

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 20 JUNE 2017

4 TEMPLEHALL PLACE, NEWBIGGING, MONIFIETH

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission for proposed alterations and extension to dwellinghouse (re-application), application No 16/00742/FULL, at 4 Templehall Place, Newbigging, Monifieth.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the Appeal.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Report Author: Sarah Forsyth
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List of Appendices:

Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 16/00742/FULL****APPLICANT- MR & MRS MILNE****PROPOSAL & ADDRESS – PROPOSED ALTERATIONS AND EXTENSION TO
DWELLINGHOUSE RE- APPLICATION AT 4 TEMPLEHALL PLACE NEWBIGGING
MONIFIETH DUNDEE DD5 3UW****CONTENTS**

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Angus Council

Application Number:	16/00742/FULL
Description of Development:	Proposed Alterations & Extension to Dwelling House Re-Application
Site Address:	4 Templehall Place Newbigging Monifieth Dundee DD5 3UW
Grid Ref:	349757 : 736328
Applicant Name:	Mr & Mrs Grant & Lynsey Milne

Report of Handling**Site Description**

The site is situated towards the north of Newbigging and to the west of the main road through the village.

The application property is a single storey detached dwelling positioned on a 538sqm site. The site is bound by single storey residential properties to the east, west and north and 1½ storey residential properties on the opposite side of Templehall Place to the south. The north, west and east and boundaries of the rear garden are comprised of a 1.8 metre high vertical timber fence.

Proposal

The proposal relates to a conversion of the roof space of the house to create habitable accommodation and includes the formation of a 30sqm 1½ storey pitched roof extension on the east/side elevation and a 30.2sqm 1½ storey extension on the north/rear elevation of the dwelling. The proposal would allow for three new bedrooms on the first floor and a garage, utility and extended family room on the ground floor. The proposed materials would be concrete roof tiles, white dry dash render, stone base course, white upvc windows and white upvc rain goods.

Drawing JDC-002B and JDC-003B (28 October 2016) by John D. Crawford Ltd amends and supersedes drawings JDC-002A and JDC-003A (19 October 2016) and JDC-002A (13 September 2016). The amendment alters the proposed window detail at first floor level in the rear elevation of the proposed extension.

Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

Planning History

15/01108/FULL for Alterations and Extension to Dwellinghouse was determined as "Application Withdrawn" on 24 February 2016.

Applicant's Case

The supporting statement suggests that the impact on the neighbouring properties would not be unacceptable and discount the amendments suggested by the Planning Service to make the proposal acceptable.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Offered no objection.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

Policy TC4 : Householder / Domestic Development

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy TC4: Householder/Domestic Development relates to proposals for house extensions and indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

- (1) adversely affect the residential amenity enjoyed by the house or surrounding domestic properties;
- (2) detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- (3) result in overdevelopment of the plot or a loss of garden ground, parking or bin storage.

The policy indicates that further guidance will be set out in the Householder Development Planning Advice Note (PAN). Appendix 2 of that PAN relates to assessment of privacy impacts and indicates that privacy is important to the health and well-being of residents. It states that it is appropriate to expect that all alterations and extensions to existing residential properties will not adversely affect the privacy afforded to residents within adjacent neighbouring properties and associated curtilages. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or amenity. It indicates that the Council will consider the impact of development on residential amenity in relation to overlooking and loss of privacy.

The application property is located within a relatively modern development known as Templehall Place. That development contains a mix of single and two storey property but was designed so that single storey property backed onto the existing single storey houses at Cunmont Farm Cottages to the north which allowed their amenity a degree of protection. The rear element of the proposed extension would introduce a first floor bedroom window on north elevation which would face 2 and 3 Cunmont Farm Cottages and Kia Cottage and their private rear garden areas. This window would be approximately 9.2m from the mutual boundary with 3 Cunmont Farm Cottages and 7.7m from the boundary with 2 Cunmont Farm Cottages and these properties would experience the most significant impacts from this window. These properties and their gardens are not currently subject of any first floor overlooking from property to the south and the closest two storey property with first floor windows looking towards these gardens is 3A and 3B Pitairlie Road to the east, which have first floor windows around 36m from the closest boundary with 3 Cunmont Farm Cottages.

The Householder PAN acknowledges the importance of privacy for the health and well-being of residents and identifies an expectation that extensions should not adversely affect the privacy afforded to residents. While the Householder PAN provides no explicit distance test to measure where windows are introduced at first floor level, Advice Note 14 'Small Housing Sites' indicates that where

an overlooking storey is involved, the distance between the windows and the mutual boundary should be at least 12m. It indicates that in higher density areas or where the adjacent garden is particularly generous this could be relaxed to 9 metres. The area in which the house is located is low density and the garden(s) which would be overlooked are not particularly generous in size. On that basis a minimum distance of 12m should be maintained between the proposed first floor window and the boundary with the gardens of 2 and 3 Cunmont Farm Cottages. The distance would be around 7.7m and 9.2m respectively, which is contrary to Advice Note 14. While the garden areas of 2 and 3 Cunmont Farm Cottages are partly screened by outbuildings, a large area of their gardens would be overlooked by the proposed first floor window. Taking account of the advice provided in the Householder PAN and Advice Note 14, I consider that the overlooking impact would be significant and would seriously prejudice the privacy available in that garden. The proposal is therefore contrary to policies TC4 and DS4, the Householder Development PAN and Advice Note 14. It is noted that Kia Cottage has withdrawn its objection and I am less concerned regarding the impact on that garden area because its boundary exceeds 12m from the proposed first floor window.

Turning to the remaining policy tests of TC4, the design of the proposed extension would not adversely impact on the character or appearance of the dwelling or surrounding area. From the street, the extension extends east to incorporate a garage but the ridgeline remains unaltered. While the extension would close the gap between detached properties, the impact would not be harmful to the character of the existing property or the wider area. Adequate garden ground would be maintained and sufficient provision for car parking and bin storage would be available. The proposal is consistent with the second and third tests of Policy TC4.

In conclusion the proposal is contrary to policies TC4 and DS4 because the rear extension would have a significant and unacceptable detrimental impact on the residential amenity enjoyed by the northerly neighbouring households at 2 and 3 Cunmont Farm Cottages by virtue of the introduction of overlooking of their gardens in close proximity to the mutual boundary. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

Legal agreement not required.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is Refused

Reason(s) for Decision:

1. The proposal is contrary to policies TC4 and DS4 of the Angus Local Development Plan, the Householder Development Planning Advice Note and Advice Note 14 because it would result in an unacceptable impact on the privacy and amenity of the garden areas of 2 and 3 Cunmont Farm Cottages due to the introduction of a window at first floor level in close proximity to the garden areas of those properties.

Notes:

Case Officer: Pauline Chalmers
Date: 21 December 2016

Appendix 1 - Development Plan Policies**Angus Local Development Plan 2016**

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- o adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
 - o detrimentally affect the character and/or appearance of the building, site or surrounding area;
- and
- o result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Amenity

The stewardship of natural resources is key to sustainable development and the ALDP has a role in avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for air quality. There is also a need to safeguard the amenity of future occupiers, or existing properties near to development as well as the wider area. Where it is considered that development has an impact, appropriate mitigation or compensatory measures will be secured through conditions or planning obligations. Specific impacts relating to the water environment, geodiversity and minerals resource are covered by policies elsewhere within the Plan.

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Policy DS4 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	++	0	0	+	0	0	+	0

THE POLICY FRAMEWORK – PART 1

THRIVING & CONNECTED

Policy TC4 Householder / Domestic Development

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Policy TC4 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	0	0	0	0	++	+	++	+

Accommodation for Seasonal or Transient Workers

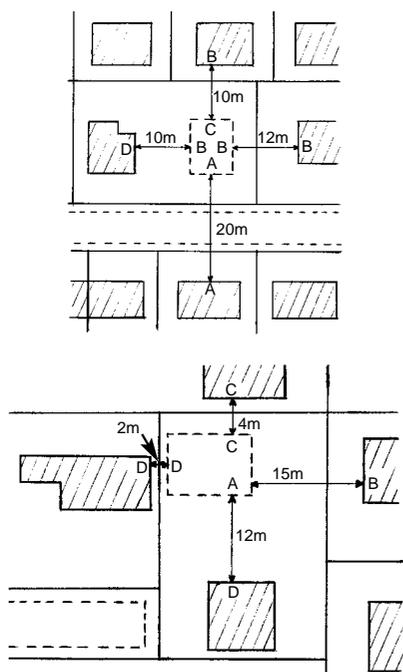
Changes in the nature and operation of agriculture (including horticulture) across Angus have seen growth in the use of seasonal and transient workers, including increased numbers of foreign migrant workers. This has resulted in an increased requirement for temporary accommodation associated with the place of employment, normally an agricultural unit or business.

Agriculture is an important component of the Angus economy and Angus Council recognise the important role the provision of suitable temporary accommodation for seasonal and transient workers has in supporting agricultural activity.

Wherever possible such accommodation should be located adjacent to public transport routes to provide access to shops and other essential services. All such development should be designed and located to minimise adverse impacts on local amenity, access, infrastructure and local landscape character.

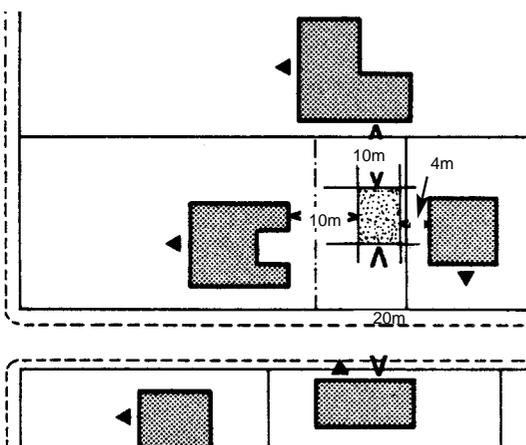
In the diagrams below, which illustrate the application of most of the above rules, the following notation has been used:-

A - Main Living Room Window **B** - Other Habitable Room Window
C - Non-Habitable Room Window **D** - Blank Wall



Note: Where the relevant windows are at an angle to each other, the distances may be reduced commensurately. As a guideline, the distance may be halved where the centre point of the two windows are at 45o to each other.

Conditions will often be imposed upon outlined planning applications to ensure that these standards are met. This will often define the site area available within which the house must be located and in rare instances it may prove too small for the desired house style or, indeed, any style. If the applicant cannot meet the conditions then obviously the proposal is an impractical one.

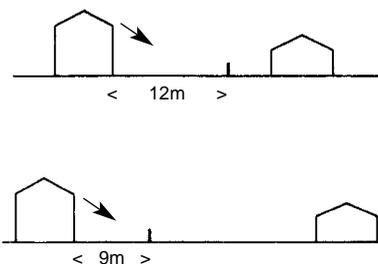


Building on a boundary will not be acceptable, at least a one metre gap must be provided to allow for maintenance etc. Exceptions might be made for lock-up garages where it is not practical to leave a gap.

Overlooking of private amenity space, particularly of existing houses should also be taken into consideration in designing the layout. As a general rule no window to a habitable room should be closer than four metres to a boundary. For first floor windows in two storey houses, significantly greater distances will be required (see below).

Screening: Most of the above distances can, if desired, be further alleviated on the part of the affected property, by the erection of screening and in certain circumstances this may be specified by the

Planning authority. Even with the erection of screen fences, distances should not be so reduced as to create an overly-cramped environment. For instance a two metre fence or wall erected closer than two metres to an existing neighbouring window, is unlikely to be acceptable as a means of overcoming a deficient window to window distance. Of course, screening cannot be effective where a second floor is concerned and this is the cause of much discontent amongst existing proprietors affected by such proposals. Accordingly, where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres.



GARAGES

Too often garages are an afterthought in the design process. Problems can occur when endeavouring to fit the garage into a pre-developed site. Therefore, even if a garage is not to be built at the outset, the layout should allow for their later erection. For instance, 30% plot coverage should not be the objective of a new house with no garage accommodation; avoid a situation where the garage would have to be built on the boundary or, worse still, in front of the house.

On the subject of garages in front of houses, it is strongly recommended that this be avoided. Developments visually dominated by garages sited in front of the residential accommodation will rarely be acceptable.

ADDITIONAL NOTES

It is the intention of the District Council to implement this advice in a FLEXIBLE fashion. This, however, is likely to result in demands in excess of the minimum standards being more common than their relaxation. The guidance is not intended to produce a "planning by numbers" approach to housing layouts and even where the guideline figures have been attained, the planning authority reserves the right to insist on more stringent standards to, for instance, further mitigate the impact on neighbours or to produce a better quality development.

In designing a layout care should be taken not to prejudice future development in adjoining areas (for instance by building too close to boundaries or poor positioning of windows). In some instances this may not be possible but where this has occurred, the planning authority will not necessarily be tied to the guidance indicated in this Advice Note when dealing with future development proposals.

This Advice Note does not apply to sites defined as "backland", i.e. sites without a road frontage, for which applicants should refer to Advice Note 6 - Backland Housing Development.

For further information and advice contact:

Planning & Transport
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

Telephone 01307 461460

Angus Council



ADVICE NOTE 14

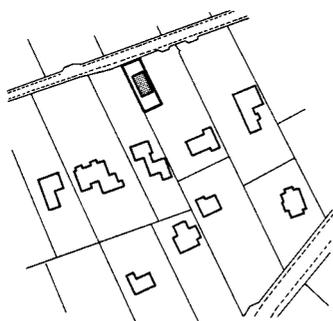
**SMALL
HOUSING
SITES**

INTRODUCTION

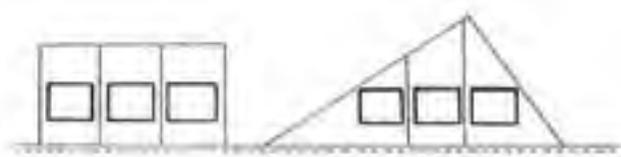
This Advice Note has been prepared to provide guidance for applicants, developers and their agents designing layouts for small housing sites (comprising between one and four detached houses) WITHIN EXISTING BUILT-UP AREAS. For houses in the open countryside refer to Schedule 1 in the Housing Section of the Angus Local Plan. Although much of the guidance is relevant to semi-detached, terraced, linked or special needs housing, the requirements, particularly in respect of plot sizes, amenity space, etc. will be interpreted flexibly. The Advice Note does not concern itself with the visual appearance of the individual houses. Compliance with this guidance will be required in order to secure a planning consent.

PLOT SIZE

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".



As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours. Conversely, in low density areas, a minimum considerably in excess of 400 square metres will be required. 400 square metres will probably be too small to provide sufficiently useable garden space where awkward shaped sites are involved. Similarly, where existing trees have to be retained or new planting is required as part of a planning consent, a larger plot area will be necessary.

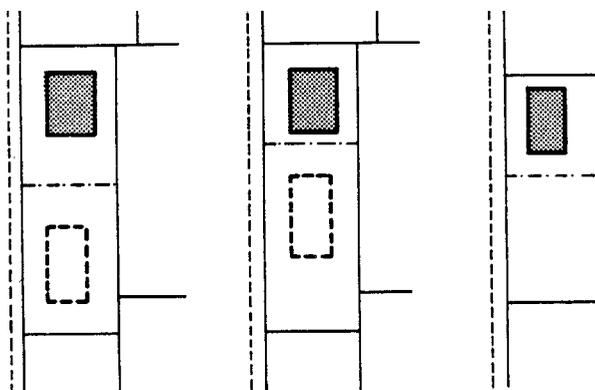


Regular shaped site of 1,200sm can accommodate 3 plots of 400sm, houses covering 30% of the plot and still provide at least 100sm of amenity space.

Awkward shaped site of 1,200sm. Fails to provide 100sm useable/private amenity space for each plot of 400sm.

This minimum plot area requirement will not only apply to the proposal but, where applicable (e.g. subdivision of an existing house plot), TO THE EXISTING HOUSE AND ITS CURTILAGE ALSO.

For clarification purposes, long driveways required to gain access to the plot proper or fingers of useless land will not count as part of the plot area.



Total Area = 820 s.m. Acceptable Sub-Division

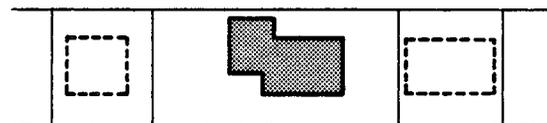
Total Area 820 s.m. Unacceptable Sub-Division

Total Area = 750 s.m. Incapable of Meeting Standard

PLOT COVERAGE

The character or spaciousness of a development is not solely determined by the size of the plot but also by the proportion of the plot that is covered by the building. Specifying a minimum plot size is of little relevance if the proposed house then fully occupies the curtilage, providing minimal living space around the dwelling.

In order to leave sufficient open space around a new house for outdoor activity, for the setting of the house and possible future extensions, the proposed house should not cover more than 30% of the plot. Again where it would be more in keeping with the character of a high density neighbourhood, this might be increased.



Plot Size = 420 s.m. House = 118 s.m. Coverage 28% Acceptable

Plot Size = 420 s.m. House 180 s.m. Coverage = 43% Not Acceptable

By the application of this standard, proposed developments on small plot areas in practical terms may be restricted to one and a half or two storeys, as these have a lesser ground floor area than bungalows. If the Council also feels it correct and proper to impose a bungalow only condition, then the proposed development of the site may not be feasible or could be restricted to a very small bungalow.

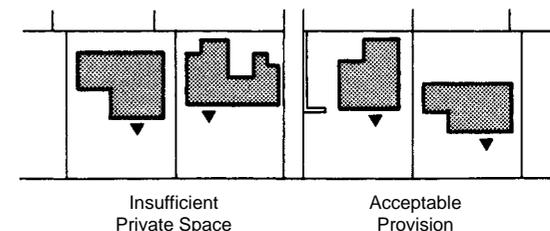
Consideration will also be given to the size of the proposed house. It may for instance, be inappropriate to site a large executive house on a small plot which just achieves the 30% plot coverage. As a general rule, large executive style houses should be sited on large plots producing considerably less than the 30% coverage. Similarly, a lower coverage might also be appropriate when an awkward shaped plot is involved in order to provide useful areas of garden ground.

PRIVATE AMENITY SPACE

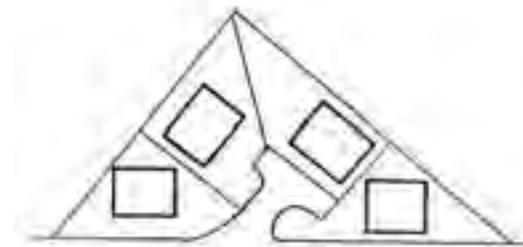
Applying the above standard to a new house development should ensure that around 70% of the plot remains open but all of this could be taken up by front garden, car space, drive etc., leaving none for the long list of private activities that gardens are required to cater for, such as sitting in the sun, playing with the children, eating out-of-doors on a nice day, drying clothes or even parking the kids bicycles.

To meet this requirement for modern day living, the Council will require a MINIMUM area of 100 SQUARE METRES to be allocated for PRIVATE amenity space. Where a good case can be made out, e.g. in character with the surrounding area, this may be reduced to 70 SQUARE METRES or in the difficult case of a corner plot with two road frontages, a reduction to 50 SQUARE METRES might be acceptable. These standards will require to be met where appropriate (e.g. subdivision of an existing house curtilage) by the existing house also.

Normally to qualify as private amenity space, the area will be out of public view, i.e. a BACK garden or well screened area at the side. It must also be a usable area, ten small leftover corners or strips of 10 square metres each will not be acceptable.



The diagram below illustrates the difficulties in achieving the minimum standards indicated above for private amenity space, plot coverage and plot size when an awkward shaped development site is involved. The scheme illustrated still produces plots of 400 square metres but lacks adequate usable private amenity areas and the development is overly congested producing a poor quality environment. One house is forced to breach the building line.



DISTANCE BETWEEN BUILDINGS

Perhaps the greatest bone of contention with objectors to new house proposals, concerns the distance between the proposed dwelling and their own. It is also valid that the planning authority should aim for reasonable distances even in the case where there are no objections, for instance, where only the applicant's house is affected (in the case of existing curtilage subdivision) or to ensure a reasonable level of amenity within and between the new houses on the development.

In fact the distances regarded by residents as being most critical are where windows are involved, therefore, the following guideline MINIMUM distances are based on windows. While these guideline figures should ensure a reasonable degree of amenity and privacy, there will be instances where they may not be acceptable for townscape reasons e.g. out of character with the surrounding area, the presence of trees, etc. and conversely, in higher density, older areas, it may even be possible to reduce some of the distances specified.

Main Living Room Window to:-

- Main Living Room Window - 20 metres
- Other Habitable Room window - 15 metres
- Non-Habitable Room Window - 12 metres
- Blank Wall - 12 metres

Other Habitable Room Window to:-

- Other Habitable Room Window - 12 metres
- Non-Habitable Room Window - 10 metres
- Blank Wall - 10 metres

Non-Habitable Room Window to:-

- Non-Habitable Room Window - 4 metres
- Blank Wall - 4 metres

Blank Wall to Blank Wall - 2 metres

Definitions: Habitable Room includes Kitchen
Non-Habitable room includes bathrooms, utility rooms, staircases, halls, landings, stores, workshops, etc.

Appendix B: Privacy

Privacy is important to the health and well-being of residents. It is appropriate to expect that all alterations and extensions to existing residential properties will not adversely affect the privacy afforded to residents within adjacent neighbouring properties and associated curtilages.

Calculating privacy is relatively complex because what constitutes an acceptable level of privacy depends on the context of a particular site. However, in all cases, the following factors should be taken into consideration when determining the potential impact of an alteration and extension upon the privacy afforded to residents within adjacent neighbouring properties and associated curtilages:

- ▶ The existing window to window distances and those characteristic of the surrounding area.
- ▶ The opportunities to mitigate against any potential adverse effects e.g. the use of obscure glazing i.e. frosted glass, velux windows and/or any existing or proposed additional screening between the respective windows.
- ▶ Respective site levels.
- ▶ The nature of the respective rooms i.e. habitable or non-habitable rooms.
- ▶ The orientation of the respective properties and windows.

In order to assess the potential impact of an alteration and extension upon the privacy afforded to residents within adjacent neighbouring properties and associated curtilages, supporting information regarding the calculation of the potential privacy impacts, along with any required elevation or plan drawings, should be submitted to the Council's Planning Authority. Further advice can be obtained from the Council's Planning Authority (please refer to Contact Details).

It should be noted that Householder Permitted Development Rights ensure that it is virtually impossible for total privacy to be assured and except in the most isolated rural locations, few existing residential properties can claim not to be overlooked to some degree. To maintain a degree of privacy without becoming unduly restrictive on residents wishing to extend an existing residential property, the minimum distances which should be achieved between the windows on an alteration and extension and the existing windows on an adjacent neighbouring property are demonstrated across the page.

Main Living Room Window to:

Main Living Room Window	20 metres
Other Habitable Room Window	15 metres
Non-Habitable Room Window	12 metres
Blank Wall	12 metres

Other Habitable Room Window to:

Other Habitable Room Window	12 metres
Non-Habitable Room Window	10 metres
Blank Wall	10 metres

Non-Habitable Room Window to:

Non-Habitable Room Window	4 metres
Blank Wall	4 metres

Blank Wall to Blank Wall	2 metres
---------------------------------	----------

The minimum distances identified above can be reduced when the windows on an alteration and extension to an existing residential property and the existing windows on an adjacent neighbouring property are at an angle to each other. Further advice can be obtained from the Council's Planning Authority (please refer to Contact Details).

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

16/00742/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

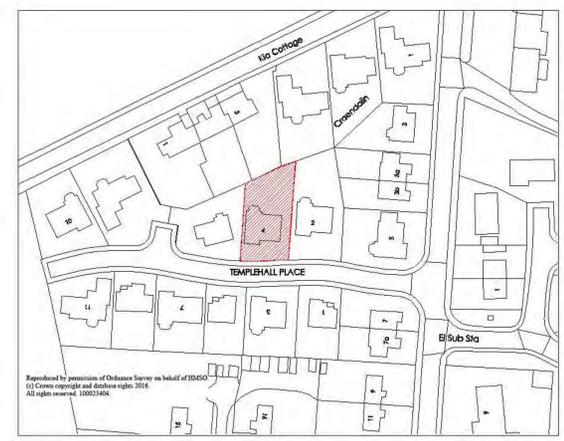
Date

19	10	16
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

Refused



Location Plan (1:1250)

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

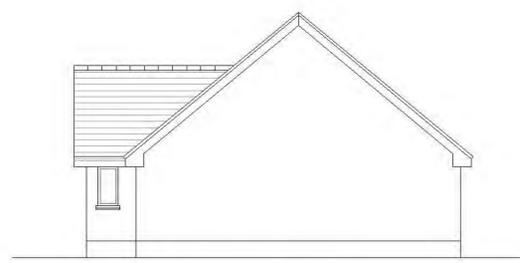
Do not scale this drawing for construction purposes.



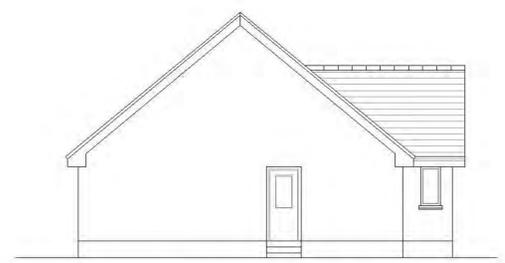
Existing South Elevation (1:100)



Existing North Elevation (1:100)



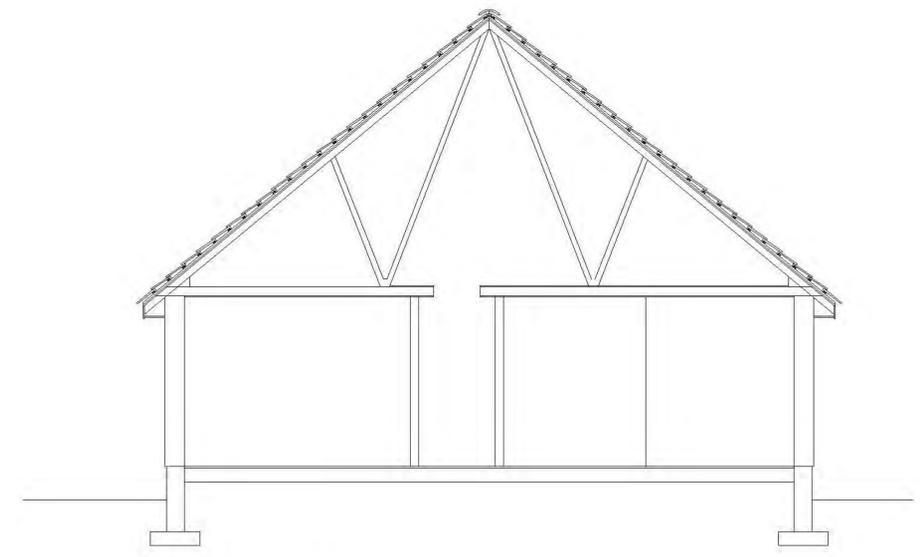
Existing East Elevation (1:100)



Existing West Elevation (1:100)



Existing Ground Floor Plan (1:50)



Existing Section (1:50)

Refused

GENERAL LEGEND

	Areas shaded represents Existing Structure	
	New External Walls	
REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mr & Mrs Milne

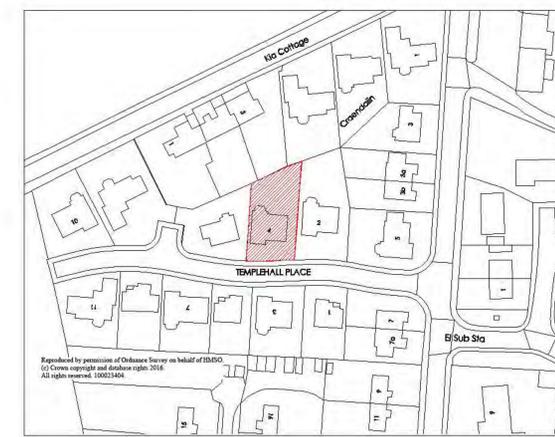
PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, Broughty Ferry, DD5 3UW

DRAWING TITLE Existing Floor Plan, Elevations & Section

SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:100	26.11.15	JDC-001	KJC

- This drawing is issued for the purpose of the status indicated below
- Sketch Proposal
 - Planning Application Submission
 - Planning Application **APPROVED**
 - Building Warrant Application Submission
 - Building Warrant Application **APPROVED**
 - Tender Issue
 - Construction Drawings to be Adhered to on Site

Refused



Location Plan (1:1250)

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

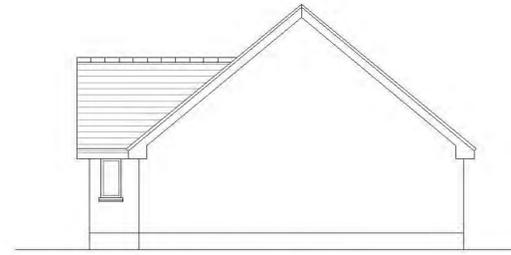
Do not scale this drawing for construction purposes.



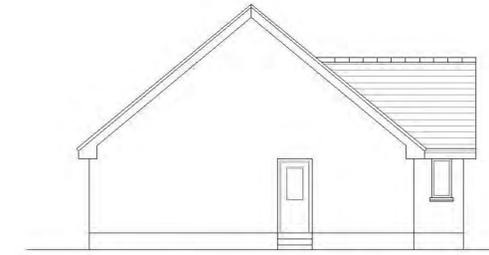
Existing South Elevation (1:100)



Existing North Elevation (1:100)



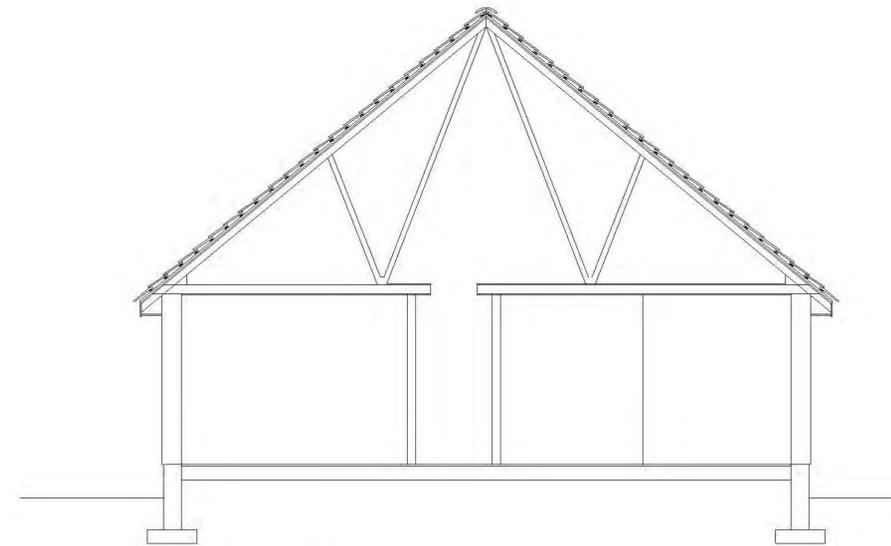
Existing East Elevation (1:100)



Existing West Elevation (1:100)



Existing Ground Floor Plan (1:50)



Existing Section (1:50)

Refused

GENERAL LEGEND

- Areas shaded represents Existing Structure
- New External Walls

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mr & Mrs Milne

PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, Broughty Ferry, DD5 3UW

DRAWING TITLE Existing Floor Plan, Elevations & Section

SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:100	26.11.15	JDC-001	KJC

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application **APPROVED**
- Building Warrant Application Submission
- Building Warrant Application **APPROVED**
- Tender Issue
- Construction Drawings to be Adhered to on Site

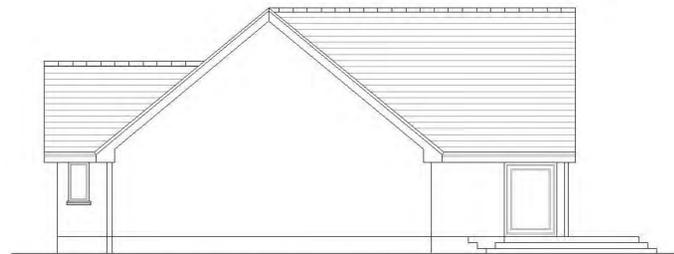
Refused



Proposed South Elevation (1:100)



Proposed North Elevation (1:100)



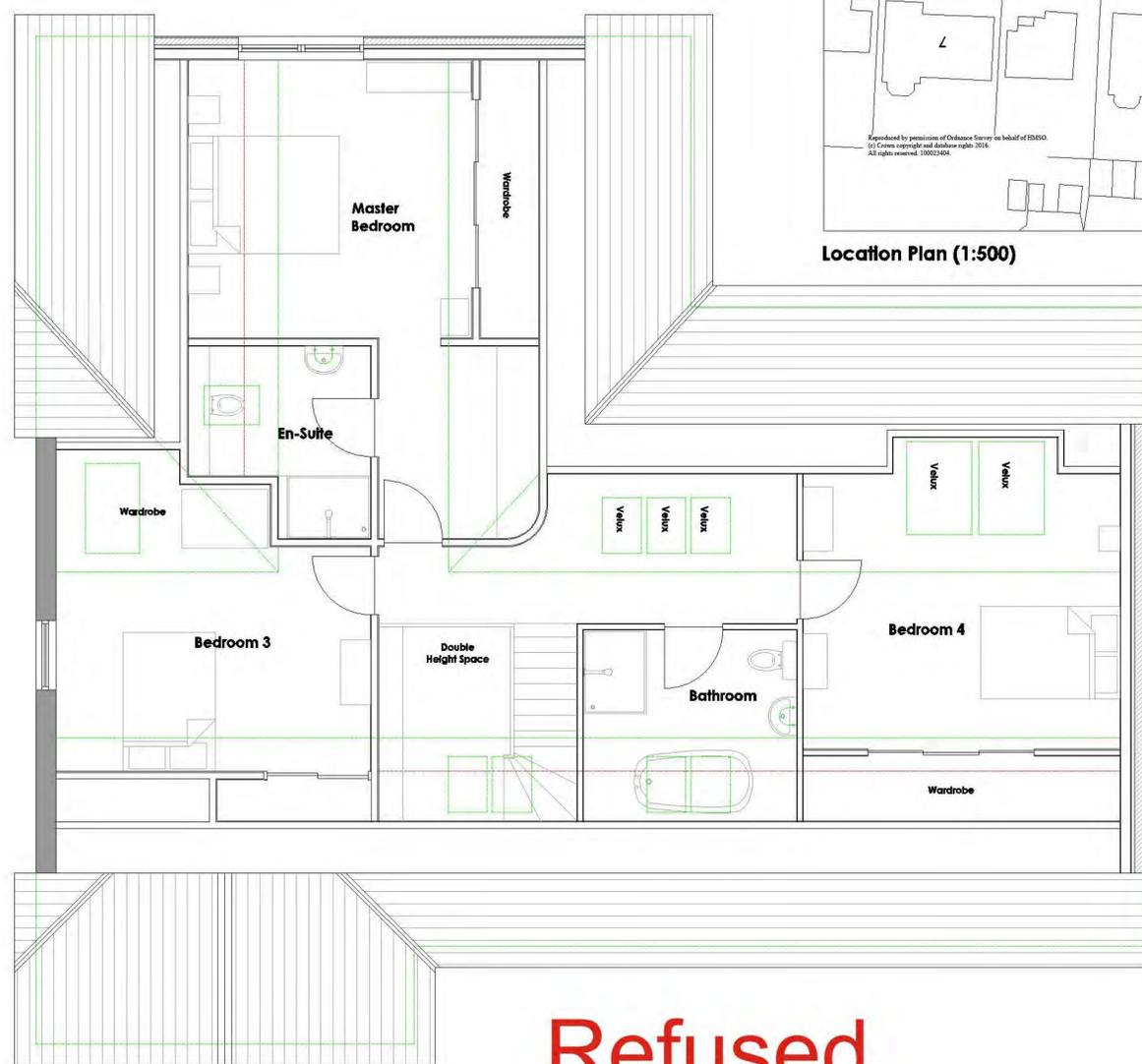
Proposed East Elevation (1:100)



Proposed West Elevation (1:100)



Proposed Ground Floor Plan (1:50)

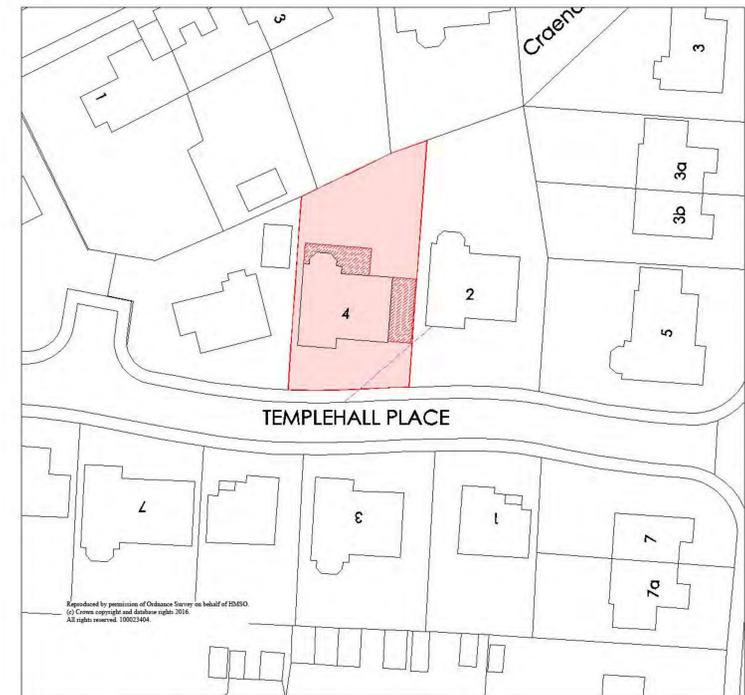


Proposed First Floor Plan (1:50)

Refused



Location Plan (1:1250)



Location Plan (1:500)

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Do not scale this drawing for construction purposes.

ELEMENT	PROPOSED CONSTRUCTION MATERIAL
External Walls	Render/Stonework/Timber Cladding
Roof	Concrete Tile to match existing
Windows & Doors	White UPVC to match existing
Rainwater Goods	White UPVC to match existing
Boundary Treatment	N/A
Heating Provision	N/A

GENERAL LEGEND

[Shaded Area]	Areas shaded represents Existing Structure	
[Dashed Line]	New External Walls	
REVISION	DATE	DESCRIPTION OF REVISION
Rev. A	28.07.16	Amendments as per e-mail received from planning dated 14.07.16
Rev. B	28.10.16	Removal of Door and Balustrade from Proposed North Elevation

CLIENT Mr & Mrs Milne
PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, By Broughtly Ferry, DD5 3UW

SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:100	26.11.15	JDC-002	KJC

- This drawing is issued for the purpose of the status indicated below
- Sketch Proposal
 - Planning Application Submission
 - Planning Application **APPROVED**
 - Building Warrant Application Submission
 - Building Warrant Application **APPROVED**
 - Tender Issue
 - Construction Drawings to be Adhered to on Site

john d crawford Ltd
 ARCHITECTURAL SERVICES
 72 New Wynd Montrose
 Angus
 DD10 8RF
 email | info@johndcrawford.co.uk
 tel | 01674 672064 fax | 01674 672126









TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE : 16/00742/FULL

To **Mr & Mrs Grant & Lynsey Milne**
c/o John Crawford
72 New Wynd
Montrose
Scotland
DD10 8RF

With reference to your application dated 10 October 2016 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed Alterations & Extension to Dwelling House Re-Application at 4 Templehall Place Newbigging Monifieth Dundee DD5 3UW for Mr & Mrs Grant & Lynsey Milne

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 The proposal is contrary to policies TC4 and DS4 of the Angus Local Development Plan, the Householder Development Planning Advice Note and Advice Note 14 because it would result in an unacceptable impact on the privacy and amenity of the garden areas of 2 and 3 Cunmont Farm Cottages due to the introduction of a window at first floor level in close proximity to the garden areas of those properties.

Amendments:

- 1 Drawings JDC-002B and JDC-003B (28 October 2016) by John Crawford Ltd amends and supersedes drawings JDC-002A and JDC-003A (19 October 2016) and JDC-002A (13 September 2016). The amendment alters the proposed window detail at first floor level in the rear elevation of the proposed elevation.

Dated this **30 December 2016**

Kate Cowey - Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335

E-mail: planning@angus.gov.uk

Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

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 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

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 5 of the Town and Country Planning (Scotland) Act 1997.

COMMUNITIES Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Supporting Statement -



Proposed Extension & Alterations to Dwellinghouse

4 Templehall Place, Newbigging, By Broughty Ferry, DD5 3UW

Prepared by John D. Crawford Ltd on Behalf of Mr & Mrs Milne



72 New Wynd Montrose

Angus

DD10 8RF

email | info@johndcrawford.co.uk

tel | 01674 672064 fax | 01674 672126

Contents

- 1. Introduction**
- 2. Planning History**
- 3. Existing Property**
- 4. Principle Design Objectives**
- 5. Design Considerations**
- 6. Planning Policies**
- 7. Conclusion**
- 8. Drawing Appendix**
- 9. Photograph Appendix**

1. Introduction –

John D. Crawford Ltd, on behalf of the applicants Mr and Mrs Milne who are the owners of the property, have prepared this Design Statement in support of a Planning Application lodged to Angus Council for the Proposed Extension at 4 Templehall Place, Newbigging, By Broughty Ferry, DD5 3UW .

The property is located in the village of Newbigging, 8 miles to the North of Dundee and within a Residential Area.

2. Planning History –

A Planning Application (15/01108/FULL) was submitted by John D. Crawford Ltd to Angus Council on 10th December 2015 and subsequently withdrawn after being recommended for Refusal on the following grounds:-

The case officer explained that the reason for not supporting the application was the location of the proposed glazing at first floor level on the North Elevation.

There were three public comments lodged:-

Public Comment A - 3 Cunmont Cottage - Wayne Robson

Public Comment B - Craendalin - Linda Shearer

Public Comment C - 2 Templehall Place - Scott Murray

The content of Public Comment A was cited as being the principle reason for refusal and public comments B & C were seen as less onerous and could be overcome.



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The red areas on this map indicate the proposed Extensions to the North and East are shaded in Red.

3 Cunmont Cottage, the property pertaining to the principle objector, has been bounded and hatched in Green.

Creandalin is hatched in Magenta

2 Templehall Place is hatched in Blue

There are existing Two Storey Dwellinghouses shaded in Magenta at 3a, 3b, 7 & 7a Pitairlie Road. Kia Cottage sits between 3 Cunmont Cottage and Creandalin.

3. Existing Property

The existing 3 bedroom property currently has a footprint of 110m² and is home to a family of 4. The applicants require additional floor space but do not wish to move home. They are very settled in this property and like ourselves as agent, feel they have scope to increase the size of the property and create a family home which they can live in for many years to come.

The property is currently a single storey detached dwellinghouse that would become a storey and a half with the proposed extensions. The property is surrounded by single storey, storey and a half and two storey dwellinghouses.

4. Principle Design Objectives:-

The applicants wish to extend their existing family home and it is the intention of John D. Crawford Ltd to produce a concept that provides the additional floor space whilst fully considering all planning policies and respecting the surrounding area/properties in terms of aesthetics, character and privacy.

It is our objective to create a proposal that enhances the aesthetics and practicality of the property as a whole, whilst respecting that there are a number of residential properties in the immediate vicinity.

There is sufficient garden ground in which to extend the property and it is proposed to utilise the existing attic space together with the floor space generated by the extensions to meet the clients project brief.

5. Design:-



Fig. 2

3D Image of Proposal as Originally submitted with Planning Application 15/01108/FULL. This image illustrates the glazing on the proposed North Elevation which allows ventilation, daylight and means of escape to first floor Master Bedroom.

It was originally proposed by the applicant to form a fully glazed gable at first floor level on the proposed North Elevation. It was advised to reduce this to two glazed panes in order to respect the privacy of the surrounding properties and also to enhance the privacy of the applicant property.

The first floor glazing is within the Master Bedroom. It is not a room that the applicants will stand and look out of the glazed area for any sustained period of time. The glazed pane and inward opening door will provide adequate means of natural daylight and ventilation to the Master Bedroom.

The property pertaining to the principle objector has a large garden in comparison to the house position. The proposed extension is some 30m from the dwellinghouse. They have also constructed a stand alone garage within close proximity of the boundary therefore this adds to the area of garden ground that is not overlooked.

Bedroom 3 contains two escape style rooflights that face exactly the same direction as the glazing in Master Bedroom. These will require to be escape style windows and will therefore will be positioned with the lowest part at 1100mm from floor level. I respect this is not a planning matter but the principle of it is that you will see exactly the same from this window as you will from the master bedroom. The only difference is that the master bedroom glazing is vertical and the velux rooflights are on the sloping roof. The bottom of the rooflights are below knee level and the top above eye level.

Bedroom 4 contains one escape style rooflight and also a window on the West Elevation.

As previously stated there were three public comments received on the application. The objection from Mr Wayne Robson was upheld and used as part of the reason for refusal. Mr Robson owns 3 Cunmount Cottage, the property directly to the North of the applicant property and his objection was on grounds of overlooking and loss of privacy. The objection read as follows :-

Wayne Robson

Comment submitted date: Thu 14 Jan 2016

Having reviewed the plans, I am objecting on the grounds of privacy. The upstairs windows of the house will allow full view into our garden and house which means we will have no privacy at all.

The following was received from the planning case officer on 4th February 2016 in response to the application:

The proposal would introduce new overlooking of 3 Cunmount Cottage, their private garden and windows on the rear elevation of their home, there would also be views of Kia Cottage and some properties beyond where there is currently no overlooking of these neighbours as the neighbours on either side of the application site and those to the rear are one storey properties. Whilst on site I did note that that there are some two storey properties on Pitairlie Road facing west but these do not share full boundaries with the neighbours I mentioned and are a sufficient distance.

I fully appreciate the desire to extend the dwelling and I have no objection in principle to an application for an extension



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The applicant property is hatched in Red with the proposed Extensions highlighted in a solid red fill.

The properties shaded in Magenta are Two Storey Properties at 3a & 3b Pitairlie Road. There are first floor windows in both that clearly overlook each others private garden ground and various other properties.

The properties shaded blue are storey and a half properties at 1, 5 & 9 Templehall Place with first floor windows which overlook various garden grounds of neighbouring properties. There are gable end windows and also velux windows. As previously explained you see exactly the same from velux windows as you do from glazing in a vertical wall.

- The distance from the back of the house at 3 Cunmont Cottage to the boundary it shares with applicant site is in excess of 20m.
- The distance between the existing properties is currently just short of 30m
- The proposed extension would sit some 28m from the back of 3 Cunmont Cottage
- The footprint of the proposed extension will sit only 1.0m closer to Cunmont Cottage than the existing.
- The location of the garage and the trees along the boundary actually mean that there is virtually no overlooking into 3 Cunmont Cottage
- There are first floor windows in the two storey properties at 3a, 3b, 7 & 7a Pitairlie Road - all of which are within similar distances to their boundaries which all adjoin other properties. Regardless of actual distance to the boundaries the fact is that the windows are at first floor level and the human eye can see a considerable distance over numerous properties.

**Fig. 4****Fig. 5**

These images were taken in February 2016 and show that there is an existing garage attached to 3 Cumont Cottage which actually occupies the area of garden ground that would have been primarily overlooked by the proposal. Any other breach of privacy is removed by the mature trees which line the boundary. These images show one of the trees without any foliage and it still offers a high degree of privacy. It confirms how little of the garden ground at 3 Cumont Cottage is actually overlooked. The largest tree has foliage all year round and again offers a screening between the properties. These images were taken from a height similar to that of the proposed first floor level. Only one window is visible and even this will not be visible when the deciduous tree has full foliage.



Fig. 6

This image was taken in Summer 2015 and shows how dense the foliage is between the applicant property and 3 Cunmont Cottage.



Fig. 7

This photograph is taken from the garden ground in which the proposed extension is to be formed and shows the close proximity of the first floor bedroom windows within the two storey properties at 3a & 3b Pitairlie Road.



Fig. 8

View of 3 Cunmont Cottage as viewed from a first floor bedroom within a two storey dwellinghouse at 3a Pitairlie Road. The actual dwellinghouse is more visible from this property than it is from the applicant property as there is less screening in terms of trees.



Fig. 9

Photo from Pitairlie Road overlooking Kia Cottage & Cunmont Cottages

6. Planning Policies

S6: Development Principles

SC15: House Extensions of the Angus Local Plan Review

Angus Council Advice Note 19: House Extensions.

7. Conclusion

When proposing alterations/extensions at first floor level in a residential area it is impossible to completely avoid overlooking of other properties and their garden ground. There are several existing two storey properties in the surrounding area that are not any less onerous in terms of overlooking than this would be.

We feel that the proposals are very much in keeping with the character of the building and trust that you will appreciate what we are trying to achieve from a design perspective. It is not uncommon for first floor bedroom windows to overlook other garden grounds in built up areas. The fact that it is a bedroom and not a living area means that there will be no noise coming from the room and certainly no intention to gain the opportunity to overlook neighbouring gardens. The feature height glazing is included solely for the purposes of design/aesthetics and not to enhance views. Privacy is as important to the applicant than it is to the neighbours. It can be argued that the loss of privacy is actually to the applicant as the neighbours may be able to look up at the bedroom window which has floor to ceiling glazing, this is the choice of the applicant. There are plenty cases of bedroom windows overlooking just as much as the applicant property and this is evident in the houses at Pitairlie Road. A person will view as much from a window with a standard sill level or an escape type rooflight as they will with the feature floor to ceiling glazing as what's visible at eye level remains a constant.

8. Drawing Appendix

1. *Existing Floor Plans and Elevations are illustrated on Drawing No. JDC/001 (John D Crawford Ltd)*
2. *Proposed Floor Plans and Elevations are illustrated on Drawing No. JDC/001 (John D Crawford Ltd)*

Ground Floor Plans as Submitted with Original Planning Application



Proposed Ground Floor Plan (1:50)

Fig. 10

First Floor Plans as Submitted with Original Planning Application



Proposed First Floor Plan (1:50)

Fig. 11

First Floor Plans as Recommended by Planning Officer Prior to Withdrawing Original Planning Application



Fig. 12

This shows the originally proposed Glazing removed from North Elevation and the inclusion of 2no. Escape Type Rooflights on the East Elevation.

**Fig. 13**

3D Image of Proposal as Recommended by Planning Officer Prior to Withdrawing Original Planning Application.

**Fig. 14**



Fig. 15

These photographs (Fig. 14 & 15) were taken from a height similar to the proposed first floor extension level and clearly indicate that there would be more overlooking to the garden ground of 2 Templehall Place and Kia Cottage by providing escape style rooflights on the East Elevation with the proposed Master Bedroom. This was what was recommend by the planning team and I feel it contradicts the reasons for refusal and actually worsens the matter.



Fig. 16

9. Photograph Appendix

Fig.1. Location Plan

Fig 2. 3D Image as submitted with Original Application

Fig 3. Site Plan

Fig.4. Photo of Boundary of applicant property and 3 Cunmont Cottage

Fig. 5. Photo of Boundary of applicant property and 3 Cunmont Cottage

Fig. 6. Photo of Boundary of applicant property and 3 Cunmont Cottage

Fig.7. View of 3 Cunmont Cottage from 3a & 3b Pitairlie Road

Fig. 8 View of 3 Cunmont Cottage from 3a & 3b Pitairlie Road

Fig. 9 View of 3 Cunmont Cottage and Kia Cottage from 3a & 3b Pitairlie Road

Fig.10. Proposed Ground Floor Plan as submitted with Original Application

Fig. 11 Proposed First Floor Plan as submitted with Original Application

Fig. 12. First Floor Plan as Recommended by Planning Division

Fig.13. 3D Image as Recommended by Planning Division

Fig.14. View of 1 Templehall Place from velux rooflights from proposed master bedroom on East Elevation as recommended by Planning Division

Fig. 15 View of 1 Templehall Place from velux rooflights from proposed master bedroom on East Elevation as recommended by Planning Division

Fig. 16 Existing Rear Elevation

Prepared by

John D Crawford Ltd

On behalf of Mr & Mrs Milne

John D Crawford Ltd trust that this document along with the planning application and other supporting documentation shall be sufficient in order to progress our proposed application. John D Crawford Ltd have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

DRF Silver 20

Construction

Ply: 2

Mil Thickness: 2 (50 micron)

Colour: Silver

Performance Specification

Solar Energy Transmitted	13%
Solar Energy Absorbed	38%
Solar Energy Reflected	49%
Visible Light Transmission	18%
Visible Light Absorbed	27%
Visible Light Reflected - Interior	56%
Visible Light Reflected - Exterior	55%
Ultraviolet Rejected	99%
Shading Coefficient	.26
Glare Reduction	80%
Solar Heat Gain Rejection	74%
Total Solar Energy Rejected	78%

Key Features

Reduces Visible Glare
 Reduces Solar Energy Heat Gain
 Reduces UV Radiation
 Reduces Light Transmission
 Uniform Appearance

Key Benefits

Reduces Heat Gain – Saves Energy Usage
 Reduces Eye Strain - Increasing Comfort
 Protects Against Fading – Blocks UV Rays
 Increases Visual Privacy
 Visual Enhancement – Improves Aesthetics

High Efficiency For The Most Demanding Environments

This type of product is ideal for subtle but effective visible glare reduction and solar heat rejection in both commercial and residential applications. Deans Group Ltd Non-Reflective Window Films meet the highest performance and quality demands. They're designed for challenging environments where a high level of solar control is needed – without compromising the appearance of the building.

Silver Reflective

One of the most powerful and popular solar heat rejecting films on the market. Ideal when maximum solar energy rejection is required. Silver Reflective 20 is an excellent choice providing unsurpassed solar performance together with high levels of visible glare reduction

Applications

Suitable for application to; Windows, Glazed Partitions, Glass Exteriors, Structural Glazing, Curtain Walling, Roof-lights and Atrium Roofs to efficiently and economically reduce visible glare and solar energy loading.

**A Durable Scratch Resistant Coating
 Is Standard On All Deans Group Ltd's Range Of
 Superior Quality Window Films.**

- Values are as applied to 6mm clear float glass as determined by the manufactures and independent testing laboratories.
- Data is representative of actual production. Batch to batch variations are within industry standards.
- Warrant is subject to window film applied to glass windows only and fitted in accordance with the manufacture's recommendations.

CaneyV

From: Kevin Crawford <kevin@johndcrawford.co.uk>
Sent: 18 November 2016 16:30
To: ChalmersPE
Subject: 4 Templehall Place. Newbigging - 16/00742/FULL
Attachments: DRF Silver 20 PS Dark.pdf

Hi Pauline,

Further to our discussion on Monday, I now write to confirm that I have contacted several glazing specialists and now wish to submit the following proposal for your comments:-

We would be willing to fit a reflective film to the inside of the glazing. The reflective film can be used to offer privacy from both the inside and outside. The film works primarily to control solar heat gain by reflecting heat and light outwards from the brightest side. This would also be seen as a benefit to the applicants in the control of solar gain. From the inside the film will act to dim the opacity of the outlook. During the day the outside edge will be the greater of the tint due to the natural sunlight hitting it. However, at night for example since the lights inside would be on, and it would be dark outside, the effect would be reversed. At night time, the privacy of the applicant will be preserved by the use of blinds and curtains. I trust this helps address your remaining concern.

I have attached a specification sheet for the silver reflective film above.

Source of information:-

Deans Group

16, Simpson Court,
11 South Avenue, Clydebank Business Park
Glasgow, G81 2NR

Regards,

Kevin Crawford

Director

John D Crawford Ltd

72 New Wynd

Montrose

Angus

Scotland

DD10 8RF

Tel:- 01674 672064

Website:- www.johndcrawford.co.uk

From: ChalmersPE [mailto:ChalmersPE@angus.gov.uk]
Sent: 12 November 2016 10:26
To: 'Kevin Crawford'
Subject: 4 Templehall Place. Newbigging 16/00742/FULL

Dear Sir

I have considered the application further and discussed it with my senior due to the history of the application and can advise that, we believe there are still issues with overlooking.

It is still considered that the proposal would introduce new unacceptable overlooking of 3 Cunmount Cottage and their private garden and there would also be views of Kia Cottage where there is currently no overlooking of these neighbours as the neighbours on either side of the application site and those to the rear are one storey properties.

A test for new upper level windows is indicated in Advice Note 14, this identifies an acceptable distance between an upper level window and the shared boundary it faces. This often is referred to when accessing householder applications. In this instance, the distance from the centre of the window to the boundary would be 9.18 metres when the recommended distance should be 12 metres from an upper level window to a shared boundary but the proposed distance falls short of that. In light of this I would be looking for a change to this window to counteract overlooking.

I have looked over the example you gave to support this application, 23 Cruickshank Park, Hillside 13/00867/FULL and can see that there is offset looking from this upper level window towards the south-west neighbouring properties that are two storey in height. Due to the neighbours two storey height I can see that there is already overlooking between these properties. Therefore, it was considered there would not be a significant level of additional overlooking to justify refusal of this application which resulted in its support. I feel that this approved application is not quite the same in terms of the neighbours positions or heights of their dwellings in relation to the application site and I would be unable to consider it in support of 4 Templehall Place.

I would be unable to support this application in light of the above reasoning and would be looking for an amendment made to the window. As I stated before, I have no objection in principle to an application for an extension, provided it is compliant with the provisions of Policies DS4: Amenity and TC4: Householder/Domestic Development of the Angus Local Development Plan (2016) also including the guidance outlined in Advice Note 14 and the Householder Development Planning Advice Note. On meeting with the guidance contained within this advice note and policies you will subsequently obtain a more positive response from this department.

I would be obliged if you could provide an amendment within 10 days of the date of this email

I trust that this clarifies the situation for you.

Yours faithfully

Pauline Chalmers: Development Standards Technician: Angus Council: Communities: Planning & Place: County Buildings: Market Street: Forfar: DD8 3LG: 01307 47(3206)

This message is strictly confidential. If you have received this in error, please inform the sender and remove it from your system. If received in error you may not copy, print, forward or use it or any attachment in any way. This message is not capable of creating a legal contract or a binding representation and does not represent the views of Angus Council. Emails may be monitored for security and network management reasons. Messages containing inappropriate content may be intercepted. Angus Council does not accept any liability for any harm that may be caused to the recipient system or data on it by this message or any attachment.

From:ChalmersPE
Sent:1 Dec 2016 18:14:58 +0000
To:'Kevin Crawford'
Subject:RE: 4 Templehall, Newbigging 16/00742/FULL

Hello Kevin

What I meant by looking over the reflective film you mentioned to me was to give you an opportunity to put forward any ideas you may have, it is fair to give everyone the chance to find a solution. Unfortunately as per my email below the film does not strictly address the issue of overlooking but rather masks it.

We have discussed this further and we still believe that it would be of benefit to remove the proposed window on the north elevation and replace it with a roof light (Velux) on the east roof plane which would provide a window and a means of escape as I believe you would have to have this for the building warrant.

You could also insert a high level window into the apex of the roof on the north gable which would be too high to look out of but would provide another way for daylight to enter the room.

I will be checking my emails over the weekend, if you could come back to me then as I will only be in the office on Monday and on holiday for the rest of the week.

Kind regards

Pauline Chalmers: Development Standards Technician: Angus Council: Communities:
Planning & Place: County Buildings: Market Street: Forfar: DD8 3LG: 01307 47(3206)

From: Kevin Crawford [mailto:kevin@johndcrawford.co.uk]
Sent: 30 November 2016 20:26
To: ChalmersPE
Subject: RE: 4 Templehall, Newbigging 16/00742/FULL

Hi Pauline,

I maybe misunderstood you, I thought this was what you were wanting me to do. Can you maybe elaborate on your thoughts to help push this over the line? The client didn't particularly want the film but were prepared to accept it if it meant getting over the line. You indicated that we were very close and I just want to know what you want so I can give it to you? We want to work with you to find a resolve after coming this far. I will be out of the office tomorrow and Friday but will be in over the weekend if you are able to reply before then it would be appreciated. Or feel free to call me on the mobile - 07585771444

Regards,

Kevin Crawford

Director

John D Crawford Ltd
72 New Wynd
Montrose
Angus
Scotland
DD10 8RF

Tel:- 01674 672064

Website:- www.johndcrawford.co.uk

From: ChalmersPE [<mailto:ChalmersPE@angus.gov.uk>]
Sent: 30 November 2016 18:52
To: 'Kevin Crawford'
Subject: 4 Templehall, Newbigging 16/00742/FULL

Dear Sir

Apologies for the delay responding to your previous email. I have considered the proposed reflective film for the window further, details of which you supplied by email

on 18.11.16 and again discussed it with my senior due to the history of the application and can advise that, we believe that if a film such as this has to be applied to the window to alleviate overlooking, this highlights that alternative changes need to be made to alleviate this level of overlooking. Unfortunately, the film does not strictly address the issue of overlooking but rather masks it.

If we had been minded to support the film, ensuring that it would not be removed may be problematic as at a later date it may be removed without our knowledge.

Unfortunately, I would be unable to support this application in light of the above reasoning and would have no other alternative but to progress the proposal to refusal as soon as possible.

I would be obliged if you could provide an amendment within 10 days of the date of this email

I trust that this clarifies the situation for you.

Yours faithfully

Pauline Chalmers: Development Standards Technician: Angus Council: Communities:
Planning & Place: County Buildings: Market Street: Forfar: DD8 3LG: 01307 47(3206)

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From:ChalmersPE
Sent:12 Nov 2016 10:26:12 +0000
To:'Kevin Crawford'
Subject:4 Templehall Place. Newbigging 16/00742/FULL

Dear Sir

I have considered the application further and discussed it with my senior due to the history of the application and can advise that, we believe there are still issues with overlooking.

It is still considered that the proposal would introduce new unacceptable overlooking of 3 Cunmount Cottage and their private garden and there would also be views of Kia Cottage where there is currently no overlooking of these neighbours as the neighbours on either side of the application site and those to the rear are one storey properties.

A test for new upper level windows is indicated in Advice Note 14, this identifies an acceptable distance between an upper level window and the shared boundary it faces. This often is referred to when accessing householder applications. In this instance, the distance from the centre of the window to the boundary would be 9.18 metres when the recommended distance should be 12 metres from an upper level window to a shared boundary but the proposed distance falls short of that. In light of this I would be looking for a change to this window to counteract overlooking.

I have looked over the example you gave to support this application, 23 Cruickshank Park, Hillside 13/00867/FULL and can see that there is offset looking from this upper level window towards the south-west neighbouring properties that are two storey in height. Due to the neighbours two storey height I can see that there is already overlooking between these properties. Therefore, it was considered there would not be a significant level of additional overlooking to justify refusal of this application which resulted in its support. I feel that this approved application is not quite the same in terms of the neighbours positions or heights of their dwellings in relation to the application site and I would be unable to consider it in support of 4 Templehall Place.

I would be unable to support this application in light of the above reasoning and would be looking for an amendment made to the window. As I stated before, I have no objection in principle to an application for an extension, provided it is compliant with

the provisions of Policies DS4: Amenity and TC4: Householder/Domestic Development of the Angus Local Development Plan (2016) also including the guidance outlined in Advice Note 14 and the Householder Development Planning Advice Note. On meeting with the guidance contained within this advice note and policies you will subsequently obtain a more positive response from this department.

I would be obliged if you could provide an amendment within 10 days of the date of this email

I trust that this clarifies the situation for you.

Yours faithfully

Pauline Chalmers: Development Standards Technician: Angus Council: Communities:
Planning & Place: County Buildings: Market Street: Forfar: DD8 3LG: 01307 47(3206)

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

ALTERATIONS AND EXTENSION TO DWELLINGHOUSE (RE-APPLICATION) AT 4 TEMPLEHALL PLACE, NEWBIGGING

APPLICATION NO 16/00742/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Site Plan, Photos and Site Section
- ITEM 3** Proposed Floor Plan and Elevations
- ITEM 4** Existing Floor Plan, Elevations and Section
- ITEM 5** Supporting Information

ITEM 1



County Buildings Market Street Forfar DD8 3LG Tel: 01307 461 460 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100036360-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Grant & Lynsey"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Milne"/>	Address 1 (Street): *	<input type="text" value="Templehall Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Newbigging, Monifieth"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 3UW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 TEMPLEHALL PLACE"/>
Address 2:	<input type="text" value="NEWBIGGING"/>
Address 3:	<input type="text" value="MONIFIETH"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD5 3UW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="736327"/>	Easting	<input type="text" value="349760"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed Alterations and Extension to Dwelling House

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to document titled "Supporting Information Relating to Appeal" which has been uploaded as part of this notice of review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Information Relating to Appeal

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00742/FULL

What date was the application submitted to the planning authority? *

19/08/2016

What date was the decision issued by the planning authority? *

30/12/2016

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

More than welcome to visit the site. We would advise contacting client to arrange access prior to visit. (home telephone number 01382 370725)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

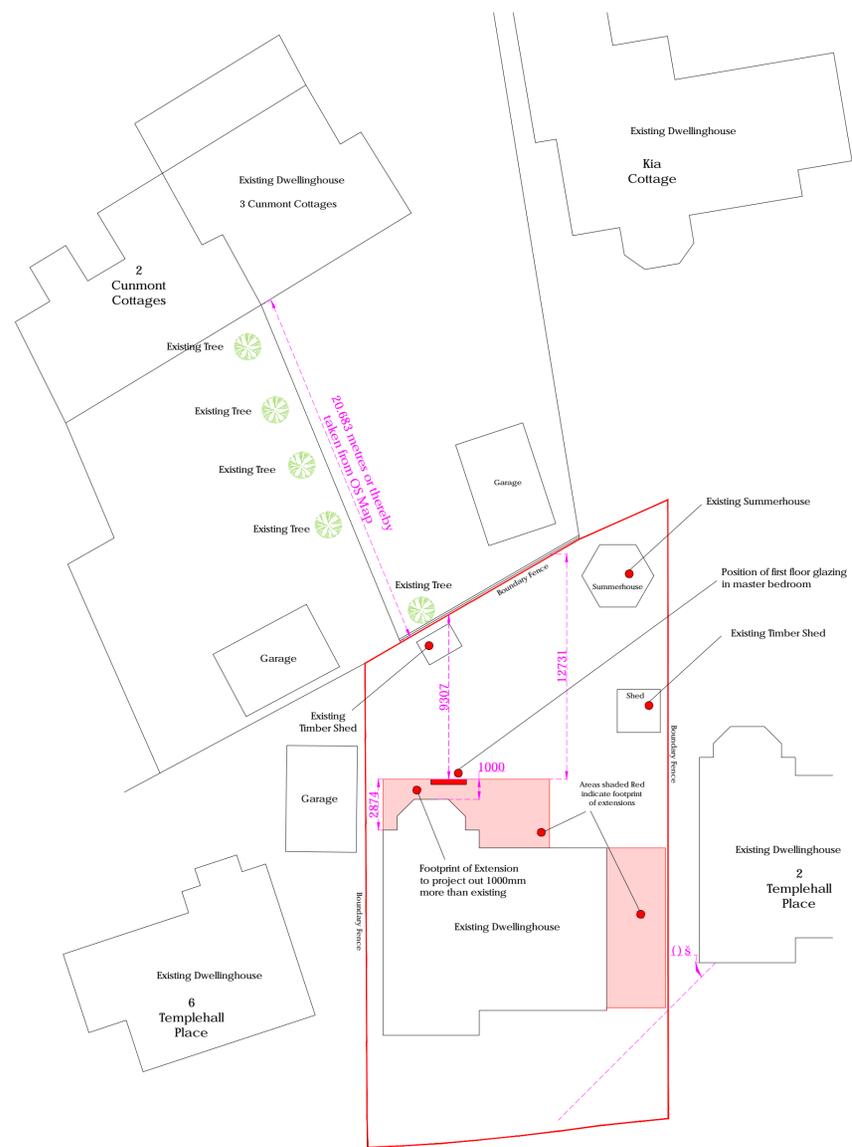
Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Crawford

Declaration Date: 29/03/2017

ITEM 2



Site Plan (1:200)



Existing Tree



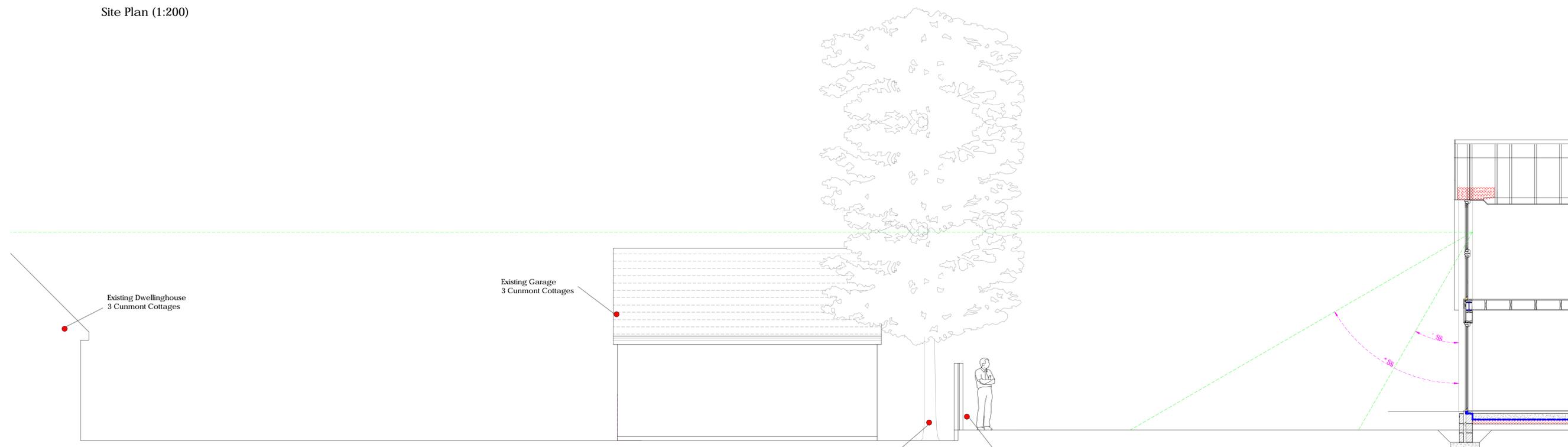
Existing Boundary Fence



Existing Rear Elevation



Existing Garden Ground



Site Section (1:50)

Existing Trees which are located within close proximity to Boundary Line

GENERAL LEGEND			
	Areas shaded represents Existing Structure		
	New External Walls		
REVISION	DATE	DESCRIPTION OF REVISION	
CLIENT Mr & Mrs Milne			
PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, Broughty Ferry, DD5 3UW			
DRAWING TITLE Site Plan, Photos & Site Section			
SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:200	29.03.17	JDC-003	KJC
This drawing is issued for the purpose of the status indicated below			
<input type="checkbox"/> Sketch Proposal <input checked="" type="checkbox"/> Planning Application Submission <input type="checkbox"/> Planning Application APPROVED <input type="checkbox"/> Building Warrant Application Submission <input type="checkbox"/> Building Warrant Application APPROVED <input type="checkbox"/> Tender Issue <input type="checkbox"/> Construction Drawings to be Adhered to on Site			
john d crawford Ltd ARCHITECTURAL SERVICES 72 New Wynd Montrose Angus DD10 8RF email info@johndcrawford.co.uk tel 01674 672064 fax 01674 672126			

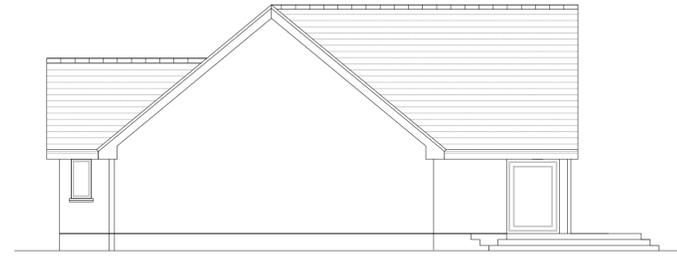
ITEM 3



Proposed South Elevation (1:100)



Proposed North Elevation (1:100)



Proposed East Elevation (1:100)



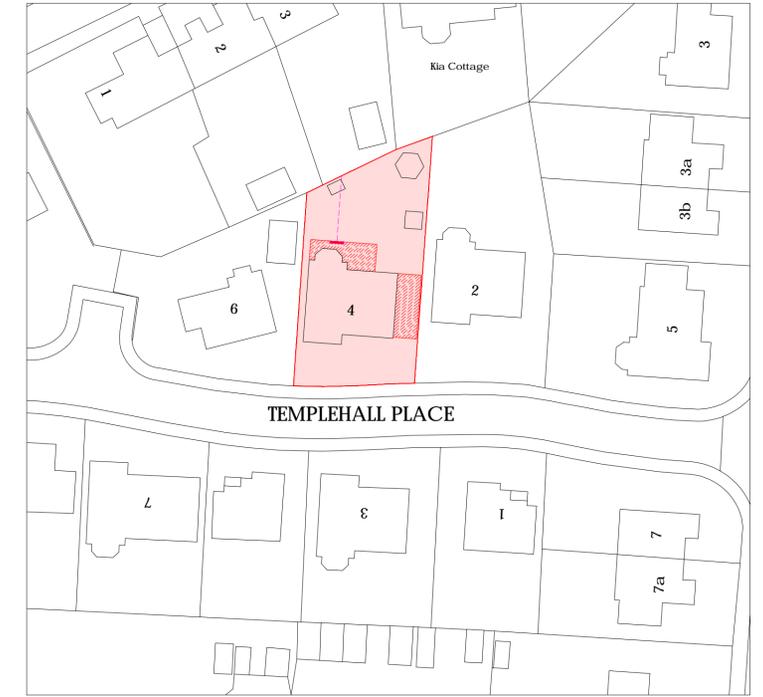
Proposed West Elevation (1:100)



Location Plan (1:1250)

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

ELEMENT	PROPOSED CONSTRUCTION MATERIAL
External Walls	Render/Stonework/Timber Cladding
Roof	Concrete Tile to match existing
Windows & Doors	White PVC to match existing
Rainwater Goods	White UPVC to match existing
Boundary Treatment	N/A
Heating Provision	N/A



Location Plan (1:500)



Proposed Ground Floor Plan (1:50)



Proposed First Floor Plan (1:50)

GENERAL LEGEND

	Areas shaded represents Existing Structure	
	New External Walls	
REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mr & Mrs Mine

PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, By Broughty Ferry, DD5 3UW

DRAWING TITLE Proposed Floor Plan & Elevations

SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:100	29.03.17	JDC-002	KJC

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application **APPROVED**
- Building Warrant Application Submission
- Building Warrant Application **APPROVED**
- Tender Issue
- Construction Drawings to be Adhered to on Site**

ITEM 4



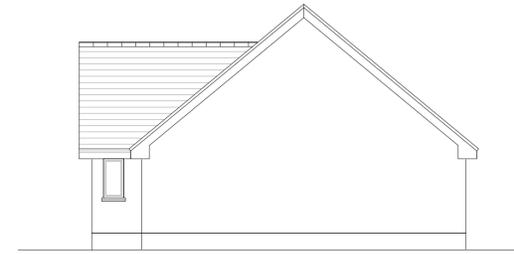
Location Plan (1:1250)



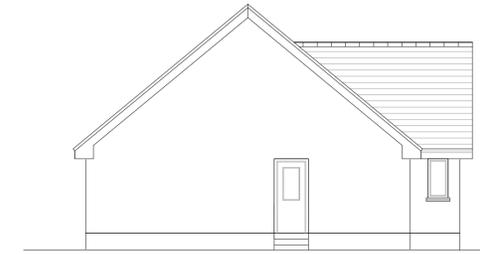
Existing South Elevation (1:100)



Existing North Elevation (1:100)



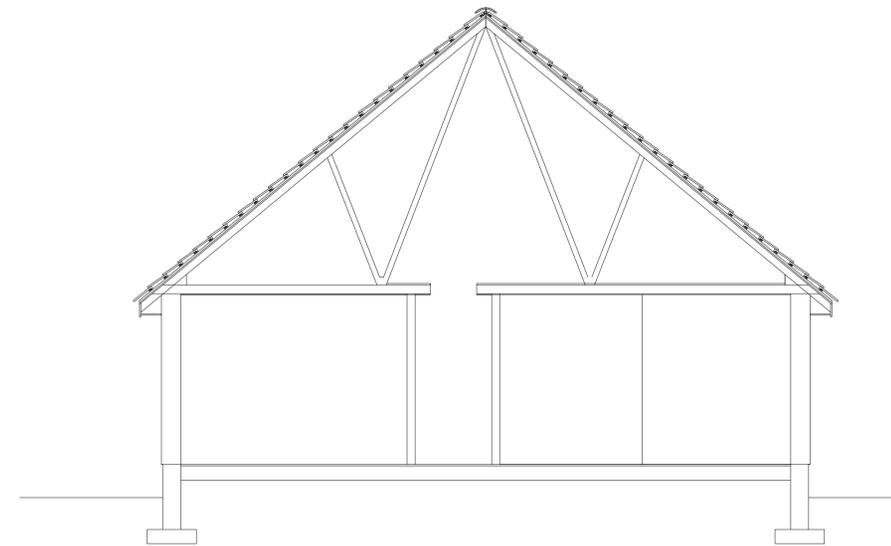
Existing East Elevation (1:100)



Existing West Elevation (1:100)



Existing Ground Floor Plan (1:50)



Existing Section (1:50)

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.
Do not scale this drawing for construction purposes.

GENERAL LEGEND

- Areas shaded represents Existing Structure
- New External Walls

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mr & Mrs Milne

PROJECT Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, By Broughty Ferry, DD5 3UW

DRAWING TITLE Existing Floor Plan, Elevations & Section

SCALE	DATE	DRAWING No.	DRAWN BY
1:50, 1:100	26.11.15	JDC-001	KJC

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application **APPROVED**
- Building Warrant Application Submission
- Building Warrant Application **APPROVED**
- Tender Issue
- Construction Drawings to be Adhered to on Site

ITEM 5

SUPPORTING INFORMATION

PROJECT DESCRIPTION:

Proposed Extension & Alterations to Dwellinghouse

ADDRESS:

4 Templehall Place, Newbigging, Angus, DD5 3UW

APPLICANT:

Mr & Mrs Milne

PLANNING REFERENCE:

16/00742/FULL



Prepared by John D. Crawford Ltd on Behalf of Mr & Mrs Milne



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1. Introduction

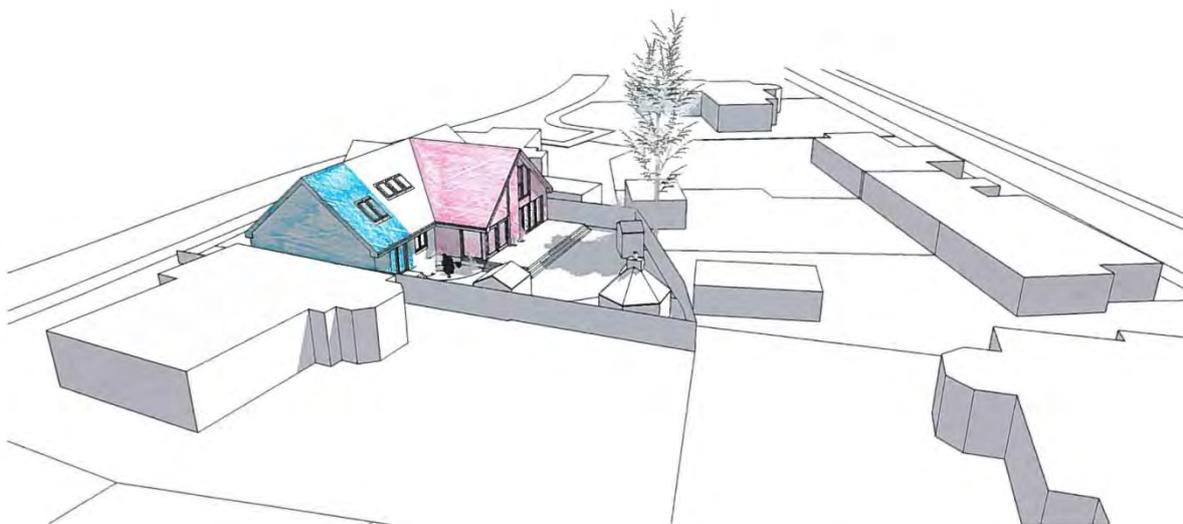
Mr & Mrs Milne have lived in Newbigging for 11 years and their two young children are settled in the village primary school. The family enjoy living in this house but have outgrown it, the locality is ideal proximity to both immediate family and the work commute therefore they have no desire to move. It is with these principles that the applicants wish to remain in this property and attain the required space to suit all current and future family requirements. The main purpose of the proposed plans are to accommodate a study, a playroom, a separate lounge and due to the children's ages to have all bedrooms on the same level.

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2. Summary of Proposals

The proposals include the following:-

- Conversion of existing attic space to form first floor accommodation
- Extension to Eastern side of house to form new garage at ground floor level and bedroom above (Shaded Blue)
- Extension to Northern side of house to form extended family sitting/living space at ground floor level and Master Bedroom at first floor level. (shaded Red)
- Internal Alterations to ground floor layout



Proposed Site Visual

3. Reason for Refusal of Planning Application

- The proposal is contrary to policies TC4 and DS4 of the Angus Local Development Plan, the Householder Development Planning Advice Note and Advice Note 14 because it would result in an unacceptable impact on the privacy and amenity of the garden areas of 2 and 3 Cunmont Farm Cottages due to the introduction of a window at first floor level in close proximity to the garden areas of those properties.

4. Development Plan Policies Angus Local Development Plan 2016

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- *adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;*
- *detrimentally affect the character and/or appearance of the building, site or surrounding area; and*
- *result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage. Further guidance on householder development will be set out in a Householder Development Planning Advice Note.*

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on:

- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing. Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured. Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration. Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.*

5. Summary of Key Points

- There are no objections to this application
- There are signed letters of support for the application from the owners of several adjoining properties including 3 Cunmont Cottages which is directly to the rear of the applicant property.
- The extension to the North is the area that the planning officer has cited the reason for refusal.
- North Elevation - There is an existing protruding gable coming from the main house in this area with a bay that extends further at ground floor level.
- The building line is only being extended out into the garden ground by a further 1.1m.
- The house is surrounded by other properties which have generous garden ground and the houses are positioned a considerable distance from each other.
- Application 13/00867/FULL gives approval to an almost identical proposal



Existing North Elevation

6. Site Plans & Floor Plans



Site Plan



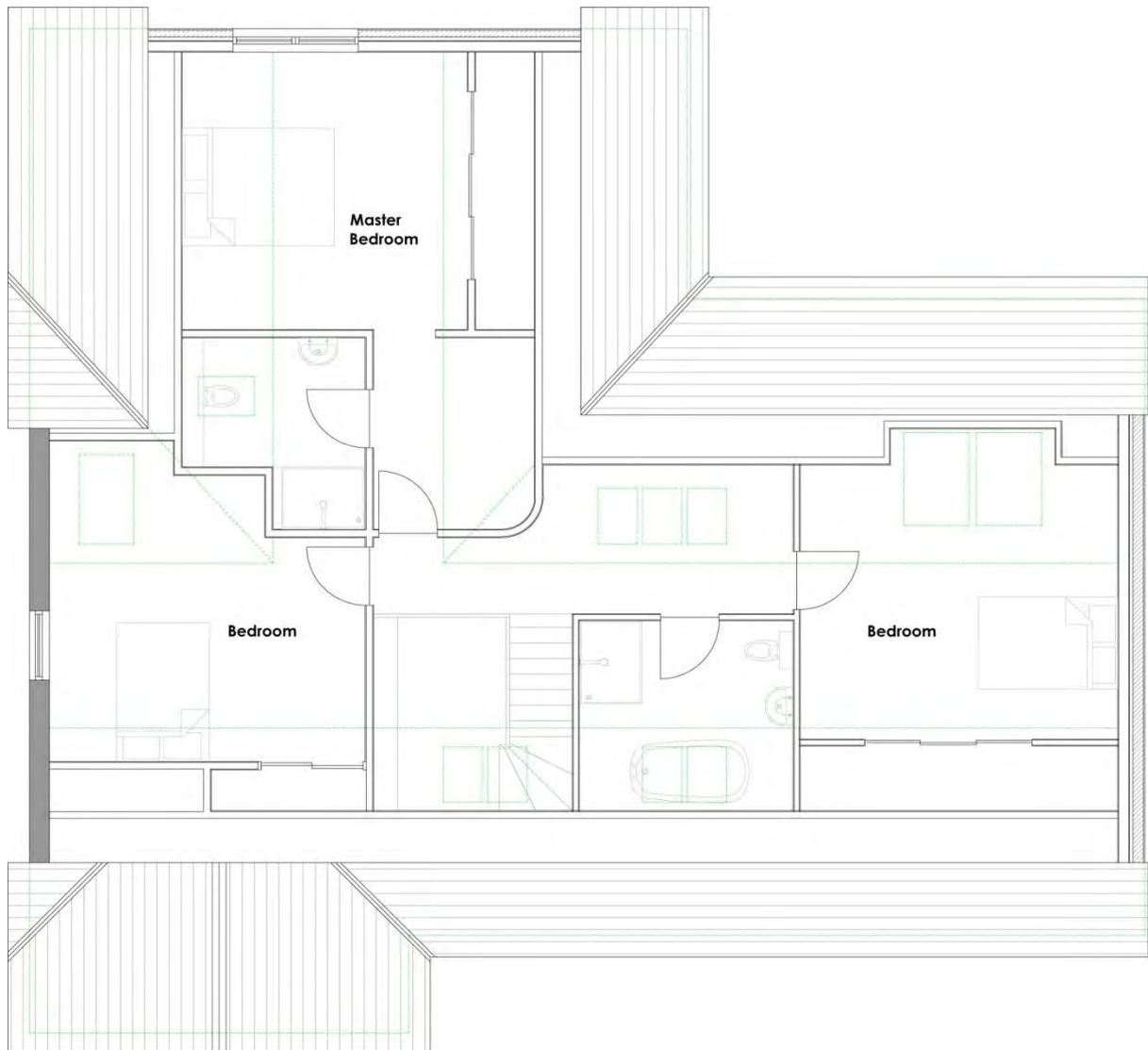
Existing Ground Floor Plan



Proposed Ground Floor Plan



First Floor Plan

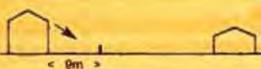
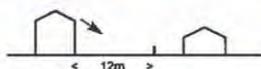




Proposed Site Plan

7. Extract from Advice Note 14

Planning authority. Even with the erection of screen fences, distances should not be so reduced as to create an overly-cramped environment. For instance a two metre fence or wall erected closer than two metres to an existing neighbouring window, is unlikely to be acceptable as a means of overcoming a deficient window to window distance. Of course, screening cannot be effective where a second floor is concerned and this is the cause of much discontent amongst existing proprietors affected by such proposals. Accordingly, where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres.



GARAGES

Too often garages are an afterthought in the design process. Problems can occur when endeavouring to fit the garage into a pre-developed site. Therefore, even if a garage is not to be built at the outset, the layout should allow for their later erection. For instance, 30% plot coverage should not be the objective of a new house with no garage accommodation; avoid a situation where the garage would have to be built on the boundary or, worse still, in front of the house.

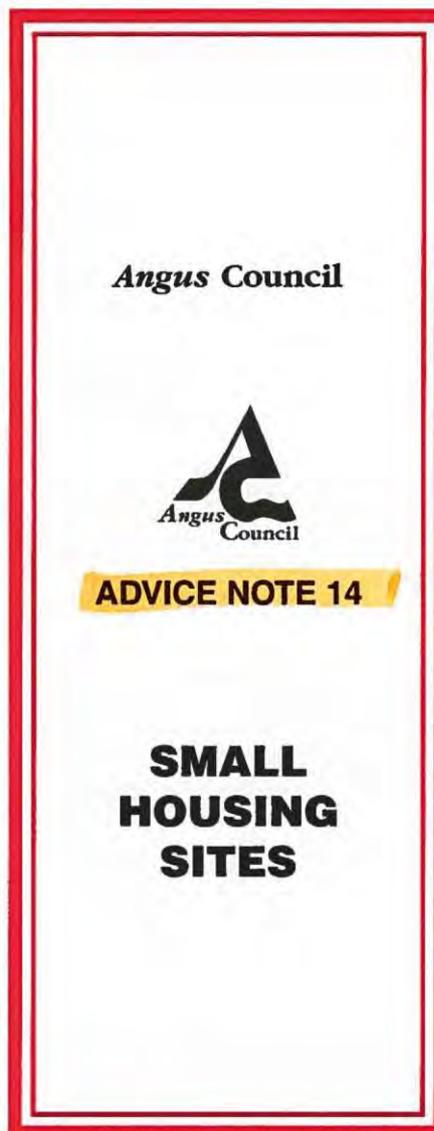
On the subject of garages in front of houses, it is strongly recommended that this be avoided. Developments visually dominated by garages sited in front of the residential accommodation will rarely be acceptable.

ADDITIONAL NOTES

It is the intention of the District Council to implement this advice in a FLEXIBLE fashion. This, however, is likely to result in demands in excess of the minimum standards being more common than their relaxation. The guidance is not intended to produce a "planning by numbers" approach to housing layouts and even where the guideline figures have been attained, the planning authority reserves the right to insist on more stringent standards to, for instance, further mitigate the impact on neighbours or to produce a better quality development.

In designing a layout care should be taken not to prejudice future development in adjoining areas (for instance by building too close to boundaries or poor positioning of windows). In some instances this may not be possible but where this has occurred, the planning authority will not necessarily be tied to the guidance indicated in this Advice Note when dealing with future development proposals.

This Advice Note does not apply to sites defined as "backland", i.e. sites without a road frontage, for which applicants should refer to Advice Note 6 - Backland Housing Development.



Extract from Advice Note 14

"where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres"

8. Further Points of Support

- The distance from the back of the house at 3 Cunmont Cottage to the boundary it shares with applicant site is in excess of 20m. This confirming the 'particularly generous' garden ground as stated in Advice Note 14
- The location of the garage at 3 Cunmont Farm Cottages and the large mature trees along the boundary between the cottages and the applicants property provide 'Screening' as referred to in Advice note 14
- The distance between the applicant house and 3 Cunmont Cottage is currently just short of 30m
- The proposed extension would sit some 28m from the back of 3 Cunmont Cottage
- The building line of the proposed extension will sit only 1.1m closer to Cunmont Cottage than the existing protruding gable.
- There are first floor windows in the two storey properties at 3a, 3b, 7 & 7a Pitairlie Road - all of which are within similar distances to their boundaries which all adjoin other properties.
- The first floor glazing is within the Master Bedroom, it is not a room that the applicants will stand and look out for any sustained period of time. The fixed panes and one opening window will provide adequate means of natural daylight, ventilation and fire escape to/from the Master Bedroom.

9. Photographic Support



The image at the top left of this page was taken in February 2016 from a height similar to that of the proposed first floor level. The image shows an existing garage which occupies a large percentage of garden ground at 3 Cunmont Cottages immediately beyond the applicant's boundary fence. The position of this garage together with the screening provided from mature trees and shrubs along the boundary line, even in winter months, offers screening between the properties and therefore we believe that the proposed extension will not have any adverse affect in terms of overlooking private amenity space to the rear of 3 Cunmont Cottages.

The images at the top right and bottom of this page were taken in July 2015 and show how dense the foliage becomes. The largest tree has foliage all year round so will offer sufficient screening at all times and when the deciduous tree has full foliage it will offer an even higher degree of privacy





- This photograph is taken from the garden ground in which the proposed extension is to be formed and shows how the existing first floor bedroom windows within the two storey properties at 3a & 3b Pitairlie Road clearly offer some degree of overlooking of the surrounding properties.



- This photograph has been taken from the first floor windows at Pitairlie Road. It could be argued that the property at 3 Cunmont Cottages is actually more visible from this property than it is from the applicant property as there is less screening in terms of trees.

10. Signed Letters of Support from Adjoining Properties



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F.A.O. Pauline Chalmers

**Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, DD5 3UW
Mr & Mrs Milne - (Ref-16/00742/FULL)**

25 January 2017

Dear Pauline,

I/We write as the home owner of 3 Cunmont Farm Cottage, Newbigging, DD5 3PX to confirm that we do not have any objection to the above proposal and wish to offer our support to the applicants Grant and Lynsey Milne as they seek planning approval to extend their family home.

Signed 

Printed..... W Robson

Date..... 4/2/17



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F.A.O. Pauline Chalmers

**Proposed Extension to Dwellinghouse at 4 Templehall Place, Newbigging, DD5 3UW
Mr & Mrs Milne - (Ref-16/00742/FULL)**

25 January 2017

Dear Pauline,

I/We write as the home owner of Kia Cottage, Newbigging, DD5 3PX to confirm that we do not have any objection to the above proposal and wish to offer our support to the applicants Grant and Lynsey Milne as they seek planning approval to extend their family home.

Signed.. 

Printed..... JAN DALEY

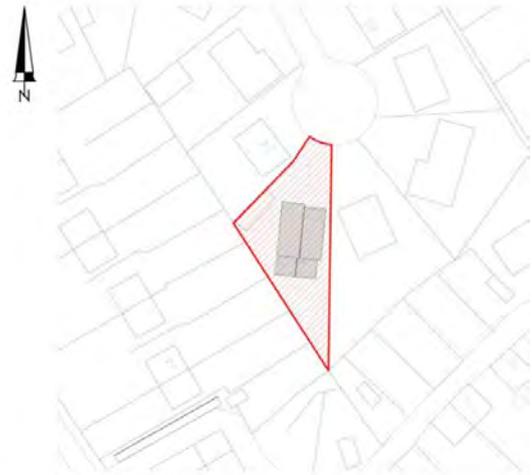
Date..... 29 JANUARY 17

11. Case Study

CASE STUDY



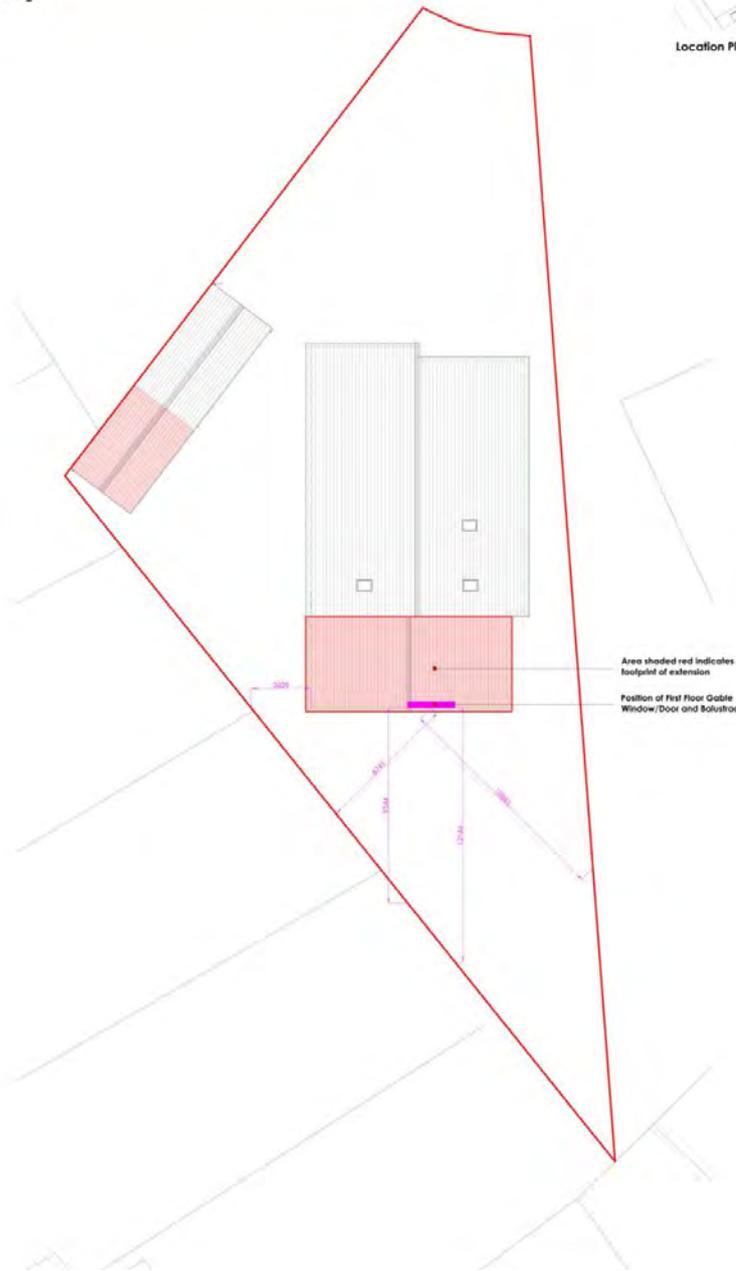
As Built Image



Location Plan (1:500)



Location Plan (1:1250)



PROJECT DESCRIPTION: Proposed Extension & Alterations to Dwellinghouse
ADDRESS: 23 Cruickshank Park Hillside Montrose DD10 9NA
APPLICANT: Mr & Mrs Browne
PLANNING REFERENCE: 13/00867/FULL

Item	23 Cruickshank Park Hillside Montrose DD10 9NA 13/00867/FULL	4 Templehall Place Newbigging DD5 3UW 16/00742/FULL
Footprint of Extension	32m ²	24m ²
Ground Floor Area	32m ²	30m ²
First Floor Area	20m ²	24m ²
Ground Floor Use	Family Sitting	Family Sitting
First Floor Use	Master Bedroom	Master Bedroom
Distance from LHS of first floor window to boundary in straight line	9344 mm	10006 mm

The extension at 23 Cruickshank Park, Hillside, Montrose that was given planning approval by Angus Council in 2013, is in our opinion very similar to this application. It is similar in terms of footprint, scale, distance from boundaries and room classification. It is also surrounded by a similar number of properties within similar distance. The distance from the centre of the window to boundary in the approved application is actually less than that provided in this application. We therefore would forward the point of view that if application 13/00867/FULL was approved then we can see no reason why this current application cannot be supported.

12. Conclusion

We feel that the proposals are very much in keeping with the character of the building and trust that you will appreciate what we are trying to achieve from a design perspective. When proposing alterations/extensions at first floor level in built up residential areas it is not uncommon for first floor windows to partially overlook other properties and their garden grounds. There are already several existing two storey properties at Pitairlie Road, that are not any less onerous in terms of overlooking than this would be. The fact that it is a bedroom and not a living area means there will be no noise coming from the room and certainly no intention to gain the opportunity to overlook neighbouring gardens. The feature height glazing is simply for the purposes of aesthetics and to let in sufficient light to a north facing room, privacy is as important to the applicant as it is to the neighbours. A person would view exactly the same from a window with a standard sill level or an escape type roof light as they would from a feature floor to ceiling glazing unit as eye level remains a constant in each example. We hope that this will help achieve a positive outcome for the applicant.

John D Crawford Ltd trust that this document along with the planning application and other supporting documentation shall be sufficient in order to progress our proposed application. John D Crawford Ltd have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

Prepared by

John D Crawford Ltd

On behalf of Mr & Mrs Milne



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