

Review Decision Notice

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 40 metres south west of Witchill, Kinnoull Terrace, Perth

Description: Erection of dwellinghouse (in principle)

Application for Review by Mr J Munro against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 24/00957/IPL

Application Drawings: 24/00957/1 – 24/00957/9

Date of Review Decision Notice – 14 March 2025

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

1.1 The above application for review was considered by the PKLRB at a meeting held on 27 January 2025. The Review Body comprised Councillor B Brawn, Councillor K Allan and Bailie C McLaren.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and A Brown, Democratic Support Officer.

Also attending:
M Pasternak and R Ramsay (both Legal and Governance).

2. Proposal

2.1 The proposal is for erection of dwellinghouse (in principle), land 40 metres south west of Witchill, Kinnoull Terrace, Perth. The application was refused consent in terms of a decision letter dated 6 September 2024.

3. Preliminaries

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 6 September 2024;
- (iv) the Notice of Review and supporting documents.

- (v) consultation responses and representations to the planning application;
 - (vi) representation to the Notice of Review, and response from applicant.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The PKLRB considered that the proposed site has a significant planning history of refusal for what is an elevated, prominent site in a conservation area with B and C Listed buildings on either side. Whilst the proposed dwelling would be within the settlement of Perth, it should be refused due to its elevated position and prominent location and the adverse impact a dwelling would have on the area, conservation area and adjacent B listed building. Insufficient information has also been submitted on biodiversity and trees. The PKLRB agreed with the Appointed Officers' reasons for refusal.
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) Due to the elevated position and prominent location development of the site would adversely affect the density, character and visual amenity of the existing area and would not contribute positively to the surrounding built and natural environment. As such it would be contrary to Policy 1A and 1B b) and d) Placemaking and Policy 17, Residential Area of the Perth and Kinross Local Development Plan 2 (2019) and to Policy 14, Design, Quality and Place, of National Planning Framework 4 (2023) which seek to ensure development is compatible with the amenity and character of the area, considers and respects site topography and important views together with respecting an existing building line.
 - (2) The proposed development does not respect the historic pattern or density of development in relation to adjacent residential properties and would result in development that would detract from the residential and visual amenity of the character and appearance of the Kinnoull Conservation Area. The proposal is therefore contrary to Policy 27A, Conservation Areas, of the Perth and Kinross Local Development Plan 2 (2019) and Policy 7, Historic Assets and Places, of National Planning

Framework 4 (2023) which both seek to ensure that the architectural and historic character of Conservation Areas is preserved or enhanced, including protecting existing cultural heritage from inappropriate development.

- (3) Policy 28A, Conservation Areas, of the Perth and Kinross Local Development Plan 2 (2019) requires that development in a conservation area is subject to submission of a detailed application and an appropriate design statement. The indicative plans are of poor quality and the design statement is inadequate as it does not explain and illustrate the design principles or how the proposal has been developed as the best response to the context. The proposal is therefore contrary to PAN 68: Design Statements, Policy 28A, Conservation Areas, and Policy 2, Design Statements, of the Perth and Kinross Local Development Plan 2 (2019).
- (4) The proposed development encroaches on the setting of Category B listed Witchill and will have a detrimental impact on its setting and on other neighbouring listed buildings. The proposal is therefore contrary to Policy 28A of the Perth and Kinross Local Development Plan 2 (2019), Historic Assets and Places and Policy 7, Historic Assets and Places of the National Planning Framework 4 (2023) which seeks to ensure that the setting of listed buildings are safeguarded, and that cultural heritage is protected from inappropriate development.
- (5) No information has been submitted to assess the impact on biodiversity and protected species from the proposed development and no information has been provided as to how the proposal will enhanced biodiversity. The proposal is therefore contrary to Policy 41, Biodiversity, of the Perth and Kinross Local Development Plan 2 (2019) and Policy 3, Biodiversity, of National Planning Framework 4 (2023) which both require proposals to demonstrate that they will protect and enhance biodiversity.
- (6) Insufficient information has been submitted to assess the impact of the proposal on existing trees and as such it is contrary to Policy 40A e) and 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019) and Policy 6, Forestry, Woodland and Trees of National Planning Framework 4 (2023).
- (7) Approval of the application would constitute an increased risk to pedestrian and traffic safety due to the sub-standard access from Kinnoull Terrace onto Bowerswell Road. The proposals are therefore contrary to Policy 60B of the Perth and Kinross Local Development Plan 2 (2019) and to Policy 13b) Sustainable Transport of National Planning Framework 4 (2023) as the transport requirements and impact of the proposed development have not been fully considered and addressed.

Justification

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

- 4.4 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

Town and Country Planning (Scotland) Act 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.