

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 7 JANUARY 2014**

**49 CHARLESTON, GLAMIS**

**REPORT BY THE STRATEGIC DIRECTOR - RESOURCES**

**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 extension to dwellinghouse (re-application), application No 13/00866/FULL, at 49 Charleston, Glamis.

**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. 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.

Members are asked to note that the Report of Handling refers to five representations (and an additional letter from the agent) rather than seven representations (and an additional letter from the agent). The matters raised in all representations were considered in assessing the application and this is a typographical error. All representations were acknowledged and the parties were notified of the decision.

**3. RISKS**

This Report does not require any specific risk issues to be addressed.

**4. FINANCIAL IMPLICATIONS**

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

**5. HUMAN RIGHTS IMPLICATIONS**

There are no direct Human Rights implications arising from this Report.

**6. EQUALITIES IMPLICATIONS**

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

**7. CONSULTATION**

In accordance with Standing Order 47(3), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**MARK ARMSTRONG**  
**STRATEGIC DIRECTOR - RESOURCES**

**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.

**APPLICATION NO. 13/00866/FULL**

**APPLICANT: MR ALEXANDER HEATHWOOD  
FOR EXTENSION TO DWELLINGHOUSE AT 49 CHARLESTON, GLAMIS,  
FORFAR, DD8 1UG**

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## REPORT OF HANDLING

Application Number:	13/00866/FULL
Description of Development:	Extension to Dwellinghouse - Re-Application
Postal Address:	49 Charleston Glamis Forfar DD8 1UG
Name of Applicant:	Mr Alexander Heathwood

Details of any variation under Section 32A:

None.

Representations:

5 representations have been submitted in support of the application from 5 different households within Charleston. The letters indicate the following points (in summarised terms):- the proposal would not be out of character with the surrounding properties; it would add the quiriness of the village; it would enhance the quality of lives of the people who live in Charleston; it would add to the mix of styles in the village; the applicant's do a great job fostering children; it would be similar to other extensions within the village; and the proposal is not contrary to the local plan or advice notes.

Policies:

TAYplan (2012):

The application has no bearing in strategic terms and the policies of the TAYplan are not referred to in this report.

Angus Local Plan Review (2009)

Policy SC 15 - House Extensions  
Policy S6 - Development Principles

Supplementary planning guidance:

Angus Council Advice Notes 3 - Roof Space Extensions and 19 - House Extensions.

Officer Report:

Publicity:

The application has been subject of neighbour notification.

Consultations:

The Community Council - no comments have been received.  
The Head of Roads - offer no objections.  
Scottish Water - no comments have been received.

Supporting Statements:

The applicant's agent has written a letter in support of the application which states that they want that letter to be considered as a representation to the application. In that letter they indicate that they consider that the relevant LDP policies are open to interpretation and they consider the proposal is in conformity. They indicate that should it be considered otherwise there are material considerations which warrant approval (they do not indicate what they consider those material considerations to be).

## Site History:

09/00722/FUL: Extension to Dwellinghouse - Withdrawn - This application proposed a large rear box dormer above the existing kitchen. That application was withdrawn.

10/00729/FULL: Extension to Dwellinghouse (Re-Application) - Refused. This application proposed a similar rear box dormer extension to that which is proposed as part of the current planning application. The application was refused planning permission on 20 October 2010 for the following reasons:-

1. That the proposal, by virtue of its design on an elevation that is open to public view, would adversely affect the appearance and character of the dwelling and surrounding area and as such does not comply with policies S6 and SC15 of the Angus Local Plan Review, and is not compatible with the design guidance contained in Angus Council Advice Notes 3 and 19.

2. That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

12/00800/FULL: Extension to Dwellinghouse - Refused. This application proposed an identical rear box dormer extension to that which is proposed as part of the current application. The application was refused planning permission on 13 November 2012 for the following reasons:-

1. That the proposal would result in a large two storey flat roof extension attached to the rear of the original single storey traditional ridged roof dwellinghouse, overwhelming the original dwellinghouse in a manner which is inconsistent with the form, proportions and scale of the original dwellinghouse; which would be to its detriment and to the detriment of the visual appearance of the surrounding area; contrary to policies S6 and SC15 of the Angus Local Plan Review (2009) and Advice Note 3 'Roof Space Extensions' and 19 'House Extensions'.

2. That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

The Development Management Review Committee (DMRC) of 21 February 2013 subsequently considered and dismissed a review of that decision. The DMRC decision notice indicated that the DMRC had acknowledged that "within Charleston a number of properties had been extended in a variety of different styles. Nonetheless, the DMRC was of the opinion that the proposal would result in a large two storey flat roofed extension which would overwhelm the original dwellinghouse in a manner that was inconsistent with the form, proportions and scale of the original dwellinghouse. It was considered that the proposal would be to the detriment of the visual appearance of the surrounding area and would be contrary to development plan policy and that there were no other material considerations that warranted approval of the application".

## Assessment:

Planning legislation indicates that planning decisions shall be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, policies S6 and SC15 of the Angus Local Plan Review provide the key development plan considerations. Advice

notes 3 'Roof Space Extensions' and 19 'House Extensions' are considerations which are material to the assessment.

The property in question is a traditional semi-detached dwelling situated at the front of its curtilage, hard on the heel of the road. The property is very much characteristic of most other properties in Charleston, a settlement characterised by dwellings positioned around a grid iron street pattern with reasonably substantial rear gardens. The dwelling has in the past been subject to a large single storey rear extension and an unsympathetic box dormer at first floor level on the rear roof slope. This box dormer projects around 2.1m from the gable chimney.

The application proposes to extend the existing box dormer for a further 4.3 metres above the existing flat roof single storey rear extension to create a two storey flat roof rear extension. The proposal would allow for the provision of an additional bedroom and shower room. The proposal is identical to planning applications which were refused planning permission in October 2010 and again in November 2012. This proposal was also dismissed by the Development Management Review Committee in February 2013.

The proposal would not impact on parking arrangements or available garden ground. The proposal would allow overlooking of the adjacent neighbour's garden area. However, overlooking of that garden exists from the dwelling at present and I do not consider this proposal would increase overlooking to an unacceptable level.

The key test is whether the proposal is compatible with the first bullet of Policy SC15 which indicates that proposals for extension to dwellings will be permitted except where the extension would adversely affect the appearance or character of the dwelling and/or the surrounding area. SC15 indicates that alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area.

In this case, the original dwelling carries the appearance of a single storey semi detached traditional property. The property has a narrow gable and wide frontage and was clearly designed as a modest sized house, very much traditional in form and appearance. Like many other properties in Charleston, it has been extended with a single storey flat roof extension to the rear and has also been subject of a roof space box dormer extension at the rear. While these extensions are unsympathetic to the original dwelling, they do not have an overbearing impact on the dwelling or street scene. The proposal in contrast, would extend above the existing flat roof rear extension and onto the existing box dormer to effectively create a two storey flat roof extension at the rear of a traditional single storey house. The proportions of the proposed extension are clearly out of scale and out of character with the original dwelling and the extension appears to have been designed to increase internal space with little regard for the resultant impact on the external appearance of the dwelling and street scene. While it can be possible to apply more flexibility in assessing proposals in situations where extensions do not impact on the wider area and street scene, this is clearly not the case for this property which would be visible from two different streets. The two storey box would be clearly visible from the street to the west of the dwelling because of the gap between 49 and 48 Charleston; as well as the road to the north of 50 Charleston which runs east to west. It would result in a form of development which is alien, dominating the existing house in an unsympathetic manner and consequently harming the character of the area contrary to the first bullet of Policy SC15 of the ALPR.

Advice Notes 3 and 19 are explicit in indicating that while Angus Council will be sympathetic towards house extensions in general, any extension should be sympathetic to the character of the existing dwelling. It indicates that 'the Planning Authority will not look favourably on extensions which dominate the existing house i.e. the bulk of the extension overwhelms the original house and drastically changes its character or the character of the area. Extensions should be subservient to the original house'. The design of the extension would over-dominate the existing house, creating a large and uncharacteristic roofscape when viewed against the original dwelling and the neighbouring property, thus being contrary to Advice Notes 3 and 19.

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. It follows that the proposal would result in unacceptable visual impacts and as such would be contrary to criterion (b) of Schedule 1 for the reasons detailed above. There are no issues against the remaining criteria of Schedule 1.

Five households which are not directly related to this proposal as well as the applicant's agent have indicated their support for the proposal for the reasons summarised earlier in this report. None of the letters introduce material considerations which would attract sufficient weight to outweigh the development plan and Council design guidance. I accept that there are examples of unsympathetic extensions in the village. However, I do not consider that poor forms of development which have taken place in the past should be used to justify further poor examples in the future. It is the aim of the Council's design guidance to halt any further decline in the environment quality of the overall townscape and the Council has successfully resisted other proposals (e.g. 06/00030/FUL - 65 Charleston Village).

I recognise the applicant's desire to extend their property and I am sympathetic to this desire. However, I believe that this property could be extended in a manner which is more sympathetic to the original dwellinghouse and street scene and which does not conflict with development plan policy. Refusal of planning permission for this scheme would not preclude alternative options being explored.

Planning law indicates that planning decisions shall be made in accordance with the development plan unless material considerations indicate otherwise. I cannot reasonably come to a different conclusion in assessing this identical proposal than the conclusions already reached by officers and members of the DMRC as recently as February 2013. I have concluded that the proposal would be contrary to policies S6 and SC15 bullet one because the extension represents an unsympathetic addition to the property. I have considered the relevant advice notes, supporting information and letters of support but I do not consider that there are any considerations which would justify a departure from the development plan and the application is refused planning permission.

Legal Agreement: Not required.

Decision: Refusal

Reasons upon which decision is based:

That the proposal is contrary to the development plan and there are no material considerations which would override the development plan position.

Reasons:

1. That the proposal would result in a large two storey flat roof extension attached to the rear of the original single storey traditional ridged roof dwellinghouse, overwhelming the original dwellinghouse in a manner which is inconsistent with the form, proportions and scale of the original dwellinghouse; which would be to its detriment and to the detriment of the visual appearance of the surrounding area; contrary to policies S6 and SC15 of the Angus Local Plan Review (2009) and Advice Note 3 'Roof Space Extensions' and 19 'House Extensions'.
2. That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

**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.
- 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) (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**

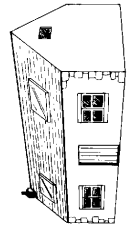
**Development proposals for extensions to existing dwellings will be permitted except where the extension would:**

- **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.**

windows, dormers should not rise flush with the wall (See above).  
Dormers should always relate to the windows and doors below.

**INTERNAL ACCOMMODATION**

Not all roofspace accommodation will require the provision of new dormers, if there is sufficient space and headroom it may be possible to provide the requisite accommodation within the existing roof structure. **Naturally this solution would be particularly welcome to the Council** and, if lighting is by means of rooflights only, it is unlikely that planning permission will even be required. If windows are to be inserted into the gable ends (as an alternative to or to supplement rooflights) again it is possible that planning permission will not be required.



In any of these cases you are advised to seek an opinion from the Planning and Transport Department on the necessity or otherwise to seek planning consent.

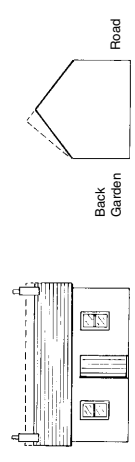
**RAISING THE ROOF**

A more obvious means of providing upstairs accommodation is by raising the roof to provide the necessary height or even a complete new floor. Depending on the location, visual effect/impact, effect on privacy/overlooking etc., this method can be readily utilised in more modern property but is a relatively rare occurrence with older buildings. Because of its rarity it is not intended to attempt to lay down extensive guidelines in this advice note. It is best that each proposal be considered on its own merits but should you be considering this approach, it will be necessary to take into account the character of surrounding properties - will your property, complete with raised roof, stand out like a sore thumb; will it unacceptably interfere with your neighbour's privacy; and even, will it so change the appearance of your property as to make it look ridiculous?

Should you be considering raising the roof, either in whole or in part, you are strongly advised to consult the Planning & Transport Department prior to submitting a planning application.

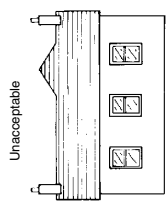
**RAISING THE RIDGELINE**

It may sometimes be possible to provide all the required accommodation on the private side of the house except for a small deficiency in ceiling height. In such circumstances

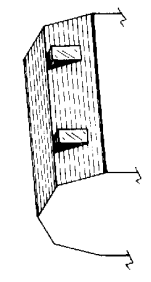


the Council is prepared to give sympathetic consideration to the roof ridge being raised in order to provide the necessary clearance. However, **this must be achieved over the whole length of the ridge** and

must maintain the angle of slope (vertical upstands will not be permitted) and be clad in the same material as the rest of the roof, all as seen from the public side.



This dispensation, however, is unlikely to be available to single properties in a line of consistent ridge heights or even one-half of a semi-detached property unless it can be suitably disguised (e.g. minimal increase contained between chimneys).



Other intrusions into a ridge line will not normally be acceptable, for example, a rear extension that runs through to the front elevation creating a triangular or other shaped intrusion on the ridge line.

**MANSARDS**

Mansard roof construction is not traditional in Angus and will not be encouraged by the Council. Of course, a handful do exist but that will not be accepted as a precedent for more, except perhaps in the immediate vicinity of an existing mansard.

On rare occasions it might be possible to adopt a mansard style approach to rear extensions out of public view. The Council will, however, require convincing that there are benefits to be derived from the type of approach before a planning consent would be forthcoming.

It will be gauged from the above guidelines that it will not always be possible to provide the accommodation you might be seeking by means of a roofspace extension. In which case you should seriously consider whether or not that accommodation can be provided by means of a ground floor extension.

If you then still wish to pursue a roofspace extension, you are **strongly advised to engage the services of a qualified architect** who should be able to make these guidelines work for you and produce a scheme that will hopefully receive a planning approval.

Angus Council



**ADVICE NOTE 3**

**ROOF SPACE EXTENSIONS**

Director of Planning & Transport  
Angus Council  
St. James House  
St. James Road  
FORFAR

For further information and advice contact:

Planning & Transport  
Angus Council  
St. James House  
St. James Road  
FORFAR, DD8 2ZP  
Telephone (01307) 461460

## INTRODUCTION

For many years Angus Council has operated a number of policies controlling roof extensions - the provision of additional accommodation within the roofspace of property - but it has become clear that in an effort to be as reasonable as possible to house owners, those policies have not prevented the continuing loss and destruction of traditional features and roofscapes.

Badly designed roof extensions may not only spoil the appearance of the existing house but can have a detrimental effect upon its immediate surroundings and whilst internally it may work successfully, externally it could actually debase the value or saleability of the house or its neighbours.

The Council's Development Control Committee is aware of the desire on the part of many homeowners to provide additional accommodation and are sympathetic to those wishes. Indeed, although this new guidance note is less permissive than previously, the Council will endeavour to accommodate these aspirations wherever possible. However, the Council also has a responsibility, in the public interest, to ensure such "improvements" are not detrimental to the overall townscape or landscape of a street or rural area.

Unfortunately there is a mistaken assumption that any building can be altered or extended to meet any accommodation need. This is not so, for reasons such as daylighting, privacy, parking and what can almost amount to architectural vandalism, some houses cannot be extended or at least not to the extent some people wish. Too often, in an effort to substantially increase the accommodation, the original house is overwhelmed by the sheer bulk of the extension, totally destroying the character of the original and producing a local eyesore.

## APPLICATION

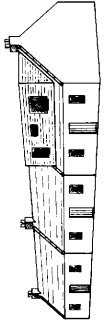
It would be inappropriate to impose identical constraints on roof space extensions in new housing areas to say those in conservation areas. Accordingly, **the requirements of this advice note apply more specifically to older property or areas of older property** and will be applied even more stringently to buildings located within conservation areas. Buildings listed as being of special architectural or historic interest are outwith the scope of this advice note and it is recommended that an early approach be made to the Planning and Transport Department when extensions to such buildings are contemplated.

A further difference of application concerns those extensions or alterations readily visible to the general public (usually but not always, the front of a building) and those only visible to a minority of neighbours (usually at the rear). **A more lenient approach will be adopted in the case of the latter.**

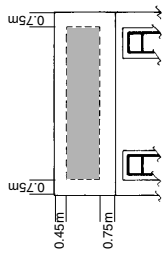
## DORMERS

The most visually obvious feature of many roofspace extensions is the subsequent dormer required to provide lighting into the newly created room or rooms. Dormers are traditionally fairly small but have tended to grow in recent years until many now cover almost the total area of the roof.

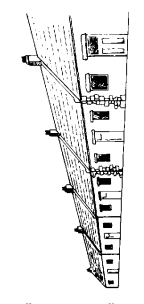
Clearly this drastically alters the appearance of a roof or whole street roofscapes. In the past, within some minor limitations, these large box dormers were permitted by the District Council but their impact has been so significant as to threaten the traditional and



accepted appearance of whole streets. Accordingly Angus Council has decided that this practice cannot be allowed to continue and box dormers **ON PUBLIC ELEVATIONS will no longer be permitted**. Some **EXCEPTIONS** will be made, for instance, a property located between two properties that already have a box dormer and on the private side (usually rear) of a dwelling. In the latter case every effort will be required on the part of the applicant to keep the perimeters of a roof free of any dormer construction to the minimum distances indicated below.



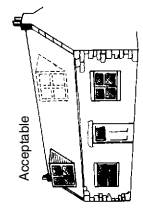
Generally speaking, however, on the public elevations of older properties, the Council will be seeking a more traditional style of dormer or dormers. However there will be some circumstances where **the introduction of any dormers (on the public side) will not be acceptable** - primarily where there is a consistency of dormer-free designs (as shown below); long runs of dormerless roof on terraced housing; or properties of particular character. To permit new dormers in these circumstances would clearly establish a precedent for a very substantial change in appearance of the streetscene.



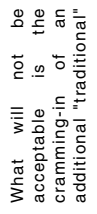
Conversely **the introduction of new dormers may be acceptable** where there is no consistency of design in the street, especially if some buildings already have dormers; free-standing buildings (e.g. in large grounds or rural locations); where it is possible to complement an existing dormer etc.

Naturally under these acceptable situations, a **played dormer** will undoubtedly find greatest favour with the Council but other more modern or simpler designs are not necessarily ruled out, indeed there will be scope for innovation or novel solutions. As a general rule, however, **all new dormers will have to be small-scale**, a disguised box dormer will not be acceptable.

The paragraphs immediately above are concerned with the introduction of new dormers onto roofs previously free of dormers, there are instances where it may be a case of **adding an additional dormer to a roof that already has one or more dormers**. Where a single dormer exists at present, it will usually (space permitting) be permissible to add a second as long as it matches the existing dormer and the balance of the building is retained.

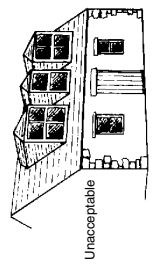


Where two or more dormers exist, it will not be so easy to introduce further dormers. If the roof is wide enough the insertion of a third dormer between, for instance, two existing dormers may be possible. It must, however, be no larger than the existing dormers and must reflect the style of the existing. This does not necessarily mean a slavish reproduction.



What will not be acceptable is the cramming-in of an additional "traditional"

style dormer between existing dormers. Not only does this create a maintenance problem but is tantamount to a box dormer approach. A reasonable area of roof must remain untouched and clearly visible between dormers.



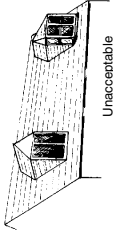
In a similar vein, extensions to existing dormers will rarely be acceptable unless the existing dormer is particularly small and the extension restrained



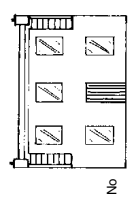
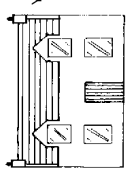
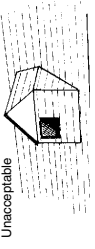
in size and the same goes for linking dormers, which is merely another form of box dormer.

There is one difficult situation where the required accommodation can be provided on the private side of the house except for a headroom requirement above a stairwell. This can sometimes necessitate a small dormer on the front elevation. The Council will endeavour to be sympathetic under such circumstances but much will depend upon the relationship of the property with its neighbours, the impact and location of the proposed dormer and, of course, its design. The Council will also require assurance that this is the only means by which the headroom requirement can be met.

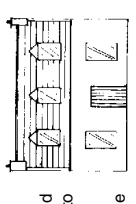
Every effort should be made to properly maintain and therefore safeguard the future of traditional dormers. However, it is accepted that sometimes they will succumb to the ravages of climate and require replacement. **The Council would require traditional dormers to be replaced on a like for like basis**. Depending on the character of the property and its standing in the streetscene, it might be acceptable to replace them with a more modern but still small scale design but only if all the dormers are to be similarly treated.



It is not the intention of this advice note to lay down strict design standards but particular attention to the materials used is recommended, for instance, timber cladding is easy and cheap to use but will often look out of place on a stone, blue slated cottage. It is also worth pointing out that the Council will always require the glazing to dominate the solid of any dormer. Dormers with minimal glazing look extremely heavy, giving the appearance of a cancerous growth on the



Under no circumstances should dormers extend onto or right up to the gable ends. Unless the eave bisects the

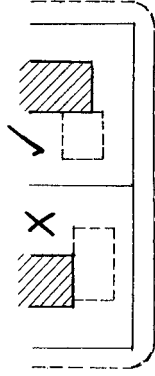




### ADVICE NOTE 19

# HOUSE EXTENSIONS

Director of Planning & Transport  
 Angus Council,  
 St. James House,  
 St. James Road,  
 FORFAR.  
 FORFAR.



Extensions to properties on normal sized corner plots should ideally be to the rear, side extensions are only likely to be acceptable where the scale is sub-servient to the original, involves a relatively small floor area and remains a respectful distance from the roadway.

#### LOSS OF GARDEN GROUND

Almost all applications to extend a house results in a reduction in available garden ground. The over-riding consideration of the Council will be to ensure that over-development does not take place, that the general ratio of buildings to open space that exists within the area is maintained.

As a general guide, however, 100 square metres of usable and private (to the rear) amenity ground should be available for family use. In areas that are densely built-up, a lesser area may be acceptable as long as at least 50 square metres of genuinely usable, private space remains available after the erection of a proposed extension.

#### LOSS OF PARKING FACILITY

Where approval of a planning application will entail the loss of the sole space for off-street parking, with no viable alternative being available, consent will not be forthcoming.

#### LOSS OF VIEW

No householder has a right to a view and therefore, objections based on loss of view will not be regarded as a material consideration in determining the application. Nevertheless, in the interests of good neighbourliness, applicants are recommended to consider the impact of their proposal on the views of neighbours.

#### PRECEDENT

You should bear in mind when designing your extension, particularly the positioning of windows, that you will be setting a precedent. In other words, should they apply, your neighbours are likely to be granted consent for similar.

#### BUILDING REGULATIONS

It is probable that a Building Warrant will be required for an extension and any potential applicants are advised to consult with the Building Control Unit of the Planning & Transport Department.

For further information and advice contact:

Planning & Transport  
 Angus Council  
 St. James House  
 St. James Road  
 FORFAR DD8 2ZP  
 Telephone (01307) 461460

August 2002

extension. If the proposed extension crosses that line it is unlikely to be acceptable. While there will be few grounds for exemption from the 45° Rule where semi-detached or terraced houses are involved, where an extension is sited well forward of the affected window, this would allow more light to reach it, therefore allowing for the 45° Rule to be relaxed a little.

It could speed up the processing of your application if sufficient details are provided with your submitted plans for the above calculation to be made. In particular you should illustrate the location of any windows on adjoining properties.

#### SIDE EXTENSIONS

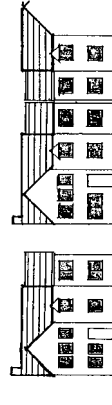
On any elevation of a house exposed to public view, an extension should always have a pitched roof, this is particularly relevant to side extensions.

There are also a number of other problems associated with side extensions. Whilst there is no legislation disallowing the building of an extension onto a boundary, for ease of access to rear garden ground and to provide room for maintenance of the extension, a minimum gap of one metre will be required. This will also eliminate the possibility of any part of the extension overhanging your neighbour's property (e.g. rhones), which is a common source of friction between neighbours. This requirement may be relaxed where the neighbour has indicated, in writing, that they have no objection to the extension being built on the boundary. However, where the extension is especially dominant or long, a distance of more than one metre may be sought.

#### TWO STOREY EXTENSIONS

Because of their size and visual dominance, two storey extensions can present a range of additional problems, are more likely to attract objections from concerned neighbours and will be more stringently considered by the Planning Authority before being granted a consent. The various distances specified elsewhere in this Advice Note are unlikely to be relaxed for two-storey extensions, indeed more demanding standards may be required.

The additional problems of scale and overlooking created by two storey extensions have already been covered but in addition, where side extensions are proposed, it will be essential to maintain the character of an area by not filling the gaps between rows of two storey houses which would otherwise produce the appearance of an unbroken terrace. In dealing with such applications, the Council



Unacceptable infilling

will consider the impact, not only of the proposal, but also the effect should the neighbour also wish a similar side extension. If the Council believes a reasonable gap will not be maintained, an application is likely to be refused. An extension set well back from the building line or frontage of the house is likely to be more successful than one aligned with the frontage of the house.

Because of their scale and visual prominence, a pitched roof will always be required on a two storey extension.

#### CORNER PLOTS

Extensions on the road frontage of a corner plot require particularly careful handling if they are to be successful and attract a planning approval. It is very easy to produce an extension that not only dominates the house but the junction and immediate neighbourhood also.

retention of an existing hedge) will be required if a planning consent is to be forthcoming. Provision of a wall or fence will not resolve a problem caused by windows on a two storey extension within four metres of a boundary. In these circumstances other solutions will have to be sought e.g. opaque glass, roof lights, re-siting of windows etc.

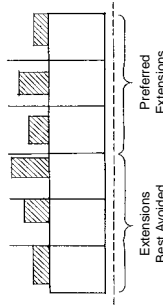
Again a condition will be imposed on the planning consent requiring the applicant to erect and retain the wall or fence or in the case of an existing hedge, to retain it at a height of at least two metres or thereabouts.

**Balconies** - Are a particular cause of friction between neighbours due to the serious overlooking problems and loss of privacy for adjacent dwellings and gardens. Accordingly balconies will only be permitted at first floor level or above where they do not cause an overlooking problem and loss of privacy. Such approvals are likely to be few.

#### SUNLIGHT/DAYLIGHT

The perceived loss of sunlight and daylight to a neighbouring property by a proposed extension, can be a major source of objection and distress. It is important, therefore, that every effort should be made to avoid or minimise the potential for loss of light to a neighbour when drawing up the plans for any extension. Loss of sunlight to garden ground will not be accepted as sufficient grounds to justify refusing planning consent but loss of light to a window might be. The distances specified above should provide sufficient sunlight and daylight protection where detached houses are involved.

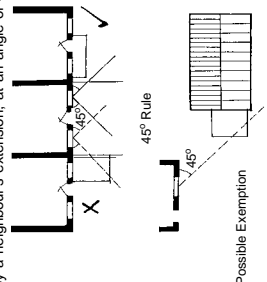
The most significant problem of sunlight or daylight loss however, probably occurs in terraced or semi-detached housing situations and it is here that most care needs to be taken. The first objective should be to keep your extension as far from boundaries as possible. At least a distance of two metres must be maintained between the wall of an extension and any window in the neighbour's property. Two metres may not seem a lot to the an



objecting neighbour but as it is often possible to erect a two metre high wall or even an extension closer and without the necessity to obtain planning permission, this distance is seen as a reasonable compromise. A general rule of thumb guideline is that extensions be at least as far off the boundary as it extends out from the house walls.

However, as this is unlikely to be achievable in perhaps the majority of circumstances, the Council will expect any extensions to comply with the 45° rule.

**The 45° Rule** - This involves drawing a line from the mid-point of the sill of a window to a habitable room or kitchen which is potentially affected by a neighbour's extension, at an angle of 45° towards the



Possible Exemption

## INTRODUCTION

Most householders involvement with the planning system comes when they wish to extend their home or as a neighbour to someone else extending theirs. This Advice Note endeavours to convey to householders contemplating an extension to their home, what the requirements of the Planning Authority are in order to secure planning approval.

The Advice Note cannot cover all possible situations or solutions but sets out the general principles which Angus Council consider important when assessing proposals for house extensions, the overall objectives of which are:-

- (i) the retention of the existing character of an area;
- (ii) allowing a reasonable freedom of choice for owners; and
- (iii) protection of the amenity of neighbours.

Because of the differing considerations, if you are considering an extension within the roofspace (e.g. involving dormers) you should refer to Advice Note 3 "Roofspace Extensions", or if your proposed extension is on the front of the building, you should refer to Advice Note 15 "Front Extensions". This Advice Note covers all other situations, including conservatories.

**It is worth bearing in mind that some houses were never designed to be extended at all or have already been extended to their limit. In such circumstances, if additional accommodation is essential, you may not be able to achieve it in your present house.**

## PERMITTED DEVELOPMENT RIGHTS

Not all house extensions require planning permission, the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 conveys certain rights on property owners to build extensions without the necessity to obtain planning permission, known as "permitted development".

Accordingly, you are advised to seek guidance from the Planning & Transport Department before progressing your plans too far.

Sympathetic consideration will be accorded to extensions that only just fail to fall within the ambit of "permitted development" but dependent on the circumstances, the Planning Authority does reserve the right to require such proposals to fully conform with the guidance contained in this Advice Note.

## GENERAL ADVICE

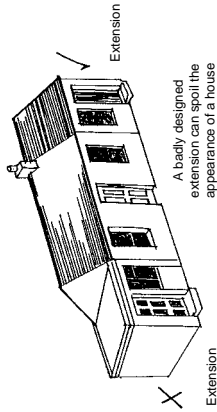
**It is recommended that you seek professional advice from someone trained and experienced in designing buildings - a well designed extension can enhance your property, a poorly designed extension can make it difficult to sell.** The Royal Incorporation of Architects in Scotland (RIAS) can give you a list of local architects (the list can be viewed at the Planning Office) or you can find them in the Yellow Pages.

Irrespective of whether or not you engage a professional agent, the design of house extensions needs advice as early as possible - you are therefore advised to contact one of our Development Control Officers to discuss your proposals well before submitting an application. There may be more than one way of providing the extra space you desire and a consultation with the officer will reveal which is the most acceptable or in the case of unacceptable designs, perhaps how they may be made acceptable. Sketch plans prepared in advance can be helpful in comparing different schemes.

Good design need not cost more, but even if there is an increase in the initial cost, in the longer term there may be benefits from reduced maintenance costs, e.g. pitched roofs cost less to maintain than flat roofs.

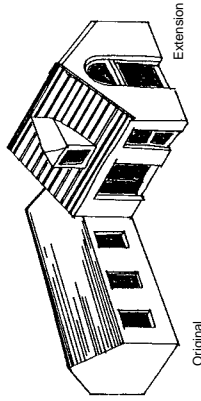
Many people want to extend their homes in different ways: if everyone did exactly as they wanted, problems could be caused for others living close by, or the whole appearance of the area might be spoiled.

Extensions should not over-dominate the existing house or be designed merely to fit a required amount of accommodation. They should normally be sympathetic in style to the original building, although this general principle may be discarded if an architectural solution of exceptional quality is proposed. It should also be recognised that traditional and modern buildings may need to be treated in different ways.



## SCALE

As a general rule the Planning Authority will not look favourably on extensions which dominate the existing house, i.e. the bulk of the extension overwhelms the original house and drastically changes its character or the character of the area. The scale of any proposed



extension should respect and be sub-servient to the existing building. Extensions not exceeding 50% of the original ground floor area of the existing building are most likely to find favour with the Planning Authority, while extensions of more than 100% will rarely be approved.

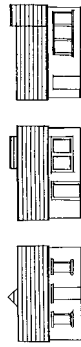
Extensions in excess of 50% are most likely to receive approval where the current accommodation is extremely restricted (e.g. but 'n ben), where the extension is not seen from any public area, where the area comprises modern houses of a mixed scale or where a unique architectural design solution is proposed. In all cases the extent of the property curtilage and especially the amount of amenity space remaining after extending, will be a determining factor.

## ROOFS

The roof of a building often plays the most important part in its overall appearance. Extensions which copy the roof type and angle of pitch of the original are usually more successful than those that introduce a completely different type of roof. The latter nearly always appear as an obvious addition tacked onto a house.

The roofing material of any pitched roof extension should match that of the original.

Flat roofed extensions are not generally encouraged but may be acceptable where, for instance, they are not visually prominent.

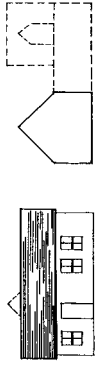


Some Unacceptable Roof Extensions

As a general rule the height of an extension should not exceed the existing ridge height of the house.

Again, an original architectural design may produce an acceptable solution to this general restriction.

For a rear extension where additional height is necessary to meet modern standards or regulations, a solution may be achieved by providing a low-roofed/flat-roofed link, however, it will be necessary



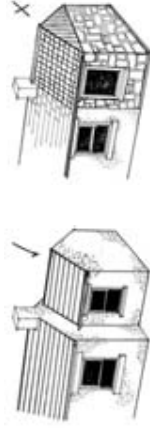
to demonstrate (e.g. by perspective sketches) that the roof of the extension is not readily viewed above the roofline of the original building.

A full two storey extension onto a single storey dwelling is unlikely to be acceptable under any circumstances.

## MATERIALS

Materials used for external finishes should, as far as possible, match the existing property. This can be straightforward with modern buildings but not always possible with an older stone building. In cases such as this, it may be acceptable to use a traditional wet hant or dry dash finish coloured to match the stone as closely as possible. A design justification statement would be required for the Planning Authority to even consider the use of contrasting colours.

The diagrams below show the good use of materials in an



extension and poor use. The good example incorporates a technique that is highly recommended and helps to conceal the joints between old and new where side extensions are involved and that is a slight set back from the house front.

## PRIVACY AND OVERLOOKING

While successive Governments have confirmed that the Planning Regulations are not in place to provide a neighbour protection service, neighbours are entitled to expect some consideration to be given to their privacy when an adjacent property extends.

The "Permitted Development" rights mentioned above make it impossible for total privacy to be assured and except in the most isolated rural location, few householders can claim not to be overlooked to some degree. The guidance that follows, therefore, is intended to provide for the maintenance of a degree of privacy without becoming unduly restrictive on persons wishing to extend their property.

**Window to Window Privacy** - The following guideline MINIMUM distances between windows on a proposed extension and existing windows on a neighbouring house should be observed. These distances should ensure a reasonable degree of amenity and privacy

but there may be instances where they may not be acceptable for townscape reasons e.g. out of character with the surrounding area, the presence of trees, etc. and conversely, in higher density areas, it may even be possible to reduce some of the distances. The distances can also be reduced when the windows are at an angle to each other.

## Main Living Room Window to:-

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

## Other Habitable Room Window to:-

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

## Non-Habitable Room Window to:-

- Non-Habitable Room Window 4 metres
- Blank Wall 4 metres
- Blank Wall to Blank Wall 2 metres

**Definitions:** In this context habitable room includes kitchen.

The initial objective of the architect or designer in producing the extension plans should be to avoid conflict with the guidance by careful siting of windows or, in appropriate circumstances, the use of obscure glass, high-level windows or velux windows. In dealing with planning applications, the Council will also pursue these options where the 'rules' are infringed.

Should all other options not provide a solution, the provision of a two metre high wall or fence between the problem windows may be acceptable as a solution for single storey extensions. A condition will be imposed on the planning consent requiring the applicant to erect and/or retain the wall or fence. An existing hedge will also be acceptable if at or near two metres in height and again a condition will be imposed to ensure its retention. This solution may not be appropriate in all circumstances, for instance where ground levels vary or where the extension would be too visually intrusive on the existing house, especially if it is the front of the existing house that is affected.

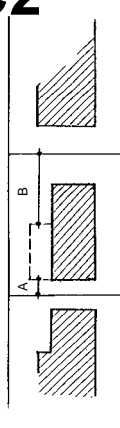
If for some reason the affected neighbour does not wish a wall or fence to be erected, an approach to the Council from that source to have the condition removed is likely to be positively received. In any case if the neighbour's window is less than two metres from the proposed wall or fence, the provision of such a structure will not be acceptable and unless an alternative solution can be found, the application to extend is likely to be unacceptable.

Where two-storey extensions are involved the option of a two metre high wall or fence to allow a reduction in these distances is unlikely to be acceptable.

**Garden Overlooking** - As previously suggested, it is a rare garden that is not currently subject to a degree of overlooking and "Permitted Development" rights often increase it even more. Accordingly, it would not be appropriate for such a degree of protection to be accorded to garden overlooking as to make it difficult for property to be extended.

The initial objective should again be to avoid the situation arising by careful placement of windows etc.

Where there is no obvious means of avoiding overlooking by extension windows and the window(s) are within one to four metres of the boundary, the provision of a two metre high wall or fence



A: Less than 4 metres - 2 metre high fence required

B: More than 4 metres - no fence required

**ANGUS COUNCIL INFRASTRUCTURE DEPARTMENT  
CONSULTATION SHEET**

PLANNING APPLICATION NO

13/00866/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

7	10	13
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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**

56 Charleston Village,

Charleston,

Forfar.

DD8 1UG.

RECEIVED

73 SEP 2013

14/KW

21.09.13

Head of Planning

**Planning & Transport Division**

County Buildings

Market Street

Forfar DD8 3LG

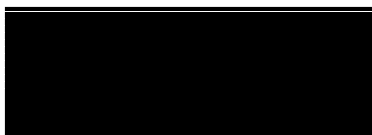
Dear Sirs,

Re: the refusal of planning application at number 49 Charleston Village.

I'm led to believe that an application for an extension to the above property has recently been rejected, as been out of character with the surrounding properties. It is my belief as a resident of the village and neighbour the reason for rejection is unfounded. If you were to take a close look around the village there is no one property the same as the other. Which in my belief adds to the character and quirkiness of the village and thus making the village and its community unique.

I therefore ask you to reconsider the application.

Yours Faithfully.





## Comments for Planning Application 13/00866/FULL

### Application Summary

Application Number: 13/00866/FULL

Address: 49 Charleston Glamis Forfar DD8 1UG

Proposal: Extension to Dwellinghouse - Re-Application

Case Officer: Stephanie Porter

### Customer Details

Name: Dr Colin Smith

Address: 90 Charleston Glamis

### Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I write in support of the above planning application. I am not aware of the grounds on which the previous application (12/00800/FULL) has been refused but as far as Charleston Village is concerned the proposed development does not detract from the overall ambience of the area in my opinion.

As you know there have been many similar extensions built onto houses in Charleston in recent years and although I am no planning expert, the current application does not seem to be much different. I notice that there have been no objections from neighbours so far.

Although I am not on the list of neighbours who require to be consulted, it seems to me that there should be no grounds for refusal and therefore I have no problem supporting this application.

## Comments for Planning Application 13/00866/FULL

### Application Summary

Application Number: 13/00866/FULL

Address: 49 Charleston Glamis Forfar DD8 1UG

Proposal: Extension to Dwellinghouse - Re-Application

Case Officer: Stephanie Porter

### Customer Details

Name: Mr & Mrs Steve and Linda Ellis

Address: 21 Charleston Village Forfar

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to add my support for this application which I believe has been rejected again. This village is very unique and no two houses within the village are the same. It would be a shame for a family to have to move out of the village to larger accommodation when they are settled within this village and the extension that they have requested is modest compared to some that have previously been passed. I think your decision should be reconsidered given the variety of properties already here.

Letter received from John Riddick, 54 Charleston, Glamis, Forfar, DD8 1UG, dated 24 September 2013, reads as follows:-

"I am writing this letter in support of my neighbours Sander and Carol's planning application for an extension at 49 Charleston Village. They are an asset to the village and do a great job fostering.

This village has many different styles of housing with all sorts of additions and modifications to the original cottages and a good proportion of new build as well.

Anything that will enhance the quality of the lives of the people who live here is surely to be welcomed.

I hope you will look on their application favourably and the sooner it gets approval the better."

32 Charleston Village,  
Charleston, Forfar,  
DD81UF.

RECEIVED  
- 2 SEP 2013  
NLKW

30<sup>th</sup> September 2013.

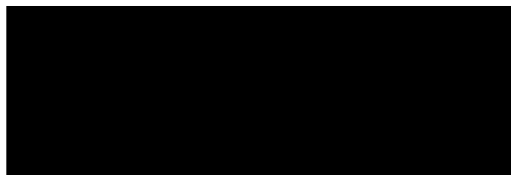
Director of Planning,  
County Buildings,  
Market Street,  
Forfar. DD8 3LG.

Dear Sir,

I write to express my formal support of the application regarding the extension to the dwelling house at 49 Charleston Village, occupied by Mr and Mrs Heathwood. Application Number 12/00800/FULL. Development Management Committee.

I believe that the proposed extension does not run contrary to the criteria set down in Policies S6 and SC15 of the Angus Local Plan Review (2009) and advice Note 3, Roof Space Extensions. I also do not believe that other developments of a similar nature would be detrimental. The village already contains an extremely wide range of diverse building types and alterations. It is my opinion that it is a tad too late for the Council to be concerned about the visual amenity when frankly it appears that permissions in the past have not been required to comply with a consistent pattern of development. **So one has got to ask the question, "why single out this applicant"**.

I therefore request that my objection to your decision be noted and i hope that should further a examination be made with regards to the reasons for this refusal. Such an examination would ascertain if this decision is correct and proper.



Letter received from John B Ford, 50 Charleston, Glamis, Forfar, DD8 1UG, dated 28 September 2013, reads as follows:-

"I am in receipt of your "Notice of Planning" for the proposed development at 49 Charleston Village submitted by the owner of the said property, Mr A Heathwood.

On viewing the proposed plans and discussing the finer details with him, I wish to inform you that I have no objections to this work going ahead.

In my opinion the proposal does not interfere with the current trend of property extensions that have taken place in recent years.

I trust that my comments will enable the planning committee to come to a favourable decision."

Letter 13/00866/FULL (John B Ford)

## Comments for Planning Application 13/00866/FULL

### Application Summary

Application Number: 13/00866/FULL

Address: 49 Charleston Glamis Forfar DD8 1UG

Proposal: Extension to Dwellinghouse - Re-Application

Case Officer: Stephanie Porter

### Customer Details

Name: Mrs Fiona Whitehead

Address: 24-25 Charleston village Forfar

### Comment Details

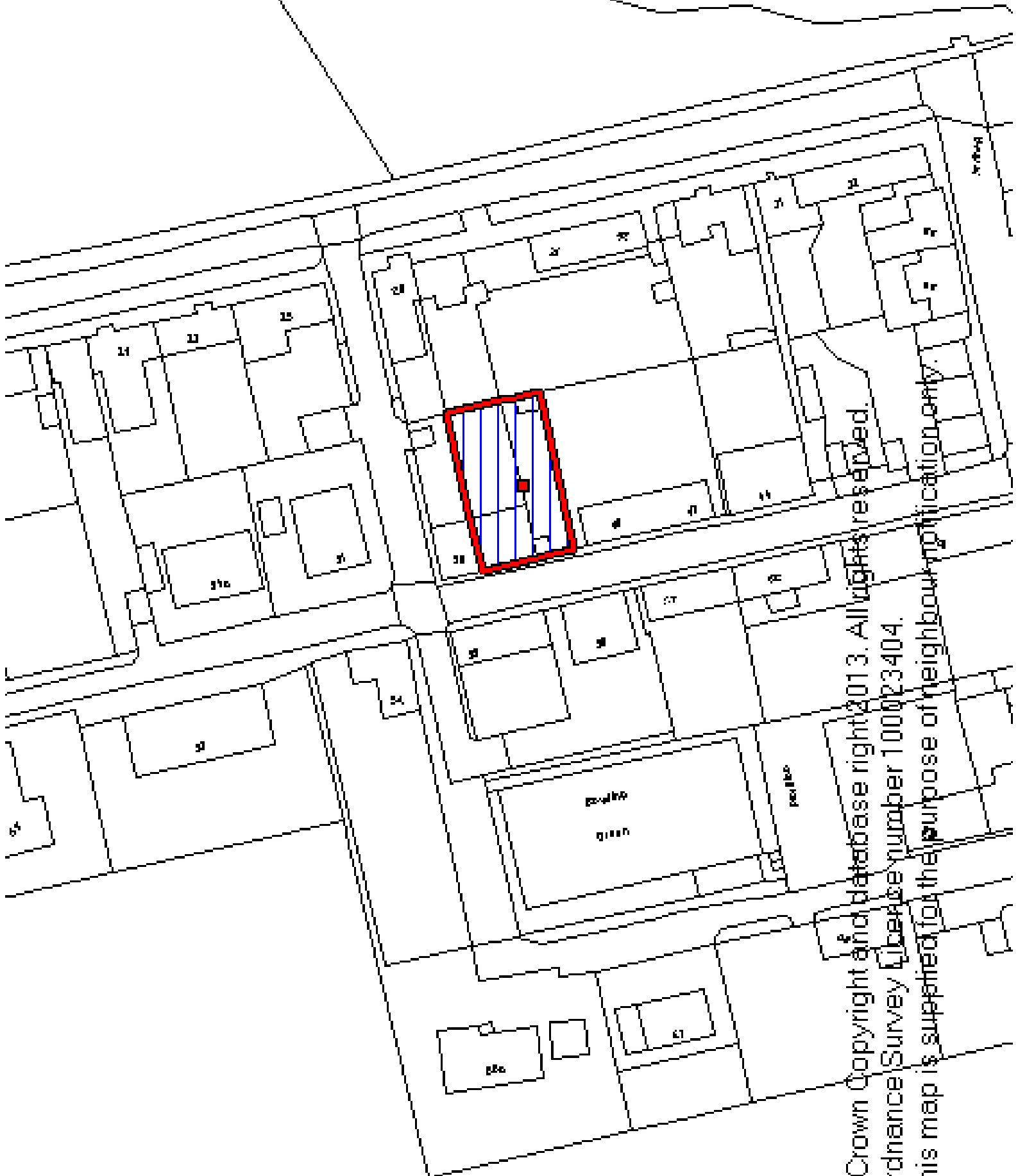
Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having looked at plans for this extension, as I have fairly direct view from my conservatory I have no objections to this development, and would hope that it be approved, thank you for allowing me to comment

Fiona whitehead



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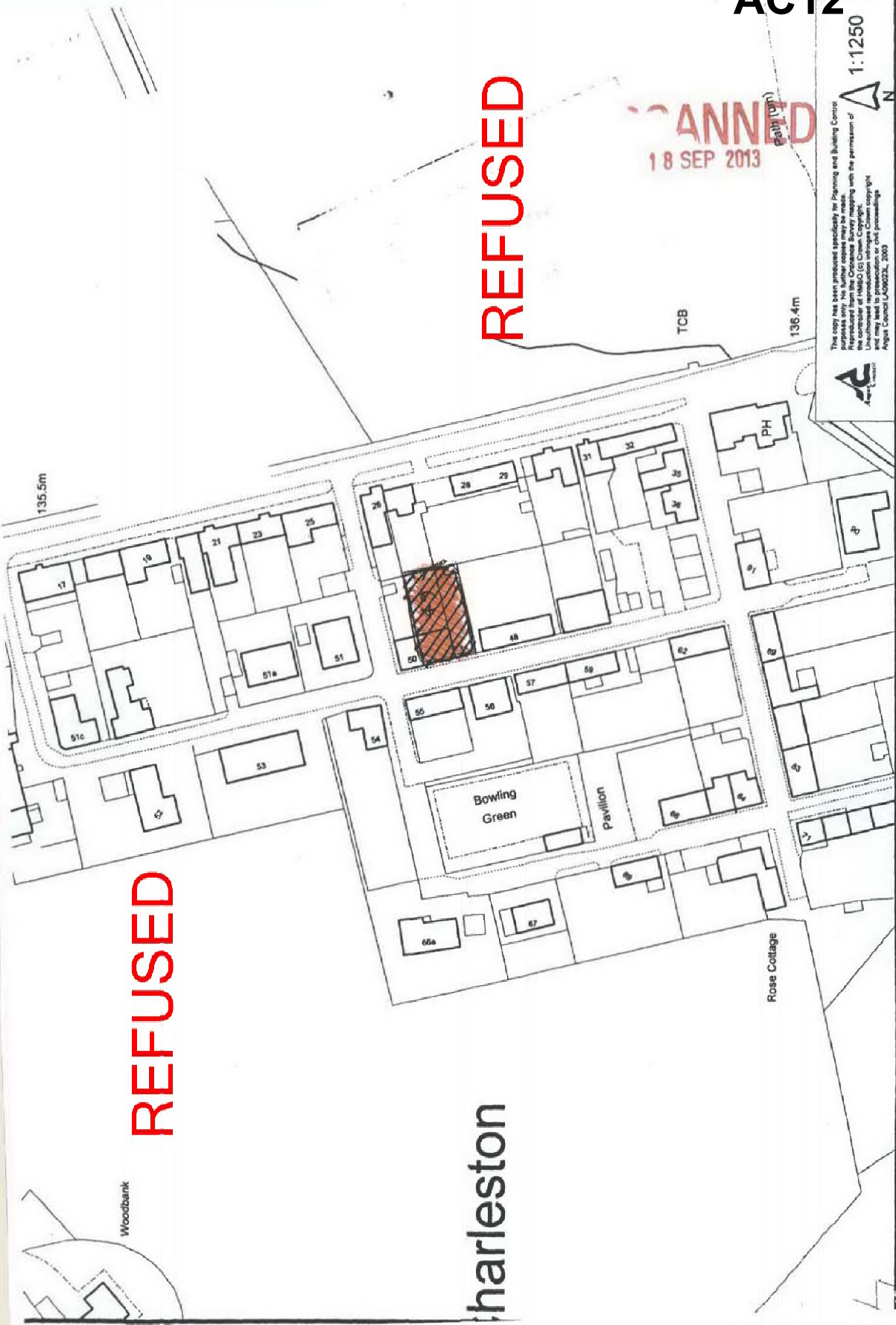
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SCANNED  
18 SEP 2013

REFUSED

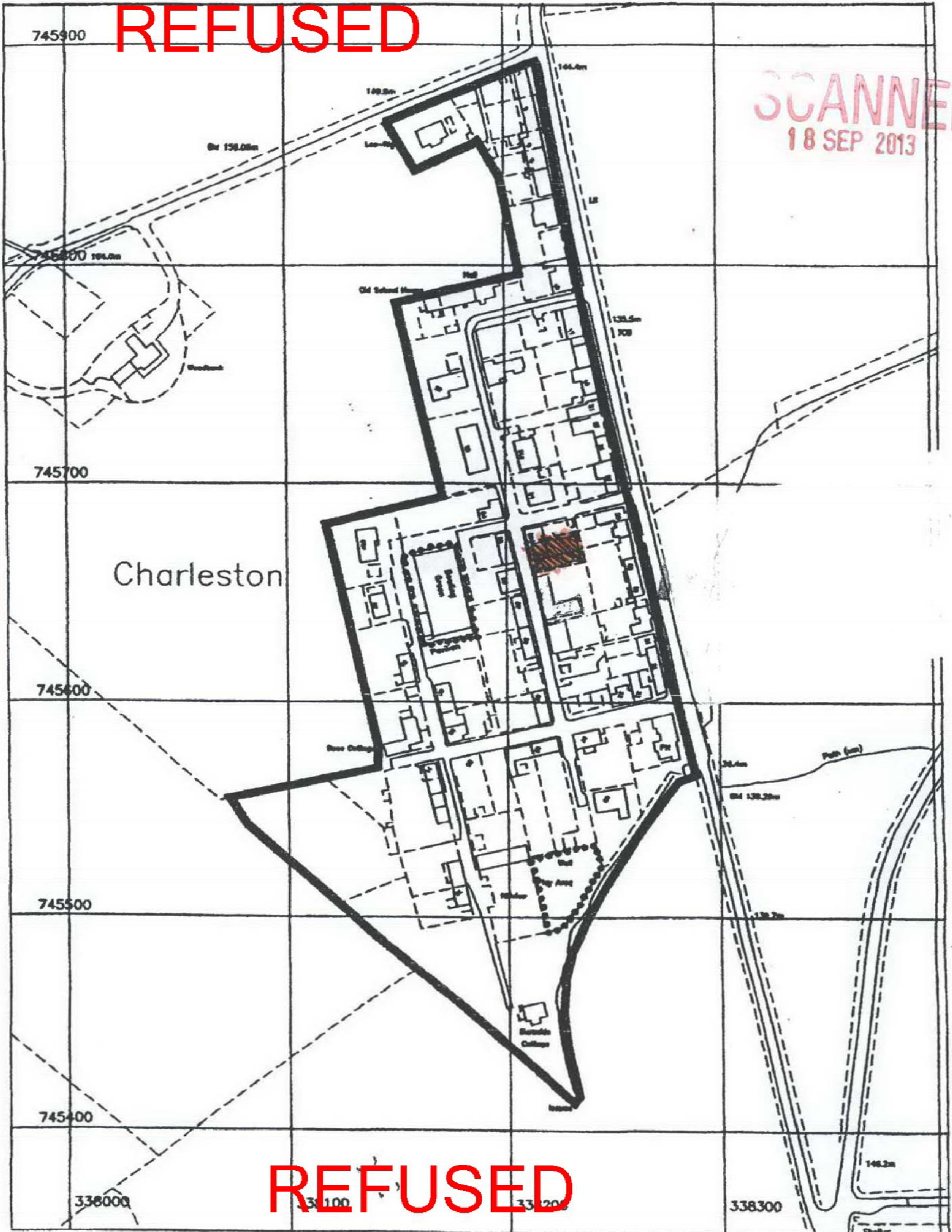
REFUSED



Charleston

REFUSED

SCANNED  
18 SEP 2013



REFUSED



### Charleston

Angus Local Plan Consultative Draft

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Scale 1:2500

REFUSED



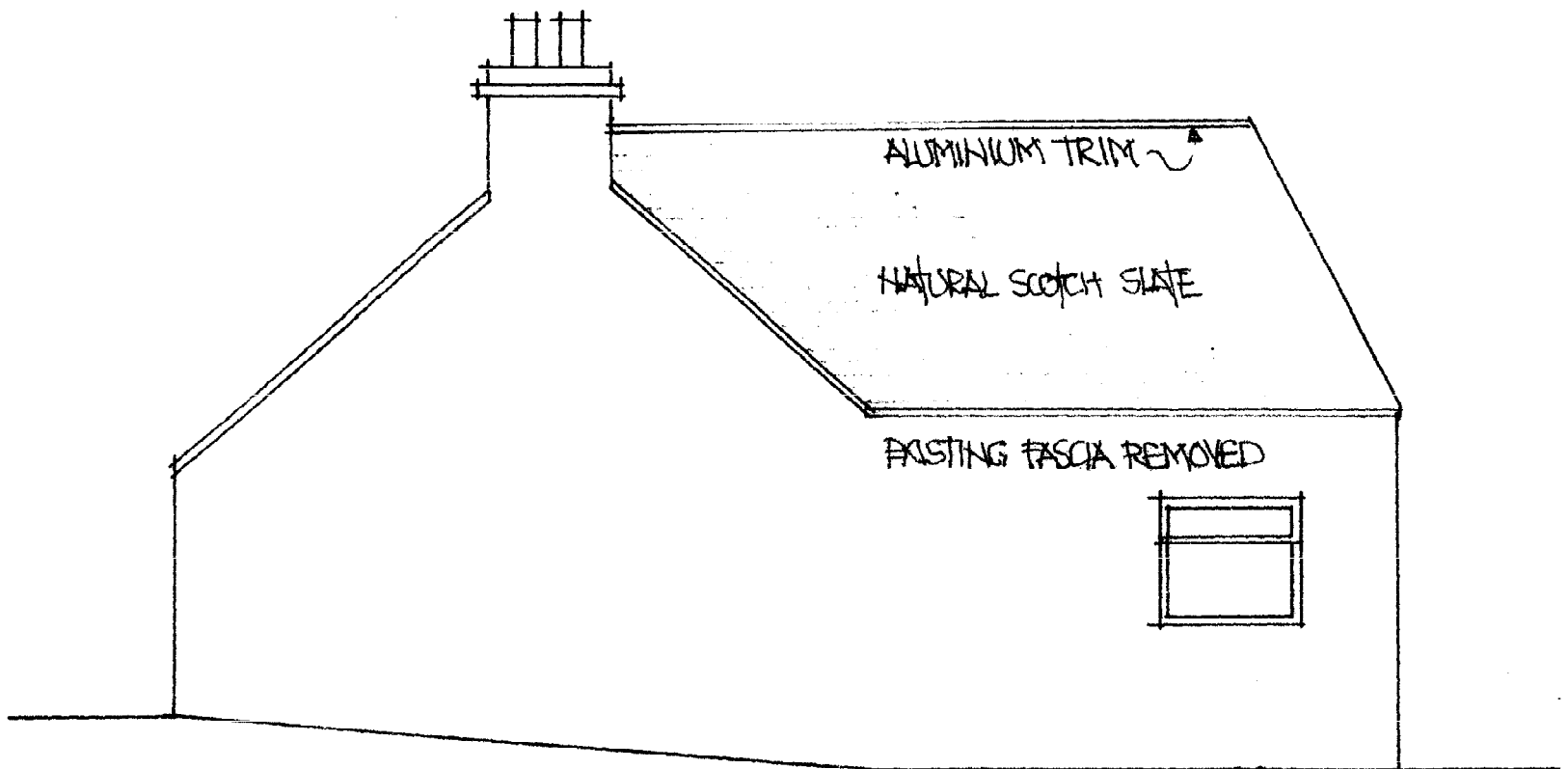
PROPOSED REAR ELEVATION

1:50

REFUSED

SCANNED  
10 SEP 2013

REFUSED



PROPOSED SIDE ELEVATION

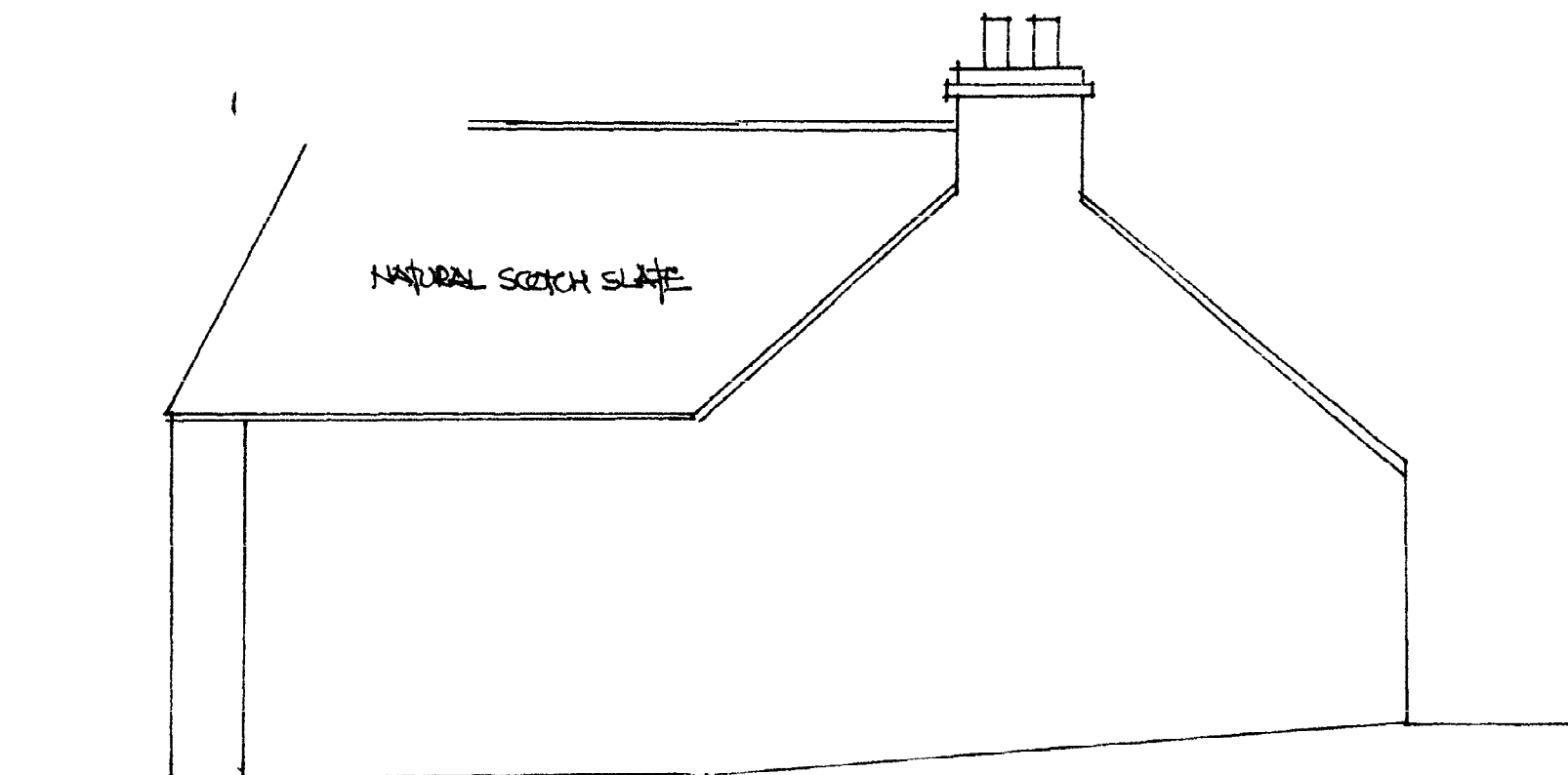
~~WINDY HILL~~

1:50

REFUSED

18 SEP 2005  
JANNED

REFUSED

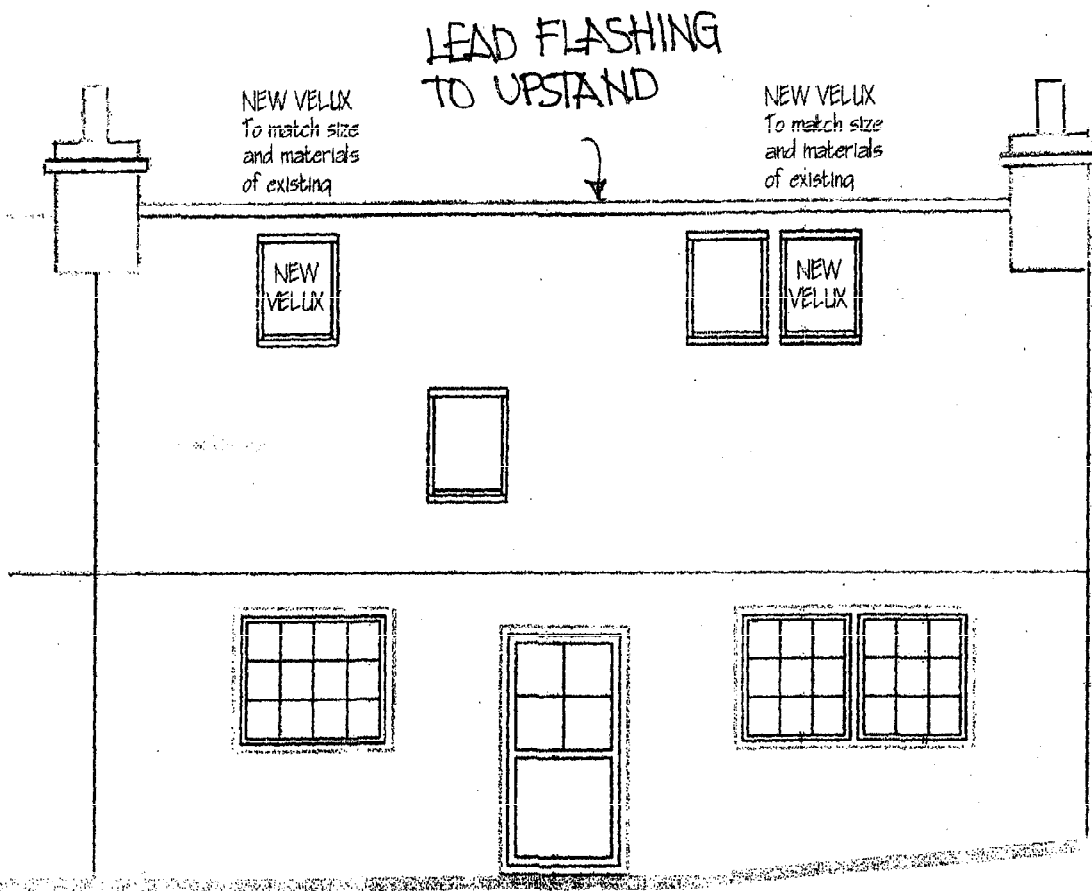


PROPOSED SIDE ELEVATION TO ADJOINING NEIGHBOUR  
SCALE 1:50

REFUSED

18 SEP 2013  
ANNEXED

REFUSED



REFUSED

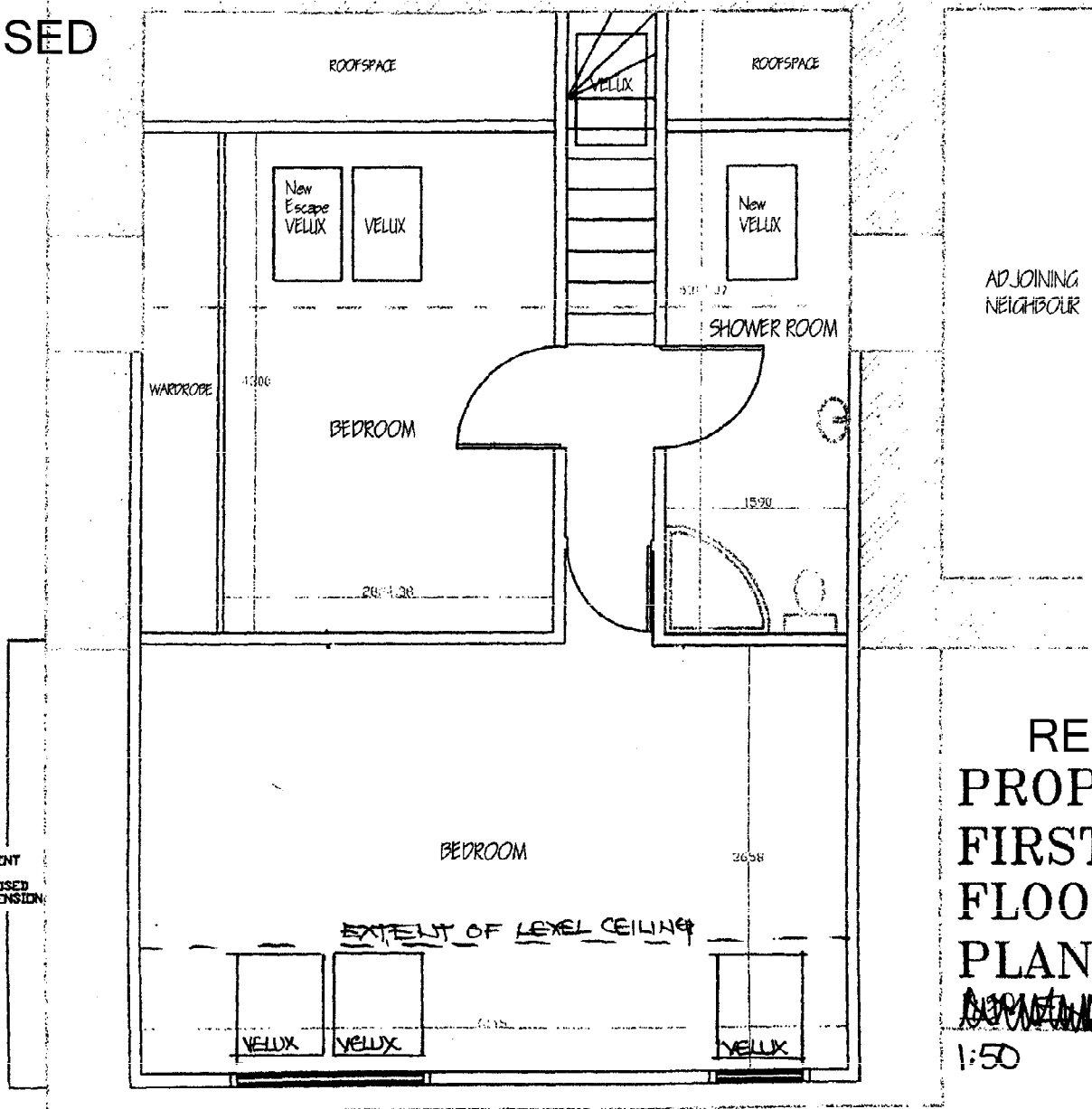
PROPOSED FRONT ELEVATION

~~APPROVED~~

1:50

10 SEP 2015  
APPROVED

REFUSED



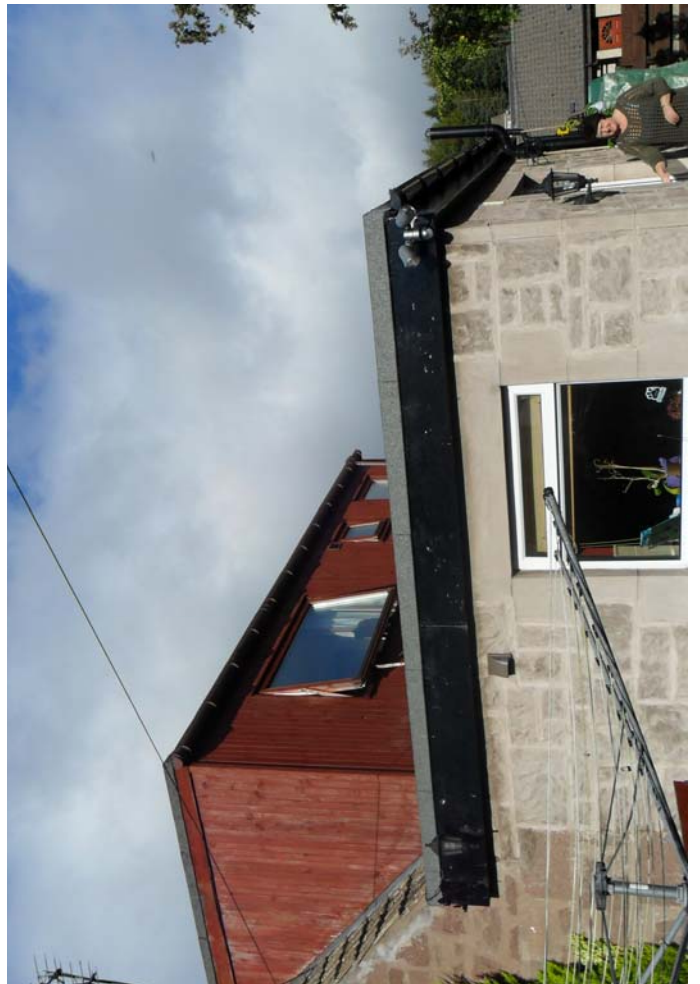
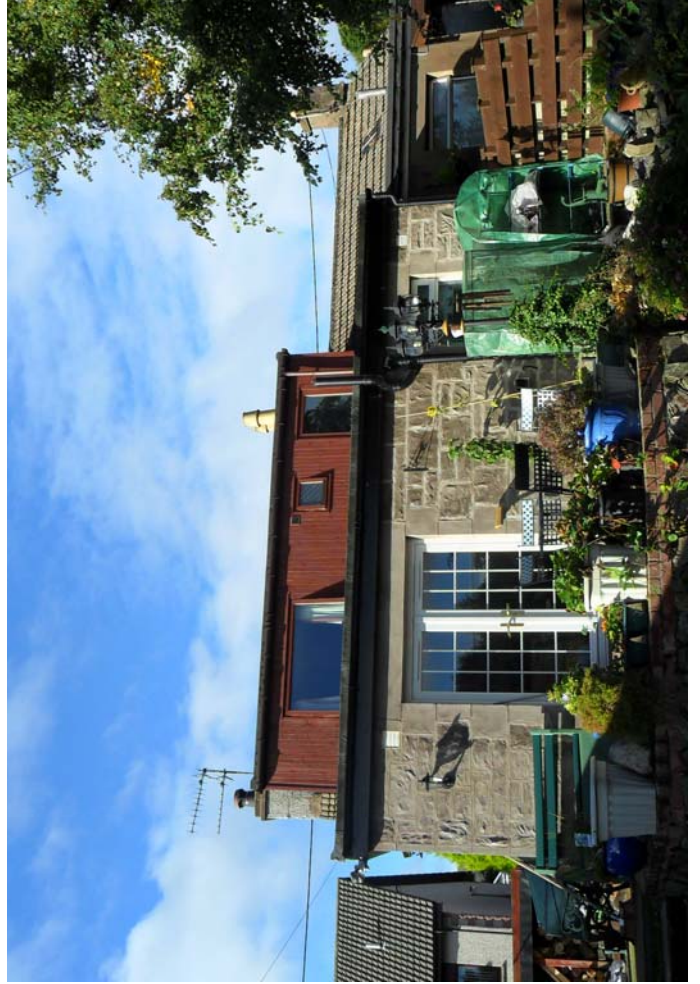
REFUSED  
 PROPOSED  
 FIRST  
 FLOOR  
 PLAN  
~~XXXXXXXXXXXX~~  
 1:50

SCANNED  
 18 SEP 2013

EXTENT  
 OF  
 PROPOSED  
 EXTENSION







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 13/00866/FULL



To Mr Alexander Heathwood  
c/o Stuart Carrie  
42 Sutherland Crescent  
Dundee  
DD2 2HP

With reference to your application dated 19 September 2013 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Extension to Dwellinghouse - Re-Application at 49 Charleston Glamis Forfar DD8 1UG for Mr Alexander Heathwood

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 would result in a large two storey flat roof extension attached to the rear of the original single storey traditional ridged roof dwellinghouse, overwhelming the original dwellinghouse in a manner which is inconsistent with the form, proportions and scale of the original dwellinghouse; which would be to its detriment and to the detriment of the visual appearance of the surrounding area; contrary to policies S6 and SC15 of the Angus Local Plan Review (2009) and Advice Note 3 'Roof Space Extensions' and 19 'House Extensions'.
- 2 That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

Dated this 15 October 2013

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

Our Ref: 09/00722/FUL/DB/IAL

Your Ref:

20 August 2009

Mr & Mrs J A Heathwood  
49 Charleston  
Glamis  
Forfar  
DD8 1UG

Ask for: Damian Brennan  
Direct Line: 01307-473316

Dear Mr & Mrs Heathwood

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
PROCEDURES FOR DETERMINATION OF PLANNING APPLICATIONS  
PROPOSED EXTENSION TO DWELLINGHOUSE AT 49 CHARLESTON, GLAMIS,  
FORFAR, DD8 1UG  
APPLICATION REFERENCE – 09/00722/FUL**

I refer to the above planning application, which was registered with this Division on 6 July 2009.

Having visited the site and studied the submitted drawings I have concern over a number of issues concerning the proposed extension.

My concern relates to the design of the proposed extension in that it does not respect the design, massing or proportions of the existing dwellinghouse. The existing dwellinghouse is a one storey cottage with a dormer located to the rear. Whilst I appreciate that the proposal will extend an existing dormer, it is viewed that the current proposal to extend the dormer will adversely affect the appearance and character of the dwelling and the general area by introducing an incongruous element to the street scene.

Angus Council at its meeting on 18 December 2008 agreed to amend its Scheme of Delegation for determining planning applications. The amended Scheme of Delegation in line with the provisions of the Planning etc. (Scotland) Act 2006 is intended to improve the efficiency and effectiveness of the planning processes by reducing the number of planning applications that will require to be considered by the Development Standards Committee of Angus Council.

In most circumstances planning applications that are recommended for refusal or are subject to objections will no longer be considered by the development Standards Committee but will be determined under delegated powers by officers. This will enable the Development Standards Committee to focus its attention on applications that have a public interest, or are of a significant scale or may bring considerable economic benefits to the area. It is envisaged that this approach will speed up the planning process.

Page 2  
Mr & Mrs Heathwood  
20 August 2009

As a consequence of the above concerns, I am afraid that this service is unlikely to support the application in its present form. The application would almost certainly receive a recommendation for refusal in its present form, and be refused under delegated powers. I would recommend that you withdraw this current application, and the design of the proposal be revised, to address the above concerns. If you wish to withdraw this application before it is refused under delegated powers, I would suggest you do so within 7 days of the date of this letter, as it would be my intention to refuse the application once this period has elapsed.

A new application would attract no fee, if submitted within one year of registration and I would be happy to comment on any further plans that may be produced.

I hope that this clarifies the situation for you. If you have any questions, please do not hesitate to contact me.

Yours sincerely

**DAMIAN BRENNAN**  
**DEVELOPMENT STANDARDS TECHNICIAN**

J A Heathwood  
49 Charleston Village,  
Glamis  
Forfar  
DD8 1UG

1/12/2009

pb  
RECEIVED  
3 - DEC 2009  
/m

Dear Damian

Following our meeting as we discussed I have decided to take your advice and withdraw my planning application at this time. And would be grateful if you could tell me the timescale for admitting a new planning application that would not attract a fee. I would like to thank you for your help in this matter

Yours sincerely

  
J A Heathwood

## REPORT ON HANDLING

<b>Application Number:</b>	10/00729/FULL
<b>Description of Development:</b>	Extension to Dwellinghouse (Re-Application)
<b>Postal Address:</b>	49 Charleston Glamis Forfar DD8 1UG
<b>Name of Applicant:</b>	Mr Alexander Heathwood

**Details of any variation under Section 32A:**

Plans as amended 25.08.2010 - For the introduction of a sloped rear elevation and the finish of the dormers walls to be slate.

**Representations:**

None.

**Policies:**

Angus Local Plan Review

Policies S6 and SC15.

**Officer Report:**

Publicity:

The application has been subject of statutory neighbour notification.

Consultations:

No adverse comments have been received from consultees.

The Head of Roads has not objected to the proposal.

Scottish Water has offered no objection or comments.

Supporting Statements:

A supporting statement has been received which seeks an amendment to the submitted proposal and states that the amended design would have a more traditional appearance and that it delivers the required amount of space.

Planning History:

Planning Application: 09/00722/FUL - Extension to Dwellinghouse. This application was withdrawn due to concerns regarding the design of the proposal.

Assessment:

The application is considered under the terms of policies S6 and SC15 of the Angus Local Plan Review and Angus Council's advice notes 3 and 19. The proposal will extend the existing property to the rear forming a dormer extension above an existing kitchen extension and will provide for an additional bedroom at first floor level.

The application originally submitted was exactly the same proposal as previously submitted in application 09/00722/FUL which was withdrawn after attracting a recommendation for refusal due to concerns regarding its design. This application, as acknowledged in a letter submitted at the time of submission, was lodged in exactly the same form as the previously unacceptable proposal in order to comply with the resubmission dates as applied to reapplications accepted on a zero fee basis. The letter also stated that the design of the proposal would be revised. A party representing the applicant met with the division to discuss the possible amendment of the proposal and a revised scheme was latterly put forward and has now been submitted as an amendment to the application.

The amended proposal is virtually identically to the original proposal apart from minor amendments which provide for a slightly sloped rear elevation and for the dormer walls to be finished in slate. Advice Note 19 House Extensions, states that: extensions should not over-dominate the existing house or be designed merely to fit a required amount of accommodation. Policy SC15 House Extensions states that 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.

The amended design has not countered any of the concerns previously raised in respect of the proposal. It is considered that the proposal is not sympathetic to the original building in terms of its scale, design and massing; appearing to have been designed merely to fit a required amount of accommodation. The extension proposed in this instance is attached to an existing dormer extension which is contained within the roof slope of the existing cottage. The extension proposed is essentially a two storey flat roof extension above an existing single storey extension. It will be readily visible from the public roadway and it is of a design, scale and mass that would adversely affect the appearance and character of the dwelling and surrounding area. The extension in the form proposed is unacceptable and if approved would create the potential for an equally large and unacceptable extension on the adjoining semi-detached cottage.

Whilst there are other examples of large box dormers in the surrounding area, including on public elevations, these have generally been in-situ for a number of years. The council's design guidance in the form of Advice Notes 3 and 19 seek to resist the continued erosion of built heritage. Advice Note 3 indicates that box dormers on public elevations will not be permitted. This proposal is to effectively extend an existing box dormer over an existing flat roofed extension on an elevation that is open to public view. This scenario is not specifically addressed in the Advice Notes but the general thrust of the council's guidance is that extensions should not over-dominate the existing house and should be sympathetic in style to the original building. The existing building forms one half of a pair of traditional, single storey, stone built and pitched, slated roof cottages. Whilst both have been altered the basic form remains intact. The provision of a two storey, flat roofed extension would dominate the view of the cottage from the northeast and is not sympathetic to the style of the original cottages. The Committee has refused other proposals, such as application: 06/00030/FUL - 65 Charleston Village, which would similarly have adversely affected the appearance and character of the dwelling and surrounding area. It is the aim of the Council's design guidance to halt any further decline in the environment quality of the overall townscape.

It is relevant to note that there is potential for the neighbouring property to seek a similar extension. That property is immediately adjacent to the public road. In the event that this application was to be approved I consider that it would be difficult to resist a similar extension on the neighbouring property.

I recognise the applicant's desire to extend the property and have no objection in principle to this. This proposal has been designed merely to fit a required amount of accommodation which has resulted in a proposal which by virtue of its design, scale and mass would adversely affect the appearance and character of the dwelling and surrounding area, as such, it does not comply with policies S6 and SC15 of the Angus Local Plan Review and Advice Notes 3 and 19. It would be difficult to resist other development proposals which replicated the parameters which would be established by this proposal. There are no material considerations that justify a departure from policy and the application should be refused accordingly.

Legal Agreement: Not required.

Recommendation:

This proposal is considered not to be in compliance with policies S6 and SC15 of the Angus Local Plan Review and Angus Council's advice notes 3 and 19. There are no material considerations that justify a

departure from policy and it is recommended that the application be refused in accordance with the Council's Scheme of Delegation.

**Reasons upon which decision is based:**

That this proposal, by virtue of its design, scale and mass would adversely affect the appearance and character of the dwelling and surrounding area, as such, it does not comply with policies S6 and SC15 of the Angus Local Plan Review and Angus Council advice notes 3 and 19.

**Conditions:**

**Reasons:**

1. That the proposal, by virtue of its design on an elevation that is open to public view, would adversely affect the appearance and character of the dwelling and surrounding area and as such does not comply with policies S6 and SC15 of the Angus Local Plan Review, and is not compatible with the design guidance contained in Angus Council Advice Notes 3 and 19.
2. That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.



## ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2008**

**PLANNING PERMISSION REFUSAL  
REFERENCE 10/00729/FULL**



To **Mr Alexander Heathwood  
49 Charleston  
Glamis  
Forfar  
DD8 1UG**

With reference to your application dated 1 July 2010 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Extension to Dwellinghouse (Re-Application) at 49 Charleston Glamis Forfar DD8 1UG for Mr Alexander Heathwood**

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 on an elevation that is open to public view, would adversely affect the appearance and character of the dwelling and surrounding area and as such does not comply with policies S6 and SC15 of the Angus Local Plan Review, and is not compatible with the design guidance contained in Angus Council Advice Notes 3 and 19.
- 2 That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

Dated this **20 October 2010**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR.  
DD8 3LG

## REPORT OF HANDLING

<b>Application Number:</b>	12/00800/FULL
<b>Description of Development:</b>	Extension to Dwellinghouse
<b>Postal Address:</b>	49 Charleston Glamis Forfar DD8 1UG
<b>Name of Applicant:</b>	Mr Alexander Heathwood

**Details of any variation under Section 32A:**

Not applicable.

**Representations:**

None.

**Policies:**

TAYplan (2012):

The application has no bearing in strategic terms and the policies of the TAYplan are not referred to in this report.

Angus Local Plan Review (2009)

Policy SC 15 – House Extensions  
Policy S6 – Development Principles

Supplementary planning guidance:

Angus Council advice notes 3 (Roof Space Extensions) and 19 (House Extensions).

**Officer Report:**

Publicity:

The application has been subject of neighbour notification.

Consultations:

No adverse comments have been received from consultees.

- (i) The Head of Roads has offered no objection to the proposal;
- (ii) Scottish Water has made no comment; and
- (iii) Glamis Community Council has made no comment.

Supporting Statements:

A supporting letter has been submitted which indicates (in summarised terms):-

- (i) that the applicants have been active foster parents of young children for many years and in order to continue this valuable work they require more space within their home;
- (ii) the property is a stone cottage which has been extended in the past with a large box dormer and flat roofed ground floor extension. It suggests that these extensions would not conform with policies S6 and SC15. It indicates that there are better design solutions to providing additional accommodation but

indicates that these solution would reduce the amount of space available and would cost significantly more and as such the 'best' design is not a realistic solution.

- (iii) The design proposed as part of this application has previously been refused planning permission but a member of staff had advised the agent that the proposal would be approved\*. (**\*Response:** Officers involved in this case provided no assurance that the previous scheme would be approved).
- (iv) It is claimed that the box dormer proposed will enhance the appearance of the cottage by disguising the unfortunate previous extensions which can only be seen from one public vantage point and then only through foliage.
- (v) It is suggested that the design conforms with the development plan or is not significantly contrary.

#### Planning History:

09/00722/FUL - Extension to Dwellinghouse – WDN. This application proposed a large rear box dormer above the existing kitchen. This application was withdrawn.

10/00729/FULL - Extension to Dwellinghouse (Re-Application) – REFUSED. This amended application proposed the same rear box dormer extension as is proposed as part of the current application. The application was refused planning permission on 20 October 2010 for the following reasons:-

- 1 *That the proposal, by virtue of its design on an elevation that is open to public view, would adversely affect the appearance and character of the dwelling and surrounding area and as such does not comply with policies S6 and SC15 of the Angus Local Plan Review, and is not compatible with the design guidance contained in Angus Council Advice Notes 3 and 19.*
- 2 *That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.*

#### Assessment:

Planning legislation indicates that planning decisions shall be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, policies S6 and SC15 of the Angus Local Plan Review provide the key development plan considerations. Advice notes 3 'Roof Space Extensions' and 19 'House Extensions' are considerations which are material to the assessment.

The property in question is a traditional semi-detached dwelling situated at the front of its curtilage, hard on the heel of the road. The property is very much characteristic of most other properties in Charleston, a settlement characterised by dwellings positioned around a grid iron street pattern with reasonably substantial rear gardens. The dwelling has in the past been subject to a large single storey rear extension and an unsympathetic box dormer at first floor level on the rear roof slope. This box dormer projects around 2.1m from the gable chimney.

The application proposes to extend the existing box dormer for a further 4.3 metres above the existing flat roof single storey rear extension to create a two storey flat roof rear extension. The proposal would allow for the provision of an additional bedroom and shower room. The proposal mirrors a planning application which was refused planning permission in October 2010. While this proposal is identical to the refused scheme, the resubmission is accompanied by a supporting letter which seeks to justify the proposal on the basis that the additional space is required to continue the applicant's role in providing foster care.

The proposal would not impact on parking arrangements or available garden ground. The proposal would allow overlooking of the adjacent neighbour's garden area. However, overlooking of that garden exists from the dwelling at present and I do not consider this proposal would increase overlooking to an unacceptable level. The key test is whether the proposal is compatible with the first bullet of Policy SC15 which indicates that proposals for extension to dwellings will be permitted except where the extension would adversely affect the appearance or character of the dwelling and/or the surrounding area. SC15 indicates that alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area.

In this case, the original dwelling carries the appearance of a single storey semi detached traditional property. The property has a narrow gable and wide frontage and was clearly designed as a modest sized house, very much traditional in form and appearance. Like many other properties in Charleston, it has been

extended with a single storey flat roof extension to the rear and has also been subject of a roof space box dormer extension at the rear. While these extensions are unsympathetic to the original dwelling, they do not have an overbearing impact on the dwelling or street scene. The proposal in contrast, would extend above the existing flat roof rear extension and onto the existing box dormer to effectively create a two storey flat roof extension at the rear of a traditional single storey house. The proportions of the proposed extension are clearly out of scale and out of character with the original dwelling and the extension appears to have been designed to increase internal space with little regard for the resultant impact on the external appearance of the dwelling and street scene. While it can be possible to apply more flexibility in assessing proposals in situations where extensions do not impact on the wider area and street scene, this is clearly not the case for this property which would be visible from two different streets. The two storey box would be clearly visible from the street to the west of the dwelling because of the gap between 49 and 48 Charleston; as well as the road to the north of 50 Charleston which runs east to west. It would result in a form of development which is alien, dominating the existing house in an unsympathetic manner and consequently harming the character of the area contrary to the first bullet of Policy SC15 of the ALPR.

Advice notes 3 and 19 are explicit in indicating that while Angus Council will be sympathetic towards house extensions in general, any extension should be sympathetic to the character of the existing dwelling. It indicates that 'the Planning Authority will not look favourably on extensions which dominate the existing house i.e. the bulk of the extension overwhelms the original house and drastically changes its character or the character of the area. Extensions should be subservient to the original house'. The design of the extension would over-dominate the existing house, creating a large and uncharacteristic roofscape when viewed against the original dwelling and is this contrary to advice notes 3 and 19.

I accept that there are examples of unsympathetic extensions in the village. However, I do not consider that poor forms of development which have taken place in the past should be used to justify further poor examples in the future. It is the aim of the Council's design guidance to halt any further decline in the environment quality of the overall townscape and the Council has successfully resisted other proposals (e.g. 06/00030/FUL - 65 Charleston Village).

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. Amenity and parking/traffic considerations are assessed above under Policy SC15 and I have indicated concerns over the impacts of the proposed extension on the appearance of dwelling and surrounding area. It follows that the proposal would result in unacceptable visual impacts and as such would be contrary to criterion (b) of Schedule 1. There are no issues against the remaining criteria of Schedule 1.

I recognise the applicant's desire to extend their property and I am sympathetic to this desire, particularly given the applicant's motive is to increase their capacity for caring for foster children. However, I believe that this property could be extended in a manner which is more sympathetic to the original dwellinghouse and street scene and which does not conflict with development plan policy. I note that the applicant's supporting statement acknowledges that there are 'better design solutions to providing additional accommodation' and refusal of planning permission for this scheme would not preclude that option being explored.

Planning law indicates that planning decisions shall be made in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would be contrary to policies S6 and SC15 bullet one because the extension represents an unsympathetic addition to the property. I have considered the relevant advice notes and justification put forward by the applicant but I do not consider that there are any considerations which would justify a departure from the development plan and the application is refused planning permission.

Legal Agreement: Not required.

Recommendation: Refusal

**Reasons upon which decision is based:**

That the proposal is contrary to the development plan and there are no material considerations which would override the development plan position.

**Reasons:**

1. That the proposal would result in a large two storey flat roof extension attached to the rear of the original single storey traditional ridged roof dwellinghouse, overwhelming the original dwellinghouse in a manner which is inconsistent with the form, proportions and scale of the original dwellinghouse; which would be to its detriment and to the detriment of the visual appearance of the surrounding area; contrary to policies S6 and SC15 of the Angus Local Plan Review (2009) and Advice Note 3 'Roof Space Extensions' and 19 'House Extensions'.
2. That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2008

PLANNING PERMISSION REFUSAL  
REFERENCE 12/00800/FULL



To **Mr Alexander Heathwood**  
**c/o Stuart Carrie**  
**42 Sutherland Crescent**  
**Dundee**  
**DD2 2HP**

With reference to your application dated 14 September 2012 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Extension to Dwellinghouse at 49 Charleston Glamis Forfar DD8 1UG for Mr Alexander Heathwood**

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

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

- 1 That the proposal would result in a large two storey flat roof extension attached to the rear of the original single storey traditional ridged roof dwellinghouse, overwhelming the original dwellinghouse in a manner which is inconsistent with the form, proportions and scale of the original dwellinghouse; which would be to its detriment and to the detriment of the visual appearance of the surrounding area; contrary to policies S6 and SC15 of the Angus Local Plan Review (2009) and Advice Note 3 'Roof Space Extensions' and 19 'House Extensions'.
- 2 That the proposal, if approved, could lead to other developments of a similar nature to the detriment of the visual amenity of the area.

Dated this **12 November 2012**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR.  
DD8 3LG

Development Management Review Committee

DMRC – 19 February 2013

Review Decision Notice

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Decision by Development Management Review Committee (DMRC)

- Site Address: 49 Charleston, Glamis, Forfar, DD8 1UG
- Application for review by Stuart Carrie on behalf of Mr Alexander Heathwood
- Application No. 12/00800/FULL for the Extension to Dwellinghouse at 49 Charleston, Glamis, Forfar, DD8 1UG
- Application Drawings: Location Plan scale 1:1250; Existing Floor Plan scale 1:50; Existing Front Elevation scale 1:50; Existing Rear Elevation scale 1:50; Existing Side Elevation scale 1:50; Proposed Side Elevation to Adjoining Neighbour scale 1:50; Proposed Side Elevation scale 1:50; Proposed Front Elevation scale 1:50; Proposed Rear Elevation scale 1:50; Proposed First Floor Plan scale 1:50.

Date of Decision Notice: 21 February 2013

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Decision

The DMRC upheld the decision taken by the Head of Planning & Transport and dismissed the review.

**Preliminary**

1. This notice constitutes the formal Decision Notice of the Development Management Review Committee as required by the Town & Country Planning (Scheme of Delegation and Local Review Procedures) (Scotland) Regulations 2008.
2. The above application for planning permission was considered by the DMRC on 19 February 2013. The Committee was attended by Councillor David Lumgair (Chair), Councillor Jeanette Gaul, Councillor Alex King, and Councillor Bob Spink.

**Proposal**

3. Planning permission was sought to extend an existing box dormer by 4.3 metres above the existing flat roofed single storey rear extension to create a two storey flat roofed rear extension. It is proposed that the rear extension be finished with natural slate and that to the front two new Velux windows would be installed.

**Reasoning**

4. The determining issues in this review were:-
- (1) whether the proposal would accord with the provisions of the Development Plan;
  - (2) whether there were any other material considerations that should be taken into account.
5. The DMRC considered the papers submitted by the applicant and the planning authority and determined that they had sufficient information to come to a decision.
6. The DMRC gave consideration as to whether or not the proposed development complied with Policies S6, SC15, Advice Note 3: Roofspace Extensions and Advice Note 19: House Extensions. Policy SC15 indicates that proposals for extensions to dwellings will be permitted except where extensions would adversely affect the appearance or character of a dwelling and/or the surrounding area. It is also indicated that alterations and extensions should respect the design, massing, proportions, materials and general appearance of the area. Policy S6 requires that proposals should not result in unacceptable visual impact.

Advice Notes 3 and 19 indicate that while Angus Council will be sympathetic towards house extensions in general, any extension should be sympathetic to the character of the existing building. It indicates that the planning authority will not look favourably on extensions which dominate the existing house, i.e. the bulk of the extension overwhelms the original house and drastically changes its character or the character of the area. Extensions should be subservient to the original house.

7. It was acknowledged by the DMRC that within Charleston a number of properties had been extended in a variety of different styles. Nonetheless, the DMRC was of the opinion that the proposal would result in a large two storey flat roofed extension which would overwhelm the original dwellinghouse in a manner that was inconsistent with the form, proportions and scale of the original dwellinghouse. It was considered that the proposal would be to the detriment of the visual appearance of the surrounding area and would be contrary to development plan policy and that there were no other material considerations that warranted approval of the application.

Signe



Dated ..... 21 | 2 | 13

Sheona C Hunter, Head of Law &amp; Administration



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)****Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)****Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008**

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

Our Ref: 13/00007/PREAPP /DB/IAL

Your Ref:

29 January 2013

Stuart Carrie  
42 Sutherland Crescent  
Dundee  
DD2 2HP

Ask for: Damian Brennan  
Direct Line: 01307-473316

Dear Mr Carrie

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (SCOTLAND)  
ORDER 1992  
PROPOSED EXTENSION TO DWELLINGHOUSE AT 49 CHARLESTON, GLAMIS, FORFAR,  
DD8 1UG**

Thank you for your pre-application letter and accompanying information, which were received by this Division.

Having studied the information supplied against the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, I am able to confirm that the proposed extension at the above property would require a formal planning application.

I would advise that any application will be assessed against the following policies of the adopted Angus Local Plan Review:

**Policy S3 : Design Quality**

*A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:*

- *site location and how the development fits with the local landscape character and pattern of development;*
- *proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;*
- *use of materials, textures and colours that are sensitive to the surrounding area; and*
- *the incorporation of key views into and out of the development.*

*Innovative and experimental designs will be encouraged in appropriate locations.*

**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 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.*

Further advice is contained in Advice Notes 3 and 19 which provide guidance and it is recommended that any application for consent takes cognisance of this advice.

There are likely to be a number of matters that will be material to the consideration of any planning application for your development. These are likely to include: -

- compliance with development plan policy;
- compliance with relevant supplementary planning guidance;
- representations from consultees/ third parties;
- compatibility with neighbouring land uses;
- suitability of access/parking arrangements;
- acceptability of design/visual impact.

Planning permission is required under the above regulations for the extension proposed. In terms of the proposal shown on the plans submitted for pre-application comments, I acknowledge the changes to the original proposal; the redesign of the extension to reflect the roof design of the original property. Whilst the changes proposed seek to counter the concerns raised in respect of the previously proposed box dormer, the proposal is of a similar mass. I would encourage that consideration be given to the possibility of reducing the mass of the proposal. At this stage I cannot indicate support for your proposal, as it is difficult to give a definitive answer in the absence of full and comprehensive information.

Please note that this reply is in respect of the requirements for Planning Permission under the above Development Control Regulations only. It may be that a Building Warrant is required and you should consult with the Building Standards Section of this Department in order to clarify this.

Whilst enquiries and pre-application discussions are encouraged, it should be stressed that the above advice is given without the benefit of a site visit, external consultations or full and comprehensive information and as such the expressed opinion is given at officer level without prejudice to any decision that may be taken.

I trust the above proves helpful. If you have any further questions please do not hesitate to get in contact.

Yours sincerely

**DAMIAN BRENNAN**  
**PLANNING OFFICER (DEVELOPMENT STANDARDS)**

Letter from Stuart Carrie, 42 Sutherland Crescent, Dundee, DD2 2HP, received 23 September 2013, reads as follows:-

"I refer to the full application for the above which I lodged on Friday. (No ack yet).

I write in support of that proposed development and request that this letter is treated as a formal representation.

In my view the relevant LDP policies are open to interpretation and as such, I think this proposal is in conformity. Should it be considered otherwise there are material considerations which warrant conditional approval.

I have made a request to address committee should the application get that far."

Letter 13/00866/FULL (Stuart Carrie) (Agent)

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**49 Charleston, Glamis**

**APPLICATION NO 13/00866/FULL**

**APPLICANT'S SUBMISSION**

**ITEM 1.** Notice of Review Form

**ITEM 2.** Appeal Statement

**ITEM 3.** Application Drawings



County Buildings Market Street Forfar DD8 3LG

Tel: 01307 461460

Fax: 01307 461 895

Email: plnprocessing@angus.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE                      000076722-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: \*

Last Name: \*

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

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

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

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

Individual  Organisation/Corporate entity

**Applicant Details**

Please enter Applicant details

Title: \*

Other Title:

First Name: \*

Last Name: \*

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

**Site Address Details**

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites.

Northing  Easting

**Description of the Proposal**

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

Extension to Dwellinghouse Re-Application

**Type of Application**

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

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

What does your review relate to? \*

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

**Statement of reasons for seeking review**

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

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

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

See supporting Documents

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*  Yes  No

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

Statement to Review Body  
Application drawings

**Application Details**

Please provide details of the application and decision.

What is the application reference number? \*

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

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



## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

System not allowing me to enter multiple procedures ...Hearing also requested. Site visit required as grounds for refusal refer to precedent.  
Hearing requested as at previous review at least two Members demonstrated by their remarks that they did not understand issues/ had not read papers

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

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

Yes  No

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

Yes  No

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

As PA is concerned about precedent, a visit is required to examine present precedents/ context. Accompaniment is easiest way to achieve this

## Checklist - Application for Notice of Review

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

Have you provided the name and address of the applicant? \*  Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No

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

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*  Yes  No

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

## Declare - Notice of Review

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

Declaration Name: Stuart Carrie

Declaration Date: 18/11/2013

Submission Date: 18/11/2013

## Proposed Extension to Dwellinghouse at 49 Charleston, Glamis.

### STATEMENT TO REVIEW BODY

This is an attractive, semi-detached cottage of traditional design which has already been significantly altered to make it suitable as modern family accommodation by the addition of flat roofed extensions with non-traditional external finishes. These extensions were presumably considered to be in conformity with development plan policy at the time by Angus Council or its predecessor. Charleston of Glamis is itself a beautifully located and characterful village with a formal, planned street pattern and a high degree of uniformity in the scale and external finishing materials of the Angus vernacular style cottages.

Many observers would have been of the opinion that the whole village was worthy of being given Conservation Area status back in the 1970s when most of these areas were designated in Scotland. However, Angus is blessed with many such villages ...well over the Scottish average... and the Council and its predecessor has necessarily been selective in its designation of Conservation Areas over the years. Consequently, there have been many alterations to cottages in the village as well as new infill development which have not respected the quality of the village environment.

The existing extensions at 49 Charleston already detract from the traditional appearance of the original cottage: The ground floor extension is flat roofed and the dormer extension is a box type structure covering the whole of one side of the roof. It is timber clad (thus difficult to maintain as well as being visually inappropriate) with ill-proportioned fenestration. Former Angus Development Plan policies have always sought to ensure that (even outwith Conservation Areas) new development did not detract from the appearance of the existing property or its neighbours. These existing extensions are inappropriate in design, scale and external finishing and it can be argued, have never conformed with any current or former Angus development plan policies.

The proposed development presents an opportunity to disguise these existing inappropriate extensions with a raked frontage clad in natural Scottish slate with windows of traditional, vertical proportion, providing an overall appearance much more redolent of traditional Angus architecture. The proposed development would also tidy up the existing ridge detail, when viewed from the street, by providing a low profile lead flashing detail.

The grounds for refusal ...which, in anticipation of this review request, are slightly more specific than those of the previous refusal of an identical design... suggest that the proposed development will impact on the village street scene. It is accepted that there would be a public view of the proposed development but only from a very limited single vantage point and that, screened for most of the year by the foliage of a neighbour's tree.

Even in winter the branches of that tree offer an effective visual foil to any public view of the proposed development.

Ground 1 alleges that the proposed development is contrary to Policy S6 of the Angus Local Plan Review. That policy only requires that new development proposals must “have regard” to whichever of the nineteen principles set out in Schedule 1 of the plan are “relevant.” Of these nineteen principles, only one ... namely Principle (b) under the heading Amenity \_”Proposals should not result in unacceptable visual impact.” is relevant. Given the extremely limited and partially screened public aspect of this proposal as well as the visual improvement which would occur as a result of the improved elevational appearance (raked back from the vertical and with much better traditional materials and vertical windows) it is submitted that this policy requirement is met.

Ground for Refusal 1 also alleges that the proposed development would be contrary to Policy SC15 of the Angus Local Plan Review. This clearly only relates to one of the four requirements of that policy. Namely: House extensions will be permitted except where they would ...”Adversely affect the character of the dwelling and/ or [the character of] the surrounding area. Alterations and extensions should respect the design, massing, proportions materials and general visual appearance of the area.” The other three elements of this policy are not contravened in that there is no impact on residential amenity (such as privacy of neighbours) : the extent of private amenity space is not reduced : and there is no reduction in off street car parking space involved.

Examining the above design criteria, the proposed development certainly respects the “design” of the area. That design is mainly vernacular but not exclusively. There are many alterations to these vernacular cottages, some quite inappropriate; much use of modern external finishes and at least one intrusive infill development of wholly incongruous design. The submitted design is cleverly conceived in this context. It seeks to remove badly designed elements from both of the previous extensions: namely, the boxy nature and timber cladding of the dormer and the flat roof of the kitchen. The submitted design would greatly improve on the appearance of the existing cottage while in no way detracting from ...indeed in some respects enhancing... the context described above. The proposed design fully respects the proportions of the existing cottages and new development in the area. The proposed materials are clearly a significant improvement. Respect for the “general visual appearance of the area” is assured in the submitted design as described above. To reiterate, this design would result in an overall visual improvement, given its negation of existing inappropriate elements, its traditional materials and window design and its largely screened nature given the existence of the neighbouring tree. That only leaves “massing” as an area of possible concern in terms of Policy SC15. It is conceded that the massing of this proposal, considered on its own, is not entirely respectful of the character of the original cottages.

However there is simply no public vantage point, indeed, no private vantage point, (save perhaps, on the neighbour's roof) where the slightly inelegant but only evidence of the massing, would be evident. (ie. the side elevation) It is submitted that this non- significant policy departure, if it is such, is no sound reason in the context of the whole of Policy SC15 to justify refusal of planning permission.

Policy SC15 does not actually refer to "form" and "scale" specifically but it has been assumed that the use of these terms is synonymous with "massing" which is used in the policy and which is addressed above. If another definition is intended, the right to respond further is respectfully requested.

Ground for Refusal 2 is a surprise as most Scottish planning Authorities accept the advice of their legal advisors that all of their town and country planning decisions are taken on their individual merits dependent upon the unique material considerations of each individual application. All of the principal planning law textbooks in Scotland stress that it is a fundamental principle that each planning application must be determined only on its individual merits. It is acknowledged that, in very particular, limited circumstances, the setting of a precedent may be justifiable as a ground for refusal but invariably it can be seen from appeal decisions recorded on the Scottish Government appeals branch website that, over many years, most often such grounds are dismissed on appeal.

However, as precedent has been raised as a material consideration in this case, it is expected that the Local Review Body will consider evidence of established precedents in the village that tend to support the granting of conditional planning permission for this proposal. Accordingly, it is respectfully suggested that the site visit which has been requested in this case should examine not only the site at 49 Charleston but should also look at the whole village context, in particular making note of the numerous visually incongruous developments, some of which are quite recent. [It is important that this is assessed by site inspection]

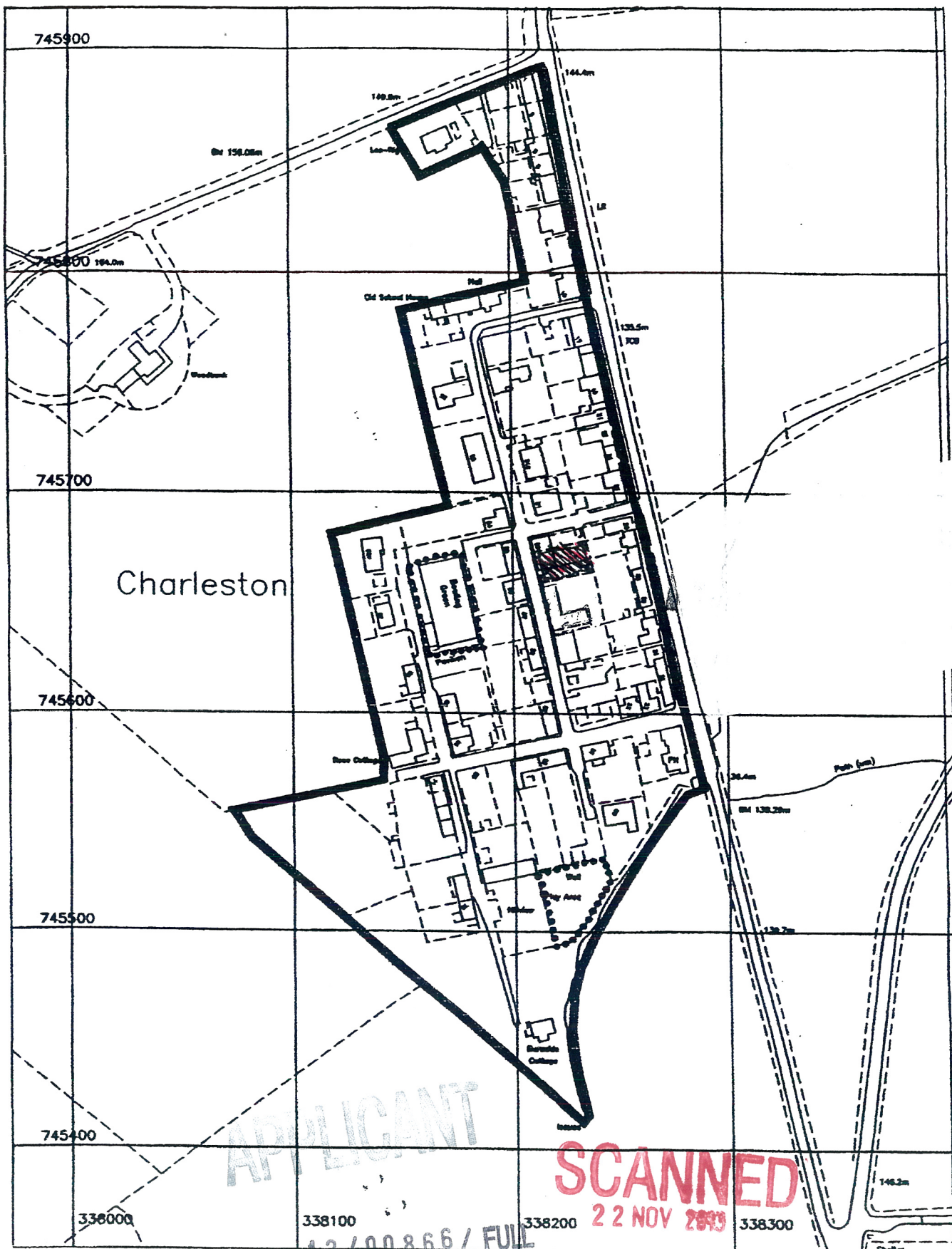
To conclude, it is submitted that the submitted design is a logical solution to the appellants requirement for additional space to enable them to continue child fostering at a time when removing to a larger house in the locality is not an option. Architecturally, the design is most appropriate as it would result in the removal of previous inappropriately designed and finished extensions and the creation of an efficient spatial solution which also would visually enhance the exterior appearance of the building while conforming with current development plan policy.[The Review Body should be made aware that an alternative design was submitted informally and a singularly unhelpful response given by officials]

It is further submitted that the justification for the claim of conformity and therefore for granting conditional planning permission, has been fully established in the foregoing text. Should the Local Review Body not accept the voracity of this reasoned justification then the LRB has ample grounds to grant permission as a non- significant policy departure justifiable by material considerations. For clarity these material grounds include:

- 1 The personal circumstances of the appellant.
- 2 The carefully considered nature of the proposed design which is :  
spatially efficient and affordable  
remediates previous inappropriately designed extensions  
has an attractive external appearance with a natural Scottish slate finish
- 3 The essential conformity with all of the numerous aspects of Angus Local Plan Review policies S6 and SC15
- 4 The numerous established recent precedents for developments of this nature in the village.

Stuart Carrie.

Chartered Town Planner (retired)



APPLICANT

SCANNED  
22 NOV 2013



**Charleston**  
Angus Local Plan Consultative Draft

REFUSED

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Scale 1:2500

Woodbank

Charleston

1180

Rose Cottage

Pavilion

Bowling Green

PH

TCB

136.4m

135.5m

Path (um)

13 / 00866 / FULL

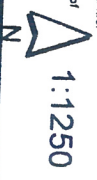
APPLICATION

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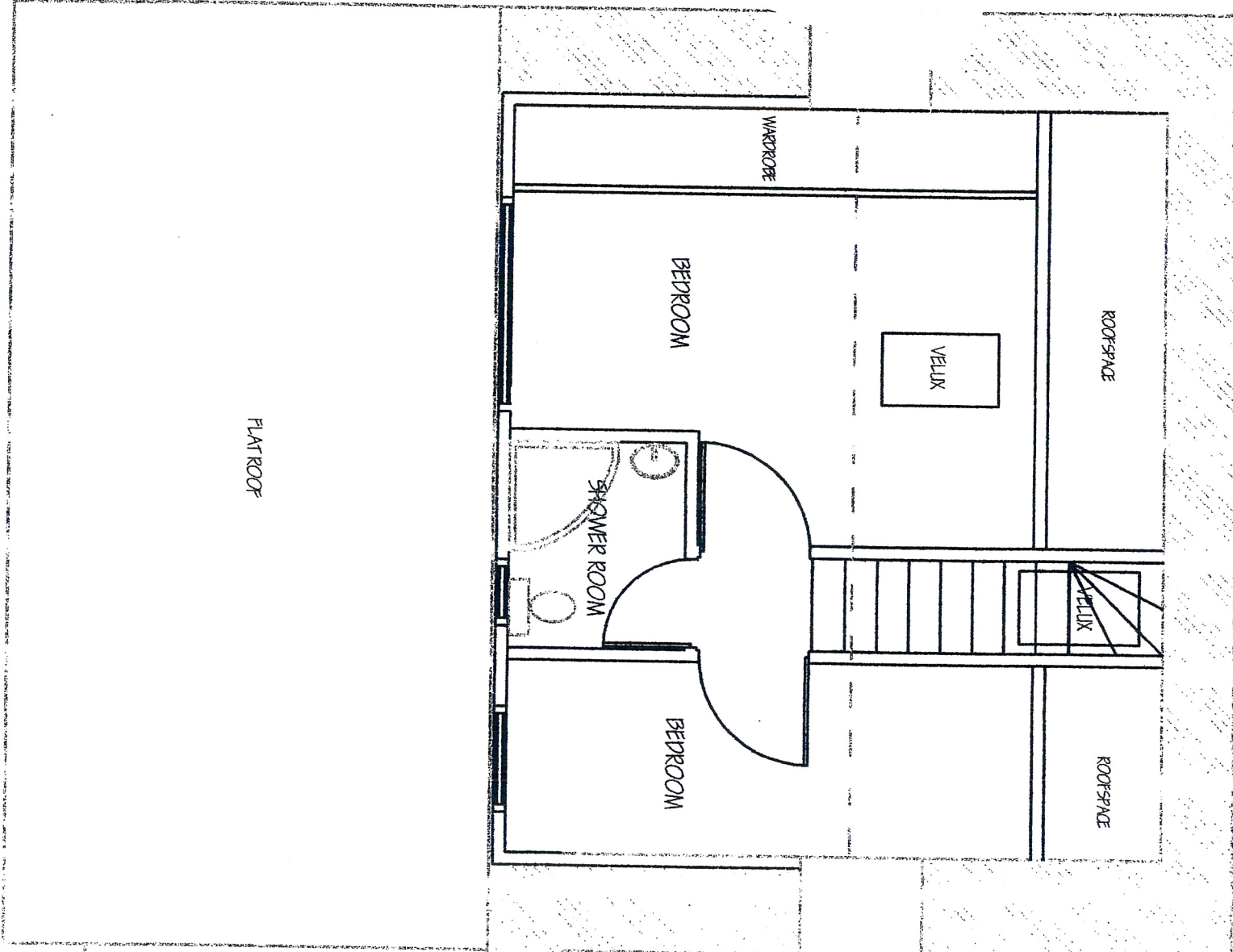
SCANNED  
22 NOV 2013



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FLAT ROOF

ROOFSPACE

VERANDAH

BEDROOM

WARDROBE

SHOWER ROOM

VERANDAH

ROOFSPACE

BEDROOM

ADJOINING NEIGHBOUR

**REFUSED**

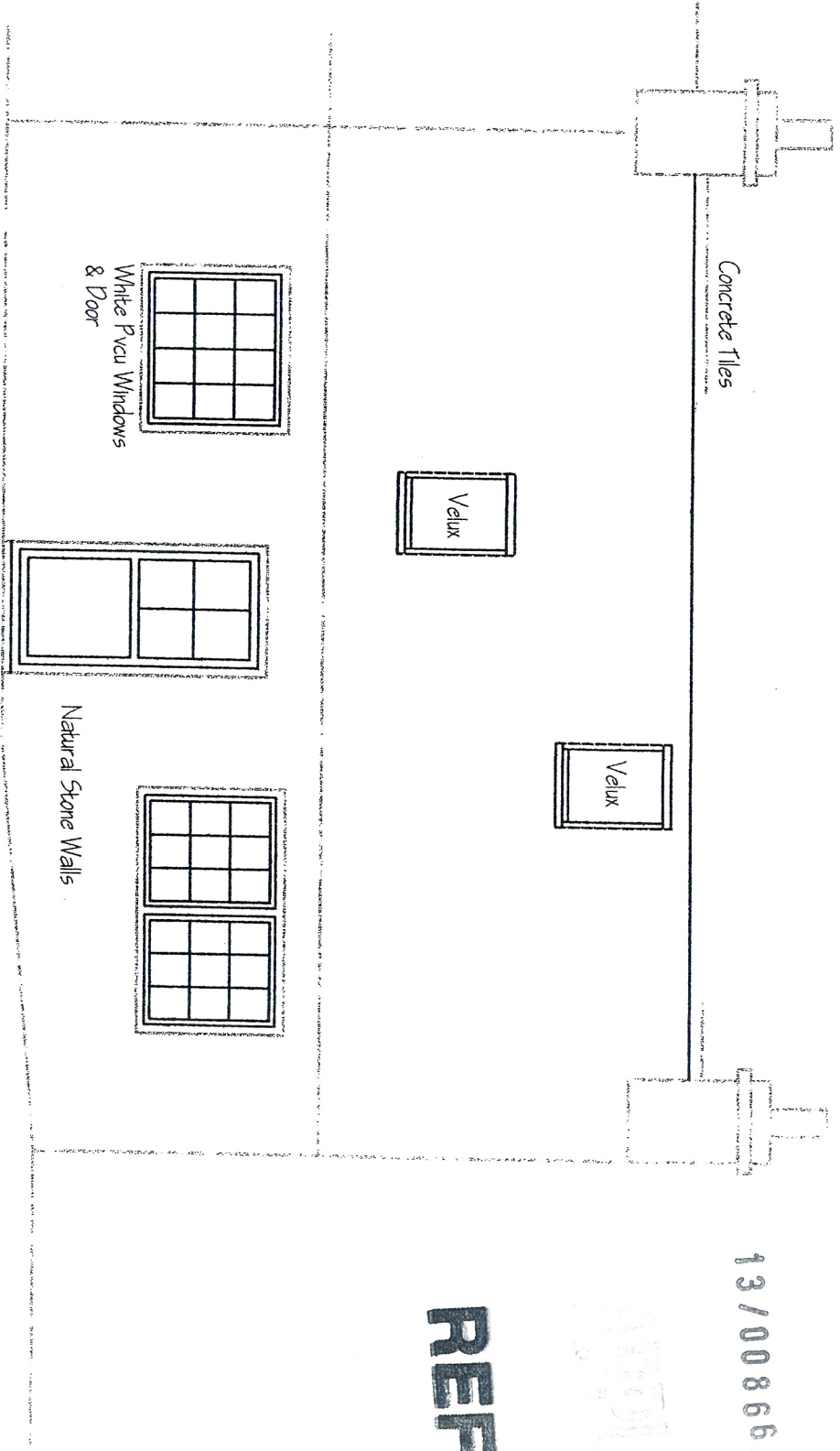
**SCANNED**  
22 NOV 2020

APPROVED

13 / 00866 / FULL

**EXISTING  
FIRST  
FLOOR  
PLAN**

1:50



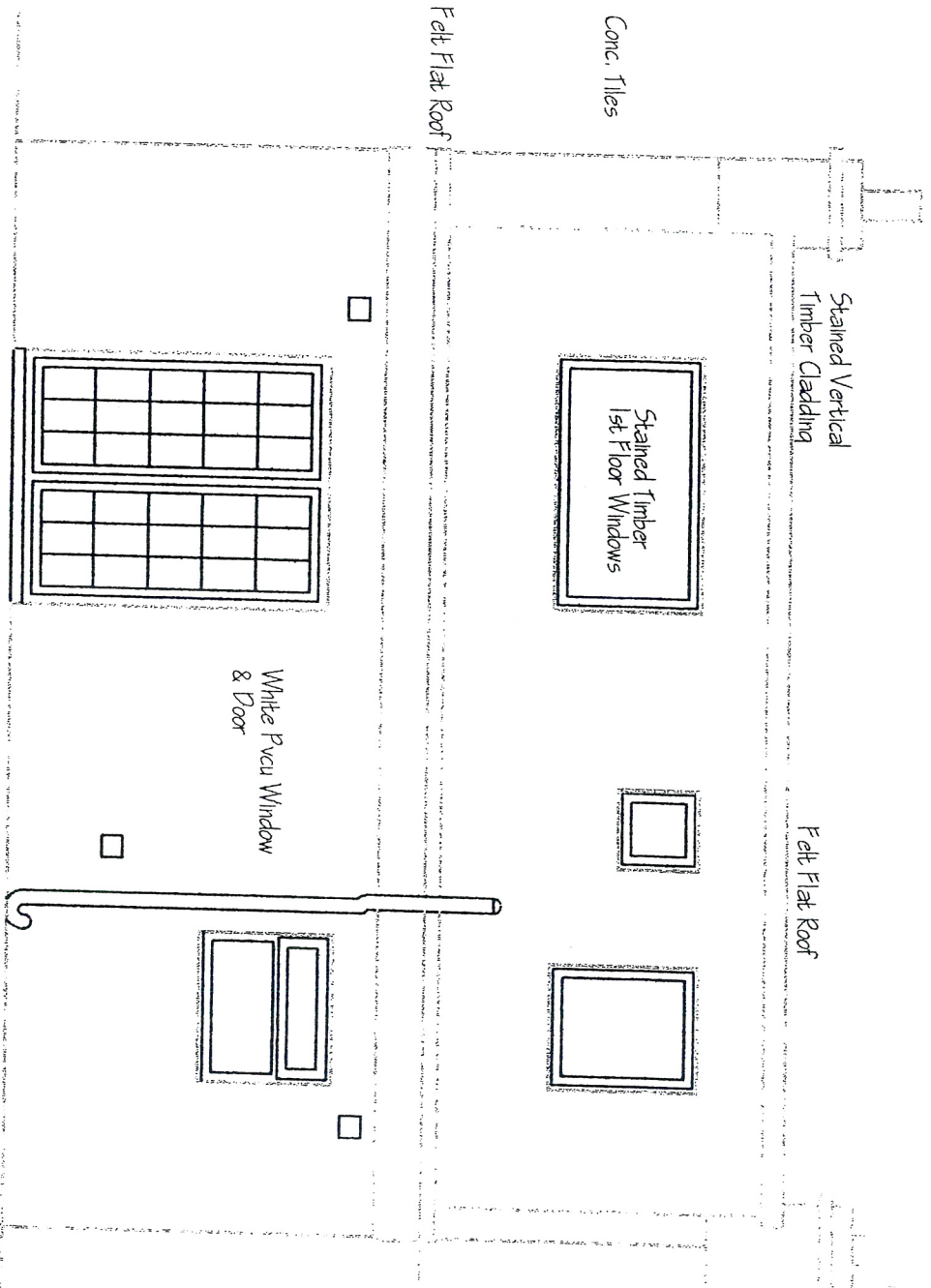
EXISTING FRONT ELEVATION

1:50

13/00866 / FULL

SCANNED  
22 NOV 2013

REFUSED



EXISTING REAR ELEVATION  
1:50

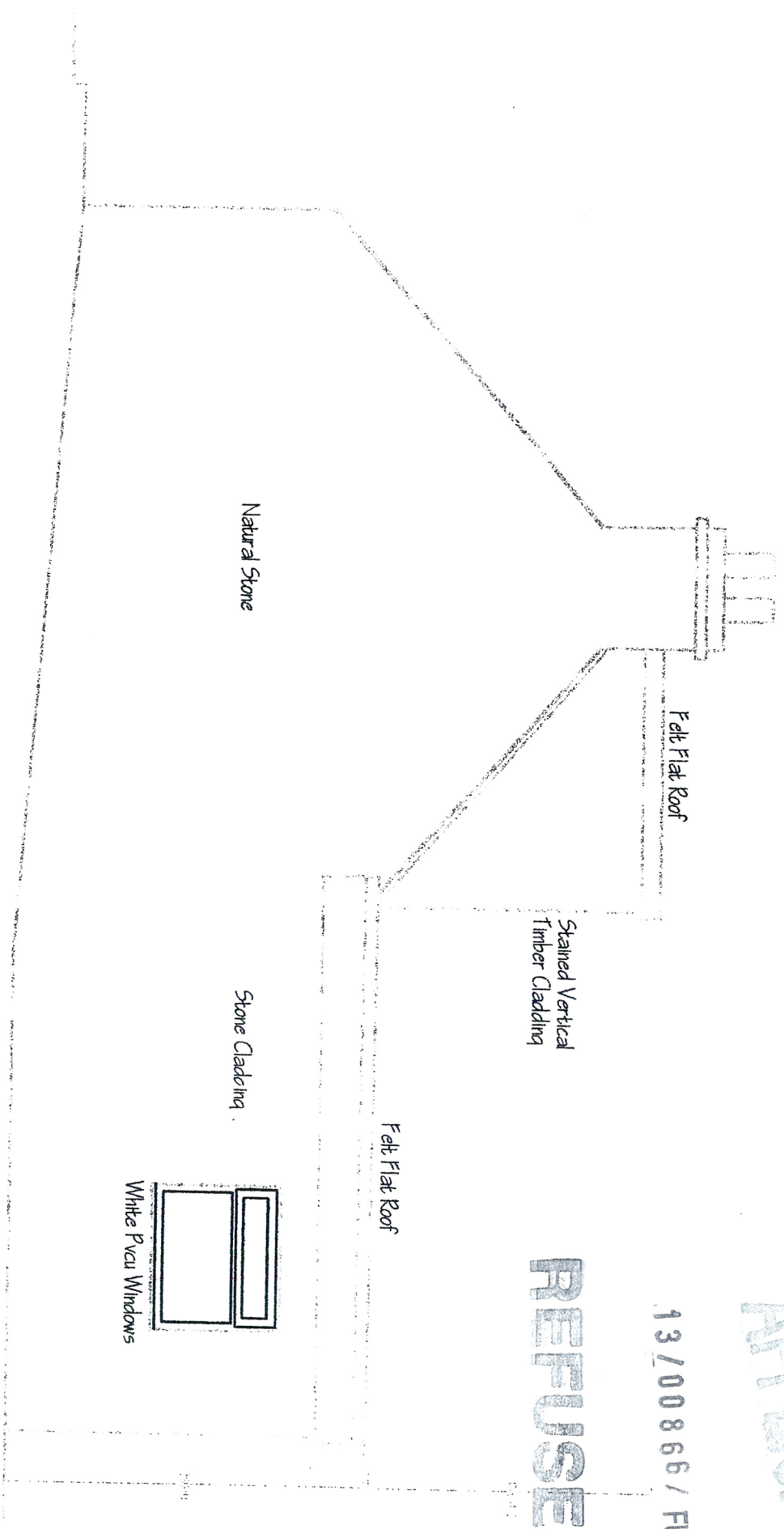
APPLICANT

SCANNED  
22 NOV 2013

13/008667/011

Neighbouring Property

REFUSED



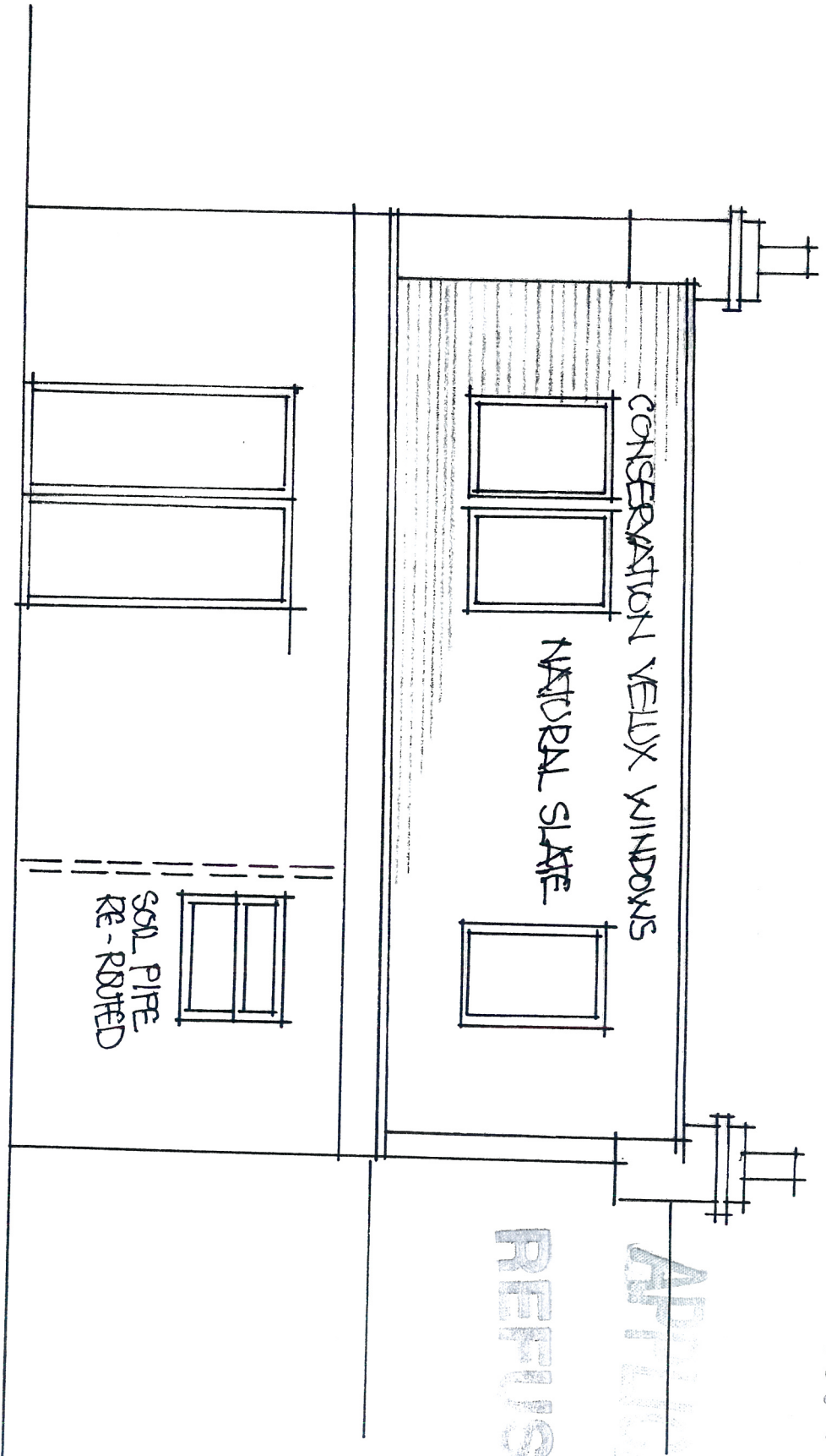
EXISTING SIDE ELEVATION  
1:50

REFUSED

13/00866 / FULL

SCANNED  
22 NOV 2013

ART 13/00866



PROPOSED REAR ELEVATION

1:50

13 / 00 8 66 / FULL

SCANNED  
22 NOV 2023

REFUSED

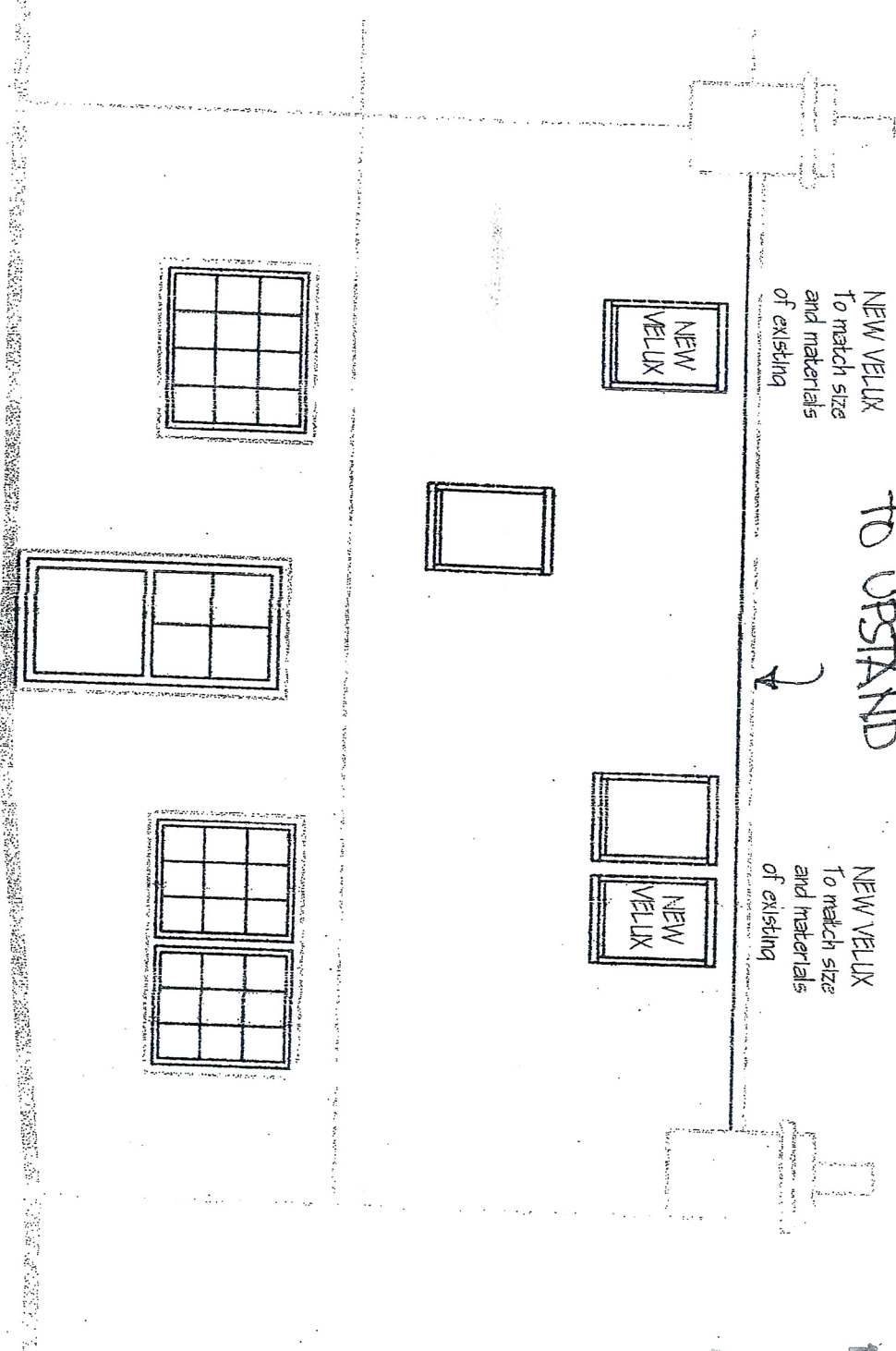
Approved

LEAD FLASHING  
TO UPSTAND

NEW VELLUX  
To match size  
and materials  
of existing



NEW VELLUX  
To match size  
and materials  
of existing



PROPOSED FRONT ELEVATION

~~APPROVED~~

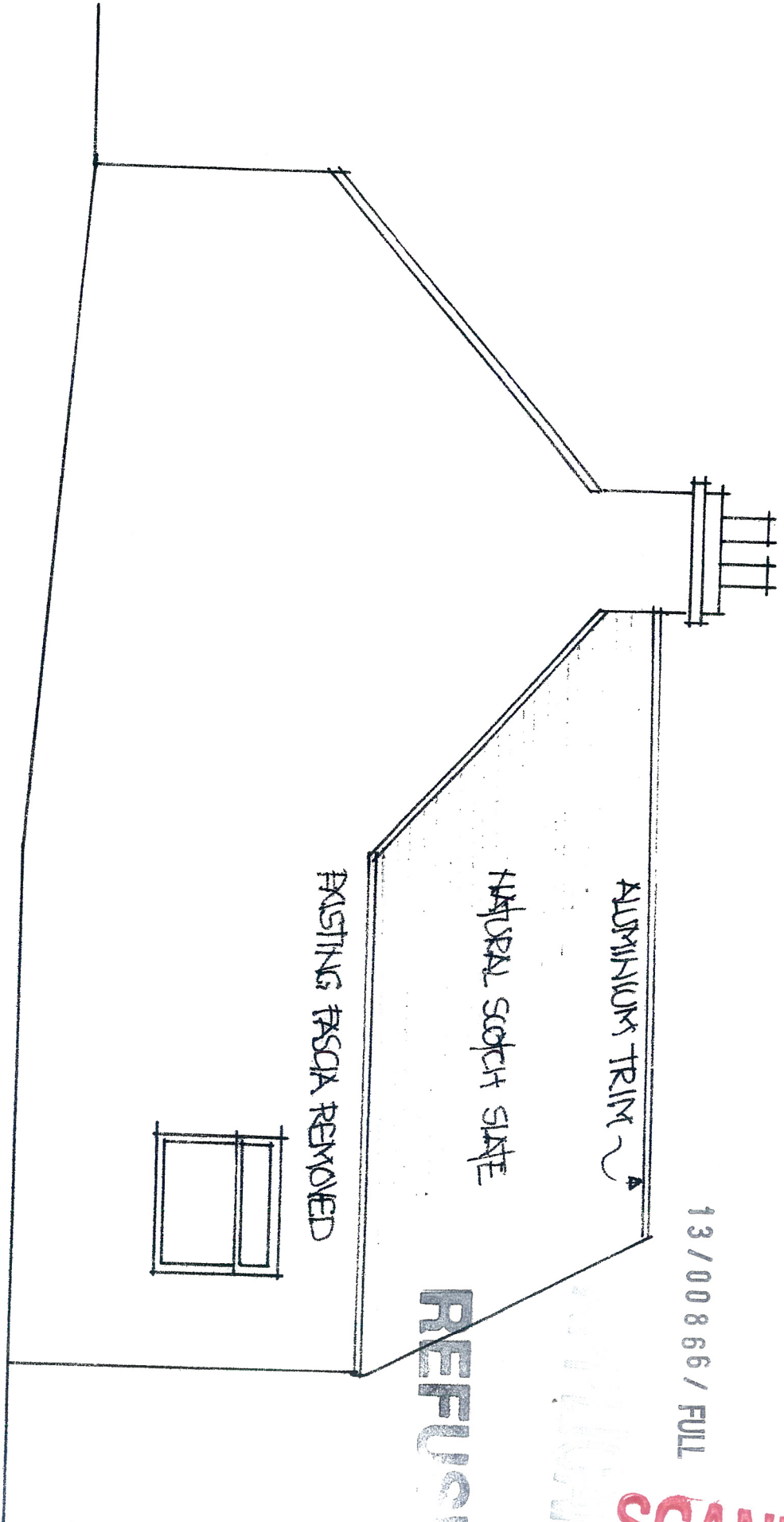
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13 / 00 8 66 / FULL

APPLICANT

SCANNED  
22 NOV 2013

REFUSED



PROPOSED SIDE ELEVATION

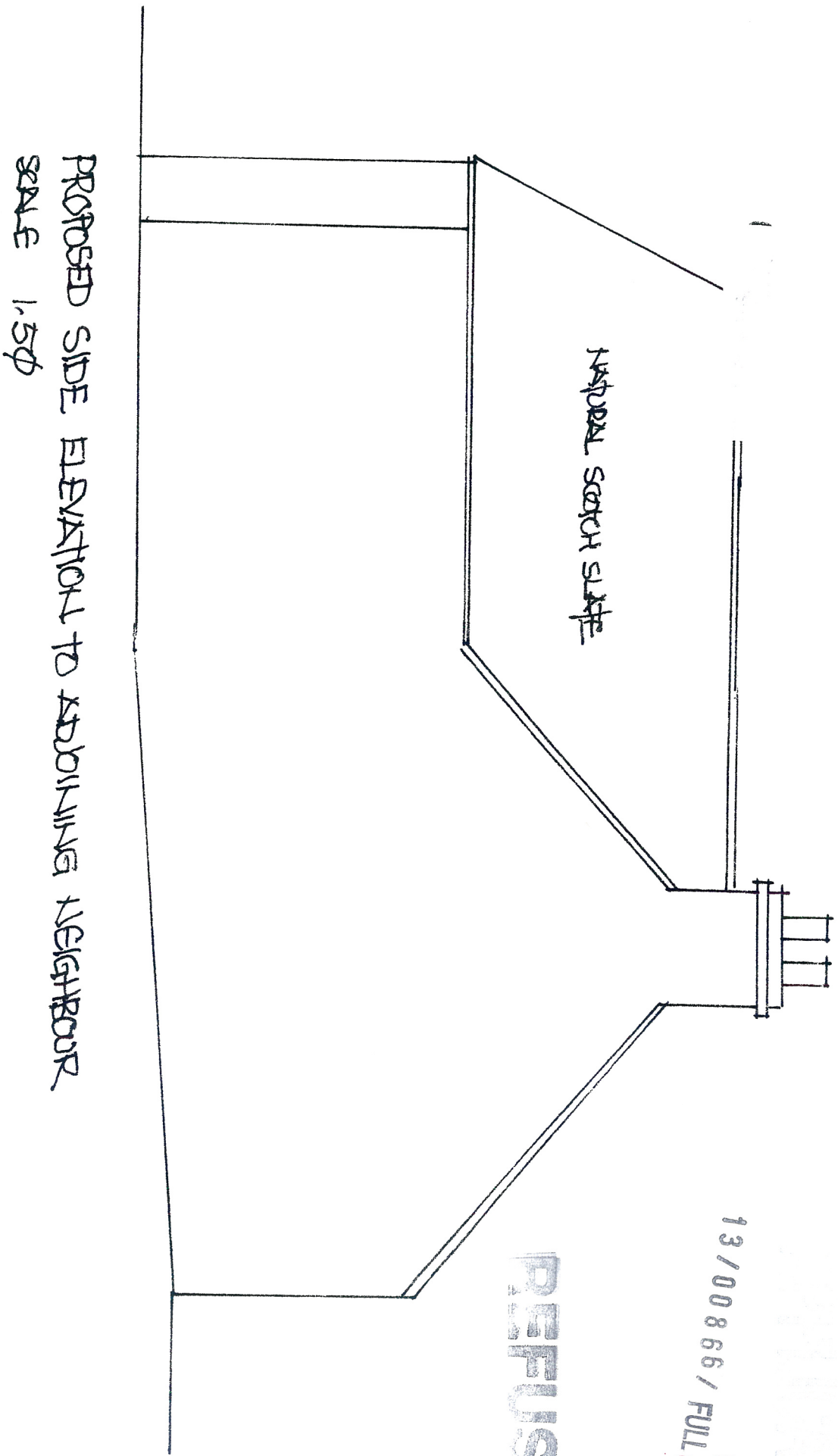
~~PROPOSED SIDE ELEVATION~~

1:50

13/00866 / FULL

REFUSED

SCANNED  
22 NOV 2013



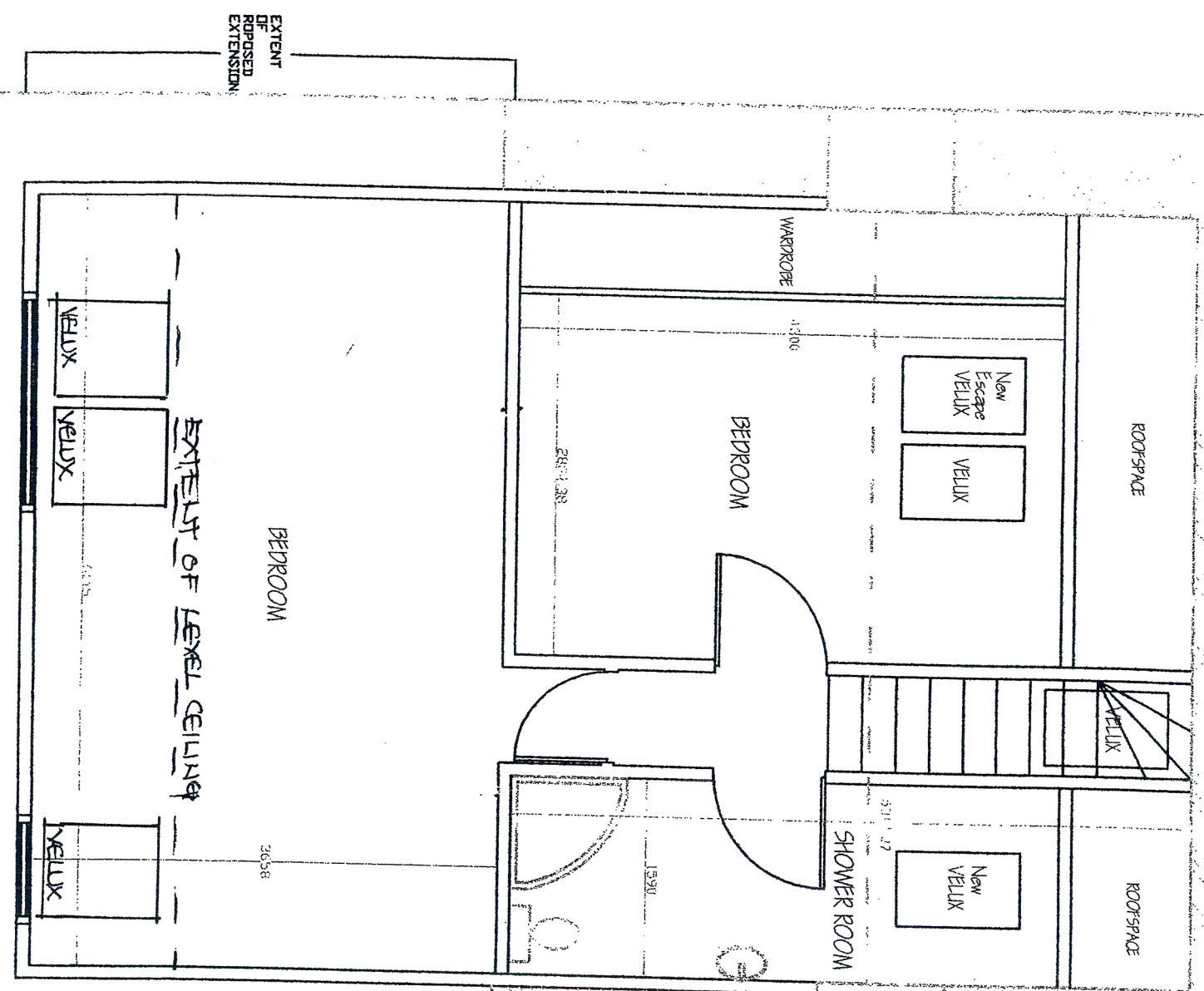
PROPOSED SIDE ELEVATION TO ADJOINING NEIGHBOUR  
SCALE 1:50

NATURAL SLOPE SLATE

REFUSED

13/00866 / FULL  
SCANNED  
22 NOV 2013





PROPOSED  
 FIRST  
 FLOOR  
 PLAN  
 1:50

ADJOINING  
 NEIGHBOUR

REVISION

13/00866 / FULL

SCANNED  
 22 NOV 2013