

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 12 March 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell and C Gillies.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: N Brian and K Stirton (except for Item (3)(iv)) (both the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

143. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

144. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 5 February 2013 was submitted and noted.

145. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(225)
Planning Application 12/01413/FLL – Alterations and extension to dwellinghouse at 46 David Douglas Avenue, Scone, PH2 6QQ – Mr N Peterson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at 46 David Douglas Avenue, Scone, PH2 6QQ.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:
the Appointed Officer's decision be upheld, and the application for alterations and extension to dwellinghouse at 46 David Douglas

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Avenue, Scone, PH2 6QQ, be refused, for the following reasons, namely:

1. The proposal, by way of its elevated position and close proximity to the boundary and neighbouring conservatory, would cause a significant and unacceptable amount of overlooking, to the detriment of the privacy and residential amenity of the neighbouring property at No. 48. Approval would therefore be contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 – Housing Land 2000), which seeks to retain and where possible improve residential amenity.
2. If approved, the proposed development would set a precedent for further developments of a similarly unsympathetic nature, which would undermine and weaken the long established policies of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 – Housing Land 2000).

Note: Councillor I Campbell moved to allow the review application. He considered that the proposal was not contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 – Housing Land 2000) as, in his opinion, it would not cause a significant and unacceptable amount of overlooking, to the detriment of the privacy and residential amenity of the neighbouring property at No. 48 nor would it set a precedent for further developments of a similarly unsympathetic nature.

**(ii) TCP/11/16(226)
Planning Application 12/01391/FLL – Installation of replacement windows and doors at Grangelea, Cowgate, Errol, PH2 7QS – Mr R Abercrombie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows and doors at Grangelea, Cowgate, Errol, PH2 7QS.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for the installation of replacement windows and doors at Grangelea, Cowgate, Errol, PH2 7QS, be refused, for the reasons previously applied by the Appointed Officer but subject to amendment clarifying the wording of Reason No 1, namely:

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1. The proposals are contrary to Policies 24, 71 and 74 of the Perth Area Local Plan 1995 as the use of UPVC as a material for the replacement windows is inappropriate, and will adversely affect the traditional character and appearance of the building in which they are to be installed and the surrounding area. The proposals as a result will be detrimental to the visual amenity and character of the Conservation Area.
2. The proposal is contrary to Policy HE3 of the Perth and Kinross Proposed Local Plan (2012) in that the use of UPVC for the replacement windows does not preserve or enhance the character and appearance of the Conservation Area.
3. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving the character of a Conservation Area (Section 64(1)).

(iii) TCP/11/16(227)
Planning Application 12/01781/FLL – Erection of a dwellinghouse at Woodside, Muthill, Crieff, PH5 2BD – Mr D Woods

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse at Woodside, Muthill, Crieff, PH5 2BD.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse at Woodside, Muthill, Crieff, PH5 2BD, be refused, for the reasons previously applied by the Appointed Officer subject to an additional reason of refusal, namely:

1. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan 2001 where it relates to new housing in the countryside, insofar as the proposed new dwelling does not meet any of the criteria relating to (a) building groups (b) renovation or replacement of houses (c) conversion or replacement of non-domestic buildings or (d) operational need.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside 2012 as it does not meet any of the acceptable categories of development relating to (1) Building Group (2) Infill

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Sites (3) New houses in the open countryside (4) Renovation or Replacement of houses (5) Conversions or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Sites.

3. The proposal is contrary to Policy 2(a) of the Strathearn Area Local Plan 2001 as it does not have a landscape framework capable of absorbing or, if necessary, screening the development.

Note: Councillor M Lyle agreed with the additional ground of referral, No 3 in that the proposal does not have a landscape framework capable of absorbing or, if necessary, screening the development. However, Councillor Lyle did not agree with Grounds of Refusal Nos 1 and 2 in that he considered operational need was established.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

(iv) TCP/11/16(228)
Planning Application 12/01660/FLL – Erection of a dwellinghouse on land 570 metres east of Over Ardoch, Braco – Mr S Webster

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 570 metres east of Over Ardoch, Braco.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse on land 570 metres east of Over Ardoch, Braco, be refused, for the reasons previously applied by the Appointed Officer but subject to amendment of Reason No. 2 and substituting an alternative Reason No. 3, namely:

1. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan as it does not fully satisfy any of the accepted categories of development.
2. As the proposal relates to an isolated site and there is insufficient justification to support the proposal as an exceptional stand alone dwelling, the proposal is contrary to the Council's Policy in the Housing Countryside (2012) as the proposal does not accord with any of the acceptable categories of development

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i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

3. The proposal is contrary to Policy 2(d) of the Strathearn Area Local Plan 2001 in that the proposed access is unsatisfactory, principally due to the speed of traffic and the dip in the road to the north, thereby creating an adverse impact on road safety.

Note: Councillor I Campbell considered that the Appointed Officer's grounds of refusal should be upheld as the proposal is contrary to Policy 5 of the Strathearn Area Local Plan 2001 in respect of inappropriate design. However, Councillor Campbell did not consider that the proposal was contrary to Policy 2(d) of the Strathearn Area Local Plan in relation to the proposed access.

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