

Perth and Kinross Council  
Development Control Committee – 2 June 2010  
Report of Handling by Development Quality Manager

**Demolition of dwellinghouse and erection of replacement dwellinghouse at  
Duncryne, Camp Road, Comrie PH6 2HA**

Ref. No: 10/00088/FLL  
Ward No: 6 - Strathearn

**Summary**

This report recommends approval of the application for the demolition of an existing dwellinghouse and erection of replacement dwellinghouse at Duncryne, Camp Road as the development is considered to comply with the Development Plan for the area and there are no material considerations apparent which would outweigh the Development Plan in this instance.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located within the settlement boundary of Comrie. The surrounding area is characterised by single and 1 ½ storey detached dwellings with a mix of designs and materials.
- 2 The site is located on a private access leading to the property Tullygunn accessed from Camp Road. The site boundaries are the access to the west, the dwellings Ruchlinn to the east, Balnagowan to the north with its additional ground to the south. The existing property which is single storey, of timber chalet style, is located to the west of the site with a single garage. The garage has however been removed and a Prior Notification has been submitted for the demolition of the dwelling.
- 3 The proposal is to erect a 1 ½ storey dwelling on the footprint of the former dwelling and garage. The proposal will replace what was a modest dwelling with a four bedroom family home.
- 4 The plans have been revised to address some concerns raised by officers in respect of the massing and relationships to neighbouring property. Three windows have been removed from the north gable and the ridge height of the garage wing has been reduced. Neighbouring occupiers have been re-notified of the revisions.

**NATIONAL POLICY AND GUIDANCE**

**The Scottish Planning Policy 2010**

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application is:-

- Paragraphs 66 - 91 : Housing

## **DEVELOPMENT PLAN**

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Strathearn Area Local Plan 2001.

### **Perth and Kinross Structure Plan 2003**

#### **Sustainable Communities Policy 6**

- 7 This policy states that in the Lowland Area housing allocations will be made in the former Burghs and in smaller settlements subject to their scale, landscape fit and impacts on the environment being acceptable.

### **Strathearn Area Local Plan 2001**

- 8 Under the Local Plan the site lies within the defined settlement boundary for Comrie.

The principal relevant policies are in summary:

#### **Policy 2: Development Criteria**

- 9 Identifies the criteria which all development proposals will be judged against and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

#### **Policy 5: Design**

- 10 Requires high standards of design throughout the plan area, ensuring that the proportions of any buildings are in keeping with the surroundings and that the development fits its location.

#### **Policy 74: General Residential and Housing Policies**

- 11 Identifies villages where residential amenity and character will be retained and if possible improved.

## OTHER COUNCIL POLICIES

### Affordable Housing Policy

- 12 The Council's Affordable Housing Policy is applicable to all residential developments of 5 units and above. It is therefore not applicable to this application as this involves a replacement unit only.

### Education Contributions

- 13 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school.

## SITE HISTORY

- 14 A Prior Notification was made to the council for the demolition of the existing dwelling and the council has determined that the proposal is permitted development and no further consent is required under the Town and Country Planning (Scotland) Act. The dwelling has now been demolished.
- 15 Although the application subject to this report proposes the demolition of the existing dwellinghouse, nevertheless, by applying for and obtaining Prior Notification of the demolition the applicant has already therefore obtained consent for this part but it does not prejudice the consideration of this application for the erection of the replacement dwellinghouse.

## CONSULTATIONS

- 16 **Scottish Water:** Scottish Water has no objection to the application. Turret Water Treatment Works currently has capacity to service the proposed development.
- 17 **Education and Children's Services:** Based on current information and specifically for this application this school is not at capacity and the Finalised Primary Education and New Housing Contributions Policy will not be applied to this application.
- 18 **Comrie Community Council:** The Community Council initially had no objection to the proposal; however they removed their comments in light of the number of objections received.

## REPRESENTATIONS

- 19 Six letters of representations have been received, all objecting to the proposal.

- 20 The re-notification of neighbours has attracted further 6 representations from the original objectors, noting that the amended plans have not addressed fully their concerns.

### Summary of Issues raised by Representations

The representations have raised the following relevant issues:

- Out of character
- Overdevelopment
- Loss of privacy, overlooking and overshadowing
- Loss of amenity
- Contrary to Local Plan
- Height of dwelling
- Inappropriate materials
- Access
- Loss of outlook
- Construction Traffic

All these issues are responded to in the Appraisal section of this report with the exception of the last two.

- 21 In terms of these issues regarding the loss of outlook and construction traffic, the right to a view is not a material consideration and construction traffic is seen as short term and cannot be controlled by planning on this small scale development. These issues are therefore not material considerations for the Planning Authority to consider in this instance.

### 22 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

## APPRAISAL

### Policy

- 23 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 24 In terms of the Development Plan, the key policies are contained in the adopted Strathearn Area Local Plan. I therefore consider the key determining issue for

this application to be whether the proposal complies with Policies 2, 5 and 74 of this plan.

- 25 Policy 2 outlines criteria that development will be judged against; in the case of built development regard should be paid to the scale, form, colour, and density of existing development in the area. Policy 2 also states that the site should be large enough to accommodate the impact of the development satisfactorily in site planning terms. Policy 5 which addresses design, requires a high standard for development and particularly for this proposal the use of high quality materials, ensuring that the proportions of any building are in keeping with its surroundings and ensuring that the development fits its location. Policy 74 seeks to ensure (amongst other things) that new developments do not adversely affect the amenity of existing residential properties or the character of the area concerned.
- 26 For reasons stated elsewhere in the report, I consider the proposal (subject to conditions) acceptable in terms of its impact on the amenity of existing residential properties, compatible with the character of the surrounding area and is of an appropriate design. I therefore consider the proposal to be in accordance with the Development Plan.

### **Residential Amenity**

- 27 The building is located on the footprint of the existing dwelling and garage. The original submission had windows (bedroom and living area) on the north elevation which would have created potential problems with overlooking of the adjacent property. These windows have been removed through the submission of revised plans. There would however still be a north facing window on the front wing but this is further recessed from the boundary.
- 28 The windows on the east elevation are more than 9 metres to the boundary, the west elevation windows overlook the access drive and the windows on the south elevation which do not overlook a property are a garage, kitchen and en suite window. In addition there are no directly facing windows within 18 metres of each new window. As a result of these factors the proposals are considered to be acceptable in relation to the neighbouring property.

### **Design and Materials**

- 29 The design of the dwelling is a 2-storey with integral garage but with the upper floor being accommodated principally within the roofspace. The materials proposed are grey slate (or equivalent) however slate is preferred, white wet dash render and timber boarding. The materials and design are not the same as the existing dwelling which was a single storey timber chalet, however the replacement is an improvement and the design and materials are in keeping with other surrounding dwellings. The neighbouring property Tullygunn is the same height and is similar in terms of the design and materials to this proposal.
- 30 The application has varied the design slightly from the original submission by the removal of 3 windows from the north elevation and the lowering of the ridge

height of the garage wing. The lowering of the garage wing has reduced the visual impact of the dwelling on the approach as the building is located on the line of the existing dwelling on the access boundary.

### **Plot Ratio**

- 31 The proposed dwellinghouse is approximately 169 sq metres and the overall area of the plot is approximately 652.53 sq metres, the proposed house is significantly larger than the existing dwelling and garage (86sq metres). The Councils rule of thumb recommends that a new build property should occupy no more than 25% of the plot, however at 26%, only one percent over (incurred by the inclusion of part of the roof over an open deck) it is acceptable and still works within the guideline of 25%. In addition an area has been provided for off street parking and the garden ground provided to the rear is approximately 250 sq metres which is more than twice the required guideline of 100sq metres.

### **Access**

- 32 The access to the site is as existing; a private road off Camp Road leading to the property Tullygunn. A number of standard conditions are recommended by the Councils Roads Engineer regarding the access type and the gradient of the access and these conditions will ensure satisfactory access and parking arrangements.

### **Drainage**

- 33 The proposal is to use the existing connection to the public waste water treatment plant. However the applicant must make a separate application to Scottish Water for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to. For clarification, Scottish Water has offered no objection to this proposal in terms of drainage.

### **Education**

- 34 Comrie Primary School is not considered to be at capacity by Education and Children's Services and there is therefore no requirement for an education contribution.

### **LEGAL AGREEMENTS**

- 35 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 36 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 37 The proposed replacement dwelling is in accordance with the Development Plan. The proposal is acceptable in terms of scale, materials and design which reflect existing development in the area. The location and design of the dwelling ensures that it will not have a significant adverse impact on the residential amenity of the neighbouring properties. There are no material considerations that would justify refusing the application and therefore the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The roof shall be finished in slate unless otherwise agreed in writing with the Council as Planning Authority
- 4 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- 5 The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

### **Reasons:**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interest of visual amenity.
- 4 - 5 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

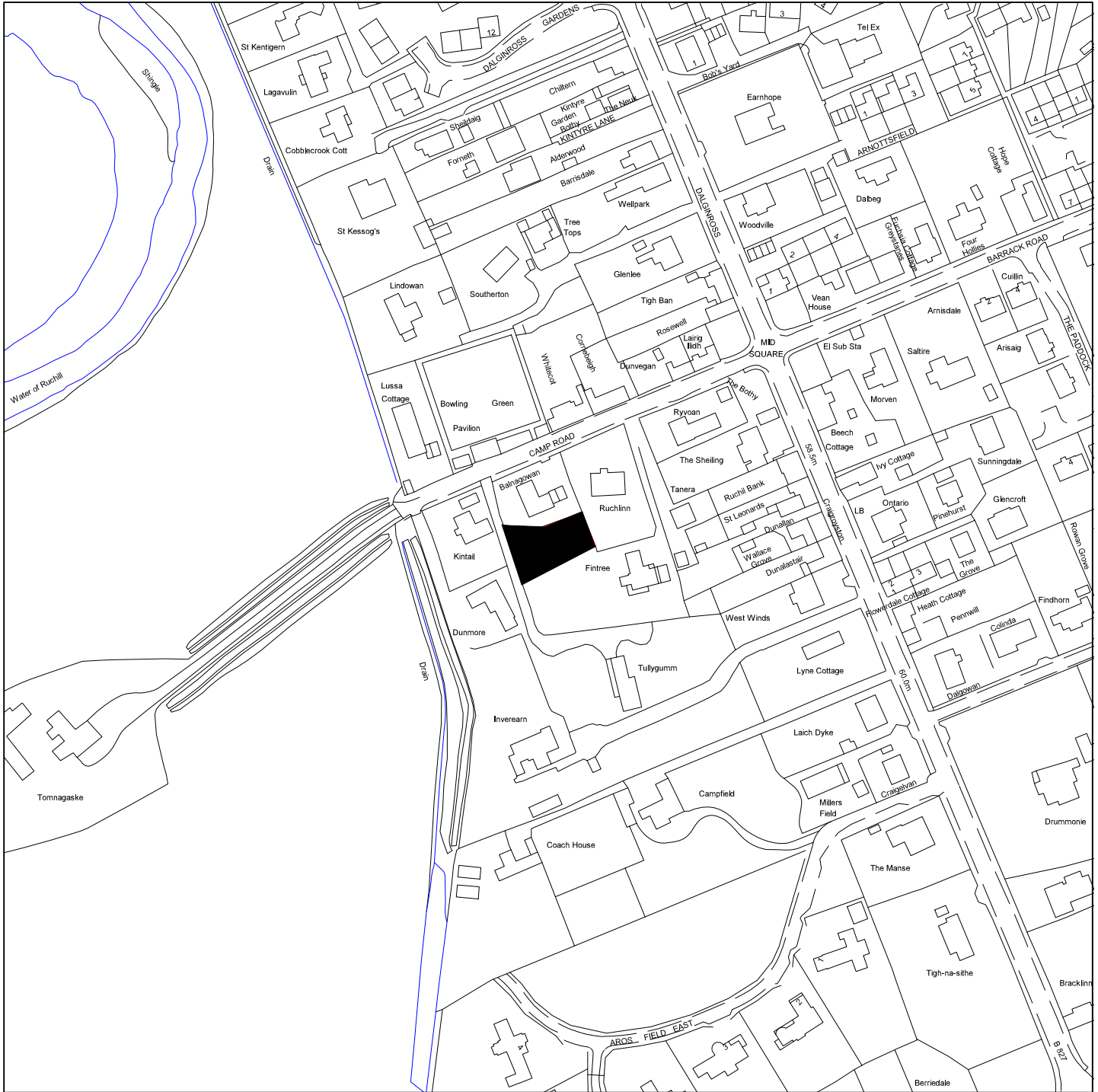
- 1 No work shall be commenced until an application for building warrant has been submitted and approved.
- 2 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 3 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 4 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 12 valid letters of representation from 6 households  
Contact Officer: Joanne Ferguson Ext 75320  
Date: 12 May 2010

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

10/00088/FLL

Replacement house, Duncryne, Camp Road, Comrie



Scale : 1:2500

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<b>Organisation</b>	Perth & Kinross Council
<b>Department</b>	Planning
<b>Comments</b>	
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