

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 23 OCTOBER 2018**

**105 BARRY ROAD, CARNOUSTIE**

**REPORT BY THE SERVICE LEADER - LEGAL AND DEMOCRATIC**

**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 erection of a new detached dwellinghouse, application No 18/00036/FULL, at 105 Barry Road, Carnoustie.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

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

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

**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.

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

**APPLICATION NUMBER – 18/00036/FULL**

**APPLICANT- MRS AILEEN STEWART**

**PROPOSAL & ADDRESS – ERECTION OF A NEW DETACHED DWELLINGHOUSE AT 105  
BARRY ROAD CARNOUSTIE DD7 7QT**

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**Angus Council**

<b>Application Number:</b>	18/00036/FULL
<b>Description of Development:</b>	Erection of a New Detached Dwellinghouse
<b>Site Address:</b>	105 Barry Road Carnoustie DD7 7QT
<b>Grid Ref:</b>	354769 : 734434
<b>Applicant Name:</b>	Mrs Aileen Stewart

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

The application site consists of the northern garden area of the dwelling at 105 Barry Road. There is a pair of single storey semi-detached cottages (105 and 107 Barry Road) immediately to the south of the site and residential properties are also located to the east (103B) and west (109). Barry Road is located to the north (with residential properties beyond) and there is an existing vehicular access to the site onto this road which serves 105. A low wall provides the boundary treatment on the northern boundary and there is a mature tree in the northwest corner of the site. Boundary treatments consist of a low stone wall on the eastern boundary and a mix of hedging, fencing and brick wall on the west boundary.

**Proposal**

The proposal is for the erection of a single dwelling house located centrally within the application site. The dwellinghouse would be 1 ¾ storeys with external finishes including a natural slate / standing metal seam and the wall materials would be mainly brick with some timber cladding feature panels. Hedging is proposed along the southern boundary and a 1.8m high timber fence is proposed adjacent to the driveway to 105 Barry Road the east. A mix of grass and permeable gravel is proposed within the site. The application form indicates that the dwellinghouse would connect to the public drainage network and public water supply, with SUDS also being provided for surface water.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 2 March 2018 for the following reasons:

- Contrary to Development Plan

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

**Planning History**

17/00052/FULL for Erection of a New Detached Dwellinghouse with Integral Garage was determined as "Application Withdrawn" on 14 April 2017.

10/00962/FULL for Alterations to Dwellinghouse (Re- Application) was determined as "approved subject to conditions" on 1 October 2010.

10/00214/FULL for Proposed Conservatory to Rear of Dwellinghouse was determined as "approved subject to conditions" on 4 May 2010.

## Applicant's Case

As part of the application, a Design Statement and Supporting Letter was submitted and these documents can be summarised as follows:

Design Statement (dated 21/01/18):

- o Provides a location / site context and description of the existing use;
- o Details the existing context with regards to overlooking and design of properties in immediate area;
- o Highlights the current proposal in terms of the design context and incorporates a historical plan showing a property to the north which is no longer in situ;
- o Refers to the design proposal in detail and mentions the plot size as being 402sqm and refers to the scale being appropriate and the access being acceptable. It highlights that the plot will be easily accessible and that there is a precedent for infill housing in the town;
- o Refers to Angus Council Advice Note 14 and suggests that the proposal complies with plot coverage requirements and there would be no impacts on neighbouring properties / privacy / amenity;
- o Indicates that there would be no impacts on trees and that the building is intended to contain tried and trusted environmental measures to ensure energy efficiency.
- o It refers to other aspects such as landscaping and indicates that the proposal would comply with policies in the Angus Local development Plan.

Supporting Letter dated 09/03/18 - (submitted to address concerns raised by the Planning Authority):

- o Window to window distances - That the window on the north elevation of number 105 Barry Road is a dining / TV room and not lounge; Proposed boundary treatment would not impact on this;
- o Window to window distances are beyond those stated in Advice Note 14;
- o That the southern boundary treatment proposed would have no impacts on neighbouring privacy;
- o Front gardens of number 105 and 107 are of less overall value as amenity space and that the current boundary exists to the north;
- o That any boundary treatment would help no.107 by providing greater privacy to their bedroom and kitchen windows;
- o Legal advice unquestionably supports boundary treatments to the north;
- o Considers that there is sufficient space between, in and around the proposed dwelling and do not consider that the space in front of no.107 can be considered justifiable amenity space;
- o Refers to Policy DS3 and considers that the house does fit exactly with the general pattern and character of development;
- o Refers to examples of similar plan form and design in surrounding area;
- o Indicates that the site and materials are acceptable and that there would be no overbearing impact;
- o Consider that the application has been prejudged by officers.

## Consultations

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

**Angus Council - Roads** - No objections. Noted that the access to 105 Barry Road would be lengthened and noted that car parking provision would be acceptable. Requested a condition be attached to ensure a footway crossing is provided.

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

## Representations

Two letters of objection have been received from neighbouring properties, the content of which is summarised as follows;

- o House design is not in keeping with the rest of street and proposal uses alternative materials;
- o The roof pitch of the house is quite high compared with some neighbouring houses;
- o Car parking is insufficient and should include a turning area to avoid vehicles reversing onto the busy

main road;

- There is no indication of soakaways/SUDS provision and the street already has problems with drainage/flooding;
- Adversely affects number 107 Barry Road as the property will be completely hidden from view and the proposal will have an overbearing impact on the property;
- Building is inappropriate for the location and out of keeping with neighbouring properties which are cottages and single storey;
- Building will overshadow number 107 Barry Road;
- Hedge proposed in front of number 107 will have overshadowing impacts and loss of light if not maintained;
- Impacts on open views;
- Overlooking and loss of privacy concerns.

## **Development Plan Policies**

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

Policy DS1 : Development Boundaries and Priorities  
 Policy DS3 : Design Quality and Placemaking  
 Policy DS4 : Amenity  
 Policy TC2 : Residential Development  
 Policy PV7 : Woodland, Trees and Hedges  
 Policy PV15 : Drainage Infrastructure

### **TAYplan Strategic Development Plan**

The proposal is not of strategic significance and policies of TAYplan are 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 DS1 in the Angus Local Development Plan (ALDP) indicates that the focus of development will be sites allocated or otherwise identified for development. On sites not allocated or other identified for development such as the application site, Policy DS1 indicates that proposals will be supported where they are of an appropriate scale and nature and are in accordance with policies of the plan.

Angus Council Advice Notes 6 'Backland Housing Development' and 14 'Small Housing Sites' provide further guidance for developments of this nature. Advice Note 14 includes considerations relating to plot size, plot coverage, private amenity space and distance between buildings. Although the proposal house would not be a backland development because it front Barry Road, it would create a situation where the existing houses at 105 and 107 Barry Road would become backland housing as a result of the proposed dwellinghouse and as such is relevant. Advice Note 6 acknowledges that *for some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area.*

Advice Note 14 indicates that *the plot area of a proposal must bear some affinity with the surrounding plots, the council will be reluctant to permit developments that do not respect the character of the area, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".*

## **Character and pattern of development in the surrounding area**

Policies TC2 and DS3 support proposals for development where the proposal is consistent with the character and pattern of development in the surrounding area.

In assessing whether the proposed dwelling would be consistent with the character and pattern of development in the area, it is acknowledged that there are other examples of backland housing development both to the north and south of Barry Road. While there are other examples of backland housing development, the proposed development would create an uncharacteristically cramped arrangement between the proposed house and the housing to the south.

The land to the south of 105 and 107 Barry Road has historically been reduced in size by the construction of the dwelling at 12A James Street and the area to the north of 105 and 107 Barry Road currently provides an area of space and an open aspect around the properties which would be almost entirely consumed by the installation of a new dwelling and associated boundary enclosures in that area.

The proposed house would be located only 10m to the north of these properties whereas the house at 12A James Street is located more than 20m to the south of 105 Barry Road which maintains a reasonable level of spacing between dwellings. The house at 103b Barry Road to the east is located approximately 21m from 10 and 12 James Street to the south east; and the house at 109 Barry Road to the west is located approximately 15m from the side elevation of 43 Westfield Place. This illustrates that the distances between the main elevations of existing houses adjacent to the site are more spacious (20m and 15m separation rather than the proposed 10m separation). The distance between the proposed house and 105 and 107 Barry Road would result in the appearance of a family house squeezed into a small site in the front garden of 105 Barry Road. That form of development would be out of character with the established spacing and setting between the majority of other housing in the surrounding area.

The proposal is therefore contrary to policies TC2 and DS3 because the proposal is not consistent with the character and pattern of development in the surrounding area.

## **Amenity Impacts**

Policy TC2 indicates that all proposals for new residential development must not result in an unacceptable impact on surrounding amenity. Policy DS4 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. It lists considerations which include residential amenity in relation to overlooking or loss of privacy, outlook, sunlight daylighting and overshadowing.

The proposed house would be located approximately 10m to the north of 105 and 107 Barry Road. Information submitted with the application indicates that the north elevation of 107 Barry Road contains a bedroom and kitchen (both habitable rooms) and 105 Barry Road contains a kitchen and TV room (both habitable rooms). The proposed house contains a large degree of glazing on its south elevation and the drawings submitted suggest that this glazing would serve (moving west to east) a Kitchen/Dining Room, Utility Room, Stair Landing and Garden Store/Cloaks. The glazing arrangement proposed would result in a habitable room in the proposed house 12m from a habitable room in 107 Barry Road to the south.

Advice Note 6 indicates that development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents and seeks a reasonable degree of space around and between a new house and those existing. It indicates that windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of 20m between the windows of both dwellings.

As detailed above, most of the windows in the proposed house would be 10m from habitable rooms in 105 and 107 Barry Road and the habitable Kitchen/Dining Room at the west side of the dwelling would be just 12m from 107 Barry Road. This distance is significantly less than the minimum standard identified in Advice Note 6 and the proposal is contrary to that Advice Note.

In addition to that impact, the proposed dwelling would introduce a wall of development 10m to the north of habitable room windows in the north elevation of 105 and 107 Barry Road. The proposed house would measure 4.6m to its eaves and 6.6m to its ridge and would result in an overwhelming presence

when viewed from property to the south. 107 Barry Road has raised quite legitimate concerns about this impact in their objection to the application.

The proposal is contrary to policies TC2 and DS4 because it would result in unacceptable impacts on the amenity of 105 and 107 Barry Road.

### **Design of the proposed house**

Policy DS3 indicates development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. It is noted that the third party objections identify concerns regarding the proposed design and suggest that it is not in keeping with the rest of street.

Houses adjacent to the site are a mix of single and one and a half stories. They are characterised by relatively simple designs with ridges running parallel to the street, regular rectangular footprints and regular fenestration and they lack clutter or irregular design interventions. Houses adjacent have roof materials including concrete tiles or slate. Wall materials are a mix of natural stone, artificial stone and render. Property boundaries are formed in stone, brick or hedging.

The proposed house design would contrast with the appearance of existing housing as a result of its size, roof pitch, irregular footprint, individual design features (e.g. central entrance feature) and palette of materials (brick, standing seam metal, timber cladding) and the design solution does not have the appearance of a dwelling which draws upon existing townscape features that contribute positively to the character and sense of place of the area. Some of these matters (e.g. external finishes) could be resolved through the use of planning conditions but the irregular footprint, height of the building and roof pitch would result in a house which is out of character with other dwellings adjacent to the site as noted in the third party objections.

The proposal house would stand out and contrast from other housing adjacent and would not deliver a high design standard, draw from aspects of townscape that contribute positively to the character and sense of place of the area and as such the proposal is contrary to Policy DS3.

### **Other matters**

While the proposal has been assessed as contrary to policies TC2, DS3 and DS4 above, for completeness an assessment against other policies tests is provided below.

The proposal raises no land use compatibility issues. The site is not protected or allocated for another use in the local development plan. While the proposal would result in adverse impacts on the amenity of existing housing, the proposed house would provide a reasonable residential environment for the would-be householder. A single house at this location would not require provision of affordable housing.

In terms of impacts on the natural environment, there is an existing mature sycamore tree on the north west boundary of the site. This is shown as retained on the proposed drawing with the north elevation of the house approximately 4 metres from its trunk. The tree makes a positive contribution to the street scene on Barry Road and there are only a small number of trees on that main route through the burgh. The tree has hard surfaces on several sides and therefore the application site is particularly important to the survival of the tree. Its route protection zone would extend approximately 9 meters into the site and the house would extend well into that area. The introduction of a house in the site some 4 metres from the tree may result in the loss of the tree. This issue has been identified with the applicant but no supporting information has been submitted to show that the proposed house and the mature tree could coexist.

I have no reason to consider that the proposal would adversely affect built heritage. The proposed vehicular access arrangements have been subject of consultation with the Roads Service who has raised no objection subject to a conditions being attached regarding .

Drainage arrangements involve foul water managed via the public sewer and surface water to sustainable drainage. These arrangements would be acceptable in principle and Scottish Water has not objected to



the application.

In summary, while the proposal complies with some aspect of the development plan, the proposal would result in a house which would appear out of character with the surrounding area and would adversely impact on surrounding housing. Amenity and design concerns have been quite legitimately raised by one of the affected households. The proposal is contrary to the development plan. There are no material considerations that justify approval of planning permission contrary to the development plan.

## **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. The proposal is contrary to policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan (2016) because the proposal would result in a 'squeezed in' form of development that is not consistent with the character and pattern of development in the surrounding area; because the proposal would result in a significant and unacceptable adverse impact on the amenity of existing housing at 105 and 107 Barry Road; and because the proposed house would not deliver a high design standard, drawing from aspects of townscape that contribute positively to the character and sense of place of the area.

## **Notes:**

Case Officer: James Wright  
Date: 24 May 2018

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

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

Policy DS1 : Development Boundaries and Priorities  
All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

#### Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### 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 TC2 : Residential Development

All proposals for new residential development\*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

## Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

## Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

18/00036/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

30	01	18
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**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**



# Memorandum

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

TO: SERVICE MANAGER, PLANNING

FROM: INTERIM SERVICE MANAGER, ROADS

YOUR REF:

OUR REF: JDH/AG/ TD1.3

DATE: 9 FEBRUARY 2018

SUBJECT: **PLANNING APPLICATION REF. NO.18/00036/FULL – PROPOSED ERECTION OF THREE BEDROOM DWELLING WITHIN THE LAND TO THE NORTH OF 105 BARRY ROAD, CARNOUSTIE FOR MRS A STEWART**

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I refer to the above planning application.

The site is located on land within the garden ground of 105 Barry Road. A previous application, reference number 17/00052/FULL refers.

It is proposed to lengthen the access to 105 Barry Road to accommodate the new build.

In order to maintain the free flow of traffic on the existing public road, car parking should be provided within the site at the rate of two car parking spaces per dwelling. The submitted drawing number PL004B 'Proposed Site Plan' shows that 2-3 spaces are to be provided for the proposed dwelling and similar space will be available for the existing property on lengthened driveway. The car parking provision is therefore acceptable.

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 hereby approved, the footway crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).  
*Reason: to provide a safe and satisfactory access in a timely manner.*

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

A handwritten signature in black ink, appearing to be 'pp'.

## **Comments for Planning Application 18/00036/FULL**

### **Application Summary**

Application Number: 18/00036/FULL

Address: 105 Barry Road Carnoustie DD7 7QT

Proposal: Erection of a New Detached Dwellinghouse

Case Officer: James Wright

### **Customer Details**

Name: Mr tom nicoll

Address: thistlemor 106 Barry Road carnoustie

### **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a neighbour to the proposed house I object to the development on the following grounds :-

1. The external house design is not in keeping with the rest of the street and uses alternative building materials
2. The roof pitch of the house is quite high compared with some neighbouring houses
3. The car parking is insufficient and should include a turning area to avoid vehicles reversing onto the busy main road
4. There is no indication of soakaways/SUDS and this street has problems with current drainage/flooding. I also believe the current drainage system has limited capacity. If a soakaway is proposed I believe it should be 5 metres away from any building or boundary which may not be possible in the proposed garden

# Comments for Planning Application 18/00036/FULL

## Application Summary

Application Number: 18/00036/FULL

Address: 105 Barry Road Carnoustie DD7 7QT

Proposal: Erection of a New Detached Dwellinghouse

Case Officer: James Wright

## Customer Details

Name: Mr Andrew Beattie

Address: 107 Barry Road Carnoustie

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a neighbour to the proposed house I object to the development on the following grounds:-

1. The proposed dwelling adversely affects number 107 significantly more than 105. It is positioned directly in front of 107 Barry Road, and if allowed, 107 will be completely hidden from view from Barry Road.
2. The Building will be visually overbearing. Its design is inappropriate for its location, as such a large building would be totally out of keeping with the neighbouring properties, including numbers 105 and 107, which are predominantly cottages and single storey buildings.
3. It will overshadow 107, taking away all natural light from its northern side, keeping the rooms on that side in semi-darkness throughout the day.
4. The plans indicate that a hedge is to be put in along the front of 107 to mark off the proposed dwelling's garden. This will cast still more shade over 107, increasing the likelihood of damp and associated issues, as well as further compounding the loss of light. Plus could also lead to problems if not maintained.
5. The current open view from these rooms will be removed and entirely replaced by this hedge.
6. The proposed dwelling is extremely close and will overlook 107 and neighbouring gardens, leading to a loss of privacy.

I therefore ask that this planning application is refused.

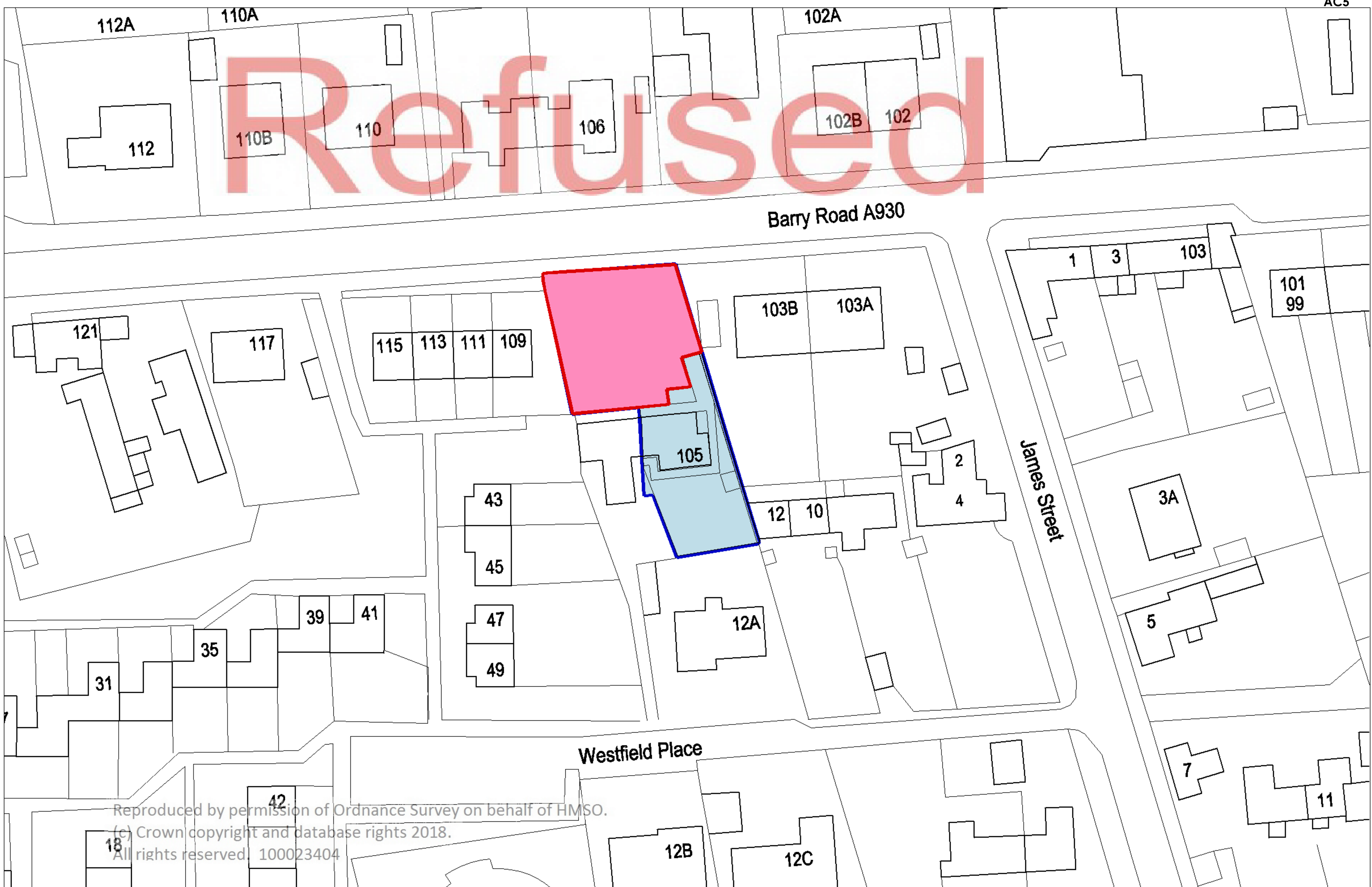


I am aware of the late response but I have had no correspondence regarding this application until now.

Yours sincerely

Andrew Beattie

Refused

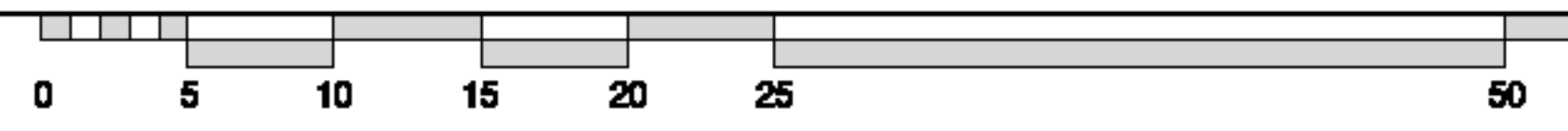


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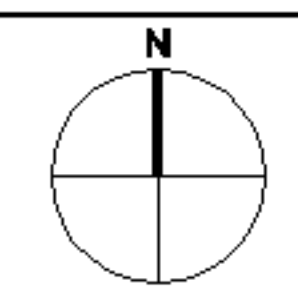
A3

PAGE SIZE

LOCATION PLAN  
LP001B Scale 1:500



Northing 734420 Easting 354774



PROPOSED NEW DWELLINGHOUSE  
BARRY ROAD, CARNOUSTIE

BARRY ROAD

Refused

Existing Mature Tree

New Dropped Kerb to Existing Pavement

Off-Street Parking (2-3 Spaces)

Permeable Gravel Driveway

103B Barry Road

Existing Wall  
109 Barry Road

Rainwater Harvest Butt

Grassed Front Garden

Permeable Paved Path

Entrance

WC

Hall

Sitting Room

Kitchen/Dining

TV/Home Cinema Area

Utility Room

Store

Stair Landing

Garden Store/Coats

Library

External Paved Area

1.8m Timber Fence

Permeable Paved Path

Existing Car Port

Outbuilding/Garage

103B

109

C

B

A

Grassed Rear Garden

Existing Hedge

Proposed Hedge

Recycle/Bins

Composting Area

Existing Bushes/Shrubs

105 Barry Road

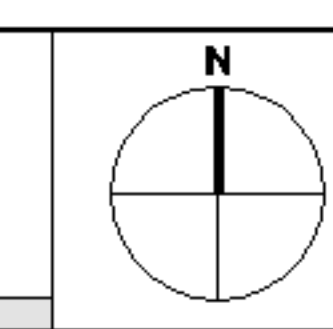
105

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A3

PAGE SIZE

PROPOSED SITE PLAN  
PL004B Scale 1:100



PROPOSED NEW DWELLINGHOUSE  
BARRY ROAD, CARNOUSTIE

BARRY ROAD

Refused

Existing Mature Tree

New Dropped Kerb to Existing Pavement

Off-Street Parking (2-3 Spaces)

Permeable Gravel Driveway

103B Barry Road

Grassed Front Garden

Permeable Paved Path

Existing Wall

109 Barry Road

Rainwater Harvest Butt

Kitchen/Dining

Hall

WC

Sitting Room

TV/Home Cinema Area

Library

Store

Stair Landing

Garden Store/Coats

External Paved Area

Utility Room

Permeable Paved Path

1.8m Timber Fence

Existing Car Port

Outbuilding/Garage

103B

109

C

B

A

Grassed Rear Garden

Existing Hedge

Proposed Hedge

Recycle/Bins

Composting Area

Existing Bushes/Shrubs

105 Barry Road

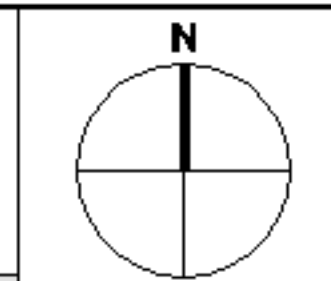
105

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A3

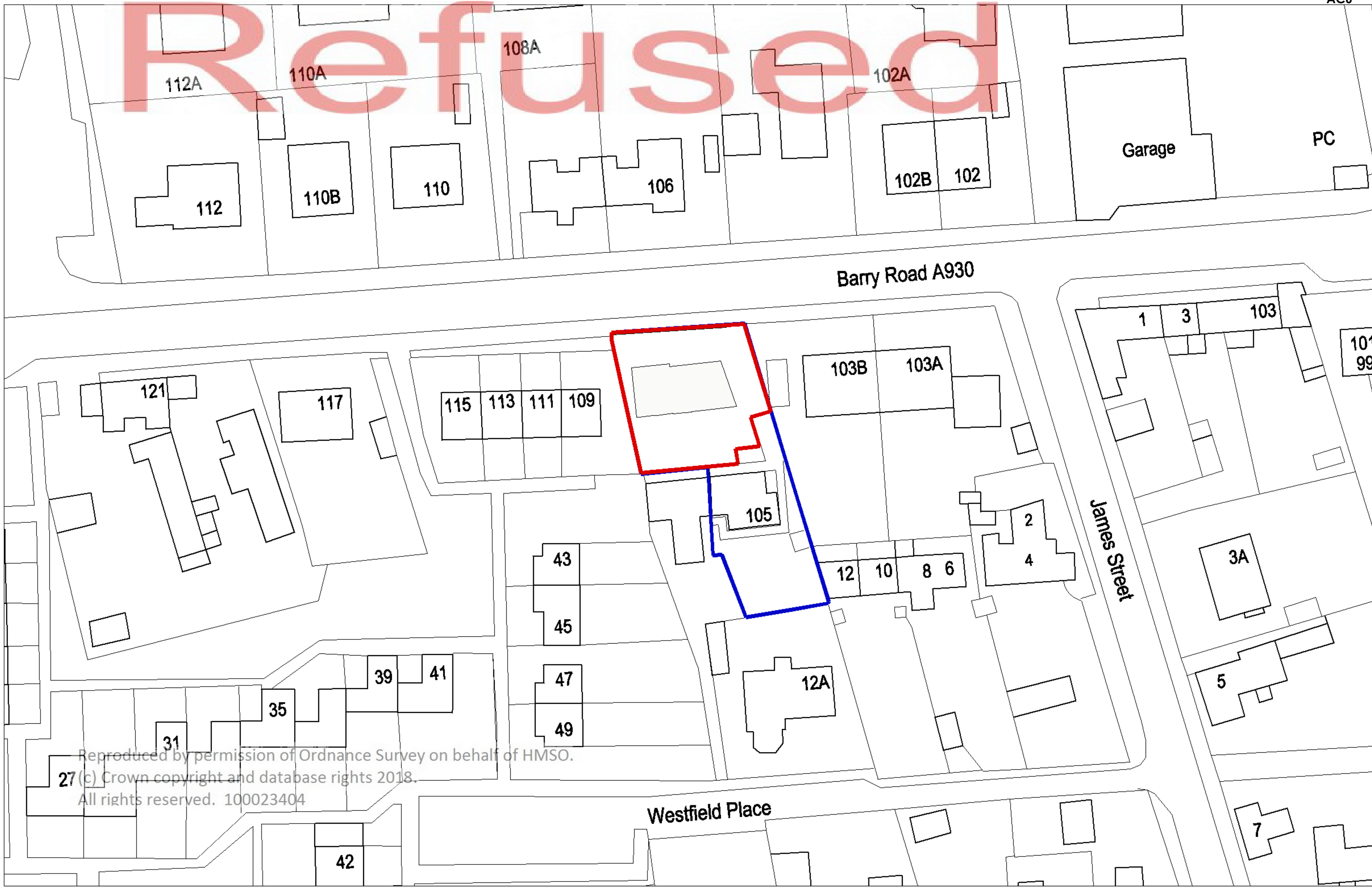
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PROPOSED SITE PLAN PL004B Scale 1:100

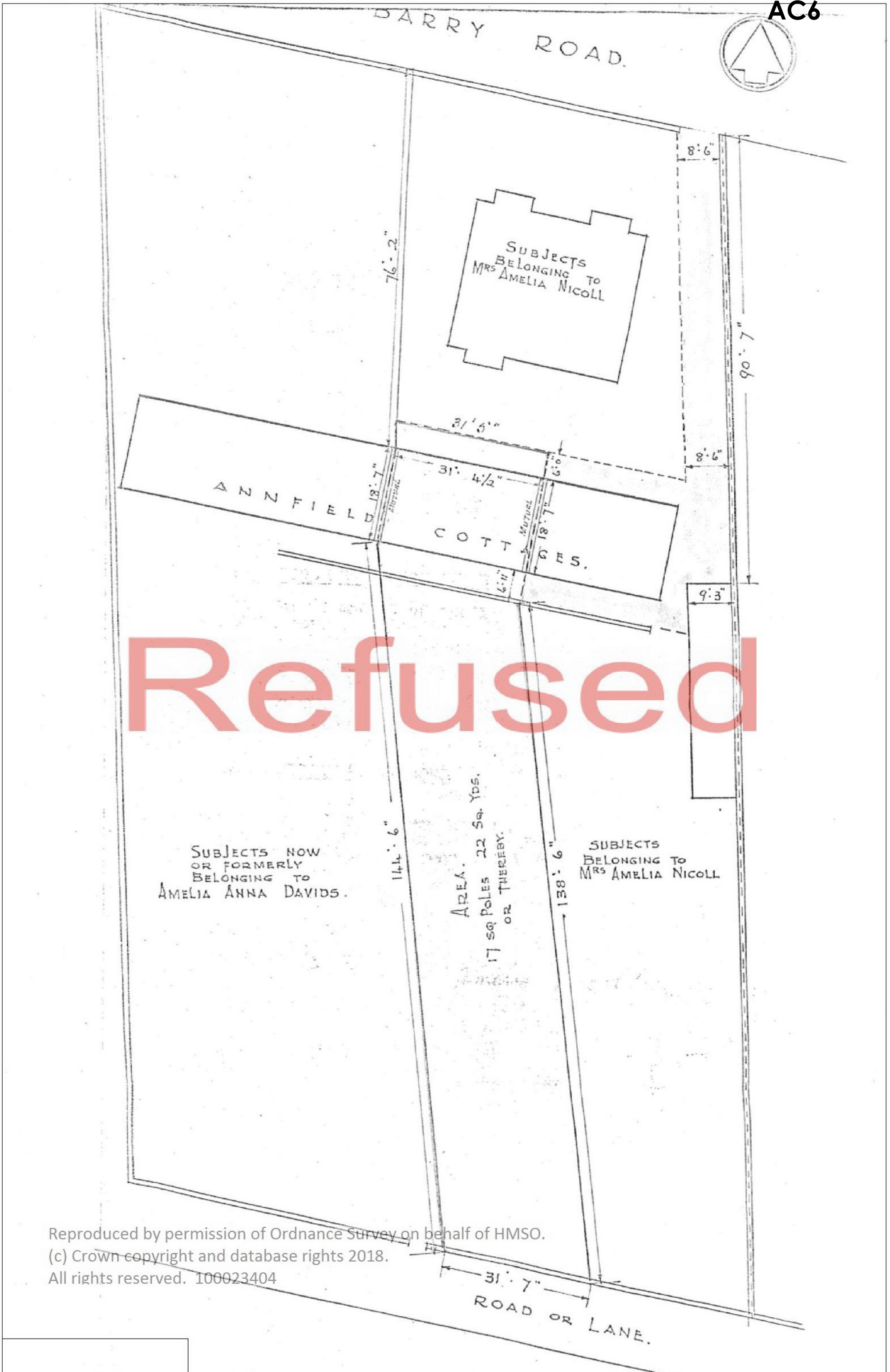
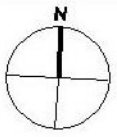
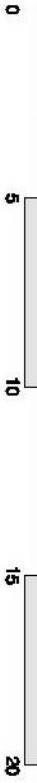


PROPOSED NEW DWELLINGHOUSE BARRY ROAD, CARNOUSTIE

# Refused



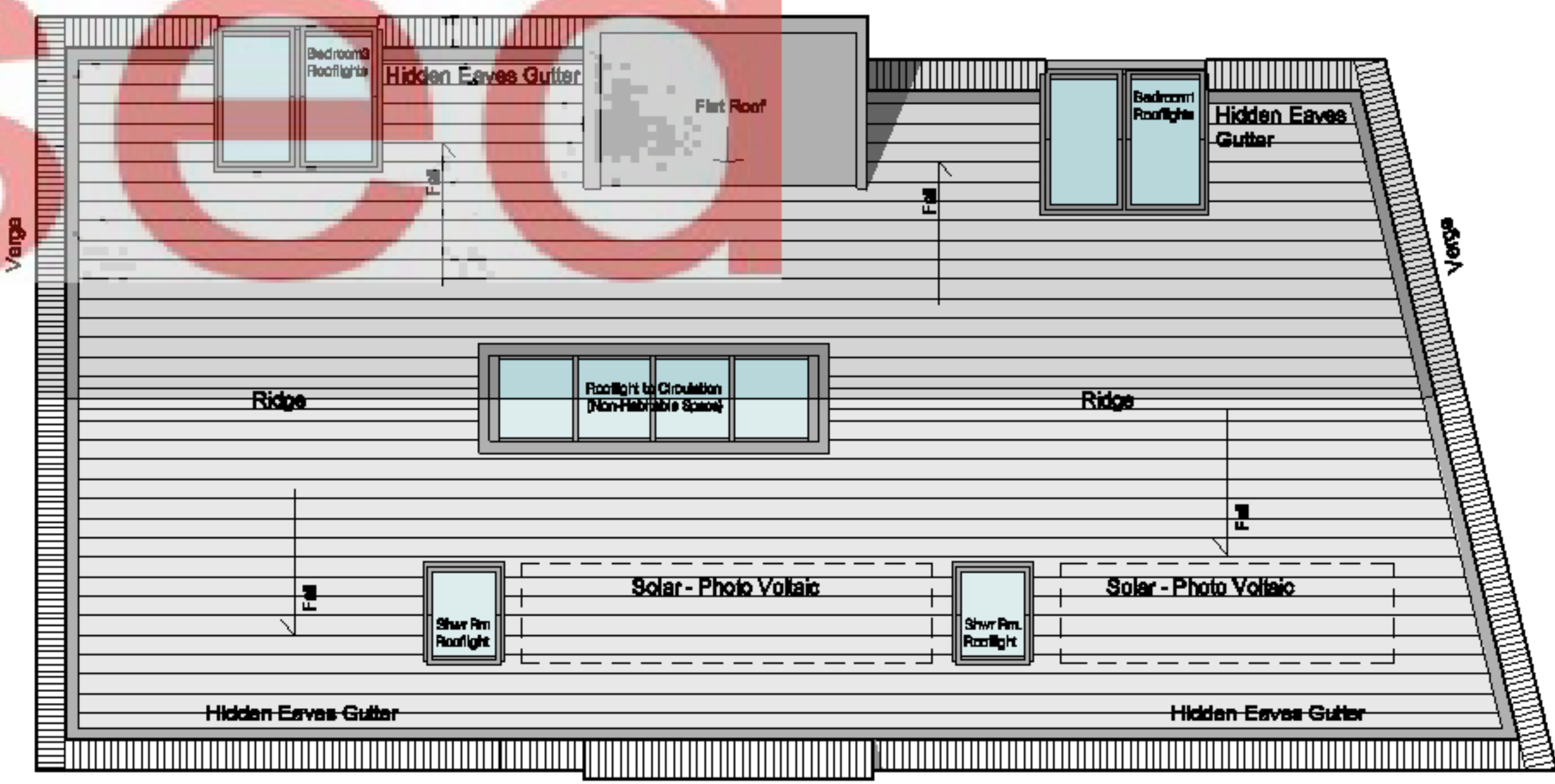
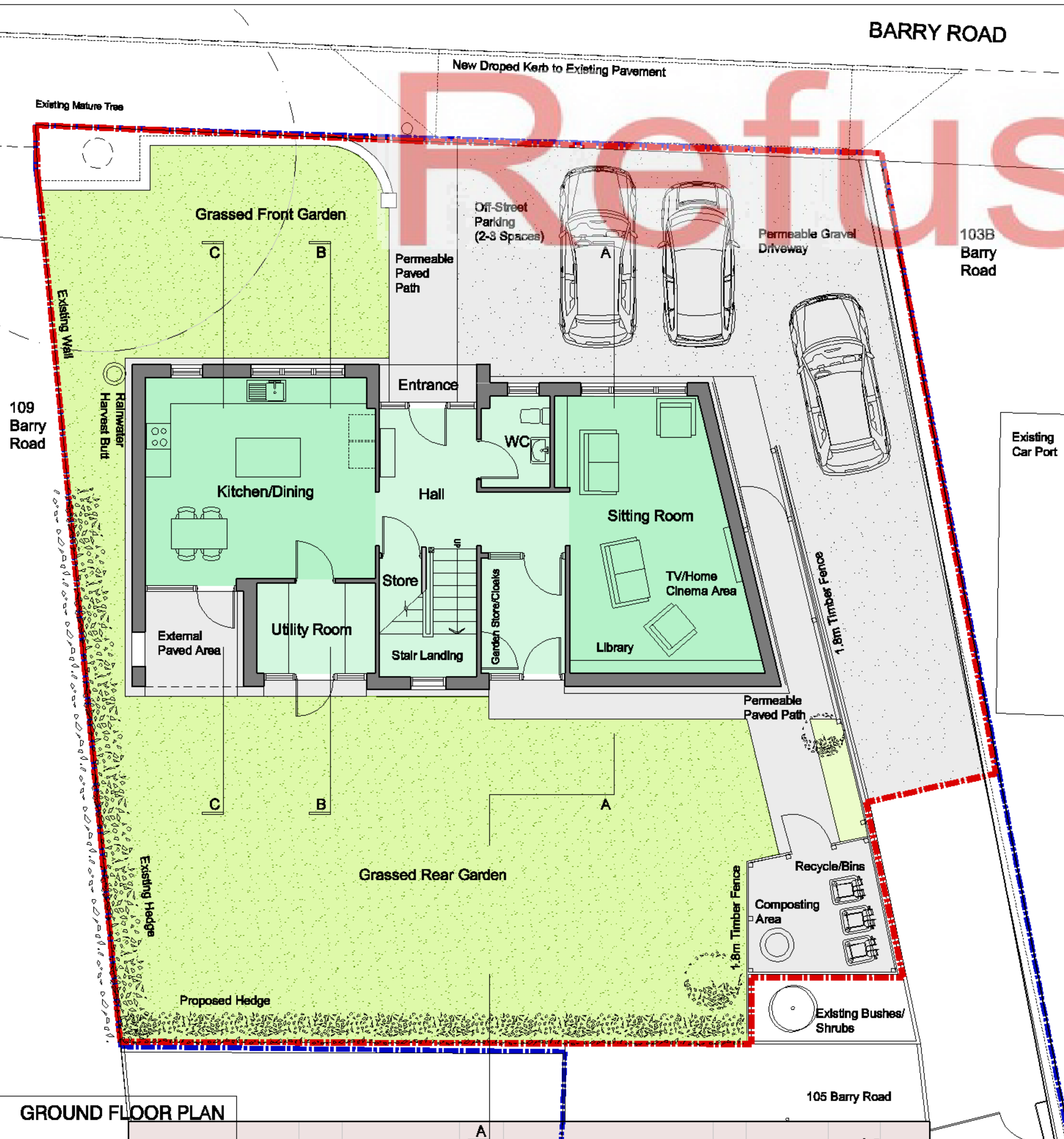
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Refused

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31'-7"  
ROAD OR LANE.

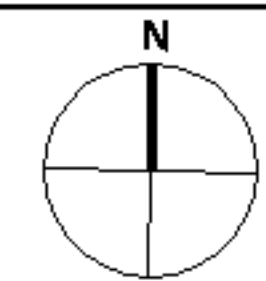


A3

PAGE SIZE

GROUND, 1ST & ROOF PLAN

PL005B Scale 1:100

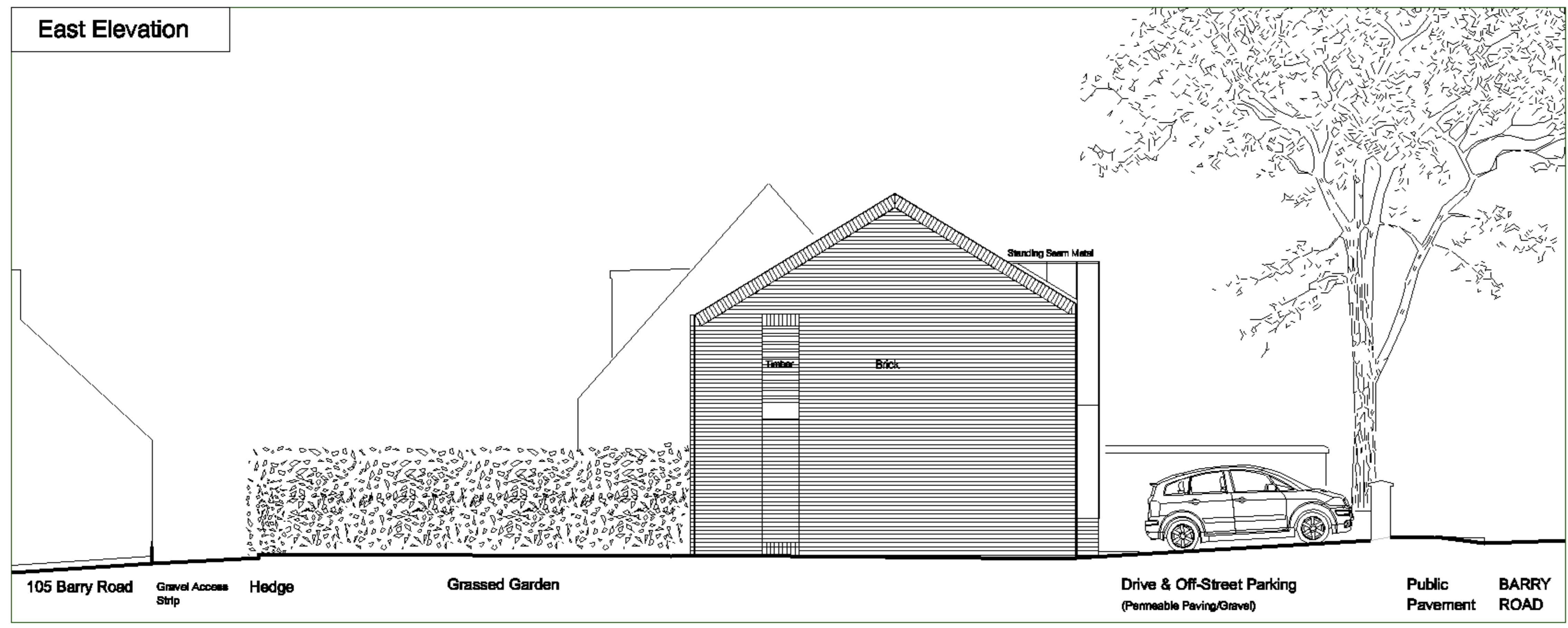


PROPOSED NEW DWELLINGHOUSE BARRY ROAD, CARNOUSTIE

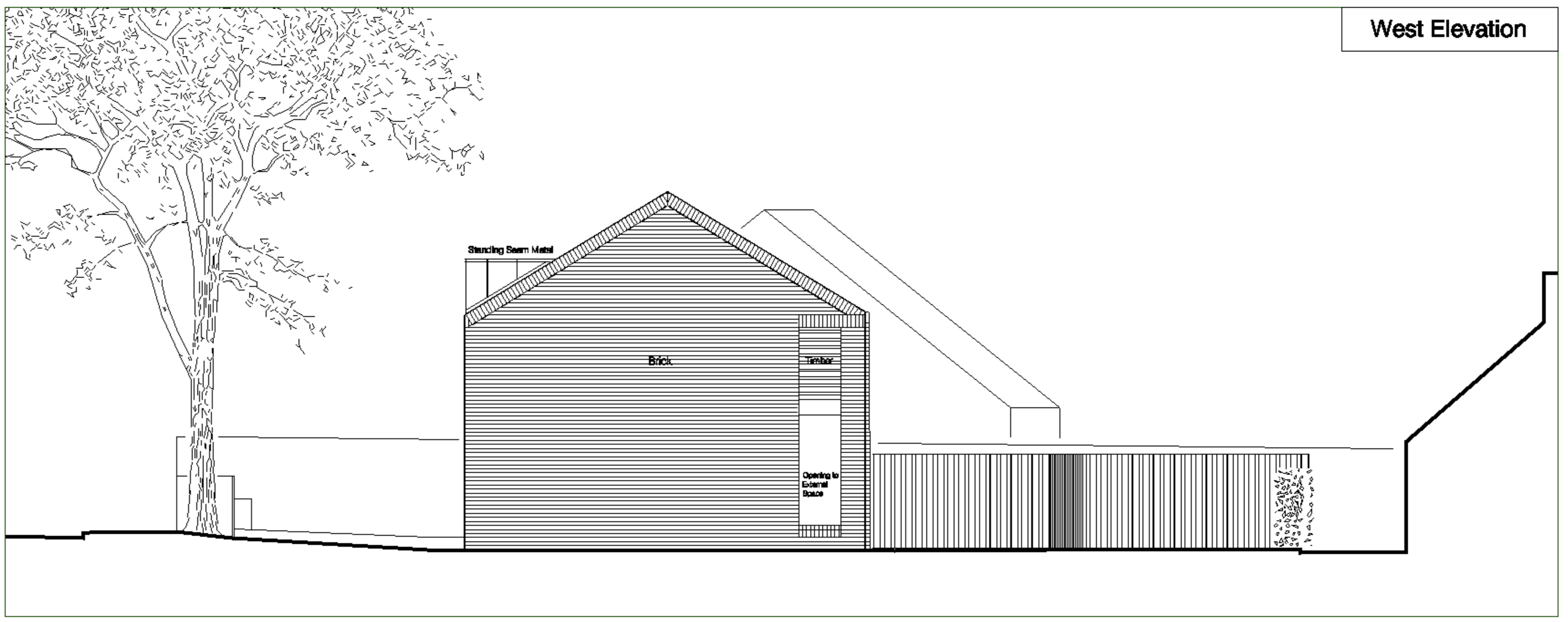
# Refused



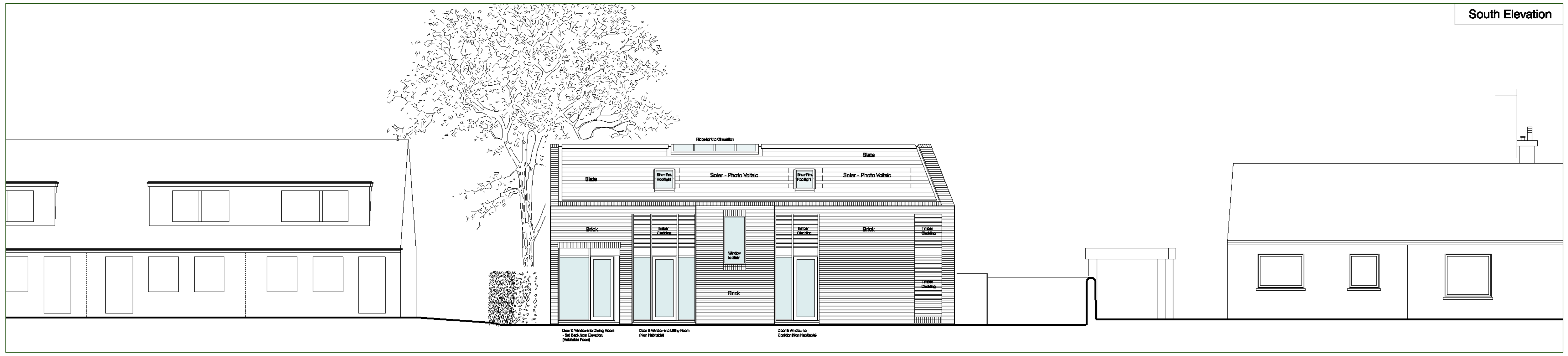
North Elevation



East Elevation



West Elevation



South Elevation



BARRY ROAD

New Dropped Kerb to Existing Pavement

Existing Mature Tree

Grassed Front Garden -  
[Excluding Tree]  
(36.3sqm)

Paths & Driveway

Side Garden -  
(9.0sqm)

House Footprint [including external Walls]  
(95.0sqm)

Percentage of House Footprint  
to Plot Ratio = 23.6%

Rainwater  
Harvest Butt

Grassed Rear Garden -  
USEABLE GARDEN  
(143.8sqm)

Existing Bushes/  
Shrubs

Outbuilding/Garage

103B

109

105 Barry Road

105

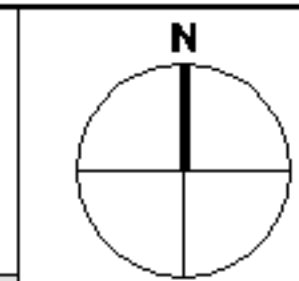
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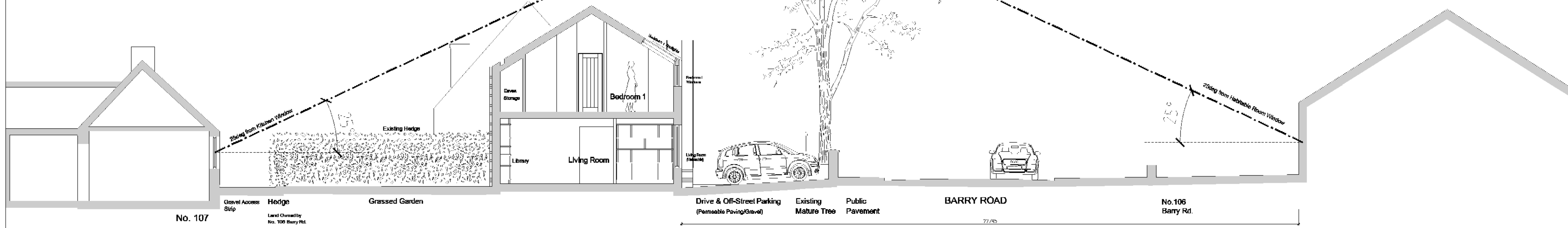
PROPOSED GARDEN SPACE SITE PLAN

PL009B Scale 1:100

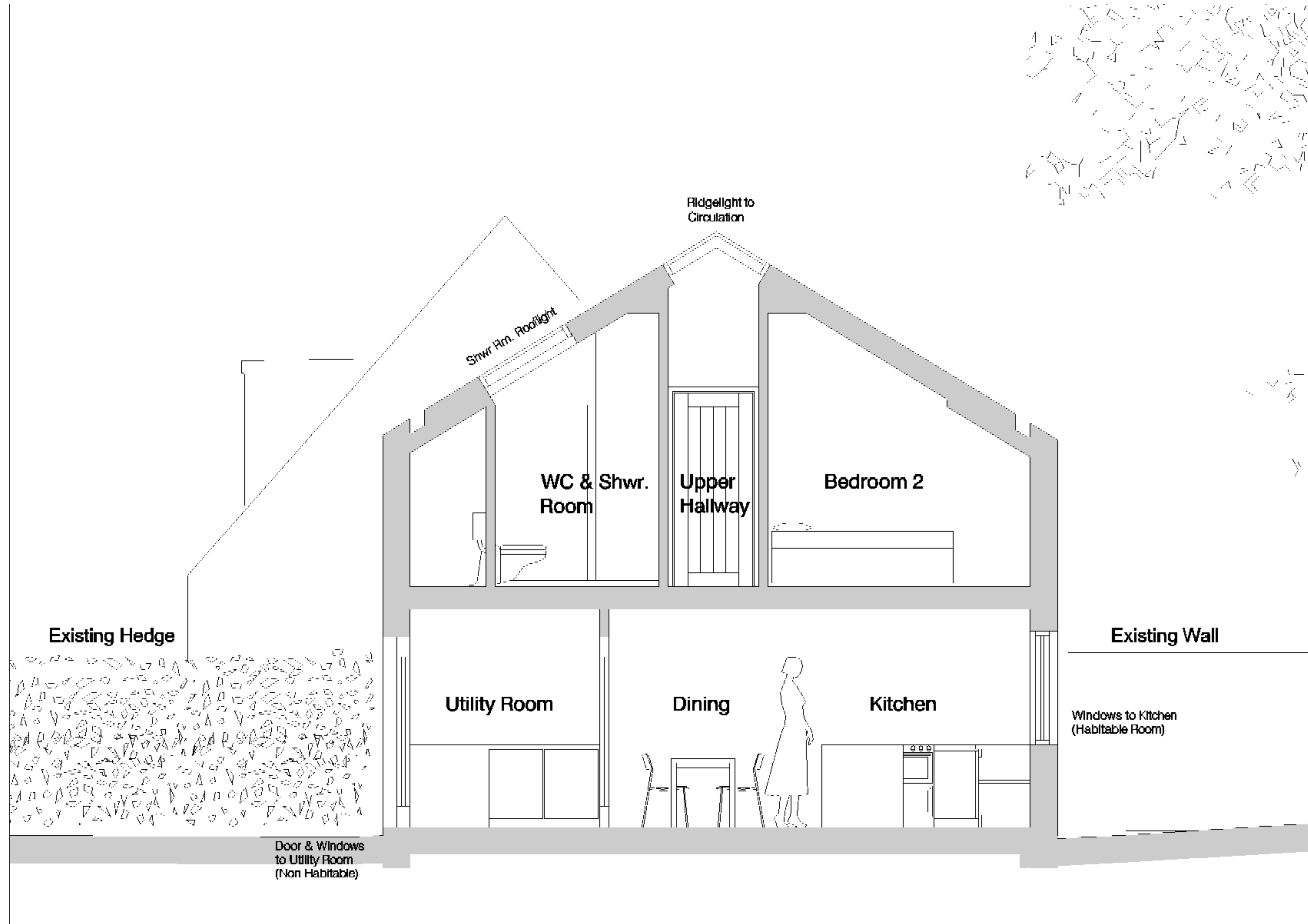


PROPOSED NEW DWELLINGHOUSE  
BARRY ROAD, CARNOUSTIE

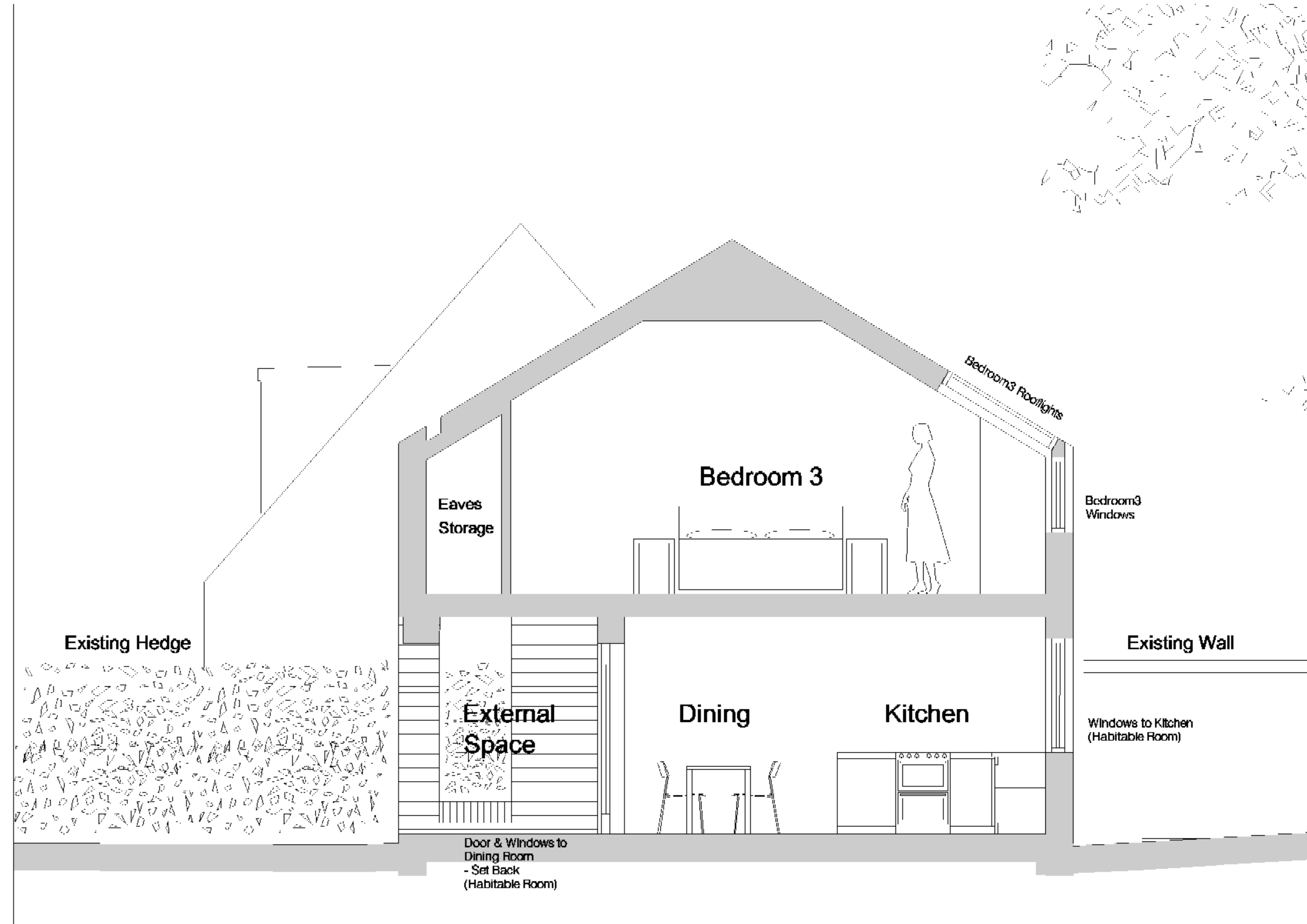
# Refused



SECTION A-A Through Centre of 107 Barry Road - Kitchen Window @ 1:100



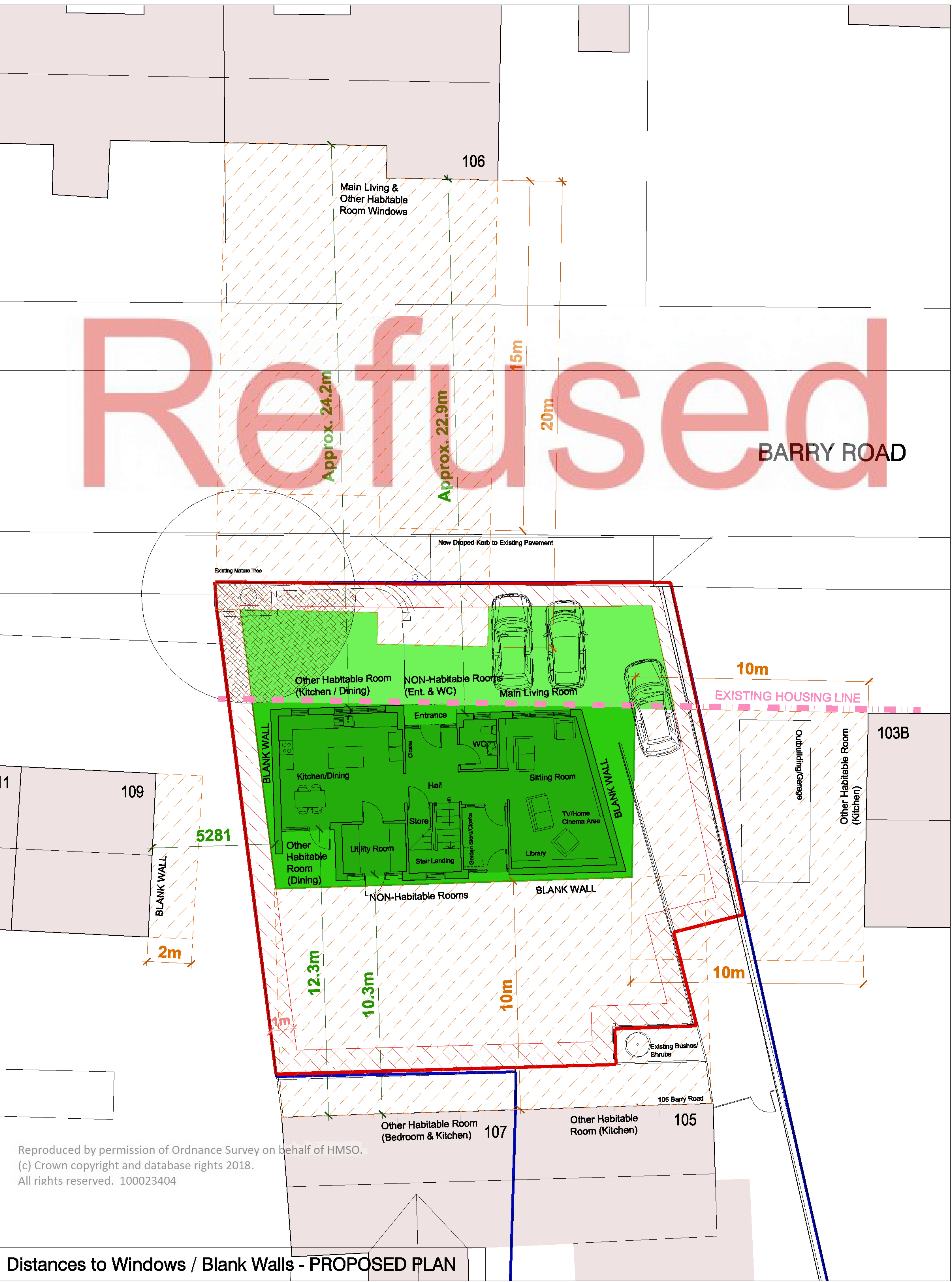
SECTION B-B @ 1:50



SECTION C-C @ 1:50

# Refused

BARRY ROAD

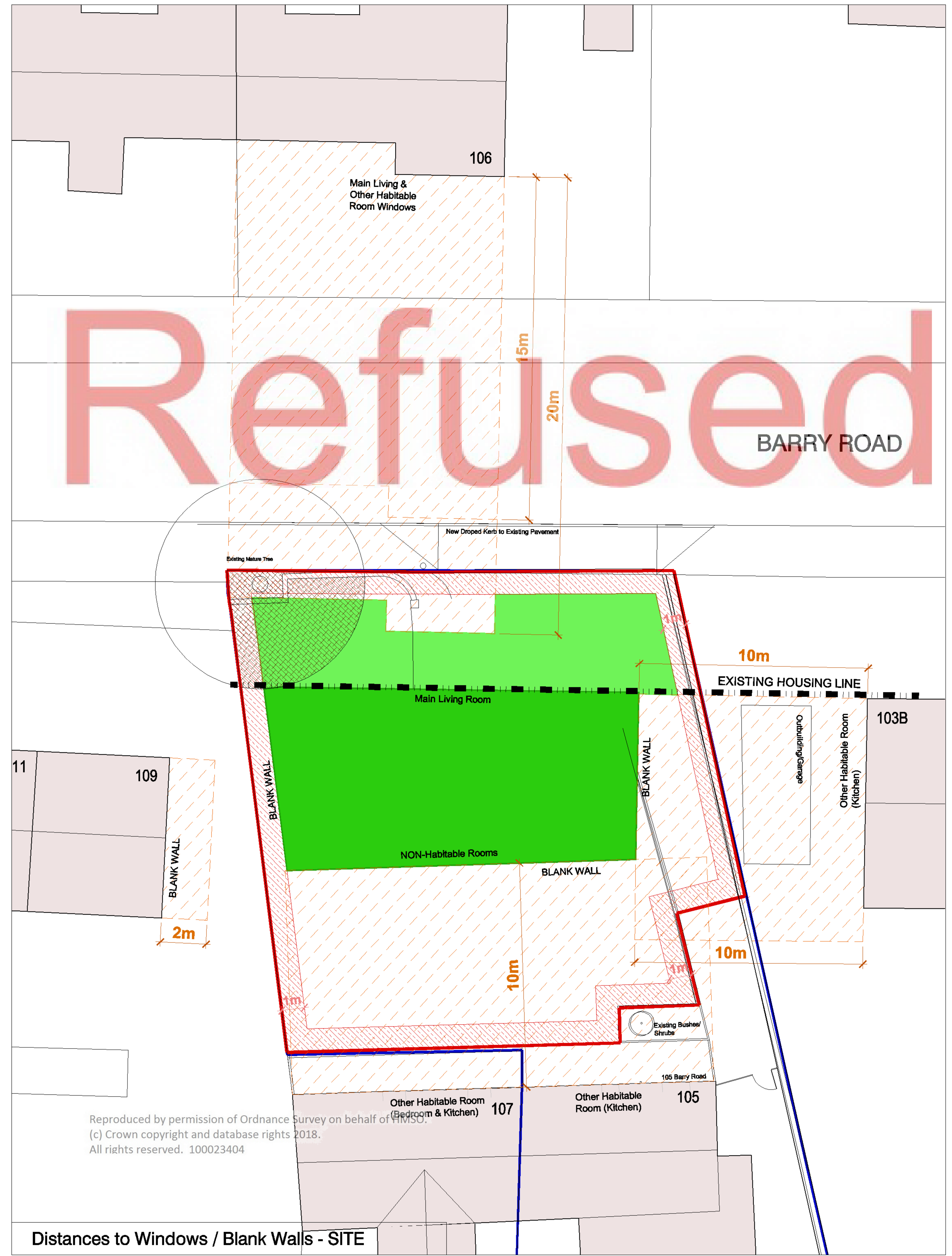


Distances to Windows / Blank Walls - PROPOSED PLAN

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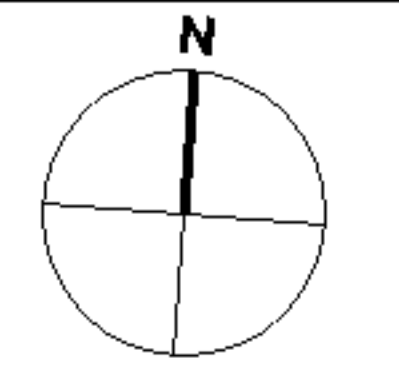
# Refused

BARRY ROAD



Distances to Windows / Blank Walls - SITE

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# AC7



02/21/2018

# AC7

02/21/2018

# AC7

02/21/2018

AC7

02/21/2018

# AC7

02/21/2018





# AC7

02/21/2018

A photograph of a residential yard. In the foreground, there is a concrete sidewalk on the right and several dark green bushes. A well-manicured lawn leads to a dark brown hedge. Behind the hedge, a large, leafless tree stands prominently. In the background, several houses with dark roofs are visible under a clear blue sky. The text 'AC7' is overlaid in the upper center of the image.

**AC7**

02/21/2018



**AC7**

02/21/2018

# AC7

02/21/2018

AC7

02/21/2018

AC7

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ACI

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# AC7



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AC7

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02/21/2018



**AC7**

02/21/2018



AC7

02/21/2018

# AC7

02/21/2018

AC7

02/21/2018

AC7

02/21/2018



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

PLANNING PERMISSION REFUSAL  
REFERENCE : 18/00036/FULL

To **Mrs Aileen Stewart**  
**c/o Robin Stewart**  
**50 Woodbine Road**  
**Gosforth**  
**Newcastle Upon Tyne**  
**NE3 1DD**

With reference to your application dated 25 January 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Erection of a New Detached Dwellinghouse at 105 Barry Road Carnoustie DD7 7QT for Mrs Aileen Stewart**

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

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

1. The proposal is contrary to policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan (2016) because the proposal would result in a 'squeezed in' form of development that is not consistent with the character and pattern of development in the surrounding area; because the proposal would result in a significant and unacceptable adverse impact on the amenity of existing housing at 105 and 107 Barry Road; and because the proposed house would not deliver a high design standard, drawing from aspects of townscape that contribute positively to the character and sense of place of the area.

**Amendments:**

The application has not been subject of variation.

Dated this **25 May 2018**

Kate Cowey - Service Manager  
Angus Council  
Place  
Angus House  
Orchardbank Business Park  
Forfar DD8 1AN

## 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  
Place  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

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.

# PLANNING

## 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"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

**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.

**From:**WrightJ  
**Sent:**23 Feb 2018 14:26:44 +0000  
**To:** [REDACTED]  
**Subject:**18/00036/FULL - 105 Barry Road, Carnoustie

Mr Stewart,

I refer to the above application. I have now visited the site and fully reviewed all of the information.

In terms of amenity, I note that the design has been changed to try to meet the minimum window to window distances in the advice note. However from my site visit it does appear that a main lounge window on the east of number 105 Barry Road exists.

Notwithstanding this, there is concern regarding amenity impacts for 105 and 107 with boundary treatments so close to the front elevation / habitable windows. The design would not allow for retention of space around and between the proposed and existing buildings (as indicated previously).

As part of the previous application it was highlighted that Policy DS3 deals with design and requires development proposals to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. It was noted that whilst there is a historic plan provided that indicates a building was located in a similar position to that proposed by this application, in terms of the provision of a new building at this location it would not allow for retention of space around and between the proposed and existing buildings. This was highlighted previously and is still considered to be relevant. It is not considered that the proposed house at this location would fit with the character and pattern of development in the surrounding area.

In terms of design of the dwellinghouse, this is also considered to be out of keeping with the surrounding area. I acknowledge that the ridge height matches the property to west but the roof pitch proposed is shallow and out of context. Properties in the immediate area are generally single storey or 1.5. and the current design is out of context along with materials proposed. The plan form of the building with angled east wall is also out of character.

In summary, unfortunately it is considered that a house at this location would be out of keeping with the character and pattern of development in the surrounding area, and the design is out of context and has

an overbearing impact on existing properties to south (with lack of space between properties). The proposal would have a detrimental impact on the residential environment provided for the existing houses to the south. As such the application is going to be progressed with a recommendation for refusal on this basis and will be advertised as contrary to the development plan at the next available time (Friday 02/03/18). For your information there will also be an additional £100 fee required due to the advertisement.

If you want to withdraw the current application before it is advertised then please let me know by close of business on Tuesday 27/02/18.

I trust this clarifies.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House  
: Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 473244





Design & Access Statement for  
**Proposed New Dwelling House** Barry Road, Carnoustie

**DAS 001B**  
**21<sup>st</sup> January 2018**  
Document Size A3 landscape

## Location/Site

The proposed site is located at the Western end of the A930 Barry Road, Carnoustie, approximately 3/4 of the distance from the centre of Carnoustie toward the Village of Barry. The site is located on the South side of Barry Road on a straight section of the road between the junctions with James Street and Westfield Street.

The plot forms part of the land under the ownership of 105 Barry Road, Carnoustie, DD7 7QT. This is a flat grassed site with a low brick wall to the Northern boundary which steps back for a mature tree at the North West corner of the site. A hedge and partial brick wall exists at the Western boundary, with a stone wall to the Eastern boundary. A 1m wide gravel path runs parallel with the cottages and applicants house to the South of the site.

As you drive along this long, straight section of Barry Road, the application site is set apart from the general character of the street because of the significant step back from the natural line of the housing fronting Barry Road. Barry Road has some subtle variances in frontage offset, however, a clear natural line is formed by the frontages of the properties. The application site is clearly the exception to this rule because the housing sitting to the South of this plot is set back by approximately 24-25m from the kerb line of Barry Road.



## Existing Site Use

The current use of the site is as a grassed area connected to 105 Barry Road. The owner does not use the space as garden and it is an ongoing maintenance concern due to its size and the difficulties the owner has in being able to adequately maintain the large expanse of grass which is in addition to the large garden space the property has to the South; which in itself is highly generous for this single bedroom property.

Part of the concern for the owner is the physical difficulty they have in being able to adequately maintain the expanse of grassland to the North. This has become a real struggle and the cost of maintaining this area over time will become an increasing financial strain and ultimately will quickly become unfeasible. The owner has invested significant time into the southern garden as it is manageable, sheltered and a safe and pleasant place to enjoy, whereas the Northern grassland is a burden.

## Existing Context

The existing single storey cottage type housing to the South of the proposed site typically has been built so that the natural focus is to the Southern aspect. They therefore did not originally have entrances from the North and very few windows which face North - overlooking the proposed site. The land levels are also higher to the North creating a semi-retaining wall for these cottages, thereby the North facing windows are relatively small and low to the ground. The main focus of both existing buildings is therefore South facing in order to capitalise on the garden areas and to take advantage of the Southern light and solar gain. The applicant – Mrs. Stewart who lives at number 105 Barry Road - owns all of the land to the North of both 105 and 107 Barry Road. It is duly noted that Number 107 has maintenance access rights for a thin (approx. 1m wide) strip running directly parallel on the North side of the building line. This has been considered, is acknowledged and all legal access rights are shown to be retained as part of the proposals submitted as part of this application.



Number 103b Barry Road (to the East of the site or Right in the above merged photograph) is a single storey house with a very high ridge line for a single storey house. The orientation of the living accommodation faces North to Barry Road and South to the properties Garden. The Western gable elevation does contain a high level window, which we understand to be an unoccupied, non-habitable, attic space.

Number 109 Barry Road, (to the West of the site or left on the above merged photograph) is part of a 2 storey terrace of housing. This block again has their living accommodation on a North-South orientation and so there are no windows within the gable of the building and therefore no windows that face East overlooking the proposed application site.

On the opposite North side of Barry Road, Number 106 Barry Road would look across their South facing garden, then over Barry Road itself onto the proposed site. The shortest distance from the existing house to the proposed new dwelling would be in excess of 22m. Numbers 104 and 108 Barry Road do not look directly onto the application site.

In terms of overall style of housing on the road, it seems fair to say that there is a wide mix of older stone built houses, combined with a lot of newer brick/timber frame homes with a wide assortment of external material treatments. The existing properties vary between bungalows, and 1½ or 2 storey houses which seems to be very typical of an area that has incorporated a

lot of infill housing over many decades. The property numbering in this area seems to support this with many properties having a, b, c or even d after their numbers.

### Proposal

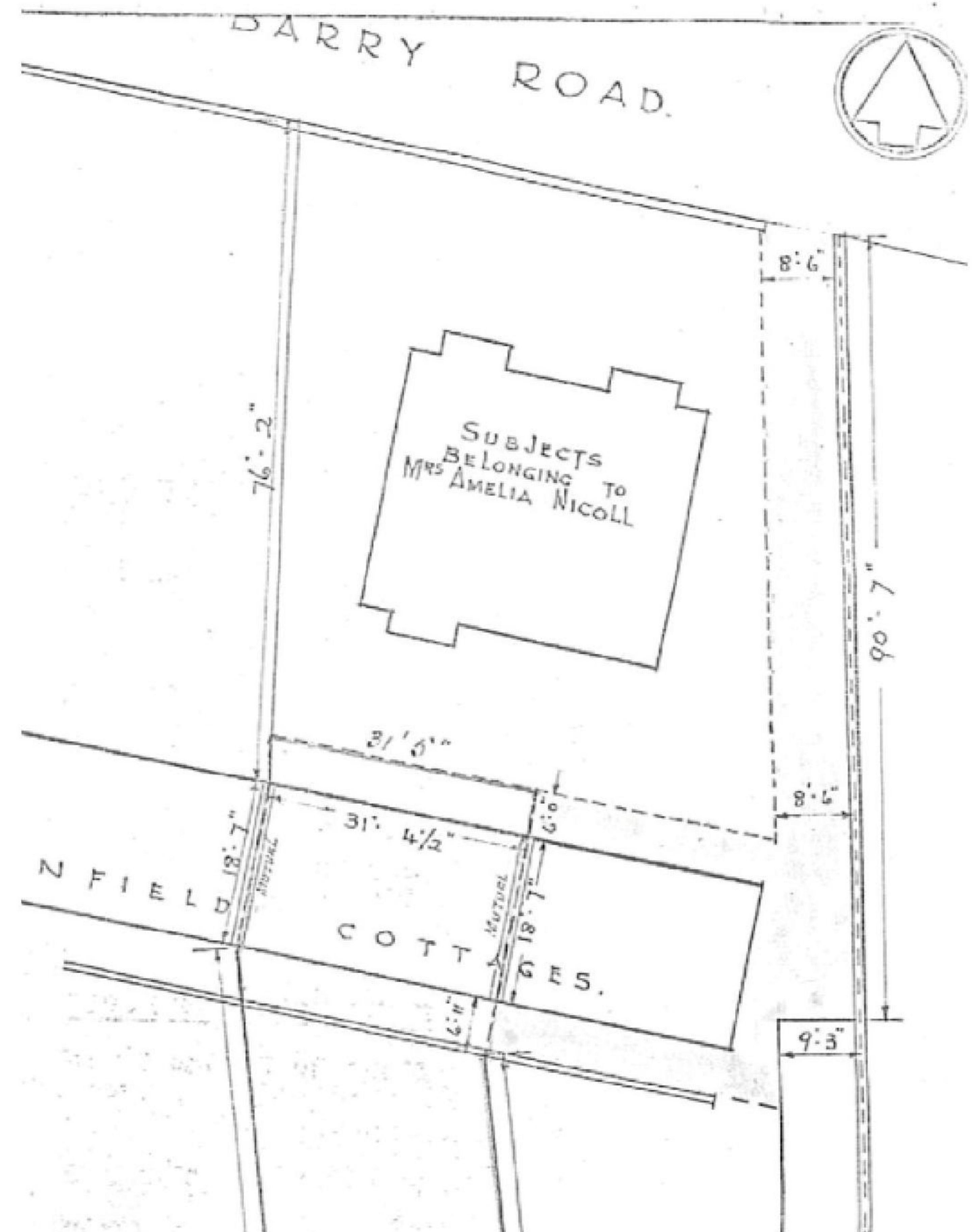
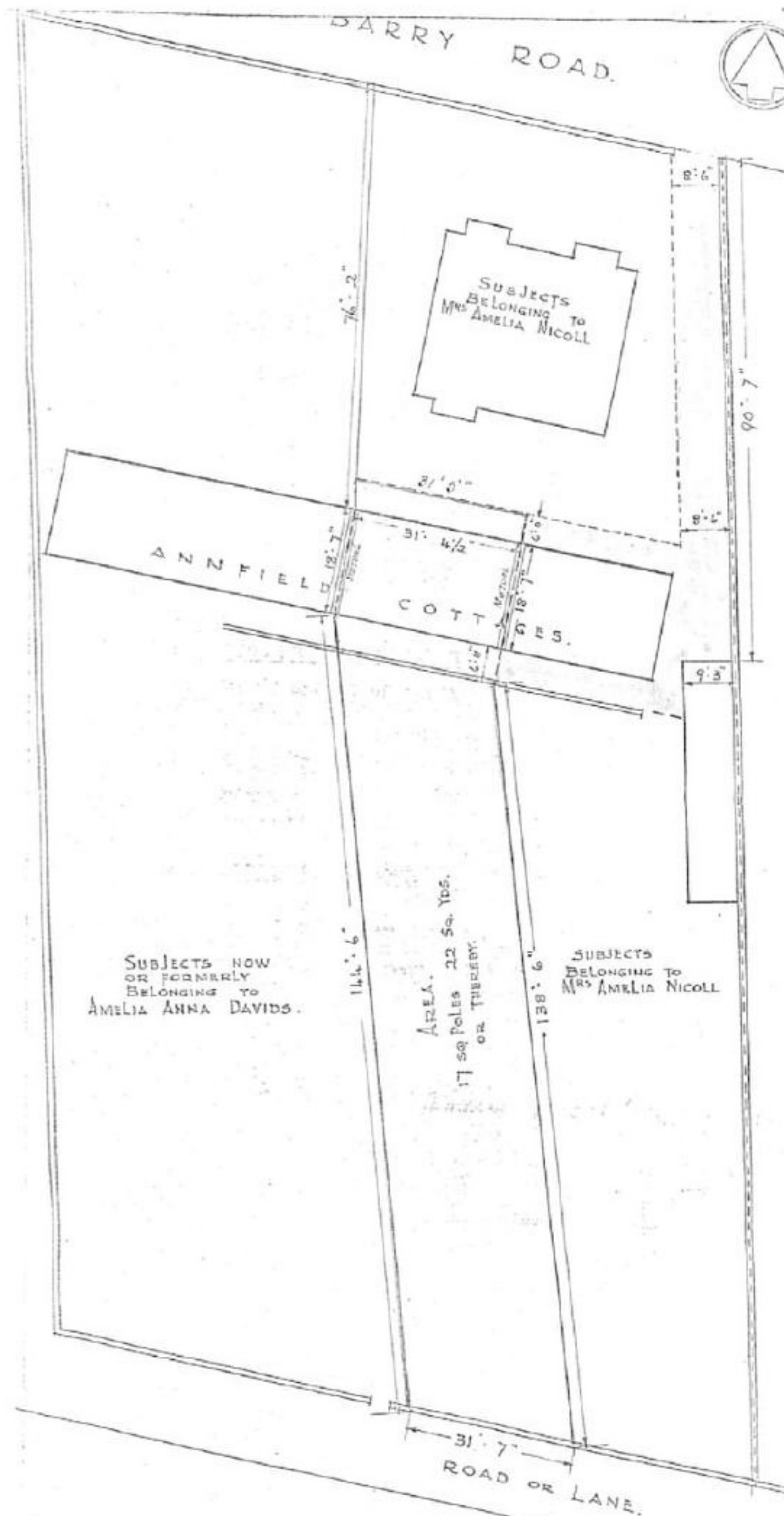
The deep set-back of the site combined with the width of the grassed site would suggest that there is more than sufficient space for an appropriate infill dwelling on this land. The front face of the proposed new dwelling would continue the natural line of the housing to Barry Road and positively add to the suburban fabric of the Road. This would be achieved without negatively impacting on the surrounding existing dwellings. Indeed the view of this site as being a suitable location for a dwelling is not a new idea as the following sets out.

### Historical context – Excerpts from submitted historical plan.

Approximate date of this plan is 1939-1940s. The current proposed site formed part of the land to the North of a long single line of dwellings making up 'Annfield Cottages'. Approximately half of this overall length of cottages (the Western section) has since been demolished and only the Eastern element (now No.105/7 Barry Road) remains. Part of the long garden areas to the South of the indicated Annfield Cottages has been built on for private residential use along with much of the grounds surrounding the properties.

Referring to a copy of the submitted legal plans produced for Mrs. Amelia Nicoll, you will notice that the actual proposed site as part of this application features a roughly square footprint of a proposed house. In fact this house was not just a proposal, but the applicant has been informed by current neighbours, who actually remember the development, that the foundations and above ground walls along with a temporary roof was installed prior to the work being stopped during the second world war. Due to loss of life during the war the building work was not fully completed, otherwise there would already be a dwelling occupying this exact application site. The applicant understands that the foundations for this partially built house are still present underneath the grass forming the application site.

We understand that this partial build would be considered to be historical, however the proposal would occupy a smaller footprint and provide a better relationship to the existing dwellings.



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## Design Proposal – Amount

The proposed plot seems appropriate for a single dwelling 3-4 bedroom home, as it would provide generous and appropriately sized internal rooms, off-street parking and suitable external garden amenity space for a dwelling of this size. This would be very much in-keeping with neighbouring properties on Barry Road.

The current owner either intends to build the house herself and live there or to live in 105 Barry Road for the foreseeable future and so wanted a well designed and appropriate proposal that would be an asset to the locality, Barry Road and that she would be happy and comfortable with either as the owner or as a long term neighbour.

## Size

The overall area of the proposed development site is 402m<sup>2</sup>. Part of this area would include a shared and enhanced entrance and driveway with 105 Barry Road, which would benefit both properties.

The footprint of the proposed building occupies approx.95m<sup>2</sup> of the site, thereby providing over three times (300m<sup>2</sup>) of useful external area. Removing the driveway areas from this still provides over 189m<sup>2</sup> of dedicated garden amenity space – which again would be generous and appropriate for a dwelling of this size.

## Scale

The scale of the proposed housing is highly appropriate to the surrounding housing and mix of building types on the street and immediately adjacent to the proposed site.

The height of the proposal is directly relevant to the immediate neighbouring housing to the West, East and North. The proposed design sits well with the predominant East-West linear block orientation and street pattern. This is true for all of the Housing to the North, South, East and West. With this sympathetic linear pattern, the pitched roof follows with a North-South Pitched roof that is in-keeping with the existing housing. This is an appropriate architectural response to the scale and mass of the proposal and represents a suitable and respectful addition to its context.

## Access

It is proposed that the new dwelling would have a new access, direct from Barry Road. This access would follow the pattern of the majority of the surrounding dwellings on the road, although would comfortably accommodate up to 3 vehicles within the site itself.

Low boundary walls and the location on the road mean that there would be very good visibility to see pedestrians and vehicles coming in either direction, and so it would allow easy access and egress from or onto Barry Road.

The access and driveway for 105 Barry Road (existing photograph shown opposite) would be



maintained and enhanced by having a combined drop kerb. This would still allow full vehicular access to the existing property. Although the current owner does not drive or own a car, the proposals would still comfortably accommodate parking for 3-4 vehicles for this property in addition to the proposed new parking provision for the new dwelling. The current access is very narrow and restricted and so the widening of this access would represent a significant improvement to the existing property.

The proposed vehicular capacity on the site would allow for 3 cars plus motor cycles and/or bicycles. This is not to say that the home owners are encouraged to have 3 cars, but this does provide sufficient parking for the dwelling inhabitants as well as including a provision for off-street visitor parking. With the added capacity within the drive of 105 Barry Road the road itself has extremely little likelihood of being restricted by ad-hoc parking on Barry Road itself. This therefore would not detrimentally affect the flow of traffic to Barry Road.

## DDA Access

The site is easily accessible from either direction by way of the accessible public footpaths. From the footpath, the access within the site would be across the driveway to the dwelling entrance, which will have a DDA compliant level access to the home. Door widths are generous and would easily allow access within the home. Internally doors have been minimised on the ground floor and so access within the dwelling is unimpeded throughout the main accommodation of the ground floor. The house could be easily adapted to include lowered kitchen units or a platform lift in the future to further help with the lifetime adaptability and accessibility.

## Precedent

This area of town consists of a very high number of infill houses, which range across many years, including several in the last 10 years. It is clear from historical plans that there are a high number of precedent infill housing of a wide variety of architectural styles and appearances/features. Just to the North there is a new housing development by a volume housing developer, however, this proposal differs from this provision in that it is not for a standard housing type rubber stamped and made to fit onto the site, but for a new bespoke considered house which has been purposefully designed to work with the existing context, orientation and grain of it's context.

## Appearance

There are a wide variety of architectural styles on Barry Road and so the proposed style of the property, whilst contemporary in its own right, makes strong references back to the neighbouring properties materials and styles as well as local Angus/Tayside and Scottish vernacular architecture to fit in and positively lift the overall standard. Whilst difficult to achieve, this design strikes the correct balance that an infill house should do in that it fits in but also makes its own quiet but positive contribution to the character of the Road.

The proposals themselves represent a very high level of quality of design. They are thoughtful and considerate to the site, whilst nicely proportioned and elegant in their elevational treatment and their considered use of materials and composition. The house would provide a very light and pleasant internal environment for the occupiers with appropriately sized rooms for a family house.

### Angus Council Advice Note 14

This proposal is in a built-up area, whereby the density of the existing housing could be considered to be high. Due to the mix of terraced, semi detached and detached houses built sporadically over the last 150 years, then the only common pattern is that it varies significantly in terms of plot size from around 110m<sup>2</sup> up to around 600m<sup>2</sup>. Many of the larger plots have in the past been split and developed and so there are a great number of a,b,c, and d addresses present in this area and on Barry Road itself. The proposed, regular shaped, development plot would represent half of the current land owned under 105 Barry Road and at over 400m<sup>2</sup> represent one of the larger plots in this area and would therefore be consistent with the general pattern of development and leave the existing dwelling with useful garden space to the South.

### Curtilage / Plot Coverage

Please refer to drawing - PL009B PROPOSED GARDEN SPACE SITE PLAN. This drawing demonstrates that the total proposed area of development footprint is only 23.6% of the total site area and so this leaves an area of 143.8m<sup>2</sup> of rear garden area, 36.3m<sup>2</sup> of Front garden and 9.0m<sup>2</sup> of side garden, totalling 189.1m<sup>2</sup> of Garden Space (excluding driveway area). This represents 47% of the development is left as garden space. This is well over the suggested 30% provided within the Advice note 14 guidance and well above the minimum of 100m<sup>2</sup> stated for Private Amenity Space. The remaining private garden space for 105 Barry Road is in excess of 175m<sup>2</sup>. Both existing and proposed houses would therefore have significantly higher areas of Private useable garden area.



### Neighbouring Properties and Privacy

Please refer to the submitted drawings - PL0011B DISTANCE BETWEEN BUILDINGS ADVICE NOTE 14 – DEVELOPABLE DISTANCES. This drawing covers the guidance distances contained within Advice note 14. It is evident from this drawing, that the proposed site can easily accommodate a new dwelling proposal within the green shaded area. The adjoining drawing indicating the proposed plan comfortably fits within this area. It could also be considered that the proposed development would be within a higher density built-up area. We would therefore consider that the proposals comply with Angus Council, Advice Note 14, Small Housing Sites.

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The proposed design has been carefully and sensitively crafted to ensure that the Ground floor and First floor accommodation predominantly face North to Barry Road, this ensures that the design presents a positive frontage to the street and is highly conscientious to the privacy of the neighbouring properties – in particular to 107 and 105 as well as 103b, 109 and 106 Barry Road. There are no habitable rooms on the 1<sup>st</sup> floor that face South toward 105/107 Barry Road.

The neighbouring existing dwellings to the East and West do not have habitable rooms that face onto the site. To the North, the existing single storey dwellings are of a sufficient distance away as to not offer any issues in terms of overlooking for either the existing or the proposed new house on either the ground or first floor windows.

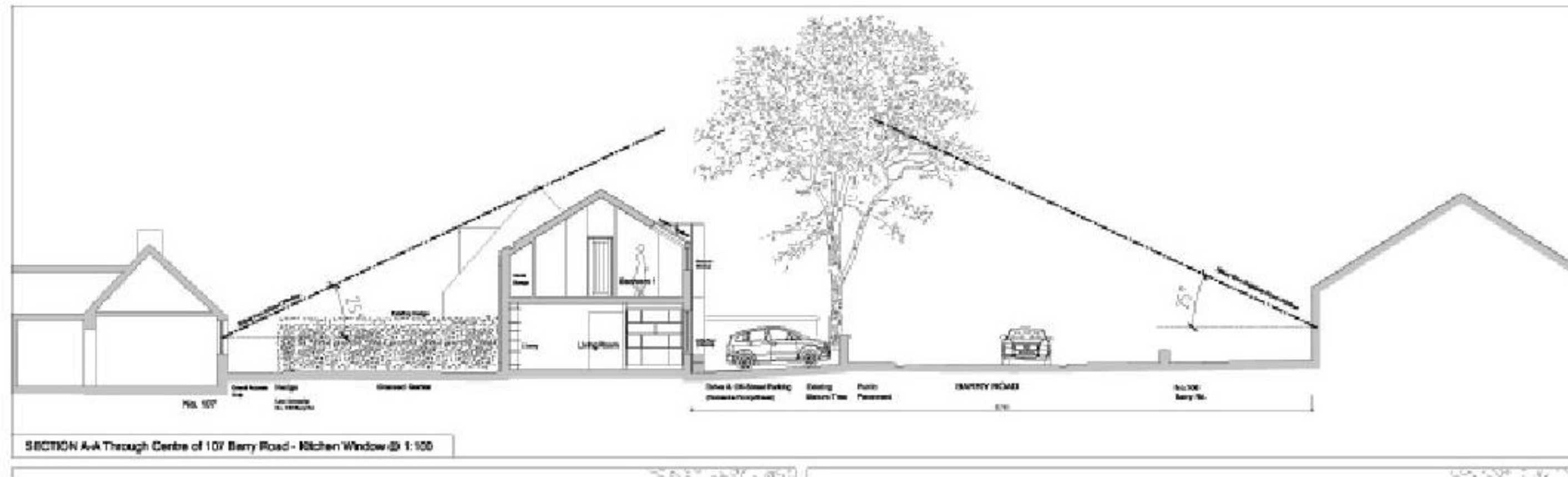
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## Daylight

Please refer to drawing EL008B SECTIONS. Section A-A clearly indicates a 25 degree angle taken from both of the existing houses lying to the North (106 Barry Road) and South (107 Barry Road) of the proposed dwelling. This drawing clearly demonstrates that the proposed dwelling does not pose any issue with regard to restricting day-lighting or overshadowing to these existing neighbouring dwellings and that the proposed height is well below the level that would cause any measurable detrimental impact. The sections and elevations also clearly indicate that the proposed height of the dwelling is in-keeping and appropriate to the context of the street.



## Materials

It is proposed to use a limited but appropriate palette of high quality materials for the proposed dwelling. These would include Slate for the roof, the external walls are proposed as being a combination of facing brick with along with Larch timber horizontal boarding with natural long lasting yacht varnish finish. The windows would be highly energy efficient timber framed double/triple glazed units with low-e coatings and low overall U-Values to improve energy efficiency. External front/rear doors would be of a matching timber with durable yacht varnish finish. Rainwater goods are proposed to be largely hidden, but where visible will be mill finish aluminium or zinc.

## Existing Tree

There is an existing mature tree to the North West of the site, the client values and respects the contribution that mature trees can make to the street and the character of the area and so this would be retained and untouched by the proposals.

The placement of the proposed building was carefully considered to ensure that the building would be clear of the canopy and any major roots and so would not pose a risk to the health and prosperity of the tree. There are numerous methods for successfully constructing adjacent to tree roots to avoid soil compaction to the roots. As part of the tender process, the successful main contractor will be required to propose and agree (with the client and the Council) their method for the protection to the tree and its roots during the construction, prior to starting on site.

An arboriculture report has not been submitted as part of the works, because there are no proposed works to the mature tree as part of the application.

The site is predominantly grassed and therefore of very little environmental benefit at present. There are some bushes and shrubs alongside the existing driveway that would be removed as part of the proposed works, however, these would be replaced by more appropriate native shrubs and trees as part of the proposed landscaping.

## Environmental

The proposed building is intended to contain tried and trust environmental measures to ensure that the dwelling would be the most energy efficient dwelling on the street by some distance. The measures proposed include:

1. Increased air tightness. It is proposed to ensure the building envelope would surpass the current building regulations, with a target of  $3-5m^3/(h.m^2)@50Pa$ . This ensures that warm air is contained within the building and that the loss of valuable heated air is minimised, therefore the amount of energy used to heat the building is significantly reduced. Reducing air leakage is under-valued but is one of the most significant and efficient environmental measures due to its effectiveness in reducing energy consumption.
2. Increased insulation. This building will include a minimum of 20% betterment to the overall U-Values provided under the current building regulations requirement, with an aim to significantly surpass this.
3. Solar Panels. It is intended to make use of both Solar pre-heat (Water) and P.V. (Photovoltaic) panels to generate electricity for the home/national grid. These panels would be optimised to the South facing elevation and would be on the pitched roof in order to ensure the angle of the panels would represent optimal solar gain. This would also present a cleaner roof to the North and to the frontage onto Barry Road.
4. It is intended to use BRE (Building Research Establishment) Green Guide rated A+ materials (min.75%) for the construction of the Dwelling.
5. All timber used in the construction of this building is to be sourced from sustainable sources and be from FSC approved sources (The Forest Stewardship Council) / PEFC (Programme for the Endorsement of Forest Certification).
6. Use local materials to reduce the carbon footprint associated in the transportation of construction materials. Also it is intended to use local labour wherever possible to minimise distance traveled and associated carbon produced by vehicle movements.
7. We have included a domestic recycling area within the site in order to split household waste. This would include a composting area to reduce food/biodegradable waste being disposed of within the general refuse.
8. Use of a waterbutt to harvest some of the rainwater in order to reuse for watering the garden area.
9. It is intended to use native plants that will require minimum maintenance and watering in order to establish them, but also that will support and enhance local ecology and wildlife.
10. The house incorporates a garden storage area that will provide secure and covered enclosure for bicycle storage, thereby promoting the greener travel methods.
11. It is intended to include sufficient external drying space to adequately cater for a house and inhabitants of this size, to minimise drying by using mechanical methods and therefore reduce associated power consumption.

12. Natural ventilation will be the primary method of ventilation used for the house. Where mechanical ventilation is unavoidable, it is proposed to utilise heat exchange/recovery devices from bathrooms/kitchen.
13. Ground Source and Air Source heat pumps are to be investigated although it is not considered appropriate to use micro-wind generation due to the potential noise generation having an impact on neighbouring housing.
14. Use of permeable paving is proposed for hard Landscaping elements, such as the driveway or external patio/paths. The base and sub-base will allow the movement of rainwater/storm water through the surface. In addition to reducing runoff, this effectively traps suspended solids and filters pollutants from the water.

### Environmental Impact

The land forming the application site is of a very low level ecological value, due to it being largely maintained grass. The proposal will therefore have very little impact on this and the proposed planting will be predominantly native species plants that will have a positive beneficial impact for local wildlife. As part of the proposal it is also planned to positively benefit bird habitat by installing 4no. bird boxes. 2no. for smaller birds (Robin, Blue/Grey Tits etc.) and 2no. for medium sized birds (Blackbirds etc.).

### Landscaping

Excluding the driveway, the proposed development would have over 180 sqm of useable garden amenity space. This incorporates a front garden to afford greater privacy from the pavement as well as the more desirable Southern facing garden space which could contain both soft and a hard landscaped patio area.

The landscaping proposal is simple and domestic in nature, in-keeping with the surrounding dwellings. Predominantly grassed, the Northern boundary would have low native shrubs to enable visibility from the driveway.

### Boundary treatment

There is an existing low wall boundary wall to North of the site. This is in a generally poor condition and so the proposals would look to demolish and rebuild the low wall to 750mm in height. New planting/low hedge to the Southern boundary to form a soft edge to the site. A new 1.8m High timber fence is proposed to the recycling area and to the driveway.

A garden store is included within the proposals for the storage of garden maintenance equipment to help ensure the garden is kept in good condition.

### Scottish Environment Protection Agency – Flood Risk.

According to the SEPA website the site and adjoining properties do not present a risk from either river or surface water flooding, as such would be considered an extremely low risk from flooding. Due to this a Flood Risk has not been submitted as part of this submission.

### Coal Authority Information

Checking against the Coal Authority information the site is not within an area of High Risk and appears to have no signs of coal mining activity.

### Misc.

A telegraph pole is present adjacent to the 105 Barry Road drive entrance. The relocation of this is certainly not essential, but will be applied for with the Telecommunications provider – BT. The telegraph pole itself does not impede the access to either property or sightlines and is in a location where it could be retained on the boundary of the two properties - if required.



## Angus Authority Planning Documents -

***'Town and Village Directory Statements & Development Boundaries Maps  
Carnoustie and Barry. 2014. Development Strategy (P125)***

also

***Angus Local Development Plan, September 2016  
Development Strategy (P95)***

*The development strategy for Angus is set out in the introduction to the ALDP, for  
Carnoustie and Barry this means:*

- *Supporting the redevelopment of vacant, underused and brownfield sites within the defined Development Boundary, including Woodside/Pitskelly, **Barry Road**, Greenlaw Hill and the former Maltings;*

We would note that - The proposed site falls within the development boundary, is on Barry Road, is vacant, underused and has had previous development on the site and so could also be considered as Brownfield.

This application is for a high quality bespoke dwelling and is not for a poor quality mass housing development consisting of generic 'house types' that pay little consideration to site, context, orientation, materials or local character. Given this particular site and application meets many if not all of the criteria for this area we are therefore requesting that Angus Council Planning Authority's best efforts to look favourably upon the application and be proactive and collaborative in their consideration of the application.

## Summary

The applicant is proposing to erect a suitable new dwelling on this historically previously developed site, which now forms a grassed area that has become a significant maintenance burden to the current owner. The proposed house is of an appropriate size and scale and due to the high design quality and environmental attributes; this would be an asset to the street and local area.

The design proposals have been highly considered and are appropriate and mindful of all neighbouring properties to all sides and have responded to site, context and locality in a thoughtful and sympathetic manner.

The large tree to the North West would also be unaffected by the proposal, whilst the access and egress would be improved for both properties. The environmental qualities proposed would set this proposed dwelling at a higher level than most new houses.

We thank you for your time in considering the application and would request that if there are any parts that you require further information or clarification that you please contact the agent at your earliest opportunity.



**18/00036/FULL**

Proposed Dwelling to land North of 105 Barry Road, Carnoustie

9<sup>th</sup> March 2018

FAO James Wright.

Dear James,

Thank you for your email of the 23<sup>rd</sup> February 2018. Whilst we are naturally disappointed to find out that in your initial assessment you have stated that the application will not be supported, reading through the points, we believe there are strong and clear grounds to address these concerns. To be thorough and complete, we have numbered and dealt with each of the points in turn, please refer to the below. We trust that these will alleviate your concerns and that the responses raised will be considered in a pro-active manner.

### **1. Window to window distances.**

- Your email mentions

*'it does appear that a main lounge window on the east of number 105 Barry Road exists.'*

With regard to the existing dwelling 105 Barry Road. There are 2 no. windows that face onto the thin wedge of land which forms part of the South East end of the application site. These existing windows face almost exactly due North. The window that has more relevance, due to its closer proximity to the proposed dwelling, is the Kitchen window. The other, to the far Eastern end of the North Elevation, is a window to a dining and T.V. room which provides the only access to the kitchen. This room is relatively dark due to the North facing window and so the applicant's main living room is actually now to an extension to the South. This was added so that the property would benefit from large open windows with a visual connection to the South facing Garden Space. It contains a sofa, relaxing chair and table for home crafts. This room is used as the main living room for the dwelling; where the applicant spends most of her time because there is enough natural sunlight to do needlework and reading. This is the space she also uses as the main entertaining space and where she watches T.V. on an iPad.

We would classify the dining/T.V. room with a North facing window to therefore be an 'Other Habitable Room'.

- Looking from inside the dining/TV room (as per the supplied image opposite) then the proposed new dwelling would not obscure the view from this window. There is a wide visual Northern axis that exists directly toward Barry Road. This view however is currently obscured by large bushes and the boundary stone wall which both also provide privacy. The proposed boundary treatment would not significantly impact on the light or outlook from this window and so would have negligible impact.



- We would note that the window to window distances from this window are beyond those stated within Advice Note 14 and so are compliant.
- Discounting any proposed boundary treatment, then from this existing window, it is not possible to see a habitable room window in the proposed dwelling.

- The angles to any proposed windows are also between 35 – 53 degs from the centre axis of the existing window to the proposed windows. We would note the Advice note 14 guidance that states -

***'Note: Where the relevant windows are at an angle to each other, the distances may be reduced commensurately. As a guideline, the distance may be halved where the centre point of the two windows are at 45° to each other.'***

Therefore we would expect that consideration of these distances would not be selective in the application of only the most negative onerous aspects, but that consideration equally be applied to the wording that would support and aide the window to window distances and therefore, if necessary, the distances would be '*reduced commensurately*'.

- In addition to the above points, there can be appropriate boundary treatment applied to the proposed dwelling that could aide in ensuring privacy between amenity spaces and dwellings. We are positive, pro-active and are open to entering into discussions with the local authority over the height, materials and placement of suitable boundary treatment, but we believe this could be conditioned as part of the approval.

Whilst not required, we would note the Advice note 14 guidance states that -

***'Screening: Most of the above distances can, if desired, be further alleviated on the part of the affected property, by the erection of screening...'***

Consideration of further alleviation with regard to screening should be applied and selective focus on only the most negative onerous aspects should be balanced and considered equally.

We consider that this reason provided for objection is neither valid nor justifiable and so are requesting that it be removed from the list given as reasons to recommend refusal.

## 2. Amenity Impact

***'there is a concern regarding amenity impacts for 105 and 107 with boundary treatments so close to the front elevation / habitable windows. The design would not allow for retention of space around and between the proposed and existing buildings (as indicated previously).'***

Both the owners of 105 or 107 Barry Road have been either notified or have actually made the application and neither have objected to the current proposals.

Please can you clarify what is designated the '*front elevation*'.

- 107 Barry Road is purely accessed from Westfield Place to the South of the Property.
- The front door is also to the South of the house. In fact there is no other doors at all to the accessible elevations of the North or West.
- The only amenity space of any value is to the South of the house. There is a thin maintenance access strip only to the North. This can not be justifiably considered to be valuable amenity space.
- The main living accommodation is to the South of the house.
- The numbering of the house is clearly historic. 107 has all of its primary functions facing/fronting the South and therefore the Front Elevation is clearly facing South onto Westfield Place and if built today would have a Westfield Place address.

We do not consider that it is justifiable to consider the North elevation of no.107 (facing 105 Barry Road's Northern Amenity Space) as being the '*front*' and this wording is very misleading in connection with this property.

Regarding 105 Barry Road, (The applicant's own property), then the *front* door is accessed at the East of the property, there are 2 relatively small windows facing to the North onto the driveway and what is the only access to 105 Barry Road. Existing planting and the low level of the internal ground level mean that these windows provide little outlook and are of little value other than to get a small amount of limited North facing light. Please refer to previous image.

It is clear that the wording of the Amenity space referred to in Advice Note 14 strongly focuses on the value of useable amenity space that forms useful back gardens. By implication front gardens are therefore of less overall value as amenity space. This is supported by the applicant as her own back garden is a useful amenity space, whereby the front garden is a burden and poorly placed windows from 107 Barry Road and the openness of the aspect to Barry Road itself reduce the privacy and desire to use this space. To suggest that no.107 has any amenity space is a misleading statement and the 'value' of this is exceptionally low as this is a pebbled path for maintenance access only. To use this as a reason for refusal, we believe is an exceptionally weak argument.

We would remind you that the proposals –

- do not impact on the use of no.107 use of this existing maintenance access space,
- they do not change the fact that the current boundary exists and that the relationship is still between a garden space and the existing windows. We have not created a boundary, it already exists.
- They do not add to overlooking as the proposed dwelling's South facing windows have been sensitively and carefully considered to minimise any impact.
- The location of the house and any screening/boundary treatment make negligible impact on daylight or sunlight factor to the existing properties.
- They do not impinge on any legal rights for no.107
- The owner of no.105 can have a suitable boundary treatment constructed/erected/planted at any time in the locations indicated.

Any boundary treatment would however help no.107 by providing greater privacy to their small North facing bedroom and kitchen windows and so offer a positive contribution.

The applicant has sought specialist legal advice and is now fully aware of her legal rights in relation to the construction/erection/planting of suitable boundary treatment on her own land, in the area currently show as part of the application.

This legal advice unquestionably supports suitable boundary treatment and should the application be refused then the applicant will be able to install a robust, but legally appropriate boundary treatment, within permitted development rights, prior to a future planning submission.

At present the applicant is fully co-operative and willing to review the boundary treatment, height, materials and location in order to work with the local authority in a pro-active manner to generate the best solution for all parties. There is no reason why this could not be conditioned. We believe it would make a mockery of the planning process to use the proposed boundary treatment as reason for refusal, when this is so easily dealt with either through conditions or if you are unwilling to use this method or enter into discussion, then if necessary by separate installation and then reapplication.

We dispute the statement -

*'that the design would not allow for retention of space around and between the proposed and existing buildings.'*

- The space between the buildings exceeds the window to window distances provided in Advice Note 14.
- we have provided drawings to evidence that the proposed garden space is well in excess of the stated requirements and that a much larger percentage is provided as part of the more useful rear garden 'Amenity Space'. The space around the proposed is therefore more than sufficient.
- There is no change in the space around and between no.107 and the proposal. This is because their maintenance access strip has been maintained and their space is completely unaffected by the proposal.
- No.105 retains a sufficient maintenance access strip to the North and the 'other habitable room' window still maintains the same outlook onto a planted area.

The reason given for objection is focused on 'retention of space around and between the proposed and existing buildings'. We have proven that there is –

- sufficient space between, in and around the proposed dwelling.
- There is no change to the space around 107, we have also proven that daylight and view of the sky is not affected and so if your interpretation of this relates to view from a window, then the applicant will be challenging this in accordance with their legal advice.
- the effect for 105 is negligible in terms of access to clean windows, gutters, roof etc. There is no measurable loss of daylight. There is little effect on the outlook from within the property as the current shrubbery limits view and provides privacy.
- We are willing to review the size, location, materials and height of the proposed boundary treatment to alleviate any remaining concerns.

***'PRIVATE AMENITY SPACE - Advice Note 14.***

*Applying the above standard to a new house development should ensure that around 70% of the plot remains open but all of this could be taken up by front garden, car space, drive etc., leaving none for the long list of private activities that gardens are required to cater for, such as sitting in the sun, playing with the children, eating out-of doors on a nice day, drying clothes or even parking the kids bicycles.'*

We do not believe that the space in-front of no.107 can be justifiably considered to be valuable amenity space. By the definition above, then no.107 would not have sufficient space in order to - sit in the sun, play with the children, eat out-of doors, dry clothes and it would not be a good location for parking any bikes. This activity is well catered for in their south facing main garden.

Similarly the use of the large grassed area to the North of 105 property is not used, whilst the back garden is a pleasant, sheltered, South facing area where the occupant can relax and enjoy external amenity space.

The above text clearly indicates that there is much less value placed on front gardens and driveways with regard to Amenity Space. It would seem in your assessment that significant weight is being applied to spaces that hold so little value to either Advice Note 14 or the occupants/owners of the existing properties. The current response is disproportionate and therefore inappropriate to be used as a valid reason for objection and we request that this is removed from the list of reasons that have been raised as reasons for refusal.

### 3. Policy DS3

Please also refer to the above responses made under section 2 as these are also relevant here. In relation to this point, we would seek some clarification. It is clear from the drawings and the above response that the location of a new building in this location would allow for the retention of space around and between the buildings. Whilst this argument may have held some relevance with regard to the previous application – in terms of window to window from the 1<sup>st</sup> floor, the design has been altered and this no longer holds any relevance to the current proposal and we would ask that you review the current drawings again so this application can be judged on it's own merits.

*'it is not considered that the proposed house at this location will fit with the character and pattern of development in the surrounding area.'*

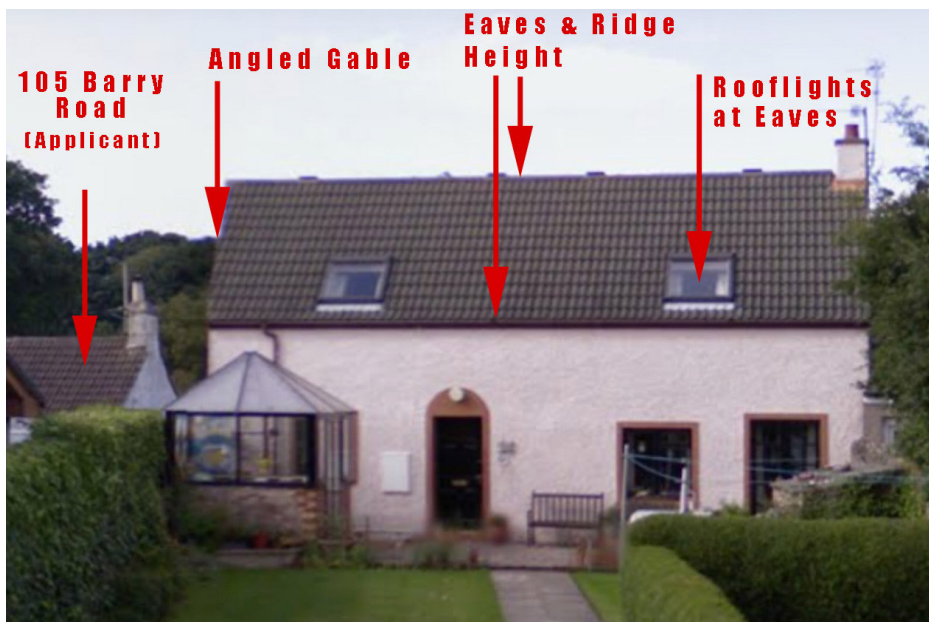
The house does fit exactly with the general pattern of and character of the development -

- The house footprint aligns with the street pattern perfectly.
- It also maintains the natural frontage / line of the housing.
- The proposed footprint and size of house fits with the size and proportions of the neighbouring houses.
- There are an exceptionally high number of in-fill houses in this area, setting a precedent.
- The scale, mass, height fits with the general pattern and character of development. Please see also the below neighbouring property.
- The material choice (also referred to late) is also is *'in-keeping'*.

We consider this reason for refusal to be exceptionally weak and unjustifiable and are requesting that it be removed.

### 4. Design of the dwellinghouse.

*'this is also considered to be out of keeping with the surrounding area'*



The above property is a direct neighbour of 105 Barry Road which shares a boundary gable wall within 1m of no.105. It is clearly visible from Barry Road itself as well as the application site. It has an angled masonry gable similar in angle to the proposal. It has an almost identical footprint shape and proportion to the proposed dwelling. It has similar ridge and eaves heights. It has an almost identical pitch of roof. It has rooflights located at the eaves. The distance between this property and the proposed dwelling boundary is less than 17m!

Any suggestion that the proposed dwelling would be out of context with its direct surroundings is nothing other than completely false and easily challenged. We do not think that this reason for refusal should have been raised and are most strongly requesting that this reason for refusal be removed.

### Roof Pitch

*'...shallow and out of context.'*

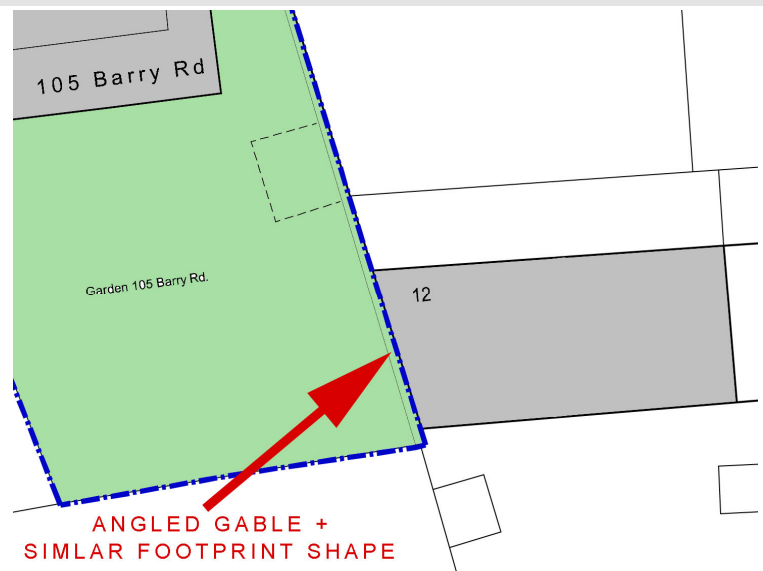
The pitch of the proposed roof is greater than 32degs. This is similar to numerous properties immediately surrounding the proposed site. The pitch is not technically considered to be shallow and would comfortably accommodate slate and tile much like the other properties with similar angled pitched roofs. Given the wide variety of roof pitches and the overwhelming amount of similar roof pitches then there is no justifiable reason why this could be legitimately used as a reason for refusal and we are requesting that this be removed as a reason for refusal.

The proposal is not a full 2 storey dwelling, however, within very close proximity (less than 50m) to the application site, there are numerous examples of either full 2 storey or 1¾ storey houses that have similar eaves, ridge and roof pitches. This includes image above as well as properties to the South West - accessed from Westfield Place – within 15m of the application site! In addition to this, on Barry Road, there is a 2 storey run of terraced houses opposite the Parkview Primary Care Centre is a prime example of both more modern and traditional housing that is a full 2 storeys and has a similar roof pitch. The entire South side of Barry Road (A930) between Westfield Street and Main Street is also an example of this. Westfield Street and Thomas Street contain tens of examples and are within a radius of only 15-200m from the application site.

There can be no doubt that there is a very wide spectrum of housing/building styles, materials, heights and elevational treatments along Barry Road and this is certainly part of the character of the street and the wider area. We are seriously concerned that this point can be given sufficient weighting by the Local Authority Planning Department to suggest that it could ever be even considered as a reason for refusal and there is no possible justification for this to be considered *'out of keeping'* or to be used as a reason for refusal. We request that it be removed as a possible reason for refusal.

### Plan Form of Building –

The OS plan extract opposite is of the same existing neighbouring dwelling shown in the previous image. This building abuts and shares a boundary wall with 105 and so is a direct neighbour of 105. It has an angled wall and similar proportion of footprint to the proposed dwelling. This building shape has been created as a direct response to its unique site. There are many other examples in this area of Carnoustie and these can be provided if further evidence is required.



Day one of an Architecture University course would teach that when designing a building, a good building should respond to its own unique site. The plan form has a broadly rectilinear footprint that presents a frontage to Barry Road that is consistent with the surrounding properties. The angle of the building provides slightly more space for the occupants and a better home, whilst having no impact on the adjacent access.

This being raised as an issue would suggest that it will have a significant impact on the visual appearance of the house from the road. This will be barely noticeable from the street, standing directly in-front of the North facing elevation, it will not be noticeable at all when travelling from the West and due to the location of no.103a+103b properties then this elevation will be almost completely screening this elevation when travelling from the East. To suggest that this would have a negative impact would be misleading. As above, this is also clearly not out of context. There are numerous examples of buildings that respond to their unique site by having a slightly angled wall. To use this as a reason to suggest that the design is not appropriate is overstating a non-issue. This seems like a desperate attempt to try to and justify a proposed refusal and we strongly dispute this point and request that it is removed as a reason for refusal.

## Materials

*'the current design is out of context along with the materials proposed.'*

The proposed building contains 4 main materials as part of the external envelope. These are –

- Slate for the roof,
  - Glass for windows and in some doors inc. timber frames,
  - Timber Cladding to the elevations.
  - Masonry, proposed as brick.
- The slate for the roof can not possibly be considered '*out of context*' for the street due to the high proportion of the existing dwellings and properties utilising slate as a primary roofing material.
  - The windows and doors are proposed to be high quality timber and not cheap uPVC double glazed. Some existing properties still have timber windows and doors and others would have had timber windows and doors and so this can not be considered to be '*out of context*'.
  - There are many examples of timber cladding (or fake look a like cheap uPVC imitation versions of timber cladding) along the whole of Barry Road as well as the immediate neighbouring properties and in the surrounding streets. It can not therefore be justified to state that this material is '*out of context*'. Many contextual example images can be provided if required.
  - Masonry walls built of or incorporating brick are common in the area. The use of Brick is certainly not unprecedented or '*out of context*'. The immediate properties to the East (103a+103b) and West (109-115) as well as 107 Barry Road all contain exposed brickwork to either or both the elevations and the boundary wall treatments. Indeed no.105 Barry Road has an existing brick wall to the Northern boundary treatment and also, until recently, contained within the grounds was an original brick out-building – as shown on the historic site plan submitted.

- The circa 1980s built properties to the South West, on Westfield Place (as per below image) contain significant proportions of brickwork on the elevational treatment to the housing and to the boundary wall. To state that this material is 'out of context' would be disregarding the use of brick as an original/historic material as well as material used continually over the decades. It is used on almost all of the surrounding neighbouring properties. It can not be justified to say that the use of this material is 'out of context'.



- We are sure that the local authority should be looking to support and promote environmentally friendly and sustainable new dwellings. Part of the reason for selecting brick was not only to tie in with the context, but to ensure that the proposal uses an A+ rated material as defined by the BRE Green Guide to specification.
- There is a very small amount of standing seam metal proposed adjacent to the entrance. Standing seam metal is a traditional material, it can still be found on local buildings and this has recent precedent in the immediate area with regard to new buildings in the form of the adjacent Health Centre (Parkview Primary Care Centre - Barry Rd.) whereby it was used for the cladding and roofing. As well as this use of the material, it has also been used on the high quality design of St. Anne's RC Church on St. Thomas Street – which is within close proximity to the rear of 105 Barry Road.

We do not consider that any of the proposed materials are 'out of context'. It is clear that all of these materials exist within immediate proximity to the proposed site and there is no justification to this reason for refusal and we are therefore asking for this to be removed as a reason for refusal.

We have always and remain open to being co-operative with the Local Authority and are willing to discuss the external wall treatment of the proposed property. If it is considered that the addition of render would further help bed the property into its context then we are willing to consider this, but feel that this can easily be handled under a materials/colours/samples condition as a 'prior to commencement / development' condition. If this is, however, a more significant issue then we would have appreciated that this issue be raised at an earlier point in the processing of the application and not after a provisional decision of refusal has already been reached.



**Summary –*****'Overbearing Impact.'***

Could you please review this statement with regards to the overbearing Impact and remove or clarify this. We have proved that the proposal would not impact on the light, would not reduce the space to 107, it would not impact on amenity space or access. There is no legal support for this statement and so we can see no grounds to support this view. The overbearing statement is not justified in the proceeding paragraphs and there is strong contextual evidence of similar sized and proportioned dwellings. There are many precedent examples of recent infill housing with similar relationships to existing housing and so we can see little justification for the use of this term or any tangible evidence or support for the statement.

We believe that both this and the previous application have been pre-judged and that considerable effort has been made to generate reasons to refuse the applications. We do not consider that Angus Council Planning Department have dealt with the applications in a positive and pro-active manner looking to support high quality, bespoke residential development in an area that has been highlighted within the local plan for additional residential development.

We are dismayed at the use of weak and often irrelevant arguments that have been raised in connection with both applications. It certainly seems that the Local Authority Planning Department are looking for reasons to refuse this application in-order to justify a previous pre-judged opinion. We do not see that there are any justifiable arguments which can possibly be used as valid reasons for refusal and would therefore ask you to seriously reconsider your current views that this or indeed any application for a residential development on this site can not be achieved. We are respectfully requesting that the application be considered on its merits alone.

We do not consider that it is necessary that this application should incur additional cost in the form of the advertisement fee. It has been made clear that the applicant has no choice but to pay this fee in order to process the application and to receive a decision notice. We do have significant concerns that this advertisement fee is being misused as a tool to persuade the applicant to withdraw their application prior to a refusal being issued. By doing this we understand that this would reduce the number of refusals given and so have beneficial statistical advantages, for the Local Authority Planning Department, which masks the deliberately obstructive process that we have encountered.

We have absolutely no personal issue with any of the planning officers that we have dealt with, however, both the applicant and myself have significant concerns over a number of issues. These include the pre-judging of the applications by the Local Authority, the determination that the application will be refused despite any real tangible justifiable grounds, as well the powers to request additional advertisement fees being inappropriately applied. We do genuinely hope that these real concerns are able to be suitably addressed at this level.

We request and would be grateful to receive a response to confirm the removal of each of the reasons for refusal outlined in James Wright's email dated 23<sup>rd</sup> of March. We believe that there are no justifiable grounds for continuing with a recommendation for refusal and so we would be grateful to receive the proposed wording of the decision notice and associated planning conditions for a recommendation for approval.

Should you feel that there still remain any issues and that you intend to recommend the application for refusal, then we would request that we be given a minimum of 10 days in order to respond to any response to this letter. Should this extend the application period then we hereby provide permission for this to be extended by 14 days in order to address these concerns.

Kind regards,

Robin Stewart

For and on behalf of Mrs A Stewart – 105 Barry Road, Carnoustie.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**ERECTION OF A NEW DETACHED DWELLINGHOUSE AT 105 BARRY  
ROAD, CARNOUSTIE**

**APPLICATION NO 18/00036/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

- |               |                     |
|---------------|---------------------|
| <b>ITEM 1</b> | Notice of Review    |
| <b>ITEM 2</b> | Statement of Appeal |



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: 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 100128045-001

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="Aileen"/>	Building Number:	<input type="text" value="105"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Barry Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Carnoustie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Angus"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD7 7QT"/>
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="105 BARRY ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="CARNOUSTIE"/>
Post Code:	<input type="text" value="DD7 7QT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734420"/>	Easting	<input type="text" value="354774"/>
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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)

Erection of a New Detached Dwellinghouse at 105 Barry Road Carnoustie DD7 7QT

## 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.

Please refer to the attached document - Appeal Letter 19Aug2018\_1

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)

Appeal Letter 19Aug2018\_1.pdf

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00036/FULL

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

23/01/2018

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

25/05/2018

## 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: Mr Robin Stewart

Declaration Date: 21/08/2018



Applicant: Mrs Aileen Stewart  
105 Barry Road,  
Carnoustie  
Angus,  
DD7 7QT

c/o Mr Robin Stewart (Agent)

Dated 19.08.2018

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

**Application Ref: 18/00036/FULL**

Status – Appeal of Planning Permission Refusal (Delegated Decision)

Dear Sirs,

With regard to the above application we are writing to address the issues raised in the Case Officer's report, which we understand have formed the basis for his delegated powers decision to refuse planning permission.

We believe that the reasons given for a refusal are –

- highly selective in their justification and also overlook the overall pattern of development in the area surrounding the proposal to unfairly sway the report
- that inappropriate use and weighting has been applied to relevancy of Advice Note 6 when finally assessing the application, rather than the more relevant Advice Note 14 which was the document referred to in correspondence with the Case Officer
- the weighting of the justification given for a refusal is not sufficient to merit a reason for refusal
- that the selected reasons provided for the small amount of neighbour objections are still relevant and we have more that adequately addressed these main issues which have focused on the questioning the amenity and design during the application process.

We do not consider that there is sufficient justification to refuse the planning application and we trust that you will be able to fully review the appeal with fresh eyes to ensure that a fair and reasonable approach is taken to assess this appeal for planning permission.

Looking at each of the reasons in turn within the 'Assessment' section we have compiled a response for your additional consideration.

**Advice Note 6 –**

It is a surprise to us that the planning case officer has put prime focus on the *Advice Note 6 Backland Housing Development* within his report. Both throughout this current application and the previous application (ref:17/00052/FULL) the case officer has not focused on the relevancy of this document to this assessment of the application.

Indeed we have had numerous discussions and correspondence that relates to the judgement of the application based on Advice Note 14 and understood that this was the relevant document that was being used to assess the application for what is a new build house on a small development land fronting a main road (Small housing site).

Advice Note 6 (excerpt) –

*Council Policy -*

*For the purposes of development control a backland site will be **defined** broadly as “a small area of land to the rear of existing buildings which at no point .... Adjoins the public road”.*

This statement does not apply to the proposed application site. We are not applying for housing to the rear of existing buildings. We are not applying for planning permission for the creation or adaption of the existing dwelling and the main entrance and windows on the frontage of the only house (no.105) that is accessed from Barry Road is maintained and visible, therefore do not believe that the use of the Backlands development site Advice note 6 is relevant to this application. We are not proposing to ‘create’ a backland development. The proposal is for a new dwelling that fronts and Adjoins the public road and ‘ties in’ with the natural building line of the majority of the housing on Barry Road as well as the overall footprint and scale of the proposed dwelling in relation to Barry Road and to the wider area.

We do not consider that the use of Advice note 6 is relevant to the application and as such the relevant guidance of Advice note 14 should be used. We do not believe that the more onerous requirements of Advice note 6; which by its own admission has been set up to discourage development, should be the guidance adopted in assessing this application. If it was to be used as the primary guidance in the assessment of the application, then we would have thought that this would have been properly communicated to us during the current and previous planning applications. Previous correspondence with Mr Ruari Kelly had established the necessary distances to be achieved which correlate with Advice note 14 and further supports this as the correct guidance method for judging the proposal on this site.

It would seem to us that the current case officer has introduced the use of Advice Note 6 for the final report to try to add weight and bolster a case for refusal in that this guidance has greater window to window separation distances than the relevant and appropriate Advice note 14 – Small Housing Sites. We feel greatly aggrieved at the final use of this document in the assessment of the application.

The application is on Barry Road; which is specifically highlighted within the Angus Council Local Plan as an area desired to have additional housing and as such we would have thought that the application should have been viewed as a positive new dwelling in a residential area that, contributes toward the desired addition of housing as identified within the current Local Plan.

### **Character of the area – Plot Size**

#### **“Advice Note 14 - PLOT SIZE**

**The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA,** for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or “squeezed in”.

It is entirely relevant that Neighbouring properties contribute to the immediate character and density of the area. It is therefore relevant that the combined total land area for the immediate neighbouring properties to the West (109, 111, 113 + 115 Barry Road) equates to approx 575sqm and contains 4 properties - including their amenity garden space within this. It is clear that the areas for both proposed and retained properties significantly exceeds many properties in the area (including no.107) and that it is in excess, or at the very least consistent, with the general pattern of development on the South side of Barry Road. Advice note 14 states - ‘The plot area of a proposal must bear some affinity with the surrounding plots.’ Both the proposed and retained houses do. Whilst there are larger plots predominantly to the North, (many of which have more modern ‘Backland Development’ properties behind their houses, there are 7 plots

immediately to the West and South of the application site that range from less than 110 square metres to little over 200 sqm. This area of Carnoustie has a great variety of plot sizes and density and the proposed site sits at an intersection of both smaller and larger sites and so has similar plot sizes as well as smaller and larger within the immediate vicinity. Please refer to the submitted drawing LP001B Location Plan, which looks at a slightly wider context and clearly demonstrates this. At 402sqm the plot size would be among the mid to larger plots compared to most of its immediate neighbours.

Character and pattern of development in the surrounding area Policies TC2 and DS3 support proposals for development where the proposal is consistent with the character and pattern of development in the surrounding area. It is clear from the submitted location plan that the proposal would be consistent with its immediate surroundings and offer a greater plot size and private amenity space than the majority of its immediate neighbours.

#### **Distances between dwellings -**

The window to window distances between the proposed and existing properties to the South complies with Angus Council Advice Note 14 (as per our submitted plan ref: PL011B). The plans have been carefully developed to ensure that the minimum distances are not only met but bettered. Not only this but the proposed plans have been considerably developed to avoid placing habitable windows facing the South, ensuring that main living and all habitable rooms face toward the main street and create a positive frontage to Barry Road. The Kitchen/Dining has a secondary window that faces South – to provide dual aspect and this has been very carefully designed to be recessed back from the main elevation and so to avoid overlooking and ensure privacy between properties. The addition of suitable boundary treatment, over and above the compliance with the requirements of Advice Note 14, also means that there will be no overlooking and privacy issues associated to this application.

In addition to this, the design ensures that there will be no overlooking from the upper windows as there are no habitable windows that face South in the upper floor and so the privacy of both of the Southern properties of no.105 and no.107 is maintained. Please refer to submitted drawing PL011B ADVICE NOTE 14 – DISTANCES. You will see that we have complied with the requirements of Advice note 14. This includes maintaining a distance of over 22m to the North, where we believe that there may be a living room to no.106 Barry Road. To the East and West the proposed distances are also designed to offer a good neighbour development that again meets and exceeds the Angus Council guidance requirements and is consistent with the area. Thereby the proposals do not create an issue with privacy, the proposed distances are compliant with Angus Council policy on this type of 'small housing site' and the distances are appropriate to maintain the privacy of all the adjacent neighbours.

Both existing 105 and 107 Barry Road properties have their main living rooms facing South and so, much like our proposal, the infill housing to the South of these properties would have greater separation distances designed in; in order to ensure the 20m+ separation distances are maintained to 'Main Living Room Windows'. This would provide the justification as to why they are at greater distance. We note that we have complied with the necessary Angus planning guidance for small housing sites and would question why this document has been produced and is still referred to and in use if its guidance is not sufficient and applicable to current applications? We do not see that there is a case for increasing the proposed distances, because there is not any overlooking or privacy issues created by the proposal.

*Excerpt from Case Officer's report –*

*'The distance between the proposed house and 105 and 107 Barry Road would result in the appearance of a family house squeezed into a small site in the front garden of 105 Barry Road.'*

We do not believe that the property would give the appearance of a 'squeezed in' development. The house would continue the natural frontage of the road and so would help to maintain the appearance of a cohesive street frontage. No.105 Barry road is visible and accessible from

Barry Road. Due to the shape of the site 105 has over 5.4m length of frontage which extends beyond the most Eastern corner of the proposed development. This includes the North facing Main Entrance and the dining/tv room window. The one window that does not extend beyond this perpendicular line to the road is the tiny kitchen window, which offers negligible view or aspect.

No.107 does not have an access from Barry Road, its access is from Westfield Place. The Front door and living room and all useable amenity space face this Southern access from Westfield Place. It has no usable garden or any valuable amenity space to the North (Barry Road side). The strip of land is a maintenance access and provides limited natural daylight that has been proved to have negligible impact from the proposed development.

It is clear from the submitted drawings and the above response that the location of a new building in this location would allow for the retention of space around and between the buildings and we have provided drawing PL009B Proposed Garden Space Site Plan, to help demonstrate the garden space and amenity provision for the proposed house is significantly over the 70% minimum required. We would like to clarify that no land is proposed to be taken from no.107, the land subject to this application is purely in the ownership of 105 Barry Road (the applicant). We are therefore not impacting on the size of the amenity space, or the enjoyment of any of their amenity space with this application.

If the house was squeezed in, it would not allow for the appropriate level of garden and amenity levels required for this type of dwelling. It would also reduce the usable amenity space of both the existing property and potentially the usability of the neighbouring property. The proposed property would provide more than enough amenity space for both the proposed dwelling and that of 105 Barry Road. Both of these properties, following development, would have more than 100sqm more than the adjacent land owned by no.107. They would both also have more 3 times the area of 109, 11, 113 and 115 Barry Road. This represents 5 immediate neighbouring properties. We can not see how it is justifiable to maintain that the proposed plot size would be inappropriate or out of character of the area or that it would be relevant to refer to it as '*Squeezed in*'.

Please refer to submitted Drawing LP001B Location Plan

It is clear from the submitted Location plan that the existing Housing to the North of Barry Road are larger footprint properties which are on associated larger plots, however the vast majority of the properties to the South and West of Barry Road are smaller houses on smaller plot sizes. The proposal is on the South of Barry Road and is therefore consistent and appropriate to the general pattern of development in this area.

Overall there is an exceptionally wide range of property styles, sizes and character in this area. We would strongly challenge the suggestion that the proposal is not 'in Character' we believe is not accurate or able to be substantiated or to be given sufficient weighting to be offered as a reason for refusal.

In summary -

The house does fit with the general pattern of and character of the development -

- The house footprint aligns with the street pattern.
- It also positively maintains the natural frontage / line of the housing to Barry Road.
- The proposed footprint and size of house would be in the 'average' or mid-level size for both footprint and plot size and sits at a position between larger plot sizes as well as similar and smaller plot sizes and houses and so does positively 'fit-in' with the size and proportions of the neighbouring residential development and so is appropriate.
- There are an exceptionally high number of in-fill houses in this area developed over a long period, although it is noted that many of which are backland developments and not street fronting in-fills. This is because the houses tend to be built a few metres from the back of kerb rather and so there are exceptionally few street fronting plots, with this being one of the last appropriate sized sites.

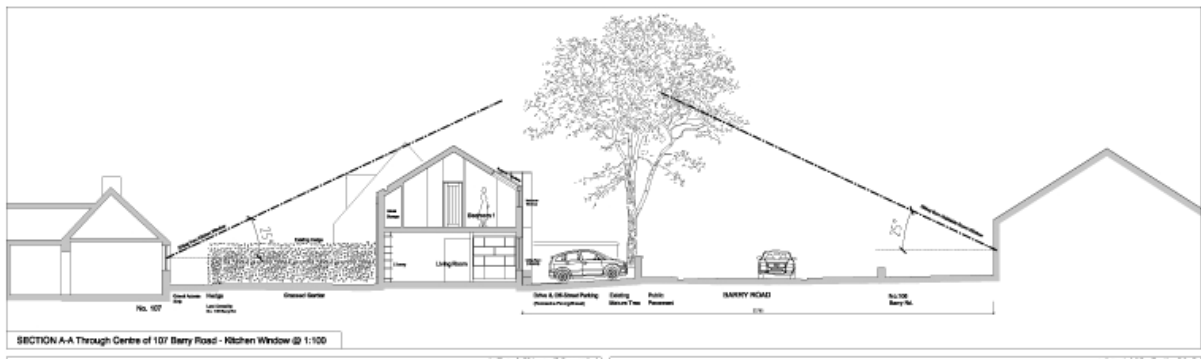
- The high level of in-fill backland developments are likely to have been subject to increased window to window distances. The Case Officer has not made available the information to comment on the layout of the houses he has referred to in order to compare the habitable room usage of these houses and thus the necessary window to window offsets or council policy at the time that these were approved. We maintain that the current relevant guidance of Angus Council should be applied to current applications and the proposal therefore does comply with Advice Note 14.
- The scale, mass, height fits with the general pattern and character of development.
- The material choice is also 'in-keeping'.

#### **Amenity Impact** Policy TC2 and DS3

As previously highlighted, we do not consider the use of Advice Note 6 to be relevant for the reasons previously stated. The proposals comply with Advice note 14 as required.

#### **Daylight**

Please refer to drawing EL008B SECTIONS. Section A-A clearly indicates a 25 degree angle taken from both of the existing houses lying to the North (106 Barry Road) and South (107 Barry Road) of the proposed dwelling. This drawing clearly demonstrates that the proposed dwelling does not pose any issue with regard to restricting day-lighting or overshadowing to these existing neighbouring dwellings and that the proposed height is well below the level that would cause any measurable detrimental impact. The sections and elevations also clearly indicate that the proposed height of the dwelling is in-keeping and appropriate to the context of the street as well as maintaining similar roof pitch.



#### **Sunlight and Daylight -**

We have provided information as part of both the current application and the previous application that prove that the proposals would not have a negative effect on the sunlight daylighting and would not produce overshadowing to no.s105 or 107. The 25degree angle is the standard method; however, we have also supplied more detailed information as part of the previous application which follows the BRE produced guidance for daylight and sunlight calculation and analysis for proposed buildings. Both of these methods prove that there is no adverse impact from the proposal on any existing properties whether it be no.s105, 106 or 107. It is notable that the proposed boundary treatment also does not impact on the 25degree angle from the centre of the windows for both no.s 105 and 107.

#### **Overlooking & Privacy -**

As mentioned we have ensured that there are no windows from habitable rooms on the first floor to ensure that there is no overlooking from the proposed property to the properties located to the South (no.s105 or 107). The proposed design has only 1 room which is habitable that has secondary glazing to the South to provide a dual aspect, all others are to non-habitable rooms. As previously discussed, this room has been set back and offer over 12m separation as per the relevant guidance in Advice note 14. The introduction of boundary treatment (at the existing boundary) will further enhance the privacy offered to no.107.

At present the users of the front garden of no.105 can stand and look straight into the windows of no.107 from a distance of around 2m and so conversely no.107 can view the activities of the users of the front garden to no.105. This raises privacy concerns and reduces the value and current use of this amenity area for the applicant. A suitable boundary treatment will help to maintain the privacy to both properties without compromising on the sunlight/daylight offered to the North facing windows of the existing 107 or 105 dwelling.

We have gone above and beyond in the design of the proposal to ensure that the proposal is a 'good neighbour' and that daylight/sunlight, overlooking and privacy have been thoroughly considered in the design.

#### **Outlook -**

No. 107 property currently has an outlook from 2 small North facing windows (as seen below - Kitchen and single bedroom) over the front garden of no.105 Barry Road. This is due to there being no current boundary treatment on this legal boundary. The current owner of 105 has long considered installing a boundary treatment and can, at any time, install a suitable hedge, fence or wall on their boundary. It is noted that this boundary treatment can be within the permitted requirement rights and so would not require planning permission.



We would ask you to consider this aspect when assessing the current proposal. If boundary treatment was conditioned as part of this application, the appropriate solution can be discussed and agreed to ensure minimal impact. At present the applicant is fully co-operative and willing to review the boundary treatment, height, materials and location in order to work with the local authority in a pro-active manner to generate the best solution for all parties. There is no reason why this could not be conditioned. If this is part of a reason for refusal, then the applicant, in theory, can and may install a new boundary treatment on the same proposed legal boundary line. We believe it would make a mockery of the planning process to use the proposed boundary treatment as reason for refusal, when this is something the applicant can install at their own will without planning consent and maintain that the boundary treatment can be easily dealt with through an associated planning condition.

Whilst the proposal already complies, we would note the Advice note 14 guidance states that -  
*'Screening: Most of the above distances can, if desired, be further alleviated on the part of the affected property, by the erection of screening...'*

The distances proposed between the proposed housing and that of the existing are met, but the inclusion of the boundary treatment does prevent any overlooking whilst providing additional privacy. The height of which would need only be mid-level in order to offer additional privacy to both existing properties.

Due to the low height of existing small North facing windows within both no.s 105 and 107 and the potential height of permitted and suitable boundary treatment, then it is highly unlikely that the proposed dwelling would be visible from the existing windows of the no.107 property. It would therefore not have an *'overwhelming presence'* as the Case Officer has raised, but actually have no impact. The access of 107 is from the South and with no view of the proposed house, then it can be justifiably argued that there is no impact for 107 and that the house is not

visible and therefore not overbearing. The Sections provided are the best way of assessing if the proposed property would have an '*overwhelming presence*' and they clearly support and demonstrate our legitimate argument that the proposed house does not have an '*overwhelming presence*' and impact is negligible. The Case Officer is not accurate and at best has significantly overstated the validity of any neighbour objections to reinforce a proposal for a refusal and the reasons given are not justifiable.

Regarding 105 Barry Road, (The applicant's own property), there are 2 relatively small windows facing to the North onto the driveway and what is the only access to 105 Barry Road. Existing planting and the low level of the internal ground level mean that these windows provide little outlook and are of little value other than to get a small amount of limited indirect North light. Please refer to image opposite. The applicant would not have submitted a proposal that would have measurably impacted on either her own or her neighbours property to detrimentally affect the sunlight, daylighting or outlook.

Looking from inside the largest window from the dining/TV room of no.105 (as per the supplied image opposite) then the proposed new dwelling would not obscure the view from this window, but it would not be visible. There is a Northern axis that exists toward Barry Road – which would be beyond the proposed house - however this view is currently obscured by large bushes and the boundary stone wall from 103b Barry Road - which both also provide welcome privacy. It is clear that the proposed boundary treatment would not significantly impact on the light or outlook from this window and so would have negligible impact. We again do not see that there can possibly be a legitimate argument for an '*overwhelming presence*' of the proposal on these windows and that this reason provided for refusal can not be substantiated.

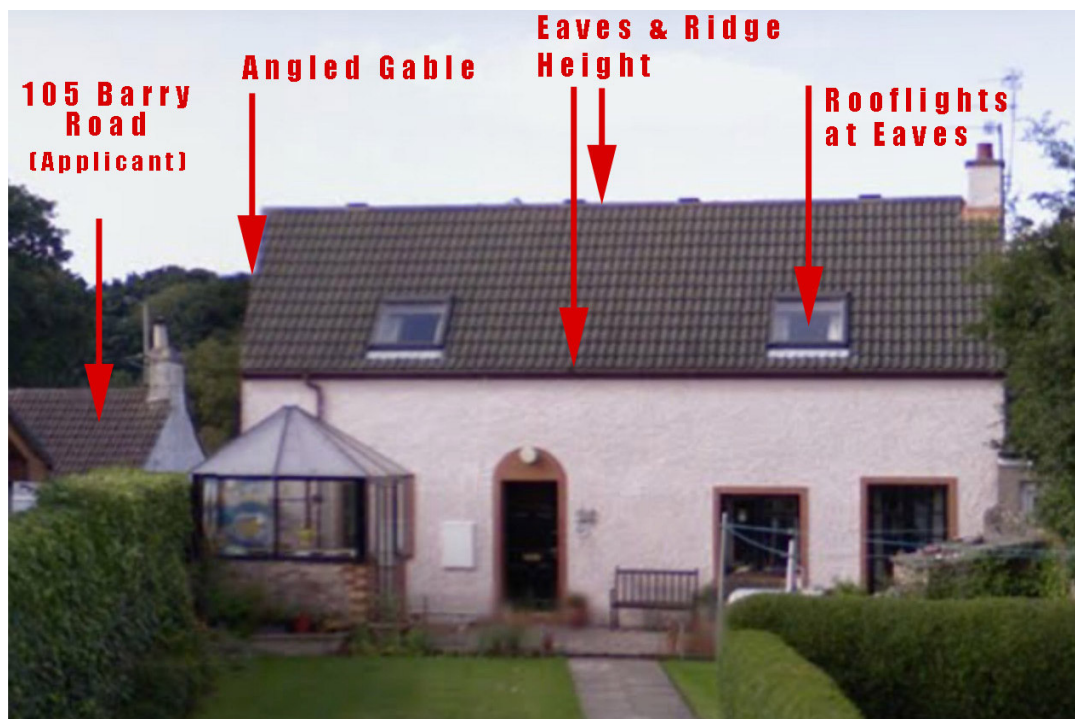


#### **Amenity Impact Policy TC2 and DS3 Summary -**

We have gone above and beyond in the design of the proposal to ensure that the proposal is a 'good neighbour' and that daylight/sunlight, overlooking and privacy have been thoroughly considered in the design. We have and continue to be open and willing to enter into agreement on the boundary treatment to the South of the proposal to minimise any impact, but note that suitable boundary treatment is able to be installed without planning permission on the Northern boundary of 107 to 105 land.

We believe that the Case Officer has not supplied sufficient valid justification to support his reasoning for the proposal being in contravention of policies TC2 and DS4. We do not believe that the supplied information or subsequent correspondence has been understood or correctly assessed. We can find no reason to uphold any neighbour objection on valid grounds and do not consider that the proposal would result in an acceptable relationship with the amenity of 105 and 107 Barry Road.

### DS3 - Design of the dwelling house.



The above property is a direct neighbour of 105 Barry Road which shares a boundary gable wall within 1m of no.105. It is clearly visible from Barry Road itself as well as the application site. It has an angled masonry gable similar in angle to the proposal. It has an almost identical footprint shape and proportion to the proposed dwelling. It has similar ridge and eaves heights. It has an almost identical pitch of roof. It has rooflights located at the eaves. The distance between this property and the proposed dwelling boundary is less than 17m!

Any suggestion that the proposed dwelling would be out of context with its direct surroundings is completely false. We do not think that this reason for refusal should have been raised as a reason for refusal and is not valid or justifiable.

#### **Roof Pitch**

The pitch of the proposed roof is greater than 32degs. This is similar to numerous properties immediately surrounding the proposed site, including the above. The pitch is not technically considered to be shallow and would comfortably accommodate slate and tile much like the other properties with similar angled pitched roofs. Given the wide variety of roof pitches and the overwhelming amount of similar roof pitches then there is no justifiable reason why this could be legitimately used as a reason for refusal.

The proposal is not a full 2 storey dwelling, however, within very close proximity (less than 50m) to the application site, there are numerous examples of either full 2 storey or 1¾ storey houses that have similar eaves, ridge and roof pitches. This includes the neighbour property listed above (see image above) as well as properties to the South West - accessed from Westfield Place – within 15m of the application site! In addition to this, on Barry Road, there is a 2 storey run of terraced houses opposite the Parkview Primary Care Centre is a prime example of both more modern and traditional housing that is a full 2 storeys and has a similar roof pitch. The entire South side of Barry Road (A930) between Westfield Street and Main Street is also an example of this. Westfield Street and Thomas Street contain tens of examples and are within a radius of only 15-200m from the application site.

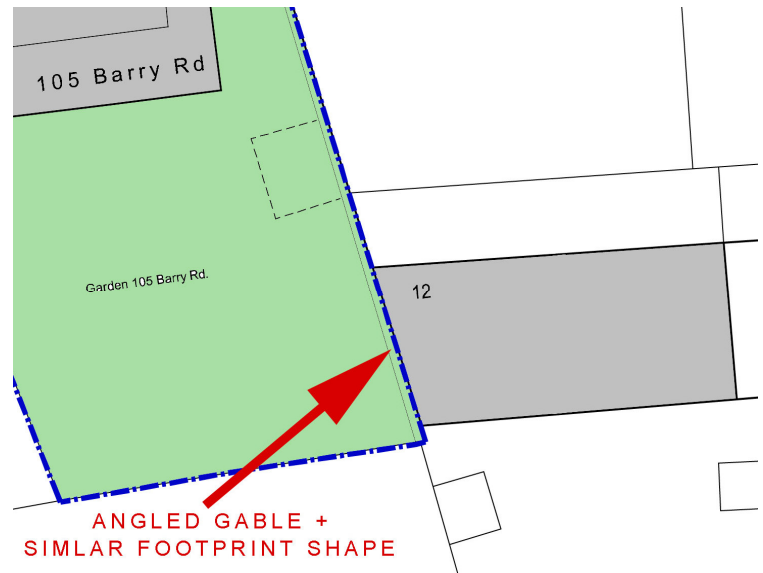


There can be no doubt that there is a very wide spectrum of housing/building styles, materials, heights and elevational treatments along Barry Road and this variety is certainly part of the character of the street and the wider area. We are seriously concerned that this point can be given sufficient weighting by the Case Officer to suggest that it could ever be even considered as a reason for refusal and there is no possible justification for this to be considered 'out of keeping'.

### Plan Form of Building –

The OS plan extract opposite is of the same existing neighbouring dwelling shown in the previous image. This building abuts and shares a boundary wall with 105 and so is a direct neighbour of 105. It has predominantly rectangular footprint with a single angled wall and similar proportion of footprint to the proposed dwelling. This building shape has been created as a direct response to its unique site. There are many other examples in this within the area and wider town of Carnoustie.

A good building should respond to its own unique site. The proposed plan form has a broadly rectilinear footprint that presents a frontage to Barry Road that is consistent with the surrounding properties. The angle of the building on the short gable elevation provides slightly more space for the occupants and a better home, whilst having no impact on the adjacent access.



This being raised as an issue would suggest that it will have a significant impact on the visual appearance of the house from the road. This will be barely noticeable from the street, standing directly in-front of the North facing elevation, it will not be noticeable at all when travelling from the West and due to the location of no.103a+ 103b properties then this elevation will be almost completely screening this elevation when travelling from the East. To suggest that this would have a negative impact would be misleading. As above, this is also clearly not out of context. There are numerous examples of buildings that respond to their unique site by having an angled external wall including the Western gable of no.107. To use this as a reason to suggest that the design is not appropriate is overstating a non-issue. This is unfounded and we strongly dispute this point.

### Materials

The proposed building contains 4 main materials as part of the external envelope. These are –

- Slate for the roof,
- Glass for windows and in some doors inc. timber frames,
- Timber Cladding to the elevations.
- Masonry, currently proposed as brick.

The slate for the roof can not possibly be considered 'out of context' for the street due to the high proportion of the existing dwellings and properties utilising slate as a primary roofing material.

The windows and doors are proposed to be high quality timber and not cheap uPVC double glazed. Some existing properties still have timber windows and doors and others would have had timber windows and doors and so this can not be considered to be 'out of context'.

There are many examples of timber cladding (or mock look-a-like uPVC imitation versions of timber cladding) along the whole of Barry Road as well as the immediate neighbouring properties and in the surrounding streets. It can not therefore be justified to state that this material is '*out of context*'.

Masonry walls built of or incorporating brick are common in the area. The use of Brick is certainly not unprecedented or '*out of context*'. The immediate properties to the East (103a+103b) and West (109-115) as well as 107 Barry Road all contain exposed brickwork to either or both the elevations and the boundary wall treatments. Indeed no.105 Barry Road has an existing brick wall to the Northern boundary treatment and also, until recently, contained within the grounds was an original brick out-building – as shown on the historic site plan submitted.

The Westfield Place housing development (circa 1970/80s) to the South West, contain significant proportions of brickwork on the elevational treatment to the housing - below windows, between ground and first floor windows and to the boundary wall (as per below image). To state that this material is '*out of context*' would be disregarding the use of brick as an original/historic material as well as material used continually over the decades and one that already exists on the application site. Angus and Tayside have/had brickworks and a locally sourced brick would be proposed for this site. It is used on almost all of the surrounding neighbouring properties. It can not be justified to say that the use of this material is '*out of context*' in favour of the suggested alternatives including imported artificial stone (tinted concrete).



We are sure that the local authority should be looking to support and promote environmentally friendly and sustainable new dwellings. Part of the reason for selecting brick was not only to tie in with the context, but to ensure that the proposal uses an A+ rated material as defined by the BRE Green Guide to specification. We have proposed a building that would significantly better current standard house builder homes requirements for sustainability and so would be an exemplar precedent in the area.

There is a very small amount of standing seam metal proposed adjacent to the entrance. Standing seam metal is a traditional material, it can still be found on local buildings and this has relevant and recent precedent in the immediate area with regard to new buildings in the form of the adjacent Health Centre (Parkview Primary Care Centre - Barry Rd.) whereby it was

extensively used for the cladding and roofing. As well as this use of the material, it has also been used on the high quality design of St. Anne's RC Church on St. Thomas Street – which is within close proximity to the rear of 105 Barry Road. Both of these buildings are so close that they are visible on the submitted location plan.

We do not consider that any of the proposed materials are 'out of context'. It is clear that all of these materials exist within immediate proximity to the proposed site and make up the character of the area. There is no justification to this reason for refusal and the Case Officer's inclusion of this as a reason for refusal.

We have always and remain open to being co-operative with the Local Authority and are willing to discuss the external wall treatment of the proposed property. If it is considered that the addition of render would further help bed the property into its context then we are willing to consider this, but feel that this can easily be handled under a materials/colours/samples condition as a 'prior to commencement / development' condition.

The design has sought to maintain a broadly rectangular plan shape that does respond to its site as per a neighbouring property example. It has been designed to have a lower ridge height than that of the adjacent housing to the West that contains 2 storeys. It fits with the general pattern of the street in terms of footprint size and orientation as well as ridge direction. The eaves height is consistent with some immediate neighbours as well as near by residential properties on Barry Road as well as the wider context. The design has been generated from a study of the character and style of the area and so the building design is a high quality example of a new house that has been sensitively and carefully designed to reflect the character and style of the area. It is a considerate in-fill house that would positively contribute to the street frontage and the case officer's comments regarding the small area of the entrance have been overstated and are not proportionate to the overall character of the house and it's sensitive response to it's context.

The design proportions, eaves and ridge heights, window and door proportions and styles used are consistent with other examples on Barry Road and the immediate and wider surrounding streets. As previously mentioned, there is a very wide variety of styles over many decades and so the character of the area can easily be argued to be defined by it's wide ranging variety. To try to limit this to either traditional or modern design or detailing or even to directly copy existing properties would be to impose a 'planning by numbers' approach to design and we do not believe that this is the role of the planning authority. The case officer has provided an overstated and highly subjective opinion on the design, that is not accurately representative of the immediate and wider context of the area.

We note that the proposal is not located in a conservation area. The proposal is sited in an area with significant variation in age, styles, design and materials. All of the proposed materials are already present within 100m of the application site. Whilst there are some better quality examples, the general quality of the surrounding housing (particularly more modern examples) is poor or of limited design merit and the inclusion of this high quality home would be a considerable positive contribution to Barry Road and Carnoustie.

### **Summary –**

We have proved evidence that the proposal would not impact on the light, would not reduce the space to 107, it would not impact on amenity space or access. The overbearing statement is not justified in the preceding paragraphs and there is strong contextual evidence of similar sized and proportioned dwellings using the proposed materials. There are many precedent examples of recent infill housing and we have complied with the relevant guidance on window to window distances in the design, there are numerous similar design aspects to plan, height, scale materials and relationships to existing housing and the design is not out of context and would be a positive addition to the street and so we can see little justification, any tangible evidence or support the refusal of the proposed dwelling.

### **Existing Tree -**

With regards to the existing Mature Tree. The case officer confirmed that there is not a TPO covering this tree and we understand it is in the ownership of the applicant.

The tree therefore could be removed at the owners will, however, the proposal is to retain the tree and put in place suitable measures during construction to ensure that root protection was observed and that the soil adjacent was not compacted. The grassed area surrounding the tree is proposed to be retained and so we believe there would still be sufficient open area to provide water to the tree. There is no sign of the presence of roots in the area of the proposed dwelling. Should significant roots be found then a suitable planning condition could be added to ensure that the tree is suitably protected to ensure the preservation of the roots (usually over 20mm or so in dia.). The applicant took some arboriculture advice prior to the application being made and they did not believe that the proposal would significantly or detrimentally affect the survival of the tree. The applicant is willing to employ an arboriculturist throughout the build should the application be approved, to ensure that the tree is preserved and that it is not compromised by the proposed dwelling.

The current Angus Local Plan specifically highlights Barry Road as an area for additional housing. The proposed dwelling has been sensitively and carefully considered to ensure that it complies with Angus Council planning guidance, including for small housing sites.

When looking at each of the points that the Case Office has raised, we do not believe that there is any significant or substantive reasons put forwarded to refuse this proposed dwelling. We have suitably addressed many of these concerns (and the many other unsubstantiated concerns) during the application process and find that our legitimate arguments have been overlooked, suppressed or ignored when making the case report for refusal.

We have been highly dismayed at the unsupportive and negative attitude we have faced throughout this application and the previous withdrawn application for this site. From the outset we feel that there has been a strong desire to refuse the application for any dwelling on this site and considerable effort has been placed by the case officer to find whatever reason possible to refuse, even if it was not based on accurate information. We have been proactive and thorough in addressing these issues and believe that there are no legitimate grounds for the refusal of what is a high quality, environmentally friendly and suitable dwelling on a suitably sized plot and location.

We would ask that you review all the drawings and the information provided as part of this and the original application to ensure that you have the full information available when assessing this appeal. We are sure that you will agree that the proposal is suitable and would be a positive addition to Barry Road, Carnoustie and Angus.

Yours faithfully,

Robin Stewart  
For and on behalf of Mrs Aileen Stewart