

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 10 MAY 2016**

**1 MARINER STREET, CARNOUSTIE**

**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 alterations and extension to dwellinghouse, application No 15/01015/FULL, at 1 Mariner Street, Carnoustie.

**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



# APPENDIX 1

## ANGUS COUNCIL'S SUBMISSION IN RESPECT OF REFUSAL OF PLANNING PERMISSION

APPLICATION NUMBER – 15/01015/FULL

APPLICANT- MR & MRS J RENNIE

PROPOSAL & ADDRESS – ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT 1  
MARINER STREET, CARNOUSTIE, DD7 6BB

### CONTENTS

<b>AC1</b>	<b>Report of Handling</b>	
<b>AC2</b>	<b>Policy Tests (Angus Local Plan Review 2009)</b>	
	Policy S6: Development Principles (Including Schedule 1)	
	Policy SC15: House Extensions	
<b>AC3</b>	<b>Advice Note 15: Front Extensions</b>	
	<b>Consultation Responses</b>	
<b>AC4</b>	Head of Technical & Property Services – Roads 23.11.15	
	<b>No Letters of Representation</b>	
	<b>Application Drawings</b>	
<b>AC5</b>	OS Map	
<b>AC6</b>	Refused Drawings	
	<b>Further Information Relevant to Assessment</b>	
<b>AC7</b>	Site Photographs	
<b>AC8</b>	Letter from Officer - 06.01.16	
<b>AC9</b>	Decision Notice	



**Angus Council**

<b>Application Number:</b>	15/01015/FULL
<b>Description of Development:</b>	Alterations and Extension to Dwellinghouse
<b>Site Address:</b>	1 Mariner Street Carnoustie DD7 6BB
<b>Grid Ref:</b>	357117 : 734616
<b>Applicant Name:</b>	Mr & Mrs J Rennie

**Report of Handling****Site Description**

The semi-detached property utilises a large area of the 189 square metre (sqm) flat corner site which intersects with Admiral Road on the south side of West Haven, Carnoustie. The front garden is laid out in hard standing and borders.

**Proposal**

The proposal relates to the formation of a two storey flat roof extension on the front/south elevation of the 1½ storey semi-detached Dwellinghouse, which would have a footprint of 6.88 square metre (sqm). The proposal would comprise of a vestibule on the ground floor and a sitting area on the upper floor. An existing 6.85sqm flat roof porch would be removed to accommodate the proposal. The proposed materials would be dark grey single ply PVC roof sheeting, white UPVC fascia/soffit, slate facings, sand stone coloured render white UPVC windows and timber.

The application has not been subject of variation.

**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**

None.

**Applicant's Case**

No supporting information has been submitted.

**Consultations**

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

**Angus Council - Roads** - Offers no objection on 20 November 2015.

**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 Plan Review 2009**

Policy S6 : Development Principles (Schedule 1)  
Policy SC15 : House Extensions

#### **TAYplan Strategic Development plan**

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

### **Other Guidance**

The site is not within the National Park.

Advice Note 15 : Front Extensions

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.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

Policy SC15 relates to proposals for house extensions and this policy requires consideration of (1) the impact of a proposal on the character and appearance of the dwelling and surrounding area; (2) the impact of a proposal on the residential amenity enjoyed by adjoining households; (3) the impact of a proposal on the availability of private garden ground; and (4) the impact of the proposal on parking provision. There would be no impact on residential amenity (2), as any views from the upper floor window of the proposed extension would replicate the views available from the existing box dormer; which

are towards areas of the neighbours front gardens which are already viewable from the public realm. The proposal would utilise the footprint of the existing porch and therefore there would not be any impact on available garden ground (3) and also car parking (4) remains unaltered. The main consideration for this proposal relates to test (1) – the design of the proposal considered in the context of the character and appearance of the existing dwelling and that of the surrounding area.

In this instance the dwelling is a semi-detached property which has been extended previously to the front with a porch, box dormers on the roof plane and a flat-roof garage on the west/side elevation. Many of the dwellings within the immediate vicinity and further along Mariner Street have been extended in various manners, some of which are unusual and/or contemporary. In this instance, the house is a traditional stone built semi-detached property and has similarities in appearance on the front elevation to the adjoining house, which also has a large box-type dormer and a porch. The proposed extension would utilise the existing porch footprint, where the proposed extension would connect with the existing box dormer. This would result in a front extension that measures 5.9 metres in height that would have a box profile which would be highly visible to the front of the property when viewed from the street and public realm.

Advice Note 15 states that the public front of a house is rarely an appropriate location for the construction of additional accommodation. Very rarely can front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when implanted onto one house front in streets of uniform architecture. It advises that front extensions (excluding porches) as a general rule will not receive planning consent. Advice Note only provides for front extensions where the proposal would be acceptable as part of the original permission for the house, the dwelling form part of a block to be identically treated or they are similar to those already present on neighbouring properties.

The application house does not form part of a block and this criterion is not applicable. It is considered that the structure proposed would not have been approved as part of an original application for a traditional property, due to the flat roof and box profile form of the proposed extension, its scale and location of the structure on the front elevation. The proposal would add to the existing mass of the box dormer on the front elevation and create an increased bulky element that would alter the appearance of the front elevation further, eroding what remains of the traditional character of the dwelling.

I am aware that there are extensions, many of which are to the front of properties, in the general locality that have altered the appearance of houses and thus the character of streets. While these examples are recognised it is highlighted that their presence does not set a precedence for the type of extension proposed and that each proposal must be treated on its individual merits. In this instance, it is held that the form and scale of the extension proposed to the front elevation undermines the remaining character of what was a good example of a traditionally built dwelling and would overwhelm its scale. This would be harmful to the character and appearance of the dwelling. Furthermore, the form of the extension would upset the balance and symmetry that currently exists with the attached neighbouring property and, at this highly visible location, would be harmful to the character and appearance of the wider area. The presence of other alterations to the front of properties is not a material consideration that would justify setting this harm to the property and area aside. The extension proposed is ultimately considered to go beyond the capacity of, and what would be reasonable for, the dwelling and as such is considered to be unacceptable. The proposal would not accord with the provisions of test (1) of Policy SC15 of the ALPR or the guidance contained in Advice Note 15 owing to the unacceptable impact on the character and appearance of the existing dwelling and surrounding area.

Other options to alter the property are available. Single-storey structures such as a porch would be more a common element to the front of a house of this era and it is noted that there is already a porch in situ. The agent has been advised that a revised design of the a single-storey porch with a pitched type roof would instead be more in favour with the style of house and would be likely be supported, subject to consideration of design. However, the current proposal requires to be considered as presented.

Policy S6 and the associated Schedule 1 Development Principles are also relevant to this application. This includes considerations relating to amenity; roads/parking/access; landscaping/open

space/biodiversity; drainage and flood risk; waste management; and supporting information. As discussed above the proposal is considered to give rise to unacceptable visual impacts. However, there are no issues against the remaining criteria of Schedule 1.

In conclusion the application is contrary to policy SC15 as well as the guidance provided by Advice Note 15. The proposal would have an adverse impact on the character of the area by virtue of the detrimental effect to the appearance, mass and scale of the existing dwellinghouse and unbalancing effect in relation to the adjoining house. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

A 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. That the proposal, by virtue of its design form, scale and massing on the front elevation of the property, would have a detrimental effect to both the character and appearance of the existing property and that of the surrounding area. As such is contrary to Policies S6 and SC15 of the Angus Local Plan Review (2009) and Angus Council Advice Note 15: Front Extensions.

### **Notes:**

Case Officer: Pauline Chalmers  
Date: 7 January 2016

## **Appendix 1**

### **Development Plan Policies**

#### **Angus Local Plan Review 2009**

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open



space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

##### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

##### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

##### Supporting Information

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design

Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### Policy SC15 : House Extensions

Development proposals for extensions to existing dwellings will be permitted except where the extension would:

- \* adversely affect the appearance and character of the dwelling and/or the surrounding area. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;
- \* have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;
- \* reduce the provision of private garden ground to an unacceptable level;
- \* result in inadequate off-street parking provision and/or access to the property.

#### **TAYplan Strategic Development plan**

The proposal is not of strategic

#### **Cairngorms National Park Local Plan**

CNP policies not applicable.

**DEVELOPMENT PRINCIPLES**

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

**Policy S6 : Development Principles**

**Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.**

**Schedule 1 : Development Principles****Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

**Roads/Parking/Access**

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
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**Drainage and Flood Risk**

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- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

**Waste Management**

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

**Supporting Information**

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

### **House Extensions**

2.40 The extension of houses to provide additional accommodation is one of the most common forms of development. Badly designed or inappropriate extensions can spoil the external appearance of buildings and can have a negative impact on the surrounding area.

2.41 Planning legislation provides guidelines within which proposals for extensions to property are considered. Angus Council have a duty to consider the wider environmental impacts of development, protect the character and appearance of towns and villages, and take account of the potential impacts on neighbours. Specific guidance on extensions to listed buildings is set out in Policy ER15.

2.42 Further detailed guidance on extensions to houses is contained in Angus Council's Advice Notes 3: Roofspace Extensions, 15: Front Extensions, and 19: House Extensions.

### **Policy SC15 : House Extensions**

**Development proposals for extensions to existing dwellings will be permitted except where the extension would:**

- **adversely affect the appearance and character of the dwelling and/or the surrounding area. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;**
- **have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;**
- **reduce the provision of private garden ground to an unacceptable level;**
- **result in inadequate off-street parking provision and/or access to the property.**



**INTRODUCTION**

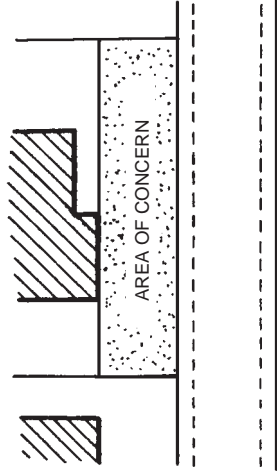
Accentuated by the recent increases in home ownership, the Council is receiving a greater number of planning applications for extensions to houses, mainly at the rear, often in the roof and less frequently but most prominent, on the front. The Council's Advice Note 3 deals with roofspace extensions.

This Advice Note, therefore, has been prepared to illustrate the Council's policy towards front extensions and provide guidance to applicants and agents involved in submitting planning applications.

In schemes where the housing is of a uniform or consistent style, front extensions can appear badly out of place, standing out like 'sore thumbs'. This is particularly applicable to schemes built by the Local Authority or Housing Associations irrespective of the current owner. That is not to say, however, that this Advice Note has no relevance to private schemes, for although they often comprise a variety of detached house styles, this is not always the case.

**COVERAGE**

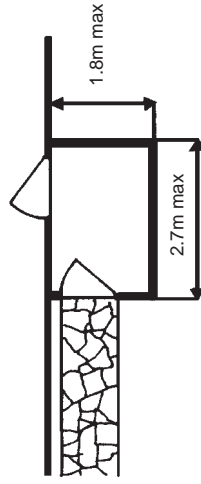
Any new construction between the forwardmost part of the original house and a public road requires planning approval. This then is the area of concern of this Advice Note and is likely to include porches, bay windows and other extensions whether or not they comprise additional rooms, plus garages/car ports where they project in front of the house.



**PORCHES**

Porches are viewed by the Council as a practical and often desirable addition to any house and therefore, in principle and subject to a size restriction and design considerations, are likely to be sympathetically considered by the Council.

**FRONT PORCHES UP TO BUT NOT EXCEEDING 2.7m x 1.8m (projection) AND SUBJECT TO THE FOLLOWING DESIGN CONSIDERATIONS, ARE LIKELY TO RECEIVE PLANNING CONSENT.**



**Unless:**

- (a) A larger porch has already been erected on the same block or is being replaced. In such circumstances the proposed porch will be permitted to exceed the size indicated above.

- (b) An individually designed house is involved, in which case a larger porch will be acceptable if, in the opinion of the Council, the proposal would have been accepted as part of the original consent for the house.

- (c) The proposal, even within the size limits indicated, has an unduly adverse effect upon an adjacent property (e.g. significantly blocks the light into a living room because of the close proximity of a window).

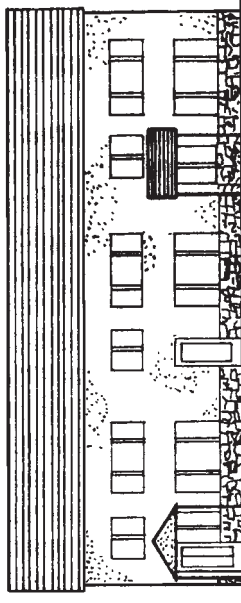
**Design:**

Where a porch already exists on the same block, this should be taken as the basis for any additional porches irrespective of whether or not the following design requirements are met.

Except where a precedent has already been established on the same block, all porches must have a pitched roof or lean-to roof.

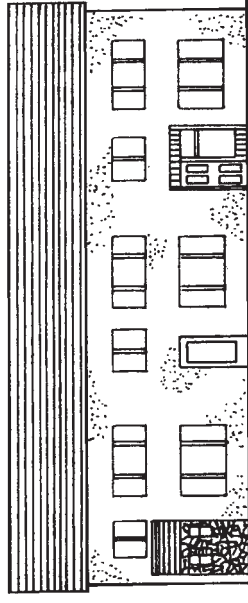
Materials should match those of the original dwelling and timber will only be permitted where seen on the original.

The proportion of solid to void (walls to glass) should reflect the proportions on the original house.



Two examples of acceptable designs utilising a pitched or lean-to roof and window styles, materials etc. To match original.

NOTE: Both would not be acceptable on same block.

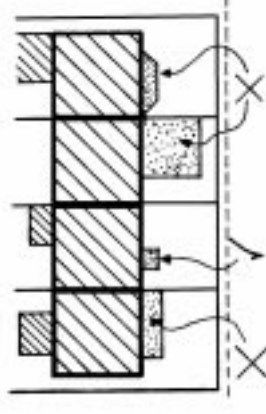


Two examples of unacceptable designs, one with a flat roof, one with a lean-to, both utilising unsympathetic materials and alien window styles, etc.

**FRONT EXTENSIONS**

The public front of a house is rarely an appropriate location for the construction of additional accommodation. Applications are being received for extensions to the fronts of houses which achieve little in usable floorspace, the main aim of which appears to be simply that of individualising often recently purchased houses. Very rarely can these large front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when singly implanted onto one house front in streets of uniform architecture.

**FRONT EXTENSIONS (EXCLUDING PORCHES) AS A GENERAL RULE WILL NOT RECEIVE PLANNING CONSENT.**

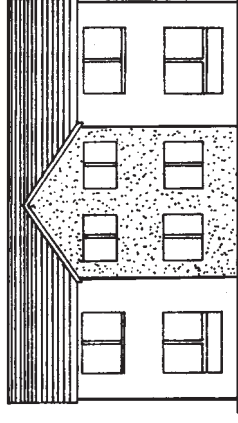


**Unless:**

- (a) A front extension has already been constructed on a neighbouring property, in which case this will act as a precedent for that block only and extensions of similar character will be allowed on that block.

- (b) An individually designed house is involved. A front extension would then be acceptable if, in the opinion of the Council, the proposals would have been accepted as part of the original consent for the house, bearing in mind the design and space available.

- (c) All the houses of a block are to be identically treated. Front extensions would then be acceptable subject to the normal planning considerations of design, scale, availability of space etc.



**BAY WINDOWS**

It can be argued that a bay window installed on the front of a single house in a terraced row is as destructive to the uniformity and integrity of the architecture as more significant front extensions. However, as a compromise between this point of view and those who support major extensions, a more acceptable means of individualising the front of a property might be the installation of a bay window.

**SUITABLY DESIGNED AND RESTRAINED BAY WINDOWS NOT PROJECTING FURTHER THAN ONE METRE WILL BE SYMPATHETICALLY CONSIDERED.**



**Unless:**

- (a) A bay window has already been installed in a block of houses, in which case it will act as a model for any other bay windows in that block only.

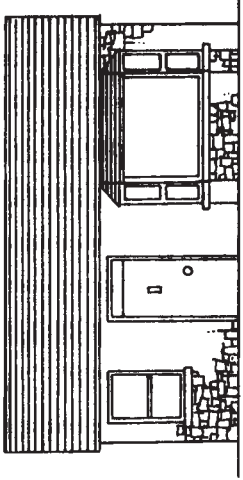
- (b) In the opinion of the planning authority, the property is of such architectural merit that the installation of a bay window would be detrimental to its character.

- (c) If a porch has already been erected on a house with a narrow frontage. The local planning authority will determine the acceptability or otherwise of a proposed bay window on wider fronted and/or individual properties.

**Design:**

The design will need to respect the character of the existing building and where required, utilise matching materials, windows in similar styles etc.

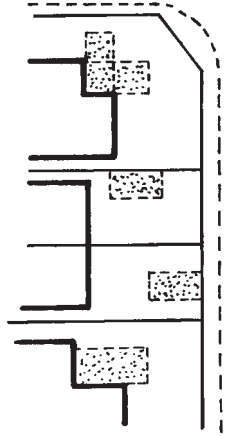
A lean-to 'roof' or false 'roof' is recommended and may be insisted upon by the Council.



**GARAGES/CAR PORTS**

Not unnaturally, there is a strong urge from people to get their most or second most expensive purchase off the street and under cover but this has to be achieved in a visually and environmentally acceptable way, a requirement which a position in front of a house rarely achieves. Even if it only partly protects in front, it can make the garage unduly prominent in the street scene. A street scene should not be dominated by such a basically functional, uninteresting construction as a garage or car port.

**GARAGES OR CAR PORTS WHOLLY OR PARTIALLY LOCATED IN FRONT OF THE FORWARDMOST PART OF THE HOUSE WILL NOT NORMALLY BE ACCEPTABLE TO THE COUNCIL.**

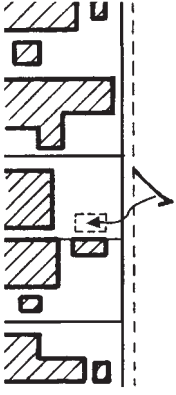


All indicated locations unacceptable.

**Unless:**

- (a) The new garage replaces a previous construction on the same site, especially if a visual improvement results (e.g. better materials or pitched roof).
- (b) There already exists, in the immediate vicinity, a number of garages in front of the houses.
- (c) The front garden is of sufficient length that in the opinion of the Council, a garage can be accommodated without being an obtrusive feature in the street scene.
- (d) The garage can be built into a lower level than the house. (Acceptable situations will depend upon depth of garden, extent of height differential between house and road level, visual impact, etc., and are likely to be rare).
- (e) The garage is not to be readily seen, e.g. off a private track or behind a high wall.
- (f) There exists a general street building line closer to the roadway than the applicant's own property.
- (g) Neighbouring properties (or the premises in question) already have a number of front extensions, outbuildings

etc., into which scene a new garage can be inserted without additional detriment to the street scene.



**Note:** These exceptions will generally only apply where there are no alternatives available (i.e. access to a site at side or rear of house) and where at least 50% of the front garden remains as soft landscaping.

Whilst a garage may be ruled out by this policy, uncovered parking in a front garden may still be acceptable (see Advice Note 4).

**Design**

Garages permitted under this policy will generally be required to utilise matching materials to the original house and a pitched roof will frequently be insisted upon.

**Angus Council**



**ADVICE NOTE 15**

**FRONT  
EXTENSIONS**

*For further information and advice contact:*

Planning & Transport  
Angus Council  
County Buildings  
Market Street  
Forfar  
DD8 3LG  
Telephone 01307 461460



**ANGUS COUNCIL**

**COMMUNITIES  
PLANNING**

**CONSULTATION SHEET**

PLANNING APPLICATION NO

**15/01015/FULL**

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

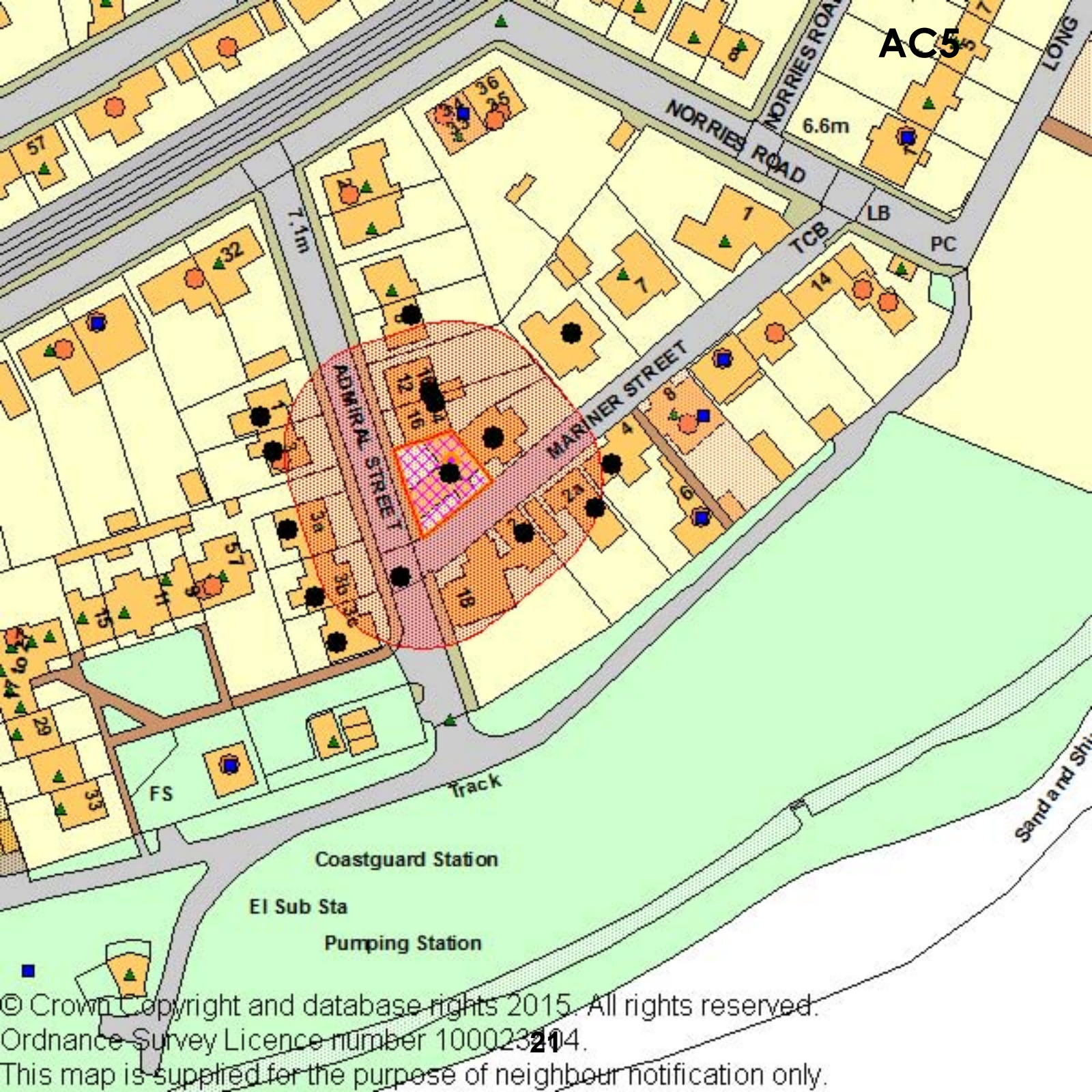
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES  
WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**



AC5



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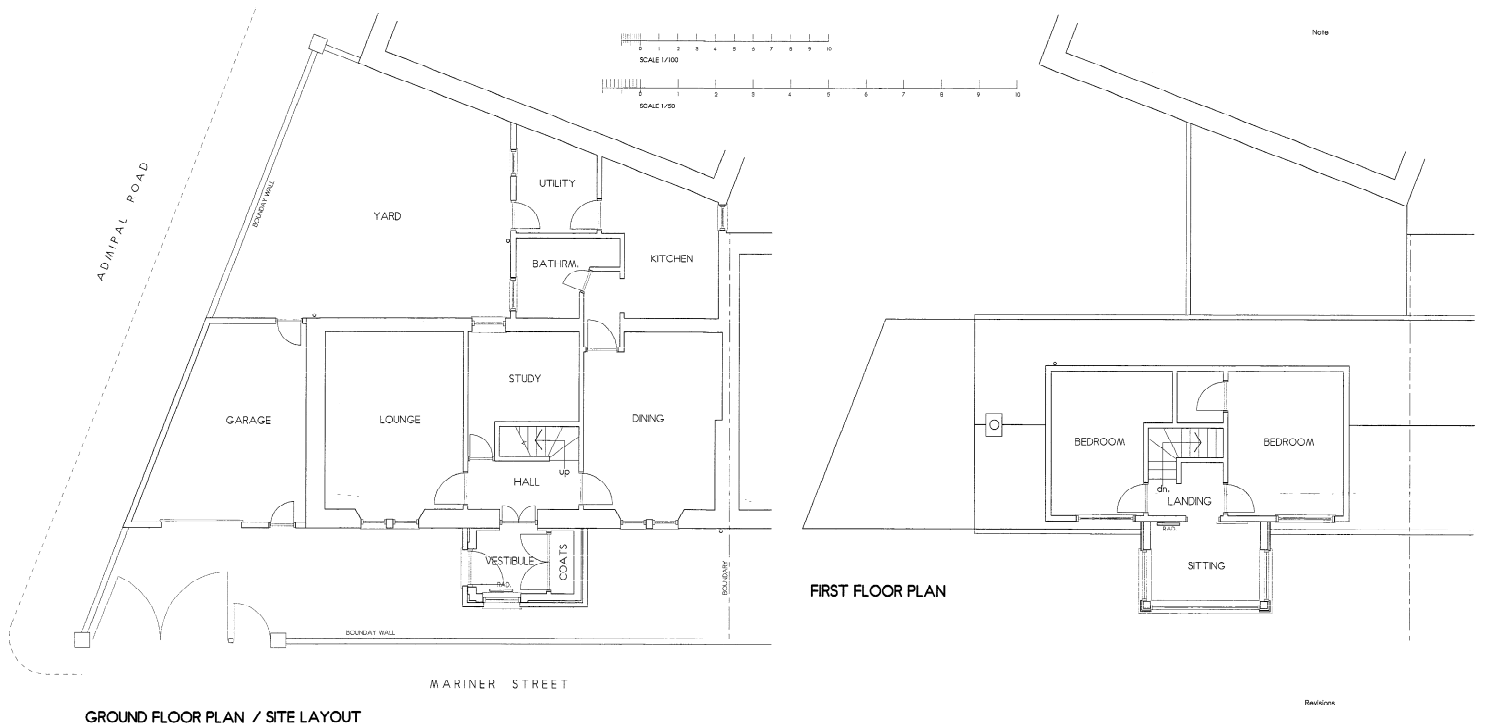
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CENTRE COORDINATES: 357118, 734618



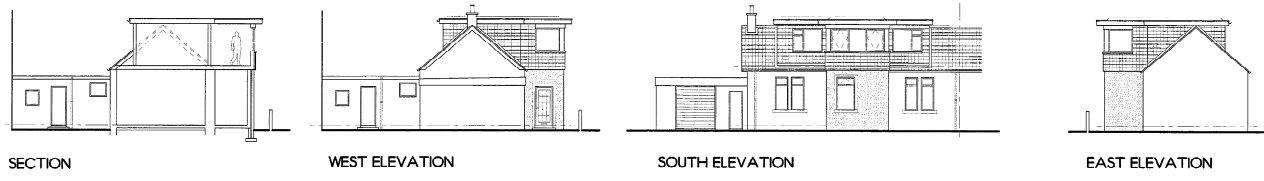
Supplied by Streetwise Maps Ltd  
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10/11/2015 16:10

Refused

Refused



GROUND FLOOR PLAN / SITE LAYOUT



**FINISHES**  
 ROOF - 20 YEAR GREY SINGLE PLY SHEETING  
 ORNAMENTAL CORRUGATED PVC ROOF  
 FASCIA & SOFFIT - WHITE UPVC  
 WALLS FIRST FLOOR - NATURAL SLATES  
 TO MATCH EXISTING  
 WALLS GROUND FLOOR - SANDSTONE  
 CULLINER 100 LBS  
 WINDOWS - DOUBLE GLAZED  
 WHITE UPVC TO MATCH EXISTING  
 FRONT DOOR - TIMBER

**BS Design**  
 Architects Services  
 4 Grove Road, Broughy Ferry,  
 Dundee, D05 1L,  
 Telephone: 01823 254543  
 Email: bsdesign@btinternet.com

JOB  
 PROPOSED ALTERATIONS TO  
 1 MARINER STREET,  
 WEST HAVEN.

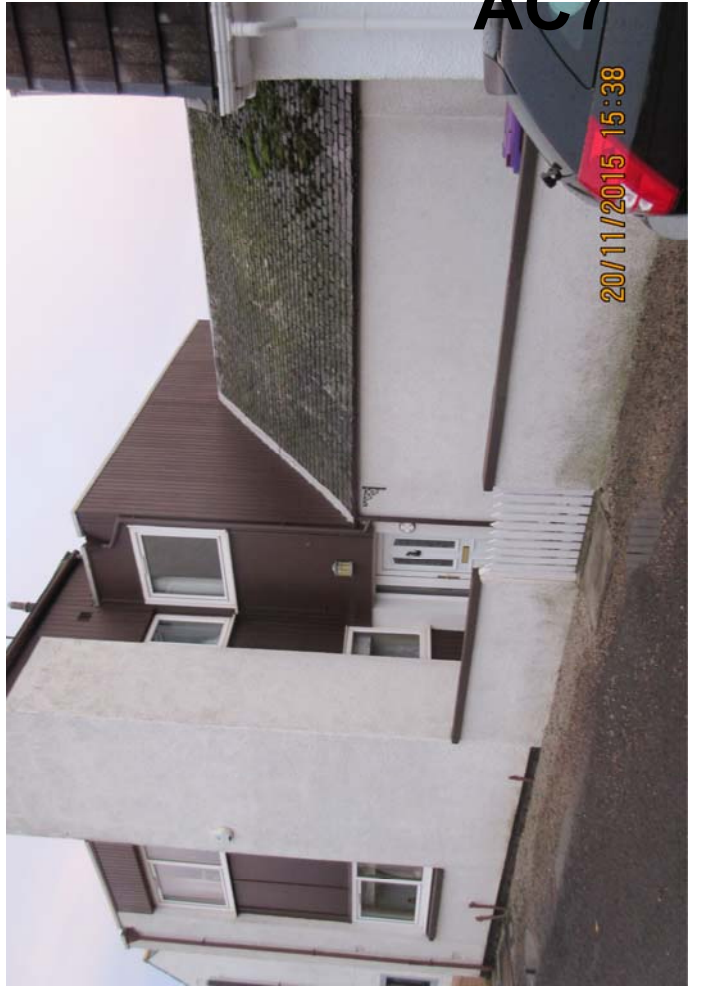
1/100  
 PROPOSED FLOOR PLANS  
 ELEVATIONS & SECTION

Scale	Date	Drawn No.
1/50 1/100	OCT.15	606/02

AC7



20/11/2015 15:38



20/11/2015 15:38



20/11/2015 15:37



20/11/2015 15:36

AC7



20/11/2015 15:34



20/11/2015 15:34



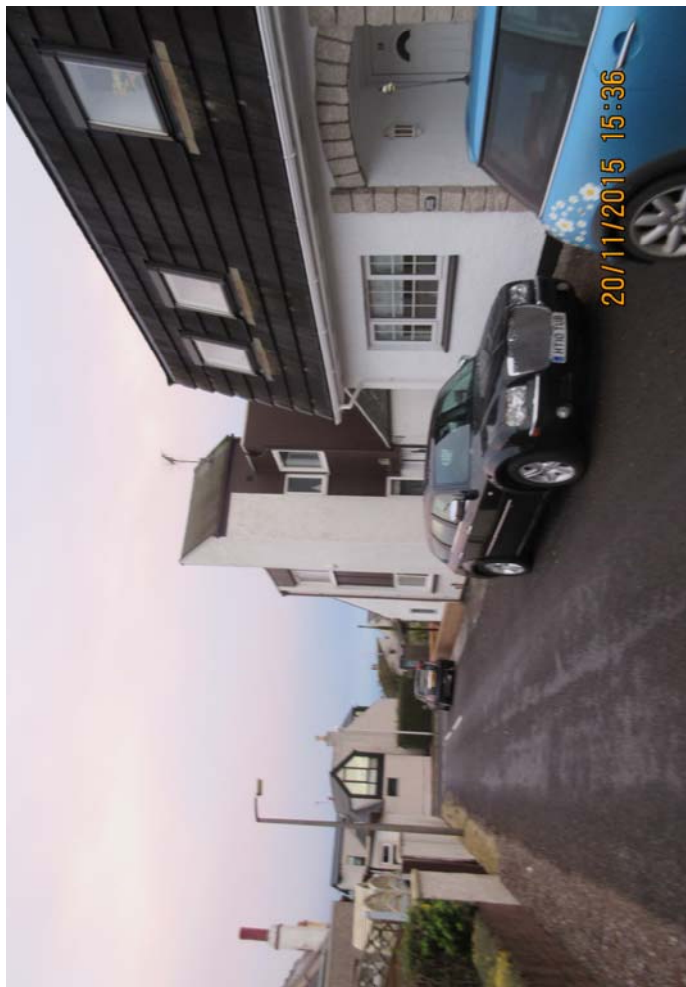
20/11/2015 15:39



20/11/2015 15:39



AC7





**From:**ChalmersPE  
**Sent:**6 Jan 2016 14:36:47 +0000  
**To:**'brian summers'  
**Subject:**1 Mariner Street, Carnoustie 15/01015/FULL

UPRN: 000117057026

Our Ref: 15/01015/FULL

Your Ref:

6 January 2016



**STRATEGIC DIRECTOR –**

**COMMUNITIES**

Alan McKeown

**Planning & Transport**

County Buildings

Market Street

FORFAR

DD8 3LG

T: (01307) 461460

F: (01307) 461895

E: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997(AS AMENDED)****PROPOSED ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT 1 MARINER STREET,  
CARNOUSTIE, DD7 6BB.****APPLICATION REFERENCE – 15/01015/FULL**

Having visited the site and considering the proposal fully, I would advise that we have concerns regarding the two storey extension on the front elevation of the house and its compatibility with Policy SC15 of the Angus Local Plan Review and Advice Note 15: Front Extensions.

Advice Note 15 states, the public front of a house is rarely an appropriate location for the construction of additional accommodation. Very rarely can front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when implanted onto one house front in streets of uniform architecture. Front extensions (excluding porches) as a general rule will not receive planning consent.

Advice Note 15 mentions a front extension may be possible as part of an original consent of an individually designed house. However, it is considered that this would not have been the case in this instance for a larger extension such as this due to the older age of the building and that the extension is a modern design with a flat roof.

The proposal would add to the existing mass of the box dormer on the front elevation and create a bulky element that would alter the appearance of the front elevation further. I am aware that there are a few extensions that have altered the appearance of houses throughout the immediate vicinity. However, each proposal must be treated on its individual merits and it is believed that the front extension in the manner proposed would go beyond what would be considered reasonable on the front of the house.

I fully appreciate the desire to extend the house, however, in view of the aforementioned concern I would be unable to support the application in its current form and it would be my intention to refuse the application under delegated powers by the close of Thursday, 7.1.16. However, if you wish you could withdraw the application before it is refused and discuss an alternative proposal with me prior to resubmission.

I trust this clarifies my position.

I look forward to hearing from you.

Kind regards

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



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

PLANNING PERMISSION REFUSAL  
REFERENCE 15/01015/FULL

To **Mr & Mrs J Rennie**  
**c/o B S Design**  
**4 Grove Road**  
**Broughty Ferry**  
**Dundee**  
**DD5 1JL**

With reference to your application dated 11 November 2015 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Alterations and Extension to Dwellinghouse at 1 Mariner Street Carnoustie DD7 6BB for Mr & Mrs J Rennie**

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 docqueted as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

- 1 That the proposal, by virtue of its design form, scale and massing on the front elevation of the property, would have a detrimental effect to both the character and appearance of the existing property and that of the surrounding area. As such is contrary to Policies S6 and SC15 of the Angus Local Plan Review (2009) and Angus Council Advice Note 15: Front Extensions.

**Amendments:**

The application has not been subject of variation.

Dated this **11 January 2016**

Iain Mitchell - Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG





**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT  
1 MARINER STREET, CARNOUSTIE**

**APPLICATION NO 15/01015/FULL**

**APPLICANT'S SUBMISSION**

- ITEM 1** Notice of Review
- ITEM 2** Letter from applicant dated 28 March 2016
- ITEM 3** Analysis of Planning Refusal
- ITEM 4** Photographs related to text
- ITEM 5** Additional Photographs
- ITEM 6** Letter of Refusal
- ITEM 7** Policy S6 & Policy SC15; Angus Local Plan Review (2009)
- ITEM 8** Schedule 1: Development Principles; Angus Local Plan Review (2009)
- ITEM 9** Angus Council Advice Note 15: Front Extensions
- ITEM 10** Planning Officer's Report
- ITEM 11** Plans of Existing House
- ITEM 12** Plans of Proposed Alterations



## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

### Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No  
X

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

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

- |  | Yes | No                       |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | X   | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X   | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached letter and report of 28 March 2016

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

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.

Letter of 28 March 2016  
Report of 28 March 2016

Both confirmed received 30 March 2016

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- X Full completion of all parts of this form
- X Statement of your reasons for requiring a review
- X All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date



John Rennie  
27A West Mill Road  
Lasswade  
Midlothian  
EH18 1LX  
28 March 2016

Committee Officer,  
Angus Council,  
Resources, Legal & Democratic Services,  
Angus House,  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Sir/Madam

**Planning Permission 15/010115/Full**  
**Alteration and Extension to Dwelling at Mariner Street Carnoustie DD7 6BB**

Thank you for your letter of 11 January 2016 which indicated your refusal of the above application. I wish to appeal against this decision.

The grounds given for refusal of the above were that: - "That the proposal by virtue of its design formed, scale and massing on the front elevation of the property have a detrimental effect to both the character and appearance of the existing property and that of the surrounding area."

**Dwelling Character**

To deal firstly with the character and appearance of the existing property (as the property was originally built by my grandfather, and has been occupied continuously by my family since then, I feel I can speak with some authority on the subject).

As you will be aware, the original dwelling was that of a single-story cottage. Since then, at least four major alternations have been conducted. Namely: the extension of the property into a second floor; the expansion of the kitchen; the addition of an adjoining garage; and the addition of a front porch. The renovation and rebuilding of the latter constitutes the bulk of the current proposal.

As these buildings and additional works cover a period of over 100 years, it is desperately hard to suggest there is any single 'character' to the building. Indeed, the planned works to replace a badly dilapidated front porch area, and add an opening to the roof area, will return much of the building to what could be described its 'original' character. While at the same time significantly improving the outward aesthetic appearance. You will note that the choice of building materials specifically reflects the original design of the property, rather than the less sympathetic porch as currently constituted.

\* Hence my first point of challenge: that the works as currently proposed do not violate the character of the building as there is no consistent style, and in fact enhance the overall appearance by remodelling an inconsistent addition, existing details of the original house are retained.

### Area Character

The second aspect to your refusal relates to the character and appearance of the surrounding area. Again, we must turn to the question of what would be considered the 'character' of Mariner Street. An examination of the existing residences again reveals a wide mix of ages, styles, and build types. Where again, a 'character' in terms of consistency would be hard to divine.

Of greater significance is the fact that many of these properties have already undertaken front-extensions. The report supporting this rejection admits that there are numerous front extension in West Haven but that these should not set a precedent. Of the eight original houses in Mariner Street, five have front extensions. Given that the majority of houses have had such extensions approved, it seems implausible to argue that a precedent has not already been set. Moreover, given that the lack of front extension to 1 Mariner Street puts that property in the minority, my property would seem to be out of character by not to have one.

A particularly egregious example of this is the 'front extension' to 2 Mariner Street. From the original dwelling it extends to the boundary wall on Mariner Street, the plan area of this extension is some 100 m<sup>2</sup>, and it rises to over 7 m in height. This compares to the changes intended for 1 Mariner Street of 6m<sup>2</sup>. Once again, the question of character would seem to relate to consistency in the application of rules, and in the absence of consistency, a refusal on these grounds is not warranted.

\* Hence my second point of challenge: that the works as currently proposed are in keeping with the overall character of the area, and due to their limited scale, have a non-detrimental impact vis-à-vis other works already approved.



## Report Conclusions

I have also enclosed an analysis of the Refusal letter and all its supporting documentation for easy reference I have copied the executive summary from that analysis below:-

1. Advice Note 15 relates to schemes of uniform or consistent style, the report agrees that this is not the case and as such suggest that Advice Note 15 is not appropriate in this instance.
2. The visual impact of the proposed development will have less impact if any when put alongside the existing developments that have taken place in Mariner Street.
3. The proposed development does not erode further any of the remaining features of the original house as built.
4. The proposed design and materials are in accordance with the current structure.
5. There has been no local or other objection to the proposed development

## My Local Connection

But perhaps to put it more simply, this house, indeed this whole street and area, is my home. And has been home to my family for three generations. I lived here as a boy. Have visited with my own family when my parents were alive. And have spent an even greater proportion of our time here now that we have retired, and with my father having passed the family home on to me. Maintaining the character of this area is of fundamental and personal importance to me.

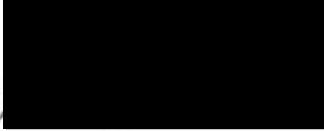
In advance of any alterations, I consulted widely with my neighbours, many of whom are well known to me over the years. And you will note that not a single objection was raised. I would suggest the community of the area are the best judge of what is the character of a street: what would bring detriment; and what would enhance it.

My wife and I are both in our late sixties, and our intention is to make this a permanent home once the renovations proposed are completed. If we are to talk of original character, 1 Mariner Street once had unobstructed views of the sea, until additional dwellings were built in front of us. This renovation is a small but important opportunity for me to once again enjoy those views. The application process talks of Human Rights under the First Protocol, Article 1. To deny me that simple wish, when it has been granted already to so many others to enjoy, seems to fundamentally contradict that Right.

I would therefore ask that you reconsider this application, with a view to granting the relevant approvals.

Thank you for your attention to this matter.

Yours sincerely,



John Rennie

Enclosure

**RECORDED**

**Appeal against Planning Permission Refusal**  
**Analysis of Refusal Letter and Supporting Documentation**  
**Reference 15/01015/FULL**  
**28 March 2016**

for  
1 Mariner Street  
West Haven  
Carnoustie  
DD8 6BB

## CONTENTS

	page
1. Analysis of Planning Refusal	3
2. Photographs related to text	8
3. Additional Photographs	14
4. Letter of Refusal	18
5. Policy S6 & Policy SC15; Angus Local Plan Review (2009)	19
6. Schedule 1: Development Principles ; Angus Local Plan Review (2009)	20
7. Angus Council Advice Note15: Front Extensions	21
8. Planning officer's Report	23
9. Plans of existing house	29
10. Plans of proposed alterations	30

## **Executive Summary**

I believe that there are grounds for reviewing the original decision for the following points:-

1. Advice Note 15 relates to schemes of uniform or consistent style, the report agrees that this is not the case and as such suggest that Advice Note 15 is not appropriate in this instance.
2. The visual impact of the proposed development will have less impact if any when put along side the existing developments that have taken place in Mariner Street.
3. The proposed development does not erode further any of the remaining features of the original house as built.
4. The proposed design and materials are in accordance with the current structure.
5. There has been no local or other objection to the proposed development.

## **Review of Reasons for Rejection**

Letter 11 January 2016-03-19  
Application and Character and Surrounding Area

### **Contrary to Policy S6 and SC15 of Angus Local Plan Review (2009) and Advice Note 15.**

The following areas have been highlighted:-

- Design
- Scale
- Massing of Front Elevation

S6 refers the reader to Schedule 1 for amenity consideration.

Schedule 1 has six sections namely:-

1. Amenity
2. Roads/Parking/Access
3. Landscaping/Openspace/Biodiversity
4. Drainage and flood Risk
5. Waste Management
6. Support Information

Taking these each in turn for their relevance to this application under consideration.

- Supporting Information: - None was requested.
- Waste Management: - No additional waste generated.

- Drainage and Flood Risk: - Not applicable.
- Landscaping/Openspace/Biodiversity: - No boundary walls or hedges are affected; biodiversity is not an issue: - The plan footprint is reduced.
- Roads/Parking/Access: - None of these are affected, Roads made no comment.
- The Amenity
  - a. Affect on sunlight: - Due to orientation of south facing this is limited and would only be as the sun sets over the Old Coast Guard station for a short period in mid summer the rest of the time the shadow effect is negligible.  
 Privacy: - Planning report confirms this is not an issue.  
 Smell: - Not an issue  
 Emissions: - not an issue, Impact on traffic: - Not an issue
  - b. Proposal should not result in unacceptable visual impact: - Out of 15 neighbours on whom notice was served there were no replies, (I had spoken to immediate neighbours in detail prior to submission)
  - c. Proposal close to working farms: - Not applicable.

To use the argument of design, form, scale and massing I believe is an over reach for a small residential improvement. I would think that scale and massing arguments are more for large scale developments where a multi storey building is being developed and as such may create a rights of lights issue to neighbouring properties. This argument seems out of proportion for this application.

### **Policy SC 15 Housing Extension.**

In general SC15 reiterated the contents of Schedule 1 and expand on the Amenity and Roads aspects.

### **Angus Council Advice Note 15 Front Extensions.**

This is an interesting document and I would assume as the title states it is advisory and not policy.

Advice Note 15 (AN15) is not dated but the introduction states:-

“in schemes where the housing is of a uniform or consistent style, front extensions can appear badly out of place, “standing out like a sore thumb.” This is particularly applicable to schemes built by Local Authority or Housing Associations irrespective of current owners. That is not to say, however that the Advice Note has no relevance to private schemes, for although they often comprise a variety of detached house style, this is not always the case.”

I believe that AN15 is very clear where it should be applicable, namely schemes Authority or Private build where there is a uniformity of construction that would suffer. By no stretch of the imagination could the house in Mariner street, be classified as a scheme nor would I suggest that there is any uniformity of construction, the nearest thing to uniformity was in numbers 10, 12 and 14 but as all have been extensively developed, one being a full rebuild, Mariner Street has no uniformity. (Photographs nos. 1 & 2.)

I would therefore question the appropriateness of AN15 in this application, but to explore AN15 further, it goes on to state the scope of its application:-

“Any new construction between the forward most part of the original house and a public road requires planning permission. This is the area of concern...”

Mariner Street is a private road, the nearest public road to 1 Mariner Street is Admiral Street. As such if you take Admiral Street to be the public road, this enhancement will be to the side and therefore not covered by this advice note.

Again going further into AN15 under “Front Extensions”:-

“Applications are being received for extensions to the fronts of houses which achieve little in usable floorspace, the main aim of which appears to be simply that of individualising often recently purchased houses. Very rarely can these large front extensions be assimilated in a visually singly implanted onto one front in a street of uniformed architecture.”

There are various statements in this paragraph that do not apply to this application. This proposal has a very specific objective and that is to provide a public space in the house to view the sea, the jewel in West Haven crown, up until 1963 this could be achieved from the ground floor but in 1963 the two storey “front extension” at 2 Mariner Street precluded the pleasure of this view. (Photographs nos.3 & 4) As for recently purchased this house has been in the family for over 100 years, and there is no uniformity of construction in Mariner Street in the meaning of AN15.

You state that the current extensions in the street cannot be taken as a precedence. I do not understand how these can be taken as anything else, as a precedence is an earlier action which is regarded as a guide.

I would suggest that AN 15 is not the appropriate Guide Notes in this case.

### **Planning Officer’s Report**

I would now look to analyse the Planning officer’s Report.

1. Site Description:- Statement
2. Proposal :- Statement
3. Publicity :- No issue raised
4. Planning History:- No issue raised
5. Applicant’s Case :- No issue raised
6. Consultations :- No issue raised including neighbours
7. Representation:- No issue raised
8. Development Plan Policy:- Angus Local Plan Review 2009 Policy S6 dealt with above, Policy SC15 dealt with above
9. TAYplan Strategic Development Plan :- No issue raised
10. Other Guidance: - National Park no issue; Advice Note 15; Front Extensions this is what the whole of the rejection is based on.

## Assessment

Analysing the assessment I would comment as follows on the various paragraphs:-

Par. 1 is a statement.

Par. 2 is a statement of intent of Angus Council of future development.

Par. 3 to 8 form the body of the report which I will come back to later.

Par. 9 Policy S6 and Schedule 1 have already been covered.

Par.10 Sc15 and AN15 have been addressed

Par. 11 statement

Par. 12 Human Rights implications:-Contrary to the statement made I believe that my Human Rights under First Protocol, Article 1 are being infringed, as I am being denied “peaceful enjoyment of his possessions”, namely my house. Taken the primary objective of this application is to create an area in the house of public space from which to have the pleasure of watching the sea. Other applicants in the areas of Mariner Street, Long Row and East Row have through applications been afforded this pleasure some of note are 1 Long Row (application 98/00837/FULL) and East Row (application 97/01313/FULL) both which if AN15 philosophy was applied would have been refused, 1 Long Row is nearly exactly what is proposed in this application. (Photographs nos. 5, 6 &7)

Par. 12 Equality Implications is not an issue

Par. 13 Appendix 1 is a copy of Schedule 1

### Pars. 3-8

Par. 3 confirms that there is only one issue in relation to Policy SC15 and that is its appearance.

Par.4 goes on to confirm that there are extensions “Many of the developments within immediate vicinity and further along Mariner Street have extended in various manners, some of which are unusual and/or contemporary.”

The report goes on to highlight the similarities between Nos. 1& 3 Mariner Street, yet when No 3 was altered there was no attempt to follow the planning philosophy that it should be in accordance with elevations on No.1 which preceded it, the eaves type dormer is stepped, the sun lounge is bigger with a pitched roof and an eaves overhang which do not reflect the “Scottish” detail on the original structure (Photograph no.8). As for the comment in par.7 “at highly visible location” the area is dominated by the “front extension” to 2 mariner Street which is big enough to be a house in its own right, is built in red brick and extends on to the boundary wall with the road, in comparison the proposed addition is small and aligns with the current flat roof level, the materials and design are compatible with the existing structure. The proposed extension is unlikely to be the dominant feature as describing its “massing and bulky elements” along side the extension to the existing number 2 the proposed would fall into insignificance. (Photographs nos.3 & 4).

Number 14 Mariner Street has been doubled in size and while the extension is not on Mariner Street but on Norries Road which under AN15 would be the qualifying “Public Road” and be disallowed.

The Old Boat House at the end of East Row started life as a single storey garage and has had a front two storey extension added on a very prominent corner. (Photograph no.10)



As already detailed there are other developments that have been permitted in the area on "Corner sites" with a high profile namely 1 Long Row which is visible for the whole of Long Row and the whole length of Mariner street, 1A East Row is also similar and highly prominent, in an area that attracts visitors to the car park at the end of East Row.

In summary the proposed development has limited exposure to view, it is not visible from the rear. From the front it is only visible across the street, from in front of 2 Mariner Street. At the distance involved from the public area next to the beach, the Ballaster, the detail will be lost. From the Admiral Street end of Mariner Street the extension will only be viewable from the junction and travelling down Mariner Street from east to west it would be of limited view. Also the slate proposed will blend in with the ones on the roof behind on the Coast Guard Station roof, therefore limiting the visual impact. The main visual impact at the end of the road will still be the red brick extension of 2 Mariner Street.

I have included some photographs of frontal extensions in the area with comments as an annex for reference.

I find it hard to understand why the planning philosophy/principles that have been applied to the more "unusual and/or contemporary developments on Mariner Street find a simple conventional extension that is compliant in all aspects except in that visual effect as seen by one person against the lack of comments by the neighbours, some who have had the drawings shown to them and explained. As for the impact on visitors to the area, Mariner Street is not the "through" route from Tayside Street to long Row, this would be by Norries Road.

Taking the above into account I would ask that you review your decision to reject this application, while I understand that it is unusual for a decision to be reversed I would suggest that there has been nothing unusual about the development of Mariner Street, as is stated in the report "unusual and/or contemporary" but has resulted in a street where people enjoy living.



**Photographs Relating to Text**



**Photograph 1**  
**Mariner Street looking west to east, showing No. 1 Mariner St.**



**Photograph 2**  
**Mariner St. looking east to west**



**Photograph 3**  
East view of No2 Matriner St , showing extent of extension,garage included



**Photograph 4**  
West veiw of No2 Mariner St., showing extent of extension



Photograph 5  
Front extension to No 1 Long Row



Photograph 6  
Front extension to No 1 Long Row



Photograph 7  
Front Extension to 1A East Row



Photograph 8  
Front Extension to No 3 Mariner St.



Photograph 9  
Extension to No 14 Mariner Street



Photograph 10  
Two Storey Front extension to Old Boat House at end of East Row



**Additional Photographs of Front Extensions  
in West Haven**



Front Extension 1 East Row also showing 1A East Row



Front Extension Long Low



**Front Extension to No. 10 Mariner St.  
Whole front wall has been moved and upstairs added.**



**Front Extension to 6 Norries Rd.  
Only one of twelve house in the area all the same type with an extension.**



Three Stotery Front Extension to 12 Mariner St.

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

**PLANNING PERMISSION REFUSAL**  
**REFERENCE 15/01015/FULL**

To **Mr & Mrs J Rennie**  
**c/o B S Design**  
**4 Grove Road**  
**Broughty Ferry**  
**Dundee**  
**DD5 1JL**

With reference to your application dated 11 November 2015 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Alterations and Extension to Dwellinghouse at 1 Mariner Street Carnoustie DD7 6BB for Mr & Mrs J Rennie**

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 docquetted as relative hereto in paper or identified as refused on the Public Access portal.

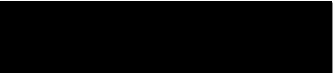
**The reasons for the Council's decision are:-**

- 1 That the proposal, by virtue of its design form, scale and massing on the front elevation of the property, would have a detrimental effect to both the character and appearance of the existing property and that of the surrounding area. As such is contrary to Policies S6 and SC15 of the Angus Local Plan Review (2009) and Angus Council Advice Note 15: Front Extensions.

**Amendments:**

The application has not been subject of variation.

Dated this 11 January 2016

  
**Iain Mitchell - Service Manager**  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG



## Policy S6 :

Development Principles Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

## Policy SC15 : House Extensions

Development proposals for extensions to existing dwellings will be permitted except where the extension would:

- adversely affect the appearance and character of the dwelling and/or the surrounding. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;
- have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;
- reduce the provision of private garden ground to an unacceptable level;
- result in inadequate off-street parking provision and/or access to the property;





## Schedule 1 : Development Principles

### Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

### Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

### Waste Management

- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- (r) Development should minimise waste by design and during construction.

### Supporting Information

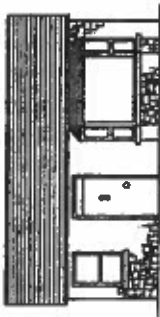
- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.



**Design:**

The design will need to respect the character of the existing building and where required, utilise matching materials, windows in similar styles etc.

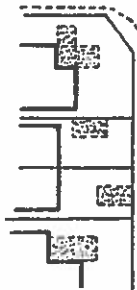
A lean-to 'roof' or false 'roof' is recommended and may be insisted upon by the Council.



**GARAGES/CAR PORTS**

Not unnaturally, there is a strong urge from people to get their most or second most expensive purchase off the street and under cover but this has to be achieved in a visually and environmentally acceptable way, a requirement which a position in front of a house rarely achieves. Even if it only partly protects in front, it can make the garage unduly prominent in the street scene. A street scene should not be dominated by such a basically functional, uninteresting construction as a garage or car port.

**GARAGES OR CAR PORTS WHOLLY OR PARTIALLY LOCATED IN FRONT OF THE FORWARDMOST PART OF THE HOUSE WILL NOT NORMALLY BE ACCEPTABLE TO THE COUNCIL.**



All indicated locations unacceptable.

**Unless:**

- (a) The new garage replaces a previous construction on the same site, especially if a visual improvement results (e.g. better materials or pitched roof).
- (b) There already exists, in the immediate vicinity, a number of garages in front of the houses.
- (c) The front garden is of sufficient length that in the opinion of the Council, a garage can be accommodated without being an abrasive feature in the street scene.
- (d) The garage can be built into a lower level than the house. (Acceptable situations will depend upon depth of garden, extent of height differential between house and road level, visual impact, etc., and are likely to be rare).
- (e) The garage is not to be readily seen, e.g. off a private track or behind a high wall.
- (f) There exists a general street building line closer to the roadway than the applicant's own property.
- (g) Neighbouring properties (or the premises in question) already have a number of front extensions, outbuildings

etc., into which scene a new garage can be inserted without additional detriment to the street scene.



**Note:** These exceptions will generally only apply where there are no alternatives available (i.e. access to a site at side or rear of house) and where at least 50% of the front garden remains as soft landscaping.

Whilst a garage may be ruled out by this policy, uncovered parking in a front garden may still be acceptable (see Advice Note 4).

**Design**

Garages permitted under this policy will generally be required to utilise matching materials to the original house and a pitched roof will frequently be insisted upon.

Angus Council



ADVICE NOTE 15

**FRONT EXTENTIONS**

*For further information and advice contact:*

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

Telephone 01307 461460

**INTRODUCTION**

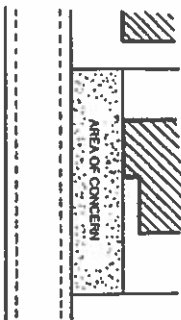
Accentuated by the recent increases in home ownership, the Council is receiving a greater number of planning applications for extensions to houses, mainly at the rear, often in the roof and less frequently but most prominent, on the front. The Council's Advice Note 3 deals with roofspace extensions.

This Advice Note, therefore, has been prepared to elucidate the Council's policy towards front extensions and provide guidance to applicants and agents involved in submitting planning applications.

In schemes where the housing is of a uniform or consistent style, front extensions can appear badly out of place, standing out like 'sore thumbs'. This is particularly applicable to schemes built by the Local Authority or Housing Associations irrespective of the current owner. That is not to say, however, that this Advice Note has no relevance to private schemes, for although they often comprise a variety of detached house styles, this is not always the case.

**COVERAGE**

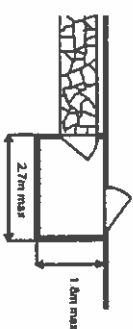
Any new construction between the forwardmost part of the original house and a public road requires planning approval. This then is the area of concern of this Advice Note and is likely to include porches, bay windows and other extensions whether or not they comprise additional rooms, plus garage/skate ports where they project in front of the house.



**PORCHES**

Porches are viewed by the Council as a practical and often desirable addition to any house and therefore, in principle and subject to a size restriction and design considerations, are likely to be sympathetically considered by the Council.

**FRONT PORCHES UP TO BUT NOT EXCEEDING 2.7m x 1.8m (projection) AND SUBJECT TO THE FOLLOWING DESIGN CONSIDERATIONS, ARE LIKELY TO RECEIVE PLANNING CONSENT.**



**Unless:**

- (a) A larger porch has already been erected on the same block or is being replaced. In such circumstances the proposed porch will be permitted to exceed the size indicated above.

- (b) An individually designed house is involved, in which case a larger porch will be acceptable if, in the opinion of the Council, the proposal would have been accepted as part of the original consent for the house.

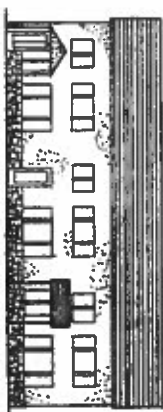
- (c) The proposal, even within the size limits indicated, has an unduly adverse effect upon an adjacent property (e.g. significantly blocks the light into a living room because of the close proximity of a window).

**Design:**  
Where a porch already exists on the same block, this should be taken as the basis for any additional porches irrespective of whether or not the following design requirements are met.

Except where a precedent has already been established on the same block, all porches must have a pitched roof or lean-to roof.

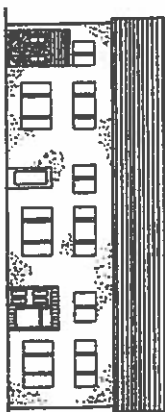
Materials should match those of the original dwelling and timber will only be permitted where seen on the original.

The proportion of solid to void (walls to glass) should reflect the proportions on the original house.



Two examples of acceptable designs utilising a pitched or lean-to roof and window styles, materials etc. To match original.

**NOTE:** Both would not be acceptable on same block.

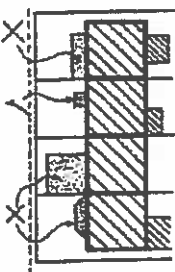


Two examples of unacceptable designs, one with a flat roof, one with a lean-to, both utilising unsympathetic materials and alien window styles, etc.

**FRONT EXTENSIONS**

The public front of a house is rarely an appropriate location for the construction of additional accommodation. Applications are being received for extensions to the fronts of houses which achieve little in usable floorspace, the main aim of which appears to be simply that of individualising often recently purchased houses. Very rarely can these large front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when singly implanted onto one house front in streets of uniform architecture.

**FRONT EXTENSIONS (EXCLUDING PORCHES) AS A GENERAL RULE WILL NOT RECEIVE PLANNING CONSENT.**

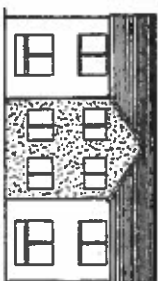


**Unless:**

- (a) A front extension has already been constructed on a neighbouring property, in which case this will act as a precedent for that block only and extensions of similar character will be allowed on that block.

- (b) An individually designed house is involved. A front extension would then be acceptable if, in the opinion of the Council, the proposal would have been accepted as part of the original consent for the house, bearing in mind the design and space available.

- (c) All the houses of a block are to be identically treated. Front extensions would then be acceptable subject to the normal planning considerations of design, scale, availability of space etc.



**BAY WINDOWS**

It can be argued that a bay window installed on the front of a single house in a terraced row is as destructive to the uniformity and integrity of the architecture as more significant front extensions. However, as a compromise between this point of view and those who support major extensions, a more acceptable means of individualising the front of a property might be the installation of a bay window.

**SUITABLY DESIGNED AND RESTRAINED BAY WINDOWS NOT PROJECTING FURTHER THAN ONE METRE WILL BE SYMPATHETICALLY CONSIDERED.**



**Unless:**

- (a) A bay window has already been installed in a block of houses, in which case it will act as a model for any other bay windows in that block only.

- (b) In the opinion of the planning authority, the property is of such architectural merit that the installation of a bay window would be detrimental to its character.

- (c) If a porch has already been erected on a house with a narrow frontage. The local planning authority will determine the acceptability or otherwise of a proposed bay window on wider fronted and/or individual properties.

**Angus Council**

<b>Application Number:</b>	15/01015/FULL
<b>Description of Development:</b>	Alterations and Extension to Dwellinghouse
<b>Site Address:</b>	1 Mariner Street Carnoustie DD7 6BB
<b>Grid Ref:</b>	357117 : 734616
<b>Applicant Name:</b>	Mr & Mrs J Rennie

**Report of Handling****Site Description**

The semi-detached property utilises a large area of the 189 square metre (sqm) flat corner site which intersects with Admiral Road on the south side of West Haven, Carnoustie. The front garden is laid out in hard standing and borders.

**Proposal**

The proposal relates to the formation of a two storey flat roof extension on the front/south elevation of the 1½ storey semi-detached Dwellinghouse, which would have a footprint of 6.88 square metre (sqm). The proposal would comprise of a vestibule on the ground floor and a sitting area on the upper floor. An existing 6.85sqm flat roof porch would be removed to accommodate the proposal. The proposed materials would be dark grey single ply PVC roof sheeting, white UPVC fascia/soffit, slate facings, sand stone coloured render white UPVC windows and timber.

The application has not been subject of variation.

**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**

None.

**Applicant's Case**

No supporting information has been submitted.

**Consultations**

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

**Angus Council - Roads** - Offers no objection on 20 November 2015.

**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 Plan Review 2009**

Policy S6 : Development Principles (Schedule 1)

Policy SC15 : House Extensions

#### **TAYplan Strategic Development plan**

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

### **Other Guidance**

The site is not within the National Park.

Advice Note 15 : Front Extensions

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.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

Policy SC15 relates to proposals for house extensions and this policy requires consideration of (1) the impact of a proposal on the character and appearance of the dwelling and surrounding area; (2) the impact of a proposal on the residential amenity enjoyed by adjoining households; (3) the impact of a proposal on the availability of private garden ground; and (4) the impact of the proposal on parking provision. There would be no impact on residential amenity (2), as any views from the upper floor window of the proposed extension would replicate the views available from the existing box dormer; which

are towards areas of the neighbours front gardens which are already viewable from the public realm. The proposal would utilise the footprint of the existing porch and therefore there would not be any impact on available garden ground (3) and also car parking (4) remains unaltered. The main consideration for this proposal relates to test (1) – the design of the proposal considered in the context of the character and appearance of the existing dwelling and that of the surrounding area.

In this instance the dwelling is a semi-detached property which has been extended previously to the front with a porch, box dormers on the roof plane and a flat-roof garage on the west/side elevation. Many of the dwellings within the immediate vicinity and further along Mariner Street have been extended in various manners, some of which are unusual and/or contemporary. In this instance, the house is a traditional stone built semi-detached property and has similarities in appearance on the front elevation to the adjoining house, which also has a large box-type dormer and a porch. The proposed extension would utilise the existing porch footprint, where the proposed extension would connect with the existing box dormer. This would result in a front extension that measures 5.9 metres in height that would have a box profile which would be highly visible to the front of the property when viewed from the street and public realm.

Advice Note 15 states that the public front of a house is rarely an appropriate location for the construction of additional accommodation. Very rarely can front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when implanted onto one house front in streets of uniform architecture. It advises that front extensions (excluding porches) as a general rule will not receive planning consent. Advice Note only provides for front extensions where the proposal would be acceptable as part of the original permission for the house, the dwelling form part of a block to be identically treated or they are similar to those already present on neighbouring properties.

The application house does not form part of a block and this criterion is not applicable. It is considered that the structure proposed would not have been approved as part of an original application for a traditional property, due to the flat roof and box profile form of the proposed extension, its scale and location of the structure on the front elevation. The proposal would add to the existing mass of the box dormer on the front elevation and create an increased bulky element that would alter the appearance of the front elevation further, eroding what remains of the traditional character of the dwelling.

I am aware that there are extensions, many of which are to the front of properties, in the general locality that have altered the appearance of houses and thus the character of streets. While these examples are recognised it is highlighted that their presence does not set a precedence for the type of extension proposed and that each proposal must be treated on its individual merits. In this instance, it is held that the form and scale of the extension proposed to the front elevation undermines the remaining character of what was a good example of a traditionally built dwelling and would overwhelm its scale. This would be harmful to the character and appearance of the dwelling. Furthermore, the form of the extension would upset the balance and symmetry that currently exists with the attached neighbouring property and, at this highly visible location, would be harmful to the character and appearance of the wider area. The presence of other alterations to the front of properties is not a material consideration that would justify setting this harm to the property and area aside. The extension proposed is ultimately considered to go beyond the capacity of, and what would be reasonable for, the dwelling and as such is considered to be unacceptable. The proposal would not accord with the provisions of test (1) of Policy SC15 of the ALPR or the guidance contained in Advice Note 15 owing to the unacceptable impact on the character and appearance of the existing dwelling and surrounding area.

Other options to alter the property are available. Single-storey structures such as a porch would be more a common element to the front of a house of this era and it is noted that there is already a porch in situ. The agent has been advised that a revised design of the a single-storey porch with a pitched type roof would instead be more in favour with the style of house and would be likely be supported, subject to consideration of design. However, the current proposal requires to be considered as presented.

Policy S6 and the associated Schedule 1 Development Principles are also relevant to this application. This includes considerations relating to amenity; roads/parking/access; landscaping/open

space/biodiversity; drainage and flood risk; waste management; and supporting information. As discussed above the proposal is considered to give rise to unacceptable visual impacts. However, there are no issues against the remaining criteria of Schedule 1.

In conclusion the application is contrary to policy SC15 as well as the guidance provided by Advice Note 15. The proposal would have an adverse impact on the character of the area by virtue of the detrimental effect to the appearance, mass and scale of the existing dwellinghouse and unbalancing effect in relation to the adjoining house. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

A 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. That the proposal, by virtue of its design form, scale and massing on the front elevation of the property, would have a detrimental effect to both the character and appearance of the existing property and that of the surrounding area. As such is contrary to Policies S6 and SC15 of the Angus Local Plan Review (2009) and Angus Council Advice Note 15: Front Extensions.

### **Notes:**

Case Officer: Pauline Chalmers

Date: 7 January 2016

### **Appendix 1**

#### **Development Plan Policies**

#### **Angus Local Plan Review 2009**

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open



space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

##### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

##### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

##### Supporting Information

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design

Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

**Policy SC15 : House Extensions**

Development proposals for extensions to existing dwellings will be permitted except where the extension would:

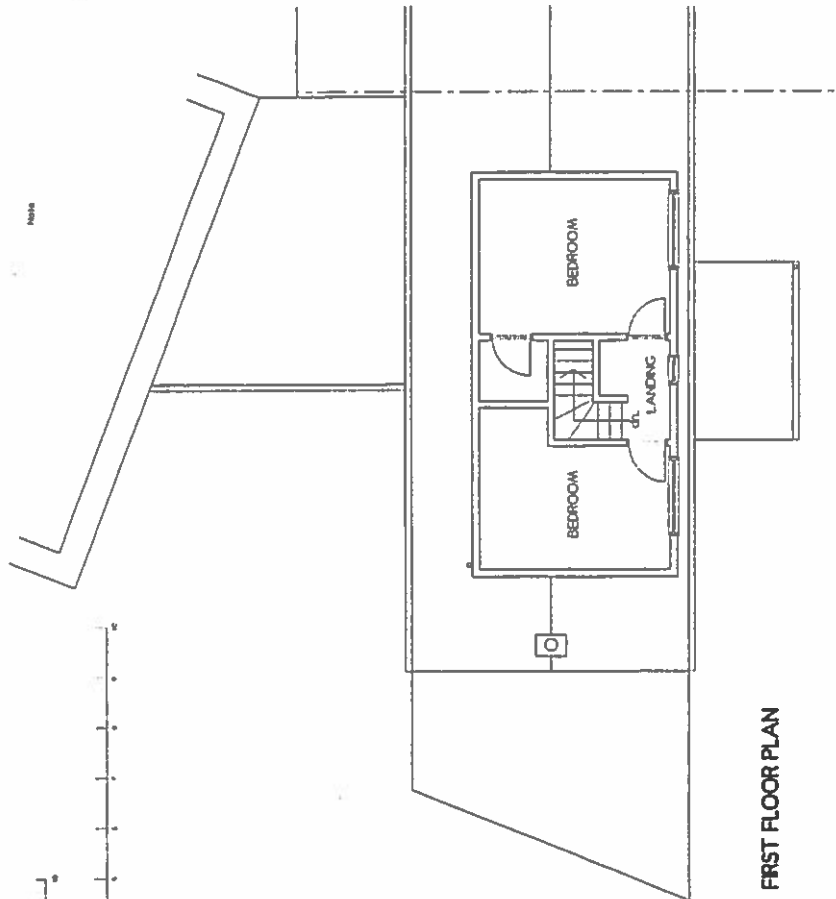
- \* adversely affect the appearance and character of the dwelling and/or the surrounding area. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;
- \* have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;
- \* reduce the provision of private garden ground to an unacceptable level;
- \* result in inadequate off-street parking provision and/or access to the property.

**TAYplan Strategic Development plan**

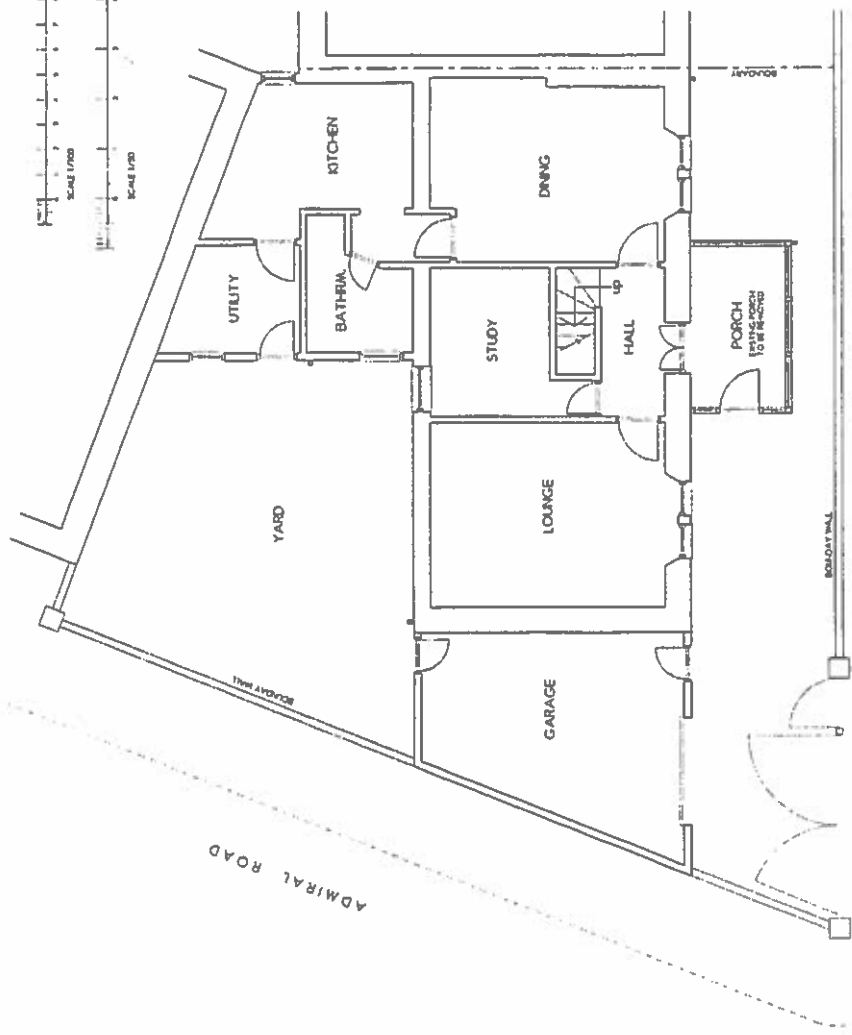
The proposal is not of strategic

**Cairngorms National Park Local Plan**

CNP policies not applicable.



FIRST FLOOR PLAN

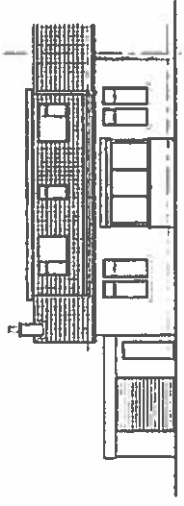


GROUND FLOOR PLAN / SITE LAYOUT

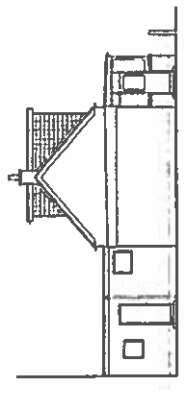
**BS Design**  
Architectural Services  
1 Green Road, Brighton, East Sussex, BN1 1LJ  
Tel: 01273 506000  
www.bsdesign.co.uk

FOR PROPOSED ALTERATIONS TO  
1 MARINER STREET,  
WEST HAVEN.

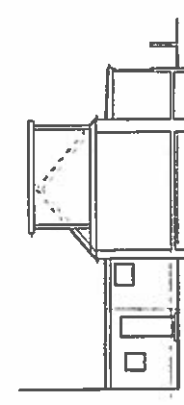
THE EXISTING FLOOR PLANS ELEVATIONS & SECTION	
Scale	1/750
Date	OCT.15 2006/01
Drawn by	



SOUTH ELEVATION

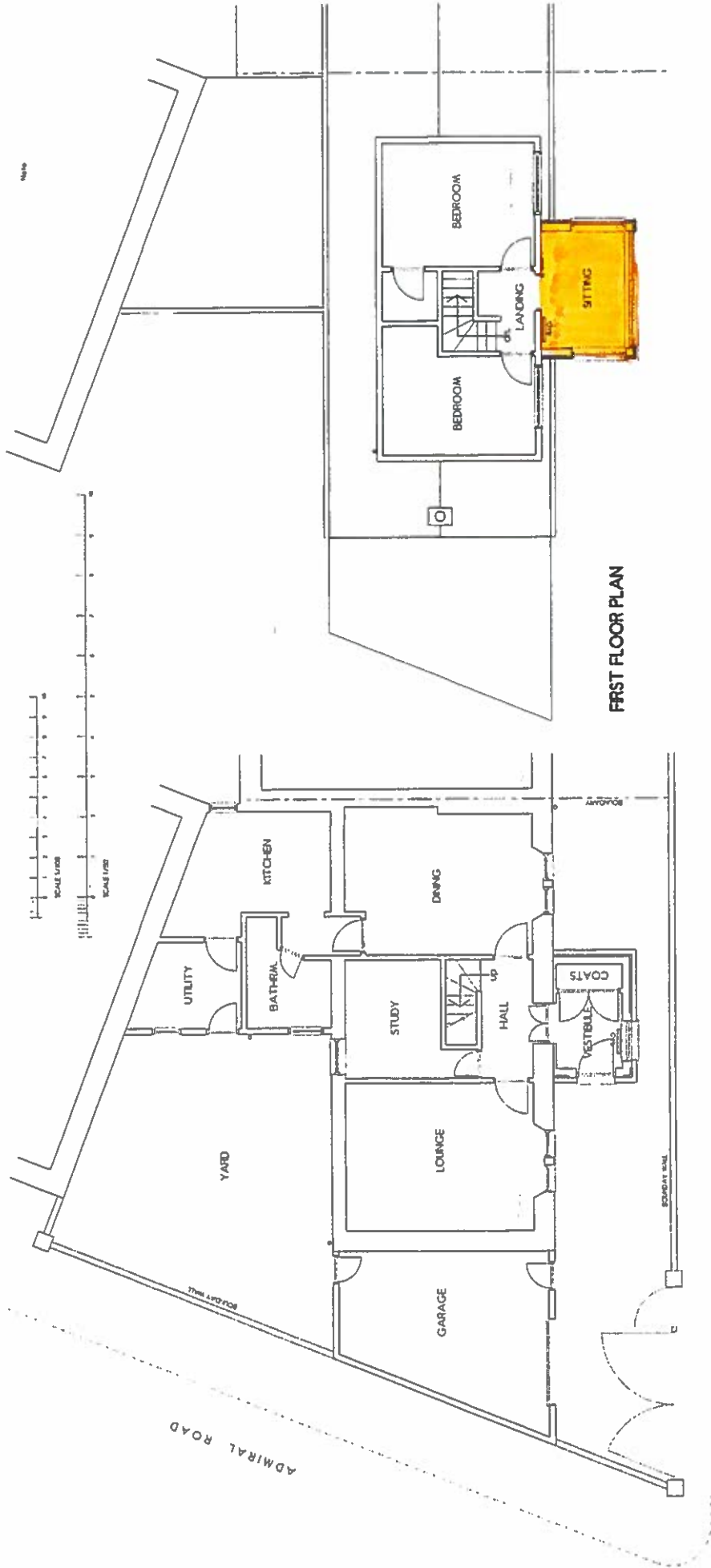


WEST ELEVATION

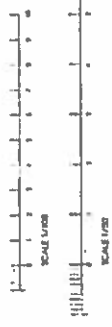


SECTION





North



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**PROPOSED ALTERATIONS TO  
1 MARINER STREET,  
WEST HAVEN.**

**PROPOSED FLOOR PLANS  
ELEVATIONS & SECTION**

Date: **OCT 15** 2006/02  
Scale: **1/100**

PROPOSED ALTERATIONS TO  
1 MARINER STREET,  
WEST HAVEN.  
PROPOSED FLOOR PLANS  
ELEVATIONS & SECTION

