

TCP/11/16(327)
Planning Application 14/01269/FLL Erection of timber boundary fences and decking (in retrospect), 55 Grange Terrace, Perth, PH1 2JR

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TCP/11/16(327)
Planning Application 14/01269/FLL Erection of timber
boundary fences and decking (in retrospect), 55 Grange
Terrace, Perth, PH1 2JR

**PAPERS SUBMITTED
BY THE
APPLICANT**

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	<input type="text" value="Mr & Mrs"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="B"/>	Forename	<input type="text"/>
Surname	<input type="text" value="McArthur"/>	Surname	<input type="text"/>
Company Name <input type="text"/>		Company Name <input type="text"/>	
Building No./Name	<input type="text" value="55"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Grange Terrace"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Perth."/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="PH1 2JR"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>

3. Application Details

Planning authority

Planning authority's application reference number

Site address

55 Grange Terrace, Perth. PH1 2JR

Description of proposed development

Erection of Timber Boundary Fence. [In Retrospect]

Date of application

15th July 2014

Date of decision (if any)

1st September 2014

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.

See Attached Statement.

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

Application for Planning Permission.
Drawing.
Photographs.
Statement.
Report of Handling.
Decision Notice.
Neighbour Letter of Support.

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 ☒

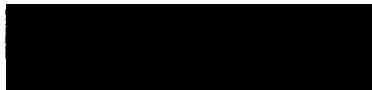
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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:

B McArthur

Date:

7-11-14.

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.

14/01269/PL

RECEIVED

15 JUL 2014

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application
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	Mr & Mrs	Ref No.	
Forename	B	Forename	Allan
Surname	McArthur	Surname	Thomson
Company Name		Company Name	
Building No./Name	55	Building No./Name	102 Tweedsmuir Road,
Address Line 1	Grange Terrace,	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Perth.	Town/City	Perth.
Postcode	PH1 2JR	Postcode	Ph1 2HG
Telephone		Telephone	01738 627994
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Address or Location of Proposed Development (please include postcode)			
55 Grange Terrace, Perth. PH1 2JR			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
Erection of Timber Boundary Fences & Decking.			
Have the works already been started or completed Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started: 01.07.14		Date completed: 02.07.14	

If yes, please explain why work has already taken place in advance of making this application.

Applicant was unaware that Planning Consent was required.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☒

Signature:

Name: Allan Thomson

Date: 14.07.2014

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.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant ☒ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed: [REDACTED]

On behalf of: Mr & Mrs B McArthur

Date: 14.07.2014

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01269/FLL	
Ward No	N11- Perth City North	
Due Determination Date	14.09.2014	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of timber boundary fences and decking (in retrospect)

LOCATION: 55 Grange Terrace Perth PH1 2JR

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: 24 July 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

55 Grange Terrace is a mid-terrace house which is located within a residential area in Letham, Perth.

This detailed application seeks retrospective planning permission to form a raised timber decking (with associated balustrading) in the front garden and to enclose the front garden with a 1.8m high timber fence.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: Not applicable.

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**, and a series of Circulars.

PAN 77 – Designing Safer Places (The Scottish Executive, 2006)

Boundary treatments – Appropriate boundary treatment can help to increase the feeling of community ownership and responsibility. Walls, fences, hedges and changes in levels or materials can all help to define public, private and semi-private spaces. Care should be taken to ensure that the boundary treatment is appropriate for its location and is well maintained. Boundary treatments should be functional without compromising the aesthetics of the surrounding area or other safety principles, such as natural surveillance.

“Scottish Planning Policy” (The Scottish Government, 2014)

Planning should take every opportunity to create high quality places by taking a design-led approach. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term...

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place, including;

Safe and Pleasant – This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

“Designing Places” (The Scottish Executive, 2001)

The most successful places, the ones that flourish socially, tend to have certain qualities in common. First, they have a distinct identity. Second, their

spaces are safe and pleasant. Third, they are easy to move around, especially on foot. Fourth, visitors feel a sense of welcome.

“Designing Streets” (The Scottish Government, 2010)

This document underpins Scottish Ministers’ resolve to move away from a prescriptive, standards-based approach in order to return to one which better enables designers and local authorities to unlock the full potential of our streets to become vibrant, safe and attractive places... The orientation of streets can have a large impact... as well as contributing to perceptions of safety and attractiveness.

“Creating Places” (The Scottish Government, 2013)

This policy statement considers ‘place’ to comprise: the environment in which we live, the people that inhabit these spaces and the quality of life that comes from the interaction of people and their surroundings and states that architecture, public space and landscape are central to this.

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

Policy 2F To deliver better quality development, proposals should ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding its context.

Outside – In: Understanding how a site works in its wider location... and how that shapes what happens within is essential to integrating new development.

Inside – Out: Conversely, considering how the site connects from the inside-out and builds on existing features, networks and infrastructure, enhancing these through new development.

Integrate Networks: Making it easy, safe and desirable to walk and cycle within and between neighbourhoods... and enhance these areas to deliver a better quality of place and life.

Work with the grain of the place: Respecting and working with the grain of a place. This approach will help determine the size, shape and form of development and how it can respond to adaptation to help achieve future-proofing our new communities and facilities.

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 PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Proposals should also incorporate new landscape works appropriate to the local context and scale and nature of the development.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria. The criteria specifically applicable in this case are;

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography... as well as the wider landscape character of the area.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) ... Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

Policy RD1 - Residential Areas

In identified areas, 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.

OTHER POLICIES

Perth & Kinross Council Placemaking Guide:

Balconies above ground floor level, roof gardens, decking and raised patios will generally be resisted where they diminish the privacy of neighbouring houses and gardens or raise safety concerns.

CONSULTATION RESPONSES

None required

REPRESENTATIONS

Two letters of representation have been received in relation to this application;

- One letter of objection has been received, which raises issues of;

Loss of sunlight and the dominance of the fence which encloses the site and limits the open aspect of the neighbours' garden.

- One letter of support has also been received in favour of the retrospective proposal.

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.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Ancillary developments to an existing dwellinghouse are generally considered to be acceptable, in principle. However, detailed consideration must be given to the merits of the particular proposal in relation to the specific context of the site and the established character of the area.

Design and Layout

The front curtilage of these terraced ex-council houses generally has an open aspect, enclosed by chain-link fencing, which is sometimes supplemented by hedging. Across the footpath which serves the front garden of the application site is another terrace, which backs on to the footpath. The rear curtilage of those properties generally benefits from taller methods of enclosure (a combination of fences, hedging and bushes), as would naturally be expected, in order to afford a greater degree of privacy within the rear garden.

Residential and Visual Amenity

The two-tier timber decking adjoins the principal elevation of the house and is situated within the front curtilage of the property. The 1.8m tall fence which now encloses the decking and front garden raises a number of concerns.

Firstly, the fence has a stark and impermeable visual impact, which is not in-keeping with the open aspect character of the front of the terrace. Secondly, and more importantly, the fence creates a level of enclosure not suited to a public footpath which serves terraced housing, resulting in an unwelcoming footpath which no longer benefits from passive surveillance from the houses. Consequently, encouraging the enclosure of the front gardens along the terrace would only serve to create the perception of an unsafe place, contrary to the aims and objectives of the aforementioned national, strategic and local development planning policies.

Whilst it is accepted that there are taller fences which enclose the rear gardens (and side gardens in the case of end-terraced houses) in the area, the front gardens remain open, allowing natural surveillance from one side of each footpath. I am aware of one exception to this, which is another unauthorised fence at No. 49. The Enforcement Officer is to be informed of this in order that necessary investigations and action can be taken.

Alterations to the fence were invited throughout the course of the application (reducing its height to no taller than 1.2m along the public footpath and graduating in a steady line up to its current height where it adjoins the house). However, the applicant has requested that the application be determined based upon the current plans, reflecting the as-built development, with the intention of seeking a review of the decision through the Local Review Body.

Whilst it is regrettable that the fence has already been built, I consider it to conflict with the adopted development plan policies and I can find no material considerations which outweigh the development plan in this case. I therefore have no alternative but to recommend refusal of the application.

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.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved

TAYplan 2012 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The unauthorised fence, by virtue of its height, materials, position, extent and design, causes an unwelcoming corridor effect, leaving the public footpath without passive surveillance, thereby contributing to an unsafe environment. Approval would set a precedent for similarly unsuitable methods of enclosure and would be contrary to PAN 77, SPP, Designing Places, Designing Streets, Creating Places, TAYplan (Policy 2F) and Perth & Kinross Local Development Plan (Policies PM1A, PM1B and RD1).
- 2 The unauthorised fence is unsuited to the front curtilage of the terraced property and is therefore harmful to the character and visual amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B and RD1 of the Perth & Kinross Local Development Plan, which seek to ensure that developments are sympathetic to the character and amenity of the area and compatible with 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.

Informatives

- 1 The unauthorised fence should be removed in its entirety, with the site boundaries re-instated to their original methods of enclosure within three months of this decision notice. Failure to do so could result in formal enforcement action.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/01269/1

14/01269/2

14/01269/3

14/01269/4

Date of Report 27.08.2014

PERTH AND KINROSS COUNCIL

Mr And Mrs B McArthur
c/o Allan Thomson
102 Tweedsmuir Road
Perth
PH1 2HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 1st September 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01269/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 15th July 2014 for permission for **Erection of timber boundary fences and decking (in retrospect) 55 Grange Terrace Perth PH1 2JR** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The unauthorised fence, by virtue of its height, materials, position, extent and design, causes an unwelcoming corridor effect, leaving the public footpath without passive surveillance, thereby contributing to an unsafe environment. Approval would set a precedent for similarly unsuitable methods of enclosure and would be contrary to PAN 77, SPP, Designing Places, Designing Streets, Creating Places, TAYplan (Policy 2F) and Perth & Kinross Local Development Plan (Policies PM1A, PM1B and RD1).
2. The unauthorised fence is unsuited to the front curtilage of the terraced property and is therefore harmful to the character and visual amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B and RD1 of the Perth & Kinross Local Development Plan, which seek to ensure that developments are sympathetic to the character and amenity of the area and compatible with 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 unauthorised fence should be removed in its entirety, with the site boundaries re-instated to their original methods of enclosure, within three months of this decision notice. Failure to do so could result in formal enforcement action.

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

14/01269/1

14/01269/2

14/01269/3

14/01269/4

KS
Caroline Stewart - TES

From: Lins Honeyman [REDACTED]
Sent: 20 July 2014 17:19
To: Development Management - Generic Email Account
Subject: Planning Application Reference 14/01269/FLL

Dear Sirs

Thank you for your letter detailing the above planning application. My name is Lindsay Honeyman and I am the owner of [REDACTED] (next door to the property in question).

I have no reservations at all about the erection of the timber boundary fences and decking and wholeheartedly give my approval to Mr & Mrs McArthur at no 55. I feel it gives them and my household increased privacy and has been put up with a high standard of workmanship.

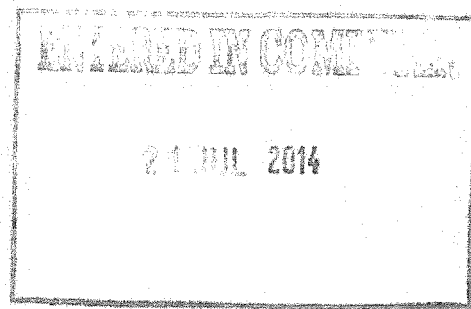
In addition, I feel the height of the fence is in keeping with the hedge at no 53 as well as the recently erected fence at no 49.

In short, I have no problems whatsoever with the fence and decking going up.

Yours faithfully

(Mr) Lindsay Honeyman

PS Please acknowledge receipt.









①

55, GRANGE TERRACE

LEITHAM

PERTH PH1 2JR.

APPLICATION NO 14/01269/FLL

Dear members of the local review body,
I had two reasons for erecting this fence, around my property; 1 being reactive & 2 being proactive.

1 Reactive - over the course of the 20 years we have stayed at this property the footfall traffic that use the path that runs North/South on the west side of my house has increased enormously due to various reasons, the likes of planning permission being granted for Tesco & B & Q, and the further expansion of Tesco, and the fact they are open 24/7 all year round brings an anti-social element passed my house at all hours.

As my enclosed drawing highlights Fig 1, our path is used as part of a shortcut that leads people to Tesco. & home again.

Until erecting this fence our garden was open plan and for that we suffered with eggs being thrown at our windows, people entering our garden and stealing ornaments & flowers we could hear, unerringly, shouting, screaming & cursing. We could not sit in the garden in the summer evenings.

My wife and I are 53 & 56 yrs respectively, had to -

(2)

had to, on many occasions, seek refuge in our kitchen which is on the east side of the property

If you add the increased activity to the area on days football is being played both at 7 acres playing fields & McDairmid Park then the noise levels increase.

We also have on our path, a drug dealer, known to the police, and there are comings & goings at all hours.

2 Proactive - last year permission was granted to allow a new 3G pitch on 7 acres. This I believe attracted many objections from concerned residents, as noted in the Perthshire Advertiser (P.A.) The focus of their worry was that it would attract many more youngsters into an area that already had its fair share of anti-social behaviour through teenagers drinking.

As Tesco is the nearest/cheapest outlet to this area, where alcohol can be purchased, legally or otherwise, I would re-refer you to my drawing Fig 1 to appreciate their quickest/shortest route

It was, as a direct result of this, the straw that broke the camels back, if you like, that I decided to commission this fence so as my family could benefit from a basic fundamental human right which states that, "everyone has the right to feel safe in their own home."

(3)

The case officer has stated 2 reasons for refusal.

On reason 1 - can I point out that I did not manufacture this corridor, unwelcoming or otherwise there has always been a corridor regardless of the building materials used or indeed the height of the structures.

Para 77 - when building my structure I took advice from the Park Council website & to my knowledge as a layman proceeded to commission registered & capable local tradesmen. The project cost £3,600 so it was not cobbled together with old orange boxes with regards to passive surveillance, please refer to Fig 2, & the paragraph, Safe & Pleasant. I feel I have not compromised this as I have given consideration to crime rates, it gives a clear distinction between private & public space, it has a door that faces onto the frontage and I still have windows that overlook a well lit path, see situation of lamp standard in Fig 2, As for setting a precedent, this by definition of the photographs enclosed is clearly not the case. These photographs have been taken from different parts of the city.

On reason 2 - The officer states that my fence is unsuited to the front curtilage of the property. I would like to state that I don't regard this as the front of my house as aforementioned because of anti-social behaviour in this area we use the entrance to the 135 east side of our property.

our property.-- With regard to harmful character & visual amenity, my fence is a flat upright structure, situated under a street lamp and clearly visible from either the North or South elevation, unlike my neighbours who have overgrown, unkempt hedgerows, that if I were a person with crime in mind I would instantly choose the hedgerow to hide in & encompass myself in its foliage to afford myself camouflage.

The most bizzare part of this refusal would seem to be that if my neighbour at No 36 Huntingtower Road and myself were to swap structures this would be deemed acceptable and there would be no case to answer?

As a footnote, and I only mention this because the planning officer did in his report, the exact same replication of my structure exists at No 49 Grange Terrace; Can I point out that my craftsmen began building my fence on Tuesday 1-7-14 & by Wednesday I had an enforcement officer, acting on a complaint, at my door. I was told I would have to submit a planning application, in retrospect, by the first week in August giving me barely 4 weeks to firstly get over the shock that I had done something wrong, find an architect & for him to do what architects need to do, within a further 2 weeks or so my application was aired in the local paper & 17 neighbours were sent letters. So from time of enforcement officer to public

(5)

public, awareness was approximately 6 weeks. I note that the planning officers' visit was 24-7-14, at time of writing this we are in November, some 15 weeks and yet no letter of intent has been received by myself.

There is also made mention of 1 letter of support & 1 letter of objection.

15 of the letters issued were to residents who own their houses and one would assume have a bigger stake in their property investment

2 of the letters issued were to council tenants.

I canvassed 80% of the private dwellings to ascertain their thoughts, of those I spoke to some had no views one way or another and some couldn't understand why things got to this stage.

The 1 letter of objection came from my next door neighbour, a council tenant. Can I make it very clear I think, and have served my country in the belief everyone has a right to their opinions and in no way do I think that they have any less rights than I do, but to my mind I feel I, and my rights to safety and privacy, have taken a back seat.

At a time, which is ongoing as I write, the council are refurbishing flats in the Letham area & upgrading their security by installing door entry systems.

I feel this is slightly hypocritical whereby

(6)

whereby they can enhance the security of their properties whilst denying me the right to make mine safer.

Summarising, I feel that all council departments, whether it be planning for allowing Tesco & B&Q to be built or, licencing for granting the aforementioned to sell alcohol or indeed environment for the increased traffic, have to be aware of the knock on effects, right down to base level, have on people like myself. In a utopian society, I would gladly retain my open plan garden but in reality, these days are long gone.

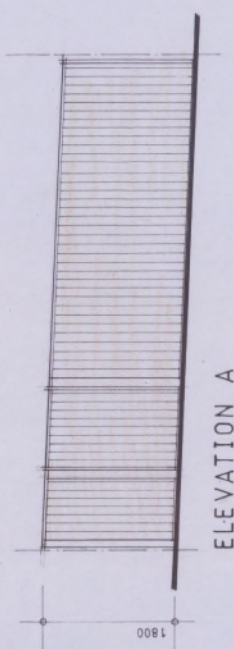
Thank you for your time & consideration
yours Sincerely
Mr & Mrs B. McArthur

PROPOSED ERECTION OF BOUNDARY FENCES
AND DECKING AT NO.55 GRANGE TERRACE,
PERTH FOR MR & MRS B MACARTHUR.

[IN RETROSPECT]

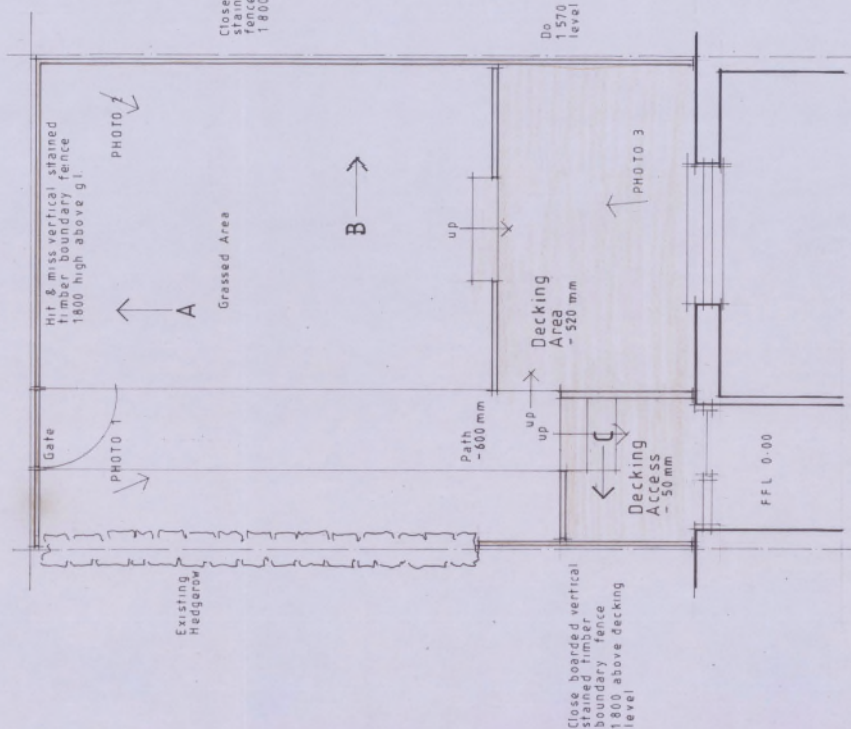
SCALE 1:50

DATE JULY 2014

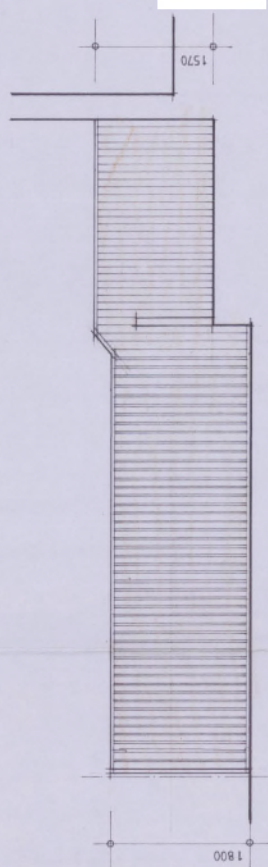


ELEVATION A

Communal Access Path

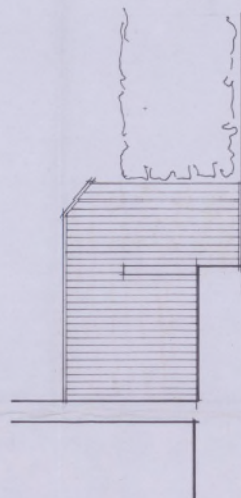


PLAN 1:50



ELEVATION B

Close boarded vertical stained timber boundary fence 1800 above gl.



ELEVATION C



LOCATION PLAN 1:1250



BLOCK PLAN 1:500

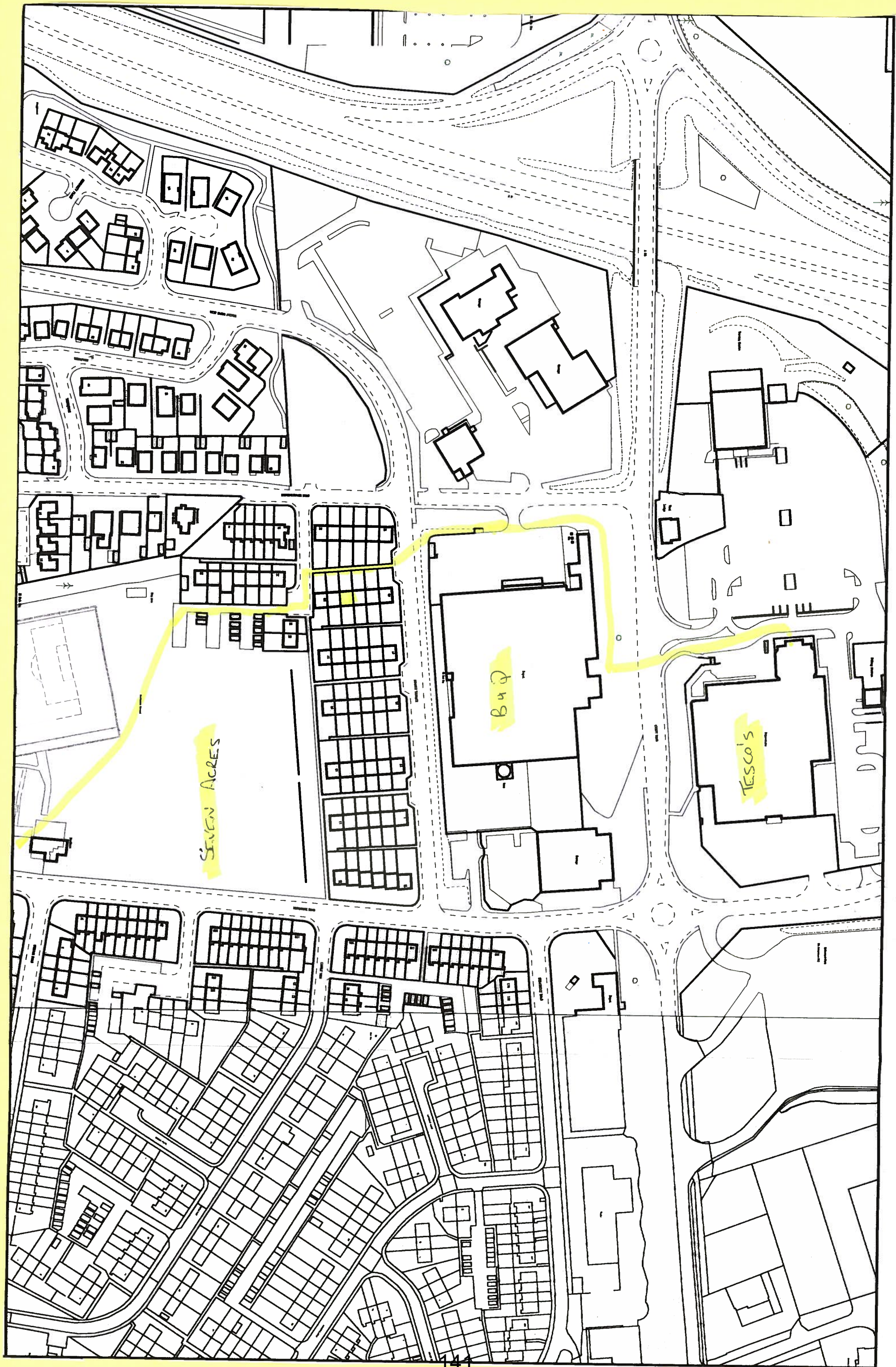


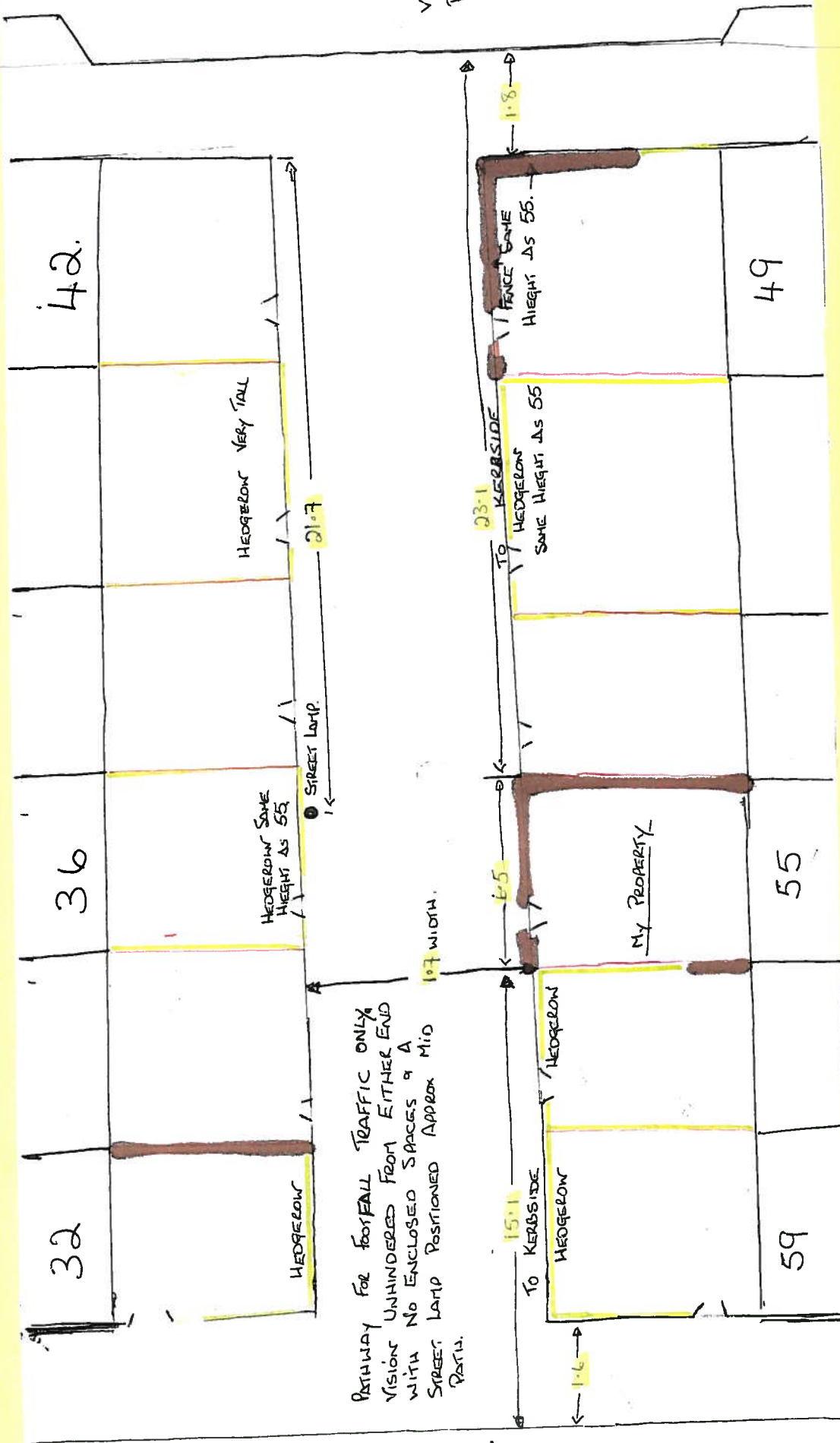
Fig 2

HUNTINGTON
ROAD
(CUL-DE-SAC)

VIEW OF PATHWAY THAT
RUN PARALLEL WITH
MY HOUSE FROM
HUNTINGTON RD
CUL-DE-SAC END

GRANGE
TERRACE

VIEW OF PATHWAY THAT RUNS
PARALLEL WITH MY HOUSE
FROM GRANGE TERRACE END



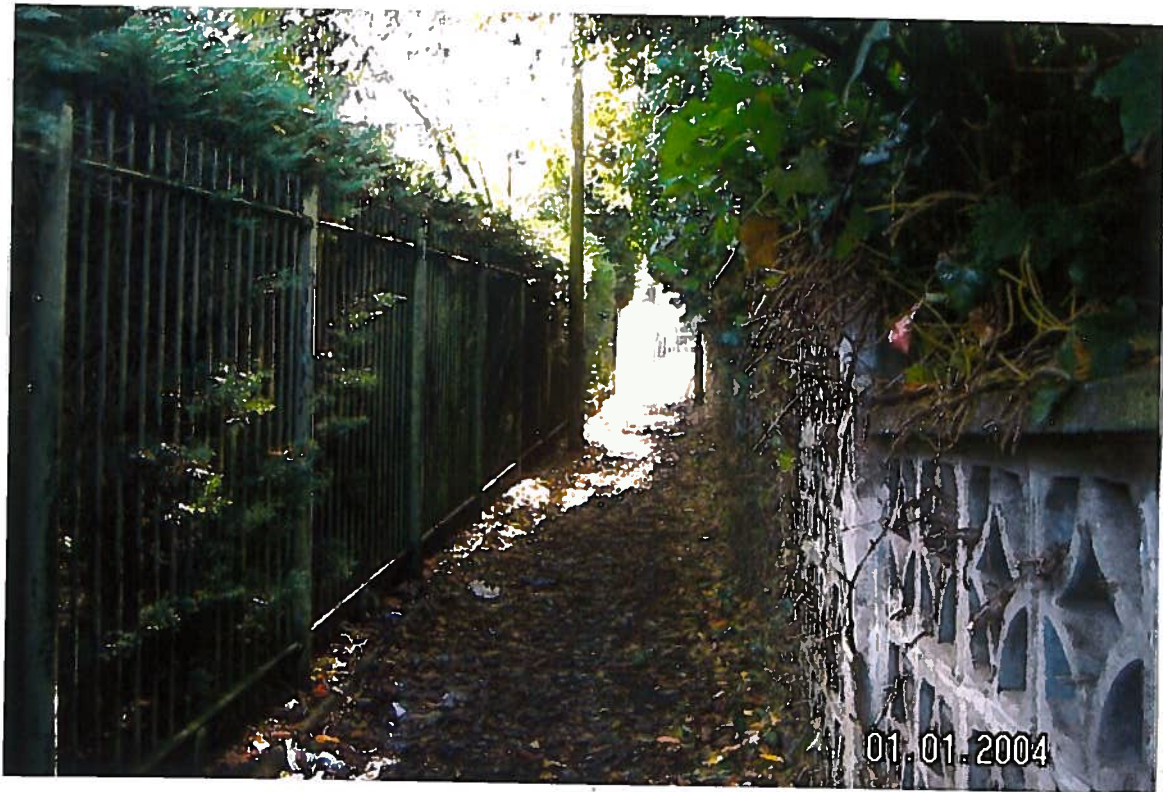
CHAINLINK FENCE
HEDGEROW
WOODEN FENCE



THE PATH THAT RUNS PARALLEL WITH
MY HOUSE
VIEWED FROM THE HUNTINGTOWER RD
CUL-DE-SAC END



THE PATH THAT RUNS PARALLEL WITH
MY HOUSE
VIEWED FROM THE GRANGE TERRACE
END



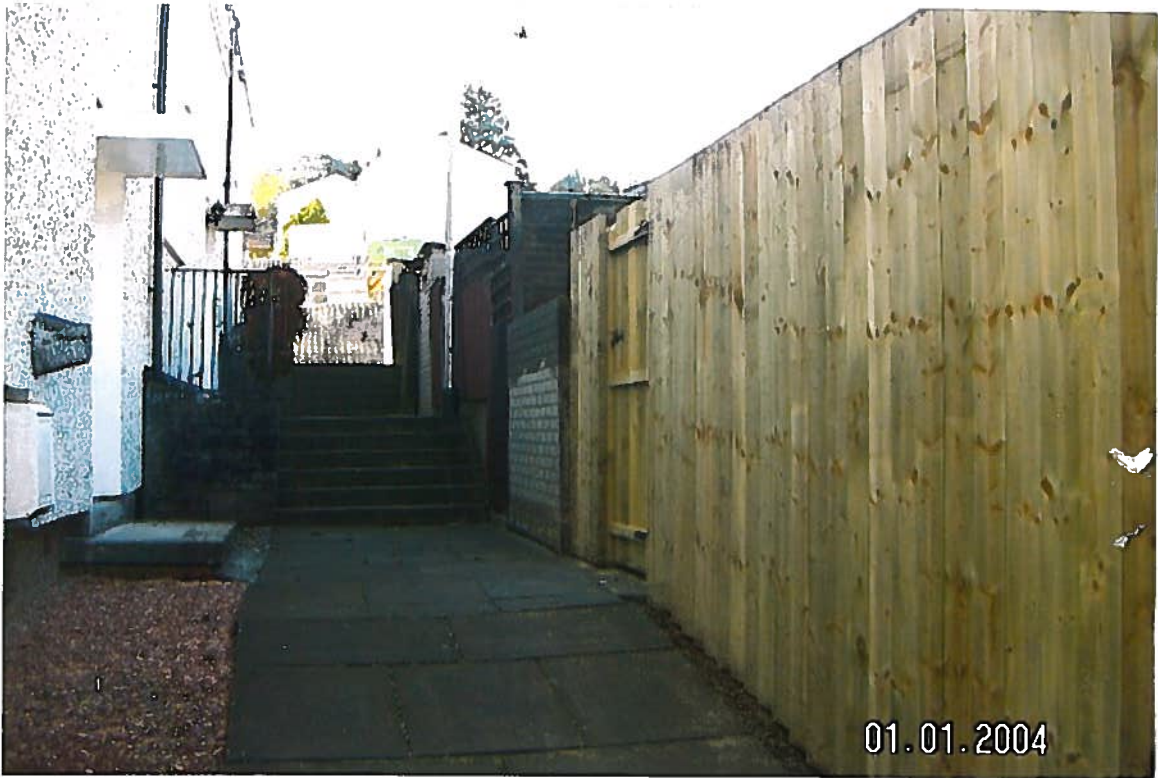
BURGHMUIR ROAD TO BELLFIELD AVENUE
BURGHMUIR
PERTH



BUTE DRIVE TO MULL PLACE
NORTH HURTON
PERTH



PRIMROSE CRESCENT TO NIMMO AVENUE
HILLYLAND
PERTH



BRUCE CRESCENT (4-6)
TULLOCH
PERTH



WEST MAINS AVENUE TO BROUGH WAY
WESTERN EDGE
PERTH



BYE DRIVE TO STROMAC COURT
NORTH MURTON
PERTH



WEST MAINS AVENUE TO MACKINTOSH WAY
WESTERN' EDGE
PERTH

TCP/11/16(327)
Planning Application 14/01269/FLL Erection of timber boundary fences and decking (in retrospect), 55 Grange Terrace, Perth, PH1 2JR

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 125-126)*

REPORT OF HANDLING *(included in applicant's submission, see pages 117-124)*

REFERENCE DOCUMENT *(included in applicant's submission, see pages 129-131 and 139)*

TCP/11/16(327)
Planning Application 14/01269/FLL Erection of timber
boundary fences and decking (in retrospect), 55 Grange
Terrace, Perth, PH1 2JR

REPRESENTATIONS

- Letter of Support from from L Honeyman, dated 20 July 2014
(included in applicant's submission, see page 127)
- Objection from L Dewar, dated 24 July 2014

Perth and Kinross Council
Planning and Regeneration
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

24 July 2014

Miss L Dewar



Dear Sir/Madam

Planning Application Reference: 14/01269/FLL
Erection of timber boundary fences and decking (in retrospect)

I write in connection with the above planning application. I have examined the plans and site and I wish to object to the erection of the boundary fences at the existing height. I have no objection to the decking which is already in place.

When leaving my house through the front gate my view to the left is blocked due to the height of the fence exiting onto the public footpath. I have had what could be considered a near miss collision with a cyclist due to poor visibility. At this height, it is also impinging upon the enjoyment of my garden, blocking sunlight and is, I feel, closing in on me.

I have not been approached or consulted about the erection of the fence prior to construction. Had I been, a compromise I am sure could have been met before this was erected. I do not object to a fence being erected at the stipulated height of 1 metre in section 4.118 of Gates, Walls and Fence Guidance, however, the fence which is in place is far in excess of these guidelines and for the reasons stated, please accept this letter as a formal objection to the proposal.

Please acknowledge receipt of this letter and I look forward to hearing from you in due course.

Yours faithfully

Lesley Dewar



