

## **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 27 August 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell and M Barnacle.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and P Frazer (all Chief Executive's Service).

Also Attending: S Knowles and C Brien (both The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### **482. DECLARATIONS OF INTEREST**

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

### **483. MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 6 August 2013 was submitted and noted.

### **484. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(261)**  
**Planning Application 13/00437/FLL - Extension to dwellinghouse (partly in retrospect) 36 Mercat Green, Kinrossie, Perth, PH2 6HT – Mr J Haley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse (partly in retrospect), 36 Mercat Green, Kinrossie, Perth PH2 6HT.

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.

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Resolved by majority decision that:

The Review application for the extension to dwellinghouse (partly in retrospect), 36 Mercat Green, Kinrossie, Perth PH2 6HT be refused, for the following reasons:

1. The proposal constitutes overshadowing into the neighbouring adjacent property, which is contrary to Policy 71 in the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); which discourages infill development where it would have an adverse effect on the density, character and amenity of residential areas. In this case, it is clear that the proposal has a detrimental effect on the amenity of the neighbouring adjacent property.
2. The proposed design is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); as the scale, form and design of the development is incongruous with the character of the existing property and properties within the surrounding area, to the detriment of visual amenity.
3. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000) as there would be a significant adverse affect on amenity on the basis that the proposal constitutes overdevelopment in terms of the host building.
4. The proposal is contrary to Policy PM1A of the Proposed Perth and Kinross Local Development Plan as the character, scale and siting of the development does not respect the character and amenity of the area.
5. The proposal is contrary to Policy HE3A of the Proposed Perth and Kinross Local Development Plan as the scale, form and siting of the development would have an adverse affect on the special qualities of the Conservation Area and does not preserve or enhance the character or appearance of the Conservation Area.

**Justification**

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

**Note:** Councillor I Campbell considered that the proposal does not constitute overshadowing and therefore did not agree with Ground of Refusal No 1 but otherwise agreed with Grounds of Refusal Nos 2 to 5.

- (ii) **TCP/11/16(263)**  
**Planning Application 13/00320/FLL - Erection of 5 dwellinghouses, land at Shearerston Moor, Crieff – KAAS Properties Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 5 dwellinghouses, land at Shearerston Moor, Crieff.

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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 Review application for the erection of 5 dwellinghouses, land at Shearerston Moor, Crieff be refused, for the following reasons:
  1. The Proposal is contrary to the Council's Housing in the Countryside Policy 2012 contained within the Proposed Local Development Plan 2012 and associated Housing in the Countryside Guide 2012 in that it has not been demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.
  2. The proposal is contrary to Policy 54 Housing in the Countryside of the Strathearn Area Local Plan 2001 as it does not comply with any of the categories contained within that policy.

**Justification**

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

- (iii) **TCP/11/16(264)**  
**Planning Application 13/00585/IPL - Erection of a dwellinghouse (in principle), Land 250 metres south west of 3 Old School, Church Road, Kinfauns – Mr and Mrs T Barratt**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse and formation of vehicle access (in principle), land 250 metres south west of 3 Old School, Church Road, Kinfauns.

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

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- was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of dwellinghouse and formation of vehicle access (in principle), land 250 metres south west of 3 Old School, Church Road, Kinfauns.be refused, for the following reasons:
1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites have a suitable landscape framework.
  2. As the site is located within the AGLV, and is for a proposal which is not necessary for operational need, the proposal is contrary to the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), Policy 12 which states that there will be a presumption against built development within the AGLV except for operational need.
  3. As the proposal relates to an isolated site, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
  4. 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 Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development 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.
  5. As the proposal relates to a development which is not essential for agriculture, horticulture or forestry operations, the proposal is contrary to Policy NE5 (Green Belt) of the proposed Local Development Plan 2012 were it is explicitly states that the Housing in the Countryside Policy does not apply.

**Justification**

The proposal is not in accordance with the Development Plan or the approved, proposed Local Development Plan 2012 and there are no material reasons which justify approval of the application.

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(iv) **TCP/11/16(265)**  
**Planning Application 13/00639/FLL - Extension to dwellinghouse, Linnisla, St Ninian's Road, Alyth, PH11 8AR**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the extension to a dwellinghouse, Linnisla, St Ninian's Road, Alyth, Blairgowrie PH11 8AR.

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 sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Review application for the extension to a dwellinghouse, Linnisla, St Ninian's Road, Alyth, Blairgowrie PH11 8AR be refused, for the following reasons:

1. In the interests of visual and residential amenity; the proposed development by reason of its scale, prominent location and relationship to the existing house and established building line in the street would be detrimental to the character and amenity of the surrounding area. Approval would therefore be contrary to Policy 56 of the Eastern Area Local Plan 1998.
2. The proposal if approved is likely to set a precedent for other similar types of developments on the principal elevations of the houses in the vicinity of the site, to the detriment of visual and residential amenity of the surrounding area. Approval would therefore be contrary to Policy 56 of the Eastern Area Local Plan.

**Justification**

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

**Note:** Councillor M Lyle considered that a precedent had already been set in the streetscape and that the development is not contrary to policies 1 and 56 of the Eastern Area Local Plan.

(v) **TCP/11/16(266)**  
**Planning Application 13/00175/FLL – 13/00420/FLL - Erection of a fence and gate (in retrospect), Buaich Bhan, Boltachan, Aberfeldy, PH15 2LA**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to impose condition 2 on planning

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permission 13/00420/FLL for the erection of a fence and gate (in retrospect), at Bruaich Bhan, Boltachan, Aberfeldy, PH15 2LA.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's imposition of condition 2 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 Review application for the erection of a fence and gate (in retrospect), at Bruaich Bhan, Boltachan, Aberfeldy, PH15 2LA be refused such that condition 2 on planning permission 13/000420/FLL remains, for the following reasons:
  1. Condition 2 is necessary in the interests of visual amenity, to ensure a satisfactory standard of local environmental quality.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the development plan.

- (vi) **TCP/11/16(267)**  
**Planning Application 13/00718/FLL - Alterations and extension to dwellinghouse, 2 Ashgrove Cottage, Ashgrove Road, Rattray, Blairgowrie, PH10 7EX**

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, 2 Ashgrove Cottage, Ashgrove Road, Rattray, Blairgowrie PH10 7EX.

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 Review application for alterations and extension to dwellinghouse, 2 Ashgrove Cottage, Ashgrove Road, Rattray, Blairgowrie PH10 7EX be refused, for the following reasons:

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1. The proposed design is contrary to Policy 2 of the Eastern Area Local Plan 1998; as the scale, form and design of the development is incongruous with the character of the existing property and properties within the surrounding area, to the detriment of visual amenity.

**Justification**

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

**(vii) TCP/11/16(268)  
Planning Application 13/00813/FLL - Installation of replacement windows, Little Deans, 28 Drummond Terrace, Crieff, PH7 4AF**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of replacement windows, Little Deans, 28 Drummond Terrace, Crieff, PH7 4AF.

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 Review application for installation of replacement windows, Little Deans, 28 Drummond Terrace, Crieff, PH7 4AF be refused, for the following reasons:
  1. The proposal is contrary to Policies 66 & 71 of the Strathearn Area Local Plan 2001 as the use of UPVC as a material for the replacement windows is inappropriate; and, will adversely affect the traditional character of the building, to the detriment of the visual amenity of the surrounding Conservation Area.
  2. The proposal is contrary to Policies 66 & 71 of the Strathearn Local Plan 2001 as the proposed replacement windows would significantly erode the character of the surrounding area, to the detriment of the established character and visual amenity.
  3. The proposal is contrary to Policy HE3 of the Perth and Kinross Proposed Local Development 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.

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4. 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)).

**Justification**

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

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