

TCP/11/16(441)
Planning Application – 16/00789/FLL – Erection of a dwellinghouse on Land 30 Metres North East of 9 Altamount Park, Coupar Angus Road, Blairgowrie

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TCP/11/16(441)

**Planning Application – 16/00789/FLL – Erection of a
dwellinghouse on Land 30 Metres North East of 9
Altamount Park, Coupar Angus Road, Blairgowrie**

**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 ROBERT FRAULO

Address 40A THE HOWARDS,
NORTH WOOTTON

Postcode PE30 3RS

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name JAMES R BROWN BUILDING DESIGN

Address 5 ST MARY'S DRIVE,
PERTH

Postcode PH2 7BY

Contact Telephone 1 01738 635641

Contact Telephone 2 07796 794850

Fax No [REDACTED]

E-mail* jrbrown6636@gmail.com

Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

16/00789/FL

Site address

LAND 30 METRES NORTH EAST OF 9 ALTAMOUNT PARK,
COUPAR ANGUS RD, BLAIRGOWRIE PH10 6JN

Description of proposed
development

ERECTION OF DWELLINGHOUSE

Date of application

26/5/2016

Date of decision (if any)

28/6/2016

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:

WE WOULD LIKE THE OPPORTUNITY TO PRESENT FULL DETAILS OF THE APPLICATION & ASSOCIATED MATTERS TO THE REVIEW BODY.

Site inspection

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

1. Can the site be viewed entirely from public land? ☐ Yes ☒ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☐ Yes ☒ No

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

GATES INTO THE WALLED GARDEN ARE USUALLY LOCKED.

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.

SEE ATTACHED SUPPORTING STATEMENT.

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.

CLEARLY WE COULD NOT HAVE RAISED THE ISSUE OF INCONSISTANT APPRAISAL AS WE DID NOT KNOW WHAT THE OUTCOME WOULD BE.

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. SUPPORTING STATEMENT
2. PHOTOGRAPHS OF ADJACENT RETIREMENT FLATS.
3. SET OF THE APPLICATION DRAWINGS
4. SITE LAYOUT PLAN SHOWING RELATIVE AREAS OF APPLICATION SITE AND ADJACENT RETIREMENT HOMES SITE.

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

26th September 2016

Supporting Statement

In Respect to

Notice of Review

For

Refusal of Planning Application for Erection of Dwellinghouse

at

Land 30 Metres North East of 9 Altamount Park, Blairgowrie

Ref. No. 16/00789/FLL

Reasons for Review Application

Although the delegated Planning Officer refused this application, stating that it is contrary to some of the Local Development Plan policies, my client feels very strongly that, in fact, this proposal fulfils, almost ideally, many of the requirements of these policies.

For instance, the house would be :-

- Well screened on all sides by existing woodland and the 10ft high Kitchen Wall which surrounds all four sides of the Kitchen walled garden.
- Set within a well defined existing topographical feature.
- Providing a high amenity residential home in keeping with the surrounding area.
- The house would be sympathetic in design to the houses in Altamount Park, recently built by the applicant, and which have been widely acclaimed for their attractive design, and high amenity in a woodland setting.

We believe that - contrary to the Planning Officer's opinion this application is fully compatible with the policies in the Local Development Plan - mainly Policy PM1: Placemaking.

For instance :-

Policy PM1A states - *"Development must contribute positively, to the quality of the surrounding built and natural environment"*

We believe this house will be very attractive and a positive addition to its surroundings.

"The design, density and siting of development should respect the character and amenity of the place"

This would be a large imposing house set within a large imposing walled garden which exactly matches the character and amenity of its surroundings.

"Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development"

The ground within the walled garden has already been landscaped to restore it to its 18th century formal layout of paths, lawns & rose beds by the applicant, and additional planting could be carried out to the Planning Officer's requirements.

PM1B states -

"The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours"

We believe that the proposed house completely compliments the existing Altamount House (which is now a residential property owned by a French family who have visited twice in the last year), and the walled garden in terms of mass, scale, colour & materials.

"Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals and should incorporate green infrastructure into new developments and make connections where possible to incorporate green infrastructure into new developments and make connections where possible to green networks"

This proposed house is doing exactly this by incorporating the existing Grade C Listed walled garden & landscaping into the design.

We simply cannot understand the Planning Officer's interpretation of these policies.

My Client also believes that this application has not been treated in a fair or consistent manner when compared with the enormous three storey high block of 34 apartment retirement homes (Planning Ref. 15/00550/FLL) currently under construction only 40 metres away to the North of this proposed house, alongside the clients main drive.

For Example :-

The Planning Officer's report for our application states :-

"The Proposal should meet all eight of the criteria in Policy PM1B:Placemaking"

But - for the retirement homes application (15/00550/FLL) there is no mention whatsoever of Policy PM1B.

The Planning Officer further states :-

"The proposal is considered to be acceptable in terms of scale and design and will not have any adverse impact on the character and appearance of this part of the street scene on Coupar Angus Road"

And

"The application site can comfortably accommodate the proposed development and the topography of the site and tree-lined boundaries provide suitable containment. The proposal therefore will not have any detrimental impact on the residential amenity of any neighbouring properties in terms of overshadowing or overlooking"

" tree-lined boundaries provide suitable containment" These trees have now all been felled.

These are the most astonishing statements, considering the huge scale of the development in relation to the neighbouring properties. It takes up every inch of the old tennis club site, (see attached site layout plan showing the relative areas of each site) - and completely dominates & overshadows the chalet park next door and the bungalows across the street. The builders of the McCarthur Stone Block have felled 78 of the 60ft trees that lined my clients drive, exposing this massive 'prison' like block of flats to all who use the drive, the Altamount Lodge House, Altamount House (which is now a private residence and not a hotel), all the bungalows on the other side of Coupar Angus Road, and the adjacent Altamount Chalet Park, destroying its outlook.

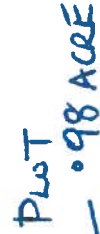
We make these points in order to demonstrate why my client feels his application has been unfairly and inconsistently assessed in the context of another recently approved application in the same area.

For the above reasons we therefore respectfully request that the Review Panel overturn this decision.

Alternatively - because of the essential need to see the setting of the proposed house, and the scale and proximity of the adjacent retirement flats in relation to the adjoining properties - we respectfully request that the Review Panel carry out a site visit prior to reaching a decision.

J R Brown Building Design
5 St Mary's Drive
Perth
PH2 7BY
Tel. 01738 635641
26th September 2016

Plot 1.25 Acres
Single 2 Storey House



3 STOREY BLOCK
OF APARTMENTS

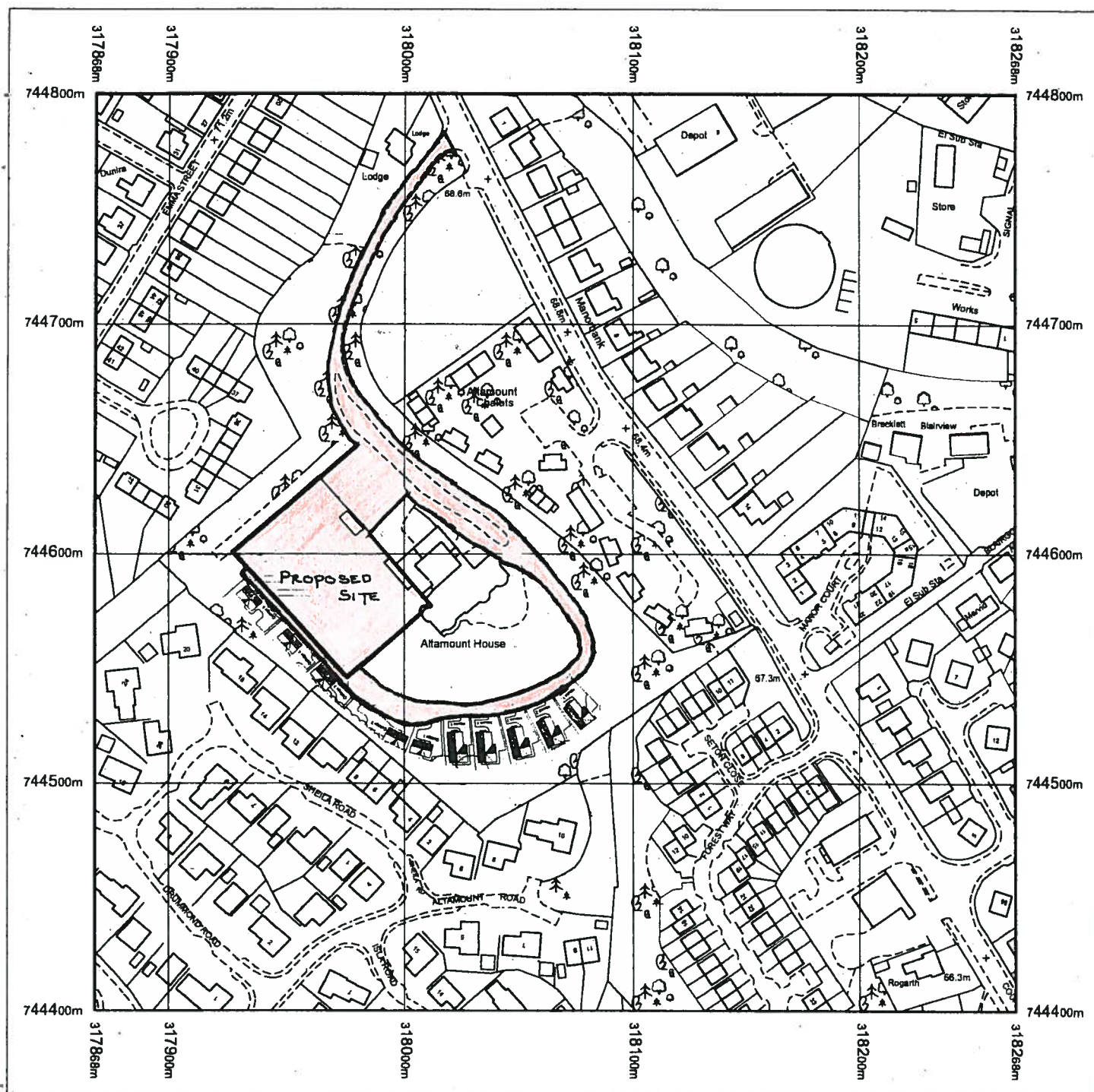
25 CAR
PARK SPACES



RETIREMENT HOMES VIEWED FROM CHALET PARK



RETIREMENT HOMES VIEWED FROM 1224 TAMOUNT HOUSE DRIVEWAY



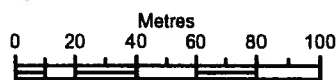
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



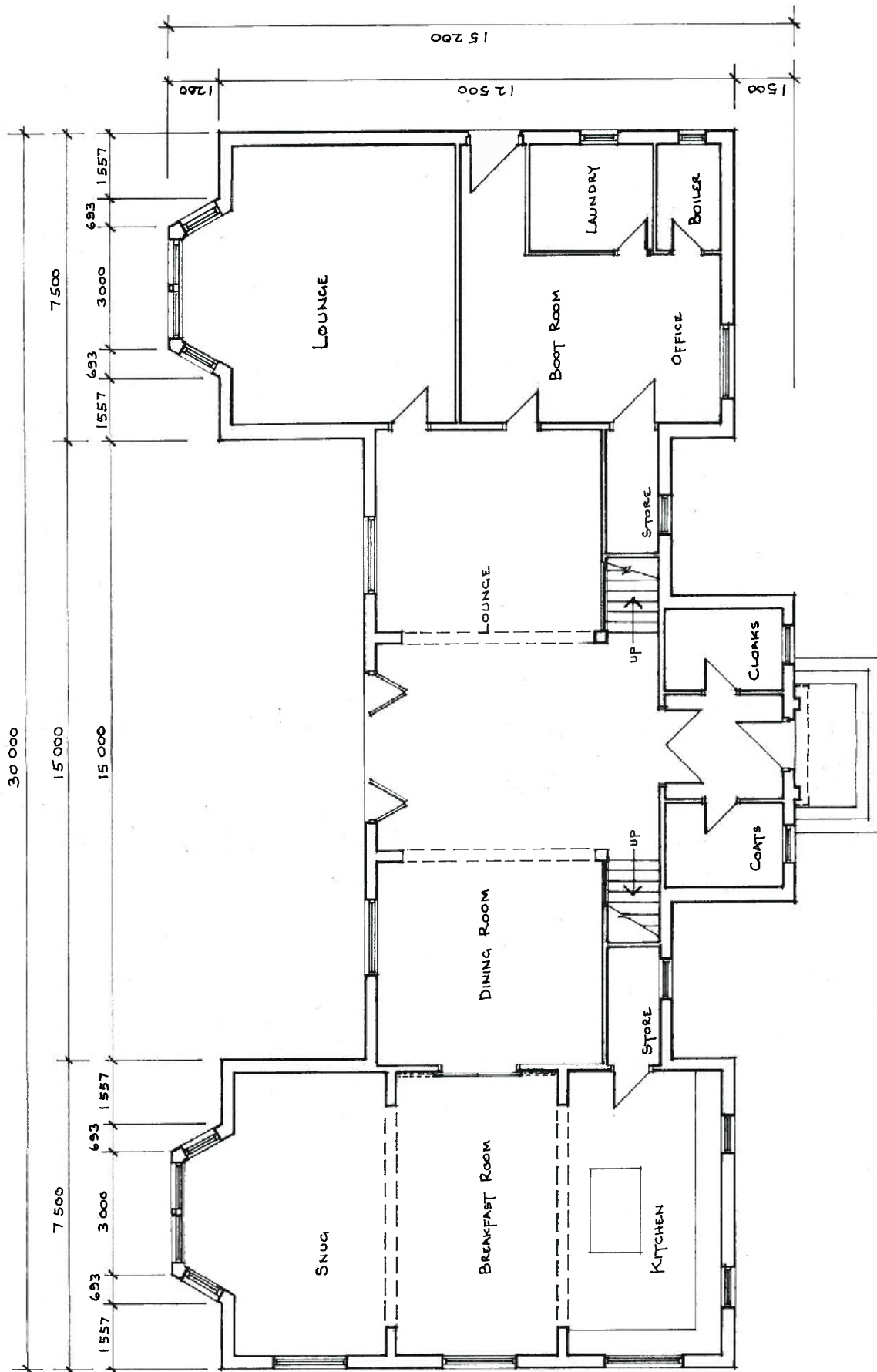
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Serial number: 00068900
Centre coordinates: 318068.5 744600.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Proposed Dwellinghouse
at
The Walled Garden, Altamount Park, Coupar Angus Road, Blairgowrie, Perthshire
for
Mr Robert Fraulo

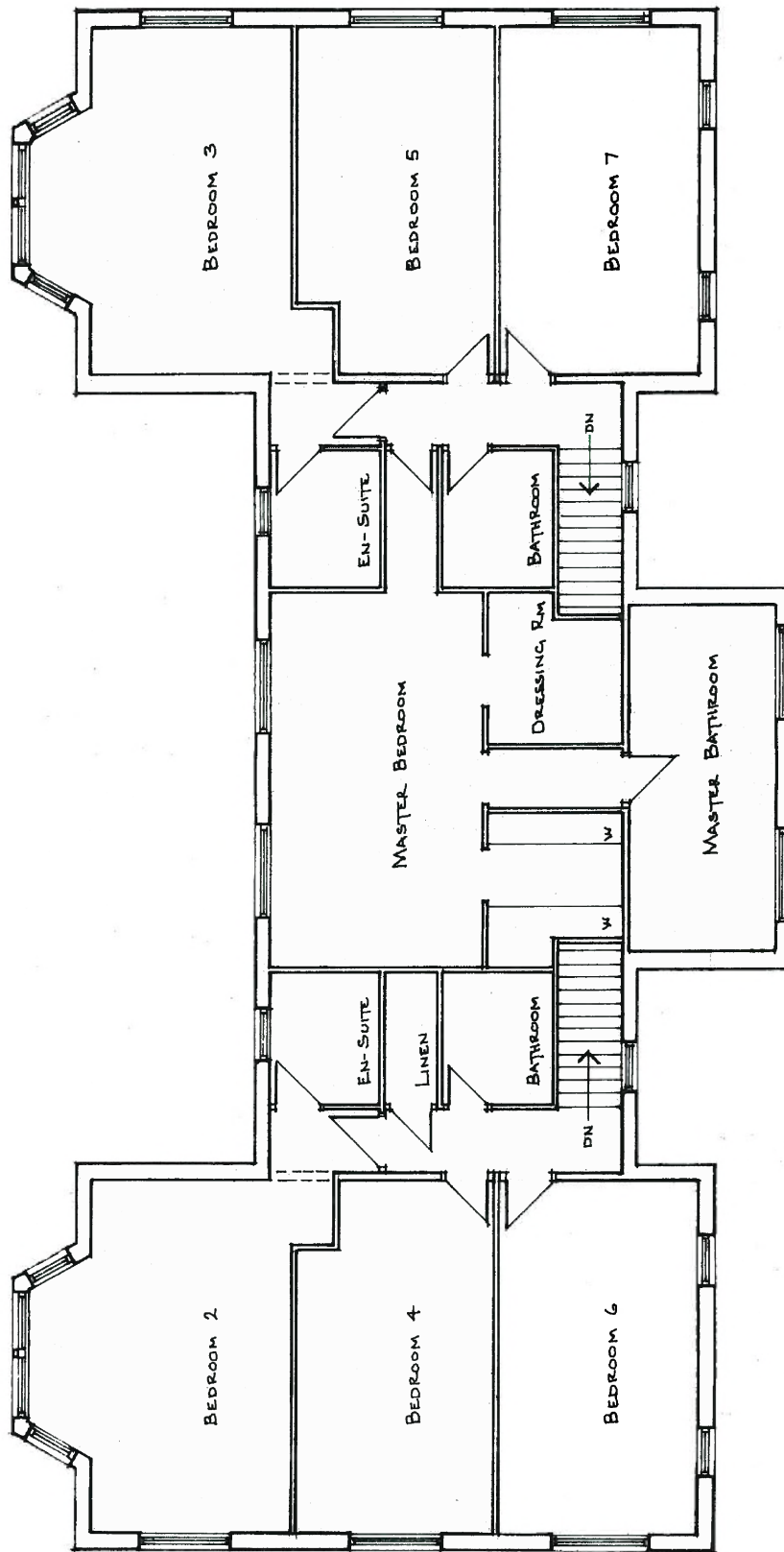
Application for Planning Permission



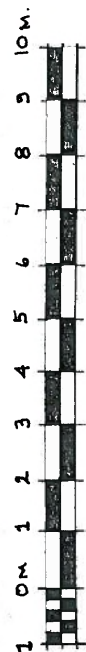
GROUND FLOOR PLAN

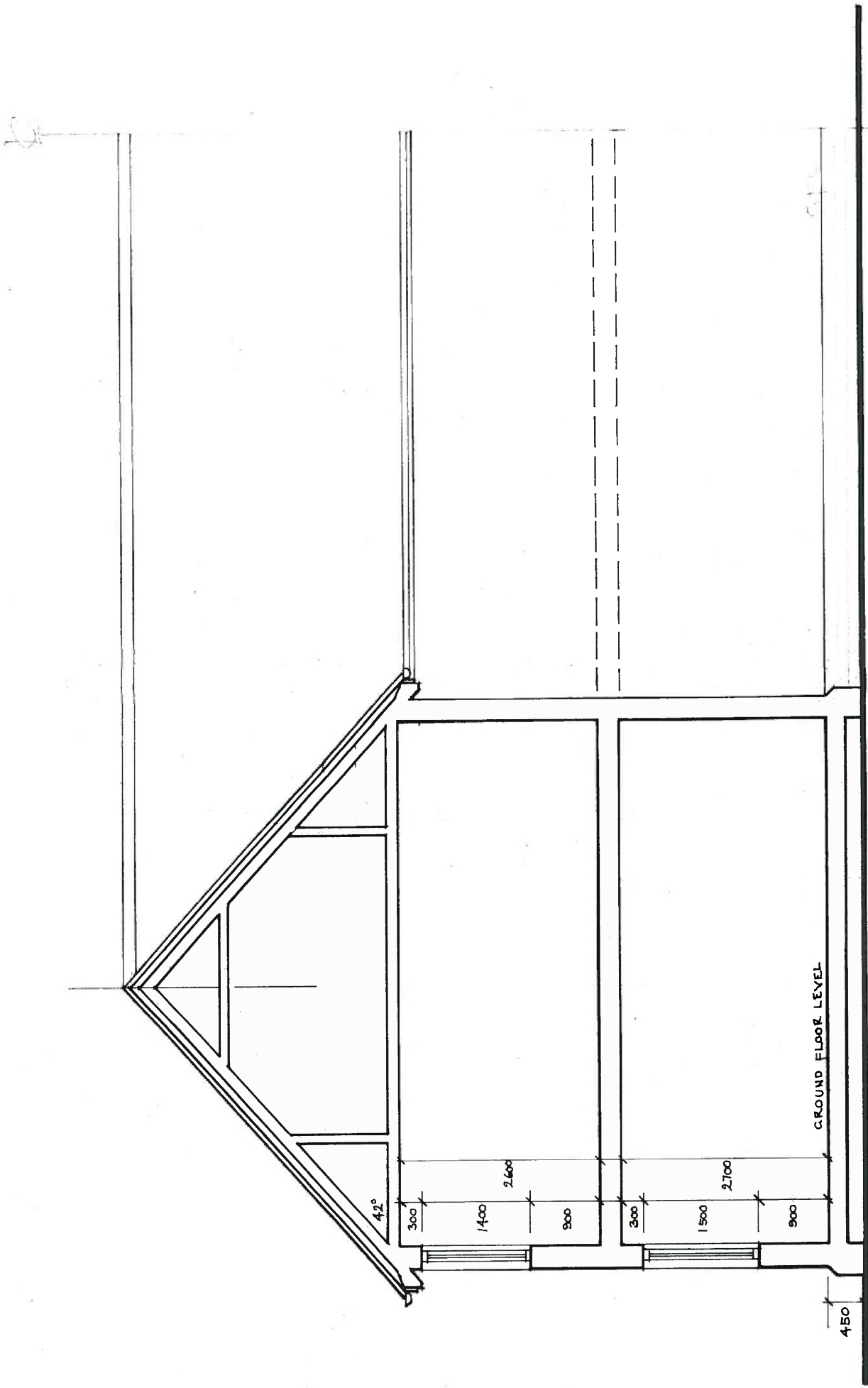


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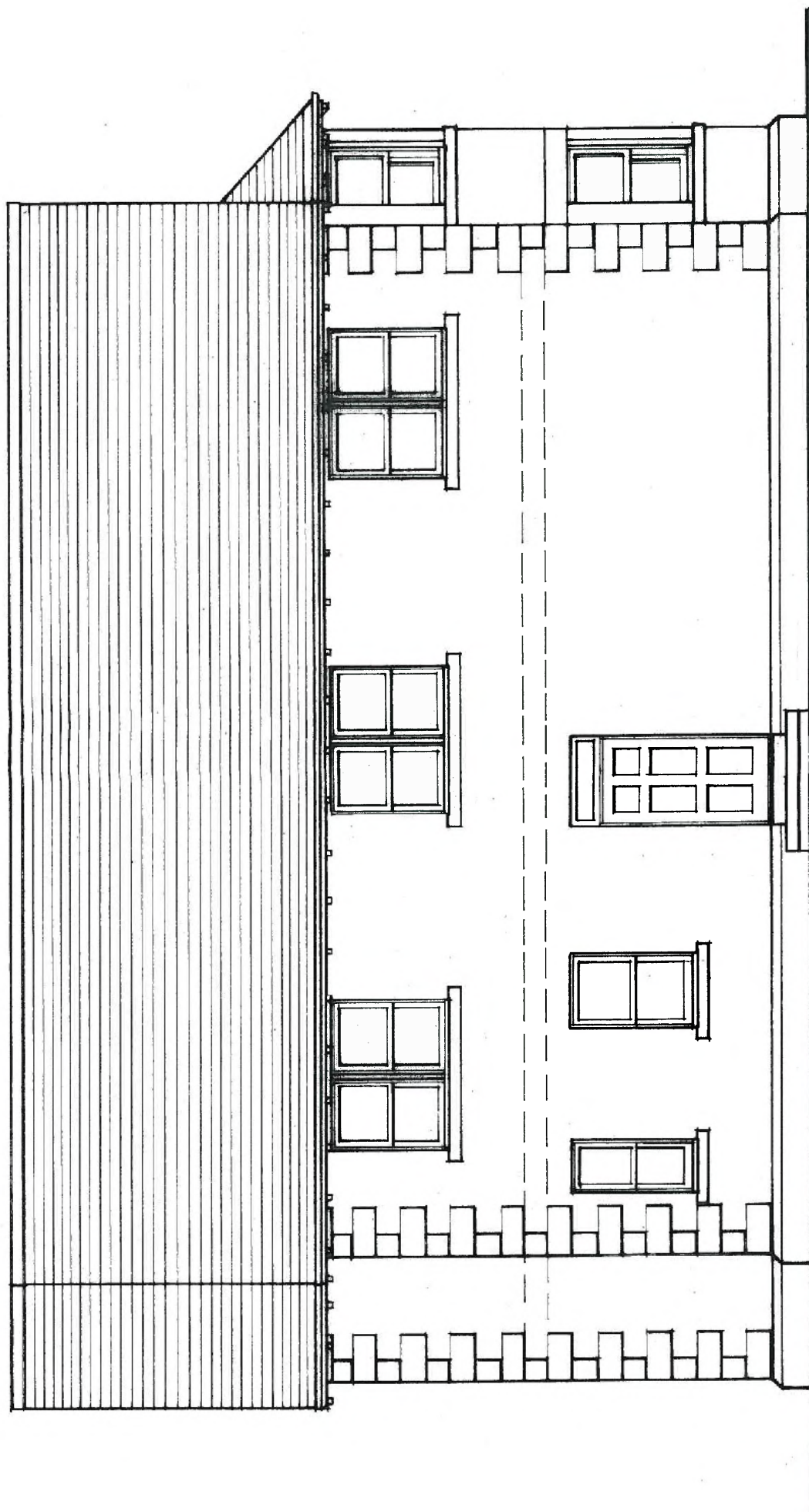
FIRST FLOOR PLAN





CROSS SECTION THROUGH WING





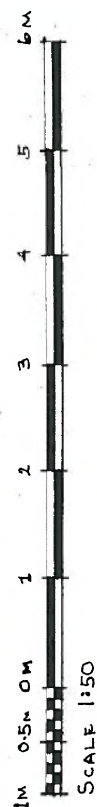
External Finishes

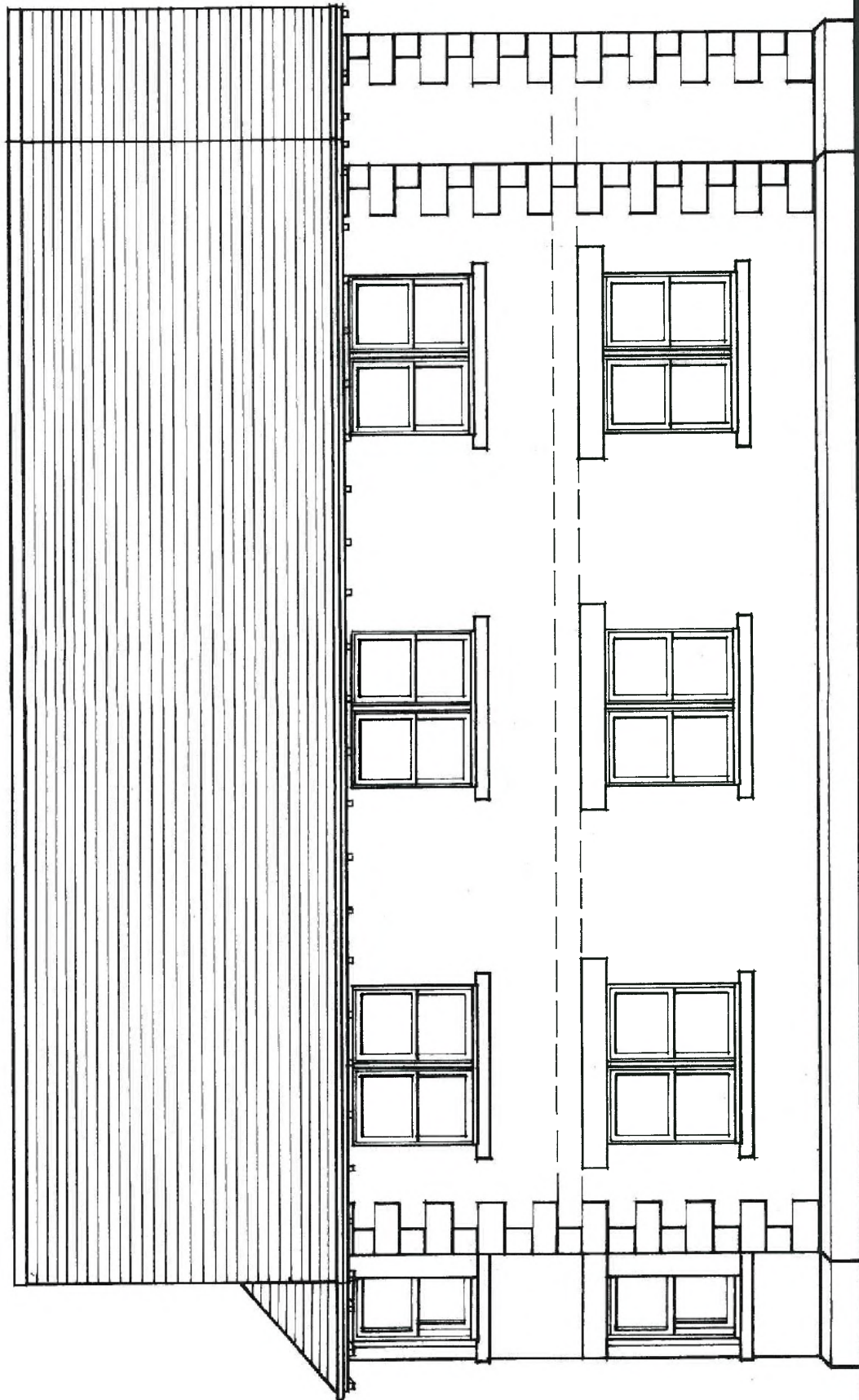
Walls
 "Breedon Fyrestone" with "Elite Tumbled" finish.
 Colour - "Rust"
 Basecourse Plyoth, Quolins, Cills & Lintels
 Precast concrete with polished finish -
 Colour - Limestone/Portland Stone.

Windows
 Double glazed PVC - "look alike" sash & case style.
 Colour - White.

Roof
 Natural Welsh slates with terracotta ridge tiles.
 (All to agreement of Planning Department)

NORTH WEST ELEVATION





SOUTH EAST ELEVATION

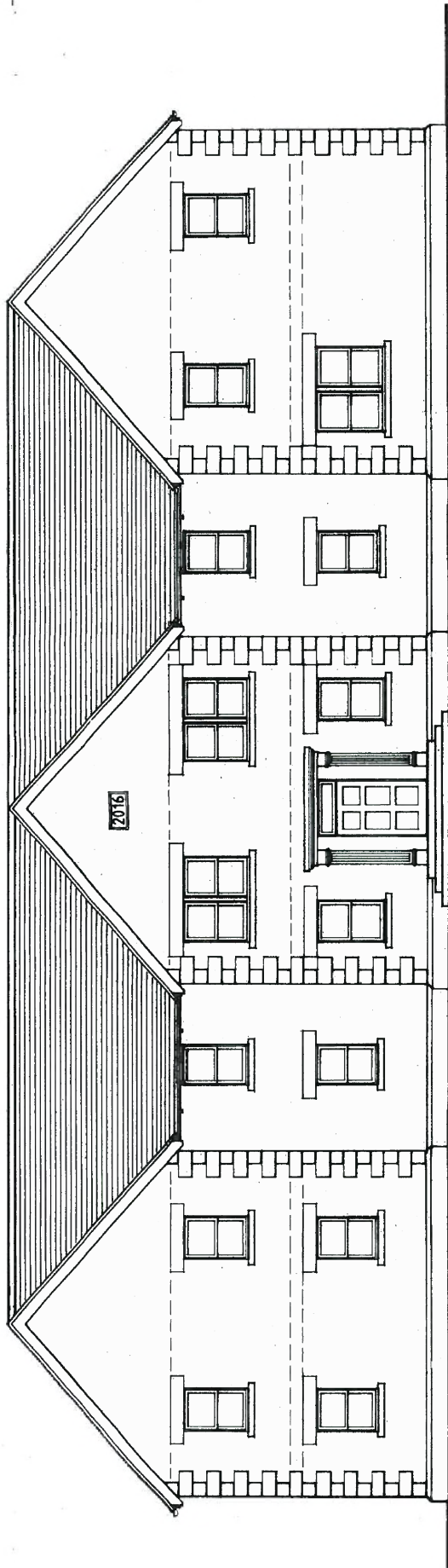


SCALE 1:50

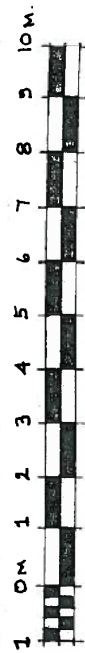
External Finishes

- Walls**
 "Breedon Fyfestone" with "Elite Tumbled" finish.
 Colour - "Rust"
 Basecourse Plymth, Quoins, Cills & Lintels
 Precast concrete with polished finish -
 Colour - Limestone/Portland Stone.
- Windows**
 Double glazed PVC - "look alike" sash & case style.
 Colour - White.
- Roof**
 Natural Welsh slates with terracotta ridge tiles.

(All to agreement of Planning Department)



NORTH EAST ELEVATION



SCALE 1:100

DRAWING No. 16/12/10

External Finishes

Walls

"Breedon Eyfestone" with "Elite Tumbled" finish.
Colour - "Rust"

Basecourse Plynth, Quoins, Cills & Lintels

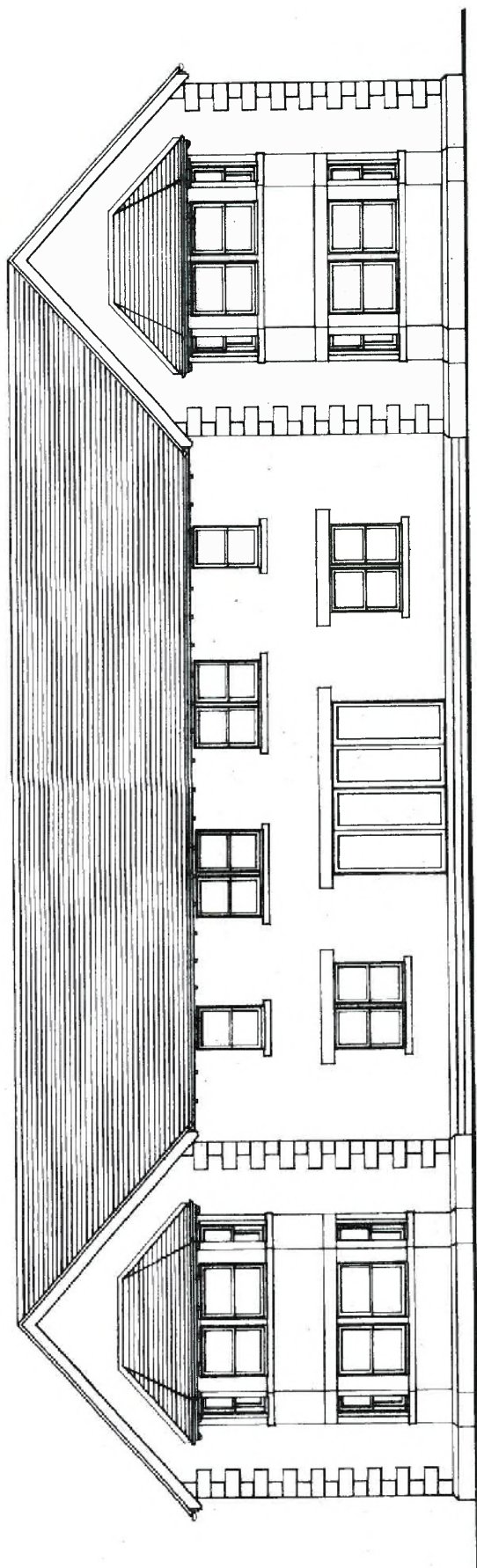
Precast concrete with polished finish -
Colour - Limestone/Portland Stone.

Windows

Double glazed PVC - "look alike" sash & case style.
Colour - White.

Roof

Natural Welsh slates with terracotta ridge tiles.
(All to agreement of Planning Department)



SOUTH WEST ELEVATION



SCALE 1:100

DRAWING No. 16/12/11

External Finishes

Walls

"Breedon Flyestone" with "Elite Tumbled" finish.
Colour - "Rust"

Basecourse Plinth, Quoins, Cills & Lintels

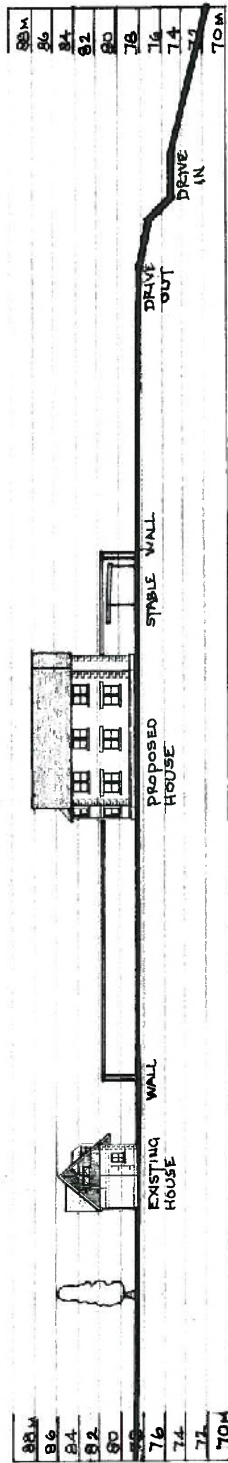
Precast concrete with polished finish -
Colour - Limestone/Portland Stone.

Windows

Double glazed PVC - "look alike" sash & case style.
Colour - White.

Roof

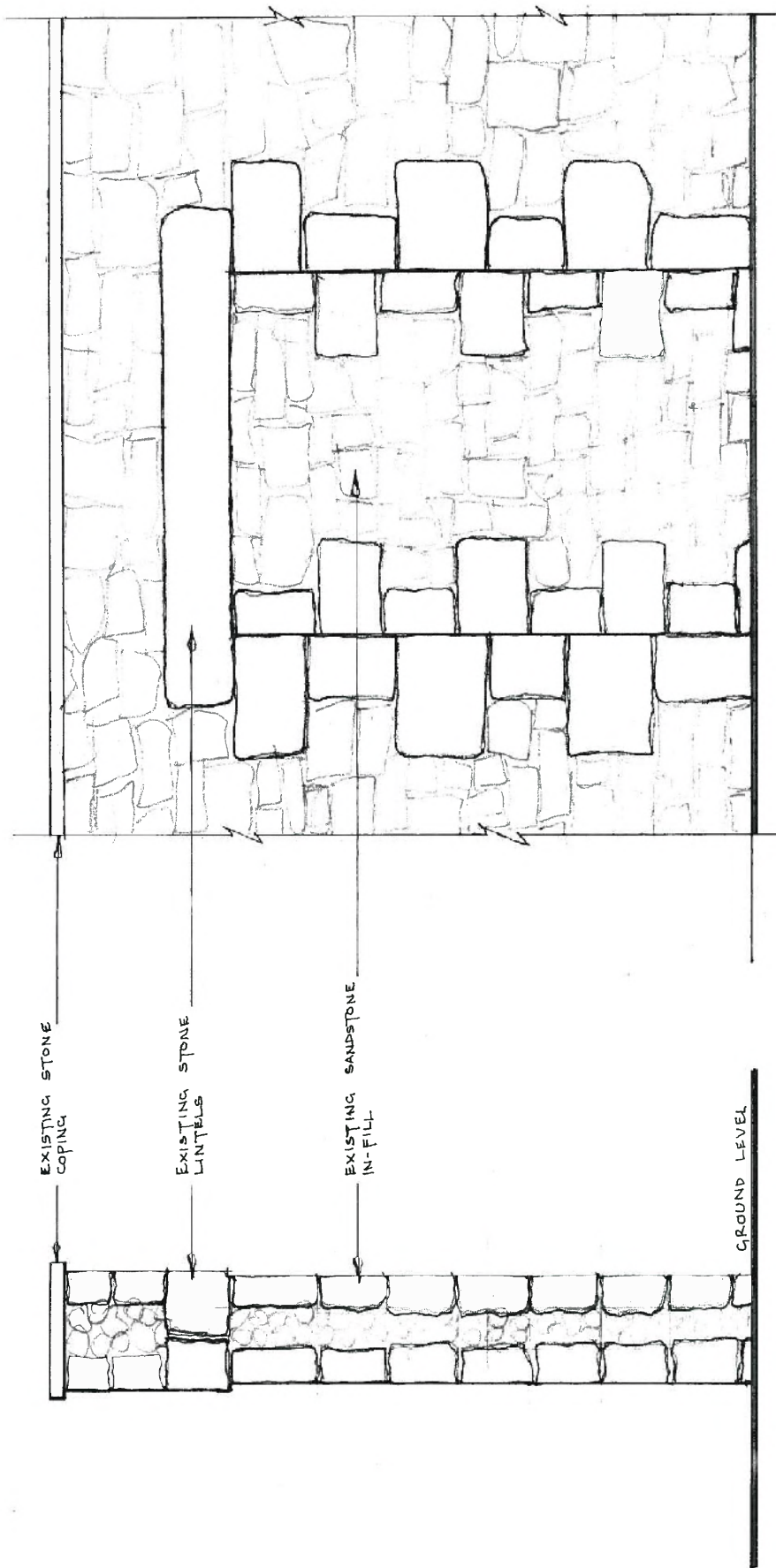
Natural Welsh slates with terracotta ridge tiles.
(All to agreement of Planning Department)



CROSS SECTION AA THROUGH SITE

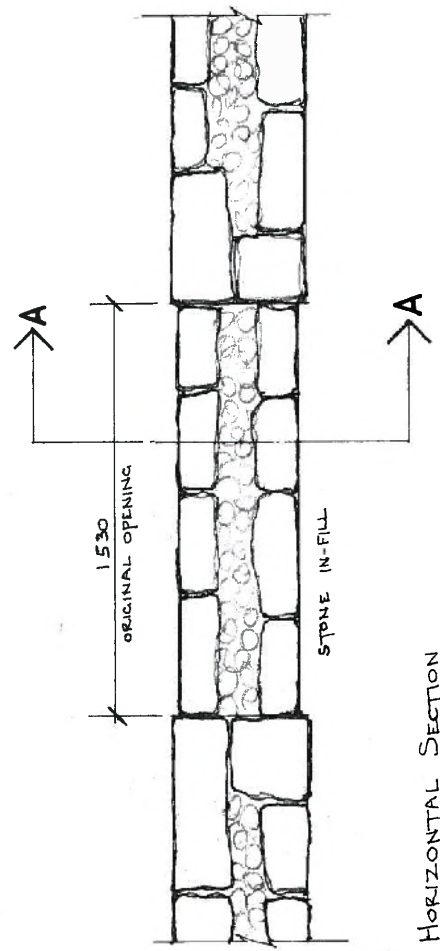


DRAWING No. 16/12/13



VERTICAL SECTION AA

ELEVATION FROM OUTSIDE - AS EXISTING

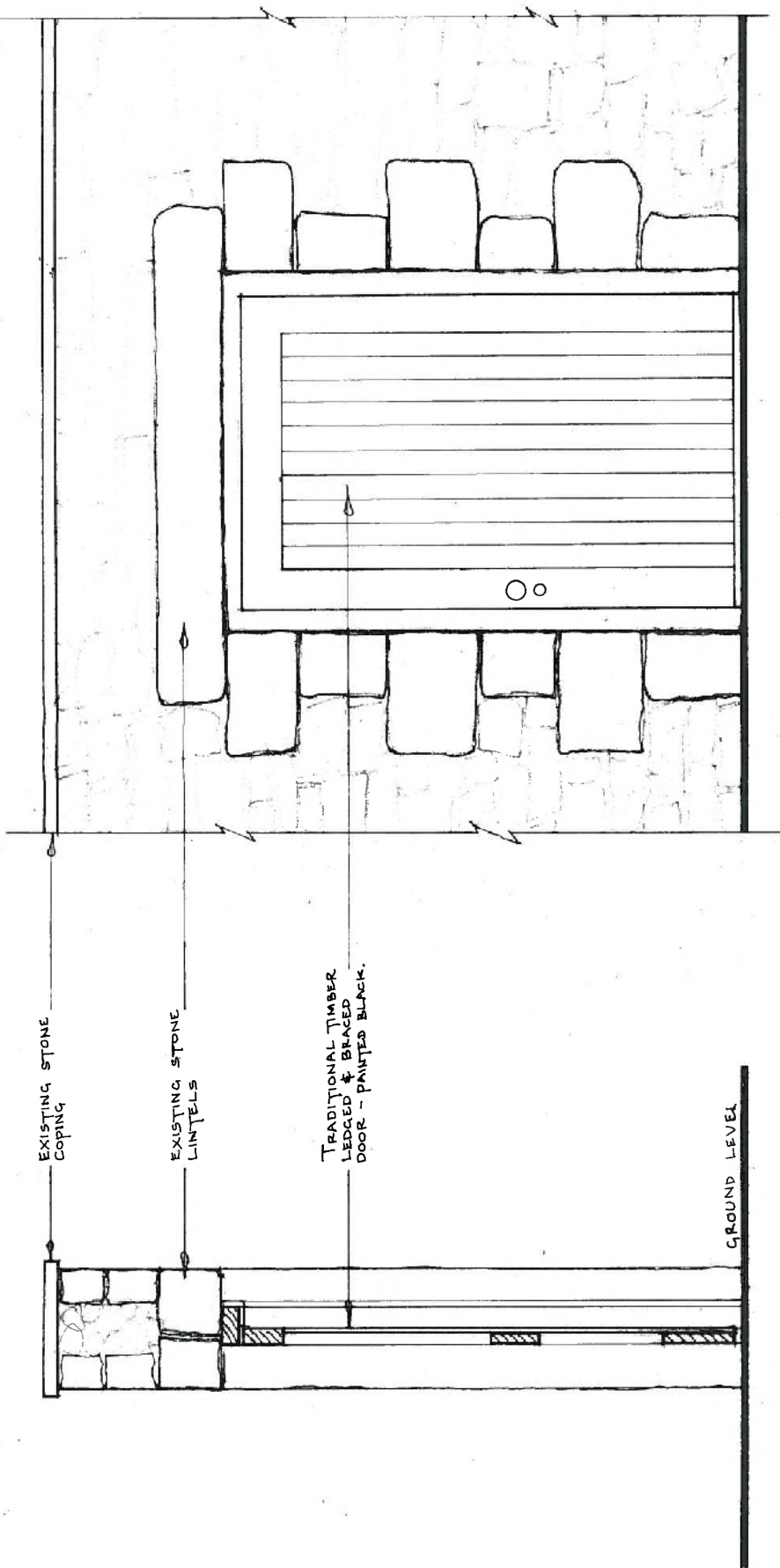


HORIZONTAL SECTION



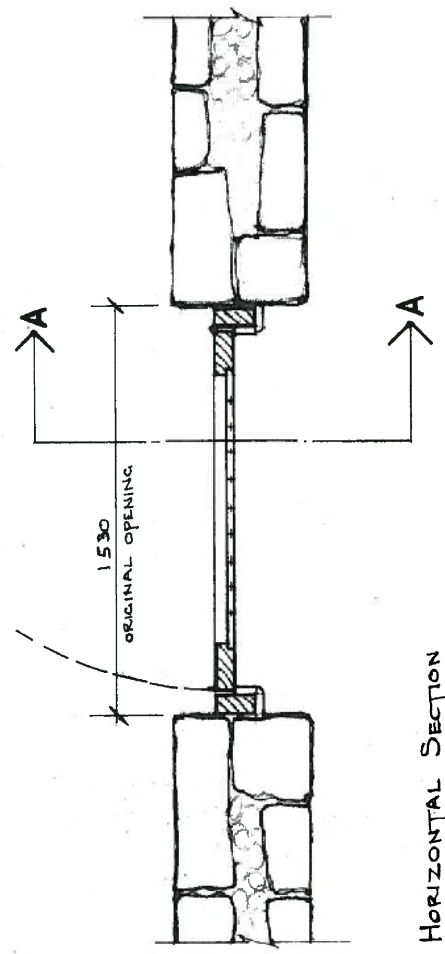
SCALE 1:20

EXISTING BUILT UP GATE IN GARDEN WALL



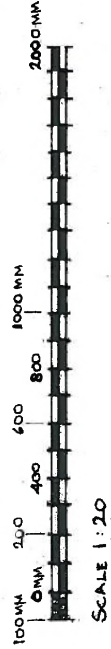
VERTICAL SECTION AA

ELEVATION FROM OUTSIDE - AS PROPOSED



HORIZONTAL SECTION

GATE IN GARDEN WALL AS PROPOSED



TCP/11/16(441)

Planning Application – 16/00789/FLL – Erection of a dwellinghouse on Land 30 Metres North East of 9 Altamount Park, Coupar Angus Road, Blairgowrie

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 1225 and 1228-1239)*

PERTH AND KINROSS COUNCIL

Mr Robert Fraulo
c/o J R Building Design
5 St Mary's Drive
Perth
PH2 7BY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 28.06.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00789/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 25th May 2016 for permission for **Erection of a dwellinghouse Land 30 Metres North East Of 9 Altamount Park Coupar Angus Road Blairgowrie** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The scale, siting, form, proportions and design of the proposal fails to relate successfully to the surrounding environs and character of the area and fails to complement its surroundings. The proposal is therefore contrary to Policies PM1A and B and RD1 of the Perth and Kinross Local Development Plan 2014.
2. The scale, siting, form, proportions and design of the proposal fails to protect the character and setting of the category C listed walled garden and category B listed Altamount House. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure new development is appropriate to the setting of listed structures.

Justification

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

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

Plan Reference

16/00789/1

16/00789/2

16/00789/3

16/00789/4

16/00789/5

16/00789/6

16/00789/7

16/00789/8

16/00789/9

16/00789/10

16/00789/11

16/00789/12

16/00789/13

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00789/FLL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	24.07.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 30 Metres North East Of 9 Altamount Park Coupar
Angus Road Blairgowrie

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: 8 June 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for the erection of a substantial detached dwellinghouse within a category C listed walled garden at Altamount Park, Coupar Angus Road, Blairgowrie. The walled garden sits immediately adjacent to Altamount House which is a category B listed double bow-fronted mansion house with later Scots Baronial additions and an adjoining service courtyard. The proposed dwelling is to be located in the north eastern half of the walled garden with the remainder of the garden area within the walls to be utilised as the private garden ground of the new house. Access is to be taken along the existing access track to the north with a parking and turning area located outwith the walls. A separate listed building consent application has been submitted to form a small opening in the wall (16/00792/LBC). The proposed dwelling is to be full two storey with a triple gable frontage. The finishing materials include fyfestone and harling in a rust finish. Windows are proposed to be upvc and the roof is proposed to be finished in slate with terracotta ridge tiles. The 'H' shaped footprint of the proposed house is extensive and is proposed to accommodate a total of seven bedrooms.

SITE HISTORY

16/00792/LBC Formation of opening in wall and installation of door

PRE-APPLICATION CONSULTATION

Pre application Reference: None

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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy 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 EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

OTHER POLICIES

Supplementary Planning Guidance – Developer Contributions

CONSULTATION RESPONSES

INTERNAL

Community Waste Advisor - Environment Service – advice on waste collection provided

Contributions Officer – contribution towards education infrastructure required

Transport Planning – no objection

Conservation Team – objection as proposal contrary to Policy HE2

EXTERNAL

Scottish Water – no response within statutory period

REPRESENTATIONS

Two letters of representation have been received, both of which objection to the application. The areas of concerns expressed in the letters may be summarised as follows:

- Noise and disturbance
- History of site and occupancy of nearby lodges.

The comments raised above are addressed within the appraisal section below.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development

Plan for the area comprises the approved TAYplan 2012 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.

Principle

The application site is located within the settlement of Blairgowrie on land allocated for residential uses where Policy RD1 applies. This policy states that infill residential development may be acceptable subject to the development respecting its environs and surrounding character. Other relevant policies includes HE2 which relates to listed buildings and seeks to ensure the setting of listed buildings are protected and PM1A and B which relates to placemaking and seeks to ensure new development contributes positively to its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. In this instance whilst infill development in principle is generally acceptable I do not consider the scale, form, proportions or design of the dwelling to relate successfully to the surrounding environs or character of the area which is made up of category B and C listed structures. The proposal is therefore considered to be contrary to Policy RD1, HE2 and PM1A and B of the Local Development Plan (LDP). This will be considered in more detail below.

Impact on Setting of Listed Buildings/Character of Area

The walled garden is likely to be contemporary with the later (1866) additions to Altamount House, and contains a small polygonal-roofed gazebo centrally located against the south east wall. A finialled lean-to greenhouse mentioned in the 2003 list description is no longer apparent within the site, and I can find no record of an application for listed building consent for its demolition. The garden now contains a number of large timber sheds, a caravan, timber fencing and a modern water feature none of which appear to have been granted any planning consent (where required). This information has been passed to the Council's Enforcement Officer for further consideration and investigation.

The proposal to unblock an existing opening within the north east wall and install a timber ledged and braced door is acceptable, and I therefore have no objection to the element of the proposal requiring listed building consent and this will be addressed within the report for that application.

The proposed dwellinghouse within the walled garden, however, is likely to have a significant detrimental impact on the character and interest of the walled garden, and the setting of the neighbouring listed buildings.

The scale, form and siting of the proposed house does not appear to have been developed as a response to the (historically undeveloped) site, which, in

spite of modern additions, retains its secluded, peaceful character. The proposed building is overly large at 9.5m in height, 15m in side elevation width and 30m in length, appearing significantly out of scale with the adjacent historic courtyard and the 3 metre high boundary walls. It is a standard design utilising cast stone, concrete and upvc windows, and located in a manner that visually dominates the historic garden site and adjacent historic buildings.

The development is therefore contrary to LDP Policy HE2 which specifies that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting. While the site has potential for development of a sensitively-designed, single-storey dwellinghouse - for example to replace the existing large shed against the north west wall - the design should be formulated principally to protect and enhance the integrity and character of the historic site and should be of a scale and proportion which is subservient to the main structures and utilises high quality traditional materials. The proposal is also considered contrary to the criteria contained within Policy RD1 which relates to protecting and improving the character of the area and to the criteria contained within policy PM1A and B which seeks to ensure that the design of new development should compliment its surroundings in terms of appearance, height, scale, massing, materials and finishes.

Residential Amenity

There are not considered to be any concerns relating to residential amenity. I note concerns have been expressed relating to noise and disturbance, however the application site is located within a residential area and I do not consider the erection of a dwellinghouse within a residential area to result in any excessive noise or disturbance.

Traffic/Access

The existing access track to the north is proposed to be utilised which connects to Coupar Angus Road. The access, parking and turning arrangements are considered to be acceptable and in accordance with Policy TA1B of the LDP. No objections have been received from Transport Planning.

Drainage

The proposed house is to connect to the public sewer with surface water drainage proposed to be catered for by a SUDS system. This is considered to be appropriate in this location and in accordance with policies EP3B and C of the LDP.

Developer Contributions

Education

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.

This proposal is within the catchment of Newhill Primary School which is considered to have a capacity constraint and therefore a contribution of £6460 is required in this instance.

Transportation

The site is located outwith the area where a contribution toward transportation infrastructure is required.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Occupation of Adjacent Lodges

The occupancy of the adjacent lodges has no bearing on the recommendation of this planning application and is a separate matter which has been passed to the Council's Enforcement Officer.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

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 Refusal

- 1 The scale, siting, form, proportions and design of the proposal fails to relate successfully to the surrounding environs and character of the area and fails to compliment its surroundings. The proposal is therefore contrary to Policies PM1A and B and RD1 of the Perth and Kinross Local Development Plan 2014.
- 2 The scale, siting, form, proportions and design of the proposal fails to protect the character and setting of the category C listed walled garden and category B listed Altamount House. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure new development is appropriate to the setting of listed structures.

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

16/00789/1

16/00789/2

16/00789/3

16/00789/4

16/00789/5

16/00789/6

16/00789/7

16/00789/8

16/00789/9

16/00789/10

16/00789/11

16/00789/12

16/00789/13

Date of Report 27.06.2016

Proposed House 30 metres to North West of Altamount Park, Blairgowrie

Design Statement

The Site

The site, which has been owned by the applicant since 2003, is a rectangular, Grade C listed walled garden 73.5 metres long x 49 metres wide (3,600 sq.m.), and taken together with the adjoining car park, the total site area is 4,366 sq.m.

The walls around the garden are 3 metre high and are built with pink sandstone with a sandstone coping.

At present the garden is laid out with formal lawns, paths, ornamental features and a vegetable garden - all of which the client has installed over the past four years.

Along the North East wall there is a row of prefabricated timber ancillary stables and outhouses .

Design Brief

The client required a house on this site in order to run his two holiday businesses which are close by - namely Altamount Chalet Park, and five of the cottages in Altamount Park which are all holiday lets.

The new house needed to be a substantial family home with a minimum of seven generously sized bedrooms on the first floor and large reception rooms, kitchen and domestic facilities on the ground floor.

Clearly the house had to be of sufficient size and stature to match the impressive walled garden and the style, design, materials and external finishes had to be in keeping with the nearby Altamount House and the surrounding houses.

The design for the house was largely developed by the client/applicant who drew inspiration from the recently completed (2010) holiday homes in the adjacent Altamount Park. We believe that the proportions, style and materials of the proposed house are indeed sympathetic to the walled garden and its surroundings and that the amenity of the area has been maintained.

The footprint of the new house is 332 sq.m. and is therefore only 9% of the area of the walled garden - and only 7.6% of the total site area.

The house is proposed to be situated on the lawns in the North East quadrant of the garden so that most of the paths and landscaped features are retained, and which will envelope the house in a natural manner.

Planning Policy

Although Altamount Park is not within the Blairgowrie conservation area, and is not specifically mentioned in the 2014 Perth & Kinross Local Development Plan (LDP) the proposed house is in a very high amenity area and therefore, we believe, the house will blend in perfectly with its surroundings and is not overlooked by any other residential dwellings.

We note that the LDP states that a diverse mix of house types in Blairgowrie area should be encouraged and we would suggest that this high status home adds to this mix, especially in an area which is increasingly being overwhelmed by average value speculative housing developments.

We believe that this proposal is consistent with Scottish Government planning policy as "Scottish Planning Policy :2014" Section 29 Policy Principles states :-

This means that policies and decisions should be guided by the following principles:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*

Section 92 - Supporting Business & Employment states :-

- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development.*

This is a very valuable inward investment into Blairgowrie and is significant gesture of faith in the area by the applicant and we hope that you will be able to support this application.

J R Brown Building Design
5 St Mary's Drive
Perth
PH2 7BY
tel. 01738 635641
jrbrown6636@googlemail.com
May 2016

TCP/11/16(441)
Planning Application – 16/00789/FLL – Erection of a
dwellinghouse on Land 30 Metres North East of 9
Altamount Park, Coupar Angus Road, Blairgowrie

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00789/FLL	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		
Address of site	Land 30 Metres North East Of 9 Altamount Park Coupar Angus Road Blairgowrie for Mr Robert Fraulo		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <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 Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £6,460 (1 x 6,460)</p> <p><u>Total: £6,460</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to</p>		

	<p>complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD</p> <p>Bank Transfers</p>

	<p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	06 June 2016

DW.

RECEIVED

14 JUN 2016

Mr and Mrs David Franklin
18 Sheila Road
Blairgowrie
PH10 6RP

11 June 2016

Perth and Kinross Council
Planning and Development
Pullar House
535 Kinnoull Street
Perth
PH1 5GD

15 JUN 2016

Dear Sir

Planning Application Reference 16/00789/FLL

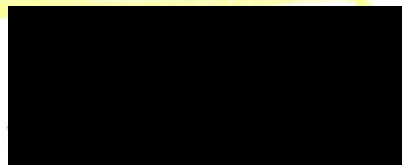
I write in connection with the above planning application. I have examined the plans and I know the site well and find it difficult to identify exactly where this house will be built. I wish to object strongly to the development of another house in this location.

When the original development was planned a number of years ago it was with a view to the houses being used for holiday lets. However, the present houses now appear to be occupied on a semi permanent basis. We are unaware as to when a change was agreed allowing for extended residence rather than holiday let. We are continually exposed to noise and disturbance. Another house would add to the disturbances and cause more nuisance to those of us living in the area.

I look forward to hearing from you with regard to the outcome of the planning application.

Yours faithfully

Mr and Mrs D Franklin.

A black rectangular redaction box covering the signature area, with yellow handwritten marks around it.

DM

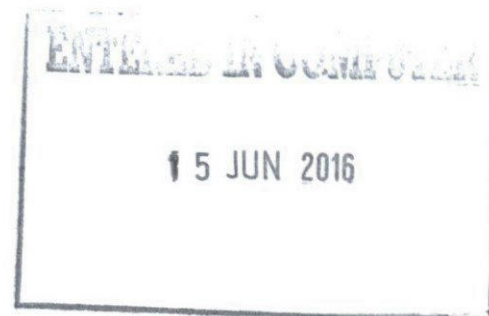
Mrs Dorothy Manly
14 Sheila Road
Blairgowrie
PH10 6RP

RECEIVED

14 JUN 2016

11 June 2016

Perth and Kinross Council
Planning and Development
Pullar House
535 Kinnoull Street
Perth
PH1 5GD



Dear Sir

Planning Application Reference 16/00789/FLL

I write in connection with the above planning application. I wish to object strongly to the development of another house in this location.

When the original development in the grounds of the Altamount Hotel was planned a number of years ago it was with a view to the houses being used for holiday lets as part of the hotel development. However, the present houses now appear to be occupied by families who appear to be in full time residence. I am unaware as to when a change was agreed allowing for extended residence rather than holiday let. I am continually exposed to noise and disturbance. Another house would add to the disturbances and cause more nuisance to those of us living in the area.

I look forward to hearing from you with regard to the outcome of the planning application.

Yours faithfully

Mrs Dorothy Manly.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00789/FLL 16/00792/LBC	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	
Description of Proposal	Erection of a dwellinghouse Formation of opening in wall and installation of a door		
Address of site	Land 30m north east of 9 Altamount Park, Coupar Angus Road, Blairgowrie		
Comments on the proposal	<p>Altamount House is a category B listed double bow-fronted mansion house with later Scots Baronial additions and an adjoining service courtyard, separately listed at category C.</p> <p>The adjacent rectangular-plan walled garden is also listed separately at category C. It is likely to be contemporary with the later (1866) additions to Altamount House, and contains a small polygonal-roofed gazebo centrally located against the south east wall. A finialled lean-to greenhouse mentioned in the 2003 list description is no longer apparent within the site, and I can find no record of an application for listed building consent for its demolition.</p> <p>The garden now contains a number of large timber sheds, a caravan, timber fencing and a modern water feature.</p> <p>The proposal to unblock an existing opening within the north east wall and install a timber ledged and braced door is acceptable, and I therefore have no objection to the element of the proposal requiring listed building consent.</p> <p>The proposed dwellinghouse within the walled garden, however, is likely to have a significant detrimental impact on the character and interest of the walled garden, and the setting of the neighbouring listed buildings.</p> <p>The scale, form and siting of the proposed house does not appear to have been developed as a response to the (historically undeveloped) site, which, in spite of modern additions, retains its secluded, peaceful character. The proposed building is overly large, appearing out of scale with the adjacent historic courtyard and the 3 metre high boundary walls. It is a standard design utilising cast stone, concrete and upvc windows, and located in a manner that visually dominates the historic garden site and adjacent historic buildings.</p> <p>The development is therefore contrary to LDP Policy HE2 which specifies that the layout, design, materials, scale, siting and use of any development which</p>		

	will affect a listed building or its setting should be appropriate to the building's character, appearance and setting. While the site has potential for development of a sensitively-designed, single-storey dwellinghouse – for example to replace the existing large shed against the north west wall – the design should be formulated principally to protect and enhance the integrity and character of the historic site.
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	14/06/16

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00789/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 30 Metres North East Of 9 Altamount Park Coupar Angus Road Blairgowrie		
Comments on the proposal	Insofar as the Roads matters are concerned I do not object to the proposals.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 June 2016		

Mr and Mrs David Franklin
18 Sheila Road
Blairgowrie
PH10 6RP

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

13 OCT 2016

RECEIVED

10 October 2016

Perth and Kinross Council
Planning and Development
Pullar House
535 Kinnoull Street
Perth
PH1 5GD

Dear Sir

Planning Application Reference 16/00789/FLL

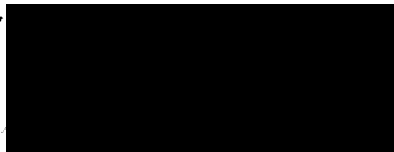
With regard to the application to review the decision of the council I would repeat my representations made on the 11th of June 2016. I object strongly to the development of another house in this location.

When the original development was planned a number of years ago it was with a view to the houses being used for short term holiday lets. However, the present houses now appear to be occupied on a semi permanent basis. We are unaware as to when a change was agreed allowing for extended residence rather than holiday let. We are continually exposed to noise and disturbance. Another house would add to the disturbances and cause more nuisance to those of us living in the area.

In addition I would like to state that I fully support the decision made by the council as I feel that the proposed house does not blend in with the surrounding environs and character of the area and does not in any way complement the surroundings - what was once a secluded and beautiful country house has had its character taken from it by the addition of housing which does not in any way enhance the original building.

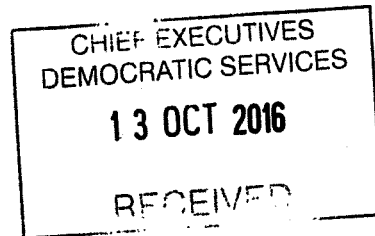
I look forward to hearing from you with regard to the outcome of the planning application.

Yours faithfully

A black rectangular box redacting the signature of Mr and Mrs D Franklin.

Mr and Mrs D Franklin

Mrs Dorothy Manly
14 Sheila Road
Blairgowrie
PH10 6RP



10 October 2016

Perth and Kinross Council
Planning and Development
Pullar House
535 Kinnoull Street
Perth
PH1 5GD

Dear Sir

Planning Application Reference 16/00789/FLL

With regard to the application to review the decision of the council I would repeat my representations made on the 11th of June 2016. I object strongly to the development of another house in this location.

When the original development in the grounds of the Altamount Hotel was planned a number of years ago it was with a view to the houses being used for short-term holiday lets as part of the hotel development. However, the present houses now appear to be occupied by families or travelling workmen who appear to be in full time residence. I am unaware as to when a change was agreed allowing for extended residence rather than holiday let. I am continually exposed to noise and disturbance. Another house would add to the disturbances and cause more nuisance to those of us living in the area.

In addition I would like to state that I fully support the decision made by the council as I feel that the proposed house does not blend in with the surrounding environs and character of the area and does not in any way complement the surroundings – what was once a secluded and beautiful country house has had its character taken from it by the addition of housing which does not in any way enhance the original building.

I look forward to hearing from you with regard to the outcome of the planning application.

Yours faithfully

A solid black rectangular box used to redact the signature of Mrs Dorothy Manly.

Mrs Dorothy Manly.

James R Brown

Building Design

MCIOB

5 St Mary`s Drive,
Kinnoull,
Perth,
PH2 7BY

Tel.

Mobile

Email ...

1st November 2016

The Secretary,
Local Review Body,
Perth & Kinross Council,
2 High Street,
Perth
PH1 5PH

Attention of Gillian Taylor

Dear Ms Taylor,

Proposed Dwellinghouse at The Walled Garden, Altamount Park, Coupar Angus Road,
Blairgowrie PH10 6JN - 16/00789/FLL Refused
Appeal to the Local Review Body - Ref. No. TCP/11/16 (441)

I thank you for your letter dated 26th October 2016 containing details of two objections/representations to our Appeal to the Review Body.

My client would now like to respond to these two objectors - all as set out in his attached detailed submission.

We look forward to receiving the date for the Review Hearing in due course.

Yours sincerely,

Jim Brown

Gillian Taylor

Council Building,

2 High Street, PERTH, PH1 5PH

Your Ref TCP/11/16 (441)

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013

25th October 2016

Dear Mrs Taylor

Application Ref: 16/00789/FLL – Erection of a dwelling house on Land 30 Metres North East of 9 Altamount Park, Coupar Angus Road, Blairgowrie – Mr Robert Fraulo

In response to representations made by Mrs Dorothy Manly and Mr & Mrs Franklin of 14 & 18 Sheila Road, respectively. Both representations are identical to the word, and my reply is to both.

In 2004, my wife and I bought the Altamount House Hotel within its six acres of grounds. The building was in disrepair, tired and dated, after five separate owners failed to maintain the building and grounds between 1994 and our purchase in 2004. We completely refurbished the building inside and out, new electrics throughout, new boiler and heating system, new wireless fire alarm system. New bathrooms, bedroom and reception room furniture, along with redecorating inside and out. The grounds were re-organised, shaped and brought up to a decent and manageable standard.

From scratch, the hotel business was reinvigorated and developed with emphasis on weddings, parties, funeral teas and a busy restaurant. For ten years we ran a successful business and expanded the accommodation, with the building of ten houses and cottages, and the purchase of the adjacent chalet site. Unfortunately my wife was diagnosed with Breast Cancer, and although it was successfully operated on by an excellent team at Ninewells and followed up at Perth Royal Infirmary, we decided that working the hours demanded by running a successful Hotel, would not be conducive to a full and speedy recovery. We sold the Hotel to a French Family, in early 2014, who have since turned the Hotel into a private residential house. Once or twice a year they bring a dozen or so of their pupils, from one of their French schools in Nice, to experience living in an English speaking environment. Since August 2015 the house has been empty bar three weeks of visits.

Five of the houses were also sold in 2014 to an American, who has never rented them out to anyone. However since the sale of the Main House, my wife and I have stayed in one of them on our frequent trips to Blairgowrie. The five cottages and eighteen chalets we continue rent, are let out within the terms of the original planning conditions.

I can categorically state that neither the Manleys or the Franklins can reasonably say that they are exposed to more noise or disturbance today than they were when we had weddings and parties at the Hotel every weekend with bands playing till midnight on Fridays and Saturdays and pipers blasting out all afternoon. Nor can there be more noise made by the empty houses compared to the ten houses and cottages rented out to party and wedding guests continuing their parties after the wedding finished in the wee hours of the morning before 2014. To imply that a family house built within the Kitchen Walled Garden will add to 'noise and disturbance' to them, is absurd malicious nonsense.

In fact the exact opposite is more likely. If there were to be no holiday lets, and all the properties were residential as is the former Hotel, then any noise levels would reduce even further. Residents make less noise than holiday makers enjoying themselves.

I would also add that, what has badly damaged the amenity of the area, is the prison like McCarthy and Stone building of 34 apartments, squashed into a tiny plot at the bottom of my drive, absolutely destroying the family amenity and outlook from Altamount Chalets and our former tree lined drive which has been completely demolished.

The planning application is for us to build a family home within the grounds of The Kitchen Walled Garden that we retained when selling some of the other land and buildings. The proposed house sits within a one acre site surrounded by a ten / twelve foot solid brick wall, then surrounded by drives, cottages and woods, very private and not overlooked by anyone on Sheila Road, Emma Street or Coupar Angus Road. In fact the proposed house is only overlooked by two dormer windows in the roof of the Altamount House 150 feet away.

Yours Sincerely

Robert Fraulo