

TCP/11/16(409)
Planning Application – 15/02046/FLL – Change of use and extension to garage to form dwellinghouse, former garage at Birnam Park, Birnam

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100011274-001

The online reference 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:	DM Hall Baird Lumsden Chartered Surveyors		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	<input type="text"/>
Last Name: *	Reilly	Building Number:	17
Telephone Number: *	0131 624 6107	Address 1 (Street): *	Corstorphine Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH12 6DD
Email Address: *	james.reilly@dmhbl.co.uk		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs and Miss"/>	Building Name:	<input type="text" value="Benoran"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Binnie"/>	Address 1 (Street): *	<input type="text" value="Scalasaig"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Isle of Colonsay"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA61 7YW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="Birnam Bank"/>
Address 2:	<input type="text" value="Birnam"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Dunkeld"/>
Post Code:	<input type="text" value="PH8 0BW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="741614"/>	Easting	<input type="text" value="303038"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your 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)

This Notice of Review to the Perth & Kinross Council Local Review Body, on behalf of our clients Mr and Mrs D Binnie and their daughter Kirsty Binnie, relates to the Council's refusal of planning application reference 15/02046/FLL, which was for the proposed change of use and extension to garage to form dwellinghouse - former garage at Birnam Bank, Birnam, Dunkeld, Perthshire.

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 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 Statement of Reasons seeking review set out within DM Hall covering letter dated 28 April 2016.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Further to the refusal of the application for planning permission reference 15/02046/FLL and associated application for Listed Building Consent reference 15/02047/LBC, DM Hall Planning and Development was instructed on behalf of our clients - Mr & Mrs Binnie and their daughter Kirsty Binnie to prepare and submit a Notice of Review to Perth & Kinross Local Review Body. It is our opinion that an important matter here for the Members to consider is the need here for an affordable house for Kirsty.

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)

Covering letter containing Statement of Reasons for Seeking Review; completed and submitted original planning application form; Copy of original Supporting Statement; Copy of Drawing No's 1511.P1/P2/P3 and P4 showing the proposed change of use, details of alteration to existing garage, external alterations, alterations to wall etc. Supporting Transport Statement prepared by Transport Planning; Dunkeld Conservation Area Appraisal and Designation for Birnam Bank House.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/02046/FLL

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

10/12/2015

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

01/02/2016

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

There site subject to this application is to the rear of Birnam Bank, which whilst still owned by Mr and Mrs Binnie, is currently being rented, and cannot be completely seen from the road. It is necessary to make arrangements with the family who are currently renting the house from the Binnie's in order to get access.

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: Mr James Reilly

Declaration Date: 29/04/2016

28 April 2016

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

DM HALL
chartered surveyors

Our Ref.: 2016021P

Your Ref.: 15/02046/FLL

By Email (planninglrp@pkc.gov.uk)

Dear Sir / Madam

NOTICE OF REVIEW IN RESPECT OF PERTH & KINROSS COUNCIL'S REFUSAL OF PLANNING APPLICATION REFERENCE 15/02046/FLL – CHANGE OF USE AND EXTENSION TO GARAGE TO FORM DWELLINGHOUSE FORMER GARAGE AT BIRNAM BANK, BIRNAM

On behalf of our clients, Mr and Mrs D Binnie and also their daughter Kirsty Binnie, DM Hall Planning and Development have been instructed to act as their agent in the matter of the preparation and submission of a 'Notice of Review' to the Perth and Kinross Council Local Review Body.

We seek a review of the delegated refusal decision made for the full planning application reference 15/02046/FLL.

For the Local Review Body's information, on behalf of our clients, we are also instructed to prepare and submit an appeal against the refusal of the Listed Building Consent to the Directorate of Planning and Environmental Appeals.

The Notice of Review is submitted following the refusal by Perth and Kinross Council for permission for Change of use and extension to garage to form dwellinghouse – former garage at Birnam Bank, Birnam. The Decision Notice is dated the 1.02.2016.

Birnam Bank House is Category C listed Victorian villa in the Birnam Conservation Area.

Please note that the following information has been submitted via the e-planning site:-

- Completed Notice of Review form;
- Statement of Reasons for Seeking Review – as below;
- Completed and submitted original planning application form – prepared by Robin Baker Architects;
- Copy of original Supporting Statement – prepared by Robin Baker Architects;
- Copy of Drawing No. 1511.P1 – Proposed Site Plan, Elevations and Sections prepared by Robin Baker Architects
- Copy of Drawing No. 1511.P2 – Proposed Plans prepared by Robin Baker Architects;
- Copy of Drawing No. 1511.P3 – Alterations to Boundary Walls prepared by Robin Baker Architects;
- Copy of Drawing No. 1511.P4 – Existing & Proposed Window & External Door by Robin Baker Architects;



DM Hall LLP, a Limited Liability Partnership registered in Scotland with Registration number SO301144
Registered office: 17 Corstorphine Road, Edinburgh, EH12 6DD

A full list of members can be obtained from the Head Office, 17 Corstorphine Road, Edinburgh, EH12 6DD : Tel: 0131 477 6006 Fax: 0131 625 6304

- Review and Comment on Perth and Kinross Transport Planning Objection and Challenge to such – prepared by Transport Planning;
- Dunkeld Conservation Area Appraisal;
- Pdf of Designation for Birnam Bank House

Statement of Reasons seeking review

The Report of Handling prepared on behalf of Perth & Kinross Council for planning application reference 15/02046/FLL, under the heading Appraisal states that the determining issues in this case are whether; the proposal accords with development plan policy; or if there are any other material considerations which justify a departure from policy.

Planning Policy Context for this

In this matter the relevant Development Plan for the area is the TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

The Report of Handling, in respect of TAYplan Strategic Development Plan states; “Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states “By 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””.

Our response to this, on behalf of our clients, to the Local Review Body is that the reason for our clients seeking planning permission for this change of use from existing garage serving the dwelling Birnam Bank, to a single dwelling is to create an affordable single dwelling for Kirsty Binnie, who is a teacher, and who couldn't afford to buy a property in the settlement of Birnam and Dunkeld.

Therefore, we consider that this application, if granted by the Local Review Body will be in keeping with TAYplan policy as it makes use of an existing structure for a dwelling for a person or persons who couldn't afford the property prices here, and therefore allowing someone the right to choose to live in this location.

Scottish Planning Policy

The document Scottish Planning Policy was published in 2014. This SPP introduces a presumption in favour of development that contributes to sustainable development.

It is extremely disappointing; indeed we consider it to be an oversight by Perth and Kinross Council planners that this significant presumption has not been referred to within the delegated report. We consider this ‘presumption in favour of development that contributes to sustainable development’ to be material in the determination of all planning applications determined in Scotland. It is our opinion that the proposals before the Local Review Body do indeed, if granted planning permission, contribute to sustainable development, as it will allow the creation of a new single dwelling in a location from which good existing local services in Dunkeld can be reached on foot and by cycle, as well as by car.

Whilst reviewing Scottish Planning Policy, it is also worth the Local Review Body noting; “Outcome 1 of the SPP is ‘A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed sustainable places’.

In relation to Conservation Areas it states:-

“Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character and setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character and appearance.”

Whilst Birnam Bank House is a Grade C listed building, within a conservation area, Scottish Historic Environmental Policy, is clear that Scottish Ministers see protection of the historic environment not as about preventing change. Historic buildings are adaptable and have met the needs of successive generations while retaining their character.

Perth and Kinross Local Plan

The adopted local plan covering the site is the Perth and Kinross Local Plan as adopted in 2014, and the main relevant planning policies for the determination of these applications, as referred to within the Report of Handling were:-

- “Policy PM1A – Placemaking;
- Policy PM1B – Placemaking;
- Policy RD3 – Housing in the Countryside
- Policy TA1A – Transport Standards and Accessibility
- Policy HE2 – Listed Buildings
- Policy HE3A – Conservation Areas”

The Reasons for Refusal set out within the Decision Notice for application number 15/02046/FLL for Change of use and extension to garage to form dwelling house Former Garage at Birnam Bank Birnam, were given as follows:-

1. “The proposal will result in an intensification of use of the private access. This access is in relatively poor condition, narrow and with difficult geometry and gradients. The intensification of use is therefore unacceptable in the interests of traffic and pedestrian safety.”
2. The proposed alterations to the listed boundary to the walled garden would be detrimental to the character and interest of the listed building and the conservation area setting, and is therefore contrary to Policies HE2 and HE3 of the Perth & Kinross Local Development Plan.
3. The proposed development sets an unwelcome precedent for similar infill development within the garden of nearby properties which would alter the established character and density of this part of the conservation area, and would be contrary to Policies PM1A and PM1B of the Perth & Kinross Local Development Plan.”

Rebuttal to Reasons for Refusal set out within the Perth & Kinross Decision Notice

These are our reasons which we ask the Local Review Body to consider as part of their review of the application.

1.

Firstly, on behalf of our clients, we wish to draw to the attention of Members of the Local Review Body the description for this planning application. The Decision Notice describes the application as for permission for **Change of use and extension to garage to form dwellinghouse Former Garage at Birnam Bank, Birnam.**

This is a fundamental error on behalf of the planning department, and also misleading in the extreme. Please note that the completed planning application form gives existing use as ‘Garage and garden store’. Therefore the description should have been garage and not former garage.

In respect of the intensification use reason for refusal and pedestrian safety, our clients have instructed Alex Sneddon of Transport Planning to review the transport elements of the application. His findings are set out within the document supplied.

We would draw your attention to the following extracts from the Transport Planning Report, which we feel are important for the Local Review Body;

“Walking routes in and around Birnam and Dunkeld are extensive. Several of these routes are identified in various pieces of literature as passing by the site.”

“The road authority states clearly in its consultation response that the access to the site is by means of a ‘private access’. Section 1 of the Roads Scotland Act 1984 sets out the remit of the roads authority to manage and maintain not just ‘roads’ but specifically roads that are on the list of public roads. By its own admission, the access in question is not on the public list of roads and it is therefore difficult to understand the locus of the roads authority”.

“The proposed conversion is related to the loss of an existing double garage. The garage can house vehicles. There is no certainty than even if the dwelling is built, there will be uplift in vehicle use”.

"Finally, we note that at the time of our visit a house was being marketed, accessed from the aforesaid track. The advertisement for this house (Tigh-Na-Beithe – details available on 'right move') contain several details of interest viz:

The village offers many local amenities including a post office, bank, delicatessen, butchers, newsagent, doctor's surgery and excellent primary school. Secondary schooling can be found in the nearby town of Perth.....

The property is ideally placed for all outdoor activities with great walks, golfing and fishing on offer and some of the best cycling routes in Scotland. The property would also be ideal for the commuter with access to the A9 providing easy commuting to North and South of Perthshire. There is also a railway station at Dunkeld which is only a 5 minute walk away and providing direct access to the North and South.

This assessment of accessibility closely mirrors our own and again speaks to the sustainable nature of the proposal.

It is also said within the house details:-

There is a driveway providing off street parking for a number of cars which is located to the side of the property.

This statement emphasises our point made above regarding there being no restriction on vehicle ownership".

Whilst we acknowledge that the original planning permission form sets that the existing parking spaces is 0 and that the proposed vehicles spaces is 3, the irony is that the proposed occupier of the house does not have a car and would intend to use the excellent walking and public transport links available in close proximity.

We therefore do not agree with the 1. Reason for Refusal as set out by the Council, the planning officer has relied on comments received from Perth & Kinross Council Transport Planning who, in our view, have no locus in this matter, AND THEREFORE THIS REASON FOR REFUSAL IS CONSIDERED TO BE NOT SOUND OR JUSTIFIABLE AND THEREFORE NEEDS TO BE DISCOUNTED BY THE LOCAL REVIEW BODY.

2.

A review of the Report of Handling Delegated Report for the proposed Change of Use and extension to form dwellinghouse, considers that;

"the proposed alterations to the listed boundary to the walled garden would be detrimental to the character and interest of the listed building and conservation area setting, and is therefore contrary to policies HE2 and HE3A of the Perth & Kinross Local Development Plan."

On behalf of our clients we strongly disagree with this as it is a very subjective and overly negative response to what is a very minimal intervention and alteration to the listed building and conservation area.

We use the term 'subjective' because it is not clear from the Report of Handling that the Council has referred to either of the following key pieces of evidence, which DM Hall Planning and Development have reviewed prior to preparation of this statement.

The key pieces of evidence we refer to are:-

- (i) The designation for Birnam Bank House, Birnam as downloaded from the Historic Environment Scotland web site; and
- (ii) The Dunkeld Conservation Area Appraisal

The designation information states; "The listing relates specifically to the group interest of the subject. It applies, as always, to interior as well as exterior, as appropriate to building type."

So whilst it is acknowledged that is listing does therefore mean that the exterior walls are listed, it is interesting to note that the designation does not specifically refer to the importance or character of the walls. Therefore we consider that the small reduction in height of the stone wall and a new gate – where there is already a gate, it not DETRIMENTAL TO THE CHARACTER AND INTEREST, AS THE DESIGNATION MAKES NOT SPECIFIC REFERENCE TO THE CHARACTER OF THE WALLS IN REGARD TO THE LISTED BUILDING.

Additionally, a review of the document 'Dunkeld Conservation Area Character Appraisal' prepared by Perth & Kinross Council in June 2011, has no specific reference to the Birnam part of the Conservation Area, specifically with regard to boundary walls or gardens.

It is therefore our opinion that the Report of Handling has failed to take into account these two crucial elements of evidence, and that the case officer has simply refused the scheme on the basis of their own subjective view, which is not backed by the evidence detailed herein.

We therefore request that Members of the Local Review Body take this evidence into account and make a decision on whether the actual proposals are detrimental. We do not consider that they are.

Also, the document SHEP (Scottish Historic Environmental Policy), as reference which the Report of Handling under Other Policies, makes clear the position of Scottish Minister; protection of the historic environment is not about preventing change.

For the reasons outlined above we therefore do not agree with the 2. Reason for Refusal as set out by the Council. The planning officer, in our opinion, has not provided evidence of the fact that they have reviewed either the designation of the listed building nor the Dunkeld Conservation Area Appraisal, which we have herein, and have not adequately justified who they consider that the development has a detrimental impact, AND THEREFORE THIS REASON FOR REFUSAL IS PURELY SUBJECTIVE AND NOT CREDIBLE AND SHOULD BE CHALLENGED.

3.

A review of the Report of Handling Delegated Report for the proposed Change of Use and extension to form dwellinghouse, considers that;

"The proposed development sets an unwelcome precedent for similar infill development within the garden ground of nearby properties which would alter the established character and density of this part of the conservation area, and would be contrary to Policies PM1A and PM1B of the Perth and Kinross Local Development Plan"

On behalf of our clients we challenge this reason for refusal. We are certain that Members of the Local Review Body themselves will realise what all planners know "there is no such thing as precedent in planning". Each individual planning application is determined on its own merits.

We fundamentally disagree with this stated reason for refusal, and urge the Members of the Local Review Body to undertake a site inspection to fully understand the situation on the ground.

We consider that the plans prepared by Robin Baker Architects represent a sensitive and neutral impact to the listed building and conservation area.

As per Perth & Kinross Local Plan Policy HE2 we consider that the proposed alterations will help create a sustainable new dwelling in an area where housing is expensive and not readily available. The proposed alterations to the wall, which are minimal and the use of the garden, which is currently overgrown and unattractive, will not in our view have any adverse or detrimental affect on the special interest of the listed building.

Conclusion

Within this Statement DM Hall Planning and Development has robustly challenged the 3 reasons for refusal as set out within the Decision letter.

We consider that the issues we raise herein are 'material' to the determination of the application and challenge the Report of Handling in key areas.

We strongly believe that the proposal before the Local Review Body does accord with the Development Plan and therefore should be approved.

We also consider that the stated Scottish Planning Policy which introduces a presumption in favour of development that contributes to Sustainable Development is very relevant to this proposal AND WAS NOT GIVEN SUFFICIENT WEIGHT WITHIN THE ORIGINAL DECISION REACHED BY PERTH AND KINROSS COUNCIL.

FOR THESE REASONS WE CONSIDER THAT THE LOCAL REVIEW BODY SHOULD NOT UPHOLD THE ORIGINAL DECISION OF THE COUNCIL AND APPROVE PLANNING PERMISSION HERE.

However, as with lots of planning matters which Members of the Local Review Body will undoubtedly experience, there is a human or 'non-material' element, or story behind this application, which we bring to your attention.

This application seeks to create a new dwellinghouse within this part of Birnam. Our client Kirsty Birnam, is a teacher and wishes to live and work locally. At present there are very few, in any, properties which are affordable to a teacher, and this is an issue across Perthshire.

This is a very sustainable location, which does not actually require the use of a car. Whilst the proposal shows 3 parking spaces in the garden, the reality is that our client Kirsty Binnie, will make use of the excellent transport links and local amenities here.

In summing up, we are extremely disappointed that the planner who dealt with this case took not cognisance of the creation of a new dwelling in what is a very sustainable location where there is a lack of affordable houses, and that there is little evidence presented of a well-argued reason for refusal that the proposal is detrimental to the designation of listed building or Conservation Area.

We therefore request that the Local Review Body, once you have reviewed all matters and undertaken a visit, reach a decision NOT TO UPHOLD THE DECISION OF THE COUNCIL and grant planning permission for change of use from garage to dwelling.



James Reilly MRTPI
Head of Planning
for DM Hall LLP

Enc

87 Wyatt Park Road
London
SW2 3TW

29th April 2016

Perth & Kinross Council
Pullar House
35 Kinoull Street
Perth
PH1 5GD

Dear Sir,

Change of use and extension of garage to form dwelling house at Birnam Bank, Birnam

I am writing with respect to the above planning appeal. I am a twenty nine year old primary school teacher who would like to convert the garage in Birnam Glen at our family home into a dwelling house to enable me to come to live and work in the area.

Birnam Glen is my home. It is where I am rooted and would like to return to live, work and raise a family. It is where my life-long friends are, where I feel I could contribute most to a vibrant, local community.

I grew up in Birnam Bank living there for eighteen years attending the Royal School of Dunkeld and Breadalbane Academy. I then worked as a teaching assistant at Breadalbane Primary School. Part of the reason I moved away to train as a teacher, living and working in London, was the lack of affordable local accommodation.

I am a driven and career-minded primary school teacher currently working at Hillmead Primary School in Brixton. I have worked and trained in primary education in London for the past 5 years with a mapped-out career pathway of promoted posts with the intention of bringing these skills back with me. I am currently undertaking a masters degree with a view to returning to Perthshire intending to work in local schools bringing my gained expertise and contribution to the area.

I would significantly lower the demography of Birnam Glen helping it return to a vibrant and sustainable place to live.

I have seen my friends and siblings priced out of the village, unable to buy first time, let alone family homes. I do not want this to be my narrative.

I hope you are able to give some consideration in the appeal decision to the personal reasons that initiated the original plans to convert the garage into a home. These were designed to give me an opportunity as a younger working member of the community a chance to return.

Your sincerely

Kirsty Binnie



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: 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 000137710-001

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.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use of Garage to Dwelling, including alterations and extension to building, and alterations to boundary walls and fences.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

- No Yes - Started Yes - Completed

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:	Robin Baker Architects
Ref. Number:	
First Name: *	G
Last Name: *	Nicoll
Telephone Number: *	01350 728116
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	grahame@robinbakerarchitects.com

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

Building Name:	Tower Buildings
Building Number:	
Address 1 (Street): *	Station Road
Address 2:	Birnam
Town/City: *	Dunkeld
Country: *	UK
Postcode: *	PH8 0DS

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Other
Other Title: *	Mr & Mrs
First Name: *	D.
Last Name: *	Binnie
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	Benoran
Building Number:	
Address 1 (Street): *	Scalasaig
Address 2:	
Town/City: *	Isle of Colonsay
Country: *	UK
Postcode: *	PA61 7YW

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Birnam Bank

Address 5:

Address 2:

Birnam

Town/City/Settlement:

Dunkeld

Address 3:

Post Code:

PH8 0BW

Address 4:

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

Northing

741614

Easting

303038

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

15/00340/PREAPP

Response from Conservation Officer to pre-application enquiry made on 23.6.15 by Robin Baker Architects.

Feedback concluded - "It would not appear that the proposal would have a significant adverse impact on the setting of the category C listed Birnam Bank, given that the garage building is already in situ".

Title:

Ms

Other title:

First Name:

Diane

Last Name:

Barbary

Correspondence Reference Number:

15/00340/PREAPP

Date (dd/mm/yyyy):

01/07/15

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1543.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Garage and garden store.

Access and Parking

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

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting 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 highlighting the changes you propose to make, including arrangements 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 a reduced number of spaces)? *

3

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, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) * Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

Waste bins will be located at the road side for collection.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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 accompanying application.

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

Signed: G Nicoll

On behalf of: Mr & Mrs D. Binnie

Date: 26/11/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: G Nicoll

Declaration Date: 26/11/2015

Submission Date: 26/11/2015

Payment Details

Online payment: XXXXXXXXXX

Created: 26/11/2015 10:20

Birnam Bank, Birnam, Dunkeld, PH8 0BW

Conversion of Garage into Dwelling

Supporting Statement for Planning Application

Prepared by

Robin Baker Architects

Tower Buildings

Station Road

Birnam

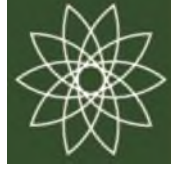
PH8 0DS

01350 728116

info@robinbakerarchitects.com

Date

November 2015



robin
baker
ARCHITECTS

Contents

Section 1 Introduction

Section 2 Site

Section 3 Design Principles

Section 4 Design Proposals

Section 5 Summary



1.0 Introduction

- 1.1 David & Jan Binnie lived in Birnam Bank for many years when they were the local doctors. The house is currently leased to tenants.
- 1.2 They acquired the adjacent walled garden that was formerly part of The Lodge (now renamed Heath Park).
- 1.3 In 1991 planning permission (ref 91/01556/FUL) was granted for a large garage in a restricted area between the walled garden & the north boundary.
- 1.4 It is now proposed to convert the garage into a dwelling and alter the walled garden to accommodate the house, forming a sunken terrace at the north end of the walled garden and realigning the stone wall to create a new boundary wall.

2.0 Site

- 2.1 Refer to 1511.E01 Location Plan.
- 2.2 It is in the grounds of Birnam Bank, a Category C Listed Building (ref LB11098) and adjacent to The Lodge, a Category B Listed Building (ref 11100).
- 2.3 The site is located within the Birnam Conservation Area.

3.0 Design Principles

3.1 We have referred to the following Perth & Kinross LDP Planning Policies:

PM1: Placemaking

PM2: Design Statement

PM3: Infrastructure Contributions

RD1: Residential Areas

HE2: Listed Buildings

HE3: Conservation Areas

4.0 Design Proposals

4.1 Site Layout

The change of use of the garage to a dwelling requires that the garage relates to the walled garden instead of Birnam Bank.

It is proposed to remove a section of wall between the garage and the walled garden and to reuse this stone in an extended and realigned boundary wall between Birnam Bank and the new dwelling.

4.2 Amenity

The impact on the setting of Birnam Bank is very limited and there will still be adequate garden area.

The setting of the new dwelling is considerably improved by the paved & planted area to the west and the sunken terrace extending to the south where a low retaining wall limits the impact on the walled garden.

4.3 Access

There is an existing gateway, approx 2.8m wide, from the private road giving access into the walled garden.

It is proposed to improve this access by forming a recessed 3.0m wide gateway with a splayed fence to the west and reduce the wall height to 1m high for 5m to the east, where a distinctive walnut tree, which is to be retained, is contained by a low stone wall.

The detailed design of this gate has not been considered at this stage.

A gravel parking and turning area is proposed for at least 2 cars with a paved access ramp down to the terrace and into the house.

4.4 External Alterations

The garage door openings on the west elevation are to be infilled with a recessed glass & timber screen painted in a dark colour.

A new 3m wide opening is to be formed in the south elevation to open up the living space to the terrace and garden.

The existing single glazed casement windows are to be replaced with double glazed timber sash and case windows, which are considered suitable for the Conservation Area setting.

The two arched gable windows are currently single glazed fixed lights. It is proposed that these are also replaced with double glazed timber sash and case windows where the lower sash opens to form escape windows from the bedrooms to comply with part 2.9.4 of the Technical Standards.

A small extension to the east, that will provide a useful entrance lobby, will be finished in matching pitched slate roof and rendered wall finish.

5.0 Summary

- 5.1 The proposed conversion will create an additional accessible dwelling with minimal impact upon the Conservation Area and the setting of the two listed buildings.
- 5.2 The proposed conversion and external alterations will improve the appearance of the garage and garden area and will not be detrimental for the character of the area.
- 5.3 The proposed alterations to the entrance gate will improve the safety of the access.
- 5.4 Overall this proposal will not create a precedent for further new developments in gardens in this area.

As dimensions are to be taken from the Main Site by the Main Contractor, the commencement of any work shall be at the discretion of the Main Contractor, whether on his own or in conjunction with any other contractor or suppliers. All discrepancies are to be referred to the architect.

This drawing is to be used in conjunction with all Engineers' and Specialist information relevant to the project.

This drawing is copyright of Robin Baker Architects.

Revs

PLANNING DRAWING



robin baker ARCHITECTS
 Tower Buildings
 Station Road
 Birnam PH9 0GS
 T 01340 248138
 info@robinbaker.com

Client:
 Mr & Mrs D. Binnie

Project:
 Birnam Bank
 Birnam

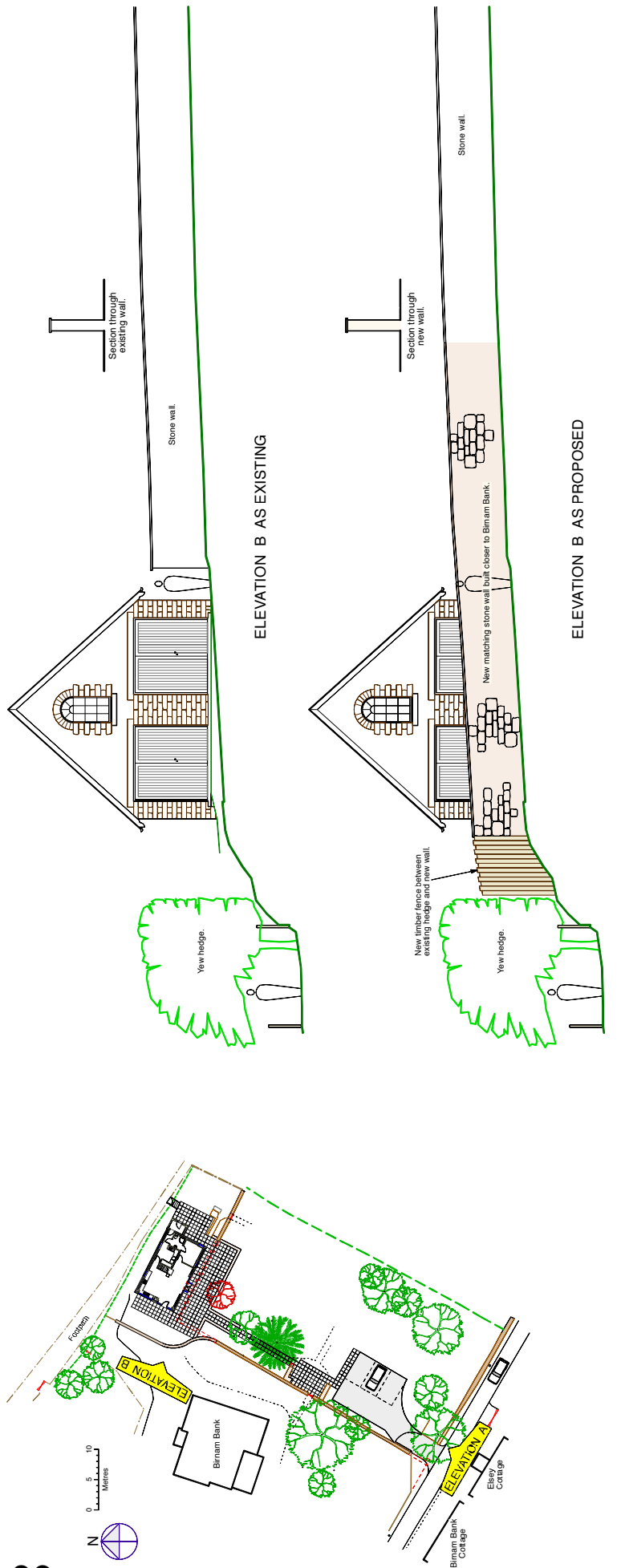
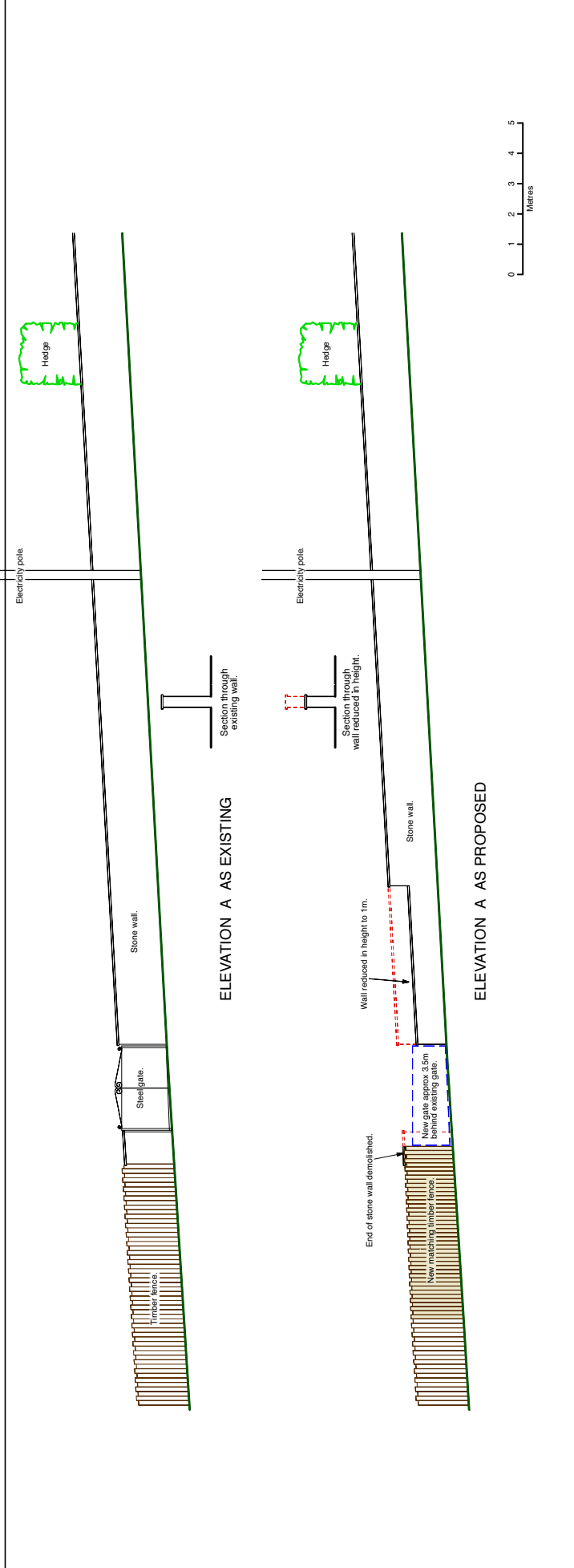
Drawing:
 Alterations to
 Boundary Walls

Scale:
 1:100

Drawn:
 GN

Date:
 Nov. 2015

Drawing No:
 1511.P3



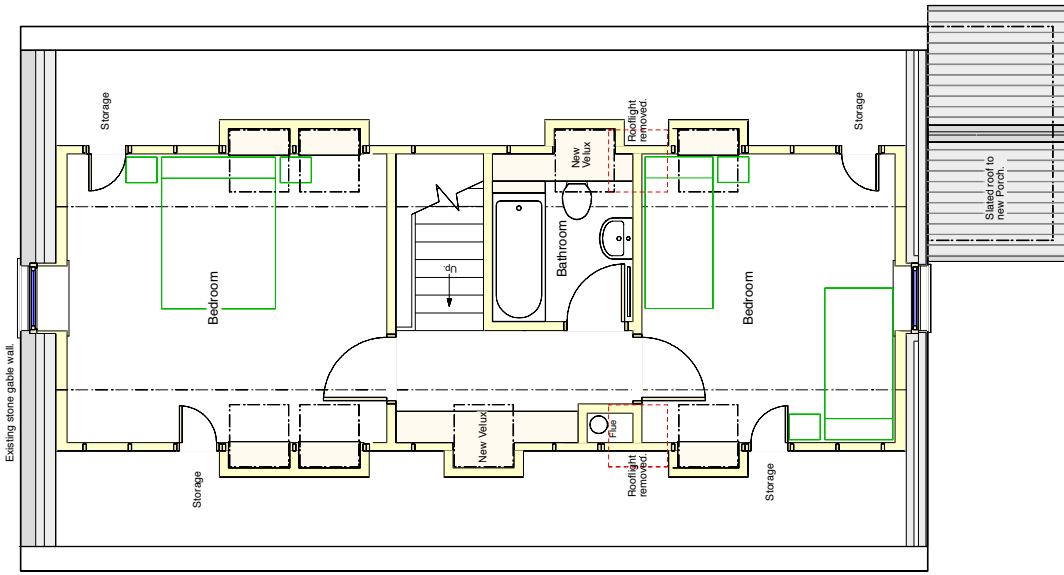
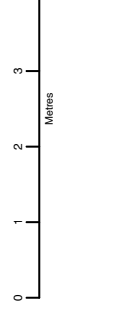
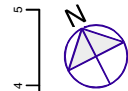


All dimensions are to be taken from the Main Site by the Main Contractor. The commencement of any work shall be the responsibility of the contractor. The contractor shall be responsible for the completion of any work. The contractor shall be responsible for the completion of any work. The contractor shall be responsible for the completion of any work.

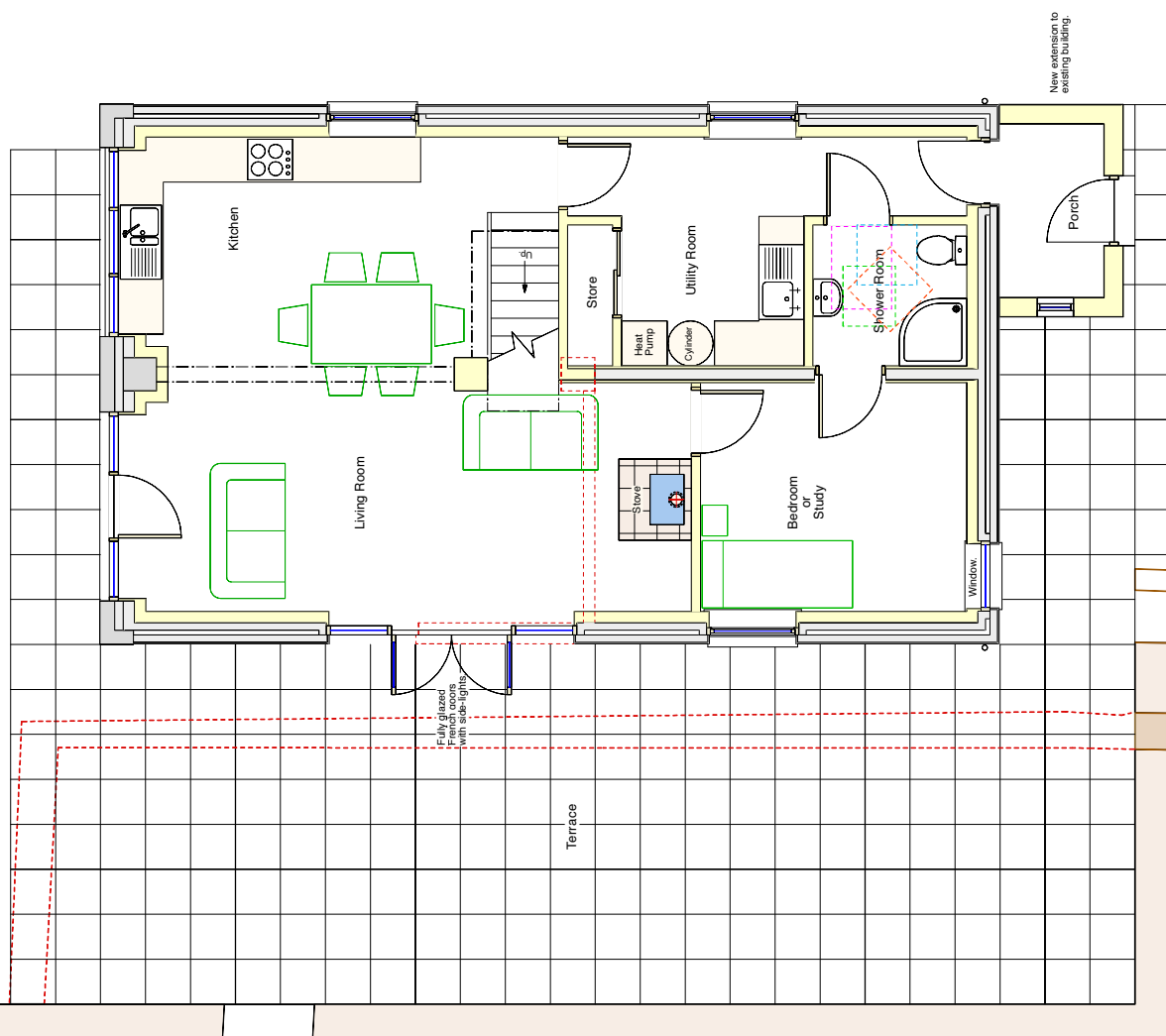
Revs

PLANNING DRAWING
robin baker ARCHITECTS
Tower Buildings, Station Road, Birnam, Perth, Scotland. Tel: 01739 428138
www.robinbakerarchitects.com

Client:	Mr & Mrs D. Binnie
Project:	Binnam Bank Birnam
Drawing:	Proposed Plans
Scale:	1:50
Drawn:	GN/BB
Date:	Oct 2015
Drawing No:	1511.P2



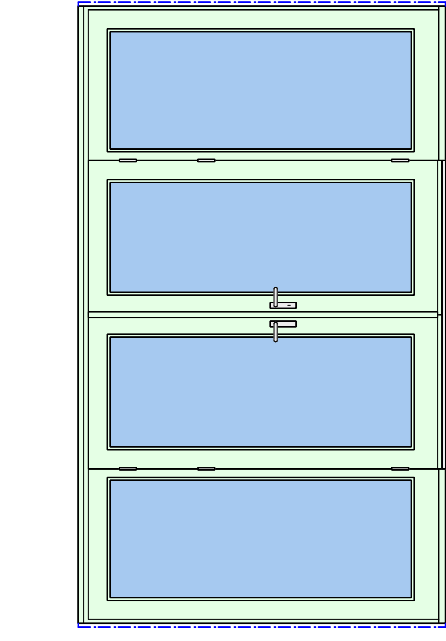
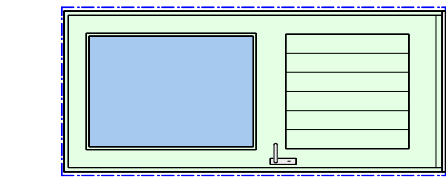
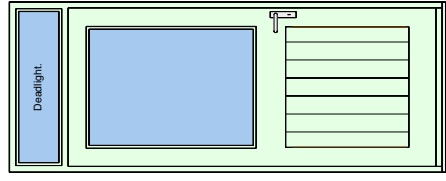
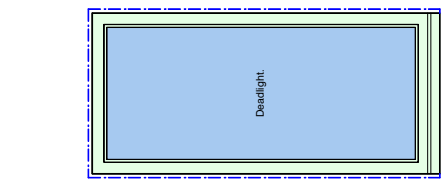
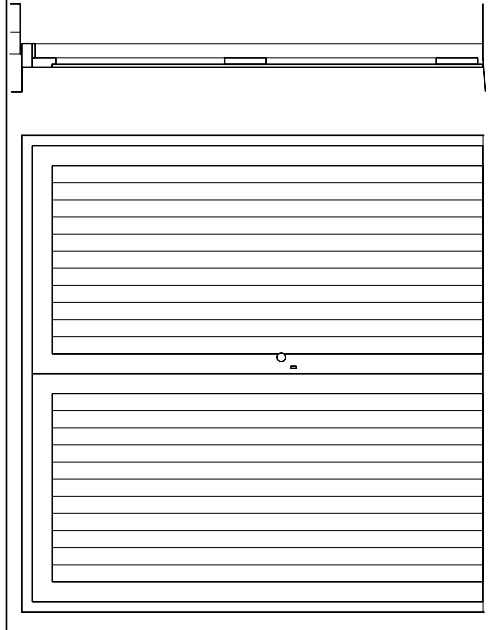
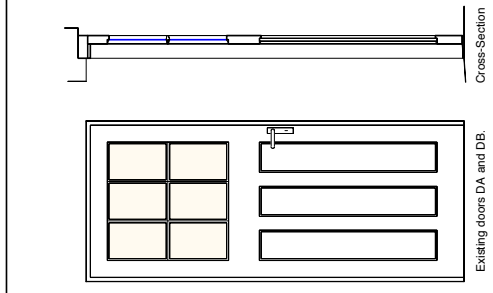
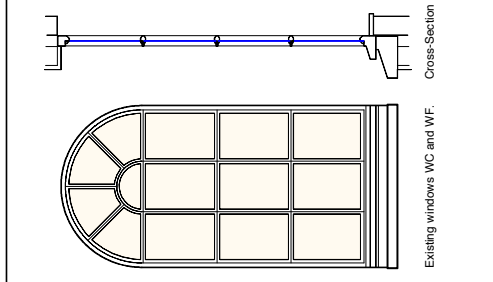
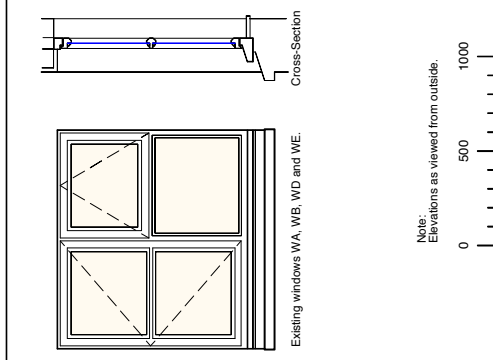
First Floor Plan



Ground Floor Plan

All dimensions are to be taken from the face of the Main Structure unless otherwise stated. The commencement of any work shall be the date of the issue of this drawing. The architect shall be responsible for the accuracy of the information provided. All discrepancies are to be reported to the architect in writing. This drawing is the property of Robin Baker Architects. This drawing is copyright of Robin Baker Architects.

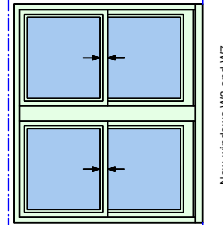
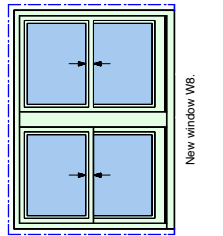
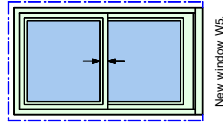
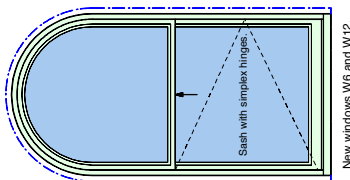
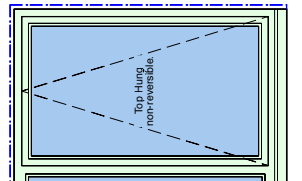
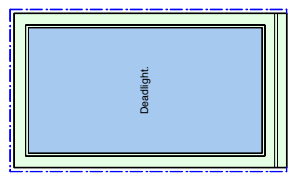
Revs



W4, W9, W10 and W11 to be Alan Brothers System 2007 (or equal) timber casement windows. Windows to be fitted with 4-20-4 double glazed units, tilt extensions and trickle vents. Windows are to be fully factory finished with waterborne paint. See Alan Bros technical brochure for cross-sections.

D2 and D3 to be Alan Brothers (or equal) 6-4-18-4 double glazed units. Fully factory finished with waterborne paint. See Alan Bros technical brochure for cross-sections.

New French door D1 with sidelights W1 and W2. To be Alan Brothers (or equal) reduced doors and windows. Fully factory finished with waterborne paint. See Alan Bros technical brochure for cross-sections.



Solid mullion coupling between sashes.

W3, W7, W8, W9, W10 and W12 to be Alan Brothers (or equal) vertical sliding sash timber windows with great (spring) balance operation. Windows to be fitted with 4-14-4 double glazed units and trickle vents. Fully factory finished with waterborne paint. See Alan Bros technical brochure for cross-sections.

PLANNING DRAWING

robin baker ARCHITECTS

Tower Buildings
Station Road
Birmingham B1 1BB
T 0121 634 1818
info@robinbakerarchitects.com

Client:	Mr & Mrs D. Binnie
Project:	Birmingham Bank Birmingham
Drawing:	Existing & Proposed Window & External Door Elevations & Sections
Scale:	1:20
Drawn:	GN
Date:	Dec. 2015
Drawing No:	1511.P4