

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 NOVEMBER 2015

FAIRHILL, MUIR ROAD, KIRRIEMUIR

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a Review of the non-determination of application No 15/00389/PPPL in respect of planning permission in principle for proposed dwellinghouse in existing garden ground at Fairhill, Muir Road, Kirriemuir.

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**); and
- (iii) consider the further lodged representations (**Appendix 3**).

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

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

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

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – Further Lodged Representations

APPENDIX 1

APPLICATION NUMBER – 15/00389/PPPL

APPLICANT- MR STEPHEN HOGAN

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED
DWELLINGHOUSE IN EXISTING GARDEN GROUND AT FAIRHILL, MUIR ROAD,
KIRRIEMUIR, DD8 4PT

ANGUS COUNCIL'S SUBMISSION

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Memorandum

Communities Directorate – Technical & Property Services
Roads & Transport Business Unit

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CM TD1.3

DATE: 3 August 2015

SUBJECT: **PLANNING APPLICATION REF. NO. 15/00389/PPPL – PROPOSED HOUSE IN EXISTING GARDEN GROUND AT FAIRHILL, MUIR ROAD, NORTH MUIR, KIRRIEMUIR FOR MR STEPHEN HOGAN**

I refer to the above planning application.

The site is located within the garden of Fairhill, Muir Road, Kirriemuir.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

Angus Council parking standards require the following spaces for houses

- 1 bedroom: 1 space per dwelling
- 2-3 bedrooms: 2 spaces per dwelling
- 4 bedrooms: 3 per dwelling

The applicant has not indicated the number of bedrooms for the proposed development.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, prior to the occupation or use of the dwelling house the minimum number parking spaces for vehicles, shall be provided within the site curtilage, in accordance with the National Roads Development Guide (SCOTS)

Reason: to maintain the free traffic flow of traffic on the adjacent road and in order to encourage multi-modal means of travel.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

p.p.

From Education

“Under the new policy, single houses will not attract a developers contribution (unless they are part of a large development).”

Comments for Planning Application 15/00389/PPPL

Application Summary

Application Number: 15/00389/PPPL

Address: Fairhill Muir Road Kirriemuir DD8 4PT

Proposal: Planning Permission in Principle for Proposed Dwellinghouse in Existing Garden Ground

Case Officer: Neil Duthie

Customer Details

Name: Mr Howard Rippiner

Address: Cairnlea, West Hill Road Northmuir Kirriemuir

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The proposed development sets a precedent for others in Muir Road (and elsewhere in Kirriemuir) to 'carve up' their gardens for new development in pursuit of financial gain rather than well-structured development. There is ample land for new housing in the area, held in Land Banks owned by Mark Guild and other builders.

2. The owner of Fairhill currently has three vehicles regularly parked at his property. It is quite possible that the new owner of the 'Fairhill' property could have a similar number. The proposed design does not allow sufficient space for parking and turning around of six vehicles so that they can always approach the exit onto Muir Road / West Hill Road in a forward direction.

A safety condition put on the development of the adjacent property, 'Cairnlea', in West Hill Road in 2010 was that vehicles must always exit the site in a forward direction as the exit onto West Hill Road can be dangerous. In addition, when that property was developed Angus Council insisted that the property exit must be on the western boundary - not adjacent to the existing driveway at 'Fairhill', on the basis of safety. Allowing a further property in the garden of 'Fairhill' would be totally contrary to the decision taken by Angus Council in 2010 as it is effectively demanding addition driveway capacity onto a dangerous junction.

3. The existing garage is in a poor state of repair and will soon need replacing. If a garage is to be built as part of the development, any replacement of it will need to be at least 1000mm from the north & west boundaries of the property. This will mean that the position of the proposed property will need to be nearer the southern boundary line if the garage is to be of a similar size to the current garage. This will result in even less turning space and increased overlooking of the property 'Cairnlea'. Rule 3 of Angus Council Advice Note 6 (minimum of 20 metres between

windows) would be violated. It would also mean removing a cherry tree.

'Cairnlea'
West Hill Road
Northmuir
Kirriemuir
Angus
DD8 4PR

Service Manager
 Angus Council
 Communities Planning & Place
 County Buildings
 Market Street
 Forfar, DD8 3LG

RECEIVED

12 MAY 2015

14/RL

11 May 2015

Re: Planning Application Reference: 15/00389/PPPL

Dear Sirs

We are in receipt of your Notice for Serving on Neighbours in respect of the above Outline Planning Application. We object to this application on the following grounds and do not believe it should be passed by Angus Council:

1. The proposed development sets a precedent for others in Muir Road (and elsewhere in Kirriemuir) to 'carve up' their gardens for new development in pursuit of financial gain rather than well-structured development. There is ample land for new housing in the area, held in Land Banks owned by Mark Guild and other builders.
2. The owner of Fairhill (Stephen Hogan) currently has three vehicles regularly parked at his property. It is quite possible that the new owner of the 'Fairhill' property could have a similar number. The proposed design does not allow sufficient space for parking and turning around of six vehicles so that they can always approach the exit onto Muir Road / West Hill Road in a forward direction.

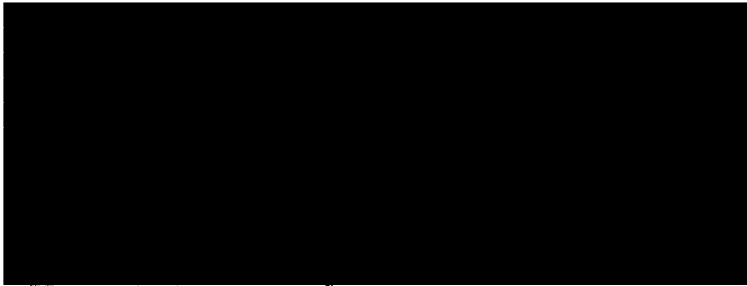
A safety condition put on the development of the adjacent property, 'Cairnlea', in West Hill Road in 2010 was that vehicles must always exit the site in a forward direction as the exit onto West Hill Road can be dangerous. In addition, when that property was developed Angus Council insisted that the property exit must be on the western boundary – not adjacent to the existing driveway at 'Fairhill', on the basis of safety. Allowing a further property in the garden of 'Fairhill' would be totally contrary to the decision taken by Angus Council in 2010 as it is effectively demanding addition driveway capacity onto a dangerous junction.

3. The existing garage / workshop is in a poor state of repair and will soon need replacing. If a garage is to be built as part of the development, any replacement of it will need to be at least 1000mm from the north & west boundaries of the property. (Angus Council design rules.) This will mean that the position of the proposed property will need to be nearer the southern boundary line if the garage is to be of a similar size to the current tin shack. This will result in even less

turning space and increased overlooking of the property 'Cairnlea'. Rule 3 of Angus Council Advice Note 6 (minimum of 20 metres between windows) would almost certainly be violated. Also, it would mean removing a very attractive cherry tree. (This may have to be removed, even with the proposed property in the currently planned position.)

4. Any windows in West & South sides of the proposed house will need to be of frosted glass to prevent overlooking into the bedrooms of the property 'Cairnlea' in order to maintain the privacy of 'Cairnlea'.
5. Drawing 15_00389_PPL_SITE_Plan-2478326 is incorrect. The existing boundary fence on the West side of the property (installed and paid for by the owner of 'Cairnlea') stops at the front of the existing garage, the west side of which is on the boundary line. When the existing garage is removed, boundary fencing will need to be installed by Mr Hogan (or whoever owns the land at that time) to replace the tin wall of the garage.
6. The proposal to connect the new house to the existing mains drainage is unlikely to be adequate / acceptable to Angus Council. The mains drainage from 'Fairhill' passes under the land which is now part of 'Cainlea'. When 'Cairnlea' was built, the old clay sewer pipe was replaced with new plastic soil pipe (at the expense of the owner of 'Cairnlea') but only of sufficient capacity for one property. In addition, Stephen Hogan has no right to access the sewer manhole on the adjacent land at 'Cairnlea' for development purposes connected with 'Fairhill' or it's garden.

Please advise us of the Council's decision to this application in due course. Thank you.



Howard Rippiner

'Cairnlea'
West Hill Road
Northmuir
Kirriemuir
Angus
DD8 4PR

Neil Duthie Esq.
Planning & Transport
Angus Council
County Buildings
Market Street
Forfar, DD8 3WR
11 May 2015

Re: Planning Application Reference: 15/00389/PPPL

Dear Mr Duthie

I write to put the record straight regarding the drainage connection comments you have received from Mr Hogan's architect, Paul Fretwell of @rchitects Scotland Ltd.

When preliminary construction of Cairnlea was undertaken (January / February 2011) although the property Fairhill may have been owned by Mr Hogan at that time, I understand it was not occupied. As a result, our builder was unable to contact Mr Hogan to inform him that:

1. The clay sewer pipe connecting his property to the main drain was in a bad state of repair. It was weeping at several points as a result of interference by the large beech tree roots that had been on the land we now own for many years. (Land that was originally part of Fairhill garden.)
2. The route taken by several metres of the clay pipes was along the position of the boundary wall that would be built as part of the approved plans for Cairnlea and therefore the sewer had to be re-routed to enable the wall foundations to be constructed.
3. All the work would be undertaken at our expense.

Mr Fretwell claims in his letter that we 'interfered' with Stephen Hogan's drain. To the contrary, we provided him with a reliable connection to the main sewer, replacing his leaking clay pipe with a new water-tight plastic sewer.

Rather than making unfounded accusations, (whether directly or on behalf of a client), Mr Fretwell would do well to find out the facts before putting pen to paper. By not doing so, he not only brings the reputation of his business into question, but that of his profession too.

Howard Rippiner 

p.s. Looking through the Property History (5) tab for Fairhill, I notice that there is no Planning Application for the DeLonghi Air Source Heat Pump which has been installed at this property for some years. (There is one for the unit at Cairnlea.) Was permission ever sought / given for the ASHP at Fairhill?

Comments for Planning Application 15/00389/PPPL

Application Summary

Application Number: 15/00389/PPPL

Address: Fairhill Muir Road Kirriemuir DD8 4PT

Proposal: Planning Permission in Principle for Proposed Dwellinghouse in Existing Garden Ground

Case Officer: Neil Duthie

Customer Details

Name: Mrs Ellen Rippiner

Address: Cairnlea, West Hill Road, Kirriemuir

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Any windows in West & South sides of the proposed house will need to be of frosted glass to prevent overlooking into the bedrooms of the property 'Cairnlea' in order to maintain the privacy of 'Cairnlea'.

Drawing 15_00389_PPL_SITE_Plan-2478326 is incorrect. The existing boundary fence on the West side of the property (installed and paid for by the owner of 'Cairnlea') stops at the front of the existing garage, the west side of which is on the boundary line. When the existing garage is removed, boundary fencing will need to be installed by Mr Hogan to replace the tin wall of the garage.

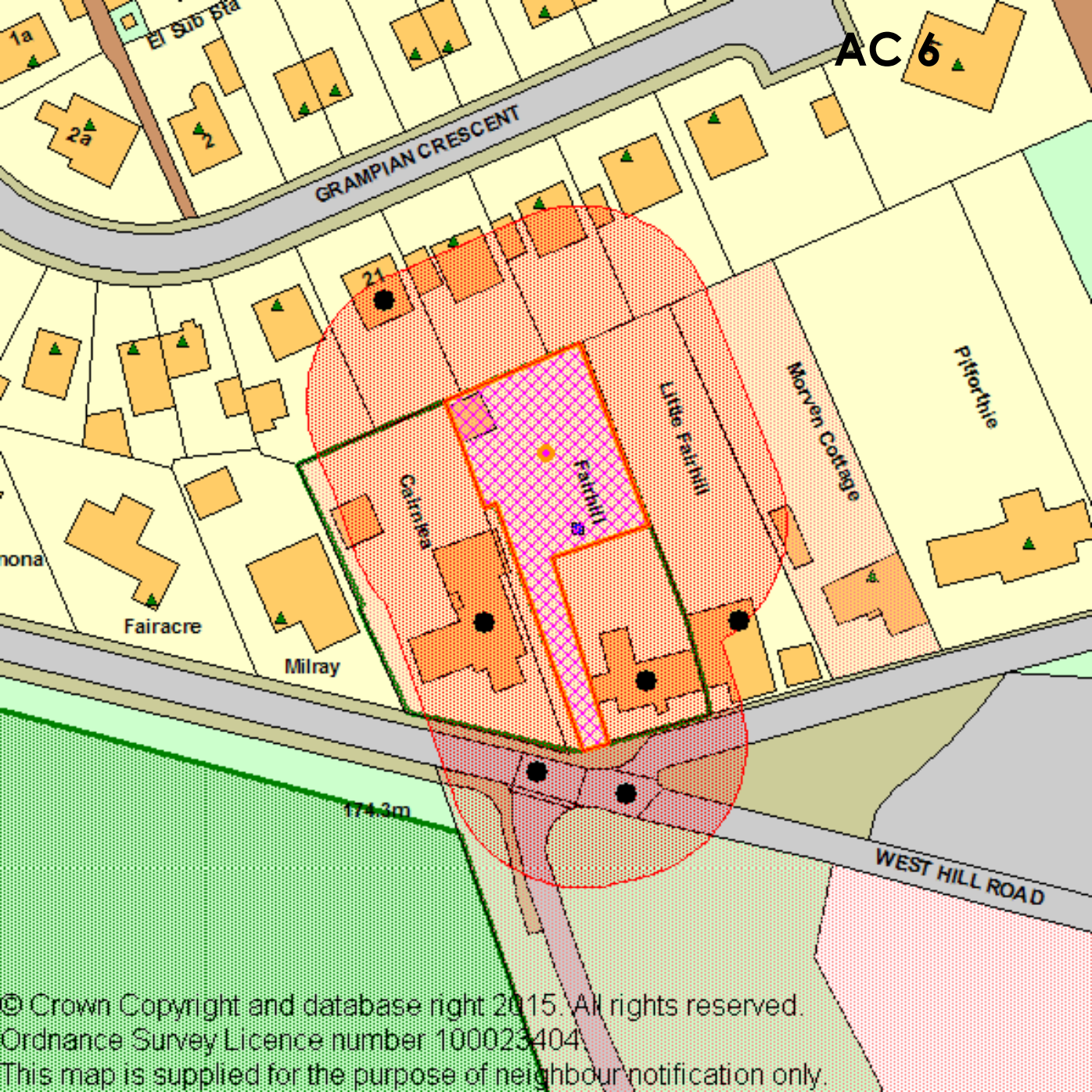
The proposal to connect the new house to the existing mains drainage is unlikely to be adequate / acceptable to Angus Council. The mains drainage from 'Fairhill' passes under the land which is now part of 'Cairnlea'. When 'Cairnlea' was built, the old clay sewer pipe was replaced with new plastic soil pipe (at the expense of the owner of 'Cairnlea') but only of sufficient capacity for one property. Stephen Hogan has no right to access the sewer manhole on the adjacent land at 'Cairnlea' for development purposes connected with 'Fairhill' or its garden

Letter received from Joyce Grubb, Little Fairhill, Muir Road, Kirriemuir, DD8 4PT, dated 11 May 2015, reads as follows:-

“Concerning the proposed application for planning permission (reference 15/00389/PPPL) I wish to say that Muir Road is one of the older roads still remaining in Kirriemuir, having originally been a mart road with its mixture of interesting properties and spacious gardens, holding at bay the modern developments that have crept into the nearby fields surrounding the Northmuir district.

To consider building houses within any of these gardens would be detrimental to the precious setting overlooking the amenity of the Hill and its history when there are numerous other sites available in more suitable areas.”

Letter 15/00389/PPPL (Joyce Grubb)



AC 5

GRAMPIAN CRESCENT

Pitforthie

Morven Cottage

Little Fairhill

Fairhill

Cairnhea

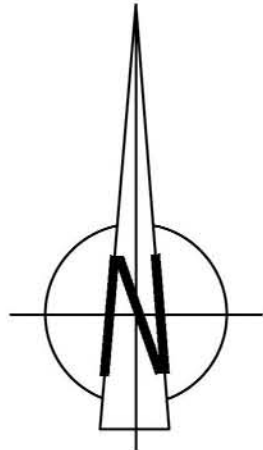
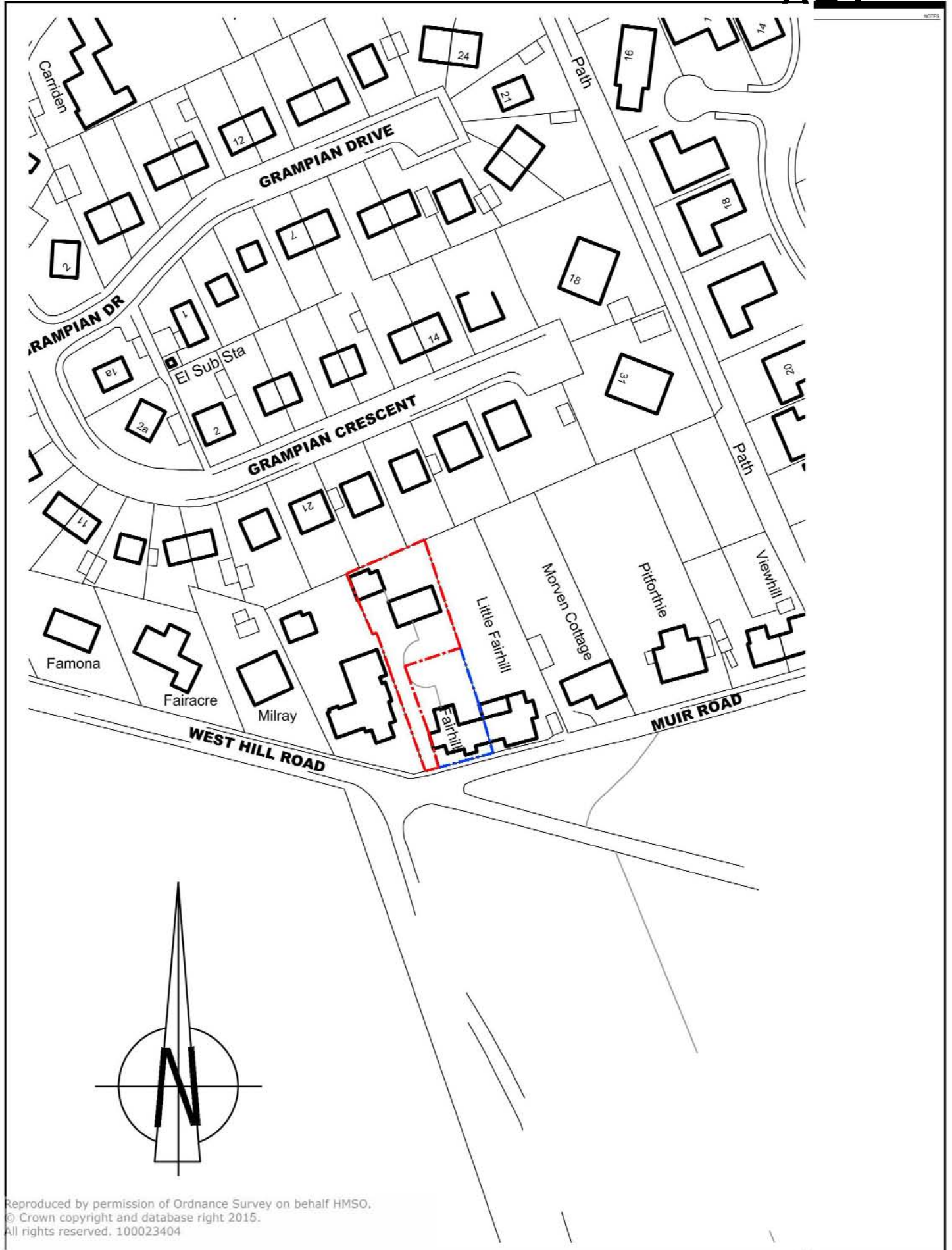
Fairacre

Milray

WEST HILL ROAD

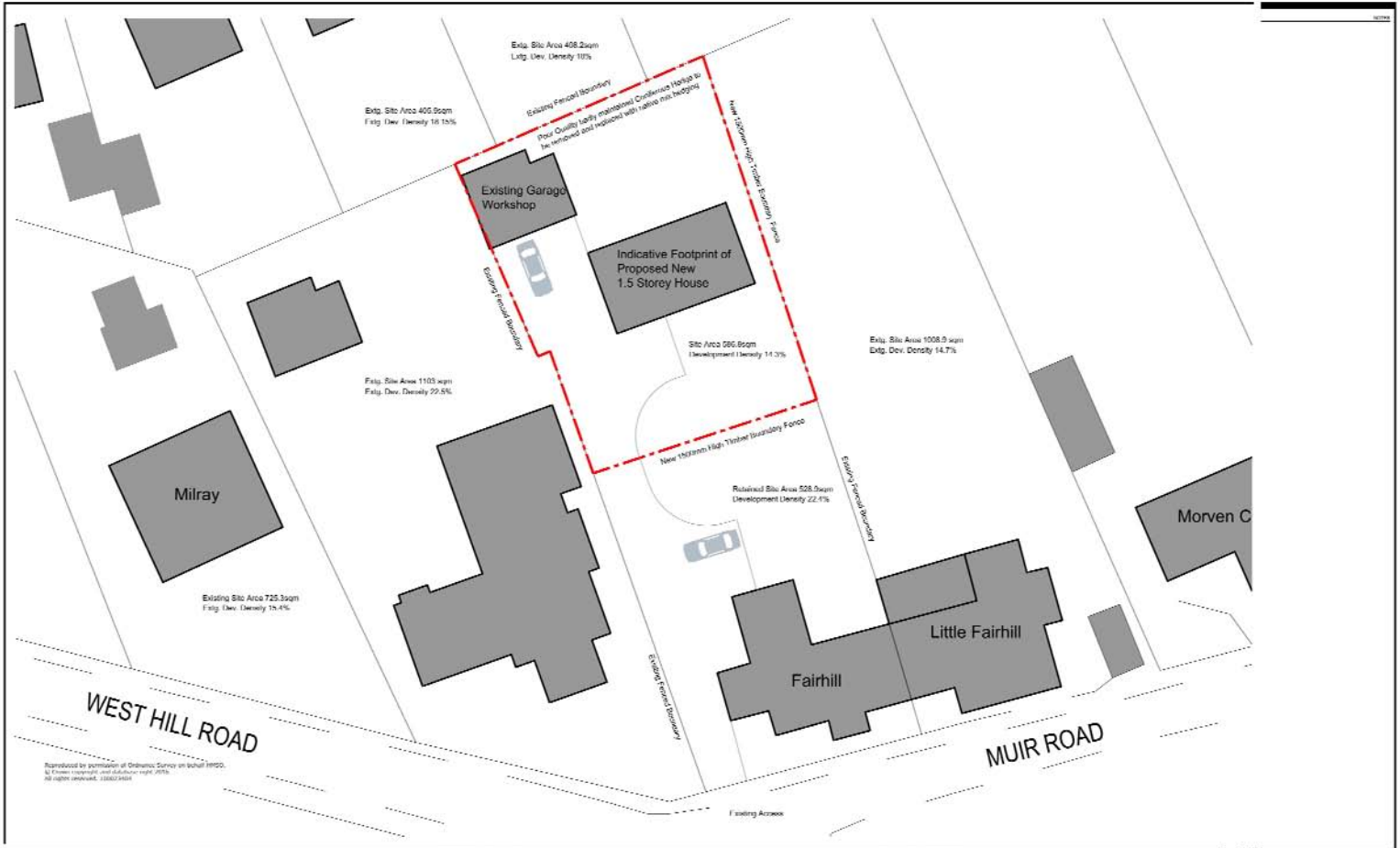
174.3m

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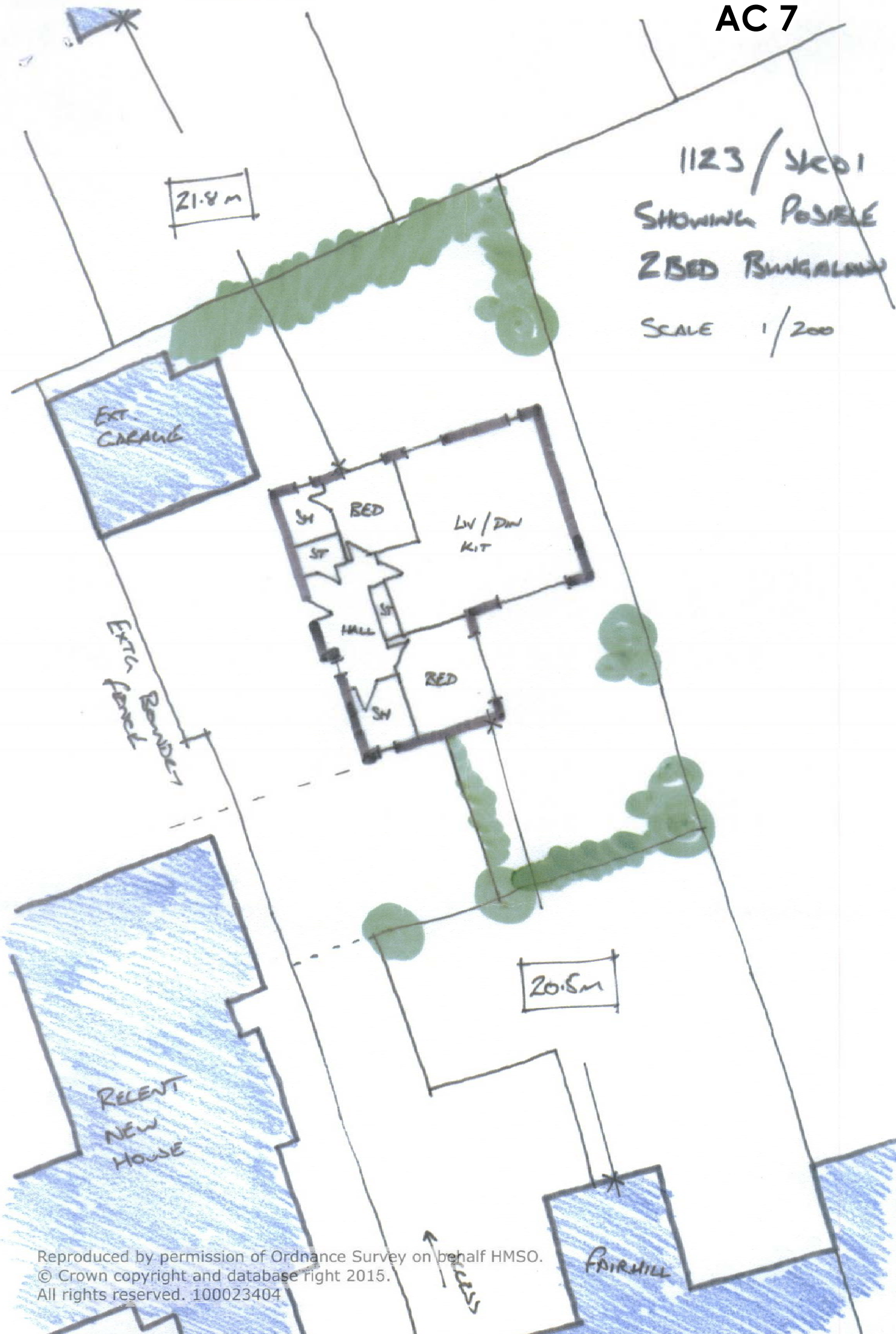
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| <p>REVISIONS</p> <p>© 2015 ARCHITECTS 1. 15/04/2015 2. 15/04/2015 3. 15/04/2015</p> | <p>CLIENT: Mr. S. Hogan PROJECT: Proposed House in Garden Ground ADDRESS: Fairhill, Muir Road, Kirriemuir</p> <p>SCALE: 1:1250 DATE: April 2015 DRAWING BY: [Name] CHECKED BY: [Name]</p> | <p>PROJECT: Proposed House in Garden Ground ADDRESS: Fairhill, Muir Road, Kirriemuir</p> <p>DRAWING TITLE: Location Plan</p> <p>15 West High Street Forfar, Angus DD8 3JL 01307 486480 Email: info@architects.co.uk</p> <p>1123 / LP / 01 Rev A</p> |
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1123 / 5001
SHOWING POSSIBLE
2 BED BUNGALOW
SCALE 1/200









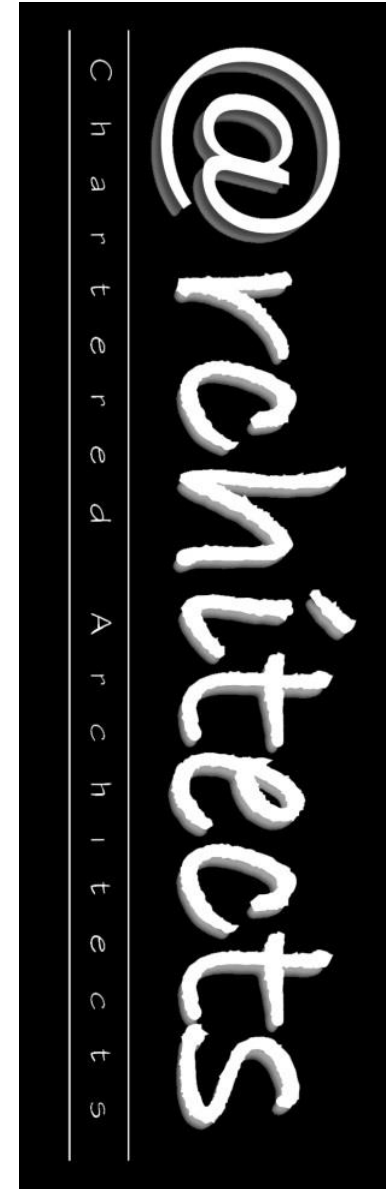


FAIRHILL, MUIR ROAD, NORTHMUIR, KIRRIEMUIR, ANGUS

PROPOSED NEW HOUSE IN GARDEN GROUND

APRIL 2015

DESIGN STATEMENT



STATEMENT SUPPORTING OUTLINE PLANNING APPLICATION

The application site consists of the north most portion of the relatively flat garden ground of the applicant's existing property, with the existing house located towards the south of the long rectangular plot. While the owners love the location of the house they have reached an age where they want to downsize into a more suitable and manageable property and are therefore seeking approval for the erection of a house within the existing large garden attached to the existing property.

The site of the proposed house is within the existing settlement boundary of Kirriemuir and as such policy indicates that proposals for new development will generally be supported. While the detail design of the house will be subject to a further application initial thoughts are that the proposed house will be a 1 to 1½ storey cottage and an indication of its size and position is marked on the submitted drawings. This represents a proposed development density of 14.3%, which as can be seen on the drawings submitted is comparable to that of the surrounding area. The house will meet with full modern standards including wheelchair accessibility and will be accessed via both a private and shared driveway which will incorporate the access to the existing house. Adequate off street car parking for both properties can be provided as shown on the drawings. The application site covers an area of 586.8 m² with an area of garden retained by the existing house of 528.9 m². The proposed and existing houses plot sizes and garden ground criteria as stipulated by the relevant policies and the requirements of Advice Note 14 - Small Housing Sites and Advice Note 6 – Backland Housing Developments have therefore been met. Additionally the requirements with regard to aspect, privacy, private garden and distance between properties have also been addressed. The amenity of the existing property and that of the surrounding properties will therefore remain un-affected by the proposals.

Due to its orientation the new house will be designed to maximise its south facing aspect with reference to the gardens of the adjacent properties and that of the existing house. It is proposed to retain the existing high boundary fences to the North and West of the site with the oversized and poorly maintained coniferous hedge to the North to be replaced and a new 1500mm high timber boundary fence to the East and South. It is proposed to connect the new house to the existing mains drainage and water supply networks, with surface water provision taking full recognition of current SUDS requirements. The property will be constructed to exceed the requirements of the current building regulations on air tightness and insulation levels and additionally due to its orientation could feature integrated solar water or solar pv panels on the south facing roof all helping to reduce the energy requirements and carbon footprint of the new building.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE (NON-DETERMINATION) FOR
PROPOSED DWELLINGHOUSE IN EXISTING GARDEN GROUND AT
FAIRHILL, MUIR ROAD, KIRRIEMUIR**

APPLICATION NO 15/00389/PPPL

APPLICANT'S SUBMISSION

- | | |
|---------------|---------------------------------------|
| ITEM 1 | Notice of Review |
| ITEM 2 | Location Plan 1123/LD/01 Rev A |
| ITEM 3 | Propose Site Plan 1123/PD/01 |
| ITEM 4 | Design Statement April 2015 |
| ITEM 5 | Email to Planning dated 15 May 2015 |
| ITEM 6 | Letter to Planning dated 10 June 2015 |
| ITEM 7 | Indicative Sketch Plan June 2015 |



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 000118225-002

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: * | <input type="text" value="Mr"/> |
| Other Title: | <input type="text"/> |
| First Name: * | <input type="text" value="Stephen"/> |
| Last Name: * | <input type="text" value="Hogan"/> |
| Company/Organisation: | <input type="text"/> |
| Telephone Number: | <input type="text"/> |
| Extension Number: | <input type="text"/> |
| Mobile Number: | <input type="text"/> |
| Fax Number: | <input type="text"/> |
| Email Address: | <input type="text"/> |

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

| | |
|-----------------------|--|
| Building Name: | <input type="text" value="Fairhill"/> |
| Building Number: | <input type="text"/> |
| Address 1 (Street): * | <input type="text" value="Muir Road"/> |
| Address 2: | <input type="text"/> |
| Town/City: * | <input type="text" value="Kirrimuir"/> |
| Country: * | <input type="text" value="Angus"/> |
| Postcode: * | <input type="text" value="DD8 4PT"/> |

Site Address Details

| | |
|---------------------|--|
| Planning Authority: | <input type="text" value="Angus Council"/> |
|---------------------|--|

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

| | | | |
|------------|--|-----------------------|---|
| Address 1: | <input type="text" value="FAIRHILL"/> | Address 5: | <input type="text"/> |
| Address 2: | <input type="text" value="MUIR ROAD"/> | Town/City/Settlement: | <input type="text" value="KIRRIEMUIR"/> |
| Address 3: | <input type="text"/> | Post Code: | <input type="text" value="DD8 4PT"/> |
| Address 4: | <input type="text"/> | | |

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

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="754886"/> | Easting | <input type="text" value="338733"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

Application in Principle for a new house in the rear garden ground of the clients existing property as they are looking to the future and the current house is becoming too large for their needs.

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.

The application was validated on the 28th April 2015 & remains undetermined. The supporting information submitted as part of the application makes direct reference to the requirements of the relevant policies & guidance and we have responded to all concerns raised within the relevant determination period. Our client loves the location of their current property however it is now too big for their needs and hence the determining of this application has a significant bearing on their future.

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)

Location Plan 1123/LD/01 Rev A
Proposed Site Plan 1123/PD/01
Design Statement April 2015
Email to Planning 15th June 2015
Letter to planning 10th June
Indicative Sketch Plan June 2015

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00389/PPPL

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

24/04/15

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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

N/A

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.

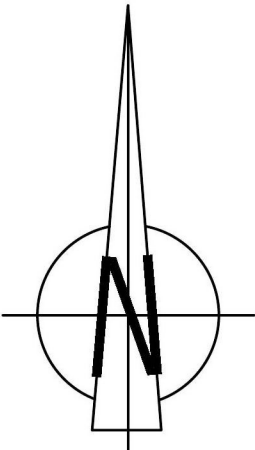
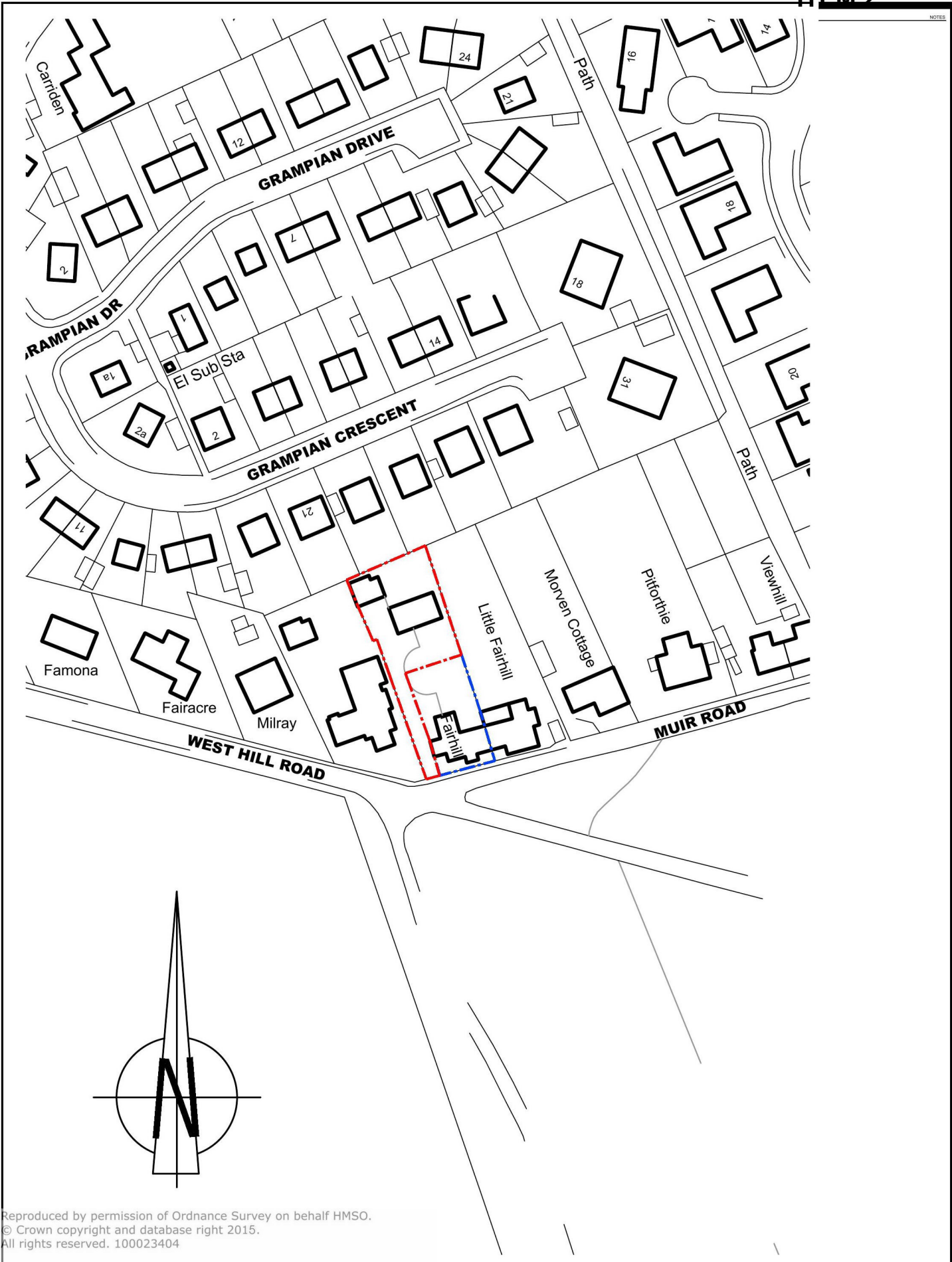
Declare - Notice of Review

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

Declaration Name: Paul Fretwell

Declaration Date: 20/08/2015

Submission Date: 20/08/2015



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|---|--|--|--|--|--|
| <p>REVISIONS</p> | | <p>CLIENT</p> | | <p>PROJECT</p> | |
| <p>Mr. S. Hogan Fairhill Muir Road Kirriemuir</p> | | <p>Proposed House in Garden Ground Fairhill Muir Road Kirriemuir</p> | | <p>DRAWING TITLE</p> | |
| <p>SCALE</p> <p>1:1250</p> | | <p>DATE</p> <p>April 2015</p> | | <p>15 West High Street Forfar, Angus DD8 1BE</p> | |
| <p>CAD FILE</p> <p>1123</p> | | <p>DRAWN BY</p> <p>PF</p> | | <p>1123 / LP / 01 Rev A</p> | |

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TEL: 01307 466480
Email: paul@rchitects.org.uk



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| CLIENT | | PROJECT | |
| Mr S. Hogan | Fairhill | Proposed House in Garden Ground | Fairhill |
| Fairhill | Muir Road | Muir Road | Kirriemuir |
| Kirriemuir | | Kirriemuir | |
| DRAWING TITLE | | DRAWING TITLE | |
| Proposed Site Plan | | Proposed Site Plan | |
| SCALE | DATE | | |
| 1:200 | April 2015 | | |
| CAD FILE | DRAWN BY | | |
| 1123 | PF | | |

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15 West High Street
Forfar, Angus
DD8 1BE

Tel: 01307 466480
Email: paul@rchitects.org.uk

1123 / PD /01

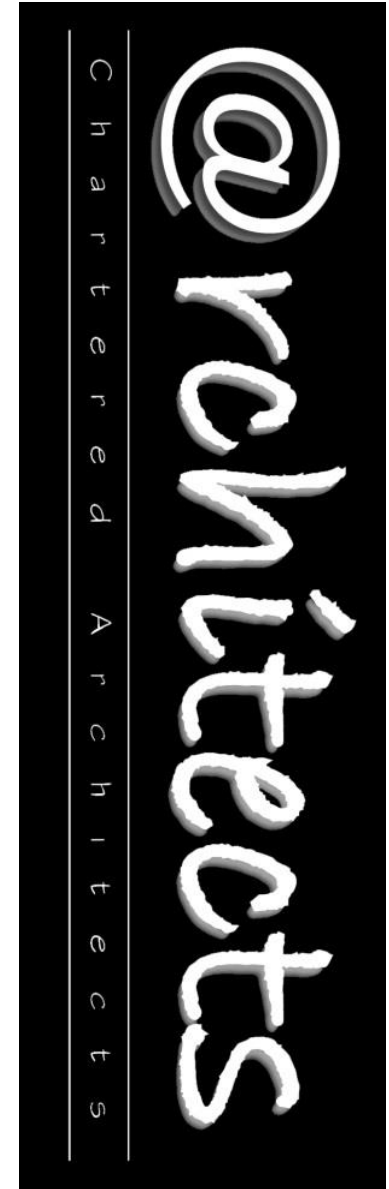
DWG NO.

FAIRHILL, MUIR ROAD, NORTHMUIR, KIRRIEMUIR, ANGUS

PROPOSED NEW HOUSE IN GARDEN GROUND

APRIL 2015

DESIGN STATEMENT



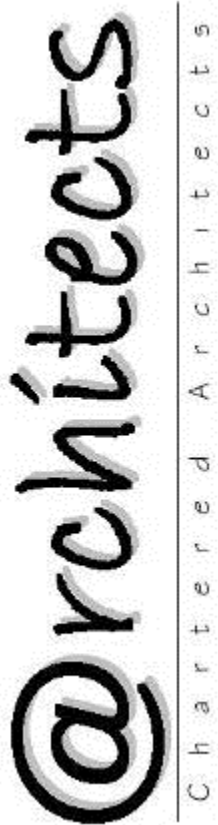
STATEMENT SUPPORTING OUTLINE PLANNING APPLICATION

The application site consists of the north most portion of the relatively flat garden ground of the applicant's existing property, with the existing house located towards the south of the long rectangular plot. While the owners love the location of the house they have reached an age where they want to downsize into a more suitable and manageable property and are therefore seeking approval for the erection of a house within the existing large garden attached to the existing property.

The site of the proposed house is within the existing settlement boundary of Kirriemuir and as such policy indicates that proposals for new development will generally be supported. While the detail design of the house will be subject to a further application initial thoughts are that the proposed house will be a 1 to 1½ storey cottage and an indication of its size and position is marked on the submitted drawings. This represents a proposed development density of 14.3%, which as can be seen on the drawings submitted is comparable to that of the surrounding area. The house will meet with full modern standards including wheelchair accessibility and will be accessed via both a private and shared driveway which will incorporate the access to the existing house. Adequate off street car parking for both properties can be provided as shown on the drawings. The application site covers an area of 586.8 m² with an area of garden retained by the existing house of 528.9 m². The proposed and existing houses plot sizes and garden ground criteria as stipulated by the relevant policies and the requirements of Advice Note 14 - Small Housing Sites and Advice Note 6 – Backland Housing Developments have therefore been met. Additionally the requirements with regard to aspect, privacy, private garden and distance between properties have also been addressed. The amenity of the existing property and that of the surrounding properties will therefore remain un-affected by the proposals.

Due to its orientation the new house will be designed to maximise its south facing aspect with reference to the gardens of the adjacent properties and that of the existing house. It is proposed to retain the existing high boundary fences to the North and West of the site with the oversized and poorly maintained coniferous hedge to the North to be replaced and a new 1500mm high timber boundary fence to the East and South. It is proposed to connect the new house to the existing mains drainage and water supply networks, with surface water provision taking full recognition of current SUDS requirements. The property will be constructed to exceed the requirements of the current building regulations on air tightness and insulation levels and additionally due to its orientation could feature integrated solar water or solar pv panels on the south facing roof all helping to reduce the energy requirements and carbon footprint of the new building.

From:Paul Fretwell
Sent:15 May 2015 15:16:21 +0100
To:DuthieNG
Subject:Planning Application 15/00389/PPPL - Fairhill, Muir Road, Kirriemuir
Importance:High



15 May 2015

Dear Neil

Thanks for the email, comments as follows:

Windows and overlooking The application is an outline application and the detailed design will be subject to a further application. However as per the design statement we have shown an indication of the anticipated foot print of the proposed house which shows that acceptable distances can be achieved in relation to the existing property to the North and South as these are anticipated to be the primary aspects of the dwelling. It is not anticipated that the west will be a main aspect and if any small window is required such as to a wc this will be obscure.

We have checked with the client and the boundary shown on our site plan is correct and all land is within the clients ownership. The possible future removal of the existing garage is irrelevant to the application and if ever removed the owners of the properties sharing the mutual boundary will have to make an agreement with regard to boundary treatment. There is no requirement to install a fence under such

circumstances.

The new house will have its own drainage connection which will be approved by Scottish Water and how this is carried out will be resolved at the appropriate stage. The client was unaware that when Cairnlea was built recently that the owner had interfered with their drainage and no prior permission was given.

Hope this clarifies things with regard to the queries raised.

Regards

Paul Fretwell
for *@rchitects Scotland Ltd.*

15 West High Street, Forfar, DD8 1BE
Mob. 07860 968007

Tel. 01307 466480

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1123 CF 01

Angus Council
 Planning
 County Buildings
 Market Street
 Forfar

Attn. Mr Neil Duthie

10th June 2015

Dear Neil

**Proposed Principle of Dwelling in Existing Garden Ground, Fairhill, Muir Road, Kirriemuir Ref :
 15/00389/PPPL**

Further to your email of 19th May and our meeting of the 21st May. We would like to confirm the following items:

As mentioned in your letter Fairhill has by previous owners been subdivided and more recently a house built by someone on this ground. While this in itself does not have a bearing on this application we have considered this in relation to the further comments made about the established development pattern. The origins of this residential area of Kirriemuir was 2 houses in large plots, since subdivided into several houses and plots and the auction site since redeveloped into housing. Bearing in mind its very recent subdivision it is therefore only very recently that the linear plot of Fairhill was created and the linear plots adjacent are a consequence of previous subdivision and are not 'riggs' and equally have no historical significance to the town or indeed the area. The proposal to develop this backland site will not have any impact on the frontage to the public road as the proposed house is to be concealed behind the existing house. Additionally it was recently considered suitable to develop the adjacent house on its linear plot in a manner that does not support the statements made indicating a desire to restrict development to along the roadside preserving long linear gardens behind and therefore this proposal to develop to the rear of the plot we consider would be in line with the recent permitted adjacent development as well as other surrounding development. We have already shown on the submitted drawings that the proposed plot size and development density is in line with the surrounding properties.

The plans previously submitted clearly show an indicative house footprint which we consider shows at this stage that it is possible to meet the required window to window distances. As discussed this is an application in principle and this would be under consideration again as part of the required further application. This said we tabled at our meeting a sketch showing a plan of an indicative 2 bed bungalow to further address these concerns to which a presentable version is attached to this letter.

It is therefore our opinion that we have clearly demonstrated that the proposals fully comply with the requirements of Policies S6 and SC2 and fully in accordance with Advice Note 6, as follows:

RECEIVEDND

12 JUN 2015

IM

@rchitects

C h a r t e r e d A r c h i t e c t s



15 West High Street
 Forfar, DD8 1BE
 Tel. 01307 466480
 Email: paul@rchitects.org.uk

Policy SC2 : Small Sites

The proposal relates to a small domestic site of less than 5 dwellings within the existing development boundary and is compatible with both the established land use in the surrounding area and the surrounding plot sizes and development density's. Provision has been incorporated within the proposals for both the existing dwelling and the new house of private garden ground well in excess of the 100sq m required by the policy and residential amenity and privacy of the surrounding properties has been carefully considered and demonstrated, remaining unaffected by the proposals.

Policy S6 : Development Principles

The development principles as laid out in Schedule 1 have been carefully considered and fully incorporated where relevant.

Advice Note 6 : Backland Housing Development

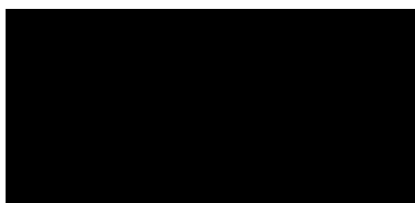
Applications for single houses on a backland site will normally be approved where they meet the criteria in the guidance.

Proposals in relation to criteria:

- The plot proposed (excluding any access strip) and the remaining existing house plot is greater than 400sqm.
- As shown in the proposal drawing the privacy outlook and space for adjoining residents remains unaffected.
- As discussed at our meeting and shown on the sketch attached it is possible to position the windows of any habitable rooms either so as they are not overlooking one another or in accordance with the distance requirements laid down.
- The application indicates a maximum of 1.5 storey development.
- Appropriate access has been provided to the proposed plot including the provision for turning vehicles within the site and to date (and after checking the online status) we are not aware of any objection by the roads department.
- It is made clear that any granting of this application due to it meeting these criteria cannot be regarded as setting a precedent for further applications within the same locality.

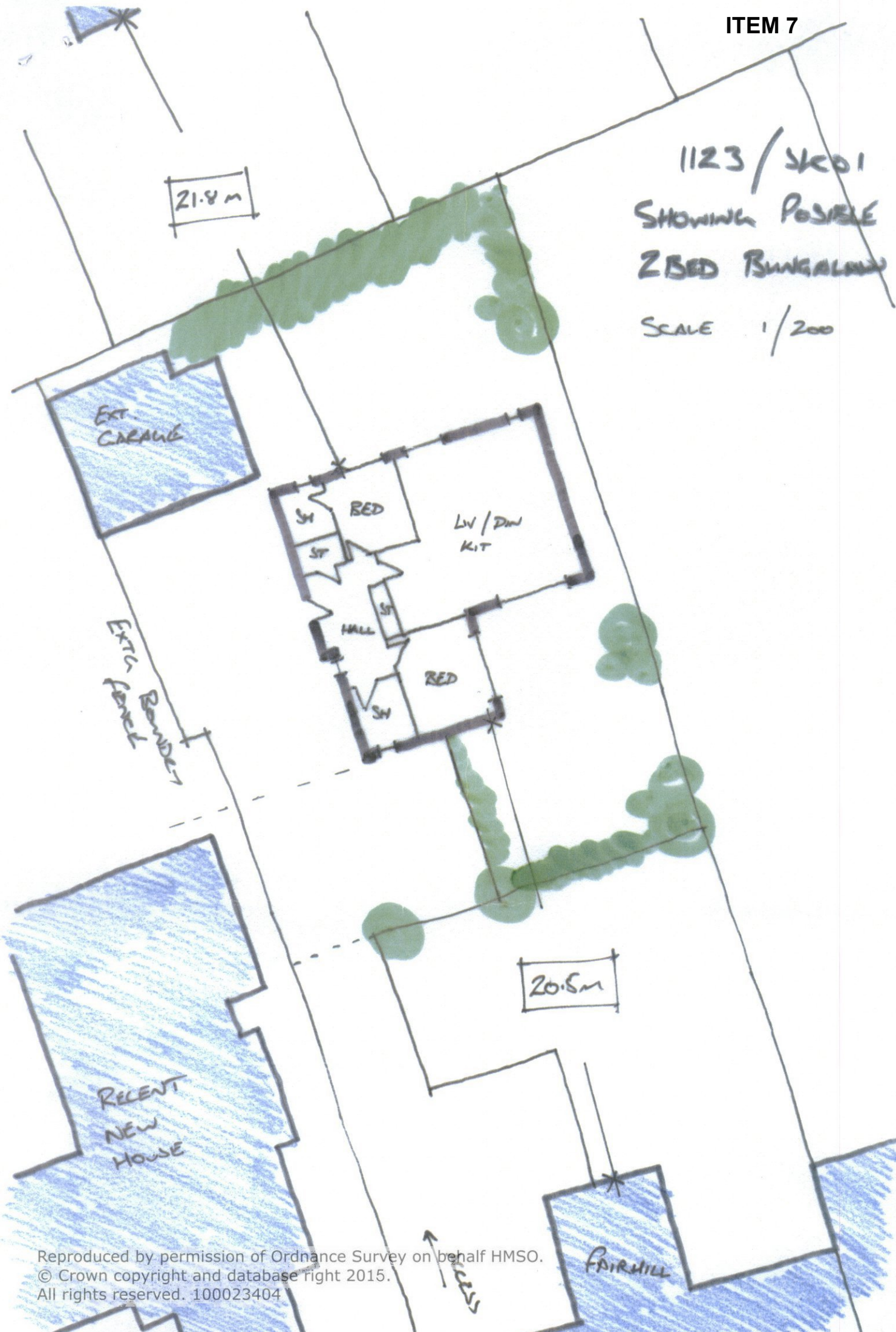
With regard to the £100 payment requested for the advertising of the application, please find this enclosed.

Yours Faithfully



Paul Fretwell
for @rchitects Scotland Ltd.

1123 / SK01
SHOWING POSSIBLE
2 BED BUNGALOW
SCALE 1/200



**FURTHER
REPRESENTATIONS**

"Little Fairhill"

Muir Rd

North Muir

Perthshire

Friday 28th Aug 2015

Dear Mr Forsyth,

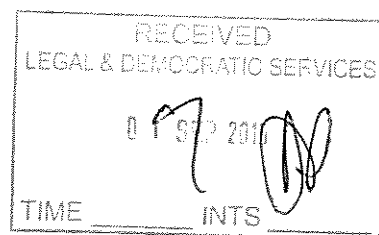
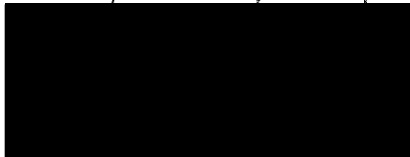
Thank you for informing me
of the review of the planning application

15/00389/PPPL-DMRC-11-15

My original representation still stands.

The generous gardens in Muir Road have long
been a desired feature of these properties, and
there are ample alternatives in this area for
would-be developers without such an intrusion
into this road.

Yours faithfully



'Cairnlea'
West Hill Road
Northmuir
Kirriemuir
Angus
DD8 4PR

Ms Sarah Forsyth – Committee Officer
Angus Council – Resources
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

28 August 2015

Re: Planning Application Reference: 15/00389/PPPL

Dear Ms Forsyth

We are in receipt of your letters of 27 August, Reference SF, regarding review of the above Outline Planning Application. In addition to our previous comments regarding this application (which still stand), we would like to make the following additional comments / observations:

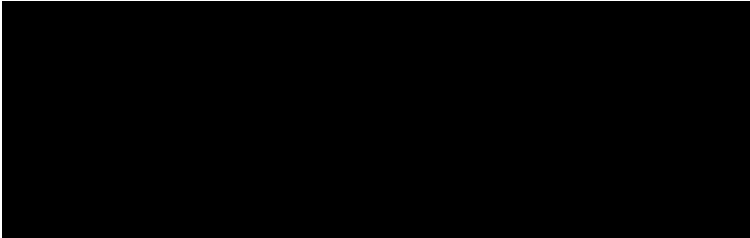
1. The submission from Angus Council Roads Department (Ref: GH/AG/CM TD1.3) states that for a two bedroom property, parking space for two cars is required. Whilst the additional drawing of an outline property design submitted by the architect & published on the 12 June, does show sufficient space for the parking of two cars side-by-side, it does not allow for sufficient space to turn round the cars for either the proposed property or the existing property so that the vehicles exit the property in a forward-facing manner.

A condition put on the Planning Approval for our (adjacent) property in 2010 was the need to always exit the property in a forward-facing manner for safety reasons when joining the traffic on West Hill Road. Although the postal address of Fairhill is Muir Road, the exit from the driveway at Fairhill is effectively onto West Hill Road (It is at the conjunction of the two roads) and thus can present a road safety hazard if backing out of the driveway.

2. The position of the outline property design is extremely close to the existing tin double garage on its north-west corner. If there were to be a fire at the rear of the property or the rear trees & garage, there would be insufficient access for firemen to tackle the fire.
3. The rooms of the proposed outline property (particularly bedrooms) are unlikely to meet current RIBA room size recommendations. As such, the property will be an undesirable asset to the county's stock of modern housing. If the property was any larger, other building conditions could not be met. In summary, the plot is too small for the construction of a residential property.

Please advise us of the Council's decision to this application in due course. Thank you.

Yours sincerely



Mr H J & Mrs E E Rippiner



**APPLICANT'S RESPONSE
TO FURTHER REPRESENTATIONS**

0135/PF

30th October 2015

Angus Council – Resources
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Attn. Ms Sarah Forsyth

Dear Sarah

@rchitects
C H A R T E R E D A R C H I T E C T S

**Planning Permission in Principle, Proposed Dwelling in Existing Garden Ground, Fairhill, Muir Road, Kirriemuir
Ref : 15/00389/PPPL**

Thank you for forwarding us the latest comments and observations submitted with regard to the above application. In response to which we would like to make the following additional comments / observations:

1. With particular reference to the proposed site plan the information submitted clearly show the proposals allow adequate space is available for the relevant parking of 2 No cars as required by the National Roads Development Guide. The Head of Technical and Property Services have not raised an objection to the application and we have no objection to the condition they would like to attach to the approval relating to parking provision. As this is an application in principle this further information will be submitted to address the condition at the appropriate submission of detailed proposals.
2. All appropriate technical aspects including access and fire protection requirements will be addressed fully as part of the obtaining of the required Building Warrant. As this is an application in principle no detailed design aspects are finalised at this stage and will be subject to further relevant submissions. However in terms of appropriate access the sketch proposals allow adequate pedestrian access to the rear of the property.
3. With regard to space within the dwelling, as raised previously, this is an application in principle the detailed design of the house is not a current consideration and the sketch proposals are indicative only. However this said we feel we must point out that the RIBA are an Architects professional body with interest's predominantly in England. The RIAS is the relevant Architects professional body in Scotland and has published no recommendations in terms of space standards. The RIBA do not have a legislative roll in either England or Scotland. The RIBA was however most recently involved in promoting to the UK government the need for reintroducing space standards for England (not Scotland). Space requirements in Scotland are controlled by the relevant requirements within the Building Standards and while we are confident that the sketch proposals are capable of fully complying with the requirements this will be fully assessed at the appropriate time as part of the appropriate warrant application.

We hope this helps clarify the concerns raised and look forward to receiving the council's decision in due course.

Yours sincerely

P. Fretwell

Paul Fretwell
for @rchitects Scotland Ltd.

