

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 9 JULY 2015

WESTER INVERHARITY, GLEN ISLA, BLAIRGOWRIE

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission for the erection of a conservatory, application No. 15/00108/FULL at Wester Inverharity, Glen Isla, Blairgowrie.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

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

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

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

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

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List of Appendices:

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

APPENDIX 1

APPLICATION NUMBER – 15/00108/FULL

APPLICANT- MR GIBB

PROPOSAL & ADDRESS – CONSERVATORY TO BE ERECTED AT WESTER
INVERHARITY, GLEN ISLA, BLAIRGOWRIE, PH11 8QL

ANGUS COUNCIL'S SUBMISSION

CONTENTS

Ref No	Item	
AC1	Report of Handling	
AC2	Policy Tests (Angus Local Plan Review 2009)	
	Policy S6: Development Principles including Schedule 1	
	Policy SC15	
	Advice Note 15	
	Advice note 19	
	Consultation Responses	
AC3	Head of Technical And Property Services - 09.02.15	
	Letters of Representations	
AC4	Marjory J P O Gibb – 10.02.15	
	Application Drawings	
AC5	OS Map	
AC6	Refused Drawings	

Angus Council

Application Number:	15/00108/FULL
Description of Development:	Conservatory to be erected. Resubmission of 14/00496/FULL
Site Address:	Wester Inverharity Glen Isla Blairgowrie PH11 8QL
Grid Ref:	318932 : 764138
Applicant Name:	Mr Gibb

Report of Handling**Site Description**

The application site is located in Glen Isla, within the centre of the Folda development boundary. The site measures approximately 0.14ha and fronts the main road from Kirkton of Glenisla to Floda in the west. The site is bound by steep sloping woodland in the east, where part of this slope forms the easterly extremes of the application site and the application dwelling backs almost directly onto the incline; there is little flat garden ground to the rear of the dwellinghouse. The site is bound by a high hedge and open land in the north and a modern property directly to the south. The 1¼ storey detached application property is in an elevated location and fronts the classified road in the west. The dwellinghouse has two small pitched roof wall dormers on the principal roof plane as well as a small pitched roof front porch at ground floor on the same elevation. The porch has a rough footprint of 1.65 square meters (sqm) and is of a dwarf wall and timber construction. Both the porch and dwelling have a slate roof and white wet dash render walls. The property is reached by a shared access and a small lowered parking area is located between the principal elevation of the dwelling and the main road.

Proposal

The application proposes a pitched roof single storey 15.75sqm extension to the principal elevation of 1¼ storey detached property. The proposed extension would replace a small scale traditional porch and would allow for an enlarged entrance area. The development would include a dwarf wall, finished in wet dash, with a white PVCu frame above and a glazed roof. The proposed doorway would be formed by half glazed PVCu French doors located on the south elevation of the development, as is the facing of the existing doorway on the existing porch.

The application has not been subject to variation.

Publicity

The application was subject to normal neighbour notification procedures.

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

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

Planning History

14/00496/FULL for Erection of Front Porch was determined as "Application Withdrawn" on 19 August 2014.

Applicant's Case

No supporting information was submitted.

Consultations

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

Angus Council - Roads - Offer no objection to the proposal.

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

Representations

1 letter of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 1 supported the proposal.

The main points in support were as follows:

- Improves Visual Amenity
- Improves Residential Amenity

Development Plan Policies

Angus Local Plan Review 2009

Policy S6 : Development Principles (Schedule 1)

Policy SC15 : House Extensions

TAYplan Strategic Development plan

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

Other Guidance

Advice Note 19 : House Extensions

Advice Note 15 : Front Extensions

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

Assessment

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

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP)

published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

The key policy in assessing the suitability of this proposal would be Policy SC15, where bullet point one would consider the potential impact an extension may have on the appearance and character of a dwelling and/or the surrounding area, where any acceptable alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area. It is also relevant to consider Angus Council Advice Note 15 which relates to front extensions.

Advice Note 15 states that the public front elevation of a house is rarely an appropriate location for an extension. Further, as a general recommendation, front porches should not exceed 2.7m x 1.8m projection, unless an individually designed house is involved, in which case the porch should appear as though it would have been approved as part of the original consent for the property. In considering the exception noted above in the context of the current proposal, as the property is a long established dwelling which is likely to predate the current planning system it is considered fair to apply the principle of this exception as opposed to the literal translation. The principle of this exception is to prevent any unacceptable development to the principal elevation of a property which does not tie in with or complement the original dwellinghouse. The principle of this exception for exceeding the recommended porch sizing would further enforce the considerations of point one of Policy SC15 noted above.

Therefore, in assessing the current proposal against the principles discussed above it is apparent the proposal would a large extension on the front and public elevation of the property. The extension would far exceed the recommended porch footprint size of 2.7m x 1.8m, and as such the proposal would have to complement or replicate the design of the existing house to comply with Advice Note 15. In this respect the proposal would be of a scale, overwhelming the principal elevation of the property where the extension would develop a considerable proportion of this elevation and would have a considerably larger footprint than that of the existing porch. Notwithstanding this it is evident an existing first floor centre window restricts the height of the proposal to either below this window or above, where the current ridge is proposed above this window. However this restriction would not justify an extension of this scale. The current height coupled with the width of proposed extension would result in an inappropriate massing for the front elevation of this property.

Turning to the design of the extension, the proposed design would be typical of a modern suburban rear conservatory and would not suitably reflect or complement the existing traditional building. The west dash rendered property is not listed or within a conservation area however it is recognised that other than replacement PVCu windows the principal elevation remains relatively unaltered and retains many quaint original features to this traditional property within a sensitive location. The design of the proposal would not be acceptable. It is recognised the proposed dwarf wall would make a slight reference to the form of the existing porch but when combined with the scale of the extension, large PVCu framed glazing and the glazed roof the proposed form would be unacceptable. In addition to this, the solid to void ratio of the proposed extension would not replicate that of the existing house, where the original property has small window openings and the extension is predominantly glass, this would conflict with the guidance in Advice Note 15. The intrusive scale and inappropriate design of the proposal would be further emphasised by the elevated and open nature of the principal elevation of the property.

The proposed materials would generally replicate the materials of the existing property, with PVCu glazing frames and wet dash render; however, the proposed roof would be fully glazed. In this instance it

is deemed a fully glazed roof would not complement the traditional slate roof of the main house, would emphasise the modern and unsuitable design of the proposal and would further detrimental from the character of the existing building.

In considering the proposal in relation to the surrounding area, it is noted the property neighbouring the application site is adjacent to a modern build property of a non-traditional rural form. However, the presence of a house of such a design and style would not justify the negative impact the current proposal would have on the character of the application property and the possible precedent it may set for similar modern style extensions if approved. Widespread developments of such a contemporary overbearing nature upon highly public, visible and sustainably unaltered principal elevations of traditional properties would degrade the character of similar rural Angus properties. In conclusion the proposed replacement porch would not be in keeping with and would have a detrimental impact upon the character, appearance and the proportions for the original property, would not comply with point one of Policy SC15 or the principles of Advice Note 15.

Notwithstanding the above fundamental issues, and in the interest of completeness, it is necessary to returning to the remaining points of Policy SC15. In terms of residential amenity, due to the low development density of the area and the siting of the proposal, the extension would not cause detriment to the level of sunlight/daylight reaching any other property. Similarly the proposed extension would only impact the privacy of one dwelling located to the south. Albeit the resultant overlooking would not be unacceptable in this instance as there are existing windows on the main application dwellinghouse positioned closer to the southern neighbour, as there is currently no boundary treatments between the two properties and as the neighbour submitted a letter supporting the application. The resultant level of overlooking would not be unacceptable. The resultant level of garden ground would remain ample. The existing access arrangements and parking provisions would be unaltered by the proposal. The Roads Service has confirmed no objection to the proposal. Although the proposal would not raise any significant issues in relation to points two through four of Policy SC15, this would not justify the unacceptable points discussed above.

The proposal should also be considered against Policy S6 and the associated Schedule 1 Development Principles of the ALPR. This policy includes considerations relating to amenity; roads/parking/access; landscaping/open space/biodiversity; drainage and flood risk; waste management; and supporting information. Visual and residential amenity has been assessed above under Policy SC15 where the impact upon the residential amenity of the area was deemed acceptable but the impact upon visual amenity was considered detrimental. Thus the proposal would also fail to comply with Policy S6. Parking/traffic considerations have also been assessed above under Policy SC15 and deemed suitable. The proposal does not give rise to any significant issues in terms Schedule 1.

In considering other material considerations, regard must be had to the planning history on the site. Application reference 14/00496/FULL proposed a front extension of a similar scale and style to the current proposal but with a lean-to roof. At the time of this previous application similar concerns were raised with regards to the overwhelming scale and the unsuitable design of the proposal and the subsequent departure from the relevant development plan policies. As a result this previous application was withdrawn. Although the current proposal has a smaller footprint and is of a more appropriate pitched form, and in general terms would constitute as is an improvement to the 2014 proposal, the alteration which have been made are would not establish a significant change which would address the previous concerns or to ensure the proposal's compliance with the relevant policies. Likewise, considering the representation submitted in support of the application, the reasons for support would not justify the above departure from the relevant policies and supplementary guidance.

In conclusion the proposed development would not comply with policies S6 and SC15 of the Angus Local Plan Review (2009) or the guidance in Angus Council's Advice Note 15 as the proposed extension would result in an unacceptable detrimental impact upon the appearance of the traditional dwellinghouse. The scale and style of the resultant extension would not be in keeping with the character of the existing building and there are no material considerations that would justify a departure from the development plan. On this basis the application is refused planning permission.

No legal agreement is required.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the proposed development would not comply with policies S6 and SC15 of the Angus Local Plan Review (2009) or the guidance in Angus Council's Advice Note 15 on the basis the proposed extension would result in an unacceptable detrimental impact upon the appearance of the traditional dwellinghouse. The scale and style of the resultant development would not in keeping with the character of the existing building and there are no material considerations that would justify a departure from the development plan.

Notes:

None.

Case Officer: Stephanie Porter
Date: 1 April 2015

Appendix 1

Development Plan Policies

Angus Local Plan Review 2009

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke,

- soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

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

Landscaping / Open Space / Biodiversity

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

Drainage and Flood Risk

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

Supporting Information

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

Policy SC15 : House Extensions

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

would:

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

TAYplan Strategic Development plan

The proposal is not of strategic

Cairngorms National Park Local Plan

The application site is not within the National Park.

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.

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Schedule 1 : Development Principles**Amenity**

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- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

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

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House Extensions

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

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

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

Policy SC15 : House Extensions

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

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

INTRODUCTION

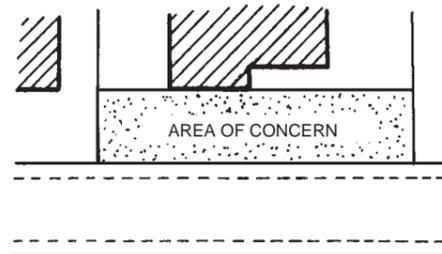
Accentuated by the recent increases in home ownership, the Council is receiving a greater number of planning applications for extensions to houses, mainly at the rear, often in the roof and less frequently but most prominent, on the front. The Council's Advice Note 3 deals with roofspace extensions.

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

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

COVERAGE

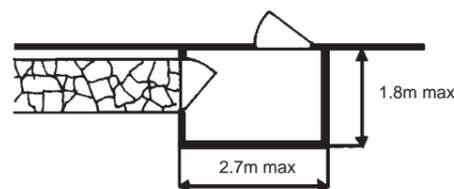
Any new construction between the forwardmost part of the original house and a public road requires planning approval. This then is the area of concern of this Advice Note and is likely to include porches, bay windows and other extensions whether or not they comprise additional rooms, plus garages/car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



PORCHES

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

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



Unless:

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

- (b) An individually designed house is involved, in which case a larger porch will be acceptable if, in the opinion of the Council, the proposal would have been accepted as part of the original consent for the house.
- (c) The proposal, even within the size limits indicated, has an unduly adverse effect upon an adjacent property (e.g. significantly blocks the light into a living room because of the close proximity of a window).

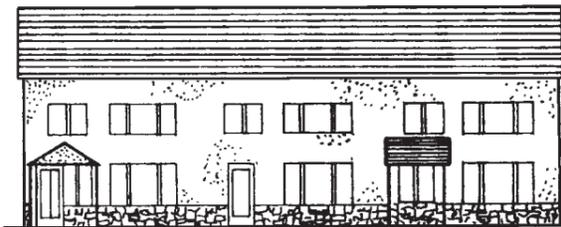
Design:

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

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

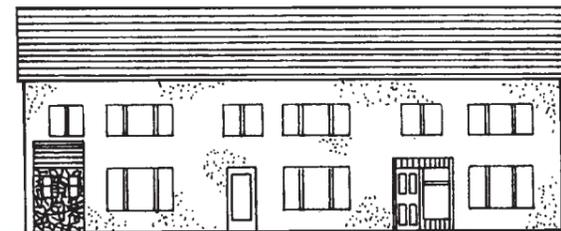
Materials should match those of the original dwelling and timber will only be permitted where seen on the original.

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



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

NOTE: Both would not be acceptable on same block.

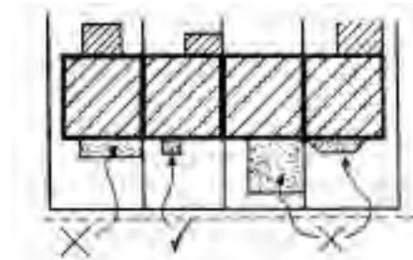


Two examples of unacceptable designs, one with a flat roof, one with a lean-to, both utilising unsympathetic materials and alien window styles, etc.

FRONT EXTENSIONS

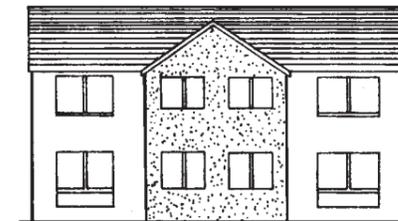
The public front of a house is rarely an appropriate location for the construction of additional accommodation. Applications are being received for extensions to the fronts of houses which achieve little in usable floorspace, the main aim of which appears to be simply that of individualising often recently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

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



Unless:

- (a) A front extension has already been constructed on a neighbouring property, in which case this will act as a precedent for that block only and extensions of similar character will be allowed on that block.
- (b) An individually designed house is involved. A front extension would then be acceptable if, in the opinion of the Council, the proposals would have been accepted as part of the original consent for the house, bearing in mind the design and space available.
- (c) All the houses of a block are to be identically treated. Front extensions would then be acceptable subject to the normal planning considerations of design, scale, availability of space etc.



BAY WINDOWS

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

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



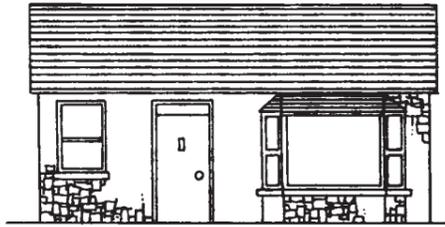
Unless:

- (a) A bay window has already been installed in a block of houses, in which case it will act as a model for any other bay windows in that block only.
- (b) In the opinion of the planning authority, the property is of such architectural merit that the installation of a bay window would be detrimental to its character.
- (c) If a porch has already been erected on a house with a narrow frontage. The local planning authority will determine the acceptability or otherwise of a proposed bay window on wider fronted and/or individual properties.

Design:

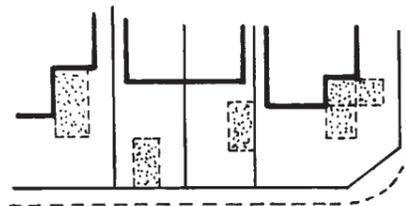
The design will need to respect the character of the existing building and where required, utilise matching materials, windows in similar styles etc.

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

**GARAGES/CAR PORTS**

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

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

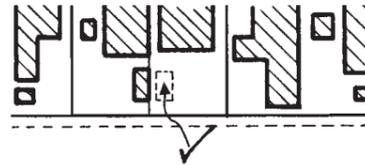


All indicated locations unacceptable.

Unless:

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

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



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

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

Design

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

Angus Council



ADVICE NOTE 15

**FRONT
EXTENTIONS**

For further information and advice contact:

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

Telephone 01307 461460

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.

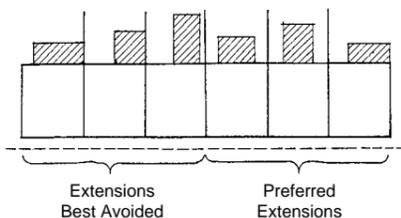
Again a condition will be imposed on the planning consent requiring the applicant to erect and retain the wall or fence or in the case of an existing hedge, to retain it at a height of at least two metres or thereabouts.

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.

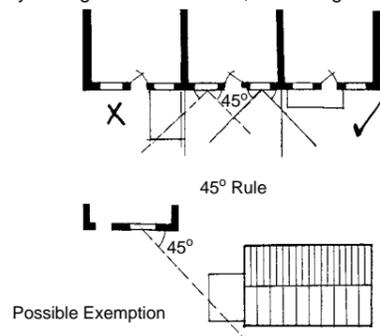
The most significant problem of sunlight or daylight loss however, probably occurs in terraced or semi-detached housing situations and it is here that most care needs to be taken. The first objective should be to keep your extension as far from boundaries as possible. At least a distance of two metres 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 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



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

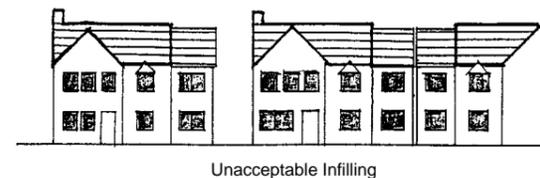
On any elevation of a house exposed to public view, an extension should always have a pitched roof, this is particularly relevant to side extensions.

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

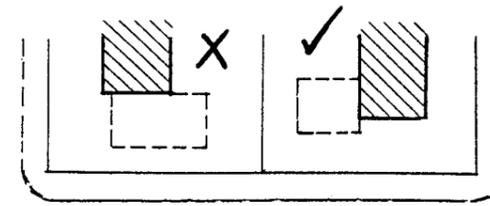


will consider the impact, not only of the proposal, but also the effect should the neighbour also wish a similar side extension. If the Council believes a reasonable gap will not be maintained, an application is likely to be refused. An extension set well back from the building line or frontage of the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



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.

Angus Council



ADVICE NOTE 19

HOUSE EXTENSIONS

For further information and advice contact:

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

Telephone 01307 461460

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

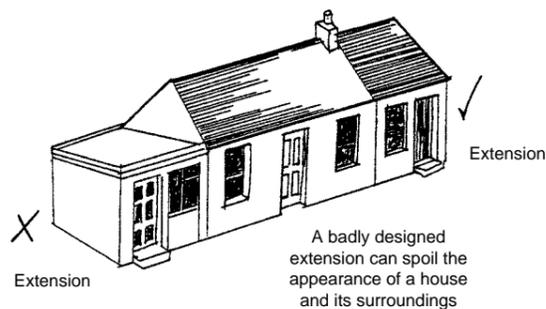
It is recommended that you seek professional advice from someone trained and experienced in designing buildings - a well designed extension can enhance your property, a poorly designed extension can make it difficult to sell. The Royal Incorporation of Architects in Scotland (RIAS) can give you a list 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.

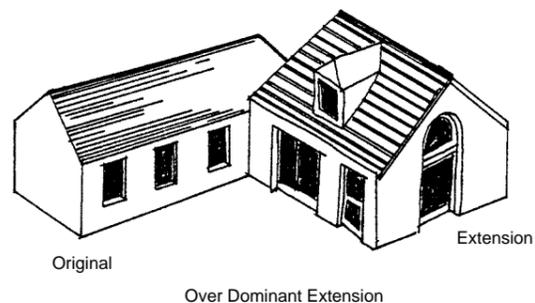
Many people want to extend their homes in different ways: if everyone did exactly as they wanted, problems could be caused for others living close by, or the whole appearance of the area might be spoiled.

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.

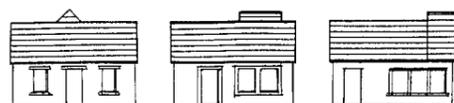
Extensions in excess of 50% are most likely to receive approval where the current accommodation is extremely restricted (e.g. but 'n ben), where the extension is not seen from any public area, where the area comprises modern houses of a mixed scale or where a unique architectural design solution is proposed. 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.

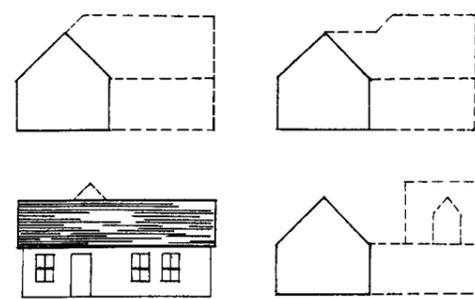


Some Unacceptable Roof Extensions

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 harl 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.

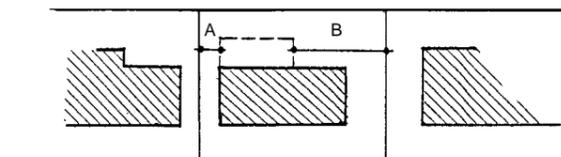
If for some reason the affected neighbour does not wish a wall or fence to be erected, an approach to the Council from that source to have the condition removed is likely to be positively received. In any case if the neighbour's window is less than two metres from the proposed wall or fence, the provision 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 from 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 (or



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

B: More than 4 metres - no fence required

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

15/00108/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

9	2	15
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

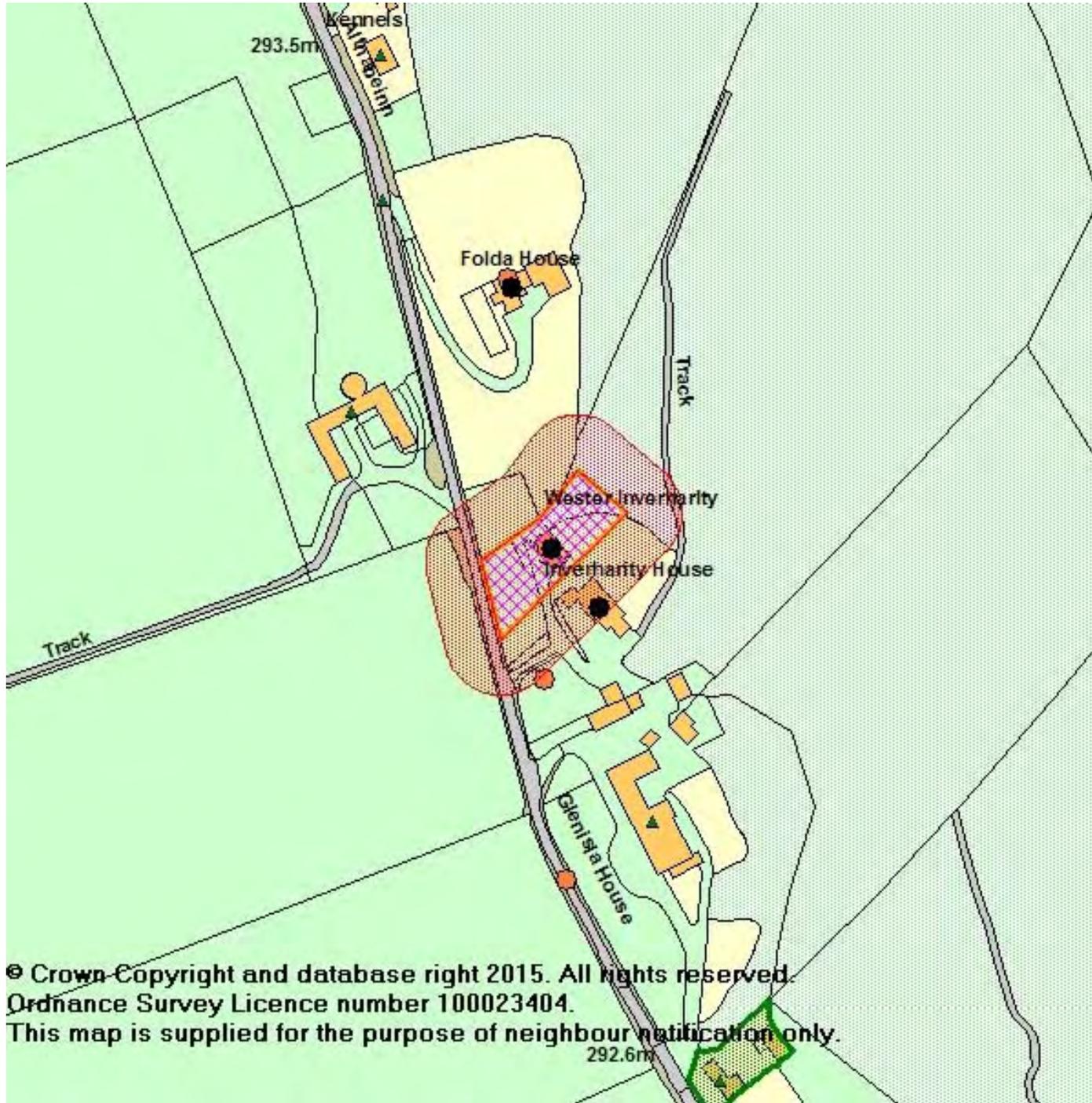
ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

Letter received from Major J P O Gibb, Inverharity House, Glen Isla, Blairgowrie, PH11 8QL, dated 7 February 2015, reads as follows:-

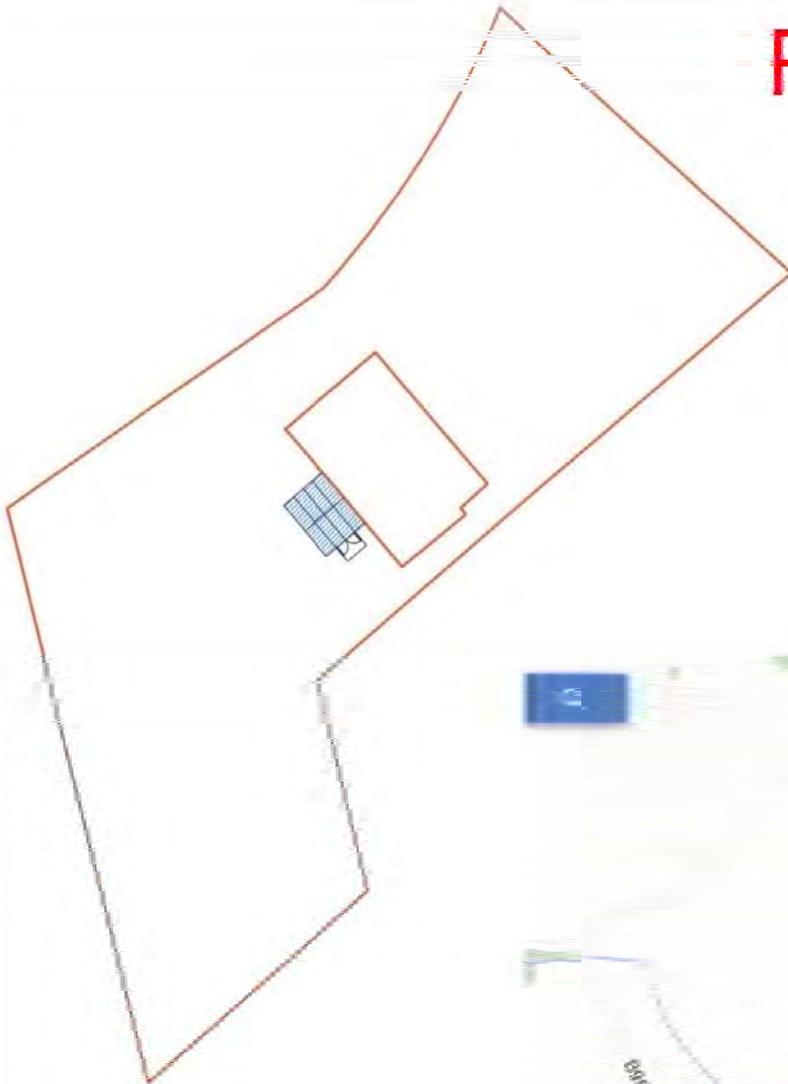
“Ref the above application for proposed development ie a conservatory.

As a neighbour I have no objection and would add that this house needs a protected front entrance and that the development will enhance the property.”

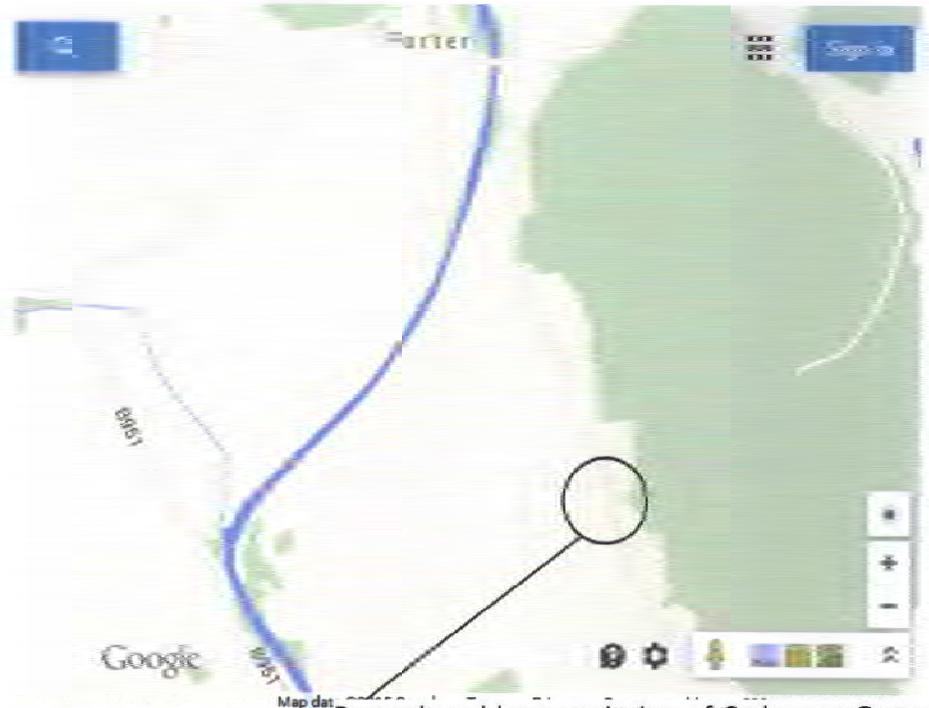
Letter 15/00108/FULL (Major JPO Gibb)



REFUSED



Block Plan
Scale 1:500



Property Location
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home sweeter home

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CR SMITH GLAZIERS (DUNFERMLINE) LIMITED

CONTRACT No 66581801 DRAWING No 003

DRAWING BY Murray Faughnan

SCALE As Illustrated DATE 30/01/15

REVISIONS

CLIENT Mr Gibb
West Inverarity House
Glenisla

POSTCODE

TELEPHONE

PROJECT SPECIFICATION
Proposed conservatory to be erected.

REFUSED

This drawing is for illustration purposes only

SIGNED: *NAI* DATE: 30/01/15

REFUSED



Existing Front Elevation
Scale 1:100



Proposed Front Elevation
Scale 1:100

No existing sub-floor ventilation affected by proposals



Existing Floor Plan
Scale 1:100



Proposed Floor Plan
Scale 1:100

Line of existing porch to be removed.

3000
4500

All new works to be in accordance with The Building (Scotland) Regulations, 2004 and all current amendments. All new works, products and processes are to be in accordance with the relevant British Standards and manufacturers' guidelines.

© THIS DRAWING REMAINS THE PROPERTY OF CR SMITH GLAZING & INFERRIADURE LIMITED

REFUSED



CLIENT Mr Gibb
West Inverarity House
Glenisla
POSTCODE PH11 8QL
TELEPHONE 07762 541554

PROJECT SPECIFICATION
Proposed conservatory to be erected.

REVISIONS

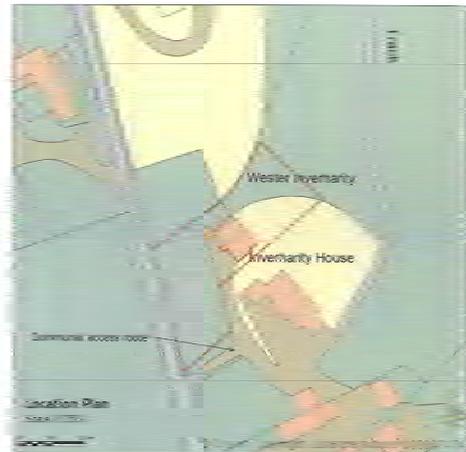
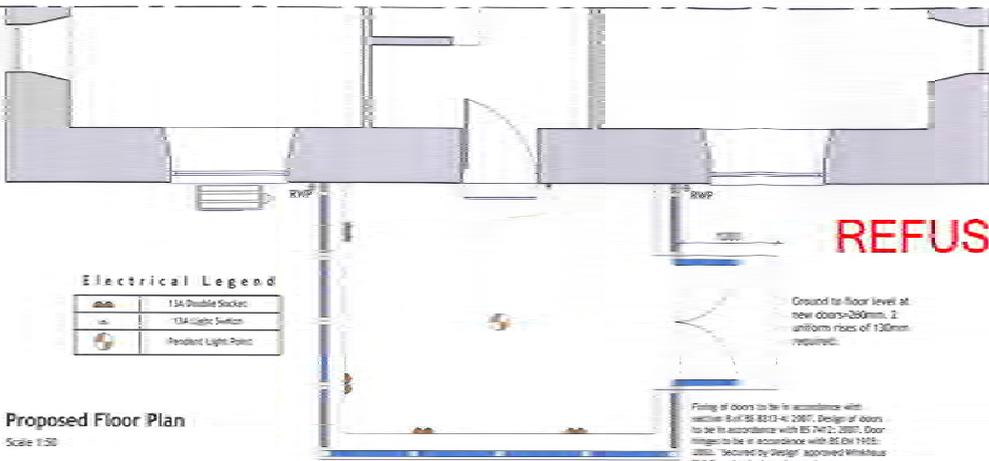
CONTRACT No 66581401 DRAWING No 001

DRAWING BY Murray Foughtman

SCALE As Illustrated DATE 30/01/15

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CLIENT Mr Gibb
 West Inverarity House
 Glenisla
 POSTCODE PH11 8QL
TELEPHONE 07762 541554

PROJECT SPECIFICATION
 Proposed conservatory to be erected

CONTRACT No 96581401 **DRAWING No** 002

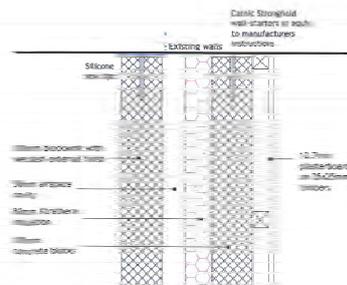
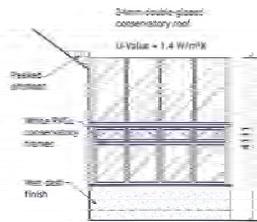
DRAWING BY Murray Faughnan

SCALE As illustrated **DATE** 30/01/16

REVISIONS

THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY

All window U-Values = 1.4 W/m²K
 Door U-Value = 1.4 W/m²K
 (All Windows and Doors to be draught tight) and sealed. Glass necessary to be provided with 12,000mm² trickle ventilation.
 All units are double glazed with low E gas and to have a 16mm argon-filled cavity.



REFUSED







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

PLANNING PERMISSION REFUSAL
REFERENCE 15/00108/FULL

To **Mr Gibb**
c/o C R Smith Glaziers (Dunfermline) Ltd.
FAO Murray Faughnan
PO Box 27
Gardeners Street
DUNFERMLINE
Fife
KY12 ORN

With reference to your application dated 3 February 2015 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Conservatory to be erected. Resubmission of 14/00496/FULL at Wester Inverharity Glen Isla Blairgowrie PH11 8QL for Mr Gibb

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 proposed development would not comply with policies S6 and SC15 of the Angus Local Plan Review (2009) or the guidance in Angus Council's Advice Note 15 on the basis the proposed extension would result in an unacceptable detrimental impact upon the appearance of the traditional dwellinghouse. The scale and style of the resultant development would not be in keeping with the character of the existing building and there are no material considerations that would justify a departure from the development plan.

Amendments:

- 1 The application has not been subject to variation.

Dated this **2 April 2015**

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

From:PorterSG

Sent:4 Mar 2015 14:37:57 +0000

To:'murray.faughnan@crsmith.co.uk'

Subject:RE: Planning Application - Proposed Erection of Conservatory at Wester Inverharity, Glen Isla
REF: 15/00108/FULL

Good Afternoon Murray,

Sorry for the delay I was on annual leave Monday and Tuesday.

The middle of last year Mr Gibb had emailed me three conservatory options from the CR Smith range which I have attached to this email. I subsequently advised Mr Gibb by email that the third option would be more favourable, the extension with the slate roof, but that I had reservations regarding the scale of this proposal. I advised the pitched roof glazed option would be something 'typical of an urban conservatory' and would be 'uncharacteristic of a rural front porch' and again the scale of this option appeared to overwhelm the existing property. I strongly discouraged Mr Gibb from the lean-to conservatory option. This email response highlighted similar points to those raised in the last email I send to you.

However while conducting a site visit as part of the previous application I suggested to Mr Gibb that a compromise between the two pitched roof options may be possible but that I did still retain apprehensions about the scale of the development on the principal elevation. Having now seen the revised proposal, which is significantly similar to the glazed pitched roof option attached above, I do not feel a suitable compromise has been reached.

Despite this I understand the applicant wishes to maximise the warmth and light into the space and to retain as much usable space as possible. A compromise may be to introduce roof lights into a slate roof? Or possibly reducing the footprint/height of the proposal somewhat but retaining the door on the proposed elevation? Or alternatively just relocating the proposed door to the principal elevation of the proposal to mimic a traditional porch if the applicant is unwilling to reduce the footprint?

Notwithstanding the above, please bear in mind these are just suggestions and I could not guarantee the suitability of any of the above amendments without seeing a full set of drawings, however I can advise that it is unlikely the proposal would be supported in its current state.

I trust this clarifies the situation but if you have any other questions do not hesitate to give me a call.

Regards

Stephanie

Stephanie Porter | Planning Officer | Communities | Planning & Place | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

From: Murray Faughnan [<mailto:Murray.Faughnan@crsmith.co.uk>]
Sent: 27 February 2015 17:14
To: PorterSG
Subject: RE: Planning Application - Proposed Erection of Conservatory at Wester Inverharity, Glen Isla
REF: 15/00108/FULL

Good afternoon Stephanie,

Thanks for your email, I wasn't aware that there had been any discussions between our client and yourself prior to this application being submitted.

I've managed to have a chat with our client regarding this and he confirmed you had met with him to discuss his proposals for a conservatory on his property. I'm not sure if there have been some crossed wires in terms of communications regarding future proposals/planning applications, but our client has suggested that it was implied during your discussions that, having seen the site, the proposed conservatory design could be considered acceptable.

I would just want to check if this is not the case, and the design as proposed will likely be recommended for refusal?

Kind regards,

Murray Faughnan

From: PorterSG [<mailto:PorterSG@angus.gov.uk>]

Sent: 11 February 2015 14:17

To: Murray Faughnan

Subject: Planning Application - Proposed Erection of Conservatory at Wester Inverharity, Glen Isla REF: 15/00108/FULL

Dear Mr Faughnan,

I'm writing in regards to the above planning application, I'm am unsure if you are aware but I have had previous discussions with the applicant, Mr Gibb, regarding a potential front extension at this property. These discussions were as a result of the withdrawal of the previous application (14/00496/FULL) due its unsuitable design and scale.

In regards to the current proposal, due to the highly visible and prominent location of the application property and as the proposed extension would be located on the front of the traditional dwellinghouse, it is imperative that the design is sensitive to the existing dwelling and the area. As such any proposed front extension in this location should mimic the appearance of a traditional porch as closely as possible, possibly with the proposed entrance to the extension being located on its southwest elevation. The current proposal is very suburban in appearance and may have been appropriate to the rear of this property but is unlikely to be supported on the principal elevation. I advised the applicant back in July that something with a tiled roof and of a smaller scale would likely be more appropriate in this instance.

I trust this clarifies the situation for you and I would be obliged if you could discuss this matter with your client and advise me how you wish to proceed with the application.

Regards

Stephanie

Stephanie Porter | Planning Officer | Communities | Planning & Place | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

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PLANNING NOTES
 Existing timber lined / roughcast porch removed, and new porch erected to front of property comprising;

Roof - White upvc clad extruded aluminium rafters with bronze polycarbonate glazing.
 Doors & Windows - White upvc framed double glazed
 Base - Wet-dash roughcast over smooth sand / cement basecourse.



End Elevation as proposed 1:100



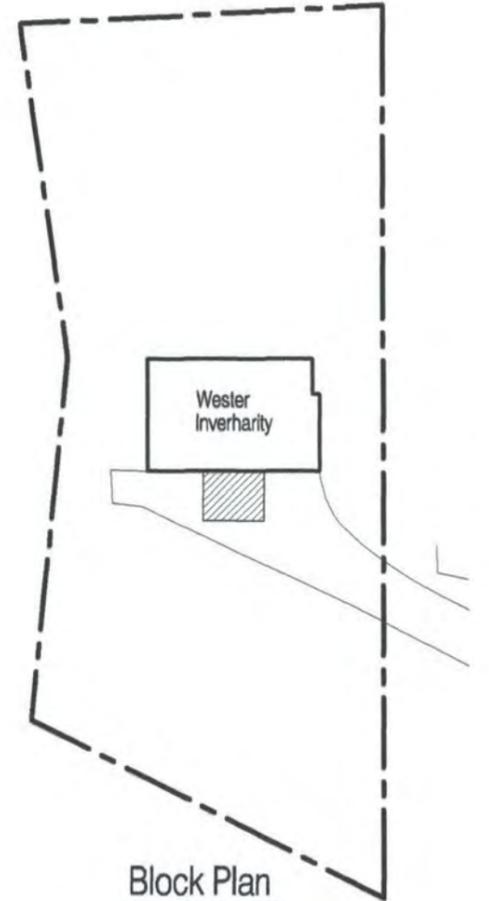
Front Elevation as proposed 1:100



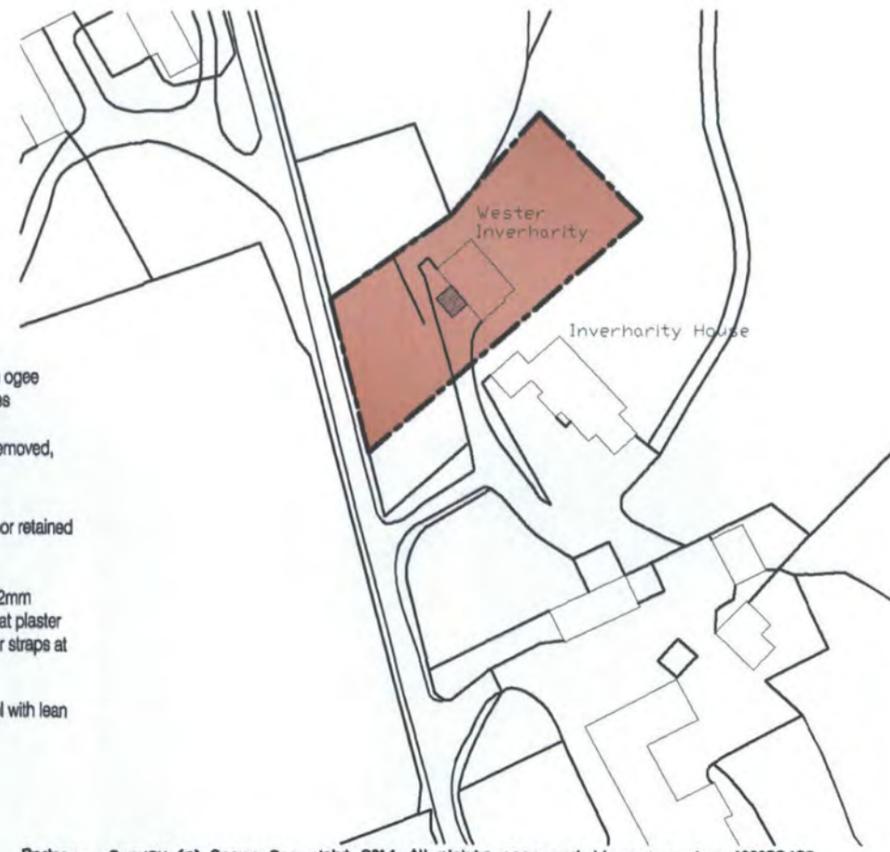
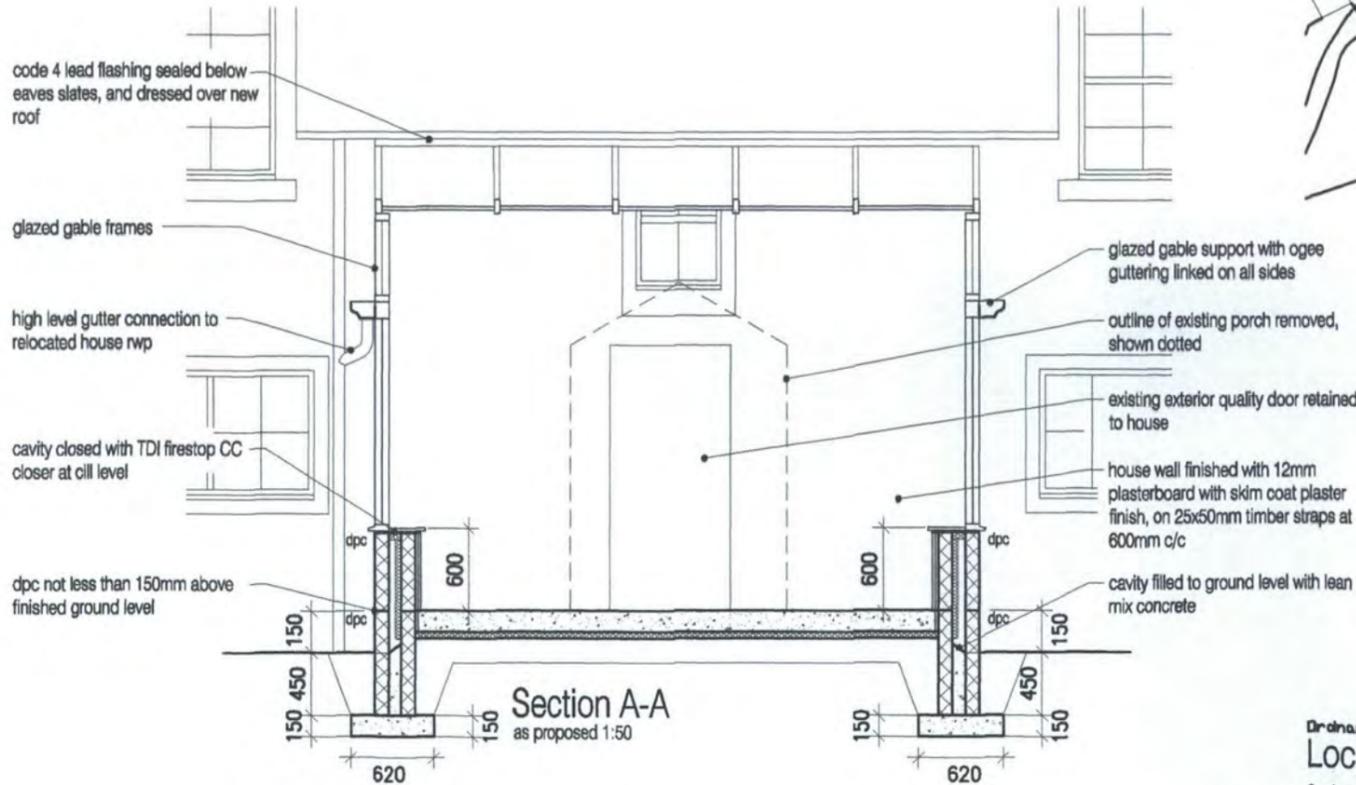
End Elevation as proposed 1:100



Front Elevation as existing 1:100



Block Plan
As Proposed 1:500



Drainage Survey (c) Crown Copyright 2014. All rights reserved. Licence number 100022432
 Location Plan
 Scale - 1:1250

jobworthdoing

Drawing Office, Block 10, Unit 3
 Newhouse Ind. Est. Holytown, ML1 5RX.
 Tel: 01898 734882 Fax: 01898 831130

Proposed Porch
 at: Wester Inverharthy, Glenisla, by Blairgowrie,
 for: Mr Gibb

PLANS, SECTION & ELEVATIONS

drawing no	revision	drawn by	date	scale
45014/2	-	TQ	June 2014	1:50, 1:100, 1:500, 1:1250

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF A CONSERVATORY AT WESTER INVERHARITY,
GLEN ISLA, BLAIRGOWRIE, PH11 8QL**

APPLICATION NO 15/00108/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Grounds of Appeal

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

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

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename		Forename	Murray
Surname		Surname	Faughnan
Company Name		Company Name	CR Smith
Building No./Name	Wester Inverharity	Building No./Name	CR Smith
Address Line 1	Glen Isla	Address Line 1	Gardeners Street
Address Line 2		Address Line 2	
Town/City	Blairgowrie	Town/City	Dunfermline
Postcode	PH11 8QL	Postcode	KY12 0RN
Telephone		Telephone	01383 732181
Mobile		Mobile	
Fax		Fax	
Email		Email	murray.faughnan@crsmith.co.uk
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	15/00108/FULL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Wester Inverharity, Glen Isla, Blairgowrie, PH11 8QL </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Conservatory to be erected. </div>		

Date of application

Date of decision (if any)

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

4. Nature of Application

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

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

8. Statement

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

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

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

Please see accompanying 'Grounds of Appeal' document.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Grounds of Appeal' document.

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

10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Murray Faughnan

Date:

08/05/15

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



home sweeter home

Grounds of Appeal

On behalf of

Mr Gibb

**Proposed conservatory at Wester Inverharity, Glen
Isla, Blairgowrie, PH11 8QL**

Planning ref – 15/00108/FULL

Property History & Introduction

The following statement is to be read in conjunction with our appeal against the *refusal of planning consent for the proposed conservatory at Wester Inverharity, Glen Isla, Blairgowrie, PH11 8QL*. The proposals involve the erection of a white PVCu conservatory to the front, South-West facing elevation of our client's property.

The planning department has rejected our application to erect the conservatory on the grounds that the proposed extension would result in an unacceptable detrimental impact upon the appearance of the traditional dwellinghouse.



Above – Mr Gibb's property at Wester Inverharity. Neighbouring 'Inverharity House' (modern build) to right of application property.

Grounds of Appeal

Contrary to the suggestion of the planning authority, we do not believe the conservatory to be an incongruous addition to the host property. As per the planning officer's report, the primary reason for refusal appears to be size and position of the proposals. To give the background of this application, it should be noted that in June 2014 an application for planning consent was submitted to Angus Council for a conservatory to the front elevation of this property. After discussions with the planning department, the applicant (Mr Gibb) withdrew this application

pending a design change. Following a meeting on site with the planning officer, Ms Stephanie Porter, a new application was submitted with an amended design. This involved changing the original 'lean-to' design to a 'gable front' one. The doors accessing this conservatory were proposed to the side elevation, to replicate the door position on the porch being removed, and the wall finish was retained as a white wet-dash to match the existing house walls.

Your Lorimer PVCu Gable Front Conservatory



Mr & Mrs Gibb Reference: JG/665814-01 Date: 25/06/14 Illustrated By: Kevin Gosson Dimensions 4500W x 3500P
This drawing remains the property of CR Smith and is for illustrative purposes only

Above – Proposed conservatory design.

During the new application for planning consent, only one comment was received at the public consultation stage. This was in support of the proposals. When the application was reconsidered by Ms Porter, it was suggested that the preference would be for a smaller scale porch to be erected with a slate roof. Mr Gibb's intention was to create an area with some space and light in the property, which would not be possible with a small, solid-roofed extension. After further discussions, it was suggested that the conservatory design could be considered more favourably if either the footprint was reduced and the door position retained to the side, or if the footprint was retained and the door moved to the front elevation. A reduction in the footprint would reduce the space to an extent that it wouldn't really be a worthwhile addition to the property, as it would be impossible to fit in furniture etc while

keeping this space useable. The suggestion of moving the door to the front elevation is not one that would be practical, as this would potentially create a 'wind tunnel' in the property, creating a straight passage for draughts to pass through the building. In an older, less insulated property, this is not something to be encouraged. This suggestion that the proposals would have been acceptable with a relocated door seems to contrast with the reason for refusal, as this would not change the general size and design of the proposals relative to the dwellinghouse. Indeed side-access is a common feature of porches in the area, so would be a more considerate detail than the planner's request for doors on the front elevation. The proposals will represent a modest increase of 13% to the overall footprint of the dwelling (not inclusive of the existing porch). In terms of the height of the proposals, a suitable roof pitch to fit to the property is dictated by the existing window position above the front door. Accordingly, we believe that the conservatory size is acceptable, relevant to the host property. Had the property been smaller, then of course a smaller conservatory may have been more fitting, but due consideration to size was taken when the conservatory design was originally proposed.

It is also of note that, while the conservatory is being proposed onto what would be considered the 'primary elevation' of the property, this property is in a fairly isolated position. As per the photo below, there are no neighbouring buildings immediately opposite to look onto, and the majority of general traffic bypasses the property on the adjacent B951 road. While the planning guidance is easily applicable to the majority of properties, there are instances such as this whereby the siting of the property and its land is more unusual.



Above – View directly opposite Mr Gibb's property at Wester Inverharity.

Policy SC15 of the Angus Council Local Plan notes development for extensions will be permitted where there is no adverse effect on the character of a dwelling and/or the surrounding area. We don't feel that the proposals will in any way negatively affect the appearance of the property, and certainly not the surrounding area. As per this policy, any alterations and extensions should respect the design, massing, proportions materials and general visual appearance of the area. In terms of these aspects of the design, we believe the proposals are suited to the dwelling, given the details of the proposals noted above.

Conclusion

We believe the conservatory as proposed is a fitting addition to our client's property. Both the size and position, while considered unacceptable to planning policy, are actually fitting for the property when assessed on the merits of this specific situation.

In addition to this, the property's fairly remote setting makes it clear that approval for the conservatory would have no further impact, other than the improvement of the property for our client, Mr Gibb.

It is on the basis of the above that we would look to appeal the refusal of planning consent.