

**TCP/11/16(306)**  
**Planning Application 14/00004/FLL – Alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED**

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**TCP/11/16(306)**  
**Planning Application 14/00004/FLL – Alterations and**  
**extension to dwellinghouse, Murray Cottage, 54 Bonnethill**  
**Road, Pitlochry, PH16 5ED**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



CHIEF EXECUTIVES  
DEMOCRATIC SERVICES  
/ 3 JUN 2014  
RECEIVED

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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 2013

**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.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRT + MRS	Ref No.	
Forename		Forename	JACK
Surname	WEATHERHEAD	Surname	PEELEN
Company Name		Company Name	CRSMITH
Building No./Name	54	Building No./Name	
Address Line 1	BONNETHILL ROAD	Address Line 1	GARDEE GARDENERS
Address Line 2		Address Line 2	STREET
Town/City	PITLOCHRY	Town/City	DUNFERMLINE
Postcode	PH16 5ED	Postcode	KY12 0RN
Telephone		Telephone	01883 732181
Mobile		Mobile	
Fax		Fax	
Email		Email	jack.peelen@crsmith.co.uk

3. Application Details	
Planning authority	PERTH + KINROSS.
Planning authority's application reference number	14/00004/FLL
Site address	MURRAY COTTAGE 54 BONNETHILL ROAD PITLOCHRY PH16 5ED
Description of proposed development	Construction of conservatory

Date of application

24/12/13

Date of decision (if any)

12/3/14

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

#### 4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

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)

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

#### 6. 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.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☒

If you have marked either of the first 2 options, 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 necessary.

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☒

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

## 8. 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 find enclosed documents,

- Grounds of Appeal (with photo's).
- Planning Permission Drawings.
- Land ownership doc.
- Letter from Ms Weatherhead (client)
- Pre-application advice from Council.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

## 9. 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

Grants of appeal.

**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.

## 10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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.

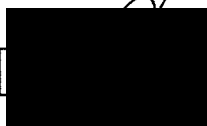


**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

JACK PEDEN

Date:

16 / 5 / 14.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.





home sweeter home

## **Grounds of Appeal**

*On behalf of*

**Ms Weatherhead  
54 Bonnethill Road  
Pitlochry  
PH16 5ED**

## **Proposed Conservatory to Dwelling House**

*Planning ref – 14/00004/FLL*

**Date of decision – 12<sup>th</sup> March 2014**

## Property & Introduction

The following statement is to be read in conjunction with our appeal against Perth & Kinross Council's decision to refuse planning permission for our proposal to erect a conservatory to the side of 54 Bonnethill Road, Pitlochry.

The property site is part of a collection of 3 cottages, one of which is joined to number 54 while the other sits on its own across from the other two. All properties currently look into a shared drying green.

The property in question currently has a timber lean-to conservatory with large glazed windows facing north and a glazed door facing into the shared drying green. Our client wishes to utilise the only reasonable area whereby she can extend her property in order to make the existing structure into an all year round habitable living space.

The proposals are to remove the existing timber structure and replace with a conservatory that will have a larger footprint and taller ridge height.

## Grounds of Appeal

The refusal of the planning application states that;

*"The proposed conservatory, by way of its close proximity to the boundary would cause a significant and unacceptable amount of overlooking, to the detriment of the privacy and residential amenity of neighbouring properties at 1 and 3 Murray Place."*

We feel that due to the existing property's extension and the close proximity to neighbouring properties which share adjacent land, there is no difference or further overlooking concerns to our proposals than what is currently in situ.

Without looking at the existing or proposed extension, all windows from all properties within the communal area look towards each other already. This would suggest that even if our proposals do look towards other properties, what is currently and originally there overlooks already. It was suggested that a calculation by the planner, which protects intrusion, was undertaken and that the outcome was that the glazing on our proposals is too close to other properties. This seems unfair due to the close proximity of all the properties within the communal area and that all-existing windows and doors would fall short of this condition. This emphasises how unreasonable this refusal in terms of taking in consideration the site constraints.

Our proposal sits on a side elevation of the existing building, replacing a structure that acts as a divide between the property and the drying green. It also acts as an access for our client to get into the rear communal area, a purpose which our client wishes to remain. The only real difference is the increase in size projecting to the north, and amount of glazing purely to make an additional living area to our client's property.

The new conservatory will sit within our client's private land and only look onto the shared land. To the north there is vegetation which will remain, blocking off any intrusion from the neighbouring garden the north. It must be noted that none of the windows from this property look directly onto our proposals and only if you were

press your face against the glass would you be able to see the conservatory. Therefore there would be no impact on privacy into or out of our proposals.

Further to this our client had submitted a pre-application to the planning department who had advised that she should go ahead with a full application as no real issue was sought of however they couldn't pass comment on the overlooking/privacy of the application. This is extremely frustrating for our client, as she feels misinformed by Perth & Kinross Council.

I have attached photos of the site where you will see the existing structure and the area which is currently a patio area that we wish to extend onto.

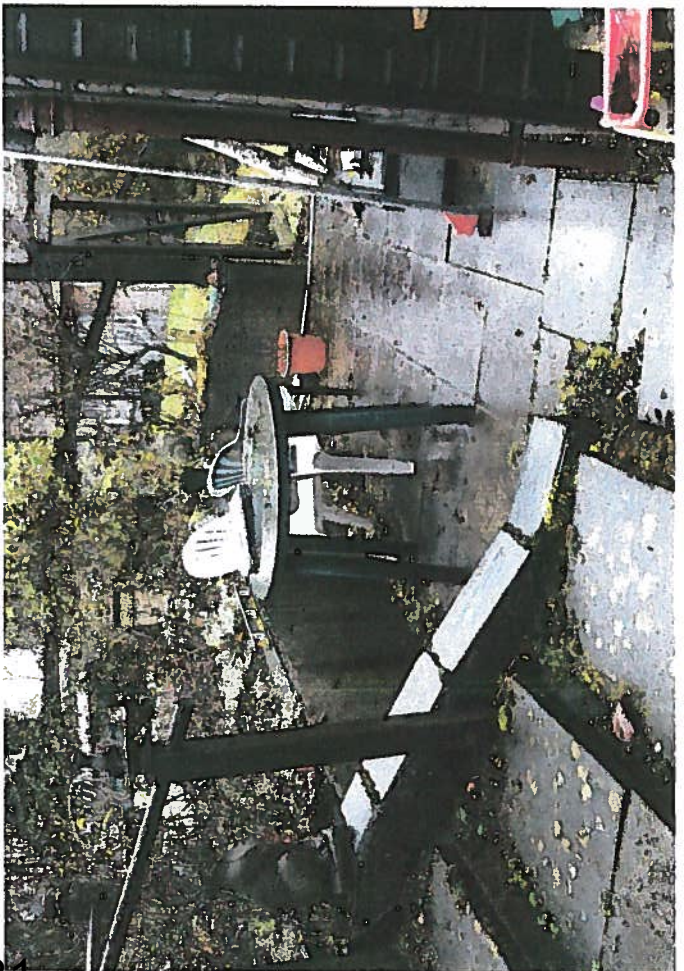
### Conclusion

The Planning Department has refused our application to erect a conservatory in place of an existing structure to the side elevation to our client's property. It has been refused on the basis that there will be overlooking/privacy concerns into the communal area shared between our client and two neighbouring properties. We strongly believe that our proposals will not increase any overlooking that is currently already there due to the site circumstances. In addition to this, we are replacing a structure, which is now surplus to requirements and is the only suitable location for extending. The conservatory we propose will enhance the overall look of the property and create a more habitable space for our client to enjoy.

We therefore seek to appeal the decision of the Planning Department.







528659

OVERVIEW



Blow up







CCTV



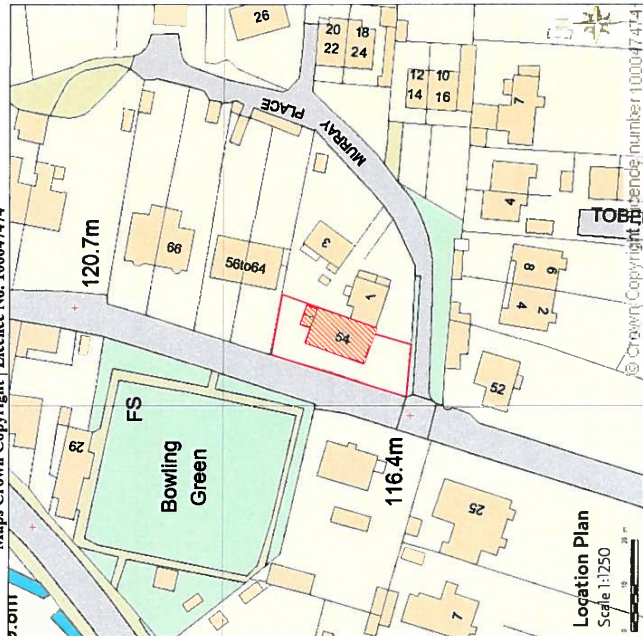
WEDNESDAY 657875











# CR SMITH

home sweeter home

This drawing is for illustration purposes only therefore nothing contained herein shall constitute or form any part of any contract

CLIENT Mr & Mrs Weatherhead  
 54 Bonnet Hill Road  
 Pitlochry

TELEPHONE POSTCODE PH16 5ED

PROJECT SPECIFICATION  
 Proposed conservatory to property

3 March 2014 - Information on site added.

CONTRACT No 65787501 DRAWING No 001

DRAWING BY Jack Peden

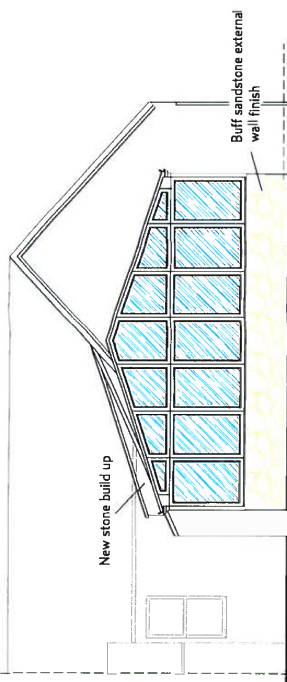
SCALE As illustrated DATE 24/12/13

REVISIONS

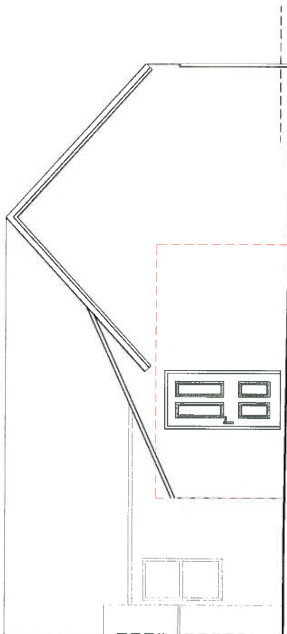
jack.peden@crsmith.co.uk

WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

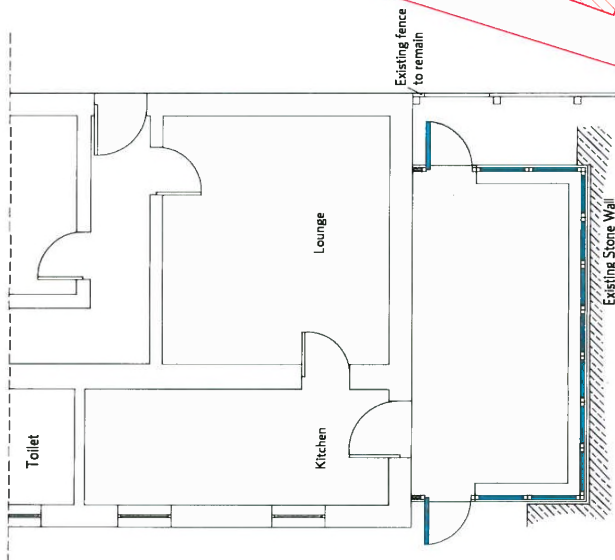
SIGNED: DATE:



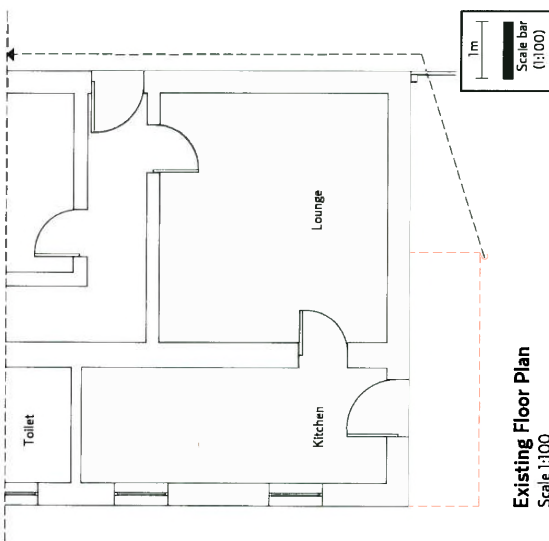
**Proposed North Elevation**  
 Scale 1:100



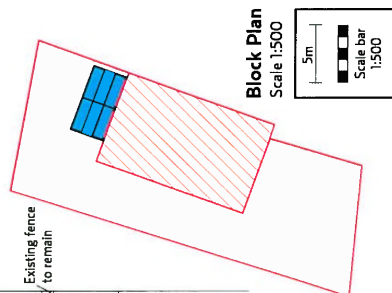
**Existing North Elevation**  
 Scale 1:100



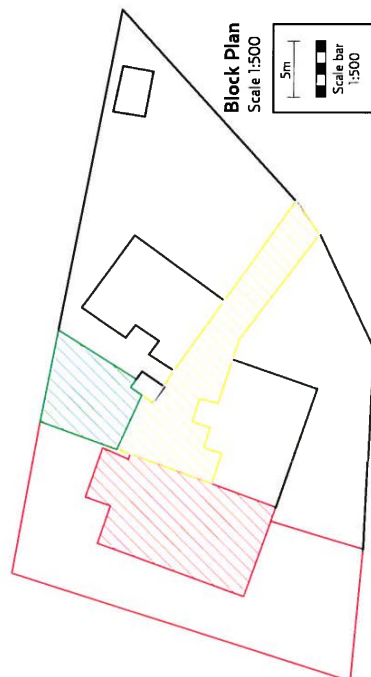
**Proposed Floor Plan**  
 Scale 1:100



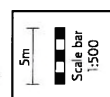
**Existing Floor Plan**  
 Scale 1:100



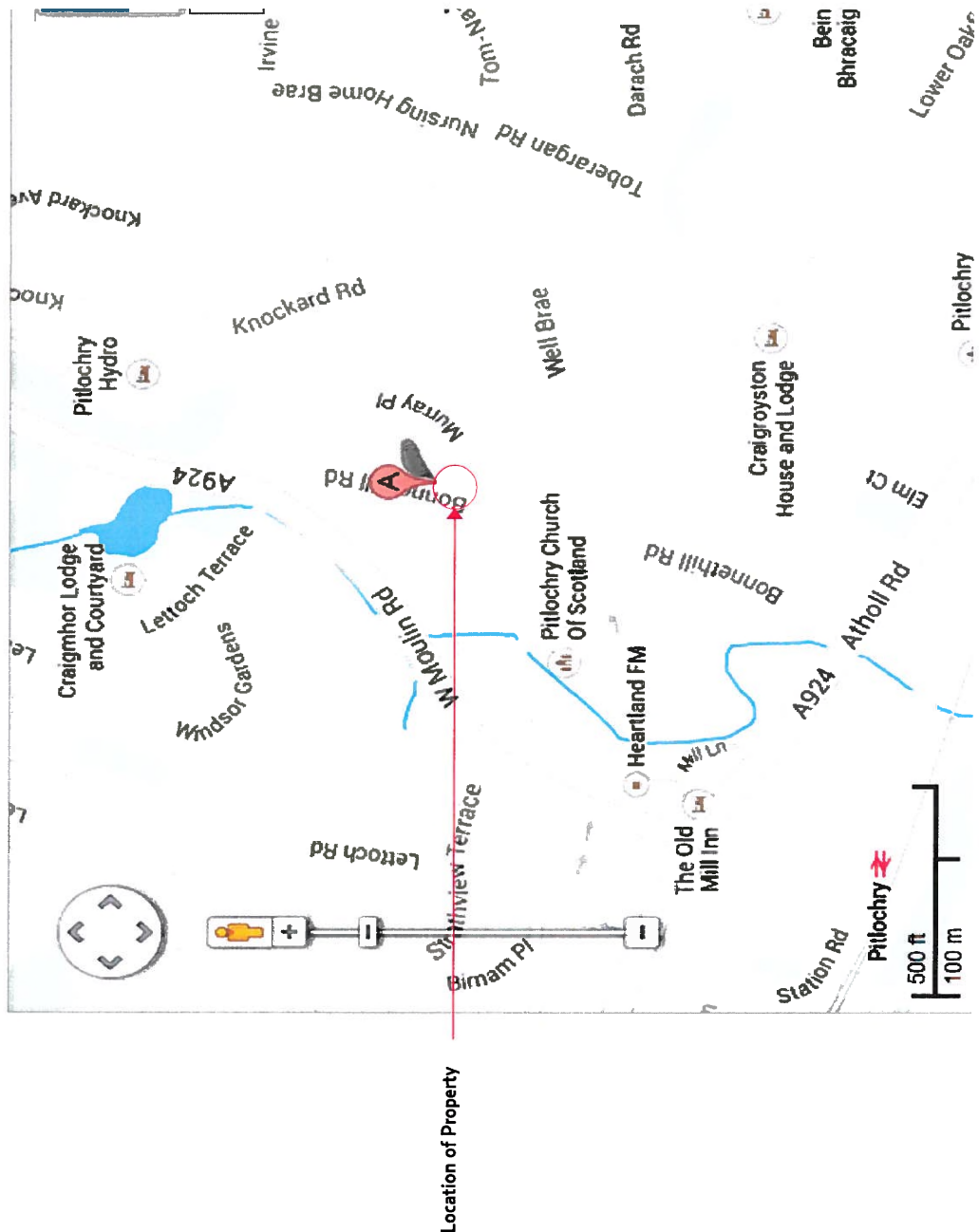
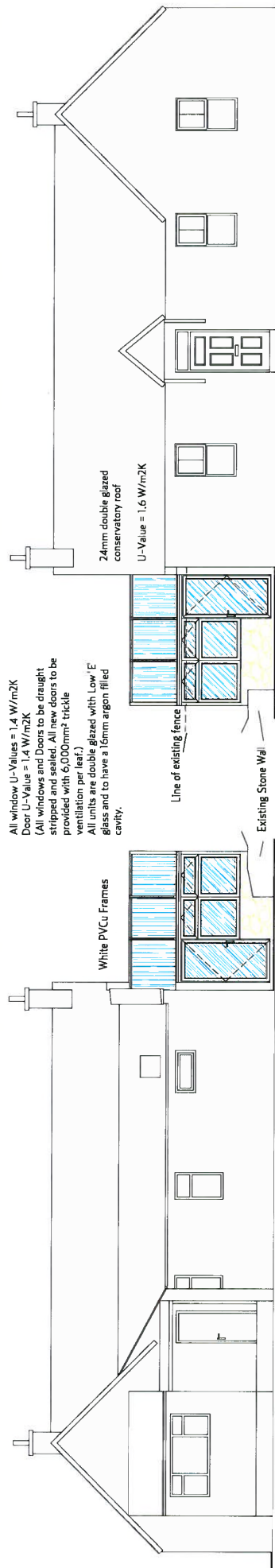
**Block Plan**  
 Scale 1:500



**Block Plan**  
 Scale 1:500



Areas of property under title deeds for 54 Bonnet Hill Road. Red area is sole/land of 54 Bonnet Hill Road. Areas marked green and yellow are mutual shared between the three properties on this area of land.



**CR SMITH**  
home sweeter home

This drawing is for illustration purposes only therefore nothing contained herein shall constitute or form any part of any contract

CLIENT Mr & Mrs Weatherhead  
54 Bonnethill Road  
Pitlochry

TELEPHONE POSTCODE PH16 5ED

PROJECT SPECIFICATION  
Proposed conservatory to property

CONTRACT No 65787501 DRAWING No 002

DRAWING BY Jack Peden

SCALE As illustrated DATE 24/12/13

REVISIONS

jack.peden@crsmith.co.uk

WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

SIGNED:..... DATE:.....



# LAND REGISTER OF SCOTLAND



**TITLE NUMBER** PTH559

**A 1**

## **A. PROPERTY SECTION**

**DATE OF FIRST REGISTRATION**

09 JUN 1999

**DATE TITLE SHEET UPDATED TO**

09 JUN 1999

**DATE LAND CERTIFICATE UPDATED TO**

09 JUN 1999

**INTEREST**

PROPRIETOR

**MAP REFERENCE**

NN9458

### **DESCRIPTION**

Subjects MURRAY COTTAGE, 54 BONNETHILL ROAD, PITLOCHRY PH16 5ED tinted pink on the Title Plan. Together with (One) a right in common along with the proprietors of 1 Murray Place and the dwellinghouse known as Corrie Cottage, Pitlochry to (a) the drying green tinted green on the Title Plan declaring that the said drying green shall be used exclusively as a drying or bleaching green and for no other purpose, (b) the back yard and access road tinted yellow on the said Plan, (c) the wash house tinted mauve on said Plan and (d) the water mains, drains, sewers, gas pipes, electric cables and others so far as the same are mutual, (Two) a right in common with the proprietor of the said 1 Murray Cottage to the gables, roofs, rhones, downpipes and others so far as the same are common and mutual, (Three) free ish and entry by Bonnethill Road and Murray Place.

**Note**

The minerals are excepted. The conditions under which the minerals are held are set out in the Feu Disposition in Entry 1 of the Burdens Section.





LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

2891  
1/9/1999

TITLE NUMBER

**PTH559**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

Scale

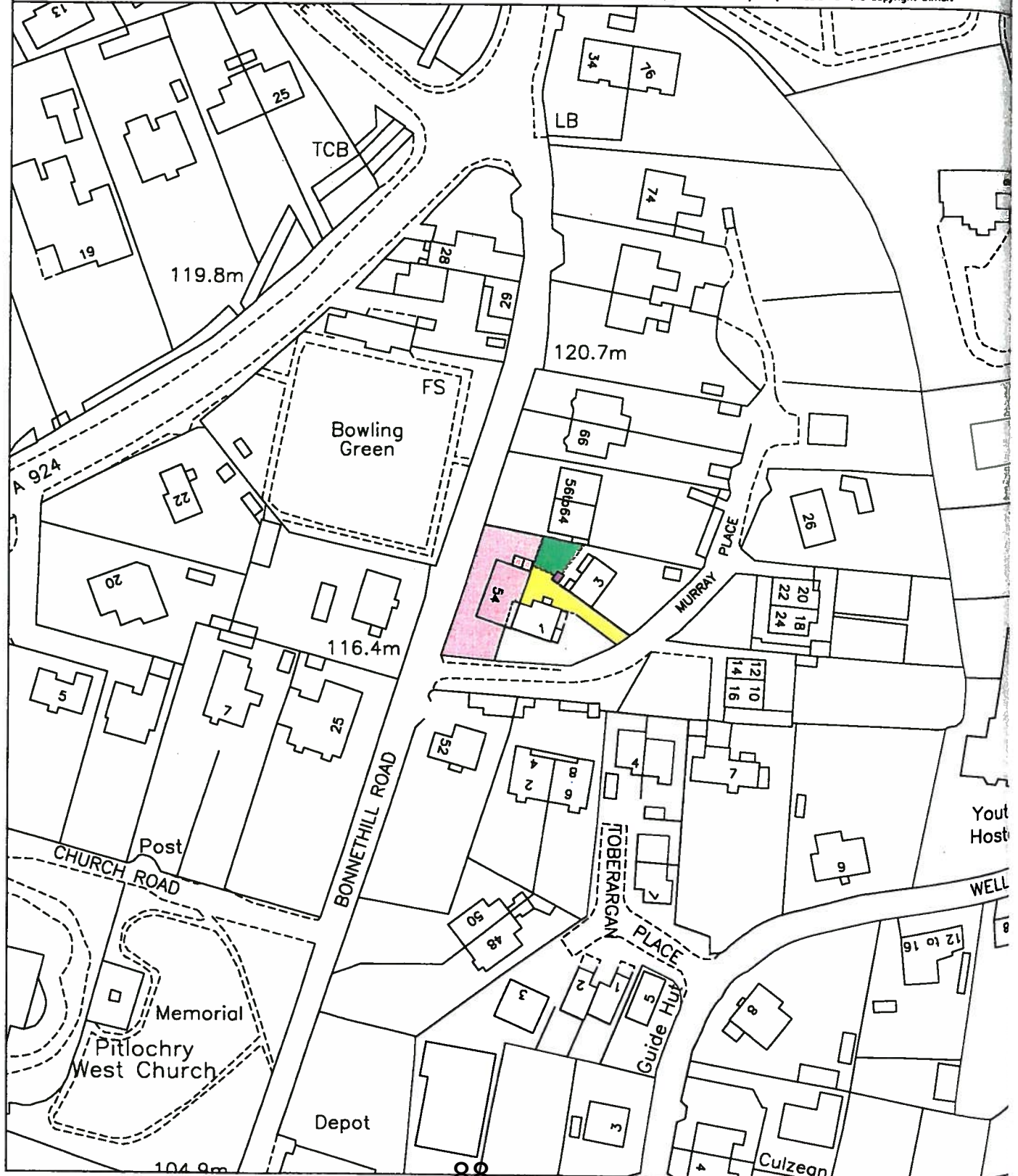
1/1250

NN9458 NN95NW

Survey Scale

1/2500

CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 01/09/1999 and was made with the authority of Ordnance Survey pursuant to Section 47 of the Copyright, Designs and Patents Act 1988. Unless that act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



## Jack Peden

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**From:** Linda Pagan  
**Sent:** 31 March 2014 15:05  
**To:** Jack Peden  
**Subject:** FW: CR Smith Contact Us

---

**From:** CR Smith [mailto:sender@crsmith.co.uk]  
**Sent:** 31 March 2014 15:04  
**To:** ian@elasticcreative.co.uk; sales.crsmith@gmail.com; Linda Pagan  
**Subject:** CR Smith Contact Us



---

Miss Weatherhead, thank you for your enquiry. We aim to answer you with in 24 hours.

Nature of enquiry : General Enquiry

Title : Miss

First Name : Janet

Second Name : Weatherhead

Email : janetweatherhead@gmail.com

Address 1 : 54 Bonnethill Road

Address 2 :

Town : PITLOCHRY

Postcode : PH16 5ED

Telephone : 01796 473762

Newsletter : Yes

Comments : Please ignore email address sent with this a few minutes ago. My email address is as above. Thanks Dear Sir, Re: Planning application 13/00637/PREAPP I am writing to urge you to reconsider your refusal to grant permission for me to build a conservatory at my home, 54 Bonnethill Road. Pitlochry. Your regulation re minimum clearance is designed to protect the privacy of my neighbours and myself, but I would like to provide some information on the impact

that the proposed build would have. I hope to demonstrate that the issue of privacy can be and is being dealt with intelligently and sensitively by the three households concerned. 54 Bonnethill Road and numbers 1 and 3 Murray Place all have windows in walls which run along the actual boundary of the ground they share, used as a car parking area. The proposed east wall of the conservatory would be circa 1 meter inside the boundary and therefore better than the existing situation, which itself is not seen as a difficulty by the three households. At its closest the distance between the kitchen windows between numbers 1 and 3 across the shared ground is circa 6 meters. This is not perceived as a difficulty. From inside of the houses of the two Murray Place properties there is a window in each one which would afford a view of the conservatory, as it already does. From number 1 the extreme north east end of the conservatory would be visible from the kitchen window over a distance of some 20 metres. From the tiny laundry of number 3, a view of the east side of the conservatory could be had over a distance of some 18 metres through an 8 foot metal link fence covered in screening climbing plants. Wherever the boundaries lie, both these distances exceed your critical figure of 9 metres and both afford more privacy than many a house on an urban street has from the pavement. These two measurements are the actual realistic sight lines on the ground irrespective of boundaries. I submit that they are more relevant to privacy than the location of the boundaries particularly so as the issue of contemporary criteria is irrelevant when historic building boundaries have so obviously compromised the principal. Both 1 and 3 Murray Place have gardens on their eastern side overlooking Murray Place which afford the residents space to recreate, sit out and garden. None of us use the car park area and the drying green for any other purpose than those indicated by their titles. The degree to which the conservatory could be overlooked from the car park and drying green is obviously considerable, but given the time taken to wash a car or hang out washing it is scarcely a huge concern. In any case, I was planning to fit the conservatory with custom made blinds at all windows. There is a small lavatory window at the first floor level on the south facing wall of Mayfield (property to the north on Bonnethill Road). I really cannot consider this as a risk to privacy. In any case this window overlooks the drying green and not the conservatory. The west facing windows of the first and second floor of Mayfield have a limited view of the conservatory due to the angle involved, topography (the conservatory would be dug into a bank along its northern wall) and the 8 ft high fence covered in plants. In addition, the flower bed along the north wall of the conservatory is fully planted up and would provide extra screening. I appreciate that your site visit was made in January when all the plants were pruned down but for most of the year plant growth and cover is considerable. I have been in both the first and second floor flats at Mayfield and I know that in order to get a good look at the conservatory site it would be necessary to lean out of the windows. Only the extreme north west corner would be visible. I am not proposing to conduct myself in the conservatory in a manner likely to incur prurient curiosity or embarrassment. I know exactly what could or could not be seen from the adjoining properties. I am a disabled pensioner who from time to time is confined to a wheelchair, a situation which will only increase with time. I cannot manoeuvre my wheelchair in the existing conservatory and had hoped to build a larger one so that I could do so and enjoy my lovely garden at the same time. Your decision deprives me of the ability to sit quietly, in comfort, in my own home and enjoy my garden as I get older and as my ability to enjoy the outside world decreases. I am deeply upset that, albeit not intentionally, you are using a guideline designed for my protection to deprive me of my legitimate and modest aspirations on my own property. Finally, I submit that any future purchasers of the properties concerned would be well able to see the situation for themselves and be able to make an informed decision about buying any of the properties concerned. Yours faithfully, Janet Weatherhead

Dear Sir, Re:

Planning application 13/00637/PREAPP I am writing to urge you to reconsider your refusal to grant permission for me to build a conservatory at my home, 54 Bonnethill Road. Pitlochry. Your regulation re minimum clearance is designed to protect the privacy of my neighbours and myself, but I would like to provide some information on the impact that the proposed build would have. I hope to demonstrate that the issue of privacy can be and is being dealt with intelligently and sensitively by the three households concerned. 54 Bonnethill Road and numbers 1 and 3 Murray Place all have windows in walls which run along the actual boundary of the ground they share, used as a car parking area. The proposed east wall of the conservatory would be circa 1 meter inside the boundary and therefore better than the existing situation, which itself is not seen as a difficulty by the three households. At its closest the distance between the kitchen windows between numbers 1 and 3 across the shared ground is circa 6 meters. This is not perceived as a difficulty. From inside of the houses of the two Murray Place properties there is a window in each one which would afford a view of the conservatory, as it already does. From number 1 the extreme north east end of the conservatory would be visible from the kitchen window over a distance of some 20 metres. From the tiny laundry of number 3, a view of the east side of the conservatory could be had over a distance of some 18 metres through an 8 foot metal link fence covered in screening climbing plants. Wherever the boundaries lie, both these distances exceed your critical figure of 9 metres and both afford more privacy than many a house on an urban street has from the pavement. These two measurements are the actual realistic sight lines on the ground irrespective of boundaries. I submit that they are more relevant to privacy than the location of the boundaries particularly so as the issue of contemporary criteria is irrelevant when historic building boundaries have so obviously compromised the principal. Both 1 and 3 Murray Place have gardens on their eastern side overlooking Murray Place which afford the residents space to recreate, sit out and garden. None of us use the car park area and the drying green for any other purpose than those indicated by their titles. The degree to which the conservatory could be overlooked from the car park and drying green is obviously considerable, but given the time taken to wash a car or hang out washing it is scarcely a huge concern. In any case, I was planning to fit the conservatory with custom made blinds at all windows. There is a small lavatory window at the first floor level on the south facing wall of Mayfield (property to the north on Bonnethill Road). I really cannot consider this as a risk to privacy. In any case this window overlooks the drying green and not the conservatory. The west facing windows of the first and second floor of Mayfield have a limited view of the conservatory due to the angle involved, topography (the conservatory would be dug into a bank along its northern wall) and the 8 ft high fence covered in plants. In addition, the flower bed along the north wall of the conservatory is fully planted up and would provide extra screening. I appreciate that your site visit was made in January when all the plants were pruned down but for most of the year plant growth and cover is considerable. I have been in both the first and second floor flats at Mayfield and I know that in order to get a good look at the conservatory site it would be necessary to lean out of the windows. Only the extreme north west corner would be visible. I am not proposing to conduct myself in the conservatory in a manner likely to incur prurient curiosity or embarrassment. I know exactly what could or could not be seen from the adjoining properties. I am a disabled pensioner who from time to time is confined to a wheelchair, a situation which will only increase with time. I cannot manoeuvre my wheelchair in the existing conservatory and had hoped to build a larger one so that I could do so and enjoy my lovely garden at the same time. Your decision deprives me of the ability to sit quietly, in comfort, in my own home and enjoy my garden as I get older and as my ability to enjoy the outside world decreases. I am deeply upset that, albeit not intentionally, you are using a guideline designed for my protection to deprive me of my legitimate

and modest aspirations on my own property. Finally, I submit that any future purchasers of the properties concerned would be well able to see the situation for themselves and be able to make an informed decision about buying any of the properties concerned. Yours faithfully, Janet Weatherhead

Visitor ID : 1203401788

Google ID : co-4373

Many thanks,

**CR Smith**

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CR Smith Glaziers (Dunfermline) Ltd Registered Office: Gardeners Street, Dunfermline, Fife, KY12 0RN Registered in Scotland No. SC51530



**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45am –  
11.00am on the 1<sup>st</sup> Thursday of each  
month*

**Ms J Weatherhead  
54 Bonnethill Road  
Pitlochry  
PH16 5ED**



**Planning and Regeneration  
Head of Service David Littlejohn**

**Pullar House 35 Kinnoull Street  
Perth PH1 5GD**

**Contact Richard Welch  
Direct Dial 01738 476598  
E-mail: REWelch@pkc.gov.uk**

**Our ref 13/00637/PREAPP;  
13/00638/PREAPP**

**Date 18 November 2013**

**Dear Madam**

**Pre-application inquiry: proposed replacement conservatory and enclosed porch at  
54 Bonnethill Road, Pitlochry**

I refer to your two letters of 23 September and apologise for the delay in a response.  
Thank you for the information and photographs supplied.

The relevant policies in the Perth and Kinross Council Local Development Plan are PM1 (Placemaking), RD1 (Residential areas) and HE3 (Conservation Areas). The Pitlochry Conservation Area Appraisal also acts as supplementary planning guidance.

In terms of impact upon the conservation area I have no objections in principle to your proposals. The design and scale of the new conservatory is suitably subservient to the host building. The proposed enclosure of the porch follows a traditional design approach suitable for the locality. In terms of impact on residential amenity it is important that the enlarged conservatory will not create any significant overlooking issues.

Please note that I have not necessarily identified or had the opportunity to assess all of the material considerations which might influence the determination of any planning application. The Council is not bound by this advice in the event that you submit a planning application. It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

I hope however that this letter is of some assistance to you.

**Yours sincerely**

  
**Richard Welch  
Conservation Officer**

**Jim Valentine  
Executive Director**



**TCP/11/16(306)**  
**Planning Application 14/00004/FLL – Alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 85-86)*



# PERTH AND KINROSS COUNCIL

Mr And Mrs Weatherhead  
c/o CR Smith  
FAO Jack Peden  
Gardeners Street  
Dunfermline  
KY12 0RN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 12th March 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00004/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 13th January 2014 for permission for **Alterations and extension to dwellinghouse Murray Cottage 54 Bonneathill Road Pitlochry PH16 5ED** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposed conservatory, by way of its close proximity to the boundary would cause a significant and unacceptable amount of overlooking, to the detriment of the privacy and residential amenity of neighbouring properties at 1 and 3 Murray Place. Approval would therefore be contrary to Policy RD1 of the Perth \_ Kinross Local Development Plan 2014, which seeks to retain and where possible improve existing residential amenity.

### Justification

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

## Notes

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

### Plan Reference

14/00004/1

14/00004/3

14/00004/4

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/00004/FLL	
Ward No	N4- Highland	
Due Determination Date	12.03.2014	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** Murray Cottage 54 Bonnethill Road Pitlochry PH16 5ED

#### **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:** 30 January 2014

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application is to extend an existing semi-detached dwellinghouse by means of a conservatory at 54 Bonnethill Road, Pitlochry which is located within the Conservation Area.

The applicant is proposing to remove an existing timber structure on the north elevation and replace it with a larger conservatory. The site itself has no rear garden or private parking areas associated with the dwelling, however, there is a communal grassed area possibly used as a drying green which is shared by this property and numbers 1 and 3 Murray Place. There is also a parking area to the rear which is shared between all 3 properties.

## **SITE HISTORY**

None Recent

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 13/00637/PREAPP

A pre-application enquiry was received in relation to the proposal. The response indicated that the proposal was acceptable in terms of the design and scale. In terms of impact on residential amenity advice was given that the enlarged conservatory should not create any significant overlooking issues. This letter was dated 18 November 2013.

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, 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**

Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:-

Policy 3: Managing TAYplan's Assets

Policy 3 seeks to safeguard townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.



## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It 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 open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

## **OTHER POLICIES**

None

## **CONSULTATION RESPONSES**

Scottish Water      No Objections

## **REPRESENTATIONS**

No letter of representation were received at the time of report.

**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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

**APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In accordance with Section 65 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 the application has been advertised in the Local Press as potentially affecting the character or appearance of a conservation area and a site notice has been erected at the site on 30 January 2014.

The determining issues in this case are:- the statutory requirement under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area; whether the proposal complies with the development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Local Development Plan in this instance are Policies RD1 and HE3 which relate to residential areas and conservation areas and are considered the predominant criteria in the determination of this application.

**Policy Appraisal**

The site is located within the settlement boundary of Pitlochry where Policies RD1: Residential Areas and HE3A: Conservation Areas are directly applicable. Policies RD1 and HE3A states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area. Development within a Conservation Area must preserve or enhance its character or appearance.

The scale and design of the proposal is not considered to impact on the character and visual amenity of the surrounding area, however, due to the location of the windows being within 9m of the boundary this is likely to impact on the residential amenity of the neighbouring properties.

### **Design and Layout**

The proposed conservatory measures approximately 19 metres squared which is an increase of 13 metres squared compared to the existing structure. The conservatory will be set in white PVCu frames with glazing on all 3 elevations. The base of the conservatory will be finished in a buff sandstone. Overall I consider the conservatory is in keeping with the existing house in terms of scale, layout and design and does not affect the character of the surrounding area.

### **Residential Amenity**

My concern with this proposal is the close proximity of the glazing to the eastern boundary. Conservatories have the potential to result in overlooking to neighbouring dwellings and garden ground due to the volume of glazing. There is a need to secure privacy for all the parties to the development those who would live in the new extension and those that live in adjoining dwellings. The Council normally requires that windows are situated at least 9 metres from the boundary with any neighbouring property in order to provide a reasonable distance to reduce the impact of any overlooking. In this instance, the windows will be located only 0.5 metres from the eastern boundary. Due to the location of the windows being within 9m of the boundary this is likely to impact on the residential amenity of the neighbouring properties. Although there are areas which are communal, those using them are entitled to privacy if they so wish it. The Council have a minimum standard of 18m window to window relationship which is normally a 9m distance from any window to the boundary. The windows located on the north boundary do not meet this requirement either so mitigating factors would need to be presented which allows for the residential amenity of the properties to the north to be retained.

Although there is an existing structure which has windows already on the north/east elevation, this does not appear to benefit from a planning application. It may be the case that this was permitted development at the time of construction or it may pre-date our records. It may be argued that the proposed conservatory is no more onerous than the existing structure in terms of overlooking, however, the proposal is much larger and would offer a larger seating area and may result in a higher degree of overlooking due to the increased volume of glazing. Nonetheless, I have to assess the application as submitted and on current planning matters and policies and the proposal 'as is' does not comply with policy RD1 of the Local Development Plan.

I raised my concerns with the Agent and offered advice in relation to replacing the glazing/door on the east elevation with a solid wall. I also indicated that high level windows may be acceptable, however, amended plans were not submitted and no further design negotiations have taken place.

As a result, the proposed conservatory will introduce an unacceptable impact on the privacy of the neighbouring properties, albeit communal land, and as such is contrary to Policy RD1 of the Local Development Plan which, amongst other criteria, requires all development to be compatible with its surrounding and existing residential amenity will be protected and, where possible, improved.

### **Visual Amenity**

I do not consider the proposed conservatory will create a significant visual impact on the dwelling or the surrounding area.

### **Roads and Access**

The existing access and parking arrangement will be maintained and are not affected by this proposal.

### **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.

### **Application Processing Time**

The recommendation for this application has been made within the statutory determination period.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with 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 recommend for refusal.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

The proposed conservatory, by way of its close proximity to the boundary would cause a significant and unacceptable amount of overlooking, to the detriment of the privacy and residential amenity of neighbouring properties at 1 and 3 Murray Place. Approval would therefore be contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, which seeks to retain and where possible improve existing residential amenity.

#### **Justification**

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

#### **Procedural Notes**

Not Applicable.

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

14/00004/1  
14/00004/3  
14/00004/4

**Date of Report** 11.03.2014



**TCP/11/16(306)**  
**Planning Application 14/00004/FLL – Alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED**

## **REPRESENTATIONS**

- Representation from Scottish Water, dated 18 February 2014





18<sup>th</sup> February 2014



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

**SCOTTISH WATER**

Customer Connections  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Customer Support Team  
T: 0141 414 7162  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [individualconnections@scottishwater.co.uk](mailto:individualconnections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 14/00004/FLL**  
**DEVELOPMENT: Pitlochry**  
**OUR REFERENCE: 649731**  
**PROPOSAL: Alterations and extension to dwellinghouse**

**Please quote our reference in all future correspondence**

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Killiecrankie Water Treatment Works may have capacity to service this proposed development.

Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Pitlochry Waste Water Treatment Works may have capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Lisa Main**  
Customer Connections Administrator