The school is currently at risk of losing valuable facilities such as its computing suite and music room due to the increasing school role and the consequent requirement for more classroom space. Development to date has the merit of having been planned. Further ad hoc, unplanned development of the type proposed at Dorus Mor risks overloading local infrastructure and amenities in an uncontrolled manner.

The Aims of The Local Plan

The Local Development Plan requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. Nothing in the application suggests that this is the case. To the contrary everything points to it being out of character and having a detrimental effect on the local neighbourhood and the wider community of Auchterarder by encouraging ad hoc development that adds nothing to the local community whilst increasing the load on local services and putting valuable amenities at risk.



Glen Blackler, Glenalmond, Perthshire PH1 3SF
Tel: (H) **01738 880 373** (M) **07922 442 107**
Email: gdimeckplanning@gmail.com
www.garrydimeckplanning.co.uk

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

28 June 2018

Dear Sirs,

Re: T&CP (Schemes of Delegation & Local Review Procedure)(Scotland) Regulations 2013

LRB Ref: TCP/11/16(536)

Application Planning Ref: 18/00238/IPL

Location: Land 30m south-east of Dorus Mor, Western Road, Auchterarder

GD Planning Ltd has been appointed by Ms Jill Simpson to review the refused Planning application (18/00238/IPL) together with the Appellants Grounds of Appeal, and to forward this representation to the Local Review Body on her behalf. Ms Simpson is the immediate neighbour (Greystones) and submitted objection to the proposal at planning application stage.

Ms Simpson considers that the development of the Appeal site for housing would be inappropriate, supports the findings of the Planning Officer, and would also wish to raise the following additional matters:

Development Plan

Whilst PKC do not have any specific planning policy relating to 'backland' development it does have a recently published Placemaking Guide and an up-to-date Development Plan both of which accord a high importance to design quality in the built and natural environment. The primary objective of policy and guidance is to ensure that development proposals evolve through a contextual understanding

GD Planning Ltd Company No: SC 525041

Page 1 | 9

of 'place' which , in turn, should inform appropriate design solutions and enable the delivery of sustainable development.

Those policies seek to achieve a balance between the delivery of sustainable development and the protection of local amenity, including the amenities of existing residents.

Whilst it is accepted that this is an outline application seeking to establish the principle of a dwelling on the land, it is Ms Simpsons opinion that the limitations of the site are such that the proposals cannot achieve that 'balance'. The site is constrained in terms of size and setting. A new house would impact in a harmful way on the distinct character and appearance of an attractive part of Auchterarder, and the limitations of the site itself mean that adequate protection to the amenities of adjacent residential occupiers could not be delivered.

In particular Ms Simpson would contend that criteria (a) & (c) of **Planning Policy RD1: Residential Areas**; and criteria, (b),(c),(d),and (g) of **Planning Policy PM1B** would not be met.

Backland

Backland sites are generally acknowledged to raise specific planning challenges, particularly in relation to impacts on adjacent properties. These will invariably include:

Loss of privacy to frontage plots from backland dwelling – will the proposal give rise to unacceptable overlooking affecting neighbour privacy?

Overlooking of 'backland' plot from existing dwellings – will the new dwelling be overlooked from the existing dwelling?

Loss of privacy of adjoining residents due to access – will existing residents experience a loss of privacy through new vehicle movements passing in close proximity to existing dwellings?

Noise & Disturbance to adjoining residents – will more intensive use of existing garden ground give rise to noise and disturbance to neighbours?

Appearance & Character – would the form and location of the proposal be consistent with the pattern of development locally or would it adversely affect local character?

Precedent – are there comparable opportunities for development which could cumulatively erode local character?

These issues have been examined and Ms Simpson would wish Members to note the following comments:

Amenity: 'Greystones' is south facing with an open, uninterrupted outlook across Strathearn to the Ochil Hills. The house is arranged with principal rooms (lounge, sun room, master bedroom), and the principal amenity space, all sited to the rear to take advantage of the open outlook. The photographs below indicate the 130* panoramic outlook and the privacy enjoyed from the house and garden.



Photos 1, 2 & 3 Outlook from 'Greystones'

Whilst the right to a private view cannot be safeguarded through planning it is recognised that the extent to which the outlook is materially affected by new development is a proper and material planning consideration. In each case the degree to which the new proposal would be a dominant element and its juxtaposition to any third-party property will be important considerations.

The outlook from *Greystones* and its garden is towards the south. The photographs above illustrate the extent to which natural features (topography, trees; field and sky) are dominant and show the absence of any man-made feature. The red line identifies the Appeal site.

The photos below show the arrangement of rooms and external amenity space at the rear of the property, all arranged to take advantage of that southerly aspect.



Photos 4 & 5 showing arrangements of sun room, amenity space to rear of *Greystones* and garden levels difference with *Dorus Mor*

From the drawings supporting the application it can be recognised that the new dwelling would introduce an assertive and dominant new man-made feature imposing itself across all of the garden serving *Greystones*.

Environmental conditions within both garden and house would be materially changed with little or no relief possible for the residents of *Greystones* from main rooms; the principal amenity space nor anywhere within the garden due to the position of the building, the height and form indicated, and the low natural features along the boundary. Whilst lights on at night and general activity around the new house with its limited curtilage, are conditions which would reinforce that change.

In every part of the garden the presence of the new dwelling would be apparent and would be a dominant feature. In this sense the proposal can be seen as an unneighbourly form of development, contrary to the requirements of **Policy RD1**.



Photos 6 Extent of outlook from garden and property at *Greystones* and highlighting likely dominance of new dwelling from all parts of garden

Ms Simpson would contend that such changes in environmental conditions would not represent good planning and would not deliver the positive place making objectives set out in Development Plan **Policy PM1b**, nor would the proposal respect its environs as required by **Policy RD1 (a)**.

Access: The submitted layout indicates a new pedestrian footway and vehicular access running between *Greystones* and *Dorus Mor*. Vehicles moving along this route would be within 2m of the corner of *Greystones* and close to one of its principal bedrooms.

The garden to *Dorus Mor* is above the level of the *Greystones* garden at this point (+700mm). Pedestrian activity on the new footpath and the introduction of vehicle movements, noise, exhaust fumes and lights, so close to the boundary, will be most noticeable and will impact on Ms Simpson's quiet enjoyment of this part of the house and garden.

The new access will also pass immediately in front of a number of windows in the side wall of *Dorus Mor* with little space available to effectively screen the impacts of vehicle movements. Whilst it is noted that the Planning Officers Report raises no issues in respect of this arrangement it is suggested that the use of the new driveway could have a significant adverse impact on the amenities enjoyed by future occupiers of *Dorus Mor*, contrary to the requirements of Plan **Policy RD1 (a)**.



Photos 7 Side windows of Dorus Mor

Appearance and Character A key issue in the consideration of this case is whether the proposed development would appear cramped and out of character with the more spacious plots in the immediate locality. The appearance of an area can be described as the outward visible qualities, whereas character is the sum of all the qualities which distinguish the area.

Western Road forms one of the principal ‘entrances’ to Auchterarder from the A9. This part of the town has a distinct character. Linear, not nucleated; low density; detached dwellings set within sizeable plots with open views to south, and with space front and back. Established, early to mid-20th Century villas, with long open gardens to the rear which ease the transition between the countryside and the town and contrast in a most positive way with higher density modern developments at the settlement edge found elsewhere within the town. These characteristics provide a soft edge to the settlement at this point.

A dominant characteristic of dwellings on the south side of Western Road, is the space between dwellings; consistently large gardens and landscaped grounds falling away from the house towards open fields to the south; hipped roofs to housing; and the extensive views from the road, above and between housing, of the sky and countryside beyond. Houses are set back from and below the level of the road, and a common building line is evident.

With a new dwelling on the appeal site those positive elements of townscape quality which distinguish this part of the town from elsewhere cannot be realised. The plot size is small; a higher ratio of building to garden ground would be realised; the dominant building line is not respected; and the position on the slope will erode the ‘soft’ urban edge of the town at this point.

The photo below shows the small size of the appeal site relative to other property gardens along the southern side of Western Road (Appeal site approx. 500m² – typical house plot size on south side of Western Road 2250m²). It also demonstrates how little space around the new dwelling would be realised and the fact that a hard edge to the village at this point would be introduced by building out towards the field boundary.

The site is so small that little opportunity is available to mitigate these effects. Ms Simpson would contend that such a change in environmental conditions would not represent good planning and would not deliver the positive place making objectives set out in Development Plan Policy [PM1b](#) & [RD1\(c\)](#).



Photo 8 showing low density of existing housing; small size of plot relative to others along southern side of Western Road and resulting position of housing close to field edge.

Precedent: Although each site must be considered on its own merits, it is clearly evident that there are comparable opportunities within adjoining gardens to realise similar ‘backland’ housing proposals. Were a planning approval to be granted in this case it is respectfully suggested that the Planning Authority would find it difficult to resist similar proposals on adjacent garden land. It is Ms Simpson’s firm view that cumulatively such change would erode local character and in particular the low density; landscaped setting of the properties in this part of town.

Trees

Whilst the Planning Officer Report expresses the opinion that impacts on trees do not need to be considered in this case (Biodiversity and trees section of Report), the site is small and the indicative layout indicates a building with a large footprint.

Trees exist close to its boundary but on land adjacent. Those trees have amenity value, both as a visual and biodiversity resource, and 'connect' to linear planting belts in the wider landscape which are likely to comprise 'wildlife corridors'.

Because of their position and the extensive plot coverage proposed, excavated service runs could impact on any feeding roots within the site, whilst the juxtaposition of those trees to the proposed house could also give rise to future pressure to fell. In the absence of a detailed Tree Impact Assessment and Tree Protection Plan it is unclear whether the recommendations set out in *BS5837:2012 Trees in relation to design, demolition and construction* could be met in this case.

Member Appraisal

There is no third-party right of appeal should this development be approved by the Local Review Body.

This is a backland site, sitting behind existing housing and with no rear vehicular access presently existing. Should Members consider that a site visit is needed in order to fully appraise the Appeal proposal then Ms Simpson would respectfully request that opportunity is taken to view the proposals from her garden.

Appellants Comments

The Appellant cites examples of outbuildings within the gardens of existing houses (*Dalsian & Amoy*) which have been constructed in recent years and which he contends demonstrate a 'backland' approach to development. In both cases use of the addition is ancillary to the 'parent house' and not independent, and the subordinate buildings have not resulted in the formal subdivision of garden plots or the construction of a new access. The Appeal proposal in contrast, is quite different and would realise an independent use with the potential to impact on third-parties.

Members will be aware that the land behind Strathearn House was a longstanding allocation under the Strathearn Area Local Plan 2001 for the development of land for business, office, and/or tourism use. Residential development of the land was secured at appeal following the grant of planning permission for the restoration through conversion to apartments of Strathearn House. The relationship of employment activities so close to approved housing would have been a factor in the subsequent approval of housing on an allocated employment site. A quite different Planning Policy context was in place at that time and it would be inappropriate to suggest that this now provides a comparable precedent for the development of the current Appeal site.

Ms Simpson would contend that the other examples (*Lammermuir; Merrion & land to the rear of Keiltyhead*) have a different relationship to the urban edge and the countryside beyond, are not comparable in terms of landscape/ townscape impacts nor in their relationship to adjacent dwellings.

Ms Simpson and other local residents are unaware of any historic design intention for the development of 'double feus' and the available records on the PKC Planning Portal do not reveal any historic permission or developer intention for the extension of the access road serving *Lammermuir*.

Conclusion

PKC currently benefits from a 5 year housing land supply and there are a number of large scale housing developments in Auchterarder currently under-construction. There is no housing land shortage which might outweigh the concerns expressed in the Planning Officers Report or those set out in this objection letter.

The Planning Officer Report demonstrates that planning policy is positive in its emphasis towards the delivery of quality development and the creation of 'place' and that the appeal proposals would not meet those policy objectives (in particular **Policies PM1** Placemaking & **RD1** Residential Areas). The Development Plan is up-to-date. The concerns set out in Ms Simpson's representation reinforce that view and it is respectfully requested that the Planning Officer view is supported and that this review be dismissed.

Yours faithfully

GDimeck BTP MRTPI



Reply to Neighbour Comments re planning permission at Dorus Mor, Western Road, Auchterarder PH3 1JJ

Double Feus

The existence of double feus is evident from the dividing hedges which are present in the adjoining properties and the plot previously consented at Keithleyhead was sited on the additional feu at that property. The position of pine trees running down the side boundaries does not prove that the plots were not intended to be divided.

Sewage Outlet Pipe

The existence of the sewage outlet pipe is not in dispute and the fact that no access to empty the septic tanks is not relevant as one need not exclude the other.

Houses behind Keithley head

These are accessed by a track which is not a public road and in our opinion have demonstrated the precedent that houses could be built behind the frontage of Western Road.

Amoy and Dalshian Outbuildings

It was not intended to imply that these buildings were residences but rather to illustrate the fact that they appear as buildings additional to the main residences on the plots.

Properties at Strathearn House

There are in fact a large number of additional residences other than conversions of the existing buildings which we believe were consented only after an appeal and would appear to have set a precedent for building behind the main frontage of Western Road.

The Wider Community

1. We believe the precedent has already been set in numerous areas of Auchterarder i have including Orchil Road where several recent approvals for houses have been granted, some of which are clearly visible from the road frontage. Most of the houses along this side of Western Road have been extended right out to the side boundaries, leaving no space for access roads to any potential site behind them, therefore it is unlikely any additional precedent would be set.
2. All new developments require the payment of developer contributions so the argument about pressure on local amenities is not relevant.

Size and Suitability of the Site

The size and suitability of the site is not dsiputed in the Report of Handling and should Planning in Principle be granted, aspects of design and layout are for consideration once an application for approval of reserved matters is submitted. In addition the change in levels on the site and the existence of the dividing hedge would ensure that any overlooking either from Dorus Mor or adjoining properties would be minimal.

Traffic Noise

The properties on Western Road front a very busy access into the town and the traffic noise will far outweigh any noise from residents accessing a driveway.

