

TCP/11/16(310)
Planning Application 14/00358/FLL – Alterations and extension to dwellinghouse, 113 Balhousie Street, Perth, PH1 5BE

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TCP/11/16(310)
Planning Application 14/00358/FLL – Alterations and
extension to dwellinghouse, 113 Balhousie Street, Perth,
PH1 5BE

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008



IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="MRS"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="ANN"/>	Forename	<input type="text"/>
Surname	<input type="text" value="SPENCE"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="113"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="BALHOUSIE STREET"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="PERTH"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="PH1 5BE"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="PERTH AND KINROSS"/>	
Planning authority's application reference number		<input type="text" value="14/00358/FLL"/>	
Site address			
<input type="text" value="113 BALHOUSIE STREET, PERTH PH1 5BE"/>			
Description of proposed development			
<input type="text" value="ALTERATIONS AND EXTENSION TO GROUND FLOOR FLAT"/>			

Date of application

26.2.14

Date of decision (if any)

10.4.14

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions

**5. Reasons for seeking review**

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer

**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

1. MY EXISTING GROUND FLOOR FLAT IS LIMITED IN SPACE AND I WOULD LIKE TO FORM A DINING ROOM.
2. NEIGHBOURING PROPERTIES HAVE HAD SIMILAR FLAT ROOF EXTENSIONS BUILT ON THE BOUNDARY IN THE PAST. THE CLOSEST EXTENSIONS ARE AT CARNEGIE PLACE THIS WAS MENTIONED IN THE LETTER WITH PHOTOGRAPHS TAKEN BY MY ARCHITECT FROM THE REAR GARDEN BUT SEEMS TO HAVE BEEN OVER-LOOKED.
3. THE FLATS HAVE SIMILAR LAYOUTS AND THE ROOM BESIDE THE BOUNDARY IS A KITCHEN AND IS NOT CLASSED AS A HABITABLE ROOM.
4. THE NEIGHBOURING GARDEN GROUND IS NOT SMALL AND ANY OVERSHADOWING WOULD BE MINIMAL IN RELATION TO THE GARDEN SIZE.

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

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

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. SET OF PLANS
2. LETTER FROM ARCHITECT INCLUDING PHOTOGRAPHS OF NEIGHBOURING EXTENSIONS
3. REFUSAL NOTICE

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

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

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

DECLARATION

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

Signature:  Name: Date:

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

PERTH AND KINROSS COUNCIL

Mr L Spence
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 10th April 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00358/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 26th February 2014 for permission for **Alterations and extension to dwellinghouse 113 Balhousie Street Perth PH1 5BE** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal, by virtue of its height, projection, close proximity and orientation in relation to the neighbouring property, would have an adverse overshadowing impact, to the detriment of the residential amenity of the neighbouring property. Approval would, therefore, be contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014, which seeks to protect and where possible improve existing residential amenity.
2. Approval would be contrary to Perth and Kinross Council's Placemaking Guide (2012) which sets guidelines on acceptable levels of overshadowing.

Justification

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

Notes

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

Plan Reference

14/00358/1

14/00358/2

14/00358/3

14/00358/4

14/00358/5

14/00358/6

14/00358/7

14/00358/8

14/00358/9

NORMAN MACLEOD

18 Walnut Grove
Blairgowrie
PH10 6TH

Tel: 07884177328
E mail: namacleod@aol.com
www.namsurveying.co.uk

Date: 24 February 2014

Dear Sirs

Previous planning reference 13/01115/FLL
Mr L Spence 113 Balhousie Street Perth PH1 5BE

With reference to the above application which was refused on 15th August 2013 please find a fresh application for the extension to the rear at the above property.

My client wishes to reapply on the basis that there are many existing extensions built to the rear of the properties adjacent to the boundary in the close vicinity of his property with some being of greater scale than what he is proposing.

As the application is being resubmitted within 12 months of refusal I understand that there is no requirement for a planning fee.

I have attached some photographs of extensions taken from the applicant's property.

Yours faithfully





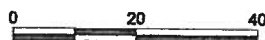
Produced 31/05/2013 from the Ordnance Survey
National Geographic Database and incorporating
surveyed revision available at this date. © Crown
Copyright 2013

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the prior permission of Ordnance Survey

Ordnance Survey and the OS Symbol are registered
trademarks of Ordnance Survey, the national mapping
agency of Great Britain.

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

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



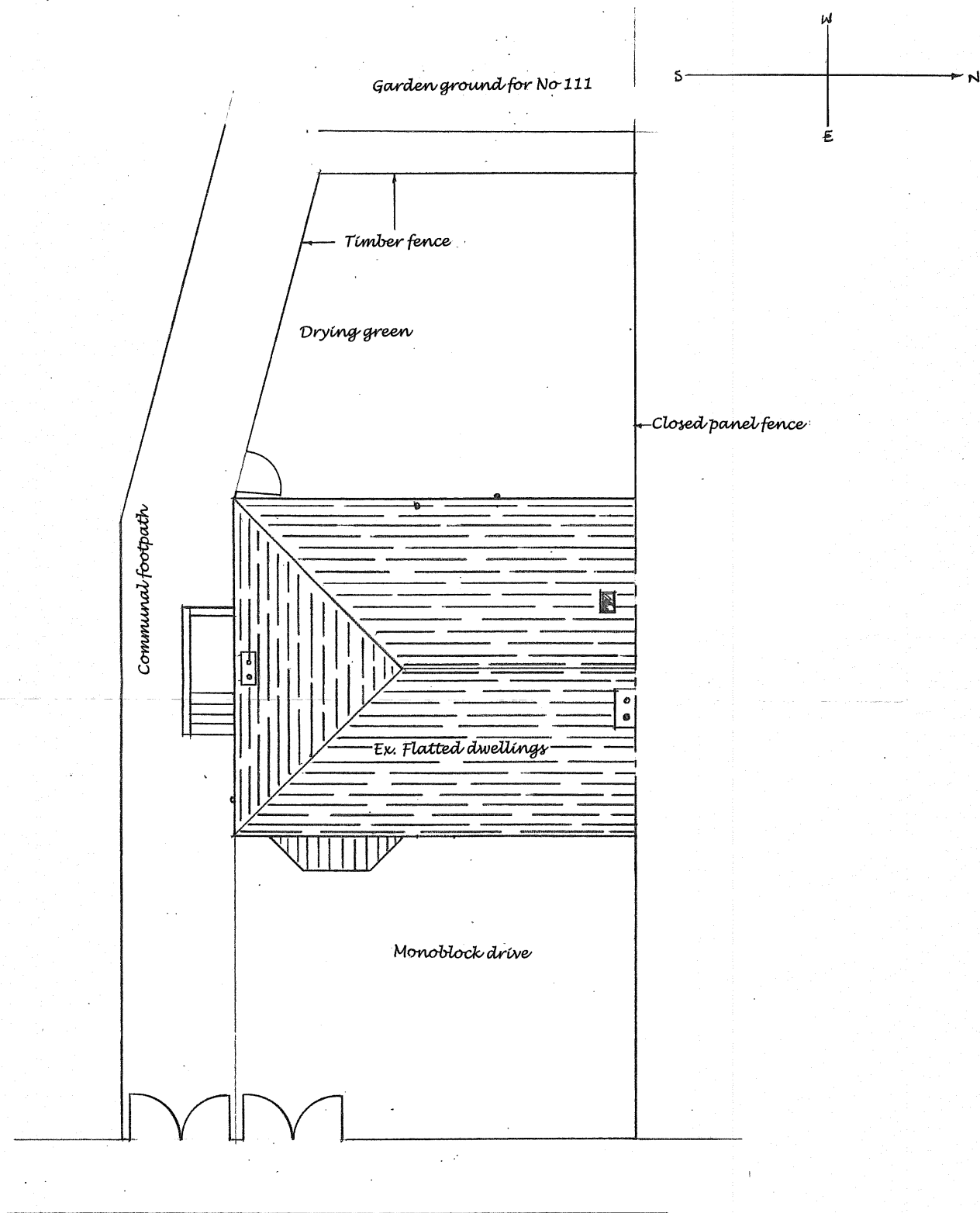
Scale 1:1250

Supplied By: **Danscot Perth**

Serial number: 001103945

Plot Centre Coordinates: 311148, 724803





Balhousie Street
Existing Block Plan 1:100

0 1 2 3 4 5 6 7 8 9 10 METRES
SCALE BAR 1:100

Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

e-mail: namacleod@aol.com

Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

Scale: 1:100

Drawing No: 1

Drawing ref: Existing Block Plan

Date: May 2013

Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

e-mail: namacleod@aol.com

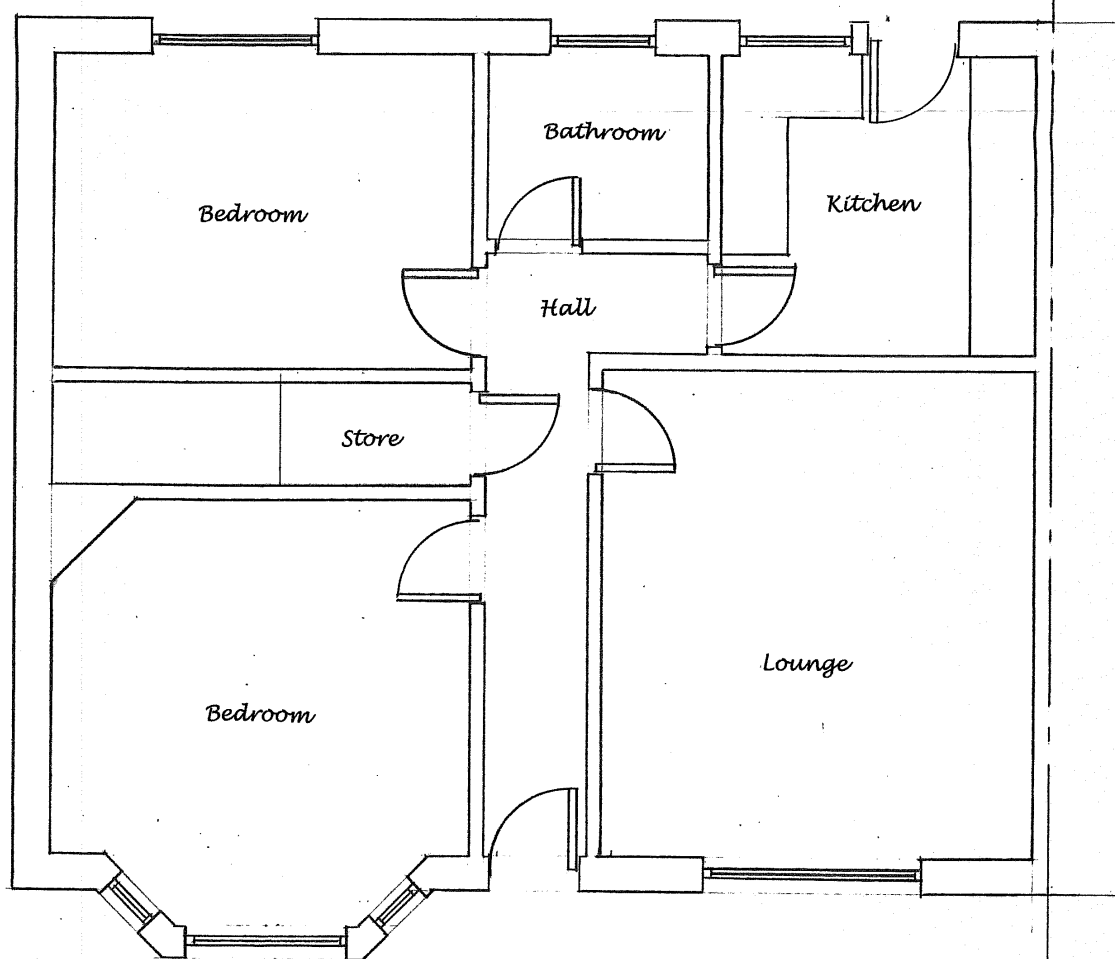
Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

Scale: 1:50

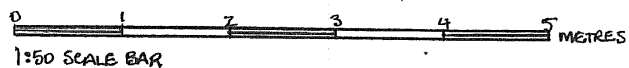
Drawing No: 2

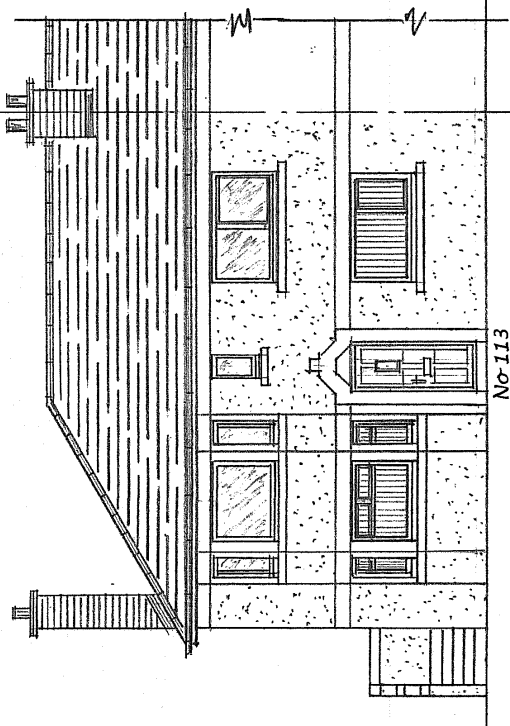
Drawing ref: Existing Ground Floor Plan

Date: May 2013

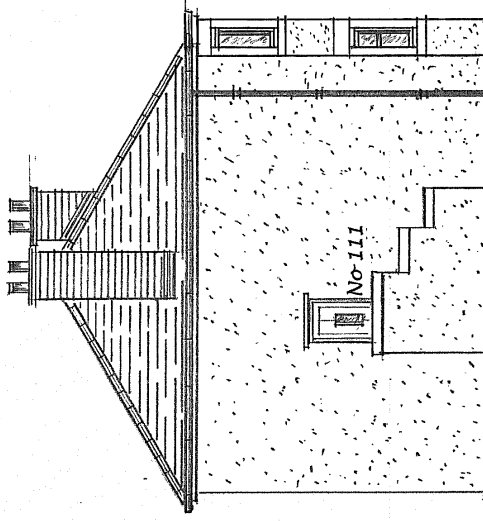


Existing Ground Floor Plan 1:50

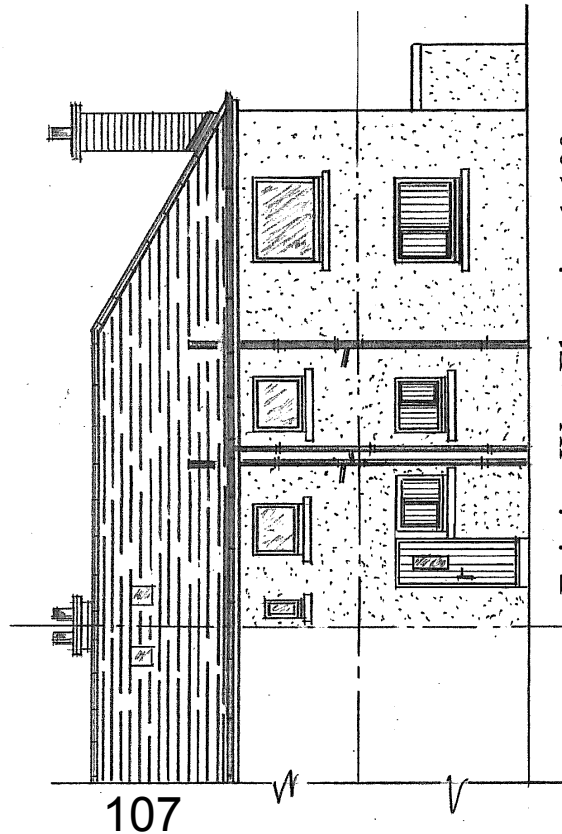




Existing East Elevation 1:100



Existing South Elevation 1:100



Existing West Elevation 1:100



Norman A MacLeod

Tel: 07884177328

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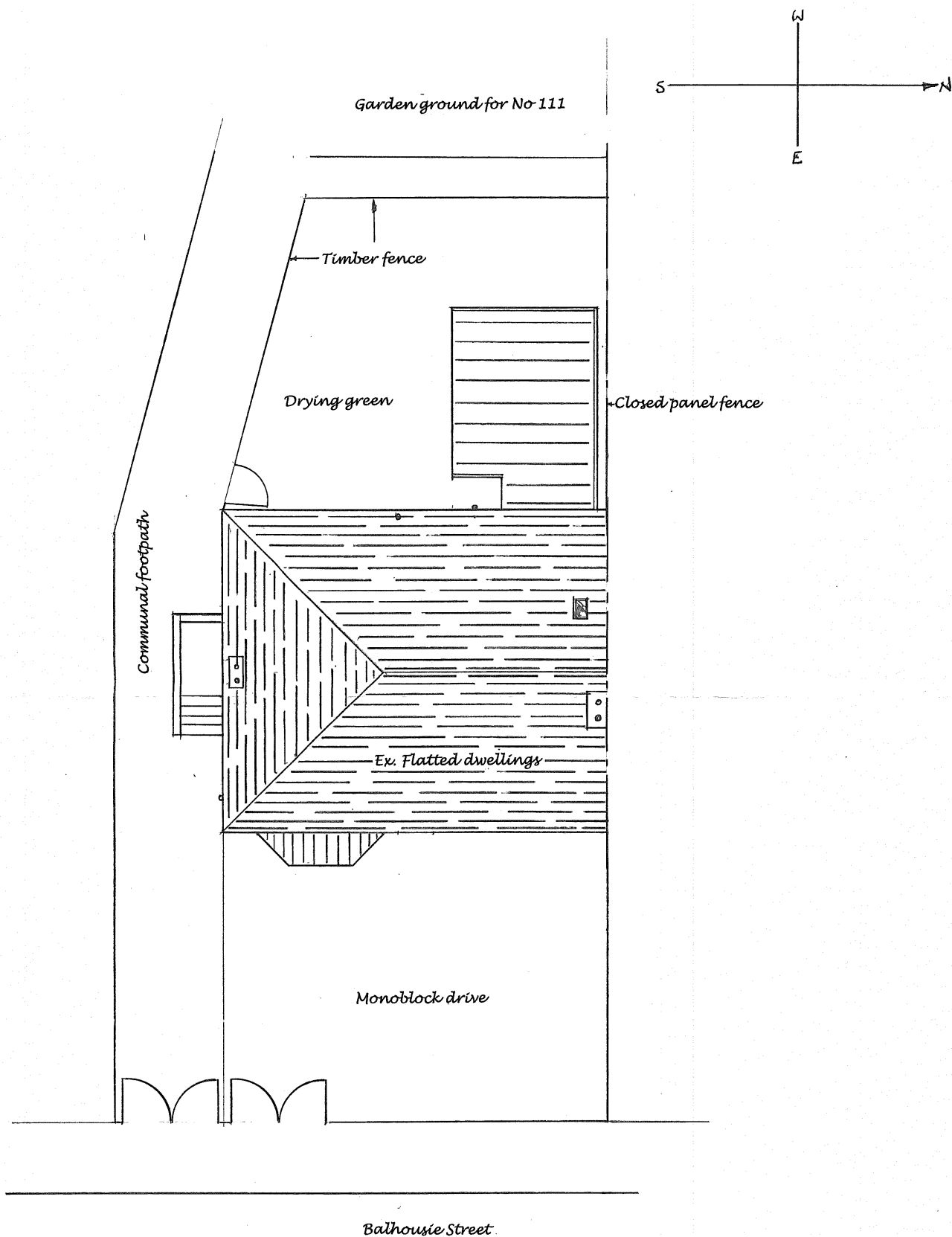
e-mail: namacleod@aol.com

Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

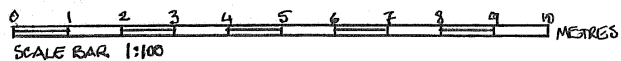
Scale: 1:100 Drawing No: 3

Drawing ref: Existing Elevations

Date: May 2013



Proposed Block Plan 1:100



Norman A MacLeod

Tel: 07884177328

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e-mail: namacleod@aol.com

Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

Scale: 1:100

Drawing No: 4

Drawing ref: Proposed Block Plan

Date: May 2013

Norman A MacLeod

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e-mail: namacleod@aol.com

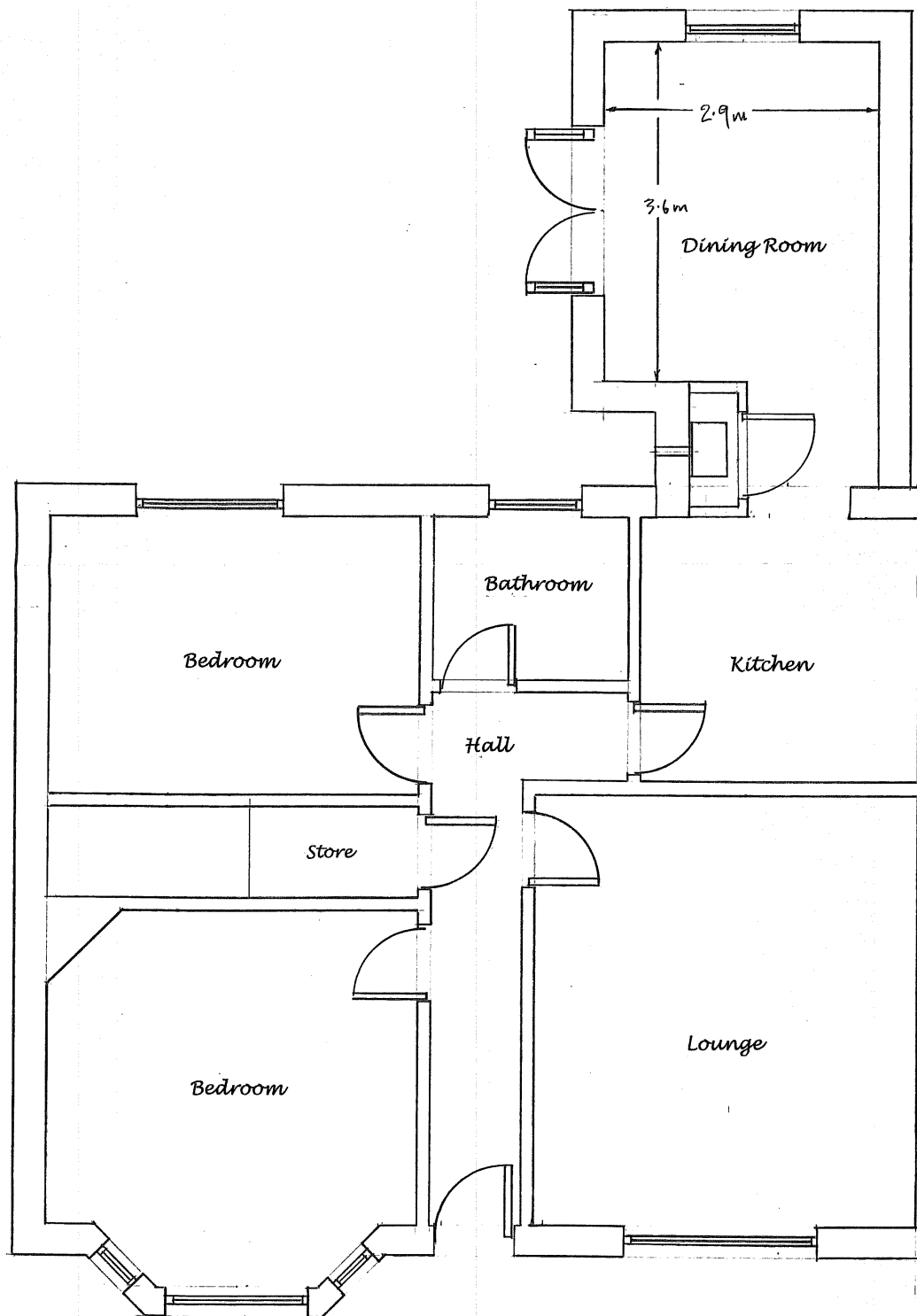
Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

Scale: 1:50

Drawing No: 5

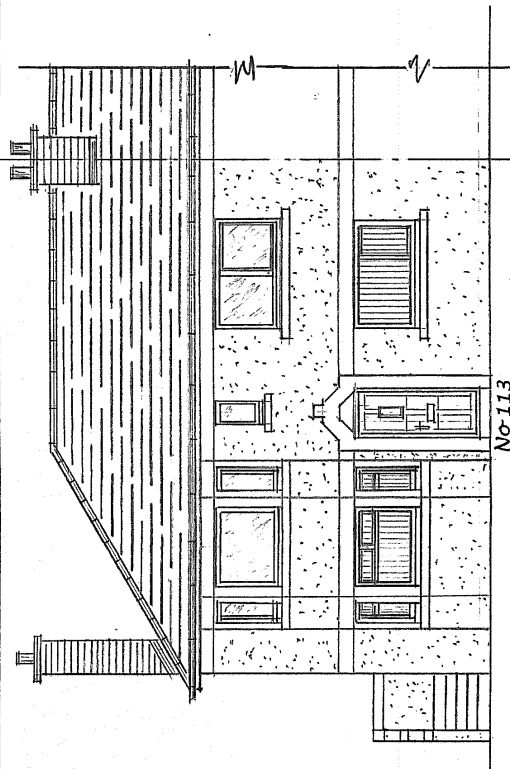
Drawing ref: Proposed Ground Floor Plan

Date: May 2013

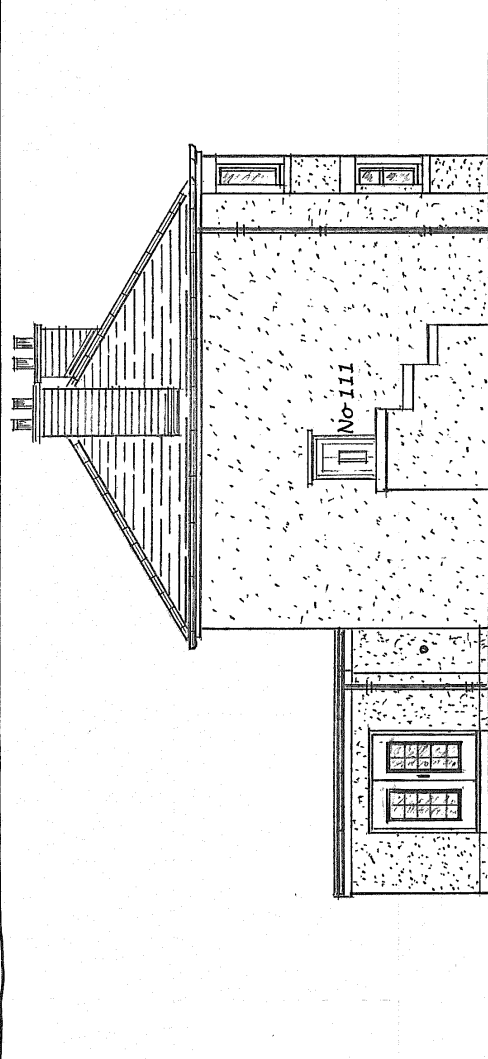


Proposed Ground Floor Plan 1:50

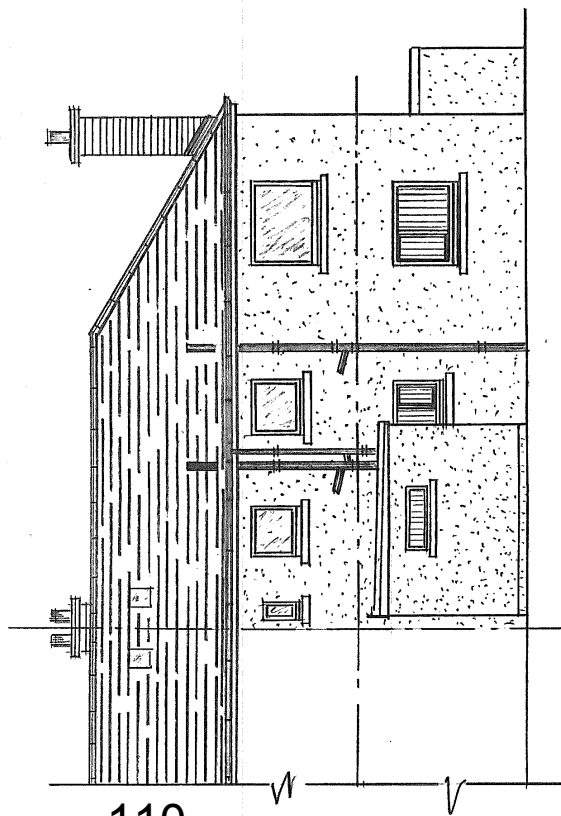
0 1 2 3 4 5 METRES
1:50 SCALE BAR



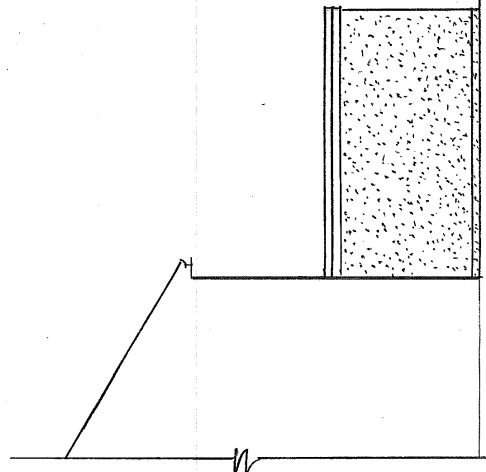
Proposed East Elevation 1:100



Proposed South Elevation 1:100



Proposed West Elevation 1:100



Proposed North Elevation 1:100

External Finishes

Roof - Grey sarnafil roofing membrane

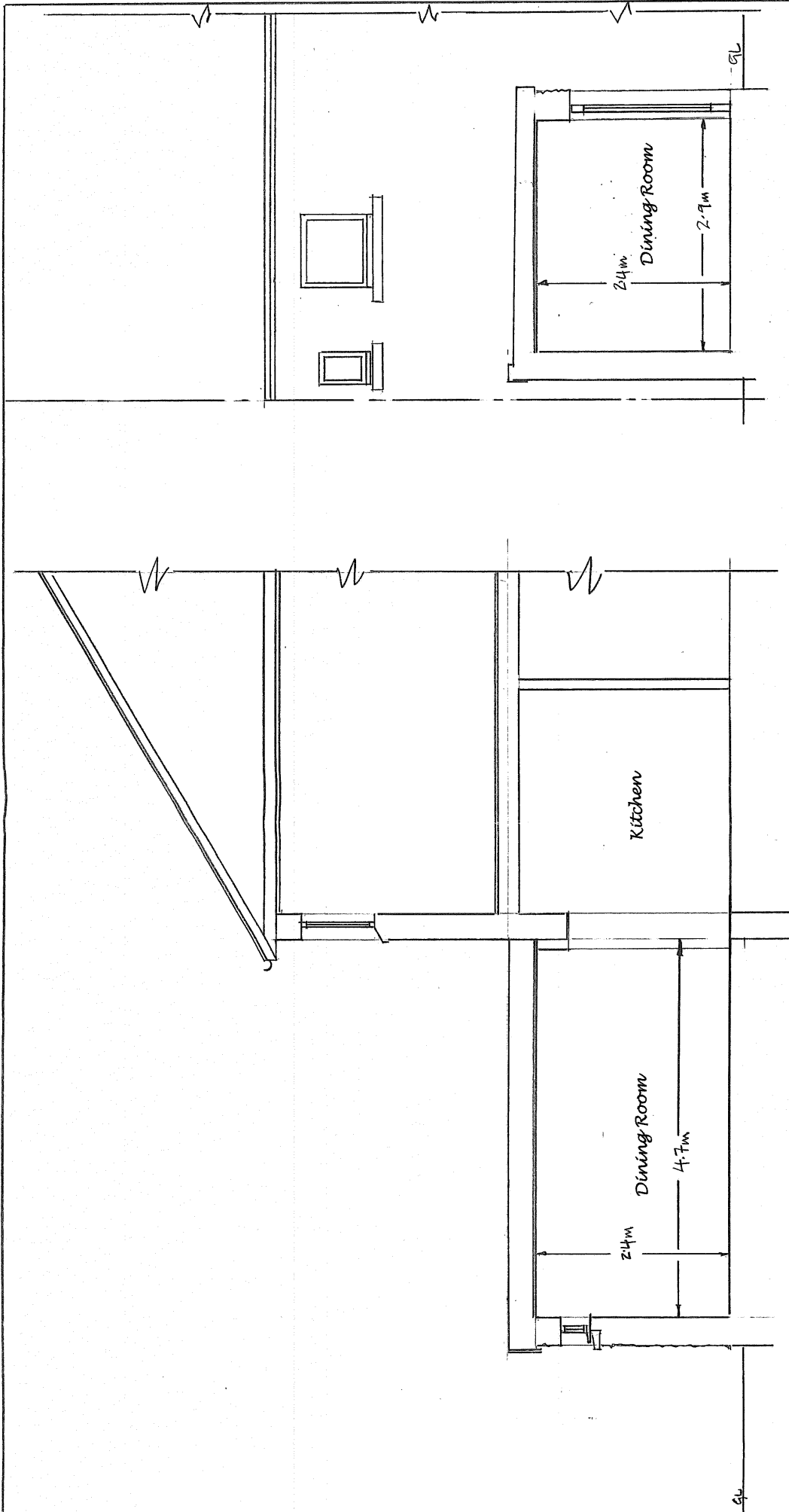
External walls - Brown dash render to match existing walls

Rainwater gutter and pipes - black pvc

Windows and doors - white pvc



Norman A MacLeod	
Tel: 07884177328	
www.namsurveying.co.uk	
e-mail: namacleod@aol.com	
Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth, PH1 5BE	
Scale: 1:100	Drawing No: 6
Drawing ref: Proposed Elevations	
Date: May 2013	



Proposed Vertical Cross-Section A-A 1:50

Proposed Vertical Cross-Section B-B 1:50

Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

e-mail: namacleod@aol.com

Project: Erection of an extension to a ground storey flat at 113 Balhousie Street, Perth PH1 5BE

Scale: 1:50

Drawing No: 7

Drawing ref: Proposed Vertical Cross-Sections
Date: May 2013

TCP/11/16(310)
Planning Application 14/00358/FLL – Alterations and extension to dwellinghouse, 113 Balhousie Street, Perth, PH1 5BE

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 99-100)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see pages 103-111)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/00358/FLL	
Ward No	N12- Perth City Centre	
Due Determination Date	25.04.2014	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and extension to dwellinghouse

LOCATION: 113 Balhousie Street Perth PH1 5BE

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: 6 March 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is 113 Balhousie Street, Perth, which is a ground floor four-in-a-block flat located to the North of the city centre.

This detailed application seeks planning permission to extend the property to the rear (West). It follows a previously refused planning application for an identical proposal (Ref: 13/01115/FLL).

SITE HISTORY

05/01859/FUL Formation of vehicular access
Application approved – 26 October 2005

13/01115/FLL Extension to dwellinghouse
Application refused – 16 August 2013

PRE-APPLICATION CONSULTATION

Pre application Reference:

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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 was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

OTHER POLICIES

Perth and Kinross Council's Placemaking Guide provides the basis for detailed assessment of overshadowing impacts:

"Extensions can intrude, to a greater or lesser extent, on the privacy and amenity of neighbours. The more closely spaced dwellings are, the more important it is to consider the amenities of occupiers of adjoining houses and gardens. Extensions must be carefully sited to avoid undue loss of daylight or sunlight to the habitable room windows and private garden ground of the neighbouring property, (particularly when affected garden is small); the appearance and orientation of the extension must be considered from the neighbour's house or garden. The Council's daylight standards are intended to ensure that extensions do not harm amenity".

CONSULTATION RESPONSES

None required

REPRESENTATIONS

None 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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

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

Policy Appraisal

The extension of an existing dwelling within an area identified in the Local Development Plan as “Residential Areas” is acceptable in principle.

Design and Layout

The proposed dining room is of single storey design, with a ‘dog-leg’ footprint. It would project 5 metres from the rear of the building and would be almost 3 metres in height, within 0.25 metres of the boundary. The layout of the four-in-a-block is such that there is fairly limited garden ground associated with each residential unit. Given the orientation of the block, the proposal is situated to the South of the windows and garden ground of the adjoining ground floor flat.

Landscape

The boundary of the application site is delineated by a timber panel fence, which is approximately 1.5 metres in height.

Residential Amenity

Overshadowing projections have been carried out on a vertical and horizontal axis, in accordance with the Perth & Kinross Council Placemaking Guide. Although the vertical projection does not raise any significant concerns, the horizontal projection clearly demonstrates an adverse overshadowing impact.

On balance, given the height and projection of the proposed extension, its orientation and close proximity to the adjoining ground floor property, the projections demonstrate that the proposal would have an adverse impact on the residential amenity of the adjoining property in terms of overshadowing.

Visual Amenity

The erection of a flat roofed extension which projects five metres from the rear of the building is not considered to be the most appropriate method of extending the property in terms of design.

Surrounding Extensions

This application has been re-submitted on the basis that there are other extensions, which are claimed to be similar in nature, in the surrounding vicinity. Precedent is not a material consideration in the determination of a planning application as each proposal must be assessed based upon its own merits, in the context of that particular site. However, I can find no extensions

in the surrounding vicinity which are of comparable height, projection, proximity and orientation to neighbouring windows.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

Application Processing Time

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal, by virtue of its height, projection, close proximity and orientation in relation to the neighbouring property, would have an adverse overshadowing impact, to the detriment of the residential amenity of the neighbouring property. Approval would, therefore, be contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014, which seeks to protect and where possible improve existing residential amenity.
- 2 Approval would be contrary to Perth and Kinross Council's Placemaking Guide (2012) which sets guidelines on acceptable levels of overshadowing.

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

14/00358/1
14/00358/2
14/00358/3
14/00358/4
14/00358/5
14/00358/6
14/00358/7
14/00358/8
14/00358/9

Date of Report 07.04.2014

TCP/11/16(310)
Planning Application 14/00358/FLL – Alterations and extension to dwellinghouse, 113 Balhousie Street, Perth, PH1 5BE

REPRESENTATIONS

- Representation from Scottish Water, dated 18 April 2014

18th April 2014

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

SCOTTISH WATER

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

Central Support Team
T: 0141 414 7162
W: www.scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 14/00358/FLL
DEVELOPMENT: Perth Balhousie St 113
OUR REFERENCE: 683945
PROPOSAL: Alterations and extension to dwellinghouse

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

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

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

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

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

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

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

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

Yours faithfully

Lisa Main
Customer Connections Administrator
Tel: 0141 414 7193
Lisa.Main@scottishwater.co.uk