

<p><b>LRB-2022-29</b> <b>21/02017/FLL – Erection of a fence, 1 Commander’s Grove, Braco, Dunblane</b></p>
-------------------------------------------------------------------------------------------------------------------

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 429-460***)
  
- (b) Decision Notice (***Pages 463-464***)
  - Report of Handling (***Pages 465-470***)
  - Reference Documents (***Pages 439-443 and 471***)
  
- (c) Representations (***Page 459***)



**LRB-2022-29**

**21/02017/FLL – Erection of a fence, 1 Commander's Grove,  
Braco, Dunblane**

**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)                                                                                                                                           | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle                                                                                                                                                                  | <input type="checkbox"/>            |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions                                                                                                                                                       | <input type="checkbox"/>            |

**Reasons for seeking review**

- |                                                                                                                             |                                     |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Refusal of application by appointed officer                                                                              | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer                                                                       | <input type="checkbox"/>            |

**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                                    | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection                                                | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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:

Recent photos submitted as we are now in growing season

Photos of other fences/hedges in the area

**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.

Attached

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

Yes  
☐

No  
☒

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

## List of documents and evidence

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

Supporting Statement  
Existing site plan  
Location plan  
Proposed site plan  
Photos -  
Existing garden area 1,2,3  
Fence pulled down  
Various photos showing 6 foot fences or high hedges up to centre of Braco  
Similiar idea to what we have planned for shrubbery area at corner

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

---

## Checklist

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

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

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

---

## Declaration

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

Signed

J McKay

Date

8/6/2022



We feel we have been treated unfairly in respect of the decision to refuse to allow us to move our fence.

- There is an existing 6 foot fence joining a feature wall. Out with this there is an area of garden ground which forms part of our plot. 30 years ago it was designated as a visibility splay but as the surrounding landscape has matured it no longer functions as a visibility splay. Before we applied for planning permission we asked for a site visit from roads and transport, they agreed that it no longer worked as a visibility splay and agreed we could put up a 6 foot fence enclosing our garden. We suggested lowering it on the approach to the corner and the officer agreed with this. The official plans were also forwarded to another officer in roads and transport who also approved them.
- **We have been advised we are removing open space from the community of Braco.** Across the road from our house is open space for miles. We are at the very edge of Braco, we have fields behind us and fields/walks across the road. This is not a communal area, it is our garden. Every house apart from 1 up until the centre of Braco has either a 6 foot fence or a hedge greater than 6 foot. We have opted for a fence as it provides instant security.
- **Our plans have to benefit the community of Braco.** Surely an area of shrubbery providing year round colour benefits the community, it looks like waste ground at the moment. We planned to use evergreen shrubs where possible with a mixture of flowering and non flowering shrubs. The area will be laid out with gravel to allow for easier maintenance.
- The new fence will replace the existing 6 foot fence but moved to our boundary and initially we planned to remove part of the feature wall but we have decided to keep it as a feature and reduce the height of the fence at this area accordingly. We will use climbers to add colour to the fence eg wisteria, clematis, honeysuckle
- **Our garden has to mirror that of no. 2** – each house in this street is different and each garden is different, that's what gives the street its appeal. Why should we be made to copy our neighbours garden plans. What if he redesigns his garden, do we need to change ours?
- Existing fence is of poor design and does not provide privacy nor does it help with road noise reduction. The new fence would be a double layer fence therefore providing us with security for items within our garden, privacy and hopefully helping reduce road noise.
- People walk over this ground as it doesn't look like part of our garden as it stands. Due to the design it is always going to look like this and cannot be incorporated into our garden without removing the existing fence and moving it.
- Our boundary fence at the rear of our garden has been pulled down and according to a local woman this happens regularly by people trying to access a wooded area

behind us. There is now a new path which does not involve people walking over our garden but the fence has recently been pulled down again.

- Dogs foul in this area and not all owners clear up after their dogs. We have found broken glass on the ground and regularly have to go out and pick up litter. It is a very difficult area to maintain as it is not enclosed in our garden so in the growing season it looks untidy as the weeds are difficult to control as spores blow over from the fields and land in this open area. Our plans would make this area a nice area for people walking by but also with a boundary fence/hedge make them aware that it is our garden.
- We need to provide a secure area for our dog as at the moment we have temporary barricades up using planks of wood and bins etc. He has already escaped once but luckily did not get onto the road. Should we decide to rescue another dog in the future a 6 foot fence enclosing the garden is generally one of the conditions for adoption.
- We have discussed the plans with our neighbours and all are keen for this proposal to go ahead in respect of the shrubbery area on the corner and hopefully a reduction in road noise for the neighbours on our side of the road when the new fence is in position.
- Street lighting carried out a site visit and confirmed that cabling ran round the pavement not through our property at any point.
- We are keen to have a site visit to discuss this if necessary and verify that our plans would benefit the community and us. We requested a site visit to discuss our plans but this was ignored. We also applied for pre planning but were advised that it was straight forward with no issues and to go ahead and apply for planning permission. Our money was refunded to us at that point as there were no issues. I submitted my own plans/photos but these were not validated so we contacted an architect. Our architect contacted planning to enquire what information they wanted and was advised on the phone that there would be no issues and should be straight forward but as I had submitted my own plans/photos they would like official plans drawn up.

As a keen gardener this property was purchased with a view to enhancing an already established garden but feel now we are compromised on our future plans for the garden. We have already bought several plants/shrubs and I have been bringing some shrubs on from seeds collected from my last house to plant here. This garden area cannot be planted up as a shrubbery area in its current state as it is open ground and dogs will continue to wander over it and urinating on the plants therefore killing them. People and children will continue to wander through the area if it is not enclosed. I bring a lot of plants on from seed/seedlings and these need time to mature without being disturbed. I have a deep passion for gardening and people passing by our last house would often stop and admire our garden. Our plans can only benefit the wider community.

## **TAYplan Strategic Development Plan 2016 – 2036 Approved October 2017**

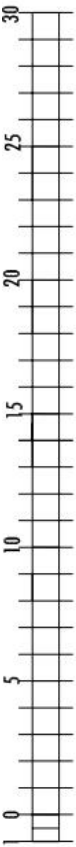
Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The 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.”*

In regards to the above statement it states that it's not relevant to our situation yet this was included as a reason for refusal. What about our quality of life! Surely we are as deserving as every other person to an attractive secure garden where we can relax and enjoy life.

We believe that our plans improve this area, not erode or negatively impact the surrounding area and we are finding it hard to believe that planning feel we are negatively impacting the village. It seems strange that we see new houses being built all over Perthshire with 6 foot fences yet we are not allowed to move an existing 6 foot fence to our boundary. We followed all the rules regarding this planning re contacting all the relevant departments including speaking to roads before we even approached planning yet I see 6 foot fences bordering main roads everywhere but we are not allowed.

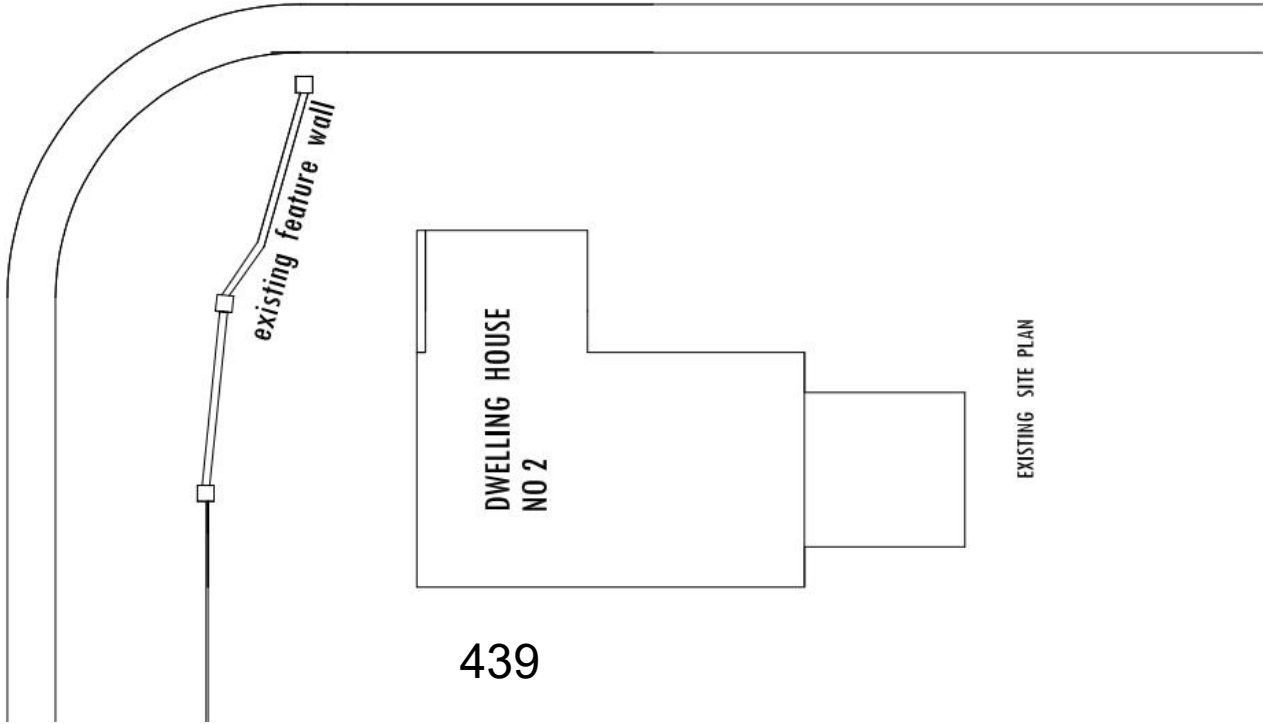
Many thanks for taking the time to review this.



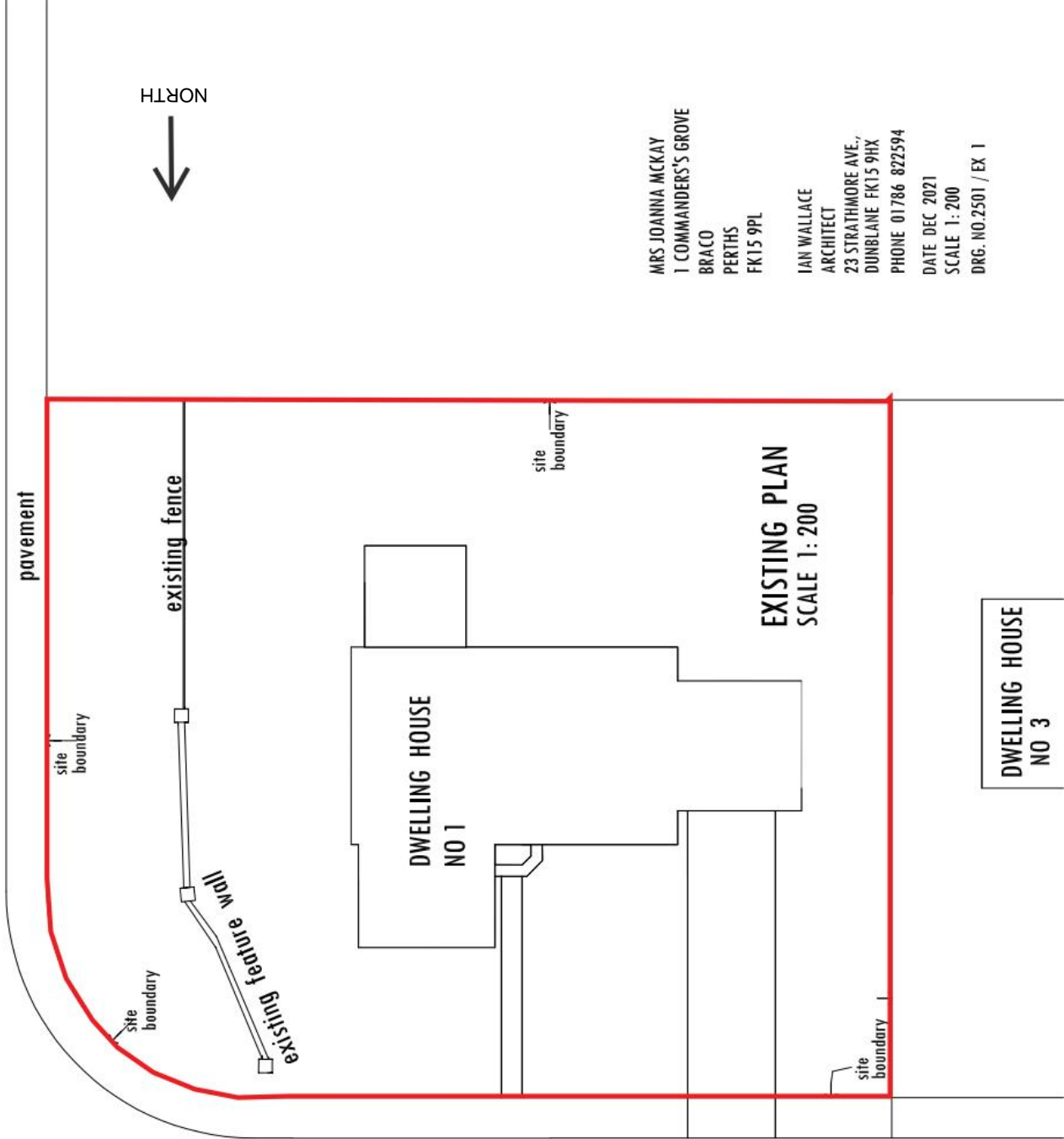


SCALE OF METRES

← A 822 — TO CRIEFF



439



COMMANDER'S GROVE

MRS JOANNA MCKAY  
1 COMMANDER'S GROVE  
BRACO  
PERTHS  
FK15 9PL

IAN WALLACE  
ARCHITECT  
23 STRATHMORE AVE.,  
DUNBLANE FK15 9HX  
PHONE 01786 822594

DATE DEC 2021  
SCALE 1:200  
DRG. NO.2501 / EX 1

DWELLING HOUSE  
NO 3

**BOUNDARY FENCE ALTERATIONS**

**Commander s Grove, Braco, Perth And Kinross.**

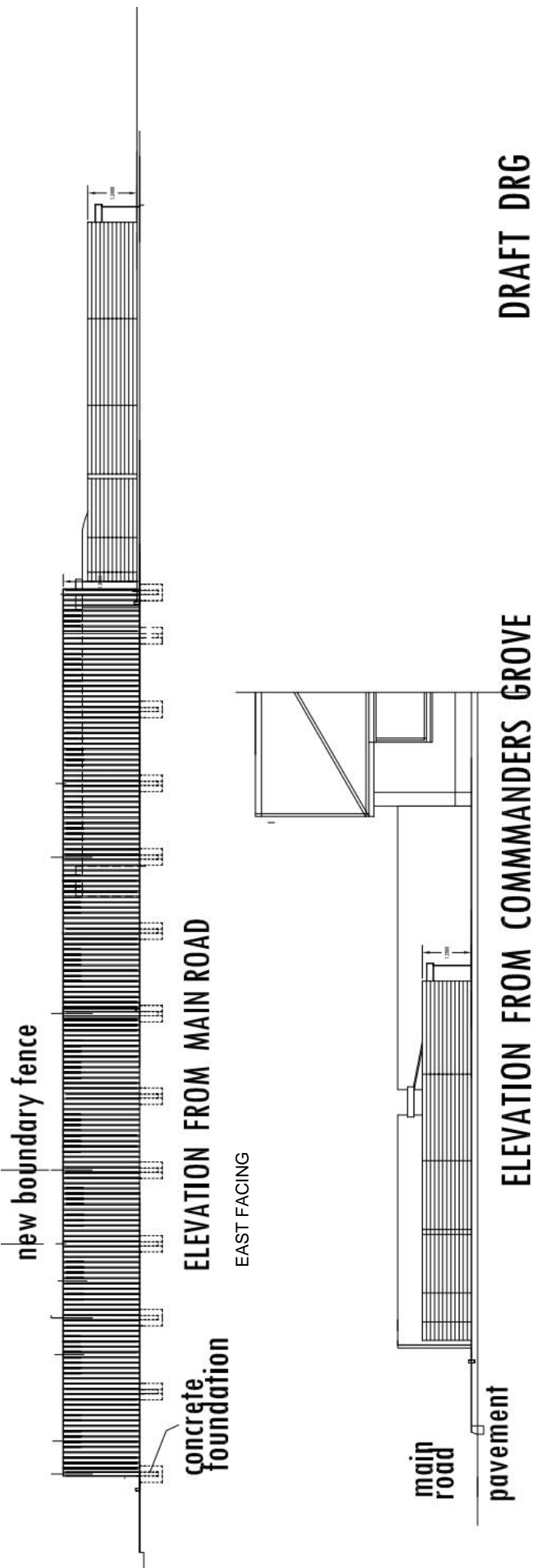
**FK15 9PL**



Location Plan shows area bounded by: 283553.91, 709117.19 283753.91, 709317.19 (at a scale of 1:1250), OSGridRef: NN8365 921. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 29th Dec 2021 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by <https://www.buyaplan.co.uk> digital mapping a licensed Ordnance Survey partner (100053143). Unique plan reference: #00694812-0B16F9

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the [www.buyaplan.co.uk](https://www.buyaplan.co.uk) website are Copyright © Pass Inc Ltd 2021



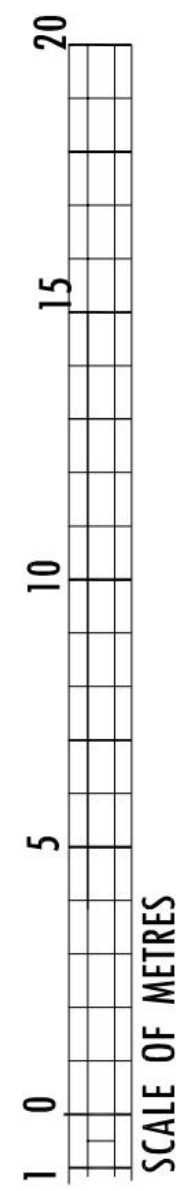
**DRAFT DRG**

MRS JOANNA MCKAY  
1 COMMANDERS'S GROVE  
BRACO  
PERTHS  
FK15 9PL

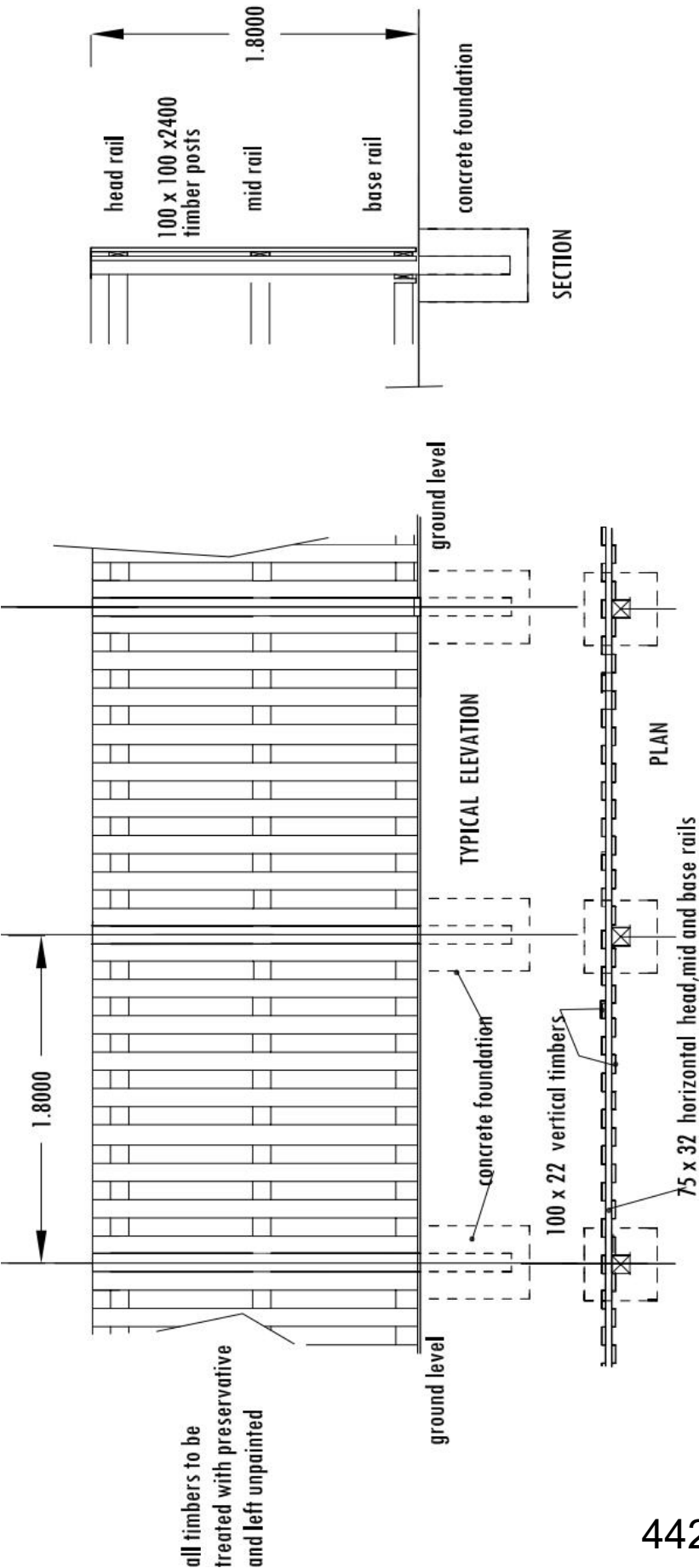
PROPOSED CHANGES TO EAST  
BOUNDARY FENCE

IAN WALLACE  
ARCHITECT  
23 STRATHMORE AVE.,  
DUNBLANE FK15 9HX  
PHONE 01786 822594  
DATE APRIL 2021  
SCALE 1: 100

DRG. NO. 2501 / 03



FENCE DETAILS



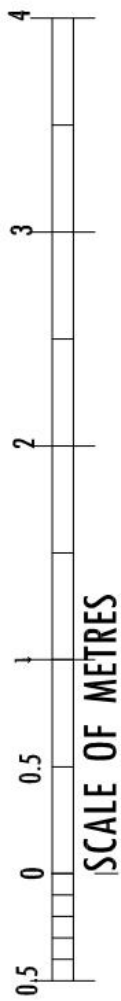
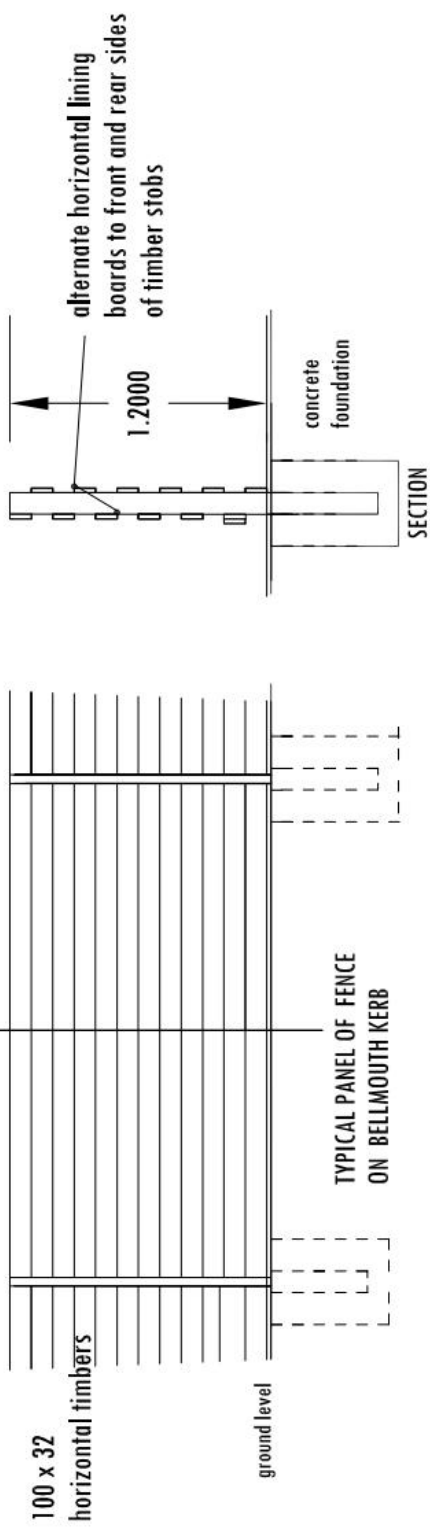
MRS JOANNA MCKAY  
1 COMMANDERS'S GROVE  
BRACO  
PERTHS  
FK15 9PL

PROPOSED CHANGES TO  
BOUNDARY FENCES

IAN WALLACE  
ARCHITECT  
23 STRATHMORE AVE.,  
DUNBLANE FK15 9HX  
PHONE 01786 822594

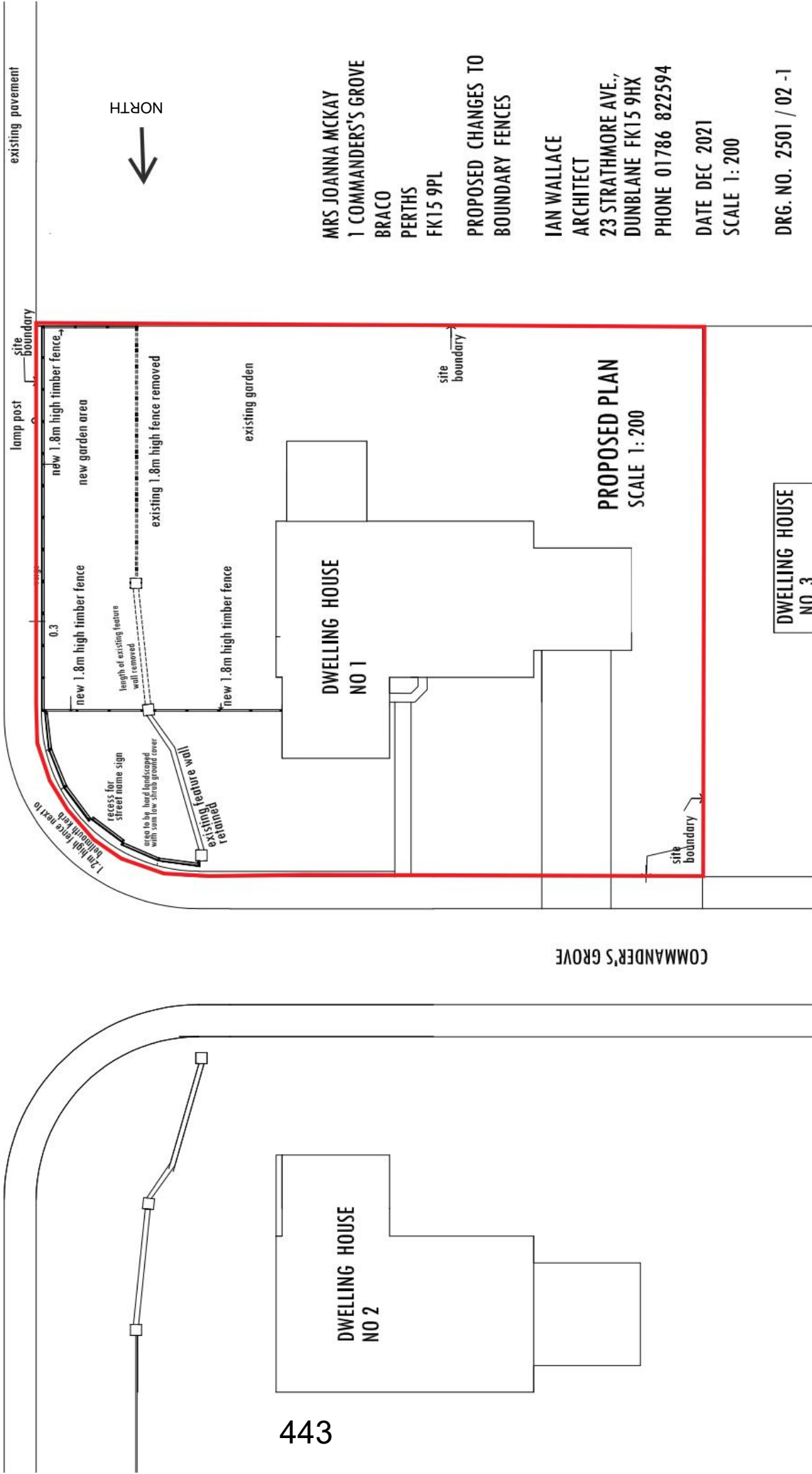
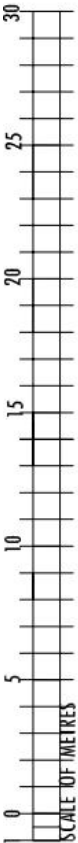
DATE DEC 2021  
SCALE 1:25

DWG. NO. 2501 / 04 -1





← A 822 — MAIN ROAD  
TO CRIEFF



MRS JOANNA MCKAY  
1 COMMANDER'S GROVE  
BRACO  
PERTHS  
FK15 9PL  
PROPOSED CHANGES TO  
BOUNDARY FENCES

IAN WALLACE  
ARCHITECT  
23 STRATHMORE AVE.,  
DUNBLANE FK15 9HX  
PHONE 01786 822594  
DATE DEC 2021  
SCALE 1:200

DWELLING HOUSE  
NO 3

DRG. NO. 2501 / 02 -1



## Existing Garden Ground







**Fence Pulled Down**







**Open Area Across the Road**





**Shrubbery area to look similar to this**



































## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	21/02017/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a fence		
<b>Address of site</b>	1 Commander's Grove, Braco, Dunblane, FK15 9PL		
<b>Comments on the proposal</b>	<p>The applicant is proposing to erect a fence at 1 Commander's Grove. The fence is proposed to be set back at 300 mm from the edge of the footway, with a recess for the street name plate.</p> <p>The fence will be in two different styles, with the 1.8 metre height fence having vertical timbers and the 1.2 metre fence having horizontal timbers.</p> <p>The position of the street lighting cable may need to be relocated for the foundations of the fence and contact should be made with the Streetlighting Partnership prior to works commencing, to confirm the location of their plant.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	The applicant is advised to contact the Street Lighting Partnership to obtain the locations of plant. Contact Perth & Kinross Council Street Lighting Department for further details. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.		
<b>Date comments returned</b>	23 February 2022		



**LRB-2022-29**

**21/02017/FLL – Erection of a fence, 1 Commander's Grove,  
Braco, Dunblane**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 439-443)*





Mrs Joanne Mckay  
1 Commanders Grove  
Braco  
FK15 9PL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **29th March 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **21/02017/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 6th January 2022 for Planning Permission for **Erection of a fence 1 Commander's Grove Braco Dunblane FK15 9PL**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposals are contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the works will not contribute positively to the quality of the surrounding built and natural environment, due to the enclosure of the landscaped area of open space. This fails to respect the character and amenity of place, as it will result in the loss of an existing landscape feature and unbalance the symmetry which exists at the entrance to the estate.
2. The proposals are contrary to Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) parts (a), (b), (c) and (d) as the development will erode the identity and structure of streets and spaces, is out of character with the area, does not complement its surroundings and does not respect the layout of the area.
3. The proposals are contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) part c, as the proposal will not improve the character and environment of the area, as it will result in the loss of an area of landscaped open space that should, in combination with the area on the other side of the entrance road, be retained as a landscaped edge to the wider development and visual amenity resource.
4. The proposal is contrary to criterion Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) part a, as it will erode the local distinctiveness, visual and landscape quality of the immediate area.

## **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**

1. The applicant is advised that street lighting infrastructure may require to be relocated. The Street Lighting Partnership should be contacted for further details to determine feasibility and any costs etc.

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

### Plan Reference

01

02

03

04

05

06

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	21/02017/FLL	
Ward No	P7- Strathallan	
Due Determination Date	5th March 2022	
Draft Report Date	25th March 2022	
Report Issued by	ab	Date 28/3/22

**PROPOSAL:** Erection of a fence

**LOCATION:** 1 Commander's Grove Braco  
Dunblane FK15 9PL

**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.

**SITE VISIT:**

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

**SITE PHOTOGRAPHS**







## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning application relates to the side curtilage of the above detached dwellinghouse which sits at the entrance to Commander's Grove, at the southern entrance into the settlement of Braco.

It is proposed to enlarge the private amenity space at the bungalow by erecting a timber fence around the perimeter of the site, adjacent to the public footpath. Plans indicate that the section besides the A822 will comprise a 1.8-metre-high, vertically boarded, hit and miss fence, and the corner section adjacent to the access into the open-plan estate, will be enclosed by a 1.2 metre high horizontally boarded, hit and miss fence.

## **SITE HISTORY**

It is known that the original development was granted at appeal. The most recent history associated with the property is however, 01/01438/FUL for the erection of conservatory at the rear of the house, which was approved on 30 October 2001.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: none 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 2 (2019).

## **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 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 17: Residential Areas

Policy 39: Landscape

### **OTHER POLICIES**

Perth & Kinross Council Placemaking Guide 2020: Technical Guidance  
Householder Application

### **CONSULTATION RESPONSES**

No external consultations have been issued, internal comment which has advised that a streetlight may require to be relocated has been received from Transport Planning officers.

### **REPRESENTATIONS**

None received.

### **ADDITIONAL STATEMENTS**

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Env. Report	Not applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact/Potential Impact eg Flood Risk Ass.	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 and the adopted LDP2.

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**

As the property is located within the defined settlement boundary, key policy aims such as those contained within the placemaking considerations, seek to ensure that new development is in keeping with the surrounding area and does not result in any adverse impacts. In this instance the proposals are

considered unsuitable due to the loss of the landscaped entrance feature and negative visual impacts.

### **Layout, Landscape & Visual Amenity**

The land use issue is whether this private amenity land/open space should be incorporated fully within the enclosed garden ground of 1 Commander's Grove, or whether it should be retained as amenity land for the wider public to benefit.

The original scheme layout provided for landscape edge around 6 metres in depth to run along the frontage of the site. This contained a setback, matching block wall entrance feature, with a soft landscaping to the front. At present, both entrance plots still contain the stone block wall detail. The ground alongside the neighbouring unit (number 2) remains unchanged and is set out in grass, with landscaping that includes a native hedge that forms the border to the rear garden boundary. The soft landscaping within the application area has by contrast been removed; it is laid out in gravel and a timber fence forms the boundary with the rear garden.

While the natural landscaping within the site may have been eroded, this is not irreversible and although the area cannot be afforded the same protection as zoned open space it remains a resource that has amenity value by being an integral part of the wider housing development and acting as both a landscaped entrance feature and buffer to the A822 public road.

The new fence line and partial removal of the stone entrance wall detail would negatively impact on the visual amenity of the area and unbalance the symmetry which exists at the entrance to the estate. This is contrary to placemaking considerations.

Landscape Policy 39 is also of note as development proposals will only be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The enclosure of the open space area and erection of a close boarded timber fence will however further erode the local distinctiveness, visual and landscape qualities that presently exist at the approach into the village.

### **Residential Amenity**

Given the location next to the public road network, the proposals raise no off-site residential amenity concerns. However, the proposals are considered to conflict with Policy 17 Residential Areas which seeks to ensure that works will improve the character and environment of the village.

### **Roads and Access**

No transportation issues have been raised in terms of visibility impacts at the junction. The existing streetlighting infrastructure may however require to be moved.

### **Drainage and Flooding**

There are no drainage or flooding concerns.

### **Natural Heritage and Biodiversity**

The existing open plan frontage is of limited biodiversity merit in its present form but does provide a linking corridor to the informal landscaped edge to the south.

### **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.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

### **Reasons**

1 The proposals are contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the works will not contribute positively to the quality of the surrounding built and natural environment, due to the enclosure of the landscaped area of open space. This fails to respect the character and amenity of place, as it will result in the loss of an existing landscape feature and unbalance the symmetry which exists at the entrance to the estate.

2 The proposals are contrary to Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) parts (a), (b), (c) and (d) as the development will erode the identity and structure of streets and spaces, is out of character with the area, does not complement its surroundings and does not respect the layout of the area.

3 The proposals are contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) part c, as the proposal will not improve the character and environment of the area, as it will result in the loss of an area of landscaped open space that should, in combination with the area on the other side of the entrance road, be retained as a landscaped edge to the wider development and visual amenity resource.

4 The proposal is contrary to criterion Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) part a, as it will erode the local distinctiveness, visual and landscape quality of the immediate area.

### **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**

1 The applicant is advised that street lighting infrastructure may require to be relocated. The Street Lighting Partnership should be contacted for further details to determine feasibility and any costs etc.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04

05

06

Seeking permission to remove existing 1.8 metre fence and partial removal of existing 1.6 metre wall to allow us to build a 1.8 metre fence 30cms in from our boundary. We have had a visit from the road safety department and they are happy that there is no reason for us not to erect a 1.8 metre fence as it will not affect road visibility.

At the moment this area is within our boundary but not fenced off so members of the public use it as a public area, allowing their dogs to foul on it and children to walk on it. At the moment we have to clean up litter and dog mess and keep it weed free etc although it is not a useable part of our garden. We would like to put up a 1.8 metre fence for security and make use of our garden.



**LRB-2022-29**

**21/02017/FLL – Erection of a fence, 1 Commander's Grove,  
Braco, Dunblane**

## **REPRESENTATIONS**

*(included in applicant's submission, page 459)*

