

Perth and Kinross Council  
Development Management Committee – 18 June 2014  
Report of Handling by Development Quality Manager

**Subdivision of existing domestic property into two residential units at Taigh Laruin (Unit 5), Laidnaskea, by Grandtully**

Ref. No: 14/00574/FLL  
Ward No: 9 – Almond & Earn

**Summary**

This report recommends approval for the renewal of consent for the subdivision of an existing dwelling into two separate dwellings as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located to the south west of Grandtully, on the south side of the A827 (south of Edradynate). The site extends to 1648 sqm; adjacent to a converted category C (s) listed steading associated with a wider planning consent 05/01080/FUL. The site is well contained by topography, hard landscaping and building elements associated with the 2005 planning consent.
- 2 Unit 5 or Taigh Laruin as it is now known is a new build element forming the southernmost extents of the wider steading group, which has all been redeveloped into residential accommodation. Unit 5 is currently a large, 5 bedroom dwelling with ample rear garden and vehicle access available through a pend.
- 3 The proposal involves the renewal of the extant planning consent 09/00533/FUL for the subdivision of the 5 bedroom dwelling, including infilling the pend area to form a separate kitchen/dining room, splitting the dwelling internally at this point to create two separate dwellings. To the rear, the outdoor space would be separated with a boundary fence splitting the courtyard and timber louvered screening added to windows on the west courtyard elevation of proposed unit 5A to ensure no adverse impact on neighbouring amenity. In addition, part of the stone wall to the east is proposed to be reconfigured to allow vehicle access to the garden ground for dedicated off-street parking to serve unit 5A.
- 4 Following the 2009 consent, the original garage door to the rear within the courtyard has been removed and replaced by timber framed, 3 panel glazing with the internal space converted into ancillary residential living space. Solid vertical timber gates have also been installed at the entrance to the pend area. In both cases, these works could be undertaken as permitted development and do not constitute commencement of development occurring as part of the extant planning consent.

## NATIONAL POLICY AND GUIDANCE

### 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.
- 6 The most relevant paragraphs are as follows:
- Paragraphs 66-91: New housing
  - Paragraphs 92-96: Rural Development
  - Paragraphs 113-114: Listed Buildings

## DEVELOPMENT PLAN

- 7 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

### **TAYplan: Strategic Development Plan 2012-2032**

- 8 The principal relevant policy is in summary: -

#### **Policy 3: Managing TAYplan's Assets**

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

## **LOCAL DEVELOPMENT PLAN 2014**

- 9 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.

Under the LDP the site lies outwith any settlement boundaries where the principal relevant policies are in summary: -

### **Policy RD3 - Housing in the Countryside**

- 10 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

### **PM1A: Placemaking**

- 11 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B - Placemaking**

- 12 All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

- 13 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy HE2 - Listed Buildings**

- 14 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

## **OTHER POLICIES**

- 15 None

## **SITE HISTORY**

- 16 05/01080/FUL Alterations, extension and change of use of agricultural building to form 4 dwellinghouses, erection of 1 new dwellinghouse and garage range, and change of use of agricultural land to form domestic garden ground and formation of a vehicular access, with improvements to existing access road. 15 September 2005 Application Permitted.

- 17 05/01081/LBC Alterations, Extension and Change of Use of agricultural building to form 4 Dwellinghouses, Erection of 1 new Dwellinghouse and Garage Range. Change of Use of agricultural land to form domestic garden ground and formation of a vehicular access, with improvements to existing access.  
15 September 2005 Application Permitted
- 18 09/00533/FUL Subdivision of existing domestic property into two residential units at Taigh Laruin (Unit 5) 27 May 2009 Application Permitted

## CONSULTATIONS

- 19 **Scottish Water** – No objection (separate consent may be required)
- 20 **Education and Children's Services** – No capacity concerns

## REPRESENTATIONS

- 21 A total of 7 letters of representation have been received from individual postal addresses, all objecting to the proposal.
- 22 The representations have raised the following issues: -
- Contrary to Structure Plan
  - Contrary to Local Plan
  - Density of Houses
  - Loss of Visual Amenity
  - Out of character with the area
  - Overlooking
  - Unacceptable design
  - Inappropriate land use
  - Loss of Open Space
  - Loss of Sunlight or Day light
  - Road Safety Hazard
  - Lack or loss of Car parking
- 23 In addition to the aforementioned it has been highlighted by several of the representations that the terms of the deed of conditions appertaining to Laidneskea steading do not permit adaptation, extension or change of use to any of the properties within the steading.

The aforementioned issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

24	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**

- 25 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

### **Policy Context**

- 26 The application site is located outwith a settlement boundary where the applicable policies are therefore Policy RD3 of the adopted local plan and the Housing in the Countryside Guide (HICG) 2012. The site is directly part of a grouping of buildings and is therefore assessed under Building Groups category.
- 27 All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).
- 28 Representations from objectors have described the subdivision as an inappropriate land use. Overall, the proposed land use has not changed however, with the intensification of a single residential unit to two.
- 29 The extant planning consent is a robust material consideration of the proposed renewal. Whilst the specific policy wording has changed since the 2009 planning consent through the adoption of the 2014 development plan, the aims and objectives of the policy remain consistent with those pertaining to the planning assessment in 2009. The principle of subdividing this large individual residential dwelling into two smaller units is considered reasonable and appropriate in terms of land use and consistent with the adopted Development Plan.

### **Design and Layout**

- 30 Objectors have described the proposal to be an unacceptable design and out of character with the area. The proposed physical changes are identical to the previous assessment. It would only be minor physical changes which will be visually apparent from the public, principal elevation. The permanent infill of the pend area with associated glazing and removal of part of the garden wall to the east are the only visual changes experienced on the principal elevation, with all other changes located either within the building itself or the private garden ground to the rear. In respect of placemaking policy, the proposed alterations are consistent with the development plan. As assessed in the 2009 application, the subdivision ultimately involves minor alterations to the steading, with no detrimental impact considered on the character both in isolation of the building

itself or on the wider steading group. The design and materials remain to be considered acceptable in this location, consistent with the 2009 planning consent.

- 31 It is reiterated that the bulk of the physical proposals associated with this development would benefit from permitted development rights including principally, the garage alterations and the infilling of the pend area with glazing to create additional residential floor area. In this respect, whilst it is noted that specific permitted development rights were removed as part of the 2005 planning consent (05/01080/FUL); in respect of physical alterations, it is only the part removal of the wall and associated engineering operations which would require formal planning consent in this situation. The removal of the wall to create additional car parking and the overall density of the housing in this context remains to be considered appropriate.

### **Residential Amenity**

- 32 At the time of the submission of this application for renewal of the consent, the application site benefitted from an extant consent, which was granted following a formal assessment of all associated material planning considerations.

Specific points made in representations are responded to as follows:

- Overlooking and application of 45 degree rule:

The creation of the additional living space within the pend area and its associated glazing will have a degree of direct overlooking to a single window of the living room of the dwelling opposite (originally referred to as unit 4) which is approx. 5m away. The affected window is one of several windows directly serving the living area.

As the affected window already faces directly onto a communal road area, this needs to be taken into account and the application of normal standards relating to window to window separation distances should not be strictly applied. Window to window separation distances are consistently applied in Perth and Kinross Council where the associated land or space interlinking the window's from affected properties is dedicated for private amenity. In this case, with the affected window being one of three serving the living space and looking directly onto communal road whereby residents and associated users/service operators can pass through, I do not consider there to be a significant adverse impact on the residential amenity of the neighbour. In addition, as identified in earlier sections, the fact that the existing pend area could be converted into a dedicated living area serving the existing single dwelling without requiring any formal planning consent to do so is also a significant material consideration.

The introduction of a subdivision fence between the two proposed properties will ensure no adverse impact on existing and proposed neighbouring amenity to the rear.

- Loss of sunlight or daylight

There is not calculated to be any associated loss of sunlight or daylight in relation to the elements proposed through the subdivision of the dwelling. Specifically, the associated physical alterations are not assessed to adversely impede either the level or degree of natural sunlight or daylight levels currently achieved by neighbouring residential properties.

- 33 In summary, the impact on neighbouring residential amenity was all fully considered and assessed as part of the 2009 planning consent. This has been re-assessed as part of the current planning application for renewal, with the outcome consistent with the 2009 application.

### **Visual Amenity**

- 34 Following on from assessment on neighbouring amenity, representations have cited a loss of visual amenity and loss of open space through the associated proposals. There is not however considered to be any significant or adverse impact on visual amenity as a result of the associated proposals. Modest alterations are proposed with the overall visual appearance and form consistent with the original architecture. The only loss of controllable open space would be the partial loss of side garden ground to facilitate additional dedicated parking spaces, which is not considered inappropriate in this context.

### **Traffic Safety/Access**

- 35 Representations have cited that the proposals will introduce a road safety hazard and a lack or loss of car parking. The access to the site is to be taken from the A827. The transport planner did not object to the proposal in respect of the access point or associated parking. The traffic generation from one additional property would not cause any significant traffic concerns or road safety with no lack or loss of car parking through the associated car parking proposals within the garden ground to the east.

### **Drainage**

- 36 Scottish Water has not offered any 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.

### **Listed Building**

- 37 This site is in the direct vicinity of the original re-constructed steading, category C listed buildings and Laidneskea farmhouse, which is category B listed.
- 38 The proposed subdivision of the affected dwellinghouse including external physical building alterations and associated parking area is not assessed to have any detrimental adverse impact on the setting of the listed buildings in this case.

## **Education**

- 39 The application site falls within the Grandtully Primary School catchment area where Education & Children's Services have no capacity concerns at this time. However, as this application is for the renewal of an extant consent then no contribution could be required in any event.

## **Economic Benefits**

- 40 There will be limited economic impact from the development with temporary employment opportunities for construction workers; however this has limited weighting on the overall recommendation.

## **Title Deeds**

- 41 A number of objectors have highlighted associated title deeds as a reason for refusal. Whilst the wording of the title deeds is not necessarily disputed as part of this assessment, it has not been an element formally investigated by the case officer. This is not considered to be a material planning reason for refusal, but is deemed a private legal matter, which the applicant would have to address separate to the planning process.

## **LEGAL AGREEMENTS**

- 42 None required in relation to planning legislation.

## **DIRECTION BY SCOTTISH MINISTERS**

- 43 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**

- 44 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

## **RECOMMENDATION**

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

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

## **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 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.
- 2 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.
- 3 An application for Building Warrant may be required.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Background Papers: 8 letters of representation (7 from separate addresses)  
Contact Officer: Callum Petrie – Ext 75353  
Date: 4 June 2014

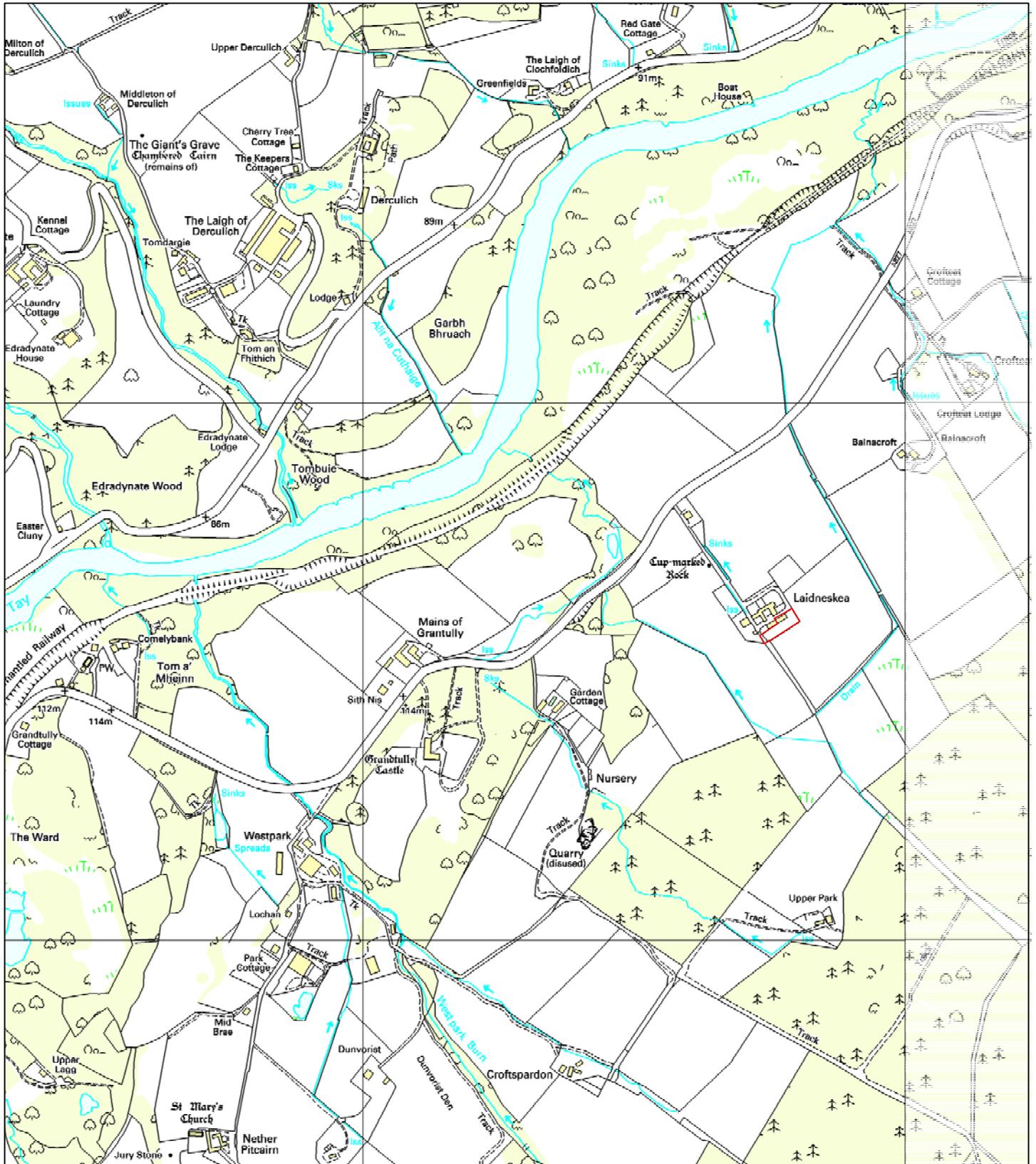
**Nick Brian**  
**Development Quality Manager**

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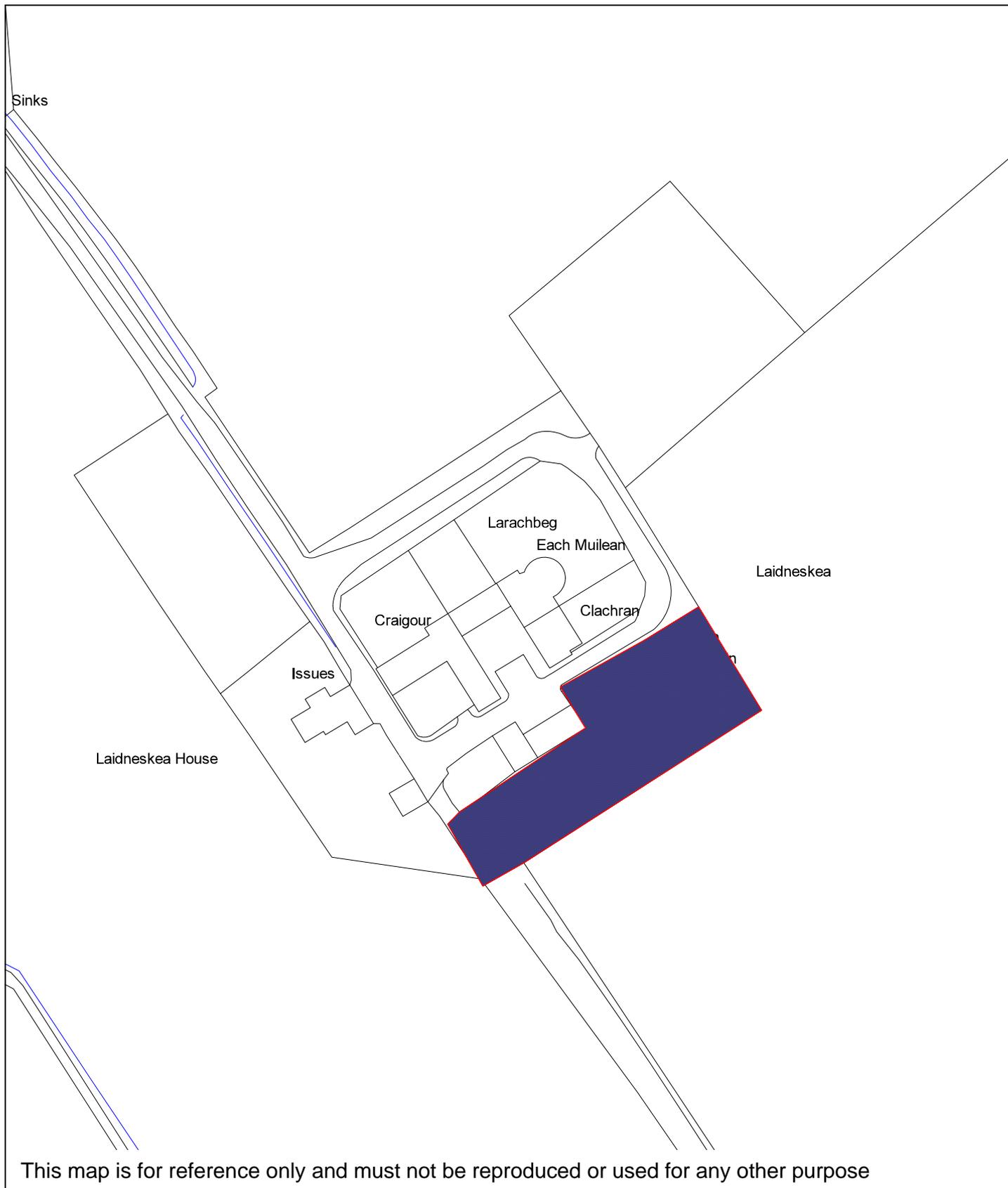
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# Perth & Kinross Council

14/00574/FLL

Renewal of (09/00533/FUL) subdivision of dwellinghouse

Taigh Iaruin, Grandtully



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