

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 OCTOBER 2017**

**32 GAGIEBANK, WELLBANK**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a review of the decision taken by the Planning Authority in respect of the refusal of planning permission for alterations and extension to dwellinghouse, application No 17/00454/FULL, at 32 Gagiebank, Wellbank.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

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

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

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

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

**3. CURRENT POSITION**

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

**4. FINANCIAL IMPLICATIONS**

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

**5. CONSULTATION**

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

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

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

List of Appendices:  
Appendix 1 – Submission by Planning Authority  
Appendix 2 – Submission by Applicant

**ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**

**APPLICATION NUMBER – 17/00454/FULL**

**APPLICANT- MRS N MIDDLEL**

**PROPOSAL & ADDRESS – ALTERATIONS AND EXTENSION TO DWELLING AT 32  
GAGIEBANK WELLBANK DD5 3PT**

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**Angus Council**

<b>Application Number:</b>	17/00454/FULL
<b>Description of Development:</b>	Alterations and Extension to Dwelling
<b>Site Address:</b>	32 Gagiebank Wellbank Dundee DD5 3PT
<b>Grid Ref:</b>	347079 : 736882
<b>Applicant Name:</b>	Mrs N Middler

**Report of Handling****Amendments**

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

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

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

**Planning History**

97/01301/FULL for ALTERATIONS TO DWELLINGHOUSE was determined as "approved" on 9 January 1998.

**Applicant's Case**

No information has been submitted in support of the application.

**Consultations**

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

**Angus Council - Roads** - Offered no objection to the proposal.

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

**Angus Council Environmental Health** - Offered no objection to the proposal.

**Representations**

There were no letters of representation.

**Development Plan Policies****Angus Local Development Plan 2016**

Policy DS4: Amenity

Policy TC4: Householder / Domestic Development

### **TAYplan Strategic Development Plan**

The application does not represent a form of development that has strategic implications and the policies of TAYplan are therefore not referred to in this report.

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

### **Assessment**

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

Policy TC4 relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

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

Policy DS4 deals with amenity and requires all proposed development to have regard to opportunities for maintaining and improving environmental quality. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. The policy identifies matters that will be taken into account and recognises that in some circumstances it will be appropriate to approve proposals that give rise to amenity impacts where they can be mitigated.

The proposed development would consist of the erection of front and rear extensions on an existing bungalow that is located in a relatively modern street of bungalow and chalet type dwellings. The house is oriented on a roughly north south axis. The dwelling currently has a 75 sqm front garden and a 124sqm rear garden and sits adjacent to a very similar property to the east and an amenity open space to the west, beyond the amenity area lies a semi-detached pair of bungalows; one of which has received a radical roof transplant.

The proposal would involve extending south into the front garden of the dwelling to form a new lounge of around 16sqm. The lounge extension would extend forward of the established building line by around 3.4m. A smaller 10sqm extension would be added to the rear of the dwelling and the space between the dwelling and its existing garage would be infilled.

In terms of the policy tests referred to above, the rear extension element of the proposal creates no issues. The same cannot be said for the front extension however. In order to assist with the interpretation of Policy TC4 Angus Council has published a Householder Development Planning Advice Note. In respect of front extensions, the advice note clearly states that other than porches and bay windows, extensions that would project forward of the principle elevation of the original residential property or the line of buildings in the street should be avoided. The advice note clarifies the reasoning behind this stance by stating that front extensions are usually highly prominent and often break the building line with resulting detrimental impacts on neighbouring properties and the street scene.

Gagiebank is a development that can be described as being an area of established amenity. The development with few exceptions consists of dwellings with front gardens (some open plan and some enclosed) that conform to the original building lines established when the development was originally built. The established amenity of the area is partly derived from its suburban character consisting of mature and well maintained front gardens that provide comfortable distance between dwellings which reduces the need for formal boundary screening to be put in place. Whilst some properties have opted to utilise hedging to enhance privacy, the general character of the street is relatively open.

The street consists of two main cul de sacs that are linked via a central north south link. Access from the B978 Kellas Road is from a central spur that results in a roughly M shaped layout. The property that is subject of the application sits at the north end of the north-south link between the two main cul de sacs and occupies a slightly elevated position as the street rises naturally from south to north.

In terms of test 1 of Policy TC4 the proposal to project forward of the building line would result in an unacceptable visual amenity impact. It is not disputed that the design of the proposed extension is appropriate in terms of its style, taking account of the style of the existing dwelling, and if the house stood in isolation and, was not located within the context of an area of established amenity, the proposal may have been considered to be appropriate. In this case however, the decision to project forward of an established building line would uncomfortably alter the relationship of the dwelling with its surroundings. The site is slightly elevated and it is considered that the submitted drawings underplay the extent to which the proposed extension would become a dominant feature in the street scene. Indeed, no attempt has been made to relate the extension with its surroundings and the dwelling is shown very much as a property in isolation in submitted drawings. With that in mind it has not been possible to undertake a full assessment of the impact of the projection on available light to the front windows of the neighbouring dwelling to the east; however, it is likely that there would be some impact on at least one of those windows from midday onwards. Given that it is not normally to be expected that such impacts would occur to the front of a property, this highlights one of the issues with extending forward of established building lines.

The extension would diminish the sense of openness experienced by the neighbouring property to the east and would introduce a form of development to the general area which if repeated over time, would erode the overall quality of the amenity of the area through the reduction of the building to building distances at the front of properties where main habitable rooms are typically located. For these reasons the proposal is considered to be at odds with test 1 of Policy TC4 as well as the general amenity considerations of Policy DS4.

Similarly, in terms of test 2 of Policy TC4, which relates to the character and appearance of the dwelling and the area, the proposed form of development is at odds with the general character and appearance of the area. It is acknowledged that there have been two front extensions on dwellings close to the site in the past however these examples serve to reinforce the reasons why extending in this manner is undesirable and both examples pre-date the current guidance issued by the Council in respect of such development. Both examples would be considered similarly unacceptable in terms of current standards. As stated above the design of the proposed front extension is appropriate in terms of its style taking the dwelling in isolation, however it would result in a development form that is at odds with the character and appearance of the area. The council's published guidance states a general presumption against such a form of development and there are no exceptional circumstances that would lead to the conclusion that this presumption is not applicable in this case. The site as currently configured offers ample potential to achieve the desired level of accommodation in a more appropriate manner i.e. to the rear of the dwelling. The proposal is contrary to Policy TC4 test 2 and the Householder Development Planning Advice Note that is published in support of Policy TC4.

The final test of Policy TC4 relates consideration as to whether a site has been overdeveloped or the development proposal results in an unacceptable loss of onsite provision for parking/ bin storage etc. The development proposal relates to a form of development that is unacceptable in terms of the other relevant tests of Policy TC4; however the development proposal would not result in the overdevelopment of the plot. As previously stated however, a similar level of development could be achieved elsewhere on the site without detriment in terms of test 3 considerations. It is the specific detail of the development, rather than the level of development that creates the policy tension in this case.

In summary, the proposal relates to a form of development that is considered to be incompatible with Policy TC4 and its supporting guidance in terms of its character and appearance and which would result in a form of development that would result in erosion of the established amenity of the area. On that basis it is considered that a recommendation of refusal is justified.

Planning obligation not required.

## **Human Rights Implications**

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

## **Equalities Implications**

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

## **Decision**

The application is Refused

## **Reason(s) for Decision:**

1. That the proposed development represents a form of development that is at odds with the character and appearance of the area and which is directly contrary to the published guidance in the Householder Development Planning Advice Note. Furthermore the form of development proposed is considered to be such that it represents an erosion of the established residential amenity of the area. The proposal is therefore considered to be contrary to Policy DS4 and Policy TC4 in the Angus Local Development Plan and there are no material considerations that would justify approval of the application contrary to Development Plan provisions.

## **Notes:**

Case Officer: Pauline Chalmers

Date: 19 July 2017

## **Appendix 1 - Development Plan Policies**

### **Angus Local Development Plan 2016**

#### **Policy DS4: Amenity**

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

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and

- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

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

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

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

#### **Policy TC4: Householder / Domestic Development**

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

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

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

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

## THE STRATEGY

### Policy DS4 Amenity

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

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

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

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

### Policy DS4 SEA Implications

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

### Developer Contributions

New development has an important role in funding measures to mitigate any adverse impacts in a way that is consistent with the delivery of wider planning and environmental objectives. Circular 3/2012 sets out that planning obligations can be used to overcome obstacles to the grant of planning permission. This means that development can be permitted and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for.

Planning obligations will only be sought where they meet the tests set out in Circular 3/2012, including: necessity, planning purpose, being related to the proposed development, scale and kind and reasonableness. It is recognised that developers and landowners would like certainty about the likely scale and nature of developer contributions that will be sought by the Council. The site allocations made in the ALDP identify contributions where they are currently known, but it is important to recognise that additional contributions may be required and in all cases the scale and nature of contributions will be negotiated and agreed as part of the planning application process. In such negotiations, the details of a contribution will be based on the most up to date information at the time in respect of



## THE STRATEGY

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infrastructure provision and consideration by the Council of any abnormal development costs identified by the developer.

## Householder / Domestic Development

Houses generally benefit from permitted development rights which allow for a degree of alteration, extension and development within the curtilage without the need for planning permission. Although more limited, flatted properties also benefit from a range of permitted development rights. There are still instances where certain householder / domestic development will require planning permission, and this policy aims to ensure that a satisfactory residential environment is maintained.

Angus Council recognise that there is a need to allow for the adaptation and extension of existing properties to meet the changing needs and demands of residents. This may include alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration.

Proposals for domestic or householder development require careful consideration for their potential impact on the character and appearance of the property and surrounding area and the residential amenity enjoyed by both the house and surrounding domestic properties. A Planning Advice Note will be prepared to provide advice and best practice on the design, scale and location of householder development.

## THE POLICY FRAMEWORK – PART 1

### THRIVING & CONNECTED

#### Policy TC4 Householder / Domestic Development

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

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

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

#### Policy TC4 SEA Implications

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

#### Accommodation for Seasonal or Transient Workers

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

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

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

## ANGUS COUNCIL

### COMMUNITIES PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

17/00454/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

08	06	17
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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**

**From:**AkroydL  
**Sent:**9 Jun 2017 10:58:20 +0100  
**To:**ChalmersPE  
**Cc:**ThomsonSD  
**Subject:**17/00454/FULL - Alterations and Extension to Existing Dwelling, 32 Gagiebank, Wellbank

Pauline,

**17/00454/FULL**

**Alterations and Extension to Existing Dwelling, 32 Gagiebank, Wellbank**

I refer to the above application and can advise that I have seen the submitted plans.

The plans show that the existing chimney will be removed and a new flue will be erected to accommodate a wood burning stove to the extension to the front of the property. The proposed flue will be located above roof ridge height and the discharge will be as high as the existing chimney with no part of the dwelling or adjacent dwelling be higher than the discharge point.

In light of the above, I would advise that this department would have no objections or other comments to make.

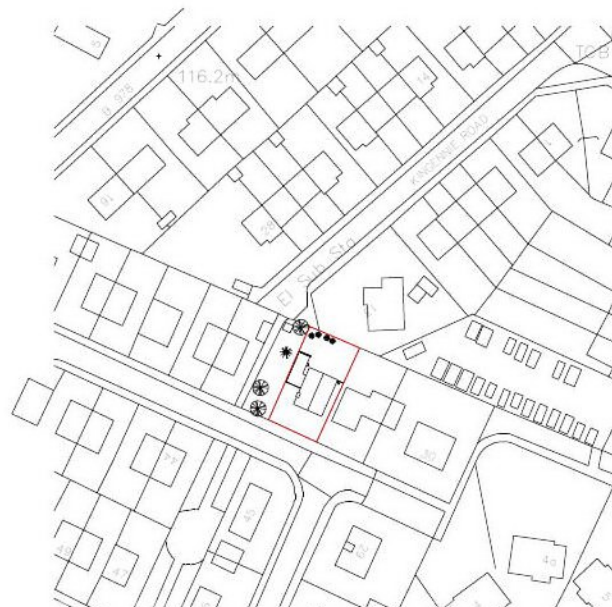
Regards

Louise

**Louise Akroyd | Environmental Health Officer | Angus Council | Communities | Regulatory & Protective Services | County Buildings, Market Street, Forfar, DD8 3WE, Tel: (01307) 473382**



# Refused



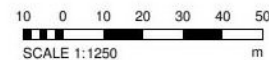
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(c) Crown copyright and database rights 2017.



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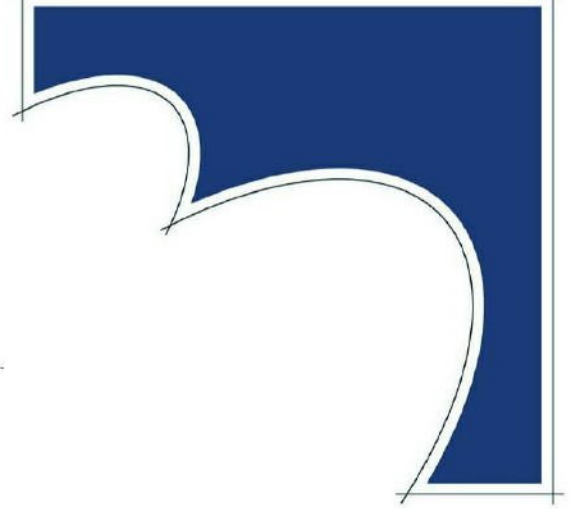
## Location Plan

1 : 1250

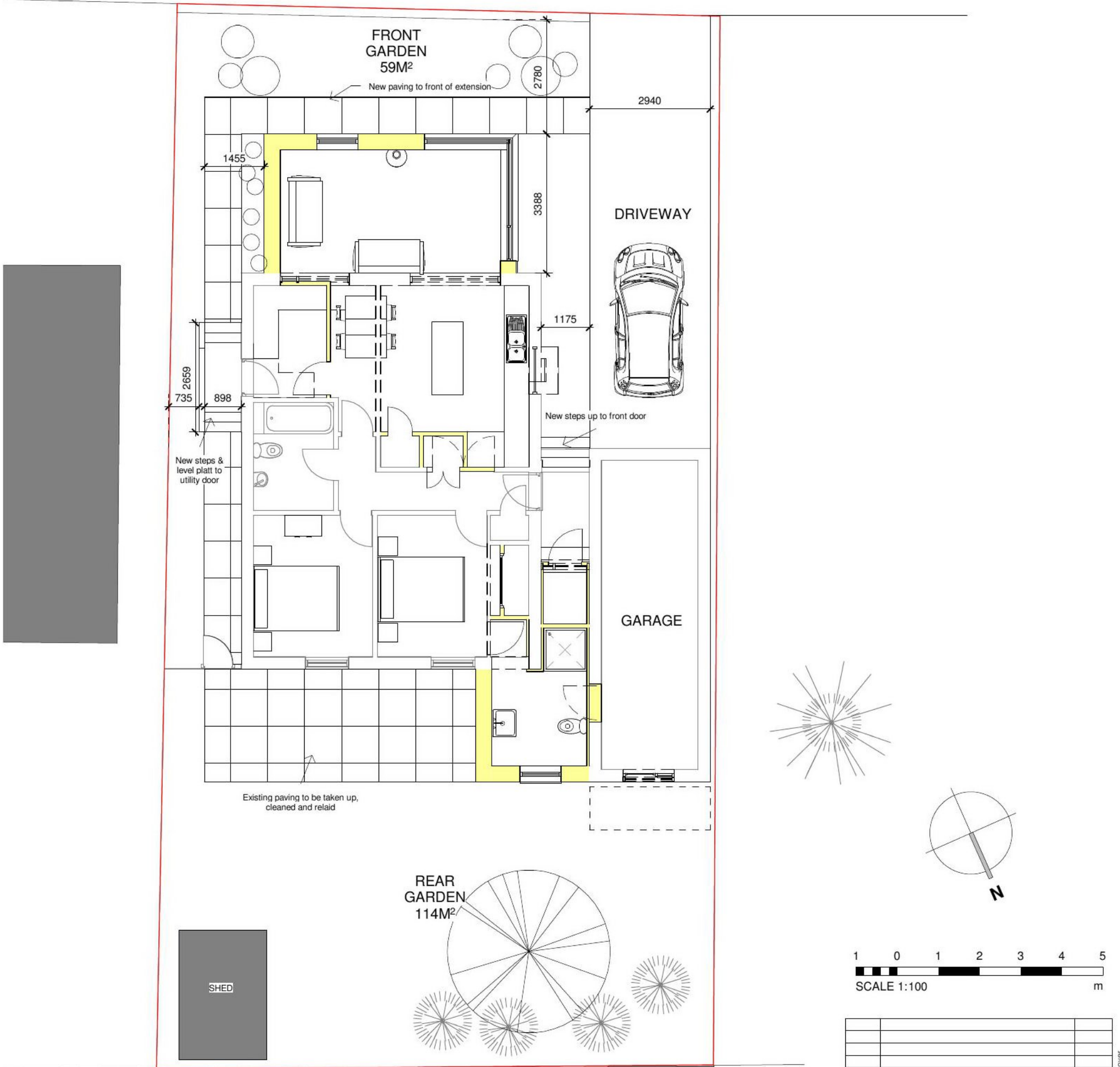


REV	Description	Date
Client: Mrs Middler		
Project: Alterations and Extension 32 Gogrie Bank, Wellbank		
Sheet Name: Location Plan		
Drawing Number: 2044_S_003		

# Refused



GAGIE BANK

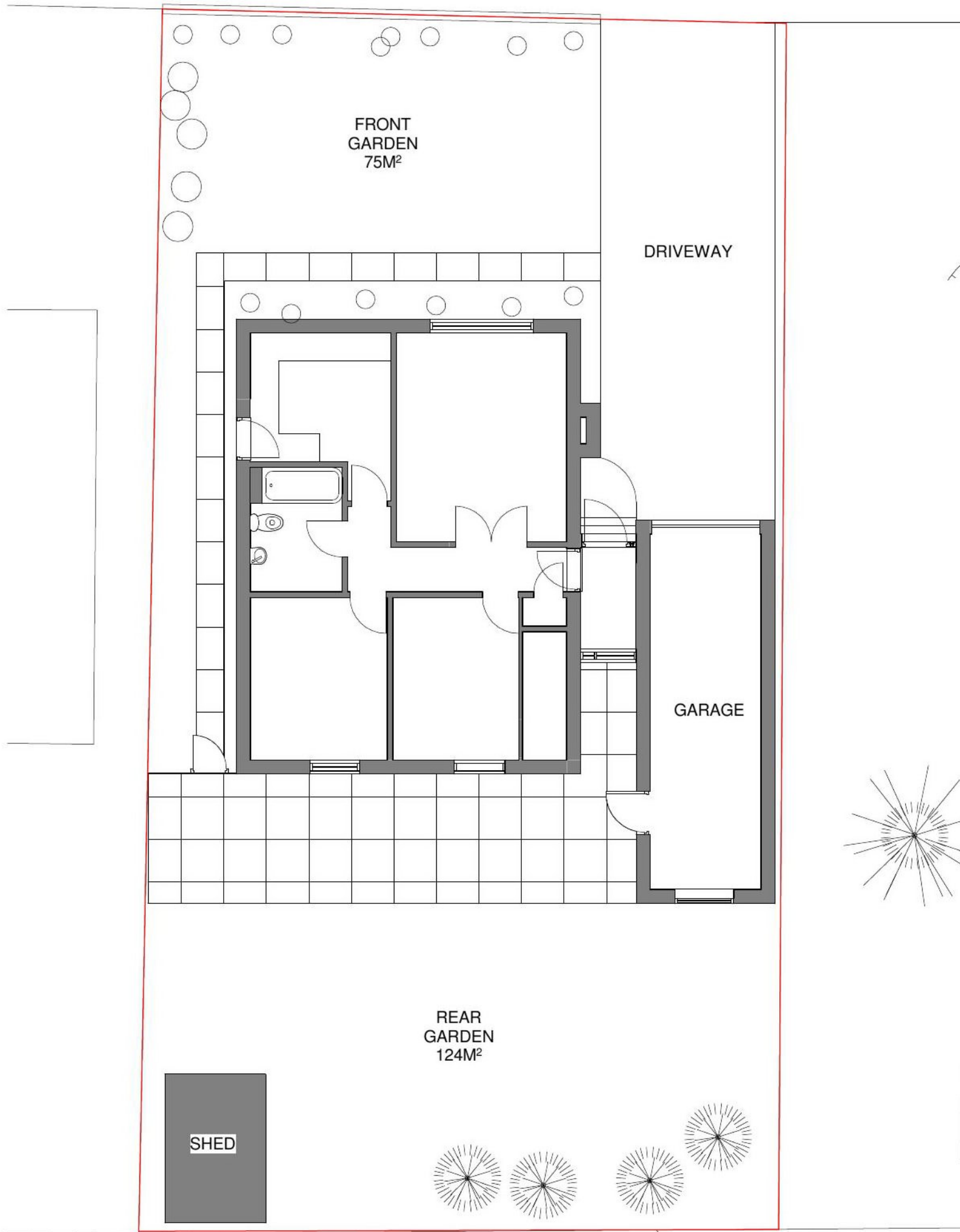
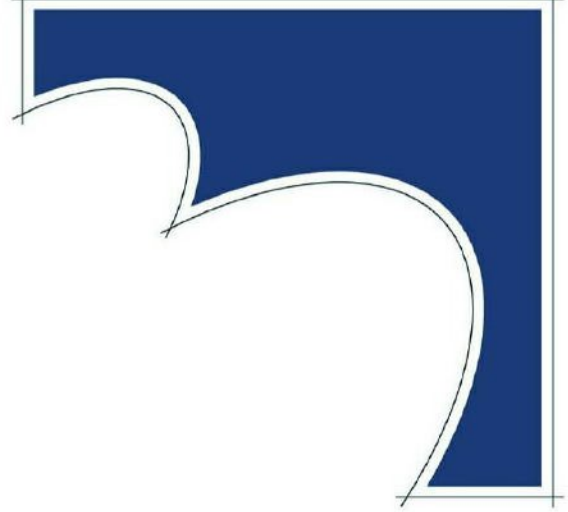


## Proposed Site Plan

1 : 100

REV	Description	Date
Client: Mrs Middler		
Project: Alterations and Extension 32 Gagie Bank, Wellbank		
Sheet Name: Proposed Site Plan		
Drawing Number: 2044_D_001		

# Refused



## Existing Site Plan

1 : 100

REV	Description	Date
Client: Mrs Middler		
Project: Alterations and Extension 32 Gagie Bank, Wellbank		
Sheet Name: Existing Site Plan		
Drawing Number: 2044_S_001		

paper size: A3 drawn by: Author checked by: Approver

















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

PLANNING PERMISSION REFUSAL  
REFERENCE : 17/00454/FULL

To **Mrs N Middler**  
**c/o Brunton Design**  
**95 Dundee Street**  
**Carnoustie**  
**Angus**  
**DD7 7EW**

With reference to your application dated 30 May 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Alterations and Extension to Dwelling at 32 Gagiebank Wellbank Dundee DD5 3PT for Mrs N Middler**

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 represents a form of development that is at odds with the character and appearance of the area and which is directly contrary to the published guidance in the Householder Development Planning Advice Note. Furthermore the form of development proposed is considered to be such that it represents an erosion of the established residential amenity of the area. The proposal is therefore considered to be contrary to Policy DS4 and Policy TC4 in the Angus Local Development Plan and there are no material considerations that would justify approval of the application contrary to Development Plan provisions.

**Amendments:**

The application has not been subject of variation.

Dated this **20 July 2017**

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



## Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

### DURATION

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

## PLANNING DECISIONS

### Decision Types and Appeal/Review Routes

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

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

**Notification of initiation of development (NID)**

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

**Notification of completion of development (NCD)**

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

**Display of Notice while development is carried out**

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

Telephone 01307 473212 / 473207 / 473335

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

Website: [www.angus.gov.uk](http://www.angus.gov.uk)



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

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

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

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

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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

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

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

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

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

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**COMMUNITIES Your experience with Planning**

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

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

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

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

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

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

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

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

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

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

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

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

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

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

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

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

**OUTCOME:** Outcome of the application:

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

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

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



1) Photograph from applicants site showing neighbours extension breaking the ridge line to the front elevation.



2) Photograph showing precedence set for front extension.



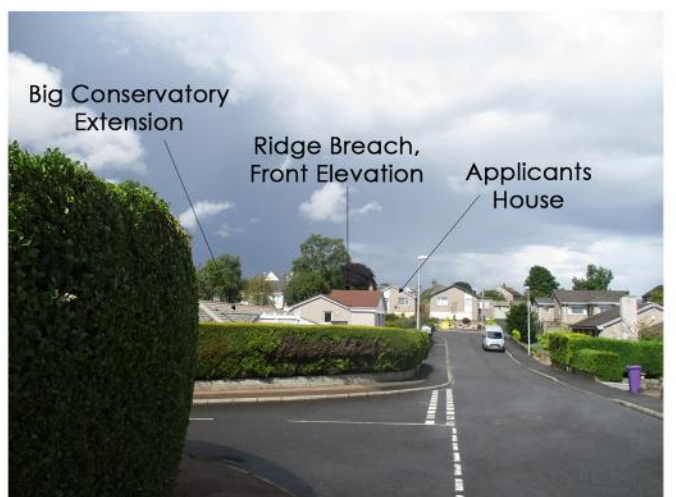
3) Photographs shows unfairness of the refusal when a precedence has been set, by allowing an inferior style of extension.



4) Photograph showing extension to front of immediately adjacent house, which breaks the ridge line and is twice the size of the applicants required extension.



5) Photograph shows neighbours extension and lack of strict building line.



6) Photograph showing big front elevation conservatory granted consent in foreground, ridge breaching extension and the applicants house.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**ALTERATIONS AND EXTENSION TO DWELLING AT  
32 GAGIEBANK, WELLBANK**

**APPLICATION NO 17/00454/FULL**

**APPLICANT'S SUBMISSION**

**ITEM 1**      Notice of Review

**ITEM 2**      Photographs



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100053725-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text" value="32"/>
Last Name: *	<input type="text" value="Middler"/>	Address 1 (Street): *	<input type="text" value="Gagiebank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Wellbank"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Angus"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 3PT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="32 GAGIEBANK"/>
Address 2:	<input type="text" value="WELLBANK"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD5 3PT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="736882"/>	Easting	<input type="text" value="347079"/>
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## Description of Proposal

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

Alterations and Extension to Dwelling

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The proposed extension complies with guidelines provided all factors are taken into account and the application is judged on its own merits. No neighbours amenity is compromised (none have objected) there are several extensions to the front of houses in the immediate vicinity which have been approved (presumably) and have set a precedent. This is an area of modest visual interest. A site visit by Councillors reviewing will re-enforce the fairness of an approval.

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

Yes  No

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

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

Photographs

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/00454/FULL

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

30/05/2017

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

20/07/2017

## 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

## 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: Brunton Design Studio Jackie Stephen

Declaration Date: 10/08/2017



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2) Photograph showing precedence set for front extension.



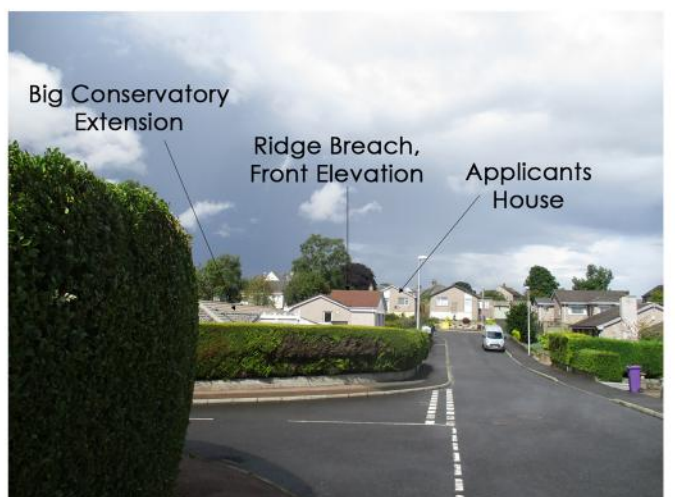
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