

**TCP/11/16(373)**  
**Planning Application – 15/00478/FLL – Erection of a dwellinghouse, land 20 metres north west of Shel Mar, Market Street, Aberfeldy**

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**TCP/11/16(373)**  
**Planning Application – 15/00478/FLL – Erection of a**  
**dwellinghouse, land 20 metres north west of Shel Mar,**  
**Market Street, Aberfeldy**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000127411-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

### Agent Details

Please enter Agent details

Company/Organisation:

Arthur Stone Planning LLP

You must enter a Building Name or Number, or both:\*

Ref. Number:

First Name: \*

Alison

Last Name: \*

Arthur

Telephone Number: \*

07855538906

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

[info@arthurstoneplanning.co.uk](mailto:info@arthurstoneplanning.co.uk)

Building Name:

Friar Street

Building Number:

24

Address 1 (Street): \*

24 Friar Street

Address 2:

Town/City: \*

Perth

Country: \*

UK

Postcode: \*

PH2 0ED

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="A"/>
Last Name: *	<input type="text" value="Adams"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="Shel Mar"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Market Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberfeldy"/>
Country: *	<input type="text" value="United Kingdom"/>
Postcode: *	<input type="text" value="PH15 2AN"/>

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="Land 20 Metres North West Of Shel Mar"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Market Street"/>	Town/City/Settlement:	<input type="text" value="Aberfeldy"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="749385"/>	Easting	<input type="text" value="285693"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of a dwellinghouse
-----------------------------

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached statement.

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

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Statement in support of application.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00478/FLL

What date was the application submitted to the planning authority? \*

20/03/15

What date was the decision issued by the planning authority? \*

18/05/15

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Alison Arthur

Declaration Date: 28/07/2015

Submission Date: 28/07/2015



# Local Review Body Statement

14/00478/FLL

On behalf of Mr A Adams

**Land 20 Metres North West Of Shel Mar**

**Market Street**

**Aberfeldy**

## **Introduction**

The purpose of this statement is to provide a reasoned justification against the refusal of planning application **14/00478/FLL** by Perth & Kinross Council for the erection of dwellinghouse at land at Market Street, Aberfeldy.

The application was refused for the following reasons:

1. *The proposal is contrary to Perth and Kinross Council Local Development Plan 2014 Policy PMA1: Placemaking which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not contribute positively to the area by virtue of the scale, design and proportions of the building. Furthermore it would not respect the character or amenity of the wider area.*
2. *The proposal is contrary to Policy PM1B (b)(c): Placemaking as the proposal does not respect site topography and the design and density does not complement its immediate surroundings in terms of appearance, height, scale and massing.*
3. *The proposal is contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014 which seeks to ensure that established residential amenity is protected. This proposal would result in infill residential development at a density which does not respect its immediate environs and thus this will not improve the character and environment of the area. It will also result in a loss of privacy and have an adverse impact on a private open space of amenity value*
4. *The proposal is contrary to Policy HE3A of the Perth and Kinross Council Local Development Plan 2014 which indicates that development within a Conservation area must preserve or enhance its character or appearance. The character or appearance of the Aberfeldy Conservation Area will not be preserved due to the siting, design and scale of this proposed development.*
5. *The proposal does not accord with the requirements of Scottish Planning Policy (paragraph 143) which seeks to ensure that development within a conservation area either preserves or enhances the character or appearance of the area. The proposal would result in a development which fails to preserve or enhance the*

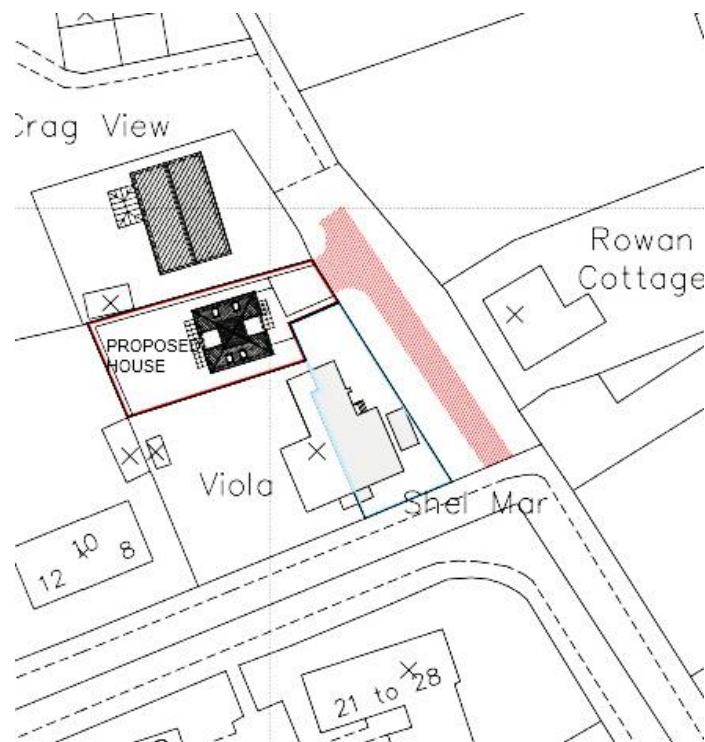
*character and appearance of Aberfeldy Conservation Area by virtue of the mass, scale and design of the proposed development.*

In this instance, neither the principle of residential development on the site nor the issue of road safety are questioned by the Delegated Report.

The focus of the concerns raised by the proposal relate to:

- The design, height, scale and massing of the proposed house in relation to character, amenity and topography of the site and its immediate surroundings
- The design, height, scale and massing of the proposed house in context of the Aberfeldy Conservation Area
- The size of the dwellinghouse and density of the development in relation to the site area
- Loss of residential amenity in terms of a privacy and overlooking

This Statement in Support of this application will therefore focus on these matters only.



## **Application Summary**

The site itself incorporates an area of rear garden ground associated with an existing semi-detached, 2 storey dwelling fronting onto Market Street, Aberfeldy. The garden area is positioned to the rear of the existing dwelling and forms an L-shape. A separate single storey modern bungalow (Crag View) is located to the north of the site, thus **forming a gap site** between the 2 properties. A private access lane runs down the side (east) of the plot, which intends to form the vehicular access for the new dwellinghouse. The site is located on the north eastern edge of the Aberfeldy Conservation Area.

The purpose of this planning application is to develop a small scale and affordable new build dwellinghouse in a popular residential area in Aberfeldy. The house is intended to incorporate a relatively small footprint of 55 square metres in an area in a predominantly residential area in which there is a strong desire for smaller scale, lower cost properties that are still accessible to the local amenities.

The dwellinghouse has been designed to incorporate a **subtle and small scale design incorporating traditional features** such as a pitched roof, modest dormer windows and traditionally proportioned fenestration. The design intends to incorporate **traditional materials** including natural slate, wet dash render and timber windows and doors. The proposed **low roof height** of the new build has been intentionally kept at a low level so as to sit between the 2 storey height of the existing dwelling fronting onto Market Street and the adjacent single storey property to the north, Crag View. The house would incorporate **off street parking for 2 cars** and a **private garden** to the rear of the plot. An area of garden ground would be retained for the existing residential property.



## **Design and Impact on Conservation Area**

The most up-to-date plan for the Local Area is the Adopted Perth and Kinross Local Plan, 2014. The relevant policies of that local plan in relation to design and the impact of development on conservation areas are:

- Policy HE3A – **Conservation Areas**: Development within a Conservation Area must preserve or enhance its character or appearance. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals (Aberfeldy Conservation Area Appraisal 2008).
- 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.
- Policy PM1B – **Placemaking**: All proposals should meet all eight of the placemaking criteria.

The concern raised by Perth and Kinross Council relates to the overall design, height, scale and massing of the proposed house in context of the character and amenity of the site and of the Aberfeldy Conservation Area. However, this particular part of the Aberfeldy Conservation Area is characterised by a mix of modern and non-traditional building types and design.

Immediately to the south of the site are a block of modern, relatively new build 3 storey flats whilst directly to the south east of the site is a substantial non-traditional, flat roofed industrial building. Similarly, directly to the north and east of the site are modern single storey bungalows. Modern 2 storey terraced dwellings can also be viewed to the north of the new plot. (See photographs below.)

The applicant is therefore confused as to why the Delegated Report raises significant concerns regarding the design of the building and the potential erosion of character of the townscape given the modern and more importantly non-traditional building forms that characterise the immediate surroundings. As noted in the Background section of this statement the building has been specifically designed so as to create an inconspicuous and subtle design that picks up on traditional elements such as pitched roofs, dormer windows, traditional fenestration and traditional materials. These elements are specifically picked out in the Aberfeldy Conservation Area Appraisal as features to include in new design. The roof height has also been kept purposefully low so as to reduce the impact of a new build on the street scene.





As can be viewed from the visualisation produced below, it is considered that from Market Street the proposed dwelling would only be partially visible from the public elevation due to its siting, low ridge height and the existing landscaping surrounding the property. Any perceived impact from the development is therefore minimal.



Similarly, when viewed from the private access lane (photograph below) to the east of the plot, the proposed building has a neutral impact and is considered to be sympathetic to the surrounding new build properties. It is not considered that this design produces a poorly scaled or bulky design as implied by the Delegated Report produced by Perth and Kinross Council. Instead it is suggested that the design is in proportion to the surrounding new build properties and at a vastly reduced scale to the modern 3 storey flats that are located directly to the south of the site.



## **Residential Amenity**

The relevant policies of that local plan in relation to the impact of the development on residential amenity are:

- Policy RD1 - **Residential 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.

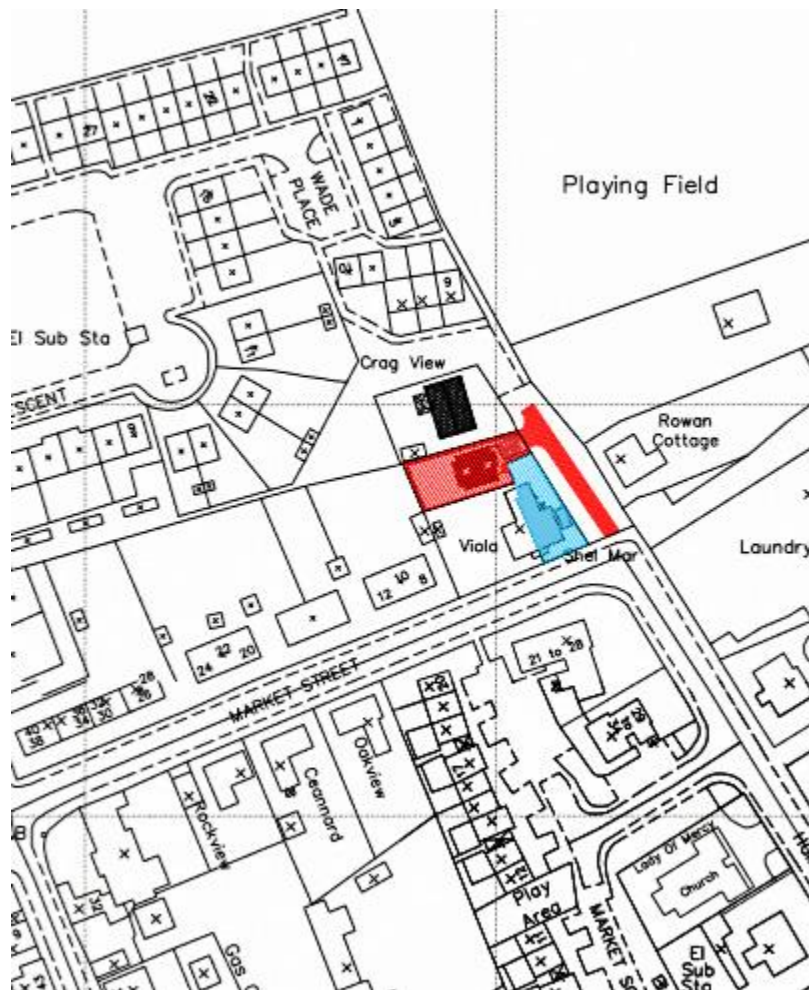
The principle issues raised in the Delegated Report by Perth and Kinross Council relates to:

- The plot size being too small for a new dwellinghouse
- There being insufficient garden ground retained for the existing dwellinghouse
- The residential amenity of neighbouring properties being compromised by the development

The size of the proposed plot is approximately 325 square metres in size and the proposed footprint of the dwellinghouse is approximately 55 square metres, which is significantly more than the 1:2 standard house to open space ratio generally required for modern houses. The layout produced for the site by the applicant clearly allows for an excess of 100 square metres of private garden ground and provides 2 off street car parking spaces. When compared to house plots in the surrounding area it is considered that the site provides a similar plot ratio and is not out of character with the existing amenity levels and certainly not dissimilar to the directly adjacent new build bungalow at Craig View.

As part of this proposal the existing property at Shel Mar would retain a rear garden area of approximately 90 square metres. Whilst this would not quite meet the 100 square metre requirement advised by the Planning Officer in the Delegated Report it does provide a sizeable and very useable private amenity space for the occupier of the property. The applicant would be happy to accept a condition of any planning consent that withdrew the permitted development rights in relation to outbuildings, sheds etc. for the existing property to ensure that this area was retained as open amenity space.





It is clear that the garden area of Shel Mar and the adjoining property Viola has been divided in different ways over the years and the current garden area (proposed to house the new plot) would appear to be quite separate from the dwellinghouse as a result of it's east to west orientation and the established hedgerow planting.

The upper floor dormer windows, which occupy bedrooms, are proposed to the front of the plot facing onto the public access lane and to the rear which faces out onto the proposed garden ground, therefore negating any potential overlooking onto any adjacent properties. The north and south elevations do not incorporate any window or door openings and only 4 small rooflights at upper floor level.

The Delegated report advises that two of the proposed wall elevations are in effect blank and that this is an indication that a built development is unsuitable in this location. However, if this were the case it is likely that very little new build residential development would occur in any situations. This is a design solution to ensure that no privacy issues occur as a result of the development. The applicant is happy to have a condition included in

any consent that disallows any window openings on those pertinent elevations to preserve the privacy of the adjacent house and garden.

The Delegated Report also suggests that overlooking could occur as a result of the rooflights proposed within the roof space of the new dwelling. The applicant has designed the roof space with rooflights (rather than windows) at a height that would not allow any overlooking to occur. In addition, the proposed rooflights are so small they are designed simply to allow light into the roof space of the property and not to enable views.

Due to the positioning of the building on the plot, the low height of the building and the orientation of the plot it is not considered that the building would result in any overshadowing or loss of daylight/sunlight in relation to the neighbouring properties. This has not been raised as an issue of concern in the Delegated report.

## **Conclusion**

In conclusion, it is considered that the proposal for a single dwellinghouse on this site meets the Local Plan requirements for design, residential amenity and road safety and would have no detrimental visual impact on the surrounding Aberfeldy Conservation Area. The existing dwellinghouse retains sufficient amenity space and would not compromise the occupant's enjoyment of the property. It is considered that this supporting statement provides a strong case and sufficient additional information to allow the application to be approved.

The applicant would therefore ask Members of the Local Review Body to consider the information provided within this statement and to approve the application for the reasons provided above.

**TCP/11/16(373)**

**Planning Application – 15/00478/FLL – Erection of a  
dwellinghouse, land 20 metres north west of Shel Mar,  
Market Street, Aberfeldy**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENT**



# PERTH AND KINROSS COUNCIL

Mr A Adams  
c/o Rob Macpherson  
Fearn Macpherson - Chartered Architects  
Unit 4  
Dunkeld Road  
Aberfeldy  
PH15 2AQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 18.05.2015

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00478/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 23rd March 2015 for permission for **Erection of a dwellinghouse Land 20 Metres North West Of Shel Mar Market Street Aberfeldy** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Perth and Kinross Council Local Development Plan 2014 Policy PMA1: Placemaking which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not contribute positively to the area by virtue of the scale, design and proportions of the building. Furthermore it would not respect the character or amenity of the wider area.
2. The proposal is contrary to Policy PM1B (b)(c): Placemaking as the proposal does not respect site topography and the design and density does not complement its immediate surroundings in terms of appearance, height, scale and massing.

3. The proposal is contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014 which seeks to ensure that established residential amenity is protected. This proposal would result in infill residential development at a density which does not respect its immediate environs and thus this will not improve the character and environment of the area. It will also result in a loss of privacy and have an adverse impact on a private open space of amenity value
4. The proposal is contrary to Policy HE3A of the Perth and Kinross Council Local Development Plan 2014 which indicates that development within a Conservation area must preserve or enhance its character or appearance. The character or appearance of the Aberfeldy Conservation Area will not be preserved due to the siting, design and scale of this proposed development.
5. The proposal does not accord with the requirements of Scottish Planning Policy (paragraph 143) which seeks to ensure that development within a conservation area either preserves or enhances the character or appearance of the area. The proposal would result in a development which fails to preserve or enhance the character and appearance of Aberfeldy Conservation Area by virtue of the mass, scale and design of the proposed development.

### **Justification**

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

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

#### Plan Reference

15/00478/1

15/00478/2

15/00478/3

15/00478/4

15/00478/5

15/00478/6

15/00478/7

15/00478/8

15/00478/9

15/00478/10

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	15/00478/FLL	
Ward No	N4 - Highland	
Due Determination Date	22.05.2015	
Case Officer	Richard Welch	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 20 Metres north-west of Shel Mar, Market Street,  
Aberfeldy

#### **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:** 23 April 2015

#### **SITE PHOTOGRAPHS**





## BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain planning consent for the erection of a dwellinghouse within the rear garden of Shel Mar in Market Street. Shel Mar is an early-mid 20<sup>th</sup> Century, semi-detached, two storey house located within Aberfeldy Conservation Area. The rear garden of Shel Mar extends from east to west on the north side of the garden of its neighbour, Viola. A bungalow, Crag View, lies 3.5 metres to the north of the site.

The proposed dwellinghouse is one and a half storey with a footprint of 55 square metres. The site area measures off at 324 square metres from the submitted site plan. The new building is located immediately to the north of Viola, 4 metres away at its nearest point. The new development would be accessed off an existing vehicle track running north to south on the east side of Shel Mar and Crag View. Two off-street parking spaces are shown within the north-east corner of the site.

## SITE HISTORY

None.

## PRE-APPLICATION CONSULTATION

Pre application Reference: 14/00161/PREAPP.

## NATIONAL POLICY AND GUIDANCE



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

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of particular relevance to this application are:

- Paragraphs 36 – 46 'Placemaking'
- Paragraphs 135 – 144 'Valuing the Historic Environment'.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*

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

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

The principal policies are, in summary:

#### **Policy 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.

**Policy PM1A - Placemaking**

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

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value.

Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

**OTHER POLICIES**

Supplementary Guidance: Aberfeldy Conservation Area Appraisal 2008

**CONSULTATION RESPONSES**

**Contributions Officer**

Primary Education

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Breadalbane Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time.

**Education and Children's Services**

Confirmation that Education & Children's Services currently have no capacity concerns in this catchment area.

**Transport Planning**

Insofar as the roads matters are concerned, there are no objections to this proposal.

**Local Flood Prevention Authority**

No objection.

**Scottish Water**

No comments.

**Conservation Team:** the case officer is the conservation officer therefore no formal consultation response issued.

## REPRESENTATIONS

No representations were received.

## 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	Planning Statement submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

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

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

### Policy Appraisal

The applicable policies of the Perth and Kinross Council Local Development Plan 2014 are Placemaking: PM1A and PM1B, Residential Areas: RD1 and Conservation Areas: HE3A. Policy PM1 indicates that development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. RD1 states that residential amenity will be protected and HE3A indicates development within a Conservation Area must preserve or enhance its character or appearance. It is considered that the proposed development is contrary to all of these relevant policies.

### Design and Layout

The proposed building is square in floorplan, measuring 7.4 by 7.4 metres. It is designed with an upper floor level in the roof space. The roof is pyramidal in form with a shallower pitch at lower level. The height to the apex of the roof is

7.4 metres. Flat roofed dormers are located on the east and west elevations. Two rooflights are shown on the north and the south elevations. The north and south wall elevations are blank with no windows. The proposed materials are a slated roof, wet dash render and timber windows.

The submitted planning statement describes the design as a villa, matching the iconography of small lodge buildings prevalent throughout Perthshire.

I do not consider the design, scale and proportions of this building to be appropriate for this location. There is no historical precedent for a rural lodge type building of this form within Aberfeldy and the design is out of context with its immediate environs. The sense of place will be eroded and the character of the townscape of Aberfeldy Conservation area will be eroded as a result.

The statement also suggests that the concerns expressed at pre-application stage, that the building is too small, has been addressed as the proposed house is larger than those in Market Street. The proposed house may be larger than some in Market Street but in terms of this specific location and immediate neighbours it does not fit in terms of form and layout and is not considered to be a natural infill (there is no gap site as suggested in the planning statement).

## **Landscape**

A section of hedge on the east boundary will require removal in order to create the proposed parking area for two vehicles.

The amenity value of this green space will be significantly affected by the built development and formation of parking spaces.

## **Residential Amenity**

The development is considered to be partial backland development and in terms of amenity will have an adverse impact on the neighbouring residential properties including Shel Mar. The proposed site is less than the minimum standard of 360 square metres and the remaining rear garden area for Shel Mar is 88 square metres which is well below the acceptable standard of at least 100 square metres. This is not sufficient in terms of plot size for individual house sites and the amount of amenity space available for the existing property will be eroded to an unacceptable extent.

The distance between the rear wings of Shel Mar and Viola and the plot boundary is less than 2 metres. The acceptable standard is at least 9 metres between windows and property boundaries.

Although there are no windows in the proposed north and south elevations there is still the possibility that there will be a degree of overlooking from the rooflights on the south elevation towards Viola.

The fact that two of the proposed wall elevations are in effect blank is an indication that a built development is unsuitable in this location.

### **Visual Amenity**

Views out of the conservation area from Market Street to the wider landscape will be adversely affected.

### **Roads and Access**

There are no road access issues.

### **Drainage and Flooding**

There are no drainage or flooding issues.

### **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 considered to be contrary to the Perth and Kinross Local Development Plan 2014 and there are no material considerations to justify setting aside the Development Plan. On that basis the application is recommended for refusal subject to the reasons noted below.

### **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 proposal is contrary to Perth and Kinross Council Local Development Plan 2014 Policy PMA1: Placemaking which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not contribute positively to the area by virtue of the scale, design and proportions of the building. Furthermore it would not respect the character or amenity of the wider area.
- 2 The proposal is contrary to Policy PM1B (b)(c): Placemaking as the proposal does not respect site topography and the design and density does not complement its immediate surroundings in terms of appearance, height, scale and massing.
- 3 The proposal is contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014 which seeks to ensure that established residential amenity is protected. This proposal would result in infill residential development at a density which does not respect its immediate environs and thus this will not improve the character and environment of the area. It will also result in a loss of privacy and have an adverse impact on a private open space of amenity value.
- 4 The proposal is contrary to Policy HE3A of the Perth and Kinross Council Local Development Plan 2014 which indicates that development within a Conservation area must preserve or enhance its character or appearance. The character or appearance of the Aberfeldy Conservation Area will not be preserved due to the siting, design and scale of this proposed development.
- 5 The proposal does not accord with the requirements of Scottish Planning Policy (paragraph 143) which seeks to ensure that development within a conservation area either preserves or enhances the character or appearance of the area.  
The proposal would result in a development which fails to preserve or enhance the character and appearance of Aberfeldy Conservation Area by virtue of the mass, scale and design of the proposed development.

## **Justification**

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

## **Informatives**

None.

## **Procedural Notes**

Not Applicable.

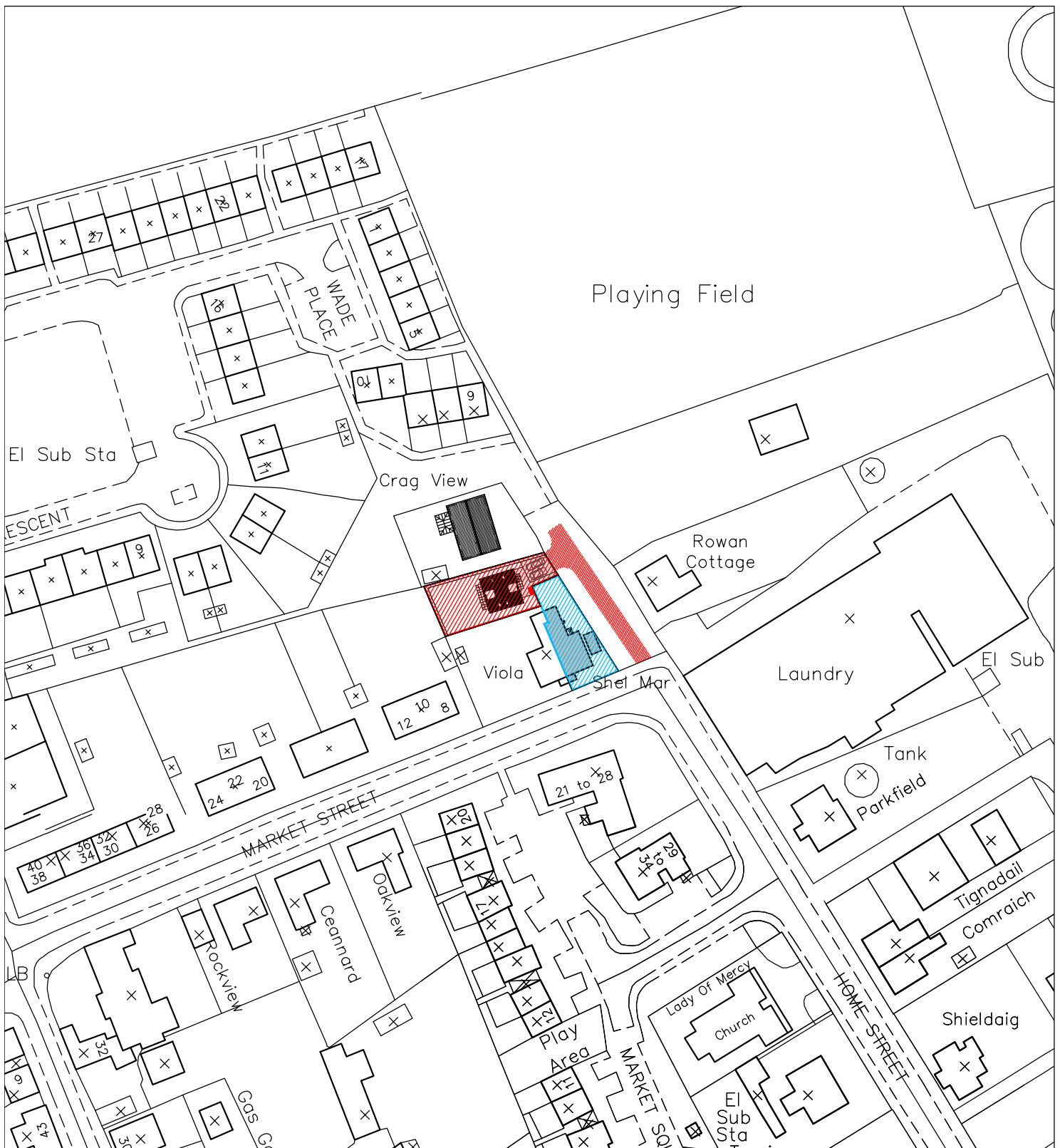
**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

15/00478/1  
15/00478/2  
15/00478/3  
15/00478/4  
15/00478/5  
15/00478/6  
15/00478/7  
15/00478/8  
15/00478/9  
15/00478/10

**Date of Report:** 18/05/2015







LOCATION PLAN

Scale: 1:1250



Crown copyright. All rights reserved. Licence Number 100007150

Project  
**SHEL MAR**  
**MARKET STREET**  
**ABERFELDY PERTHSHIRE PH15 2AN**

Drawing  
**LOCATION PLAN**

Date MARCH 2015

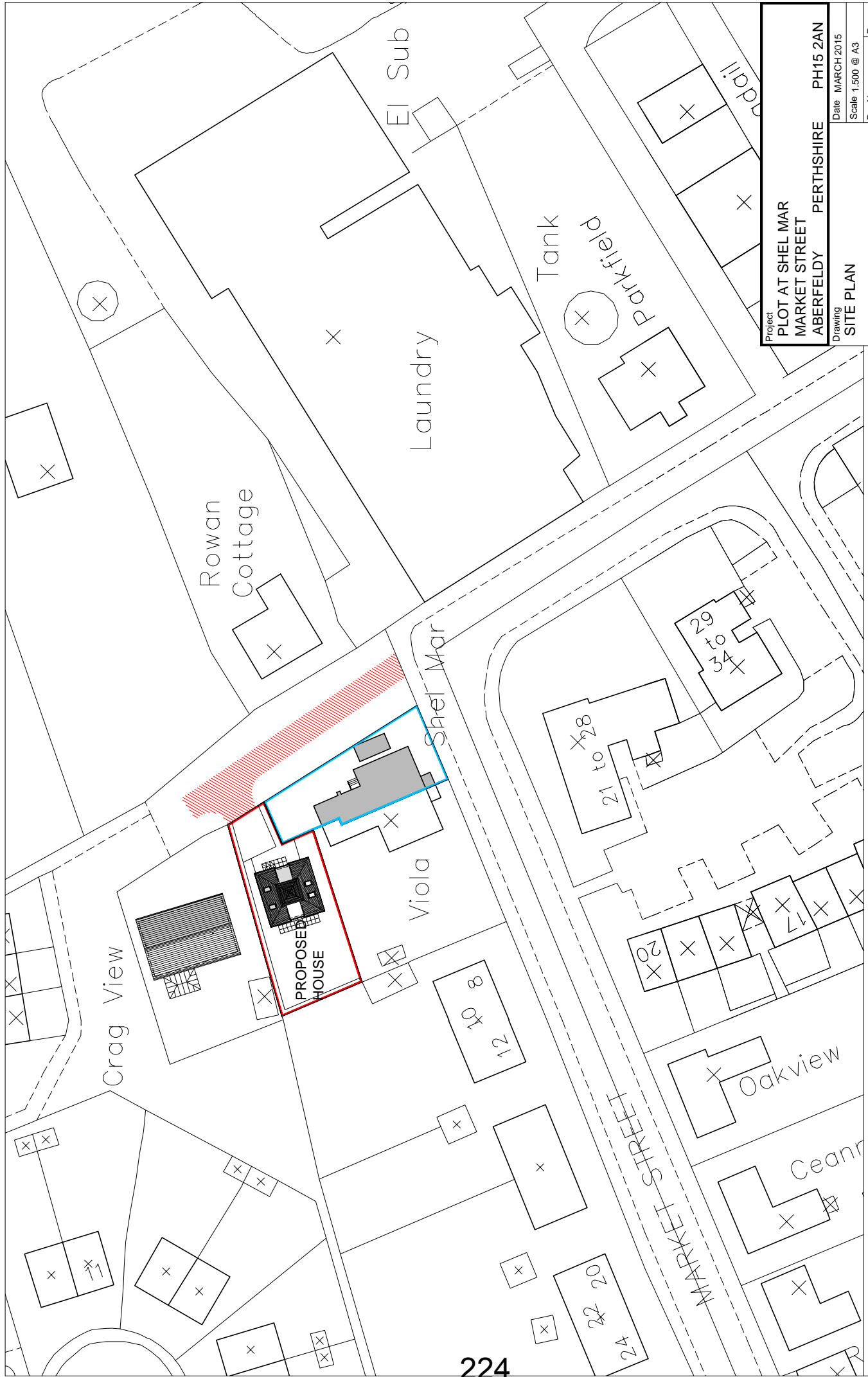
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Drg No. Rev.

**955/P/01**

**FEARN**  
**MACPHERSON**  
**CHARTERED ARCHITECTS**

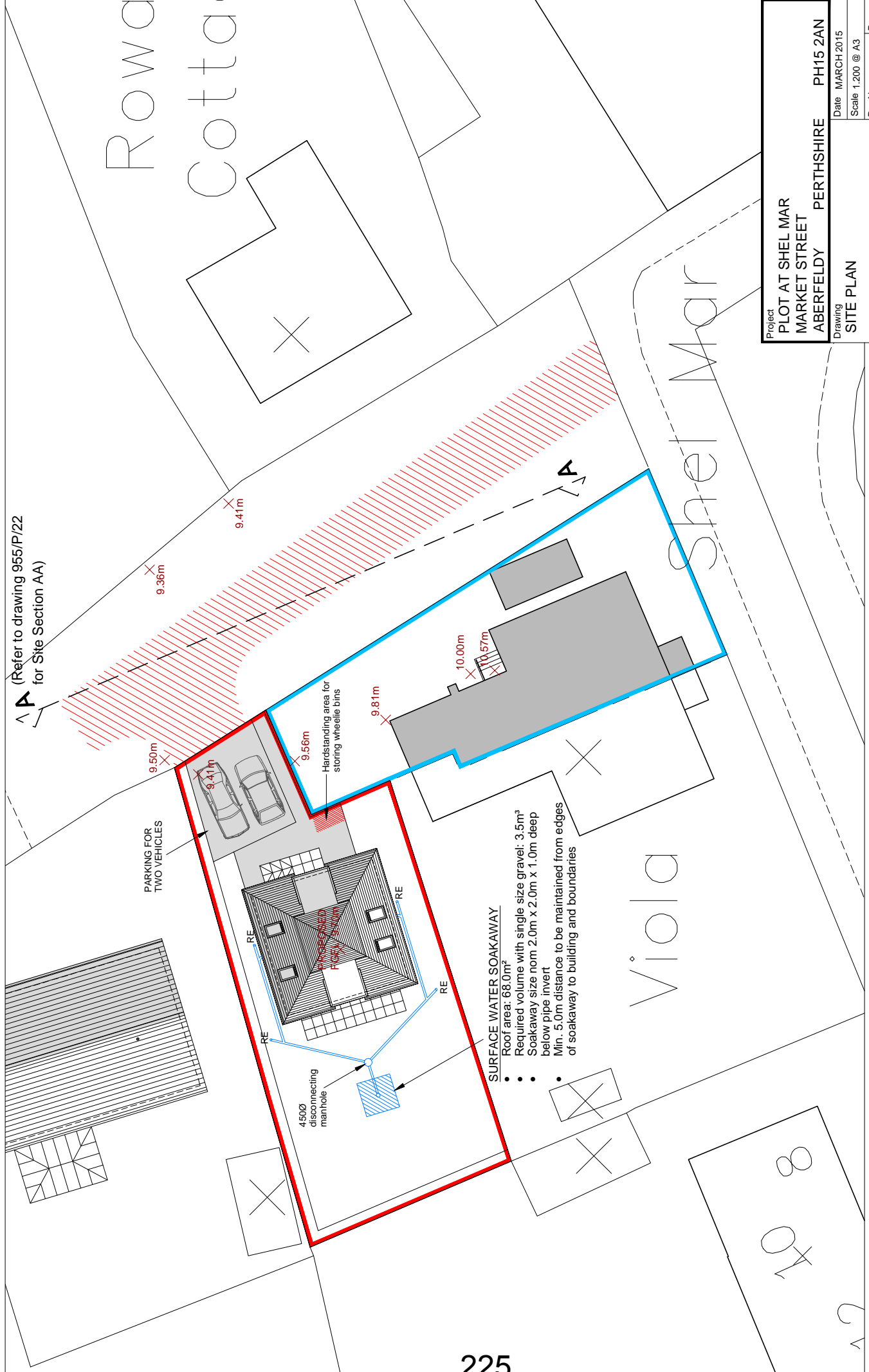
Unit 4 Dunkeld Road  
**ABERFELDY**  
**Perthshire**  
**PH15 2AQ**  
 Tel: (01887) 820098  
 Fax: (01887) 829455



<b>Project</b> PLOT AT SHEL MAR MARKET STREET ABERFELDY PERTHSHIRE PH15 2AN	
<b>Drawing</b> SITE PLAN	
Date	MARCH 2015
Scale	1,500 @ A3
Drg No.	955/P/02
Rev.	

**FEARN  
MACPHERSON**  
CHARTERED ARCHITECTS

Unit 4 Dunkeld Road  
ABERFELDY  
Perthshire  
PH15 2AQ  
Tel : (01867) 820098  
Fax : (01867) 829455



^ A (Refer to drawing 955/P/22 for Site Section AA)

PARKING FOR TWO VEHICLES

Standing area for storing wheelie bins

4500 disconnecting manhole

**SURFACE WATER SOAKAWAY**

- Roof area: 68.0m<sup>2</sup>
- Required volume with single size gravel: 3.5m<sup>3</sup>
- Soakaway size nom 2.0m x 2.0m x 1.0m deep below pipe invert
- Min. 5.0m distance to be maintained from edges of soakaway to building and boundaries

Project

PLOT AT SHEL MAR  
MARKET STREET  
ABERFELDY PERTHSHIRE PH15 2AN

Drawing

SITE PLAN

Date

MARCH 2015

Scale

1:200 @ A3

Drg No.

955/P/03

Rev.

Unit 4 Dunkeld Road  
ABERFELDY  
PERTHSHIRE  
PH15 2AQ

Tel : (01897) 820098  
Fax : (01897) 829455

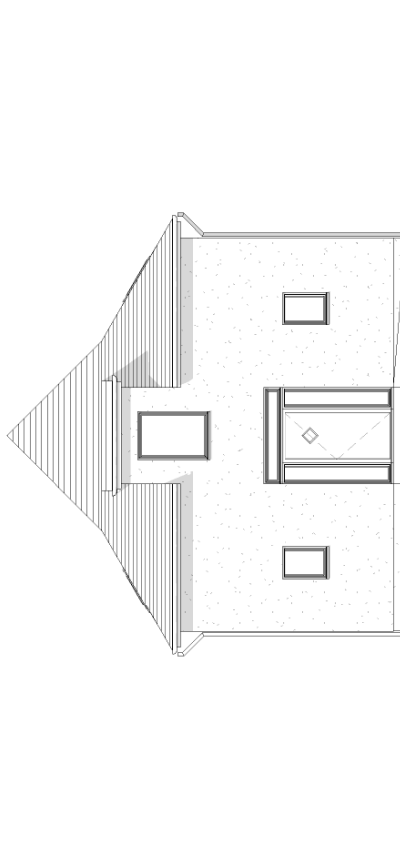
**FEARN  
MACPHERSON**

**CHARTERED ARCHITECTS**

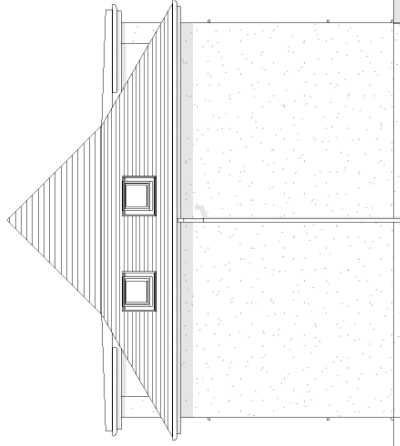


SITE PLAN Scale: 1:200

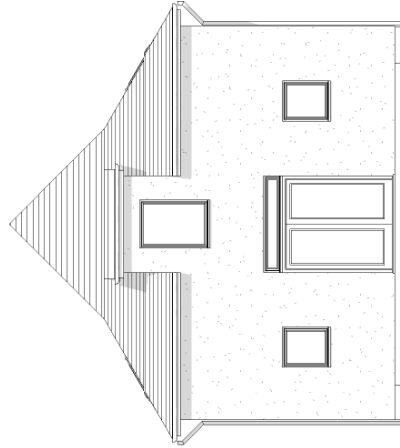
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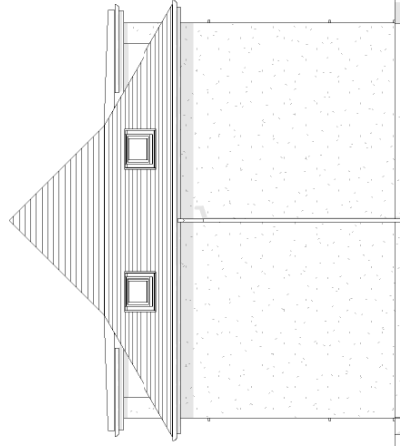
EAST ELEVATION



SOUTH ELEVATION

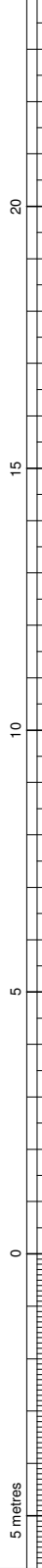


WEST ELEVATION



NORTH ELEVATION

5 metres



**ELEVATIONS**  
SCALE 1:100

**EXTERNAL FINISHES**

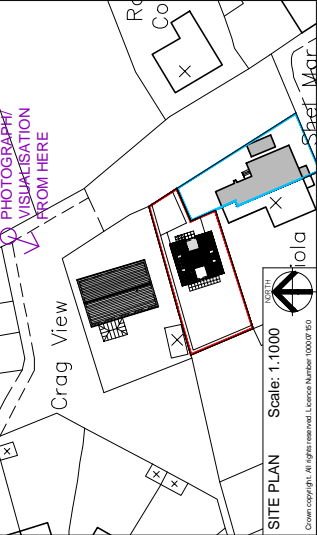
- SLATED ROOF
- WET DASH RENDER (OFF WHITE) TO EXTERNAL WALLS
- TIMBER FACIAS AND SOFFITS
- TIMBER FRAMED HIGH PERFORMANCE DOORS AND WINDOWS

<b>Project</b> PLOT AT SHEL MAR MARKET STREET ABERFELDY PERTHSHIRE PH15 2AN	
<b>Drawing</b> ELEVATIONS	
<b>Date</b> MARCH 2015	<b>Scale</b> 1:100 @ A3
<b>Dwg No.</b> 955/P/21	<b>Rev.</b> 
<b>Unit 4 Dunkeld Road ABERFELDY PERTHSHIRE PH15 2AO Tel: 01827 820088 Fax: 01827 829455</b>	
<b>FEARN MACPHERSON CHARTERED ARCHITECTS</b>	





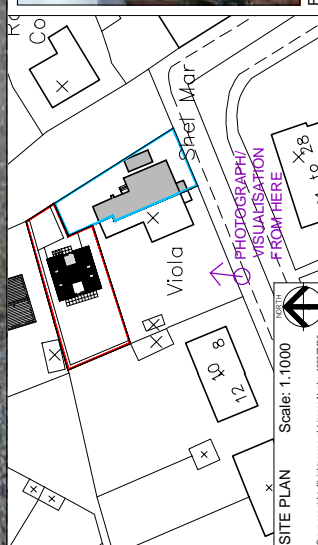
VISUALISATION FROM NORTH



PHOTOGRAPH FROM NORTH

Project		PLOT AT SHEL MAR		ABERFELDY PERTHSHIRE PH15 2AN	
Drawing		VISUALISATION FROM NORTH		Date MARCH 2015	
Scale -		Drg No.		Rev.	
		955/P/31		Unit 4 Dunkeld Road	
				ABERFELDY	
				Perthshire	
				PH15 2AQ	
				Tel : (01867) 820098	
				Fax : (01867) 829455	
				<b>FEARN</b>	
				<b>MACPHERSON</b>	
				<b>CHARTERED ARCHITECTS</b>	





Project PLOT AT SHEL MAR MARKET STREET ABERFELDY PERTHSHIRE PH15 2AN	Date MARCH 2015 Scale -		Rev. 955/P/34
	Drawing VISUALISATION FROM SOUTH		

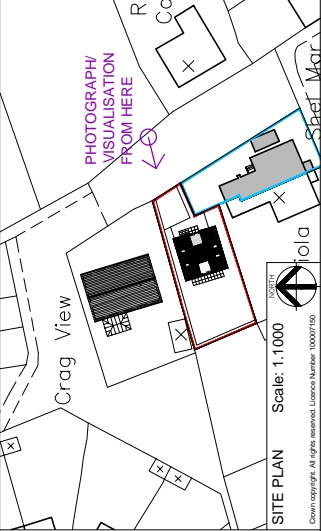
**FEARN  
MACPHERSON**  
 CHARTERED ARCHITECTS

Unit 4 Dunkeld Road  
 ABERFELDY  
 Perthshire  
 PH15 2AQ  
 Tel : (01857) 820082  
 Fax : (01857) 820455





VISUALISATION FROM EAST



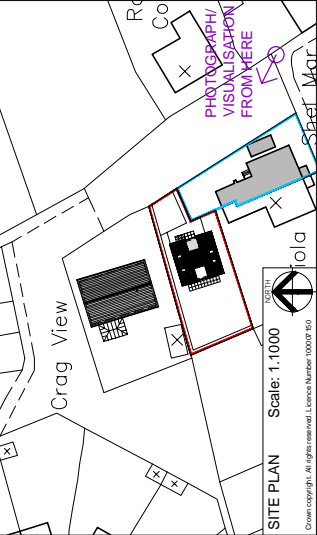
PHOTOGRAPH FROM EAST

Project		PLOT AT SHEL MAR		PERTHSHIRE		PH15 2AN	
Drawing		MARKET STREET		ABERFELDY		ABERFELDY	
Visualisation from East		Date		MARCH 2015		Unit 4 Dunkeld Road	
Scale		-		Drg No.		955/P/32	
Rev.						Perthshire	
						PH15 2AO	
						Tel : (01867) 820098	
						Fax : (01867) 829455	
						Fearn Macpherson	
						Chartered Architects	





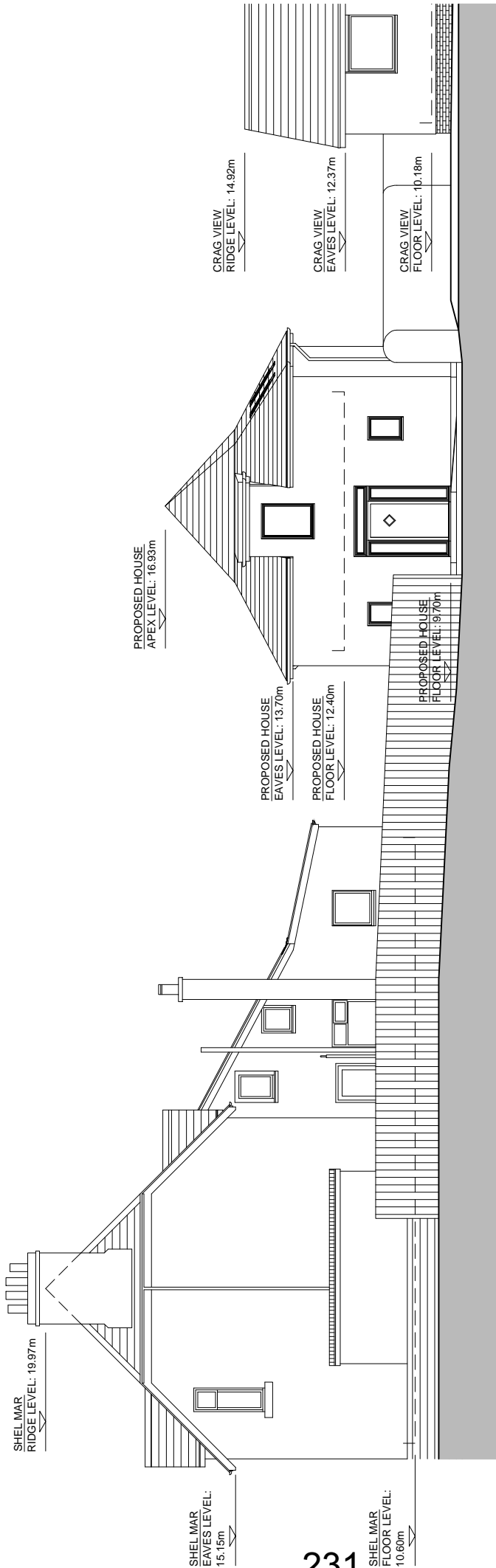
VISUALISATION FROM SOUTHEAST



PHOTOGRAPH FROM SOUTHEAST

Project PLOT AT SHEL MAR MARKET STREET ABERFELDY PERTHSHIRE PH15 2AN		Date MARCH 2015
Drawing VISUALISATION FROM SOUTHEAST		Scale -
		Drg No.
		Rev.
		955/P/33
<b>FEARN MACPHERSON</b> CHARTERED ARCHITECTS		Unit 4 Dunkeld Road ABERFELDY Perthshire PH15 2AQ Tel : (01867) 820098 Fax : (01867) 829455





PROPOSED HOUSE

Crag View

Project

PLOT AT SHEL MAR  
MARKET STREET  
ABERFELDY PERTHSHIRE PH15 2AN

Drawing

SITE SECTION AA

Date

MARCH 2015

Scale

1,100 @ A3

Drg No.

955/P/22

Rev.

Unit 4 Dunkeld Road  
ABERFELDY  
Perthshire  
PH15 2AQ  
Tel : (01857) 82098  
Fax : (01857) 829455

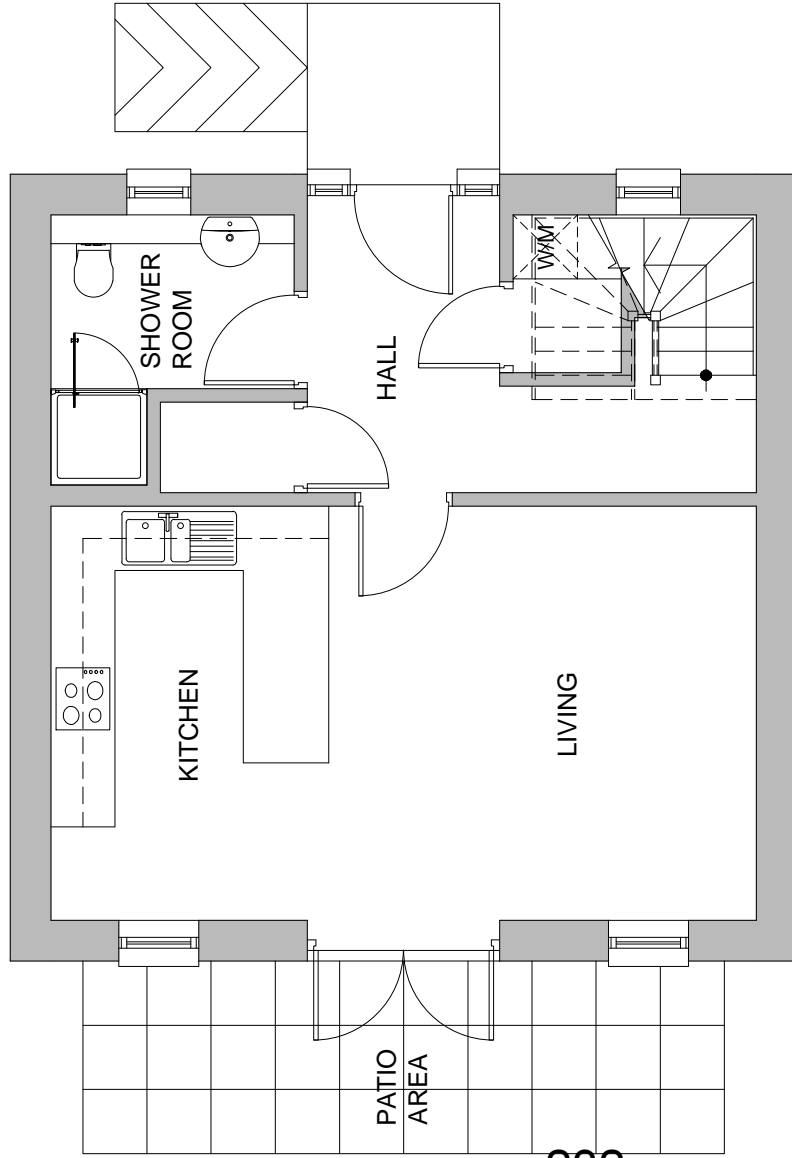
**FEARN  
MACPHERSON**  
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5 metres

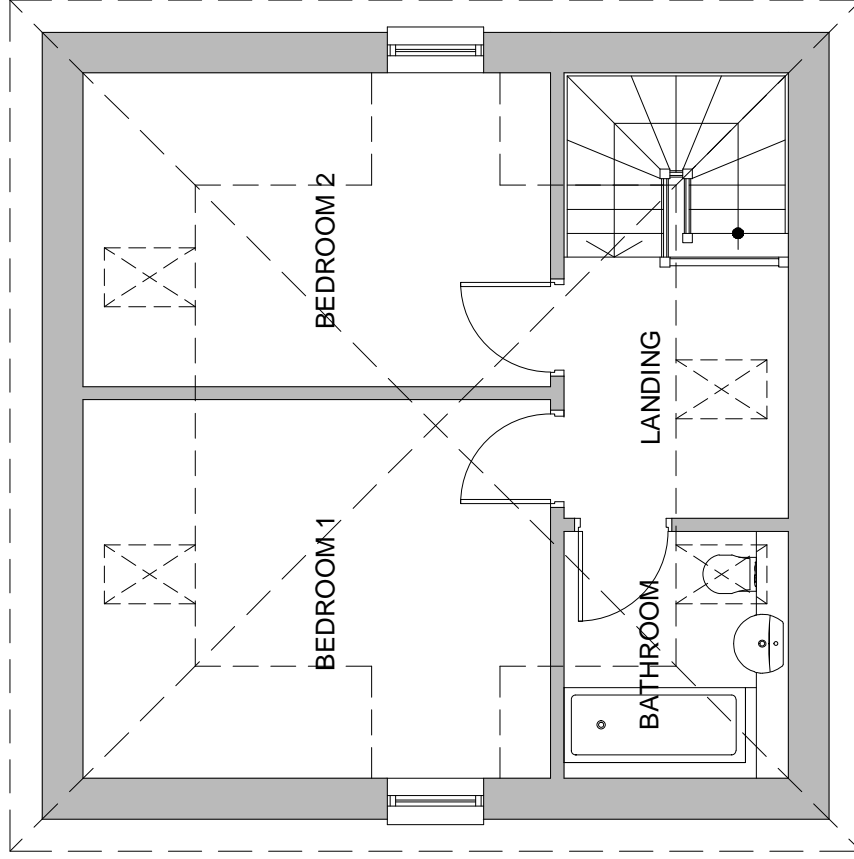
0 5 10 15 20

SITE SECTION AA

Scale: 1,100



GROUND FLOOR PLAN



FIRST FLOOR PLAN



FLOOR PLANS  
Scale 1:50

Project PLOT AT SHEL MAR MARKET STREET ABERFELDY PERTHSHIRE PH15 2AN		Date MARCH 2015
Drawing FLOOR PLANS		Scale 1:50 @ A3
		Drg No. 955/P/11
		Rev. 955/P/11
Unit 4 Dunkeld Road ABERFELDY PERTHSHIRE PH15 2AQ Tel : (01867) 820098 Fax : (01867) 829455		

**FEARN  
MACPHERSON**  
CHARTERED ARCHITECTS

**TCP/11/16(373)**

**Planning Application – 15/00478/FLL – Erection of a dwellinghouse, land 20 metres north west of Shel Mar, Market Street, Aberfeldy**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	15/00478/FLL	<b>Comments provided by</b>	ECS
<b>Service/Section</b>		<b>Contact Details</b>	Maureen Reid ext 76308
<b>Description of Proposal</b>			
<b>Address of site</b>			
<b>Comments on the proposal</b>	<p>I can confirm this development falls within the Breadalbane Primary School catchment area.</p> <p>Education &amp; Children's Services currently have no capacity concerns in this catchment area.</p>		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>			



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

<b>Planning Application ref.</b>	15/00478/FLL	<b>Comments provided by</b>	Emily McMillan
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	76452 emcmillan@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 20 Metres North West Of Shel Mar Market Street Aberfeldy for Mr A Adams		
<b>Comments on the proposal</b>	As the Local Flood Prevention Authority we have <b>no objection</b> to this application.		
<b>Recommended planning condition(s)</b>	None		
<b>Recommended informative(s) for applicant</b>	None		
<b>Date comments returned</b>	1/4/2015		





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

<b>Planning Application ref.</b>	15/00478/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 01738 475381 Email: <a href="mailto:emclaughlin@pkc.gov.uk">emclaughlin@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 20 Metres North West Of Shel Mar Market Street Aberfeldy for Mr A Adams		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Breadalbane Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	02 April 2015		



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

<b>Planning Application ref.</b>	15/00478/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	75329 amaric@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 20 Metres North West Of Shel Mar Market Street Aberfeldy		
<b>Comments on the proposal</b>	Insofar as the roads matters are concerned, I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	24 April 2015		

