

LRB-2022-42
21/02140/FLL - Alterations and formation of balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie, PH10 6EJ

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LRB-2022-42

21/02140/FLL - Alterations and formation of balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie, PH10 6EJ

**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	MR AND MRS G WALKER
Address	ROGNVALDSAY PERTH ROAD BLAIRGOWRIE
Postcode	PH10 6EJ
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	

Agent (if any)

Name	NORMAN A MACLEOD
Address	18 WALNUT GROVE BLAIRGOWRIE
Postcode	PH10 6TH
Contact Telephone 1	07884177328
Contact Telephone 2	
Fax No	
E-mail*	namacleod@aol.com

Mark this box to confirm all contact should be
through this representative: X

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

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

21/02140/FLL

Site address

ROGNVALDSAY, PERTH ROAD, BLAIRGOWRIE PH10 6EJ

Description of proposed
development

Alterations and formation of balcony and external stairs Rognvaldsay Perth
Road Blairgowrie PH10 6EJ

Date of application

23/12/2021

Date of decision (if any)

05/05/2022

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 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:

NOT APPLICABLE

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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:

NOT APPLICABLE

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 THE ATTACHED SEPARATE DOCUMENTS –

1. NOTICE OF REVIEW WRITTEN STATEMENT
2. PHOTOS
3. EXAMPLES OF SIMILAR ISSUES APPROVED

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.

DRAWING No6 ILLUSTRATING 9M RADII FROM THE BALCONY TO THE BOUNDARIES.

I PREPARED THIS DRAWING TO OBTAIN A BETTER UNDERSTANDING OF THE REASONS FOR REFUSAL.

IT WASN'T REQUESTED BY THE APPOINTED OFFICER.

NO OBJECTION WAS RECEIVED FROM NORTH AND SOUTH BOUNDARY PROPERTIES WHICH BOTH HAVE INFRINGEMENTS WITH 9M GUIDE.

AN OBJECTION WAS RECEIVED FROM THE WEST BOUNDARY PROPERTY, HOWEVER, THIS IS 15.235M FROM THE BALCONY AND I'M STILL UNSURE IF THIS IS A VALID OBJECTION.

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.

NOTICE OF REVIEW WRITTEN STATEMENT
 EXAMPLES OF SIMILAR ISSUES APPROVED
 LOCATION PLAN
 EXISTING AND PROPOSED BLOCK PLAN
 EXISTING AND PROPOSED ELEVATIONS
 EXISTING FLOOR PLANS
 PROPOSED FLOOR PLANS
 NEW DRAWING No6 - BALCONY WITH 9M RADII
 PHOTOS

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

Checklist

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

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

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

Declaration

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

Signed

Date

31/07/2022

NOTICE OF REVIEW

WRITTEN STATEMENT

PLANNING AUTHORITY: PERTH & KINROSS COUNCIL

APPLICATION REFERENCE: 21/02140/FLL

SITE ADDRESS: ROGNVALDSAY, PERTH ROAD,
BLAIRGOWRIE PH10 6EJ

PROPOSED DEVELOPMENT: ERECTION OF A BALCONY
AND SPIRAL STAIRCASE

DATE OF REFUSAL: 05 MAY 2022

1 Introduction

1.1 The proposed development was refused under delegated powers on 05 May 2022 for the following reasons: -

1. The proposed balcony and access stair, by virtue of their height, siting and orientation, would from an elevated vantage point, create direct and uninterrupted lines of sight towards neighbouring properties and their associated areas of private amenity space. This would result in an adverse overlooking impact, to the detriment of the privacy and residential amenity of neighbouring properties.

Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A+1B and 17 of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that the siting, height and design of development respects the character and amenity of the place and does not impact on established amenity levels.

2 Background

2.1 The applicants have owned the property for over 20 years and following retirement have undertaken various projects to improve the internal layout and their enjoyment of residing at the property.

2.2 One objection was received from the neighbour at the rear west boundary. No objection was made by either North or South neighbours.

2.3 The following are excerpts of email discussion with the Planning Officer:

‘The applicant advised that they've discussed the plans with the neighbours to the north and south and both were satisfied that it wouldn't affect their privacy.

For the objector to the rear I then wondered if it would be feasible to alter the design of the balcony by installing a privacy screen.’

‘Also, if we were to consider the balcony in relation to extending the house further back beyond the balcony with a large glazed juliet balcony facing the rear boundary, it's likely to be more detrimental to the rear property if the 9m were to come into effect.

Additionally, if there is a possibility of a site visit it might help make it clearer.

I measured the distance from the existing rear wall of the house at Rognvaldsay to the rear fence and it's **17.235m**. The actual rear boundary is located behind the fence and comprises of a small brick wall where there is a change in ground level and a drop down to the property at the rear.

Taking into account the 2m depth of balcony the distance to the fence will therefore be **15.235m**.

I've attached photos of the Applicant's property as well as photos (5th last photo at normal view and final 4 photos at zoomed in views) of the Objector's property when viewed from the Study. There is a bedroom window, rear external door and a clothes pole visible on the Objector's property. The fence and mature trees on the Applicant's property also provide a significant degree of privacy to the Objector's property.

The intention of the balcony is to provide a relaxation point from the existing Study and enjoyment of the afternoon and evening sun as well as the views of the countryside. The balcony is also quite modest in size and intended for the occasional use of one or two people and not large groups.

The spiral stair mainly serves 2 purposes which is to provide easy access to the rear garden as they are both keen gardeners, rather than trek back through the house. It will also provide an additional escape route for the upper storey bedrooms as well as via the existing internal stair.

With regards to a Juliet balcony, the existing Study is not a big room and contains filing cabinets, a chair, PC and printer. Unfortunately, a Juliet balcony would not offer the same degree of enjoyment. I had a similar balcony situation in the past for a new house proposal where the balcony was a lot closer to the boundary and was advised at the time that 9m was the guide for the distance. I therefore didn't think the above proposal would present an issue.

Finally, the existing house layout is slightly restrictive in it's arrangement to the rear of the property and all the alterations proposed including the balcony are to enhance the natural flow through the house to Applicant's rear garden and private amenity space.'

2.4 See photos as mentioned in 2.3

3 Rebuttal

3.1 As mentioned above 'The intention of the balcony is to provide a relaxation point from the existing Study and enjoyment of the afternoon and evening sun as well as the views of the countryside. The balcony is also quite modest in size and intended for the occasional use of one or two people and not large groups.'

3.2 Please see additional drawing showing the radii of the sightlines in blue. Contrary to the Planning Officer's reasons for refusal the lines of sight are interrupted to the rear by fences, trees and the applicant's garage. This is most evident in the photos that were requested by the Planning Officer but did not visit the site.

3.3 Within the 9m range there is no impingement to the rear West boundary, in fact there is a further 6.235m which is screened by a fence and trees.

3.4 To the South boundary there is an impingement of 600mm maximum which is a footpath adjacent to the boundary fence. The private amenity areas referred to in the Planning Officer's comments is the neighbour's footpath leading to the back garden.

3.5 To the North boundary there is a greater impingement of 2.789m, however, the view is impeded by the applicant's garage. Additionally, a privacy screen could be introduced if requested.

3.6 In the Officer's report it states 'This proposal fails to meet the safeguards noted, in so far as the viewing platform will be within 9 metres of the side boundaries and exacerbate the potential to overlook the modest bungalow to the rear of the plot.' - It is unclear if the proximity of the rear boundary to the West is actually an issue as it is well outwith the 9m distance or if it has been added due to there being an objection.

3.7 Please see the report 'Examples of similar issues approved'. These examples are Planning Approvals by Perth and Kinross Council.

4 Incidentals

4.1 Four out of the five photos in the Officer's report have been provided by me, however, the last photo not provided by me is primarily of the semi-detached houses to the North boundary.

4.2 It took over 5 months to determine the application without a site visit.

4.3 A statement from the applicant 'Finally, remember that over the years we have removed many mature trees at our neighbour's request – thus reducing their privacy. It seems unfair now to use this as a reason to object to our balcony plan. However, to enhance the neighbour's privacy, we can easily replace this, add more natural evergreen screening and/or erect higher fencing (current is only 1.5m high) in the interim until screening grows.'

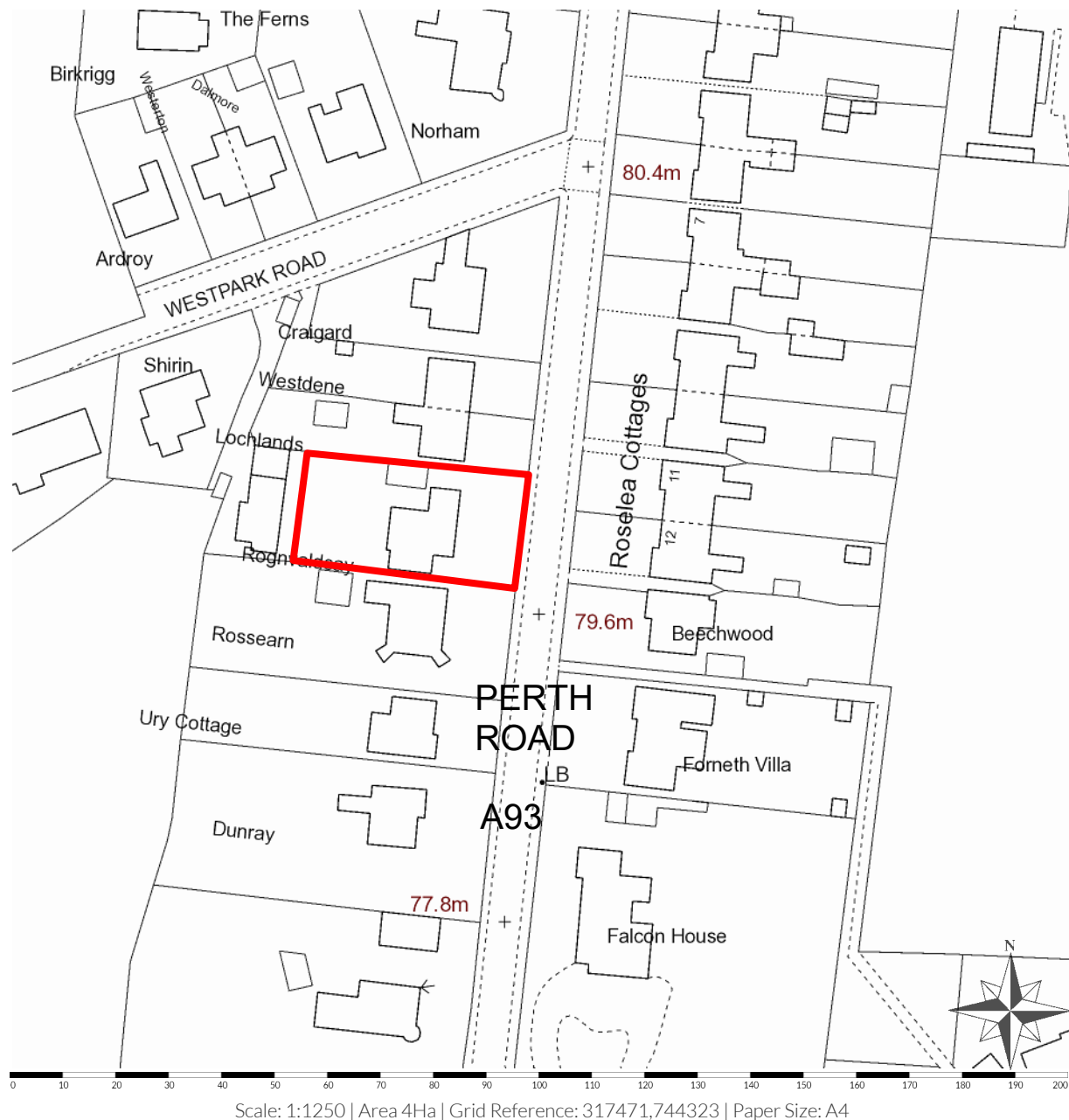
5 Conclusions

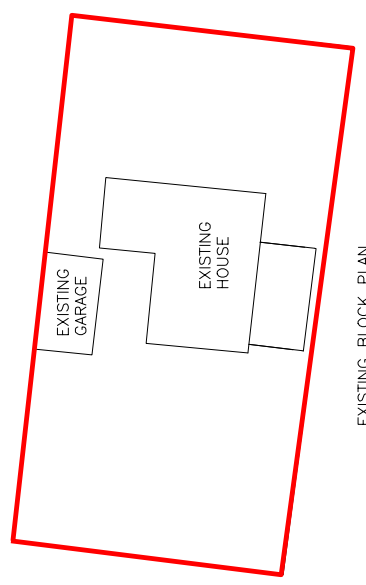
5.1 Given the time that elapsed, amount of additional information provided, and lack of site visit it's difficult to accept that a reasonable and fair public service has been provided.

5.2 The main issue appeared to be the objector to the rear West boundary with additional photos being provided as requested. It's not clear whether this is an issue given the distance of the proposed balcony being in excess of 15m.

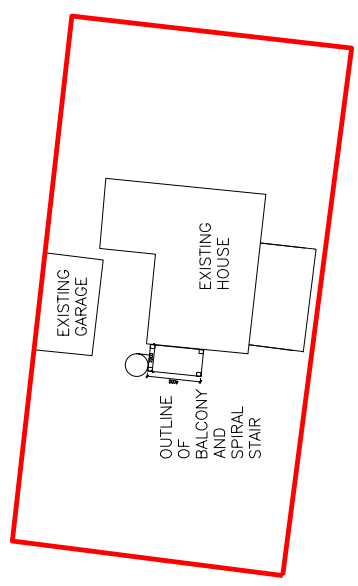
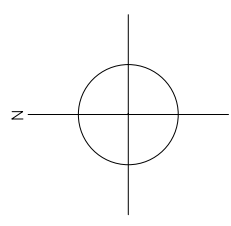
5.3 The refusal comment 'create direct and uninterrupted lines of sight towards neighbouring properties and their associated areas of private amenity space' is factually incorrect. The photos provided are proof and it's unclear how this statement could be made without a site visit.

5.4 The report 'Examples of similar issues approved' provides positive comments in relation to balcony Planning applications.



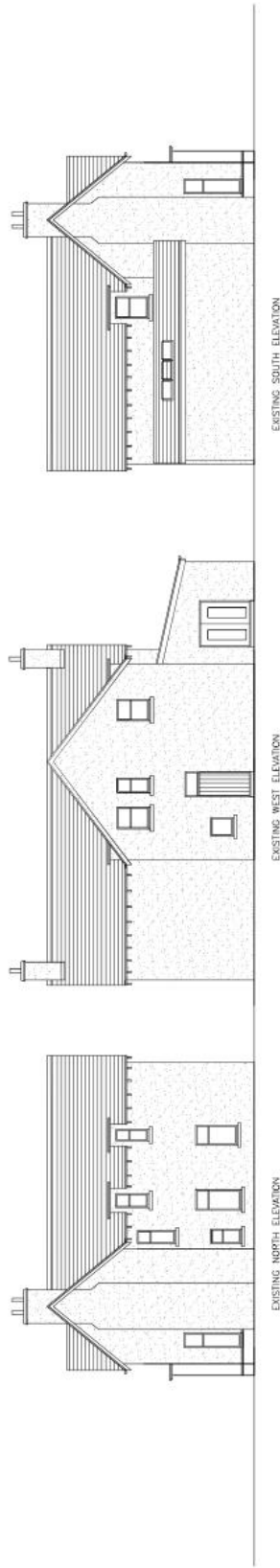


EXISTING BLOCK PLAN

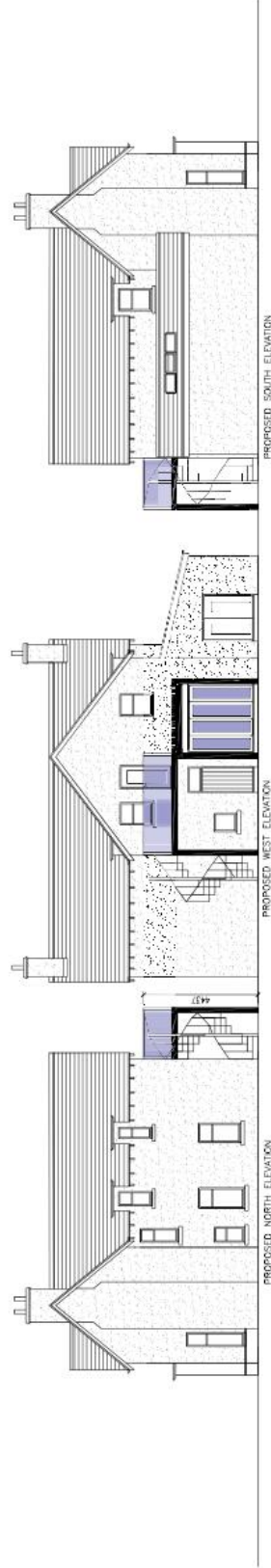


PROPOSED BLOCK PLAN

<div>PROJECT: PROPOSED ALTERATIONS AT ROGNVALDSAY, PERTH ROAD, BLAIRGOWRIE PH10 6EJ</div> <div>DRAWING REF: EXISTING AND PROPOSED BLOCK PLANS</div> <div>PAPER SIZE: A1</div>	<div>NORMAN A MACLEOD</div> <div>namacleod@aol.com</div> <div>Tel: 07884177328</div>			DATE: JULY 21
				SCALE: 1 TO 200
				DRAWING NO: 4
				REVISION:



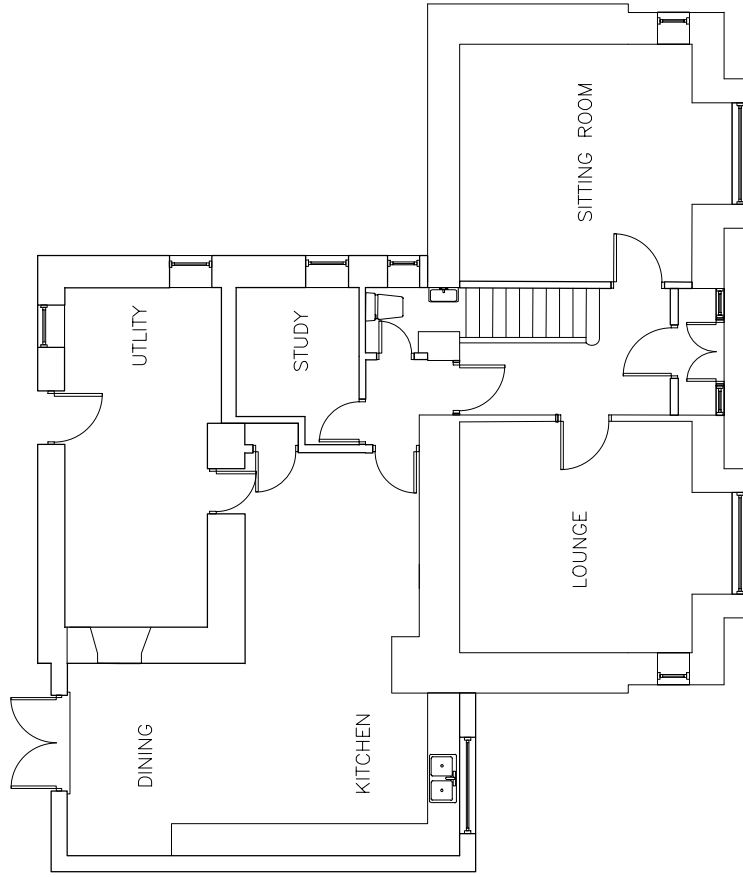
BALCONY - GLASS BALUSTRADE
WITH CHROME SUPPORT POSTS
COVERED PATIO - CLEAR TRANSLUCENT
PROFILE SHEETING
ALL NEW GLAZING TO BE TOUGHENED GLASS



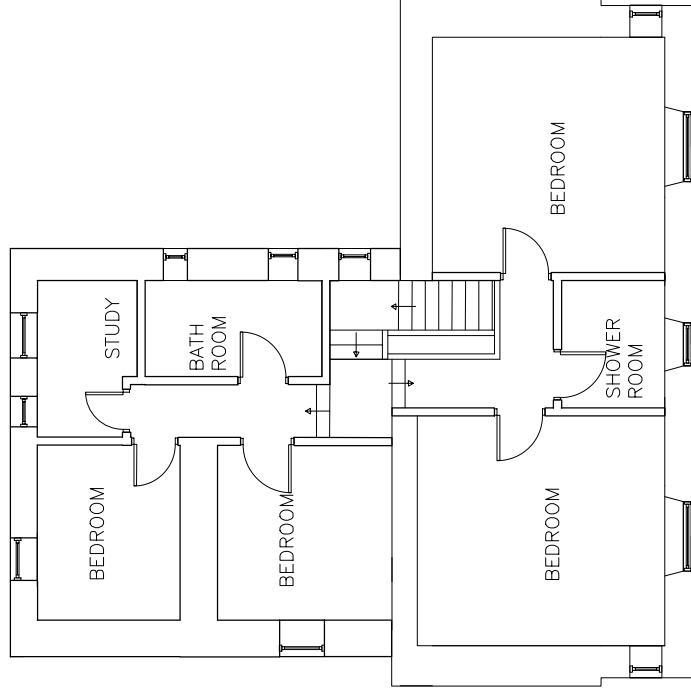
PROJECT: PROPOSED ALTERATIONS AT ROGNVALDSAY, PERTH
ROAD, BLAIRGOWRIE PH10 6EJ
DRAWING REF: EXISTING AND PROPOSED ELEVATIONS
PAPER SIZE: A1

NORMAN A MACLEOD
namacleod@aol.com
Tel: 07884177328

DATE: JULY 2021
SCALE: 1 to 100
DRAWING NO: 1
REVISION:



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

PROJECT: PROPOSED ALTERATIONS AT ROGNVALDSAY, PERTH
ROAD, BLAIRGOWRIE PH10 6EJ

DRAWING REF: EXISTING FLOOR PLANS

PAPER SIZE: A1

NORMAN A MACLEOD

namacleod@aol.com

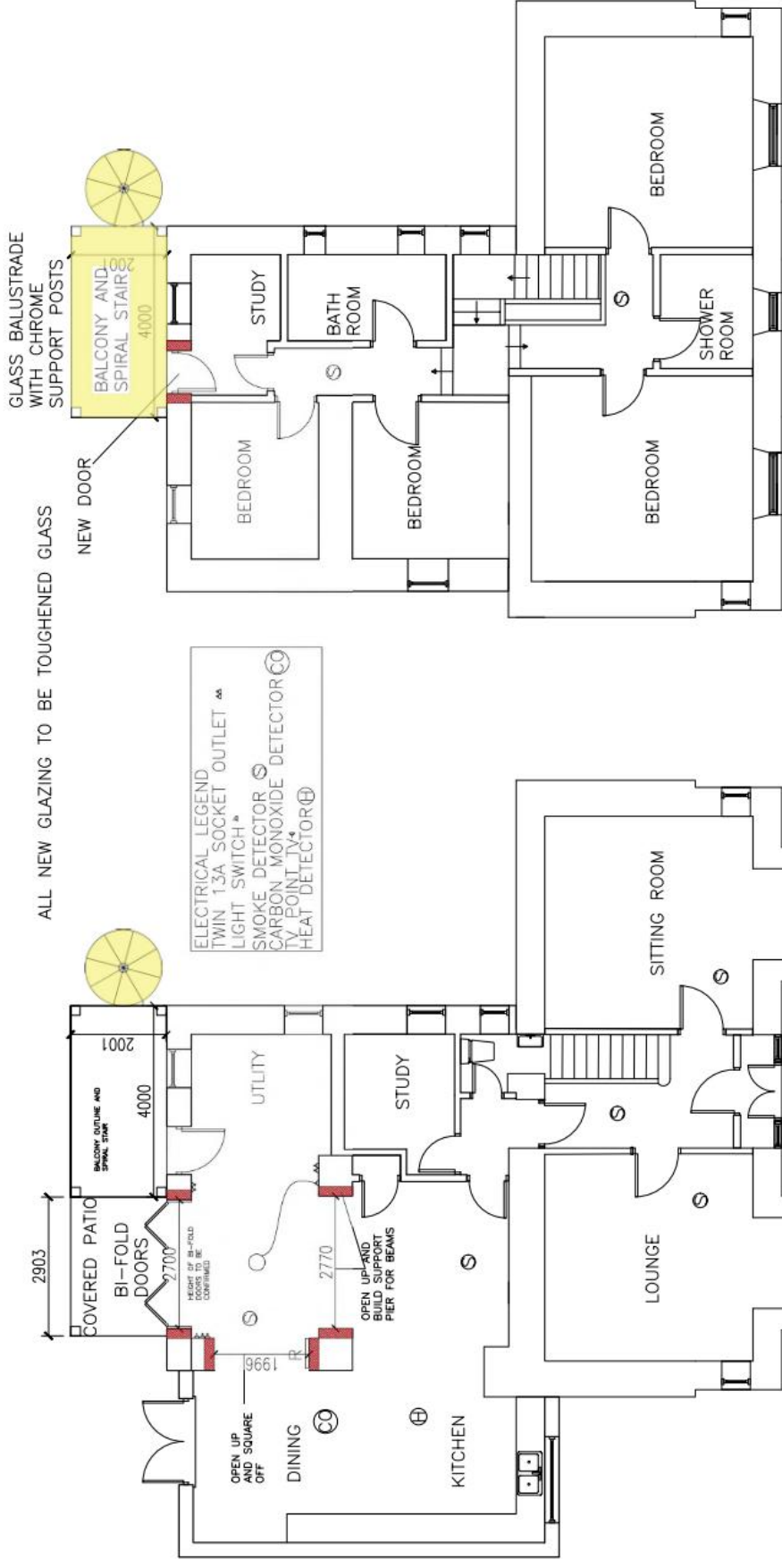
Tel: 07884177328

DATE: JULY 2021

SCALE: 1 to 50

DRAWING NO: 2

REVISION:



PROPOSED GROUND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN



ALL NEW GLAZING TO BE TOUGHENED GLASS

NEW DOOR

BALCONY AND SPIRAL STAIRS

GLASS BALUSTRADE WITH CHROME SUPPORT POSTS

- ELECTRICAL LEGEND
- TWIN 13A SOCKET OUTLET
 - LIGHT SWITCH
 - SMOKE DETECTOR
 - CARBON MONOXIDE DETECTOR
 - TV POINT
 - HEAT DETECTOR

PROJECT: ALTERATIONS TO ROGNVALDSAY, PERTH ROAD, BLAIRGOWRIE		NORMAN A MACLEOD	
DRAWING REF: PROPOSED GROUND AND FIRST FLOOR PLANS		namacleod@aol.com	
PAPER SIZE: A1		Tel: 07884177328	
		DATE: JULY 2021	REVISION:
		SCALE: 1 to 50	DRAWING NO: 3

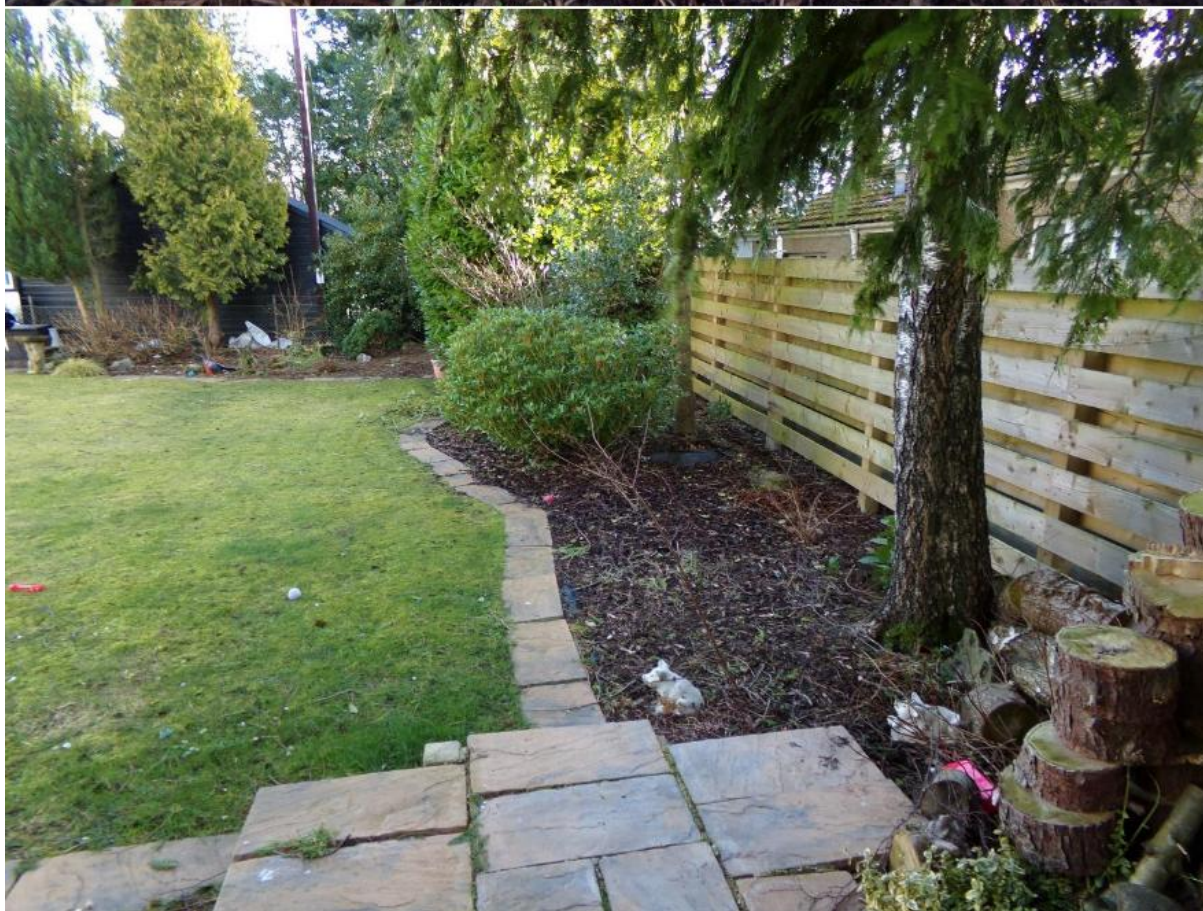
PHOTOS

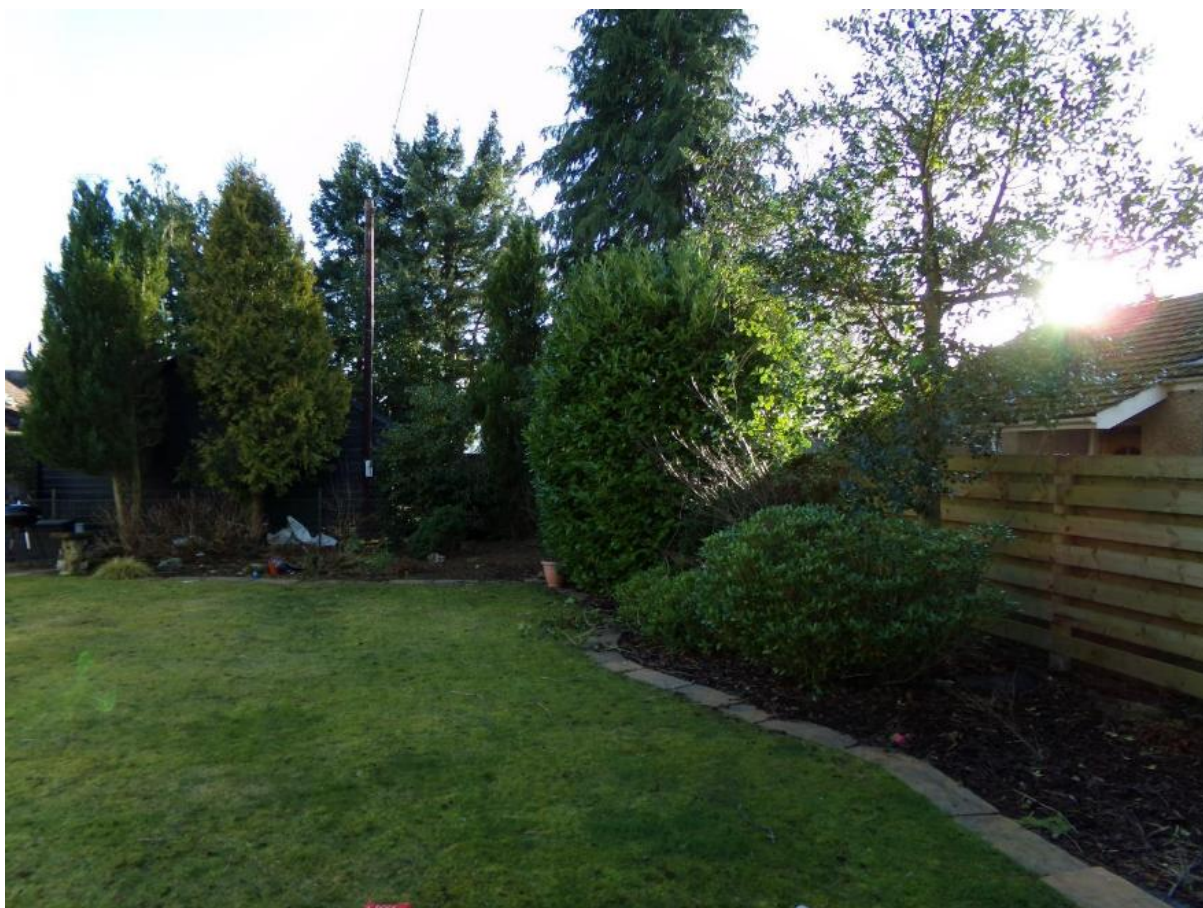
















Normal lens view



Zoom lens view



Zoom lens view



Zoom lens view



Zoom lens view

APPROVALS (From Public Access – drawings not included due to copyright infringement)

Ref No 20/01414/FLL Date 9th November 2020

PROPOSAL: Alterations to form a balcony

LOCATION: 45 Errol Road Invergowrie Dundee DD2 5BX

- Evidence of overlooking back neighbour - planned balcony would be installed just to right of below pic



- Similar style house to Rognvaldsay but with modern balcony design
- Lastly, side neighbour is approx. 10m and balcony would overlook their gardens. Some mature trees but definitely spaces in between. See pic below.



-

Ref No 22/00593/FLL

PROPOSAL: Formation of balcony with spiral staircase

LOCATION: 9 Newton of Buttergrass Blackford Auchterarder PH4 1AD

- Given site size (<20m), this balcony/stair definitely has to be well within 9m of boundary

Ref No 20/00765/FLL

Formation of balcony

22 Meadowview Place, Inchture

Quote from report:

- 'In this particular case the distance to the south east and south west boundaries meet the council's minimum standard of 9 metres. The balcony will be located within 9m of the north

west boundary, however, due to the orientation of the application site its views will be towards the public road, over the front garden of the neighbouring property at number 20.'

Ref. No: 17/00616/FLL

PROPOSAL: Erection of a balcony

LOCATION: 2 Bishop Terrace Kinnesswood Kinross KY13 9JW SUMMARY:

Quote from report:

- 'In this case, both neighbouring properties are set forward from the application site, and therefore impacts of overshadowing would be minimised. With regards to overlooking, the neighbouring property on the south east elevation (No.1 Bishop Terrace) has existing trees which act as natural screening and would reduce any adverse impact on the privacy of both properties. The property on the south west elevation (No.3 Bishop Terrace) has no windows on the adjacent gable end and the garden of the property is set further forward, which again would ensure no issues of overlooking would arise. No adverse representations were received and therefore it is considered that the established residential amenity of this area would be protected as a result of this proposal going forward.'
- There may be reduced overlooking but I don't think this is any better or worse than what we have here with our side neighbours.

Ref. No: 17/00578/FLL

PROPOSAL: Erection of a balcony

LOCATION: 14 Gamekeepers Road Kinnesswood Kinross KY13 9JR

Quotes from report:

- could have been an issue for this application considering the proximity of adjacent dwellinghouse (12 Gamekeepers Road). However there is an existing natural tree boundary screening in place which would eliminate any issues in terms of privacy. It appears that these trees are within the garden grounds of the neighbouring property and therefore they can secure their residential amenity by retaining the natural screening.
- The dwellinghouse to the south east (20 Gamekeepers Road) is also screened by a tall hedge and the owners of this property have submitted a representation in support of this application. Again, the hedge appears to be within the ground of the neighbouring property and therefore residential amenity should be protected with the retention of the hedge.

Ref No 21/00909/FLL

PROPOSAL: Extension to dwellinghouse and formation of balcony

LOCATION: 5 Bishop Terrace Kinnesswood Kinross KY13 9JW

The garden boundary comprises a tall hedge, mature planting and a timber fence all round
The application site is approximately 13 metres from the boundary of the Kinnesswood Conservation Area. There are no listed buildings in the area.

Planning permission is sought for a front extension of area 6.5 square metres, to be used as a vestibule and main entrance to the house, and for a rear garden room of area 14 square metres at ground floor

level and a balcony of area 31.5 square metres at upper level overlooking the rear garden. The aperture of the existing picture window would allow access to the balcony via new sliding glazed doors.

The proposed garden room would replace an existing conservatory and would have views west from a pair of patio doors looking towards the existing garden. The views from the proposed balcony would also be generally west. The application drawings show the balcony would be enclosed by a glazed balustrade of height 1.1 metres on the west (rear) elevation rising to height 2.1 metres on the north and south (side) elevations with 0.45 metre glazed returns joining the higher obscured side screen glazing with the lower rear glazing. The enclosure glazing would be obscured on the north and south (side) elevations.

The proposed balcony would provide an elevated vantage point which would allow extensive panoramic views. Given its extent across the majority of the rear elevation, the balcony is positioned close to the neighbouring properties at either side.

However, the house itself sits further from the road than the properties to either side and the gardens are relatively wide. Therefore, the views from the balcony to neighbouring houses and garden area immediately outside neighbouring houses would be screened by the application house itself and views out from the balcony would be restricted to the lower sections of neighbouring gardens, limiting the interaction between neighbouring gardens and the balcony.

Cognisance must also be taken of a planning permission of similar character and appearance relating to the adjacent dwellinghouse at 6 Bishop Terrace, also for a balcony at a similar height above ground level (16/00661/FLL refers). In considering the privacy afforded to neighbouring houses and gardens, the offset nature of the siting of the neighbouring dwellinghouses and the fact that views would not be afforded over the whole of the expansive neighbouring gardens were taken into consideration. As was the requirement for side screens for privacy.

It is considered that the obscure glazed screens indicated on the application drawings are necessary to mitigate the amount of interaction with the neighbouring properties either side at Nos.4 and 6. This can be satisfactorily achieved through the imposition of a planning condition which requires the obscure screening to be implemented at the location identified for the lifetime of the development. An appropriate standard of opacity requires to be specified and in this case a medium Pilkington PrivacyLevel 3 standard or equivalent is appropriate.

Turning to privacy issues raised by the proposed windows, the placemaking guide advises that to avoid overlooking issues windows of habitable rooms should generally be a minimum of nine metres from boundaries unless adequate and appropriate screening is utilised.

For this application, it is acknowledged that it proposes window positions of habitable rooms that are closer to the boundaries than the placemaking guide advises. The west-facing garden room doors and windows, and the balcony balustrade would be approximately 7.5 metres from the rear boundary fence and hedge. And the sides of the balcony would be approximately 6 metres from the north boundary and 2 metres from the south boundary. In this case, there are windows of habitable rooms within the nine metre distance advised in the Placemaking Guide, potentially compromising the amenity of neighbouring houses and therefore requiring careful further assessment.

Views west from the garden room and balcony would be towards the Cobbles path, which is a core path (PTMK/127) and a public place. Because this is a road, and therefore a public place, the nine metres guideline does not apply to views in this direction. In terms of views north and south, it is possible that

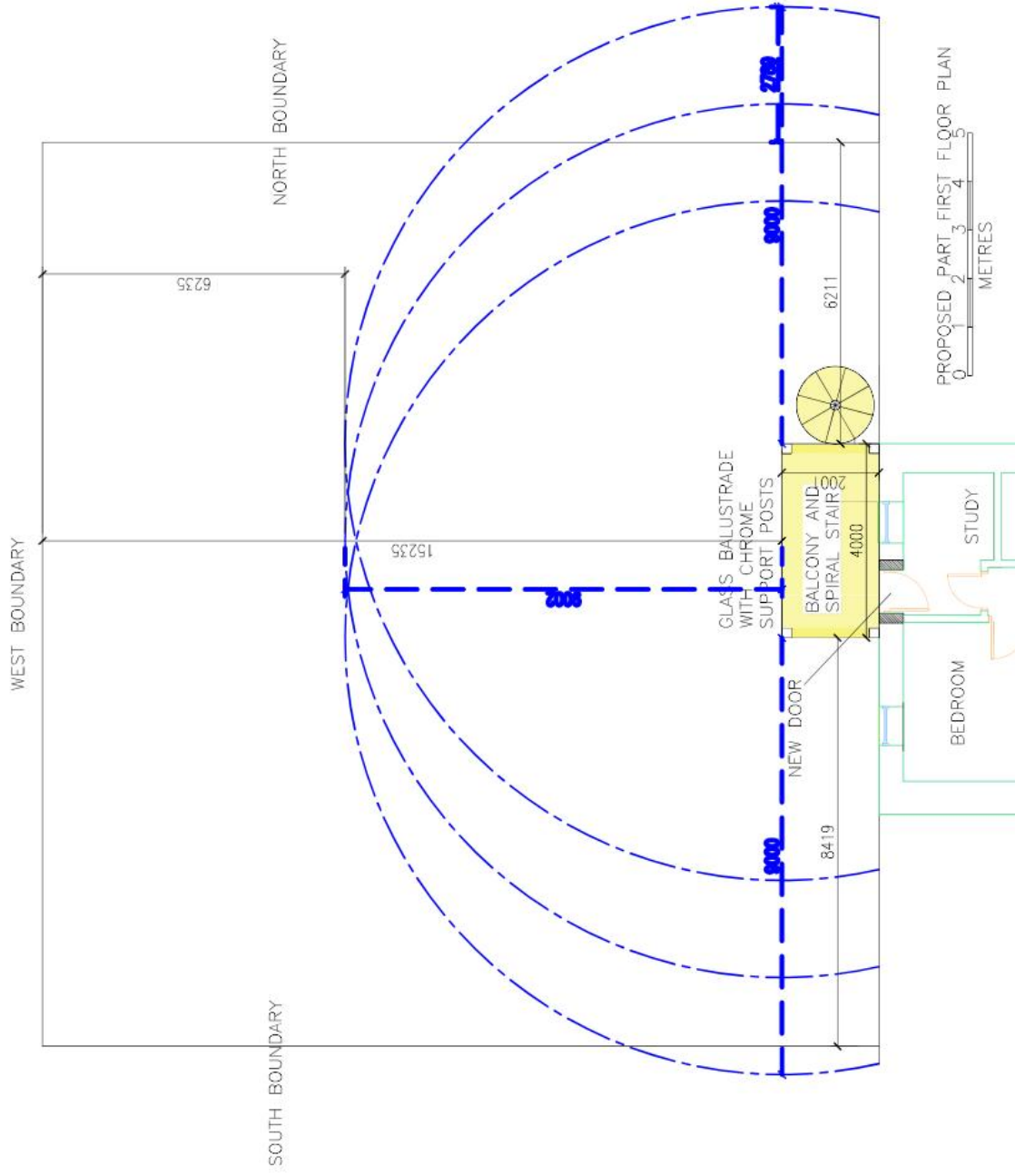
oblique views may be obtained from the windows and glazed doors of the garden room in the direction of the neighbouring gardens. However there is a strong boundary with the neighbouring properties comprising a wooden fence, a substantial hedge and some mature trees that affords privacy to the gardens beyond.

Provided this boundary remains in place or appropriate screening is provided, there is no direct line of sight in the direction of the neighbouring gardens to the north and south. Since the hedge and trees form the boundary it is considered that the neighbours will have sufficient control to ensure reasonable privacy is maintained.

The nine metres distance advised in the Placemaking Guide is not met by the proposed west-facing windows and doors of the garden room. There is also potential for overlooking from the proposed elevated balcony. Having given the matter careful consideration, adequate privacy would be maintained, and direct overlooking from the garden room and elevated balcony to neighbouring dwellinghouses and gardens would be avoided provided appropriate mitigation is provided. The windows and door sizes and positions are acceptable, and the position and height of the balcony can be made acceptable provided the mitigation specified in the planning condition is implemented.

In terms of overshadowing, the proposed extension would be lower in height than the existing house and would be set back from the mutual boundary with the neighbouring houses, minimising overshadowing issues.

The proposal's layout, design, and its impact on residential amenity has therefore been assessed to be in accordance with Policy 1 Placemaking, the Placemaking Guide Supplementary Guidance, and Policy 17 Residential Areas.



PROJECT: PROPOSED ALTERATIONS AT ROGNVALDSAY, PERTH ROAD, BLAIRGOWRIE PH10 6EJ		NORMAN A MACLEOD		DATE: JULY 22
DRAWING REF: BALCONY WITH 9M RADII SIGHTLINES		namacleod@aol.com		SCALE: 1 TO 50
PAPER SIZE: A1		Tel: 07884177328		DRAWING NO: 6
				REVISION:

LRB-2022-42

21/02140/FLL - Alterations and formation of balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie, PH10 6EJ

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 172-176)*



Mr And Mrs G Walker
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **5th May 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/02140/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 23rd December 2021 for Planning Permission for **Alterations and formation of balcony and external stairs** **Rognvaldsay Perth Road Blairgowrie PH10 6EJ**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposed balcony and access stair, by virtue of their height, siting and orientation, would from an elevated vantage point, create direct and uninterrupted lines of sight towards neighbouring properties and their associated areas of private amenity space. This would result in an adverse overlooking impact, to the detriment of the privacy and residential amenity of neighbouring properties.

Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A+1B and 17 of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that the siting, height and design of development respects the character and amenity of the place and does not impact on established amenity levels.

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 and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

05

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/02140/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	22nd February 2022	
Draft Report Date	3rd May 2022	
Report Issued by	ab	Date 4/5/22

PROPOSAL: Alterations and formation of balcony and external stairs

LOCATION: Rognvaldsay Perth Road Blairgowrie
PH10 6EJ

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 are familiar and 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 a detached period property of considerable size set in a long-established residential area on the west side of Perth Road in Blairgowrie.

Consent is being sought to form a first-floor balcony and external spiral access stair at the rear of the house. Associated work includes alterations to the internal layout and the formation of a new ground floor wall opening, which will accommodate bi-fold doors. The balcony structure is proposed to be extended in footprint to create a covered patio area at the new opening into the back garden.

SITE HISTORY

02/01924/FUL Extension to dwellinghouse at 29 January 2003 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 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 17: Residential Areas

OTHER POLICIES

Perth & Kinross Council's Placemaking Guide 2020

CONSULTATION RESPONSES

None undertaken

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Overlooking

- Loss of privacy

The points will be addressed in the appraisal section.

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 or 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 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 balcony and access stair are a significant change, which are likely to impact negatively upon established amenity levels presently enjoyed by neighbouring properties.

Design and Visual Amenity

The works are centred on the rear West facing elevation of the property. Plans indicate that the first-floor balcony will extend for approximately 4 metres in length and around 2 metres in depth. A spiral steel staircase will be set on the northern side of the balcony allowing direct access from the study down into the garden. At ground floor level and new set of entrance doors will be created which will lead onto a covered patio area extending to approximately 3 x 2 metres in size. The roofline of the covered patio will read as an extension of the adjacent balcony

The form of both structures comprises chrome support posts and framing, with glass balustrading to the front and sides. The overall design has a modern feel which appears somewhat at odds and out of keeping with the traditional character and detailing of an Edwardian property. Notwithstanding, the house has been altered and extended in the past and the rear of the house as a result, has a substantially different feel, to the principal façade. Given this and the distance from public vantage points, no significant visual amenity concerns raised.

Layout and Residential Amenity

It is noticeable that the rear garden of this plot is smaller in size than those of the adjoining properties. It appears that a section of garden has been sold off in the past, enabling a small bungalow known as Westpark to be erected in what would have been the bottom of the original plot. Access to the rear of the site would historically have been via a lane bordering agricultural land, from Westpark Road, as is the case for the neighbouring units to the north of the site.

Of paramount concern in most householder applications is the impact development proposals will have on established residential amenity levels, particularly those of immediate neighbours. In this instance the introduction of an external platform with unhindered 180-degree vantage over the surrounding area is deemed invasive and oppressive. As the proposals are not reflective of the character of the area and are incompatible with existing amenity levels, the development is not in accordance with placemaking and residential zoning policy considerations.

Supplementary guidance contained within the placemaking guide also suggests that balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbouring houses and gardens or raise safety concerns.

Generally, balconies and roof terraces should avoid:

- Being located too close to boundaries.
- Overlooking neighbouring properties.
- Dominating or detracting from the appearance of the house.
- Over-dominant lighting that adversely impacts on neighbours.

This proposal fails to meet the safeguards noted, in so far as the viewing platform will be within 9 metres of the side boundaries and exacerbate the potential to overlook the modest bungalow to the rear of the plot.

Attempts at securing a modified design that would be acceptable such as with a Juliette type balcony have proved fruitless.

Landscape

No features of merit exist at the site and there will be no off-site landscape impacts.

Roads and Access

There are no road or access implications associated with this proposed development.

Drainage and Flooding

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

Natural Heritage and Biodiversity

The proposals are unlikely to have any adverse impact.

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.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

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 subject to the following reasons:

Reasons

1 The proposed balcony and access stair, by virtue of their height, siting and orientation, would from an elevated vantage point, create direct and uninterrupted lines of sight towards neighbouring properties and their associated areas of private amenity space. This would result in an adverse overlooking impact, to the detriment of the privacy and residential amenity of neighbouring properties.

Approval would therefore be contrary to the Perth & Kinross Placemaking Guide 2020 and Policies 1A+1B and 17 of Perth & Kinross Local Development Plan 2 2019, which seek to ensure that the siting, height and design of development respects the character and amenity of the place and does not impact on established amenity levels.

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

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

LRB-2022-42
21/02140/FLL - Alterations and formation of balcony and
external stairs, Rognvaldsay, Perth Road, Blairgowrie,
PH10 6EJ

REPRESENTATIONS

Ms irene Macgregor (Objects)

Comment submitted date: Tue 18 Jan 2022

Unfortunately the balcony will look directly into 3 rooms of my bungalow: kitchen, bathroom, bedroom; and front door.

The current garden fence provides privacy from, and to, the garden and patio of my neighbours, but will not provide privacy from (or to) the proposed balcony. Fences are of course, removeable protections.

